

**MEMORANDUM**

**DATE: 1-7-00**

**TO: Bruce St. Denis, Town Manager**

**FROM: Martin P. Black, AICP  
Community Services Director**

**SUBJECT: ORDINANCE 99-35: AMENDMENT TO CHAPTER 97, STREETS  
AND SIDEWALKS, ALLEY VACATIONS**

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During the public hearing held on December 14, 1999, the Planning and Zoning Board recommended APPROVAL with revisions of Ordinance 99-35 amending Chapter 97, Streets and Sidewalks, providing for an amendment to Section 97.11, to include additional standards to be met by any applicant seeking the closure or vacation of an alley or alley segment in the Village. The specific motion of the P&Z Board is as follows:

**MR. LEVIN MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCES 99-35 AND 99-36 AS PRESENTED BY STAFF. MR. DROHLICH SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DROHLICH, AYE; KARSH, AYE; KRUK, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, NO; WHATMOUGH, AYE.**

Enclosed, for your review and consideration, please find the following support documentation:

1. Ordinance 99-35;
2. Memo, dated 12-6-99, Black to P&Z Board
3. Draft minutes of the 12-14-99 and minutes from the 11-16-99 P&Z Board meeting on this issue.

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

MPB/dmc

**MEMORANDUM**

**TO:** Planning and Zoning Board

**FROM:** Martin P. Black, AICP  
Community Services Director

**DATE:** December 6, 1999

**SUBJECT:** VILLAGE ALLEY POLICY CONSIDERATIONS - UPDATED

**1. Overview**

At the October 19, 1999 Planning and Zoning Board meeting, direction was provided to develop proposed ordinances to implement the following policy parameters:

- A. Maintain Existing Passable Alleys and Alley Segments As Open for motor vehicles.
- B. Maintain Existing Non-passable Alleys and Alley Segments as Closed to motor vehicle use.
- C. Establish additional requirements for consideration of alley vacations in the Village to ensure no adverse impacts relating to stormwater, green space and additional traffic movement.
- D. Establish regulations to ensure that there are clear standards relating to alley access.

With these policy parameters, staff have developed two (2) ordinances for Planning and Zoning Board consideration prior to presentations to the Town Commission.

**2. Alley Access / Ordinance 99-36**

Ordinance 99-36 proposes an amendment to Section 157.41, Street Access Required, which has the impact of prohibiting new vehicular alley accesses from any lot in the Village to which an existing open alley or alley segment has not been defined during the Village Study. A Village Overlay is proposed which maps and defines those alleys or alley segments considered non-passable and to which new alley access may not be established. During the course of the

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Village Study, the majority of opinions presented by the community supported a maintenance of the status quo in order to achieve general public health, safety, and welfare protection as relates to limiting new impervious area (minimize new storm water impact), maintenance of green space (assists with storm water mitigation and provides open space benefits) and limiting new traffic circulation impacts along rear yards.

As reviewed by the Planning and Zoning Board and pursuant to the policy direction provided through the Village Study, the attached proposed amendments to Section 157.41(A), Street Access Required, of the Town Code are presented for consistency review and recommendation to the Town Commission.

During the course of the Village Study and review by the Planning and Zoning Board, policy consensus was identified for developing amendments to the Town Code which will ensure that no accesses to existing, non-passable alleys and alley segments are created. The proposed amendments identify and restrict those parcels which may gain required street access by way of an existing alley. These proposed amendments are consistent with the community consensus identified during the Village Study and specifically implement the provisions of Policies 1.1.1, 1.1.9, and 1.1.10 of the Future Land Use Element and Objective 1.11 and Policy 1.11.1 of the Transportation Element.

Recommendation

Find that Ordinance 99-36 is consistent with the Town's Comprehensive Plan in that it implements the requirements of Policies 1.1.1, 1.1.9, and 1.1.10 of the Future Land Use Element and Objective 1.11 and Policy 1.11.1 of the Transportation Element and recommend Town Commission adoption of the proposed amendments

3. Alley Closure / Vacation (Ordinance 99-35)

Ordinance 99-35 proposes amendments to Section 97.11 to include additional standards to be met by any applicant seeking the closure or vacation of an alley or alley segment in the Village. These provisions include requirements to provide any necessary utility easements and are designed to prohibit any potential density or impervious area increases resulting from an alley or alley segment vacation of Town interest.

VILLAGE ALLEY POLICY CONSIDERATIONS  
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MPB/dmc

\*\*P&Z BOARD \*\*12-14-99  
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Mr. Rothenberg asked how staff would address a vacant lot and an owner that wished to construct the accessory structure prior to the principle structure; how would the Town determine the 25% floor area on a vacant lot. Mr. Black stated the Town Code currently required the construction of the principle building prior to construction of accessory items, with the exception of a boat dock.

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AGENDA ITEM #4  
ORDINANCE 99-35, STREETS AND SIDEWALKS, ALLEY VACATIONS

AND

AGENDA ITEM #5  
ORDINANCE 99-36, SUBDIVISION REGULATIONS, ALLEY ACCESS

Mr. Black stated that Ordinance 99-35 had been amended as a result of the P&Z Board's workshop discussion to provide for review of a vacation request by the P&Z Board prior to the Town Commission's consideration of the application. He referred to Section 97.11(A), which provided for the P&Z Board's review during a public hearing of a vacation request and the forwarding of a recommendation to the Town Commission. He said subsection (B) was modified to provide for the requirement that all vacation requests be required to comply with the criteria outlined in the Code.

Mr. Black stated that Ordinance 99-36 addressed the limitation on access from the alleys in the Village area. He said the language was modified for clarification. He commented that the clause being added was, "Street access shall not be considered met from any alley or alley segment for those lots identified in the Village Overlay Map."

Mr. Rothenberg stated he was opposed to the Town "giving up" any land they owned unless there was a good reason. He referred to Ordinance 99-35 and stated the ordinance allowed for a petition to be filed which maintained the status quo of an alley that was not totally passable. Mr. Black replied correct. Mr. Rothenberg stated the ordinance required "competent, substantial evidence" that the street was of no benefit to the Town or public and it was in the best interest of the public to keep the alley closed. He voiced concern that the Town was "grandfathering" something that had happened over the years, but was not

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the original intent of the Town. Mr. Diamant stated it was clear that the vacation of the alley would reduce the impervious surfaces, which was one benefit to the Town. He said one of the concerns raised from the Village Study was the drainage problem. He noted that the Town would still maintain their utility access. Mr. Rothenberg asked if the passable alleys were paved. Mr. Black stated the passable areas were gravel or shell, but some had paved aprons where they entered into the main street segments. He commented the alleys were mostly impervious, because once crushed gravel or shell was placed, the water was not likely to percolate and would pond in some areas.

Judith Carman, 6901 Poinsetta, stated that she had resided at that address for over 30 years. She commented that she had presented her alley vacation request before the Town Commission during two quasi-judicial hearings. She explained that approximately 2.5 years ago they had received a letter from Mr. Black, which stated that one of her neighbors on the adjoining alley (between Poinsetta Avenue and Longboat Drive South) was requesting the opening of the alley for construction on their property. She stated that Mr. Black's letter had requested comments from the neighbors, and they had forwarded a letter requesting the alley remain closed. Mrs. Carman stated that 8 out of the 9 property owners, who were adjacent to the specific alley, requested that the alley remain closed to vehicular traffic. She said the petition that was formally presented to the Town was dated 11-20-98.

Mr. Lee asked if the particular alley referred to by Mrs. Carman was scheduled to be opened. Mr. Black replied that Mrs. Carman and several neighbors had filed a request to vacate the specific alley. He said the Town Commission tabled their consideration of the request pending the outcome of the Village Study on the alleys and alley accesses. He said the Town did not intend to open the alley at this time, however, there was another property owner that had made a request to the Town Commission to open the alley. Mr. Lee asked if the Board's approval of the ordinance would impact Mrs. Carman's request. Mr. Black stated based on the Board's recommendation to the Town Commission, staff would go back to the Town Commission and request either their continuation of the discussion of the petition or remand the petition to the P&Z Board for review. He said the ordinance would establish the Board's role in reviewing the petitions prior to Town Commission action.

Mr. Lee stated he did not believe that the Board's decision on the ordinance would have any impact on the merits of Mrs. Carman's petition. Mr. Black explained that Mrs. Carman's request included items that were defined in the ordinance (e.g. conservation easement, utility easement, etc.). He said those items were included in the request and they had agreed to comply with those requirements.

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Mr. Rickard voiced concern with the language as he felt the way it was written was too flexible. He referred to Ordinance 99-35, subsection (B), and suggested the word "consider" be changed to "required". Also, he felt in all other sections, the word "proposed" should be deleted so the requirements were not conditional. Mr. Black explained that the reason staff had not listed the items as being required was because in some cases each of the items may not be necessary or desirable for the public interest.

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Concerning the pending vacation application submitted by Mrs. Carman, Mr. Black stated he wished to confirm that the P&Z Board did not feel it was necessary for the application to be returned to the P&Z Board as the Board felt the application was consistent with their recommendation. Mr. Lee replied yes.

AGENDA ITEM #6  
ORDINANCE 99-38, AMENDMENT TO ZONING CODE, PORCHES

AND

AGENDA ITEM #7  
ORDINANCE 99-39, AMENDMENT TO ZONING CODE, OVERHANGS

Mr. Black stated that Ordinances 99-38 and 99-39 were a result of recommendations from the Village Study. He said Ordinance 99-38 related to provisions for porches and overhangs and allowed for a two-foot overhang to encroach into the setbacks. In addition, staff had modified the definition of porch to clearly indicate that a porch may not be enclosed more than 50% of the total wall area. He said that with the provision for roof overhangs, there was some inconsistency in the language relating to roof overhang versus building overhang. He commented that staff had clarified that language to only reference roof overhang. Mr. Rickard referred to the definition of porch, which stated that the porch could not be enclosed more than 50% of the total wall area. He felt that meant the wall could go half way around the porch and stop. He believed the intent was to state that no more than 50% of the enclosing wall area may be solid. Mr. Black stated he did not wish to use the word "solid", because if it was allowed to be solid, then there could be a masonry wall around the entire area. He commented that the intent was to allow screening, but not for it to be solid.

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Mr. Drohlich stated he did not oppose the ordinance, but the way it was written. He said the ordinance should be made more "user-friendly" for the residents. Mr. Black stated staff would take Mr. Drohlich's and Mr. Rickard's comments under advisement and would suggest alternative language at the public hearing.

Nick Drizos, president of the Village Association, stated a majority of the residents of the Village had an opportunity to be involved with the Village Study. He commented that the Town shared the feelings of the Village residents to maintain the "old village", and the alleys were one more example of what could be done to try to maintain the old Florida look. He said he did not believe there would be any public opposition.

Mr. Black stated that staff would proceed with the public hearing at the December meeting and would consider the comments from the Board.

AGENDA ITEM #4  
WORKSHOP DISCUSSION: ORDINANCE 99-35, STREETS AND SIDEWALKS  
(STREET VACATIONS)

Mr. Black stated draft Ordinance 99-35 proposed amendments to Chapter 97, Streets and Sidewalks, specifically to the provisions that allowed the Town Commission to consider requests to vacate or close streets or other right-of-ways in the Town. He said the specific section of the Code being changed would establish additional criteria for the Town Commission to consider for closure or vacation of the public right-of-way in the alley. He said the additional standards were a result of comments and concerns identified during the Village Association meetings. He said the comments included the loss of green space, and the impacts from potential new impervious area, should an alley be opened, which would create a new paving or shelled surface that would have an opportunity for stormwater impacts on the adjoining parcels or within the Village. He also noted that an opportunity not be created to increase the amount of land coverage or bulk of buildings.

Mr. Black stated the ordinance included four additional requirements for an applicant to demonstrate for consideration by the Town Commission. He reviewed the four additional criteria with the Board.

Mr. Whatmough asked if there were other alleys on Longboat Key other than the Village area. Mr. Black replied yes; there were alleys and street segments, previously vacated, on Reclinata Drive and near the Poseidon Restaurant. He said the proposed revisions would not apply to those streets, because the

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Village Association and residents worked with staff to develop specific standards.

Mr. Rickard referred to page 1 of Ordinance 99-35, Section A, in the fourth line which stated "discontinued the street...", and asked if there was a previous reference to a specific street, or was the Board discussing "a" street. Mr. Black stated it was a reference to the street that would be the subject of the vacation application. Mr. Rickard felt it might be clearer to state, "discontinue a street or easement..."

Mr. Drohlich asked why the application for vacation would be forwarded to the Town Commission prior to the P&Z Board. Mr. Black stated the Town had a property interest in the right-of-way, and the Town Commission, under the Florida Statutes and Town Charter, was the only entity that could give up the interest. Mr. Drohlich stated he was not suggesting that the Town Commission give up their interest, but if they were going to receive evidence and testimony, then he felt the application should be reviewed by the Board prior to forwarding to the Town Commission. Mr. Black stated under the current procedures, the P&Z Board did not hear the requests to vacate an alley or street; they were forwarded directly to the Town Commission.

Mr. Diamant agreed with Mr. Drohlich. He said the application would possibly be a "site specific" application, and why should it not be presented to the P&Z Board for review and then forwarded to the Town Commission. Mr. Black stated that would be a policy issue. Mr. Lee stated the Board could ask staff to amend the ordinance so the matter comes to the Board for review and recommendation prior to the Town Commission review. He commented that it would preserve the Town Commission's right to release or sustain their interest. Mr. Rickard agreed. Mr. Karsh asked if the ordinance was amended, would it apply to the Village area or all street vacations. Mr. Black responded that the section being referenced would apply to all street vacations.

Judith Carman, 6901 Poinsetta Avenue, stated she was involved in a request to vacate an alley in the Village area. She noted they had two public hearings before the Town Commission which were quasi-judicial, but the application was placed on hold until the P&Z Board reviewed the code amendment. Mr. Black stated that the Town Commission in their action, delayed consideration of the particular request pending the implementation of the Village Study recommendations. He said in the event that the Town Commission elected to proceed with the consensus that the P&Z Board review the applications, he would recommend that the P&Z Board rehear the application.

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Mr. Lee stated the Board had two options: 1) to continue discussion until the next meeting on the question of whether the applications should be forwarded to the P&Z Board prior to the Town Commission; or 2) provide a consensus to staff to change the ordinance for the public hearing on 12-14-99. Mr. Drohlich stated he would recommend proceeding with Option 2.

There was consensus to direct staff to amend the ordinance to provide for prior review by the P&Z Board of any application or petition for vacation and forward their recommendation to the Town Commission.

AGENDA ITEM #5  
WORKSHOP DISCUSSION: ORDINANCE 99-38,  
AMENDMENT TO CHAPTER 158, PORCHES

Mr. Black stated the specific intent of Ordinance 99-38 was to address comments from the Village Study, which indicated a general community support resulting from a perceived lack of architectural guidelines or review. He said during discussions there were opportunities to determine if the Town wished to be regulatory or provide incentives. He said the ordinances provided incentives or "relaxing" of the development standards if someone wished to include a porch that encroached into the front yard area to maintain the pedestrian scale along the street frontages and provide opportunity for a variety in architectural appearance. He noted that the proposal was to modify the existing setback language to allow an encroachment of a ten-foot porch into the front yard setback. He continued with reviewing the PowerPoint presentation with the Board.

Mr. Diamant stated he assumed that the porch could only be at one level; could not extend from the second floor. Mr. Black responded that the way the code was written, it would be allowed to extend from the first or second floor. He said during prior workshops, there was discussion as to whether it should be limited to only the first floor or second floor, but there was no direction to limit it to the first floor. Mr. Rickard felt the Board should take steps to limit it to the ground floor. Mr. Kruk commented that he was not sure if the language, "within 10 feet" was clear. Mr. Black stated the way the ordinance was written, it stated, "in the Village Study Area, porches measured from the exterior building wall shall be permitted to encroach up to 10 feet into the street yard setback." Mr. Kruk stated that language was clear, but he felt the language "to allow porches within 10 feet of the street property line" was not clear. Mr. Black responded that the memorandum may not be clear, but the second sentence in the ordinance stated, "no portion of the building, including an overhang, shall be closer than 10 feet from the property line".

WORKSHOP, JANUARY 20, 2000  
AGENDA ITEM # 8

**Agenda Item:** Ordinance 2000-04, Amendment to Chapter, 157, *Subdivision Regulations*

**Presenter:** Town Manager and Staff

**Summary:** At the November 16, 1999 and December 14, 1999 Planning and Zoning Board meetings, direction was provided to develop proposed ordinances to implement policy parameters as a result of the Village Study. Ordinance 2000-04 proposes an amendment to Section 157.41, *Street Access Required*, which would ensure that no accesses to existing, non-passable alleys and alley segments are created.

**Attachments:** Draft Ordinance 2000-04  
1-7-00 Memo, Black to St. Denis  
12-6-99 Memo, Black to P&Z Board  
Draft P&Z Board minutes of the 12-14-99 and minutes from the 11-16-99 meetings

**Recommended Action:** Review and discussion. Forward to 2-7-00 Town Commission Regular Meeting for first reading.

MPB/dmc  
1/7/00

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ORDINANCE 2000-04

AN ORDINANCE AMENDING CHAPTER 157: SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES FOR THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING SECTION 157.41(A), *STREET ACCESS REQUIRED*, TO IMPLEMENT RECOMMENDATIONS OF THE VILLAGE STUDY RELATING TO ALLEY ACCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town has undertaken a study of existing conditions, community preferences and development standards for the Longboat Key Village; and

**WHEREAS**, the Town Comprehensive Plan calls for consideration of special development standards in the Village; and

**WHEREAS**, the Town has held multiple community meetings in the Village to provide for public participation in the development of these special development standards; and

**WHEREAS**, the Planning and Zoning Board has found these proposed standards consistent with these goals, objectives and policies of the Town Comprehensive Plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA:**

Section 1. Chapter 157: SUBDIVISION REGULATIONS, Section 157.41(A), *Street Access Required*, is amended to read as follows:

(A) No building permit shall be issued for, and no building or other structure shall be erected on, any lot within the town, unless the lot has frontage to a street which shall have been accepted, or opened as, or otherwise shall have received the legal status of a public or private street, or which corresponds in its location and lines with a street shown on a plat approved by the town or a plat made and adopted by the town. Street access shall not be considered met from any alley or alley segment for those lots identified in Village Overlay No. 1 attached and made a part hereto.

(ORD. 2000-04, CONT)  
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Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 4. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

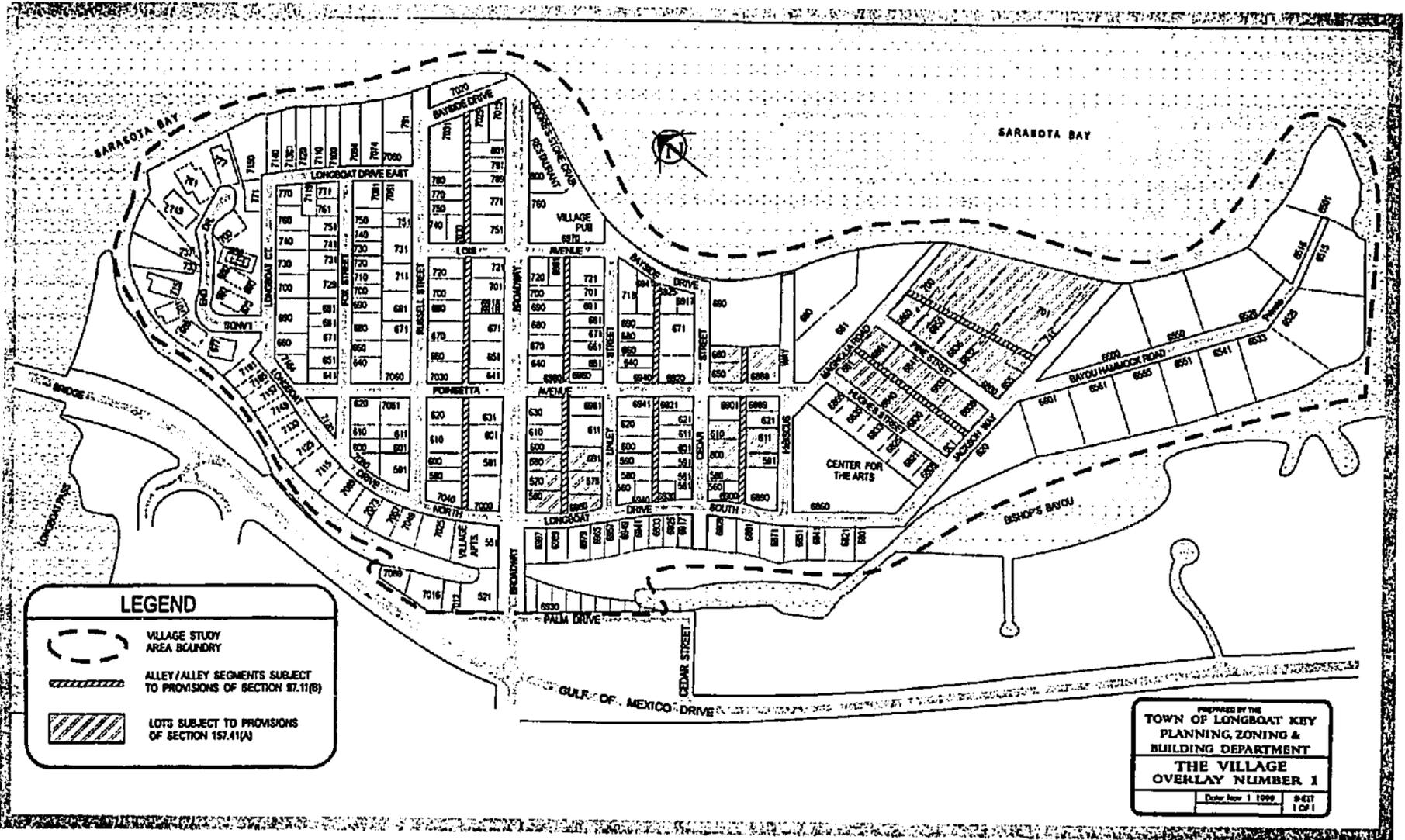
Passed on the first reading this \_\_\_ day of \_\_\_\_\_, 2000.

Adopted on the second reading and public hearing this \_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk



MEMORANDUM

DATE: 1-7-00

TO: Bruce St. Denis, Town Manager

FROM: Martin P. Black, AICP  
Community Services Director 

SUBJECT: ORDINANCE 99-36: AMENDMENT TO CHAPTER 157,  
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the original intent of the Town. Mr. Diamant stated it was clear that the vacation of the alley would reduce the impervious surfaces, which was one benefit to the Town. He said one of the concerns raised from the Village Study was the drainage problem. He noted that the Town would still maintain their utility access. Mr. Rothenberg asked if the passable alleys were paved. Mr. Black stated the passable areas were gravel or shell, but some had paved aprons where they entered into the main street segments. He commented the alleys were mostly impervious, because once crushed gravel or shell was placed, the water was not likely to percolate and would pond in some areas.

Judith Carman, 6901 Poinsetta, stated that she had resided at that address for over 30 years. She commented that she had presented her alley vacation request before the Town Commission during two quasi-judicial hearings. She explained that approximately 2.5 years ago they had received a letter from Mr. Black, which stated that one of her neighbors on the adjoining alley (between Poinsetta Avenue and Longboat Drive South) was requesting the opening of the alley for construction on their property. She stated that Mr. Black's letter had requested comments from the neighbors, and they had forwarded a letter requesting the alley remain closed. Mrs. Carman stated that 8 out of the 9 property owners, who were adjacent to the specific alley, requested that the alley remain closed to vehicular traffic. She said the petition that was formally presented to the Town was dated 11-20-98.

Mr. Lee asked if the particular alley referred to by Mrs. Carman was scheduled to be opened. Mr. Black replied that Mrs. Carman and several neighbors had filed a request to vacate the specific alley. He said the Town Commission tabled their consideration of the request pending the outcome of the Village Study on the alleys and alley accesses. He said the Town did not intend to open the alley at this time, however, there was another property owner that had made a request to the Town Commission to open the alley. Mr. Lee asked if the Board's approval of the ordinance would impact Mrs. Carman's request. Mr. Black stated based on the Board's recommendation to the Town Commission, staff would go back to the Town Commission and request either their continuation of the discussion of the petition or remand the petition to the P&Z Board for review. He said the ordinance would establish the Board's role in reviewing the petitions prior to Town Commission action.

Mr. Lee stated he did not believe that the Board's decision on the ordinance would have any impact on the merits of Mrs. Carman's petition. Mr. Black explained that Mrs. Carman's request included items that were defined in the ordinance (e.g. conservation easement, utility easement, etc.). He said those items were included in the request and they had agreed to comply with those requirements.

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Mr. Rickard voiced concern with the language as he felt the way it was written was too flexible. He referred to Ordinance 99-35, subsection (B), and suggested the word "consider" be changed to "required". Also, he felt in all other sections, the word "proposed" should be deleted so the requirements were not conditional. Mr. Black explained that the reason staff had not listed the items as being required was because in some cases each of the items may not be necessary or desirable for the public interest.

**MR. LEVIN MOVED THE P&Z BOARD RECOMMEND APPROVAL OF ORDINANCES 99-35 AND 99-36 AS PRESENTED BY STAFF. MR. DROHLICH SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: DIAMANT, AYE; DROHLICH, AYE; KARSH, AYE; KRUK, AYE; LEE, AYE; LEVIN, AYE; RICKARD, AYE; ROTHENBERG, NO; WHATMOUGH, AYE.**

Concerning the pending vacation application submitted by Mrs. Carman, Mr. Black stated he wished to confirm that the P&Z Board did not feel it was necessary for the application to be returned to the P&Z Board as the Board felt the application was consistent with their recommendation. Mr. Lee replied yes.

AGENDA ITEM #6

ORDINANCE 99-38, AMENDMENT TO ZONING CODE, PORCHES

AND

AGENDA ITEM #7

ORDINANCE 99-39, AMENDMENT TO ZONING CODE, OVERHANGS

Mr. Black stated that Ordinances 99-38 and 99-39 were a result of recommendations from the Village Study. He said Ordinance 99-38 related to provisions for porches and overhangs and allowed for a two-foot overhang to encroach into the setbacks. In addition, staff had modified the definition of porch to clearly indicate that a porch may not be enclosed more than 50% of the total wall area. He said that with the provision for roof overhangs, there was some inconsistency in the language relating to roof overhang versus building overhang. He commented that staff had clarified that language to only reference roof overhang. Mr. Rickard referred to the definition of porch, which stated that the porch could not be enclosed more than 50% of the total wall area. He felt that meant the wall could go half way around the porch and stop. He believed the intent was to state that no more than 50% of the enclosing wall area may be solid. Mr. Black stated he did not wish to use the word "solid", because if it was allowed to be solid, then there could be a masonry wall around the entire area. He commented that the intent was to allow screening, but not for it to be solid.

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**There was consensus to continue the hearing until the 12-14-99 regular meeting.**

Mr. Black informed the Board that there was an error in the advertisements for each of the ordinances scheduled for this meeting for public hearing. He said a couple of the ads were duplicated and some of the ads were omitted from the paper. He said there was not an opportunity to correct the error. He said it was staff's recommendation that all the public hearing items be scheduled for the 12-14-99 meeting for public hearing but discussion be held on the items in workshop form at this hearing.

AGENDA ITEM #3  
WORKSHOP DISCUSSION: ORDINANCE 99-36,  
SUBDIVISION REGULATIONS, ALLEY ACCESS

Mr. Black stated that during the October P&Z Board meeting, the Board provided direction to develop ordinances that would implement a series of policy parameters. He said based on the comments and input from the Village residents, there were four items that were discussed. The first was to maintain existing passable alleys and alley segments as open. He stated that the second was to maintain existing non-passable alleys (non-passable to vehicular traffic) as closed. The third item was to establish additional requirements for consideration of alley vacations or closing of right-of-ways in the alley to ensure there were no adverse impacts relating to stormwater, loss of green space or additional traffic movement that may create a nuisance or other hazard in the community. He said the final item was for regulations to be established to ensure there were clear standards to implement the provisions.

Mr. Black stated under existing Town regulations in the code, required street access might be met from either public street or public alley, or private street or private alley. He said based on the Board's discussion and input from the Village Association, staff was recommending an amendment to the definitions in the subdivision regulations that would define that street access may not be met from certain alleys or alley segments for designated parcels in the Village.

Mr. Rickard suggested that wherever the Board encountered the words, "maintaining an alley as closed", they should specify to motor vehicles. He said he believed the Board wished to maintain pedestrian and bicycle access for the residents.

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Mr. Drohlich stated he did not oppose the ordinance, but the way it was written. He said the ordinance should be made more "user-friendly" for the residents. Mr. Black stated staff would take Mr. Drohlich's and Mr. Rickard's comments under advisement and would suggest alternative language at the public hearing.

Nick Drizos, president of the Village Association, stated a majority of the residents of the Village had an opportunity to be involved with the Village Study. He commented that the Town shared the feelings of the Village residents to maintain the "old village", and the alleys were one more example of what could be done to try to maintain the old Florida look. He said he did not believe there would be any public opposition.

Mr. Black stated that staff would proceed with the public hearing at the December meeting and would consider the comments from the Board.

AGENDA ITEM #4  
WORKSHOP DISCUSSION: ORDINANCE 99-35, STREETS AND SIDEWALKS  
(STREET VACATIONS)

Mr. Black stated draft Ordinance 99-35 proposed amendments to Chapter 97, Streets and Sidewalks, specifically to the provisions that allowed the Town Commission to consider requests to vacate or close streets or other right-of-ways in the Town. He said the specific section of the Code being changed would establish additional criteria for the Town Commission to consider for closure or vacation of the public right-of-way in the alley. He said the additional standards were a result of comments and concerns identified during the Village Association meetings. He said the comments included the loss of green space, and the impacts from potential new impervious area, should an alley be opened, which would create a new paving or shelled surface that would have an opportunity for stormwater impacts on the adjoining parcels or within the Village. He also noted that an opportunity not be created to increase the amount of land coverage or bulk of buildings.

Mr. Black stated the ordinance included four additional requirements for an applicant to demonstrate for consideration by the Town Commission. He reviewed the four additional criteria with the Board.

Mr. Whatmough asked if there were other alleys on Longboat Key other than the Village area. Mr. Black replied yes; there were alleys and street segments, previously vacated, on Reclinata Drive and near the Poseidon Restaurant. He said the proposed revisions would not apply to those streets, because the