

Chapter XI - PROCESSING OF PLAN APPLICATIONS

11.00.00. - GENERALLY

Sec. 11.00.01. - Purpose.

This chapter sets forth the application and review procedures associated with filing, reviewing, and processing ~~eleven~~ different plan applications as follows:

- A. Major development plan application.
- B. Minor development plan application.
- C. Residential development plan application.
- D. Plat application.
- E. Large scale comprehensive plan amendment application.
- F. Small scale comprehensive plan amendment application.
- G. Land Development Code text amendment application.
- H. Zoning map change application including planned unit development (PUD).
- I. Planned unit development (PUD) amendment application.
- J. Major and minor conditional use approval application.
- K. Annexation application.

Sec. 11.00.02. - Prerequisites to issuance of development permit.

No development may be undertaken unless it is authorized by a development permit, as defined in this Code, unless the development is exempt.

Sec. 11.00.03. - Exemptions.

A development permit may be issued for the following development activities in the absence of a development review.

- A. Development activity necessary to implement a valid site plan/planned unit development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of one duplex or one single-family dwelling on a lot in a valid recorded subdivision approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site. The applicant may seek to change a use of an existing building or structure by applying for issuance of an occupational license so long as it does not adversely impact the following, including, but not limited to, parking and the level of service.
- D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

Sec. 11.00.04. - Withdrawal.

An application for development review may be withdrawn at any time. There shall be no refund of any applicable fees unless such refund is approved by the city manager.

Sec. 11.00.05. - Post-approval changes.

After an approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the approval without first obtaining a modification of the approval. A modification may be applied for in the same manner as the original application. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

Sec. 11.00.06. - Expiration of approvals.

Expiration of approvals, if any, shall be noted in the adopting ordinance/resolution or with the conditions of development accompanying the ordinance/resolution.

11.01.00. - PROCESSING OF PLAN APPLICATIONS

Sec 11.01.01 – Review and Compliance Procedures.

A. Review timelines.

1. The city development department will, within 30 days of receiving an application for a development permit or development order, review the application for completeness and issue a letter indicating that all required information is submitted or specifying with particularity any areas that are deficient.
2. If the application is deficient, the applicant has 30 days to address the deficiencies by submitting the required additional information.
3. Once the application is deemed complete, the city has 120 days, or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing.
4. The city development department shall route the application to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall submit written comments to the city development department within 20 working days after receipt.
5. At any time during the application review process, the applicant and the city may agree to a reasonable extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

B. Compliance Procedure.

1. Once deemed complete, the city development department shall commence a compliance review of the application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code, and/or the Comprehensive Plan, and/or State Statute.
2. The department shall determine if the application is either in compliance or not in compliance.
3. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant in writing. The applicant may submit an amended application to address the non-compliance issue(s). The applicant and the city may agree to an reasonable extension of time beyond the time limits set in Sec 11.01.01. If an application does not achieve compliance within the appropriate time period, the entire application shall be void.

Sec. 11.01.02~~1~~. - Major development plan application.

- A. *General.* A major development plan is one which is:
1. A residential project which exceeds 35 total dwelling units.
 2. A non-residential development over 50,000 square feet in area.
 3. A mixed-use development over 50,000 square feet in area.
 4. A public or private institutional development exceeding one acre in land area.
 5. Pursuant to section 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a major development plan may be applied for to consider the removal and replacement of a historic tree.
- B. *Pre-application conference required.* Prior to filing for major development review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed major development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for major development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director. A concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. —Compliance review procedures. After receipt of the application, the department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If the major development plan application is in compliance, the director shall set a time and place for a city commission public hearing to consider whether the major development plan application complies with the requirements of the Code. have five working days to:
1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within 45 working days, to proceed with the review.
 2. Once complete, the city development department shall then route the application within two working days to each reviewing Department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.
 3. The city development department shall then commence final review of the major development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The department shall have five working days to complete this compliance review.
 4. The department shall determine if the major development plan application is either in compliance or not in compliance.
- A. If in compliance, the director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code.
- B. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the

~~requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~

- E. ~~—~~*Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the city commission concerning whether the application complies with the requirements of the Code.
- F. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *City commission public hearing.*
1. At the public hearing, the city commission shall hear from all interested parties regarding whether the major development plan application complies with the requirements of this Code. The city commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the development department, and the comments presented to the city commission during the course of the public hearing.
 2. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 3. At the conclusion of the public hearing or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code. The city commission shall adopt a resolution setting forth its determination.
 4. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised major development plan with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
- H. *Recordation.* Upon approval of a resolution for a major development plan, the resolution together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.0~~32~~. - Minor development plan application.

- A. *General.* A minor development plan is one which is:
1. A single-family, multi-family or duplex residential project of between three and 35 units, inclusive.
 2. A non-residential development under 50,000 square feet in area.
 3. A mixed-use development under 50,000 square feet in area.
 4. A public or private institutional development less than one acre in land area.
 5. Commercial tenant finishes.

- B. *Pre-application conference required.* Prior to filing for minor development plan review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed minor development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (NOTE: The development director may have the option to waive the pre-application conference for minor development plan application).
- C. *Application submittal requirements.* Application forms for minor development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director.

~~D. D. Compliance review procedures. After receipt of the application, the development department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the minor development plan shall be deemed approved.~~

- ~~1. The development department shall have five working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
- ~~2. If the application is determined to be complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within ten working days after receipt.~~
- ~~3. The city development department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The department shall have five working days to complete this compliance review.~~
- ~~4. The Department shall determine if the minor development plan application is either in compliance or not in compliance.
 - ~~a. If in compliance, the plan shall be deemed approved.~~
 - ~~b. If not in compliance, the Director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.~~~~

- E. *Recordation.* Upon approval of a minor development plan, the development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.043. - Residential development plan application.

- A. *General.* A residential development plan is one which is:
1. A single-family, duplex or residential tenant finish project of not more than two units. No development of more than two units shall be disaggregated at any time in order to qualify

portions of it for "residential development" designation. Subdivisions are specifically excluded from being designated "residential development."

- B. *Pre-application conference required.* Prior to filing for residential development review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed residential development, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. (Note: The development director may have the option to waive the pre-application conference for residential development plan application.)
- C. *Application submittal requirements.* Application forms for residential development plan review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a site plan, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the residential development plan shall be deemed approved.
- ~~1. The development department shall have five working days to determine whether the application is complete or not upon submittal of the application. If the application is incomplete, the application will not be accepted and the applicant will be informed of the deficiencies.~~
- ~~2. If the application is determined to be complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within ten working days after receipt.~~
- ~~3. The city development department shall then commence final review of the minor development plan application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code. The Department shall have five working days to complete this compliance review.~~
- ~~4. The department shall determine if the minor development plan application is either in compliance or not in compliance.~~
- ~~a. If in compliance, the plan shall be deemed approved.~~
- ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 180 days of said conveyance, the applicant may submit amended applications to comply with the requirements. In this event the compliance review recommendation(s) of the department shall be amended accordingly. If an application does not achieve compliance within the 180 days referenced above, the entire application shall be void.~~
- E. *Recordation.* Upon approval of a residential development plan, the development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.054. - Plat application.

- A. *Generally.* Where a plan document includes the subdivision of land, any future issuance of a development permit shall be made contingent upon approval by the city commission of a plat conforming to the approved application.
- B. *Pre-application conference required.* Prior to filing for plat review, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed plat application, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for plat review shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a plat conforming to the requirements of F.S. ch. 177, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the Director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The staff report shall include a recommendation from the public works department.
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the plat application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the plat application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the Director shall set a time and place for a city commission public hearing to consider whether the application complies with the requirements of the Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The staff report shall include a recommendation from the public works department.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the city commission concerning whether the plat application complies with the requirements of the Code and F. S. ch. 177.

F. *City commission public hearing.*

1. At the public hearing, the city commission shall hear from all interested parties regarding whether the plat application complies with the requirements of this Code, F.S. ch. 177, and the approved plan document upon which the plat is based. The city commission shall consider the application, the written comments of each responding department and agency, the compliance recommendation of the development department, and the comments presented to the city commission during the course of the public hearing.
2. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
3. At the conclusion of the public hearing or within 30 days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code, F.S. ch. 177, and the approved residential, minor development or, major development plan. The city commission shall adopt a resolution setting forth its determination.
4. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code, F.S. ch. 177, and the approved residential, minor development or, major development plan.

- G. *Recordation.* Subdivision plats approved by the city commission shall be submitted to the city clerk along with the filing fee within 45 working days for recordation in the public records of Martin County, Florida. If the applicant fails to comply, the plat approval is rendered invalid.

Sec. 11.01.065. - "Large scale" comprehensive plan amendment application.

A. *Generally.*

1. As used in this section, the phrase "large scale Comprehensive Plan amendment" means a proposed amendment to the City Comprehensive Plan that:
 - a. Is not a "small scale Comprehensive Plan amendment" as defined by F.S. § 163.3187; or
 - b. Changes the text of the Comprehensive Plan including the list of land uses within any land use classification or the goals, policies, and objectives of the plan.As provided in F.S. ch. 163, Comprehensive Plan amendments may be considered at any time by the city without any limit on frequency.
2. A large scale Comprehensive Plan application shall not be filed if the city commission has denied the same application within the previous two years.

- B. ~~Pre-application conference required.~~ Prior to filing for a large scale Comprehensive Plan amendment, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed large scale

comprehensive plan amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

- C. Application submittal requirements. Application forms for a large scale Comprehensive Plan amendment shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the city development director.
- D. Compliance review procedures. After receipt of the application, the development department shall have five working days to: follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the plan amendment application.
 - ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - ~~a. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
 - ~~b. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the application.~~~~
- E. Report to the local planning agency. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- F. Local planning agency public hearing notice.
 - 1. Change to the future land use designation.
 - a. Mailing.
 - i. Notice of a proposed Comprehensive Plan amendment shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such

property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.

- ii. Notice shall be mailed not less than 15 days prior to the local planning agency meeting which is the subject matter of the notice. If the proposed amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
- iii. The mailed notice shall advise of:
 - a) The substance of the proposed amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - b) The time, date and place of the meeting of the local planning agency at which the proposed amendment will be considered;
 - c) The right of the public to be heard by the local planning agency regarding the proposed amendment at the meeting;
 - d) The times and places for public inspection of the proposed ordinance; and
 - e) A map depicting the subject real property.

b. *Posting.*

- i. Notice of the proposed Comprehensive Plan amendment shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
- ii. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.
- iii. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
- iv. The sign shall have a uniform "city blue" background.
- v. The sign shall have white lettering of a font size that is legible.
- vi. The sign shall be double-sided and waterproof.
- vii. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- viii. Evidence of posting shall be done in accordance with section 11.02.02.G.
- ix. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20_____
_____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

c. *Publication.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

2. Change to the text of the Comprehensive Plan.

a. *Notice.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

G. *Local planning agency public hearing.*

1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. If the application is for an amendment to the future land use map, the local planning agency shall consider the following:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
 - h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood;
 - i. The impact of the amendment upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed amendment upon property values in the adjacent area;
 - k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed use in land use classifications already permitting such use.
2. The local planning agency shall review a proposed Comprehensive Plan amendment and shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.

H. —*Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the city commission concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code and include the recommendation of the local planning agency.

I. *City commission transmittal stage and adoption stage public hearing notice.*

1. *Change to the future land use map.* Before the transmittal stage public hearing and the adoption stage public hearing, the city shall provide notice as follows:

a. *Publication.* The city shall cause notice of each hearing to be published in a newspaper of general paid circulation in the city, at least seven days prior to the transmittal public hearing and at least five days prior to adoption public hearing.

i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

The City of Stuart, Florida, proposes to adopt the following ordinance:

_____ (title of the ordinance). A Public Hearing on the ordinance will be held on _____ (date and time) at _____ (meeting place) by the Stuart City Commission. All interested parties will be permitted to speak to and be heard by the City Commission at the Public Hearing.

iii. The published notice shall also advise of the place where the proposed ordinance may be inspected, that any person who decides to appeal the determination of the city commission may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based, and that necessary arrangements will be made by the city for any handicapped person to attend the public hearing provided notice of the need to do so is provided to the city not less than 48 hours prior to the Public Hearing.

iv. The advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area.

b. *Mailing.* Before each hearing, the city shall cause notice thereof to be mailed.

i. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.

ii. Notice to be mailed not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice. If the proposed amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.

iii. The mailed notice shall advise of:

a) The substance of the proposed amendment generally describing the land use classification being proposed including the title of the amending ordinance.

b) The time, date and place of the meeting of the city commission at which the proposed ordinance will be considered;

- c) The right of the public to be heard by the city commission regarding the proposed amendment at the meeting;
 - d) The times and places for public inspection of the proposed ordinance; and
 - e) A map depicting the subject real property.
- c. *Posting.* Before each hearing the city shall cause notice thereof to be posted.
- i. Notice of the proposed Comprehensive Plan amendment shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.
 - ii. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.
 - iii. —The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
 - iv. —The sign shall have a uniform "city blue" background.
 - v. —The sign shall have white lettering of a font size that is legible.
 - vi. —The sign shall be double-sided and waterproof.
 - vii. —The duration of sign posting shall be done in accordance with section 11.02.02.F.
 - viii. —Evidence of posting shall be done in accordance with section 11.02.02.G.
 - ix. —The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
_____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

2. *Change to the text of the Comprehensive Plan.* Before the transmittal stage public hearing and the adoption stage public hearing, the city shall provide notice as follows:
- a. *Publication.*
 - i. The advertisement shall be not less than two columns wide by ten inches long and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
 - ii. Published notice shall be in substantially the following form:

NOTICE OF COMPREHENSIVE PLAN AMENDMENT

The City of Stuart, Florida, proposes to adopt the following ordinance: (title of the ordinance) . . . A Public Hearing on the ordinance will be held on . . . (date and time) . . . at . . . (meeting place) . . . by the Stuart City Commission. All interested parties will be permitted to speak to and be heard by the City Commission at the Public Hearing.

- iii. The published notice shall also advise of the place where the proposed ordinance may be inspected, that any person who decides to appeal the determination of the city commission may need to insure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based, and that necessary arrangements will be made by the city for any handicapped person to attend the public hearing provided notice of the need to do so is provided to the city not less than 48 hours prior to the public hearing.

J. *City commission public hearing.*

1. *Transmittal stage public hearing.*

- a. The city commission shall conduct a "transmittal stage" public hearing on a weekday to consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular city commission meeting.
- b. The "transmittal stage" public hearing shall be held not less than seven days after an advertisement of the public hearing is published in a newspaper of paid circulation in the city.
- c. At the hearing, evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.
- d. At the public hearing the city commission may adopt the proposed ordinance on first reading.

2. *Transmittal of copy of proposed amendment.* If adopted on first reading, the city commission shall transmit within ten days a copy of the proposed amendment to the State Land Planning Agency, the Treasure Coast Regional Planning Council, the South Florida Water Management District, the Department of Environmental Protection, Department of State, the Department of Education (amendments relating to public schools), the Department of Transportation, and Martin County. The city commission shall also transmit a copy of the proposed amendment to any other unit of local government or government agency in the state that has filed a written request with the city commission to receive copies of proposed Comprehensive Plan amendments. The city commission shall follow the statutory procedures relating to Comprehensive Plan amendments at F.S. § 163.3184, as the same may be amended from time to time by the Florida Legislature.

3. *Review of comments, recommendations and objections.* The city development director shall review the comments, recommendations and objections submitted to the city by the review agencies and shall provide copies thereof, or a summary of its content, to the city commission.

4. *Adoption stage public hearing by the city commission.*

- a. The city commission shall conduct an "adoption stage" public hearing on a weekday within 180 days of its receipt of the Objection, Recommendation and Comment report (ORC) to again consider the proposed Comprehensive Plan amendment. The public hearing may be scheduled on an agenda of a regular city commission meeting.
- b. The "adoption stage" public hearing shall be held not less than five days after an advertisement of the public hearing is published in a newspaper of paid circulation in the city.
- c. At the hearing evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.

- d. The decision to adopt the proposed amendment with or without changes or to not adopt the proposed amendment shall be made by the city commission during the course of the "adoption stage" public hearing.
 - e. At the "adoption stage" public hearing the city commission may adopt the proposed ordinance on second and final reading.
- K. *Recordation.* Upon approval of an ordinance for a large scale Comprehensive Plan amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.076. - "Small scale" Comprehensive Plan amendment application.

A. *Generally.*

1. As used in this section, the phrase "Small Scale Comprehensive Plan Amendment" means a proposed amendment to the future land use map of the city's Comprehensive Plan and which meets the definition of a small scale comprehensive plan amendment as defined in F.S. § 163.3187.
2. A Small Scale Future Land Use Map Amendment Application may be considered at any time by the city without any limit on frequency.

B. *Pre-application conference required.* Prior to filing for a small scale Comprehensive Plan amendment, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed small scale comprehensive plan amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. *Application submittal requirements.* Application forms for a small scale Comprehensive Plan amendment shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, or by the applicant and shall be notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, justifications for the proposed change and by any other information required by the city development director.

D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the plan amendment application.

~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~

~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~

~~3. The city development department shall then commence final review of the plan amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application is, on balance, consistent with other relevant components of the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~

~~4. The department shall determine if the application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~

~~a. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~

~~b. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider the application.~~

E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.

F. *Local planning agency public hearing notice.* Notice of consideration of a proposed small scale future land use map amendment by the local planning agency shall be provided in accordance with the provisions of this section.

1. *Mailing.*

a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.

b. Notice shall be mailed not less than 15 days prior to the local planning agency meeting which is the subject matter of the notice. If the small scale future land use amendment was initiated by the city and not owner(s) of the subject real property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.

c. The mailed notice shall advise of:

i. The substance of the proposed small scale future land use map amendment generally describing the land use classification being proposed including the title of the amending ordinance;

ii. The time, date and place of the meeting of the local planning agency at which the proposed small scale future land use map amendment will be considered;

iii. The right of the public to be heard by the local planning agency regarding the proposed small scale future land use map amendment at the meeting;

iv. The times and places for public inspection of the proposed ordinance; and

v. A map depicting the subject real property.

2. *Posting.*

a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing which is the subject matter of the notice.

b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the development department in advance of installation.

c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.

d. The sign shall have a uniform "city blue" background.

e. The sign shall have white lettering of a font size that is legible.

- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT
5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*

- a. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the local planning agency shall be published once, not less than ten days prior to the meeting, in a newspaper of general circulation in the city.

G. *Local planning agency public hearing.*

- 1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. Specifically, the local planning agency shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing classification boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
 - h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood;

- i. The impact of the amendment upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed amendment upon property values in the adjacent area;
 - k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.
 2. The local planning agency shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code. The local planning agency shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.
- H. *Report to the city commission.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning the need and justification for the change and the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- I. *City commission public hearing notice.* Notice of consideration of a small scale future land use map amendment by the city commission shall be provided in accordance with the provisions of this section.
 1. *Mailing.*
 - a. Notice shall be mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject real property. The identity of the owners of such property and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation.
 - b. Notice shall be mailed not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice. If the small scale future land use map amendment was initiated by the city and not owner(s) of the subject property, notice shall also be mailed to the owner(s) thereof not less than 30 days prior to the local planning agency meeting date.
 - c. The mailed notice shall advise of:
 - i. The substance of the proposed small scale future land use map amendment generally describing the land use classification being proposed including the title of the amending ordinance;
 - ii. The time, date and place of the meeting of the city commission at which the proposed small scale future land use map amendment will be considered;
 - iii. The right of the public to be heard by the city commission regarding the proposed small scale future land use map amendment at the meeting;
 - iv. The times and places for public inspection of the proposed ordinance; and
 - v. A map depicting the subject real property.
 2. *Posting.*
 - a. Notice shall be posted on the subject real property not less than 15 days prior to the hearing or public hearing which is the subject matter of the notice.
 - b. The sign shall be installed perpendicular to, and clearly visible from, the nearest public street, in a location approved by the development department in advance of installation.
 - c. The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.

- d. The sign shall have a uniform "city blue" background.
- e. The sign shall have white lettering of a font size that is legible.
- f. The sign shall be double-sided and waterproof.
- g. The duration of sign posting shall be done in accordance with section 11.02.02.F.
- h. Evidence of posting shall be done in accordance with section 11.02.02.G.
- i. The posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

FUTURE LAND USE AMENDMENT

FROM _____ / _____ / _____ TO _____ /
_____ / _____

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT
5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____
AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 A.M.—5:00 P.M.

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

3. *Publication.*

- i. Notice of the meeting at which a proposed Comprehensive Plan amendment will be considered by the city commission shall be published once, not less than five days prior to the adoption hearing, in a newspaper of general circulation in the city.

J. *City commission public hearing.*

- 1. Using legislative or quasi-judicial procedures, as appropriate, a proposal for a small scale future land use plan map amendment shall be reviewed and considered by the city commission.
- 2. A single hearing shall be conducted by the city commission to consider a proposed small scale future land use map amendment on a weekday after 5:00 p.m. Such hearing may be scheduled on the agenda of a regular city commission meeting.
- 3. At the hearing evidence will be presented to the city commission that all publication, mailed and posted notices as required in this Code have been provided.
- 4. The ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance, but not less than 31 days following the date of adoption.
- 5. Immediately following adoption, the city commission shall transmit a copy of an adopted small scale future land use map amendment to the state land planning agency, the Treasure Coast Regional Planning Council, and to any other person or entity requesting a copy.

K. *Recordation.* Upon approval of an ordinance for a small scale future land use map amendment, the ordinance together with any conditions, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.087. - Land Development Code text amendment application.

- A. *General.* A proposal to amend the text of this Code, including changes to the actual list of permitted, conditional or prohibited uses within a zoning category may be initiated by the city or by the owner of land affected by the proposed amendment.
- B. *Pre-application conference required.* Prior to filing a text amendment, the applicant shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed text amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a text amendment shall be available from the city development department. A completed application shall be signed by the applicant. The completed application form shall be accompanied by appropriate review fees, statements justifying the proposed changes, and by any other information required by the city development director.
- D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to: follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider whether the text amendment application complies with the requirements of the Code.
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the text amendment application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the text amendment application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the director shall set a time and place for a public hearing before the local planning agency to consider whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.
- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by publication. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Local planning agency public hearing.*

1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
 2. The local planning agency shall make an advisory recommendation to the city commission as to the need and justification for the change considering the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of this Code.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the local planning agency, and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by publication. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
1. The date of first publication shall be not less than ten days prior to the second public hearing which is the subject matter of the notice.
- J. *City commission public hearing.*
1. Two hearings shall be conducted by the city commission to consider a proposed text amendment. Such hearings shall be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m.
 2. At the Public Hearing the city commission shall hear from all interested parties regarding whether text amendment application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding Department, consultant, and agency, the compliance recommendation of the development department, the recommendation of the local planning agency.
 3. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the application shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
 4. In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance.
- K. *Recordation.* Upon approval of an ordinance to be amended the Land Development Code, the ordinance, maps and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.098. - Zoning map change application including planned unit development (PUD).

- A. *General.* The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the city zoning map. Designated zoning districts within the city are:
1. R-1A Residential.
 2. R-1 Residential.
 3. R-2 Residential.

4. R-3 Residential.
5. B-1 Business.
6. B-2 Business.
7. B-3 Business.
8. B-4 Limited Business/Manufacturing.
9. P Public Service.
10. I Industrial.
11. H Hospital.
12. PUD Planned Unit Development:
 - a. Residential (RPUD);
 - b. Commercial (CPUD);
 - c. Public Service (PSPUD);
 - d. Industrial (IPUD);
 - e. Mixed Use (MXPUD).
13. Urban Code District:
 - a. Urban General (UG);
 - b. Urban Center (UC);
 - c. Urban Neighborhood (UN);
 - d. Urban Highway (UH);
 - e. Urban Waterfront (UW).
14. East Stuart District:
 - a. Business and Mixed Use (BMU);
 - b. General Residential and Office (GRO);
 - c. Single-family and Duplex (SFD).
15. S.E. Ocean Boulevard Overlay.

Note: Pursuant to section 5.03.02.B., an impact to a wetland is prohibited unless the mitigation requirements of that chapter and each of the criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

Note: Pursuant to section 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a PUD may be applied for to consider the removal and replacement of a historic tree.

- B. *Pre-application conference required.* Prior to filing for a rezoning, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a rezoning shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized

signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. Only for a rezoning to a planned unit development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.

- D. *Compliance review procedures.* After receipt of the application, the development department shall ~~have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the rezoning application complies with the requirements of the Code.~~

- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
- ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
- ~~3. The city development department shall then commence final review of the rezoning application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
- ~~4. The department shall determine if the rezoning application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - ~~a. The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the rezoning application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~~~

- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.

- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.

- G. *Local planning agency public hearing.*

1. At the public hearing, the local planning agency shall hear from all interested parties regarding whether the rezoning application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
2. In formulating its recommendation to the city commission, the local planning agency shall consider the following criteria:
 - a. The existing land use pattern;

- b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
 - h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
 - i. The impact of the rezoning upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed rezoning upon property values in the adjacent area;
 - k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
 - l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.
3. In recommending approval of a rezone application to a PUD zone district, the local planning agency may recommend and the city commission may approve a variation of the strict application of the land development requirements of this Code and may in lieu thereof impose suitable conditions to otherwise attain the objectives of those requirements.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the local planning agency and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- J. *City commission public hearing.*
1. Two hearings shall be conducted by the city commission to consider a proposed rezoning. Such hearings may be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m. and shall be not less than ten calendar days apart.
 2. The rezoning ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The rezoning ordinance may be adopted at the conclusion of the quasi-judicial hearing.
 3. At the public hearing, the city commission shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, the recommendation of the local planning agency.
 4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 5. At the conclusion of the public hearing, or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The city commission shall adopt an ordinance setting forth its determination.

6. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the rezoning shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

K. *Recordation.* Upon approval of an ordinance rezoning property, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.109. - Planned unit development amendment application.

A. *General.*

Any major amendment to a previously adopted planned unit development zoning ordinance, including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application (see section 11.01.02).

Any minor amendment to a previously adopted planned unit development zoning ordinance including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application with the exception that review by the local planning agency is not required. However, any modifications to the PUD final site plan, due to final engineering, that is less than five percent of the approved plan documents shall be processed administratively by the development department.

B. *Major amendment definition.*

1. A major amendment shall include:
 - a. A change of two percent or more in the area of any land use designations shown on the site plan;
 - b. Any change in the list of proposed uses;
 - c. An increase in residential density of five percent or more;
 - d. An increase in nonresidential building square footage of ten percent or more;
 - e. A change in the boundary of the PUD district;
 - f. A change in the site plan or approval regarding any area(s) set aside and designated for future development;
 - g. Any other change determined by the city development director to have a potentially significant impact on city services or the surrounding neighborhood;
 - h. Any modifications to the PUD final site plan, due to final engineering, that exceeds five percent of the approved plan documents for items, including, but not limited to, those affecting building footprint, building setbacks; density; building location; parking size, location and number; signage; drainage areas; and location of landscaping shall require further approval by the LPA and city commission via a public hearing process. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

C. *Minor amendment definition.*

A minor amendment is any amendment that is not a major amendment as defined above.

Any minor changes in or amendments to a PUD master development plan, a PUD final development plan or PUD agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Minor changes or amendments shall include:

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
 - b. An increase in residential density of less than five percent;
 - c. An increase in nonresidential building square footage of less than ten percent;
 - d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A one-time timetable extension of 180 days may be granted by administrative variance in accordance with section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.02.03 of this Code.
- D. *Recordation.* Upon approval of an ordinance amending a planned unit development, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.1~~18~~¹⁹. - Major and minor conditional use approval application.

- A. *Generally.* A major conditional use approval is a specific authorization granted by the city commission to permit certain uses of property, which are unique due to the nature of the use, size, location, or various characteristics particular to the zoning district. The issuance of a major conditional use approval is required for the use or occupancy of a structure specifically designated as a conditional use in the "zone district" chapter of this Code and is subject to the limitations and conditions specified therein. A major conditional use approval application may not be filed if the city commission has denied an application for a conditional use for the subject property within the previous two years. A minor condition use approval is required for a minor Urban Code conditional use. Issuance of a minor conditional use approval is granted by the city community redevelopment board.
- B. *Pre-application conference required.* Prior to filing for a major or minor conditional use approval, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed conditional use, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a major or minor conditional use approval shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. A concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. *Compliance review procedures.* After receipt of the application, the development department shall have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance with the code and the comprehensive plan, the director shall set a time and place for a city commission public hearing for major conditional use approval, or the city community redevelopment board for minor conditional use approval, to consider whether the major or minor conditional use application complies with the requirements of the Code.

- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 working days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the major or minor conditional use approval application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the major or minor conditional use approval application is either in compliance or not in compliance with this Code and the Comprehensive Plan.
 - ~~a. If in compliance, the director shall set a time and place for a city commission public hearing for major conditional use approvals, or the city community redevelopment board for minor conditional use approvals to consider whether the application complies with the requirements of the Code.~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~~~
- E. *Report to the city commission or community redevelopment board.* The development director will prepare a staff report and recommendation for consideration by the city commission for major conditional use approvals or community redevelopment board for minor conditional use approvals concerning whether the application complies with the requirements of the Code.
- F. *City commission or community redevelopment board public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of Public Hearings can be found in section 11.02.00 of this Code.
- G. *City commission or community redevelopment board public hearing.*
1. A hearing conducted to consider a proposed major conditional use approval shall be scheduled on the agenda of a regular city commission meeting or city community redevelopment board for minor conditional use approval, but shall be held after 4:00 p.m.
 2. The hearing shall be quasi-judicial and the applicant shall have the burden of proof. The hearing shall be conducted in accordance with the procedures for quasi-judicial hearings set forth in this Code.
 3. At the public hearing the city commission or community redevelopment board shall hear from all interested parties regarding whether the major or minor conditional use approval application complies with the requirements of this Code and the Comprehensive Plan. The city commission or community redevelopment board shall consider the application, the written comments of each responding department, consultant, and agency, and the compliance recommendation of the development department.
 4. During the public hearing the city commission or community redevelopment board may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working

days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

5. At the conclusion of the public hearing or within 30 working days thereafter, the city commission or community redevelopment board shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The factors that the city commission or community redevelopment board shall consider when making its determination are as follows:
 - a. The proposed use is not contrary to the established land uses in the immediate area.
 - b. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.
 - c. The proposed use will not be contrary to the future land use designation and will not have an adverse effect on the goals, policies and objectives of the Comprehensive Plan.
 - d. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.
 - e. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.
 - f. The proposed use will not create drainage or a storm water quality problem.
 - g. The proposed use will not significantly reduce light or air to adjacent areas.
 - h. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.
 - i. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.
 - j. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.
6. In applying the above standards, the decision-maker will consider each of the following factors:
 - a. Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.
 - b. Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare created by the location of off-street parking and loading areas on adjacent and nearby properties.
 - c. Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.
 - d. Utilities including consideration of hook-up locations and availability and compatibility of utilities for the proposed uses.
 - e. Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony among the proposed uses and structures specially permitted and the uses and structures of adjacent and nearby properties.
 - f. Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.
 - g. Required yards and open spaces.

- h. Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.
 7. The determination of the city commission or community redevelopment board shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the plan shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.
 8. A major conditional use approval shall be granted by the city commission, with or without conditions, by resolution. The resolution shall state the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the major conditional use approval. A major conditional use approval may include reasonable conditions to protect surrounding properties and to insure the continuing compliance of the approved use with the provisions of this Code. A minor conditional use approval shall be granted by the city community redevelopment board, with or without conditions. The minor conditional use approval shall contain the findings of facts and the conclusions of law which indicate that the applicant has satisfied the requirements of this Code for issuance of the minor conditional use approval.
- H. *Recordation.* Upon approval of a resolution, or minor conditional use approval approving the major or minor conditional use approval, the resolution, or minor conditional use approval, together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.124. - Annexation application.

- A. *General.* Voluntary annexations shall occur in a manner consistent with F.S. ch. 171.
- B. *Pre-application conference required.* Prior to filing for a voluntary annexation, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed voluntary annexation, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a voluntary annexation shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. The completed application form shall be accompanied by appropriate review fees, a concept plan, a survey, and by any other information required by the city development director, including:
 1. An estimate of the direct public costs to provide capital facilities for city utilities and other municipal services required by the development;
 2. An estimate of the ad valorem taxation revenues to be generated by the subject property at the then current millage rate both prior to and after development; and

3. An estimate of the residential population increase of the city after development.
- D. *Compliance review procedures.* After receipt of the application, the development department shall ~~have five working days to follow the review and compliance procedures as set out in Sec 11.01.01 of this code. If in compliance, the Director shall set a time and place for a public hearing before the local planning agency to consider whether the annexation application complies with the requirements of this Code and the Comprehensive Plan.~~
- ~~1. Determine that the application is complete and proceed with the review or determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within 45 days to proceed with the review.~~
 - ~~2. Once complete, the city development department shall then route the application within two working days to each reviewing department, including, but not limited to, public works, fire, building and public safety. Notice may also be sent to the city's contract consultants and other agencies including Martin County for intergovernmental review. Each Departmental reviewer shall then submit written comments to the city development department within 20 working days after receipt.~~
 - ~~3. The city development department shall then commence final review of the annexation application. Comments from reviewing departments, consultants, and other agencies shall be used to determine whether the application complies with the requirements of this Code and the Comprehensive Plan. The department shall have five working days to complete this compliance review.~~
 - ~~4. The department shall determine if the annexation application is either in compliance or not in compliance with this Code and the Comprehensive Plan.~~
 - ~~a. If in compliance, the Director shall set a time and place for a public hearing before the local planning agency to consider whether the annexation application complies with the requirements of this Code and the Comprehensive Plan;~~
 - ~~b. If not in compliance, the director shall specify the reasons therefore, how the annexation application may be brought into compliance, and convey this information to the applicant. Within 30 working days the applicant may submit an amended application to comply with the requirements. In this event the compliance review recommendation of the department shall be amended accordingly.~~
- E. *Report to the local planning agency.* The development director will prepare a staff report and recommendation for consideration by the local planning agency concerning whether the application complies with the requirements of the Code.
- F. *Local planning agency public hearing notice.* Notice of the public hearing shall be provided by publication and by posting. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. *Local planning agency public hearing.* At the public hearing the local planning agency shall hear from all interested parties regarding whether the annexation application complies with the requirements this Code and the Comprehensive Plan. The local planning agency shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department when making its recommendation to the city commission.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the local planning agency and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by publication and by posting. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- J. *City commission public hearing.*

1. A public hearing shall be conducted by the city commission to consider a proposed annexation. Such hearings may be scheduled on the agenda of a regular city commission meeting, but shall be held after 5:00 p.m.
 2. The annexation ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The annexation ordinance may be adopted at the conclusion of the quasi-judicial hearing.
 3. At the public hearing, the city commission shall hear from all interested parties regarding whether annexation application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, and the recommendation of the local planning agency.
 4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 5. At the conclusion of the public hearing or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The city commission shall adopt an ordinance setting forth its determination.
 6. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the adopting ordinance shall be read by title or in full on two separate days and shall become effective as provided in the ordinance. The adopting ordinance may include conditions, agreements, covenants, maps, and illustrations as may be appropriate;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the application for a finding of in compliance; or
 - c. "Not in compliance" - In the event of a determination of not in compliance with the Code and the Comprehensive Plan, the application shall be rejected.
- K. *Recordation.* Upon approval of an ordinance approving the annexation, the ordinance together with any conditions, agreements, covenants, maps, and illustrations shall be recorded in the Public Records of Martin County, Florida, at the expense of the applicant.

11.02.00. - PUBLIC NOTICE REQUIREMENTS

Sec. 11.02.01. - Notice by mail.

- A. Where notice of a hearing or of a public hearing is required to be provided by mail, such notice shall be mailed by regular U.S. mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee.
- B. Notice shall be mailed to property owners whose names and addresses appear on the latest ad valorem tax rolls maintained by the Martin County property appraiser. Notice shall be mailed to all real property owners whose property is located within 300 lineal feet of the boundary of the subject property. The applicant shall provide to the City the names and addresses of the owners of property entitled to mailed notice. It shall be the responsibility of the applicant or petitioner to mail the required notice and provide proof thereof to the city. For property in condominium ownership, both the property owners association and the owners of condominium dwelling units located within the prescribed distance shall be notified.

- C. The notice shall advise the addressee of the time, place and purpose of the hearing or public hearing and shall state the substance of the proposed action as it affects the addressee.
- D. At the commencement of the public hearing or the hearing which is the subject of the mailed notice, the applicant or petitioner shall present evidence that the notice was mailed in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

Sec. 11.02.02. - Notice by posting.

- A. Where notice of a hearing or of a public hearing is required to be provided by posting, the applicant or petitioner shall cause the subject property to be posted with a sign or signs upon which the word "NOTICE OF PUBLIC HEARING" is clearly visible from each nearest public street frontage. The sign or signs shall be installed perpendicular to each street in a location approved by the development department in advance of installation. The sign or signs shall be not less than 36 by 48 inches in dimension for arterial roads and 24 by 36 inches in dimension for non-arterial roads.
- B. The sign or signs shall have a uniform "city blue" background.
- C. The sign or signs shall have white lettering of a font size that is legible.
- D. The sign or signs shall be double-sided and waterproof.
- E. The sign or signs shall advise of the time, place and purpose of the hearing or public hearing, the substance of the proposed action and the address, telephone number and business hours of the city development department to which questions regarding the subject matter of the hearing or public hearing may be addressed. Posted notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PROJECT TYPE

PROJECT NAME

STUART LPA _____ / _____ / _____ , 20 _____ AT 5:30 P.M.

AND

CITY COMMISSION _____ / _____ / _____ , 20 _____ AT 5:30 P.M.

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-5:00PM

VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

- F. Failure to provide posted notice continuously from the time posted notice is to commence until the public hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this Code and action taken by the city subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the city. Signs shall be removed within five days of the conclusion of the noticed public hearing or hearing.
- G. At the commencement of the public hearing or the hearing which is the subject of the posted notice, the applicant or petitioner shall present evidence that the notice was posted in accordance with the provisions of this Code. Such evidence shall be under oath and may be in the form of live testimony or the affidavit of someone with personal knowledge. The evidence may include a photograph of the posted notice and the date the posted notice commenced.
- H. Notice by publication.

1. Where notice of a hearing or public hearing is required to be provided by publication, the applicant or petitioner shall cause an advertisement to be published in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The City of Stuart, Florida, proposes to adopt the following ordinance: _____ (title of the ordinance). A Public Hearing on the ordinance will be held on _____ / _____ / _____ (date and time) at _____ (meeting place) by the (Stuart Community Redevelopment Board, Stuart Local Planning Agency, or Stuart City Commission). All interested parties will be permitted to speak to and be heard by the (Stuart Community Redevelopment Board, Stuart Local Planning Agency, or Stuart City Commission) at the Public Hearing.

2. At the commencement of the public hearing or the hearing which is the subject of the published notice, the applicant or petitioner shall present evidence that the notice was published in accordance with the provisions of this Code. The affidavit of the publisher is appropriate for this purpose. Alternatively, the evidence may take the form of live testimony or the affidavit of someone with personal knowledge. The evidence shall include a copy of the published notice and the date the notice was published.

Sec. 11.02.04. - Costs.

- A. All costs of publication shall be paid by the applicant or petitioner, and any costs so incurred by the city shall be reimbursed on or before the hearing or public hearing.

Sec. 11.02.05. - Public notice schedule.

The following table provides minimum noticing requirement timeframes for most of the applications included in this chapter. Noticing procedures for Comprehensive Plan amendments can be found in sections 11.01.05 and 11.01.06.

Application	Mailed Notices	Posting	Publications	Hearing
Major development plan (sec. 11.01.01)	15 days prior to public hearing	15 days prior to public hearing	N/A	City commission - resolution
Minor development plan (sec. 11.01.02)	N/A	N/A	N/A	N/A
Residential development plan (sec. 11.01.03)	N/A	N/A	N/A	N/A
Plat application (sec. 11.01.04)	N/A	N/A	N/A	City commission - resolution

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Large-scale comprehensive plan amendment (sec. 11.01.05)	Refer to section 11.01.05			
Small-scale comprehensive plan amendment (sec. 11.01.06)	Refer to section 11.01.06			
Land Development Code text amendment (sec. 11.01.07)	N/A	N/A	5 days prior to LPA hearing; 10 days prior to SCC hearings	Local planning agency and city commission - ordinance
Zoning map change (sec. 11.01.08)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2nd reading at city commission	Local planning agency and city commission - ordinance
PUD amendment, major (sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	10 days prior to 2nd reading at city commission	Local planning agency and city commission - ordinance
PUD amendment, minor (sec. 11.01.09)	15 days prior to public hearings	15 days prior to public hearings	N/A	City commission - resolution
Conditional use (sec. 11.01.10)	15 days prior to public hearings	15 days prior to public hearings	N/A	City commission - resolution
Annexation (sec. 11.01.11) Note: refer to F.S. ch. 171 for involuntary annexations	N/A	15 days prior to public hearings	5 days prior to LPA hearing; 1 * and 2 weeks prior to 2nd reading at city commission. * 10 days prior to publishing, provide a copy of notice, via certified mail, to Martin County	Local planning agency and city commission - ordinance

			Board of County Commissioners	
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11.03.00. - QUASI-JUDICIAL PROCEEDINGS

Sec. 11.03.01. - Intent.

The intent of this section is to provide an efficient and equitable procedure for the consideration by the city commission, the board of adjustment and the local planning agency of quasi-judicial matters in the course of quasi-judicial proceedings.

Sec. 11.03.02. - Ex-parte communications.

Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any city official the merits of any quasi-judicial matter on which action may be taken by a city board on which the city official is a member. Further, a city official may conduct investigations and site visits and may receive expert opinions regarding a quasi-judicial matter pending before the board on which the city official is a member.

The written ex-parte communication shall be a public record of the city and shall be made a part of the record of the pending quasi-judicial proceeding. An ex-parte communication, investigation, site visit or expert opinion shall be disclosed by the city official who is a party thereto at the commencement of the hearing and shall include the substance of the communication, investigation, site visit or expert opinion as well as the identity of the person, group, or entity with whom any communication took place. Persons with opinions contrary thereto shall be given a reasonable opportunity to refute or otherwise respond to the information acquired by the communication, investigation, site visit or expert opinion.

(Ord. No. 1423-95, 9-25-95)

Sec. 11.03.03. - Notice of quasi-judicial hearings.

Notice of the date, time and place of a quasi-judicial hearing shall be given as required by this Code for the type of quasi-judicial proceeding being commenced.

Mailed notice and published notice shall also advise that any affected person may become a party to such proceeding entitled to present evidence at the hearing including the sworn testimony of witnesses and relevant exhibits and other documentary evidence and to cross-examine all witnesses by filing a notice of intent to be a party with the secretary of the appropriate board not less than five days prior to the hearing.

(Ord. No. 1941-03, § 1, 6-9-03)

Sec. 11.03.04. - Quasi-judicial hearings, generally.

A party in any quasi-judicial proceeding may be represented by legal counsel. Statements of counsel presented as argument during a quasi-judicial hearing shall not be considered as evidence. Counsel for a party shall not be subject to cross-examination.

The city attorney shall act as attorney to the board. Any motions or objections made by a party may be referred to the city attorney for advisory ruling. The presiding officer shall act on behalf of the board and shall respond to motions and other matters with the assistance of the city attorney.

All testimony presented to the board shall be under oath administered by the city attorney or other person authorized to administer oaths. All parties shall have the opportunity to present evidence to the board and to call and cross-examine witnesses. A member of the board may question a witness at any time during the testimony of that witness.

Any person may present personal testimony to the board. Evidence relied upon by reasonably prudent persons in the conduct of their daily affairs shall be admissible in a court of law. Irrelevant or unduly repetitious evidence may be excluded by the presiding officer.

Sec. 11.03.05. - Commencement of quasi-judicial proceedings.

A quasi-judicial proceeding shall commence at such time as the city development department certifies that it has received a complete petition. A complete petition shall include the appropriate filing fee, data submittal requirements, and shall be date stamped by the department when properly filed. Each proceeding shall be given a case number and each case file shall be separately maintained by the department as a public record of the city.

The petition shall identify the subject property by legal description and by street address, if available. The petition shall also identify the owner of the subject property, and all known residents and other occupants thereof at the time of application, by name, address and telephone number.

The petitioner shall be identified by name, address and telephone number. If the petitioner is not an individual, the petition shall contain the name, address and telephone number of the corporation or other entity in whose behalf the petition is filed and of the authorized representative of the petitioner.

If the petitioner is not the sole owner of the subject property, the petition shall be accompanied by a letter or other written notarized authorization from each owner that the applicant is authorized to file the specific petition.

Sec. 11.03.06. - Parties.

The parties to a quasi-judicial proceeding shall be the petitioner, the city, and any affected person who files a notice of intent to be a party with the city development department not less than five days prior to commencement of the hearing. Forms for a notice of intent shall be provided by the department upon request. A notice of intent to act as a party in a quasi-judicial proceeding shall be accompanied by the payment of a fee of \$400.00.

A party shall be entitled to participate at the hearing and may present evidence to the board. A party may call witnesses, present relevant exhibits and other documentary evidence, cross-examine witnesses, make motions and objections, and present a summary statement to the board at the conclusion of the evidence.

Any person who files a notice of intent to be a party shall be presumed to be an affected person unless the status of that person is challenged by another party. In this event, the board shall determine whether or not the person who claims to be an affected person is an affected person as defined herein.

Sec. 11.03.07. - Order of presentation.

A quasi-judicial hearing shall begin with a statement by the city attorney which shall include a summary of the petition, the standards to be applied to the evidence by the board, the burden of proof, and the identity of all parties and the order of their presentations. The city attorney also shall read any ex-parte communication reports filed with the secretary of the board into the record of the hearing.

The first party to present evidence to the board shall be the city. The city shall begin the hearing with an analysis of the petition which includes a consistency determination with regard to the City Comprehensive Plan and a determination of compliance with the procedural requirements of law. The city shall advise the board specifically as to whether the petition meets all applicable standards of local law and any conditions which should be imposed in order to meet those standards. The city shall conclude its presentation with a specific recommendation to the board to approve, to approve with conditions, or to deny the petition.

Following the presentation of the city, the petitioner shall make a presentation to include evidence relating to the applicable standards for review of the petition. The petitioner may include a description of the nature of the petition if there is additional information that has not been previously provided.

Other parties shall follow the petitioner in the order of their filed notices. Thereafter, persons who are not parties may testify. Last, the city and the petitioner shall be permitted to provide additional evidence to rebut the evidence presented by any other party or person. At the conclusion of the evidence, each party shall be permitted to make a brief summary statement in the order of their appearance. Considering the complexity of the issues presented, the presiding officer may limit the time of summary statements.

Sec. 11.03.08. - Burden of proof; conditions; re-zonings.

The petitioner shall have the burden of proof at the hearing to show by the greater weight of the evidence that the petition is consistent with the City Comprehensive Plan and complies with all procedural requirements of law. Conditions may be suggested by the petitioner, the city or any party, or may be imposed by the board, which are intended to assure consistency and compliance.

If the quasi-judicial matter petitioned is a rezoning of land, once the petitioner satisfies the burden of proof at the hearing, the burden shall shift to the city or other party to show by the greater weight of the evidence that maintaining the existing zoning classification accomplishes a legitimate public purpose. In such event, the rezoning petition shall be denied.

Sec. 11.03.09. - Cross examination.

After each witness testifies directly, each party shall be permitted to question the witness on cross-examination. The order of cross-examination shall be the same as the order of presentation established for the hearing. Cross-examination may include matters and issues which are not related to the direct testimony of the witness.

Sec. 11.03.10. - Deliberation by the commission.

The board shall publicly deliberate on the evidence and shall limit its deliberation to the evidence presented at the hearing. During deliberation, no further testimony shall be taken and the commission members shall not ask for additional information of parties or witnesses.

The board shall determine whether the petitioner has met the burden of proof by a showing that the petition is consistent with the City Comprehensive Plan and complies with all other applicable standards of review and procedural requirements of law. The board shall also consider any lawful conditions which may be imposed necessary to meet the applicable standards of review. Deliberations shall conclude with a determination by the city commission to approve, to approve with conditions, or to deny the petition.

Sec. 11.03.11. - Continuances.

A continuance of a quasi-judicial proceeding may be requested by any party at any time prior to the conclusion of the hearing. Such request may be granted by the board in the interests of justice and fairness. If granted, the hearing shall be continued by the board to a specific date and time considering the reason for the continuance.

Sec. 11.03.12. - Order.

The determination of the board shall be reduced to a written order in the form of an ordinance, resolution or other appropriate document. At the discretion of the board, the order may be recorded in the public records of Martin County, Florida. The costs of recording shall be paid by the petitioner.

The order shall be prepared by the city attorney to conform exactly to the evidence presented at the hearing and to the determination of the board. The order shall contain a clear statement of approval or denial, and shall include any and all conditions of approval necessary to assure consistency with the City Comprehensive Plan and compliance with other applicable standards of review and all procedural requirements of law.

Sec. 11.03.13. - Record of proceedings.

A quasi-judicial hearing shall be tape recorded by the secretary of the board. The tape recording shall be preserved by the secretary as a public record of the city. All evidence presented at the hearing in the form of documents, photographs, maps and other written documents shall be preserved with the tape of the hearing. Large exhibits may be preserved by the city in a place and manner convenient for preservation of the document.

Sec. 11.03.14. - Judicial review.

A final determination of the city commission is subject to judicial review in the Circuit Court of the Nineteenth Judicial Circuit of the State of Florida according to established rules of law as provided at F.S. § 163.3215. The record of the quasi-judicial proceedings conducted by the city shall be available to any person who seeks review of a final decision of a board until the expiration of the appeal period.

The time for appeal shall commence on the date the written order of the board which sets forth its final determination is filed with the clerk.