City of Stuart

MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD APRIL 18, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Michael Herbach
Vice Chair – Michael Conner
Board Member – Li Roberts
Board Member – Larry Massing
Board Member – Ryan Strom
Board Member – Bill Mathers
Board Member – Christina de la Vega

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER **5:30 PM**

ROLL CALL: **5:30 PM Roll Call. Present: William Mathers, Larry Massing, Michael Herbach, Ryan Strom, Li Roberts. Cristina de la Vega, Absent: Michael Conner.**

APPROVAL OF MINUTES: **5:32 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by Ryan Strom. Motion passed unanimously.**

COMMENTS FROM THE PUBLIC – None

COMMENTS FROM THE BOARD MEMBERS - None

OTHER MATTERS BEFORE THE BOARD

1. Ordinance 2399-2019 Memorial Marker Sign Standards

PRESENTATION: Dave Peters, Public Works Director

PUBLIC COMMENT - None

BOARD COMMENT:

Li Roberts asked if it mirrored the county.

Dave Peters said it did as well as what the FDOT allows.

Li Roberts asked if they are already doing this.

Dave Peters said they are due to a memorial on the north side of the bridge continuing to grow. We wanted a program in place so they would not continue to expand the memorial and put us at risk of damaging what they had in place. We met with family members and they agreed to place that memorial marker there.

Li Roberts asked about how far from the travel road way it would be and if it was up to the discretion of the Public Works Director.

Dave Peters said yes, working with family members to insure it does not impede traffic vision and did not cause maintenance problems.

Li Roberts asked using a break away post.

Dave Peters said they typically put them on the back of sidewalks at the right of way and use a stop sign post.

Li Roberts asked if they try to place them in areas that have other objects such as utility poles. Blue Star markers purposely have breakaway poles to prevent damage and loss of life if you hit the pole. The memorabilia that people place at locations, should we have language that says when it needs to be removed?

Dave Peters said they are not allowed to do that and said they would call relatives and asked that they remove it.

Li Roberts said she would hope that when you are sending someone an application to do this that it would clearly state on the application that by doing this you recognize that any mementoes will be removed by the city and not allowed to be there.

Dave Peters said that the application clearly states what is and is not allowed.

Bill Mathers asked if it was for a minimum or maximum of one year.

Dave Peters said it was a maximum one year permit.

Li Roberts asked if it could say it will be in place for one year.

Dave Peters said we could do that.

Bill Mathers asked if they were grandfathering anyone in.

Dave Peters said once the ordinance is passed we will honor anyone since then. I will also note the breakaway posts.

5:37 PM **Motion: Action:** Approve, **Moved by** Larry Massing, **Seconded by** Ryan Strom. Motion passed unanimously.

2. Residential Fence Regulations 5:41 PM

PRESENTATION: Stephen Mayer, Senior Planner

PUBLIC COMMENT:

Helen McBride said fencing in the front should be no higher than 4 feet, because I live in an area where they just put a fence in the front yard and that is what the neighbors are all saying. If everyone puts in a 6 foot fence then it will just be a line of fencing all the way down. Hedges should also be 4 feet. If it is in the front, other neighbors have to see it. Really consider all of the neighbors on either side.

BOARD COMMENT:

Bill Mathers asked if this was a replacement ordinance or is just a modification of a current one.

Stephen Mayer said we have a zoning in process and have not had an ordinance to replace any text or code for fences.

Bill Mathers said that he knew years ago 4 feet was a suggested requirement by law enforcement to have visual access.

Larry Massing asked if law enforcement made a recommendation.

Stephen Mayer said they haven't spoken with the police, but we are in line with the recommendation for 4 feet and that is where staff is headed.

Larry Massing said in my perspective 4 feet is still too high. A fence of any sort higher than 3 feet in a front yard is unattractive makes it difficult to keep track of traffic. I was not aware that you could fence the front yard.

Bill Mathers said front feet ROW clearance zone would vary and asked if they were going for a standard or a case by case basis. It is trying to turn into a resolution correct. People need a plan.

Larry Massing said that's what they are trying to establish. They need this board's opinion.

Stephen Meyer said the fencing is limited to residential zinging district. R1, R2, R3 and R1A.

Christina de la Vega said she feels the opposite because she uses her front yard regularly and her 6 foot hedge is attractive and it gives them privacy. If more people use their front yards they would meet their neighbors more often. She thought it give a whole different character than a sad, sod lawn. She disagrees with everything in the plan, except that stockade fences should be landscaped. A chain link fenced covered with vinyl will rot and fall off. Chain linked fences covered in plastic will pollute our waterways and get into our children's stomachs. I think we need to think carefully about making regulations that people are going to live by for 20 years.

Ryan Strom asked if an ordinance adopted and your fence is nonconforming and you sold your house, would the buyers need to conform.

Stephen Mayer said no it would be a nonconforming fence that applies to all the rules of nonconformity. So as long it is permitted it would allow it to continue to exist as long as more than 50% of it is not damaged or needs to be moved or expanded. We do allow maintenance of the fence, so it the poles are still intact then that kind of maintenance can still happen without a new permit.

Ryan Strom asked how someone could get an Administrative Variance for a fence. He brought this up from personal experience.

Stephen Mayer said were not recommending any changes to the Administrative Variance process so those fences are part of something our director could do. We look for public input.

Ryan Strom suggested reaching out to the Realtor Association.

Bill Mathers suggested looking at the height of the fence by the garage for cars backing out and their right of way.

Christina de la Vega said there is a beautiful fence on 5th St. and under these new regulations they would probably not be allowed to build that fence. We should encourage people to use their yard and liked 6 foot instead of 4 foot fences. She said there are some very tall hedges and didn't think they were a problem.

Kev Freeman said they've had inquiries for 6 foot panel fences in the front yard. The issues between hedges and fencing are two different things. If we had the option we would try to negotiate with applicant for different style of fence or landscaping, we would get objections from neighbors on that street. Imagine if a PUD came in front of you and they wanted that down a residential street, that would be thrown away. If someone came in and had landscape and visual interest it would be a different matter. Please do not get confused, about what we are trying to do. It is not to ban or prohibit particular fences; we are trying to get a better visual for the residents. Also, from a safety point of view we want to know how fences or hedges interact with the street. The questions we are asking is what sort of visual impression, height, fences, and hedges would you want to see. We are all in agreement the sides and rear we need privacy and maintaining code as it is. Our concern is that we did not have any code in the urban district that allowed us to take into account the impact on neighbors.

Li Roberts said we need to recognize there is a difference between fence, hedge and wall. Here are a few things that need to be dealt with. One is your clearance zone between front yard and right of way. Decide whether you definition of a clearance zone is a percentage of that amount of land or is it a set number of feet. Take into account sidewalks and other things. I believe a percentage is the more appropriate way to do it rather than a set number of feet. Take into account if you are allowing any of these you are now creating a problem for those walking on the side walk. It should be go to realtors and condo associations to weigh in. The length needs to have a maximum amount of continuous length with no variation. Need to deal with rust stains. Address driveways and gates. There is a difference between two lane roads, four lane roads and speed limits. There is a difference of corner lots and where they face other properties. Pools need to be addressed at a variance standpoint. Address who will be designing and installing these fences. Deal with front yard parking. Talk to law enforcement and how to deal with house numbers. Deal with signs on these fences. Deal with utility companies with coming onto your yard. Consider lighting on these fences.

Bill Mathers said to add mailboxes.

Mike Herbach said he thought they need to consider streetscape. He does not have a solution and didn't know how they would handle a multi-family area but thought they were heading in the right direction. Everything is a compromise.

Kev Freeman said that our next step is to put this information together then present to City Commission for a discussion item. It will then return to the LPA with a proposed ordinance change and then back to City Commission for approval.

Li Roberts suggested putting something in the utility bills.

Kev Freeman said this is part of the character of the city and what he was afraid of was seeing more of these going into the city. It is a big character change for streets. Local government has its control over right of ways, but it is the community's control beyond that. We have a choice to allow the community to continue or to secure the character of the city.

Li Robert is there a way to halt fencing.

Kev Freeman said it has been halted. Applicants can come in the interim period to negotiate a solution with neighborhood consent. We should have a solution in two months.

Christina de la Vega suggested looking at the right of ways for other ways instead of sod.

Kev Freeman said yes, we will look at that.

ADJOURNMENT: 6:29 PM Motion: Action: Adjourn, Moved by Li Roberts, Seconded by Larry Massing.
Motion passed unanimously.

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Michael Herbach, Chair Jordan Pinkston, Board Secretary