

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
WORKSHOP HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, OCTOBER 21, 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, Sandra Mattick, Mike Yetter, Chair Doug Copeland, Frank Pytel, and Jim Conoly.

Absent: Boardmember Randall Stover.

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

Press: Islander.

1. Land Development Regulations Workshop.

Discussing Combining the Residential-2 and the Residential-1 Zone Districts.

Chair Copeland suggested that the Board first discuss whether or not they would like to see the Residential-2 and Residential-1 Zone Districts combined into one district since the new Comprehensive Plan (CP) indicates they do so.

City Planner Garrett informed that the workshop that evening was for updating the LDC to be consistent with the CP – specifically Future Land Use Policy 1.2.1 – used to differentiate between a low density residential district R-1 (0 to 5.8 dwelling units per gross acre) and the medium density residential R-2 (0 to 8.7 dwelling units per gross acre).

Planner Garrett pointed out that the ROR District also has a residential density of 0 to 5.0 units per acre.

The CP has been simplified where all low density residential is strictly residential with a density of 0 to 6 units to the acre. The medium density residential category has been totally eliminated and no longer exists.

The Zoning Code will now need to be changed in order for it to all equate to 6 dwelling units to the acre. It will need to be determined whether the R-2 District will be left as is, only re-confined to be consistent with 6 units to the acre, or take the R-2 District and rezone all the properties as R-1.

Planner Garrett presented the zoning map showing all R-1 and R-2 properties. Duplexes in the City were then pointed out in the R-1 and R-2 Districts. The one condominium complex in the City is zoned as R-1.

Discussion followed relating to Code Sec. 114-222 (1) Maximum density. Planner Garrett pointed out that the maximum density of 5.8 dwelling units per

acre would need to be changed to 6 dwelling units per acre. Changing this would then affect the three levels of non-conformity.

- Currently the R-1 District requires 7,500 sq. ft. to build a SF home. Planner Garrett explained that an acre divided by 6 totals 7,260 sq. ft. and would be the minimum sq. footage a lot must be in accordance with the new CP in any of the residential districts.
- Currently the R-2 District requires 5,000 sq. ft. to build a SF home. If platted after January 1, 2007 it has to be 7,500 sq. ft. Mobile homes require 5,000 sq. ft. A two-family dwelling requires 10,000 sq. ft.

Planner Garrett explained the three levels beginning with the lowest level of non-conformity as follows:

- 1) **Non-conforming lot.** Code states that all platted lots are recognized as being conformed whether meeting the lot size or not. Changing the minimum sq. footage of the lot size would not affect anyone. As long as the lot is platted results in a vested lot of record and would therefore not change the conformity.
- 2) **Structure** – Anna Maria Code allows non-confirming structures to be expanded and re-roofed provided the expansion conforms to the current setbacks. Changing will not affect anyone's structure.
- 3) **Non-conforming dwelling use** – If a use was legally allowed by the zoned district and over the duration that use is taken out of that district, the use would still be allowed to be maintained. However, Anna Maria is different than most city codes in that the dwelling would be a non-conforming use if the density were not met. Therefore, once the lot sizes are changed in the R-2 District, the SF house on a 5,000 sq. ft. lot but would not have the land area to meet the density requirements and would then become a non-conforming use. All lots in the R-2 District would be affected.

Chair Copeland stated that those in the R-2 District do not meet the density and asked if they then would become non-conforming. He pointed out that homes on a 5,000 sq. ft. lot have been allowed to expand in the past.

Planner Garrett said it would affect those on a 5,000 sq. ft. lot. He referenced the language in Sec. 114-133. Nonconforming uses (2). Planner Garrett explained that he and the current Building Official are following the requirements of the Code and it may not have been followed prior.

Planner Garrett explained that a non-conforming use could only be expanded if it is not habitable. No rooms can be added and no major renovations can be made. He said the next issue to address is whether or not the City wants to be that severe with its non-conforming uses. He pointed out that the language "including but to limited to roof replacement" exists in Sec. 114-134 of the Code referring to Nonconforming structures but not in Sec. 114-133 Nonconforming uses. Examples followed.

Building Official Bob Welch explained that currently the LDR's are out of conformance with the Comp Plan. As written today, the LDR's would allow an owner for any reason of destruction to rebuild if damaged over 50% of the market value. He pointed out that the 50% requirement was in place for the FEMA and DEP requirements.

Chair Copeland pointed out that an empty 5,000 sq. ft. lot could be built on to the maximum allowed but if there were a structure there it could not be expanded.

Planner Garrett explained the difference between 'non-conforming' and 'illegal' pointing out that only government could make it non-conforming. If an owner performs any changes against the Code then it becomes illegal. Examples were given.

Planner Garrett then pointed out that since government will be making the change, the lots would therefore become non-conforming. #1) The use would no longer be in the District, and #2) It would be at a higher density. It was pointed out that # 2 could be removed as one of the criteria for non-conforming use.

Another option would be to add language to the District requirements "existing lawful uses are not deemed non-conforming use per 114-133."

Planner Garrett suggested the following be addressed:

- Whether or not to combine R-2 and make it R-1.
- How to deal with the nonconformity and primarily its non-conforming use.
- Allow or prohibit re-roofing.
- Allow two-family dwellings to maintain, exist, and go forward or strive for everything in the City to become single-family.

Building Official Welch explained that if the density were removed from a 5,000 sq. ft. lot it would not allow the non-conformity to expand its use. He noted that a motel is currently protected under the non-conforming uses but are not allowed to expand.

Lengthy discussion followed by the P&Z Board.

Boardmember Pytel voiced his opposition to removing the density criteria. He felt the LDR's should be consistent with the Comp Plan relating to the 6 units per acre.

Discussion followed relating to the past where the ownership of two 5,000 sq. ft. lots next to each other were required to join the properties together into one lot. *Planner Garrett* said that was another way to become more into compliance and that issue would be discussed at a future meeting.

Boardmember Yetter asked if mobile homes and two-family dwellings in the R-2 would be eliminated if R-1 and R-2 were combined. He further stated in regard

to density, he wanted to assure maintaining as much flexibility for the individual property owners.

Planner Garrett informed that currently the R-2 permitted uses still allow mobile homes only in the permitted FEMA A zones and two-family dwellings on 10,000 sq. ft. lots, and community residential homes. If the R-1 and R-2 Districts are allowed to join, what usage to carry forward would need to be determined.

The Board discussed the fact that an empty 5,000 sq. ft. lot is buildable to the setbacks, height, and other restrictions. A 1,750 sq. ft. footprint can be built on the lot. A home currently in place can be torn down and re-built to the current footprint. If the density remains, a home can be expanded without having to tear down the existing structure.

Boardmember Pytel said he felt if a current home, for example, was 975 sq. ft. then if torn down it should only be rebuilt to the same 975 sq. ft.

Planner Garrett explained if a home is torn down and rebuilt, the City only requires that setbacks and height criteria be met. Discussion followed relating to the 50% FEMA requirements.

In conclusion, the Board were in favor of the following:

Chair Copeland –

- Combine into 1 District
- Remove the density criteria as a non-conforming use
- Allow non-conforming uses to continue
- Not allow to expand but allow to re-roof

Boardmember Pytel –

- Combine into 1 District
- Not allow to expand but allow to re-roof

Boardmember Yetter –

- Combine into 1 District
- Remove the density criteria as a non-conforming use
- Allow for expansion and to re-roof

Boardmember Jenkins –

- Combine into 1 District
- Remove the density criteria as a non-conforming use
- Allow for expansion and to re-roof

Boardmember Mattick –

- Combine into 1 District
- Remove the density criteria as a non-conforming use
- Allow for expansion and to re-roof – to include duplexes and motels in existence throughout the City as of January 1, 2009

Boardmember Conoly –

- Combine into 1 District
- Remove the density criteria as a non-conforming use
- No expansion and no re-roof

Planner Garrett informed that as a City all R-2 lots would have to be rezoned to R-1. He informed that 99% of all lots are a platted lot of record. The legal description is required and all lots could be included in the total published description.

Public Comment

Commissioner Dale Woodland stated that Consultant Tony Arrant made it very clear to the City Commission how nonconformities could be used.

- Can use the nonconformity by placing stipulations into the Code to eliminate it over time. He pointed out that they did not want to eliminate duplexes. He also stated that the Commission was very real clear in protecting the motels and to allow them to be rebuilt to their current use, even if destroyed.
- With the exception of the Residential and Commercial District every other nonconformity use in the City was protected intentionally. He therefore felt if all properties were allowed to remain they should then be allowed to expand.

Tom Turner, N. Shore Dr., stated that approximately sixteen years ago the State mandated that part of the City allow low-income housing and that's when the duplexes were built. He was not sure the legal descriptions were advertised at that time.

Mr. Turner said a second story could be added to an existing home and it would not be expanding it.

He further felt the R-2 District should be combined into the R-1.

Mr. Turner then pointed out that he owns a nonconforming duplex with 7,500 sq. ft. and he was not able to re-roof it. He did not feel he should be penalized in that way.

He felt that the 7,500 sq. ft. should only be required on newly platted lots and all homes built from now on should be single-family dwellings.

Mr. Turner said if less than 50%, it should be built back to the original structure footprint. Anything over 50% should meet FEMA requirements.

Michael Coleman, Pine Ave., said the issue of existing coverage applies if wanting to maintain an existing structure. He said if owning a 5,000 sq. ft. vacant lot, it could be built up to the setbacks and FEMA regulations.

Mr. Coleman said it was his interpretation that the community wants to preserve what already exists – the small cottages, small businesses, etc. He said the more restrictions placed on the existing homes and businesses, the sooner their values would be driven down resulting in the sale of the property and cookie-cutter homes being built in their place.

Mr. Coleman asked that expansion be allowed in order for the properties to be maintained as long as possible. He stated that the longer flexibility is given to the existing homes and businesses, the longer it will be before they are bought, torn down, and built new.

Robin Wall, 112 Palmetto, was in favor of the R-1 and R-2 being combined into one District and that the density should be removed. She felt that the real nonconformities were when Residential is in the Commercial area, duplexes located in the R-1, multi-family located in R-2, etc.

Ms. Wall agreed that the properties should be able to be maintained and re-roofed but not expanded. If needed to be rebuilt it should be rebuilt to the same size footprint but elevated. She did not want to see a four-unit building be expanded. She gave the example of the number of vehicles required of a four-unit building and its impact if it were expanded.

Ms. Wall stated that the Comp Plan focuses on the single-family residential character and that she would like to see that character maintained.

Bob Barlow, Anna Maria, said he had lived in Anna Maria for many years. He stated that not everyone wants to or can afford a 1,750 sq. ft. home.

Mr. Barlow said he wanted to see owners of duplexes on 50-foot lots to have the ability to expand as long as they comply with the setbacks, etc. He said he would much rather see those type improvements rather than an elevated three-story home.

City Planner Garrett said that this subject would be wrapped up at the November workshop. He thanked Commissioner Woodland for attending and bringing in information discussed by the City Commission that the P&Z Board may not have been aware with.

In answer to *Boardmember Pytel's* question, Planner Garrett informed that approximately 55% of the lots in the City are 5,000 sq. foot lots.

2. Approve Workshop Minutes of September 16, 2008.

MOTION: Boardmember Mattick moved to approve the September 16, 2008 P&Z Workshop Minutes as written. Boardmember Jenkins seconded the motion.
Motion carried – All Aye.

Adjournment.

On motion made by Boardmember Conoly and seconded by Boardmember Jenkins the meeting was adjourned at 7:56 p.m. Motion carried – All Aye.

The next regular meeting is scheduled for Wednesday, November 5, 2008, 6:30 p.m. The next workshop is scheduled for Wednesday, November 19, 2008, 6:30 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____