

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, May 7, 2013 at 5:30 p.m.

City Hall Commission Chambers

Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of April 2, 2013.
5. New Business:
 - A. Application #SP 13-05-01
Site Plan Review for Finn's Beachside Pub Front Patio Renovation.
Applicant: Darrell Mulvenna
101 North Ocean Shore Boulevard
Property Owner: HP Rental, Inc.
 - B. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending the *City of Flagler Beach Code Of Ordinances, Appendix "A", Land Development Regulations, Section 2.06.09, "Removal of Trees"*; providing a definition for specimen trees; providing exemptions to tree replacement requirements; amending the requirement to make tree bank payments in lieu of replacement; providing for codification, conflicts, and an effective date.
 - C. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.06.06 of the *Land Development Regulations* to modify the list of site plan review findings into multi-family and motel structure standards; amending Section 8.00.15 of the *Land Development Regulations* to modify the list of reasons for site plan denial by the Planning and Architectural Review Board; provide the standards and conditions essential to ensure that site plan applications contain sufficient information for review and approval; providing for codification, conflicts, and an effective date.
6. PARB Member Comments.
7. 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. 235 at least 72 hours prior to the meeting.

Please take notice that individual Elected Officials of the City of Flagler Beach may attend this meeting. Those Elected Officials who attend will not take any action or take any vote at this committee meeting. This is not an official meeting of the Flagler Beach City Commission. This notice is being provided to meet the spirit of the Sunshine Law to inform the public that Elected Officials may be present at this committee meeting.

Posted May 1, 2013

Planning and Building Department

P.O. Box 70 • 116 3rd Street South, Flagler Beach, Florida 32136 • Phone (386) 517-2000 • Fax (386) 517-2016



City of Flagler Beach

To: Don Deal, Chairperson, Planning and Architectural Review Board
Planning and Architectural Review Board Members

FROM: Chad T. Lingenfelter, AICP, PTP, City Planner

RE: #SP 13-05-01 – Finn's Beachside Pub Front Patio Renovation Site Plan Review

DATE: May 1, 2013

Applicant: Darrell Mulvenna, 300 Marina Bay Drive, #304, Flagler Beach, Florida 32136

Property Owner: HP Rental, Inc., 473 Palm Avenue, Ormond Beach, Florida 32174

Property: 101 North Ocean Shore Boulevard – 12-12-31-4500-00070-0090

Future Land Use: Commercial

Zoning District: General Commercial (Downtown A1A Retail Corridor Overlay)

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Article II., Zoning*, the applicant is requesting approval of a site plan for front patio renovation to increase the existing patio to 714 square feet. The subject property is occupied by a 3,247 square foot commercial building. This building is occupied by Finn's Beachside Pub.

Analysis

The applicant's application includes plans that indicate the size and architectural treatment of the proposed front patio renovation. The proposed front patio renovation will also bring uses of the building to be closer to the sidewalk, enhancing the pedestrian experience. The proposed front patio renovation includes a railing at the perimeter that will function as a barrier for the business and reduce encroachments onto the sidewalk. Consistent with the Downtown A1A Retail Corridor section of the Downtown Design Guidelines, this building addition on a corner lot will "be orientated to the street corner and the pedestrian street," "maximize the street frontage of the building," "be situated on a diagonal axis to establish architectural character and building frontage ingress/egress," and "accommodate a line of vision for vehicular traffic from two streets."

Pursuant to Section 2.06.06., Site Plan Review., "Before approving the site plan, the Planning and Architectural Review Board shall make findings with respect to the following:"

1. Traffic access – All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.

The proposed front patio renovation does not affect any existing site access points.

2. Circulation and parking – That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.

The subject property does not have any off-street parking spaces. Additionally, the subject property is within the Central Business District Exclusion, as described in Section 2.06.10., where the area is "...exempt from furnishing parking facilities, as required by this ordinance." Therefore, this criterion is not applicable.

3. Disposal of usable open space – That in accordance with the spirit and intent of this ordinance, wherever possible, usable open space is disposed of in such a way as to insure the safety and welfare of residents or guests.

The area proposed for the front patio renovation is presently paved, actively used by the business, and not available for disposal.

4. Arrangement of buildings – That adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one (1) exterior exposure. Laundry facilities, including washing machines and clothes dryers, shall be available for multifamily dwellings on the premises for use by all occupants of the premises, if hookups for such facilities are not provided in each unit.

The proposed front patio renovation is to the first floor, approximately two (2) feet above the existing grade, and will remain in the open (not covered by a roof). Therefore, the proposed building addition will not impede the light, air, access and privacy of the adjacent buildings or property.

5. Proper landscaping – That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this section, proper screening and buffer zones may be required. The location and type of plants or materials shall be shown on the development plan. Furthermore, all landscaping shall comply with the criteria established in Section 5.04.00 Landscaping/Trees.

The building site is presently improved and the applicant did not provide any opportunities for landscaping.

6. Supplemental controls – In reviewing the proposed site plan for one (1) or more multi-family or motel structures, the Planning and Architectural Review Board shall be guided by the following:

This criterion is not applicable.

Recommendation

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the site plan of the proposed front patio renovation on the subject property.

Enclosures: Application, Floor Plan, and Elevations

Apr 14 13 08:51p FINNS

SPR#: _____ DATE FILED: _____ PARB Date: _____ CC: _____

SITE PLAN REVIEW APPLICATION

PROJECT TITLE: Finns Front Patio Reno
PROJECT ADDRESS: 101 N Hwy A1A Flagler Beach
SUBDIVISION: George Moody BLOCK: 7 LOT(s): 9-10
TAX ID NUMBER: 20-3653829 ZONING DISTRICT: 6C

OWNERS INFORMATION:

OWNERS NAME: HP Rental
ADDRESS: 413 Palm Ave Ormond Bch FL 32174
PHONE NUMBER: 386 4512445 FAX NUMBER: 386 6730151
E-MAIL: pooldude8178@pelisouth.net
SIGNATURE OF OWNER: [Signature]

APPLICANTS INFORMATION:

APPLICANTS NAME (IF OTHER THAN OWNER): Darrell Maltrana
ADDRESS: 304 300 Marine Bay Dr
PHONE NUMBER: 386 503 9246 FAX NUMBER: 386-693 4392
E-MAIL: darmlv@yahoo.com
SIGNATURE OF APPLICANT: [Signature]

REPRESENTATIVE:

NAME: _____
ADDRESS: _____
PHONE NUMBER: _____ FAX NUMBER: _____
E-MAIL: _____
SIGNATURE OF REPRESENTATIVE: _____

REC-1
APR 17 2013



Appraiser Home	Return to Main Search Page	Previous Parcel	Next Parcel	Show Parcel Map	Sales in Area
Property Address			Parcel Number		
101 OCEANSHORE BLVD N			12-12-31-4500-00070-0090		
Owner Name and Address					
H P RENTAL INC 473 PALM AVENUE ORMOND BEACH, FL 32174					
Homestead	Primary Millage District		2012 Millage Rate	Property Type	
NO	FLAGLER BEACH REDEVELOPMENT AREA (22)		21.34920	NIGHTCLUB/	

Recent Value Information ([Historical Values](#))

LEGAL DESCRIPTION

	2010 Certified	2011 Certified	2012 Certified	
Building Value	125,398	138,223	133,196	GEORGE MOODY SUBD BLOCK 7 LOTS 9 & 10 (EXCEPT NLY 14 FT OF LOT 9, WLY 15.5 FT OF LOT 10, WLY 15.5 FT OF SLY 36 FT OF LOT 9 & SR A1A & 100)(RESTAURANT) OR 71 PG 485 OR 164 PG 17 OR 307 PG 511 OR 315/469 The legal description shown here may be condensed for assessment purposes. Exact description may be obtained from the recorded deed.
Extra Feature Value	27,269	36,481	34,930	
Land Value	178,419	127,442	101,954	
Agricultural Value	0	0	0	
* Just (Market) Value	331,086	302,146	270,080	
Assessed Value	331,086	302,146	270,080	
Exempt Value	0	0	0	
Tax Collector Information			View 2012 Trim Notice	

* Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price

BUILDING INFORMATION

Type	Construction Class	Total Area	Finished Area	Perimeter	Exterior Wall	Wall Frame
BAR/TAVERN	0C	3,247	3,247	224	CONC BLOCK	CLASS C
HVAC	Stories	Wall Height	Actual Year Built	Effective Year Built	Fire Sprinklers	Building Sketch
R/B CDS AV	1	08		1995	N/A/N/A	Show Building Sketch

EXTRA FEATURES DATA

Description	Quantity	Quantity Type	Effective Year Built
PAVG ASPH AVG <3000	680	SQUARE FEET	1990
SDWLK BRK/CONC AVG	480	SQUARE FEET	2000
RISER WD/MT AVG <300	410	SQUARE FEET	2002
DECK WD/MT AVG <300	2,019	SQUARE FEET	2002
ASPH PRKG SPACE LOW	5	UNITS	1990
CANOPY WOOD	845	SQUARE FEET	2002
FENCE VINYL AVG	50	LF	2008
GUARD RAIL MT AVG	60	LF	2008
ISLAND CONCRETE AVG	163	SQUARE FEET	2008
SDWLK BRK/CONC AVG	467	SQUARE FEET	2008
ALUM,STEEL,IRON FNC	48	SQUARE FEET	2008
SIDEWALK CONC GOOD	120	SQUARE FEET	2008

SALES INFORMATION

OR Book/Page	Sale Date	Sale Price	Instrument	Qualification	Vacant/Improved	Grantor	Grantee
315/469	05-29-1987	0	WARRANTY DEED	UNQUALIFIED	IMPROVED	GILBERT HARRY S & PEGGY H&W & PEGGY JO	
307/511	03-01-1987	0	N/A	UNQUALIFIED	IMPROVED		
164/17	03-01-1981	147,000	N/A	UNQUALIFIED	IMPROVED		

[Generate Owner List By Radius](#)

LAND INFORMATION

For land plat information see [Flagler Clerk of Court Website](#)

09 13 10:30a

FINNS

PROPERTY OWNER AUTHORIZATION

FOR USE WHEN APPLICANT IS NOT THE OWNER OF SUBJECT PROPERTY:

Property Address: 101 N. Oceanshore Blvd
Flagler Bch, FL 32136

Parcel ID: 12-12-31-4500-00070-0090

This is to certify that I am the owner of the subject property described above and that I authorize; (PRINT NAME)

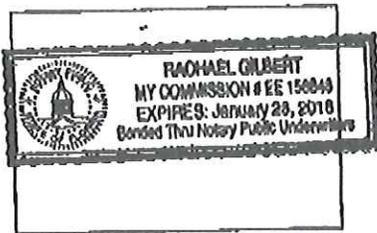
Darrell & Glenn Mvivenna to make and file the aforesaid application for site plan review.

OWNER'S SIGNATURE:

[Signature]
PRINT OWNER'S NAME: James T. Gilbert IV

Sworn to and subscribed before me this 9th day of April,
20 13. Personally known to me or produced identification:

Rachael Gilbert (type) Notary Public:
My commission expires: 1/28/16



Notary Seal

SITE PLAN REVIEW

PROJECT DESCRIPTION

PRINT OR TYPE INFORMATION

- A. Provide a detailed description of the proposed project:

Front Patio Reno, make the existing area one uniform height, and to place wrought iron railing around the area, this will provide better accessibility and better crowd control

- B. Provide the lot size (parcel) and square footage of all building(s):

5004 sq ft lot
3247 sq ft building

- C. Provide the size, height and proposed use of each building:

Concrete slab, total area 716 sq ft

- D. Provide a detailed description of the following:

Exterior finish and color: Acid wash concrete fascia, wrought iron railing
Roof material and color: N/A

- E. Indicate the project floor area ratio or lot coverage (if applicable):

716 sq ft.

- F. Provide the total number of:

Required on-site parking spaces: 0

Proposed on-site parking spaces: 0

Required on-site Handicapped parking spaces: 0

Proposed on-site Handicapped Parking spaces: 0

- G. Any off-site parking spaces proposed? If yes, describe number, location, and distance from proposed project location:

No

H. Will project be accomplished in phases? If Yes, describe phasing plans and timeframe:

No

I. Describe the nature of any tree and native vegetation removal, if applicable:

N/A

J. If a Commercial use, describe the operational characteristics of the development (proposed hours of operation, any unique characteristics of the proposed use.

Finns hrs Mon to Sat 11.00 AM until 2.00 AM
Sun 11am until 12 midnight

K. Provide other pertinent information regarding the proposed development:

In addition to providing better crowd control and increased accessibility, the development of the patio area is a continuation of the beautification of the property

Site Plan Review

Existing Conditions

A. Describe all previous uses or activities on the site:

Food Service, Drink Service
Gathering Area, Smoking Area

B. Describe all existing structures on the site in terms of their use, construction type, height, density, and size:

Block and Stucco 3247 sq ft with a wood deck on top, finished floor elevation 26.40

C. Describe the project site as it presently exists before the project in terms of:

- Site topography:

Flat

- Plant life (existing trees, vegetative cover):

N/A

- Soil conditions:

N/A

- Historic or cultural resources (if applicable):

N/A

D. Describe the land use and zoning of surrounding properties within 200 feet of project location:

North: Retail Store (Mort's Liquor) Commercial

South: ~~Veterans~~ Veterans Memorial Park Commercial

East: State Rd A1A Ocean Commercial

West: Retail Store (Jiffy) Commercial

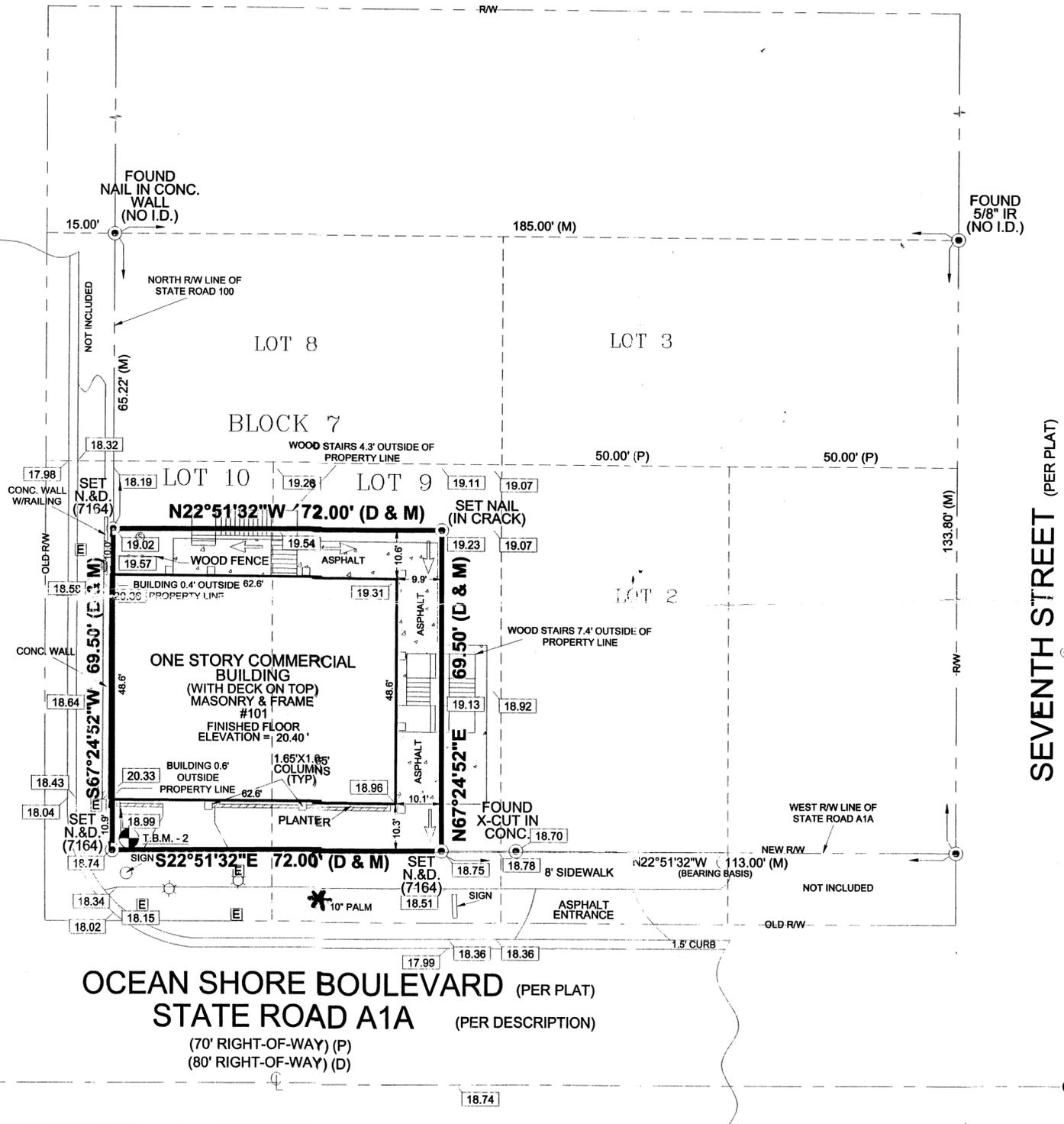
101 OCEAN SHORE BOULEVARD NORTH

CENTRAL AVENUE
(50' RIGHT-OF-WAY)

MOODY BOULEVARD (PER PLAT)
STATE ROAD 100 (PER DESCRIPTION)
(50' RIGHT-OF-WAY) (P)
(80' RIGHT-OF-WAY) (D)

SEVENTH STREET (PER PLAT)
SECOND STREET (PER SIGN)
(50' RIGHT-OF-WAY)

OCEAN SHORE BOULEVARD (PER PLAT)
STATE ROAD A1A (PER DESCRIPTION)
(70' RIGHT-OF-WAY) (P)
(80' RIGHT-OF-WAY) (D)



SURVEYORS REPORT & GENERAL NOTES:

LEGAL DESCRIPTION:

THE EASTERLY 69.5 FEET AS MEASURED ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 100 (AN 80 FOOT RIGHT-OF-WAY), OF THE SOUTHERLY 72 FEET AS MEASURED ON THE WEST RIGHT-OF-WAY OF STATE ROAD A1A (AN 80 FOOT RIGHT-OF-WAY), LOTS 8 AND 10, BLOCK 7, MOODY SUBDIVISION, OF FLAGLER BEACH, AS RECORDED IN MAP BOOK 1, PAGE 24, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LYING WESTERLY OF A1A HIGHWAY AND NORTHERLY OF STATE ROAD 100.

LEGEND:

P.R.M.	PERMANENT REFERENCE MONUMENT	○	CLEANOUT
P.C.P.	PERMANENT CONTROL POINT	□	WATER METER
P.C.	POINT OF CURVATURE	▽	WATER VALVE
P.T.	POINT OF TANGENCY	—W	WATER LINE
P.I.	POINT OF INTERSECTION	⊗	FIRE HYDRANT
P.C.C.	POINT OF COMPOUND CURVE	⊙	WELL
L.S.	LICENSED SURVEYOR	⊕	POSITIVE EFFLUENT PUMP
L.B.	LICENSED BUSINESS	⊖	SEWER CLEAN OUT
I.P.	IRON PIPE	⊗	SEWER SERVICE
I.P.C.	IRON PIPE & CAP	⊗	SEWER LINE
I.R.	IRON ROD	⊗	SEWER MANHOLE
I.R.C.	IRON ROD & CAP	⊗	RECLAIMED WATER
C.M.	CONCRETE MONUMENT	⊗	RECLAIMED WATER LINE
N&D	NAIL & DISC	⊗	ELECTRIC SERVICE
P.O.B.	POINT OF BEGINNING	⊗	ELECTRIC TRANSFORMER
P.O.C.	POINT OF COMMENCEMENT	⊗	ELECTRIC MANHOLE
N	NEASURED	⊗	OVERHEAD UTILITIES
D	DESCRIBED	⊗	UTILITY POLE
P	PLAT	⊗	GUY WIRE
R.P.	RADIUS POINT	⊗	LAMP POST / LIGHT POLE
R	RADIAL	⊗	TELEVISION PESTAL
N.R.	NOT RADIAL	⊗	TELEPHONE SERVICE
B.M.	BENCH MARK	⊗	TELEPHONE PESTAL
⊕	TEMPORARY BENCH MARK	⊗	CURB INLET
⊕	DRAINAGE MANHOLE	⊗	CATCH BASIN
CL	CENTERLINE		
R.W.	RIGHT-OF-WAY		
E.P.	EDGE OF PAVEMENT		
R.F.D.	ROOFED		
A.C.	AIR CONDITIONER		
CONC.	CONCRETE		
M.E.S.	MITERED END SECTION		
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM		
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM		
N.G.S.	NATIONAL GEODETIC SURVEY		
⊕	PROPOSED ELEVATIONS		
⊕	EXISTING ELEVATIONS		

PREPARED FOR:
HARRY S. & PEGGY GILBERT

- GENERAL NOTES:
1. TYPE OF SURVEY: BOUNDARY. FIELD WORK PERFORMED ON 8 SEPT. 2007. DATE OF ISSUE: 18 SEPT. 2007.
 2. UNDERGROUND FEATURES AND/OR UTILITIES HAVE NOT BEEN LOCATED (UNLESS OTHERWISE NOTED).
 3. DESCRIPTION SHOWN ABOVE HAS BEEN FURNISHED BY CLIENT, OR REPRESENTATIVES OF CLIENT, NO SEARCH OF PUBLIC RECORDS HAS BEEN DONE BY THIS OFFICE.
 4. SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHT OF WAYS, EITHER RECORD, PRIVATE, AND/OR VERBAL.
 5. THIS PROPERTY LIES IN ZONES X & VE (E, 12) PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 120302022 D, DATED 07-17-2008.
 6. BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF OCEAN SHORE BOULEVARD AS BEING N22°51'32"W.
 7. MARKERS FOUND ARE WITHIN REASONABLE LOCATION OF PLAT OR DESCRIPTION DIMENSION ANY "SIGNIFICANT" DIFFERENCE WILL BE SHOWN AS NOTED.
 8. MEASUREMENTS ARE IN FEET AND DECIMALS THEREOF.
 9. THIS SURVEY IS BASED SOLELY UPON THE EXISTING MONUMENTATION AS SHOWN HEREON.
 10. NO OBVIOUS BOUNDARY ISSUES WERE NOTED DURING THE FIELD SURVEY UNLESS OTHERWISE NOTED.
 11. THIS SURVEY SHOWS THE CONSTRUCTED IMPROVEMENTS THAT WERE LOCATED.
 12. THIS SURVEY IS VALID IN ACCORDANCE WITH FLORIDA STATUTE 627.7842 FOR A PERIOD OF 90 DAYS FROM DATE OF CERTIFICATION.
 13. THIS SURVEY WAS PREPARED FOR THE EXPLICIT PURPOSE OF OBTAINING A MORTGAGE AND/OR TITLE POLICY THEREON, UNLESS STATED OTHERWISE HEREON.
 14. ERROR OF CLOSURE DOES NOT EXCEED 1:10,000.

BENCHMARK INFORMATION

STATION NAME	(SEE data.tblins.org FOR DESCRIPTION)
AIRPORT NO 2	
ELEVATION = 8.56'	N.G.V.D. 1929

T.B.M. - 1 NAIL & DISC (NO I.D.) AT THE INTERSECTION OF OCEAN SHORE BOULEVARD AND MOODY BOULEVARD. ELEVATION = 18.72'
T.B.M. - 2 NAIL & DISC #7164 LOCATED AT SOUTHEAST CORNER OF PROPERTY. ELEVATION = 18.74'

REVISED:

REVISIONS:

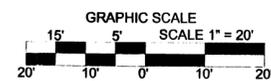
SCALE: 1" = 20'
FILE NUMBER: 441-07PC
DRAWN BY: NYV

DIMARSICO SURVEYING INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
SERVING FLAGLER & VOLUSIA COUNTIES
1001 EAST MOODY BLVD., BUNNELL, FLA., 32110
P.O. BOX 350404, PALM COAST, FLORIDA, 32135
PHONE: (386) 586-1274 FAX: (386) 586-1275

CERTIFICATE OF AUTHORIZATION NUMBER L.B. 7164

I HEREBY CERTIFY THAT THE SURVEY DESCRIBED HEREON IS THE OPINION OF THE SIGNING SURVEYOR, AND THAT SAID SURVEY WAS COMPLETED UNDER MY RESPONSIBLE CHARGE.

Ralph Dimarsico
RALPH DIMARSICO (PROFESSIONAL SURVEYOR AND MAPPER NO. 8186, STATE OF FLORIDA)
1001 EAST MOODY BLVD., BUNNELL, FLA.
SURVEY NOT VALID WITHOUT SURVEYORS SIGNATURE AND EMBOSSED SEAL



Flagler County Property Appraisers Office

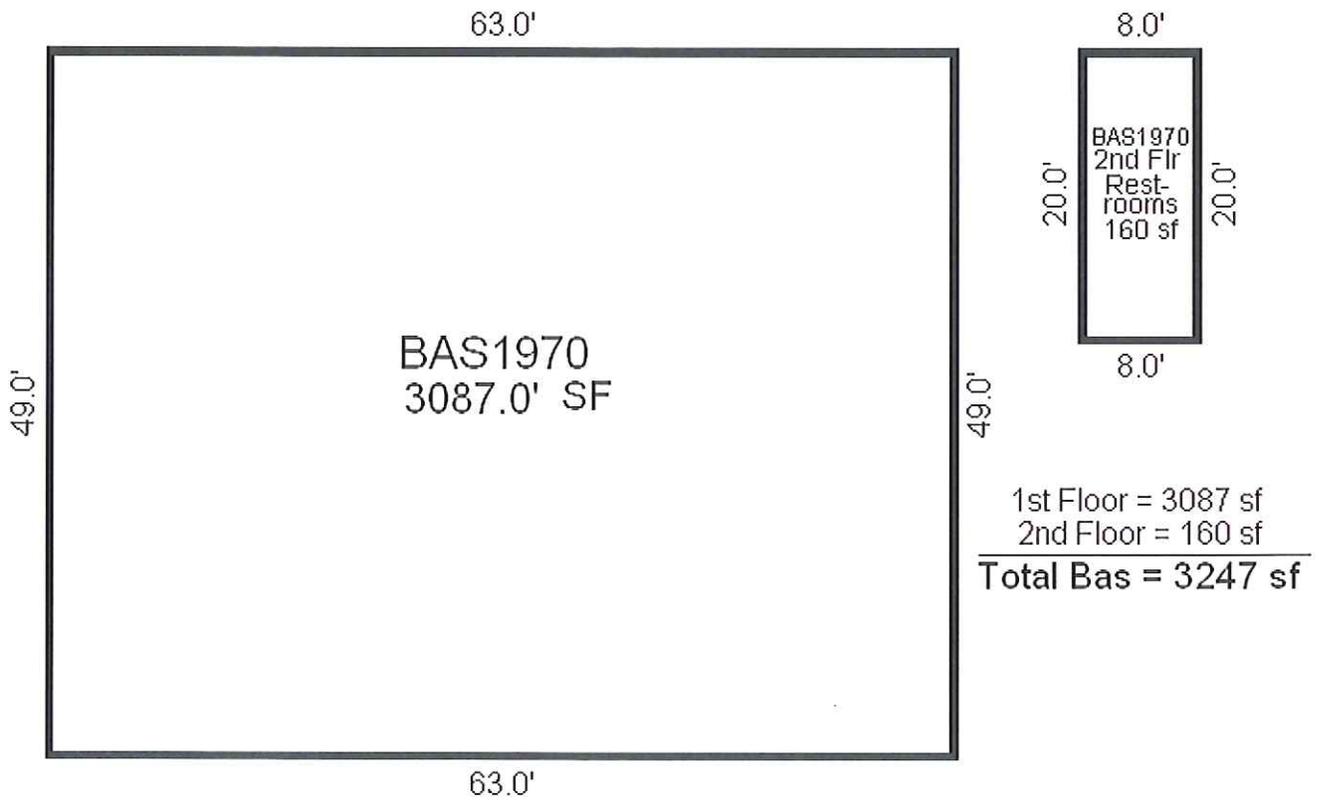
Parcel Number: 12-12-31-4500-00070-0090

Building Number: 1

Traversal Information:

BAS1970=3247S.

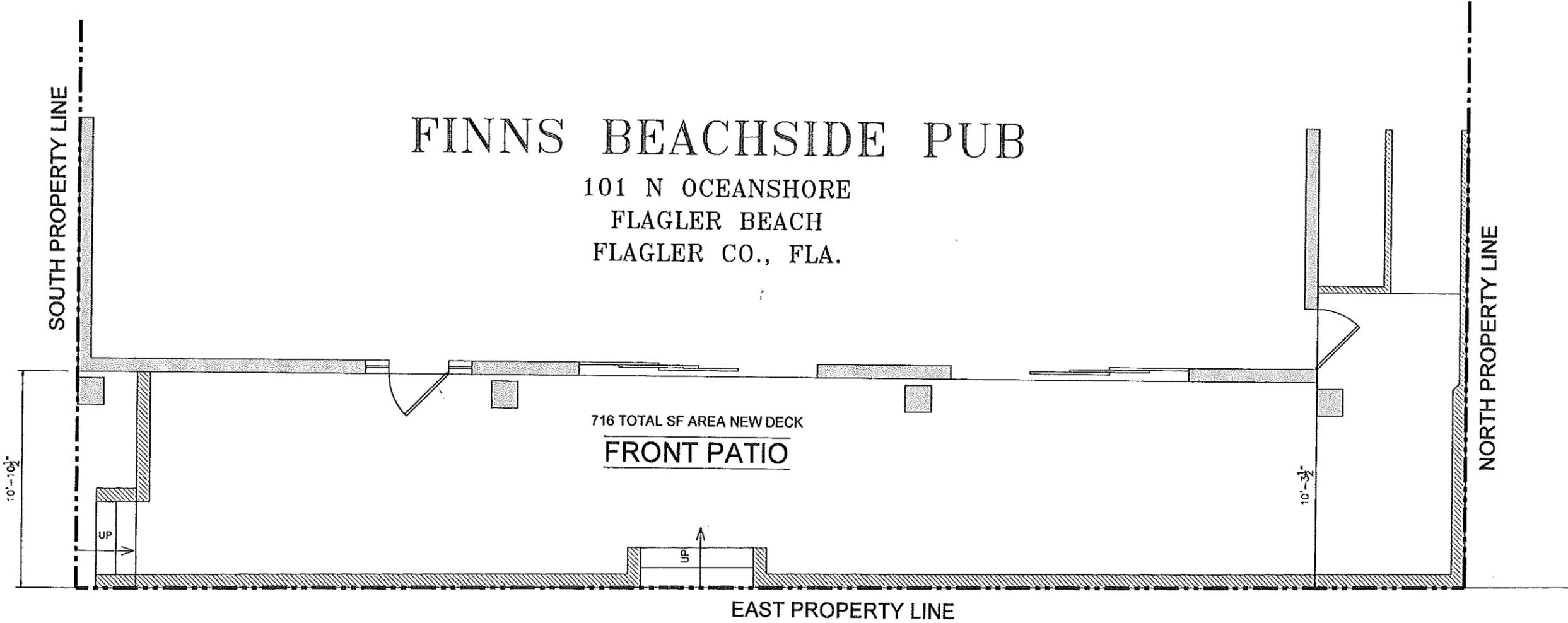
Color	Area Type	Area Type Description	Area Sq Ft
	BAS	HEATED BASE AREA	3247



Sketch by Apex IV™

FINNS BEACHSIDE PUB

101 N OCEANSHORE
FLAGLER BEACH
FLAGLER CO., FLA.



716 TOTAL SF AREA NEW DECK
FRONT PATIO

10'-10 1/2"

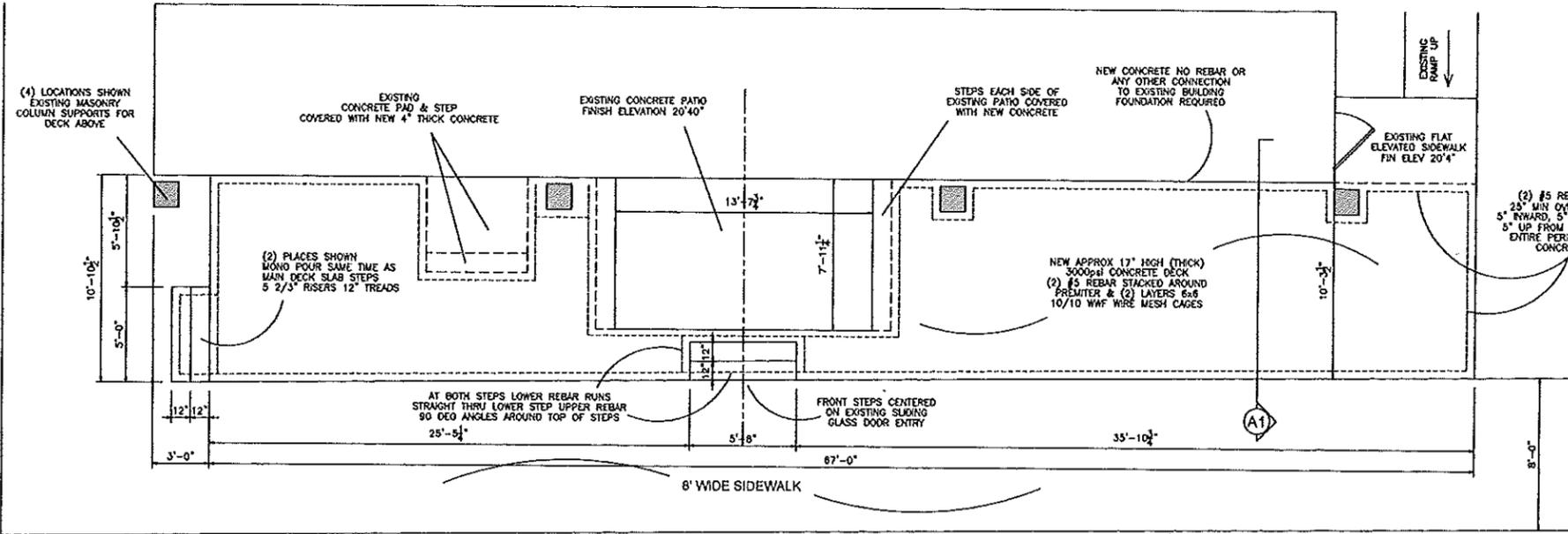
10'-3 1/2"

EAST PROPERTY LINE

8' WIDE SIDEWALK

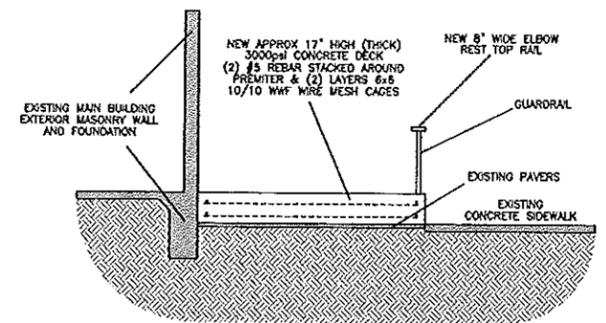
FLOOR PLAN

SCALE: 1/4" = 1'-0"

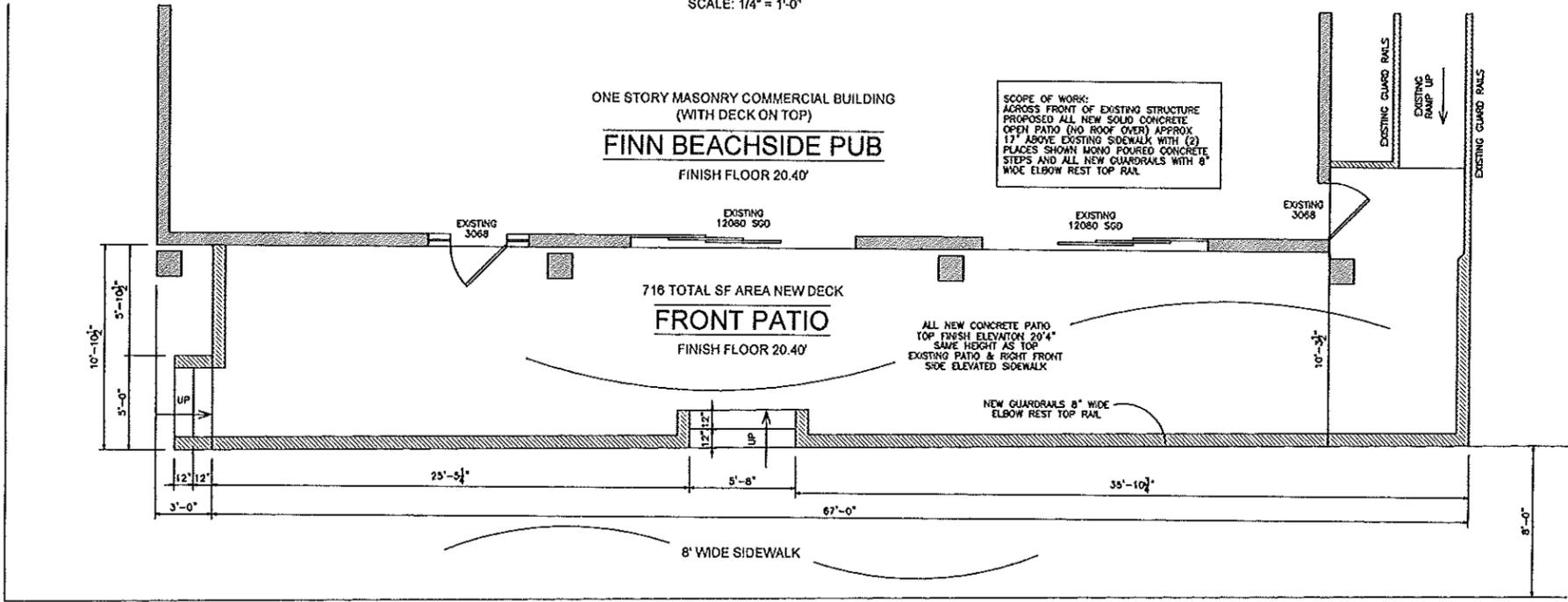


FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



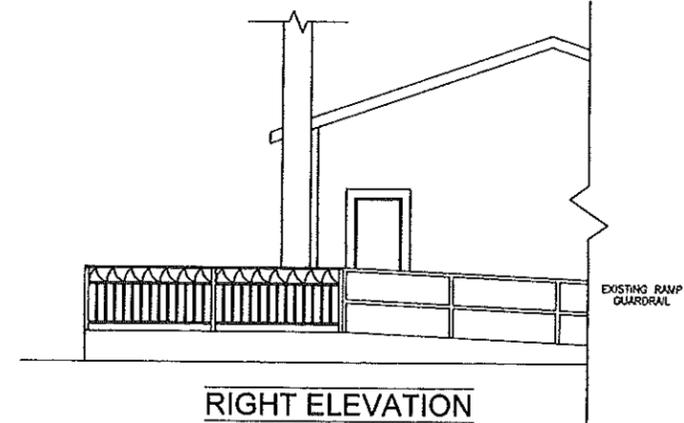
A1 CONCRETE DECK CUT DETAIL



FLOOR PLAN

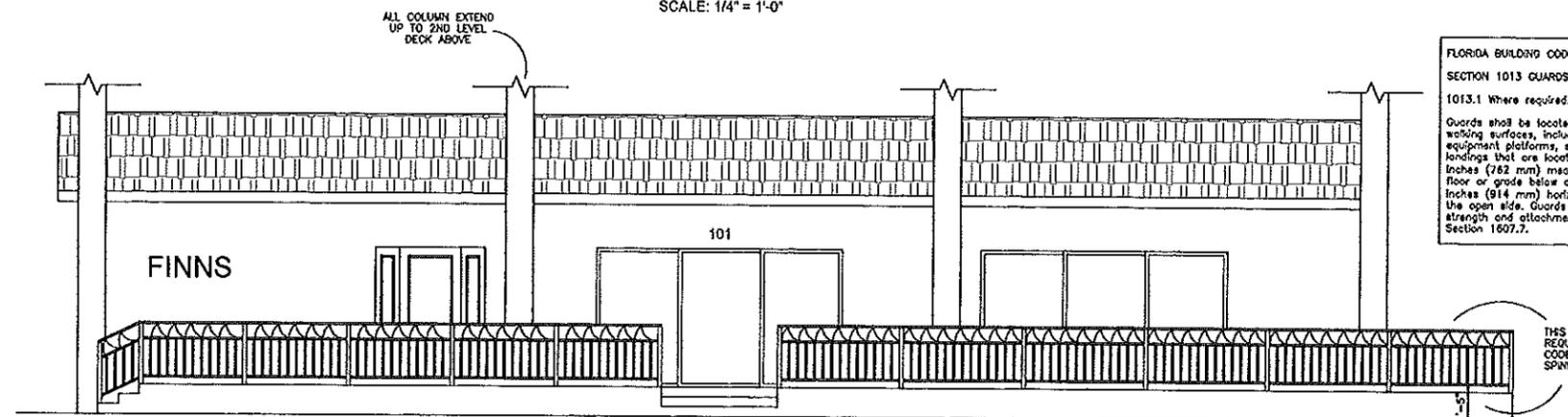
SCALE: 1/4" = 1'-0"

SCOPE OF WORK:
ACROSS FRONT OF EXISTING STRUCTURE PROPOSED ALL NEW SOLID CONCRETE OPEN PATIO (NO ROOF OVER) APPROX 17" ABOVE EXISTING SIDEWALK WITH (2) PLACES SHOWN MONO POURED CONCRETE STEPS AND ALL NEW GUARDRAILS WITH 8" WIDE ELBOW REST TOP RAIL



RIGHT ELEVATION

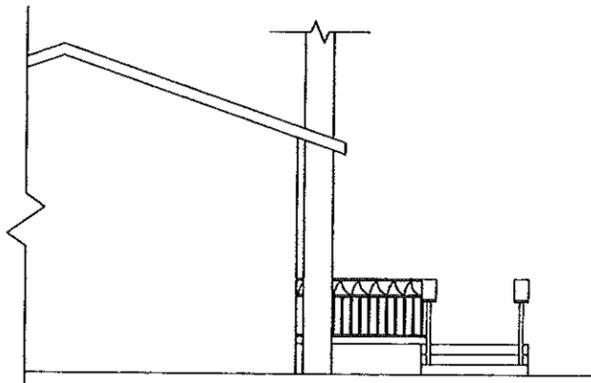
SCALE: 1/4" = 1'-0"



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

FLORIDA BUILDING CODE 2010 (BUILDING) SECTION 1013 GUARDS 1013.1 Where required. Guards shall be located along open-sided walking surfaces, including mezzanines, equipment platforms, stairs, ramps and landings that are located more than 30 inches (762 mm) measured vertically to the floor or grade below at any point within 36 inches (914 mm) horizontally to the edge of the open side. Guards shall be adequate in strength and attachment in accordance with Section 1007.7.



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

ALL CONTRACTORS & SUB-CONTRACTORS PLEASE CHECK & TRY TO HELP RESOLVE ANY CONFLICTS OR DISCREPANCIES ON THESE PLANS & ARE TO INQUIRE THE BUILDER AND DESIGNER BEFORE CONSTRUCTION.

COPYRIGHT NOTICE
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STUNSTATEDESIGN.COM

DEL CONSTRUCTION INC.
DEL CONSTRUCTION INC.
CONCRETE DECK
Customized For
FINNS BEACHSIDE PUB

Peter Lyden
CELL (386) 931-2568
PHONE (386) 437-3323
FAX (386) 313-3445
EMAIL: plyden@cfi.flr.com

JOB NUMBER
1751

PLAN DATE
4/8/13

SURF FLORIDA

"PLANS CONFORM TO"
2010 FLORIDA BUILDING CODE
8008 NATIONAL ELEC CODE
ASCE 7-10 DESIGN CRITERIA
STRUCTURALLY ADEQUATE FOR
ALTERATION LEVEL 2
RISK CATEGORY: 2
WIND VELOCITY (MPH): 140
EXPOSURE CATEGORY: D
INTERNAL PRESSURE: M/A

STANLEY F. HOELLE, ARCH. #9033
4 LOFT BYRON WAY
CELL 386-293-9750

LOT:
101 N OCEANSHORE
FLAGLER BEACH
FLAGLER CO., FLA.

FLOOR PLAN

SHEET
2

- 40 A. Tree. Any self-supporting woody plant of a species which normally grows to an overall
41 height of a minimum of fifteen (15) feet in the city, and having a trunk diameter of six (6)
42 inches or more measured two (2) feet above grade, including but not limited to Southern
43 Red Cedar, Live Oak, Water Oak, Southern Magnolia, Redbay, Palm or Pine.
44
- 45 B. Person, applicant, subdivider and developer. An individual, partnership, corporation,
46 association or other legal entity, being the owner or authorized agent of the owner of the
47 lot, parcel or tract for which a permit is required, including the city and shall include the
48 plural as well as the singular.
49
- 50 C. Remove or removal. Includes the actual removal and effective removal through
51 damaging.
52
- 53 D. Unimproved lot. Any lot or tract which does not contain a structure that is usable for a
54 residence or business.
55
- 56 E. Lot. Any lot, tract or other parcel of land within the city.
57
- 58 F. Buildable area. That portion of a site on which a structure or improvements, including
59 driveways and parking lots, are planned to be erected.
60
- 61 G. Yard area. An open space on the same lot with a building, said space being unoccupied
62 and unobstructed from the ground upward, with the exception of trees and other natural
63 vegetation.
64
- 65 H. Dripline. A vertical line running through the outermost portion of the tree crown
66 extending to the ground.
67
- 68 I. Native vegetation. That vegetation other than trees, grasses and weeds existing on the lot
69 or tract, in its natural condition prior to any construction or clearing activities.
70
- 71 J. Canopy Tree. A tree that when mature provide a dense overhead canopy that provides
72 shade.
73
- 74 K. Accent Tree. A tree that provides the primary function of decoration that does not
75 provide a dense overhead canopy.
76
- 77 L. Specimen Tree. Any of the following tree species, including any subspecies: Ash,
78 Blackcherry, Cherry Laurel, Bald Cypress, Pond Cypress, Elm, Hickory, Holly,
79 Magnolia, Maple, Oak, Eastern Redbud, Red Cedar, Sweetgum, American Sycamore,
80 Black Tupelo, Swamp Tupelo, Yellow Poplar.
81

82
83 * * *
84

85 (4) Eligibility for tree removal. If a tree meets any of the following criteria, a tree removal
86 permit shall be issued:

87 A. The tree is located in a buildable area, street or parking area where a structure or
88 improvement is to be placed, or within the area necessary to provide utility service to the
89 lot and there is no reasonable alternative placement for the structure or improvement;

90 B. The tree is within five (5) feet of a proposed structure or improvement such that it
91 restricts actual construction or proposed use of the structure or improvement, except if
92 such tree sought to be removed is within the building setback line and the intended
93 structure or improvement can be built as designed in a location that does not require
94 removal of such tree, then the City Manager or designee shall have the power to require
95 relocation of the proposed structure in order to preserve such trees within the setback
96 line;

97 C. The tree is severely diseased, injured, and in danger of falling or is severely diseased,
98 injured and too close to existing or proposed structures so as to endanger such structures
99 or interfere with utility services;

100 D. Where removal is necessary to permit better growth and balance for those trees
101 remaining.

102 E. It is in the welfare of the general public that the tree be removed for a reason other
103 than set forth above.

104 F. Where removal is necessary for a medical reason and such reason is documented by a
105 licensed physician.

106
107
108 * * *

109
110 (11) *Tree replacement requirements and schedule.*

111 A. Specimen Trees lawfully removed from properties other than single family residential
112 lots pursuant to section 2.06.09(5) shall be replaced by the property owner with trees of
113 the same type and similar size as the one removed. If it is not possible to replace the
114 tree(s) with those of the exact size as the one(s) destroyed, the following replacement
115 requirements shall apply:

116 (i) A canopy tree must be replaced by a canopy tree.

117 (ii) An accent tree may be replaced with an accent or canopy tree.

118 ~~(iii) Each illegally removed tree must be replaced with containerized (not field~~
119 ~~grown) trees of a cumulative trunk diameter equal to or greater than the sum in~~
120 ~~inches of each inch of the diameter at breast height the of tree removed and no~~
121 ~~tree may be used as a replacement tree that has less than six (6) inch caliper~~
122 ~~measured two (2) feet above grade when feasible.~~

123 ~~(iv)(iii)~~ Replacement trees may be no less than ~~twelve (12)~~ eight (8) feet high.

124
125 B. All trees, except for exempt species, unlawfully removed from any property without a
126 permit shall be replaced by the property owner with trees of the similar size as the one removed.
127 If it is not possible to replace the trees with those of the exact size as the ones destroyed, the
128 following replacement requirements shall apply:

129 (i) A canopy tree must replaced by a canopy tree.

130 (ii) An accent tree may be replaced with an accent or canopy tree

131 (iii) Each unlawfully removed tree must be replaced with containerized (not field
132 grown) trees of a cumulative trunk diameter equal to or greater than the sum in inches of each
133 inch of the diameter at breast height of the tree removed and no tree may be used as a
134 replacement tree that has less than six (6) inch caliper measured two (2) feet above grade when
135 feasible.

136 (iv) Replacement trees may be no less than six (6) feet high.

137
138 BC. In the event it is impossible or impractical to replace trees as provided in (11)A or B.
139 above, A fee in lieu of tree replacement shall be placed in a fund for a tree bank and
140 shall be assessed in accordance with the following schedule:

141
142 (i) Individual single-family residential lots (when replacement required by (11)B):

- 143 a. Six-inch to less than 10-inch DBH, \$25.00 per inch removed.
144 b. Ten-inch to less than 20-inch DBH, \$50.00 per inch removed.
145 c. Twenty-inch to less than 30-inch DBH, \$75.00 per inch removed.
146 d. Thirty-inch and greater DBH, \$100.00 per inch removed.

147 (ii) All other developments:

- 148 a. Six-inch to less than 8-inch DBH, \$50.00 per inch removed.
149 b. Eight-inch to less than 15-inch DBH, \$100.00 per inch removed.
150 c. Sixteen-inch to less than 24-inch DBH, \$125.00 per inch removed.
151 d. Twenty-five-inch and greater DBH, \$150.00 per inch removed.
152

153 **SECTION 3. Codification.** It is the intent of the City Commission of the City of
154 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted
155 broad and liberal authority in codifying the provisions of this Ordinance and renumbering
156 subsections consistent with this Ordinance.

157 **SECTION 4. Severability.** If any section, sentence, clause or phrase of this Ordinance
158 is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding
159 shall in no way affect the validity of the remaining portions of this Ordinance.

160 **SECTION 5. Repeal of conflicting ordinances.** In any case where a provision of this
161 Ordinance is found to be in conflict with provisions of any other ordinance of this City, the
162 conflicting provisions of the previous ordinance shall be repealed by this Ordinance.

163 **SECTION 6. Effective date.** This Ordinance shall take effect after final adoption as
164 provided by the Charter of the City of Flagler Beach.

165
166 PASSED ON FIRST READING THIS _____ DAY OF _____, 2013.

167 PASSED AND ADOPTED THIS _____ DAY OF _____, 2013.

168

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179

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk

44 site plan have been provided in accordance therewith. Before approving the site plan,
45 the planning and architectural review board shall make findings with respect to the
46 following:

47 1. ~~Traffic access—All proposed site traffic access ways are adequate, but not~~
48 ~~excessive in number, adequate in grade, width, alignment and visibility, and not~~
49 ~~located too near street corners, entrances to schools or places of public assembly~~
50 ~~and other similar considerations.~~

51 2. ~~Circulation and parking—That the interior circulation system is adequate and that~~
52 ~~all required parking spaces are provided and are easily accessible.~~

53 3. ~~Disposal of usable open space—That in accordance with the spirit and intent of~~
54 ~~this ordinance, wherever possible, usable open space is disposed of in such a way~~
55 ~~as to insure the safety and welfare of residents or guests.~~

56 4. ~~Arrangement of buildings—That adequate provision has been made for light, air,~~
57 ~~access and privacy in the arrangement of the buildings to each other. Each~~
58 ~~dwelling unit shall have a minimum of one (1) exterior exposure. Laundry~~
59 ~~facilities, including washing machines and clothes dryers, shall be available for~~
60 ~~multifamily dwellings on the premises for use by all occupants of the premises, if~~
61 ~~hookups for such facilities are not provided in each unit.~~

62 5. ~~Proper landscaping—That the proposed site is properly landscaped, the purpose~~
63 ~~of which is to further enhance the natural qualities of the land. As provided~~
64 ~~elsewhere in this section, proper screening and buffer zones may be required. The~~
65 ~~location and type of plants or materials shall be shown on the development plan.~~
66 ~~Furthermore, all landscaping shall comply with the criteria established in Section~~
67 ~~5.04.00 Landscaping/Trees.~~

68 6. ~~Supplemental controls—In reviewing the proposed site plan for one (1) or more~~
69 ~~multi-family or motel structures, the planning and architectural review board shall~~
70 ~~be guided by the following:~~

71 a~~1~~. ~~Maximum length—The maximum length of any group of attached structures shall~~
72 ~~not exceed one hundred fifty (150) feet. A building group may not be so arranged~~
73 ~~as to be inaccessible by emergency vehicles.~~

74 b~~2~~. ~~Distance between buildings—The front or rear of any building shall be no closer~~
75 ~~than thirty (30) feet to the front or rear of any other building. The side of any~~
76 ~~building shall be no closer than ten (10) feet to the side, front or rear of any other~~
77 ~~building.~~

78 e~~3~~. ~~Distance between buildings and driveways—No driveway or parking lot should~~
79 ~~be closer than ten (10) feet to the front of any building or less than five (5) feet to~~
80 ~~the side or rear of any building.~~

81 In the case of an enclosed garage or carport provided as a portion to the main
82 structure, distance requirements for driveways providing access to these
83 accommodations shall not apply.

84 d~~4~~. ~~Recreation space—There shall be provided on the site of a multi-family~~

85 development an area or other areas, either enclosed or unenclosed, devoted to the
86 joint recreational use of the residents thereof. Such recreation space shall consist
87 of not less than two hundred (200) square feet of space per dwelling unit. Each
88 such recreation space shall be developed with passive and active recreation
89 facilities.

90 There shall be provided on the site of a hotel or motel development an area or
91 areas devoted to the joint recreational use of the guests thereof.

92 e5. Off-street parking spaces—There shall be provided on the site of such
93 development an area or areas devoted to the storage of automobiles. The number
94 and their provision shall be provided for as required by Section 2.06.02.1.

95 **SECTION THREE.** Article VIII, “Administration and Enforcement,” of the *City of*
96 *Flagler Beach Land Development Regulations* is hereby amended as set forth below:

97 **ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

98 ***

99 Sec. 8.00.15. - Denial of approval.

100 The planning and architectural review board shall have the right to disapprove any plans
101 and specifications submitted because of any of the following:

102 ~~1. Failure to include information in such plans and specifications as may have been~~
103 ~~requested;~~

104 ***

105 **Sec. 8.05.00. - Site Plan Approval.**

106 Section 8.05.01. In General.

107 1. The provisions of this article are in addition to those for the subdivision of
108 land, where sale of individual lots is also proposed.

109 Section 8.05.02. Site Plan Classification and Approval Responsibility.

110 1. Site plan required. Prior to issuing a building, stormwater management, or
111 tree and native vegetation removal permit, a site plan drawn to a scale no
112 smaller than 1"=50' must be submitted to the planning and building
113 department and approved by the reviewing entity as indicated below.

114 2. Site plan classification. There shall be two (2) categories of site plans to be
115 reviewed: class I site plans and class II site plans. The description of each
116 class of site plan and the entity responsible for reviewing and approving the
117 site plan is contained below. The city manager or designee shall determine
118 which site plan review and approval is required in case it is not evident
119 which review and approval procedure is appropriate for a development.

120 A. Class I site plan. A class I site plan is required for the following
121 development:

122 (1) Erection of sign(s);

- 123 (2) Erection of fence(s);
124 (3) Construction of single-family residences;
125 (4) Construction of duplex residences;
126 (5) Interior remodeling to single-family and duplex residences;
127 (6) Structures accessory to single-family residences and duplexes;
128 (7) Driveways and sidewalks for single-family and duplex
129 residences;
130 (8) Additions to single-family and duplex residences;
131 (9) Parking lots containing less than 24 automobile parking spaces
132 that are not associated with a structure requiring class II site plan
133 approval;
134 (10) Interior and exterior remodeling to existing non-residential or
135 multi-family residential structures;
136 (11) Additions or structures accessory to existing non-residential or
137 multi-family residential structures provided said addition or
138 accessory structure does not exceed ten percent of the existing
139 first floor building area or 500 square feet, whichever is greater;
140 (12) Conversion of a residential unit to a non-residential use; and
141 (13) Change in use.
142 B. The planning and building department shall be the entity responsible
143 for reviewing and approving minor class I site plans
144 C. Class II site plan. A class II site plan is required for the following
145 development:
146 (1) Multi-family residential projects consisting of three (3) or more
147 units.
148 (2) Duplex projects consisting of three (3) or more duplex buildings
149 - six (6) units.
150 (3) New non-residential buildings or structures.
151 (4) Additions to any existing multi-family residential project or
152 existing non-residential structure, which do not meet the criteria
153 for class I site plan approval.
154 (5) Accessory structures associated with any existing multi-family
155 residential project or existing non-residential structure, which
156 does not meet the criteria for class I site plan approval.
157 (6) Conversion of a transient lodging facility that converts to multi-
158 family residential or non-residential.
159 (7) Parking lots containing more than 24 automobile parking spaces
160 not associated with a building requiring class II site plan

161 approval.

162 D. The planning and architectural review board shall be the entity
163 responsible for reviewing and approving class II site plans.

164 Section 8.05.03. Approval Process.

165 1. Class I site plan.

166 A. The applicant shall submit to the planning and building department
167 two (2) sets of class I site plans. The following information shall be
168 included on a class I site plan:

169 (1) Outside dimensions of proposed structures;

170 (2) Dimensions of proposed structure(s) from property lines;

171 (3) Description of proposed structure(s);

172 (4) Height above finished grade of proposed structure(s);

173 (5) Number of square feet of proposed structure(s) in the building
174 footprints;

175 (6) Lot coverage of structure(s) in the building footprints;

176 (7) Lot dimensions;

177 (8) Indicate kitchen facilities;

178 (9) Location(s) and dimension(s) of accessory equipment (e.g.,
179 outside central air conditioning units);

180 (10) Number, location and dimension(s) of parking spaces (including
181 bumper stops);

182 (11) Location of jurisdictional wetlands boundary line if on or within
183 25 feet of subject property;

184 (12) Survey of property. The survey shall be no more than two years
185 old unless the site has been altered by an act of nature;

186 (13) Stormwater management plan; and

187 (14) Topographic information.

188 B. Application and fee. Application for a class I site plan review shall be
189 on the form provided by the city for such development and shall be
190 accompanied by the fee established by the city commission.

191 2. Class II site plan.

192 A. Pre-application conference. Prior to filing for class II site plan
193 approval, the developer or the developer's representative must meet
194 with the city manager or designee in order to discuss potential issues
195 regarding the proposed projects. Comments made at the pre-
196 application meeting are advisory and intended to provide guidance and
197 are non-binding on the formal review of the site plan.

198 B. Application. Application for class II site plan approval shall be made
199 to the planning and building department utilizing the form provided by
200 the department for that purpose, and accompanied by the appropriate
201 review fee as adopted by resolution of the city commission. Initial
202 application shall be accompanied by ten (10) copies of the proposed
203 site plan.

204 (1) Review of application materials. Within two working days of
205 the receipt of an application, the department shall determine
206 whether the application is complete. Incomplete applications
207 shall be returned to the applicant with the deficiencies noted in
208 writing. Re-application shall be accompanied by a re-application
209 fee as adopted by resolution of the city commission.

210 (2) Initiation of development review. When an application is
211 determined to be complete it shall be scheduled in accordance
212 with the adopted submittal deadline calendar for the
213 corresponding planning and architectural review board meeting,
214 and the applicant shall be so notified. All application packages
215 must be submitted by 5:00 p.m. on the deadline date in order to
216 be scheduled for the next available PRC meeting.

217 3. Site plans and exhibits.

218 A. A site plan, for the purposes of this section, shall include, but not
219 necessarily be limited to, the following requirements. The site plan
220 submittal shall include one (1) record set with original signatures,
221 dates, and seals and submitted with nine (9) copies that clearly indicate
222 the signatures, dates, and seals shown on the record set. One (1) of the
223 nine (9) copies shall be an eleven-inch by seventeen-inch (11" x 17")
224 size site plan including all the sheets of the site plan submittal, or an
225 electronic/digital complete plan set may be submitted in portable
226 document format (PDF). All supporting documents such as response
227 comments, traffic studies and stormwater reports shall be submitted in
228 PDF. All drawings on the record set shall be signed, dated, and sealed
229 by a registered civil engineer, architect, landscape architect or other
230 person as required under this Code or by state general law. The
231 required narrative text demonstrating compliance with Code
232 requirements may be provided on the illustrated sheets in tabular or
233 text Modifications in required submittals. The city manager or
234 designee may waive or modify requirements, information and specific
235 performance criteria for site plan review after rendering a finding in
236 writing that such requirements:

237 (1) Are not necessary prior to site plan approval in order to protect
238 the public interest or adjacent properties;

239 (2) Bear no relationship to the proposed project or its impacts; and

240 (3) Are found to be impractical based on the characteristics of the

241 use, including the proposed scale, density/intensity and
242 anticipated impacts on the environment, public facilities and
243 adjacent land uses.

244 B. Forms and documents. The following city forms shall be completed by
245 the applicant and submitted as part of the site plan:

- 246 (1) Site plan application, including form and payment.
247 (2) Special exception use / planned unit development application;
248 including form and payment, if applicable.
249 (3) Proof of ownership (warranty deed, tax bill, property assessor
250 printout or contract purchase agreement).
251 (4) Statement of intent; provide a paragraph statement describing in
252 detail the nature and intended use of the development.
253 (5) Drainage calculation form; all documents provided to the St.
254 Johns River Water Management District shall be provided
255 concurrently to the city.
256 (6) Tree mitigation form.

257 C. General site plan information.

- 258 (1) The plan size must be twenty-four inches by thirty-six inches
259 (24" x 36"), except for final plats, which shall be at a size as
260 required by the county.
261 (2) The project name must be shown on each sheet and must be
262 consistent with the application. Name changes shall indicate the
263 current name followed by "formerly known as (previous name)."
264 (3) The north arrow must appear on every sheet showing a portion of
265 the site.
266 (4) The scale must not be smaller than one inch equals 50 feet (1" =
267 50'), including graphic scale.
268 (5) The sheet number must show the particular number of that sheet
269 and the total number of sheets included, as well as, clearly
270 labeled match lines to show where other sheets match or adjoin.
271 (6) The date of the plans along with any subsequent revisions must
272 be denoted.
273 (7) The professional seal must be indicated on all sheets. All
274 drawings, specifications, plans, reports or documents prepared or
275 issued shall be signed, dated and stamped with the seal.

276 D. Engineered drawings, prepared by an architect or engineer registered
277 in the State of Florida and based on an exact survey of the property
278 showing the following:

- 279 (1) Cover sheet:

- 280 i. Project title;
- 281 ii. Project location map;
- 282 iii. Index showing the title of each sheet and page number in
283 consecutive order;
- 284 iv. Name(s) of property owner(s), project planner, engineer,
285 landscape architect and architect;
- 286 v. Number of residential or transient lodging units and density
287 per acre, if applicable;
- 288 vi. Overall building square footage, number of seats proposed,
289 and maximum number of occupants permitted by the fire
290 marshal, if applicable;
- 291 vii. Parking calculation showing the number of off-street
292 parking and loading spaces required and provided,
293 including handicapped parking;
- 294 (2) Overall site plan sheet:
- 295 i. Property dimensions, legal description, total gross acreage,
296 and zoning district of subject property and adjacent
297 property;
- 298 ii. If project is phased, dimensions and general location of
299 each phase;
- 300 iii. Location and dimensions of buildings, fences, docks, and
301 other structures and improvements on this proposed site
302 and on adjacent property within 50 feet perpendicular to
303 property lines;
- 304 iv. Common open space areas and improvements, if
305 applicable;
- 306 v. Location of screened garbage collection area(s) and detail
307 of proposed enclosure;
- 308 vi. Location and dimensions of easements, identified by type
309 (utility, drainage, etc.) or a note that no easements exist;
- 310 vii. Location of jurisdictional wetlands boundary line if on or
311 within 25 feet of the subject property, and the location of
312 the 25-foot-wide upland buffer.
- 313 (3) Paving, drainage and grading plans:
- 314 i. Existing and proposed topography at one foot contour
315 intervals;
- 316 ii. Dimensions of streets, driveways, sidewalks, entranceways,
317 and off-street parking areas;
- 318 iii. Each off-street parking space shall be consecutively

- 319 numbered;
- 320 iv. Location and dimension of the bumper stop or curb stop;
- 321 v. Crown elevation of nearest adjacent street(s);
- 322 vi. Finished floor elevation of proposed buildings;
- 323 vii. Erosion control plan.
- 324 (4) Utility plan.
- 325 (5) Tree survey showing the location of all trees six inches in
- 326 diameter or greater at four feet above ground level.
- 327 (6) Landscaping plan:
- 328 i. Tree removal and mitigation table providing the following
- 329 information:
- 330 ii. Type, size and cross-sectional diameter of each protected
- 331 tree that will be removed;
- 332 iii. Total cross-sectional diameter of all trees being removed;
- 333 iv. Calculation showing total square inches required to be
- 334 replaced; and
- 335 v. List of replacement tree types and sizes.
- 336 vi. Buffer planting table providing the following information:
- 337 vii. Length, width and total area of the required landscape
- 338 buffer along each property line;
- 339 viii. Calculation showing the square footage required for trees,
- 340 shrubs and groundcover; and
- 341 ix. Calculation showing the number and square footage of
- 342 trees and shrubs provided in each buffer area.
- 343 x. Interior parking lot landscaping table providing the
- 344 following information:
- 345 xi. Total paved area in parking spaces and drive aisles;
- 346 xii. Calculation showing the total square footage required for
- 347 interior parking lot landscaping; and
- 348 xiii. Calculation showing the total square footage provided for
- 349 interior parking lot landscaping.
- 350 (7) Photometric plan:
- 351 i. Location of parking area and other outside lighting;
- 352 ii. Detail of the lighting system showing style height, candlus
- 353 curve, and profile of the shielded non-glare fixture;
- 354 iii. Note indicating lighting to be shielded non-glare fixture.

- 355 (8) Architectural sheets:
- 356 i. Elevation drawings displaying all sides of the proposed
- 357 building(s), and specifying the construction materials used,
- 358 color, and height of building from grade to the highest
- 359 portion of the structure;
- 360 ii. Entrances and exits of buildings and structures.
- 361 (9) Copy of state or county driveway permits, if applicable.
- 362 (10) Copies of agreements between the owner of a hazardous waste
- 363 generating business and a licensed hazardous waste
- 364 transportation company and hazardous waste disposal company.
- 365 4. Planning and architectural review board action. The planning and
- 366 architectural review board shall consider the site plan at a regularly
- 367 scheduled meeting and determine if it meets the requirements of this Code.
- 368 The applicant or his/her authorized agent shall be present at the
- 369 consideration by the planning and architectural review board. Upon
- 370 consideration of the comments of the city manager or designee(s) and the
- 371 public, the board shall take one of the following actions:
- 372 A. Table the consideration of the project to the next regularly scheduled
- 373 meeting to allow for the resolution of outstanding issues;
- 374 B. Disapprove the proposed site plan;
- 375 C. Approve the proposed site plan; or
- 376 D. Approve the proposed site plan with conditions.
- 377 5. Appeals. Final planning and zoning board action on a site plan application
- 378 may be appealed to the city commission request for appeal must be filed
- 379 with the planning and engineering department within 30 days of planning
- 380 and zoning board action.
- 381 6. Failure to provide timely plan resubmissions. Failure to meet any of the
- 382 resubmission deadlines cited above shall require the applicant to pay late
- 383 fees or file a new application, including the appropriate review fees,
- 384 whichever is deemed applicable by the administrative official.
- 385 7. Extension of resubmittal deadlines. The city manager or designee may
- 386 extend the resubmission deadlines cited above, when warranted by
- 387 unforeseeable events. A request for extension must be filed in writing with
- 388 the planning and building department explaining the circumstances
- 389 justifying the extension and include a resubmittal extension fee as adopted
- 390 by resolution of the city commission.
- 391 8. Expiration. Class II site plan approval shall expire two (2) years after the
- 392 city commission approves the site plan.
- 393 9. A site plan shall not expire so long as a building permit remains active
- 394 without interruption. However, if the owner abandons the site for a period

395 of six (6) months, or the owner fails to perform any meaningful or
396 significant work on the site for a period of six (6) months, or if the owner
397 fails to achieve substantial performance of the work described in the
398 building permit within two (2) years of the date of issuance, the site plan
399 approval shall expire. Meaningful or significant work shall mean work
400 performed in a workman like manner that is carried out in a manner that the
401 obvious purpose and intent of the work is to complete the site within the
402 customary period of time for the construction industry.

403 10. If a proposed site plan is to be constructed in phases, the applicant shall
404 include a phasing schedule with the application. If construction on the
405 initial phase begins within two years from the date of approval, the site plan
406 shall remain valid for the term of the approved phasing schedule.

407 11. Amendments to an approved site plan. No changes may be made to an
408 approved site plan except under the procedures provided below.

409 A. Minor changes in the location, siting and height of the buildings,
410 structures, parking spaces, utilities, or any other portion of the site
411 plan, may be authorized with the approval of the city manager or
412 designee and upon completion of the site plan change order procedure.

413 B. All other changes in the use, any rearrangement of parking areas,
414 buildings, lots, landscaping, any changes in the provisions of common
415 open space and all other amendments to the approved site plan must be
416 made by the entity that originally approved the site plan.

417 12. Enforcement. Following the issuance of a building permit, the chief
418 building official and city engineer shall be informed at each stage of
419 construction and shall inspect the project site to determine if there are any
420 variations between the approved site plan and actual construction. Any
421 variations shall be brought immediately to the attention of the project
422 supervisor, and if the variation is significantly different from the site plan,
423 the chief building official or city engineer shall immediately stop
424 construction and direct the developer to submit new plans indicating the
425 variations to the appropriate review body designated for class I or II site
426 plans and shall be approved by said body prior to resuming construction.

427 Section 8.05.04. Improvements Required.

428 1. All final site development plans for new construction, increases in the size
429 of a structure, or changing the use of structure, shall include all
430 improvements required by this Code and as outlined in this article.

431 2. Completion of improvements prior to issuance of certificate of occupancy.
432 A certificate of occupancy shall not be issued by the planning and building
433 department until required improvements have been inspected and accepted
434 by the responsible department or entity.

435 3. Adopted standard construction details. All construction shall comply with
436 standard construction details for utilities as adopted by the City of Flagler
437 Beach.

- 438 4. Improvement or expansion of existing development. No change to a site
439 shall allow any existing site improvements to be reduced in size or number
440 unless it meets the minimum requirements of this Code.
- 441 5. Upgrade of site improvements for existing development. Unless otherwise
442 noted herein the following activities shall require the upgrade of existing site
443 improvements to satisfy current code requirements. Such upgrade shall
444 include but not be limited to the provision of paved, curbed, and expanded
445 parking facilities, stormwater retention, landscaping and buffers, irrigation,
446 signage and architectural design as prescribed by this Code. The city
447 manager or designee may waive some or all of these required improvements
448 based upon the extent of the proposed activity and the condition of the
449 existing site development.
- 450 A. Change of use as described by the building code, the Standard
451 Industrial Classification Manual or when determined to be of
452 significance by the administrative official.
- 453 B. Re-use of any site development which has been abandoned as
454 described by this Code.
- 455 C. Substantial improvement to the property which requires class II site
456 plan approval.
- 457 D. As a condition for granting approval of a special exception, variance,
458 or change of one non-conforming use to another non-conforming use
459 for existing site developments when appropriate.
- 460 6. Modification of approved final site development plans/existing site
461 developments to mitigate impacts of eminent domain actions.
- 462 A. The owners of any property that has been the subject of an eminent
463 domain action shall submit site development plans designed to
464 mitigate the impacts of such eminent domain actions on the right-of-
465 way buffer yards and parking/vehicular use areas within such property.
- 466 B. Mitigation requirements shall be as follows:
- 467 (1) Irrigation systems shall be provided as required by Section
468 5.04.00 of this Code.
- 469 (2) New parking/vehicular use areas, including revised or new
470 parking spaces, shall be provided in compliance with the
471 requirements of Section 5.04.00 of this Code.
- 472 (3) Right-of-way buffer landscaping and landscaping for vehicular
473 use/parking areas shall be provided as required by Section
474 5.04.00 of this Code.

475 Section 8.05.05. Minimum Site Improvements.

- 476 1. All site development plans shall reflect the installation of all improvements
477 required in this Code, in a manner consistent with standards of this Code.
478 Improvements include stormwater management systems, utilities, parking,

479 and loading areas, lighting, sidewalks, and landscaping and buffering, and
480 any other facility required by this Code.

481 2. Easements and miscellaneous dedications. The following minimum number
482 and size of easements and dedications shall be reflected on the site plan
483 drawing. Larger easements may be specifically required based on the size,
484 depth, or special maintenance requirements of a facility. All easements or
485 dedications shall be graphically depicted unless otherwise noted.

486 A. Drainage facilities. A drainage easement shall be granted to the city
487 where a proposed subdivision is traversed by any existing or proposed
488 watercourse, canal, ditch, storm sewer, or other drainage way.
489 Minimum size shall be as follows:

490 (1) Lake or retention areas shall be covered by an easement
491 extending to ten feet beyond the top of bank.

492 (2) Canals, watercourses, drainage ways, channels or streams shall
493 be covered by an easement extending to 20 feet beyond the top
494 of bank on one side and 20 feet beyond the top of bank on the
495 other side, if needed.

496 (3) Swales, or any other facility up to two and one-half feet deep and
497 with side slopes no greater than 3:1 shall be covered by an
498 easement extending to the top of bank.

499 (4) Storm sewer lines shall be covered by an easement of no less
500 than 20 feet, centered on the centerline of the pipe.

501 (5) The city may require the dedication of a drainage right-of-way
502 over major facilities providing area wide drainage.

503 B. Utilities. A utility easement shall be granted to the City of Flagler
504 Beach wherever a proposed utility line or other facility is planned or
505 located on or adjacent to any property not otherwise dedicated to or
506 owned by the city. The size and location of such easements shall be
507 determined by the city.

508 C. Conservation easements. Conservation easements shall be granted to
509 the city or other appropriate governmental agency as follows:

510 (1) Over all required tree preservation areas.

511 (2) Around all individual specimen trees required to be preserved.

512 (3) Over all wetlands, wetland buffers, and wetland mitigation areas.

513 Section 8.05.06. Issuance of Site Construction Permits.

514 1. Once a site plan development order has been issued, the developer may
515 request the issuance of site construction permits.

516 2. Pre-construction meeting. A pre-construction meeting is required prior to
517 the commencement of any construction activity, including clearing. Failure
518 to begin construction within 45 days after the pre-construction meeting will

519 require an additional pre-construction meeting. The requirements of this
520 subsection may be modified by the administrative official in cases where the
521 size, scope or relative lack of complexity of development plans suggests a
522 lesser need for coordination.

523 3. Attendance. Upon request of the developer, the planning and engineering
524 department shall schedule a pre-construction meeting to be attended by the
525 following individuals or their representatives:

526 A. Developer, developer's engineer(s), and developer's landscape
527 architect(s), as appropriate;

528 B. All contractors for the construction of the project improvements;

529 C. All franchised utility companies; and

530 D. City inspectors.

531 4. Agenda. The meeting shall include discussion of the construction schedule,
532 construction permit conditions imposed by the city and other agencies,
533 procedures for inspection and testing, coordination with the utilities
534 department and private utility companies, maintenance of existing drainage
535 ways, traffic maintenance, dewatering, access for construction stockpiling
536 areas, the general construction requirements for site development and other
537 details deemed necessary to assure safe construction in compliance with this
538 Code and with minimum disturbance to surrounding areas.

539 5. Pre-construction submittals required before scheduling. The following
540 exhibits or documents shall be submitted to the department one week prior
541 to scheduling the pre-construction meeting for the issuance of development
542 permits.

543 A. Development order.

544 B. Copies of all contracts for the construction of the improvements.

545 C. Copies of certificates of insurance for all contractors providing
546 workman's compensation as required by law and comprehensive
547 liability insurance covering bodily injury, death and property damage,
548 with limits of not less than \$100,000.00 per person and \$300,000.00
549 per occurrence, with the city listed as an additional insured and held
550 harmless, as approved by the city attorney.

551 D. Copies of all applicable federal, state, regional, and county agency
552 permits for construction.

553 6. Issuance of notice to proceed. Upon receipt of all required documents and
554 completion of the pre-construction meeting, the city manager or designee
555 shall issue a notice to proceed. The notice to proceed is contingent upon
556 compliance with the development order. In addition, the city manager or
557 designee may attach substantive and procedural contingencies on
558 construction based on the requirements specified at the pre-construction
559 meeting.

560 Section 8.05.07. Inspections and Acceptance.

- 561 1. Inspections. The city shall inspect construction for conformance with the
562 terms of the development permit. The city shall have the authority to reject
563 materials or suspend work when construction is not in conformity with the
564 terms of the development permit. The developer shall notify the city of the
565 commencement of major phases of construction as discussed in the pre-
566 construction meeting.
- 567 2. Testing. The developer shall provide laboratory tests to verify specifications
568 of materials as required by this Code. The city reserves the right to require
569 additional testing based on unusual circumstances encountered in the field.
- 570 3. Request for final inspection. Final inspection of site improvements shall be
571 scheduled no more than five working days after receipt of the following
572 documents, unless a later date is requested by the developer:
- 573 A. Certification of completion by the engineer of record and/or landscape
574 architect, as appropriate. Upon completion of the site improvements,
575 the developer's engineer and/or landscape architect, as appropriate,
576 shall submit a signed and sealed certificate stating that the work was
577 constructed under his supervision and has been completed in
578 substantial conformance with the approved development plans in
579 compliance with the requirements of this Code.
- 580 B. As-built drawings. One (1) mylar copy and one (1) electronic copy of
581 as-built drawings. The mylar copy shall be signed and sealed by the
582 architect or engineer of record, landscape architect as appropriate, and
583 surveyor.
- 584 C. Testing reports. Copies of all testing reports shall be submitted.
- 585 4. Final inspection report. A final inspection report will be issued by the city
586 noting any discrepancies for the development permit, corrective actions
587 required, and any site re-inspection fee required. In addition, the report shall
588 review final documentation required for acceptance of the site
589 improvements once any necessary corrections are made.
- 590 5. Re-inspection. Re-inspection may be requested at any time, subject to
591 remittance of a site re-inspection fee when required. Re-inspection will be
592 scheduled within three working days, and an inspection report issued if
593 necessary.
- 594 6. Acceptance of site improvements. Upon completion of any corrective
595 actions required upon inspection, site improvements shall be accepted by the
596 city upon receipt of the following:
- 597 A. All required certifications of completion under federal, state, regional,
598 and county agency permits.
- 599 B. Recording of any addition on or off-site easements required by the
600 development permit or this Code.

601 Section 8.05.08. Variances.

- 602 1. Jurisdiction. Variances to design or technical requirements of this Code
603 may be granted by the planning and architectural review board. Appeals
604 from the decision of the planning and architectural review board shall be
605 heard by the city commission.
- 606 2. Procedure. Application to vary from required improvements or design
607 criteria shall be as outlined in Section 8.04.16 of this Code.
- 608 3. Administrative variances to standard construction details. Variances to the
609 standard construction details, paving and drainage, and the standard utility
610 details may be granted by the city manager or designee for review of that
611 requirement. Administrative variances shall be limited to alternative
612 materials, technologies, techniques, or other means which are equivalent to
613 the materials, technologies, techniques or other means outlined in the
614 standard details.

615 Secs. 8.05.009—8.05.13. - Reserved.

616 ***

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

620 **SECTION SIX. Conflicts.** In any case where a provision of this Ordinance is found to
621 be in conflict with provisions of any other ordinance of this City, the conflicting
622 provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

623 **SECTION SEVEN. Effective date.** This Ordinance shall take effect immediately upon
624 adoption as provided by the Charter of the City of Flagler Beach.

625

626 PASSED ON FIRST READING THIS ____ DAY OF _____, 2013.

627

628 PASSED AND ADOPTED THIS ____ DAY OF _____, 2013.

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631 CITY OF FLAGLER BEACH, FLORIDA

632 CITY COMMISSION

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ATTEST:

Linda Provencher, Mayor

Penny Overstreet, City Clerk