

**CITY OF ANNA MARIA  
CITY COMMISSION WORK SESSION  
MEETING HELD AT ANNA MARIA COUNCIL CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
JULY 9, 2009  
7:00 P.M.**

**CALL TO ORDER**

Chair Quam called the Work Session to order at 7:10 p.m.

**PRESENT:** 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, Building Official Bob Welch, Public Works Director George McKay, City Planner Alan Garrett, City Attorney Jim Dye, and Minutes Clerk Stacey Johnston.

**Press present:** Sun, Islander.

**1. Continued Discussion – Development Regulations to Reduce Box Type Two Habitable Floor Structures.**

*City Planner Garrett* informed that the P&Z Board reviewed the Floor Area Ratio (FAR) concept. After discussion, the P&Z Board members recommended that rather than utilizing the complicated FAR concept, the Commission pursues looking at how to reduce the intensity of the second habitable living floor. No details were discussed on how it would function.

*Chair Quam* said after reviewing the issue with a local builder, he suggested 70% of the second habitable floor. The builder had indicated there would be no factor in the structure of the building and the costs would be based on the design. This concept would eliminate the box type structures and McMansions.

*Commissioner Woodland* questioned if restricting the second floor would cause the existing structures to become non-conforming.

*Planner Garrett* stated that language could be added to the Code that structures built prior to a specific date would be conforming and could maintain what they currently have, and all those after that date would be required to fall under the new guidelines. Also, for example, if the Commission was to approve the 70% concept and a homeowner currently had 80%, that individual would not be allowed to expand.

*Commissioner Woodland* suggested building 90-100% rather than 70%. He felt there would be no effect on intensity or density and it was his opinion that the City should not have control over the type of home an individual built.

*Commissioner Mattick* stated that the first floor living space would be impacted anytime the top floor of the structure is reduced. She also felt a person has the right to choose what to build and that reducing the size of the top floor would have no effect on the neighbors. She was not in favor of making changes to the Code.

*Commissioner Webb's* opinion was that the City was currently in a transition period from having small residences to as large a home that can be placed on a lot. Consequently, the character of the community was changing. He felt the City should be concerned as to how to reduce the density and that control and limitations should be established.

*Commissioner Tollette* reminded that the Commission first discussed the issue based on not wanting to see the continuance of the box style homes being built. Understanding the concern of an individual building up to the maximum on a lot, she did not feel it appropriate that regulations on how a home was to be built should be established. Though opposed, she stated that in order to maintain the look of Anna Maria, an architectural review committee would be required.

*Mayor Barford* said after watching the Commission and P&Z dialog on this issue for many months, there had been no change on any of the members views. She suggested the Commission consider the cost to the City and time involvement for revisiting the issue and felt that a final consensus should be made. Discussion followed.

#### **Public Comment**

*Micheal Coleman*, Pine Ave., was opposed to regulating how an individual builds their home. He suggested that the homes of concern in the community were built in a hurry in anticipation of possible regulations being implemented by the City.

Mr. Coleman saw nothing being solved by reducing the top level - except for them all looking the same. He felt homes should be restricted to only building two levels. He further suggested that the issue be dropped and that incentives should be established.

**ACTION:** On a straw vote of 3 to 2, it was the consensus of the Commission that the issue of developing regulations to reduce box type two habitable floor structures no longer be pursued at this time. Both Chair Quam and Commissioner Webb voted in favor of continuing to pursue the issue.  
As a result, no further action will be taken at this time.

#### **2. Continued Discussion – Limiting Expansion of Existing Two-Family Dwellings.**

*Planner Garrett* referred to the Commission's recent action of March 26, 2009 for combing the R-1 and R-2 Districts into one (R) zoned district. He explained that the following two tests must be met in order to be a non-conforming use – 1) If the use is not listed in the District, and 2) If the use exceeds the density of the Comprehensive Plan.

The previous R-1 District did not allow for two-family dwellings. Therefore, all two-family dwellings in R-1, up until being changed to R, were non-conforming

uses. All were limited to expansion, only non-habitable, and recently codified to allow re-roofing.

Two-family dwellings were permitted uses in the R-2 District. However, in order to have a two-family dwelling in the R-2 District required having a 10,000 sq. foot lot area. After reviewing where the two-family dwellings were located in the City, Planner Garrett informed that only 8 or 9 of the two-family dwellings were zoned R-2 and only two of those dwellings complied with the 10,000 sq. ft lot area which allowed them to be a conforming use.

Planner Garrett explained that the Code currently allows the two-family dwellings the same rights as all permitted uses - and are allowed expansion as long as they meet the setbacks, height, and lot coverage. In order to remove the two-family dwellings from the approved section of the Code, rights would be removed from only two property owners in the City. He provided the following alternatives: 1) All two-family dwellings could be made non-conforming uses – not allowed to expand habitable area, but can re-roof, 2) That perimeters be established. For example, the two-family dwellings be allowed a one-time expansion not to exceed a specific percentage (ex. 10% or 15%) of the existing floor area, or 3) Leave as is that allows any type expansion.

*City Attorney Dye* confirmed that language could be added indicating that the two two-family dwellings currently in compliance could remain as a conforming use as long as limiting to the Land Development Use Code. However, if the density were to be exceeded then the City could not authorize construction violating the Comp Plan. Discussion followed as to how density is measured.

*Commissioner Woodland* said he was in favor of all two-family dwellings not being a permitted use. He was concerned about allowing a two-family dwelling to expand when already in a high-density area that would also increase the intensity issue.

*Planner Garrett* confirmed that reverting the two-family dwellings back, as a permitted use, would not violate the Comp Plan. However, limiting the two-family dwellings as non-conforming would not allow a two-family dwelling to be converted to a single-family home and expand.

*Commissioner Tollette* said she saw no difference between allowing a single-family dwelling versus a two-family dwelling the rights to expand.

*Commissioner Webb* voiced concern that if the duplexes were made non-conforming they would be unable to rebuild if the loss were over 50% destruction in the event of a fire, hurricane, etc. and that it would take away a persons property rights.

*Building Official Welch* stated that his interpretation of the damage construction clause of the non-conforming uses and non-conforming structures allows for non-conformity to be rebuilt in the same intensity as it was before. The 50% requirement refers to the 50% damage ratio of the fair market value. The

structure would then need built up in height and made conforming to all other aspects of the Code.

Commissioner Webb said he had a different interpretation and would meet with Building Official Welch to go over it. Discussion followed.

Commissioner Webb felt the two-family dwellings should remain as conforming and as the Code is currently written in order to avoid affecting a person's property rights.

*Chair Quam* pointed out that for years duplexes have not had the ability to expand and questioned why the City would now want to allow for them to expand. He stated that Goal # 1 of the Comp Plan is to insure that the single-family character is maintained and protected. It was his opinion that causing a duplex to expand would increase the density use and also affect the neighbors. Chair Quam felt duplexes (two-family dwellings) should be a prohibited use, however, limit expansion and allow re-roofing.

*Commissioner Mattick* felt duplexes are a good thing for the City.

#### **Public Comment**

*Micheal Coleman*, Pine Ave., suggested the Commission continue to focus on adding value to what currently exists in the City rather than removing value. He pointed out that decreasing the value would increase the likelihood of it being torn down and replaced by a large structure.

#### **ACTION: The following straw vote consensus was taken:**

- **Removing two-family dwellings from the district and not allowing expansion.  
Vote of 3 to 2 with Chair Quam and Commissioner Woodland voting yes.**
- **Allow two-family dwellings to exist as a permitted use but limit the expansion.  
Vote of 4 to 1 with Commissioner Mattick voting no.**
- **That the two-family dwellings remain as is that allows for expansion - provided all other code requirements are met.  
Vote of 1 to 4 with Commissioner Mattick voting yes.**

**With a consensus to allow two-family dwellings to exist as a permitted use but limit their expansion, Planner Garrett will bring back 4 to 5 suggestions relating to limitations for discussion at the August work session.**

**3. Boundary/City Limits – Discussion and Direction.**

*City Attorney Dye* spoke in regard to the recent invitation sent to Manatee County and Holmes Beach to discuss the City boundaries. He informed that the Manatee County Attorney has reviewed the Resolution. Both City Attorney Dye and Building Official Welch met with Manatee County representatives to begin discussions. The County prepared the drawing presented to the Commission for their review. Explanation followed.

Upon discussions with the County, it was made clear that the County has no interest in permitting boat docks. However, they were concerned about boating and the Manatee Protection Ordinances and also questioned if the City would be setting up a mooring field.

City Attorney Dye informed that when the Resolution was first sent to the County it was sent by regular mail rather than by certified mail as required by the Statute. The County Attorney has since requested it be resent by certified mail.

City Attorney Dye recommended to the Commission that the boundaries be expanded to include the Rod & Reel Pier, City Pier, Bimini Bay, and the Bay Front Park. It has been determined there are no reasons for the City to expand out into the water or on the Gulf side. It was pointed out that the City has no marine unit so therefore there are no resources to police the waters.

Now that the County has received the certified letter from Anna Maria, they will be preparing a responding Resolution for the County Commissioners consideration at their August or September meeting. City Attorney Dye recommended that the City discuss the issue with County Commissioner's Whitmore and Chappie and also have a representative present at the meeting.

Discussion followed relating to regulating the area around the Bay Front Park. *Mayor Barford* pointed out that Manatee County leases the park, however, the City polices it.

*Commissioner Webb* questioned if the boundaries around Bimini Bay would be at the edge of the channel.

*City Attorney Dye* explained that the next task would be to obtain aerial photos so that determination can be made. He also informed that traditionally the dredging of the channel is paid for by grants received from the WCIND and shared by the cities of Holmes Beach and Anna Maria. Galati has dredged their channel by hiring the same dredger at the same cost.

*City Clerk Baird* questioned if the City would have the authority to regulate "No Swimming" at the Bimini Bay area.

*City Attorney Dye* answered that it was difficult to control, however, a sign could be posted indicating "Swimming at Own Risk."

**ACTION: It was the consensus of the Commission that City Attorney Dye move forward on the Boundary/City Limits issue.**

**4. Resealing Existing Roads.**

*Public Works Director McKay* informed that the Florida Highway Products, Inc. GSB-88 rejuvenating product used by the Sun 'N Lakes Improvement District comes highly recommended and is economical. The funding of the project will be paid for out of the economic stimulus package.

*Mayor Barford* explained that staff proposals piggybacking on another project. The resealing will prolong some of the roads that need to be maintained. Additional roads will be resealed at a later time and presented to the Commission with the upcoming budget meetings.

*CIAC Chair Bob Barlow* informed that the CIAC recently approved the resealing project and also a 5-yr plan.

Discussion followed relating to the savings in mobilization costs.

*Commissioner Woodland* suggested that in the future, the sealing process be added as part of the overall paving bid process.

**ACTION: Final action will be considered at the Special Meeting scheduled immediately following the July 9, 2009 work session.**

**5. Update on Pier Structural Inspection Contract.**

*Mayor Barford* informed that the Pier Structural Inspection Contract would be presented to the Commission for their approval at the July 23 meeting. The proposed contract is for assessing the structural stability of the City Pier. Consensus is needed for pursuing the inspection contract and also for insuring the tenant accepts the maintenance responsibilities of the City Pier as required in their current contract. In 2010, the City will be renegotiating the contract with the tenant.

*Mayor Barford* explained that since the City generated the study, the \$5,200 inspection amount would be paid from the City's Pier account.

*City Attorney Dye* reminded that it was not unusual for the Landlord to review their structures for maintenance and determine where the work needs to be done. The inspection would not obligate the City to perform any maintenance and the results could be used as a negotiating tool.

*Building Official Welch* stated that the inspection proposal would include the structural components of the buildings and structural inspection from the waterline up. The separate inspection results from the pilings will be combined with the structural inspection results to provide the overall evaluation report.

**ACTION: This item will be considered for final approval at the July 23, 2009 City Commission meeting.**

**6. Sexual Predator Draft Ordinance.**

*Commissioner Webb* will present the draft ordinance for the Commission's review at their August work session.

**Staff Comments**

*Mayor Barford* asked that each Commissioner provide her with their Citizen of the Year Committee member recommendation no later than the July 23, meeting.

**Public Comment on Agenda Items Only – None.**

**Press Comments – None.**

**Adjournment**

**Commissioner Webb moved that the meeting be adjourned at 8:45 p.m. Commissioner Woodland seconded the motion. Motion carried – Aye.**

**The next regular Commission Meeting will be held Thursday, July 23, 2009.**

---

**Alice Baird, CMC, City Clerk**