



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

ORDINANCE NUMBER 2412-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY’S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF UPUD “URBAN PLANNED UNIT DEVELOPMENT” TO A PARCEL OF LAND TOTALING 0.29 ACRES, OWNED BY STUART HILLS PROPERTIES, LLC, LOCATED AT 801 S.E. OCEAN BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED; ESTABLISHING THE “SADA INTERNATIONAL SALON” URBAN PLANNED UNIT DEVELOPMENT (UPUD) CONSISTING OF A TWO-STORY COMMERCIAL BUILDING TOTALING 3,485 SQUARE FEET, AND ALLOWING USES PERMITTED IN THE URBAN DISTRICT; PROVIDING FOR APPROVAL OF AN EXISTING SITE AND BUILDING; PROVIDING FOR DEVELOPMENT CONDITIONS; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Hisashi Tomosada, of T-Teller (Owner) of a 0.29 acre parcel of developed land located at 801 S.E. Ocean Blvd (**Exhibit “D” – Aerial**), and

WHEREAS, the City of Stuart has determined the need to assign UPUD zoning to said lands; and

WHEREAS, the Local Planning Agency held a properly noticed hearing at a regularly scheduled meeting to consider amending the city’s official zoning map and approving the existing and recommended approval for the rezoning on August 15, 2019; and

WHEREAS, on September 9, 2019, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by the Owner and Contract Purchaser, amending the city’s official zoning map and approving the existing building and site, and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses; and

WHEREAS, the owners have committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon this ordinance; and

WHEREAS, the City Commission, has considered the Owner’s voluntary request for a new zoning designation, and has also considered the recommendation of the City staff.

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the Sada International Salon UPUD development will be in harmony with surrounding properties and their anticipated development; and

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

WHEREAS, the property is legally described in “**Exhibit A**” of this ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference and development conditions attached hereto as **Exhibit “C”**;

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

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit “D”**, hereinafter the “Development Documents”, shall be deemed a part of this ordinance:

- 1. Boundary Survey, Sheet 1, by Stephen J. Brown, Inc., Surveyors, Designers, Land Planners and Consultants dated 7.25.19.**
- 2. Aerial Photograph, prepared by McCarty & Associates, dated 7.16.19**
- 3. Site Plan and Architecture, prepared by Richard Granfield, dated 11.26.73**

SECTION 2: The Zoning designation of the subject property shall be established as “UPUD” Urban Planned Unit Development on the City of Stuart’s Official Zoning Map.

SECTION 3: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City’s Land Development Code.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 5: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. Direct the City Development Director to initiate the process to rezone the PUD property or any portion of the PUD property.
- c. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this PUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by

law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 7: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owners.

SECTION 8: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 9: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 9th day of September 2019.

Commissioner GLASS LEIGHTON offered the foregoing ordinance and moved its adoption.

The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

REBECCA S. BRUNER, MAYOR
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YE S	N O	ABSEN T	ABSTAI N
Y			
Y			
Y			
Y			
Y			

ADOPTED this 23rd day of September 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

CITY’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by BECKY BRUNER, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida, at large

My Commission Expires:
Notary Seal

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS URBAN PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

**Stuart Hills Properties, LLC, a Florida
limited liability company**

Print Name: _____

By: _____
Susan Demeo, Manager

Print Name: _____

OWNER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Susan Demeo, Manager of Stuart Hills Properties, LLC, a Florida limited liability company, on behalf of the Company.

Personally Known ____ OR Produced Identification ____ Type of Identification Produced _____

Notary Public, State of Florida, at large
My Commission Expires:

Notary Seal

Sada International Salon

WITNESSES:

Print Name: _____

Hisashi Tomosada, Owner

Print Name: _____

OWNER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Hisashi Tomosada, owner of Sada International Salon.

Personally Known ____ OR Produced Identification ____ Type of Identification Produced

Notary Public, State of Florida, at large
My Commission Expires:

Notary Seal

Exhibit “A”

LEGAL DESCRIPTION

LOTS 13 AND 14, BLOCK 10, HILDABRAD PARK,
ACCORDING TO THE PLAT THEREOF RECORDED IN
PLAT BOOK 2, PAGE 64, PUBLIC RECORDS OF
MARTIN COUNTY, FLORIDA.

EXHIBIT “B” – LOCATION MAP

Sada International Salon

04-38-41-007-010-00130-1
801 SE Ocean Blvd.
Stuart, Florida

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

732.940.4922
www.McCartyLandPlanning.com
M&A@McCartyLandPlanning.com



Location Map



EXHIBIT “C” – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit “D”)

- 1. Boundary Survey, Sheet 1, by Stephen J. Brown, Inc., Surveyors, Designers, Land Planners and Consultants dated 7.25.19.**
- 2. Aerial Photograph, prepared by McCarthy & Associates, dated 7.16.19**
- 3. Site Plan and Architecture, prepared by Richard Granfield, dated 11.26.73**

Development and Construction

1. Except as otherwise set forth in the Sada International Salon UPUD, development shall comply with the City Land Development Code. Any modifications to the Master Site Plan that exceeds 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping, may be approved by the City’s Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via public hearing.
2. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

Allowable Uses

3. All uses allowed in Section 3.01.03.F.2. of the City’s Land Development Code are permitted, however, the uses are restricted in accordance to the parking calculations within Section 3.01.03.F.2. As the date of this ordinance, the site has 17 parking spaces.

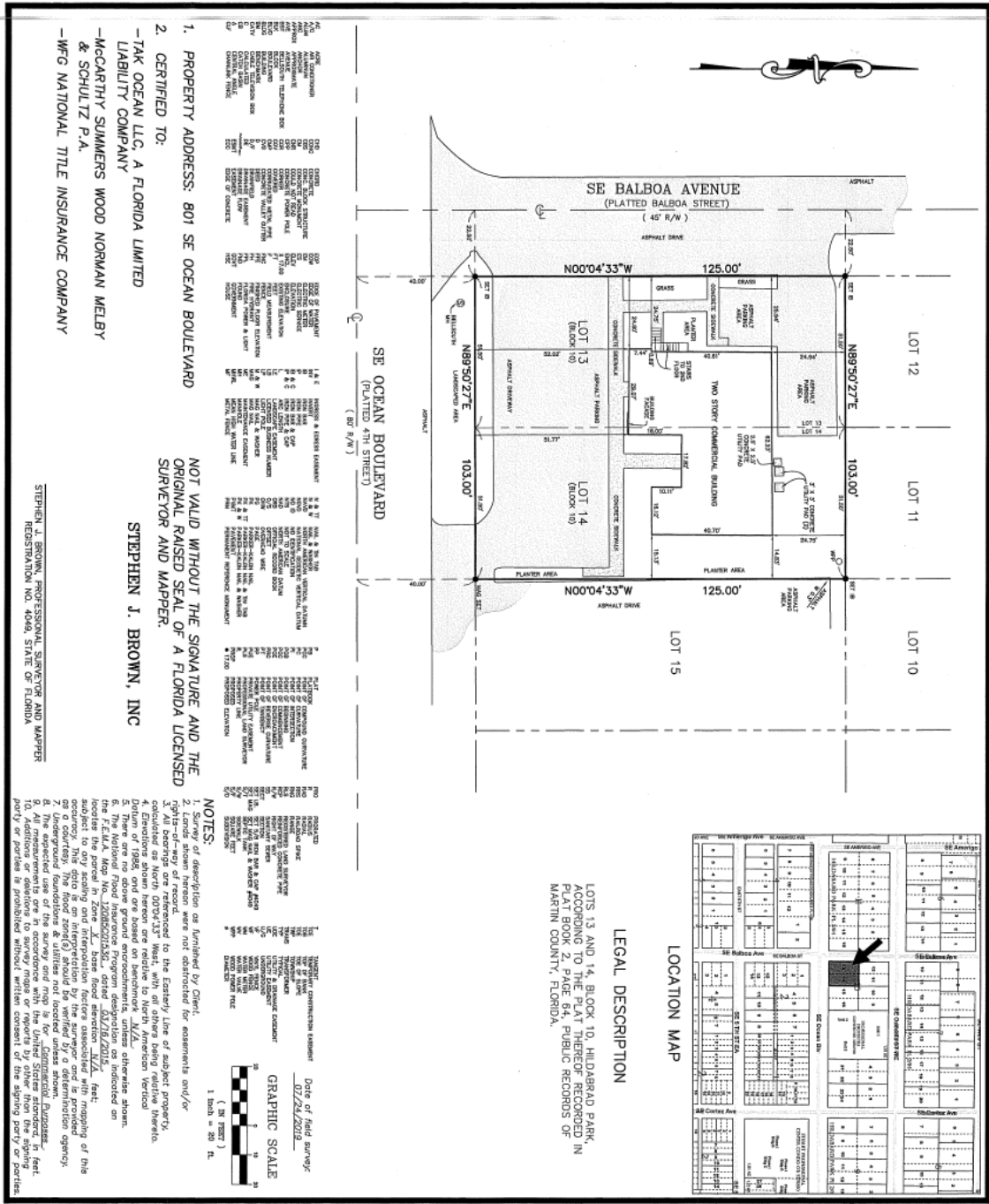
Prohibited

4. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers.
5. Billboards are prohibited on the property.
6. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.

Amendments

7. Any applications to amend this Ordinance shall be limited to the single Owner, successors or assigned of the parcel, or the Master's Owners Association, if applicable.

Exhibit "D" Boundary Survey



1. PROPERTY ADDRESS: 801 SE OCEAN BOULEVARD
2. CERTIFIED TO:
 - TAK OCEAN LLC, A FLORIDA LIMITED LIABILITY COMPANY
 - MCARTHY SUMMERS WOOD NORMAN MELBY & SCHULTZ P.A.
 - WFG NATIONAL TITLE INSURANCE COMPANY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
MEMBERSHIP NO. 4094, STATE OF FLORIDA

NOTES:

1. Description as furnished by Client.
2. Land shown herein were not obtained for assessments and/or rights-of-way of record.
3. All bearings are referred to the Eastern line of subject property.
4. Elevation shown herein are relative to North American Vertical Datum of 1985, and are based on benchmark M/LA-114 shown on the National Flood Insurance Program depiction as recorded on the F.E.M.A. Map No. 2205502136K, dated 04/16/2015. Aerial location the parcel in zone XX, base flood elevation M/LA-114, feet on a contour. This data is an interpretation by the surveyor and is provided for informational purposes only. It is not to be used for any other purpose.
5. All measurements are in accordance with the United States standard. In feet.
6. The expected use of the survey and map is for "Commercial Purposes".
7. The surveyor and mapmaker warrant that the survey and map were prepared by or under the direct supervision and control of the surveyor and mapmaker.
8. The surveyor and mapmaker warrant that the survey and map were prepared without written consent of the signing party or parties.

DATE	07/25/2019
SCALE	1" = 20'
ACROSSING	7370-01-01
SHEET	ONE
OF ONE SHEETS	

BOUNDARY SURVEY PREPARED FOR: TAK OCEAN LLC

STEPHEN J. BROWN, INC LICENSED BUSINESS NUMBER: 6484
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-288-7176

REVISIONS	
NO.	
DATE	
DESCRIPTION	

Exhibit “D”
Aerial

Sada International Salon

04-38-41-007-010-00130-1
801 SE Ocean Blvd.
Stuart, Florida

McCARTY & ASSOCIATES

LAND PLANNING
AND DESIGN

STUART • FT. PIERCE

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M&A@McCartyLandPlanning.com



Aerial Photograph



07/16/2019

Exhibit "D" Site Plan and Architecture

