

**CITY OF ANNA MARIA
SPECIAL COMMISSION MEETING
OCTOBER 3, 2006
6:30 P.M.**

CALL TO ORDER (7:23 p.m.)

PLEDGE TO THE FLAG

ROLL CALL: Mayor SueLynn, Commissioner Christine Tollette, Commissioner Dale Woodland, Commission Chair John Quam, Deputy Commission Chair Linda Cramer, Commissioner Duke Miller

Also present: City Planner Alan Garrett, AICP; Michael Connolly, Special Legal Counsel for the City of Anna Maria; City Clerk Alice Baird

Press: Sun, Islander

1. Second Reading and Public Hearing on Ordinance No. 06-655 – Amending Sign Ordinance.

City Planner Alan Garrett took the floor and informed the Commissioners that the version of the sign ordinance before them had not been changed since the first public hearing. He referred the Commission to Page 14, Article III., noting that there had been discussion regarding allowing additional space for an information box, as well as allowing additional height from the ground.

Commissioner Linda Cramer read the Ordinance by title.

Commissioner Dale Woodland recalled that he had asked the Commission to consider the objective, which had been to reduce sign clutter. He indicated that he had voted against the Ordinance, because he was opposed to the metal frames. The Commissioner said his thoughts regarding allowing two signs had been that it defeated the objective of drafting the Ordinance. Commissioner Woodland said he had supported allowing four square feet in area because he had understood that this space could be used in any manner the placer of the sign wished, e.g. tubes and riders would be allowed within that space.

Commissioner Christine Tollette said that the reasons she had voted against the Ordinance were the same as Commissioner Woodland's. However, she said that not allowing two signs for canal properties, for instance, was limiting the sale of those homes. The Commissioner added that she felt that 'open house' signs and flags were temporary in nature and ought to be allowed.

Commissioner Duke Miller said he had supported metal-framed signs because the Building Official had indicated that a building permit would need to be issued for the erecting of a wooden pole anchored in the ground. Relative to multiple signs, he noted that the ordinance already in effect prohibited more than one sign per property, and there were already too many signs throughout the city. Commissioner Miller agreed that allowing two signs would not be in keeping with

the reason given for drafting the new Ordinance, which was primarily to reduce clutter. He pointed out that if second signs were allowed for canal or waterfront properties, or allowed two signs if one said ‘for sale’ and another said something else, this would be content-related and as such would be unconstitutional. Commissioner Miller noted that there had been several contradictory comments from the real estate business community, and expressed the opinion that adding more signs did not sell houses. He said he thought that the Ordinance language should be adopted as it now stands, perhaps amended to allow signs with wooden post hangers, as long as they are properly storm-proofed.

Mayor SueLynn said that she thought that having a ‘for sale’ and a ‘for rent’ sign on a property simultaneously would be unusual, as she was unable to find existing occurrences of this neither on nor off the Island. She indicated that she did not think it would be appropriate to legislate for the exception to the rule. The Mayor agreed with Commissioner Miller’s comment relative to content-based regulations, noting that this is something that had been carefully avoided during the drafting of the proposed Ordinance.

Mayor SueLynn also noted, relative to earlier discussion regarding tubes associated with real estate signs, that these were not readily apparent in the city, however baggies were now prevalent. The Mayor observed that baggies were more of a potential hazard or nuisance than tubes. She again stated her objection to legislation that would essentially standardize tubes attached to signs, as these are currently not in common use, and are apparently not vital for the sale of a property.

Mayor SueLynn said that her drive-by survey had found attachments to real estate signs to be widely used. The Mayor observed that attachments that hang and swing from signs are already prohibited in the City’s adopted Code. She read aloud from Page 7, (5). Mayor SueLynn noted that the real estate business community had tried to convince the Commission that they were in some way doing a service for the City by having tubes or attachments on signs. She reported that she had not received any calls or comments from people with property for sale that had requested the sign regulations to allow such attachments. Mayor SueLynn indicated a preference for single surface signs with a maximum area of four square feet. She observed that today, the Internet is a major force in home sales. The Mayor said that allowing the addition of attachments to signs would create a burden for the Code Enforcement Department. Mayor SueLynn noted that signs hung from wooden post frames could become hazardous in high winds.

Commissioner John Quam noted that this evening was the Commission’s tenth meeting regarding the sign ordinance. He recalled that the draft Ordinance had been prompted by complaints received from residents and property owners about sign clutter. Commissioner Quam also noted that today, the majority of prospective home buyers begin their search on the Internet, thereby reducing the

importance of signs to the sale of homes. He provided several examples of local real estate transactions that had been successfully concluded without the use of any signs whatsoever.

Regarding the construction of signs, Commissioner Quam noted the unresolved issue was whether to require metal framed signs or to also allow wooden post frames. He indicated his preference, relative to wooden post frames, would be for a two-post design, which would also require a \$50 permit application fee. Commissioner Quam said he would support wooden post frames as stated, along with metal framed signs with no permit application requirement.

Discussion followed relative to the removal of wooden post signs, which would also entail the removal of the concrete from the ground. Commissioner Woodland said that he would be comfortable with removal of hanging signs, with the posts allowed to remain as a permanent structure. Mayor SueLynn pointed out that hanging signs were prohibited in the current Code.

City Planner Alan Garrett drew the Commissioners' attention to Page 16, Section 98-69, where the words 'non-residential' had been added to the language, so that wooden post framed signs could be placed on residential properties would not be required to be permanently secured to the ground in concrete. **There was consensus to retain the word 'non-residential'.**

The City Planner next referred to Page 14, (a), and noted that according to the proposed language, the only allowable signs would be metal framed, and they would need to measure no higher than four feet from the ground. **A brief discussion followed regarding the provision for two posted wooden framed signs, and the majority of the Commissioners agreed that both single and double post designs would be allowed for wooden framed signs. Commissioner Miller suggested adding the word 'fixed' before 'attachments' so as to clarify that attachments cannot be movable or hanging, adding that they must fall within the four square feet of area allowed for a sign, and there was consensus to adopt his suggestion.**

There was further consensus to raise the allowable height from the ground to five feet.

Commissioner Christine Tollette referred to Page 8, b., relating to banners, flags, and pennants being allowed in residential districts in conjunction with the demonstration of model homes in a new subdivision. She noted that this language did not provide for open houses in existing neighborhoods, and proposed allowing banners, flags, or pennants for one-day open house events. Commissioner Cramer indicated that she would support allowing a flag of some sort in front yards.

Special Counsel Michael Connolly said he believed the City could allow a flag or a banner for one day to promote an open house event without the risk of being

content-based. He indicated that what is being regulated is whether or not there is an open house event taking place, not what is on the flag or banner.

City Planner Garrett requested and received confirmation from the Commission of the stipulation that allowed banners or flags would not be permitted prior to the event, and must be removed within an hour of the conclusion of the open house.

Discussion followed as to whether the language pertained to ROR as well as the Commercial district already stated, and the City Planner responded that the language would pertain to any residential district, which would include ROR. **He received agreement from the Commissioners to break out the language treating the Commercial district so that it is distinct and separate from the language pertaining to residential districts.**

Commissioner Miller noted that signs of any kind in the right-of-way posed safety hazards and as such were illegal.

Commissioner John Quam confirmed that there was consensus to change the date for the non-conforming existing sign requirement on Page 17 to December 1st, 2006. Mayor SueLynn indicated that she had conferred with the Building Official and the Code Enforcement Officer to ensure that information is provided to all commercial sign owners before the required date.

Commissioner Tollette confirmed, relative to Page 8, (11), that property owners are allowed to post a ‘beware of dog’ sign.

MOTION: Commissioner Duke Miller moved to adopt Ordinance 06-655 - Amended Sign Ordinance, as amended at this evening’s meeting. Commissioner Christine Tollette seconded the motion.

Vote: Commissioner Tollette – Aye; Commissioner Woodland – Aye; Commissioner Quam – Aye; Commissioner Cramer – Aye; Commissioner Miller – Aye. Motion carried unanimously.

Public Comment

Don Schroeder of the Anna Maria Island Chamber of Commerce noted that the real estate sales market had become very slow. Relative to wooden pole framed signs, Mr. Schroeder requested that such signs not be required to be anchored to the ground in cement. He further requested that one attachment be allowed in addition to the standard four square foot Remax sign, and also to allow swinging signs.

Special Counsel Michael Connolly noted that an ambiguity existed in the Ordinance relative to ‘beware of dog’ signs. **He recommended removing, on Page 14, 98-61 (a), the words ‘currently offered for sale, rental, or lease’, so that one can have one (1) residential sign at any given time, and there was consensus for this.**

Don Schroeder requested that two signs per property be allowed, since sometimes more than one agent is working for the property.

ADJOURNMENT

MOTION: Commissioner Linda Cramer moved to adjourn the meeting, seconded by Commissioner Duke Miller.

Vote: All Ayes. Motion carried.

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

City Clerk

Date