

TAB 1

**Draft Minutes
CITY OF PALMETTO
PLANNING AND ZONING BOARD
February 16, 2012 – 5:30 P.M.**

PLANNING AND ZONING BOARD MEMBERS

Board Members Present

Eric Gilbert
Charlie Ugarte
Jon Moore


Board Members Absent

Barbara Jennings
James Pastor


Staff Present

Lorraine Lyn, City Planner
Scott Rudacille, Assistant City Attorney
Jackie Hartley, Planning Tech

Chair Gilbert called the meeting to order at 5:30 p.m.

 *Swear in any speakers*

ORDER OF BUSINESS:

 **1. Approval of January 19, 2012 Meeting Minutes**

MOTION: Mr. Ugarte moved to approve the January 19, 2012 meeting minutes. Mr. Moore seconded. **MOTION CARRIED UNANIMOUSLY**

 **2. PH Continuance from January 19, 2012**

Chair Gilbert opened the public hearing continued from January 19, 2012.

Farm Labor Camp Conditional Use Stipulations Ord. 2011-33

This is an amendment to the City's Code of Ordinances, Zoning Code (Ordinance 2011-33) to provide standards and criteria for farm labor camps as a Conditional Use.

Farm labor camps are currently permitted with a Conditional Use approval in the RM-6 zoning district. One of the proposed standards is to establish gateway areas on both sides of 10th Street and 8th Avenue W and from 4th Street south to the Manatee River. The proposed ordinance also contains standards relating to maintaining farm labor camps in good condition, installing lighting and security cameras, requiring contact information from the owner and property manager and requiring follow-up inspections by Code Enforcement.

Action request: Motion to continue the public hearing for Farm Labor Camp Conditional Use Stipulations Ordinance 2011-33 to March 15, 2012 at 5:30 p.m. or as soon thereafter as this item may be heard in these chambers.

Staff requested a continuance and asked if there was any public comment. Ms. Lyn explained the reason for the continuance; she said the packing plants needed additional time to go through the ordinance and to review data and analysis. Mr. Ugarte asked Ms. Lyn about maps on Farm Labor project; Ms Lyn said she made the maps and will send them by e-mail next week with the understanding that the map is in draft form due to the continuance.

Motion: Mr. Moore moved to continue the hearing until March 15th 2012 at 5:30 PM in the commission chambers at City Hall. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY**



3. Old Business

- Zoning Interpretation for SpaceBox Storage Facility: Ms. Lyn asked if the Board members had any questions.
- Mr. Gilbert and Mr. Ugarte expressed their concerns over interpretation of SpaceBox's signs indicating that the project's signage makes it look like it was for three properties even though it was one use. Ms. Lyn explained her interpretation of the code indicating that there were three uses per the use table of the zoning code. Mr. Ugarte said that one use in the SpaceBox project was 4/10 of the area and that could set a dangerous precedence.
- Mr. Ugarte was concerned that the intent of the code was not having many uses in small areas like 1000 sq. ft. but based on the number of tenants in a shopping center. He said, one main sign like a marquee should be adequate and each tenant would have an additional sign on their wall or given space, but not allowed additional 150 sq. ft.
- Ms. Lyn said there is 100 sq. ft. per commercial use, but in a shopping center, only a free standing sign of 150 sq. ft. is allowed, not including a wall sign.
- Mr. Rudacille also clarified his interpretation of the signage limitations in the commercial district.
- Mr. Gilbert was concerned whether SpaceBox signage would comply under the proposed ordinance. Ms. Lyn said the proposed ordinance is based on street

frontage; that SpaceBox does not have that much frontage, but it has to be worked out to tell.

- Ms. Lyn informed Board members that Staff will be having another meeting on the proposed ordinance, and a joint workshop between the Board and the City Commission will be scheduled before June on the sign ordinance. Mr. Gilbert said he is willing to set up a time to sit down with Ms. Lyn to go over the language.
- Mr. Ugarte used the Wal-Mart project as an example of multiple signs on one project. Ms. Lyn said that Wal-Mart was a variance. Mr. Gilbert asked Staff to make a note and clarify special exceptions in the new code.
- Public Comment: Jack May expressed his concerns over the ratio of size and distance with signs and suggested using a formula to off-set the distance vs. size conflict.



4. New Business

- Proposed Sign Ordinance: In discussing proposed signage in the CRA, Ms. Lyn suggested a master sign plan for certain areas like the downtown would be beneficial, and should be some relief for these special cases.
- The Board and Staff discussed approval procedures for either a conditional use or variance for commercial signage.
- Mr. Burton recommended keeping the sign ordinance within the guidelines of the Comprehensive Plan. He suggested sign designs using form based codes where CRA owner incentives could be offered for use of preferred designs.
- Mr. Burton explained the CRA redesign plans to 10th Ave would alleviate traffic on 8th Ave. The design would be similar to Five Points in Sarasota and should take about 15 years; the design should be pedestrian friendly and give Palmetto the feel of a small town atmosphere and coincide with the Comprehensive Plan
- Mr. Burton made other suggestions like moving Regatta Point into the DCOMC, prioritizing the geographic locations and using the CRA funding and incentives to increase the tax base. The CRA could also create public parking through incentives to avoid wasting space in the downtown core.
- Mr. Ugarte asks for another copy of the Comp Plan.
- Mr. Moore asked to have the old Comp Plans removed from the website.



5. Adjournment: 6:32:45

Post Date:

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Zoning Code Interpretation For Building Height

Request

An administrative interpretation that the highest point on a roof is the roof deck height on a low slope roof (flat) and the average height on a sloped roof. The logic behind the request is that a flat roof 35' high is much more obtrusive than a sloped roof.

Currently the definition for building height varies between the City's Zoning Code and the current (2007) Florida Building Code (FBC). It would help the development community to have the same definition in both the FBC and the City's Zoning Code. It is also a very common definition in other municipalities including Manatee County.

Palmetto LDC currently defines "Height" as:

Section 3.2.-Definition of Terms of the Zoning Ordinance

The vertical distance of a building measured from the average elevation of the proposed finished grade within 20 feet of the structure to the highest point of the roof.

Florida Building Code's definition is:

Height, Building - The vertical distance from grade plane to the average height of the highest roof surface.

Background

In researching the City's Zoning ordinances, the Code of Ordinances (Supplement 4) adopted by Ordinance 141 on October 19, 1981 contained the following definition:

Height of Building: The vertical distance measured from the average ground level to the highest point of the roof adjacent to the street wall for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gabled, hipped or gambrel roofs.

The minutes of January 15, 1990 indicated that Council met in regular session with Donald R. Olmstead, Mayor; Shirley Vanzant, Councilman; James E. Boyd, Councilman and Charles Pratt, Attorney present to consider the following ordinance:

ORDINANCE NO.389

AN ORDINANCE AMENDING ORDINANCE NO. 387, THE ZONING ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF PALMETTO; AMENDING THE TIME LIMITATIONS ON OCCUPANCY OF TRANSIENT AND TRAVEL TRAILERS IN MHP-1 ZONING DISTRICTS; PROVIDING FOR SUCH TIME RESTRICTIONS ON RECREATIONAL VEHICLES IN MHP-1 ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Pratt discussed the need to amend the new zoning ordinance as to the time limit on occupancy of travel trailers. There being no comment, the hearing was closed on motion by Mrs. Vanzant seconded by Mr. Boyd and carried. Councilman Vanzant moved to approve Ordinance

No. 389. Motion seconded by Mr. Boyd and carried with Mrs. Vanzant voting aye and Mr. Boyd voting aye.

Downtown Development Guidelines

The Downtown Core Design Guidelines (City's Zoning Code Sec. 4.4.) established three Character Districts for the downtown area with the following height requirements:

1. Downtown waterfront district, Sec. (d)(1) in which the maximum building height shall not exceed seventy-five (75) feet at midline of roof.
2. Midtown district, Sec. (d)(2) in which the maximum building height shall not exceed fifty-five (55) feet at midline of roof or the maximum height permitted in the existing zoning district, whichever is greater.
3. Uptown district, Sec. (d)(3) in which the maximum building height shall not exceed thirty-five (35) feet at midline of roof or the maximum height permitted in the existing zoning district, whichever is greater.

Notwithstanding the requirement for a rezoning to PD when the downtown design guidelines exceed the standard zoning district requirements, the aforementioned method of determining height requirements adopted more recently, on May 21, 2007, are consistent with the requested height interpretation.

Summary

With the existing definition of "Height" as:

The vertical distance of a building measured from the average elevation of the proposed finished grade within 20 feet of the structure to the highest point of the roof

measurement is from the average elevation of the finished grade but is rigid in the point at which height is measured from the roof, its highest point. From the 1950's (when zoning was first adopted) to January 15, 1990, the City permitted flexibility depending on the style of the roof per the aforementioned definition. The current definition has been in effect since January 15, 1990. With the adoption of the Downtown Design Guidelines in 2007, building height flexibility was available with a PD rezoning. Bradenton shares the current Building Height definition with the City of Palmetto but Manatee County uses practically the same definition that Palmetto used prior to 1990. The City abuts unincorporated Manatee County on its northern and eastern boundaries; currently, there could be a difference in height requirements on two side by side lots, one in the City and the other in the unincorporated County.

Interpretation

Definition

Height: The vertical distance of a building measured from grade plane to the average elevation of the ~~proposed finished grade within twenty (20) feet of the structure to the~~ height of the highest point of the roof surface.

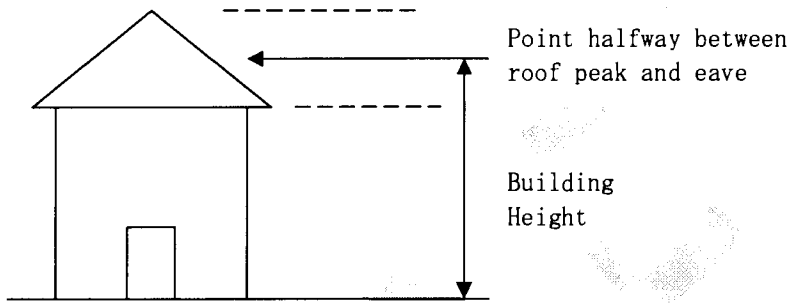
average of roof

Manatee base grade elevation

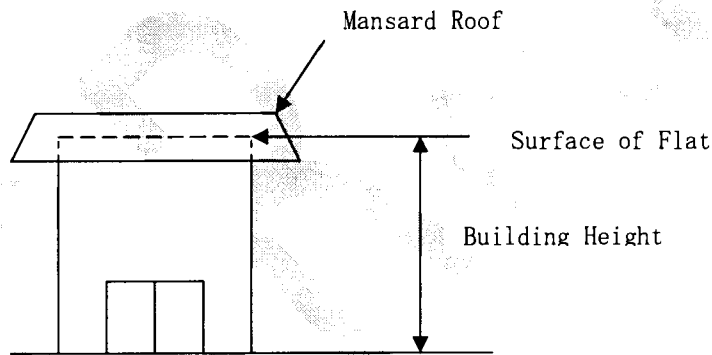
use

flood protection

Requested Building Height Measurements:



Sloped Roof



Mansard and Flat Roof

*height
measured from finished ground rather than*