



City of Anna Maria

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MINUTES
PLANNING & ZONING BOARD MEETING
CITY OF ANNA MARIA COMMISSION CHAMBERS
Tuesday, August 2, 2011 6:00 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

PLEDGE TO THE FLAG

ROLL CALL

Present: Chair Sandy Mattick, Vice Chair Tom Turner, Boardmember Mike Pescitelli, Boardmember Margaret Jenkins, Boardmember Lou Ellen Wilson, Boardmember Carl Pearman.

Absent/Excused: Boardmember Nancy Yetter.

Also present: City Clerk Alice Baird, City Planner Alan Garrett, Mayor Michael Selby (6:20 p.m.), and Minutes Clerk Stacey Johnston.

Press: None.

- ❖ *City Clerk Baird* administered the oath to reappointed members Chair Mattick and Boardmember Pescitelli.

PUBLIC HEARING:

Ordinance No. 11-719 - An Ordinance amending the Code of Ordinances of the City of Anna Maria.

It was noted that there was no public in attendance for administering the oath.

Planner Garrett reviewed the proposed changes to the LDR as recommended by the LDR Committee – Planner Garrett, Tom Turner, and Doug Copeland. Consensus and discussion was as follows:



Ordinance Section # 2 – Clarifies that waterfront setbacks are measured differently than front, rear and side-yard setbacks. The waterfront setback definition is not being changed.

After discussion, it was the consensus to add language “whichever is closer to the lot or parcel”.



Ordinance Section # 3, 4, and 5 – The Code currently requires that a swimming pool and its deck meet the required setbacks. A deck by itself, however, can be built to the property line. The proposed Ordinance amendment requires the swimming pool to meet the setbacks and allows a deck or patio to be built to the property lines. Section 3 changes the requirement in the R-1 and the R-2 Districts. Section 4 changes the requirement in the ROR District. Section 5 changes the requirement in the PSP District.

Boardmember Wilson did not agree with the pool deck going all the way to the property line. She noted that most of the time a person would not be in a lounge chair on the back part of the deck. If persons are on that part of the deck, she felt it would be cause for a lot more noise. She noted that if two properties back up to each other and both have swimming pools backing up to the property line - there is no drainage. A deck 10-ft off the property line would allow a place for the water to go.

Boardmember Pearman asked why removing the swimming pool setbacks was not being discussed.

Planner Garrett informed that most communities do not require setbacks for swimming pools due to a swimming pool not being considered a structure; however, removing the setbacks could be discussed in the future. He noted that the committee had discussed whether to require more buffering, landscaping, and increasing fencing height, etc. to help with the noise issue regardless if there is or is not a pool.

It was consensus that the Commission be asked that allowing for flexibility of the swimming pool setbacks be reviewed.



Ordinance Section # 6 – Clarifies and updates definitions.

--A Breakaway wall is defined in Sections 70 and 82. The definition in Section 82 is more inclusive. Therefore, the definition in Section 70 is being deleted and the definition now references Section 82 (Floods).

--The definition of Building Code is being updated to reference the correct Building Code for the State of Florida.

--The definition of a masonry fence is being renamed a Retaining Wall.

--The definition of a Masonry or rock wall now includes the work "fence".

--The definition of Restaurant is being modified to state that smaller retail stores with 8 or fewer seats will not be defined as a restaurant. The General Store was used as an example.

Boardmember Wilson felt this change would cause additional congestion on Pine Ave. She felt if a business was going to serve food as take-out they should be required to meet all parking requirements. She suggested the businesses be classified as a take-out place to eat and that customers are not allowed to stay at the establishment and eat. Discussion followed. Except for Boardmember Wilson, it was the Board's consensus that no change be made to the language at this time.



Ordinance Section # 7

--Removing "galvanized" to disallow chain link fences.

Boardmember Jenkins asked what the objection was towards chain link fences.

Planner Garrett noted it was for aesthetic purposes only.

Boardmember Wilson suggested allowing for a "living fence" where shrubs are planted adjacent to a chain link fence. It was agreed that allowing for a living fence would be placed for discussion on the September meeting agenda.

--The maximum height of fences is being clarified for properties facing Gulf Front Park. The existing definition of yards allows for the yards of the home abutting and facing Gulf Front Park to be defined as the rear yard. Rear yards can have fences 6-ft in height. The Ordinance change will restrict the fences along Gulf Front Park to a maximum height of 4-ft. The height of a fence is better defined as being measured from existing grade and not after site alterations.

--Deleting the limitation of the height of fences to 4-ft in height along beach access points and parks. The limitation of fences along Gulf Dr and Pine Ave to 4-ft will remain.



Ordinance Section # 8 -

--Defines what type of materials may be and may not be located within the City's right-of-way. Also defines that the Director of Public Works is responsible for overseeing the City's right-of-way.

After discussion, it was agreed that the language will be changed to allow the driveway to be extended with pavers, provided it is no greater than 12-ft for a single driveway or 24-ft for a double driveway. Boardmember Wilson will provide sample maintenance disclaimer language.



Ordinance Section # 9

--Eliminates the restriction that "A" frame sandwich boards must be with chalkboard surface.



Ordinance Section # 10 -

--Amends the ability to have certain signs during the grand opening of a new business in the ROR District. The section is also amended to remove the ability to have a portable or wheeled sign for new businesses grand openings.

It was agreed that adding the stipulation allowing the American Flag and regulating the size & Federal regulations will be discussed at the September meeting.



Ordinance Section # 11 -

--Removes the provision that the City remove all non-conforming signs by the end of the year. The City has no inventory of all non-conforming signs. Non-conforming signs will come into conformity as the signs need to be replaced.



Ordinance Section # 12 -

--Expands the prohibition of sales from vehicles or carts from being in the public property (i.e. right-of-way) to being a City-wide prohibition of sales from vehicles and carts.

Discussion followed including Schwann's sales. Planner Garrett will look into the Schwann's sales.



Ordinance Section # 13 -

--Section redefines historic structures to those structures national significant or structures designated by the City.



Ordinance Section # 14 -

--Amends the clear visibility triangle of Section 90 to also include the prohibition of parking spaces and loading spaces within the clear visibility triangle.



Ordinance Section # 15 -

--This section notes that tandem parking is permissible for residential dwellings. Many residential dwellings currently utilize tandem parking.

Discussion and examples followed. Boardmember Wilson did not feel the language was spelled out in detail. She suggested the language be changed to indicate that two more cars can tandem park- or as many as can fit - as long as it does not impede the right-of-way.

After discussion, it was agreed that "for up to two" would be removed from the proposed language.

Public Comment – no one in attendance.



Motion: Approve Ordinance No. 11-719 as amended and that Planner Garrett, Tom Turner, and Doug Copeland will proceed with submitting the final format to the City Commission for their consideration.

Action: Moved by Vice Chair Turner, Seconded by Boardmember Jenkins.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 5, Absent = 1).

Yes: Boardmember Jenkins, Boardmember Pearman, Boardmember Pescitelli, Boardmember Wilson, Chair Mattick, Vice Chair Turner.

Absent: Boardmember Yetter.

City Commission review of Ordinance No. 11-719 will be held on Thursday, August 25, 2011.

DISCUSSION:

Planner Garrett informed that additional Code revisions will be reviewed by the P&Z Board at their future meetings. He suggested that short Work Sessions may be needed prior to the official Public Hearings.

OLD BUSINESS – None.

NEW BUSINESS:

Boardmember Turner informed that it had been agreed that no public comments would be allowed during the LDR Committee meetings. He invited each P&Z Boardmember to attend when possible.

APPROVE MINUTES:

Approve Planning & Zoning Board Meeting Minutes of July 5, 2011.

Motion: Moved by Boardmember Pescitelli, Seconded by Vice Chair Turner that the P&Z Board Meeting Minutes of July 5, 2011 be approved as written.

Motion passed unanimously.

PUBLIC COMMENT - None.

ADJOURNMENT

Chair Mattick adjourned the meeting at 7:22 p.m.

The next meeting is scheduled for Tuesday, September 6, 2011.

Alice Baird, CMC, City Clerk

Minutes Approved: _____