

311 SW 3rd Street not right address

PROPERTY ADDRESS: ~~200 Atlanta Avenue~~

find

~~not right pic or address~~



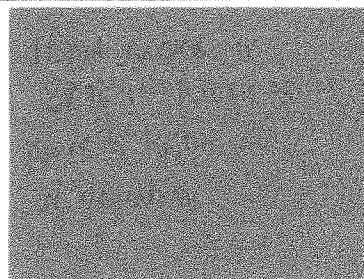
2002 Picture



1991 Picture

Year built	1895
Style	Frame Vernacular
Original Use	Religious
1991 Use	Commercial
Current Use	Commercial
Name of business	Martin County Probation
Assessed Value - Land (2002)	
Assessed Value - Improvements (2002)	
Total Assessed Value (2002)	
Total Taxable Value (2002)	
Ratio Land:Improvements (2002 Assessed Values)	

JUDY ASHLEY CALLED & WANTS TO RELOCATE TO NEW METHODIST FACILITY ON SR 76. IT WAS ORIGINAL CHURCH



POSTIT NOTES
ADA WRITING DONE
BY CITY EMPLOYEE
J. S. [Signature]

City of Stuart Community Redevelopment Plan

The Historic Preservation Program was created with the belief that historic downtowns and neighborhoods possess elements that create livable and viable communities by encouraging compact, mix-use development, and historic districts. The program's intent is to educate the public on the benefits of historic preservation and generate support for CRA (Community Redevelopment Agency) preservation activities. The goal is to preserve the heritage of Stuart by utilizing historic preservation, combat blight, encourage the compatibility of historic structures with new construction, provide incentives to businesses, increase property value, and use preservation as a tool for economic growth.

The City of Stuart has many examples of public/private historic preservation projects that have successfully retained the character of the community. For instance, the Stuart Feed Store, Woodman Hall, The Arcade Building, Flagler Recreation Center, and the Lyric Theater. Additionally, the program has established historical neighborhoods such as Potsdam, Frazier, Downtown, and Porters Addition.

The program supports building renovation, acquisition of historic buildings, building façade preservation or improvement, and foundation & structural improvement. In addition, land can also be acquired for the purpose of relocating a historic structure that is threatened by demolition. Funds for preservation projects are provided in the form of grants, loans, and donations.

Furthermore, architectural, engineering, and planning assistance is provided to public and private projects by reviewing and recommending changes to building codes, zoning codes, and regulations for adaptive reuse and renovation that reflect the historical architectural styles of the City.

The City and CRA administrate the program and many other organizations may participate such as Stuart Heritage, Stuart Main Street, Martin County, residents, organizations, businesses, lending institutions, and state and federal governments. The Preservation Program is funded by both the City of Stuart and CRA as well as County, State and Federal governments. Other potential sources of funding are banks, builders, foundations, and homebuyers.

and mechanical (HVAC) systems. If these systems are not maintained, it may cause buildings or structures to deteriorate or fall into a state of disrepair. Failure to maintain a historic structure is in violation of the City's Land Development Code.

A building official or designee will evaluate the structure to determine if neglect is to be the most significant cause of the overall deterioration. Factors also taken into consideration are the effects of wear and tear caused by natural elements such as oxidation and weather. Upon a determination of demolition by neglect the City may remedy the violation, provided by law, which includes code enforcement and repairs performed by or on behalf of the City.

Magistrate Hearing
Sec.5.09.06

If a demolition application is denied or the applicant disputes a development order made by the City, the applicant has 30 days to appeal the order and seek a hearing with the City Magistrate. The appeal must be filed with the City Clerk and state why the denial or order is being challenged.

Tax Exemptions for Certain Historic Structures
Sec.5.09.05

A historic structure with in the City of Stuart may qualify for a ten year ad valorem tax exemption for the assessed value of improvements resulting from restoration or rehabilitation made to the structure. If the improvements are in accordance with the Martin Country Preservation Board provisions, the board shall grant the exemption and likewise the City of Stuart Commission.

Parking Credit
Sec.5.09.00

Historic buildings shall receive a parking credit for the existing use and shall provide at least 50 percent of the required parking for more intense use on the site. Up to 50 percent of the required parking for any new use permitted may be accommodated via payments to the *Payment in Lieu of Parking Program* as described in Chapter VI of the City of Stuart Land Development Code.

City of Stuart Land Development Code

Historic Preservation Sec. 5.09.00

Demolition of Historic Structure Sec.5.09.01

A permit to demolish a historic structure shall not be issued within 30 days of filing the application and payment of any fee. If the building is zoned other than R-1 or R-2, a permit to demolish shall not be issued within 90 days of filing the application and payment of any fee.

During the 30 or 90 day waiting period, the City and applicant shall explore one or more of the following possibilities:

1. Preserve the structure;
2. Relocate the structure on existing site;
3. Donate the structure to the city or other preservation organization for the purpose of relocating to another site.

Upon the determination by a building official that a historic building poses an immediate or imminent risk to public health, safety, and welfare; the required waiting period for demolishing a historic structure may be waived by the City Manager.

Demolition by Neglect; prohibited Sec.5.09.04

Every owner of a historic structure as of December 11, 2006, shall maintain and keep in good repair all exterior and interior portions of the building; interior portions being structural, electrical, plumbing,

City of Stuart Comprehensive Plan

Element 1, Goal Statement C

The goal of the City of Stuart is to maintain and strengthen the beauty, economic vitality, cultural resources, and social resources of the area. This shall be accomplished by preservation of historic buildings, innovative zoning, land use regulations, demolition, and renovation of existing buildings.

The City has implemented the Stuart Urban Code Overlay Zone which provides adequate parking and encourages the ability for people to live, walk, and shop without need of a car. The City will promote construction that fits with the existing architectural heritage of the community through architectural regulations. For example, building size, height, orientation, color, materials, conceal of parking lots, landscaping, and the promotion of modes of transportation to create an interesting and harmonious community.

Historic Resources

The City of Stuart has a wealth of historic resources and shall continue to encourage their preservation. The City has adopted policies to preserve these resources by designating and maintaining an inventory of historic and archeological resources such as buildings, sites, and landmarks. The City also will continue to eliminate zoning and other conflicts that hamper preservation and support public/private efforts to protect historic resources.

The City's Main Street Program shall inventory and analyze the preservation needs in the downtown area to encourage building reuse and historical integrity. In addition, if a potential historic or archaeological site is located during construction, the developer shall notify the City of Stuart and the State Division of Historic Resources before continuing construction.



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE No. 2091- 06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER XII DEFINITIONS OF THE CITY'S LAND DEVELOPMENT REGULATIONS PROVIDING FOR A DEFINITION OF "DEMOLITION," "DEMOLITION BY NEGLECT" AND "HISTORIC STRUCTURE;" AND AMENDING CHAPTER I, GENERAL PROVISIONS OF THE CITY'S LAND DEVELOPMENT REGULATIONS ESTABLISHING A 30-DAY WAITING PERIOD BEFORE A HISTORIC STRUCTURE IN AN R-1 OR R-1A ZONING DISTRICT IS DEMOLISHED; ESTABLISHING A 90-DAY WAITING PERIOD BEFORE A HISTORIC STRUCTURE IN OTHER THAN AN R-1 OR R-1A ZONING DISTRICT IS DEMOLISHED; PROHIBITING DEMOLITION BY NEGLECT; PROVIDING FOR THE DEMOLITION OF A HISTORIC STRUCTURE IF DEEMED A THREAT TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE BY THE BUILDING OFFICIAL AND CITY MANAGER; PROVIDING FOR A PARTIAL AD VALOREM CITY TAX EXEMPTION FOR HISTORIC STRUCTURES DEEMED ELIGIBLE UNDER MARTIN COUNTY'S TAX EXEMPTION PROGRAM; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission has determined that several historic structures within the City have recently been eliminated by developers, without any meaningful consideration of their value to the community, and without an opportunity or requirement to preserve the structure.

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

SECTION 1: Chapter XII, "Definitions" of the Stuart Land Development Code is hereby

amended to add the following definitions to read in their entirety, as follows:

Demolition. The intended destructive removal of a building, in whole or in part, from its site.

Demolition by neglect. Neglect in the maintenance of any building or structure resulting in one or more of the following:

A. The deterioration of a building(s) or structure, to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official; and

B. The deterioration of a building or structure, as determined by the building official, characterized by one or more of the following:

1. Parts that may fall and injure persons or property;
2. Deteriorated or inadequate foundation;
3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads safely;
4. Walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
5. Walls or other vertical supports that are insufficient to carry imposed loads safely;
6. Ceilings, roofs, ceiling and roof supports, or other horizontal parts of a structure which sag, split, or buckle due to defective material or deterioration or are insufficient to carry imposed loads safely;
7. Any fault, defect or condition in the building which renders the building or structure structurally unsafe or not properly water-tight
8. Unsafe electrical, plumbing or mechanical (HVAC) systems;
9. Water intrusion causing water damage to the interior of the building or structure caused by broken or missing windows, broken or missing doors and/or deterioration of roofing material; or

10. Excessive damage to exterior and interior wood framing, flooring systems, and finishes caused by termites, to the extent that the building or structure may be unsafe.

Historic Structure means any building identified in the City of Stuart's update to the 1991 Historic Property Survey, dated April 2003, and any subsequent amendments thereof; or any other structure which has local architectural, historical, or cultural significance that is later identified and placed within such survey, using recognized criteria for designation as "historic," including but not limited to structure age of fifty years or more, cultural significance, notoriety of former occupants, and architecture.

SECTION 2. Chapter V, "Resource Protection Standards" of the Stuart Land Development Code is hereby amended by adding a new article 5.09.00, "Historic Preservation" to read in its entirety, as follows:

**5.09.00
HISTORIC PRESERVATION**

Sec. 5.09.01. Thirty-day waiting period before demolishing a historic structure.

A. A permit to demolish a historic structure shall not be issued within 30 days of the date of the filing of a completed application, including the payment of any required fee, during which the City shall explore with the owner/applicant the possibility of:

1. Preserving the structure
2. Relocating the structure on the existing site
3. Donating the structure to the City or other preservation organization for the purpose of relocating it to another site

B. The City recognizes the list in subsection A above, in rank order, preferring that preservation be considered prior to relocation on-site, and before the structure is donated to an off-site location.

C. During the 30 day waiting period described above, and in addition to the permit application for demolition, the applicant shall address each of the priorities above with the City Development Director or designee, and shall indicate the efforts made and the outcome of each priority.

Sec. 5.09.02 Ninety-day waiting period before demolishing a historic structure.

For other than R-1 and R1-A zoned property, a permit to demolish a historic structure shall not be issued within 90 days of the date of the filing of a completed application, including the payment of any required fee, during which the City shall explore with the owner/applicant the preservation options set forth in Sec. 5.09.01. If a permit for new development is issued before the end of the 90-day period, a demolition permit shall be granted at the same time.

Sec. 5.09.03 Risk to the Public's health, safety and welfare.

Upon a determination by the Building Official that a historic structure poses an immediate or imminent risk to the public's health, safety and welfare, the required 30-day waiting period and additional limitation on demolishing a historic structure may be waived by the City Manager, in the public interest.

Sec. 5.09.04 Demolition-by-neglect; prohibited.

A. On or after December 11, 2006, every owner of an historic structure shall maintain and keep in good repair: 1) All of the exterior portions of such buildings or structures; and 2) All interior portions thereof, including structural, electrical, plumbing, and mechanical (HVAC) systems which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise fall into a state of disrepair. Failure to so maintain a historic structure shall be a violation of this chapter.

B. The Building Official or designee shall make a determination of demolition-by-neglect based upon an evaluation of a historic structure that determines neglect and lack of maintenance to be the most significant causative factors for the overall deterioration of the structure, but also considering the effects of wear and tear caused by natural elements, such as oxidation and weather. Upon a determination of demolition-by-neglect, the City may remedy the violation as otherwise provided by law, including but not limited to code enforcement, repairs performed by or on behalf of the City, and the recording of all appropriate liens in the public records.

Sec. 5.09.05 Tax exemptions for certain historic structures.

Upon confirmation that a historic structure within the City has qualified for a 10-year ad valorem tax exemption for the assessed value of improvements resulting from restoration, or rehabilitation made to the structure in accordance with a Certificate of Appropriateness issued by the Martin County Historic Preservation Board on or after January 1, 2003, a like exemption shall be granted by the City Commission.

Sec. 5.09.06 Hearing; provided.

In the event that 1) an application for demolition permit is denied by the City, or 2) that an applicant disputes a development order made by the City regarding a historic structure, the applicant shall have thirty (30) days from written rendition of the denial or other development order within which to appeal said decision by seeking a hearing before the City Magistrate. Such request must be in writing, filed with the City Clerk, and must specify the basis upon which the denial or development order is being challenged.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed to the extent of such conflict.

SECTION 4: 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 5: This ordinance shall be codified in the Land Development Code of the City of Stuart, Florida.

SECTION 6: This ordinance shall take effect immediately upon adoption.

PASSED on first reading this 27th day of November, 2006.

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

MARY HUTCHINSON, MAYOR
JEFFREY KRAUSKOPF, VICE MAYOR
MICHAEL MORTELL, COMMISSIONER
JAMES A. CHRISTIE, COMMISSIONER
CAROL S. WAXLER, COMMISSIONER

YES	NO	ABSENT
✓		
✓		
	✓	
✓		
✓		

ADOPTED on second and final reading this 11th day of December, 2006.

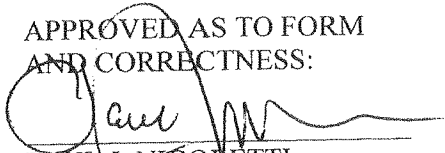
Ordinance No. 2091-06

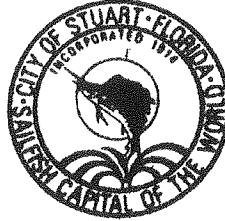
ATTEST:


CHERYL WHITE
CITY CLERK


MARY HUTCHINSON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


PAUL J. NICOLETTI
CITY ATTORNEY



Cheryl A. White
City Clerk

Stuart City Commission
Agenda Item Request

Meeting date: November 27, 2006

Prepared by: Terry O'Neil,
Planning Consultant

Title of Item: Public Hearing: First reading of Ordinance Number 2091 amending the City's Land Development Regulations: (1) providing for a definition of "historic structure," "demolition," and "demolition by neglect," (2) establishing a 30-day waiting period before a historic structure is demolished, (3) requiring that preservation alternatives be explored before a historic structure is demolished, (4) providing for a 90-day waiting period before a historic structure in other than a single-family zoning district is demolished, (5) prohibiting demolition by neglect, (6) allowing for the immediate demolition of a historic structure if deemed unsafe by the City Building Official and City Manager, (7) providing for the partial waiver of City ad valorem taxes for certain improvements to historic structures deemed eligible under Martin County's tax exemption program, and (8) providing for an appeal procedure.

Background:

The pace at which historic buildings are being lost to redevelopment and neglect is a matter of concern. Accordingly, the City Commission has asked for new language in the Land Development Regulations that encourage historic preservation without imposing mandatory standards. The Commission has reviewed and tentatively approved a draft ordinance to this effect and directed that the document be forwarded to the Local Planning Agency for review. Further, pursuant to City Code Section 1.02.04, the Commission has adopted a "zoning in progress" resolution creating a 3-to-6-month window during which the proposed ordinance will remain temporarily in effect pending final disposition by the Commission.

At its October 2006 meeting, the LPA recommended approval of the draft ordinance, but did express reticence about section Sec. 5.09.02, which states: "For other than R-1 and R1-A zoned property a permit to demolish a historic structure shall not be issued, except upon the issuance of a development permit for a new primary or ancillary structure." Accordingly, this section has been amended as follows: "For other than R-1 and R1-A zoned property a permit to demolish a historic structure shall not be issued within 90 days of the date of the filing of a completed application, including the payment of any required fee, during which the City shall explore with the owner/applicant the preservation options set forth in Sec. 5.09.01. If a permit for new development is issued before the end of the 90-day period, a demolition permit shall be granted at the same time." The LPA also suggested an appeal provision and directed that notices be mailed to effected property owners.

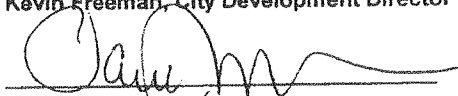
Attached documents:

- > Ordinance Number 2091-06
- > October 19, 2006 LPA minutes
- > Copy of notice mailed to effected property owners

Recommended action: Approval of attached ordinance.


Kevin Freeman, City Development Director

Date: 11/16/06


Paul Nicoletti, City Attorney

Date: 11-16-06


Dan Hudson, City Manager

Date: 11/16

AGENDA ITEM REQUEST

MEETING DATE DECEMBER 11, 2006 PREPARED BY: MARY GHIANULY

ORDINANCE 2091-06

TITLE OF ITEM SECOND READING

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER XII DEFINITIONS OF THE CITY'S LAND DEVELOPMENT REGULATIONS PROVIDING FOR A DEFINITION OF "DEMOLITION," "DEMOLITION BY NEGLECT" AND "HISTORIC STRUCTURE;" AND AMENDING CHAPTER I, GENERAL PROVISIONS OF THE CITY'S LAND DEVELOPMENT REGULATIONS ESTABLISHING A 30-DAY WAITING PERIOD BEFORE A HISTORIC STRUCTURE IN AN R-1 OR R-1A ZONING DISTRICT IS DEMOLISHED; ESTABLISHING A 90-DAY WAITING PERIOD BEFORE A HISTORIC STRUCTURE IN OTHER THAN AN R-1 OR R-1A ZONING DISTRICT IS DEMOLISHED; PROHIBITING DEMOLITION BY NEGLECT; PROVIDING FOR THE DEMOLITION OF A HISTORIC STRUCTURE IF DEEMED A THREAT TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE BY THE BUILDING OFFICIAL AND CITY MANAGER; PROVIDING FOR A PARTIAL AD VALOREM CITY TAX EXEMPTION FOR HISTORIC STRUCTURES DEEMED ELIGIBLE UNDER MARTIN COUNTY'S TAX EXEMPTION PROGRAM; PROVIDING A SEVERABILITY CLAUSE AND A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SUMMARY EXPLANATION/BACKGROUND INFORMATION

SEE ATTACHED PROPOSED ORDINANCE 2091-06.

DEPARTMENT HEAD RECOMMENDED ACTION:

MOTION TO ADOPT ORDINANCE 2091-06 on second reading .



PAUL NICOLETTI
CITY ATTORNEY

12-04-06
DATE



DAN HUDSON
CITY MANAGER

12/4
DATE