



PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING MINUTES

Tuesday, February 04, 2025 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

1. Call the meeting to order

Chair Johnston called the meeting to order at 5:30pm.

2. Pledge of Allegiance

Chair Johnston led the Pledge of Allegiance.

3. Roll Call / Determination of Quorum

Present: Chair Suzie Johnston, Boudie Estberg, Brenda Wotherspoon, Lisa Smith, Joann Soman, Vice-Chair Scott Chappuis, Paul Chestnut

Absent: None

Staff Present: City Attorney Drew Smith, City Planner Lupita McClenning and Secretary Michele Ficocello

4. Approval of Meeting Minutes

a. January 7, 2025

Vice-Chair Chappuis made a motion to approve the meeting minutes; Joann Soman seconded. Motion passed unanimously.

Brenda Wotherspoon's Form 8B is included in the minutes and submitted for the record.

5. Deletions and changes to the agenda

None

6. Old Business

None

7. New Business

- a. **ORDINANCE NO. 2025-XX:** AN ORDINANCE BY THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

An amendment to section 7, item a., page 36 of the agenda packet was provided to the Board prior to the meeting and is attached to the minutes. City Planner Lupita McClenning presented the item and staff report to the Board. Discussion ensued. Board comments included ISO rating and insurance rates related to the ordinance, threshold for damage in a natural disaster, Article 9 updates and eliminating duplication, aligning with city code and state code, Subdivision Design Standards in regards to double frontage, alleys counted as streets, NFI Building requirements, gutter and downspout maintenance,

alleys considered rights-of-way, new home builds causing flooding on existing homes off alleys, manufactured home definition, raising minimum base flood elevation from a + two (2) feet to a + three (3) feet. Public comment was opened. No public comment was received.

Joann Soman made a motion to recommend approval of item 7a.; Paul Chestnut seconded the motion. Ms. McClenning inquired if the Board would consider including raising the minimum base flood elevation to a + three (3) feet in the motion to recommend approval. Joann Soman amended her motion to include raising the minimum base flood elevation to a + three (3) feet in the recommendation of approval for item 7a.; Paul Chestnut seconded the motion.

Roll call: Paul Chestnut, Yea; Vice-Chair Chappuis, Yea; Lisa Smith, Yea; Boudie Estberg, Yea; Joann Soman, Yea; Chair Johnston, Yea; Brenda Wotherspoon, Yea. Motion passed unanimously as amended.

8. Other Business

None

9. City Planner Report

City Planner Lupita McClenning provided an update to include a land development code rewrite status update, parking requirements in regards to fixed seating analysis, due date for DEO evaluation and appraisal report, a list of new legislation will be disseminated to the Board, the Comprehensive Plan Amendment due by January 2026, creating a Stakeholder Committee after adopting the Land Development Code, Gridics Software access, projects to be included on Gridics and a Code Enforcement update. Public comment was opened. Commissioner Jane Mealy's comments included legislative updates. No further public comment was received. Public comment was closed.

10. Board Comments

Brenda Wotherspoon announced this is her last Board Meeting, her term is up and she will not be reapplying. Ms. McClenning and the Board thanked Brenda for her service to the City. Joann Soman invited everyone to the Municipal Election Candidates Night hosted by the Flagler Women's Club, February 26, 2025, at 7:00pm.

11. Adjournment

Joann Soman made a motion to adjourn; Paul Chestnut seconded. Motion passed unanimously. Chair Johnston adjourned the meeting at 6:08pm.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Wotherspoon Brenda Kay</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>PAR BOARD</i>	
MAILING ADDRESS <i>1125 CENTRAL AVE</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>FLAGLER BEACH FL</i>	COUNTY <i>FLAGLER</i>	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY NAME OF POLITICAL SUBDIVISION: <i>N/A</i>	
DATE ON WHICH VOTE OCCURRED		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing, and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Brenda Kay Witherspoon, hereby disclose that on 1-7, 20 25:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Live within 200 ft.

Date Filed

1-7-2025

Signature

Brenda Kay Witherspoon

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

Sec. 5.05.00. Reserved Stormwater Management.**Sec. 5.05.01. Purpose and intent.**

The purpose of this section is to manage stormwater drainage within the City of Flagler Beach in order to maintain and enhance the public health, safety, and welfare through the control of runoff volume and treatment of stormwater runoff for the protection of surface water and groundwater quality, and the control and prevention of erosion, sedimentation, and flooding by providing standards for the design, construction, and operation of stormwater management systems in conformance with best overall management practices. This section is intended to enforce the goals, objectives, and policies of the comprehensive plan, and to be consistent with the applicable policies and regulations of regional, state and federal agencies regarding stormwater management.

(Ord. No. 2005-07, § 1, 4-28-05; Ord. No. 2007-12, § 6, 6-14-07)

Sec. 5.05.02. Prohibitions and exemptions.**Section 5.05.02.1 Prohibitions.**

No person may develop or make any change in the use of land or construct a structure or change the size of a structure, except as exempted herein, without submission and approval of a stormwater management plan as provided herein. For the purpose of this section, the development may potentially alter or disrupt existing stormwater runoff patterns, and as such, will, unless exempted below, require submission and approval of a stormwater management plan prior to the commencement of construction, includes, but is not limited to:

1. Clearing and/or drainage of land as an adjunct to construction.
2. Clearing and/or draining of nonagricultural land for agricultural purposes.
3. Converting agricultural lands to nonagricultural uses.
4. Subdividing land.
5. ~~Replatting~~ recorded subdivisions and the development of recorded and unrecorded subdivisions.
6. Changing the use of land and/or the construction of a structure or a change in the size of one or more structures.
7. Altering the shoreline or bank of any surface water body.
8. The permanent (long period) lowering of the water table.
9. Addition of impervious or semi-impervious area.

Section 5.05.02.2 Exemptions.

The following activities shall be exempt from this section unless as hereinafter required by the land development regulations:

1. Single family and duplex residence and accessory structures except for the Mirror Lake Watershed Overlay District.
2. Any maintenance, alteration, renewal, use or improvement to an existing structure not changing or affecting rate or volume of stormwater runoff.

- ~~3. Bona fide agricultural zoning classifications, including forestry, except where an artificial drainage system will be used to increase the flow of surface water from the applicant's land.~~
- ~~4. Maintenance work performed on existing drainage canals for the purpose of public health and welfare.~~
- ~~5. Maintenance work on utility or transportation systems, provided such maintenance work does not alter the purpose and intent of the drainage system as constructed.~~

(Ord. No. 2005-07, § 1, 4-28-05; Ord. No. 2007-12, § 6, 6-14-07)

Sec. 5.05.03. Design standards.

Section 5.05.03.01 Threshold categories.

The review of stormwater management plans for all development projects shall be based upon the net increase in impervious surface resulting from the development and any cumulative increase due to development that has occurred within the previous two (2) years. All single-family and duplex residence structures in Mirror Lake Watershed Overlay District shall be considered as category II only. Category thresholds for the various limits of developments are as follows:

- ~~1. Category I—Net increase of impervious area of up to five hundred (500) square feet.~~
- ~~2. Category II—Net increase of impervious area between five hundred one (501) square feet and one thousand (1,000) square feet and all single-family and duplex residence structures within the Mirror Lake Watershed Overlay District.~~
- ~~3. Category III—Net increase of impervious area between one thousand one (1,001) square feet and four thousand (4,000) square feet of surfaces subject to vehicular traffic or five thousand (5,000) square feet of building of other surfaces.~~
- ~~4. Category IV—Net increase of impervious area exceeds four thousand (4,000) square feet of surfaces subject to vehicular traffic or five thousand (5,000) square feet of building or other surfaces.~~

Section 5.05.03.02 Basic standards.

All categories of development shall require the preparation of a stormwater management plan. Stormwater management system design shall conform with the following performance standards:

- ~~1. Stormwater runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination of practices determined by the city to be the most effective, practical means of preventing or reducing the amount of pollution generated by the project to a level compatible with Florida water quality standards found in chapter 17-3, Florida Administrative Code.~~
- ~~2. No site alteration shall cause siltation of wetlands, pollution of downstream wetlands or reduce the natural retention or filtering capabilities of wetlands.~~

3. ~~No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes.~~
4. ~~All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met. No site alteration shall result in any net reduction of available floodplain storage.~~
5. ~~Design of water retention and detention structures and flow attenuation devices shall be subject to the approval of the city pursuant to the standards hereof. Detention structures shall be designed to release runoff to the downstream drainage system over a period of time so as not to exceed the capacity of the existing downstream system. The design of water retention and detention structures and flow attenuation devices shall be in compliance with the standard construction details.~~
6. ~~In order to maintain good water quality in stormwater management detention ponds and maximize the provision of fish and wildlife habitat, stormwater management systems with permanently wet detention ponds should be designed, operated and maintained so as to resemble a natural pond to the greatest extent practicable. A natural pond design should include: a littoral zone comprised of native emergent and submersed aquatic macrophytic vegetation; a deep open water limnetic zone free of rooted emergent and submersed vegetation; and, where feasible, an upland buffer of native trees, shrubs and understory vegetation.~~
7. ~~A positive drainage system shall be provided which will not adversely impact downstream owners or adjacent lands, including rain gutter system on the structure as needed.~~
8. ~~Where possible, natural vegetation shall be used as a component of the drainage system. The water table should not be manipulated so as to endanger natural vegetation beneficial to water quality unless natural vegetation can be replanted and survive with a lowered water table condition.~~
9. ~~Runoff from higher adjacent lands shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.~~
10. ~~Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the city.~~
11. ~~Erosion by wind or water shall be prevented by the developer throughout the construction process.~~
12. ~~Direct discharge to class II waters is prohibited. A workable filter system approved by the city must be provided prior to any discharge to class II waters.~~
13. ~~For the purpose of this section, it is presumed that the lowering of the water table for the purpose of constructing detention/retention basins and for the purpose of permanently protecting road construction does not conflict with the stated objectives of this section if all of the following are met:~~
 - a. ~~The development site is not in an area known to the city, based on data collected and interpreted by the U.S. Geological Survey, the St. Johns River Water Management District, the city and other~~

professional investigators, as important to recharge or to prevention of discharge to the Floridan aquifer.

- b. ~~The proposed lowering of the water table shall be over no more than fifteen (15) percent of the site to a depth of five (5) feet below the surface of the existing undisturbed ground, or an equivalent volume, said area to be measured at the overflow elevation of the retention areas(s).~~
- c. ~~If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.~~
- d. ~~The high water table may be lowered up to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding in the roadside swales.~~
- e. ~~The lowering of the water table has no adverse effect on wetlands off site vegetation as defined herein.~~
- f. ~~The lowering of the water table does not increase flows to the detriment of neighboring lands.~~

- 14. ~~For project sizes greater than one (1) acre of disturbed area, the applicant shall acquire permit coverage from the Florida Department of Environmental Protection, National Pollutant Discharge Elimination System program and provide proof of such to the city prior to construction.~~

Section 5-05.03.03 Additional standards.

- 1. ~~Category II development—The minimum volume of retention to be provided shall be equivalent to one (1) inch of runoff over the entire project area and two (2) inches of runoff over the entire project area if within the Mirror Lake Watershed Overlay District. For certain soil conditions or ground water table conditions which do not permit the percolation of this volume within the five days following a storm event, the city may approve detention with filtration systems in lieu of retention.~~
- 2. ~~Category III development—Stormwater management plan shall be prepared by a professional engineer or landscape architect licensed in the State of Florida and shall conform to:~~
 - a. ~~Category II development requirements.~~
 - b. ~~The discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before development or redevelopment for a twenty-four-hour, twenty-five-year frequency storm, if this provision will be met through detention of the difference between said volumes, said volume difference shall be released over not less than a twenty-four-hour nor greater than a seventy-two-hour period of time. Runoff rates and volumes resulting from the project, in excess of existing amounts, shall be accommodated on-site. Off-site retention may be permitted if, in the opinion of the city, the recharge requirements of this section are met.~~
 - c. ~~Peak discharge one hundred-year storm. The peak discharge resulting from a twenty-four-hour, one hundred-year frequency storm on the developed or~~

~~redeveloped site shall not exceed the peak discharge resulting from a one hundred-year frequency storm for existing conditions on the site for flood prone areas as determined by the city.~~

- ~~d. Runoff computations. Runoff computations shall be based on the most critical situation (rainfall duration, distribution and antecedent soil moisture condition) and conform to the methods described in the Florida Department of Transportation Drainage Manual, latest edition, and the St. Johns River Water Management District Regulation of Stormwater Management Systems.~~

- ~~3. Category IV development—City shall defer to permitting by St. Johns River Water Management District.~~

~~(Ord. No. 2005-07, § 1, 4-28-05; Ord. No. 2007-12, § 6, 6-14-07)~~

Sec. 5.05.04. Maintenance.

~~The installed system(s) required by this section shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. The selection of critical areas and/or structures to be maintained by the city shall be recommended to the city commission by the department. All areas and/or structures to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city commission. The owner shall provide adequate easements with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s).~~

~~(Ord. No. 2005-07, § 1, 4-28-05; Ord. No. 2007-12, § 6, 6-14-07)~~