



A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD APRIL 18, 2019
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Michael Herbach
Vice Chair - Michael Conner
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - Christina de la Vega
Board Member - Ryan Strom
Board Member - Li Roberts
Ex Officio - Garret Grabowski

ADMINISTRATIVE

Development Director, Kev Freeman
Board Secretary, Jordan Pinkston

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Approval of LPA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

1. ORDINANCE 2399-2019. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.11.13., SPECIAL PURPOSE SIGNS AND SIGNING IN CHAPTER VI OF THE LAND DEVELOPMENT CODE TO INCLUDE MEMORIAL MARKER SIGN STANDARDS WITHIN CITY OF STUART ROAD RIGHTS-OF-WAY. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.
2. Workshop/Discussion of residential fence regulations

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date:4/18/2019

Prepared by:Michelle Vicat

Title of Item:

Approval of LPA Minutes

Summary Explanation/Background Information on Agenda Request:

Approval of February 21, 2019 LPA Minutes

Funding Source:

N/A

Recommended Action:

Approve

ATTACHMENTS:

Description	Upload Date	Type
☐ LPA Minutes	4/3/2019	Cover Memo



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEETING
FEBRUARY 21, 2019 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEMBERS

**Chair – Li Roberts
Vice Chair – Michael Herbach
Board Member - Larry Massing
Board Member – Bill Mathers
Board Member – Cristina de la Vega
Board Member – Ryan Strom
Board Member – Michael Conner
Ex Officio - Garret Grabowski**

**ADMINISTRATIVE
Development Director, Kev Freeman
Board Secretary, Michelle Vicat**

CALL TO ORDER

 **5:35 PM Roll Call. Present: William Mathers, Li Roberts, Michael Herbach, Ryan Strom, Michael Conner, Cristina de la Vega. Absent: Larry Massing.**

BOARD REORGANIZATION

Bill Mathers nominated Michael Herbach as Chair. Ryan Strom seconded the motion. Motion approved unanimously.

Cristina de la Vega nominated Michael Conner as Vice Chair. Li Roberts seconded the motion. Motion approved unanimously.

APPROVAL OF MINUTES  **5:38 PM Motion: Action: Approve, Moved by Ryan Strom, Seconded by William Mathers. Motion passed unanimously.**

COMMENTS FROM THE PUBLIC (5 min. max): None

COMMENTS FROM THE BOARD MEMBERS: None

OTHER MATTERS BEFORE THE BOARD

1. Savannah Place Apartments RPUD – FLUM and Rezoning

PRESENTATION: Tom Reetz, Senior Planner
Doug Fitzwater, Lucido & Associates
Jim Goldasich, JJ Goldasich & Associates Inc.
Joe Capra, Captec
Steve Marquart, Captec
Stephen Gravett, Kennedy Homes

PUBLIC COMMENT:

Henry Pruitt of 2825 SE St. Lucie Blvd. thought the density and height was too high. He said he owns the property next door and said if they cut down one floor it would take the aesthetic impressions off of the whole site. He asked if there were any other housing unit in Stuart with four floors and 30 units per acre in density.

Mike Mortell listed the four story buildings in the area in excess of 25 units per acre.

Henry Pruitt said his other concern were the storms and problems with drainage and wants to make sure all the water stays on the sight. He asked where the fill would be going.

Steve Marquart with Captec said that the fill would be where the buildings were going. He said they would store all of their water and not impact anything around it.

Jackie Trancynger of 1933 SE Acapulco said she didn't like a whole lot of things and said they are squeezed in the middle of many apartment complexes and didn't believe in mitigating wetlands. She thought it was too high and too dense and she didn't like that "you people" were taking their land away and building. She said there is a direct relationship between growth and the water issues. She asked if Jensen Park Estates would continue to drain as it does now.

Lindsay Campbell of 509 SE Lima Vias is concerned about the building height, wildlife, 280 units is a lot, Stuart Middle is over capacity now so schools were a concern and quality of life is a concern to her especially with the other apartments going in and hoped they could lower it.

Keith Campbell said they didn't receive a letter about tonight's meeting and asked why and thought it seemed shady. He said he had wanted to bring in pictures of the wildlife.

Mike Mortell said the original LPA meeting was scheduled for January as well as the advertising however, there was a problem with quorum and the meeting was continued and pursuant to state law we posted on the door and on the website that it is was continued to this meeting so

the developer was not required to send out another mailing about the LPA meeting, but they did send one about the City Commission meeting.

BOARD COMMENT:

Bill Mathers said the presentation pretty much covered most of everything. He did think the density was a bit high and asked if it would be part of the Marty route.

Doug Fitzwater said they could look into the Marty route.

Ryan Strom asked if the applicant had a meeting with Jensen Park Estates.

Doug Fitzwater said they did not.

Ryan Strom said it might be something they want to do before the commission meeting and perhaps calm some of their fears about the preserve area management.

Doug Fitzwater said they could do that.

Jim Goldasich said they have carte blanche as far as what they can put in there so that is something they could do.

Ryan Strom said he liked how workforce housing was incorporated and asked where the number 10 came from.

Kev Freeman said they had a difference of opinion on that because the applicant proposed the Stuart calculation and staff is recommending they go with the SHIP calculation. He said the SHIP calculation allows more people to qualify so staff is recommending SHIP calculations as well as rental levels.

Stephen Gravett said they looked at other alternatives such as buying homes in other areas of Martin County and donating them. He said the value of the workforce housing takes the value down \$1.32M dollars.

Ryan Strom asked what the improvement to Haney Creek does.

Jim Goldasich said it removed the exotic vegetation that is in there and it will lower the land and improve storm water management.

Michael Conner said he was disappointed not seeing the art mock up for the building from the Jensen Park Estates viewpoint and asked about what they would plant as a buffer. He said the buffer doesn't trouble him but the elevation does and asked what they would plant.

Doug Fitzwater said they would probably have to put some trees up against the neighborhood. He said they would go back and work with Captec on finished floor elevations to figure out what trees would work.

Michael Conner asked what the rental rates were.

Stephen Gravett said the 3 bedrooms are around \$1800/\$1900, the two's around \$1600 and the one's are just over \$1000. He said they have a lot of tree mitigation and there is a lot more landscaping than the code requires so he thought they would be fine in the back.

Michael Conner said he would like to see the buffer swapped and asked how many residents would live in this development and how many parking spaces there would be.

Doug Fitzwater said they met the requirement through code for parking spaces with 504 required and 509 spaces provided.

Cristina de la Vega said a lot of things die in sand scrub and buttonwoods would not live. She said 504 cars coming out is a lot and asked how it could only be forty cars during peak trips. She asked if they could lower the credit score requirement for the workforce housing.

Joe Capra said they do it by peak hour which is spread over several hours and they average the traffic. He said they would have two ways to get to US1 and they also look at road capacity which they don't exceed.

Stephen Gravett said he thought they could go down a little bit on workforce housing.

Cristina de la Vega asked what they were doing with the gopher tortoises.

Jim Goldasich said they will be relocated, so on site and some off according to FWC permit.

Li Roberts said on page 8 the 30 needs to be struck on the first page, page 11 condition number 5 and if there is no intention for carports that should be stricken, page 24 condition 33 they didn't get to see a sign sample and said she didn't think the flow through ditch being replaced by pipes would work because it would overload the pipes and she didn't see a drawing for it.

Joe Capra said there is a certain amount of discharge allowed off the site.

Li Roberts said she wants assurance that they will not discharge more than 50 gallons off the SW corner. She asked if someone would be getting the trash to the compactor.

Stephen Gravett said the management company would take the trash to the compactor.

Li Roberts asked about the lighting plan for the sidewalk and other areas, was concerned about garages backing up to the driveways, asked about the car wash area, questioned if there was assigned parking, thought they should consider gating the outside parking area, asked for assurance on the lease term and making sure the workforce housing doesn't go away, and thought they need language for freeing up apartments for workforce housing.

Doug Fitzwater said the lighting plan would be submitted with the final plans as would all of the other information being requested.

Stephen Gravett said they are going to present workforce housing and believe there will be enough people to fill it.

Kev Freeman said their proposal was a negotiation point and they addressed the SHIP portion but not the credit scores and they will need to address that.

Li Roberts was ok with using the SHIP number, was disappointed that 3% was a very token amount, she thought there was an issue with the traffic on Baker Road, asked why they put the entrance on Baker and not Savannah. She thought the 8 foot chain link fence and taking out the exotics was quite shocking to the neighbors and a planting plan would help. She thought one crosswalk was too little and they need a traffic table to delineate it. She asked if they sent notice to Martin County and asked if they got a response.

Joe Capra said they put the entrance on Baker because it was safer.

Tom Reetz said they did not hear back from Martin County.

Li Roberts suggested the Martin County residents contact their County Commissioners because she thought there should be a response from them. She asked if they contacted the neighboring property owners.

Doug Fitzwater said everyone was noticed per code.

Li Roberts suggested talking to the neighbors regarding the reduced setbacks, she said it is too dense and asked them to address trucks and work trucks. She suggested talking to the neighbors and bringing the application back.

Cristina de la Vega asked about the fence and the wildlife and said she would rather keep the buffer zone little and have more preservation area.

Mike Herbach said he didn't see any bicycle racks, lighting plans, signs or electrical stations and suggested meeting with the neighbors.

Doug Fitzwater said they plan on adding them.

Michael Conner asked about pervious and impervious.

Steve Marquart said it will be designed per city code.

Bill Mathers said they met with the county regarding their entrances and asked if they were going to give them any flexibility in doing something else besides what they were required to do.

Steve Marquart said the volume of traffic during peak hours didn't warrant extra turn lanes, but they are adding them, and it didn't require many of the traffic items that they are adding but they are doing so anyway for the future.

 7:57 PM **Motion: Action:** Approve, **Moved by** Li Roberts, **Seconded by** Michael Conner. Motion passed unanimously with the following modifications: footprint same 2 north four story become 3 story, lighting on north side, address garages on west side so they don't open on driver area, modifications to entrance for more cars, add car wash area, deal with chain link fence to rear to staff satisfaction, work with the neighbors, deal with the wildlife corridor, add a potential bus stop, use city language for workforce housing to deal with 3 units in a building, add 2 bike racks per building, add additional crosswalks from north building across roadway, adjust credit score language to the satisfaction of the city and add language re: trash

Li Roberts asked staff in the future to encourage applicants to give them more information and to work with adjoining neighbors.

2. Ordinance No. 2396-2019 LDC Amendment to establish standards for bicycle parking

PRESENTATION: Pinal Gandhi-Savdas, CRA Administrator

PUBLIC COMMENT:

Mike Meier said he is so excited to finally see the bike rack program coming to fruition and asked that they think about the public marketing campaign.

BOARD COMMENT:

Bill Mathers asked if it was now a four bike rack.

Pinal Gandhi-Savdas said it is actually supposed to be for 2 bikes per rack.



8:12 PM Motion: Action: Approve, Moved by Li Roberts, Seconded by Ryan Strom. Motion passed unanimously.

3. Ordinance No. 2401-2019 Proposed LDC amendment to establish UPUD and ESPUD zoning designations

PRESENTATION: Kev Freeman, Development Director

PUBLIC COMMENT: None

BOARD COMMENT: None



8:16 PM Motion: Action: Approve, Moved by William Mathers, Seconded by Li Roberts. Motion passed unanimously.

ADJOURNMENT  **8:17 PM Motion: Action: Adjourn, Moved by Ryan Strom, Seconded by William Mathers. Motion passed unanimously.**

Michael Herbach, Chair

Michelle Vicat, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 4/18/2019

Prepared by: David D. Peters

Title of Item:

ORDINANCE 2399-2019. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.11.13., SPECIAL PURPOSE SIGNS AND SIGNING IN CHAPTER VI OF THE LAND DEVELOPMENT CODE TO INCLUDE MEMORIAL MARKER SIGN STANDARDS WITHIN CITY OF STUART ROAD RIGHTS-OF-WAY. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

With the adoption of this Ordinance, the City of Stuart will establish a Memorial Marker Program to commemorate those who have died as a result of a vehicle related accident on City roadways.

In an effort to increase public awareness of roadway safety, it is the City's policy to allow the placement of memorial markers within City road right of ways.

The memorial shall consist of a fifteen inch (15") diameter round aluminum sign panel with engineering grade sign sheeting with a white background, and black letters.

The memorial marker will be placed on a standard u-channel post and be located at the outside edge of the moving limits., or as directed by the Public Works Director, or designee. Placement of the deceased's name on the memorial marker will be at the immediate family's option. No additional decorations or ornaments will be permitted. The memorial marker will remain in place for a minimum of one (1) year, unless it becomes necessary to remove the marker for construction or maintenance purposes.

Funding Source:

The cost to produce and install the memorial marker will be included in Appendix A of the City's Code of Ordinances upon adoption.

Recommended Action:

Approve and authorize Ordinance 2399-2019 to be placed on the City Commission Agenda for 1st Reading.

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance 2399-2019	4/8/2019	Ordinance add to Y drive
❑ Family Roadside Memorial	4/8/2019	Attachment
❑ Roadside Memorial Marker	4/8/2019	Attachment



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

ORDINANCE NUMBER 2399-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 6.11.13., SPECIAL PURPOSE SIGNS AND SIGNING IN CHAPTER VI OF THE LAND DEVELOPMENT CODE TO INCLUDE MEMORIAL MARKER SIGN STANDARDS WITHIN CITY OF STUART ROAD RIGHTS-OF-WAY. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * *

**BE IT ORDERED BY THE CITY COMMISSION NOW THEREFORE, BE IT
RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA** that:
SECTION 1: The City Land Development Code, as amended, is hereby further amended as follows:

Land Development Code

Chapter VI-On-Site and Off-Site Development Standards

Sec. 6.11.13. - Special purpose signs and signing.

As an aid to the motoring public, the city commission has determined that the following special purpose signs serve the public interest and welfare by providing basic information regarding fuel price, location, time, temperature, dates of events, and the like. Permits for the following signs shall be issued provided that the provisions contained herein are in compliance:

- A. *Grand opening banner.* One banner may be placed on the building of a newly opened location pursuant to the following:
 1. Display is limited to four weeks.
 2. The banner shall not exceed one square foot per linear foot of occupancy frontage, and a total area of 50 square feet.
 3. The banner shall not be higher than 15 feet above the finished grade, and must be placed on the building on the predominate street front.

4. Banners shall be made of color fast material, and shall be securely fastened so as not to become a safety hazard.
- B. *Special event banner signs.* The city manager may approve one or more banners for a non-profit, charitable organization or special event as defined in section 36, article III, City Code of Ordinances, on any street, sidewalk, public building, park or playground, or on private property, subject to the following criteria:
1. The sign shall be located on the property where the event is being held, or on public property or rights of way, or on private property with the written consent of the property owner. Any of the foregoing shall require the written permission of the city manager and shall provide notice to the general public of a special event; and
 2. The sign shall be temporary and for a stated limited period of not more than 14 days prior to the event, and it must be removed by the second (2nd) day after the event;
 3. Each sign shall not exceed 20 square feet in area;
 4. When permitted, the sign must meet the following additional criteria:
 - a. The sign will not conceal or obstruct adjacent land uses or signs;
 - b. The sign will not conflict with the principal permitted use of the site or adjoining sites;
 - c. The sign will not interfere with, or obstruct the vision of, or distract motorists, bicyclists or pedestrians; and
 - d. The sign will be installed and maintained in a safe manner;
 - e. The approval, or disapproval, of such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;
 - f. The city manager shall render a decision within ten days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the city commission, in writing within 30 days of the written rendering of the decision by the city manager.
- C. *Special event city street banners.* Special event city street banner signage, in accordance with this subsection, shall be permitted by the city manager, for special events if it is determined that the sign meets all of the following criteria:
- (i) The city is a sponsor or co-sponsor of the event; or
 - (ii) The event sponsor is a not-for-profit organization; and
 - (iii) The street banner sign must be no larger than three feet in height by 24 feet in length, and if placed above a street, be at least 15 feet above the surface of the street on city installed or controlled poles. The street banner sign must be constructed of a vinyl awning material or similar and meet wind load requirements established by the city development director; and
 - (iv) Display of the special event street banner sign will be limited to a maximum of 14 days prior to the event and must be removed no later than two days after the event; and
 - (v) The sign will not conceal or obstruct adjacent land uses or signs; and
 - (vi) The sign will not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians, and will not conflict with the principal permitted use of the site or adjoining sites; and the sign will be installed and maintained in a safe manner; and
 - (vii) As a sponsor or co-sponsor, the city reserves the right to participate and comment on the content of the banner sign. However, from a regulatory viewpoint, the city's decision to approve, or disapprove such sign shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign;

- (viii) The city manager shall render a decision within ten days after an application is made for utilizing this sign type for a special event. Such a decision shall be deemed an administrative interpretation and an applicant has the right to appeal the decision to the city commission, in writing, within 30 days following the written rendition of the city manager's decision. The city commission's decision regarding the use of the public right-of-way shall be final and non-appealable.
- D. *Drive-thru window signs.* Sign boards used at locations in conjunction with service at a drive-thru window are permitted so long as the size of the board does not exceed seven feet in height, nor 24 square feet in total area, with a maximum of two signs per drive thru window.
- E. *Subdivision identification signs.* Residential subdivision identification signs shall be located only at the roadway entrance(s) to the subdivision and subject to the following standards:
1. Such signs may be either one double faced sign or two signs where there are two walls at the entrance and where the signs are permanently affixed to the walls at each entrance of the subdivision.
 2. Each sign area shall be no greater than 36 square feet in area.
 3. Subdivision entrance signs are permitted within all residential zoning districts.
 4. Such subdivision entrance sign may be erected within rights-of-way or median strips adjacent to the subdivision, if approved by the city. A subdivision sign may also be located within the setbacks of private property within the subdivision or adjacent to the subdivision.
 5. Any such sign erected within a right-of-way or setback shall be at least ten feet from a paved roadway and signs located within a median shall be at least five feet from any paved roadway.
 6. All signs proposed to be located within a right-of-way or median shall be reviewed and approved by the development director, the police chief, and the public works director, for compliance with this section.
 7. Any such signs approved for location within the right-of-way or median, if such right-of-way or median is not within the jurisdiction of the city, shall obtain written permission from the governmental entity controlling the right-of-way or median prior to erecting the sign in a requested and approved location.
 8. Any signs proposed to be located on adjacent private property shall be approved and permitted by the owners of the adjacent property. Any such signs lying on private property shall be considered an additional permitted sign without regard to other applicable sections of this code.
- F. *Construction site signs.* Temporary construction site signs identifying that an approved, active, on-site development project is underway, shall be permitted provided that such signs shall be subject to the following standards:
1. One temporary freestanding sign per street frontage, non-illuminated, with sign area of not more than 32 square feet, nor more than six feet in height; or
 2. One temporary wall sign per street frontage, which shall be non-illuminated with a sign area of not more than 32 square feet;
 3. Construction signs may be installed at the time of submission of a building permit application. It must be removed upon expiration of building permit or building permit application or when the project obtains a certificate of occupancy.
- G. *Awning signs.*
1. No portion of any sign projecting over a public sidewalk shall be less than nine feet above the grade of the sidewalk, with the exception of awning valances which shall not be less than eight feet above the sidewalk.
 2. Any sign projecting over private property and located where motor trucks may be required to pass beneath it shall be erected and maintained at a height of not less than 14 feet.

3. Signs consisting of one line of letters not exceeding nine inches in height may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this chapter. An identification emblem, insignia, initial or other similar feature not exceeding an area of eight square feet, may be painted, placed, or installed elsewhere on any awning provided that any sign, insignia or other such similar items shall comply with all other provisions of this chapter.
- H. *Changeable copy signs.*
1. Manual or electronic changeable copy information signs shall be permitted when attached to or made part of an otherwise permitted monument sign, and only related to a theater, auditorium, convention center, sports field or arena, a regional attraction facility, or for motor fuel pricing, or a time & temperature sign. Such signs shall be limited to one changeable copy message sign per street frontage, and no more than two such signs shall be permitted on any individual parcel, including PUDs.
 2. Electronic changeable copy signs shall be permitted to change their message no more than four times within a 24-hour period, except that time & temperature signs may change as the temperature changes, and as the time changes in one minute increments.
 3. Changeable copy signs shall comply with the permitted area of the sign to which it is attached pursuant to design standard matrix, Table 6.11.17. The changeable copy element of the sign shall not exceed 25 percent of the total sign area.
 4. Maximum height and setbacks shall comply with the permitted height and setbacks for the sign type pursuant to design standard matrix, Table 6.11.17.
 5. Types of manual or electronic changeable copy sign:
 - a. Motor fuel pricing signs. Motor fueling stations shall provide signage displaying the price of fuels. Signs shall advertise the price of motor fuels sold on the premises, subject to the following regulations:
 - i. One motor fuel price sign shall be permitted per street frontage with a maximum of two signs per fuel station. It shall be affixed to a permanent sign structure or to a building and shall not be located closer than ten feet to any side property line. The price sign shall be included in the total area of signage otherwise permitted.
 - ii. The sign shall not be more than 12 square feet per sign face.
 - iii. Signs placed on fuel pumps shall not exceed three square feet per sign face nor a total of six square feet per sign.
 - b. Time and temperature signs. Signs giving time and temperature, or either time or temperature information shall be permitted when attached to or made part of an otherwise permitted sign. Such signs shall not be larger than 20 percent of the permitted area of the sign to which they are attached or included. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
 6. Prohibited lighting for electronic message sign:
 - a. Lamps, light emitting diodes, or bulbs in excess of the amount and intensity of light generated by a 30-watt incandescent lamp (the amount of light, measured in lumens, varies for lamp types. For example, a 30-watt incandescent lamp produces approximately 300 lumens).
 - b. Exposed reflectorized lamps, light emitting diodes, or bulbs; and lamps or bulbs not covered by a lens, filter, louver or sunscreen; or modes of operation that scroll, flash, zoom, twinkle or sparkle, or appear to do so.
- I. *Landmarked signs.* The city shall designate a sign as a landmarked sign, based upon authenticated documentation that such sign is at least 25 years old and has existed as a defining feature of a landmarked or historic building or event. The acceptance of a sign as a landmarked sign is subject to the written

determination of the city development director, considering the age, location, condition, construction, and historic significance.

1. Landmarked signs shall be classified as conforming signs, and shall be permitted to be restored, maintained and repaired.
 2. Landmarked signs shall be exempt from setback, size, height, and area requirements of the code, except that such signs shall maintain not greater than their historic dimensions or area.
 3. Landmarked signs placement shall leave street corners free of obstructions to allow for safe vehicle and pedestrian movement and placement of utilities; and may be relocated on a site to do so.
- J. *Mural signs.* Mural signs shall be counted as wall signs for the portion which includes any message, logo or which depicts a product or service, and shall be of such a design as to compliment the architectural style of the subject building and shall be in keeping with the general character of the land use district. There shall be a maximum of only one mural sign per building. The sign portion of a mural sign, if any, shall comply with the dimensional requirements of a wall sign.
- K. *Memorial Marker Signs.* Memorial Marker signs may be installed within a City road right of way at the request of an immediate family member. Memorial Marker signs will be installed by city personnel after first receiving a signed Memorial Marker Sign application. The memorial marker shall consist of a fifteen inch (15”) diameter round aluminum sign panel with engineering grade sign sheeting with a white background, and black letters. The memorial marker will be placed on a standard u-channel post and be located at the outside edge of the mowing limits., or as directed by the Public Works Director, or designee. Placement of the deceased’s name on the memorial marker will be at the immediate family’s option. No additional decorations or ornaments will be permitted. The memorial marker will remain in place for a minimum of one (1) year, unless it becomes necessary to remove the marker for construction or maintenance purposes.

SECTION 2: 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 provisions of this Ordinance shall be codified.

SECTION 5: This Ordinance shall take effect upon adoption.

Passed on first reading the ____ day of _____, 2019.

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY



**Family Roadside Memorial
West Side North Dixie Highway**



Roadside Memorial Marker
West Side North Dixie Highway

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 4/18/2019

Prepared by: Stephen Mayer

Title of Item:

Workshop/Discussion of residential fence regulations

Summary Explanation/Background Information on Agenda Request:

On April 8, 2019, the City Commission approved Resolution No. 44-2019, a Zoning in Progress for building permits pertaining to fences located in the front yard within the R-1A, R-1, R-2 and R-3 zoning districts. Staff prepared this Zoning in Progress so that it could work on the details of a comprehensive review of the City's fence regulations and potentially recommend text changes specifically as they pertain to safety, general welfare and aesthetics of fences that are located in the front yard of residential districts. The front yard includes all area within the property boundary between the front façade of the principle residence and the front property line and would include the side property lines, including the sides of corner lots, that are forward of the residence.

During the deliberation of the Zoning in Progress, the City Commission requested that staff begin the process of reviewing the Land Development Code by forming workshop discussions with the Local Planning Agency. Workshops are integral in the process, by providing a forum for staff to hear public input and the board's recommendations.

Staff will have a visual presentation with diagrams, pictures, and the text of the current code. Attached to this agenda is the City's Land Development Code section that pertains to fences, walls, hedges and other enclosures for the general zoning districts (R-1A, R-1, R-2 and R-3).

Funding Source:

N/A

Recommended Action:

Staff requests the Local Planning Agency discuss the issues after hearing the staff presentation and public comment.

ATTACHMENTS:

Description	Upload Date	Type
□ LDC - Fences	4/9/2019	Backup Material

1. In addition to the safety requirements of F.S. 515.27, a fence shall be installed that meet the requirements of this subsection, unless a barrier meeting the specific requirements of F.S. 515.29 is installed.
2. All new swimming pools must have a fence at least four feet high, with a spring lock gate, or be otherwise completely enclosed; provided, however, that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal.
3. A building permit final inspection will not be conducted for a new swimming pool, unless the proper building permit for a fence receives a final inspection simultaneously.
4. It shall be unlawful for any person, firm or corporation to build or cause to be built a new swimming pool, unless such pool is properly fenced in accordance with paragraph 6.09.04.C.1 above.
5. All spas shall be secured with a locked cover or must have a fence at least four feet in height, with a spring lock gate, or be otherwise completely enclosed; provided, however that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal. (Ord. No. 1720-00, 3-27-00)

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

- A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)
 1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.
 2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.
 3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)
 4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)
 5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.
 6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.

7. Fences or walls should be generally in harmony and compatible with their surroundings.
8. All fences shall be maintained in good repair on both sides, so as to be structurally sound.
9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.
10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.
11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.
12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)
13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.
14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.
15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)
16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.
17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.
18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence or wall shall include materials or devices intended or designed to maim, mutilate or cause other bodily injury.
19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.
20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.

21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.
- B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.
- C. *Same--In multiple-family residential districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In multiple-family residential zoning districts, all fences and walls constructed shall comply with the following requirements:
1. The maximum height of walls or fences shall be six feet;
 2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family, duplex or multiple-family residential, then the multiple-family owner or occupant may elect to comply with the requirements of such abutting zoning district.
 3. Fences and walls shall be setback a minimum of three feet from any abutting right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 4. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 5. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses

- Built-in planter
6. One of the above must be built by the occupant or owner of the multiple-family property, but the owner or occupant of the single-family or duplex property may build it, if desired.
 7. Plans for either of the above shall be included as a part of the development permit application for such multiple-family property and shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
 8. Any such buffer or wall previously built must be maintained.
- D. *Same--In business and public districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In business zoning districts, all fences and walls constructed shall comply with the following requirements:
1. Fences or walls erected in the B-1 zoning district shall be no higher than six feet. Fences or walls shall be setback a minimum of three feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.
 2. Fences or walls erected in the B-2 or B-4 zoning districts shall be no higher than eight feet. Fences or walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of one flowering or accent tree for every 30 linear feet, planted singly or in clusters; a hedge and groundcover or other grounded landscape treatment.
 3. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.
 4. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:
 - Ornamental stone mountings
 - Peaked cap along ridge of wall
 - Ornamental ironwork
 - Buttresses
 - Built-in planter

5. Such wall must be built by the occupant or owner of the business, or commercial property, but the owner or occupant of the residential property may build it, if desired.
6. Plans for such wall shall be included as a part of the development permit application on such business or commercial property and shall be erected during or immediately after the erection of the principal building thereon, and in any event, before the certificate of occupancy of the principal building is issued.
7. Any such wall previously built must be maintained.

E. *Same--Separating industrial zoning districts from other districts.*

1. Fences or walls erected in the I (Industrial) zoning district shall be no higher than ten feet. Fences and walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification.
2. Whenever any industrial zoning district, which is not vacant, abuts (disregarding intervening easements or unopened rights-of-way) any other non-residential zoning district, there shall be a masonry dividing wall erected, to a minimum height of six feet (eight foot minimum within 300 feet of a residential zoning district) with a maximum of ten feet, the full length of the property line adjoining such other district or a landscaped buffer of not less than six feet in width accompanied by a six foot high structure. Such landscaped buffer shall be designed and planted so as to be 80 percent opaque when viewed horizontally between two and six feet above ground level.
3. Such wall must be built by the occupant or owner of the industrial property, but the owner or occupant of the other zoned property may build it, if desired.
4. Plans for such wall shall be included as a part of the development permit application for such industrial property and such wall shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.
5. Any such wall previously built must be maintained.

F. *Height of fences or walls at intersections.*

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:
 - a. The right-of-way lines of two streets;
 - b. The right-of-way line of a street and the right-of-way line of an alley;
 - c. The right-of-way line of a street and the right-of-way line of a railroad.

2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:

- a. The centerline of a driveway and the abutting right-of-way line.

Sec. 6.09.06. Awnings, canopies, and cabanas.

- A. *Number of cabana rooms and carports per trailer or structure; master plans for cabana rooms, detached rigid canopies.* Only one cabana room and one carport shall be permitted as an adjunct to any one mobile home, trailer or structure. Typical drawings for cabana rooms or detached rigid canopies shall be approved by the building official when prefabricated under controlled factory conditions and such typical drawings together with its roof, walls, panels, beams, columns, connections, and principal members in compression, tension or flexure shall have been analyzed by a Florida registered professional engineer and design calculations, details, plans and specifications have been provided bearing his seal, signature, and affidavit as set forth in the Florida Building Code. To be so approved, each such typical drawing must meet the minimum design loads required by the Florida Building Code, for foundation, floor and walls. The roof may be as described in 6-490(b). In the event an application for an installation or construction permit is based on a previously approved typical drawing, unrevised reprints of the typical drawing shall accompany each application for a permit for the purpose of providing the building official with a means for comparison and as an aid to identification.

6.10.00. OUTDOOR STORAGE

- A. *Applicability.* All businesses and services shall be conducted within completely enclosed buildings in the B-1, B-2, and B-4 business zoning districts. If in the discretion of the city development director a demonstrated necessity exists for an outdoor storage area in the B-1, B-2, or B-4 zoning districts due to the economic hardship of enclosing the area, an outdoor storage area may be allowed subject to the following standards.
- B. *Standards for outdoor storage areas.*
 1. *Location and maintenance.*
 - a. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.
 - b. No loose materials such as sand, lumber, cardboard boxes, and the like which are subject to being scattered or blown about the premises by normal weather conditions shall be allowed.
 - c. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.
 - d. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.