

**CITY OF ANNA MARIA  
PLANNING & ZONING BOARD  
WORKSHOP HELD AT ANNA MARIA COMMISSION CHAMBERS  
10005 GULF DRIVE – ANNA MARIA, FL  
TUESDAY, SEPTEMBER 16, 2008  
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, Chair Doug Copeland, Randall Stover (6:37 p.m.), and Jim Conoly.

**Absent w/excuse:** Boardmembers Sandra Mattick and Frank Pytel.

**Staff present:** Building Clerk Diane Sacca, Planner Alan Garrett, Building Official Bob Welch, City Commission Chair John Quam, City Commissioner Dale Woodland, and Minutes Clerk Stacey Johnston.

**Press:** Sun and Islander.

**1. Discuss the Environmental Enhancement and Educational Committee's (EEEC) Proposed Language for the Establishment of a Landscaping Article in Section 114 of the Code of Ordinances for the City of Anna Maria.**

**PRESENTERS: Tim Eiseler and Robin Wall**

*City Planner Garrett* informed that EEEEC Chair Tim Eiseler and EEEEC member Robin Wall were in attendance to present the City's first Landscaping Ordinance. In referencing a letter written by Ms. Wall regarding the EEEEC Recommendation for Landscaping Ordinance and Supporting Rationale, Planner Garrett said he was supportive of the general content of a Landscaping Ordinance for the City.

With the continued development in the City, along with the Comprehensive Plan policies that need to be fulfilled, Planner Garrett reminded that the Land Development Regulations that are consistent with the policy will have to be updated no later than April – May 2009.

According to Planner Garrett, the concept of a Landscape Ordinance is new to the City. The workshop that evening was held for the purpose of questions and answers, and for the P&Z to come to conclusions on how they would like to modify the proposal prior to taking it forward.

*Chair Copeland* thanked the EEEEC for their participation for establishing a comprehensive and thought out landscaping plan. He stated he appreciated all their hard work.

*Boardmember Conoly* also acknowledged his appreciation.

*EEEC Chair Tim Eiseler* informed that committee member Robin Wall had preformed the majority of the research for the project. He confirmed that the EEEEC had reviewed all of Ms. Wall's research, along with adding their input.

Numerous Ordinances from other cities were reviewed to formulate a final proposal. All legal terms being presented came from other codes reviewed.

*EEEC member Robin Wall* addressed the Board. She informed that the committee first began working on the project in April 2008. Their recommendations were then presented to City Planner Garrett during four separate meetings prior to now presenting their proposal to the P&Z Board. Sanibel, Florida's current Code was referenced often throughout the meeting.

At the request of *Boardmember Stover*, Ms. Wall explained that the following were the significant changes being recommended:

- Increase the minimum number of trees required per residential dwelling unit or commercial building from two to six. Trees to be of three different species.
- Increase the minimum number of shrubs required per residential dwelling unit or commercial building from two to sixteen. Shrubs to be six different species.
- That 25% of the total number of plantings (over the minimum) in the residential must be native plants – native to Manatee County.
- That 75% of the total number of plantings (over the minimum) in the PSP & PRA Districts must be native plants – native to Manatee County.
- Section added relating to buffering.

*Chair Copeland* asked why the percentages were different in the different districts. He questioned why the percentages would not be the same across the board.

*Ms. Wall* informed that initially they were going to recommend 75% native plantings across the board – the same as Sanibel.

*Planner Garrett* explained that that only requiring the 25% in the Residential District would give the homeowners more flexibility. It was felt that with the commercial component in the PSP possibly being a larger area, it would allow the ability to provide more native plantings.

Planner Garrett informed that the proposed Landscaping Ordinance would apply to:

- Any vacant lot in the City regardless of the zoning.
- Any tear down and redevelop.
- Any substantial increase of at least 1,000 sq. feet – both commercial and residential use.
- Increase of 1,600 sq. feet and over of non-permeable surface.
- Different requirements based on zoning.
- Landscaping requirements for parking lots – to provide esthetics and help create oxygen. For every ten parking spaces, one parking space would serve as a landscaping area. Twenty sq. feet are required for each parking space.

- Landscaping requirements for both residential and non-residential.
- Buffering requirements – to help shield noise, etc. against residential property.
- Buffering requirements for both residential and non-residential uses.
- Maintenance and monitoring plan.

- ▶ *Ms. Wall* explained that the EEEEC recommends that vegetative buffers be required in instances where the commercial use is of ‘high intensity’. However, Planner Garrett recommended that all commercial would require the buffering and provided examples. He explained that wording could be implemented in the event a Residential use was converted to a Commercial use. He suggested that some type of exemption would be allowed to satisfy the buffering requirement – or it could become equal so there’s not the concern.
- ▶ *Boardmember Jenkins* questioned if a non-native plant would be prohibited. Though a non-native plant would not be prohibited, it was pointed out that the proposed Ordinance had also listed a ‘Prohibited Plant List’.
- ▶ *Ms. Wall* then addressed the EEEEC’s recommendation for requiring a vegetative buffer where commercial use is next to residential - regardless of the presence of an alley.
- ▶ *Chair Copeland* asked for clarification relating to the proposed Sec. 114-657 (1) Vegetative buffers shall be located along the boundary of the commercial use. He asked if the buffering would include all four boundaries or only when it abuts residential.

*Planner Garrett* said the intent was only the side(s) that would abut residential. That language will be clarified in the next draft. He explained that after he and Ms. Wall’s meeting relating to the ROR, Ms. Wall conducted further research and found that the City has approximately 70% of the ROR partials that do abut an alley and only about 30% that do not. Many of the alleys / drainage has been cleaned up and the EEEEC has requested the City re-look at the vegetative buffer along the alleyway (only when abutting the Residential in a R-1 or R-2 District).

- ▶ *Boardmember Conoly* questioned who would be responsible for insuring the correct number of trees and scrubs were planted.

*Ms. Wall* explained that all plantings would be required on the Site Plan and listed as completed on the Site Plan Checklist – prior to issuance of a Certificate of Occupancy.

- ▶ *Planner Garrett* suggested that the burden be placed on the developers who are already required to have a Landscaping Plan. A certified person would be responsible for assuring the City that the landscaping was completed according to the Plan.

- ▶ He informed that the EEEEC had suggested follow-up inspections be conducted. Unsure the manpower was there, *Planner Garrett* informed that if the landscaping requirements were not met or maintained, the violation would be handled the same as any other Code violation in the City.

*Ms. Wall* pointed out that the maintenance and follow-up did not involve the Residential Districts in the proposed Ordinance. However, it was important for all other districts to maintain their landscaping and buffers.

- ▶ *Chair Copeland* asked for clarification relating to the proposed Sec. 114-654. Landscaping Requirement for uses in PRA, PSP and C-1 districts and commercial uses in the ROR district. In referring to (1) A minimum of 10% of the parcel shall be landscaped with vegetation, and (3) a minimum of 75% of the total number of trees and shrubs installed per platted lot must be native plants – *Chair Copeland* asked if it would be cumulative.

Discussion and explanation followed. *Ms. Wall* pointed out that the 10% language was taken from the Comp Plan and further explained it would not be cumulative. Examples were given.

- ▶ *Boardmember Jenkins* stated that some of the commercial lots on Pine Ave. were small. She said that the required parking requirements may not be met if one of the parking spaces were required to be landscaped. She reminded that the landscaping of one of the recent Site Plans on Pine Ave. was originally placed between the buildings but it was removed to allow walking space between the buildings.

*Planner Garrett* pointed out that the proposed Ordinance does not state where the plantings have to be located on the property, so it would allow for flexibility. If the applicant were unable to provide the required number of parking spaces, it may be necessary to cut down the size of the building in order to comply.

- ▶ Discussion followed relating to the 25% and 75% native plant requirement and how it is calculated. *Ms. Wall* explained that the EEEEC is trying to support wildlife, birds, and butterflies in the City. The different types of plants will allow for a more healthy wildlife.

*Boardmember Stover* felt that the property owners should be given an opportunity to make the decision on their choice of landscaping versus having to choose a certain number of plants from each of the allowed categories.

*Chair Copeland* stated that animals, birds, and insects are not just attracted to native plants and felt that many of the most attractive plants were the exotics.

*Planner Garrett* felt the section needed clarification relating to how the percentages were calculated. He will work with *Ms. Wall* to make the appropriate language change in the proposed Ordinance. It was agreed that the twenty-two (6 trees and 16 shrubs) required must be 100% native – after that 25% of additional plantings are required to be natives.

- ▶ *Chair Copeland* then brought attention to Sec. 114-660 of the proposed Ordinance and asked if it was actually possible for someone from the City to annually inspect every property.

*Ms. Wall* explained that Sec. 114-660 only refers to the parking areas and vegetation buffers in the C-1 and commercial uses in the ROR Districts.

*Building Official Bob Welch* recommended that rather than the City being required to annually inspect the properties, that the burden be placed on the property owner. The City would require that the property is maintained and if not it would then become a Code Enforcement issue. He pointed out that the City has a large number of inspections required on an annual basis, however, are not being accomplished due to the lack of manpower.

*Planner Garrett* suggested that the City be more proactive in its Code Enforcement with the landscaping maintenance requirements rather than being reactive.

- ▶ *Boardmember Stover* then brought attention to the Prohibited Plant List – specifically the Australian Pine and the Brazilian Pepper. He noted that the State, County, along with the City of Sanibel, were doing all they can to eliminate the two plants. He questioned how the proposed Ordinance would aid the City of Anna Maria in eliminating the two plants. He stated that Australian Pines create big problems and further suggested language be added that addresses how large a tree should be.

*Ms. Wall* informed there was nothing in the proposed Ordinance that addressed Boardmember Stover's concerns. She pointed out that the City of Sanibel has a listing of plants that must be removed when a homeowner buys a lot, however, the Pine was not one that was listed.

*Planner Garrett* said it was common that when a property is developed or re-developed the Australian Pine, Punk tree, and Brazilian Pepper are required to be removed due to serving as a nuisance. He suggested language could be added that if a current property has one of the plants listed on the Prohibited Plant List, it would be a requirement that it be removed. *Ms. Wall* responded that was not her intent.

*EEEC Chair Eiseler* agreed with Boardmember Stover. He said the Committee deliberately did not put in language that would address the concerns, however, he personally felt it was an extremely good idea to have some limitations. He said he would be interested in seeing what other communities have done to control the Australian Pines.

*Ms. Wall* read the section of Sanibel's Ordinance relating to the removal of certain plants.

- ▶ *Ms. Wall* suggested that a definition section be added and also add language relating to a Tree Ordinance in order for Anna Maria to receive grants for maintenance of the trees.

### **Public Comment**

**Commissioner Dale Woodland** suggested that in an effort to keep things simple, the Board consider that the percentage of native plants in the ROR be the same for all districts. He suggested using 50% (a compromise between the 25% and 75%).

Commissioner Woodland felt that Robin Wall and the EEEEC did a terrific job in their research and proposed Ordinance.

Commissioner Woodland felt the 75% in the PSP, RPA, and Commercial Districts sends the right message.

It was Commissioner Woodland's opinion that the mix of six trees, sixteen shrubs, and the remaining 25% natives provide flexibility for the homeowner, along with meeting the objective of the EEEEC.

**Tom Turner**, N. Shore Ave., felt the proposal was a good start. He suggested that at the next meeting it would be helpful to have sketches available for showing the different examples.

Mr. Turner also felt the percentages in the R-1, R-2, and ROR should be the same and pointed out that the R-2 District would eventually be phased out.

**Michael Coleman**, Pine Ave., also felt the proposal was a great start. He informed that he had written a letter to Mr. Eiseler and to Mayor Barford and had suggested that the Pine Ave. Restoration Project be used as a template and model for the new Landscaping proposal.

Mr. Coleman voiced concern regarding private individual homeowners having to comply and was not sure it was a good idea for new homeowners. He felt they should be able to plant whatever they want. He did, however, embrace the idea for the ROR District.

The definition of high-intensity commercial followed by Mr. Coleman and he was not sure how the 'vegetative buffers shall be at least 7 feet in depth' as stated in Sec. 114-657 (2), would fit. Examples were given.

Mr. Coleman said he was also concerned about the 10% per parking space requirement. He suggested that additional language be added for clarification.

Mr. Coleman stated he agreed with the maintenance requirements, but did not feel a monitoring system was necessary. If the City received a complaint, then it should be addressed at that time.

Mr. Coleman said he was in favor of buffering between the property lines but did not believe it was a problem in the City. He did not feel there was a need to include the language in the Ordinance, however, was not opposed to it.

**Tim Eiseler** spoke on behalf of himself rather than as an EEEEC member. He informed he was a Landscape Architect registered with the State. He said he works for County Government and review plans all the time.

Mr. Eiseler stated that the proposed Ordinance was a very conservative Landscape Ordinance. The numbers are minimums and would not eliminate anyone from planting roses, etc. The Ordinance does not restrict lawns to a percentage; and does not require the removal of invasive exotics prior to development – though he personally supports the concept.

Mr. Eiseler pointed out that the City's current Code does not allow Anna Maria to be designated as a Tree City USA.

He further informed that the EEEEC serves as an Educational Committee. Additional information can be obtained on the Environmental Committee's website including plants native to Florida.

*Boardmember Stover* congratulated the EEEEC on a great job and looked forward to the proposed Ordinance.

*Planner Garrett* thanked all those in attendance. He felt the workshop allowed for obtaining clear direction and informed he would be working with the EEEEC to fine tune the proposed Ordinance and bring it back to the P&Z Board in a couple of months for their review.

### **Adjournment.**

**On motion made by Boardmember Conoly and seconded by Boardmember Jenkins the meeting was adjourned at 7:47 p.m. Motion carried – All Aye.**

**The next regular meeting is scheduled for Tuesday, October 7, 2008, 6:30 p.m.**

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**Alice Baird, CMC, City Clerk**