

## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

**Meeting Date:** 10/10/2016

**Prepared by:** Stephen Mayer

**Title of Item:**

ORDINANCE No. 2332-2016; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.07.00.D.4, "DENSITY" AND SECTION 2.03.00, TABLE 5 "MAXIMUM DWELLING UNITS PER ACRE" OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING THAT, IN ADDITION TO THE "URBAN CODE CONDITIONAL USE APPROVAL" PROCESS, THE CITY COMMISSION MAY ALSO GRANT UP TO (30) THIRTY RESIDENTIAL DWELLING UNITS PER ACRE WITHIN THE "DOWNTOWN REDEVELOPMENT" LAND USE DISTRICT BY THE PROCESS OF REZONING TO "RESIDENTIAL PLANNED UNIT DEVELOPMENT" (R-PUD) (RC)

**Summary Explanation/Background Information on Agenda Request:**

Contingent on site development occurring under a Residential Planned Unit Development (R-PUD), in securing a developer for the city-owned Triangle Parcel, the City Commission has expressed its willingness to consider up to thirty (30) residential units per acre. The Triangle property's land use is "Downtown Redevelopment" and is currently zoned "Urban Center" under the Urban Code. That said, while the City's comprehensive plan clearly states that up to 30 units per acre may be allowed by either an Urban Code Conditional Use Approval (UCCUA), formerly known as an "Urban Code Exception", or by R-PUD zoning, staff only recently realized that, notwithstanding the comprehensive plan, the City's Land Development Code (LDC) currently mentions only the "Urban Code Conditional Use Approval" process as a means of granting up to 30 units per acre in the Urban Code District.

Accordingly, in light of the Commission's preferred method for development approval, prior to taking up this evening's Triangle R-PUD application, staff has brought forward a corrective ordinance which establishes consistency with the comprehensive plan by amending the LDC to allow up to 30 units per acre in the Urban Code District via R-PUD zoning.

The UCCUA process and R-PUD zoning are both quasi-judicial in nature and share many of the same characteristics in terms of governing development on a site specific basis. UCCUA's are approved by a resolution involving at least one hearing before the Community Redevelopment Board (CRB) and one hearing before the City Commission. R-PUD zoning is approved by ordinance and requires at least one hearing before the LPA and at least two public hearings before the City Commission. In sum, in that at least one additional public hearing is required, the R-PUD approval process is a bit more rigorous.

Note: This item was approved unanimously by the LPA on September 8, 2016.

***CITY MANAGER'S NOTE: From my perspective, this is purely a clarification of a long existing policy. I encourage your acceptance of the language proposed, and recommend its adoption.***

**Funding Source:**

N/A

Note: Item was unanimously approved by the CC on first reading on September 26, 2016.

**Recommended Action:**

Approve Ordinance 2332-2016 on second reading.

**ATTACHMENTS:**

Description	Upload Date	Type
▯ Ordinance 2332-2016	9/19/2016	Ordinance add to Y drive
▯ Cover Memo	9/1/2016	Cover Memo

Return to:

City Attorney's Office  
City of Stuart  
121 SW Flagler Street  
Stuart, FL 34994

**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**ORDINANCE NO: 2332-2016**

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.07.00.D.4, "DENSITY" AND SECTION 2.03.00, TABLE 5 "MAXIMUM DWELLING UNITS PER ACRE" OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING THAT, IN ADDITION TO THE "URBAN CODE CONDITIONAL USE APPROVAL" PROCESS, THE CITY COMMISSION MAY ALSO GRANT UP TO (30) THIRTY RESIDENTIAL DWELLING UNITS PER ACRE WITHIN THE "DOWNTOWN REDEVELOPMENT" LAND USE DISTRICT BY THE PROCESS OF REZONING TO "RESIDENTIAL PLANNED UNIT DEVELOPMENT" (R-PUD); DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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**WHEREAS**, the effective regulation of zoning density, as a means of regulating the volume, location, and intensity of residential dwelling units is vital to the public's health safety and welfare; and

**WHEREAS**, the City's Comprehensive Plan establishes Planned Unit Development, which provides a flexible planning mechanism to vary the strict adherence to standard development regulations through the application of enlightened and imaginative approaches to community planning and property design; and

**WHEREAS**, Policy A7.2 of the City's Comprehensive Plan establishes a "Table of Land Use Densities and Intensities which provides that the maximum dwelling units per acre exceeding 15 dwelling units per acre within the Downtown Redevelopment Future Land Use Designation shall be approved via a Planned Unit Development or Major Urban Code Conditional Use; and

**WHEREAS**, on September 8, 2016, the Local Planning Agency met jointly with the Community Redevelopment Board for the purpose of transmitting its recommended amendment to the Land Development Code; and

**WHEREAS**, the Stuart City Commission held duly noticed public hearings on September 26, 2016 and October 10, 2016 to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The City of Stuart Land Development Code Chapter 2, Section 2.07.00.D.4.3, "Density" is hereby amended to read in its entirety as follows:

3. Density. The net residential density for an RPUD shall not exceed the maximum permitted as prescribed by the following:
  - a. Single-family, detached: Four dwelling units per acre.
  - b. Single-family, attached: Seven dwelling units per acre.
  - c. Multiple-family residential: 15 dwelling units per acre.
  - d. Downtown Redevelopment land use area residential: 30 units per acre

SECTION 2: The City of Stuart Land Development Code Chapter 2, Section 2.03.00, Table 3, "Maximum Dwelling Units per Acre" is hereby amended as follows:

TABLE 3

## MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																			
	R1 -A	R- 1	R- 2	R-3	RPUD <sup>1</sup>	B-1	B-2	B- 3	B- 4	CPUD	P	I	IP UD	H	PSP UD	MXP UD	Urba n Code Dist rict	East Stuart		
																		GRO	BMU	SF D
Low Density Residential	4	5	7		4 <sup>2</sup> /7 <sup>3</sup> / 15 <sup>4</sup>															
Multi-family Residential				10	4 <sup>2</sup> /7 <sup>3</sup> / 15 <sup>4</sup>	10	L	L								15 <sup>5</sup>				
Office/Residential				10	15	10	10	10		5 <sup>7</sup> /7 <sup>8</sup> / 10 <sup>9</sup>						15 <sup>5</sup>				
Commercial				10		10	L	L		5 <sup>7</sup> /7 <sup>8</sup> / 10 <sup>9</sup>						15 <sup>5</sup>				
Downtown Redevelopment				15/ 30 <sup>7</sup>	15/30 <sup>11</sup>	15/ 30 <sup>7</sup>	15/ 30 <sup>7</sup>			5 <sup>7</sup> /7 <sup>8</sup> / 10 <sup>9</sup>						15 <sup>5</sup>	15/3 0 <sup>6</sup>			
Neighborhood/ Special Dist.					15					5 <sup>7</sup> /7 <sup>8</sup> / 10 <sup>9</sup>						15 <sup>5</sup>	15/3 0 <sup>6</sup>			
Industrial																				
East Stuart																15 <sup>5</sup>		15/3 0 <sup>10</sup>	15/3 0 <sup>10</sup>	17
Marine/Industrial				15			15									15 <sup>5</sup>	15/3 0 <sup>6</sup>			
Public											E									
Recreation																				
Institutional					4 <sup>2</sup> /7 <sup>3</sup> / 15 <sup>4</sup>															
Conservation																				

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

**Footnotes:**

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

2 = Single Family Detached Dwelling Unit

3 = Single Family Attached Dwelling Unit

4 = Multi-Family Dwelling Unit

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

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

7 = Based on R-1 Density Requirements

8 = Based on R-2 Density Requirements

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

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

11 – Up to 30 upon approval by City Commission with a RPUD within the Downtown Redevelopment Land Use area

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

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

SECTION 3: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 4: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5: The provisions of this ordinance shall be codified.

SECTION 6: This ordinance shall become effective immediately upon adoption.

PASSED on First Reading this 26th day of September, 2016.

Commissioner \_\_\_\_\_ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

JEFFERY KRAUSKOPF, MAYOR  
EULA CLARKE, VICE MAYOR  
THOMAS CAMPENNI, COMMISSIONER  
KELLI GLASS-LEIGHTON, COMMISSIONER  
TROY MCDONALD, COMMISSIONER


ADOPTED on second and final reading this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

\_\_\_\_\_  
JEFFERY A. KRAUSKOPF  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL J. MORTELL  
CITY ATTORNEY

**To:** Local Planning Agency and Community Redevelopment Board

**From:** Terry O'Neil, City Development Director

**Date:** September 1, 2016

**Re:** Ordinance 2332-2016

**Background**

Contingent on site development occurring under a Residential Planned Unit Development (R-PUD), in securing a developer for the city-owned Triangle Parcel, the City Commission has expressed its willingness to consider up to thirty (30) residential units per acre. The Triangle property's land use is "*Downtown Redevelopment*" and is currently zoned "*Urban Center*" under the Urban Code. That said, while the City's comprehensive plan clearly states that up to 30 units per acre may be allowed by either an Urban Code Conditional Use Approval (UCCUA), formerly known as an "Urban Code Exception", or by R-PUD zoning, staff only recently realized that, notwithstanding the comprehensive plan, the City's Land Development Code (LDC) currently mentions only the "Urban Code Conditional Use Approval" process as a means of granting up to 30 units per acre in the Urban Code District.

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