

**CITY OF ANNA MARIA
PLANNING & ZONING BOARD
REGULAR MEETING HELD AT ANNA MARIA COMMISSION CHAMBERS
10005 GULF DRIVE – ANNA MARIA, FL
TUESDAY, DECEMBER 4, 2007
7:00 P.M.**

CALL TO ORDER

Planning and Zoning Chair Doug Copeland called the meeting to order at 7:03 p.m.

PLEDGE TO THE FLAG

ROLL CALL: Boardmembers Margaret Jenkins, Sandra Mattick, Chair Doug Copeland, Frank Pytel, and Jim Conoly.

Absent w/excuse: Randall Stover and Doug Winton.

Staff present: Building Clerk Diane Sacca, City Planner Alan Garrett, and Minutes Clerk Stacey Johnston.

**1. Discussion: Land Development Regulation Update
Chapter 70 - Definitions**

City Planner Alan Garrett explained that the Definitions would be discussed that evening for a consensus to determine a basis for moving forward. The definitions addressed were as follows:

Accessory building, structure or use – Pointed out this definition refers to primary uses, principal structures, or accessory structures. An example of an accessory structure would include a swimming pool.

Building Height –

Boardmember Conoly asked for clarification on what determined the highest point and also felt that the “crown of the road” should be defined.

Planner Garrett explained that an exemption could be added into the code for non-habitable structures such as a fireplace chimney.

Boardmember Pytel gave examples of measuring from the crown of the road and felt it was important to allow for flexibility due to road resurfacing, etc. Discussion followed. This will be re-addressed at a later date if it becomes an issue.

It was agreed to modify the definition of Building Height to read that the vertical distance is measured from the crown of the road to the tallest portion of the building.

“Should” & “May”

The usage of “should” and “may” will be changed throughout the definitions as permissive rather than mandatory terms.

Buffer – Boardmember Pytel asked what was an effective buffer.

Planner Garrett pointed out the City did not have a landscape code or definition for buffer. The EEEEC Committee will be discussing landscaping at a future P&Z meeting with the intent of establishing a buffer landscape matrix.

It was agreed the definition be changed to read “*Buffer* means a specified land area, together with the planning and landscaping and/or a structure on the land, used to visibly separate one use from another or to shield or block noise, lights or other nuisances. Language of i.e. wall, berm, etc. may also be included in the definition.

Corner Lot
County

Coverage – Planner Garrett pointed out that the lot coverage includes the building coverage.

Impervious surface coverage – Pointing out that lot coverage was a major issue in the City, Planner Garrett felt a better definition was needed. Examples of questions that have been asked by applicants followed. Planner Garrett informed that a swimming pool was not covered in the lot coverage.

Planner Garrett stated that though not in the code, the City is currently giving a 30% credit for the use of paver blocks. Other types of materials should also be looked at and will be discussed at a later meeting when addressing lot coverage.

Driveway – Planner Garrett clarified that a driveway was a private approach to a building (ex. carport or garage) and would only deal with a private home and not a commercial building.

Floor – Discussion followed relating to the difference between a one story over garage versus a two story and the use of stories in regards to setbacks. It was Planner Garrett’s opinion that a one story over a garage should be considered as a two-story structure. He felt it should be clarified and asked why the garage was being exempted out. He suggested changing the definition that if a structure is of a certain determined height it is a 7-foot setback and above that height it would be required a 10-foot setback. Discussion and examples followed.

Boardmember Jenkins suggested the last sentence of that definition “The term does not include the floor or a garage used solely for parking vehicles” be removed.

Floor, habitable

Habitable area – Planner Garrett said he is frequently asked if a screened porch was deemed as a habitable floor and whether or not it would have to meet the setbacks. He said he was not comfortable with allowing a porch as a habitable floor but if it were to be allowed it should be spelled out in the definitions.

Chair Copeland stated he felt a porch should be defined as habitable and should meet the setbacks.

After discussion, it was agreed to include that “porches are deemed habitable floors” under the definition of Habitable area.

Lot corner

Lot coverage – *Planner Garrett* explained that the definition of Lot corner was used to determine where to determine the setbacks from by defining the front yard, side yard etc. Examples of lots in Anna Maria followed and whether or not they should be determined as a corner lot.

Street – *Planner Garrett* pointed out that a street should not be deemed to include alleys.

Street, public – Discussion was held relating to the portion of the Street, public definition that states “means a platted street or alley” and whether or not alley should be removed from that definition.

Planner Garrett will check to see if there are any residences in Anna Maria that are only accessible by an alley and bring back a recommendation of the appropriate language. Removing alley and including “with the exception of...”(listing the homes only accessible by an alley) may be the solution.

Setback – *Planner Garrett* pointed out that under the current definition if not over 12 inches in height it is not a structure. Examples followed.

Boardmember Jenkins asked if a bay window could intrude in the required setback.

Chair Copeland stated that when the code was re-written it was the philosophy that bay windows were not included.

Planner Garrett informed that a bay window was not a non-structural protrusion.

It was agreed that clarification would be made in the setback definition relating to bay windows. It was also agreed that “Including their surrounding decks” would be removed from the setback definition.

Yard – *Planner Garrett* suggested removing “from 48 inches above the ground upward” from the definition of Yard. He stated he would, however, research the issue further.

Yard

Yard, front

Yard, rear

Yard, waterfront – *Planner Garrett* pointed out there were four different yard definitions to consider when dealing with setbacks. Lengthy discussion and

examples of some of the nuances occurring when determining setbacks followed. It was agreed that further research of through lots should be established.

Yard, waterfront – *Planner Garrett* said he had no issue with the current definition of Yard, waterfront but will review the other definitions such as setbacks, etc. to insure they reference where it is measured from. The definition should also include bulkhead and not the property line that's in the water. Discussion followed relating to swimming pools and when they are allowed.

Tom Turner, 850 N. Shore Dr., suggested the definition should read seawall and should include language that states 15 feet required back from the tiebacks.

Michael Coleman, 311 Pine Ave., felt there should be a clearly defined definition that relates to those lots going into the water.

Definition of Noise

Boardmember Pytel suggested that Noise be defined and asked if perimeters could be determined as to what is Noise.

Planner Garrett informed that Noise is one of the most difficult things to define. He stated that time permitting; the Noise Ordinance would be reviewed.

Public Comment

Mike Coleman, 311 Pine Ave., felt incentives should be established for only building two level residential homes versus three levels.

He also felt it was important to not change the Code where it would penalize persons who previously purchased land in Anna Maria under the current regulations and were wanting to retire in the City at a later date.

Chair Copeland felt that the third story of a home should be built at 50% of the levels below it and should be setback in some manner. Discussion followed relating to the "wedding cake philosophy."

Boardmember Mattick said she felt it was important to work with the Pine Ave. Restoration Project to determine what regulations they would need for their future project.

Boardmember Pytel said his biggest concern relating to the Pine Ave. Restoration Project relates to the setbacks on Pine. He felt a 20-foot setback was not appropriate when considering the parking, egress, ingress, etc. and should be addressed by the P&Z Board.

Mr. Coleman announced he would be closing on the first nine lots this month.

Chair Copeland stated very specific requirements were set out in the Comprehensive Plan relating to the ROR and questioned if the City would be running into any legal concerns in regards to the Pine Ave. Restoration Project.

Planner Garrett stated that if the Comprehensive Plan allows up to three stories the City would have to provide for three stories. However, site criteria perimeters, or greater setbacks, buffering, or lots can be added into the Code. These criteria can be limited to specific sections of the City. He said providing a covenant on the land / deed restriction was his preference rather than placing the specifics in the code.

Mr. Coleman felt it was important to ensure that whatever agreement was entered into relating to the Pine Ave. Restoration Project would be such that it would still be in effect for years.

Other Discussion

It was agreed that the P&Z Board would review all definitions and bring any concerns back to the next meeting. In addition, some definitions may want to be eliminated if they do not pertain to Anna Maria.

2. Approve Minutes of November 6, 2007.

MOTION: On motion made by Boardmember Conoly and seconded by Boardmember Mattick, the November 6, 2007 Minutes were approved as written.
Motion carried – All Aye.

3. Old/New Business. No discussion.

4. ADJOURNMENT On motion made by Chair Copeland and seconded by Boardmember Conoly, the meeting was adjourned at 8:31 p.m. Motion carried – All Aye.

The next regular meeting is scheduled for Tuesday, January 8, 2008, 7:00 p.m.

Alice Baird, CMC, City Clerk

MINUTES APPROVED: _____