



# PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING AGENDA

Tuesday, April 08, 2025 at 5:30 PM

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

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**ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.**

**1. Call the meeting to order**

**2. Pledge of Allegiance**

**3. Roll Call / Determination of Quorum**

**4. Approval of Meeting Minutes**

[a.](#) March 11, 2025

**5. Deletions and changes to the agenda**

**6. Old Business**

**7. New Business**

[a.](#) ORDINANCE NO. 2025-XX: AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, SECTION 2.05.06, "HEIGHT REGULATIONS," OF THE CODE OF ORDINANCES; AMENDING THE METHOD OF DETERMINING ROOF HEIGHT FOR CERTAIN RESIDENTIAL ROOF-TYPES, INCLUDING GABLE, HIP, AND GAMBREL ROOFS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

[b.](#) ORDINANCE 2025-XX: AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO ARTICLE II, ZONING; AMENDING SECTION 2.06.02, "PARKING;" AMENDING THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF.

[c.](#) Discussion regarding irrigation requirements.

**8. Other Business**

**9. City Planner Report**

[a.](#) Updates and Action Items: 2025 Work Plan & Timeline

**10. Board Comments**

**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. 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.



## PLANNING & ARCHITECTURAL REVIEW BOARD MINUTES

Tuesday, March 11, 2025 at 5:30 PM

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

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### 1. Call the meeting to order

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

### 2. Pledge of Allegiance

Suzie Johnston led the Pledge of Allegiance.

### 3. Roll Call / Determination of Quorum

Present: Suzie Johnston, Boudie Estberg, Barbara Revels, Joann Soman and Scott Chappuis

Absent: Paul Chestnut and Lisa Smith

Staff Present: City Attorney Drew Smith and Secretary Michele Ficocello

#### a. Selection of Chair

Joann Soman made a motion to appoint Suzie Johnston as Chair; Scott Chappuis seconded. Motion passed unanimously.

#### b. Selection of Vice-Chair

Joann Soman made a motion to appoint Scott Chappuis as Vice-Chair; Boudie Estberg seconded. Motion passed unanimously.

### 4. Approval of Meeting Minutes

#### a. February 4, 2025

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

### 5. Deletions and changes to the agenda

None

### 6. Old Business

None

### 7. New Business

- #### a. Application OE-25-03-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.

The Applicant, Patrick McKinney was present and spoke before the Board. The City Clerk, Penny Overstreet, presented the item along with an updated staff report which was provided to the Board and is attached to the minutes. Ms. Overstreet stated the applicant was agreeable to restrictions on his permit to include no live music after 9:30pm, no drums and no Karaoke. The Board inquired about changes made to the stage. The applicant stated he made changes to include an additional five (5)

feet in length to provide more of a sound barrier, insulated the walls, new paneling on the outside, new paneling on the inside, new paneling on the roof and three (3) inches of soundproofing. Ms. Overstreet stated there was one schematic added to the packet, not in the original submission, which was prepared by a local architect. The applicant stated the work will be completed by this Friday. Board discussion ensued and included the process if allowed timeframe was exceeded, decibel level, citation issuance, types of soundproofing, testing of soundproofing, previous businesses with similar restrictions, recommendations from soundproofing company, past disapprovals of application based on criteria number seven (7), specific types of music that will be played and CRA boundary. Public comment was opened. Tom Wotherspoon, 1102 S. Central Avenue, spoke against recommending approval for the permit. Brenda Wotherspoon, 1102 S Central Avenue, spoke against recommending approval for the permit and provided an aerial photo attached to the minutes. Brenda Montgomery, 113 S. 11th Street, spoke against recommending approval for the permit. Bob Buckingham, 208 S Central Avenue, spoke regarding enforcing outdoor entertainment permit rules for all businesses. Craig Kennedy, Flagler Beach, spoke in favor of recommending approval for the permit. Public comment was closed. Board discussion continued to include previous requests of the applicant, decibel readings, noise complaint process, history of previous business owner, previous Board approval and temporary issuance of permit.

Chair Johnston passed the gavel. Chair Johnston made a motion to recommend approval with conditions of the soundproofing work being completed and the soundproofing is tested with the City's decibel reader, Joann Soman seconded. Based on the updated staff report provided, City Attorney Smith asked that the restrictions agreed to by the applicant, including no live music after 9:30pm, no drums and no Karaoke, be added to the motion. Chair Johnston affirmed that those conditions are included in the motion, Joann Soman accepted the conditions being added to the motion. City Attorney Smith asked for clarification of testing the soundproofing. Chair Johnston clarified the recommendation is to have the soundproofing completed on the stage prior to any commencement of outdoor entertainment.

Roll Call: Barbara Revels, Yea; Vice-Chair Scott Chappuis, Yea; Joann Soman, Yea; Boudie Estberg, Yea; Chair Suzie Johnston, Yea.

Motion to recommend approval with conditions as amended passed five (5) to zero (0).

## 8. Other Business

- a. Proposal for Two Hour on Street Parking on Four Commercial Blocks South of Hwy 100, proposed by Ted Barnhill (Local Business Owner).

Local Business Owner Ted Barnhill presented the item and provided an updated list of local businesses in support of the proposal to the Board (attached to the minutes). Discussion ensued and included impact to local businesses in regards to parking shortages, implementing short-term parking in small commercial area of the City, support from local businesses for implementation of short-term parking, costs and logistics of implementation of short-term parking, timeframe of short-term parking, impacts on existing residents living in the area, existing private parking lot for current residents, future plans for Central Avenue when Hotel is complete, possibility to test the proposal, City Commission paid parking discussion, contracting out the enforcement of two hour parking, employee parking for local businesses and designated parking for them, further discussion suggested at future Strategic Planning Meeting and discussion with FB3.

Public comment was opened. Dimitri with Beachside Gyros spoke and offered to pay for the signage cost, Commissioner Rick Belhumeur spoke and suggested businesses that are in the parking pool assist with costs and Jackie Buckingham with Flagler Tea Company spoke about directing visitors to the public parking lots. No further comments were received. Public comment was closed.

No action taken on this item. The City Attorney will suggest, to the City Commission, this item be added to the Strategic Planning Meeting list.

**9. City Planner Report**

Secretary Michele Ficocello reported the City Planner, Lupita McClenning, will have a report for the Board at the next meeting.

**10. Board Comments**

The Board welcomed the new PAR Board Member Barbara Revels.

**11. Adjournment**

Joann Soman made a motion to adjourn the meeting; Chair Johnston seconded the motion. Chair Johnston adjourned the meeting at 6.25pm.



STAFF REPORT

Regular City Commission Meeting

March 13, 2025

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**To:** Elected Officials

**From:** Penny Overstreet, City Clerk

**Date:** February 3, 2025 *Updated March 10, 2025*

**Item Name:** Application OE-25-03-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.

**Background:** Applicant: Cajun Beach/Flojun, LLC., 1112 S. Ocean Shore Blvd., Flagler Beach, Florida 32136. The Planning Board and City Commission denied the applicants request at the January 09, 2025, meeting. After reviewing the application and conducting a public hearing, the Officials urged the applicant to table his request and address the noise abatement concerns. The Applicant and his Attorney declined and requested a decision be made that evening. The City Commission voted to deny the requested outdoor entertainment permit. Specifically, the City Commission found that there was not competent substantial evidence to support a finding that element number 7 of the required considerations has been satisfied. For the City Commission to grant an outdoor entertainment permit it must find that the proposed outdoor entertainment would not have an adverse effect on or unreasonably infringe upon the rights of property owners within 200 feet of the subject property. As the City Commission has found that said element was not supported by competent substantial evidence, Application OE-25-01-01 has been denied.

The applicant has returned a new application and submitted proposed stage performance solutions he wishes to be considered.

*The applicant contacted me to provide an update stating he was agreeable to restrictions on his permit to include: No live music after 9:30 p.m., No drums, and No Karaoke.*

The Planning & Architectural Review Board will hear the request at their March 11, 2025, meeting. An update will be provided to you with their recommendation.

The subject property is zoned General Commercial G.C. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the City Commission, after receiving recommendation from the Planning and Architectural Review Board (PARB), shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact on the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fail to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.

- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
- (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
- (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (9) The information furnished in the application is not materially complete and accurate.
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.
- (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
- (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
- (13) The proposed event or activity is prohibited by federal, state, or local regulations.
- (14) Other issues in the public's interest as identified by the city commission.
- (a) In deciding to approve a permit the city commission may limit the type and number of temporary structures and the duration of the activity, including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.

The applicant has 17 on-site parking spaces, and approximately 17 off-site for a total of 34.

**Staff Recommendation:** Staff recommends the application be considered based upon the fourteen criteria, and the applicants' installation of the noise abatement material.

**Attachments:**

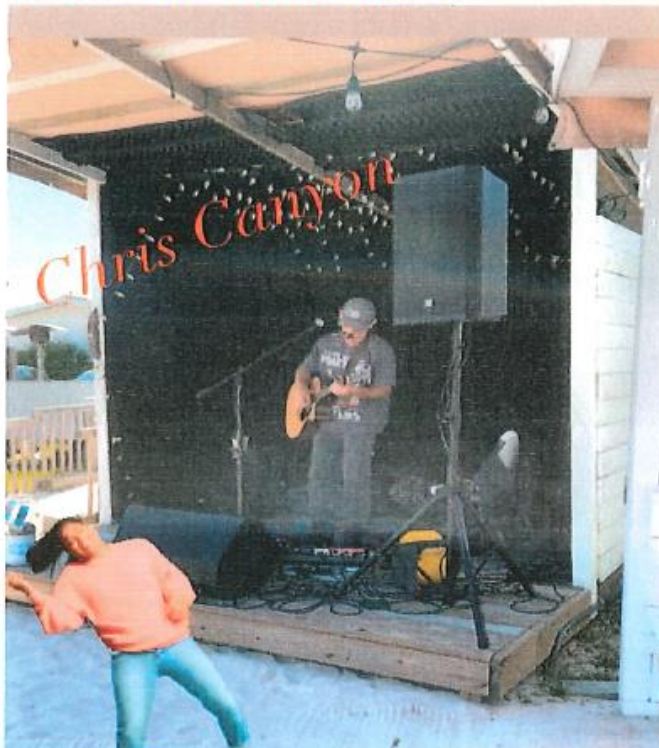
- Application
- Map of surrounding property owners





**Cajun Beach Boil and Sushi** ...  
Reels · Apr 5 · 🌐

#daytonabeach #staugustine #livemusic #restaurant  
#southerncooking #flaglerbeach #cajun #a1a  
#palmcoast #liveband #sushi #seafood





Draft/Ted Barnhill/3-2-2025

**Proposal for Two Hour on Street Parking on Four Commercial Blocks South of Hwy 100**

**Whereas:**

1. Short-term on street parking South of Hwy 100 in the vicinity of Flagler Beach City Hall is often exceedingly hard to find due to the large number of people wishing to frequent many local businesses, construction activity, and very importantly the large number of vehicles parked for long periods of time (e.g. all day and in some cases multiple days).
2. Surveys indicate that up to 90 percent of people coming to enjoy the beach live outside of Flagler Beach. With refurbished beaches and new pier, Flagler Beach can expect many more people coming for day trips further increasing the demand for all day parking in the vicinity of Flagler Beach City Hall.
3. Businesses and their customers (particularly older and handicapped customers) are inconvenienced and damaged due to the frequent shortage of short term on street parking.
4. The City of Flagler Beach set up a so called "parking pool" (178 on street parking spaces) to encourage new commercial development south of Hwy 100. Businesses can apply to use a portion of the parking pool to satisfy land use parking requirements.
5. Barnhills Café Bar and Grill (202 S Central Avenue), Johnny D's (319 Moody Blvd), and the Margaritaville Hotel (111 S Daytona Ave.) have constructed substantial new facilities, approved by the City of Flagler Beach, with the understanding that their customers would utilize substantial amounts of on street parking (Barnhills, 65 on street parking spaces), (Johnny D's, 30 on street parking spaces) (Margaritaville, 58 on street parking spaces). Other new commercial projects under development also anticipate the use of on street parking.
6. When the Margaritaville hotel is finished (June 2025?) parking demand South of Hwy 100 will increase from registered hotel guests, hotel workers, hotel restaurant customers, and visitors of hotel registered guests.
7. The structures on the two blocks on Central Avenue between Hwy 100 and S. Third St., and two blocks on S. Second Street between S. Oceanshore Blvd. and Daytona Avenue are all used commercially.
8. Cities typically have metered parking and/or parking time limits in commercial areas.
9. It is anticipated that the City of Flagler Beach's overall parking review will consider many possibilities (metered parking, additional parking lots, parking structures, shuttles, etc.) and adoption of a new downtown parking plan will take years to complete.
10. It is possible to substantially reduce the inconvenience and cost to customers and businesses by creating short-term parking in a limited four block area.
11. Exceptions to the two-hour parking time limit could be established (e.g. City Commission Meetings).

**Therefore, as an interim step prior to adoption of a new overall parking plan, it is proposed that the City of Flagler Beach designate all on street parking on Central Avenue between Hwy 100 and S. Third St., and all on street parking on S. Second Street between S. Oceanshore Blvd. and Daytona Avenue (a total of four blocks) to be two-hour parking between the hours of 6? AM and 9? PM. The City of Flagler Beach would erect street signs notifying the public of the two-hour parking time limit. Many people will voluntarily comply. The Flagler Beach Police Department would continue to be responsible for ticketing and enforcing parking violations. Cities often have a phone number for reporting parking violations. Some Cities use private companies for parking enforcement (ticketing, etc.).**

Supporters of the above proposal include:

Businesses Supporting the Proposal
Barnhills Café Bar and GrillConnie M
Beachside Gyro
ConSalon
Country Road &Company Boutique
Elite Aesthetics Skin and Wellness Center
Flagler Fish Company
Flagler Tea Company
Gallery of Local Art
Johnny D's
Tavolacci Realty
The Shelby Group
Uncorked Wine Bar
Vessel Sandwich Co.

ORDINANCE NO. 2025-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, SECTION 2.05.06, “HEIGHT REGULATIONS,” OF THE CODE OF ORDINANCES; AMENDING THE METHOD OF DETERMINING ROOF HEIGHT FOR CERTAIN RESIDENTIAL ROOF-TYPES, INCLUDING GABLE, HIP, AND GAMBREL ROOFS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2024, the City amended the height regulations related to commercial buildings to provide greater clarity and improve enforcement; and

WHEREAS, the City now finds it necessary to amend the method of calculation of roof height for certain residential roof types; and

WHEREAS, specifically, the Land Development Regulations provide for the height of gable, hip, and gambrel roofs to be calculated based on the mean between the eaves and ridge; and

WHEREAS, in order to avoid manipulation of the mean in such calculations, the City Commission finds it appropriate to include a maximum total height regardless to apply in addition to the mean height.

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

**SECTION ONE. Amendment of Code.** Section 2.05.06, “Height Regulations,” of the Code of Ordinances is Amended as follows (Note: underline text indicates additions, ~~strikethrough~~ text indicates deletions).

**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.*

For purposes of this section, building height is defined as the vertical distance of a building measured 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; provided, however, that the highest point of the roof shall not exceed 42 feet.

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

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

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

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

PASSED ON FIRST READING THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Pattie King, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk



ORDINANCE 2025-\_\_\_\_

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO ARTICLE II, ZONING; AMENDING SECTION 2.06.02, "PARKING;" AMENDING THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF

**WHEREAS**, the City recognizes off-street parking requirements are an essential tool within the Land Development Regulations; and

**WHEREAS**, over the years, calculation of required off-street parking for restaurants has presented challenges due to the fact that alternative potential formulas were included for the calculation: fixed seats and square footage; and

**WHEREAS**, within the development patterns of the City, the fixed seat calculation method has been the less reliable of the two because it fails to account for possible temporary seating; and

**WHEREAS**, in order to bring more clarity to the calculation of required off-street parking for restaurants and similar commercial uses, the City Commission finds it appropriate to amend the Land Development Regulations and provide for a formula using square footage as the sole formula for calculating required off-street parking for restaurants, night-clubs, and eating places.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

**SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

**SECTION TWO.** Section 2.06.02 of the City of Flagler Beach Land Development Regulations is hereby amended as follows): Note: underscore indicates new text and ~~strikethrough~~ indicates deletion of text and asterisks "\*" \* \*" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

**Sec. 2.06.02. Parking.**

Section 2.06.02.1 *Off-street parking.*

In all districts and in connection with every use, with the exception of those zoning districts within the Downtown Mixed-Use District and the Downtown A1A Retail Corridor as defined and regulated by Section 2.01.02.7.1 Downtown Design Guidelines, there shall be provided, at the time any building is constructed or any existing building is moved, altered, added to or enlarged or reconstructed, or if there is a change in the category of use listed in the schedule of off-street requirements which requires issuance of a new business tax receipt and/or certificate of occupancy, off-street parking space in accordance with the requirements as set forth herein. (Note: Any nonconforming use may replace an existing nonconforming use if the parking requirements under the schedule are less for the new nonconforming use.)

- (1) Size and access—An off-street parking space shall consist of a parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width for the maneuvering of an automobile into a parking space shall be in conformance with the illustrative chart as set forth in Attachment One of this ordinance. The parking plan must be so arranged that each automobile may be placed and removed from the property without the necessity of moving any other automobile to complete the maneuver.

Street or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive. The number and placement of such drives is to be subject to the approval of the planning and architectural review board before being installed.

(2) Number of parking spaces required—There shall be provided at the time of the erection of any structure or at the time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking, minimum off-street

parking facilities with adequate provisions for ingress and egress, in accordance with paragraph (1) of this section and the schedule of off-street parking requirements.

(3) Location of parking spaces—Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located within two hundred (200) feet and have the same zoning district, as the principal use or structure they are intended to serve.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS\*  
CITY OF FLAGLER BEACH

1.	Single and two-family dwellings and townhouses	Two per dwelling unit
2.	Multi-family dwellings	Two per dwelling unit
3.	Churches or other places of worship	One per six permanent seats in the main auditorium
4.	Private clubs	One per three hundred sq. ft. of total floor area or portion thereof
5.	General business, commercial and personal service	One per three hundred fifty sq. ft. of establishments or office buildings total [floor] area or portion thereof
6.	Hotels, motels and motor inns	One per bedroom or sleeping unit plus one per each five units or portion thereof
7.	Libraries and museums	One per five hundred sq. ft.
8.	Medical or dental offices or clinics	Eight for each doctor or dentist
9.	Restaurants, nightclubs or other eating places	<del>One per one hundred fifty sq. ft. total floor area or one per three fixed seats or</del> <u>One (1) parking space per four (4) seats based on the maximum floor area allowed per occupant as established by the standards of the Florida Building Code whichever is greater.</u> Where the restaurant abuts the Intracoastal Waterway, boat slips may be counted for seating. One boat slip per three seats. When counting boat slips for seating as provided herein, such boat slips must be transient in nature and cannot have electrical or water hookups. Boat slips can only represent an additional 25% of land parking.  <i>Source: 2021 International Building Code Table 1004.5* see note 2</i>
10.	Theatres, auditoriums	One per each four seats
11.	Schools (public or private)	
	Grades 1—6	One per fourteen students
	Grades 7—9	One per nine students
	Grades 10—12	One per three students
12.	Industrial	One per six hundred sq. ft. of total floor space or portion thereof
13.	Hospitals	1.5 per bed
14.	Tennis, hand-ball, and racquetball facilities	Two spaces/court plus required parking for additional uses on the site

15.	Health club	One space/one hundred fifty square feet of gross floor area
16.	Driving range (golf)	One space/tee plus required parking for any other uses on the site
17.	Golf course (regulation)	Six spaces/hole plus required parking for any other uses on the site
18.	Boat slips	One space per boat slip, except charter boats.
19.	Charter boats*	One space per six permanent seats on the boat, plus one space for the captain/skipper
*Note 1. Charter boats are permitted in marinas. Prior to the date when a charter boat begins operation, the owner shall submit a parking plan to the city. * Note 2. <u>Maximum floor area in square feet allowance per occupant for restaurant = 15 net (tables and chairs) 1000SQFT/15 = 67 max occupancy/4 people = 17 parking spaces</u>		

\* \* \*

**SECTION THREE. Codification.** This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may

be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION FOUR. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Pattie King, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk

#### **Sec. 4.02.01. - Intent and purpose.**

It is the intent and purpose of this division to implement procedures that promote water conservation through the more efficient use of landscape irrigation. The St. Johns River Water Management District has responsibility and exclusive authority under F.S. Ch. 373, for regulating the consumptive use of water and the declaration of water shortage emergencies.

#### **Sec. 5.04.00. - Landscaping/Trees**

##### *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 afterthought. 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 new construction.

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 proposed 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 and 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.

## Comprehensive Plan

### 9.0 - REUSE WATER PRACTICES

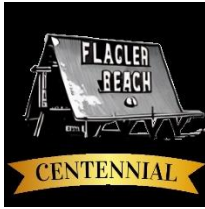
The city does not currently have a reuse system or service area, and will be conducting another Reuse Feasibility Study as required by its CUP. At such point that a reuse system becomes feasible, the city would then develop some reuse practice and incorporate into its comprehensive plan. However, the City's comprehensive plan already does contain some reuse practices, as summarized below.

Investigating use of gray water for irrigation in multifamily developments (Policy D.1.6.4)

## **8.0 - WATER CONSERVATION PRACTICES**

The city has implemented a variety of water conservation practices. For example, the city implements a water conservation rate structure. In addition, the city is implementing its Water Conservation Plan that was submitted as part of the CUP process. The City's comprehensive plan also includes other water conservation practices. A summary of these policies is below. The City plans to maintain these practices and improve upon them when feasible.

- Implementation of City's Water Conservation Plan (Policy D.1.6.2)
- Implementation of water conservation rate structure
- Requirements for native plants (Policies E.2.5.3 and E.2.6.3)
- Education program (Policies D.1.6.2)
- Building regulation enforcement (Policies D.1.6.1-D.1.6.5)
- Monitoring water consumption trends (Policy D.1.4.1)
- Intergovernmental coordination of water conservation (Policies G.1.4.4-G.1.4.7)
- Coordination for limiting landscape watering (Policy D.1.6.2)
- Metering requirements (Policy D.1.6.5)



To: Planning and Architectural Review Board

From: Lupita McClenning, City Planner

Date: March 24, 2025

Re: Updates and Action Items: 2025 Work Plan & Timeline

### **Update: Flagler Beach (Flagler) - Amended Floodplain Management Regulations**

The floodplain management ordinance for Flagler Beach was amended by Ordinance No. 2025-01. The ordinance and the Ordinance Review Checklist were uploaded to the FEMA Community Information System.

The community's floodplain management regulations are based on the model ordinance prepared by the Florida Division Emergency Management (DEM). **DEM determined that the adopted regulations meet the requirements for continued participation in the NFIP.**

Ordinance No. 2025-01 included a local technical amendment to the Florida Building Code. Pursuant to 553.73(4)(a), F.S., this local amendment to the Florida Building Code was transmitted to the Florida Building Commission.

Any subsequent changes to these regulations, including future amendments to adopt requirements or code amendments that exceed the NFIP minimums, are to be reviewed by Florida DEM before adoption. NFIP State Coordinating Agency responsibility is to work with communities to ensure they remain compliant with the NFIP requirements for participation in the NFIP.

##

### **Action Item: Local Governments required to Adopt Updated Water Facilities Supply Plans (WSFP) by June 12, 2025.**

All local governments in **North Florida must adopt an updated Water Supply Facilities Plan (WSFWP)** and related comprehensive plan amendment **by June 12, 2025**. Local governments in NFRWSP area are required by subparagraph 163.3177(6)(c)3., F.S., to modify the potable water sub-elements of their comprehensive plan.

The St. Johns River Water Management District (SJWMD) approved the 2023 North Florida Regional Water Supply Plan (NFRWSP) December 12, 2023. In accordance with Section 163.3177(6)(c)4, Florida Statutes, all **jurisdictions are required to adopt an updated WSFWP** and related comprehensive amendment **within 18 months of approval of the [2023 NFRWSP](#)**.



On February 27, 2025 the City of Flagler Beach City Commission approved Resolution 2025-18. The engineering firm of MEAD & HUNT is preparing the Water Supply Facilities Supply Plan (WFSP) for amount not to exceed \$59,348.

Local governments are required to adopt water supply facilities work plans and related amendments into their comprehensive plans. The work plan contains information to update the comprehensive plan's capital improvements element, and provide specifics about the need for and location of public facilities, principles for construction, cost estimates, and a schedule of capital improvements.

#### **NEXT STEPS:**

The Planning and Architectural Review Board (**PARB**) to review **DRAFT** and make **recommendation to the City Commission at May 6, 2025 Regular Meeting.**

The **City Commission to consider adoption of Water Supply Facilities Plan at first reading on May 8<sup>th</sup> and consider adoption of plan on 2<sup>nd</sup> reading, May 22<sup>nd</sup>.**

The WSFP is then **transmitted to the St. Johns River Water Management District (SJRWMD)** and the **Florida Department of Environmental Protection (DEP)**, as they are responsible for water resource management and planning. **Deadline June 12, 2025.** (*Hearing Dates Pending City Clerk and City Attorney input*).

The WSFP is then **incorporated into the Comprehensive Plan in the Capital Improvement Element** as part of the **EAR update** and **transmitted to the State** along with required legislative updates.

##

**Action Item: Address changes in state requirements since the last update of the Comprehensive Plan and include updates to the Comp Plan based on local conditions.**

#### **Evaluation and Appraisal Reports (EAR) – City of Flagler Beach January 1, 2026**

Local governments must follow the provisions below:

1. Every seven (7) years amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated (Flagler Beach 01/01/2019).
2. Notify the state land planning agency by letter of this determination.
3. If amendments to the comprehensive plan are necessary, local government shall prepare and transmit proposed amendment to the State Land Planning Agency within one year of determination.
4. Local governments failing to submit proposed amendment may not amend its comprehensive plan until it complies.
5. The evaluation and appraisal should **address changes in state requirements since the last update of the comprehensive plan and update the comprehensive plan based on changes to local conditions.**

**Action Items: Required Legislative Updates 2021-2024 in Comprehensive Plan**

LEGISLATION	Comp Plan Element	Summary	PARB	City Commission	Complete
Senate Bill 496 House Bill 59	Growth Management	Property Rights	09/03/24	Transmitted to State Approved	Ord# 2024-20
WFSP	Capital Improvement	Incorporate alternate water supply (AWS) projects; Identify AWS projects, traditional water supply projects and conservation and reuse to meet water needs identified in NFRWSP. Include work plan, covering a 10-year planning for building public, private and water supply facilities.	05/06/25	CC 05/08 1 <sup>st</sup> Reading CC 05/22	Due 06/12/25 to SJRWMD/DEP  Transmit to DOE as comp plan EAR Update
Senate Bill 962 House Bill 981	Future Land Use	Allow Mixed Use in GC if portion of project includes affordable housing. Precursor to Live Local Act.	Tentative PARB 05/06/2025		Due 10/2025
House Bill 487 Senate Bill 1247	Future Land Use	Bill increases maximum acreage of small-scale comprehensive plan amendment from 10 acres to 50 acres.	Tentative PARB 05/06/2025		Due 10/2025

LEGISLATION	Comp Plan Element	Summary	PARB	City Commission	Complete
Senate Bill 102	Future Land Use	Preempts local government limits on height and density in commercial and mixed-use zones. Suspends requirement for zoning or comprehensive plan amendments. Prohibits local governments from imposing rent control. Creates new property tax exceptions for new or rehabbed affordable housing units.	Tentative PARB 05/06/2025		Due 10/2025
Senate Bill 1624 House Bill 645	Future Land Use	Bill allows resiliency facilities in commercial land use and prohibits local development regulations that conflict with resiliency facility citing, and increases length of gas lines from 50 to 100 miles.	Tentative PARB 05/06/2025		Due 10/2025

**NEXT STEPS:**

**Draft state legislative requirements to update the City of Flagler Beach Comprehensive Plan for PARB and City Commission review and adoption.**

**Transmit comprehensive plan legislative updates to the State Florida Commerce** Transmit three copies of the adopted comprehensive plan amendment within ten working (10) days after the final adoption hearing to the State Land Planning Agency and one copy to other agencies and/or local governments that provided comments per 163.3184(3)(c)2.