

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, December 6, 2011 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 November 1, 2011.
5. Old Business:
 - A. Application #VAR 11-11-01
Variances to allow a single-family dwelling setback 17.5' from the east property line, 12' from the south property line, and 10' from the wetland line.
Applicant: Dennis K. Bayer
1401 North Daytona Avenue
Property Owner: John and Joyce Fanelli
 - B. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, adding measurable standards to prevent glare or excessive light on an adjacent property within residential areas.
6. New Business:
 - A. Discussion and recommendation of Ordinance 2011-19 of the City of Flagler Beach, Florida, amending Chapter 16, creating Article VI, Pain Management Clinic Regulations and Definitions of the *City of Flagler Beach Code of Ordinances*, providing for findings of fact, intended purpose and supplemental regulations of pain management clinics, providing for severability and conflicts, providing for codification, and providing for an effective date.
 - B. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.04.02.8., Zoning Schedule One Land Use Controls, of the *City of Flagler Beach Land Development Regulations* to add bar, cocktail lounge, saloon, or tavern to the special exception uses of the GC, General Commercial zoning district.
 - C. Application #SE 11-12-01
Special Exception to allow a single-family dwelling.
Applicant: Sherwood P. and Nancy T. Keck
1932 South Ocean Shore Boulevard
Property Owner: Sherwood P. and Nancy T. Keck
 - D. Application #SP 11-12-01
Site Plan Review of Flagler Bridge Marina Boat Hoist Launching Piers
Applicant: Charlie Faulkner
127 Lehigh Avenue
Property Owner: 110 Holly Ave Corporation
7. PARB Member Comments.
8. 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 December 2, 2011

Planning and Building Department

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

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD
TUESDAY, NOVEMBER 1, 2011 AT 5:30 P.M
MINUTES

PRESENT: Chairman Don Deal, Vice Chairman Roseanne Stocker, Dan Bayerl, Theodore Johnson, City Planner Chad Lingenfelter, Board Secretary Kate Settle.

ABSENT: Lea Stokes, Catherine Feind.

1. CALL THE MEETING TO ORDER: Chairman Deal called the meeting to order at 5:31 p.m.
2. CALL THE ROLL: Ms. Settle called the roll.
3. PLEDGE OF ALLEGIANCE: Mr. Dan Bayerl led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 4, 2011: Motion by Ms. Stocker, seconded by Dan Bayerl, to approve the minutes of October 4. The motion carried unanimously.

5. NEW BUSINESS:

A. APPLICATION #SE 11-1101

SPECIAL EXCEPTION TO ALLOW PROFESSIONAL OFFICES

APPLICANT: ALBERT M. ESPOSITO

201 NORTH OCEANSHORE BOULEVARD

FLAGLER BEACH, FL 32136

PROPERTY OWNER: DEAN OSTERLOH

Mr. Deal read the title of the item into the record. Mr. Esposito came forward and explained the nature of his request. Mr. Lingenfelter explained the necessity for granting the special exception due to the requirements of Tourist Commercial Zoning (TC) and due to the permitted accessory. Offices are listed under the special exception uses and those uses need to be approved by PAR Board and the Commission. Mr. Lingenfelter's recommendation was to approve the special exception and explained the professional office use is a less intensive use of the property. Mr. Esposito asked if another one of the tenants in the same building left and a new tenant came in asking for a professional office, would they need to come before the PAR Board again. Mr. Lingenfelter explained that additional professional offices would not be required to have a special exception approval. Motion by Mr. Johnson, seconded by Ms. Stocker, to accept or carry on the recommendation from staff and recommend that the Commission approve this use change. The motion carried unanimously.

B. APPLICATION #VA 11-11-01

VARIANCES TO ALLOW A SINGLE-FAMILY SETBACK 17.5" FROM THE EAST PROPERTY LINE. 12' FROM THE SOUTH PROPERTY LINE, AND 10' FROM THE WETLAND LINE.

APPLICANT: DENNIS K. BAYER

1401 NORTH DAYTONA AVENUE

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD

TUESDAY, NOVEMBER 1, 2011 AT 5:30 P.M

MINUTES

PROPERTY OWNER: JOHN AND JOYCE FANELLI

Mr. Deal read the item into the record. Attorney Bayer spoke of his client's request for a variance and the reasoning for adoption. He submitted a report prepared by Joe Young, Biological Wetland Consultant. He asked to amend his application to reflect two minor changes (1) to remove the word "not" prior to the wording "peculiar set of circumstances" and (2) under condition number 2, see response number 4 above and asked it be change to reflect the special condition regarding the zoning change for the property by the City Commission. Mr. Bayer spoke of the improvement to the lot and how those improvements would have a long term benefit to the environment. Mr. Deal asked Mr. & Mrs. Fanelli if they were aware of the ordinance and the setbacks at the time of purchase. Mr. and Mrs. Fanelli indicated the bank had indicated there might be a problem building. Mr. Lingenfelter spoke to the limitations of the property. The following members of the public gave their concerns, opinions and suggestions: Frank Vicnotti, Craig Wiggin. Dennis Bayer took exception to comments made about the wetland and the reference to the number of lots for sale in Flagler Beach. Ms. Stocker asked if the variance must meet all criteria. Mr. Johnson thought the City had sunsetted the ability of apply for a variance on the buffer on a salt water marsh. Mr. Deal hesitated to proceed with the variance. He felt due diligence should have been done on the side of the property owner and that the City has not changed the ordinance since the time of purchase. The board reviewed the criteria one by one. Mr. Bayer asked if he could come back at the next regularly scheduled PAR Board meeting in order for his clients to meet with the architect to see if there might be a way to work with the City. **Motion** by Ms. Stocker, seconded by Dennis Bayer, that we accept the request to table this request and bring it back on Tuesday, December 6 at the next scheduled Planning Board Meeting. The **motion** carried unanimously.

C. APPLICATION #AA 11-11-01

ARCHITECTURAL APPROVAL/SITE PLAN REVIEW OF PIER EXTENSION

APPLICANT: CITY OF FLAGLER BEACH

215 SOUTH OCEANSHORE BOULEVARD

PROPERTY OWNER: CITY OF FLAGLER BEACH

Mr. Lingenfelter explained the nature of the City's request. He emphasized what is before them tonight is simply the addition of the deck. Should there be renovations to the restaurant, that would be a separate issue for the Board to review. The public hearing was opened. No comments were received. The public hearing was closed. **Motion** by Ms. Stocker, seconded by Mr. Johnson, we recommend approval of the site plan review of the pier extension. The **motion** carried unanimously.

D. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE CITY CODE BY CREATING 'CHAPTER 4, ARTICLE VI, SIMULATED GAMING DEVICES' OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES, PROHIBITING THE POSSESSION, USE, PLAYING AND OPERATION OF STIMULATE GAME DEVICES WITHIN CITY BOUNDARIES AND PROVIDING FOR PENALTIES AND REMEDIES

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD

TUESDAY, NOVEMBER 1, 2011 AT 5:30 P.M

MINUTES

FOR VIOLATIONS; AMENDING CHAPTER 4, ARTICLE V, ADULT ARCADE AMUSEMENT CENTERS, SECTION 4-196; PROVIDING FOR CODIFICATION SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE: Mr. Deal read the title of the item into the record. Mr. Lingenfelter explained the item is preventative for what the City might face in the future. Attorney Smith reported this primary focus of the ordinance is the possession of the equipment and not necessarily the land use. The City is amending the section of the Code regarding Highway Commercial Zoning. It was the recommendation of staff to move the item forward for Commission review. **Motion** by Mr. Johnson, seconded by Dan Bayerl, that we pass on to the Commission that they approve this revised clarification of land use. The **motion** carried unanimously.

E. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING ARTICLE VI. "SIGNS," OF THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS TO EXEMPT ON-SITE TEMPORARY BANNER SIGNS FROM SIGN PERMITTING: Mr. Deal read the title of the item into the record. Mr. Lingenfelter explained the reasoning for the item as well as how City staff would process and enforce the banners without the permitting process. The public hearing was opened. Doyle Lewis came forward for clarification regarding the timing of the banner. The public hearing was closed. **Motion** by Mr. Johnson, seconded by Ms. Stocker, that we recommend to the Commission that they approve staff's recommendation on this issue. The **motion** carried unanimously.

F. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, ADDING MEASURABLE STANDARDS TO PREVENT GLARE OR EXCESSIVE LIGHT ON AN ADJACENT PROPERTY WITHIN RESIDENTIAL AREAS: Mr. Deal read the title of the item into the record. Mr. Lingenfelter reported the Commission had asked staff to research this type of issue. An incident came to the attention of the Commission where on resident's outdoor lighting was affecting an adjacent property. Currently the Code primarily addresses light from non-residential zoning districts. Mr. Lingenfelter reviewed the recommendations with the Board. The Board discussed other municipalities that have an ordinance addressing such a matter; light pollution and the enforcement of such an ordinance. It was the consensus of the Board for Mr. Lingenfelter to bring forth ordinances from other municipalities addressing glare, etc. Mr. Bayerl was interested in a shielding effect. The public hearing was opened. Robert Lehr spoke of the issue of unshielded lights. Doyle Lewis spoke to a person's property rights. The public hearing was closed.

6. PARB MEMBER COMMENTS: Roseanne Stocker spoke to the number of strobe lighting signs she has been noticing in the City. Her understanding was this type of lighting was not permitted. Mr. Lingenfelter informed the Board that there has been discussion regarding the grandfathering of such signs.

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD

TUESDAY, NOVEMBER 1, 2011 AT 5:30 P.M

MINUTES

7. ADJOURNMENT: **Motion** by Ms. Stocker, seconded by Mr. Johnson, to adjourn. The **motion** carried unanimously.



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: #VAR 11-11-01 – 1401 North Daytona Avenue Variance

DATE: December 2, 2011

Applicant: Dennis K. Bayer, 109 6th Street South, Flagler Beach, Florida 32136

Property: 1401 North Daytona Avenue – 01-12-31-0350-00090-0010

Property Owner: John and Joyce Fanelli, 18 Claridge Court South, Palm Coast, Florida 32137

Future Land Use: Low Density Residential and Conservation

Zoning District: R-1, Single-Family Residential and P, Preservation

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Section 8.04.16., Variances*, the applicant is requesting variances from the City of Flagler Beach Land Development Regulations Section 2.04.02.9. Zoning District Schedule Two: Lot, Density, Yard, Height and Lot Coverage Requirements and Section 4.00.06.(a) Wetland Buffers to permit a 7.5' front yard variance, 3' corner lot side yard variance, and 15' wetland buffer variance to allow a single-family dwelling setback 17.5' from the east property line, 12' from the south property line, and 10' from the wetland line. The subject property contains approximately 0.8 acre and is generally located northwest of the intersection of 14th Street North and North Daytona Avenue. The subject property is vacant.

Analysis

The *Comprehensive Plan* Future Land Use Element includes the following policies regarding the protection and the preservation of the natural resources from destruction or encroachment by development:

- Policy A.2.1.1. 9J 5.006(3)(c)6 The City of Flagler Beach shall require that no permit or other development order shall be issued without a review of the property to ensure that all other agency environmental permits are issued.

The property owner will be required to comply with all applicable federal, state, and water management district permitting requirements.

- Policy A.2.1.4a. Note: Demarcation of Salt Water Marsh, Spoil Areas, and Open Waterways and Lakes is approximate. Exact conservation boundaries for individual parcels is dependent upon land survey evidence produced by a Florida State Certified Land Surveyor made on a case-by-case basis when applying for a land use amendment, zoning change or land subdivision.

The property owner has provided a survey with a wetland boundary delineated.

- Policy A.2.1.5. The City of Flagler Beach shall require a buffer of no less than 25 feet adjacent to and surrounding all wetlands (including saltwater marsh). This buffer shall consist of existing vegetation native to the site, which shall be preserved or replanted between the site of actual construction activity and the boundary of the wetland/saltwater marsh.

The applicant is requesting a variance that is in conflict with this Policy.

- Policy A.2.1.5a. Activities or constructions, which do not have an adverse effect on the natural function of the buffer, may be allowed within the buffer. These activities or construction include, but are not limited to, pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species, and the creation and maintenance of walking trails, and reasonable access to a water body, and construction of minor drainage structures as swales or outfall pipes.

The proposed dwelling unit is to be built on piers beyond 10' of the wetland to not cause an adverse on the natural function of the buffer.

- Policy A.2.1.6. A building site situated adjacent to a wetland, saltwater marsh, lake, canal or other body of water shall be contoured so as to prevent the degradation of adjacent waters through contaminated run-off.

The proposed dwelling unit is to be built on piers to not cause a change in the contours of the upland buffer.

- Policy A.2.1.7. Density allocated to parcels, which are partially upland/partially saltwater marsh, or wetland shall be calculated based upon the upland acreage of the parcel.

The density calculated based upon the upland acreage of the parcel allows one (1) dwelling unit.

The request is consistent with five (5) of the six (6) policies of the *Comprehensive Plan* Future Land Use Element listed above.

The Planning and Architectural Review Board shall recommend such variances as will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardships. In order to recommend any variance from the terms of this ordinance the Planning and Architectural Review Board must and shall find each of the following criteria are met by the applicant, and the Board's written findings shall be sent to the City Commission. The applicant's responses to each of the prescribed criteria are as follows:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;

"No reasonable economic use is available due to problems associated with placing a residence on this uniquely shaped parcel. With the current setbacks, portions of the lot are entirely unbuildable." "[T]he combined front yard and wetland setbacks are not peculiar here due to the shallow nature of the lot which is not applicable other single family residential structures. These conditions

were created when the City rezoned the property from preservation to residential.”

2. That the special conditions and circumstances do not result from the action of the applicant;

“See response to number 1 above.”

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;

“The applicant will not receive any special privileges. The applicant is seeking to build a normal sized home on the property. Unless another lot has the same setback issues, no special rights are conferred.”

4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;

“Hardship would be created in that an extremely narrow home would be the only possible use of the site without a variance. This would not be in harmony with the area. The applicants are seeking to minimize impacts and build a reasonably sized residence.”

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

“A review of the site plan reveals that an effort has been made by the architect to minimize the variance sought and to also create an aesthetically pleasing structure.”

6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

“The general intent of the ordinances are to balance the placement of a home on a lot. The architect has sought to achieve that balance. The biologist will design the exotic plant removal and replanting to help improve the public welfare and native habitat.”

The applicant’s application indicates that the “combined front yard and wetland setbacks are not peculiar here due to the shallow nature of the lot which is not applicable other single family residential structures.” However, the required front and corner lot side yards and the wetland buffer converge on the subject property leaving a building envelope of less than 540 square feet due to the peculiar wetland boundary 50 feet from the front property line and an unimproved right-of-way to the south. Section 2.05.08.1.(a) of the Minimum Square Footage of Dwelling Units regulations states, “All single-family dwelling units, including townhouse units, shall have a minimum of nine hundred (900) square feet of livable enclosed floor space, exclusive of open porches and garages.” Due to the setbacks, a variance is required to place a single-family dwelling on the subject property.

On November 1, 2011, the Planning and Architectural Review Board continued this request until the December 6, 2011, meeting. Since that time, the applicant has

provided an illustration of a single-family dwelling within the present setbacks and wetland buffer.

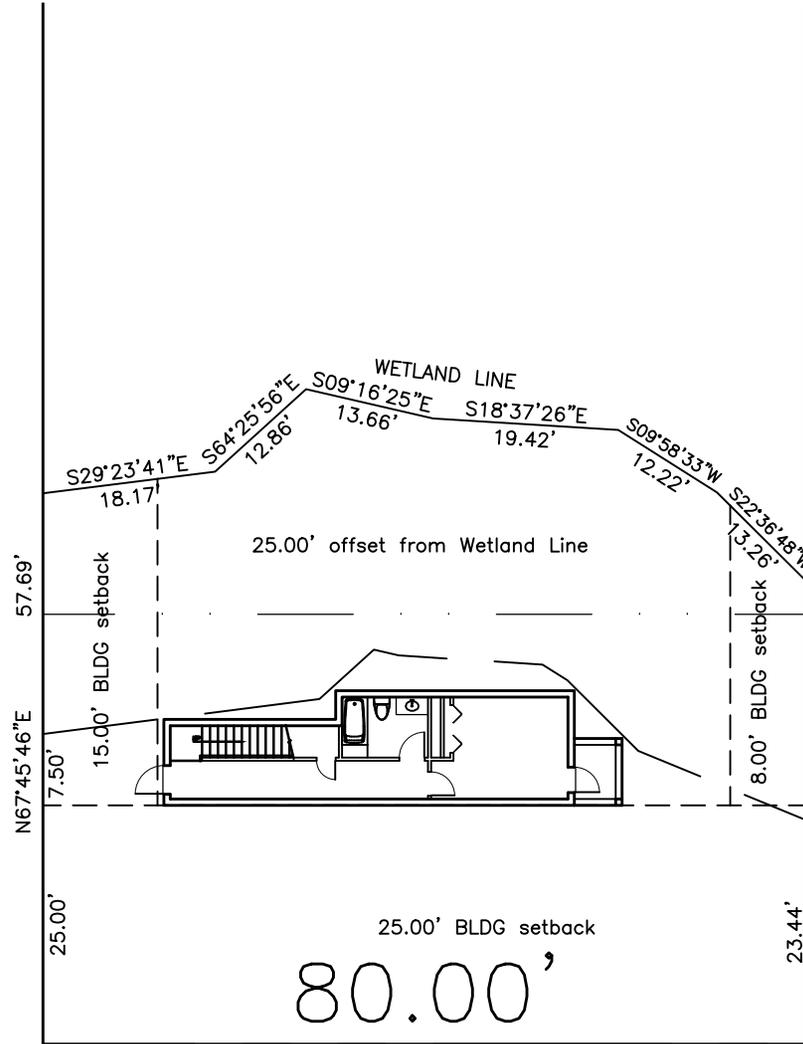
Recommendation

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the requested variances for the subject property to allow a single-family dwelling setback 17.5' from the east property line, 12' from the south property line, and 10' from the wetland line with the following conditions:

1. The single-family dwelling unit is built with only piers within 25' of the wetland;
2. Brazilian Peppers are removed from the remaining wetland buffer and the balance of the property to the east;
3. No fertilizers or chemicals shall be used within 25 feet of the wetland;
4. A conservation easement is recorded over the remaining wetland buffer and the balance of the property to the west; and
5. A single-family residential building permit is issued within 18 months of the City Commission's approval of the variance.

Enclosure: Illustration of a single-family dwelling within the present setbacks and wetland buffer

50' R/W
North 14th St



FD 4x4"CM
LS #4142
0.16'S

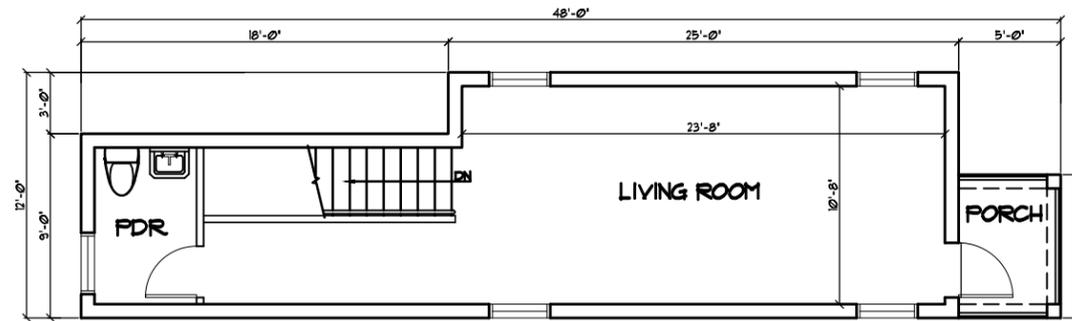
FD 4x4"CM
LS #4142
(BROKEN)

FD 4x4"CM
"PHILIPS"

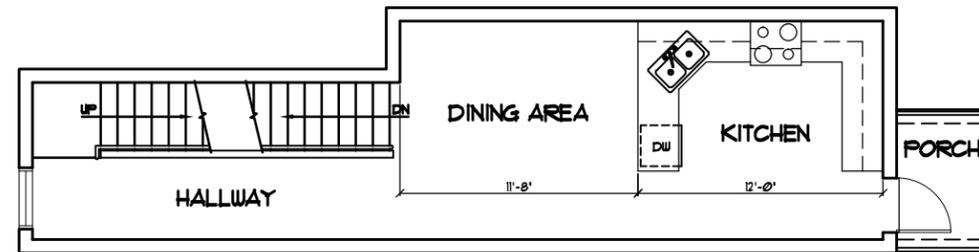
N22°14'14"W

Daytona Ave North

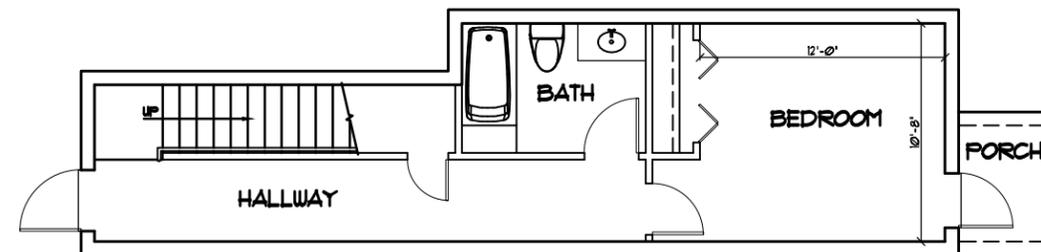
50' R/W



THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



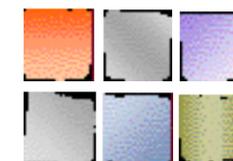
FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

SQ. FT. CALCULATIONS:

1st. FLOOR AREA:	462 SQ. FT.
2nd. FLOOR AREA:	462 SQ. FT.
3rd. FLOOR AREA:	462 SQ. FT.
TOTAL A/C AREA:	1386 SQ. FT.
PORCH AREAS:	102 SQ. FT.
TOTAL AREA:	1491 SQ. FT.

Scheme #4
FLOOR PLAN
PROJECT # 211173
10.14.2011
11.10.2011

NEW CUSTOM RESIDENCE FOR:
THE FANELLI RESIDENCE



JPA
JOSEPH POZZI ARCHITECT
314 E. MOODY BLVD
FLAGLER BEACH, FLORIDA 32136
T: (386) 439-5650 F: (386) 439-5651
AR 13178 ID 4843
COPYRIGHT 2011



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: Glare or Excessive Light within Residential Areas

DATE: December 2, 2011

Applicant: City of Flagler Beach, P.O. Box 70, Flagler Beach, Florida 32136

Summary

Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, adding measurable standards to prevent glare or excessive light on an adjacent property within residential areas.

Analysis

On October 27, 2011, the City Commission directed staff to research the *Code of Ordinances* for regulations regarding glare or excessive light within residential zoning districts and present possible language to be added to the *Land Development Regulations*. There are the following measurable standards in the *Land Development Regulations* for glare or excessive light in residential areas/uses from industrial and downtown areas, parking lots, and mini-warehouses:

- Section 2.04.02.5., Industrial Performance Standards, requires "...outdoor lighting shall be designed to minimize the illumination cast on adjacent residential areas by directing such lights, if possible, toward the interior of the industrial property and/or by reducing the wattage or candle power of the lights."
- The Downtown Design Guidelines states, "Lighting should be designed to minimize the illumination cast on adjacent residential areas by directing the lights towards the interior of the property and/or by reducing the wattage or candle power of the lights."
- Section 2.06.02.1.(10), Off-Street Parking, states that lighting "should avoid any annoyance to the neighbors from brightness or glare."
- Section 2.06.11., Mini-warehouses, requires that, "If the facilities are lighted, lighting shall be designed and installed so as to prevent glare or excessive light on adjacent property. No source of illumination shall be allowed if such source of illumination would be visible from a residentially zoned district to the extent that it interfered with the residential use of that area."

On November 1, 2011, the Planning and Architectural Review Board continued this request until the December 6, 2011, meeting. At the request of the Board, staff researched and found the following similar regulations from other jurisdictions:

Flagler County – Per Section 3.03.18.G.7., the industrial zoning districts have the following glare provisions:

- (a) Every industrial use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible beyond the lot line of the property on which the use is located.
- (b) Outdoor lighting, including the illumination of the parking areas, pedestrian paths, signage, and spot lighting used for aesthetic or decorative reasons, is exempted from this provision except that such outdoor lighting shall be designed to minimize the illumination cast on adjacent residential areas by directing such lights, if possible, toward the interior of the industrial property and/or by reducing the wattage or candle power of the lights.

Ormond Beach – Per Section 14-102., Glare and heat, states that “no direct or sky-reflected glare, whether from floodlights, parking lot lighting, signs, spotlights, flood lights, etc. or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.”

Palm Coast – Per Section 3.04.03.G.8., the Gateway Overlay Zone requires that site lighting “[i]llumination shall be limited to the site and shall not cause glare or visual disturbance to adjacent properties. Per Section 9.07., parking lot and roadway lighting have a shielding requirement where [l]ighting shall be designed to prevent direct glare, light spillage, and hazardous interference with automotive, aircraft, and pedestrian traffic on adjacent streets and on all adjacent properties.

Recommendation

Staff requests that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to include a measurable standard for glare or excessive light within residential areas.



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: Pain Management Clinic Regulations and Definitions

DATE: December 2, 2011

Applicant: City of Flagler Beach, P.O. Box 70, Flagler Beach, Florida 32136

Summary

Discussion and recommendation of Ordinance 2011-19 of the City of Flagler Beach, Florida, amending Chapter 16, creating Article VI, Pain Management Clinic Regulations and Definitions of the *City of Flagler Beach Code of Ordinances*, providing for findings of fact, intended purpose and supplemental regulations of pain management clinics, providing for severability and conflicts, providing for codification, and providing for an effective date.

Analysis

On July 1, 2011, House Bill 7095 – Prescription Drugs, became effective that makes failure to comply with requirements of Section 456.44, Controlled Substance Prescribing, *Florida Statutes*, grounds for disciplinary action; provides mandatory administrative penalties for certain violations related to prescribing; requires prescriptions for controlled substances to be written on counterfeit-resistant pad produced by approved vendor or electronically prescribed; provides conditions for being approved vendor; requires certain physicians to designate themselves as controlled substance prescribing practitioners on their practitioner profiles, etc.

On September 29, 2011, staff received a draft ordinance from the City of Palm Coast to coordinate and ensure that their proposed regulations do not unnecessarily create potential problems for our City.

On November 10, 2011, the City Commission adopted a moratorium for a maximum of 180 days on the issuance of a building permit or a local business tax receipt for the operation of pain clinics or pain management clinics within the City, which shall expire on May 8, 2012. The City Commission also considered and passed the enclosed Ordinance 2011-19 on first reading, which is consistent with the draft ordinance from the City of Palm Coast. The definitions and exceptions in Ordinance 2011-19 are consistent with *Florida Statutes* and require clinics to provide evidence of compliance with *Florida Statutes*. The City will also require compliance with additional regulations (shown on lines 168 through 271).

Recommendation

Staff requests that the Planning and Architectural Review Board recommend that the City Commission adopt Ordinance 2011-19.

Enclosure: Proposed Ordinance 2011-19

1125

ORDINANCE 2011-19

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AMENDING CHAPTER 16, CREATING ARTICLE VI; PAIN MANAGEMENT CLINIC REGULATIONS AND DEFINITIONS, PROVIDING FOR FINDINGS OF FACT, INTENDED PURPOSE AND SUPPLEMENTAL REGULATIONS OF PAIN MANAGEMENT CLINICS; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Flagler County Sheriff has informed the Flagler Beach City Commission ("City Commission") that a pattern of illegal drug use and distribution has been linked in large part to certain pain management clinics operating throughout the State of Florida; and

WHEREAS, the illegal distribution of prescription drugs, increased crime associated with such activity, and the health concerns in Flagler County and Flagler Beach relating to prescription drug abuse create an urgent situation requiring immediate action to reduce the threat to the health, safety and welfare of the Flagler Beach citizens; and

WHEREAS, on November 10, 2011, the City Commission adopted Ordinance No. 2011-18 to implement a moratorium which shall expire on May 8, 2012, on the issuance of any new Local Business Tax Receipts for pain management clinics, to direct City staff to analyze the effects of pain management clinics on the Flagler Beach community and to prepare recommendations to better promote, protect and improve the health, safety and welfare of the citizens of the City by local regulation of pain management clinics, to restrict cash only operations, and to regulate hours of operation of existing clinics through the period of the moratorium; and

WHEREAS, the State of Florida, Flagler County Sheriff, the City Commission and City staff have identified negative adverse secondary effects associated with pain management clinics that necessitate a recommendation for certain changes to the Flagler Beach code that will result in additional substantive regulations, compatible with the State of Florida initiatives, for pain management clinics in Flagler Beach.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. Creation of Pain Management Clinic Ordinance. A Pain Management Clinic Ordinance is hereby created to read as follows, to be codified at Article VI, Chapter 16, Flagler Beach Code of Ordinances.

SECTION 2. Title
This Ordinance shall be known as the "Pain Management Clinic Ordinance".

43 **Sec. 16-72. Findings of Fact; Intent and Purpose.**

- 44
- 45 (a) The Flagler County Sheriff informed the City Commission that a pattern of
- 46 illegal drug use and distribution has been linked in large part to certain pain
- 47 management clinics operating throughout the State of Florida ; and
- 48
- 49 (b) The illegal distribution of prescription drugs, increased crime associated
- 50 with such activity, and the health and safety issues relating to prescription drug
- 51 abuse has created an urgent situation requiring immediate action to reduce the
- 52 threat to the health, safety and welfare of City citizens; and
- 53
- 54 (c) The Florida Legislature has identified concerns regarding the increased use
- 55 and abuse of substances controlled by federal and/or state law and the
- 56 frequency of injury and death occurring as a result of the increased availability
- 57 of controlled substances via medical practitioners operating in pain
- 58 management clinics or facilities; and
- 59
- 60 (d) Florida Statutes require physicians and other persons dispensing
- 61 prescription drugs through pain management clinics, facilities or offices, to
- 62 register with the State Department of Health in order to conduct such business;
- 63 and
- 64
- 65 (e) The negative secondary impacts associated with the certain pain
- 66 management clinics include the congregation of drug users and drug addicted
- 67 persons outside of pain management clinics in a manner that has a negative
- 68 effect on the willingness of residents to patronize nearby businesses and which
- 69 disturbs nearby residents all hours of the day but particularly in the early
- 70 morning and late evening hours thus creating an urgent situation necessitating
- 71 immediate investigation into and potential regulation of such clinics in Flagler
- 72 Beach; and
- 73
- 74 (f) It is not the intent of this Ordinance to interfere with the legal prescription,
- 75 dispensation, or use of controlled substances; and
- 76
- 77 (g) Under its home rule authority Flagler Beach can pass additional legislation
- 78 to further regulate pain management clinics as long as these additional
- 79 regulations are not preempted in the law and are not inconsistent with the
- 80 statutory provisions.
- 81

82 **Sec. 16-73. Definitions.**

83

84 For purposes of this article, the following terms, whether appearing in the singular

85 or plural form, shall have the following meanings. All other terms used in this

86 article shall have the meaning provided in Chapter 2011-141, Laws of Florida, as it

87 may be amended from time to time.

88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131

"Acute Pain" means the normal, predicted, physiological response to an adverse chemical, thermal, or mechanical stimulus and is associated with surgery, trauma, or illness. It is generally short-lived. Acute Pain responses may vary between patients and between pain episodes within an individual patient. Acute Pain episodes may be present in patients with Chronic Pain.

"Chronic Pain" or "Chronic Non-Malignant Pain" means pain unrelated to cancer or rheumatoid arthritis which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

"City" means the City of Flagler Beach, Florida.

"Dangerous Drugs" means a controlled substance listed in Schedule II and Schedule III in Section 893.03, Florida Statutes as amended from time to time, specifically opiate analgesic and benzodiazepine drugs.

"Health Care Physician or Physician" means any practitioner who is subject to licensure or regulation by the Florida Department of Health under Chapters 458 (physician) or 459 (osteopathic physician), Florida Statutes.

"Pain" means an unpleasant sensory and emotional experience associated with actual or potential tissue damage or described in terms of such damage. Categories of pain include Acute Pain or Chronic Pain.

"Pain Management" means the use of pharmacological and non-pharmacological interventions to control a patient's identified pain. Pain Management often extends beyond pain relief, encompassing the patient's quality of life, ability to work productively, to enjoy recreation, and to function normally in family and society.

"Pain Management Clinic" means any publicly or privately-owned facility:

1. That advertises in any medium for any type of pain-management services; or
2. Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

"Physician Primarily Engaged in the Treatment of Pain" means a physician who prescribes or dispenses Dangerous Drugs when a substantial portion of the patients seen are prescribed or dispensed Dangerous Drugs for the treatment of chronic pain. For purposes of this definition, the term "substantial portion" means

132 more than an insignificant or incidental portion. The term “substantial portion”
133 does not necessarily mean a majority or predominant amount.

134
135 **Sec. 16-74. Exceptions.**

136
137 Businesses with one of the following characteristics are not regulated by this
138 Section:

139
140 1. Licensed as a hospital or other licensed facility pursuant to Chapter
141 395, Florida Statutes, as may be amended;

142
143 2. The majority of the physicians who provide services in the clinic
144 primarily provide surgical services;

145
146 3. Owned by a publicly held corporation whose shares are traded on a
147 national exchange or on the over-the-counter market and whose total assets at the
148 end of the corporation’s most recent fiscal quarter exceeded \$50 million dollars:

149
150 4. Affiliated with an accredited medical school at which training is
151 provided for medical students, residents, or fellows;

152
153 5. Does not prescribe controlled substance for the treatment of pain;

154
155 6. Owned or operated by a governmental entity for the sole purpose of
156 serving that governmental entity.

157
158 7. The clinic is wholly owned and operated by one or more board-
159 certified anesthesiologists, physiatrists, or neurologists; or

160
161 8. The clinic is wholly owned and operated by one or more board-
162 certified medical specialists who have also completed fellowship in pain medicine
163 approved by the Accreditation Council for Graduate Medical Education, or who are
164 also board-certified in pain medicine by a board approved by the American Board
165 of Medical Specialties and perform interventional pain procedures of the type
166 routinely billed using surgical codes.

167
168 **Sec. 16-75. Regulation of pain management clinics.**

169
170 Pain Management Clinics shall be subject to the following supplemental regulations
171 and the physician designated as responsible for complying with all requirements
172 related to registration and operation of the Pain Management Clinic shall ensure
173 compliance herewith as follows:

174
175 (1) *Display of licenses.* Any Pain Management Clinic shall be validly
176 registered with the State of Florida and with the City and shall prominently display

177 in a public area near its main entrance copies of all state licenses, City licenses, and
178 Occupational License/Local Business Tax Receipts, and the name of the owner and
179 designated physician responsible for compliance with state and City law.
180

181 (2) *Minimum floor area.* A Pain Management Clinic shall have a total
182 leasable floor area of not less than one thousand (1,000) square feet.
183

184 (3) *Activities in enclosed areas.* All activities of Pain Management Clinics,
185 including sale, display, preparation and storage, must be conducted entirely within
186 a fixed and completely enclosed business. Pain Management Clinics shall not
187 provide outdoor waiting areas, such as seating and queues.
188

189 (4) *Facility and Physical Operations.* Pain Management Clinics shall
190 provide the following:
191

- 192 a. emergency lighting and communications (land line
193 telephone),
- 194 b. reception and waiting area,
- 195 c. restroom(s),
- 196 d. administrative area, including room for storage of medical
197 records, supplies, and equipment,
- 198 e. private patient examination room,
- 199 f. treatment rooms, if treatment is being provided to patients,
- 200 g. a printed sign located in a conspicuous place in the waiting
201 room viewable by the public with the name and contact
202 information of the clinic's designated physician and all
203 physicians practicing in the clinic.
204

205 (5) *Drive-thru.* Pain Management Clinics shall not provide drive-thru
206 window operations or services.
207

208 (6) *Alcoholic beverages.* Alcoholic beverages shall be prohibited from
209 being sold on the premises.
210

211 (7) *No loitering.* The Pain Management Clinic shall not direct or
212 encourage any patient or business invitee to stand, sit (including in parked car),
213 gather, or loiter outside of the building where the clinic operates, including in any
214 parking area, sidewalk adjacent, right-of-way, or neighboring property for any
215 period of time longer than that reasonably required to arrive and depart. The Pain
216 Management Clinic shall post conspicuous signs stating that no loitering is allowed
217 on the property.
218

219 (8) *Operating hours.* Regular business hours for Pain Management
220 Clinics are limited from Monday through Saturday and only during the hours of 7:00

221 a.m. to 7:00 p.m. and shall only provide emergency services outside the regular
222 business hours.

223
224 (9) *Landlord responsibility.* Any landlord who knows, or in the exercise
225 of reasonable care should know, that a Pain Management Clinic is operating in
226 violation of the Flagler Beach Code of Ordinance, or applicable Florida law,
227 including the rules and regulations promulgated by the Department of Health,
228 Board of Medicine, or Board of Osteopathic Medicine, shall have the responsibility
229 to stop or take reasonable steps to prevent the continued illegal activity on the
230 leased premises. Landlords who lease space to a Pain Management Clinic must
231 expressly incorporate language into the lease or rental agreement stating that
232 failure to comply with the Flagler Beach Code of Ordinance is a material breach of
233 the lease and shall constitute grounds for termination and eviction by the landlord.

234
235 (10) *Compliance with other laws.* A Pain Management Clinic shall at all
236 times be in compliance with all federal and state laws and regulations and the
237 Flagler Beach Code of Ordinance.

238
239 (11) *Patient payment options.* No Pain Management Clinic shall limit
240 patient payment options to cash only.

241
242 (12) *Certificate of Use.* A Pain Management Clinic must apply for and
243 receive a Certificate of Use from the City at the time that it seeks issuance or
244 renewal of the Local Business Tax Receipt for the business, or at any time that there
245 is a change of owner or the physician of record, pursuant to Section 458.3265,
246 Florida Statutes or Section 459.0137, Florida Statutes, as amended. This application
247 for Certificate of Use shall establish, and shall be updated as needed:

248
249 (a) owner or operator of the facility;

250
251 (b) proof of registration with the Florida Department Health,
252 pursuant to Section 458.3265 or Section 459.0137, Florida Statutes. If the
253 registration of the Pain Management Clinic is revoked or suspended by the Florida
254 Department of Health, the City's Certificate of Use shall be revoked automatically
255 and shall not be subject to the provisions herein;

256
257 (c) the application for a Certificate of Use shall include an
258 affidavit by the owner or the physician of record, pursuant to Section 458.3265 or
259 Section 459.0137, Florida Statutes, as amended, attesting to the fact that no
260 employee of the business, nor any independent contractor or volunteer having
261 regular contact with customers of the business, has been convicted of a drug
262 related felony within the five (5) year period prior to the date of the application,
263 and that the business shall not employ or allow any such convicted employee,
264 independent contractor or volunteer on the premises thereafter.

265

266 (d) the application shall contain a sketch of the intended
267 business to confirm compliance with the business/floor plan requirements of this
268 Section. The sketch shall confirm that the Pain Management Clinic will not have
269 any outdoor waiting areas such, such as seating or queues.
270

271 (e) a copy of the lease agreement for business location.
272

273 **Sec. 16-76. Application to Existing Pain Management Clinics.**
274

275 All Pain Management Clinics legally in existence prior to the effective date of this
276 Section, shall comply with the requirements herein within 365 days of the effective
277 date of this Section. Any Pain Management Clinic legally in existence prior to the
278 effective date of this Section, but now in violation of this provision due to the Pain
279 Management Clinic's failure to meet the requirements of this section, shall be
280 considered a legal nonconforming use for a period of one (1) year from the
281 effective date of this Section. After the one (1) year period of time, such
282 nonconforming use shall be removed or discontinued.
283

284 If at any time the City determines that a Pain Management Clinic is operating in any
285 manner that is inconsistent with, or contrary to the provisions of this Chapter, or
286 any other applicable Code or statutes, the City may revoke the Certificate of Use
287 through the process outlined herein or as allowed by State Statutes.
288

289 **Sec. 16-77. Penalties.**
290

291 Unless as otherwise provided herein, violations of this Article shall be punishable in
292 accordance with Section 14-1 of the City of Flagler Beach Code of Ordinances. In
293 addition, the City may bring any other action available at law or equity to penalize
294 or enjoin violations of this Article.
295

296 **SECTION 3.** If any Section, Subsection, sentence, clause, phrase, or portion of this ordinance, or
297 application thereof, is for any reason held invalid or unconstitutional by any Court, such portion or
298 application shall be deemed a separate, distinct, and independent provision, and such holding shall
299 not affect the validity of the remaining portions or application hereof.
300

301 **SECTION 4.** It is the intent of the City Commission of Flagler Beach, and is hereby provided that
302 the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the
303 sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance"
304 may be changed to "section", "article", "chapter" or other appropriate designation to
305 accomplish such intention.
306

307 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby
308 repealed.
309

310 **SECTION 6.** This ordinance shall take effect immediately upon passage as provided by law.

311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332

PASSED ON FIRST READING THIS _____ DAY OF _____, 2011.
PASSED AND ADOPTED THIS _____ DAY OF _____, 2011.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Alice M. Baker, Mayor

ATTEST:

Penny Overstreet, City Clerk



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: Bar, Cocktail Lounge, Saloon, or Tavern as a Special Exception Uses of the GC,
General Commercial Zoning District

DATE: December 2, 2011

Applicant: City of Flagler Beach, P.O. Box 70, Flagler Beach, Florida 32136

Summary

Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.04.02.8., Zoning Schedule One Land Use Controls, of the *City of Flagler Beach Land Development Regulations* to add bar, cocktail lounge, saloon, or tavern to the special exception uses of the GC, General Commercial zoning district.

Analysis

The GC, General Commercial zoning district can only be applied to properties that are designated Commercial on the future land use map in the *Comprehensive Plan*. The Future Land Requirements section of the *Comprehensive Plan* Future Land Use Element includes the following excerpts from the Commercial and Services future land use category:

- [The intersection of State Road 100 (Moody Boulevard) and County Road 201 (John Anderson Highway)] will be the first glimpse most visitors get of the City and it should be designed to create a good impression. The viability and growth of both [this area] and the State Road A1A (Ocean Shore Boulevard) corridor is important to the City as this growth will help broaden the tax base which is now overly dependent on residential properties."
- At present there are a considerable number of short vehicular trips made on State Road A1A (Ocean Shore Boulevard) to purchase typical convenience store items. Small neighborhood convenience shopping areas should be developed approximately one mile to the north and south of the State Road A1A (Ocean Shore Boulevard) and State Road 100 (Moody Boulevard) intersection along State Road A1A to serve local and beach goers' needs thereby reducing trip demands on the State Road A1A arterial.

Chapter 3 of the *City of Flagler Beach Code of Ordinances* states the following regarding the sales of alcoholic beverages:

Article I. In General

Section 3-1. Hours.

(a) It shall be unlawful for any business establishment to sell, dispense or distribute to

the public any alcoholic beverage, as defined in F.S. chapter 561, except wine, beer and malt beverages, as defined in F.S. section 563.01, except during permitted hours of operation set forth as follows:

- (1) From 7:00 a.m. to 2:00 a.m. the following morning, Monday through Saturday;
- (2) From 1:00 p.m. Sunday to 2:00 a.m. Monday of each week.

(b) Establishments holding beer and wine license only, under the state beverage department and the city, are permitted to sell beer and wine during the hours from 7:00 a.m. to 2:00 a.m. daily including Sunday.

Section 3-2. Location.

No person or business establishment shall be permitted to conduct sales of alcoholic beverages as defined in F.S. section 561.01 except for the sale of beer and malt beverages as defined in F.S. section 563.01 closer than three hundred (300) feet from any religious institution or educational institution as defined in F.S. chapter 205, the distance to be measured from main front portal to main front portal by proceeding along existing public rights-of-way. The provisions of this section shall not apply to existing business establishments conducting sales of alcoholic beverages on December 8, 1983, nor shall a business establishment lose a vested right due to a subsequent establishment of a religious institution or educational institution within three hundred (300) feet of such established business.

Article IV., Outdoor Entertainment, in Chapter 4 of the *City of Flagler Beach Code of Ordinances* includes the following sections:

Section 4-163. Applicability. This article shall apply to all property within the City of Flagler Beach that is located in the GC-General Commercial, TC-Tourist Commercial and HC-Highway Commercial zoning districts.

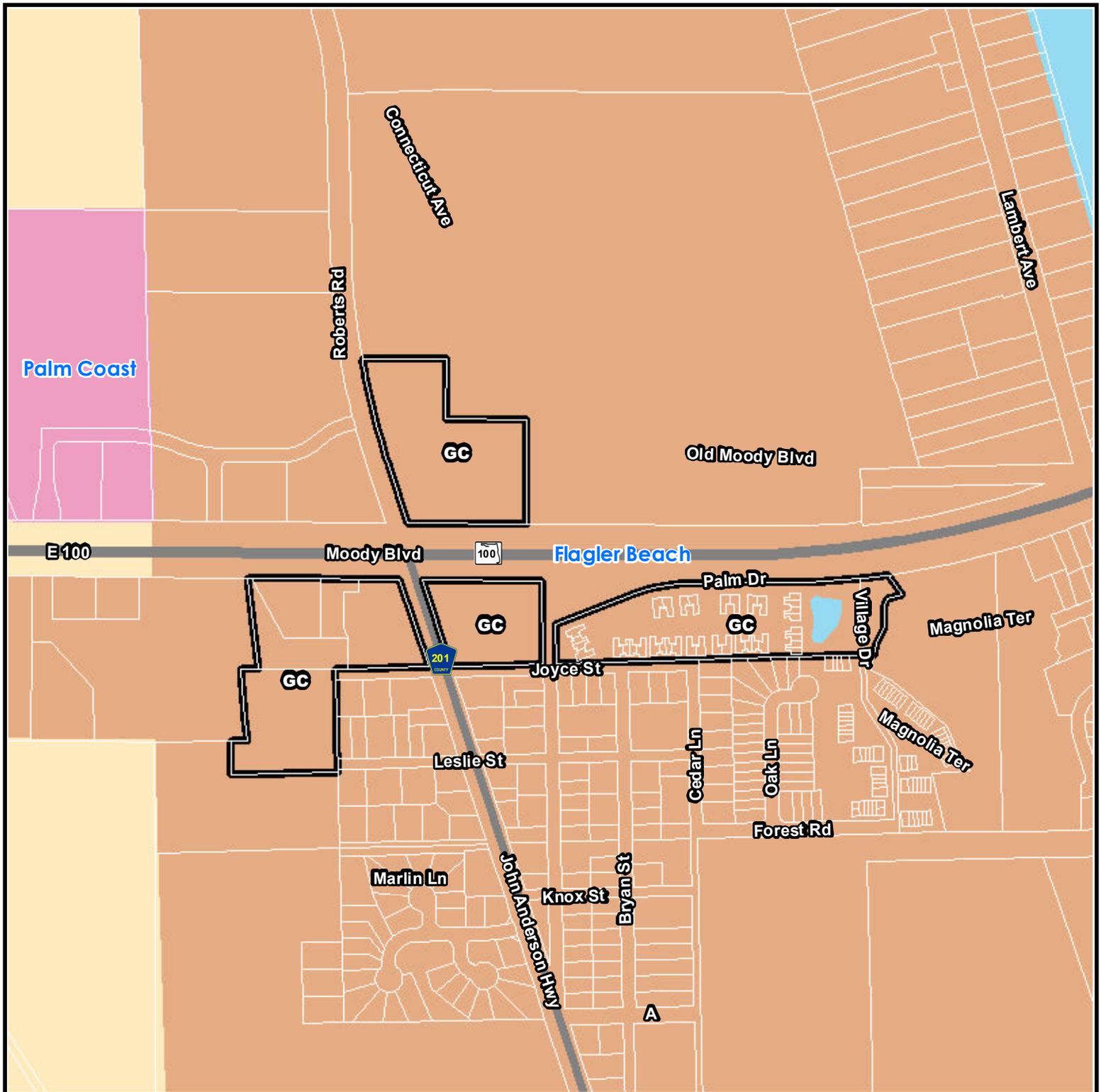
Section 4-165. Permit required. Any person, business or organization desiring to conduct or sponsor outdoor entertainment in any of the city's commercial zoning districts shall obtain a permit that is approved by the city commission.

Recommendation

Staff requests that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to add bar, cocktail lounge, saloon, or tavern to the special exception uses of the GC, General Commercial zoning district with the following limitations:

1. The location is on a property adjacent to either State Road A1A (Ocean Shore Boulevard) or State Road 100 (Moody Boulevard); and
2. An approved site plan must be submitted with the application for a special exception request.

Enclosures: Maps of GC, General Commercial zoning districts

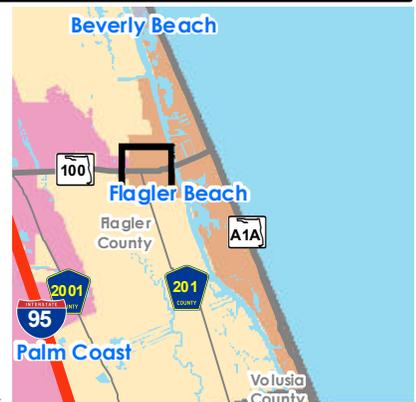


December 2, 2011

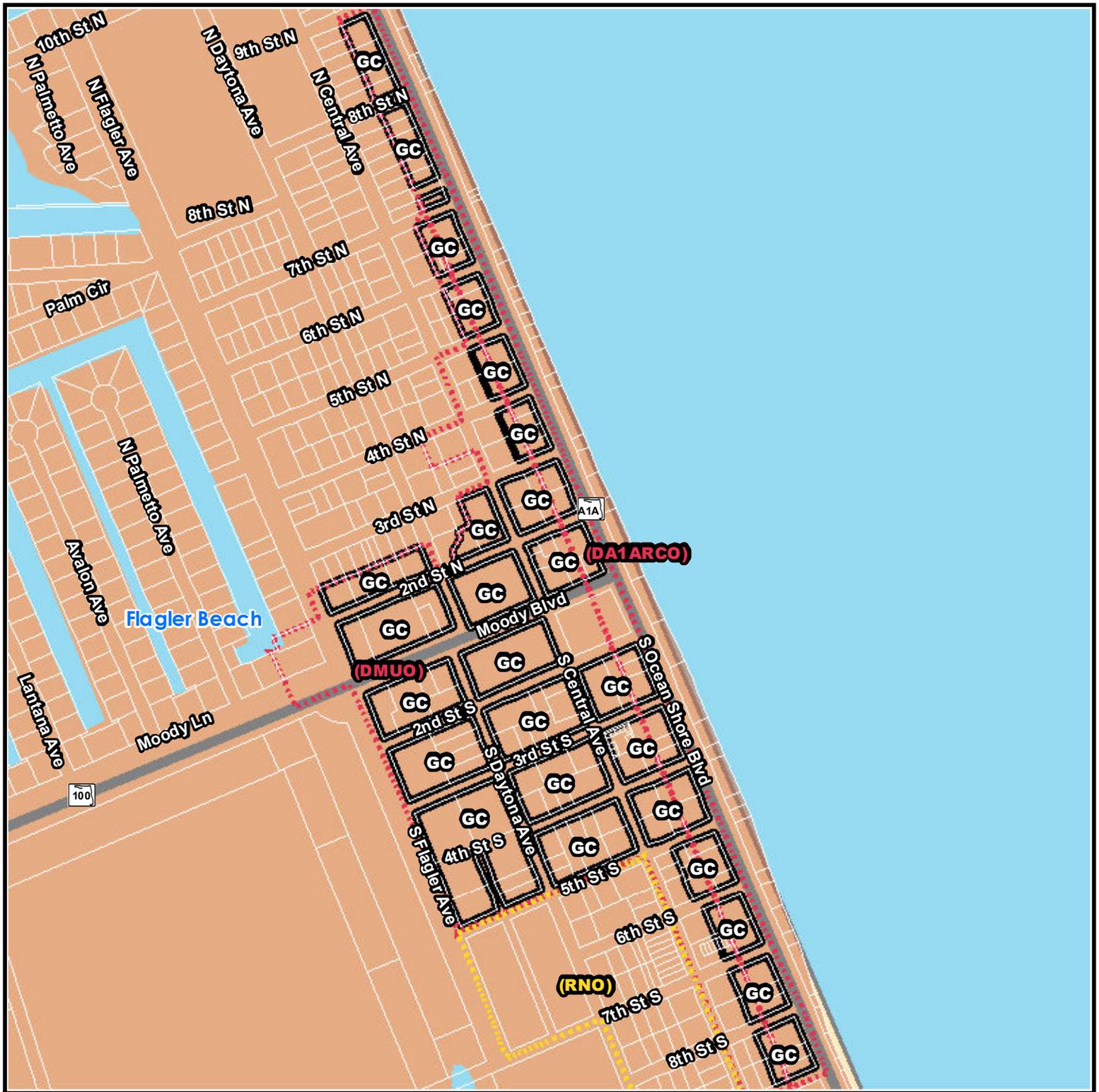


Legend

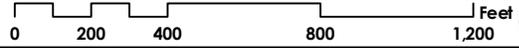
- | | | | |
|------------------------------|--|-------------|--|
| Parcels | | Interstate | |
| Zoning Overlays | | US Highway | |
| Downtown A1A Retail Corridor | | State Road | |
| Downtown Mixed-Use | | County Road | |
| Residential Neighborhood | | Street | |
| Zoning Districts | | Water | |
| GC, General Commercial | | Counties | |



Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and United States Geological Survey Earth Resources Observation Systems Data Center. The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for a particular purpose lies with the user. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriateness of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.

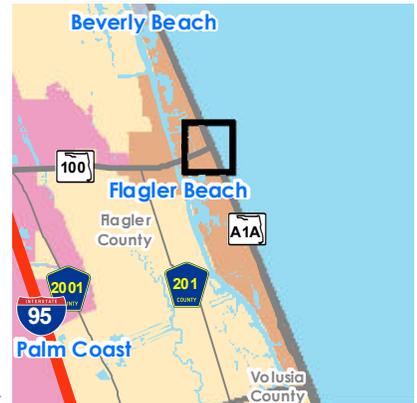


December 2, 2011

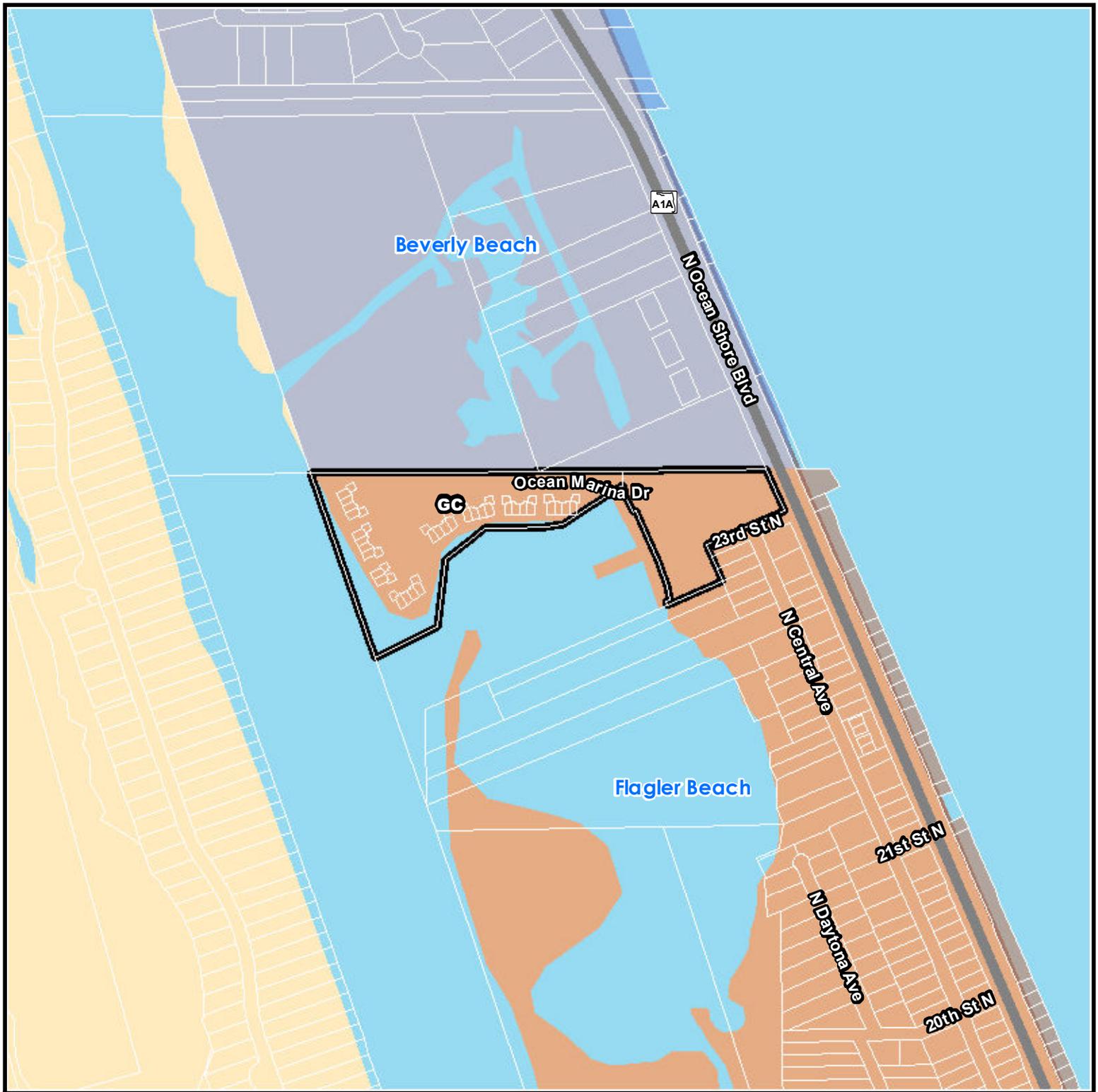


Legend

- Parcels
- Zoning Overlays
 - Downtown A1A Retail Corridor
 - Downtown Mixed-Use
 - Residential Neighborhood
- Zoning Districts
 - GC, General Commercial
- Interstate
- US Highway
- State Road
- County Road
- Street
- Water
- Counties



Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and United States Geological Survey Earth Resources Observation Systems Data Center. The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for a particular purpose rests solely with the user. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriate use of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.



December 2, 2011

0 200 400 800 1,200 Feet

Legend

- | | | | |
|------------------|------------------------------|-------------|--|
| Parcels | | Interstate | |
| Zoning Overlays | | US Highway | |
| | Downtown A1A Retail Corridor | State Road | |
| | Downtown Mixed-Use | County Road | |
| | Residential Neighborhood | Street | |
| Zoning Districts | | Water | |
| | GC, General Commercial | Counties | |



Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and United States Geological Survey Earth Resources Observation Systems Data Center. The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for a particular purpose for the use is solely with the requester. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriateness of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.



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: #SE 11-12-01 – 1932 South Ocean Shore Boulevard Special Exception

DATE: December 2, 2011

Applicant and Property Owner: Sherwood P. and Nancy T. Keck, 128 Dianna Drive, Ormond Beach, Florida 32176

Property: 1932 South Ocean Shore Boulevard – 18-12-32-2750-00200-0090

Future Land Use: Commercial

Zoning District: Tourist Commercial

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Section 2.06.01.*, Special Exception Uses, the applicant is requesting a special exception to allow a single-family dwelling. The subject property is zoned as TC, Tourist Commercial, contains approximately 0.14 acre, and is generally located northwest of the intersection of 20th Street South and South Ocean Shore Boulevard. The subject property is vacant.

Analysis

Special exception uses, as enumerated in Schedule One, Zoning Schedule of Use Controls, shall be permitted only upon authorization of the City Commission after review by the Planning and Architectural Review Board. In recommending approval or denial of the use, the reviewing boards shall provide findings and recommendations on whether the requirements of Section 2.06.01 (1. through 7.) are met as well as other comments such board feel will assist the City Commission in the determination of whether to grant the use. The applicant's responses to each of the prescribed criteria are as follows:

1. That the use is a permitted special use as set forth in Schedule One hereof.

Single-family dwellings are a permitted principal use in the MDR, Medium Density Residential zoning district and all principal uses permitted in the MDR zoning district are permitted special uses as set forth in Schedule One for the TC, Tourist Commercial zoning district.

2. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

"The proposed structure will be operated consistent with the requirements of a single-family dwelling."

3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

“The proposed structure is a 3,607 square foot house with 2015 square feet of enclosed living space. This proposed house is similar to the single-family homes within the same block.”

4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.

“Similar to the three other homes in the same block, the proposed structure will be used as a single-family home.”

5. That the adequate landscaping and screening is provided as required herein, or otherwise required.

“The building contract has provisions and funds allocated for landscaping similar to the other homes in the area.”

6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

“Proposed parking consists of a 1,336 square foot garage on the lower level of the home. Driveway access to the garage is from the west alley and there shall be no vehicle ingress and egress from Ocean Shore Boulevard.”

7. That the use conforms with all applicable regulations governing the district where located.

“The proposed structure will be a single-family dwelling, which will be home year-round.”

Staff generally agrees with the applicant’s responses to the criteria.

Recommendation

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the special exception for professional offices at the subject property.

Enclosure: Special Exception Application Packet



City of Flagler Beach
PO Box 70 105 South 2nd Street
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2016

Special Exception – (SPEX)

PETITION NO.: _____

DATE: 11/1/11

Pursuant to Appendix A, Land Development Regulations, Section 2.06.01 of the Zoning Ordinance,
 I hereby request a Special Exception as described below:

PURPOSE FOR THE SPECIAL EXCEPTION PETITION: Single Family Residential

PETITIONER: Sherwood P and Nancy T Keck

PROJECT ADDRESS: 1932 S. Ocean Shore Blvd PHONE NO.: _____

OWNER OF SUBJECT PROPERTY: Sherwood P Keck and Nancy T Keck

ADDRESS: 128 Dianne Dr, Ormond Beach, FL 32176 PHONE NO.: 386-383-7309

PETITIONER'S RELATION TO SUBJECT PROPERTY: Owner

ADDRESS/LEGAL DESCRIPTION: 1932 S. Ocean Shore Blvd, Flagler Beach

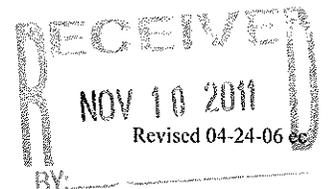
LOT: 9 BLOCK: 20 SUBDIVISION: Fuquay ZONING DISTRICT: _____

ATTACH JUSTIFICATION STATEMENTS ADDRESSING ALL SEVEN (7) REQUIREMENTS FOR THIS SPECIAL EXCEPTION REQUEST AS REQUIRED: (See Attachment "A" Special Exception Requirements.)

TO BE COMPLETED BY THE PLANNING & ZONING DEPARTMENT

ACCEPTED BY: _____ DATE: _____

PETITION #: _____



Special Exception Application – City of Flagler Beach

Special Exception Standards

Q1. That the use is a permitted Special Exception use as set forth in Schedule One Hereof.

A1. The proposed structure to be built on Lot 9, Block 20, Fuquay Subdivision will be a dwelling, single family.

Q2. That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

A2. The proposed structure will be operated consistent with the requirements of a single family dwelling.

Q3. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

A3. The proposed structure is a 3607 square foot house with 2015 sq. ft of enclosed living space. This proposed house is similar to the single family homes within the same block.

Q4. That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.

A4. Similar to the three other homes in the same block, the proposed structure will be used as a single family home.

Q5. That the adequate landscaping and screening is provided as required herein, or otherwise required.

A4. The building contract has provisions and funds allocated for landscaping similar to the other homes in the area.

Q6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

A6. Proposed parking consists of a 1336 square foot garage on the lower level of the home. Driveway access to the garage is from the west alley and there shall be no vehicle ingress and egress from Ocean Shore Blvd.

Q7. That the use conforms with all applicable regulations governing the district where located.

A7. The proposed structure will be a single family, dwelling which will be our home year- round.

Prepared By and Return To:
Coast Title Insurance Agency, Inc
15 Cypress Branch Way, Suite 203
Palm Coast, FL 32164
incidental to the issuance of a title insurance policy.
File Number: 11-0403
Parcel ID: 181232-2750-00200-0090

\$140,000.00

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED dated August 15, 2011, by
Sheila Gazzoli, a married woman
whose post office address is:
76 Island Estates Parkway, Palm Coast, FL 32137
hereinafter called the GRANTOR, to
Sherwood P. Keck and Nancy T. Keck, husband and wife
whose post office address is:
128 Dianna Drive, Ormond beach, FL 32176.
hereinafter called the GRANTEE

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliena, remits, releases, conveys and confirms unto the GRANTEE, all that certain land situated in Flagler County, Florida, viz:

Lot 9, of Block 20, of the subdivision plat of FUQUAY SUBDIVISION, according to the plat thereof, as recorded in Map Book 1, Page 26, of the Public Records of Flagler County, Florida EXCEPTING THEREFROM that portion in the Right-of-Way of State Road A-1-A.

Grantor warrants this VACANT Property.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2011 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining

TO HAVE AND TO HOLD, the same in FEE SIMPLE forever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple, that the GRANTOR has good right and lawful authority to sell and convey said land, that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

Signed in the presence of the following *TWO DIFFERENT* WITNESSES:

#1 Witness
Signature: *Sheila Gazzoli*
Print Name: Sheila Gazzoli
#2 Witness
Signature: *Angela M. Bull*
Print Name: Angela M. Bull
State of: FLORIDA
County of: FLAGLER

Sheila Gazzoli
Sheila Gazzoli

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on the 15th day of August, 2011 by SHEILA GAZZOLI who is personally known to me or who has produced a DRIVERS LICENSE as identification and who did take an oath.
(Notary Seal)

NOTARY PUBLIC Signature: *Angela M. Bull*
My Commission # 7-114
Expires 08/09/12 Print Name: Angela M. Bull



UNOFFICIAL DOCUMENT

Authorization

Owner/Applicant

THIS IS TO CERTIFY THAT I AM THE OWNER AND/OR PETITIONER OF THE SUBJECT PROPERTY DESCRIBED IN THIS SPECIAL EXCEPTION PETITION. I HAVE READ THIS PETITION AND THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PETITIONER: DP Keck / JH Keck

SIGNATURE OF OWNER: DP Keck / JH Keck

DATE: 11/1/11

Owner- Designating Agent on his/her behalf

AS OWNER, I AUTHORIZE _____ TO ACT AS MY AGENT IN THIS MATTER. PRINT NAME, ADDRESS AND PHONE NUMBER OF REPRESENTATIVE, IF APPLICABLE.

NAME: _____

ADDRESS: _____

PHONE: _____

STATE OF FLORIDA,
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

SIGNATURE OF OWNER

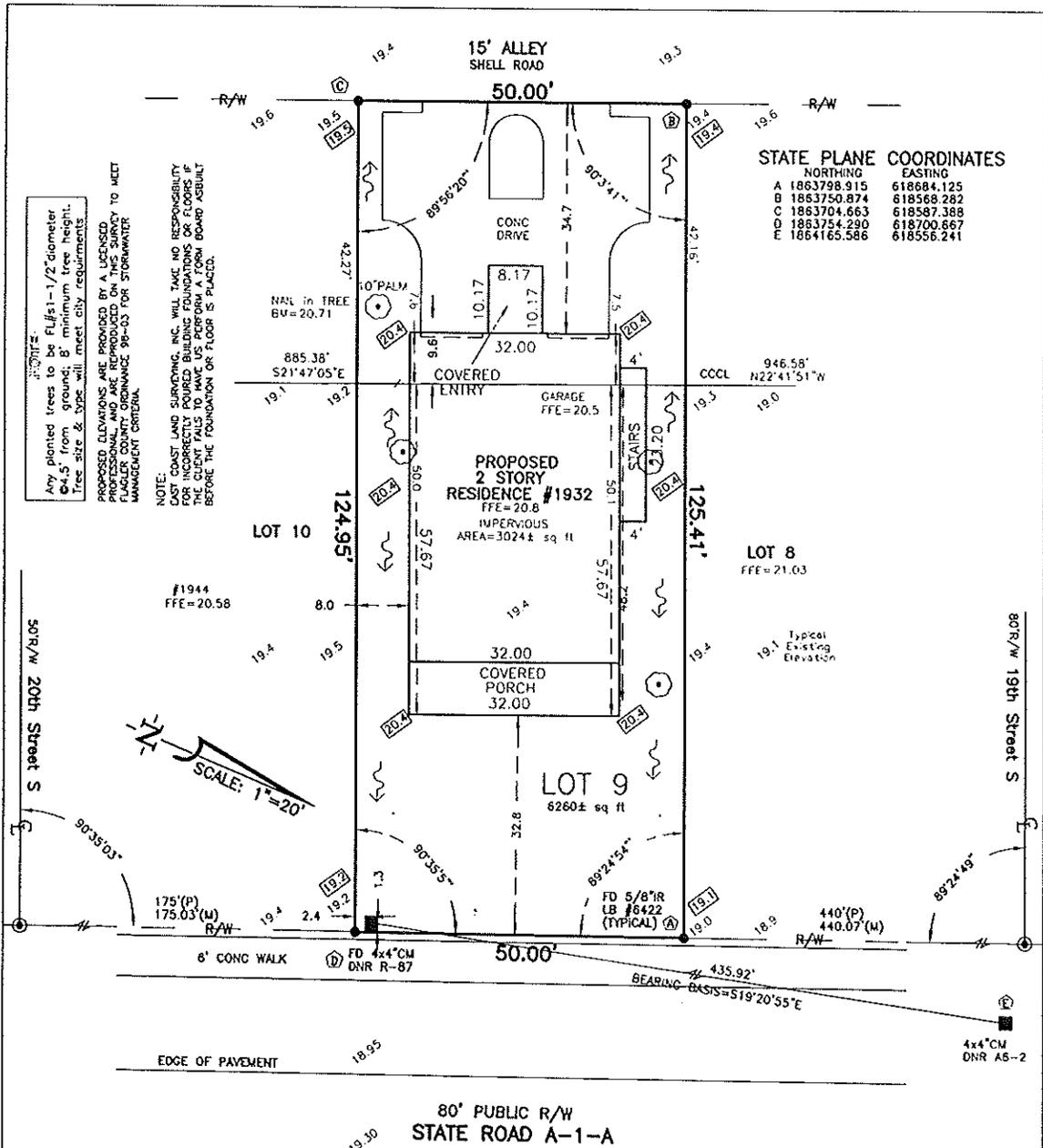
OWNER'S NAME (Print/Type)

ADDRESS (Street, City) & Phone Number

This ___ day of _____, 20___. Who is personally known to me or has produced _____ as identification.

Commission Number & Expiration

Notary Public



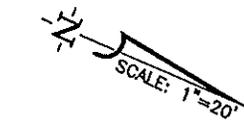
STATE PLANE COORDINATES

	NORTHING	EASTING
A	1863798.915	618684.125
B	1863750.874	618568.282
C	1863704.663	618587.388
D	1863754.290	618700.667
E	1864165.586	618556.241

Any planted trees to be Fujis-1-1/2' diameter @ 4.5' from ground; 8' minimum tree height. Tree size & type will meet city requirements.

PROPOSED ELEVATIONS ARE PROVIDED BY A LICENSED PROFESSIONAL SURVEYOR TO MEET FLAGLER COUNTY ORDINANCE 99-03 FOR STORMWATER MANAGEMENT CRITERIA.

NOTE:
EAST COAST LAND SURVEYING, INC. WILL TAKE NO RESPONSIBILITY FOR ANY FOUNDATIONS OR FLOORS IF THE CLIENT FAILS TO OBTAIN PERMITS FROM BOARD ASSEMBLY BEFORE THE FOUNDATION OR FLOOR IS PLACED.



NOTES:

- Description furnished by client. No title work provided.
- Underground improvements and utilities are not located.
- No bearings are shown on plat.
- Dimension category is shown in parenthesis (), when they differ from record dimensions. Monuments that fall within the suburban closure of 1:5000 [as per 5J-17.051(3)15bii] are not differentiated.
- Overhead electric not located unless shown.
- Flood Zone X, Community Panel No. 12035C 2530, 7/17/06. as best ascertained from the Flood Insurance Rate Map.
- CCCL recorded 4/14/88 in Map Book 28 pgs 6-11.
- Elevations are based on the N.G.V.D. of 1929. Elevations on natural ground have ±0.1' tolerance
- All improvements shown are proposed at this time.

LEGEND:

- ⊕ Center Line
- ⊙ Found
- ⊙/⊙ Nail and Disk
- ⊙ IR Iron Rod
- ⊙ C.M. Concrete Monument
- (P) Plot Bearing & Distance
- (M) Measured Bearing & Distance
- C/S Concrete Stob
- R/W Right of Way
- L.B. Licensed Business
- L.S. Licensed Surveyor
- PSM Professional Surveyor & Mapper
- CONC Concrete
- P.C.P. Permanent Control Point
- W/M Water Meter
- P/P Power Pole
- A/C Air Conditioner
- CCCL Coastal Construction Control Line
- N.G.V.D. National Geodetic Vertical Datum
- B.M. Bench Mark
- F.F.E. Finish Floor Elevation
- [11.5] Proposed Elevation
- ⤵ Direction of proposed flow (typical)
- ⊙ PROPOSED PLANTED TREE

DESCRIPTION:

LOT 9, BLOCK 20, FUQUAY SUBDIVISION, AS RECORDED IN MAP BOOK 1, PAGE 26, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; EXCEPTING THEREFROM THAT PORTION IN THE RIGHT-OF-WAY OF STATE ROAD A-1-A.

PREPARED FOR:
 --- NANCY KECK
 --- GREG HARMON CONSTRUCTION

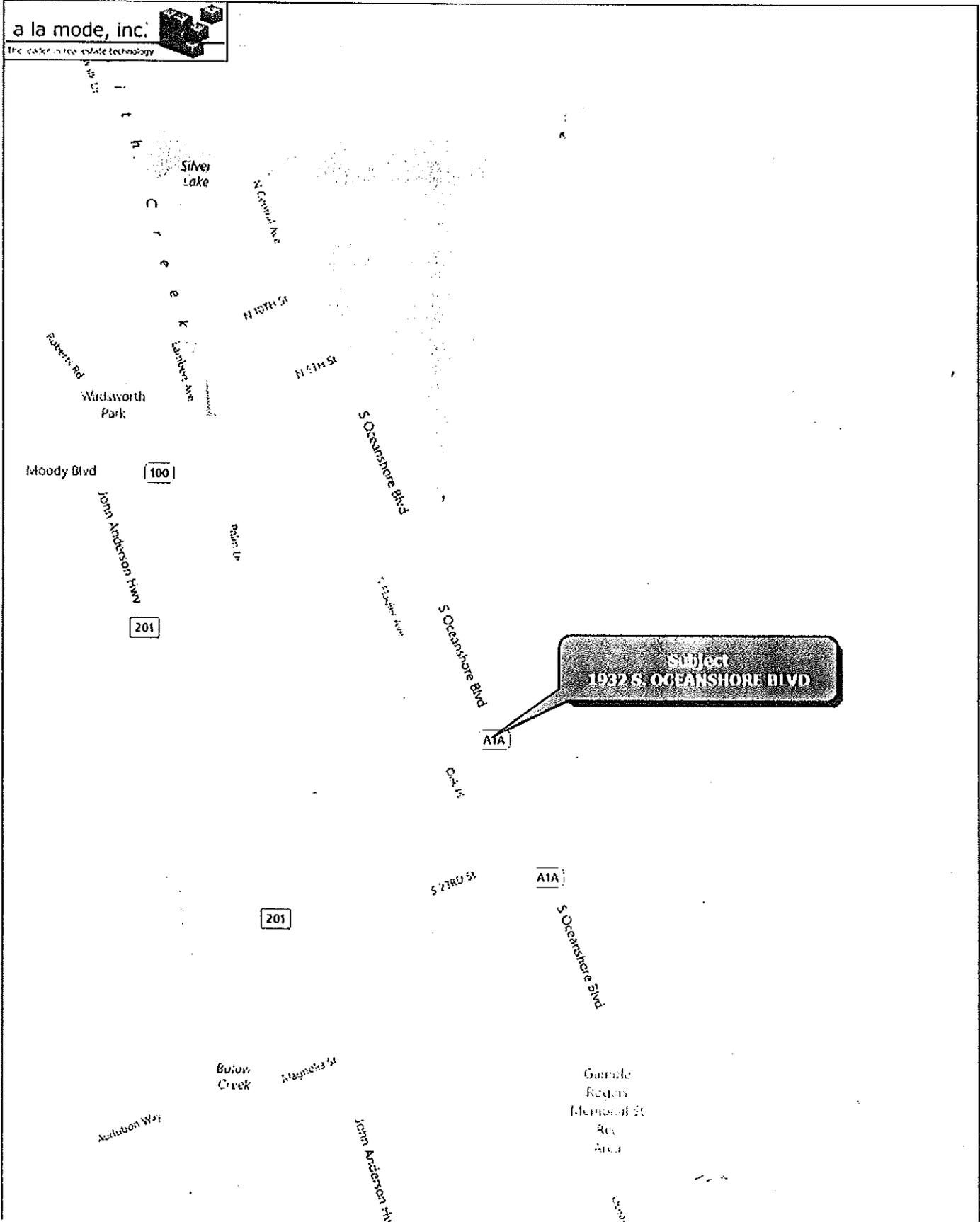
EAST COAST LAND SURVEYING
 11 Coolidge Ave. Suite-J, Ormond Beach FL 32174
 PHONE (386) 672-3633 or (386) 437-0123 FAX (386) 672-3635
 THE FOREGOING PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

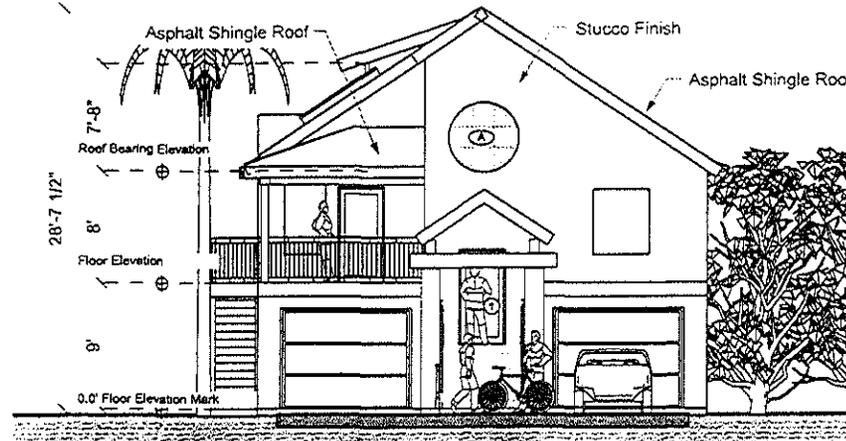
TYPE SURVEY:	DATE OF FIELD WORK	OFFICE WORK ORDER#
Boundary	08/17/11	09/05/11 1110011 ACS
Site Plan	10/12/11	1110011 ACS
Foundation		
Final		

ANTHONY SANZONE, PSM# 6309 L.B #7382
 Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

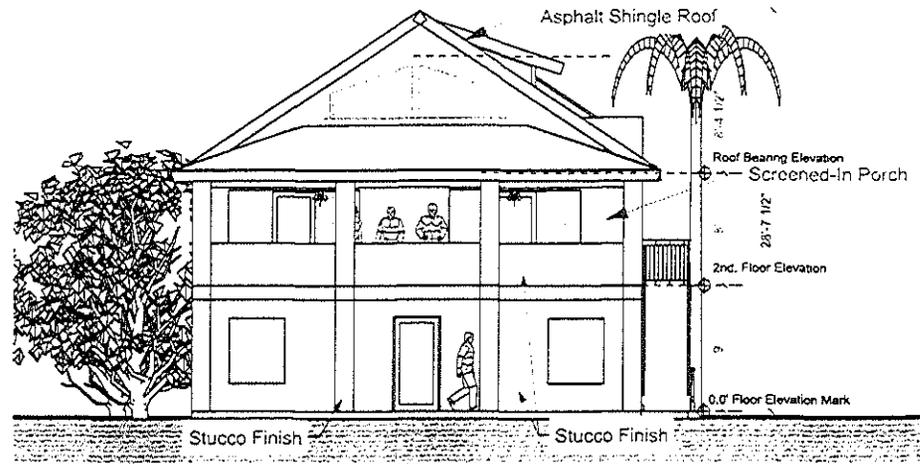
Location Map

Borrower/Client				
Property Address 1932 S. OCEANSHORE BLVD				
City	FLAGLER BEACH	County	State	FL Zip Code 32136
Lender				





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



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

REVISIONS

Richard Brookfield Architect, P.A.
 Fla. Reg. # AR 0014568
 Brookfieldarchitect.com
 P.O. Box 4185 Ormond Beach, FL USA 32175
 Ph: (386) 334-3584

Keck Residence
 AIA
 Ormond Beach, Florida

THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT

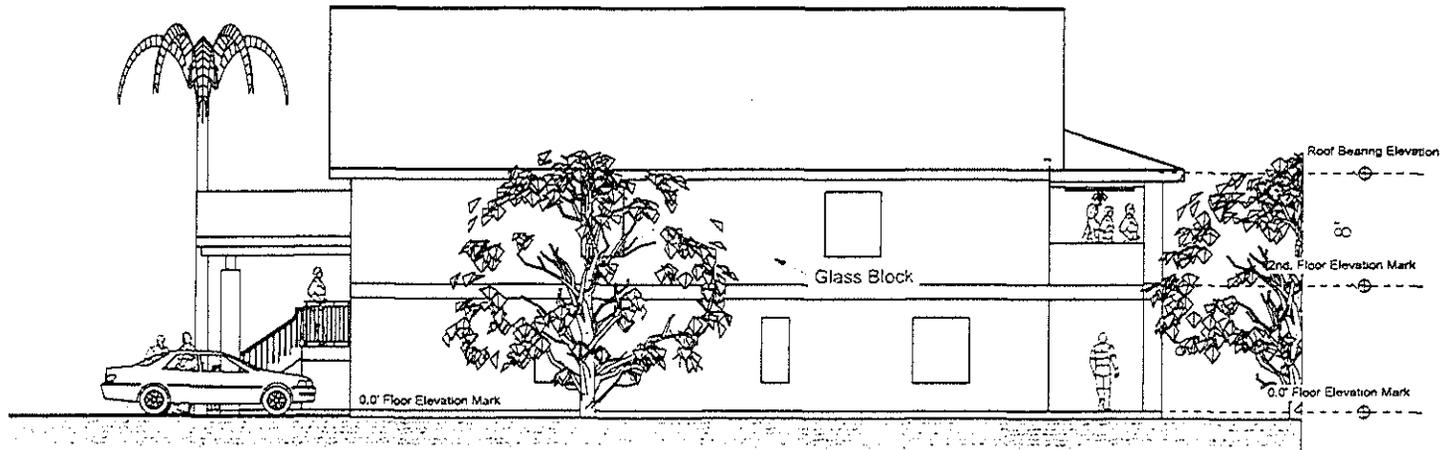
DATE: June 16, 2011
 COMM. NO.: 2008050442
 DRAWN BY: R.A.
 SHEET TITLE:

East Elevation

GWCT

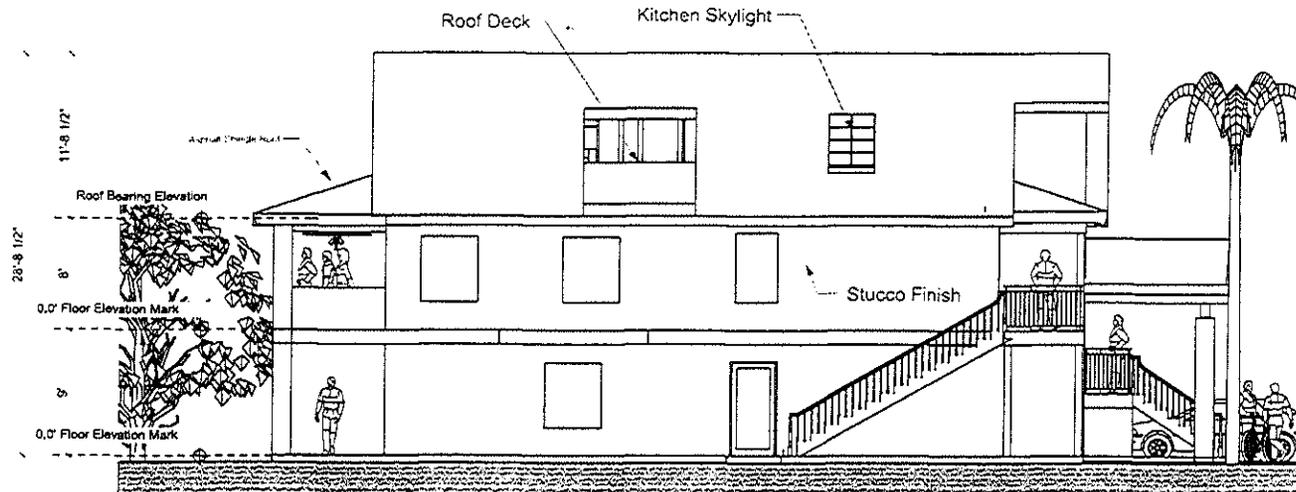
A-7
 OF

SHEET 7 OF 20



South Elevation

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



North Elevation

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

REVISIONS

Richard Brookfield Architect, P.A.
 Fla. Reg. # AR 0014568
 Brookfieldarchitect.com
 P.O. Box 4195 Ormond Beach, FL USA 32175
 Ph: (386) 334-3564

Keck Residence
 AIA
 Ormond Beach, Florida

THIS DRAWING AND ITS REPRODUCTIONS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANYWAY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

DATE: Sep. 16, 2011
 COMM. NO.: 0909034442
 DRAWN BY: R.B.
 SHEET TITLE:

North Elevation

SHEET

A-6

SHEET 6 OF 20

APPLICATION FOR WATER AND/OR SEWER AVAILABILITY

1. APPLICANT

NAME Sherwood P Keck & Nancy T Keck Sherwood P Keck & Nancy T Keck
 (Applicant) (Owner)

ADDRESS: 1288 Dianne Dr, Diamond Beach PHONE: 352-333-7309
FL 32176

2. PROPERTY

STREET ADDRESS: 1932 S. Ocean Shore Blvd.
 LEGAL DESCRIPTION: Lot 9, Block 20, Fegway Subdivision

Has the site plan been approved by the City Commission? _____ If yes, when? _____

3. PROPOSED DEVELOPMENT

What is the property to be used for? Single Family Residence
 (Type of Use)

If commercial use, please give information on water and sewer flow requirements:

_____ (FLOW/G.P.D.)

4. CERTIFICATION

I certify that to the best of my knowledge that all information supplied with this application is true.

Sherwood P Nancy T Keck S P Keck / N T Keck
 (Print Name) (Signature)

FOR CITY USE ONLY:

AVAILABILITY:		YES	NO		YES	NO
	WATER			SEWER		
COST ITEMS:		YES	NO		YES	NO
	WATER LINE TAP			SEWER LINE TAP		
	WATER LINE ROAD BORE			SEWER LINE ROAD BORE		
	STREET CUT			STREET CUT		
	WATER LINE DEPTH			SEWER LINE DEPTH		

UTILITIES OPERATIONS COORDINATOR _____ (DATE) _____

PUBLIC WORKS DIRECTOR _____ (DATE) _____



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 11-12-01 – Flagler Bridge Marina Boat Hoist Launching Piers Site Plan Review

DATE: December 2, 2011

Applicant: Charlie Faulkner, Faulkner & Associates, 139 North Palmetto Avenue, Flagler Beach, Florida 32136

Property: 127 Lehigh Avenue – 12-12-31-2425-00840-0010

Property Owner: 110 Holly Ave Corporation, P.O. Box 280, Flagler Beach, Florida 32136

Future Land Use: Commercial

Zoning District: TC, Tourist Commercial

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 boat hoist launching piers.

Analysis

The applicant's application indicates that the proposed boat hoist launching piers will be a pile supported structure for boat hoist at the existing marina. The system will utilize two (2) structures, each approximately six (6) feet wide and 65' long. No dredging is required.

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 accesses to the site for the boat hoist launching piers are existing and are not proposed to be modified.

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

The boat hoist launching piers do not generate trips so the circulation and parking do not need to be modified and are not proposed to be modified.

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 TC, Tourist Commercial zoning district allows 90% of the lot to be covered. The remaining 10% is typically used for landscaping and stormwater retention. However, the boat hoist launching piers are proposed to be built over water and a presently paved platform.

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 boat hoist launching piers will not impede the light, air, access and privacy of the buildings.

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 subject property is presently improved and includes a 6' privacy fence at the perimeter of the property. The proposed boat hoist launching piers will be approximately four (4) feet above the existing concrete wall cap, at an elevation lower than the top of the existing privacy fence, and not within a buffer zone.

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: (a-e)

This criterion is not applicable.

Pursuant to Section 2.05.07., Structures over Water., "No structures shall be erected or constructed beyond the established bulkhead or bulkhead line of any lake or over the waters of any body of water, except docks." Therefore, Section 2.05.07.1., Bulkhead, Dock and Similar Requirements., state the following:

1. All bulkheads or retaining walls in the location designed thereof are to be approved by the appropriate federal and state regulatory and permitting agencies before application has been made in writing to the planning and architectural review board and to the building official.

Applicant has presented an US Army Corps of Engineers permit and a Florida Department of Environmental Protection permit.

2. No structures shall be built on or over water except docks and the regulation of said docks, piers, wharves and mooring piles or piers of any nature shall be

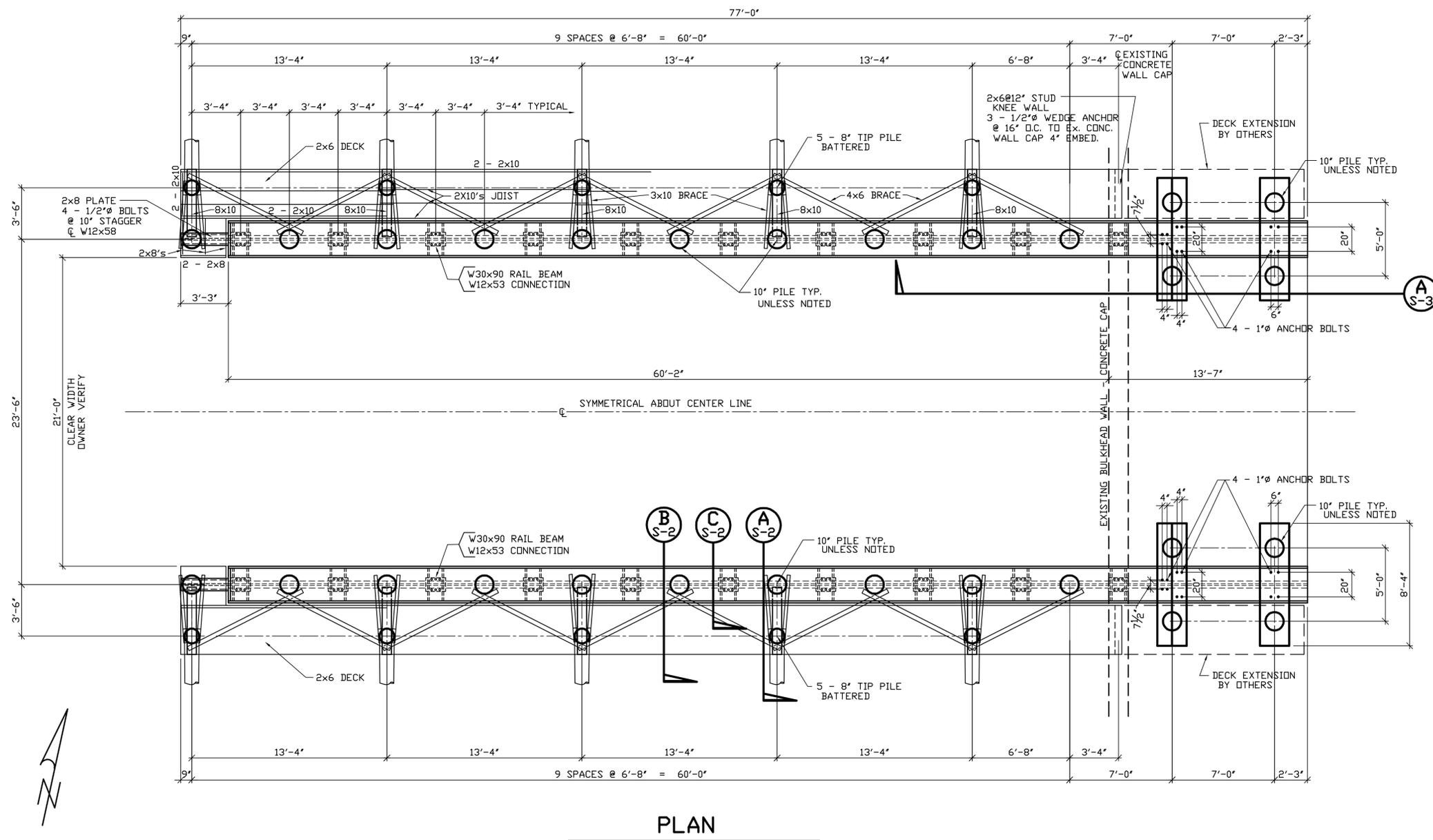
applicable to all applicable regulations of the State of Florida and all local ordinances pertaining to the same.

The City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Article II., Zoning, defines a dock as, "A structure built on pilings over the water which is designed or used to provide anchorage for and access to one (1) or more boats at anchorage. Necessary services such as water and other utilities are considered a part of a dock. However, no cooking, sleeping, or business activity shall be permitted or conducted on a dock." The proposed boat hoist launching piers will provide the access for a boat hoist to lift and lower an anchored boat. All business activity will not be permitted over water.

Recommendation

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the site plan of the proposed boat hoist launching piers on the subject property.

Enclosures: Construction Drawings and Overall Plan



PLAN

STRUCTURAL NOTES

1. DESIGN LOADS:

A. MOBILE BOAT HOIST MAXIMUM CAPACITY	50. TONS
B. ACCESS TIMBER DECK LIVE LOAD	50. P.S.F.
C. PILE CAPACITY MINIMUM:	
8' TIP	13.0 TONS
10' TIP	18.0 TONS

REFERENCE: GEOTECHNICAL REPORT BY BECHTOL ENGINEERING AND TESTING, INC., BET PROJECT NO. 00038 REPORT DATED JANUARY, 26, 2000
2. SITE ELEVATIONS AND DATA: REFERENCE SITE SURVEY BY: ALANN ENGINEERING GROUP, INC., PROJECT 0806-1, DATED 03/20/08.
3. MATERIALS:

A. CONCRETE: DESIGN AND CONSTRUCTED PER A.C.I. 318-02	
1. 4,000. P.S.I. COMPRESSIVE STRENGTH MIN. @ 28 DAYS.	
2. 6% MINIMUM AIR ENTRAINMENT.	
B. REINFORCING STEEL: CONFORM TO ASTM A-615 GRADE 60.	
- C. STRUCTURAL STEEL: DESIGN PER CURRENT ADDITION OF A.I.S.C.
 1. SHAPES AND PLATES CONFORM TO ASTM-36
 2. WELDING ELECTRODES CONFORM TO ASTM A-233 CLASS E70
 3. WOOD TO STEEL CONNECTIONS AND ANCHOR BOLTS SHALL CONFORM TO ASTM A-307.
 4. STEEL TO STEEL BOLTS SHALL CONFORM TO ASTM A-325.
 5. STEEL ASTM A307 AND A325 BOLTS SHALL BE HOT DIPPED GALVANIZED IN CONFORMANCE WITH ASTM A-153.
 6. CONNECTIONS NOT BOLTED SHALL HAVE ALL CONTACTING STEEL SURFACES CONTINUOUS WELDED WITH SUFFICIENT WELD TO FULLY DEVELOP THE THINNER MATERIAL.
 7. STEEL PROTECTIVE COATINGS BY OWNER.
 8. STAINLESS STEEL "S.S." BOLTS SHALL BE 316 STAINLESS STEEL
 9. ALL GALVANIZED STEEL A307 BOLTS SHALL RECEIVE ONE DIP COAT OF COLD TAR EPOXY ON BOLT HEAD AND SHANK. ALSO COAT THE NUT AND EXPOSED THREADS AFTER BOLT INSTALLATION.
- D. FRAMING LUMBER: SOUTHERN PINE PER N.F.P.A. NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION.
 1. SAWN LUMBER 2 x10 AND SMALLER SHALL BE NO. 2 @ 19% MIN. M.C. AND Fb=1200. PSI. AND PRESERITIVE PRESSURE TREATED
 2. 2x6 DECKING SHALL BE NO. 1 @ 19% MIN. M.C. AND PRESERITIVE PRESSURE TREATED.
 3. SAWN LUMBER 3 x 6 AND LARGER SHALL BE NO. 1 @ 19% MIN. M.C. AND SHALL BE PRESERITIVE PRESSURE TREATED WITH CCA AND MINIMUM RETENTION RATE OF 2.5 LB./CU.FT.
- E. TIMBER PILING: CONFORM TO ASTM A-25 AND THE FOLLOWING:
 1. SOUTHERN PINE WITH Fc = 1200. P.S.I.
 2. ALL PILES SHALL BE PRESERVATIVE PRESSURE TREATED WITH CHROMATED COPPER ARSENATE (CCA) AND MINIMUM RETENTION RATE OF 2.5 Lbs./CuFt.
 3. PILING SHALL BE INSTALLED WITH A AIR OR DIESEL POWER IMPACT TYPE HAMMER.
 4. CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS OF EXISTING STRUCTURE AND SITE THAT ARE AFFECTED BY THE NEW WORK BEFORE PROCEEDING WITH FABRICATION AND CONSTRUCTION.
 5. ALL STRUCTURAL WORK AFFECTED BY MECHANICAL, ELECTRICAL AND PLUMBING EQUIPMENT SHALL BE VERIFIED WITH EQUIPMENT BEFORE PROCEEDING WITH STRUCTURAL WORK.
 6. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY BRACING UNTIL THE ENTIRE STRUCTURE IS PLUMB AND SECURED IN PLACE.

REVISIONS

SK ENGINEERING, LLC
 9 BEACHCOMBER WAY
 ST. AUGUSTINE, FLORIDA 32084
 (904) 823-0036
 STEVEN K. KLECKA FL. P.E. # 94458
 FL. CERT. OF AUTHORIZATION # 7204

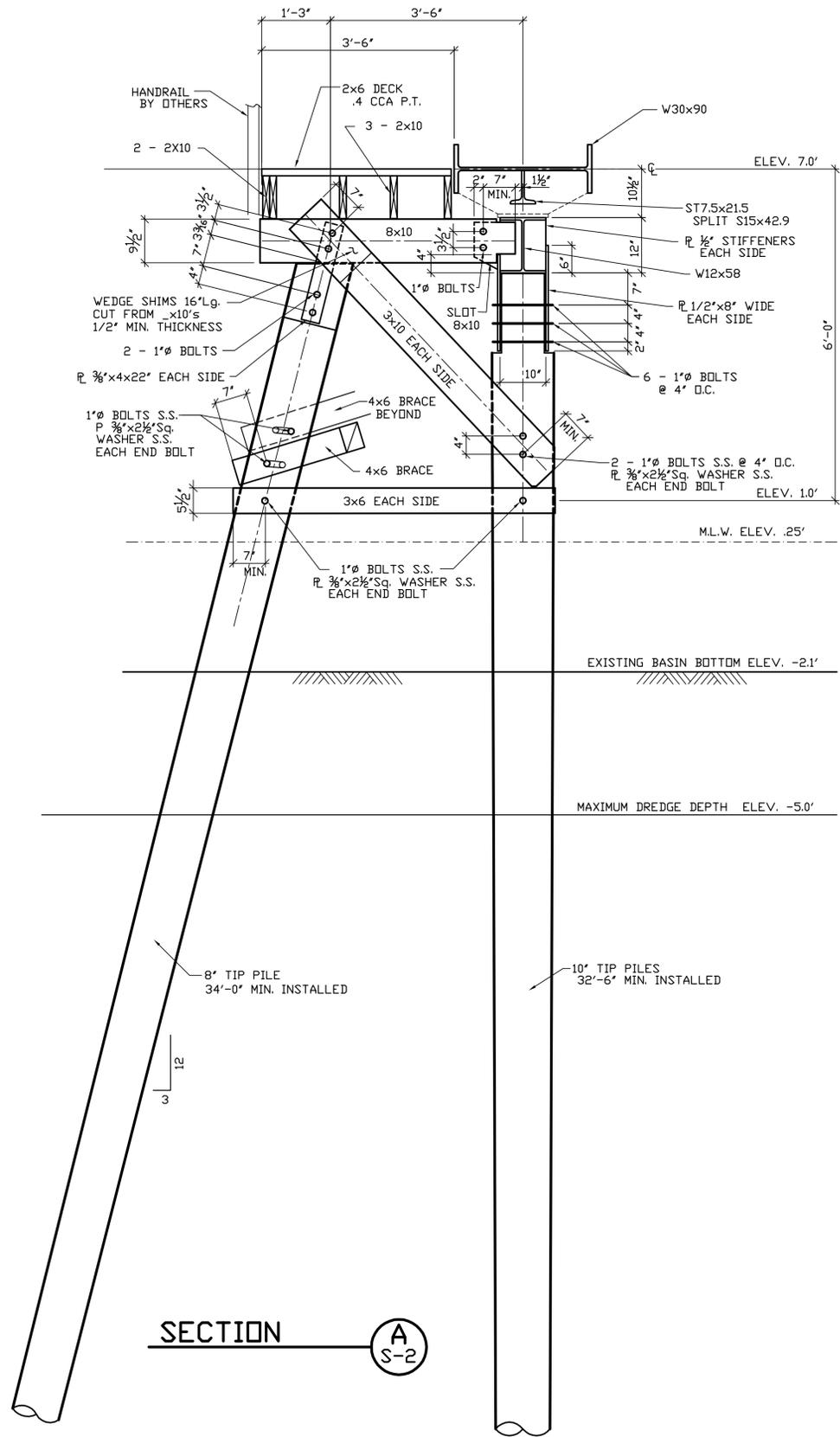
FLAGLER BRIDGE MARINA
 BOAT HOIST LAUNCHING PIERS
 FLAGLER COUNTY, FLORIDA
 LEHIGH AVENUE

11/21/2011

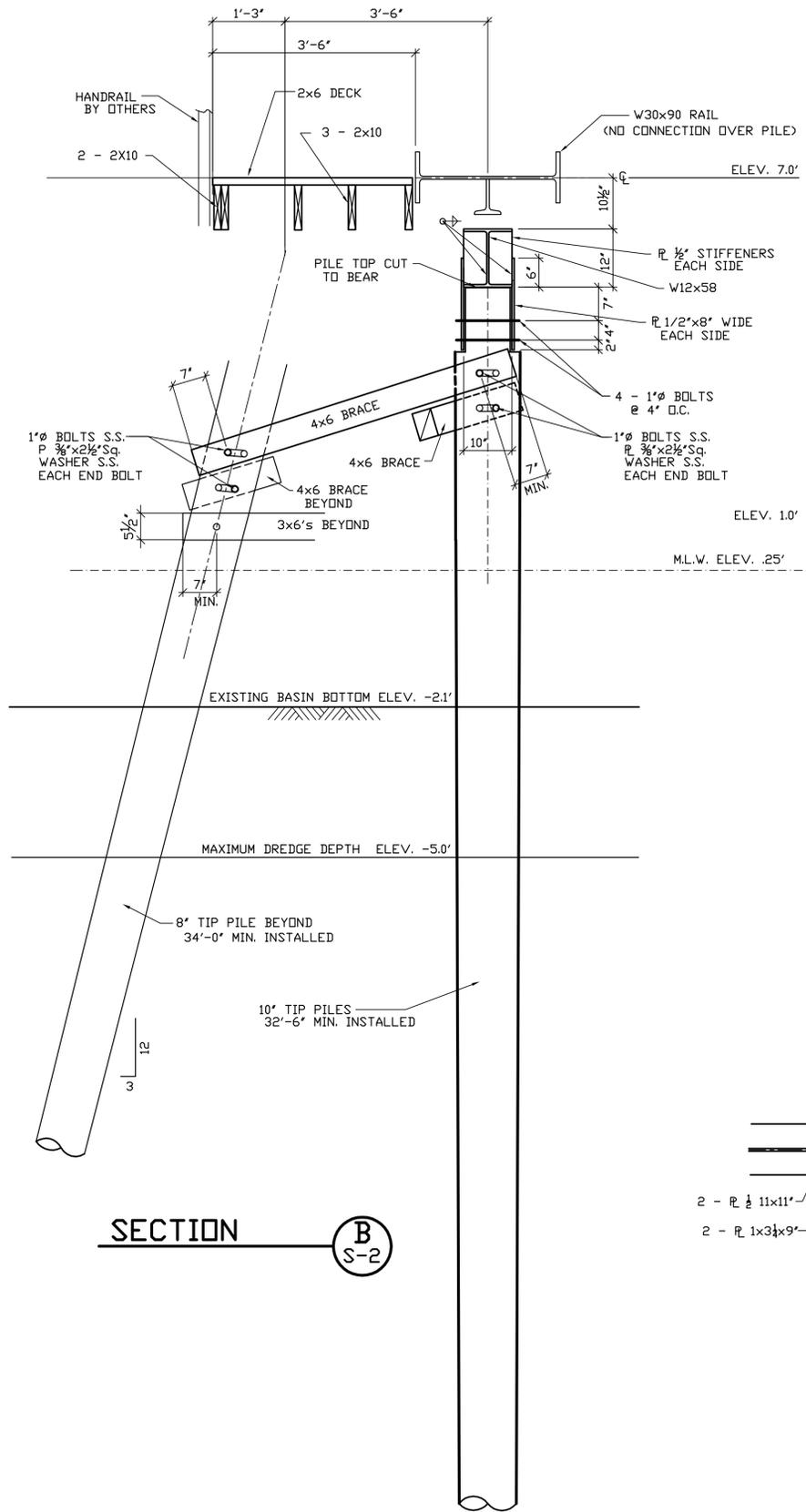
1420-PERMIT

1422-11

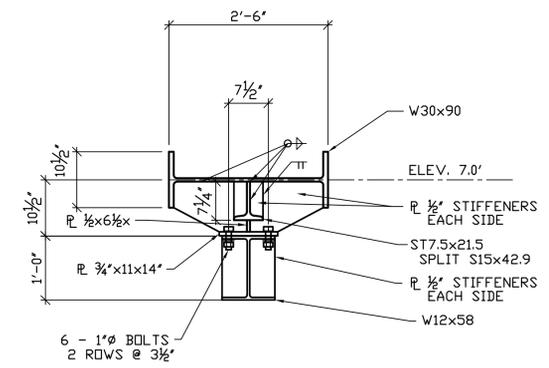
S-1



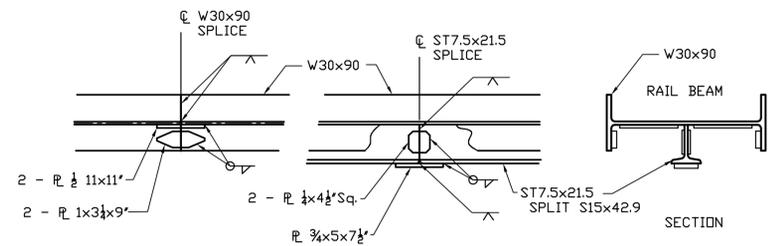
SECTION A S-2



SECTION B S-2



SECTION C S-2



SECTION D S-2
RAIL BEAM SPLICE

SPLICE LOCATIONS BY FABRICATOR IN ACCORDANCE WITH FOLLOWING:
 W30x_ AND ST7.5x_ MINIMUM 20'-0" LENGTH BEFORE SPLICE
 NO SPLICES WITHIN 21'-0" FROM ENDS OF FABRICATED RAIL BEAM
 NO SPLICES WITHIN 20" @ RAIL CONNECTION TO @ SPLICE
 13'-4" MINIMUM BETWEEN W30x_ TO ST7.5x_ SPLICES

REVISIONS

SK ENGINEERING, LLC
 9 BEACHCOMBER WAY
 ST. AUGUSTINE, FLORIDA 32084
 (904) 823-0036 FL. P.E. # 94458
 STEVEN K. KLECKA FL. CERT. OF AUTHORIZATION # 7204

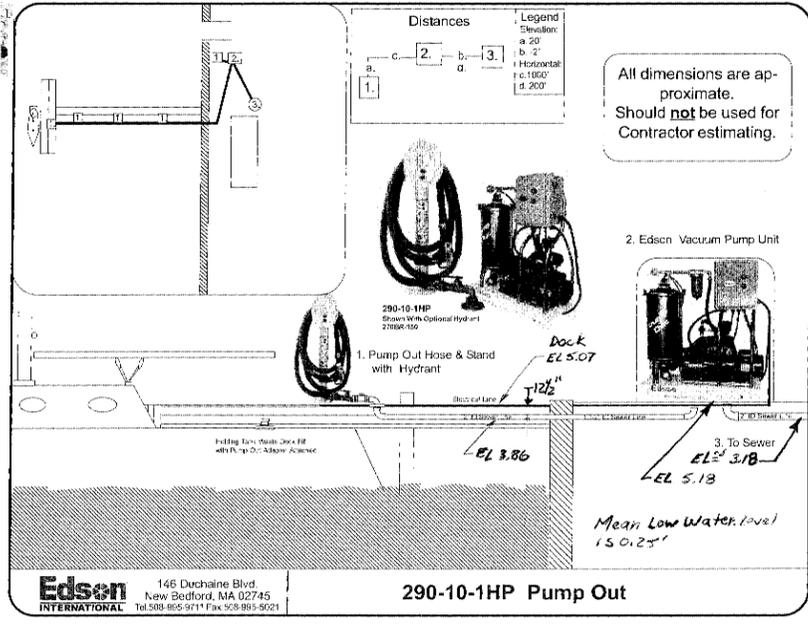
FLAGLER BRIDGE MARINA
 BOAT HOIST LAUNCHING PIERS
 FLAGLER COUNTY, FLORIDA
 LEHIGH AVENUE

11/21/2011

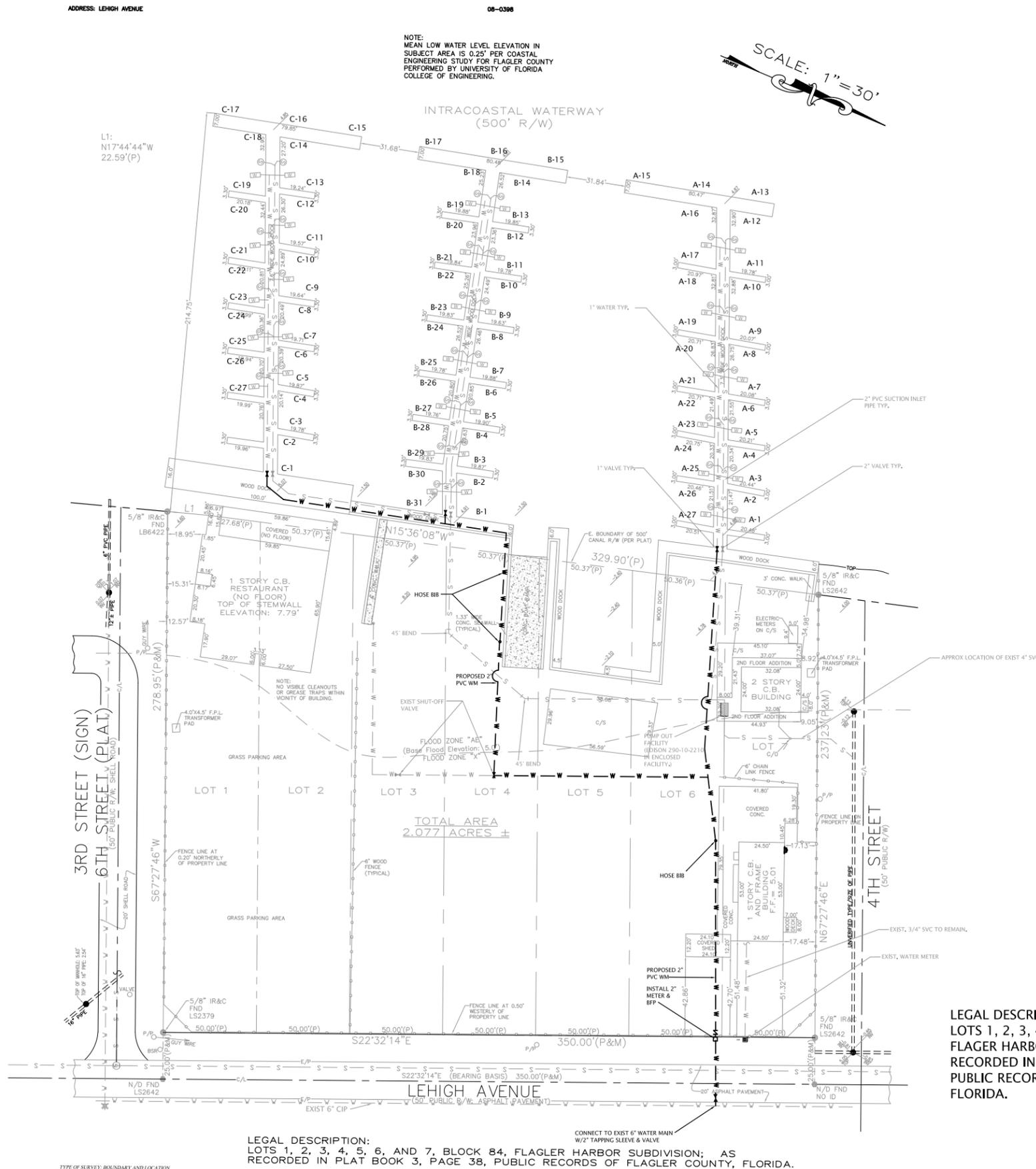
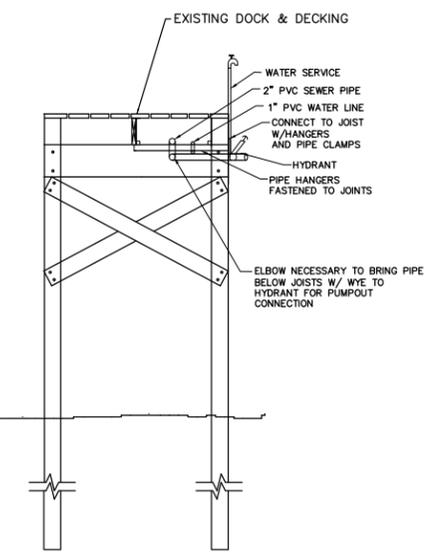
1420-PERMIT

1422-11

S-2



- PROPOSED PUMPOUT EQUIPMENT:**
- 1: EDISON 290-10-2210 VACUUM PUMP OUT SYSTEM BUILT WITH A 10 GALLON, STAINLESS STEEL TRANSFER CELL & MODEL 03, ROTARY VANE, AIR PUMP. IT IS DRIVEN BY A 1 HP ELECTRIC MOTOR W/ AN OIL PROTECTED, 20 CFM, AIR PUMP. IT IS DRIVEN BY A 1 HP ELECTRIC MOTOR W/ AN AUTOMATIC DISCHARGING CONTROL SYSTEM. THIS VACUUM UNIT WILL DEVELOP 23" HG OF VACUUM (25 FT OF SUCTION LIFT) AND 10 PSI (23 FT OF DISCHARGE HEAD) AND AUTOMATICALLY CYCLE FROM SUCTION TO DISCHARGE WHEN THE TRANSFER CELL IS FULL. IT WILL BE EQUIPPED WITH A MANUAL START/STOP OPERATION.
 - 2: THE SUCTION INLET IS 2" AND THE DISCHARGE IS 2".
 - 3: INSTALL A NON RE-SETTABLE COUNTER ON THE VACUUM CELL (TANK), TO COUNT THE NUMBER OF TIMES THE UNIT CYCLES PER MONTH. THIS WILL PROVIDE A MEASURE OF DISCHARGE EACH MONTH.
 - 4: 36 PUMP-OUT FACILITIES PROVIDED. 36 SITES ASSUME 75 GAL/PER DAY PUMP-OUT YIELDS 2700 GAL/DAY PLUS ASSUMED 15 GAL/DAY FOR OFFICE PLUS 300 GAL/DAY RESIDENTIAL. FUTURE RESTAURANT TO BE BY SEPARATE CONNECTION & PERMIT. TOTAL ESTIMATED FLOWS: 3015 GAL/DAY.



LEGAL DESCRIPTION:
LOTS 1, 2, 3, 4, 5, 6, AND 7, BLOCK 84, FLAGLER HARBOR SUBDIVISION; AS RECORDED IN PLAT BOOK 3, PAGE 38, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD STE. 113 ORMOND BEACH, FL 32174
TEL: (386) 673-7640 FAX: (386) 673-3927

**FLAGLER BRIDGE MARINA
FLAGLER COUNTY, FL
OVERALL PLAN**

NO.	DATE	REVISION	BY

DESIGNER	KAB
DRAWN BY	TMS
FILE	0806-1
PROJECT	0806-1
DATE	03/20/08

Not to Scale

STEPHENSON SURVEYING, INC. (LBH6422)

4721 E. Moody Blvd. Ste. 308 P.O. Box 1636, Bunnell, FL 32110
Bunnell (386) 437-2343 Daytona Beach (386) 252-4725 Fax (386) 437-0030

TYPE OF SURVEY: BOUNDARY AND LOCATION

DATE: 03/20/08

SCALE: 1" = 30'

SHEET 1 OF 1