

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, FEBRUARY 3, 2009
6:30 P.M.**

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 6:30 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmembers Margaret Jenkins, Mike Yetter (6:43 p.m.), Chair Doug Copeland, Frank Pytel, Randall Stover, and Jim Conoly.

Absent w/excuse: Boardmember Sandra Mattick.

Staff present: City Clerk Alice Baird, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

1. Final Discussion on Combining the Residential-2 and the Residential-1 Zone Districts and Non-Conforming Uses for.

City Planner Garrett announced that a Public Hearing will be held on Tuesday, February 17, 2009, 6:30 p.m. for the purpose of considering changes to the code relating to the combining of the Residential-2 and the Residential-1 zone districts and the non-conforming uses for the newly combined district. The P&Z would be reviewing the proposed changes to date and make any final changes prior to the Public Hearing. The proposed Ordinance will be available for the P&Z Commission to pick up on February 10, 2009.

Planner Garrett explained that a consensus had been reached as follows:

- The R-1 and R-2 districts should be combined creating one residential district.
- The R-2 land should be rezoned to R-1.
- The non-conforming section dealing with non-conforming uses should delete the portion of the definition relating to density.
- Non-conforming uses should be allowed to be re-roofed.

Stormwater Runoff Requirements

Planner Garrett pointed out there are two items in the Comprehensive Plan that will need to be incorporated into the Residential District. The Comp Plan now requires developers or owners of any property being developed or redeveloped to be responsible for maintaining the stormwater runoff. The LDR's will need to be amended to start requiring that the front, rear, and side yard lines incorporate swales into the new residential development. Pre-development runoff cannot exceed post-development runoff. Explanation followed.

Mobile Homes as Permitted Uses

Planner Garrett reviewed the Permitted uses in the R-2 District. He explained that Policy 1.1.4 (Housing Element) states that Mobile Homes shall be allowed in the residential land use in accordance with all applicable building codes, state statutory guidelines, FEMA, HUD Regulations, and all other applicable

development regulations. Therefore, when the R-1 and R-2 Districts are merged, mobile homes will be allowed. He pointed out that no mobile homes have been placed in Anna Maria so far.

Discussion followed relating to mobile homes being referenced as permitted uses in the Comp Plan. Both Boardmembers Pytel and Stover said they did not remember it being in the Plan.

Planner Garrett stated that he could not recommend deletion of mobile homes at this time. He explained that the Board would need to approve mobile homes as a permitted use in the newly combined Residential District, and could amend the Comp Plan in the future as long as it could be documented through minutes, drafts, etc. that a scribe's error occurred.

Planner Garrett indicated it may not be desirable for an individual to bring in a mobile home due to the requirements of having to elevate, meet all fire codes and state regulations, etc. He said the mobile home requirement could be in the code to help the City comply with the Affordable Housing Requirements of the State and pointed out that meeting those requirements was the original purpose of the R-2 District. Planner Garrett will check with Consultant Tony Arrant to determine if mobile homes could be removed from the Comp Plan.

Boardmember Yetter asked if the City had flexibility for modifying the minimum square footage of a single dwelling. Planner Garrett said there was no policy prohibiting it and he would research Boardmember Yetter's question.

Planner Garrett informed that approving any language different than what's required for a single-family dwelling would require documentation as to why it should be different.

Boardmember Stover suggested adding language requiring it must be constructed on-site. Planner Garrett will check with City Attorney Dye.

Boardmember Conoly questioned if placing a mobile home above an existing single-story structure would be allowed.

Planner Garrett answered it most likely would not be allowed due to regulatory issues (different specs and loads, the 50% rule, etc.)

Two-family Dwellings (Duplexes)

In response to *Chair Copeland's* opinion that two-family dwellings should be removed from the Permitted Uses, *Planner Garrett* informed that an earlier consensus allowed for grandfathering existing two-family dwellings. However, no new two-family dwellings would be allowed. He pointed out that the Comp Plan did not mandate that the City have two-family dwellings. He explained that:

- If two-family dwellings were to be deleted from the permitted uses, then all existing duplexes would become non-conforming uses and would be limited to non-habitable expansion.

- If two-family dwellings is left as a permitted use, it would have the ability to add on habitable space.

ACTION: On a straw vote of 5 to 1, it was the majority consensus of the Board that two-family dwellings be deleted from the Permitted Uses.

5,000 Sq. Ft. Lots / 7,500 Sq. Ft. Lots

Planner Garrett explained there will be 5,000 and 7,500 sq. foot lots. All lots will be buildable lots, however, 7,500 sq. ft lots will be required in order to build unless the 5,000 sq. ft lot is a platted lot of record.

Non-conforming Uses

Planner Garrett stated it was the consensus that only non-habitable floor space can be added to a structure having a non-conforming use (i.e. two-family dwellings).

Discussion followed relating to the setback requirements.

Boardmember Pytel felt the language was loosely written.

Planner Garrett said he had no objection to adding a note in the chart relating to setbacks that all HVAC, pool pumps, pool heaters, etc. would be prohibited. It was noted that any existing HVAC, for example, could be maintained so long as it remained on the existing pad. *Planner Garrett* said he would need to check with the Building Official to determine if the unit would need to be the exact same size.

ACTION: It was the consensus that Planner Garrett add the above note in the chart relating to setbacks.

Boardmember Pytel suggested that the following language regarding non-conforming uses be added:

- Non-conforming uses should overtime through attrition be eliminated, or at the very minimum not grow beyond the initial non-conformity.

Planner Garrett responded that the way to eliminate the non-conforming uses over time is that they not be allowed to re-roof.

Chair Copeland questioned if the language in Sec. 114-133 (b)(1) *Extension* and (b) (d) *Alternation or repair of structure housing use* was contradictory.

Planner Garrett explained that “area” is defined as “habitable area” and the recommendation could be made that no habitable floor area could be extended. The word “habitable” could be removed which would preclude the City from issuing any permits for decks, storage rooms, etc. A roof could still be replaced.

Discussion followed relating to examples of non-conforming uses and non-conforming structures in Anna Maria.

ACTION: It was the unanimous consensus of the Board that a non-conforming use cannot be expanded and that the footprint could not be replaced.

Height of Building and Structures

Boardmember Pytel referenced the ROR and asked for clarification relating to what constitutes a one-story for determining the height of buildings and structures.

Planner Garrett said it was recommended that rather than determining the number of stories, if a structure is measured 27-feet or less from the crown of the road, the 7-foot setback would be met. If measuring between 27.01-feet up to 37-feet, a 10-foot setback would be required.

Planner Garrett asked for a consensus as to whether or not if any point of a house is over 27-feet, should the entire house meet the 10-foot setback or should only the portion added on to the house be required to meet the 10-foot setback. Examples & discussion followed.

ACTION: It was the consensus of the Board that if any existing structures add on any addition, it must meet the setbacks. All new development would be treated as one structure.

Rental Period Discussion

Planner Garrett asked if the Board recommended a seven-day consecutive day rental period in the R-1. It was noted that the City Commission would be discussing this issue for the ROR at their next meeting.

Boardmember Stover felt times have changed and that rentals in the entire City should be seven-day minimums. It was his opinion that most landlords would feel the same way.

Boardmember Pytel agreed and felt the short-term rentals could become a problem.

Chair Copeland stated there were properties next to his home that were rented for one night, two nights, one-week, etc. and have never been a problem.

ACTION: It was a split straw vote of 3 to 3 that residential rentals throughout the City be a seven-day minimum. Boardmembers Conoly, Stover, and Pytel voted in favor of the seven-day minimum and Chair Copeland, and Boardmembers Yetter and Jenkins were opposed. It was agreed that the P&Z Board remain silent on the issue and that the City Commission make the determination.

Lot and Bulk Coverage

Chair Copeland stated he objected to the ROR due to the existing Bulk and Lot Coverage and also objected to it in the Residential. It was his opinion that too large of a building is allowed to be built on the lots. He felt if a structure is built to three-stories then the third story should be a less percentage than the remainder of the structure.

Boardmember Stover agreed, suggesting that since there was no criteria or requirements to fit into the City esthetically, architectural standards should be established.

It was Chair Copeland's opinion that esthetics and design was more difficult to control than bulk.

In response to *Boardmember Pytel's* question as to whether or not a maximum square footage could be set, *Planner Garrett* informed that a minimum could be placed but he was unsure about a maximum.

Planner Garrett suggested that no credit be given for any type of paver block. Building coverage could also be reduced (currently 35% - maximum impervious coverage is 40%). The Comprehensive Plan, under the Infrastructure Element, states that no more than 40% of residential lots shall be covered by impervious surface. It does not, however, state that it could not be reduced.

Planner Garrett pointed out that Bulk involves 1) height, 2) setbacks, and 3) lot coverage.

Chair Copeland suggested that any third level could only be built to 50% of the floor area.

ACTION: It was a majority consensus that Planner Garrett pursue wording as suggested by Chair Copeland that the third level could only be built to 50% of the floor area. Boardmember Yetter was not in favor.

Landscaping Code, C-1 District, & Rezoning of R-2

Planner Garrett informed that the Landscaping Code and C-1 District still need to be addressed by the P&Z Board. The Public Hearing relating to the Landscaping Code is planned for March 3, 2009. The rezoning of the R-2 into R-1, along with lots designated ROR, but zoned Commercial, will be addressed during the summer.

Mobile Homes as Permitted Use

Boardmember Stover informed he would not be able to attend the February 17, 2009 meeting. He questioned what the requirements would be for removing the mobile homes as a permitted use.

Planner Garrett will contact Consultant Tony Arrant to verify whether or not the mobile homes are there to help the City comply with Affordable Housing requirements of the State. If it has no relevance, a recommendation can be forwarded to the City Commission that the Policy relating to mobile homes be removed from the Comprehensive Plan. Once removed from the Comp Plan, it can then be removed from the Land Development Code.

Public Comment

Tom Turner, N. Shore Dr., felt the habitable floor should be the footprint.

Mr. Turner suggested that the code be simplified relating to the Height of Buildings and Structures - that two stories refers to one living area over a garage and can be no more than 27-feet in height - and three stories can be built up to 37-feet.

In regard to setbacks, Mr. Turner suggested that any structure up to 27-feet allows for a 7-foot setback, and all structures over 27-feet require a 10-foot setback.

Mr. Turner felt that the P&Z Boardmembers should meet with the City Planner to make a determination relating to whether or not the habitable area should be the footprint. He made comments relating to the P&Z arriving at a consensus on certain items rather than an official vote being taken.

Robin Wall, 112 Palmetto, asked for clarification relating to the density criteria relating to buildable lots.

Planner Garrett responded.

It was Ms. Wall's opinion that single-family attached is the only conforming uses that should be in the residential district.

Discussion followed relating to the Bulk issue. Ms. Wall agreed that language should be incorporated that the third story must be a specific percentage less than the floor area.

Ms. Wall said if lot coverage were to be reduced, she felt it should be for all lot sizes.

Attorney Jeremy Anderson addressed the Board on behalf of his clients Mr. and Mrs. Nally, 110 Spring. He informed that his clients support the recommendation of the R-1 and R-2 so long as there is sufficient protection for the prohibition of duplexes.

Attorney Anderson referenced the November 19, 2008 P&Z minutes where Planner Garret and Building Official Welch discussed the two building units under one roof being considered single-family town-homes whenever the building straddles two lots.

He said if the intent is to prohibit one building with two dwelling units on one lot then it would not make sense to create the possibility that the same structure would be prohibited so long as it straddles two adjoining lots. He requested that no new language be added that would facilitate it and asked that specific language be added that would prohibit it.

Attorney Anderson addressed the current definitions of duplex and building, and the language in Section 70-183 of the Code. It was his opinion that the code language should be clear.

Planner Garrett responded that language can be added that the side yard line may not be adjusted. He agreed that the provisions were in the ROR but not in the R-1 or R-2. Explanation followed.

Micheal Coleman, Pine Ave., said it was his understanding that the Board had previously agreed that the purpose of non-conformity was to either starve out the non-conformity or stop it where it stands and that the smaller buildings could maintain themselves so they could improve their porches, etc.

Mr. Coleman stated that the more difficult the City makes it for the small houses to survive, the more likely they would be torn down and replaced with large structures.

It was his opinion that the small homes should be allowed to be maintained and improved without increasing volume.

Mr. Coleman said short-term rentals had not been a problem and were not currently a problem. He felt it was a self-regulating issue.

In regard to the three-story homes, Mr. Coleman said he was in favor of the small homes and did not want to see the “wedding cake” look similar to those in Holmes Beach. Mr. Coleman voiced concern relating to the beach cottages being torn down and replaced with beach castles. He did not advise, however, that an architectural design process be implemented.

2. Approve Minutes of January 20, 2009.

Boardmember Conoly asked that the following changes be made on page 9 - P&Z Board Discussion – “He felt *many of* those speaking in favor of the PAR project had a ~~monitory~~ monetary reason for being there and have money to be made on their mind.”

MOTION: Boardmember Pytel moved to approve the January 20, 2009 P&Z Minutes as corrected. Boardmember Conoly seconded the motion. Motion carried – All Aye.

3. Additional Business.

Discussion – P&Z Consensus versus an Official Vote

Boardmember Stover agreed with Tom Turner that it would be good for the Board to change the idea of determining a consensus on items. It was his opinion that an official vote should be taken rather than only a consensus taken. He made reference to the straw vote taken prior to an official vote taken at the January 20, 2009 meeting.

Discussion - 27-foot Height – 5,000 sq. ft lots

Boardmember Stover also agreed with the suggestion made by Mr. Turner relating to the 5,000 sq. lots being limited to a 27-foot height restriction.

Chair Copeland and Boardmember Pytel commented that the P&Z had recommended limiting the 5,000 sq. lots to a 27-foot height restriction, however, the City Commission overruled it.

Zoning District Regulations

Boardmember Conoly suggested that for clarification purposes, the different zoning district regulations should be outlined.

Adjournment.

Chair Copeland adjourned the meeting at 8:15 p.m. The next regular meeting is scheduled for Tuesday, February 17, 2009, 6:30 p.m.

Alice Baird, CMC, City Clerk