

**CITY OF ANNA MARIA  
CITY COMMISSION SPECIAL MEETING  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
THURSDAY, FEBRUARY 12, 2009  
7:00 P.M.**

**CALL TO ORDER**

Chair Quam called the Special Meeting to order at 7:00 p.m.

**ROLL CALL:** Mayor Fran Barford, Commissioner Jo Ann Mattick, Commissioner Dale Woodland, Chair John Quam, Deputy Chair Christine Tollette, and Commissioner Chuck Webb.

**Staff present:** City Clerk Alice Baird, City Attorney Jim Dye, Public Works Director George McKay, City Planner Alan Garrett, Building Official Bob Welch, Sergeant John Kenney, and Minutes Clerk Stacey Johnston.

**Press present:** Sun and Islander.

- 1. ROR Zoning District – Providing for Amendments to Sec. 114-281; Use Regulations and Sec. 114-282; Lot, Yard, Bulk and Parking Regulations - Second Reading and Public Hearing of Ordinance No. 09-697.**

*City Clerk Baird* read the Ordinance by title.

*Chair Quam* officially declared the Public Hearing Open. *The Pledge of Conduct* was read.

*Chair Quam* announced that the Commission would be reviewing the P&Z Board's recommended amendments to the Ordinance. The Commission may also act on other items.

*Mayor Barford* informed that the ROR issues had been discussed at P&Z meetings and in joint P&Z/Commission sessions and is ready for a vote. She stated that the pros and cons had been thoroughly debated and felt it was time the elected officials make a decision on the issues. The issue regarding coverage/bulk, however, is a separate issue that will need to be debated through the regular process.

Mayor Barford said at her direction staff had put in a tremendous amount of time regarding the ROR issues. The deadline with DCA regarding compliance of the LDR's with the Comprehensive Plan is April 11, 2009 and a very complex advertising and noticing timeframe is scheduled to meet the required deadlines.

**Public Comments**

Anna Maria Island Chamber Chairman **Mark Davis** stated that commercial uses are all part of the community and that the Chamber was in support of the businesses on the Island. He hoped that Pine Ave. would someday become part of a thriving business community.

**Resident**, 303 Pine Ave., felt allowing ROR on 5,000 sq. ft. lots was against the Comp Plan and he hoped that the issue would be discussed that evening.

**Loretta Hopps** said she had a shop on Pine Ave. and had been in business for thirty years. It was her opinion that the Pine Ave. development makes it possible for her to stay in business.

**Terry Schaefer**, 311 Iris, spoke on behalf of he and his wife Vicky. Mr. and Mrs. Schaefer proposed the following:

- That owner/occupation in the ROR be required as presently stated in the Code. Or, as a compromise, a single owner entity, full title fee simple is required for each building that allows the partners, organizers, or said owners of said entity to separately use, inhabit, or lease each individual unit. He stated that the benefit of this type ownership structure would focus communications, enforcements, and identity to a single owner entity.
- Swimming pools are disallowed on mixed-use partials.
- Maintain the existing building codes on partials 5,000 sq. ft or less. He felt allowing larger taller buildings to be constructed could impair adequate parking and create a canyon effect on Pine Ave.
- Restrict the number of tenants allowed per residential rental units in order to minimize overcrowding and the potential behavioral problems that could occur.
- Refer the issue back to the P&Z Board in order to craft a compromise and recommendation that would serve the long-term interest of the City.

**Sally Eaton**, 316 Spring Ave., asked that the Commission consider:

- Requiring minimum one-week rentals in the ROR District.
- Require a six-foot solid wood fence across the back of mixed-use property adjacent to the residential property, regardless of whether or not an alley intervenes.
- Require a landscape buffer.
- Restrict lots containing mixed-use buildings to residential use only – that no business use of the lots should be allowed.
- Restrict swimming pools on a mixed-use property to residential use only.
- Maintain the current 10-foot rear yard setback and exclude swimming pools from this setback.
- Maintain the current 7,500 sq. ft. lot size for residences in the ROR District.
- Require that all renters in Anna Maria be given a list of rules that apply to them such as noise restrictions, garbage regulations, traffic and parking rules, restrictions on open liquor/beer containers on the street, and prohibition of alcohol on the beach.

**Randall Stover**, N. Shore Dr., stated that the future of Anna Maria was what the Comp Plan, the "Vision", two Mayors, and the various Commissions, P&Z Boards, Planners, Attorneys, and citizenry have worked years to identify and protect. He pointed out that the owner/occupied issue had been thought through over the past 4+ years, put into the Comp Plan, and was now being instituted by State law. He felt that requiring an owner to occupy both the residential and retail was extremely limiting to the property. Mr. Stover questioned if the City

wanted to see shops or a street of houses and suggested the following rules be approved to allow for a sustainable ROR district:

- Each mixed-use lot must have one entity as owner such as a LLC, Partnership, etc. and not a condo.
- Owner can occupy or rent either or both the commercial and residential units.
- Swimming pools should not be allowed in a mixed-use.
- All parking must be on site.
- Mixed-use buildings should be only 27-ft in height and 30% lot coverage.
- Minimum rental period of not less than 7 days.
- ROR District speed limited to 10 MPH.
- Citizenry determined retail uses by vote.
- Tax, Insurance, and rent subsidies for uses desired by citizenry,

**Carol Whitmore**, Holmes Beach, said she was excited that Anna Maria was addressing the ROR District. She informed that she has a rental across the street from her home in Holmes Beach and had only had to speak to the renters about noise one time in the past ten years. She stated that Holmes Beach encourages business and had one street (58<sup>th</sup> St) with business below and residential on top. She felt Pine Ave. was a good place to have control over the business/residential establishments.

Ms. Whitmore informed that an article appeared that day in the *USA Today* about Anna Maria Island. In March, an article will appear in *Southern Living* that will feature the Rod & Reel Pier.

**Bob Carter**, 239 Willow Ave., spoke in support of the Pine Ave. project. He felt it was part of a vibrant community to support both the residential and business concept and was the reason he and his wife moved to Anna Maria.

Mr. Carter said he had seen what happens to communities when development is not managed and he did not want to see that happen in Anna Maria. He also did not want to see any gated residential areas in the community.

Mr. Carter said he and his wife urged the Commission to adopt the Ordinance.

**Jane Coleman**, 311 Pine Ave., said she and her husband Micheal chose to build their home on Pine Ave. because they felt it was the City's main street. Ms. Coleman commented that she sees the majority of people in Anna Maria walking on the beach, at the Community Center, or on Pine Ave.

Ms. Coleman referred to the old pictures of Pine Ave. she saw in the AMI museum. However, the only new buildings that had since been built were only residential. Ms. Coleman felt that residents and tourists expect the City to address what Pine Ave. will be in the future.

**Darcy Duncan**, 310 Pine Ave., said she had lived on the Island her entire life and that she had put every dollar she had into her building on Pine Ave. towards

its purchase and maintenance in order for it to be a reflection on what was hoped to be seen on Pine Ave.

Ms. Duncan felt the City and residents could come together for a consensus.

**Dewayne Segal**, 508 67th, Holmes Beach, informed that his wife had a business in Anna Maria. Mr. Segal stated that the City Commission adopted a plan two years ago to support development on Pine Ave. He supported the local developers developing Pine Ave. rather than an outside company. He encouraged the Commission to adopt the proposed Ordinance changes.

Mr. Segal pointed out that due to community debates the Community Center and the Anna Maria Island School cost millions of dollars.

**Judy Donovan**, 418 Pine, said she chose to live on Pine Ave. due to it being ROR and the desire to be where there are offices and shops. Ms. Donovan said she moved to Anna Maria from a gated / restricted community. In comparison, Anna Maria has a cross-section of ages and backgrounds. She said she was in full support of the PAR project and was opposed to the owner/occupied requirement.

**Sissy Quinn**, 301 N. Bay Blvd., said she lived in a 1920 cottage and loved the look of the Island. Ms. Quinn was in favor of the PAR project and especially loved what was being done to the existing homes.

**Heather Bayless** said in the past she had to rent her home while working out of state. She has since retired and has been living in Anna Maria for the past four years.

Ms. Bayless said she not in favor of short-term rentals. She proposed a minimum one-month rental term for properties in the ROR District.

She felt additional noise would be a result of allowing swimming pools, however, if the pools were to be allowed, she suggested imposing the same coverage restrictions as those in the residential district of not more than 35%. She felt reverse discrimination would occur if the same lot coverage were not implemented.

Ms. Bayless addressed the comment that if an individual purchased next to a commercial property, they should be prepared for whatever happened to that commercial lot. She said though she agreed with that statement, when the residential properties were purchased the Comp Plan protected the commercial properties. She asked that the Commission veto or compromise with certain items that were being asked to be stricken from the LDR's.

**Robin Wall**, 112 Palmetto Ave., suggested the following:

- Keep package sales and outdoor flea markets and sales complexes on the prohibited uses list.

- Reduce both the lot coverage and bulk of structures.
- Consider Sun Plaza as the design for pedestrian safety and 'walk ability' in reference to parking.
- Consider the proposed change that would allow residential units to be developed on lots with a minimum of 5,000 sq. ft instead of the current 7,500 sq. ft.
- Controls should be added relating to the owner/occupancy language. She asked that a restriction be adopted to allow only one owner for each building.
- Restrict swimming pools to properties used solely for residential uses, not for the mixed-use buildings.
- Add the word 'buffering' or 'buffer' to the ROR section entitled, "Walls and fences; landscaping." Ms. Wall felt six-foot high stockade type fencing should be required.
- Not rush the Ordinance approval through that evening and hold another special meeting to complete.

**Carol Ann Magill**, 403 Spring Ave., said she was in agreement with comments made by Heather Bayless, Randall Stover, and Robin Wall. She pointed out that the changes to the ROR did not just pertain to the PAR project – that it included all of Pine Ave. and Gulf Dr.

Ms. Magill felt if swimming pools were allowed in the ROR, then the maximum building coverage should be reduced from 40% down to 35% - the same as what's required in the residential district.

Ms. Magill did not feel the Commission should vote that evening if unresolved matters existed.

She further felt there should be a one-owner requirement and also that rentals should be restricted to one-month minimums.

**Micheal Coleman**, 311 Pine Ave., said the City was very close to an agreement and the process had assisted in bringing the community together. Mr. Coleman detailed a history of the actions taken in regard to the Comp Plan. He stated that though some may want to only see homes on Pine Ave., the majority hoped to see a business district on Pine Ave. However, a new policy was needed.

Mr. Coleman said he was confused why there was an objection to having swimming pools. He pointed out that the businesses are in front and are not connected to the residences in back. He suggested not allowing swimming pools would be a punitive act in order to stifle the sales and rentals of the property.

Mr. Coleman reported on a survey he conducted relating to both Spring Ave. and Pine Ave. He stated Spring Ave. has 78 units between N. Shore and N. Bay of which 30 are short-term rentals that have signs out front. Pine Ave., on the other hand, has 38 units of which 5 are rentals with signs out front. He informed that if

all his structures were approved for building, there would only be an additional 6 rental units on Pine Ave.

Mr. Coleman encouraged the Commission to take action that evening and suggested lot/bulk be discussed at a later date.

**Esther O'Brien**, 520 Magnolia, said she had attended many of the land-use meetings and felt it was unfair for so many of the citizens to come before the Commission with their oppositions at this late date. She said she supports the changes and decisions made and encouraged the Commission to move forward. Ms. O'Brien said she was also in support of individual ownerships.

**Larry Albert**, 711 Gladiolus, agreed with comments made by Randall Stover and further voiced objection to the proposed off-street parking. Mr. Albert felt angular parking would be safer than straight-in parking.

Mr. Albert suggested a 35% lot coverage for mixed-use. He said he hoped the project moved forward.

**Donna Kamp**, 506 Spring Ave., was in favor of maintaining the owner/occupied restriction and that the current law preventing swimming pools on properties containing residences and businesses should remain unchanged,

Ms. Kamp made reference to statements made by Micheal Coleman at the April 2008 meeting regarding the properties at 315 and 317 Pine Ave. She said Mr. Coleman had stated that the project would conform to Section 114-281 because it would be occupied by the owner or tenant of the associated retail service office. Ms. Kamp said Mr. Coleman said the same thing when discussing the 503 Pine Ave. project. The same information was provided to her and her husband during a meeting they had with Mr. Coleman.

Ms. Kamp said she was concerned about the proposed changes and did not want to change the ambience of the City.

**Carol Lynn Marler**, S. Bay Blvd., said her family chose the location of their home because it was quiet and residential and not commercialized. She was concerned about the proposed changes and stated many moved to that area because it was residential.

**JoAnn Peery**, 242 Lakeview Dr., said a few years ago it was hoped that an area on Pine Ave. would serve as a park with a boathouse where canoes and kayaks could be rented. She said the City Commission did not approve it and large homes were built there instead. Ms. Peery asked that the Commission do what's right because she felt not approving the park was so wrong.

Ms. Peery complimented Gagney Construction for building as envisioned by what Pine Ave. was going to be.

**Tom Turner**, N. Shore Dr., felt in order to properly build the PAR projects, each entire structure should be owned by one individual or one legal entity that has complete control over it, along with the option to rent one or both of the spaces. He said doing so would avoid mini-condo associations.

**Dan Gagney**, Gagney Construction, 214 Pine Ave., spoke in support of the current LDR's. Mr. Gagney stated that the parking in the front distinguishes the difference between the single-family homes in the ROR District.

Mr. Gagney was in support of the swimming pools and did not feel the ROR District owners should be penalized.

**Jill Morris**, 307 Spring Ave., said she was in total agreement with Mayor Barford's opening comments and encouraged the Commission to vote that evening.

Ms. Morris felt there was a lot of unfounded concern when only considering 3% of the area in Anna Maria. She said she was opposed to any rental minimum in the City and that the short-term rentals are what have sustained the community.

Ms. Morris said she did not understand what the fear was for having rentals on Pine Ave. and how the Pine Ave. renters would act any different than those renting on Spring Ave.

**Janet Aubry**, 410 Spring, said she had always envisioned a booming main street with shops, etc. in Anna Maria and was in total agreement of the proposal. She said she hoped the Commission would take action that evening.

**Bob Barlow**, 212 Oak, spoke on behalf of he and his wife Marcia pointing out that the development of Pine Ave. includes a mix of retail, office, and residential uses. A history of the process that occurred relating to the Pine Ave. development followed.

Mr. Barlow said they did not want to see the alternative to the project, which could be a 3-story structure of up to 37-feet high on a 50-foot wide existing platted lot – currently allowed in the ROR zoning.

Mr. Barlow stated they were in support of the development project.

**Sandy Mattick**, 307 Pine Ave., said she was not opposed to limiting rental periods but felt it should be a separate issue and that all districts should be treated the same. She felt that swimming pools should not be restricted in the ROR.

Ms. Mattick informed she was the only business in the ROR currently having packaged sales and removing it from the permitted uses would not affect her business – The Pine Ave. General Store. If removed, her business would become a non-conforming use. She pointed out that no other business in the

area would qualify to have packaged sales so it made sense to remove it from the permitted uses.

Ms. Mattick said she and others purchase on Pine Ave. because they want to be there. She felt that Pine Ave. would be the most undesirable area to rent in the City because most persons do not want to rent next to a business.

Ms. Mattick said she is excited about the PAR project and was happy that local residents were involved rather than outside contractors. She pointed out that future buildings would not be any bigger than what had currently been built.

**Attorney Jeremy Anderson** spoke on behalf of his clients Mr. and Mrs. Nally, 110 Spring Ave., and Mr. White, 111 Spring Ave. Attorney Anderson said his clients were of the opinion that allowing swimming pools in the ROR would increase unnecessary nuisance conduct and unsafe conditions.

Attorney Anderson stated that the Ordinances to be adopted must be consistent with the Comprehensive Plan and that the city must ensure that the single-family residential character be maintained and minimize the threat to health, safety, and welfare caused by nuisances - and to maintain the residential properties. He stated there would be increased foot traffic in the ROR due to the businesses downstairs and the residential upstairs. Examples of safety issues included the possibility of a child jumping from an upstairs deck.

Attorney Anderson said his clients supported minimum month rentals and that the hotels/motels should support the transient rentals. They would, however, agree to minimum one-week rentals. It was his opinion the proposed language for one-week rentals was written improperly and Attorney Anderson provided alternative language.

He further stated that landscaping or the six-foot fences would not buffer noise from the elevated porches.

**Don Schroder**, Holmes Beach, attended a meeting earlier that day that had discussed the Pine Ave. district community in Anna Maria.

Mr. Schroder did not feel swimming pools should be restricted in the ROR, that Anna Maria was unique in that rental periods were not restricted, and that the City has the opportunity to have something wonderful for the community. He hoped that the City Commission would move forward.

**Larry Chatt** said as a homeowner in Anna Maria, he supported the dual ownership in the ROR, swimming pools in the ROR, and the PAR project.

**John Chappie**, Bradenton Beach, spoke in support of the PAR project as proposed and felt it was great for the community.

**David Zaccagnino**, 2907 Ave. E., Holmes Beach, said he supports the PAR project and felt it was important that local contractors were involved.

**Frank Davis**, Gulf Dr., felt the Anna Maria residents should be proud of the PAR project as proposed. He was opposed to the owner/occupied restriction and encouraged the City Commission's approval of the ROR as submitted.

**Resident**, 306 S. Bay Blvd., said his wife planned to be a new business tenant of one of the new PAR spaces and that he was in favor of the project.

**Resident**, 233 Gladiolus, said she had lived in Anna Maria for two years after renting off and in the area for several years. She was opposed to any minimum rental term restrictions. She was in favor of the project, was in favor of having additional businesses in the community, and enjoyed riding her bicycle around the community. She voiced support of the PAR developers and encouraged Commission approval.

**Chair Quam** announced that the Commission received over 50 e-mails over the past two weeks relating to the proposed changes in the ROR District. All e-mails are part of the public record in City Hall.

*Hearing no further Public Comment, Chair Quam officially closed the public portion of the hearing.*

### **Commission Discussion**

Detailed review and discussion of the proposed Ordinance as amended and proposed by the P&Z Board followed by the City Commission. All P&Z recommended changes were reviewed. The following indicates discussion and changes to the Ordinance as proposed by the P&Z:

#### **Sec. 114-281. (b) Permitted Uses.**

- Marinas – The Commission agreed that the use be removed from the Permitted Uses. *Commissioner Webb* suggested that a Boat Livery be added as a permitted use in its place. After discussion, it was agreed that marina be removed. On a straw vote of 3 (Tollette, Woodland, Webb) to 2 (Mattick, Quam) it was the majority consensus that the Commission would at a later date discuss permitting a Boat Livery.
- Light repair businesses – To be added back in as a permitted use.
- Hobby shops, art gallery and art studios, classroom work in art, crafts and hobbies. Articles created or fabricated in connection with such activity may be sold. Language to remain as recommended by the P&Z Board.
- Pet shops – To be added back in as a permitted use.
- Laundromat – To be added as a permitted use as recommended by the P&Z Board.

#### **Sec. 114-281. (b) (3) a.**

- On a straw vote of 4 to 1 (Woodland opposed), it was agreed to remove a. "Such unit is occupied by the owner or tenant of the associated retail, service or office use."  
*Commissioner Mattick* gave the example of the frequent turnover of occupancy at the Rod & Reel Motel that she lives across from and that she had never had to complain to the management or call the police with

regard to noise or any other kind of disturbance. She pointed out that the businesses and residential quarters could be purchased in the name of a corporation, a family trust, or other forms of multiple ownership and that it would be impossible to enforce.

*Commissioner Woodland* said he had originally supported the issue until recently but had not considered short-term rentals. It was Commissioner Woodland's opinion that allowing for a short-term rental of the residences causes it to also serve as a commercial entity, therefore indicating commercial over commercial rather than residential over commercial.

Commissioner Woodland asked that a compromise be sought by requiring one owner of each building. He further discussed the possibility of a Condo Association being established and felt it would not be a healthy situation for the City. Commissioner Woodland asked for clarification relating to Condo Associations.

*City Attorney Dye* informed that a City could not regulate condominium ownerships. He explained that difference between the legal and practical concerns that have to be determined prior to the City writing an Ordinance and its regulations.

City Attorney Dye illustrated why "use" versus "ownership" was the more valid concern. A hypothetical example followed. Commission discussion followed.

*Commissioner Webb* responded to Commissioner Woodland's concern about commercial over commercial. He disagreed and stated that if a short-term rental is considered commercial then all structures in Anna Maria would be classified as commercial.

**Sec. 114-281. (b) (3) d.**

- Remove proposed language – "All residential unit must be rented for periods of seven consecutive days or longer."

*Commissioner Webb, Mattick, and Chair Quam* agreed if restrictions were implemented it should be citywide.

*Commissioner Woodland* disagreed and stated that the ROR had its own LDR's and there was nothing in the Ordinances or Charter stating that the ROR must match the residential component of the residential district.

- **MOTION: Announcing it was 9:05 p.m., Chair Quam moved to continue the meeting until completion of the agenda. Commissioner Webb seconded the motion.  
Motion carried – All Aye.**

*Commissioner Mattick* pointed out that all Anna Maria's small motels were located in the R-1 District.

*Chair Quam* referred to all the public comments and recommendations that a minimum rental period be implemented. He did not agree that any rental restrictions in the ROR should be the same for the R-1. Chair Quam felt the language should remain in the Ordinance and pointed out that the P&Z Board had voted 6 to 1 in favor of it being included in the Ordinance.

*Commissioner Tollette* suggested that the issue be addressed later if it were to become a problem. She was in favor of removing the language from the Ordinance.

On a straw vote of 3 (Mattick, Tollette, Webb) to 2 (Quam, Woodland), it was the majority consensus that the sentence be removed.

**Sec. 114-281. (2) (c) Accessory uses. (3) – Relating to swimming pools.**

-- After discussion, it was agreed on a straw vote of 4 to 1 (Quam opposed) that the language be written as follows:

(3) Swimming pools as an accessory use. There shall be only one swimming pool per lot containing a residential unit. The swimming pool shall be for the use of the residential unit only and shall not be for any commercial activity.

*Planner Garrett* explained that the P&Z Board had a concern that a commercial business may have an operation such as a spa that would have a swimming pool as part of their fitness program. To address that concern, language indicating "for the use of the residential unit only" should be added.

*Commissioner Woodland* disclosed that his business/occupation is swimming pool maintenance. He was in support of leaving the language in the Ordinance and felt having a swimming pool would assist in selling the residential units rather than they each being a rental.

*Chair Quam* said he would only agree to allowing swimming pools if the building coverage were reduced from 40% to 35%. His reasoning followed.

Planner Garrett responded that swimming pools were not counted as part of the lot coverage.

*Commissioner Mattick* stated every residential property in the city has an opportunity to have a swimming pool and she agreed they should be allowed in the ROR. It was her opinion that forcing the footprint of the building would force a person to build three stories high due to not being able to get the amount of space for the residential unit expected.

*Commissioner Webb* suggested that the issue of building and lot coverage be addressed at a later date. He recommended that the language be made clear as to only the residential unit being allowed the swimming pool.

**Sec. 114-281. (3) (d) *Prohibited uses.* (5) Manufacturing establishments.**

- Definition of Manufacturing establishments will be included in the definitions to be addressed later by the Commission.

**Sec. 114-281. (3) (d) *Prohibited uses.* (9) Amusement arcades.**

- It was a unanimous consensus that the language be change to:  
(9) Amusement arcades containing three or more coin operated machines.

**Sec. 114-281. (3) (d) *Prohibited uses.***

**(11) Adult entertainment establishments.**

- *Commissioner Webb* presented Planner Garrett with suggested language to be added to the definition section relating to this section.

**Sec. 114-281. (2) (d) *Prohibited uses.* (13) Package sales.**

- The P&Z Board recommended that package sales be removed as a prohibited use. Commission discussion followed relating to whether or not package sales should or should not be removed.

*City Attorney Dye* informed that under State Law there is an exemption under local zoning for beer sales for convenient stores. The City has since passed an Ordinance stating that establishments exempt for beer sales under State Law, under local laws are also exempt from wine sales. He stated there was no definition for package sales and it may need to be defined by the City.

*City Attorney Dye* discussed the 2,500-foot distance requirements. He said even if package sales are permitted it is likely there would not be a location in the City not covered by the 2,500-foot distant limitation due to current sales by The Pine Ave. General Store, and the distance to a church and the daycare.

*Commissioner Webb* felt a wine shop would be nice and appropriate. He suggested a definition be established for package sales based on alcohol content.

*City Attorney Dye* said it could be done but it would be a big project. The distance limitation regulations would also need to be addressed.

After discussion, it was unanimously agreed that Package sales be added back in as a Prohibited use and that a definition for Package sales be established.

**Section 114-282. (1) Lot, yard, bulk and parking regulations Table Insert**

-- *Planner Garrett* explained that currently 7,500 sq. ft. is needed for a residential unit to be built on a parcel of land – whether or not it is associated with a mixed-use. An office or retail can be built on a 5,000 sq. ft. parcel of land.

The P&Z Board wished to allow the residential unit on the 5,000 sq. ft of land to be associated with the mixed-use development. Explanation followed relating to why a residential unit would require more land than a commercial operation. It was noted that the Comp Plan requires that the residential density being at 6 dwelling units to the acre comes out to just under 7,500 sq. ft.

The P&Z wanted to compromise that in mixed-use, a residential unit could have a residential unit on a 5,000 sq. ft parcel of land. There was a concern that if residential units were allowed on 5,000 sq. ft. lots and an individual owned two 7,500 sq. ft lots on the south side of Pine Ave., they could be split into three 5,000 sq. ft. lots, which would be contradictory to the Comp Plan. Therefore, lots platted prior to and after dates were suggested.

*Chair Webb* stated that if the City were to require 7,500 sq. ft. lots, there would be several non-conforming lots.

*Chair Quam* voiced concern relating to parking for the office/retail on a 5,000 sq. ft lot.

*Planner Garrett* explained that the parking would be self-regulating just by its size.

After discussion, the following Table Insert was unanimously approved by the Commission:

	Area (square feet)	Width (feet)	Depth (feet)
Residential (For lots platted prior to February 15, 2009)	5,000	50	*
Office/retail/residential (For lots platted prior to February 15, 2009)	5,000	50	*
Residential (For lots platted after February 15, 2009)	7,500	75	*
Office/retail	5,000	50	*

\*Residential lot depth may be adjusted so long as minimum area requirements are compiled with and lot width is at least 50 feet of frontage on a public road or approved private access.

**Sec. 114-282. (2) Lot coverage Table Insert.**

-- *Chair Quam* said he would like to see the Office/retail/residential maximum building coverage to be reduced from 40% down to 35%.

*Commissioner Mattick* stated that if lot coverage were reduced for businesses with special requirements, it would result in having two floors of residential and pushing the height up to the max. She felt a 5% increase was negligible and that the parking requirements would still have to be met.

*Commissioner Webb* said he would like to see the reduction percentages diagramed if they were to be considered.

**Sec. 115-282 (4) Setback requirements.**

-- *Planner Garrett* explained that the only change was to the front yard setback.

*Commissioner Webb* asked why there would be a need for two different setbacks.

*Commissioner Mattick* stated that a 29-foot setback would pull the buildings more toward the street and further away from the residents behind. However, 35-foot setbacks would allow safety in regard to the parking.

*Commissioner Mattick* said she would like the City to consider a meandering sidewalk down Pine Ave. by taking up all the concrete sidewalks and bring them up to the front of the building wherever there are businesses. The use of pavers would be her preference. Therefore, no one would be backing out across the sidewalk. A 35-foot setback should be required for any new development along Pine Ave.

It was unanimously agreed that the table insert would be approved as submitted.

**Sec. 114-282 (4) Setback requirements.**

-- *Planner Garrett* informed that the Commission would be considering a Landscape Ordinance in approximately one month. It will be suggested the requirement that a person must park in the front at 90° will be removed in order to start allowing flexibility. Other options will be considered. He informed that due to the traffic flow, back-in parking has been implemented in downtown Sarasota.

*Planner Garrett* further informed that swimming pools must meet the side yard setbacks.

*Commissioner Woodland* asked for clarification relating to internal lot lines in respect to setbacks.

*City Attorney Dye* informed that Sec. 114-429 allows the lot line could be straddled and that any setback requirement could be ignored as long as it was one property owner.

*Planner Garrett* discussed the difference between a lot versus a parcel in respect to setbacks.

It was unanimously agreed the section be approved as submitted.

**Sec. 114-282 (5) Off-street parking.**

-- See Section 90 will be corrected to See *Chapter 90*.

It was unanimously agreed the section be approved as submitted.

**ACTION**

*Planner Garrett* informed that the Commission had the option of voting on the Ordinance that evening. All formatting requirements and items agreed upon would be placed in Ordinance form for Chair Quam and Mayor Barford's final review and signature.

It was agreed that the adding of Boat Livery as a permitted use be discussed separately by the Commission and the definitions of Packaged sales, Manufacturing, and Adult Entertainment would also be addressed.

**MOTION: Chair Quam moved to adopt Ordinance 09-697 as amended. Commissioner Webb seconded the motion.**

**On Roll Call Vote, Ordinance 09-697 was approved on a vote of 4 to 1 with Commissioner Woodland voting No.**

**ADJOURNMENT**

**The meeting was adjourned at 10:10 p.m. on motion made by Chair Quam and seconded by Commissioner Woodland. All Ayes.**

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**Alice Baird, CMC, City Clerk**

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