

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, MARCH 3, 2009
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, Frank Pytel, Randall Stover, and Jim Conoly.

Absent: Boardmember Sandra Mattick.

Staff present: City Clerk Alice Baird, City Planner Alan Garrett, and Building Official Bob Welch.

1. Landscape and Tree Ordinance – 09-700.

A Public Hearing Amending Portions of Chapter 114, Zoning, of the Code of Ordinances of the City of Anna Maria; Providing for Findings of Fact; Providing for Amendment of Section 114-262, Lot, Yard, Bulk and Parking Regulations of the C-1 Zoning District; Providing for Amendment to Section 114-420, Plantings, Amending Planting Regulations and Creating Landscaping Regulations, Providing for Repeal of Ordinances in Conflict; Providing for Severability; and Providing for an Effective Date.

After reading the proposed Ordinance by title, Chair Copeland officially opened the Public Hearing.

City Planner Garrett informed that the adoption of the Landscape and Tree Ordinance would bring the City into compliance with the EAR Amendment. Planner Garrett reviewed the changes to the existing language.

- Discussion followed relating to the wording “and can not exceed two-stories.” added to Sec. Two (3) *Height of buildings and structures*. It was agreed that Planner Garrett would reword it to state – The structure can consist of two levels of commercial operations or one level of parking or one level of elevated commercial.
- Planner Garrett informed that prior to submitting the Ordinance to the City Commission, whenever either a lot or a parcel is referred to, it will be changed to state “lot or parcel”. Explanation followed relating to the definition of lot versus parcel.
- Planner Garrett suggested that the following language be added to the end of Section Three (b) Applicability; exemptions (1) – “within a twelve month period.” Justification followed. It was the consensus that the language be added.

- It was noted that “All new single-family, duplex, multifamily” would be deleted throughout the Ordinance.
- References to R-1 and R-2 Districts would be changed to R District.
- *Boardmember Jenkins* objected to language in Section Three. (d) b). She felt all plantings should be native and no exotics but was opposed to being required to plant specifics on a property. She suggested that it state “on each platted lot or parcel, landscaping shall include native trees and native shrubs.”

Discussion followed relating to the height and size of the trees and scrubs that must be planted.

- *Chair Copeland* asked for clarification relating to the 75% Commercial planting percentages versus the 25% Residential planting percentage requirements.

Robin Wall explained that the percentage was lowered to 25% for Residential to allow more flexibility for the single-family homeowner.

- Section Three. (f) Vegetation buffer requirements – “with or without an intervening alley” has been added. Planner Garrett pointed out that the south side of Pine Ave. has an alley behind it. There are also alleys in the C-1 District.

- It was agreed that “in addition to the required landscaping per the zoned district.” would be added to the end of the first sentence in Section Three (e). Planner Garrett will check to ensure that the parking is not affected.

- *Building Official Welch* discussed the monitoring requirements as established by the Ordinance (Section Three. (i)). He pointed out that the maintenance/monitoring requirements actually were not within his expertise and that an Arborist or Landscape Architect would be best suited to sign off on the landscaping aspect. He suggested that the EEEEC Committee assist in developing a manual that can be handed out.

In response to *Boardmember Conoly*, Planner Garrett pointed out the section states “Building Official, or the Building Official’s designee.” Boardmember Conoly said he hoped that the Building Official would monitor the required plantings prior to issuance of a Certificate of Occupancy.

Planner Garrett suggested that the Landscaping Architect be required to sign off prior to the City before the Certificate of Occupancy would be issued.

Discussion followed. As recommended by *Boardmember Stover*, it was agreed that the following language would be changed in Section Three (i) as follows: “*Maintenance shall be the sole responsibility of the owner. Failure to maintain shall constitute a violation of this article.*”

It was further agreed that Section Three (i) title is changed to read "Maintenance standards for all districts parking areas and vegetation buffer in C-1 and commercial use in ROR."

- *Chair Copeland* voiced concern relating to the language in Section Three (m) Tree and shrub removal and replacement on public land. He used the example of an Australian Pine (exotic tree) dieing in the right-of-way and the City requiring that two native trees be planted in its place. He felt the idea was to get rid of the tree in that situation. Discussion and examples followed.
- *Boardmember Conoly* asked for clarification to how dense and how high the vegetative buffers need to be. Ref: Section Three (f) Vegetation buffer requirements.

Planner Garrett explained that the vegetative buffer must be 7-feet in depth and that it must be planted in accordance with the zoned district.

Public Comment

Tom Turner, N. Shore Dr., stated that pursuant to other sections of the Code relating to public land, if a tree were to die and be removed for any reason on public land there would be no need to replace it since nothing could be planted over 12-inches. He suggested language be added reflecting that statement.

It was Mr. Turner's opinion that the proposed Ordinance was too detailed and should be tapered down to allow a homeowner to determine what they want to plant. He pointed out that Orange and Banana Trees are referred to as an exotic.

Tim Eiseler, Tarpon St., informed that the intent for the replacement of the tree was to replace the shade. He explained trees over 12-inches in height can be planted in the area 8-feet from the edge of the pavement. He did not feel that the economic burden would be too high for the City to replace an Australian Pine - that had been removed - with two native trees.

Mr. Eiseler informed that in his experience, other communities in Florida were much more restrictive than Anna Maria. He stated that the EEEEC was very conscious in putting together an Ordinance that would not be a burden to the property owner and would be very successful, in compliance with the Comprehensive Plan, and allow for diversity in the species allowed. He pointed out that the Landscaping Ordinance allows for a big educational element.

Mr. Eiseler said he hoped the City would be somewhat aggressive in terms of the enforcement issue. It was his opinion that the Ordinance will increase Anna Maria's standard of living, provide guidance to those new to the community, and would not infringe on any property rights and values.

- Discussion followed relating to public land versus right-of-way - Reference Section Three (m). *Building Official Welch* explained that a right-of-way is a

dedicated public access – owned by those on either side of it and can be vacated. Public land is land deeded to the jurisdiction. Examples followed.

Chair Copeland asked for a straw vote of those in favor of leaving subsection (m) as written. Chair Copeland and Boardmembers Conoly and Jenkins were in favor and Boardmembers Pytel, Stover, and Yetter were opposed.

Discussion followed relating to the City’s intent of the subsection.

Robin Wall, 112 Palmetto Ave., said the committee’s intent was that if a tree were to be cut down, the shade would be replaced. She informed that the proposed language was taken from the City of Sanibel’s code and that the EEEEC Committee had not discussed the issue of the right-of-way. She said personally she felt that public land included the right-of-way.

Chair Copeland stated that the City’s history is that no trees would be cut down without replacing them.

Boardmember Jenkins suggested a time frame be established for replacing any trees.

Chair Copeland asked for a straw vote of those in favor of amending subsection (m) by adding language “that replacement must take place within sixty days.” The vote was unanimous.

- It was the unanimous consensus of the Board that *Chair Copeland’s* suggestion of the following language be added:
 “Any new automatic irrigation system must include a rain sensor.”

Sally Eaton, 316 Spring Ave., said she concurred with the EEEEC recommendation relating to the vegetation buffer. She informed that at the time the 315 Pine Ave. site plan was approved, the buffering requirements were not in the Code. She stated that Mr. Coleman has provided considerable vegetation on the Pine Ave. property.

Robin Wall, 112 Palmetto Ave., said she was appreciative in adding the buffering requirement. Ms. Wall said she was in agreement with adding the language relating to the installation of any new automatic irrigation system.

Ms. Wall pointed out that Section Three (f) should be corrected to read 114-420 rather than Section 144-420.

Ms. Wall stated that several Comp Plan policy requirements would be satisfied by the proposed Ordinance and pointed out that Coastal and Conservation Element Policy 1.4.1 states “The City shall implement the local tree ordinance to also require that all new development provide at a minimum 25 percent native vegetation on site.”

Explanation followed relating to the planting and buffering height and size requirements.

Chair Copeland officially closed the Public Hearing.

Planner Garrett reviewed the changes agreed upon that evening as part of the Ordinance approval:

- Add language in Section Two (3) *Height of buildings and structures*. The structure can consist of no more than two stories – can be two levels of commercial or one level of parking or one level of elevated commercial.
- Section Three (b) – Add “within a twelve month period” to the end of subsection (1).
- Section Three (b) (2) – Deleting all new single-family, duplex, multifamily.
- Replacing R-1 and R-2 District to state Residential District throughout the Ordinance.
- Section Three (e) – First sentence to read “Vehicle use parking areas in C-1 and commercial use ROR shall have at least 20 square feet of landscaping for each parking space in addition to the required landscaping for the zoned district.
- Section Three (f) to be corrected to read 114-420 rather than Section 144-420 and that “with or without an intervening alley” will be added to the end of the first sentence.
- Section Three (j) title to read – Maintenance standards for all districts.
- Section Three (j) to have the following sentence added to the middle of the paragraph: “Maintenance shall be the responsibility of the owner. Failure to maintain shall constitute a violation of this section.”
- Section Three (m) – add to end of paragraph – “Replacement must be installed within sixty days.
- Adding new Section Three (o) Irrigation. Any new automatic irrigation system must include a rain sensor.
- Any time “lot” or “parcel” is referenced in the Ordinance; it will be changed to “lot or parcel”.

MOTION: Boardmember Conoly moved to recommend approval of Ordinance 09-700, as amended. Boardmember Yetter seconded the motion. On Roll Call Vote the motion carried unanimously.

Planner Garrett informed that the Ordinance would be forwarded to the City Commission. The First Reading would be held on March 12, 2009 and the Public Hearing and final approval would be held on March 25, 2009.

2. New Business – None.

3. Old Business – None.

4. Approve Minutes of P&Z Meeting held February 17, 2009.

MOTION: Boardmember Pytel moved that the February 17, 2009 P&Z Board Meeting Minutes be approved as written. Boardmember Yetter seconded the motion.

Motion carried – All Aye.

Adjournment.

Chair Copeland adjourned the meeting at 8:07 p.m. The next meeting is scheduled for Tuesday, March 17, 2009, 6:30 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____