



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

ORDINANCE NUMBER 2453-2021

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA,
AMENDING SECTION 6.03.00. OF THE LAND DEVELOPMENT
CODE ENTITLED "STORMWATER MANAGEMENT" OF
CHAPTER VI ENTITLED "ON-SITE AND OFF-SITE
DEVELOPMENT STANDARDS" IN RESPECT OF STANDARDS
FOR RESIDENTIAL SINGLE FAMILY AND DUPLEX INFILL
DEVELOPMENT; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE
DATE, AND FOR OTHER PURPOSES.**

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WHEREAS, the purpose of this Land Development Code amendment is to support Objective B1 of the City's Comprehensive Plan Future Land Use Element to discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.

WHEREAS, the purpose of this Land Development Code amendment is to support Policy 7.1 of the City's Comprehensive Plan Infrastructure Element to encourage residential infill development and redevelopment which will maximize the use of existing facilities and discourage urban sprawl.

WHEREAS, the purpose of this Land Development Code amendment is to support Policy 2.5 of the City's Comprehensive Plan Conservation Element to ensure that stormwater management shall be designed to

maximize the quality of water being recharged as well as that being discharged off-site and to require new residential infill development to address off-site watershed issues related to water quality impacts due to on-site stormwater management designs.

WHEREAS, the purpose of this Land Development Code amendment is to establish minimum standards for stormwater management for single-family and duplex residential infill developments; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on October 8th, 2020; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on October 26th, 2020, to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The Stuart Land Development Code is hereby amended as attached at **Exhibit A** to this ordinance.

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

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the 26th day of October, 2020.

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

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED on second and final reading this 25th day of January, 2021.

ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Chapter VI - ON-SITE AND OFF-SITE DEVELOPMENT STANDARDS

6.00.00. - GENERAL PROVISIONS

Sec. 6.00.01. - Purpose.

The purpose of this chapter is to provide development design and improvement standards applicable to all development activity within the city.

Sec. 6.00.02. - Responsibility for improvements.

All improvements required by this chapter shall be designed, installed, and paid for by the developer.

Sec. 6.00.03. - Principles of development design.

The provisions of this chapter are intended to ensure functional and attractive development.

Development design shall first take into account the protection of natural resources as prescribed in chapter V of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

6.03.00. - STORMWATER MANAGEMENT

Sec. 6.03.01. - Generally.

- A. *Intent.* It is the policy of the City of Stuart to promote efficient use and management of stormwater. To the maximum extent possible, stormwater will be percolated into the shallow aquifer by use of retention/detention areas, underground storage, green space, pervious pavement, and exfiltration systems. It is also the policy of the City of Stuart to protect existing facilities from adverse impacts of new construction.
- B. *Applicability.*
 - 1. The provisions of this chapter shall apply to development within the City of Stuart municipal boundaries, excluding the urban district, as follows:
 - (a) All new development shall be required to comply with the site design requirements of the South Florida Water Management District. New development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Proper management of stormwater runoff shall be accommodated through retention and detention, green space, allowable discharge and up to 40 percent underground storage.
 - (b) Renovation development, vacant development and infill development shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration

systems shall be used for water quality purposes only. Not more than 40 percent of stormwater runoff may be stored in underground storage structures. The remaining 60 percent of the required stormwater runoff shall be accommodated through retention and detention, green space, and allowable discharge.

2. In the Urban Code District and East Stuart District, all development, including new development, substantial renovation and infill development, shall be required to comply with all requirements for water quality as set forth in this chapter. Exfiltration systems shall be used for water quality purposes only. Proper management of stormwater runoff may be accommodated through any combination of underground storage structures, retention and detention, green space, and allowable discharge.

A certificate of occupancy shall not be issued if any portion of a stormwater system is not in compliance with the approved site plan.

C. *Site planning.*

1. Developments must, in their site planning, account for and compensate for historic drainage patterns in the area of the development so as not to cause flooding to adjacent and surrounding properties. ~~Single-family homes and duplexes on lots of record, though not required to have engineered site plans, must demonstrate by submission of a civil plan depicting that stormwater runoff will not flow onto adjoining properties.~~
2. Alterations, additions and modifications of existing facilities, as to the extent of the alteration, addition or modification are subject to this chapter.

D. *Drainage.* An adequate drainage system, including necessary ditches, canals, swales, percolation areas, berms, dikes, weirs, detention ponds, storm sewers, drain inlets, manholes, headwalls, end walls, culverts, bridges and other appurtenances shall be required in all subdivisions and developments for the positive drainage of storm and groundwater. The drainage system shall provide for surface waters affecting the subdivision or development.

E. *Stormwater treatment.* Stormwater treatment facilities shall be required in the subdivision or development to control stormwater runoff quality by providing for on-site retention/detention or other appropriate treatment technique for stormwater.

F. *Maintenance.* The capacity of a stormwater management system shall be properly maintained. Methods of required maintenance may include vacuuming exfiltration systems, vacuuming and pressure-cleaning pervious parking areas, replacement of berms, the installation of silt screens or similar devices, and the installation of sod. If any portion of a stormwater system ceases to function as designed, the property owner or occupant may be required to remove, repair or replace that portion of a stormwater system.

G. *Infill development.*

1. All single family and duplex residential infill lot development shall submit the following at time of building permit submittal:

- i. A topographic survey which identifies existing improvements within and adjacent to the site.
 - ii. A lot grading plan that is designed to maintain consistent regional elevations at grade and prevent excessive stormwater runoff. The stormwater lot grading plan may be reviewed by the City's consultant engineer at no cost to the applicant.
- 2. Residential infill development shall comply with the approved lot grading plan and with the following:
 - i. Lot fill shall be limited to the minimum as determined by the stormwater management requirements.
 - ii. Foundation construction shall comprise of a stem-wall or extended footers or other method of foundation construction as approved during the Building Permit process.
 - iii. The owner/developer is responsible for showing that the development will not cause or increase off-site flooding to properties adjacent to or along the discharge path from the infill lot.
 - iv. If the residential infill lot has a waterfront then a buffered shoreline or other approved method for preventing excessive stormwater run-off into the waterbody shall be required.