



# City of Anna Maria

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**MINUTES  
PLANNING & ZONING BOARD MEETING  
CITY OF ANNA MARIA COMMISSION CHAMBERS  
TUESDAY, FEBRUARY 16, 2016 - 4:00 P.M.**

**PLEDGE OF CONDUCT:** We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

## **CALL TO ORDER**

Chair Crane called the meeting to order at 4:00 p.m.

## **PLEDGE TO THE FLAG**

## **ROLL CALL**

**Present:** Boardmember Jim Conoly, Boardmember Margaret Jenkins, Boardmember David Youngs, Chair Jonathan Crane, and Boardmember Carl Pearman.

**Also present:** Planning & Building Administration Char Patterson and City Planner Alan Garrett.

## **NEW BUSINESS**

- 1. Public Hearing for Ordinance No. 16-811 - An Ordinance of the City of Anna Maria, Florida, repealing a moratorium established in Ordinance 15-793, as amended by Ordinance 15-803, relating to a temporary moratorium on the processing of building permit and demolition permit applications.**

*Planner Garrett* read the Ordinance title.

Planner Garrett reminded the City has been under a moratorium where the City has been unable to process Building Permits exceeding more than four bedrooms. Tasks relative to the issue of the moratorium have now been completed. Public Hearings are now required for the repeal of the moratorium, which will then allow for the ability to begin issuing Building Permits based on the new Ordinance revisions.

New regulations adopted by the City Commission include:

- Lot coverage
- Amended Living Area Ratio to reflect how the coverage is counted
- Changing of the codes to insure consistency with the Comprehensive Plan
- Previously amended parking space requirements based on number of bedrooms
- Pending Ordinance proposal that limits the bedroom sizes to a minimum 150-sq. ft.
- Adoption of the Vacation Rental Ordinance that includes a maximum occupancy of two per bedroom up to a maximum of eight

Explanation followed relating to the review of applications, bedroom requirements, and the five-year non-rental covenant being allowed.

*Chair Crane* asked for clarification on how possible it would be to build a six-bedroom home.

*Planner Garrett* informed it would be possible. However, there will be less square footage for the living room, dining room, and kitchen space. He felt a six-bedroom home would be the largest that could be built on a standard lot in order to meet the parking, living area ratio, and lot coverage. Plan reviews are based on the property being built as a house - versus as a rental property.

It was felt the major accomplishment in the past two years would be designating pools as impervious coverage and limiting the occupancy. Discussion followed.

*Chair Crane opened the Public Hearing.  
Hearing no public comment, Chair Crane closed the Public Hearing.*

**Motion: Move that Ordinance 16-811 be recommended for approval.**

**Action: Approved. Moved by Boardmember Carl Pearman, Seconded by Boardmember David Youngs.**

**Motion carried – All Aye.**

**2. Election of Planning and Zoning Board Vice-Chairperson per Division 2, Section 2-23**

*Chair Crane asked for nominations for Vice-Chair for the upcoming year.*

*Boardmember Carl Pearman nominated Boardmember David Youngs to serve as the P&Z Board Vice-Chair for the upcoming year. Boardmember Jim Conoly seconded the nomination.*

**Motion carried – All Aye.**

**3. City of Anna Maria’s Comprehensive Plan**

*Chair Crane informed he had reviewed, and red-lined, proposed changes to sections of the Comprehensive Plan. Alternatively, he suggested the P&Z Board begin having noticed Work Sessions with sub-groups of the members. His plan would be to attend as many of the Work Sessions as possible. Boardmembers can then attend Work Sessions relating to discussions of the different elements they may be interested in. In addition, City Commissioner Chair Copeland agreed to assist with reviews.*

*Planner Garrett presented the option of reviewing the Comp Plan page by page.*

*Boardmember Conoly asked who would be invited to attend the workshops.*

*Chair Crane explained each Work Session would be a noticed meeting open to the public, press, and P&Z Boardmembers. He also would like public comment allowed during the Work Sessions.*

Review of the Comprehensive Plan began. Discussion and recommended changes were approved to read as follows:

**FUTURE LAND USE ELEMENT  
GOALS, OBJECTIVES, AND POLICIES**

- A. Introduction – No Changes
- B. Implementation – No Changes

**C. Local Goals, Objections, and Policies**

- **GOAL 1: ENSURE THAT THE SINGLE-FAMILY *DETACHED* RESIDENTIAL CHARACTER OF THE CITY OF ANNA MARIA, IS MAINTAINED AND PROTECTED, WHILE SUPPORTING COMMERCIAL USES IN THE COMMERCIAL AND ROR LAND USE CATEGORIES, WHILE MAXIMIZING THE ENJOYMENT OF NATURAL AND MAN- MADE RESOURCES ~~BY THE CITIZENS~~ AND MINIMIZING THE THREAT TO HEALTH, SAFETY, AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGREGATION.**
- **Objective 1.1: Recognizing that the City of Anna Maria is located on a barrier island which is a delicate ecosystem, *and which cannot accommodate unlimited growth, with* future growth and development shall being managed through the implementation, and enforcement of land development regulations, consistent with Comprehensive Plan.**

➤ Policy 1.1.1: The City shall continue to implement land development regulations which recognize the limitations of development of a barrier island (e.g., vulnerability to tropical storms, topography and soil conditions, preserving habitat suitable for native flora and fauna).

➤ Policy 1.1.2:

It was agreed that each separate ‘detailed provision’ as listed in Policy 1.1.2 be numbered. Recommended changes were made to only the following provisions:

4. Ensure that all development is consistent with Federal Flood Insurance regulations and Florida State Fire and Safety Codes;

5. Ensure that all development is consistent with or more stringent than those coastal constructions regulations as may be adopted and/or amended by the State of Florida, Manatee County, those jurisdictions located on Anna Maria Island, or the City of Anna Maria;

*Boardmember Pearman* questioned the “or more stringent than” suggested in #5.

*Chair Crane* responded stating the City does not want to be consistent with weak regulations. Being ‘more stringent’ would allow the City the authority to more regulate the City.

*Boardmember Pearman* felt adding that language would open the City up to investigation for doing something ‘outside the norm’. He used the example of the litigation arising from the adoption of the Vacation Rental Ordinance.

*Chair Crane* said though he had not studied Florida law, his understanding is the City can exceed what a County requires. The larger entities (such as the Federal Government) can pre-empt – where the County cannot. Discussion followed.

*Planner Garrett* did not feel the City could supersede the Federal Government as far as the Federal Flood Insurance (#4).

*Planner Garrett* agreed that the City could not be more stringent than the Federal Government, but could be more stringent than the County (#5). Board discussion continued.

7. Ensure that development orders and permits are issued only when it is documented that such development is consistent with the maintenance of the level of service standards of affected public facilities adopted by this Comprehensive Plan, or that the developer as part of the permit process provide the City with the resources necessary to ensure consistency with such standards;

*Boardmember Pearman* felt the Comprehensive Plan should serve only as a guideline, and that unless there was a specific change to be made, there should not be a lot of specific language added. In his opinion, the more specific language should be placed in the City’s Ordinances.

*Boardmember Conoly* asked why any of the Comprehensive Plan should be changed.

*Chair Crane* explained the P&Z Board has a duty to do a good-faith review of the Comp Plan every five years to see if it’s still consistent - and reflects the City’s Goals, Objectives, and Policies.

*Boardmember Conoly* agreed it’s an opportunity to review the Plan, but felt the Board should be very careful to not use the opportunity unnecessarily – and any change should be worthwhile.

It was agreed to address the suggested language for #7 at a future meeting.

- 9. Provide requirements for the provision of open space, and safe and convenient on-site traffic flow (including bicycle and pedestrian traffic) and parking requirements;

Discussion followed relating to the increase of bicycle traffic and the proposed bike routes in Anna Maria.

- 10. Encourage the use of non-invasive vegetation in the landscaping of residential and commercial developments; and

*Chair Crane* stated he sat in on the City Pier Park Committee meetings where native-only plantings were discussed by Mr. Mike Miller. However, in his opinion, he did not feel a non-invasive plant would hurt anything.

*Planner Garrett* noted there is actually only one native Palm.

- Objective 1.2: No Changes.
- Policy 1.2.1 and 1.2.2: No Changes.
- Policy 1.2.3: 2<sup>nd</sup> Bullet –
  - Residential land uses shall be encouraged in a manner which is compatible with the type and scale of surrounding land uses. All structures shall be limited to no more than two residential/habitable floors.
- Policy 1.2.4: No Changes.
- Policy 1.2.5: Land development shall contain ~~performance standards~~ requirements which address buffering and open space requirements consistent with the densities and intensities of land used in this Element.
- Objective 1.3: No Changes.
- Policies 1.3.1 through 1.3.6: No Changes.
- Policy 1.3.7: All commercial uses shall be located and designed so as to enhance safety by providing adequate off-street parking and loading areas and by separating pedestrian, bicycle and vehicular traffic.
- Policy 1.3.8: No Changes
- Policy 1.3.9: Recreation/Open Space Land Use Category

*Chair Crane* suggested adding the following language to the end of Policy 1.3.9:

Where feasible, public and/or private development of open space shall accommodate the needs of bicyclists, pedestrians, self-propelled watercraft and handicapped access.

Discussion followed as to whether or not the suggested language was needed.

*Chair Crane* explained the word that’s different is “accommodate” – and to have the ability to “accommodate” the wheelchairs, bicycles, pedestrian path, etc.

*Boardmember Pearman* disagreed feeling the Comp Plan should have more general comments versus addressing specific issues - other than only setting guidelines. In his opinion, the language, as suggested, is better fit in the City’s codes.

It was agreed to readdress the proposed language in Policy 1.3.9 at a future meeting.

- Policy 1.3.10: No Changes

- Policy 1.3.11: Public/Semi-public Land Use Category  
The Public/Semi-public Land Use Category recognizes identifiable areas of the community which support public, municipal, and semi-public center, community services and facilities. Development will be limited to 75% lot coverage including parking and drainage facilities (i.e. churches).

*Chair Crane* recommended adding more examples to include churches, museums, art galleries, etc.

After discussion, it was agreed to remove "(i.e. churches)".

- Objective 1.4: No Changes
- Policies 1.4.1 and 1.4.2: No Changes.
- Objective 1.5: No Changes

- <sup>1</sup>Policy 1.5.21 :

*Chair Crane* explained his reasoning for suggesting the following be added to the end of Policy <sup>2</sup>1.5.21:

"Areas located outside the Conservation Land Use areas, but which also contain environmentally sensitive conditions shall also undergo strict scrutiny in review of building permit applications and such applications may be rejected upon findings of unmitigated harm to soil, air, water, flora or fauna."

*Boardmember Pearman* disagreed with including the proposed language, noting specific landscaping and drainage plans were required during the Building Permit process. Also, requirements such as the removal and replacement of trees is regulated through the City's Ordinances. Discussion followed.

It was agreed to address the suggested language at a future meeting.

- Policy 1.5.3: No Changes.
- Policy 1.5.4: Species of flora and fauna listed in the Coastal and Conservation Element of this Comprehensive Plan, as endangered, threatened or species of special concern, as defined by Federal Law or Florida Statutes, shall be protected through compliance with appropriate Federal and State regulations or more stringent standards promulgated by the City.
- Policies 1.5.4 through 1.5.7: No Changes.
- Objective 1.6: No Changes.
- Policies 1.6.1 through 1.6.4: No Changes.
- Objective 1.7: No Changes.
- Policy 1.7.1: No Changes
- Policy 1.7.2: Recognizing the limitations of the potable water supply available to serve the community, the City shall adopt by reference those applicable provisions of water conservation ordinances which may be adopted by Southwest Florida Water Management District and/or Manatee County or may adopt its own more stringent standards.

It was agreed the City Attorney will be consulted as to whether or not it's appropriate to utilize the term "stringent" throughout.

- Policies 1.7.3 and 1.7.4: No Changes.

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<sup>1</sup> Policy reference number corrected at 4-12-16 P&Z Board Meeting

<sup>2</sup> Policy reference number corrected at 4-12-16 P&Z Board Meeting

- Objective 1.8: No Changes.
- Policy 1.8.1: No Changes.
- Objective 1.9: No Changes.
- Policies 1.9.1 and 1.9.2: No Changes
  
- Policy 1.9.3:  
At the recommendation of *Planner Garrett*, it was agreed Policy 1.9.3 be removed in its entirety.
  
- Objective 1.10: No Changes.
  
- Policy 1.10.1: All development orders or permits, as appropriate, shall be reviewed for consistency with the comprehensive plans of ~~the Cities of Bradenton Beach and Holmes Beach~~ and Manatee County.
  
- Policy 1.9.3: No Changes.
  
- Objective 1.11: No Changes.
- Policies 1.11.1 and 1.11.2: No Changes.

*Chair Crane* asked if the Board wanted to hold weekly Work Sessions for reviewing the remaining Elements in the Comp Plan - or that the Boardmembers break up into teams to review the different Elements. All meetings would be noticed and open to the public.

After discussion, it was agreed the P&Z Boardmembers would continue the review of the Comp Plan during their regularly scheduled monthly meetings.

**4. Future Topics – No discussion.**

**MINUTES**

**Consider approval of the following Planning & Zoning Board Meeting Minutes:  
December 8, 2015, January 12, 2016, and January 26, 2016.**

**December 8, 2015**

**Motion:** Move that the December 8, 2015 Planning & Zoning Board Meeting Minutes be approved as written.

**Action:** Approved. Moved by Boardmember Carl Pearman, Seconded by Boardmember David Youngs.

**Motion carried – All Aye.**

**January 12, 2016**

**Motion:** Move that the January 12, 2016 Planning & Zoning Board Meeting Minutes be approved as written:

**Action:** Approved. Moved by Boardmember David Youngs, Seconded by Boardmember Carl Pearman.

**Motion carried – All Aye.**

**January 26, 2016**

**Motion:** Move that the January 26, 2016 Planning & Zoning Board Meeting Minutes be approved as written.

**Action:** Approved. Moved by Boardmember David Youngs, Seconded by Boardmember Jim Conoly.

**Motion carried – All Aye.**

Next Meeting Date - The next meeting is scheduled for Tuesday, March 8, 2016 – 4:00 p.m.

Local Construction Regulatory Hearings

*Chair Crane* announced the first Local Construction Regulatory Hearing will be held on February 24, 2016 – 5:00 p.m. Mayor Murphy has chosen Chair Crane, and Boardmembers Carl Pearman and David Youngs to serve on the panel for the upcoming hearings. Rotating panels will be utilized for the future Hearings and alternates have been chosen. Boardmember Jim Conoly being the first alternate, if needed.

Remaining P&Z Boardmembers may attend the Hearings if they wish. Hearings will be conducted in the City Hall Commission Chambers.

**Adjournment**

**The meeting adjourned at 5:45 p.m. on motion made by Boardmember Margaret Jenkins and seconded by Boardmember Carl Pearman.**

  
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Diana L. Percycoe, CMC, City Clerk

Minutes approved: April 12, 2016