



CITY COMMISSION REGULAR MEETING AGENDA

Thursday, April 25, 2024 at 5:30 PM

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

ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. **Call the meeting to order**
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders**
3. **Proclamations and Awards**
 - a. Proclamation National Public Safety Telecommunications Week.
 - b. Proclamation Crime Victims' Rights Week.
 - c. Proclamation Declaring April as Sisco Deen Month, In Honor of the History Preservation Legacy of Claude Sisco Deen.
4. **Deletions and changes to the agenda**
5. **Public comments regarding items not on the agenda**

Citizens are encouraged to speak. However, comments should be limited to three minutes. A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.
6. **Consent Agenda**
 - a. Approve the Workshop and Regular Meeting Minutes of April 11, 2024.
7. **General Business**
 - a. Consider applications for a seat on the Planning and Architectural Review Board that is at term.
 - b. Select a Date for a Joint Workshop with the Planning and Architectural Review Board to Discuss Building Height Restrictions and Exceptions
 - c. Discussion and direction to staff regarding possible amendments to Section 5.04.00 H and N requiring irrigation with Landscaping Improvements - Commissioner Cooley.
8. **Public Hearings**
 - a. Ordinance 2024-06 - An Ordinance by the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, of the Code of Ordinances; adding a zoning category for Master Planned Development ("MPD"); providing for Review, Approval, Development Standards, permitted Uses, Regulation, and Implementation of Master Planned Developments; providing for conflicts; providing a severability clause; and providing an effective date - final reading.
 - b. Ordinance 2024-07 - An Ordinance of the City Commission of the City of Flagler Beach, Florida extending the temporary moratorium within the jurisdictional limits of the City of Flagler Beach on acceptance, review, processing, or approval of applications for development, site plans, zoning approvals, special exceptions, and development orders that would allow new development to use exceptions to the thirty-five foot height limitation for mechanical and architectural elements; directing staff to study and develop land development code provisions and other recommendations related to

exceptions to the thirty-five foot height limitation for mechanical and architectural elements; providing for expiration and extension of the moratorium; providing standards for relief from the application of the moratorium; providing for severability, conflicts, and an effective date.

9. Staff Reports

- a. City Attorney:
- b. City Manager:
- [c.](#) City Clerk:

10. Commission Comments

- a. Commission comments, including reports from meetings attended.
- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*

11. Adjournment

RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.

Proclamation

National Public Safety Telecommunicators Week

April 10-16, 2024

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone Flagler County emergency communications center; and,

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and,

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and ensuring their safety; and,

WHEREAS, Public Safety Telecommunicators of Flagler County have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and,

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

THEREFORE BE IT RESOLVED that the Mayor and the City Commission of the City of Flagler Beach declares the week of April 10 through 16, 2024, to be National Public Safety Telecommunicators Week in Flagler Beach, Florida, in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Signed this 25th day of April, 2024

Attest:

Mayor Patti King

Penny Overstreet, City Clerk

Proclamation

Crime Victims' Rights Week

April 21-27, 2024

WHEREAS, surviving a crime can have a myriad of lasting effects on victims, including physical, psychological, social, and financial issues;

WHEREAS, we know that countless survivors never tell anyone about what happened to them;

WHEREAS, each of us has a moral responsibility to actively participate in the healing of others;

WHEREAS, it is necessary to create safe environments for survivors of crime, providing not only support but also access to critical services and, above all, hope;

WHEREAS, victim service providers, community members, businesses, places of worship, colleagues, neighbors, and family members are capable of providing victim-centered, trauma-informed, and culturally responsive support;

WHEREAS, we must listen to survivors and be willing to create new options of support to ensure that all victims of crime can receive help and seek justice;

WHEREAS, we must do everything we can to show survivors that hope - the belief that the future will be better - is not just tangible but within their reach;

WHEREAS, National Crime Victims' Rights Week encourages all people to ask themselves the question, "How would you help a victim of crime?"

WHEREAS, the City of Flagler Beach is hereby dedicated to raising awareness of options, services, and hope for crime survivors.

NOW, THEREFORE, I, Patti King, as Mayor of the City of Flagler Beach, Florida, do hereby proclaim the week of April 21-27, 2024, as

Crime Victims' Rights Week

reaffirming this City's commitment to continuing a victim service and criminal justice response that assists all victims of crime during Crime Victims' Rights Week and throughout the year; and expressing our sincere gratitude and appreciation for those community members, victim service providers, and criminal justice professionals who are committed to improving our response to all victims of crime so that they may find relevant assistance, support, justice, and peace.

Signed this 25th day of April, 2024

Attest:

Mayor Patti King

Penny Overstreet, City Clerk

Proclamation

HONORING THE HISTORY PRESERVATION LEGACY OF CLAUDE SISCO DEEN

April 2024

WHEREAS, Historian Claude Sisco Deen was a native Floridian and a long-time Flagler Beach resident, being born in Daytona Beach, Florida April 18, 1940; and

WHEREAS, Historian Claude Sisco Deen has for decades served Flagler County and its unincorporated areas and Municipalities of Bunnell, Palm Coast, and Flagler Beach, and its residents, in the Armed Forces, American Legion, American Legion Boy's State, VFW, DAV and Boy Scouts of America; and

WHEREAS, Historian Claude Sisco Deen has tirelessly documented the immigration, emigration, and genealogies of over 320,000 individuals that have ties to Flagler County and its unincorporated areas and Municipalities; and

WHEREAS, Historian Claude Sisco Deen has recorded said genealogies, family histories, stories, and obituaries on his website FlaglerCountyFamilies.com; and

WHEREAS, Historian Claude Sisco Deen has served as an Officer, Member of the Board of Directors, and Historian Emeritus on the Governance Committee of the Flagler County Historical Society; and

WHEREAS during his years of service with the Flagler County Historical Society Claude Sisco Deen has supported the historical research needs of Flagler County Government and the governments of its municipalities; and

WHEREAS Claude Sisco Deen has supported the research needs of Flagler County's historical societies, museums, and diverse history groups; and

WHEREAS Claude Sisco Deen received the Marinus Latour Presidential Citation for Dedicated support of the Florida Historical Society in 2020; and

WHEREAS Claude Sisco Deen passed on from this earthly realm August 31, 2023; and

WHEREAS, the Commissioners of the City of Flagler Beach find it appropriate to honor the legacy of Claude Sisco Deen, and takes great pleasure in honoring his significant service and legacy and herewith expresses its sincere gratitude for the invaluable contributions he has made to Flagler Beach and Flagler County.

NOW THEREFORE BE IT RESOLVED that the Commissioners of the City of Flagler Beach hereby expresses its sincere appreciation to Claude Sisco Deen for his dedication to the documentation of the history of Flagler Beach and Flagler County during his lifetime by proclaiming April 2024 "Sisco Deen Month" in perpetuity.

Signed this 25th day of April, 2024

Attest:

Mayor Patti King

Penny Overstreet, City Clerk



CITY COMMISSION WORKSHOP MEETING MINUTES

Thursday, April 11, 2024 at 5:30 PM

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

PRESENT: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, Eric Cooley and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. **Call the meeting to order:** Chairman Spradley called the meeting to order at 5:30 p.m. The Commission reached consensus to move the proclamation first from the Regular Meeting agenda.
2. **Pledge of Allegiance followed by a moment of silence to honor our Veterans, members of the Armed Forces and First Responders:** Chairman Spradley led the Pledge of Allegiance.
3. **General Business**

- a. Discussion and regarding Fourth of July Activities. Mr. Martin reviewed the purpose of the meeting, and advised the County is in their second year of a three-year contract to hold fireworks at the airport, this is a joint project with Palm Coast. The County and Palm Coast are promoting a county wide event of the 5k, parade and activities in Veterans Park during the day and the fireworks show at the airport in the evening.

Chairman Spradley summarized the report and recommendations from the 2021 Ad-Hoc Fourth of July Finding Committee. He stated its not whether we want fireworks, it is the logistics that we cannot have them. Chairman Spradley spoke to the differences between the 4th of July and the recent New Year Event.

Commission Belhumeur reported the budgeted amount for the fireworks was spent on the New Year Event and the City normally engages assistance from the Sheriff's Department for the 4th of July and they are supporting the County event at the airport. He felt it would be impossible to have them on the same night. Commissioner Belhumeur hoped to reestablish fireworks in the future.

Commissioner Sherman was concerned about finances and safety on the community.

Commissioner Mealy felt there would be a way to fund the fireworks. She thought the City could celebrate on July 3 or July 5. When she went to the 2023 event at the County, it did not have the same feel as it does in Flagler Beach.

Commissioner Cooley spoke of the safety perimeter needed on New Year. He did not feel that the safety perimeter could be managed on the 4th of July. Commissioner Cooley felt it would put a tremendous strain on the City's Police Department. At the New Year event, no one was on the beach. The 4th of July there will be thousands on the beach. He expressed his concern about bring the 4th of July event for the 3rd. His thought was it would bring more people to town for the entire weekend and on the heels of the Army Corps beach renourishment project scheduled on July 5. He also thought it was a little late to change course with participating with the County and Palm Coast.

Chief Doughney spoke of the being very short staff due to open positions and several officers out on Workmen's Compensation. He felt his department would be spread more than thin if they were asked to support a five-day event.

Commissioner Mealy felt the timing and place of what will happen on July 5 is not set in stone. The Army Corps will be selecting their contractor on May 2 and that would still give the City time to plan.

Commissioner Belhumeur reminded all that the City started looking for a fireworks contractor about the same time of year two years ago and had no luck securing a vendor. He felt it would again be tough. Commissioner Cooley asked the City Manager for his opinion. Mr. Martin felt the logistics would be a challenge. He had discussed with the former city manager of Palm Coast and the current County Administrator this year's 4th of July was to be a united Flagler County event.

Mr. Martin asked if the Commission would like to re-establish the tradition in 2027. By 2027, all projects in Flagler Beach will be completed. The County has a 1-year contracts for three years.

Public comment was opened. The following attendees expressed their concerns, opinions, suggestions about the 4th of July, 2024 event: Benjamin Belhumeur from Moorehead City, North Carolina, Scott Fox, Tony Roy, R.J. Santori and Jim Vagen. Public comment was closed.

It was the consensus of the Commission for the City Manager to inform Palm Coast and the County that the City of Flagler Beach is planning on hosting fireworks for the 4th of July in 2027.

It was the consensus of the Commission for the City Manager to direct staff to proceed forward with all normally scheduled July 4th activities

The Workshop ended at 6:44 p.m.



CITY COMMISSION REGULAR MEETING MINUTES

Thursday, April 11, 2024 at 5:30 PM

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

Minutes

PRESENT: Mayor Patti King, Chair Scott Spradley, Vice-Chair James Sherman, Commissioners Rick Belhumeur, Eric Cooley and Jane Mealy, City Attorney D. Andrew Smith, III, City Manager Dale L. Martin and City Clerk Penny Overstreet.

1. **Call the meeting to order:** Chairman Spradley called the meeting to order at 5:30 p.m.
2. **Pledge of Allegiance followed by a moment of Silence:** Chairman Spradley led the pledge.
3. **Proclamations and Awards**
 - a. Excellence in Policing Award - Officer Evan Scherr: Chief Doughney read Officer Scherr's nomination letter into the record. The Sons of the American Revolution presented Officer Scherr the Excellence in Policing Award.
 - b. Sexual Assault Awareness Month: Mayor King read the proclamation into the record and presented the proclamation to the Family Life Center. Erin Shannon spoke about the history of the Family Life Center.
 - c. Water Conservation Month: Mayor King read the proclamation into record and presented the proclamation to Bill Wright of St. John's River Water Management.
 - d. Volunteer Appreciation Month: Mayor King read the proclamation into the record and presented the proclamation to Suzy Gamblain. She spoke to how volunteers have assisted in some of the events and other activities in Flagler Beach.

The meeting recessed at 6:04 p.m. for the Workshop. The Regular Meeting reconvened at 6:44 p.m.

4. **Deletions and changes to the agenda.** There were no deletions or changes to the agenda.
5. **Public comments regarding items not on the agenda.** Steve Dalley was concerned about the height of the hotel. He felt the hotel changes the character of the City and he questioned how the walkover was approved. Charlie Morrow expressed his concerns regarding the hotel and what appears to be exceptions being made for the hotel. Tom Moleski spoke of the plans for the passive park on Lambert Avenue. He spoke of the activity that takes place on the parcel and he was concerned for the safety of others should it become a park in the future. Daryl Reynolds spoke of Keep America Beautiful Program and the information he sent to the Commission. He spoke of grant opportunities associated with the organization.
6. **Consent Agenda**
 - a. Approve the workshop minutes of March 14, 2024, the Regular Meeting minutes of March 14th and 28th, 2024, and the special meeting minutes of March 28, 2024.

- b. Approve a License Agreement between the Florida Department of Transportation and the City of Flagler Beach for proposed changes to the City of Flagler Beach Right-of-Way for the SR A1A Resurfacing Project from S. 8th Street to N. 18th Street, and authorize Mayor to sign same.

Motion by Commissioner Belhumeur to approve the Consent Agenda. Commissioner Sherman seconded the motion. The motion carried unanimously.

7. General Business

- a. Consider a vote to either maintain the current location of a fence or revert it to its previous location - Steve Scott. Chairman Spradley read the title of the item into the record. Mr. Martin reviewed the history of the item. Mr. Scott reported on his positive impressions of staff particularly, City Clerk Penny Overstreet and Maintenance Supervisor Bill Clemence. He hoped that the Commission would be fair with their solution regarding the fence delineation between his property and Pal Parker Park.

Public Comment was opened. Rosslyn Simmons spoke of how the park has changed the neighborhood. She felt the fence did not cause a problem. She stated since the park was developed, there has been increased flooding in the area. Public comment was closed.

Commissioner Mealy asked how far into the Park is the fence located now. Mr. Martin said four feet. Commissioner Sherman felt the fence should stay where it is. Commissioner Belhumeur felt that the City was giving Mr. Scott square footage that could be used for the public's benefit. Commissioner Cooley spoke of the type of fence that was originally approved by the Commission when the topic was first brought forward and felt the fence should be permanently installed. Mayor King agreed with Commissioner Cooley in that the fence should be more permanent.

Motion by to keep the fence in current location but to replace the movable fence with a more substantive rope fence as was considered when the fence concept was first approved by the Commission. Commissioner Cooley seconded the motion. The motion carried 4 to 1, with Commissioner Belhumeur voting no.

- b. Resolution 2024-25, a resolution by the City of Flagler Beach, Florida, approving a Five-Year Capital Plan for the 2024/2025 Fiscal Year Budget; providing for conflict and effective date.

Attorney Smith read the title of the resolution in to the record. Mr. Martin explained the resolution is a draft of the capital improvement plan. He asked the Commission review the resolution and give him their comments. Public comment was opened. No comments were received. Public comment was closed. Commissioner Mealy made it clear that it was received, not approved. Commissioner Cooley wanted to ensure the Commission would have the opportunity to discuss the document in detail as a body.

Motion by Commissioner Sherman we adopt Resolution 24-25. Commissioner Mealy seconded the motion. The motion carried unanimously, after a roll call vote.

- c. Resolution 2024-26, a resolution by the City of Flagler Beach, Florida, authorizing the City Manager to submit an application to the Florida Inland Navigational District for the 2024 Grant Cycle; providing for conflict and effective date. Attorney Smith read the title of the resolution into the record. Mr. Martin reviewed the item and explained the resolution is the in the FIND format.

Public comment. Darrell Reynolds asked if the resolution would help in removing desolate vessels. Public comment was closed.

Commissioner Mealy reviewed a correction to the Resolution.

Motion by Commissioner Belhumeur to approve Resolution 2024-26, as amended. The motion was seconded by Commissioner Mealy. The motion carried unanimously, after a roll call vote.

The meeting recessed at 7:35 p.m. The meeting reconvened at 7:45 p.m.

8. Public Hearings

- a. Ordinance 2024-04 an ordinance of the City of Flagler Beach, Florida, relating to impact fees; adopting the Fee Study prepared by Tischler Bise; increasing the amounts to be charged for water and wastewater impact fees; adopting new Police, Fire, Library, and Parks and Recreation Impact Fees; establishing an administrative charge consistent with state law; amending regulations pertaining to the collection, use, and timing of payments of Water, Wastewater, Police, Fire, Library, and Parks and Recreation Impact Fees; providing for notice of increased and new fees; providing for codification; providing for severability and conflicts, and providing an effective date. – final reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith noted the effective date will be October 1, 2024. Mr. Martin asked for a study regarding mobility fees as well.

Public Comment was opened. Mr. Dally was concerned over builders not paying what they need for the community. Public comment was closed.

Commissioner Belhumeur was disappointed the mobility impact fee was not included in this resolution. Commissioner Mealy pointed out a correction to the ordinance. She reviewed what impact fees can cover. Commissioner Cooley asked for a consensus the City pursue mobility impact fees. Mr. Martin reviewed what had been agreed upon. If the study is within his cost threshold, he would move forward with it. If it is was more, he would bring it back.

Motion by Commissioner Mealy to approve Ordinance 2024-04 as amended. Commissioner Cooley seconded the motion. The motion passed 4 to 1, after a roll call vote with Commissioner Belhumeur voting no.

- b. Ordinance 2024-05 an ordinance by the City of Flagler Beach, Florida, amending Chapter 2, Article IX of the City of Flagler Beach Code of Ordinances relating to purchasing and procurement; addressing suggestions made by the Florida Department of Emergency Management; adding provisions related to procurements regulated by 2CFR, Part 200; providing for severability; providing for codification, conflicts, and effective date - final reading. Attorney Smith read the title of the ordinance into the record. Mr. Martin reported the ordinance was necessary in order for the City to receive FEMA reimbursement.

Public comment was opened. No comments were received. Public comment was closed.

Motion by Commissioner Belhumeur to approved Ordinance 2024-05. The motion was seconded by Commissioner Sherman. The motion carried unanimously, after a roll call vote.

- c. Ordinance 2024-06, an ordinance of the City of Flagler Beach, Florida amending Appendix A, Land Development Regulations, Article II, Zoning, of the Code of Ordinances; adding a zoning category for Master Planned Development ("MPD"); providing for review, approval, development standards, permitted uses, regulation, and implementation of Master Planned Developments; providing for conflicts; providing a severability clause; and providing for an effective date - first reading. Attorney Smith read the title of the ordinance into the record. Attorney Smith reported this ordinance was part of the new Land Development Code update.

Public Comment was opened. Daryl Reynolds asked if the ordinance would include a section regarding vegetation and the amount one would be allowed to remove. Steve Dalley expressed his concern over his understanding of the ordinance. Attorney Smith clarified that it is a specific zoning district. Public comment was closed.

Discussion among the Commission included: building hub not offices; building contractor office; using specific words in the ordinance; make farmers market available to the developer; allow for a pier; service station; convenience store/fueling station to remove the second reference; 40% open space and whether to decrease the percentage; passive recreation counting toward the overall

percentage of the required recreation percentage; reuse water requirement; changing the restriction of civic clubs and fraternal organization; allowing foster care facility; marijuana treatment centers and cannabis dispensaries; public education facility; 60 day delay in construction of the developer; allowing body piercing and tattoo parlors.

Motion by Commissioner Mealy we approve Ordinance 2024-06 as amended. The motion was seconded by Commissioner Sherman. The motion carried unanimously, after a roll call vote.

9. Staff Reports

- a. City Attorney: Attorney Smith report on the PAR Board Meeting and their recommendation to extend the height moratorium. They would like a joint workshop to discuss the topic.
- b. City Manager: Representatives of McKim and Creed will be in town tomorrow. He reminded the Commission of the Goal Setting Session next Wednesday at the former Senior Center. Breakfast will be from 7:30 – 8:30; general session from 8-12, lunch break and the afternoon will be focused on the CRA. The FIND Public Outreach Event will be taking place in Palm Coast and they would like the Commission to RSVP. He spoke of the Army Corps bid opening. They would like to have two meetings.
- c. City Clerk: Ms. Overstreet gave a brief tour of the newly launched website.
- d. Staff Reports

9. Commission Comments

- a. Commission comments, including reports from meetings attended.

Commissioner Cooley thank all for the beach clean-up. He expressed his disappointment with the partnership with other government entities and the politics associated with the fiber optic project. He asked if there could be a future agenda item to address the section of the code requiring mandatory irrigation.

Commissioner Mealy spoke of a webinar through League of Cities she attended the subject was hurricane preparedness. Keven Guthrie was also in attendance. She was hoping the City would invite Mr. Guthrie to the city's workshop re: Hurricane Preparedness.

Commissioner Belhumeur reported on his attendance at the Bunnell ribbon cutting of their City Hall and Police Department. He participated in the pinewood derby race.

Chairman Spradley reported on his Saturday meeting. Rob Smith spoke of the recycling project last week and was well received. This Saturday Chiefs Doughney and Pace will be speaking at the Saturday Session.
- b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. *A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.*

Steve Dally expressed his hesitation regarding the fiber optic cable and the number of people that are coming to the area.

Daryl Reynolds wanted to make sure the Commission knew how many people are volunteering every day picking up the trash in the area and may not make it to the Beach clean-up.

10. Adjournment

Motion by Commissioner Belhumeur to adjourn the meeting at 9:01 p.m. Commissioner Sherman seconded the motion.

Scott Spradley, Chairman

Attest:

Penny Overstreet, City Clerk



STAFF REPORT

Regular City Commission Meeting

April 25, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: April 25, 2024

Item Name: 7a Consider Applications for a Seat on the Planning and Architectural Review Board

Background: The Planning and Architectural Review Board (PARB) has seven members appointed by the City Commission to three-year terms. The duties of the PARB are codified within the City’s Land Development Regulations (Sec. 8.04.12) and include, in part, to establish, maintain and approve standards of architectural excellence; to review all requests for building permits (excluding single- and two-family residences); to advise the City Commission on all matters related to land use planning and community development as directed by the City Commission; to review all requests for rezoning (amendments); and to review any request for a special exception under the provisions of this section and submit its recommendations to the city commission.

One of the member’s terms (Ms. Joann Soman) expires on May 25, 2024.

Three residents have submitted applications (attached) to the City Clerk: Mr. Paul Lucas and Mr. Joseph Marinaro, and Ms. Joann Soman.

Following past practice, each applicant will be invited to address the City Commission, after which the City Commission will rank the applicants.

Fiscal Impact: None

Staff Recommendation: None.

Attachments: Application, P. Lucas
Application, J. Marinaro
Application, Joann Soman

Planning & Architectural Review Board

Section 7, Item a.

Members

Seat One Term 02/26/22 - 02/25/25

Scott Chappuis
343 N. 11th St.
Flagler Beach, Florida 32136
386-295-0705
scottc@grandlivingrealty.net

Seat Two Term 02/26/22 - 02/25/25

Marshall Shupe
148 Palm Cir.
Flagler Beach, FL 32136
315-436-0322
mshupe43@yahoo.com

Seat Three Term 02/26/22 - 02/25/25

Brenda Wotherspoon
1102 S. Central Ave.
Flagler Beach, FL 32136
561-716-7397
bwotherspoon@bellsouth.net

Seat Four Term 05/09/23 - 05/09/26

Lisa Smith
1640 Lambert Ave.
Flagler Beach, FL 32136
386-931-1903
lisa@lisapsmith.com

Seat Five Term 05/09/23 - 05/09/26

Joseph Pozzuoli
313 N. 8th Street
Flagler Beach, FL 32136
H: 386-439-5650
joseph@jpaflorida.com

Seat 6 Term 05/09/23 - 05/09/26

Paul Chestnut
1115 N. Central Ave.
Flagler Beach, FL 32136
407-697-4051 or 386-439-0098 (work)
pdchestnut@gmail.com

Seat Seven Term 05/26/21 - 05/25/24

Joann Soman
1313 N. Oceanshore Blvd.
Flagler Beach, FL 32136
305-778-2885
joann@raiseyoursales.com

ITEM 7A

REVISED 04/25/2024

Planning & Architectural Review Board
Ranking Sheet

Please rank each member 1-3, with 1 being the highest score. The applicant receiving the lowest scores will be selected. Incomplete scoring sheets will be returned to you.

Applicant						
Alphabetical Order	Mayor	Belhumeur	Cooley	Mealy	Sherman	Spradley
Joseph Marinaro						
Joann Soman						
Brett Spitalny						

PLEASE MARK YOUR SELECTIONS AND RETURN TO CLERK AFTER APPLICANTS ARE INTERVIEWED.
Incomplete score cards will be returned.

One applicant you were previously provided Paul Lucas has been removed from consideration as he does not reside within our municipal limits

Penny Overstreet

From: noreply@civicplus.com
Sent: Monday, April 8, 2024 6:04 PM
To: Kathleen Settle; Penny Overstreet
Subject: Online Form Submittal: Advisory Board and Committee Application Form

Advisory Board and Committee Application Form

First Name	Joseph
Last Name	Marinaro
Street Number	300 MARINA BAY DR
Street Name	UNIT 101
Street Type	Fl
P.O. Box	Field not completed.
City	Flagler Beach
State	FL
Zip	32136
Phone Number	7275653778
Cell Phone	Field not completed.
Email Address	marinaroj09@gmail.com
Occupation	Semi-Retired
Number of Years as a Resident	4
Are you registered to vote in Flagler County	Yes
Please describe your professional and/or volunteer experience which best qualifies you for your selection to the board(s) or committee(s).	Builder/Developer 25 plus years of experience in New Jersey, currently a Florida certified building contractor, license # 1260116, and President of the Marina Bay Condo Association.
Please check all boxes of the Committees you would like to serve.	

Boards and Committees	Planning and Architectural Review Board, Beach Management Plan, Investment Committee
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Have you served on a City Board or Committee in the past?	No
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Email not displaying correctly? [View it in your browser.](#)

CITY OF FLAGLER BEACH
ADVISORY BOARD AND COMMITTEE APPLICATION FORM
(Please fill out form completely)

Name: Joann Soman Date: 4/21/24

Physical address: 1313 N Oceanshore Blvd

Mailing address: Same

Mobile Home phone: 305-778-2885 Daytime phone: _____

Fax: _____ E-Mail: Joann@raiseyoursales.com

Occupation: retired

Number of years of City residence: 8 Own: ☒ Rent: _____

Are you registered to vote in Flagler County? Yes ☒ No _____

Identify the board(s) or committee(s) to which you request appointment:

Planning & Architectural Review Board

Please describe your professional and/or volunteer experience or background which best qualifies you for selection to the board(s) or committee(s): 35 years in commercial real estate managing office retail & industrial properties & construction of tenant improvements

How many City Commission/board meetings have you attended in the last 2 years? 4 or 5

Have you ever served on a City advisory board or committee in the past?

If yes, please describe: I've been on the PDR board since 2018 Yes ☒ No _____

Joann Soman
 Signature

Please return this application to the City Clerk, P.O. Box 70, 105 S. 2nd Street, Flagler Beach, Florida 32136

Penny Overstreet

From: Kathleen Settle
Sent: Thursday, April 25, 2024 12:39 PM
To: Penny Overstreet
Subject: FW: Online Form Submittal: Advisory Board and Committee Application Form

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Thursday, April 25, 2024 12:38 PM
To: Kathleen Settle <KSettle@cityofflaglerbeach.com>; Penny Overstreet <POverstreet@CityofFlaglerBeach.com>
Subject: Online Form Submittal: Advisory Board and Committee Application Form

Advisory Board and Committee Application Form

First Name	Brett
Last Name	Spitalny
Street Number	246
Street Name	Ocean Palm
Street Type	Drive
P.O. Box	Field not completed.
City	Flagler Beach
State	FL
Zip	32136
Phone Number	9548563217
Cell Phone	9548563217
Email Address	bspit1@yahoo.com
Occupation	retired (engineer/business owner)
Number of Years as a Resident	5
Are you registered to vote in Flagler County	No

Please describe your professional and/or volunteer experience which best qualifies you for your selection to the board(s) or committee(s).	Engineer, 3 disciplines, aeronautical, structural, nuclear Business owner, multiple successful distribution businesses with national representation. Have attended numerous Flagler Beach, Flagler County and Palm Coast Commission meetings to become better acquainted with general operating procedures.
--	---

Please check all boxes of the Committees you would like to serve.

Boards and Committees	Planning and Architectural Review Board
Have you served on a City Board or Committee in the past?	No

Email not displaying correctly? [View it in your browser.](#)



STAFF REPORT

Regular City Commission Meeting

April 25, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: April 25, 2024

Item Name: 7b Select a Date for a Joint Workshop with the Planning and Architectural Review Board to Discuss Building Height Restrictions and Exceptions

Background: On November 9, 2023, the City Commission implemented a six-month moratorium on three story structures in order to review the language within the City Charter and the Land Development Regulations, which currently reads:

City Charter, Sec. 6.01

(portion) Buildings within the City of Flagler Beach shall be limited to a maximum height of thirty-five (35) feet as described within the Land Development Regulations.

Land Development Regulations, Sec. 2.05.06. - Height regulations

Section 2.05.06.1 Building height.

Roof height shall not exceed thirty-five (35) feet above the finished grade as described herein.

Section 2.05.06.2 Building height measurement.

Measured as the vertical distance from the finished grade at the center of the front of the building to:

1. The highest point of the roof surface for a flat roof.
2. To the deck line of a mansard roof.
3. To the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Finished grade, for the purpose of measuring building height, is hereby defined as the greater of:

- (a) The average natural grade along the front of the building.
- (b) The minimum required finished floor elevation, if in a flood zone; or
- (c) The highest allowable grade, defined as the average grade of adjacent developed lots or the minimum grade necessary to provide positive drainage.

Section 2.05.06.3 Maximum number of stories.

No building shall be permitted to have more than three (3) stories. See Section 6.02.04 for height restrictions in Palma Vista and Venice Park Subdivisions.

Section 2.05.06.4 General application.

No building or structure shall have an aggregate height of a greater number of feet, than is permitted in the district in which such building or structure is located except as noted in Section 2.05.06.5.

Section 2.05.06.5 Permitted exception to height regulations.

With the exception of residential uses, chimneys, cooling towers, elevators, bulkheads, fire towers, gas tanks, steeples, water towers, ornamental towers or spires, communications, radio or television towers or necessary mechanical appurtenances, may be erected as to their height in accordance with existing or hereafter adopted ordinances of the city, provided no tower other than a church spire, tower of public building or commercial communications tower shall exceed the height regulations by more than forty (40) percent.

No tower shall be used as a place of habitation or for tenant purposes.

No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure which extends above the height limitations, except for city-owned structures.

Section 2.05.06.6 Verification of building height.

Building height verification, if required, shall be provided prior to roof framing inspection.

The Planning and Architectural Review Board, on April 2, 2024, recommended that the current moratorium be extended (for consideration as proposed Ordinance 2024-07) and that a joint workshop of the City Commission and the Planning and Architectural Review Board be conducted to discuss and hear public comment regarding the City's build height restrictions and exceptions.

Fiscal Impact: None

Staff Recommendation: None.

Attachments: None



STAFF REPORT

Regular City Commission Meeting

April 25, 2024

To: Elected Officials

From: Dale L. Martin, City Manager

Date: April 25, 2024

Item Name: 7c Discussion and Direction to Staff Regarding Amendments to City of Flagler Beach Land Development Regulations, Sec. 5.04.00

Background: At a previous City Commission meeting, Commissioner Cooley sought and received consensus to formally discuss required irrigation for landscaping as specified in the City’s Land Development Regulations, Sec. 5.04.00:

N. All landscaped areas shall be provided with an approved irrigation system.

Other provisions of the Land Development Regulations may be affected by revisions to Sec. 5.04.00 N.

Fiscal Impact: The conceptual improvements proposed at two City parking facilities include irrigation systems as required by Sec. 5.04.00 N. If that section is revised, the cost of the improvements will be likely altered.

Staff Recommendation: None.

Attachments: None.

Section 5.04.01 *General criteria.*

- A. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas, it will be the primary tool available.
- B. Landscape design and planning shall be integrated with the overall area design concept and not be considered merely as an after thought. Toward this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings existed and proposed.
- C. The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer should preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment.
- D. Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item or exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must complement the whole.
- E. One (1) of the uses of landscaping will be to screen. It is the masking out or concealing of any objectionable area. The achievement of this is left to the designer, whether by walls, fences, mounds of earth, or vegetation. It must be complimentary to the whole as outlined above. Screening shall be employed in parking lots, and to mask from the public view of adjacent properties such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.
- F. Landscaping shall be designed in such a manner as to impact its aesthetic character when viewed from any area accessible to the public or from adjacent properties. This is to include view from high rise and bridges.
- G. All landscaping and plantings designated on the plans approved by the planning and architectural review board shall be installed in accordance with the specified height, spread and quality before a certificate of occupancy is issued.
- H.

Xeriscape landscaping techniques using native vegetation shall be required landscaping for all construction.

Section 7, Item c.

- I. Plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", Part I, Current Edition, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.
- J. Grass areas may be sodded, plugged, spread or seeded except that solid sod shall be used in swales or other areas subject to erosion. Seed where used shall be of a variety which will produce complete coverage within ninety (90) days from sowing. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.
- K. Installation—All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.
- L. Landscaped areas shall require protections from vehicular encroachment. Car stops shall be placed at least three (3) feet from the edge of such landscaped areas. Where a wheel stop or curb is utilized, the paved area between the curb/wheel stop and the end of the parking space may be omitted, provided it is landscaped in addition to the required landscaping provided. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.
- M. Maintenance—The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.
- N. All landscaped areas shall be provided with an approved irrigation system.
- O. Drainage—Adequate drainage is the responsibility of the property owner and must be accomplished according to the Comprehensive Land Use Plan and wherever possible through natural means such as grassy swales.
- P. All landscaping materials shall be either bonded or guaranteed by the owner of the premises for a period of one (1) year after the approval or acceptance thereof by the city.

Section 5.04.02 *Criteria for parking lots and vehicular use areas.*

(A)

Parking lots and other vehicular use areas are to be designed as an aesthetic asset to a neighborhood to the building, group of buildings, or facility they serve. A parking lot is to be considered an outside space, a transitional space which is located between the access (such as roads) and the building, group of buildings or other outside spaces, which it serves. The parking lot, because it is viewed from above as well as at eye level, should be designed accordingly.

- (B) Parking lots, vehicular use areas, and their parked vehicles are to be effectively screened from the public view and from adjacent property and in a manner that is attractive and compatible with safety, the neighborhood, and facilities served.
- (C) The atmosphere within the parking lot and vehicular use area is to be park-like rather than the harsh hardstand of paving. Trees are of primary importance in the landscape. They are not to be minimized in either height or quantity. The tree imparts, especially in a relatively flat area, a sense of three-dimensional space. It casts shadows that reduce the monotony of the expanse of paving and creates a refuge from the tropical sun. The pavement is to be more than wall to wall asphalt. It is recommended that pavement be varied in texture or color designating lanes for automobile traffic, pedestrian walks and parking spaces. Bright colored pavement is to be used only with restraint. In order to create a pleasant atmosphere it is recommended that consideration be given to sculpture, fountains, gardens, pools and benches. Design emphasis is to be given to the entrances and exits to the lot. Trash, refuse and unaesthetic storage and mechanical equipment should be screened from the parking lot.
- (D) Lighting is to be designed not only from the standpoint of safety and resistance to vandalism, but for visual effect. It should avoid any annoyance to the neighbors from brightness or glare. It should not impart a prison-like atmosphere. Low lights of a modest scale can be used along with feature lighting emphasizing plants, trees, barriers, entrances and exits. The fixtures are to be selected not only for their functional value but for their aesthetic qualities. They are to be considered furniture of the parking lot visible both day and night.
- (E) Minimum requirements for off-street parking and other vehicular use areas:
 - (1) All areas used for the display of parking of any and all types of vehicles, boats or heavy construction equipment, whether such vehicles, boats or equipment are self-propelled or not, and all land upon vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses," including but not limited to activities of a drive-in nature such as, filling stations, grocery and dairy stores, banks, restaurants, and the like, shall conform to the minimum landscaping requirements hereinafter provided.
 - (2)

Ten (10) percent minimum of the gross parking area is to be devoted to living landscaping, which shall include grass, ground cover, plants, shrubs and trees. The gross parking area is to be measured from the edge of the parking and/or driveway paving and sidewalks, extended five (5) feet in all directions, but is not to include any area enclosed by the building or covered by a building overhang.

- (3) Perimeter screening: All parking lots and vehicular use areas shall be screened from all abutting properties and/or rights-of-way with a wall, fence, hedge or other durable landscape barrier. Any living barrier shall be established in a two-foot minimum wide planting strip. This living barrier shall be at least thirty (30) inches high at time of planting and shall attain a minimum height of three (3) feet one (1) year after planting. A non-living barrier shall be a minimum of three (3) feet high at time of installation. In addition, one (1) tree in each forty (40) linear feet or fraction thereof shall be provided in the perimeter landscape planting area. Trees referred to in this section shall be of a species common to North Central Florida and having an average mature spread of crown of greater than fifteen (15) feet and having trunk(s) which can be maintained in a clean condition over five (5) feet of clear wood. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of a fifteen-foot crown of spread. Trees species shall be a minimum of eight (8) feet overall height immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen thirty-six (36) inches high within a maximum of one (1) year after time of planting. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other approved landscape treatment excluding paving. All property other than the required landscaped strip lying between the right-of-way and off-street parking area or other vehicular use area shall be landscaped with at least grass or other ground cover. This shall include the off-property swale between the actual pavement of a public street or alley and the right-of-way/property line.

Appropriate provisions of this section may be waived in the following situation:

Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier it may be used to satisfy the landscape barrier requirements of the subsection provided that said existing barrier meets all applicable standards of this ordinance and protection against vehicular encroachment is provided for hedges.

- (4) Interior landscaping: Interior areas of parking lots shall contain planter islands located so as to best relieve the expanse of paving. A maximum of twelve (12) parking spaces in a row will be permitted without a planter island.

Interior areas of vehicular use areas shall contain planter islands located relieve the expanse of pavement. This section may be modified under the following circumstances:

- (a) When a strict application of this section will seriously limit the function of an area the required landscaping may be relocated with the approval of the planning and architectural review board.
- (b) In an industrial project the planning and architectural review board may lower the overall landscape area from ten (10) percent to five (5) percent of the gross parking area. This reduction would apply only to the interior requirements. Perimeter minimums will not change.
- (5) Planter islands shall be a minimum of fifty (50) square feet in area and shall contain at least one (1) tree having a minimum clear trunk of five (5) feet and a minimum overall height of eight (8) feet. The remainder shall be landscaped with shrubs, lawn, ground cover or other approved material not to exceed three (3) feet.
- (F) Existing plant material: In instances where healthy plant material exists on a site prior to its development, the above-mentioned standards may be adjusted to allow credit for such plant material, if in the opinion of the planning and architectural review board, such an adjustment is in keeping with and will preserve the intent of this ordinance.

Section 5.04.03. *Buffers.*

Property owners shall be required to maintain a wetland buffer as designated in Section 4.00.06

Section 5.04.04 *Combined use building perimeter landscaping requirements.*

One (1) street tree per forty (40) linear feet or fraction thereof on the perimeter public sidewalk to include a tree grate and location approved by the city.

(Ord. No. 2005-02, § 5, 3-24-05; Ord. No. 2007-27, § 1, 8-9-07; Ord. No. 2009-14, § 4, 9-24-09; Ord. No. 2010-15, § 4, 11-18-10)

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, OF THE CODE OF ORDINANCES; ADDING A ZONING CATEGORY FOR MASTER PLANNED DEVELOPMENT (“MPD”); PROVIDING FOR REVIEW, APPROVAL, DEVELOPMENT STANDARDS, PERMITTED USES, REGULATION, AND IMPLEMENTATION OF MASTER PLANNED DEVELOPMENTS; PROVIDING FOR CONFLICTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Flagler Beach is and has been in the process of rewriting its Land Development Regulations; and

WHEREAS, a new Master Planned Development zoning district is included in the Land Development Regulation rewrite; and

WHEREAS, due to proposed development in the area, the City has identified a need to consider the Master Planned Development zoning district earlier than its consideration of the Land Development Regulation rewrite; and

WHEREAS, the Flagler Beach City Commission finds that the Master Planned Development zoning district creates a framework that allows developers and the City flexibility to work together to address and explore creative solutions to planning challenges unique to land configurations and development patterns.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA THAT:

SECTION 1. Text Change. Section 2.02.00, Definitions, and Section 2.04.02.8 of the City of Flagler Beach Land Development Regulations is hereby amended as follows (Note, additions are identified by underline, deletions are identified by strikethrough, and portions of Code not changed and not reprinted here are identified by ellipses (***)

SECTION 2.07.10. MASTER PLANNED DEVELOPMENT DISTRICT (MPD)

SEC.2.07.10.01. Purpose.

- A. The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality

of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

B. Master Planned Development Zoning District (MPD).

The Master Planned Development District shall supplement and be available in addition to the Planned Unit Development District (PUD). All previously approved and active PUD's shall be bound to the terms and requirements as recorded in their respective Development Agreements.

Commented [JS1]: Awkward

SEC.2.07.10.02. Master planned development review and approval process.

The application for a master planned development and the rezoning, along with the required Master Planned Development Agreement, shall be submitted and approved in conformance with the procedures outlined in this section and in compliance with the requirements of Chapter 166.00 FS. The Master Planned Development Agreement shall be approved contemporaneous with the rezoning.

SEC.2.07.10.03. General requirements

1. Comprehensive plan consistency. The MPD shall be consistent with the Comprehensive Plan. With exception of the Preservation and Conversation classification, a Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. Other ordinances. All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other regulations established in the master planned development plan may differ from those specific to the underlying zoning district in

which the development is located to achieve a higher level of quality. Special exceptions and variances are, therefore, *not applicable* to master planned development plans.

SEC.2.07.10.04. Pre-adoption General Requirements for Master Planned Developments.

Prior to approving an MPD zoning district classification, the City Commission shall consider whether the application for the MPD zoning district classification, as well as the MPD Master Plan and the MPD Development Agreement Terms and Conditions included as part of the application, at minimum, address and incorporate the following information and data:

1. The MPD Master Plan shall:
 - a. Include a statement of the planning objectives for the Master Planned development.
 - b. Identify the general location of individual development areas, identified by land use(s) or development density or intensity;
 - c. Identify for the entire MPD and each development area, by acreage,
 - a. types and mix of land uses,
 - b. number of residential units (by use type),
 - c. nonresidential floor area (by use type),
 - d. residential density, and nonresidential intensity by gross floor area;
2. Identify the general location, amount, and type of open space (whether designated for active or passive recreation).
3. Identify the general location of environmentally sensitive lands, wildlife habitat, waterway corridors, or other features to be protected.
4. Identify the on-site transportation circulation system, including the general location of all public and private streets, pedestrian, and bicycle pathways, and how they will connect with existing and planned City and County systems, and mobility alternatives, if proposed.
5. Identify the general location of on-site potable water, reuse water, and wastewater resources, and how these utilities will connect to City facilities.
6. Identify the general location of on-site stormwater management facilities, and how they will connect to existing or planned City stormwater systems; and
7. Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

SEC.2.07.10.05. Master Planned Development Agreement.

The MPD Terms and Conditions shall incorporate by reference or include, but not be limited to:

- 116 1. Conditions related to approval of the application for the MPD zoning district
117 classification.
- 118 2. The MPD Master Plan, including any density/intensity standards, dimensional
119 standards, and development standards established in the MPD Master Plan.
- 120 3. Conditions related to the approval of the MPD Master Plan, including any conditions
121 related to the form and design of development shown in the PD Master Plan.
- 122 4. Provisions addressing how transportation, potable water, wastewater, stormwater
123 management, and other public facilities will be provided to accommodate the proposed
124 development.;
- 125 5. Provisions related to environmental protection and monitoring; and
- 126 6. Any other provisions the City Commission determines are relevant and necessary to the
127 development of the MPD in accordance with applicable standards and regulations.
-

- 128
- 129 SEC.2.07.10.06. Compatibility with Surrounding Areas.
- 130 Development along the perimeter of the MPD shall be compatible with adjacent existing or
131 proposed development. Where there are compatibility issues, the MPD Master Plan shall provide
132 for transition areas at the perimeter edges of the MPD that provide for appropriate buffering or
133 ensure complementary land uses. Determination of complementary character shall be based on:
- 134 1. densities/intensities,
135 2. lot size and dimensions,
136 3. building height,
137 4. building mass and scale,
138 5. hours of operation, exterior lighting, and siting of service areas, if applicable.
-

- 139
- 140 SEC.2.07.10.07. Development Standards.
- 141 All development in the MPD shall comply with the development standards as established and
142 adopted in the MPD Development Agreement.
-

- 143
- 144 SEC.2.07.10.08. Conversion Schedule.
- 145 1. The MPD Master Plan may include a conversion schedule that identifies the extent to
146 which one type of residential use may be converted to another type of residential use
147 and one type of nonresidential use may be converted to another type of nonresidential
148 use (i.e., residential to residential, or nonresidential to nonresidential).
- 149 2. These conversions may occur within development areas and between development
150 areas, if they occur within the same development phase, as identified by the approved

development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

SEC.2.07.10.09. On-Site Public Facilities.

a. Design and Construction

The MPD Master Plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

b. Dedication

The MPD Master Plan shall establish the responsibility of the developer/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, State, and Federal regulations.

c. Modifications to Street Standards

In approving an MPD Master Plan, the City Council Commission may approve modifications or reductions of City street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii—on finding that:

- i. The PD Master Plan provides for separation of vehicular, pedestrian, and bicycle traffic
- ii. Access for emergency service vehicles is not substantially impaired;
- iii. Adequate off-street parking is provided for the uses proposed; and
- iv. Adequate space for public utilities is provided.

SEC.2.07.10.10. Land Uses.

The allowable uses in an MPD are identified in TABLE 2-1 and may be permitted subject to the MPD Master Plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the MPD district. Allowed uses shall be consistent with City regulations, and subject to additional limitations or requirements as may be agreed upon and established between the parties.

TABLE 2-1

Land Use Status Designations

Available for Consideration = A, Not Permitted = -

MASTER PLANNED DEVELOPMENT DISTRICT

<u>LAND USE TABLE</u>	
<u>LAND USES</u>	<u>STATUS</u>
<u>Adult arcade and Game rooms</u>	=
<u>Adult-Oriented Businesses</u>	=
<u>Art galleries</u>	A
<u>Art and music supplies</u>	A
<u>Assisted Living Facilities</u>	A
<u>Automobile parking structures</u>	A
<u>Automobile rentals, sales</u>	A
<u>Automotive retail parts store</u>	A
<u>Automotive service stations without major mechanical repairs.</u>	A
<u>Automotive repair centers, tire sales and service without major mechanical repairs.</u>	A
<u>Automotive service stations, automotive repair centers, and lube shops abutting any residential zoning district</u>	A
<u>Bakeries/production</u>	A
<u>Bars, Clubs, Lounges, within a principal building or as an accessory to hotels and motels</u>	A
<u>Bars, cocktail lounges, taverns and like uses with outdoor entertainment</u>	A
<u>Barber shops</u>	A
<u>Beach, dune walkovers</u>	=
<u>Bed and Breakfast</u>	A
<u>Beer, Wine, and Liquor Stores</u>	A
<u>Boarding and Rooming Houses</u>	A
<u>Book and stationery</u>	A
<u>Bottle Clubs</u>	=
<u>Building Contractor Offices</u>	A
<u>Caretaker's Dwelling</u>	=

<u>Car wash to include self-wash and/or drive-thru, Detailing</u>	<u>A</u>
<u>Civic Uses: town hall, libraries, museums</u>	<u>A</u>
<u>Civic Uses: police, fire, postal service</u>	<u>A</u>
<u>Civic Clubs and Fraternal Organizations</u>	<u>A</u>
<u>Churches, synagogues, or other houses of worship</u>	<u>A</u>
<u>Clinics and Medical Offices</u>	<u>A</u>
<u>Clothing boutiques</u>	<u>A</u>
<u>Cluster Development</u>	<u>A</u>
<u>Coffee Shops, donut shops, snack bars, sandwich shops, deli's</u>	<u>A</u>
<u>Commercial recreational facilities</u>	<u>A</u>
<u>Community Centers</u>	<u>A</u>
<u>Community Residential Licensed Facility, 01-6 residents per Chap 419.F.S</u>	<u>A</u>
<u>Community Residential Licensed Facility, 7-14 residents per Chap 419.F.S</u>	<u>A</u>
<u>Community Residential Licensed Facility, 15+ residents per Chap 419.F.S</u>	<u>A</u>
<u>Convenience commercial uses such as: food, grocery, drug, or convenience stores</u>	<u>A</u>
<u>Convenience stores/fueling stations</u>	<u>A</u>
<u>Customary accessory uses and structures</u>	<u>A</u>
<u>Day care centers /child</u>	<u>A</u>
<u>Day care center/adult</u>	<u>A</u>
<u>Discount Stores or Centers ("Big Box")</u>	<u>A</u>
<u>Drive-through facilities</u>	<u>A</u>
<u>Dry Cleaning (pick up/drop-off)</u>	<u>A</u>
<u>Essential public facilities and services</u>	<u>A</u>
<u>Farmer's Markets¹</u>	<u>A</u>
<u>Family Child Day Care Home, (Small)</u>	<u>A</u>
<u>Family Child Day Care Home, (Large)</u>	<u>A</u>
<u>Financial institutions with drive-thru windows</u>	<u>A</u>

¹ Exception - City co-sponsored event shall be deemed an unrestricted permitted use.

<u>Financial institutions without drive-thru windows</u>	<u>A</u>
<u>Fire Stations</u>	<u>A</u>
<u>Foster Care Facilities</u>	<u>z</u>
<u>Fraternal, private, social, recreational clubs or organization</u>	<u>A</u>
<u>Funeral Homes (with or without crematory)</u>	<u>A</u>
<u>Garages, private</u>	<u>A</u>
<u>Gift Shops</u>	<u>A</u>
<u>Golf Courses, accessory uses</u>	<u>A</u>
<u>Golf Driving Ranges</u>	<u>A</u>
<u>Government Buildings</u>	<u>A</u>
<u>Hair salons/spa</u>	<u>A</u>
<u>Health Clubs</u>	<u>A</u>
<u>Home occupations</u>	<u>A</u>
<u>Hotel, motels, and inns</u>	<u>A</u>
<u>Ice cream shops</u>	<u>A</u>
<u>Laundry or Dry-Cleaning Pick-up Station</u>	<u>A</u>
<u>Light Industrial Uses</u>	<u>A</u>
<u>Live Theaters (Performing Arts)</u>	<u>A</u>
<u>Lodging Accommodations (Public Lodging Establishments)</u>	<u>A</u>
<u>Low Speed Vehicle Rental Business (Golf Carts)</u>	<u>A</u>
<u>Manufactured Homes and RV Sales Facilities</u>	<u>A</u>
<u>Marina</u>	<u>A</u>
<u>Marina/live-aboard vessel</u>	<u>z</u>
<u>Medical services and facilities without overnight care of patients</u>	<u>A</u>
<u>Micro-breweries</u>	<u>A</u>
<u>Mixed Use Buildings</u>	<u>A</u>
<u>Motorcycle rentals and sale</u>	<u>A</u>
<u>Municipal Pump Stations and Well sites</u>	<u>A</u>

Commented [JS2]: Might wind up needing a pump station or well within an MPD...

<u>Museums</u>	<u>A</u>
<u>News-stands</u>	<u>A</u>
<u>Neo-traditional Development</u>	<u>A</u>
<u>Nursing homes</u>	<u>A</u>
<u>Parks and Recreation Facilities (ACTIVE)</u>	<u>A</u>
<u>Parks and Recreation Facilities (PASSIVE)</u>	<u>A</u>
<u>Parking, Off-street and Garages (commercial), (SEE Note 1, 2, 3)</u>	<u>A</u>
<u>Personal /enclosed storage facilities structure</u>	<u>A</u>
<u>Pet shop</u>	<u>A</u>
<u>Pharmacies</u>	<u>A</u>
<u>Pier, Municipal, related facilities</u>	<u>A</u>
<u>Pizza Delivery Establishments and Takeout Places</u>	<u>A</u>
<u>Police Stations</u>	<u>A</u>
<u>Post Office (local)</u>	<u>A</u>
<u>Print and Copy Shops</u>	<u>A</u>
<u>Professional and business offices</u>	<u>A</u>
<u>Public administrative and service facilities</u>	<u>A</u>
<u>Public Works and Emergency Service Facilities</u>	<u>A</u>
<u>Recreational Vehicle Parks and Campgrounds</u>	<u>=</u>
<u>Repair Shops (light repair, small equipment repair)</u>	<u>A</u>
<u>Repair Shops (large equip. and appliances)</u>	<u>A</u>
<u>Repair Shops (computer, small appliance repair)</u>	<u>A</u>
<u>Residential</u>	<u>A</u>
<u>Resort dwelling</u>	<u>=</u>
<u>Restaurant (sit-down)</u>	<u>A</u>
<u>Restaurant (with Drive-thru)</u>	<u>A</u>
<u>Restaurant (outdoor dining)</u>	<u>A</u>

<u>Retail building supplies.</u>	<u>A</u>
<u>Retail Sales and Services (not otherwise specified)</u>	<u>A</u>
<u>Self-storage Facilities / Mini warehouse</u>	<u>A</u>
<u>Sexually oriented businesses</u>	<u>-</u>
<u>School, Public or Private with day care center</u>	<u>A</u>
<u>Shoe store and shoe repair</u>	<u>A</u>
<u>Storage, open</u>	<u>-</u>
<u>Surf shops</u>	<u>A</u>
<u>Swimming pools and cabanas, private</u>	<u>A</u>
<u>Tattoo establishments, Body Piercing</u>	<u>-</u>
<u>Telecommunications Towers and Antennas</u>	<u>A</u>
<u>Trucking, freight, moving and storage</u>	<u>A</u>
<u>Vehicle sales, rental, or service facilities</u>	<u>A</u>
<u>Veterinary offices</u> <u>(no boarding facilities)</u>	<u>A</u>
<u>Veterinary hospitals or clinics</u> <u>(boarding within a noise-attenuated structure)</u>	<u>A</u>
<u>Wholesale Facilities</u>	<u>A</u>

187 _____

188

189 SEC.2.07.10.11. Densities and Intensities

190 The densities for residential development and the intensities for nonresidential development
191 applicable in each development area of the MPD shall be as established in the MPD Master
192 Plan, and shall be consistent with Comprehensive Plan and Land Development Code.

193 _____

194

195 SEC.2.07.10.12. Dimensional Standards.

196 The dimensional standards applicable in each development area of the MPD shall be as
197 established in the MPD Master Plan. The MPD Master Plan shall include at minimum the
198 following types of dimensional standards:

- 199 1. Minimum lot area;
200 2. Minimum lot width;
201 3. Minimum and maximum setbacks;

4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Maximum gross floor area, and
8. Minimum setbacks from adjoining residential development or residential zoning districts.

SEC.2.07.10.13. Open space.

The MPD shall give priority to preservation and interconnection of wildlife corridors and wildlife preservation areas, including below grade crossings, if necessary. Open space should, to the maximum extent reasonably possible, attempt to preserve the most important environmental features on the site in their natural state or restrict these areas for passive outdoor recreational purposes only.

MPD's within a Development of Regional Impact (DRI) are exempt from the open space requirements of this section, provided that the MPD must comply and be consistent with the DRI Development Order.

1. Minimum required open space. An MPD shall be required to provide open space totaling forty (40) percent of the development's gross acreage. For a development with residential uses, at least twenty-five (25) percent of the total required open space shall be common areas accessible to the residents, customers, and invitees to the development. Additional open space shall be, where possible, located and designed to achieve the following:

- a. Provide areas for informal recreation and pathways;
- b. Connect to adjacent open space, parks, bike paths, or pedestrian paths;
- c. Provide natural greenbelts along roadways; and
- d. Buffer adjacent land uses where appropriate.

2. Open space requirement flexibility. As an alternative to meeting the open space percentage noted above, an applicant may propose alternative solutions such as, but not limited to, land donation, or other mechanisms that would justify decreasing the percentage standard.

3. Permitted uses of open space. The following type facilities and uses exemplify the resources permitted within what may be defined as required open space area:

a. Pervious areas including, but not limited to, conservation of natural, archeological, and historical resources; and woodlands, wetlands, ponds, lakes, wildlife corridors, landscape, and similar environmental or conservation-oriented areas.

b. Walking or bicycling trails or paths paved with pervious or semipervious materials.

c. Passive recreation areas such as playgrounds which meet the following standards:

1. Such areas do not exceed ten (10) percent of the required open space; and

2. Such areas are located outside any conservation areas that include wetlands that qualify as moderate and optimal as defined in Article IV, Sec. 4.00.06.

d. Easements for drainage and underground utility lines.

e. Stormwater retention and detention ponds provided that same are designed and landscaped to serve as either passive or active recreation.

f. Golf courses.

g. Similar uses approved by the City Commission.

4. Open space use prohibitions. The following shall not be counted toward open space requirements:

a. Roads and parking lots.

b. Buildings, structures, and other impervious surfaces, except as necessary for residential walkways connecting to public sidewalks.

5. Common open space and improvements. All common open space, as well as public and recreation facilities, shall be specifically included in the development plan and Master Planned Development Agreement.

a. Common improvements associated with residential uses, including private or public parks, pools, recreation centers, or other facilities shall be constructed in conjunction with residential dwellings. Such facilities shall be completed at a rate equal to that which can serve the number of completed residential units in the MPD. No more than forty (40) percent of the units for which the improvements are intended shall receive building permits until the improvements are completed.

b. Public improvements intended to be dedicated to the City must be supported by performance bonds issued to the City in a form and quantity acceptable to the City. The bond must be approved prior to the issuance of the first residential permit. If a project is phased, bonds shall only be required for those public improvements associated with or required for the phases under current development.

c. Improvements may be completed in phases if the capacity for the improvement can serve the associated phase of development.

6. Conveyance and preservation of open space. Open space shall be preserved in perpetuity based upon the type of space and the user, as follows:

a. Common open space, proposed for use of the master planned development owners and residents, shall ultimately be conveyed to a homeowners association or to a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of the lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the

conveyances of the lots or dwelling units. The proposed timing of the conveyance shall be consistent with applicable law and shall be included in the application for the MPD.

b. Open space associated with natural features including, but not limited to, wetlands and other environmentally sensitive areas shall be preserved in perpetuity via a conservation easement on a form approved by the City that shall be recorded with the Flagler County Clerk.

7. Maintenance of common areas, stormwater conveyance system, and open space. Homeowners or Property Owners Association Bylaws and Declaration shall be required for a master planned development project and shall identify the party(ies) or person(s) responsible for maintaining the common areas, stormwater conveyance system, and open space, including multiuse trails open to the public. If Developer is unable to create an Association at the time of rezoning, Developer must provide alternative means of assurance that any common infrastructure will be maintained.

SEC. 2.07.10.14. – MASTER PLANNED DEVELOPMENTSTAFF REVIEW CRITERIA.

MASTER PLANNED DEVELOPMENT REVIEW FINDINGS.

The Planning and Architectural Review Board and City Commission shall consider the following criteria when reviewing a master planned development application:

- A. Consistency with all adopted elements of the Comprehensive Plan and whether it furthers the goals and objectives of the Comprehensive Plan.
- B. Consistency with the general intent of the LDC.
- C. Degree of departure of the proposed development from surrounding areas and previous zoning districts in terms of character and density/intensity.
- D. Compatibility within the development and relationship with surrounding neighborhoods.
- E. Adequate provision for future public education and recreation facilities, transportation, water supply, sewage disposal, surface drainage, flood control, and soil conservation as shown in the development plan.
- F. The feasibility and compatibility of development phases to stand as independent developments.
- G. The availability and adequacy of primary streets and thoroughfares to support traffic to be generated within the proposed development.
- H. The benefits within the proposed development to justify the requested departure from standard development requirements inherent in a Master Planned Development District classification.

- I. The conformity and compatibility of the development with any adopted development plan of the City of Flagler Beach.
- J. Impact upon the environment or natural resources.
- K. Impact on the economy of any affected area.
- L. Demonstrate consistency with the Concurrency Management Plan.

SEC. 2.07.10.15. – EXISTING MASTER PLANNED DEVELOPMENT.

Any Planned Development which exists either in part or in its entirety and has not lapsed or been abandoned under the terms under which it was ordained and is an ongoing venture at the time of the adoption of this ordinance, will be governed by the ordinance(s) under which it was instituted and allowed to exist into perpetuity if the terms of said ordinance(s) and conditions thereof are met.

SEC. 2.07.10.16. – ON-GOING MASTER PLANNED DEVELOPMENT.

An ongoing MPD is one in which there has been substantial compliance with the projected starting and completion dates approved by the City Commission as evidenced by substantial and good faith progress in obtaining permits and conducting construction activities in a regular, continuing, and orderly manner designed to meet the approved development schedule dates.

SEC. 2.07.10.17. – LAPSED MASTER PLANNED DEVELOPMENT.

Should a projected development schedule date for the MPD or any stage or phase thereof not be substantially complied with within sixty (60) days following the applicable development schedule date then the MPD or stage or phase thereof may be deemed by the City Commission after notice and hearing to have lapsed and been abandoned and all vested rights to development of the MPD insofar as the MPD is not at the time of such lapsing in conformity with all then present zoning regulations, official zoning maps, comprehensive land use maps, building regulations, or other regulations of the City of Flagler Beach, be deemed forfeited unless an extension of time has been requested by the developer and granted by the City Commission as set forth below. The provisions of this section are specifically made applicable to any MPD which exists either in part or in its entirety on or after the effective date of this amendment.

340 A. PROJECTED DEVELOPMENT SCHEDULE DATE EXTENSIONS OR AMENDMENT
341 REQUESTS

342 1. A request for an extension or amendment to a previously approved MPD projected
343 development schedule date which is otherwise not consistent with existing zoning
344 regulations, zoning maps or Comprehensive Plan land use maps, building regulations,
345 or other regulations of the City of Flagler Beach, shall be an amendment to the MPD
346 and shall be considered in the same manner as the initial adoption of the MPD. In
347 determining whether to grant or deny a requested extension of an established projected
348 development schedule date, the City may consider whether granting or denial of the
349 request will have an adverse impact on phases or stages of the MPD which are
350 completed and in existence at the time of the request.

351 **SECTION TWO. Ordinances in Conflict.** All ordinances or parts thereof, which may be
352 determined to be in conflict herewith, are hereby repealed and superseded by this Ordinance, to
353 the extent of such conflict.

354 **SECTION THREE. Severability.** If any section, sentence, phrase, word or portion of this
355 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not
356 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
357 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
358 unconstitutional.

359 **SECTION FOUR. Codification.** It is the intent of the City Commission of the City of Flagler
360 Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and
361 liberal authority in codifying the provisions of this Ordinance.

362 **SECTION FIVE. Effective Date.** This Ordinance shall become effective immediately upon its
363 passage and adoption.

364
365 ADOPTED by the City Commission of the City of Flagler Beach, Florida, this ____ day of
366 _____, 2024.

367
368 City of Flagler Beach, Florida

369
370 By: _____
371 Patti King, Mayor

372
373 Attest: _____
374 Penny Overstreet, City Clerk

375

ORDINANCE NO. 2024- [REDACTED]

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA EXTENDING THE TEMPORARY MORATORIUM WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF FLAGLER BEACH ON ACCEPTANCE, REVIEW, PROCESSING, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT, SITE PLANS, ZONING APPROVALS, SPECIAL EXCEPTIONS, AND DEVELOPMENT ORDERS THAT WOULD ALLOW NEW DEVELOPMENT TO USE EXCEPTIONS TO THE THIRTY-FIVE FOOT HEIGHT LIMITATION FOR MECHANICAL AND ARCHITECTURAL ELEMENTS; DIRECTING STAFF TO STUDY AND DEVELOP LAND DEVELOPMENT CODE PROVISIONS AND OTHER RECOMMENDATIONS RELATED TO EXCEPTIONS TO THE THIRTY-FIVE FOOT HEIGHT LIMITATION FOR MECHANICAL AND ARCHITECTURAL ELEMENTS; PROVIDING FOR EXPIRATION AND EXTENSION OF THE MORATORIUM; PROVIDING STANDARDS FOR RELIEF FROM THE APPLICATION OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City is granted the authority, under Section 2(b), Art. VIII of the State Constitution, and Section 166.021, Florida Statutes, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the City has imposed a temporary moratorium on accepting, review, processing or approval of applications for development activities, including site plans, zoning approvals, special exceptions and development orders that would allow new development to use exceptions contained in the Land Development Code for mechanical and architectural elements of buildings to exceed thirty-five feet in height; and

WHEREAS, the City has determined it appropriate and necessary to extend this temporary moratorium; and

WHEREAS, the City continues to analyze the issue; and

WHEREAS, the Planning and Architectural Review Board has received recommendations from the City’s planning consultant; and

WHEREAS, the Planning and Architectural Review Board has made recommendations to the City Commission; and

WHEREAS, among the recommendations made by the Planning and Architectural Review Board is the request for a joint workshop for the City Commission and the Planning and Architectural Review Board to jointly discuss the issue and consider the possible solutions; and

WHEREAS, in order to provide time for the recommended joint workshop and to continue

engaging the community in the discussion, the City Commission finds an extension to the moratorium to be the best course of action; and

WHEREAS, it is the City's intent that this moratorium be applicable only to new development that has not already received site plan approval and processing and issuance of building permits for development that has already received site plan approval is expressly exempted from this moratorium; and

WHEREAS, the City is not aware of any pending applications for new development that would make use of any exemption to the thirty-five foot height limitation; and

WHEREAS, this Ordinance is adopted in good faith, is not discriminatory against any property owner, is of limited duration, and is appropriate to the development of the amendments of the City's Zoning Code; and

WHEREAS, the City Commission finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Flagler Beach.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF FLAGLER BEACH, FLORIDA:

SECTION 1. RECITALS. The foregoing recitals are hereby ratified and fully incorporated herein by reference as legislative findings of the City Commission of the City of Flagler Beach.

SECTION 2. TEMPORARY MORATORIUM. Beginning on the effective date of this ordinance, the moratorium related to the accepting, review, processing or approval of applications for development activities, including site plans, zoning approvals, special exceptions and development orders that would allow new development to use exceptions contained in the Land Development Code for mechanical and architectural elements of buildings to exceed thirty-five feet in height is extended for a period which will expire as set forth in Section 4, herein.

SECTION 3. APPLICABILITY AND EXCEPTION RELATED TO EXISTING USES. Nothing herein shall be interpreted to cause a suspension or termination of a use identified in Section 2 which is lawfully existing as of the effective date of this Ordinance. Building permits shall be processed for properties upon which a site plan or other approval relying upon the exemptions from the height limitation for mechanical and architectural elements has already been granted by the City.

SECTION 4. EXPIRATION OF THE TEMPORARY MORATORIUM. The temporary moratorium imposed by Section 2 of this Ordinance shall expire 180 days from the effective date of this ordinance, upon the adoption of an amendment to the Land Development Code implementing changes to the exemptions for mechanical and architectural elements, or upon the majority vote of the City Commission, whichever occurs earliest. If the City requires additional time to complete the enactment of amending zoning regulations applicable to the property subject to this moratorium, the City Commission may consider extending the moratorium through a

subsequent ordinance providing the justification for the extension.

SECTION 5. RECOMMENDATIONS FOR LAND DEVELOPMENT CODE. City staff is hereby directed to examine the current land use regulations and make recommendations to the City Commission and the Planning and Architectural Review Board related to updating the land use regulations applicable to exceptions from the height limitation for mechanical and architectural elements.

SECTION 6. ADMINISTRATIVE RELIEF PROCEDURE.

(a) The City Commission may authorize exceptions to the moratorium imposed by this Ordinance when it finds, based upon substantial competent evidence presented to it, that deferral of action on an application for permit, development order, or other official action of the City for the duration of the moratorium would impose an extraordinary hardship on a landowner or petitioner.

(b) A request for an exception based upon extraordinary hardship shall be filed with the City Clerk, including a non-refundable fee of \$350.00 by the owner/petitioner, or the petitioner with the consent of the owner/petitioner, to cover processing and advertising costs, and shall include a recitation of the specific facts that are alleged to support the claim of extraordinary hardship.

(c) A public hearing on any request for an exception for extraordinary hardship shall be held by the City Commission at the first regular meeting of the City Commission that occurs after the expiration of the period for publication of notice of the request for an exception.

(d) Notice of filing of a request for an exception, and the date, time, and place of the hearing thereon shall be published once at least 7 days prior to the hearing in a newspaper of general circulation within the city limits of the City of Flagler Beach, Florida.

(e) In reviewing an application for an exception based upon a claim of extraordinary hardship, the City Commission shall consider, at a minimum, the following criteria:

- (1) The extent to which the applicant has, prior to the effective date of this Ordinance, received a permit or approval to conduct a use subject to this moratorium.
- (2) The extent to which the applicant has, prior to the effective date of this Ordinance, made a substantial expenditure of money or resources in reliance upon a permits or approvals of the City of Flagler Beach directly associated with a use subject to this moratorium.
- (3) Whether the moratorium will expose the applicant to substantial monetary liability to third persons; or would leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable

investment backed expectation on the real property that is affected by this Ordinance.

(f) At a minimum, the City Commission shall consider the following non-exclusive factors under the criteria set forth in subsection (e) above:

- (1) The history of the property;
- (2) The history of the commercial, business or any use on the property; and
- (3) The location of the property.

(g) At the conclusion of the Public Hearing and after reviewing the evidence and testimony placed before it, the City Commission shall act upon the request either to approve, deny, or approve in part and deny in part the request made by the applicant.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS [redacted] DAY OF [redacted], 2024.

PASSED AND ADOPTED THIS [redacted] DAY OF [redacted], 2024.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Patti King, Mayor

ATTEST:

Penny Overstreet, City Clerk

Beach/Parks/Recreation

Weekly Highlights April 17, 2024

- Beginning April 27, we will be providing lifeguard protection on the beach only on weekends until Memorial Day weekend at which time we will provide lifeguard protection seven days per week through Labor Day. During the times where there are no lifeguard services on the beach, Flagler Beach Fire Department will be the primary responders to all beach emergencies.
- On April 24, we continue with our beach safety education program at Old Kings Elementary School. On April 26, we will be presenting at Rymfire Elementary School.
- The Wadsworth Elementary first grade class will be visiting Flagler Beach for an educational field trip on April 18. The Flagler Beach Fire Department will be teaching them about fire safety, Flagler Beach lifeguards will be teaching them about beach safety, and the Flagler Beach Sanitation Department will be teaching them about recycling.
- The updated 2024 Junior Lifeguard parent information handbook and application packet are now available on the city website.
- This weekend we will begin beach training for summer lifeguards. The recruit training for new lifeguards will begin on April 20 and continue through May 26. We hope to have all United States Lifeguard Association and City of Flagler Beach Lifeguard Training completed by Memorial Day Weekend.
- ATVs and Jet skis are still being operated on a regular basis in order to keep all of our summer rescue vehicles and vessels properly maintained.



Flagler Beach Fire Department

Weekly Run Report from 4/11/24 – 4/18/24

CALLS BY INCIDENT TYPE

EMS

9

FIRE

0

Hazardous Condition (No Fire)

0

Service Call

13

Motor Vehicle Accident

0

HazMat

Water Rescue

Total

0

0

22

Penny Overstreet

From: Robert Pace
Sent: Thursday, April 18, 2024 11:02 AM
To: Dale Martin
Cc: Penny Overstreet; Katherine Monroy
Subject: Weekly Highlights

Mr. Martin,

The following are the weekly highlights;

- Planning Meeting for Upcoming Training Exercises

There was a planning meeting held at the EOC to discuss upcoming training exercises, concepts and objectives. The training exercises will be offered to staff from the three fire agencies within the county. The planning group will meet once a month, with the first evolution scheduled for July 17th. Each training exercise are anticipated to be three-hour periods. One of the first goals is testing the schoolboard's reunification process as it compares to public safety objectives. The second training exercise will address an active assailant, as this is a multi-agency SOG/SOP priority.

- Significant Incident Response Meeting

There was also a Significant Incident Response Meeting held at the EOC. Attendees included senior staff members from the three fire agencies. Each of the senior staff members hold certification in ICS 300 & 400 and the importance of obtaining these certifications by jr. officers was discussed. This is especially important considering a response to a significant incident. Right now, there is a push to identify an instructor within the county to teach ICS 300 & 400. Students that register for the courses must be prepared to commit two days for the training. The possibility for technology failures was also reviewed at the meeting. Before closing, recognizing peaceful protest as a significant incident was suggested.

- Commissioner Spradley's Saturday Meeting

Chief Doughney and I attended Commissioner Spradley's Saturday Meeting held at his law office. Commissioner Spradley had several items listed for discussion with local residents in attendance. Chief Doughney and were both given the opportunity to speak on the state of public safety within the city. For the fire department specifically, I spoke on staffing, education, training, the apparatus replacement plan and possible future station within the county. I felt the information was well received and it was nice to visit with Commissioner Spradley and local residents.

- Telecommunicator Appreciation Week

April 14th – 21st is Telecommunicator Appreciation Week. Every year when this week rolls around, Flagler County dispatchers are honored. The tribute involves agency heads from throughout the county delivering a meal to communication center. Chief Doughney and I always choose the same day. I'll take care of lunch and he handles dinner. April 17th was the day selected this year. I was unable to personally deliver lunch yesterday due to the Strategic Planning Meeting. Larry Wolfe assumed the responsibility in my absence. The dispatchers received pizzas, soda and cake stating the City of Flagler Beach Thanks you for your service. Larry reported that dispatchers could not have been more appreciative.

- ACLS & PALS Certification (Lt. Oberst)

Lieutenant Kyle Oberst is the OIC for C Shift. In addition to being the shift supervisor and in charge of daily operations, Lt. Oberst is also a State Certified Paramedic. A couple of his requirements as a Paramedic is to recertify as a ACLS (Advance Cardiovascular Life Support) Provider and PALS (Pediatric Advanced Life Support) Provider every two years. Lt. Oberst accomplished recertification as both an ACLS and PALS Provider. Lt. Oberst took instruction and obtained recertification through the PCFD.

- Response to Bombing Incidents Training

This week Deputy Chief Cox and Lieutenant Rainey are attending the Response to Bombing Incidents Training at the Energetic Materials Research & Testing Center in Socorro, New Mexico. This class, travel and lodging is fully funded by FEMA. The RBI course provides first responders with the knowledge and skills necessary to safely respond to terrorist incidents involving explosives. The RBI course focuses on first responders' health and safety by addressing personal protection issues that may arise when responding to terror incidents involving commercial and homemade explosives. Additionally, the course includes information on the recognition of Improvised Explosive Devices (IEDs); terrorist organizations, both foreign and domestic; and lessons learned from past terrorist incidents. The information better prepares first responders to safely recognize and respond to terrorist bombing threats.

- Impact Issues

The only scheduled event in the city this weekend is a memorial service on the beach. The service will take place in the area of South 23rd. There are approximately 100 visitors expected in the city.

I look forward to talking to you soon.

Thanks,

Robert Pace

Fire Chief

Flagler Beach Fire Rescue

320 S. Flagler Ave

Flagler Beach, Florida 32136

Office-386-517-2010

Cell-386-276-0405





FLAGLER BEACH POLICE DEPARTMENT

Matthew P. Doughney, Chief of Police
204 South Flagler Avenue
Flagler Beach, FL 32136
386.517.2023

Section 9, Item c.

Chief's Weekly Report

From: Friday		4/12/2024		To: Thursday		4/18/2024	
Calls For Service	77	Felony Arrest	1	Reports Written	15	Citations Issued	35
Self-Initiated	39	Misd. Arrest	1	Comm. Policing	14	Warnings (Written/Verbal)	45
Traffic Stops	17	City Ordinance	3	Security Checks	219		

Chief's Weekly Summary

Friday: Chief Doughney assisted Patrol with parking enforcement in the afternoon, issuing one (1) City parking citation for a vehicle parked the wrong direction.

Friday: 4/12/24 @ 7:32 a.m. / Business Alarm / 105 2nd Street South: A Patrol Officer responded to an alarm going off at City Hall. Upon our Officers arrival, he made contact with the City's cleaning crew, who could not get the alarm to turn off. The Officer reset the alarm.

Friday: 4/12/24 @ 3:06 p.m. / Crash - Injuries / 12th Street South and SRA1A: Patrol Officers responded to a report of a crash. The ensuing investigation revealed that a motorcycle was southbound on SRA1A, and as it approached 12th Street South, a van pulled into its path; causing contact between both vehicles. The crash resulted in minor injuries. A State Crash report was completed.

Friday: 4/12/24 @ 6:27 p.m. / Structure Fire / 200 Block of 2nd Street South: Patrol Officers responded in reference to a small fire under a staircase. Officers assisted with traffic control while our Fire Department personnel extinguished the fire without incident.

Friday: 4/12/24 @ 6:46 p.m. / Trespassing / 422 Beach Village Drive (Margarita Island): Patrol Officers were dispatched in reference to a former Margarita Island employee returning to the business and harassing current employees. Officers responded and issued a Trespass Notice to the subject, at the request of management. The subject left the premises without incident. No further action required.

Friday: 4/12/24 @ 9:06 p.m. / Reckless Driver / Forest Road at Village Drive: Patrol Officers received an anonymous phone call in reference to speeding and tailgating in the area. The complainant asked that patrols be increased in the area. Officers monitored traffic throughout the night, but did not observe any violations.

Friday: 4/12/24 @ 9:45 p.m. / Reckless Driver / South Oceanshore Boulevard at South 22nd Street: Patrol Officers were dispatched in reference to a grey SUV traveling northbound on South Oceanshore Boulevard, allegedly failing to maintain a traffic lane. Officers canvassed the area for the vehicle, but were unable to locate it.

Friday: 4/12/24 @ 9:59 p.m. / Noise Complaint / 1601 North Central Avenue (Silver Lake Park): Patrol Officers responded to the Park in reference to a report of individuals using chainsaws in Silver Lake Park. Officers determined that the subjects were "Crews Clearing" workers contracted by the City to clear brush in the Park. The subjects were advised of our City Ordinance prohibiting this work late at night, and they agreed to return in the morning.

Saturday: 4/13/24 @ 12:08 a.m. / Suspicious Vehicle / 2525 Moody Boulevard (Tax Collector's Office): Patrol Officers located an occupied grey Honda Accord with Rhode Island plates, parked in the southwest corner of Flagler Square. There was a subject located inside the vehicle who was sleeping, he was awoken, and positively identified. The subject was found to have a recent local history of Burglary and Theft. The subject was warned in reference camping and Loitering and Prowling, and advised to relocate away from closed businesses. The subject departed without incident.

Saturday: Chief Doughney and Chief Pace attended Commissioner Spradley's "Coffee with a Commissioner" event at his Law Office from 9:00 a.m. to 10:00 a.m. There was a good crowd on hand to talk about all things Flagler Beach, and along with great discussion, there was good coffee and complex carbohydrates (donuts).

Saturday: 4/13/24 @ 3:06 p.m. / Crash - No Injuries / 1224 South Oceanshore Boulevard (Topaz Motel): Patrol Officers were dispatched in reference to a minor motor vehicle crash. The investigation revealed that when a Ford SUV was pulling into the Motel property, it struck a railing, causing minor damage; and no injuries. A Driver's Exchange of Information Form was completed.

Saturday: 4/13/24 @ 5:59 p.m. / Illegal Parking / 100 Block of 11th Street South: Patrol Officers received a complaint from a nearby resident in reference to vehicles parked in the roadway. Officers located a total of three (3) illegally parked vehicles; two (2) of the vehicles were parked in the roadway, and one (1) parked the wrong direction. All three (3) vehicles were issued City parking citations.

Saturday: 4/13/24 @ 7:20 p.m. / Reckless Driver / 3580 South Oceanshore Boulevard: Officers were dispatched to the area in reference to teenagers on the golf course. The complainant is a resident of the Nautilus Condos. Officers responded and contacted the juveniles, as well as their parents. The parents are the new owners of the golf course, and the children had permission to be riding a golf cart on the property.

Saturday: 4/13/24 @ 8:23 p.m. / Criminal Mischief / 2200 Moody Boulevard (Wadsworth Park): While conducting a security check of Wadsworth Park, Officers were flagged down by a female who reported that approximately fifteen (15) minutes earlier, a blue Dodge Ram pickup, operated by what appeared to be a male teenage had nearly struck her toddler daughter while doing "donuts" in the Park. The Dodge Ram smashed into a section of fencing, destroying it, then fled the area. An e-mail was sent to the Real Time Crime Center requesting assistance accessing camera footage of the vehicle leaving the Park. Flagler County Public Works notified. A Police report was completed.

Saturday: 4/13/24 @ 8:32 p.m. / Assist Public / 1300 Block of South Oceanshore Boulevard: Patrol Officers were dispatched in reference to a report of a male in his mid-20s "missing" from the Air-BnB where he was staying with friends. The male had left on a bicycle approximately two (2) hours earlier, and he had not returned. The subject in question had lost his cellphone the previous night, and thus could not be reached via phone. After two (2) hours of investigation and an exhaustive search, Officers were able to determine that the male was not missing, but rather had met up with an unknown female and was riding around with her in a black Honda. The information was relayed to the subject's concerned friends.

Saturday: 4/13/24 @ 10:42 p.m. / Trespassing / 408 South Oceanshore Boulevard (7-Eleven): Patrol Officers were dispatched to the business in reference to a female subject causing issues for the overnight clerk, who therefore wished to have her trespass. The female subject was gone upon Officers' arrival. Her identity is unknown; however, according to the clerk, she is the same female from the above call for service, and was still in the company of that young male subject.

Saturday: 4/13/24 @ 10:53 p.m. / Animal Problem / 600 Moody Boulevard: Patrol Officers responded to the Moody.SR100 Bridge in reference to reports of an injured raccoon that had been struck by a vehicle. Officers blocked traffic, collected the raccoon, and turned it over to Animal Control at the Police Department. No further action required.

Sunday: 4/14/24 @ 1:13 a.m. / Physical Disturbance / 319 Moody Boulevard (Johnny D's): Patrol Officers were dispatched to the business in reference to a physical disturbance between two (2) male subjects. The males involved in the disturbance were gone upon our Officers' arrival. Witnesses reported that one (1) male had headbutted the other, prompting the male who had been headbutted to react defensively and aggressively toward the first subject. The alleged aggressor's girlfriend later called into Dispatch, advising that her boyfriend wished to pursue charges against the male who had battered him. This subject and his girlfriend were advised that they would have to visit the Police Department to complete paperwork, and the subject intends to do this later today. Additional follow up will be required to collect video footage of the incident from the business. A Police report was completed.

Sunday: 4/14/24 @ 10:15 a.m. / Property Found / 215 South Oceanshore Boulevard (Boardwalk): A Patrol Officer was flagged down in reference to a found wallet. The owner of the wallet was located, and the found property was returned to its rightful owner.

Sunday: 4/14/24 @ 2:52 p.m. / Sex Offense / 815 Moody Lane (Betty Steflik Park): A Patrol Officer was dispatched in reference to a report of a male subject who had exposed himself. The investigation ongoing. A Police report was completed.

Sunday: 4/14/24 @ 153:30 p.m. / Larceny - Delayed / 215 South Oceanshore Boulevard (Funky Pelican): A Patrol Officer responded in reference to a delayed theft. The reporting party advised that on Wednesday, April 10, 24, two (2) female suspects walked out of the business without paying for the meals that they ordered and consumed. The reporting party will submit video of the suspects via Axon. A Police report was completed, and follow up will be conducted once the aforementioned video has been received.

Sunday: 4/14/24 @ 5:30 p.m. / Suspicious Vehicle / 600 Moody Boulevard: Patrol Officers responded to the Moody/SR100 Bridge in response to reports of a "Boom/Lift" truck traveling westbound over the Bridge at a very slow rate of speed. The vehicle in question was found to be operated by the same 'Crews Clearing' workers that Officers handled a noise complaint against on Saturday. The subjects were issued a verbal warning for operating the boom lift on a State Road. Chief Doughney followed up with our Maintenance Department on Monday, April 15th.

Sunday: 4/14/24 @ 5:40 p.m. / Physical Disturbance (Follow up) / 319 Moody Boulevard (Johnny D's): Dayshift Officers followed up on this case, and it was determined that the alleged victim no longer wishes to pursue charges for simple battery. The alleged victim completed a sworn statement along with a waiver of prosecution. The updated information was documented within the original Police report. Case closed.

Sunday: 4/14/24 @ 8:31 p.m. / Assist Public / 1800 Block of South Flagler Avenue: Patrol Officers responded in reference to a Burglary, in which two (2) dogs taken from the home while the residents were in the process of moving. After an exhaustive, multi-hour investigation, our Officers identified the suspect and determined that she had taken the dogs in an attempt to rescue them from what she inaccurately perceived as abandonment. The victims declined to pursue Burglary charges against the female suspect. Officers collected the dogs and they returned them to the rightful owners. A Police report was completed. Case closed.

Sunday: 4/14/24 @ 10:52 p.m. / Physical Disturbance / 200 Block of South 7th Street: Patrol Officers were dispatched in reference to a physical disturbance that had just occurred; involving two (2) Tortugas employees. The aggressor chased the victim down South 7th Street, striking the victim repeatedly in the back of the head, and shoved him to the ground; causing minor injuries. The victim wished to pursue simple Battery charges. Officers attempted to locate the suspect at Tortugas and at his listed residence; without success. A Police report was completed, as was a charging affidavit, which has been forwarded to the State Attorney's Office for review.

Monday: 4/15/24 @ 12:09 a.m. / Suspicious Person / 315 7th Street South (City Library): Nightshift Officers were briefed by Dayshift Officers with regards to a subject who had groped and then exposed himself to a female victim on the trails at Betty Steflik on Sunday, April 14th. Officers subsequently located the suspect sleeping outside the Library after hours. The suspect was interviewed and post-Miranda he described the victim as someone he had spoken to earlier, although he did not admit to the Battery or the exposure. The investigating Officer and Detective Vinci are following up on this case.

Monday: 4/15/24 @ 1:19 a.m. / Business Alarm / 215 South Oceanshore Boulevard (Funky Pelican): Patrol Officers were dispatched to an audible front door, motion activated alarm at the business. After a thorough check of the business, all doors and windows were found to be secured. There were no suspicious persons located in the area, and it appears to have been a false alarm. No further action required.

Monday: Dayshift Officers conducted briefing training by completing a lesson in the online "Briefing Room", titled; "Managing Barricaded Drivers". The primary takeaways were that unless Officers have specific information that there are exigent circumstances involved, such as someone being attacked inside the vehicle, their likely best approach is to remain behind cover. Officers on-scene should be assigned roles, in case the suspect confronts them, and wait for additional resources to arrive. The goal should be to slow the pace down as much as possible, until a good plan can be developed, which would likely include attempts to negotiate and deescalate the situation.

Monday: Dayshift Officers conducted proactive traffic enforcement at the following location and times; 2900 block of South Oceanshore Boulevard, from 7:55 a.m. to 8:30 a.m. No violations.

Monday: Chief Doughney assisted Dayshift Patrol with parking enforcement, issuing two (2) City parking citations.

Monday: Nightshift Officers conducted briefing training by completing a course in the online "Briefing Room", titled; "Buckle Up". Officers watched a video on the importance of wearing our seatbelts (both on and off-duty) then held a discussion afterwards.

Monday: Nightshift Officers conducted proactive traffic enforcement at the following location and times; South Flagler Avenue at 3rd Street South, from 6:30 p.m. to 7:00 p.m. Two (2) traffic stops, with two (2) written warnings issued.

Monday: 4/15/24 @ 10:51 p.m. / Suspicious Vehicle / 815 Moody Lane (Betty Steflik Park): While Officers were locking the Park for the night, they located a vehicle in the parking lot with two (2) occupants inside. The occupants were advised of our City Ordinances and they departed the area with no problems.

Monday: 4/15/24 @ 11:40 p.m. / Suspicious Vehicle / 2200 Moody Boulevard (Wadsworth Park): While Officers were locking the Park for the night, they located an occupied vehicle, with two (2) occupants inside; parked next to the Skate Park. The occupants were advised of our City Ordinances and they departed the area with no problems.

Tuesday: 4/16/24 @ 12:38 a.m. / Suspicious Person / 215 South Oceanshore Boulevard (Pier): While on foot patrol of the Pier and Boardwalk, Officers located a homeless male sleeping on a bench under the "A" frame. The subject was advised of our City's Camping Ordinance and he departed the area without incident.

Tuesday: Our Property & Evidence Custodian, Jamie Z, dropped off evidence at the Flagler County Courthouse for a felony narcotics trial set for Wednesday, April 17th. Jamie also dropped off evidence at the Florida Department of Law Enforcement (FDLE) Laboratory in Jacksonville, Florida.

Tuesday: 4/16/2024 @ 9:08 a.m. / Notification - Welfare Check / 1200 Block of South Daytona Avenue: The reporting party requested Law Enforcement assistance in checking on a patient, as they have not been able to get a hold of them for over two (2) weeks and were concerned for their welfare. Upon our Officer making contact with the individual in question, they appeared to be in good health and were made aware that they needed to call the health provider. No further action required.

Tuesday: 4/16/2024 @ 3:51 p.m. / Fraud / 100 Block of Lambert Ave: A Patrol Officer responded to the Police Department and made contact with the reporting party, who advised that he received something in the mail with regards to receiving a bill from T-Mobile. When the reporting party contacted T-Mobile, they advised that someone had made a purchase utilizing his information in December of last year. **Continued...**

Cont... The reporting party was requested to gather more information from T-Mobile regarding the amount owed, item purchased, contact his bank, to ensure that no accounts had been opened without his knowledge. The reporting party stated that he would return with further information so a Police report could be completed.

Tuesday: Chief Doughney assisted Dayshift Patrol with parking enforcement, issuing three (3) City parking citations and one (1) verbal warning.

Tuesday: 4/16/24 @ 5:52 p.m. / Damaged Property / 100 Block of Village Drive: Officers were dispatched to a residence in reference to a vehicle window that had been damaged by the Home Owners Association lawn maintenance crew. The damage was caused while the crew was working near the vehicle in question. An informational report was completed for insurance purposes.

Tuesday: 4/16/24 @ 9:09 p.m. / Assist Other Agency - FHP / 900 Block of South Daytona Avenue: Patrol Officers were dispatched in reference to the reporting party stating that a female had just left the residence, and that she was operating her vehicle while intoxicated; with three (3) children inside the vehicle. A Florida Highway Patrol Trooper was in the area and located the suspect's vehicle traveling west on SR100 near the Pedestrian Bridge. The Trooper conducted a traffic stop on the vehicle near Old Kings Road, and the ensuing investigation resulted in the arrest of the female driver for Driving Under the Influence and Felony narcotics possession. After the Trooper completed the investigation, the children were turned over to family members.

Wednesday: 4/17/24 @ 1:01 a.m. / Warrant Service / 900 Block of South Daytona Avenue: Officers were made aware that a male subject at a residence had an active Flagler County warrant. Officers responded to the residence and made contact with a roommate, who advised that the male in question was not at home. Officers were unable to locate the subject.

Wednesday: 4/17/24 @ 2:00 a.m. / Driving Under the Influence - Arrest / 100 Block of 5th Street North: A traffic stop was conducted on a motor vehicle for a moving violation. The Driver of the vehicle was found to be operating the vehicle while impaired, and he was taken into custody without incident. The subject was transported to the Flagler County Inmate Facility, and while at there, he made statements about wanting to harm himself. The subject was transported to Stewart Marchman's facility in Daytona Beach and turned over to their Staff. Staff from Stewart Marchman were advised to notify the Flagler County Inmate Facility when the subject is ready for release, and a Flagler County Detention Deputy from the Inmate Facility will respond and re-take him into custody. A Police report was completed.

Wednesday: Dayshift Officers conducted briefing training by watching a video from Mr. Gordon Graham, titled; " Maintain Your Weapon." The squad watched the video and discussed the topic and how it relates to our work duties.

Wednesday: Chief Doughney along with other City Department Heads participated in the City Commissions Strategic Planning Session that was held at the Senior Center at Wickline Park from 8:00 a.m. to 3:00 p.m.

Wednesday: 4/17/24 @ 6:08 p.m. / Domestic Disturbance - Arrest / 1900 Block of North Daytona Avenue: Patrol Officers were dispatched in reference to a delayed report of Domestic Violence. The suspect committed Aggravated Assault by holding the victim at knife-point (while threatening his life), and committed Battery by striking the victim in the head with closed fists. The suspect was placed under arrest and transported to the Flagler County Inmate Facility without incident. A Police report was completed.

Wednesday: 4/17/24 @ 8:36 p.m. / Animal Problem / 2200 Block of South Oceanshore Boulevard: Patrol Officers were dispatched in reference to a deceased deer, impeding the flow of traffic. Officers removed the deer from the roadway, and they contacted City Sanitation for removal of the deceased animal. The vehicle which had struck the deer sustained some damage to the front grill, and a case card was issued to the operator for insurance purposes.

Wednesday: 4/17/24 @ 8:45 p.m. / Crash - No Injury / 312 Moody Boulevard (Dollar General): Officers were dispatched in reference to a delayed report of a crash involving a vehicle and a skateboarder. The investigation revealed that a motorist operating an SUV was pulling onto SR100, when a skateboarder suddenly darted in front of the vehicle. The skateboarder struck the vehicles front left fender, toppled over the hood, and then leapt up and sped off while shouting that he was "Okay." The operator of the SUV attempted to locate the skateboarder, without success. The young male skateboarder caused significant denting to the SUV at the point of impact; but he was not located nor was he identified. A State Crash report was completed.

Wednesday: 4/17/24 @ 10:44 p.m. / Assist Other Agency / 100 Block of South 25th Street: Patrol Officers were dispatched in reference to a "911" open line that was geolocating to this area. The caller in question was found to be an elderly male subject experiencing a medical emergency. Officers summoned Emergency Medical Services (EMS), and the subject was subsequently transported to Advent-Health South in Palm Coast for medical treatment.

Wednesday: 4/18/24 @ 2:46 a.m. / Abandoned Vehicle / 700 Block of South-Central Avenue: A Patrol Officer was flagged down by a nearby resident who advised that an SUV with out of State plates had been parked in front of her house for over a week, without moving. Officers issued the vehicle an Order to Remove (Red Tag), with a removal date of 4.20.23 at 2:30 a.m.

Thursday: 4/18/24 @ 7:54 a.m. / Ordinance Violation / 215 South Oceanshore Boulevard: A Patrol Officer responded to a report of a subject camping in a tent on the Beach by the Pier. The Officer made contact with the subject in question, and upon being informed of our City Ordinance prohibiting camping, he cooperated fully, gathered his belongings and departed the area.

Thursday: 4/18/24 @ 8:38 a.m. / 911 Investigation / 100 Block of Palmetto Avenue: A Patrol Officer responded in reference to a report of a "911" call from this location. Upon the Officers arrival, contact was made with a resident who advised that the call was accidental, while using their cell phone. No further action required.

Thursday: 4/18/24 @ 10:02 a.m. / Notification-Welfare Check / 2501 Leslie Street: A Patrol Officer responded to a residence in reference to a request to check on a female at this location. **Continued...**

Cont... The reporting party could not reach her sister by phone, and she was worried about her well-being. The responding Officer made contact with the subject in question, who was in good health. The sister had just misplaced her phone, and the Officer assisted the resident in locating her phone. The Officer re-contacted the reporting party with an update, and there was no further action required. **Good Job!**

Thursday: 4/18/24 @ 1:58 p.m. / Assist Public / 204 South Flagler Avenue (Police Department): A Patrol Officer was summoned to the Police Department to complete fingerprints cards for a citizen.

Thursday: Chief Doughney attended a United Flagler 4th of July meeting, that was held at Palm Coast City Hall, from 3:30 p.m. to 4:30 p.m.

Thursday: 4/18/24 @ 4:50 p.m. / Found Property / 204 South Flagler Avenue (Police Department): A concerned citizen responded to the Police Department to turn in some found property that was recovered at the Moody Boat Ramp. The investigating Officer contacted the local owner, and the found property was returned to its rightful owner.

Thursday: 4/18/24 @ 5:50 p.m. / Civil / 3900 Block of South Oceanshore Boulevard: A resident called to complain that a neighbor films her when she collects her mail. When the resident advised by the call-taker that filming in public was legal, the complainant became angry and alleged that "things are only illegal when [she] does them." This claim appeared to be a taradiddle intended to elicit sympathy from Law Enforcement; however, Officers ultimately informed the complainant that the neighbor's actions were protected by the First Amendment.

Thursday: 4/18/24 @ 6:15 p.m. / Domestic Disturbance (Follow Up) / 1900 Block of North Daytona Avenue: Officers attempted to make contact with the witness in this case, in order to collect a sworn statement; but they were unsuccessful. A voicemail message was left on the witness's cell-phone explaining the reason for the contact and requesting his assistance. The witness is known to be unfond of Law Enforcement.

Thursday: 4/18/24 @ 6:18 p.m. / 911 Investigation / 100 Block of South Ocean Palm Drive: Patrol Officers were dispatched in reference to an open "911" phone line. Officers attempted contact at the door and thoroughly canvassed the surrounding property, but were unable to locate any persons in need of emergency services.

Thursday: 4/18/24 @ 7:50 p.m. / Crash (Follow Up) / 312 Moody Boulevard (Dollar General): Dayshift Officers passed on information regarding the non-motorist (skateboarder) involved in this crash that occurred on Wednesday, April; 17th. The subject in question had called in to speak with Law Enforcement earlier in the day and he was contacted by the investigating Nightshift Officer. The investigating Officer updated the State Crash report, to include this subject's personal information, as well as his version of events. The subject was provided with a case number and information on how to procure a copy of the State Crash report.

Thursday: Nightshift Officers conducted two (2) License Plater Reader (LPR) related traffic stops, resulting in the issuance of one (1) written warnings and one (1) State Traffic citation.

Florida Tour de Force: On Friday, April 12th, Detective Vinci, along with hundreds of Law Enforcement Officers from around our State completed the final stage of this year's Tour de Force charity bicycle ride. The week long, two-hundred and seventy plus (270+) mile charity ride started in North Miami Beach on Monday, and concluded in Daytona Beach Shores. Congratulations Detective Vinci on completing the entire ride and thank you for representing our Department!

Monthly Training: Officers continued to work on their April 2024 online monthly training through Police Law Institute. This month's topic is; **Lineup Composition and Protocols.**

SWAT Training: Officer Coffman attended a week-long Special Weapons and Tactics (SWAT) training as a member of the Flagler County Sheriff's Office this week.