

TOWN OF LONGBOAT KEY
PLANNING AND ZONING BOARD
MINUTES OF REGULAR MEETING

JANUARY 19, 2010

The regular meeting of the Planning and Zoning Board was called to order at 9:00 am.

Members Present: Chairman BJ Webb, Vice-Chairman Allen Hixon, Secretary John Wild, Members Phineas Alpers, Walter Hackett, John Redgrave, Morton Siegler, George Symanski, Patricia Zunz

Also Present: David Persson, Town Attorney; Monica Simpson, Planning, Zoning & Building Director; Steve Schield, Planner; Ric Hartman, Planner; Donna Chipman, Office Manager

AGENDA ITEM #1
JEWFISH KEY, 7140 LA LENAIRE DRIVE
SPECIAL EXCEPTION APPLICATION

Steve Schield, Planner, noted that the special exception application for Jewfish Key was filed in conjunction with the variance request that was before the Zoning Board of Adjustment (ZBA). During the January 14, 2010, ZBA meeting, the application was continued in order to allow for redesign of the dock. As a result, the applicant was requesting a continuance of the Special Exception application until the February 16, 2010 P&Z Board meeting.

MR. WILD MOVED THE P&Z BOARD CONTINUE THE HEARING FOR THE JEWFISH KEY SPECIAL EXCEPTION APPLICATION UNTIL THE FEBRUARY 16, 2010, MEETING. MR. SIEGLER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

AGENDA ITEM #2
HARRY'S CONTINENTAL KITCHENS RESTAURANT, 525 ST. JUDES DRIVE
SPECIAL EXCEPTION APPLICATION

Pursuant to published notice, the public hearing was opened. Ms. Chipman swore all those testifying.

Ric Hartman, Planner, reviewed the staff report noting the applicant was requesting approval of a special exception to allow outdoor dining for a previously approved casual seating area, and for outdoor dining service for 24 new seats. He noted that the casual seating area was previously approved through Site Plan Exemption 92-17. He referred to Finding of Fact #4 in the staff report, concerning the parking, explaining that the tables located under the roof overhang had sufficient parking; however, staff was concerned that the 24 additional seats would require six additional parking spaces. He pointed out that the six spaces located on the west side of the building were located on the store property, but were allowed under a lease agreement that ran with the land. The store had sufficient parking for its own needs, and the restaurant would have sufficient parking for the 24 seats using the collective provision of four spaces located on the side of the store (adjacent to St. Judes Drive). He reviewed a PowerPoint showing the parking areas and the patio site.

Mr. Hixon asked if the Town allowed parking in the side yard similar to what was shown on the PowerPoint. Mr. Hartman responded it was allowed within a side yard if it was setback a certain distance in the C-1 district; however, these spaces were legally non-conforming spaces, because they were not setback far enough from the street or right-of-way for a C-1 district. Mr. Hixon questioned why they were legally, non-conforming. Mr. Hartman explained they were allowed by site plan prior to the zoning designation being changed for the property. Mr. Hixon asked if there were requirements for grading of the parking spaces; does the Town allow vehicles to park on a 10 percent grade. Monica Simpson, Planning, Zoning & Building Director, noted that the Zoning Code did not regulate the grading of parking spaces, but did regulate the grade of property.

Mr. Hartman continued with reviewing Finding of Fact #6 concerning the utility service noting that the applicant was only requesting the 24 additional seats due to the limits for bathroom fixtures and other utility provisions. Mr. Wild asked if that meant there would be a need for 24 bathrooms. Ms. Simpson explained that the requirement was not within the Town Code, but within the Florida Building Code, and it related to fixtures, not bathrooms.

Mr. Hartman reviewed a photograph of the patio area showing the landscape buffer between the adjoining properties. Mr. Hixon asked if staff felt the proposed landscape buffer was adequate. Mr. Hartman responded that 80 percent opacity was a fairly dense landscape buffer; he believed there was adequate landscaping, but there might be some gaps between plantings that would need to be filled in.

Mr. Wild commented that a lot of people that lived in the area walked to the restaurant, and was surprised that the application did not reference the pedestrian and bicycle traffic. Mr. Hartman noted that would be addressed under the site plan amendment. He explained that the shared parking and flexibilities, under the parking ordinance and Commercial Revitalization Ordinance, both contained a criteria that 50 percent of the parking had to be provided on-site; Harry's Continental Kitchens only provided two spaces on their property, because the property on the west side was on the convenience store property. Mr. Wild asked what would happen if the properties were merged. Mr. Hartman responded the collective provision was, without formally merging, allowing that; it allowed contiguous properties with the same type zoning to consider all the parking as one for both properties.

Mr. Alpers noted the parking shown for the restaurant had always been located there for a long time. Mr. Hartman noted the R-1 and R-6 parking along the west side of the building was through the original lease agreement in 1989. Mr. Alpers asked if there was a requirement for the number of handicap spaces required for a restaurant. Mr. Hartman explained the requirement was located in the Florida Building Code and for 1-25 spaces it required one accessible space; and for 26-50 spaces, there was a requirement for two accessible spaces. Ms. Simpson commented that of the 25 spaces provided, one of them had to be handicap accessible.

Mr. Hixon asked if the Board was looking at an overall coordinated parcel agreement. Mr. Hartman responded the parcels across the street were not contiguous, because they were separated by the road. He explained that the approved site plan for 525 St. Judes Drive (restaurant property), 548 St. Judes Drive (the deli) and 560 St. Judes Drive (office) were approved in 1992

under one site plan exemption. Mr. Hixon commented there were 10 angled parking spaces on the rear of parcels four and five, which was now changed to four spaces; it functionally operated with 10 vehicles. Mr. Hartman noted the angled parking was never approved. He pointed out that, as part of the site plan amendment and special exception application, the applicant was required to bring the area back into conformance with the approval in 1992 (Site Plan Exemption 92-17).

Mr. Hixon asked if staff had looked at the front of the convenience store in terms of access and limiting that, instead of having total driveway access across the whole front, having access from the side street, and a reasonable 20 foot setback, and allowing a buffer strip between the end of the required parking area and the sidewalk. Mr. Hartman replied no; the site plan and special exception was limited to the physical features of 525 St. Judes Drive (restaurant) and whether there was additional parking that they could access for their outdoor dining.

Lynn Christiansen, co-owner of Harry's Continental Kitchens, informed the Board they have worked closely with staff and have drafted the best solution at this time. Mr. Hixon asked if their land planner had looked at the access to the convenience store and determined a planted buffer would approve the visual appearance of the site, and was a reasonable way to control the vehicular access from Gulf of Mexico Drive, would they consider planting a strip between the sidewalk and the back of the planned parking. Ms. Christensen responded she believed that would be a question for the Town, as she believed it might be an area of an easement that had to remain open.

Leo Mills, Leo Mills & Associates, Inc., explained they had reviewed the existing traffic pattern and the parking on the deli site, and they had not met the conditions of the 1992 site plan, which resulted in a number of the parking spaces being non-conforming. He noted that in order to bring the site into compliance and move forward with their request, they brought the site back to the original 1992 conditions.

James Wilburn, 7110 Longboat Drive East, commented that he was a customer of the restaurant and likes to dine outside. He believed there was not another quality restaurant on the island where someone could dine outside, and urged the Board to approve the request.

Rusty Chinnis, 7091 Longboat Drive East, commented he liked to ride his bicycle to the restaurant, and suggested that some of the codes of the Town should be relaxed to allow outdoor dining. He supported the application.

No one else wished to be heard, and the hearing was closed.

MR. HACKETT MOVED THE P&Z BOARD RECOMMEND APPROVAL OF THE SPECIAL EXCEPTION ORDER 2010-01 AS RECOMMENDED. MR. SIEGLER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

AGENDA ITEM #3
HARRY'S CONTINENTAL KITCHENS RESTAURANT, 525 ST. JUDES DRIVE
SITE PLAN AMENDMENT APPLICATION

Pursuant to published notice, the public hearing was opened.

Mr. Hartman reviewed the staff report noting the request for a site plan amendment would allow for a 459 square foot patio and placement of six tables on the patio for outdoor dining at 525 St. Judes Drive. He mentioned that several aspects of the site plan were discussed during the special exception review, including the setbacks, that outdoor dining was allowed in a street yard area, that the survey and site plan has shown there would be sufficient lot coverage and open space coverage, and minimal impacts to traffic.

Mr. Wild asked how soon they could implement the change. Ms. Simpson noted that the site plan application would be forwarded to the March meeting of the Town Commission for their review and approval.

Mr. Hackett noted the application indicated a maximum of 24 seats, and asked if that was an increase or decrease to the seats that were being utilized prior to the request. Ms. Christensen responded they were happy to get what seats they could, but she believed it would be about the same. Mr. Hartman pointed out that even though the site plan amendment had to go before the Town Commission, the special exception had approved outdoor dining for the four tables under the roof easement; they were approved and not a part of the site plan amendment application and could be used immediately. Mr. Wild asked if they could be moved out onto the patio. Mr. Hartman replied no; they could provide service to the tables as long as they were under the roof easement, but they could not move the tables out to the patio area.

No one else wished to be heard, and the hearing was closed.

MR. SIEGLER MOVED THE P&Z BOARD RECOMMEND APPROVAL OF RESOLUTION 2010-03 AS RECOMMENDED. MR. REDGRAVE SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

Mr. Symanski asked if the Board could request staff to include review of the parking issue on a future agenda. Ms. Simpson explained staff would include it on the list, but wished to point out that staff would probably not advocate any changes to the 50 percent rule that had been established. Staff had put a lot of thought into that when they established the parking regulations. They were having doubt whether the shared parking, other waivers, and flexibilities that were in the code would work as they had not been tested to-date.

AGENDA ITEM #4
ORDINANCE 2010-01, MECHANICAL EQUIPMENT

Mr. Hartman reviewed the staff report noting that the Town Commission had been reviewing different types of telecommunication improvements, and one method was distributive antenna systems (DAS). He noted this ordinance referenced ground based equipment. He also mentioned that the Mar Vista Restaurant had approached staff several months ago concerning the placement of a dumpster in a new location along Lois Avenue, but then came back and said they wished to install a trash compactor. He noted that a trash compactor would be considered a piece of mechanical equipment, and there were setback regulations that would prevent them from placing it close enough to the street for their waste provider to pick it up. Staff was proposing to remove the "piece meal" sections of the code and combine them under a new section of the Zoning Code entitled Section 158.157, Mechanical Equipment. He pointed out that subsection (F) of Section 158.157 was the section devoted to the DAS.

Mr. Siegler asked if Section 158.157(A), General Regulations, of the ordinance, where it stated, "Mechanical Equipment that is closer than 10 feet...", meant any portion of the mechanical equipment. Mr. Hartman replied correct. Mr. Siegler suggested that it might state, "any portion of which." He also referred to the wording, "...to a principal structure is attached." He asked if staff meant, "is deemed to be attached." Mr. Hartman replied that was also correct. He commented that the intent was to include as few changes as possible, but also to make it clearer. Mr. Siegler also voiced concern with subsection (B). Mr. Hartman noted that the language was probably consistent, so Mr. Siegler's suggested amendment might apply to all three sections. Mr. Siegler asked how they defined where the equipment was if they were not talking about any portion of it and noted that it would apply to subsection (B)(3) also.

MR. SIEGLER MOVED TO AMEND THE LANGUAGE TO STATE, "ANY PORTION OF MECHANICAL EQUIPMENT," WHEN DISCUSSING MECHANICAL EQUIPMENT LOCATIONS IN SECTION 158.157. MR. WILD SECONDED THE MOTION.

Mr. Symanski commented that he did not believe it was necessary to include the language, because there were setbacks referenced in other code sections and it did not reference a portion of. Mr. Siegler responded that he would not have a problem, if it was stated elsewhere within the code. Mr. Symanski believed 'any portion' was understood, and if the language was changed in this section, and not elsewhere in the code, then every other place where it was not stated there was an implication that "a portion could be." Mr. Alpers agreed with Mr. Symanski. Mr. Siegler did not disagree either, and as long as it was defined elsewhere and covered this section, then it would be unnecessary. However, he would request the word "is" be replaced with, "deemed to be attached," in Section 158.157(A), last sentence. Mr. Hartman explained that 'attached structures' were defined elsewhere in the code, so if it was within 10 feet, it was considered attached, or part of the structure.

Mr. Siegler withdrew his motion, and Mr. Wild withdrew his second.

MR. SIEGLER MOVED TO AMEND SECTION 158.157(A), LAST SENTENCE, TO STATE, "MECHANICAL EQUIPMENT THAT IS CLOSER THAN 10 FEET TO A PRINCIPAL STRUCTURE IS DEEMED TO BE ATTACHED." MR. WILD SECONDED THE MOTION.

Mr. Symanski asked if staff was agreeable with the amendment. Mr. Hartman commented that under the definition for attached structures, it was clarified; it defined

what an attached structure was if it was within 10 feet of the structure. He noted the proposed wording in the ordinance was consistent with what was written throughout the code, and 'deemed to be' was not used elsewhere in the code. Mr. Symanski pointed out that the amendment may result in a different meaning in the other code sections. Ms. Simpson suggested a motion be made to allow Mr. Siegler's suggested changes, if not contrary to the Town Attorney's advice.

Mr. Hackett asked if the DAS equipment was regulated or provided for in other sections of the Town Code. Ms. Simpson explained that the telecommunications ordinance did not speak specifically to DAS, because the DAS antennas were placed upon utility poles that were currently in the right-of-way. She noted that was regulated by the Town per their right-of-way code governed by the Public Works Department. That portion of the code was recently amended to allow for this and for formal permitting so the Town had a review process. She also noted that whoever owned the right-of-way or the equipment also governed. She pointed out that all DAS have to have land equipment, which was typically located on private property, Town right-of-way, or public right-of-way. The purpose of this ordinance was to allow the ground equipment to be placed on private or public property. Mr. Hackett referred to Section 158.157(F)(3)(c) and questioned the height. Mr. Hartman replied eight feet.

Ms. Simpson reiterated that her suggested language be included in the motion stating that, "*Unless the Town Attorney deemed it to not be in the best interest or contrary to the code.*" **There was consensus to include the language.**

MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

Mr. Hixon asked if he understood that 'hotel equipment' would be allowed in the right-of-way on Gulf of Mexico Drive. Mr. Hartman replied no. Ms. Simpson commented there was a public right-of-way in addition to the Gulf of Mexico Drive right-of-way. Mr. Hixon voiced concern with the adverse visual impact of a box that was 13 x 7 x 8 feet along the right-of-way. Mr. Hartman commented the regulations were based on any type of mechanical equipment on private property also, but did not allow for placement along Gulf of Mexico Drive. Mr. Hixon pointed out that earlier testimony noted it could be placed in the right-of-way. Mr. Hartman replied it was allowed in the Town-owned right-of-way.

MR. REDGRAVE MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCE 2010-01, AS AMENDED. MR. SIEGLER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, NO; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

The Board recessed from 10:10 am –10:20 am.

AGENDA ITEM #5
TREE CODE DISCUSSION

Steve Schield, Planner, reviewed the staff report noting that at the May 19, 2009, meeting, the P&Z Board directed staff to bring back a revised tree code that could be forwarded to the Town Commission for their review and consideration. The Board wished to follow the direction of the Town Commission, but revised the existing ordinance to both simplify and make it more understandable. He commented that Town staff, with the assistance of the Town Attorney's office, worked to reorganize and streamline the existing code, while incorporating some of the limited improvements of the Board. These improvements included: clearly stating that improved single-family lots were exempt from the tree code; requiring protection of utility systems; requiring removal of Australian pines and Brazilian peppers for new construction; a limited fee increase; and, provide public education.

Mr. Symanski asked if someone did a substantial renovation, then they would not need to remove the Australian pines and Brazilian peppers. Mr. Schield replied no; it would only apply to new construction. Mr. Symanski asked why the Town would not take the opportunity to remove those trees. Ms. Simpson commented that if it was the direction of the Board, then staff would rewrite the draft accordingly with guidelines provided by the Board. Mr. Wild believed the Town was missing an opportunity if they did not include requiring single-family homes to remove non-native plants, and suggested that it could be tied into the issue of public safety. He believed if someone did an improvement of any kind, that required a permit, then they should be required to remove any non-native plants within that lot. He suggested the Board ask staff to draft some regulations and provide a better enforcement mechanism.

Mr. Symanski asked if someone obtained a permit to replace a window, then the Town was requiring removal of the trees. Chairman Webb responded that was the question the Board should decide; whether the Board wished to include language to remove Brazilian peppers and Australian pines, and at what point of renovation would that be triggered. Mr. Symanski believed it was discussed previously that it was not reasonable to have regulations for condominiums that did not apply to single-family. He would suggest it be required for a substantial renovation. Mrs. Zunz commented that either the Town has an ordinance that indicated the Town did not want Australian pines or Brazilian peppers on any lot, or require it during clearing of a lot. She did not agree with requiring it if someone pulled a permit. Mr. Alpers agreed with Mrs. Zunz.

Mr. Hixon asked if that was a site plan approval process; that was the point where it should apply. Mr. Alpers noted that if they were not going through a site plan approval, then the Brazilian peppers remained on the property. Mrs. Zunz asked what would happen if someone owned property where it remained in its natural state for a number of years and the Brazilian peppers proliferated on the lot. She did not believe it would accomplish anything, and reiterated that the Town should require they be removed regardless if improvements were being made.

Mr. Symanski pointed out that the Board had previously forwarded materials to the Town Commission, who returned it back to the Board because they did not wish to address single-family homes. Mr. Hackett noted that if the Board was discussing eradicating Australian pines and Brazilian peppers, then they need to have a good reason for it to be done, as they were placing the financial burden on the property owner to remove the trees. He suggested that if there was a new footprint that encroached on the tree, then it

should be removed, but questioned whether the Board could dictate they remove from the entire site.

Mr. Hixon commented that the tree ordinance was to ensure a reasonable canopy on the Key. He noted that trees were important, regardless who owns them, and it was the trees the Town was trying to protect. He voiced concern that a single-family homeowner was allowed to do what he wished with a tree without fear of a fine; however, if someone lived in a condominium, there would be consequences. He voiced concern with the way it was being approached, and he still believed some regulations and controls should be enacted and in place; the first place that it should apply was when requesting a change in the land. He believed the Board might need to look at any "stripping activity" of land, in terms of vegetation, so they could develop a method of ensuring that when that happens, it still resulted in the best result.

Mr. Symanski believed the intent needed to be expanded to include the removal of Australian pines and the Brazilian peppers (exotic nuisances). Mr. Hackett commented that the Board had been given direction from the Town Commission, and if they reviewed their comments, the majority of the Town Commission requested "light" modifications to the existing tree code. He asked if there was a review of tree codes from other jurisdictions. Chairman Webb responded that the Tree Subcommittee had reviewed a number of other codes and had also heard from a number of landscape professionals and others.

Mr. Symanski referred to the issue of the Australian pines and the hardship to the individual owner for removal, but noted that he thought Australian pines were a danger to the community, because on a barrier island. He commented that the hardship might be an opportunity to protect the neighborhood. Mr. Redgrave asked if the Town had removed all those Australian pines in danger of falling on public property and rights-of-way, and that there was a setback from Gulf of Mexico Drive that would require removal. Mr. Schield responded the former Town fund that provided monetary assistance with removal of the trees was based on the setback from Gulf of Mexico Drive. Mrs. Zunz commented that one of the problems she had was that most people did not plant the pines on their property, but they already existed on the lot. She found it unfair if someone came in to do a minor change to their home that required a permit, and were told, because they had Australian pines and Brazilian peppers on the lot, they would be required to remove those trees.

Mr. Wild asked those who served on the subcommittee how they felt about the proposed ordinance as written. Chairman Webb did not believe the Board was there yet, and believed there was a need to have an independent group take the ordinance, re-evaluate it, and determine answers. Mr. Wild believed the proposed ordinance was in a condensed form from what the subcommittee had previously proposed, and suggested that the condensed form be expanded to incorporate language that site plan approvals would be the optimal opportunity to address the issue and further eradicate the trees. Mr. Hixon believed the Board should work with the Town Commission at a joint workshop to work out the various issues, which might result in something more positive and provide a better direction. Ms. Simpson discussed that staff had taken the specific direction of the Board, which was to take the Town Commission's direction and draft an ordinance. She mentioned that the Town had previously worked several times with a mixed group of Town Commissioners and board members on other issues. She

suggested that establishing a subcommittee with a couple of Town Commissioners and a couple of board members, with staff providing factual information, might be helpful.

MR. HIXON MOVED THE P&Z BOARD REQUEST THAT THE TOWN COMMISSION ESTABLISH A JOINT WORKSTUDY GROUP CONSISTING OF TOWN COMMISSION REPRESENTATIVES AND PLANNING & ZONING BOARD REPRESENTATIVES, TO EXPLORE THE ISSUES WITH THE DRAFT TREE CODE. MR. SIEGLER SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: ALPERS, AYE; HACKETT; AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, AYE; WILD, AYE; ZUNZ, AYE.

Chairman Webb requested that Mrs. Zunz be the P&Z Board’s liaison for the group, and that she choose two other members to be a part of the group.

Mr. Redgrave commented that he did not believe the ordinance would move forward unless the issue of whether the Town was going to ban or not ban the Australian pines and Brazilian peppers was addressed.

Discussed ensued on appointment of additional members for the subcommittee. In addition to Mrs. Zunz, there was consensus to appoint Mr. Hixon and Mr. Alpers.

AGENDA ITEM #6
SIGN CODE DISCUSSION

Ms. Simpson reviewed her staff report regarding the Sign Code, noting that on May 5, 2009, there was a public forum where various entities from the community had met to discuss the Sign Code. She pointed out that her memorandum noted some of the items that were raised during those discussions, and some of the issues staff found in the code. She mentioned that staff was agreeable with a complete rewrite of the Sign Code. She commented that the existing document was confusing and had inconsistencies within the document which staff had difficulty interpreting.

Chairman Webb commented that when the Board discussed the issue in early fall, one of the items of concern was the proliferation of Florida Department of Transportation (FDOT) signs. She believed the Board had discussed sending correspondence to them to ask if they could clean up the signage. Ms. Simpson responded that the Town had direct communication with FDOT regarding the Town’s concerns, but the Board could help control the number of signs by limiting the number of egress/ingress on Gulf of Mexico Drive. She mentioned that in discussions with FDOT, they noted there was a sign for every point of egress/ingress as a safety measure; they believed they needed to repeat the signage as one of their suggested methods to protect the public. She would inform the Town Manager that the Board still had concerns with the number of signs along Gulf of Mexico Drive.

Political Signs:

Ms. Simpson continued with discussing political signage. She noted that staff had provided information to the candidates regarding political signage locations. She pointed out that staff used, along Gulf of Mexico Drive, the utility poles for the “layman’s test” for the location of the right-of-way.

Mr. Wild asked if they could place a limit on the height of the sign in order to allow two signs on the same pole. Mr. Symanski noted that the signs were considered political free speech and was concerned with limiting placement to 30 days. Mr. Redgrave commented he was in favor of 60 days and allowing two signs per property. Chairman Webb agreed with Mr. Symanski's point of political free speech. Mr. Hixon commented that he did not have a problem with allowing multiple signs, as long as they were posted no longer than 30 days. Mr. Wild agreed with Mr. Symanski, because if someone wished to support multiple candidates and issues, they should be allowed to have the signs in their yard, but he disagreed with the suggestion of 60 days, because he believed 30 days was a sufficient time. Mr. Hackett commented that if the Board was considering shortening the 30 days, and increasing the number of signs, then they should consider the issue of remuneration. Ms. Simpson believed that was addressed in the State campaign and ethics code. Mr. Symanski also believed it would be a violation of the Zoning Code; renting someone's front yard for placement of signs.

There was consensus to:

- **Limit the time for posting to 30 days prior to the election and removal three days after the election with appropriate fines if not removed.**
- **If there were more than two candidates or issues, a property owner would be allowed to place one sign per candidate or issue on their property.**

Sign Size (Real Estate Signs):

There was consensus to remain with the four square foot sign size requirement.

Real Estate Signs (Use of Riders):

There was consensus to allow one rider not to exceed eight inches in height over and above the sign size limitation.

Mr. Redgrave requested a definition of what was a 'rider'. Chairman Webb responded that if the existing real estate sign was wood, the rider would slide into the top rail of the sign, but would not exceed eight inches in height.

Color Limitations (Real Estate Signs):

Mr. Wild voiced his concern with the limitation of colors to two. He noted there were some real estate companies who had logos that had three colors, and suggested that if the Board was going to limit the colors, then he would request allowing one additional color. Ms. Simpson responded that logos were exempt. Mr. Schield explained that

currently the signs were allowed three colors, plus a background color, but Open House signs were limited to two colors. Mrs. Zunz pointed out that elimination of the regulation would allow any number of colors.

There was consensus to retain the requirement of three colors, plus a background color.

Portable Signs (Interior to the Property):

Chairman Webb commented that if the signs were not located on public right-of-way, and were interior to the property, then the landlord should be responsible for regulating them. Mr. Hixon believed the Town was concerned with the visual appearance of the community, and asked if the Board was suggesting not regulating signs within the shopping centers, or were they saying that portable signs within a complex should not be regulated. Chairman Webb commented there was not a shopping center that did not have a lease that addressed every issue, including signage, and believed it would be the purview of the property owner. Mr. Symanski noted that the Board could make the same argument for all signs within a shopping center. Ms. Simpson explained that for an interior of a shopping center, if the sign was less than two square feet, the Town did not regulate. Mr. Wild asked if the Board could allow some portable signs, but limit them to so many times per calendar year. He suggested following the idea of special event directional signs. Ms. Simpson commented that the last thing staff wished to do was to maintain a calendar to ensure the business did not have a sign posted. She mentioned that they could review other jurisdiction's codes to see how they handled the signs. Mr. Symanski expressed caution with setting a precedent, because then all businesses would place a sign outside. Mr. Hackett commented about noting the location of the sign. Ms. Simpson noted that staff would review and draft something for discussion.

Multi-tenant Signs:

Chairman Webb commented if someone owned a larger multi-tenant shopping center, how they would balance out the number of tenants. Mr. Wild asked if the sign included the name of the complex, was that considered the location with the tenant signs below that. Ms. Simpson noted that it would all be counted; it was the square footage based on the linear footage of the property on which it sat. Chairman Webb asked if staff was requesting an increase in the square footage allowed for multi-tenant signs. Ms. Simpson replied staff was requesting an increase in the ratio; the linear square footage of sign.

There was consensus to retain the existing code with regard to determining the maximum square footage of a multi-tenant sign.

Mr. Wild commented that if the owner did not have the ability to have larger square footage, then they might accommodate it by having a more distinct sign, such as a LED sign. Chairman Webb suggested that the Board explore that technology. Mr. Wild commented he did not wish to see the Town with a sign code that was 20-25 years old and not speak to issues of technology. Ms. Simpson commented that staff would review.

Monument Signs:

Mr. Wild noted that he found pole signs objectionable, and he was unsure if the Town could remove them from the code and replace with monument type signs. He also asked if the Town could require replacement by a date certain. Chairman Webb did not believe this was the time to review that issue since it would financially impact businesses that were struggling to stay in business. Mr. Symanski suggested that if someone applied for a sign permit, then at that time, the Town could place a condition on the permit that the sign needed to be brought into conformance. Mr. Wild requested that staff propose language that if someone submitted a plan, they would be required to replace the existing pole sign with a monument. Chairman Webb suggested staff might also wish to provide visual illustrations.

Trespassing Signs:

Chairman Webb mentioned that her insurance representative told her that they should post 'No Trespass' signs on their dock. Mrs. Zunz commented that she understood that the police indicated that if the entity did not have the proper signage, the owner would have difficulty making a claim. Mr. Hackett asked if they could limit the number of signs. Mrs. Zunz responded she was informed that an owner should have a 'No Trespass' sign on the dock so it was clear to the public that it was a private dock. Mr. Hixon pointed out that when the property was on the beach, the owner needed a sign in their front yard indicating no beach access, and it should not be limited to one sign, because condominiums might have several driveways, which would each require a sign. Ms. Simpson read the current code, Section 156.04, Exempt Signs, section (C), into the record, *"A sign located in a yard indicating danger, no trespassing, or similar information, provided such signs shall be located only along the boundary or perimeter of the property and that there shall be no more than one such sign located within or along each 100 lineal or curvilinear feet, or fraction thereof, of the property's boundary or perimeter."*

There was consensus to leave that section as written.

Handheld/Human Signs:

There was consensus to rewrite the current language to clearly prohibit handheld/human signs.

Special Event Signs (Directional Signs):

Chairman Webb noted her desire to allow temporary directional signs for events. Mr. Wild agreed and suggested there was a need for more flexibility. Chairman Webb believed they should be allowed to be posted the day of the event, and then removed immediately after the event.

There was consensus to allow special event directional signs with size restrictions.

Mr. Hackett commented that he would like to allow a special event on-site sign, such as those related to sponsorships of the event. Chairman Webb questioned the issues with

sponsor-related signs at the tennis courts and asked how problems could be avoided in the future. Ms. Simpson explained the way staff interpreted the code was if they wished to place a sponsorship sign on the site, it would need to be placed on the inside of the fence where it could be read by those on the courts, rather than on the right-of-way and viewed by the public. She noted that staff would draft language that would allow sponsor signs to be visible. Chairman Webb suggested that the signs be allowed for the period of the event and removed within 24 hours of completion of the event. Mr. Hackett noted that usually the sponsor provided a free banner that was 4 feet x 8 feet in size, and requested that staff consider that size or smaller. Ms. Simpson responded she did not believe they could write the code with no restrictions to the size; if the sponsorship sign was larger than what the Town would accept, then it would not be permitted.

Neon Signs:

Mr. Hixon noted he did not believe neon signs should be allowed. Mr. Wild asked if he was suggesting the Town ban neon signs within a business that might say open for business, closed, etc. Mr. Hixon replied yes. Mrs. Zunz asked if the Town currently regulated the signs within a business. Ms. Simpson responded that the Town allowed neon behind a window. Mr. Wild commented that if the Town currently allowed those types of signs, then they would be placing an economic hardship on a business if they would now require they be eliminated. Mr. Schield pointed out that neon was allowed as long as it was enclosed by a window or other enclosure; the size would be dictated by other sections of the code. Mr. Wild suggested that if the Board wished to include that restriction that it applies for new signs and not existing signs. Mr. Hackett mentioned that most businesses received free signs from vendors for various purposes, and he had not found any on the island to be annoying to him. Mr. Symanski agreed with Mr. Hackett.

There was consensus to retain the current regulations which allowed neon signs.

Ms. Simpson mentioned that staff would review the Sign Code changes and provide a draft at a future meeting.

AGENDA ITEM #7
RESCHEDULING OF MARCH 2010 MEETING DATE

Ms. Simpson informed the Board that their March 16th meeting was the same day as the election. She noted that there would only be a conflict with the ante-chambers and the inability for the Board to use that room. She commented that if the Board wished, they could discuss rescheduling the meeting date. Chairman Webb noted her reluctance to reschedule a meeting.

There was consensus to retain the March 16, 2010, meeting date.

AGENDA ITEM #8
CONSENT AGENDA

Chairman Webb noted she would be abstaining from approval of the minutes as she was not in attendance for the meetings. She also thanked the other Board members for their work during their review of the Longboat Key Club & Resort application.

MR. SIEGLER MOVED APPROVAL OF THE MINUTES OF THE 12-15-09 REGULAR MEETING, 12-10-09 SPECIAL MEETING, 12-4-09 SPECIAL MEETING, 11-11-09 SPECIAL MEETING, 11-6-09 SPECIAL MEETING, 11-5-09 SPECIAL MEETING, 10-22-09 SPECIAL MEETING, AND 10-21-09 SPECIAL MEETING AND SETTING THE NEXT REGULAR MEETING DATE FOR 2-16-10. MR. REDGRAVE SECONDED THE MOTION. MOTION CARRIED ON ROLLED CALL VOTE: ALPERS, AYE; HACKETT, AYE; HIXON, AYE; REDGRAVE, AYE; SIEGLER, AYE; SYMANSKI, AYE; WEBB, ABSTAIN; WILD, AYE; ZUNZ, AYE.

Mr. Hackett distributed a report he prepared on the future of Longboat Key for the Board's information. He noted it was an inventory of the businesses and services that Longboat Key has lost in the last four to five seasons. He commented that the report was "alarming" and that keeping Longboat, Longboat, was a challenge. Chairman Webb noted that if residents were not supporting the businesses on the island, then there was some personal accountability.

AGENDA ITEM #7
ADJOURNMENT

The meeting was adjourned at 12:10 PM.

John Wild, Secretary
Planning and Zoning Board