

**CITY OF ANNA MARIA  
PLANNING & ZONING BOARD MEETING  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
TUESDAY, FEBRUARY 1, 2011  
6:00 P.M.**

**CALL TO ORDER**

Chair Mattick called the meeting to order at 6:02 p.m.

**PLEDGE TO THE FLAG**

**PRESENT:** Boardmembers Margaret Jenkins, Mike Pescitelli, Tom Turner, and Chair Sandy Mattick.

**Absent:** Boardmembers Carl Pearman and Nancy Yetter.

**Staff Present:** City Clerk Alice Baird, Building Official Bob Welch, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

**Also Present:** Mayor Michael Selby.

**Press:** Islander.

**1. Suggested Amendments to the Land Development Regulations.**

*Planner Garrett* informed that staff had been discussing proposed changes relating to issues that they deal with on a day-to-day basis relating to the Land Development Regulations with the City Commission.

\* **Outdoor Storage and Outdoor Display**

The City Planner, Building Official, and Code Enforcement Officer have needed to refer to this section with regard to items that are being displayed on some of the businesses porches and outdoors. As a result, there is a need to distinguish between “Outdoor Storage” versus “Outdoor Display” of items for sale. He noted that both the C-1 and ROR districts have a definition for Outdoor storage (114.261 and 114.281).

Outdoor Storage needing to be screened and not visible to public view would refer to any shipments arriving on pallets or crates, construction equipment, etc.

A new definition is being proposed for Outdoor Display. A business would be allowed to display products on the business porches, or in front of their building, so long as they did not impede parking, pedestrian walks, or the ADA access. The official purchase of the product would need to occur within the principle store.

Planner Garrett noted that a lot of the equipment at the Beach Bum location was grandfathered in. The proposed language would insure that their products would never impede the parking, pedestrian walks, or ADA access.

*Building Official Welch* gave the example that a charging station for golf carts, air-pump for pumping tires, etc. would need to be screened under the proposed definitions. An air conditioner unit would not fall under the screening requirements.

**ACTION: It was the consensus of the P&Z Board that the following Code revision is recommended to the City Commission for their approval:**

- c) *Accessory uses.* The following are allowed as accessory uses:
- (2) Outdoor storage. ~~of equipment directly accessory to the operation of the principal permitted use on the premises; provided, however, that areas used for such purposes shall be completely screened from view with an ornamental fence six feet high from the ground.~~ The outdoor storage of products, whether for sale, rent or as material for processes occurring on the site. This definition expressly includes any products on pallets, in shipping containers or in crates and any construction equipment. All outdoor storage must be screened with a fence six feet in height. See section 114-423 Walls and Fences.

- (3) Outdoor display. The outdoor display of products actively available for rent or sale within the principle business facility. Such sales and rentals of outdoor display products must be conducted within the primary business facility. Outdoor display must be entirely confined to the lot or parcel and must not impede parking, pedestrian walks and ADA access. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, or any construction equipment which shall be considered outdoor storage.

\* **Driveways**

*Planner Garrett* stated that when he, the Building Official, and Code Enforcement Officer had reviewed plans for new construction, many times the development will not count the entire driveway as 100% pervious – so not to count towards the lot coverage. Staff feels driveways that are mostly crushed shell or pea gravel will later begin to compact and become a more impervious type material.

*Boardmember Turner* addressed the 35% impervious requirement in the ROR. He felt it had been mistreated for many years and that there was no place in the City that complies. He recommended increasing the impervious area from 35% impervious to 40% or 45% impervious - and increasing the pervious area from 15% to 20%.

Boardmember Turner then referred to the 20-ft setbacks in the ROR stating that tandem parking could not be accomplished in a 20-ft area. He felt tandem parking should be removed from the Code entirely. He did not feel, however, that a car parked in a closed garage with a car parked behind it in the driveway would be considered as tandem parking since the garage door would be closed.

Planner Garrett explained that Boardmember Turner's recommendation to increase the coverage by 5% would allow providing a driveway and a walkway to the front door. Since staff is seeing more requests for patios, etc. in the rear, then the coverage would need to be reduced somewhere. He stated that staff has looked at increasing the coverage but with driveways using crushed shell or pea gravel they have been counting it as 50% - noting that not all of that would percolate (absorb water). As a result, he recommended adding language to the Code that if using crushed shell or pea gravel - then only a 50% reduction would be allowed.

*Building Official Welch* noted that if the driveway (or yard) is to be shelled, staff would need to insure that the rest of the yard is pervious surface – determine where the driveway will be and determine the pervious surface that may result from driving over that portion of the driveway.

Examples followed by Planner Garrett on when credits are given and not counted towards total pervious. He noted that the two reasons for having limitations on lot coverage were stormwater issues and intensity. The City Commission is most concerned about the stormwater issues.

\* **Pergolas, Trellises and Arbors**

*Planner Garrett* informed that fences are limited to a maximum height of 6-ft and 4-ft in the front yard, parks, etc. However, bushes, for example, are permitted in the front and can grow 8-ft tall.

Residents are now wanting to place pergolas, trellises, or arbors on their property – example: only allowed to have a 4-ft fence in the front yard but would like to install an arbor/archway.

Discussion and explanation followed relating to the visibility triangle. It was noted that language could be added to the fence section providing for the maximum height of shrubbery when used as a landscaping barrier at the property line.

*Boardmember Turner* said he agreed there should be a maximum height for the shrubbery along the property line of 4-ft to 6-ft. Discussion followed.

**ACTION: It was the consensus of the P&Z Board that the following new provision - as part of the fencing requirements - is recommended to the City Commission for their approval:**

"Pergola, trellis, arbors are exempt from the height limits but cannot exceed 8 feet in height and 8 feet in width, requires a development permit, and cannot be located within the visibility triangle, and is limited to one per lot/parcel".

\* **Chapter 102 Regarding Stormwater Systems**

*Building Official Welch* discussed how pavers, etc. (impervious surface) should be treated on the various lots. He referenced two sections of the Code (Chapter 102) that addresses the adequate retention areas and adequate swales. It does not, however, define what it is. He asked for Board consensus to develop a definition for "adequate" and also recommended the utilization of an engineered swale system on new properties.

Explanation followed relating to the Hanson pervious pavement/retainage system that could be used as an option.

*Boardmember Turner* suggested the swale be no more than 6-inches deep and 18-inches wide, and within 2-ft of the property line. He felt any larger would be impending on property rights.

Boardmember Turner then referred to Code Section 102.7 (13) relating to two-family dwellings. He noted that the Comp Plan only refers to single-family. He suggested "two-family dwellings" should be removed from the Code language.

*Planner Garrett* clarified that no new duplexes can be built. He explained that the language refers to the existing grandfathered duplexes if they wanted to add a bedroom or add a kitchen, for example.

*Chair Mattick* suggested adding "existing" two family dwellings.

*Building Official Welch* informed that definitions will be forthcoming for "one and two family dwellings" to be replaced with "residential". Also "commercial" will be replaced with "non-residential."

**ACTION: It was the consensus of the Board that Building Official Welch would bring back language recommendation and also provide the Board with information relating to the Hanson System, Bioswales, and regular swales.**

\* **Definition of Setbacks**

*Planner Garrett* presented staff recommendations for Chapter 70 "Setback". He noted that staff has been receiving applications for longer shutters/overhang for getting the water away from the building and shielding from the sunlight. As a result, staff

recommends that any intrusion into a required setback be changed from “no more than 24 36 inches.”

Also recommended is “Swimming pools, ~~including their surrounding decks,~~ cannot be placed into a required setback.

The P&Z Board agreed on the recommended changes.

**2. Land Development Regulations – Discussion relating to the staff-recommended Ordinance to be forwarded to the City Commission.**

*Planner Garrett* reviewed the draft Ordinance and explained the changes to the current Code language as recommended by staff. P&Z discussion followed.

*Boardmember Turner* addressed Section Fifteen (5) *Tandem Parking*. He stated that “tandem parking” had never been referenced in the Code and felt its reference should be removed.

*Chair Mattick* disagreed noting that many residents have a driveway where one car will park behind the other – serving as tandem parking. Discussion followed.

*Building Official Welch* informed that the City Commission is currently working on the parking requirement in the City and that “Tandem Parking” may be removed from the Ordinance based on their recommendations.

**ACTION: By straw vote, it was a 3 to 1 consensus that “Tandem Parking” remain in the Ordinance.**

Discussion followed relating to whether or not “Beware of Dog” or signs relating to homes being protected by security systems would be allowed on fences.

*Planner Garrett* stated that those type signs had been allowed.

*Building Official Welch* explained that the when the Sign Code was written the prohibited signs mainly referred to placement on telephone poles.

**ACTION: It was agreed that the following changes be recommended to the proposed Ordinance:**

Page one – WHEREAS, the Planning and Zoning Board has held meetings and hearings on this matter and determined that amendments to use, lot, yard, build and parking regulations ~~is~~ are in the best interest of the public health, safety and welfare.

*Restaurant* means any building of a permanent nature, or any room or division wholly within such building that is maintained and operated as a place where food is regularly prepared, served, or sold for immediate consumption within the building and/or on the premises associated with the building with seating for a minimum of non patrons-nine or more patrons. .....

Section Ten. Amendment to Section 98-7. Prohibited signs. (4). To be amended to allow “No trespassing signs, or other signs as required by county or city regulations.”

Add clarification that Section Ten. Amendment to Section 98-7. Prohibited signs (7) Banners – would not prohibit flying the American flag.

**Public Comment**

**Jim Conoly**, N. Shore Dr, asked for clarification of the PSP and PRA zoning districts. Referring to the recommended prohibition of a chain link fence, he questioned why it could not be maintained.

*Building Official Welch* explained that any type fence in disrepair or that has fallen down can be ordered removed by the Building Official.

PSP = Public Semi-Public and PRA = Public Recreation.

**Micheal Coleman**, Pine Ave. questioned how the height of a hedge that serves as a fence could be managed. He gave the example of the Historical Museum and distinguishing between the hedge/trees along the property line.

In reference to the flood management concerns, he voiced concern for residential property owners feeling that the more expensive requirements would be more difficult for the property owners. He suggested an Engineer be utilized that would meet with the Building Official to draw out a couple of water retention variations.

Mr. Coleman noted there was a tidal basin behind the 216 Pine Ave. PAR property. He said in finishing out the property, PAR would like to do a Bioswale. However, the LDC requires they have a 6-ft wooden fence which would preclude them from installing a Bioswale. Mr. Coleman suggested implementing language that when someone wants to implement something attractive it could be looked at for approval through the Site Plan process.

Mr. Coleman informed that at the August 2008 joint City Commission/P&Z Board meeting it was agreed that tandem parking would be allowed.

**Beverly Battle**, 517 N. Bay Blvd, said she had an 8-ft bush that she cut down due to having difficulty seeing around it.

Ms. Battle questioned the rationale relating to prohibiting shell, etc. in the 8-ft setback. She asked if beach daisies, that might exceed 12-inches in height, could be planted.

*Building Official Welch* explained that there had been bicycle and pedestrian accidents as a result of the pea gravel and shell being placed on the right-of-way. He noted that the parking in front of her home was a little different but the regulations would need to be applied citywide.

As far of the plantings, Building Official Welch informed that they were allowed - but in the past they had gotten out-of-hand. He suggested she meet with the Public Works Director and Code Enforcement Officer to get clarification on what would be allowed.

**OLD BUSINESS** – None.

**NEW BUSINESS****Barlow – P&Z Boardmember Resignation**

A January 28, 2011 email was received from Bob Barlow submitting his resignation from the P&Z Board effective January 12, 2011. Mr. Barlow no longer resides in Anna Maria.

*Mayor Selby* informed he had one P&Z Board application and asked that the newspapers print an announcement that applications were being taken for the unexpired term.

**MINUTES**

**Consider P&Z Board Meeting Minutes for January 4, 2011.**

**MOTION: Boardmember Turner moved that the January 4, 2011 Planning & Zoning Board Meeting Minutes be approved as written. Boardmember Jenkins seconded the motion.  
Motion carried – All Aye.**

**PUBLIC COMMENT** – None.

**ADJOURNMENT**

**The meeting was adjourned by Chair Mattick at 7:27 p.m.**

**The next P&Z meeting will be held on Tuesday, March 1, 2011, 6:00 p.m.**

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**Alice Baird, CMC, City Clerk**

**MINUTES APPROVED: \_\_\_\_\_**