

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
PUBLIC HEARING MEETING AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, FEBRUARY 17, 2009
6:30 P.M.**

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 6:31 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmembers Mike Yetter, Chair Doug Copeland, Frank Pytel, and Jim Conoly.

Absent w/excuse: Boardmembers Margaret Jenkins, Sandra Mattick, and Randall Stover.

Staff present: City Clerk Alice Baird, City Planner Alan Garrett, Building Official Bob Welch, City Commissioner Dale Woodland, and Minutes Clerk Stacey Johnston.

Press: Sun and Islander.

- 1. A Public Hearing Amending Chapter 114, of the Code of Ordinances of the City of Anna Maria, Amending the Single-family District (R-1); Providing for Findings of Fact; Providing for Amendment to Sections 114-221, by Amending Use Regulations, 114-222, by Amending Lot, Yard, Bulk and Parking Regulations; and Deleting in its Entirety the Two-Family District (R-2) by Deleting Sections 114-241, Use Regulations, 114-242 by Deleting Lot, Yard, Bulk and Parking Regulations; Providing for Repeal of Ordinances in Conflict; Providing for Severability; and Providing for an Effective Date.**
Boardmember Pytel voiced concern relating to the word “only” in Sec. 114-222. (5) (2).

Planner Garrett agreed “only” could be removed and explained the intent. It was agreed the sentence would read:

(2) Additions to existing structures must ~~only~~ conform to the setbacks for the addition.

Boardmember Pytel asked for clarification relating to a person maintaining the same footprint of their structure.

Planner Garrett explained that it would be dealt with in the non-conforming that will be addressed later.

Boardmember Conoly asked if other repairs to non-conforming structures (windows, doors, etc) would be allowed.

Planner Garrett stated that incidental and normal repairs were allowed, however, porches, storage rooms, etc. would not be allowed for a non-conforming use. It would be okay to change a pitched roof to a flat roof, replace windows, plumbing, electrical, etc. that were all within the confines of the existing structure.

In response to *Boardmember Yetter's question*, *Planner Garrett* explained the difference between the two listed Community residential homes (ref: Sec. 114-221. (b). *Permitted uses*. (4) and (5)). *Planner Garrett* will clarify if "or within a radius of 500 feet of an area of single-family zoning" is a Statute requirement. If not mandated by Statute then (5) will be deleted in its entirety prior to the City Commission's Public Hearing for the Ordinance.

Boardmember Yetter asked if Sec. 114-221. (d) *Prohibited uses*. (2) Sale of any commodity on the premises would exclude yard sales.

Planner Garrett confirmed it would exclude yard sales and that other sections of the Code cover yard sales and advertising. He gave the examples of jewelry being a commodity and prohibited for sale out of the home.

Building Official Bob Welch informed there would be several items listed in the definitions section and that commodity could be added - stating it would preclude any yard sales.

Planner Garrett suggested the section be changed to read:
(2) Sale of any commodity on the premises. This provision is to preclude a yard sale.

Boardmember Pytel suggested that if *Planner Garrett's* suggestion were added, a definition for "yard sale" might be needed.

Chair Copeland officially opened the Public Hearing for the purpose of hearing any public comment.

Public Comment

Tom Turner, N. Shore Dr., felt the proposed Ordinance was ineffective. He was concerned about the Ordinance not addressing the existing two-family duplexes in the current R-2 District nor the over 50% non-conforming one-story pre-firm structures. He also felt the Ordinance was vague as to whether a screened porch, etc. could be included in the footprint of the dwellings.

Mr. Turner stated that when the original Ordinance was adopted, the Building Official did not stop anyone from putting a second floor on a pre-firm home. He felt provisions should be included in the proposed Ordinance that in cases of an emergency, and depending on the footprint, a second floor should be allowed on an existing ground level home.

Mr. Turner felt the City was making it too restrictive on the older homes in order for the City to maintain the characteristic it has always had.

Robin Wall, 112 Palmetto, felt in order to get the impact away from a neighboring lot, all swimming pools - including the deck - should be setback from the lot line. (Ref: Sec. 114-222. (4) *Swimming pools*.)

Ms. Wall referred to Sec. 114-222. (5) *Only 50% of the structure may exceed 47' in height based on the square footage of the main level not exceeding 27 feet in height. She felt that 50% was too large of an amount for reducing the third floor above.

Ms. Wall said she was surprised that the non-conforming uses were not addressed in the proposed Ordinance.

Micheal Coleman, Pine Ave., felt that "and its deck" in Sec. 114-222. (4) *Swimming pools* should be removed.

He also felt that 50%, as stated in Sec. 114-222 (5), was too radical.

Max Powers, 222 Oak Ave., referred to Sec. 114-222. (3) Mechanical equipment including, but not limited to, air conditioner/heater, pool pumps, pool heaters, shall not be located within the setbacks. It was Mr. Powers' opinion that it was actually the optimum area to place the mechanical equipment.

Mr. Powers' was also in agreement that "and its deck" should be removed from Sec. 114-222. (4) *Swimming pools*.

Planner Garrett informed that several of the points and their policy decisions had had been discussed in the P&Z workshops. He reminded that:

- The reason the two-family structure is purposely omitted was that if it is not addressed in the Code then every two-family structure would become a non-conforming use.
- The FEMA requirement relating to the 50% provision is already in Chapter 114-133.
- In regard to removing "and its deck" (Swimming pools), Planner Garrett pointed out that everything over 12-inches in height is governed by the setbacks. Explanation followed as to the reason the staff is recommending the removal of "and its deck".
- The non-conforming issues would be addressed within the next couple of months.

Building Official Welch informed that the definition of setbacks in the current Code only allows 24-inches of an eave or shutters to be in the setback. Air conditioners have not been allowed in the setbacks for some time. He stated that the majority of the code enforcement complaints received relate to noisy air conditioners and pool pumps and heaters.

Chair Copeland officially closed the public portion of the Public Hearing.

P&Z Board Discussion

Boardmember Yetter commented on Ms. Wall and Mr. Coleman's concerns relating to the 50% issue. He reminded that he was also opposed and felt it was extremely restrictive. It was his opinion that a person will have invested a large amount of money on a 50' x 100' lot, with vision of building a certain size structure, and will not be able to do so. He voiced concern that the outcome will

be the perception that the 50' x 100' lots will be of less value. He said he felt so strongly about the issue that if the language were included in the Ordinance he would not vote in favor of it.

Boardmember Pytel responded and pointed out that FEMA now requires the homes be raised on the 5,000 sq. foot lots. He stated that the Board has tried to address the issue in an attempt for everyone to be in support. He pointed out that they had previously tried limiting all buildings to 27-feet; however, the City Commission overruled their recommendation.

It was his opinion that the 50% language was a realistic way to address the 5,000 sq. foot lots and the overbuilding on the small lots. He felt it was critical language in the Ordinance and if removed he would not vote in favor.

Chair Copeland stated that the residential character, older cottages, small lots, and small homes were what were so appealing about Anna Maria. He pointed out that back in 1971, the majority of the City was zoned duplex and multi-family. Bean Point was used as an example relating to multi-family. He stated that many have given up their property rights in order to enjoy the City as it is today and in order for it to remain that way in the future the 50% language should be included in the Ordinance.

**MOTION: Boardmember Pytel moved to approve Ordinance 09-698 with the following amendments:
 --That "only" is stricken from Sec. 114-222. (5) (2).
 --Sec. 114-221. (d) *Prohibited uses. (2) Amended to read: Sale of any commodity on the premises. That this provision is not to prohibit yard sales.*
 Boardmember Conoly seconded the motion.
 Motion carried on a Roll Call vote of 3 to 1 with Boardmember Yetter voting No.**

Prior to voting, *Boardmember Yetter* said he was in favor of the Ordinance as written with the exception of the language relating to the "Only 50% of the structure may exceed 27' in height based on the square footage of the main level not exceeding 27 feet in height."

2. **Correction on Effective Date on Flood Protection Ordinance.**
 Building Official Welch will be addressing this item at a future meeting.
3. **New Business.**
City Planner Garrett announced that the Board at their March 3, 2009 meeting would hold a Public Hearing relating to the proposed Landscape Ordinance. Limiting structures in the C-1 to two useable floors in height will also be addressed at the March 3 meeting.
4. **Old Business – None.**

5. Minutes of February 3, 2009.

MOTION: Boardmember Pytel moved that the February 3, 2009 Planning & Zoning Board Minutes be approved as written. Boardmember Conoly seconded the motion. Motion carried – All Aye.

Adjournment.

The meeting was adjourned at 7:10 p.m. on motion made by Boardmember Conoly and seconded by Boardmember Pytel. Motion carried – All Aye.

The next regular meeting is scheduled for Tuesday, March 3, 2009, 6:30 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____