

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, November 1, 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 October 4, 2011.
5. New Business:
 - A. Application #SE 11-11-01
Special Exception to allow professional offices.
Applicant: Albert M. Esposito
2201 North Oceanshore Boulevard
Property Owner: Dean Osterloh
 - B. 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
 - 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
 - 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 simulated gaming devices within city boundaries and providing for penalties and remedies for violations; amending Chapter 4, Article V, Adult Arcade Amusement Centers, Section 4-196; providing for codification, severability, conflicts and an effective date.
 - E. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Article VII, "Signs," of the *City of Flagler Beach Land Development Regulations* to exempt on-site temporary banner signs from sign permitting.
 - 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.
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 October 28, 2011

Planning and Building Department

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

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD
TUESDAY, OCTOBER 4, 2011 AT 5:30 P.M
MINUTES

PRESENT: Chairman Don Deal, Vice Chairman Roseanne Stocker, Dan Bayerl, Catherine Feind, City Planner Chad Lingenfelter, Board Secretary Marlene Beams.

ABSENT: Theodore Johnson, Lea Stokes

1. CALL THE MEETING TO ORDER: Chairman Deal called the meeting to order at 5:31 p.m.
2. CALL THE ROLL: Ms. Beams called the roll. Chairman Deal reported Stacy Zwenger was resigning from the Board.
3. PLEDGE OF ALLEGIANCE: Ms. Stocker led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 13, 2011: Motion by Cathy Feind, seconded by Dan Bayerl, to approve the minutes. The motion carried unanimously.
5. NEW BUSINESS:
 - A. Application #OE11-10-01
Outdoor Entertainment permit
Applicant: Marjorie Barnhill (Village Shops-Gallery of Local Art)
208 S. Central Avenue
Flagler Beach, FL 32136
Property Owner: Theodore M. Barnhill, Jr. and Marjorie Barnhill, Annandale, VA

Chairman Deal announced the item. He questioned one section of the application regarding tents and where the tents might be erected. In the past, the PARB has required a sketch depicting the location of the musicians and Mr. Deal was hesitant in not requiring the same for the Barnhills. Mr. Lingenfelter referred to the Village Shops and noted multiple tenants occupy that particular location. He felt the Barnhills had filled out the application in a manner to accommodate all of the businesses. Mr. Lingenfelter indicated he could request the tentants' musicians face their speakers to the east in order to minimize the effect to the neighborhood. Mr. Lingenfelter's recommendation was to approve subject to the arrangement of amplification equipment to the east. Ms. Stocker was not sure how accurate a sketch could be for that particular property. Mr. Lingenfelter suggested the Barnhills could provide areas on the property that would be appropriate for stages and/or tents. Both Mr. Deal and Ms. Stocker were comfortable receiving such a sketch. Mr. Deal wanted to ensure the PAR Board was being consistent in their request for all businesses. **Motion** by Ms. Feind, seconded by Ms. Stocker, that we recommend the outdoor entertainment permit application subject to a sketch presented to the Commission and the amplification facing east. 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: #SE 11-11-01 – 2201 North Oceanshore Boulevard Special Exception

DATE: October 28, 2011

Applicant: Albert M. Esposito, Albert M. Esposito & Associates, Inc., 206 Moody Boulevard, Flagler Beach, Florida 32136

Property: 2201 North Oceanshore Boulevard – 36-11-31-5630-00020-0120

Property Owner: Dean Osterloh, 14 Great Oak Road, Saint James, New York 11780

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 professional offices. The subject property is zoned as TC, Tourist Commercial, contains approximately 0.13 acre, and is generally located northwest of the intersection of 22nd Street North and North Oceanshore Boulevard. The subject property has an approximately 4,000 square foot building divided into four (4) separate suites.

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.
Professional offices are a permitted special use 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 use of this property for the business requesting the exception as it would be operated should not have any impact on the public in terms of health, safety,

welfare or convenience."

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

"This is a small office with business being conducted electronically and neighbors would probably not even know there was a business there.

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

"This business would be located on the bottom level at the back (near Central Avenue). The business of timeshare sales could be of potential interest to residents as well as visitors to Flagler Beach who might wish to purchase timeshares."

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

No response.

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.

"Impact on parking in the area generated by this business would be minimal. Parking would be off-street where the owner had recently had the private parking area upgraded with pavers making it very attractive to residents and passers-by. There is parking on A1A for the coffee shop and parking on 22nd Street for the salon. The timeshare business would require no more than three parking spaces. Traffic generated by this business would have practically no impact on 22nd Street or Central Avenue. There is no product involved in this business, so any loading are would not be required. Any ingress or egress to the office would be negligible and cause minimal interference at this location."

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

"The building currently has two businesses operating there. A three-person office should conform to the existing uses of the building."

The applicant's application indicates that the requested special exception is for a specific business located in a specific portion of the building. However, a special exception for professional offices may be granted for any type of professional office and any proportion of the building. Staff generally agrees with the applicant's responses to the criteria. Since the TC, Tourist Commercial zoning district permits uses that are typically more intense than professional offices, specifically restaurants and gift shops, the trip generation and parking demand of professional offices will less than or equal to the impact of a restaurant or a gift shop occupying the same space.

Recommendation

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

Enclosure: Special Exception Application Packet

SPECIAL EXCEPTION APPLICATION

Property 2201 N Oceanshore Blvd, Flagler Beach, Unit #3
Owner Dean Osterloh
Representative Albert M Esposito; Albert M Esposito &
 Associates

Table of Contents:

Application Fee Sheet w/ check

Special Exception Application

Durable Power of Attorney

Justification Statement

Recorded Warranty Deed

Survey

Location Map

CITY OF FLAGLER BEACH
Special Exception Application Fee Sheet

Project Address: 2201 N. Oceanshore Blvd. Date: 10/4/11

Applicant: Albert Esposito (POA for owner)

ITEM		G/L CODE	FEE
Application Fee \$600.00	(505)	001.3200.329102	600.00
Zoning Review \$55.00	(098)	001.3200.321107	55.00

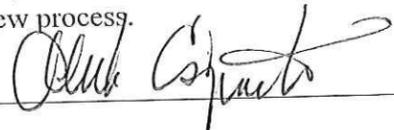
One Check for General Account (TOTAL) _____

ITEMS FOR DEPOSIT		G/L CODE	FEE
Public Notice(News Paper)-Estimated(607)		001.3200.321108	300.00
Certified Mailings – Estimated (604)		001.3200.321108	45.00

One Check for Deposit Account (TOTAL) \$ 1000.00

FEES ARE NON REFUNDABLE!!!

Please Note: If during the review process, the initial deposit is not sufficient to cover the on-going review process, additional estimated calculated fees will be required before continuance of the review process.

Customer's Signature:  Rec'd By: _____

Date Paid:



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: _____

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: T/C change to Office

PETITIONER: Albert Esposito

PROJECT ADDRESS: 2201 N Oceanshore PHONE NO.: 386-439-5 ⁵⁰³⁻⁰⁹³⁶

OWNER OF SUBJECT PROPERTY: Dean Osterloh

ADDRESS: 14 Great Oak Road, St. James, NY 11780 PHONE NO.: 203-840-6420

PETITIONER'S RELATION TO SUBJECT PROPERTY: Owner's Realtor

ADDRESS/LEGAL DESCRIPTION: Sunrise Beach Sub Bl 2 Lt 12 or 57 P6 4690R 81 P6 4580R 100 P6 101 or 222 P6 925 or 319 P6 312 or 494 P6 685 or 583 P6 1978 or 655 P6 1380 or 983 P6 817
 LOT: 12 BLOCK: 2 SUBDIVISION: Sunrise Beach ZONING DISTRICT: Tourist Commercial

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

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: [Signature]

SIGNATURE OF OWNER: See Power of Atty ^{PofA}

DATE: 10/4/11

See attached Power of Attorney.

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

TO BE COMPLETED BY THE PLANNING & ZONING DEPARTMENT

ACCEPTED BY: _____ DATE: _____

PETITION #: _____

SPECIAL DURABLE POWER OF ATTORNEY

BE IT KNOWN BY THESE PRESENTS, That I *Dean Osterloh* have made, constituted and appointed and by these presents do make, constitute and appoint *Albert Esposito*, my true and lawful attorney and agent for me and my name, place and stead, and for my behalf and benefit:

1. To exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to the following authorization: to bargain, sell, assign, transfer, convey (land and improvements) and lease said real property, to execute mortgages, notes, or accept a mortgage or other financing for said sale of said real property, to grant or accept options for all of said real estate transaction, to accept delivery of deeds (with or without mortgage assumption clauses); and to execute, deliver, or receive all closing papers pertaining thereto, and to otherwise conduct all other real estate transactions to wit:

*To secure a special exception permit for zoning at 2201 N Oceanshore,
Flagler Beach, Florida 32136*

2. To do and perform any act reasonably necessary to carry into effect the general and underlying purpose set forth above.
3. This instrument is to be construed and interpreted as a Special Durable Power of Attorney immediately effective upon the execution of this power. This Power of Attorney shall not be affected by my disability or incompetence. This instrument is to be delivered within the State of Florida and the laws of the State of Florida shall govern all questions as to the validity of this power and the construction of its provisions.
4. Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall have any liability to us or my estate as a result of permitting my agent to exercise any power.
5. If part of this agreement is adjudged invalid, the remaining parts are not affected and shall remain in full force and effect.

IN WITNESS WHEREOF, I have executed this Special Durable Power of Attorney immediately effective upon the execution of this power, on this 30 day of September 2011

WITNESSES:

[Signature] properly owner.

Sign Witness Name
Dean R Osterloh
Print Witness Name

Laura Burke
Sign Witness Name
Laura Burke
Print Witness Name

State of New York
County of Suffolk

I HEREBY CERTIFY that on Sept. 30, 2011, before me, an officer duly authorized to take acknowledgements, personally appeared Dean Roland Osterloh who is personally known to me or who has produced Driver's License as identification, and who executed the foregoing instrument.

WITNESS my hand and official seal on this 30 day of September 2011.

[Signature] (SEAL)
Notary Public
My commission expires:

THOMAS M. GRENNAN
Notary Public, State of New York
No. 01GR0180735
Qualified in Suffolk County
Commission Expires: June 8, 2012

REQUEST FOR SPECIAL EXCEPTION OF
CITY OF FLAGLER BEACH ZONING CODE
JUSTIFICATION STATEMENT

This application should contain all the information required, as set forth in the Checklist of Required Items, as part of the Special Exception Application Information Packet.

Included in this packet are the following:

- Recorded warranty deed
- Owner's authorization
- Survey of property
- Aerial location map
- Check for application fee & zoning review
- Power of attorney from owner
- Description of business for which special exception is requested

Subject Property

The use of a portion of the property at 2201 N Oceanshore Blvd., Flagler Beach, FL 32136 requesting the exception for *Safe Exit LLC*.

The business is an office and does not presently conform to the current zoning of Tourist/Commercial. As described on the document, "Schedule One Zoning, Schedule of Use Controls, City of Flagler Beach," the proposed business is listed as a permitted Special Exception Use.

The building consists of four entities; top floor is a coffee house/sandwich shop and a hair salon. Downstairs one area is vacant; the second is the business making this request.

Description of Business Seeking Exception

The business, *Safe Exit LLC*, is a business of timeshare and resort property acquisitions and transfers. The company has two office representatives and one manager who operate as appointment setters and scheduling coordinators. When an appointment is made the company sends a consultant out to visit the prospective client generally at their home. The company sets an appointment, meets with the client, and acquisitions the resort property of

interested clients and forwards to their title company. Occasionally a situation might possibly dictate meeting at the office location.

Safe Exit LLC does not sell or advertise the resort property. The business is conducted 90% by telephone, email and fax and meeting at the client property.

This is a small office with business being conducted electronically and neighbors would probably not even know there was a business there. This business would be located on the bottom level at the back (near Central Avenue). The business of timeshare sales could be of potential interest to residents as well as visitors to Flagler Beach who might wish to purchase timeshares.

Impact on parking in the area generated by this business would be minimal. Parking would be off-street where the owner recently had the private parking area upgraded with pavers making it very attractive to residents and passers-by. There is parking on A1A for the coffee shop and parking on 22nd street for the salon. The timeshare business would require no more than three parking spaces.

Traffic generated by this business would have practically no impact on 22nd Street or Central Avenue.

There is no product involved in this business, so any loading area would not be required. Any ingress and egress to the office would be negligible and cause minimal interference at this location.

The use of this property for the business requesting the exception as it would be operated should not have any impact on the public in terms of health, safety, welfare or convenience.

The building currently has two businesses operating there. A three-person office should conform to the existing uses of the building.

Prepared By: RECORD AND RETURN TO:
LAW OFFICES OF KATZ & GREEN
1 Florida Park Drive South, Atrium Suite
Palm Coast, FL
incidental to the issuance of a title insurance policy.
File Number: 0306182
Parcel ID #: 361131-5630-00020-0120

Inst No: 2003050843 Date: 09/15/2003
Doc Stamp-Deed: 4137.00
GAIL WADSWORTH, FLAGLER Co. Time: 13:20
Book: 983 Page: 817 Total Pgs: 1

REC 0983 PAGE 0817

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 15th day of September, 2003
by

JOSEPH KISH, a single man
whose post office address is:
224 Windsor Avenue, Port Orange, FL 32119
hereinafter called the GRANTOR, to
DEAN OSTERLOH, a single man
whose post office address is:
2201 N. Oceanshore Blvd., Flagler Beach, FL 32136
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, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Flagler County, Florida, viz:
Lot 12, Block 2, Sunrise Beach Subdivision, a subdivision according to the plat or map thereof described in Plat Book 1, at Page(s) 20, Public Records of Flagler County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2003 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.

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.

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

**SIGNED IN THE PRESENCE OF THE
FOLLOWING WITNESSES:**

Signature: Regina Cinelli
Print Name: Witness #1: REGINA CINELLI
Signature: J. Clay Gibson
Print Name: Witness #2: J. Clay Gibson

Signature: Joseph Kish
Print Name: JOSEPH KISH

State of Florida
County of Flagler

THE FOREGOING INSTRUMENT was acknowledged before me on 09/15/2003 by:
JOSEPH KISH
who is personally known to me or who has produced Driver's License as identification and who ^{did} take an oath.

Notary Seal

Signature: Nancy B. Manning
Print Name: Nancy B. Manning
Notary Public

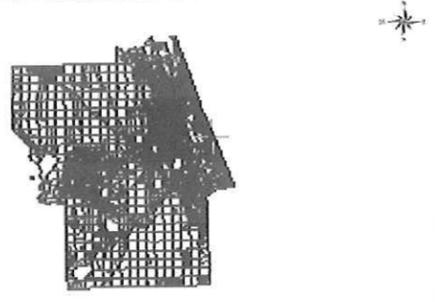


Nancy B. Manning
Commission # CC 975624
Expires Nov. 15, 2004
Bonded Firm
Atlantic Bonding Co., Inc.

My Commission Expires



Flagler County Property Appraiser			
Parcel: 36-11-31-5630-00020-0120 Sqft: 5790			
Name:	OSTERLOH DEAN	Land Value:	150,000
Site:	2201 OCEANSHORE BLVD N	Building Value:	110,170
Sale:	\$591,000 on 09-2003 Vacant=N Qual=Q	Misc Value:	12,911
Mail:	14 GREATOAK ROAD SAINT JAMES, NY 11780	Just Value:	273,081
		Assessed Value:	273,081
		Exempt Value:	0
		Taxable Value:	273,081



The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FLAGLER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 10/05/11 : 10:31:36



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: October 28, 2011

Applicant: Dennis K. Bayer, 109 South 6th Street, 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 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.

Recommendation

Staff recommends the Planning and Architectural Review Board recommends 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. Brazilian Peppers are removed from the remaining wetland buffer and the balance of the property to the east;
2. No fertilizers or chemicals shall be used within 25 feet of the wetland;
3. A conservation easement is recorded over the remaining wetland buffer and the balance of the property to the west; and
4. A single-family residential building permit is issued within 18 months of the City Commission's approval of the variance.

Enclosure: Variance Application Packet

4. THE ACTION OF THE CITY COMMISSION SHALL BE RECORDED IN THE MINUTES AND THE PETITIONER WILL BE NOTIFIED BY MAIL OF THE COMMISSIONS ACTIONS.



City of Flagler Beach
P.O. Box 70 105 S. 2nd Street
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2016

Zoning Variance – (ZV)

DATE: 10-14-11

PETITION NO.:

Pursuant to Section 8.05.13 of the Land Development Regulations, I hereby request a variance of the Zoning Code as described below:

PETITIONER: John and Joyce Fanelli

ADDRESS: 18 Claridge Court, South Palm coast PHONE NO.: 445 7745

OWNER OF SUBJECT PROPERTY: Same

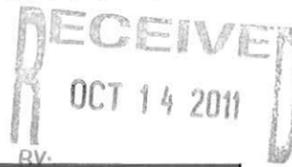
ADDRESS: 1401 N. Daytona Ave PHONE NO.:

PETITIONER'S RELATION TO SUBJECT PROPERTY: owner

ADDRESS/LEGAL DESCRIPTION: 1401 N. Daytona

LOT: 9 BLOCK: SUBDIVISION: Aliki, Map Bk 26 ZONING DISTRICT: SFR

SECTION(S) OF THE CODE TO BE APPLIED FOR VARIANCE REQUEST: front yard & wetland setbacks



ATTACH A JUSTIFICATION STATEMENT ADDRESSING ALL SIX CRITERIA FOR THIS VARIANCE REQUEST AS FOLLOWS: (See Attachment "A" Variance Standards.)

- 1. Special conditions/circumstances
- 2. Actions of Applicant
- 3. Special privilege
- 4. Hardship
- 5. Minimum variance
- 6. General intention purpose

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

SIGNATURE OF PETITIONER: John Fanelli Joyce Fanelli DATE: 9/22/11

Owner Authorization

Property Address: 1401 N. Daytona Ave
Flagler Beach

Parcel Id: _____

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

NAME: Dennis Bayer ADDRESS: 109 S. 6th St, Flagler Beach

PHONE: 386 439-2332
STATE OF FLORIDA,
County of Flagler

Subscribed and Sworn to (or affirmed) before me by _____

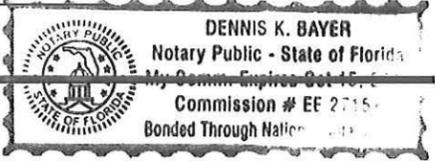
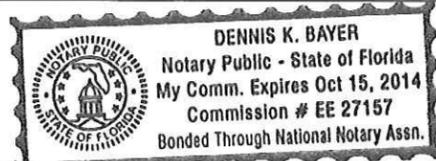
John Fanelli Joyce Fanelli
SIGNATURE OF OWNER

JOHN FANELLI Joyce Fanelli
OWNER'S NAME (Print/Type)

18 Claridge Ct. So.
Palm Coast FL 32137
ADDRESS (Street, City) & Phone Number

This 12 day of October, 2011. Who is personally known to me or has produced
Fla D.L as identification.

Commission Number & Expiration _____ Notary Public [Signature]



CHECKLIST OF REQUIRED ITEMS

The information and attachments requested as part of this application are the minimum necessary to determine compliance with the requirements of the City of Flagler Beach Zoning Ordinance. The City may require additional information, or waive certain requirements, at any time during the application process depending upon the nature of the variance request.

ATTACHMENTS CHECKLIST:

- DESCRIPTION OF HOW THIS APPLICATION MEETS THE SIX VARIANCE STANDARDS (Complete Attachment A, "Variance Standards")
- WARRANTY DEED
- OWNER'S AUTHORIZATION
- OTHER AGENCY PERMITS (Certified statement re: required permits and copy of applications / permits)
- LOCATION MAP
- SITE DEVELOPMENT PLAN (1"=20')
- CURRENT SURVEY – To include:
 - * Wetlands jurisdiction line and wetlands buffer delineation (if applicable)
 - * Elevations relative to the National Geodetic Vertical Datum (NGVD)
 - * Spot elevations at property corners, and at least two intermediate points along side property lines, and the high & low points along centerline of the property
 - * Proposed finished floor elevation
 - * Finished floor elevation of adjacent residences (if applicable)
- DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS (Wetlands, Mirror Lake Overlay District, Coastal Construction Zone, Additional Information as applicable or required)
- BUILDING ELEVATIONS (Front, back, and side, showing height and setback compliance)
- EXISTING / PROPOSED PLAN
- 15 COMPLETE SETS OF ALL REQUESTED MATERIALS

BAYER LAW OFFICE
109 South 6th Street
Flagler Beach, FL 32136
Phone: 386-439-2332
Fax: 386-439-6522

DENNIS K. BAYER
denbayer@aol.com

MATTHEW C. MAGUIRE
mcmaguire@bellsouth.net

October 14, 2011

Chad Lingenfelter
Planning & Zoning Department
City of Flagler Beach
P.O. Box 70
Flagler Beach, FL 32136

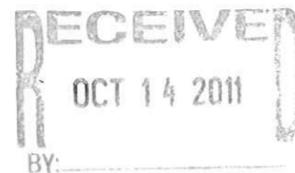
Re: John and Joyce Fanelli
Variance Application

Dear Mr. Lingenfelter:

Please be advised I represent Mr. and Mrs. Fanelli in their efforts to obtain variances for their property located at 1401 North Daytona Avenue.

By way of background, a portion this property was rezoned from preservation to single family residential as set forth in Ordinance 2004-27. This created a lot with an 80 foot width and a depth that varied from 50 to 85 feet. In calculating the setbacks associated with the front yard (25 feet) and the wetlands (25 feet), not much land is available for construction of a residence. The property was owned previously by Mr. and Mrs. Al Blackburn. They sought to build on the unique lot by obtaining a vacation of the 14th Street right of way to give them access to the property. This vacation was denied by the city.

My clients are seeking a variance from both the wetlands and front yard setbacks. They do not propose to fill any wetlands and the project does not require any state or federal permits. The site is overrun with the invasive exotic plant species known as Brazilian Pepper. As mitigation for the wetland setback variance, the Brazilian Peppers will be removed and native plants will be used in conjunction with the plan to be submitted by



the wetlands biologist, Joe Young. The house will also have xeriscaped plantings in order to eliminate the need for fertilizers and other chemicals that could impact the wetlands

The property does not have any immediate neighbors who will be impacted by the setback variances. The site plan is attached which shows the location of the foundation and the decks on the second floor. The applicant is not seeking to impact the wetlands. 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.

The relevant criteria are analyzed below and address both variances:

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

As set forth in the discussion above, the combined front yard and wetland setbacks are not peculiar here due to the shallow nature of the lot which is not applicable to other single family residential structures. These conditions were created when the City rezoned the property from preservation to residential.

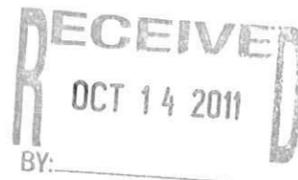
2. The special conditions and circumstances do not result from the actions of the applicant.

See response to number 4 above

3. 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. 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 be not be in harmony with the area. The applicants are seeking to minimize impacts and build a reasonably sized residence.

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

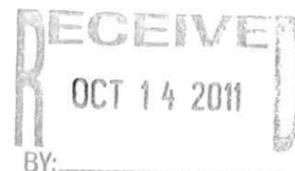
The general intent of the ordinances are to balance the placement of a home on the lot. The architect has sought to achieve that balance. The biologist will design the exotic plant removal and replanting to help improve the public welfare and native habitat.

Based upon the foregoing analysis and the supporting documentation, we are requesting that the City approve the requested variances.

Respectfully submitted,


Dennis K. Bayer

DKB/shw
Enclosures
cc: Client



Prepared By:
Josiene Hage
Buyer's Title, Inc.
100 NW 70th Avenue
Plantation, FL 33317
incidental to the issuance of a title insurance policy.
File Number: 10-7441
Parcel ID #: 01-12-31-0350-00090-0010
North Daytona Avenue Lot 1, Flagler Beach, Florida 32136

**SPECIAL WARRANTY DEED
(CORPORATE)**

This SPECIAL WARRANTY DEED, dated August ¹⁸, 2011 by Fifth Third Bank, a Michigan corporation whose post office address is: 5001 Kingsley Drive MD: 1 MOB BX, Cincinnati, OH 45227 hereinafter called the GRANTOR, to John Fanelli and Joyce Fanelli, husband and wife whose post office address is: 18 Claridge Court S, Palm Coast, Florida 32137 hereinafter called the GRANTEE:

(Wherever used herein the terms "GRANTOR" and "GRANTEE" include all the 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, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in Flagler County, Florida, viz:

A parcel of land in U.S. Lot 1, Section 1, Township 12 South, Range 31 East, described as follows:
As a point of reference COMMENCE at the Northeast corner of Lot 1, Block 5, GOLD COAST SUBDIVISION, as recorded in Plat Book 1, Page 23, of the Public Records of Flagler County, Florida; said point being the intersection of the West right-of-way line of State Road A1A (100 foot right-of-way) with the South line of North 14th Street (50 foot right of way); thence North 22°59'14" West along said West right of way line 50.00 feet; thence South 67°45'46" West along the North right of way line of North 14th Street a distance of 469.88 feet for the POINT OF BEGINNING of this description; said point being the intersection of the North right of way line of North 14th Street with the West right of way line of North Daytona Avenue; thence continue South 67°45'46" West, 260.56 feet; thence South 55°21'42" West, 60.07 feet; thence South 89°00'23" West, 256.39 feet; thence North 67°45'46" East, 558.20 feet to the West right of way line of North Daytona Avenue; thence South 22°14'14" East along said West right of way line 80.00 feet to the POINT OF BEGINNING.

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.

AND THE GRANTOR hereby covenants with said GRANTEE that it is lawfully seized of said land in fee simple; that it has good, right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said GRANTOR.

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: [Handwritten Signature]
Print Name: Jason Lynn

Signature: [Handwritten Signature]
Print Name: Suzanne Kadosh

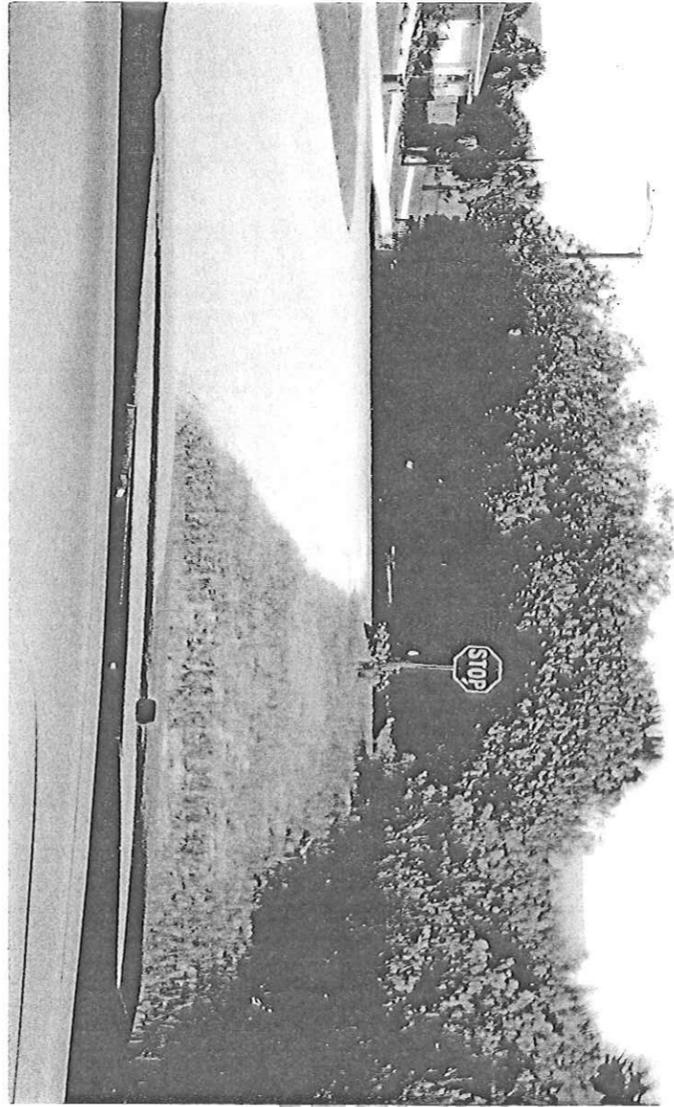
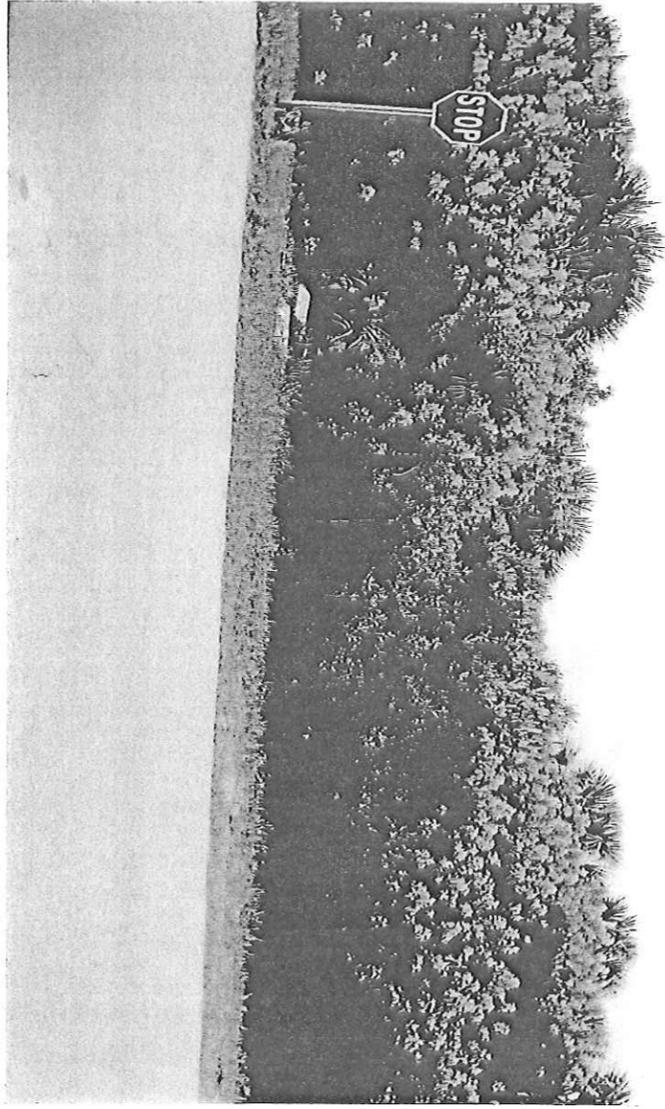
Fifth Third Bank
By: [Handwritten Signature] as Rhonda Jinks
Vice President

State of Ohio
County of Hamilton

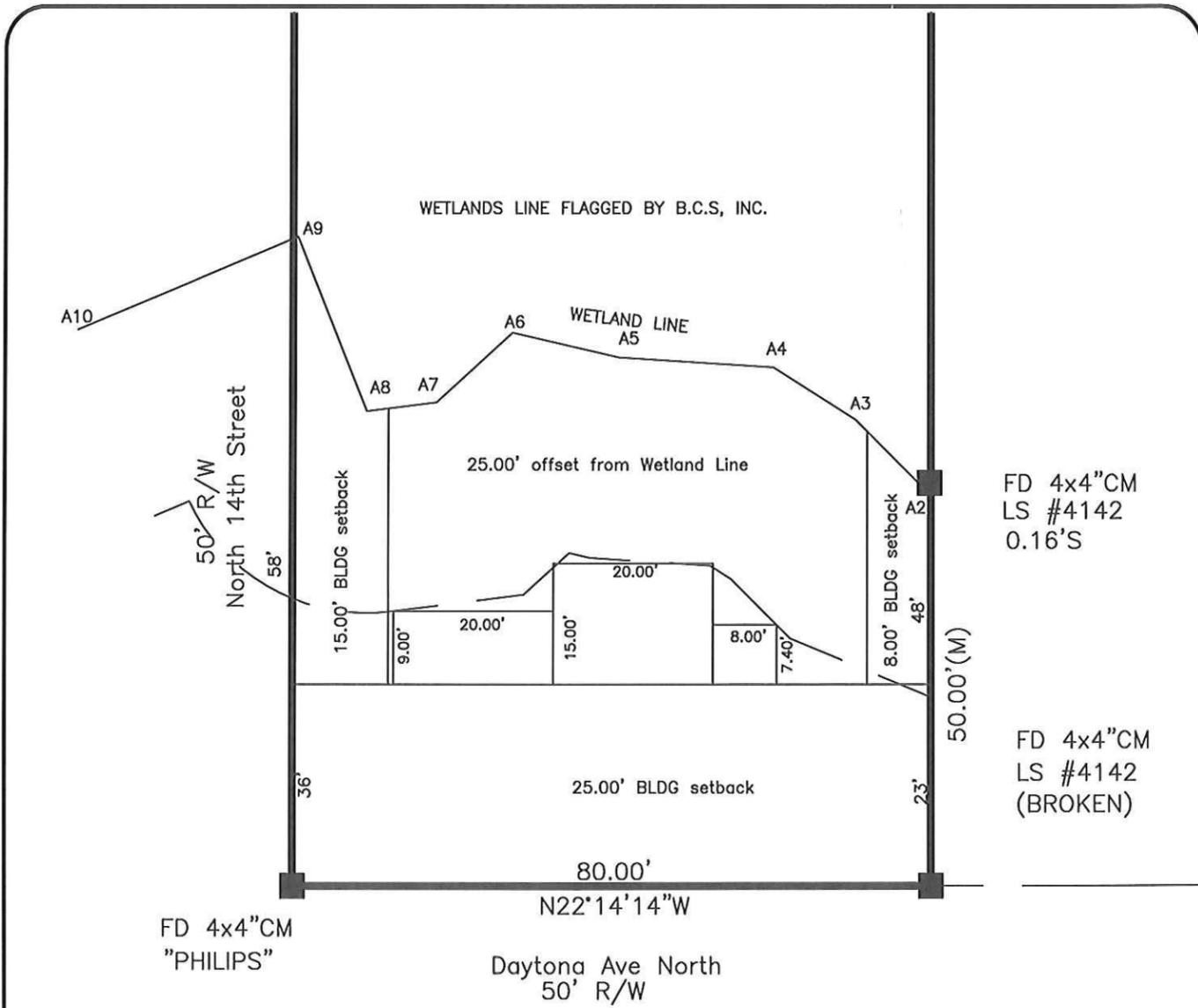
THE FOREGOING INSTRUMENT was sworn and acknowledged before me on August 18, 2011 by: Rhonda Jinks
as Vice president of Fifth Third Bank, a Michigan corporation on behalf of the corporation. He/She is personally known to me or who has produced a driver's license as identification.



HEATHER R. CALHOUN
Notary Public, State of Ohio
My Commission Expires: May 20, 2014
[Handwritten Signature]



RECEIVED
OCT 14 2011
BY: _____



FD 4x4"CM
LS #4142
0.16'S

FD 4x4"CM
LS #4142
(BROKEN)

FD 4x4"CM
"PHILIPS"

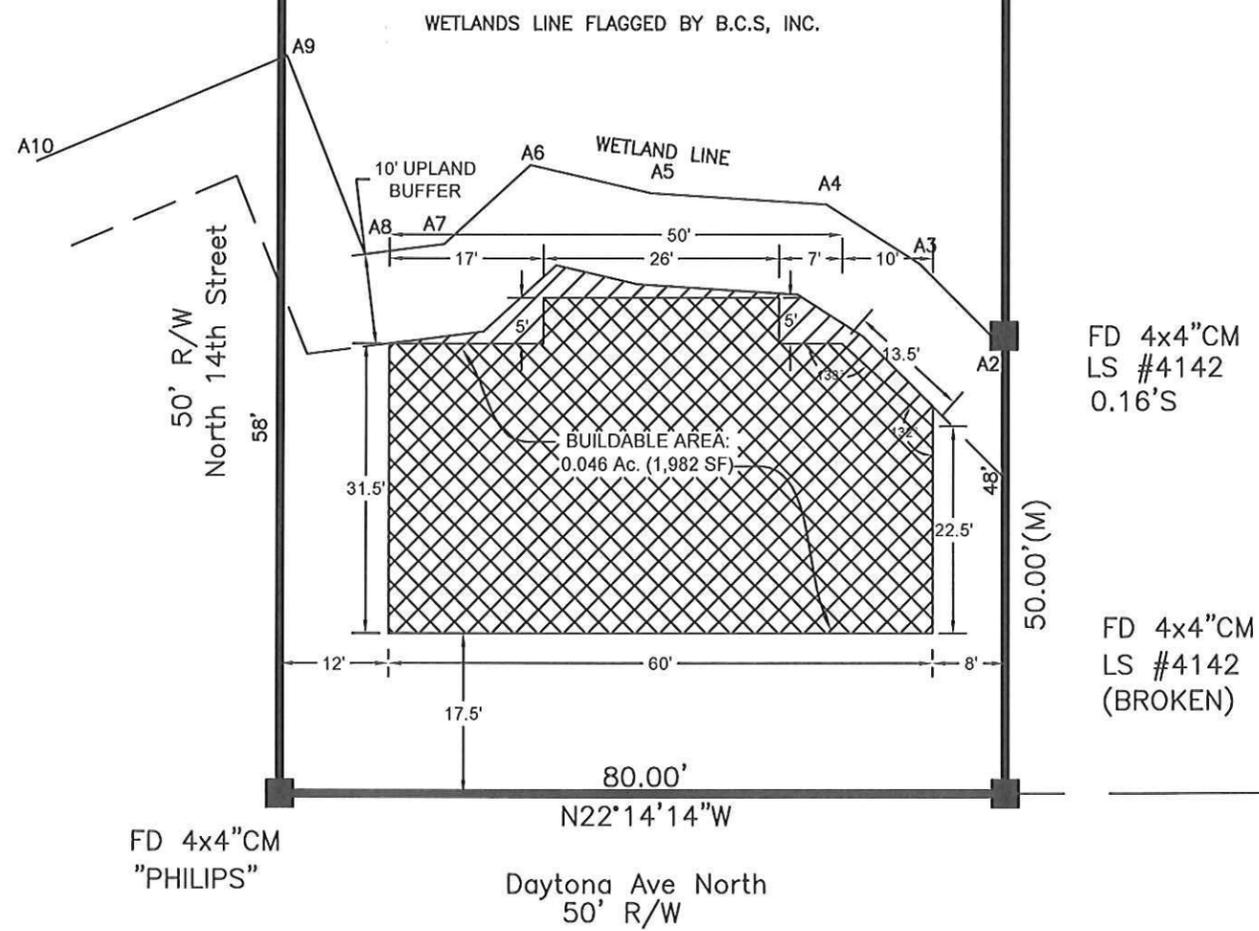
RECEIVED
OCT 14 2011
BY:



SCALE: 1" = 20'
GRAPHIC SCALE

NOTES:
1 - BOUNDARY ADAPTED FROM AUTOCAD FILES PROVIDED BY
EAST COAST LAND SURVEYING, INC.

<p>BIOLOGICAL CONSULTING SERVICES, INC.</p>	<p>Joe H. Young III Estuarine Field Biologist 208 Rush Street New Smyrna Beach, FL 32168 386-423-3402 biocon@bellsouth.net</p>	<p>drawn JPC date 10/13/11 scale 1" = 20' job no. 11-09030</p>	<p>BUILDABLE AREAS MAP PLAN A</p> <p>FANELLI PROPERTY 1401 N DAYTONA AVE.</p>
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FD 4x4"CM
LS #4142
0.16'S

FD 4x4"CM
LS #4142
(BROKEN)

FD 4x4"CM
"PHILIPS"

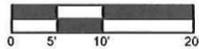
LEGEND

-  BUILDABLE AREAS
0.046 Ac. (1,982 SF)
-  POTENTIAL BUILDING FOOTPRINT
0.049 Ac. (2,115 SF)

RECEIVED
OCT 14 2011
BY: _____

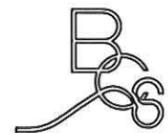


SCALE: 1" = 20'



GRAPHIC SCALE

NOTES:
1 - BOUNDARY ADAPTED FROM AUTOCAD FILES PROVIDED BY EAST COAST LAND SURVEYING, INC.



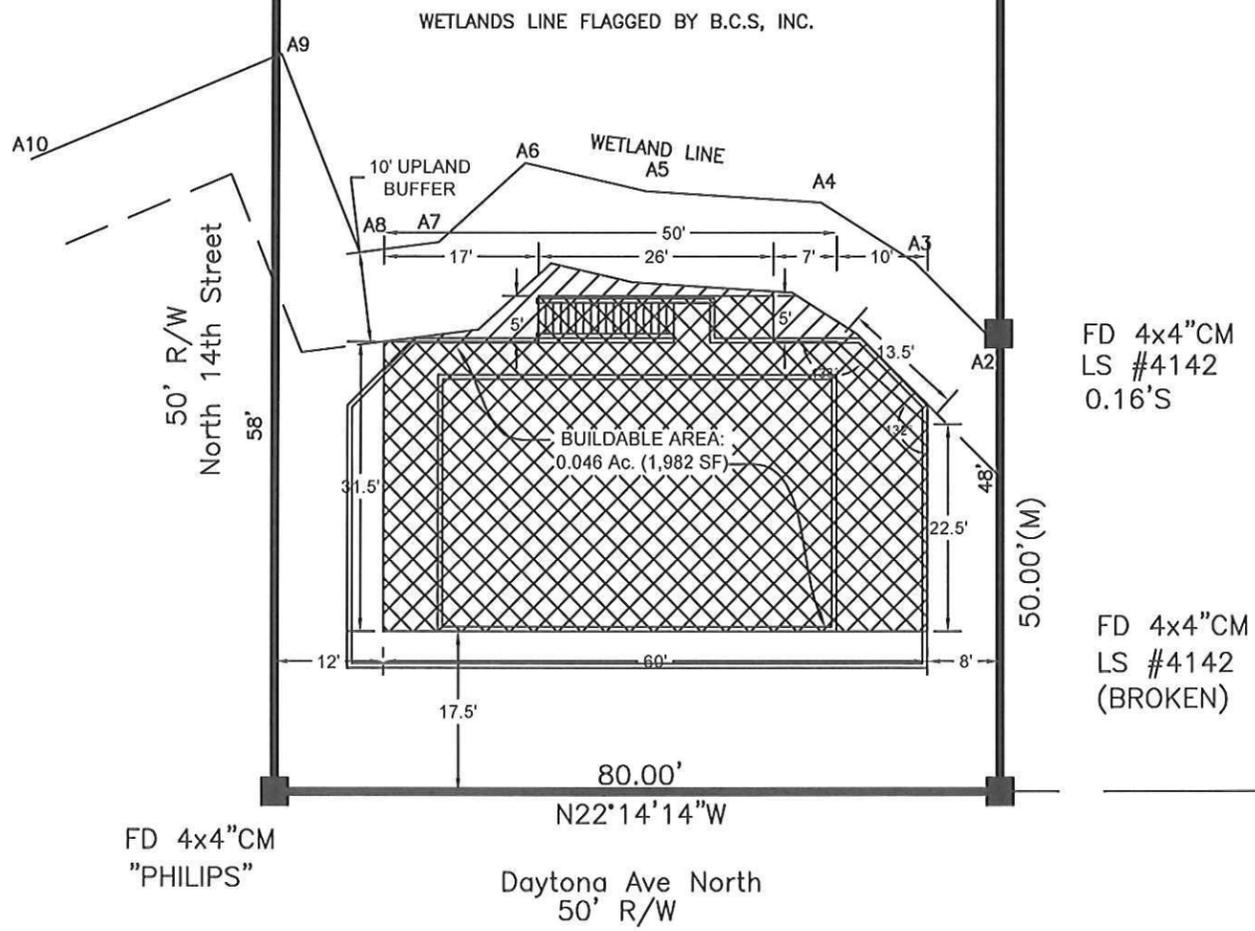
Joe H. Young III
Estuarine Field Biologist
208 Rush Street
New Smyrna Beach, FL 32168
386-423-3402
biocon@bellsouth.net

BIOLOGICAL CONSULTING SERVICES, INC.

drawn JPC
date 10/13/11
scale 1" = 20'
job no. 11-09030

**BUILDABLE AREAS MAP
PLAN A**

**FANELLI PROPERTY
1401 N DAYTONA AVE.**



FD 4x4"CM
LS #4142
0.16'S

FD 4x4"CM
LS #4142
(BROKEN)

FD 4x4"CM
"PHILIPS"

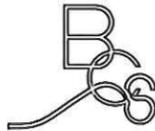
LEGEND

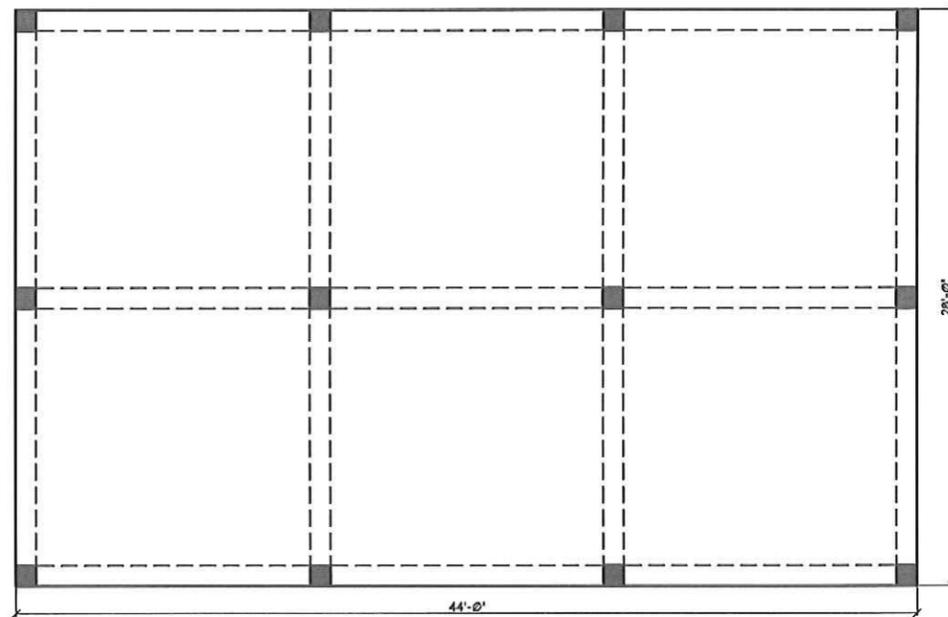
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RECEIVED
OCT 14 2011
BY: _____

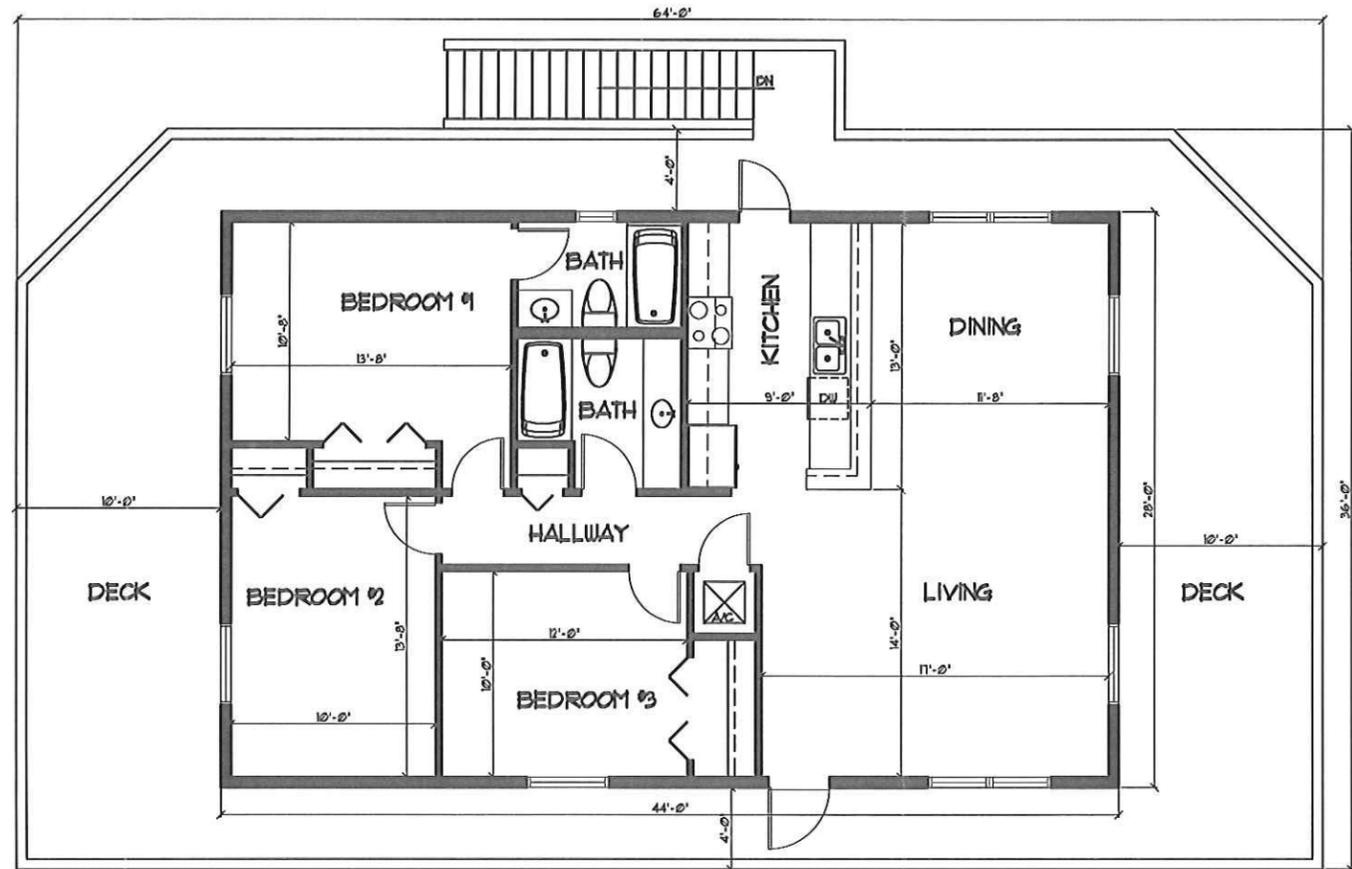
SCALE: 1" = 20'
GRAPHIC SCALE

NOTES:
1 - BOUNDARY ADAPTED FROM AUTOCAD FILES PROVIDED BY EAST COAST LAND SURVEYING, INC.

 BIOLOGICAL CONSULTING SERVICES, INC.	Joe H. Young III Estuarine Field Biologist 208 Rush Street New Smyrna Beach, FL 32168 386-423-3402 biocon@bellsouth.net	drawn JPC date 10/13/11 scale 1" = 20' job no. 11-09030	BUILDABLE AREAS MAP PLAN A FANELLI PROPERTY 1401 N DAYTONA AVE.
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FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



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

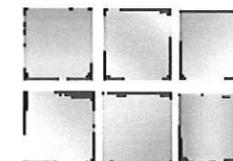
SQ. FT. CALCULATIONS:

LIVING AREA:	1230 SQ. FT.
DECK AREA:	1040 SQ. FT.
1ST. FLOOR AREA:	1230 SQ. FT.
LIVING AREA:	3300 SQ. FT.

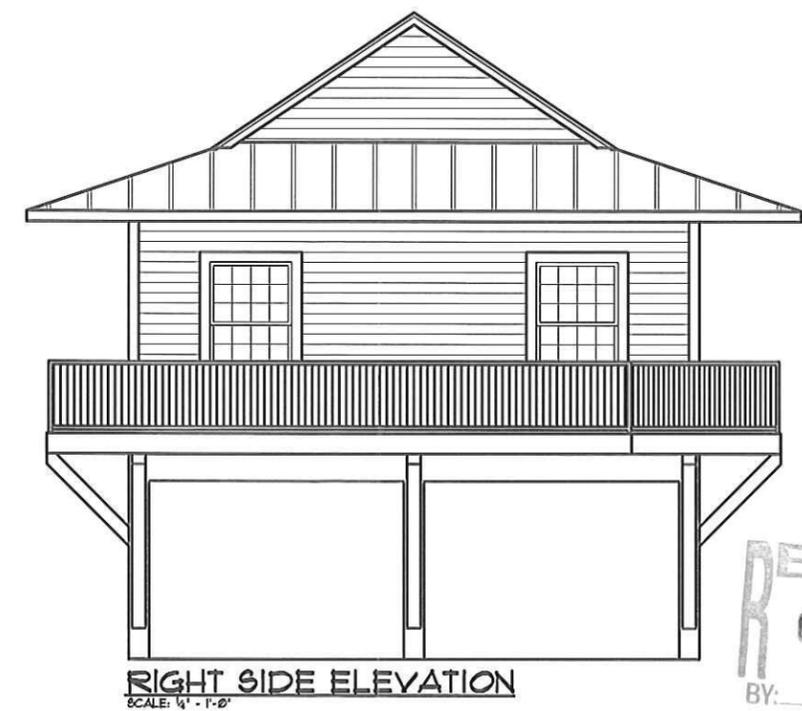
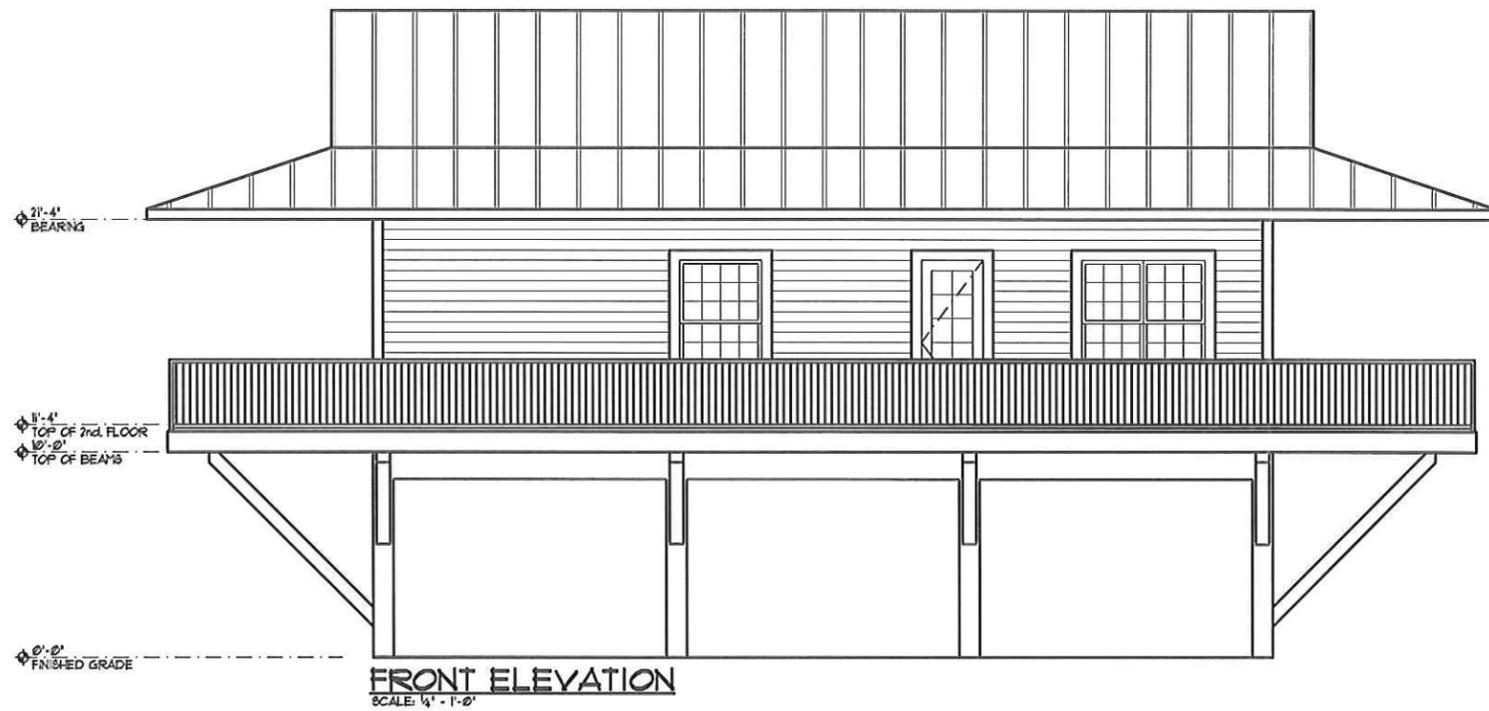
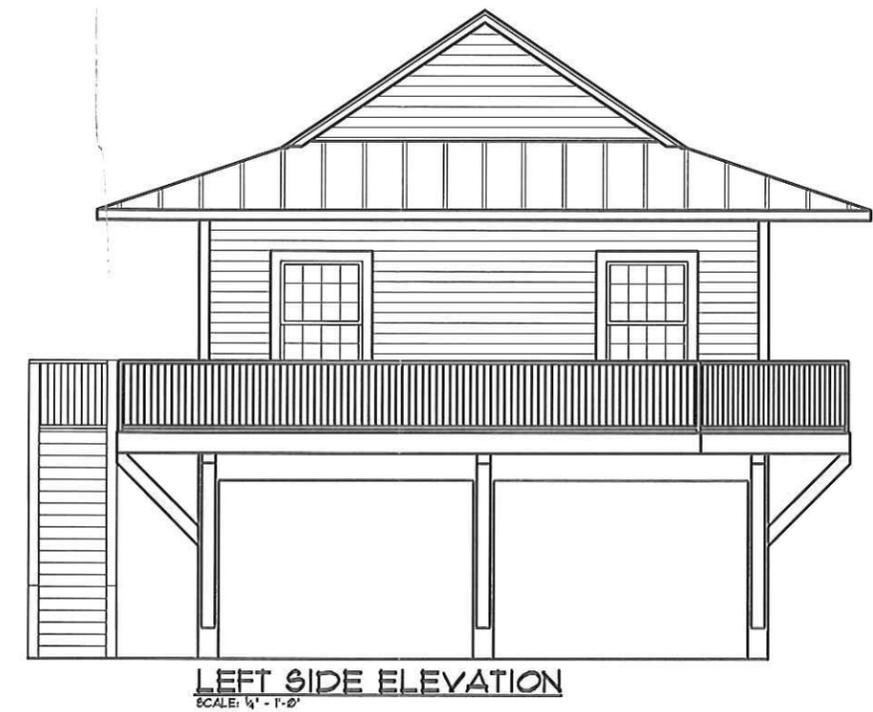
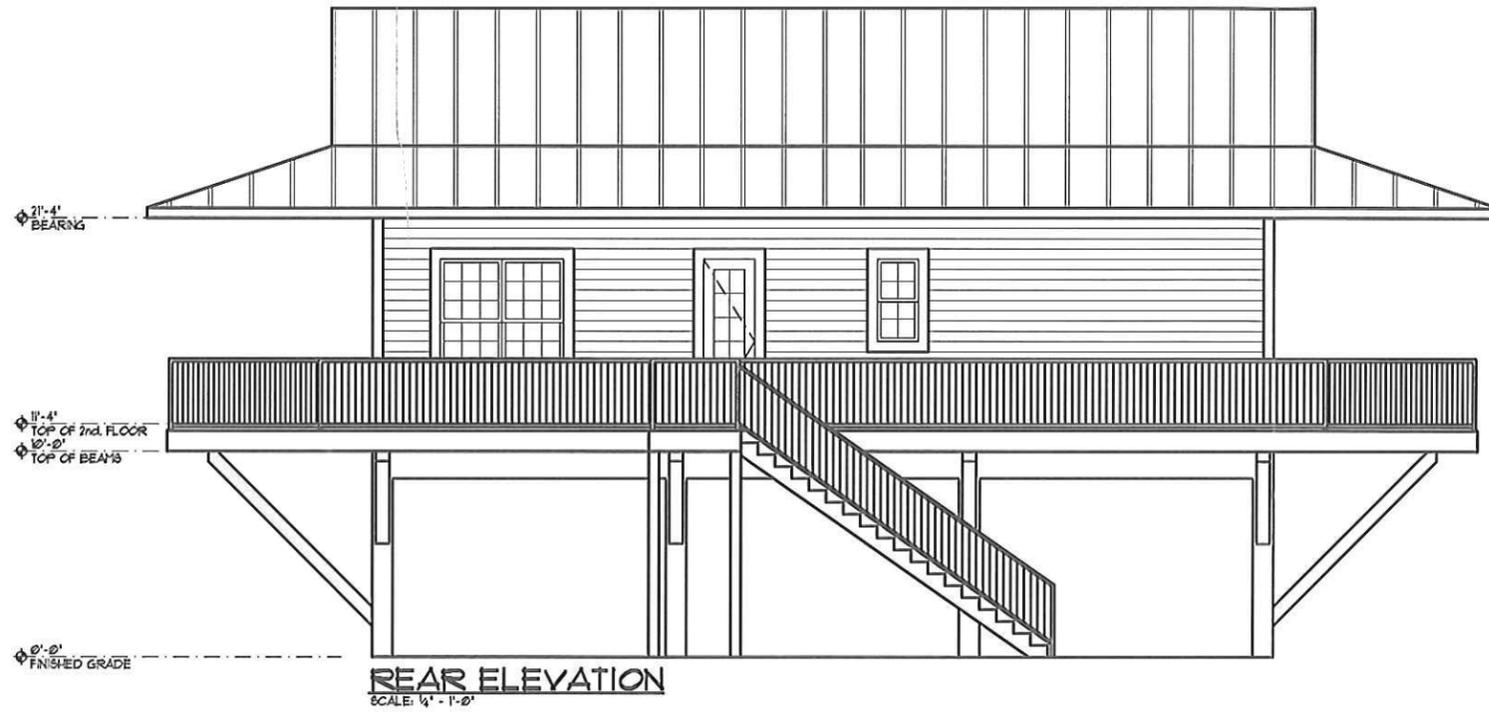
RECEIVED
OCT 14 2011
BY: _____

Scheme #4
FLOOR PLAN
PROJECT # 211173
10.14.2011

NEW CUSTOM RESIDENCE FOR:
**THE
FANELLI RESIDENCE**



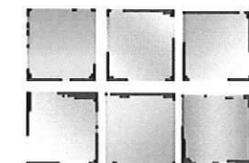
JPA
JOSEPH POZZI ARCHITECT
314 E. MOODY BLVD
FLAGLER BEACH, FLORIDA 32136
T: (352) 439-5659 F: (352) 439-5631
AR 13178 ID 4843
COPYRIGHT 2011



RECEIVED
 OCT 14 2011
 BY: _____

Scheme #4
ELEVATIONS
 PROJECT # 211173
 10.14.2011

NEW CUSTOM RESIDENCE FOR:
**THE
 FANELLI RESIDENCE**



JPA
 JOSEPH POZZI ARCHITECT
 314 E. MOODY BLVD
 FLAGLER BEACH, FLORIDA 32135
 T: (386) 439-5650 F: (386) 439-5651
 AR 13178 ID 4843
© FIVEIGHT 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: #AA 11-11-01 – Pier Extension Architectural Approval

DATE: October 27, 2011

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

Property: 215 South Oceanshore Boulevard – 12-12-31-4500-00700-0250

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

Future Land Use: Recreation

Zoning District: Rec(DMUO), Recreation (Downtown Mixed Use Overlay)

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Article VIII, Administration and Enforcement*, the applicant is requesting architectural approval of an addition to an existing commercial building.

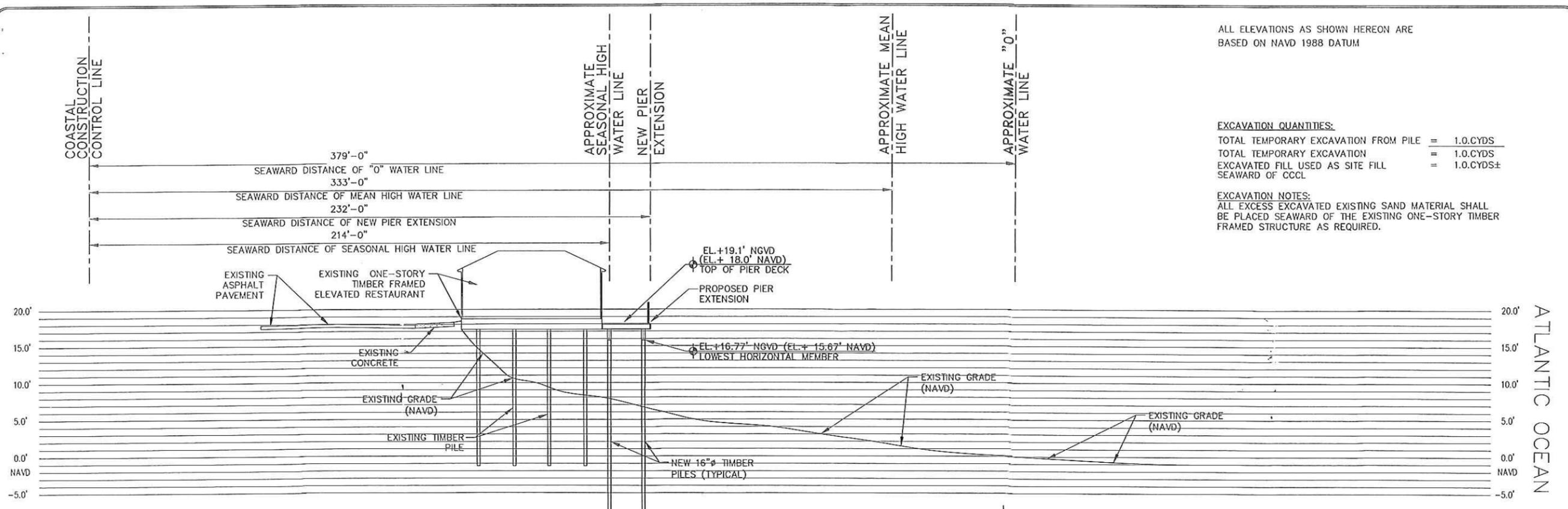
Analysis

The applicant's application indicates that the elevated pier extension will be approximately 1,600 square feet to the east of the Pier Restaurant commercial building. The applicant has provided exhibits that show the construction details of the timber pier extension with site profiles and site plans. The proposed pier extension will also provide an open seating area that will bring uses of the building to be closer to the ocean, enhancing the dining experience. Consistent with the Downtown A1A Retail Corridor section of the *Downtown Design Guidelines*, this building addition will further "[d]evelop the ground floor level of a building level to encourage pedestrian activity."

Recommendation

Staff recommends Planning and Architectural Review Board recommend that the City Commission approve the architecture of the proposed pier extension for the subject property.

Enclosures: Site Profile, Site Plan, Framing Plan, Typical Section, and Perspective Elevation



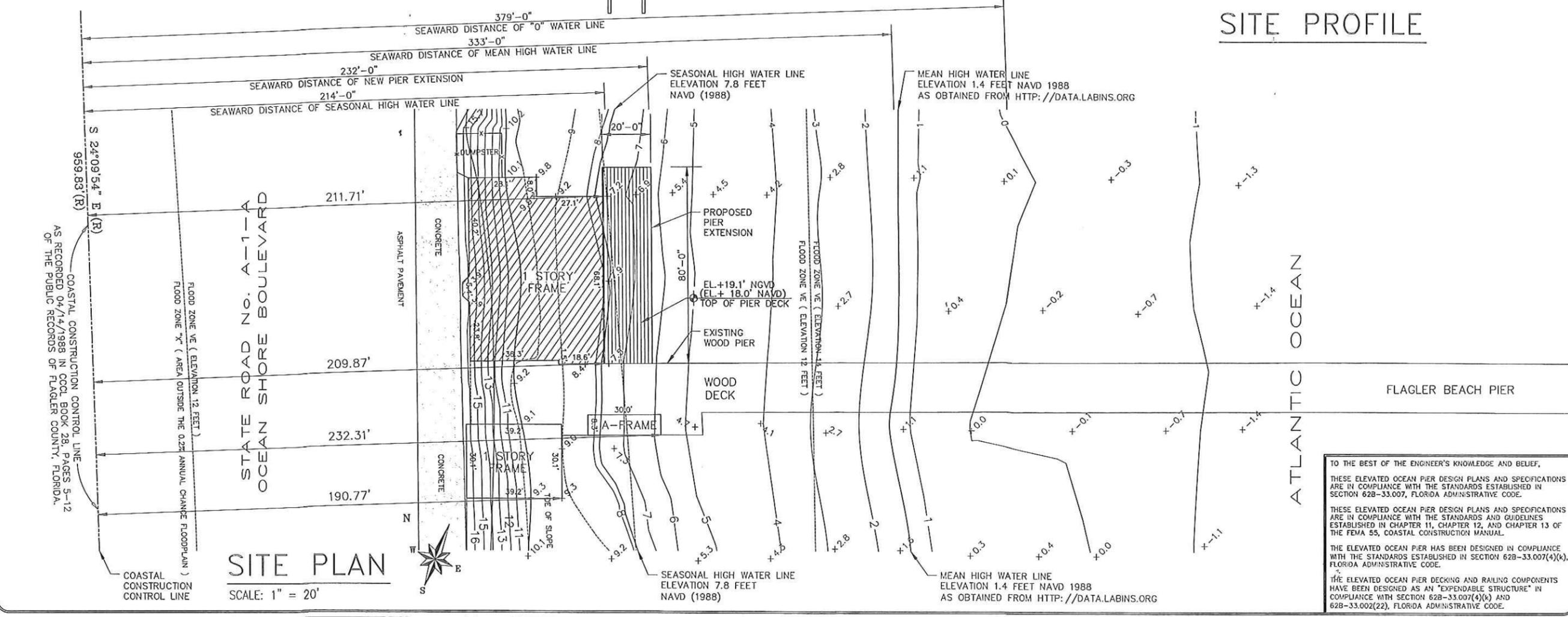
ALL ELEVATIONS AS SHOWN HEREON ARE
BASED ON NAVD 1988 DATUM

EXCAVATION QUANTITIES:
 TOTAL TEMPORARY EXCAVATION FROM PILE = 1.0.CYDS
 TOTAL TEMPORARY EXCAVATION = 1.0.CYDS
 EXCAVATED FILL USED AS SITE FILL = 1.0.CYDS±
 SEAWARD OF CCCL

EXCAVATION NOTES:
 ALL EXCESS EXCAVATED EXISTING SAND MATERIAL SHALL
 BE PLACED SEAWARD OF THE EXISTING ONE-STORY TIMBER
 FRAMED STRUCTURE AS REQUIRED.

REVISIONS	BY
DEP PERMIT ISSUE 07/22/11	CCK

CHRISTOPHER C. KATHE, INC.
 CONSULTING STRUCTURAL ENGINEERS
 420 OSCEOLA AVENUE
 JACKSONVILLE BEACH, FLORIDA
 FL P.E. No. 368820
 (808)217-4707
 cckathe@gmail.com



SITE PROFILE

SITE PLAN

SCALE: 1" = 20'

TO THE BEST OF THE ENGINEER'S KNOWLEDGE AND BELIEF,
 THESE ELEVATED OCEAN PIER DESIGN PLANS AND SPECIFICATIONS
 ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN
 SECTION 62B-33.007, FLORIDA ADMINISTRATIVE CODE.
 THESE ELEVATED OCEAN PIER DESIGN PLANS AND SPECIFICATIONS
 ARE IN COMPLIANCE WITH THE STANDARDS AND GUIDELINES
 ESTABLISHED IN CHAPTER 11, CHAPTER 12, AND CHAPTER 13 OF
 THE FEMA 55, COASTAL CONSTRUCTION MANUAL.
 THE ELEVATED OCEAN PIER HAS BEEN DESIGNED IN COMPLIANCE
 WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.007(4)(k),
 FLORIDA ADMINISTRATIVE CODE.
 THE ELEVATED OCEAN PIER DECKING AND RAILING COMPONENTS
 HAVE BEEN DESIGNED AS AN "EXPENDABLE STRUCTURE" IN
 COMPLIANCE WITH SECTION 62B-33.007(4)(k) AND
 62B-33.002(22), FLORIDA ADMINISTRATIVE CODE.

SITE PLAN AND SITE PROFILE
 FLAGLER BEACH PIER
 215 OCEANSHORE BOULEVARD
 FLAGLER BEACH, FLORIDA

7/22/11
 CHRISTOPHER C. KATHE
 FL P.E. 36820

DRAWN
CCK
 CHECKED
CCK
 DATE
07/22/2011
 SCALE
1" = 20'-0"
 JOB NO.
E11-033
 SHEET

C-1
 SHEET 1 OF 5

COASTAL CONSTRUCTION CONTROL LINE

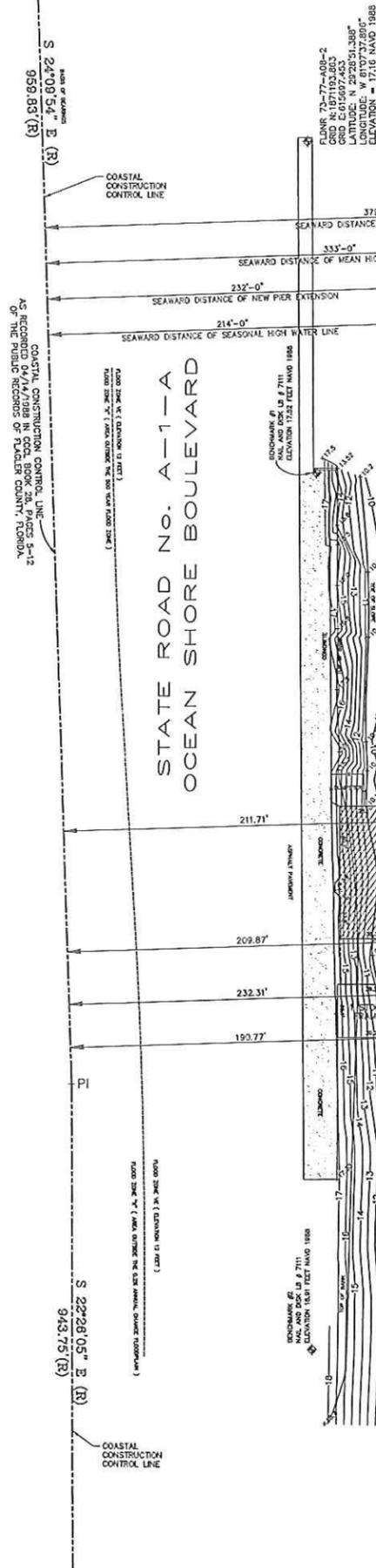


FLDNR 73-77-A08
GRID N: 187115.813
GRID E: 615971.799
LATITUDE: N 29°28'51.316"
LONGITUDE: W 81°07'38.185"

FLDNR 73-07-A07-2
GRID N: 1657512.255
GRID E: 617172.874
LATITUDE: N 29°28'14.955"
LONGITUDE: W 81°07'21.158"



0 400 800 1200
SCALE: 1 INCH = 400 FEET



STATE ROAD No. A-1-Ocean Shore Boulevard

ATLANTIC OCEAN

ATLANTIC OCEAN

NOTE:

STATE PLANE COORDINATES AS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983/80 - UNITED STATES FEET - FLORIDA ZONE EAST, AND WERE OBTAINED USING ASHTECH FROMARK 2 RECEIVERS AND ASHTECH SOLUTIONS SOFTWARE VERSION 2.6.0 AS REFERENCED FROM FLORIDA DEPARTMENT OF NATURAL RESOURCES MONUMENTS 73-77-A10 AND 73-07-A08-2. MONUMENT COORDINATES WERE OBTAINED FROM THE DIVISION OF WATER RESOURCE MANAGEMENT BUREAU OF BEACHES AND COASTAL SYSTEMS, COASTAL DATA ACQUISITION:

FLORIDA DEPARTMENT OF NATURAL RESOURCES MONUMENT 73-77-A10
NORTHING 1877525.491 - EASTING 612381.350 - ELEVATION 19.65 FEET NAVD 1988

FLORIDA DEPARTMENT OF NATURAL RESOURCES MONUMENT 73-07-A08-2
NORTHING 1871193.853 - EASTING 615697.453 - ELEVATION 17.16 FEET NAVD 1988

NOTES:

THE PARCEL OF LAND AS SHOWN HEREON LIES WITHIN FEDERAL FLOOD ZONE "VE" (ELEVATIONS 12', 13, AND 14') AS DEPICTED ON FLOOD INSURANCE RATE MAP No. 12035 CD-232-0, COMMUNITY No. 120087 FOR CITY OF FLAGLER BEACH FLORIDA AS REVISED JULY 17, 2009.

THE BASIS OF BEARING AS SHOWN HEREON IS THE COASTAL CONSTRUCTION CONTROL LINE WHOSE ASSUMED BEARING BEARS S 24°09'54" E.

OWNERSHIP OF FENCES NOT DETERMINED BY THIS SURVEY.

FENCE POSITIONS MAY BE SHOWN EXAGGERATED FOR CLARITY.

ALL ELEVATIONS AS SHOWN HEREON ARE BASED ON NORTH ATLANTIC VERTICAL DATUM OF 1988 (N.A.V.D. - 1988).

ALL CALCULATED DATA IS BASED ON FIELD MEASUREMENT.

ENCROACHMENTS AS SHOWN HEREON ARE ONLY THOSE ABOVEGROUND, VISIBLE OBJECTS OBSERVED BY THE SURVEYOR.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

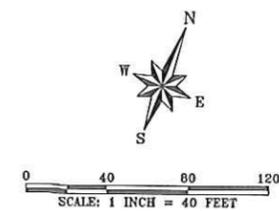
NO UNDERGROUND STRUCTURES, UTILITIES OR FOUNDATIONS WERE LOCATED OR DETERMINED BY THIS SURVEY.

THE PARCEL OF LAND AS SHOWN HEREON WAS NOT ABSTRACTED FOR DEEDS, DEED RESTRICTIONS, EASEMENTS OR RIGHTS OF WAY OF RECORD.

THIS SURVEY IS NOT VALID UNLESS IT IS SIGNED AND EMBOSSED WITH THE SIGNING SURVEYOR'S SEAL.

THIS SURVEY IS CERTIFIED TO AND FOR THE USE AND BENEFIT OF: CITY OF FLAGLER BEACH

SUBJECT TO THE ABOVE CONDITIONS AND RESTRICTIONS I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS PERFORMED BY EITHER MYSELF OR UNDER MY DIRECT SUPERVISION AND THAT ALL OF THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY CONFORMS TO SECTION 472.027 OF THE FLORIDA STATUTES AS AMENDED AND 61017-6 OF THE FLORIDA ADMINISTRATIVE CODE.



LEGEND:

R/W = RIGHT OF WAY
LB = LICENSED BUSINESS
CONC = CONCRETE
(R) = RECORD
(M) = MEASURED
FLDNR = FLORIDA DEPARTMENT OF NATURAL RESOURCES
CONC MONUMENT = CONCRETE MONUMENT
CCCL = COASTAL CONSTRUCTION CONTROL LINE
x 13.8 = EXISTING SPOT ELEVATIONS

TO THE BEST OF THE ENGINEER'S KNOWLEDGE AND BELIEF, THESE ELEVATED OCEAN PIER DESIGN PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 62B-33.007, FLORIDA ADMINISTRATIVE CODE.

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REVISIONS	BY
DEP PERMIT ISSUE 07/22/11	CCK

CHRISTOPHER C. KATHE, INC.
CONSULTING STRUCTURAL ENGINEERS
420 OSCEOLA AVENUE
JACKSONVILLE BEACH, FLORIDA
FL P.E. No. 36820
(808)217-4707
cckathe@gmail.com

SITE PLAN OVERLAY WITH SURVEY
FLAGLER BEACH PIER
215 OCEANSHORE BOULEVARD
FLAGLER BEACH, FLORIDA

CHRISTOPHER C. KATHE
FL P.E. 36820

DRAWN	CCK
CHECKED	CCK
DATE	07/22/2011
SCALE	1" = 40'-0"
JOB NO.	E11-033
SHEET	C-2

REVISIONS	BY
DEP PERMIT ISSUE 07/22/11	CCK

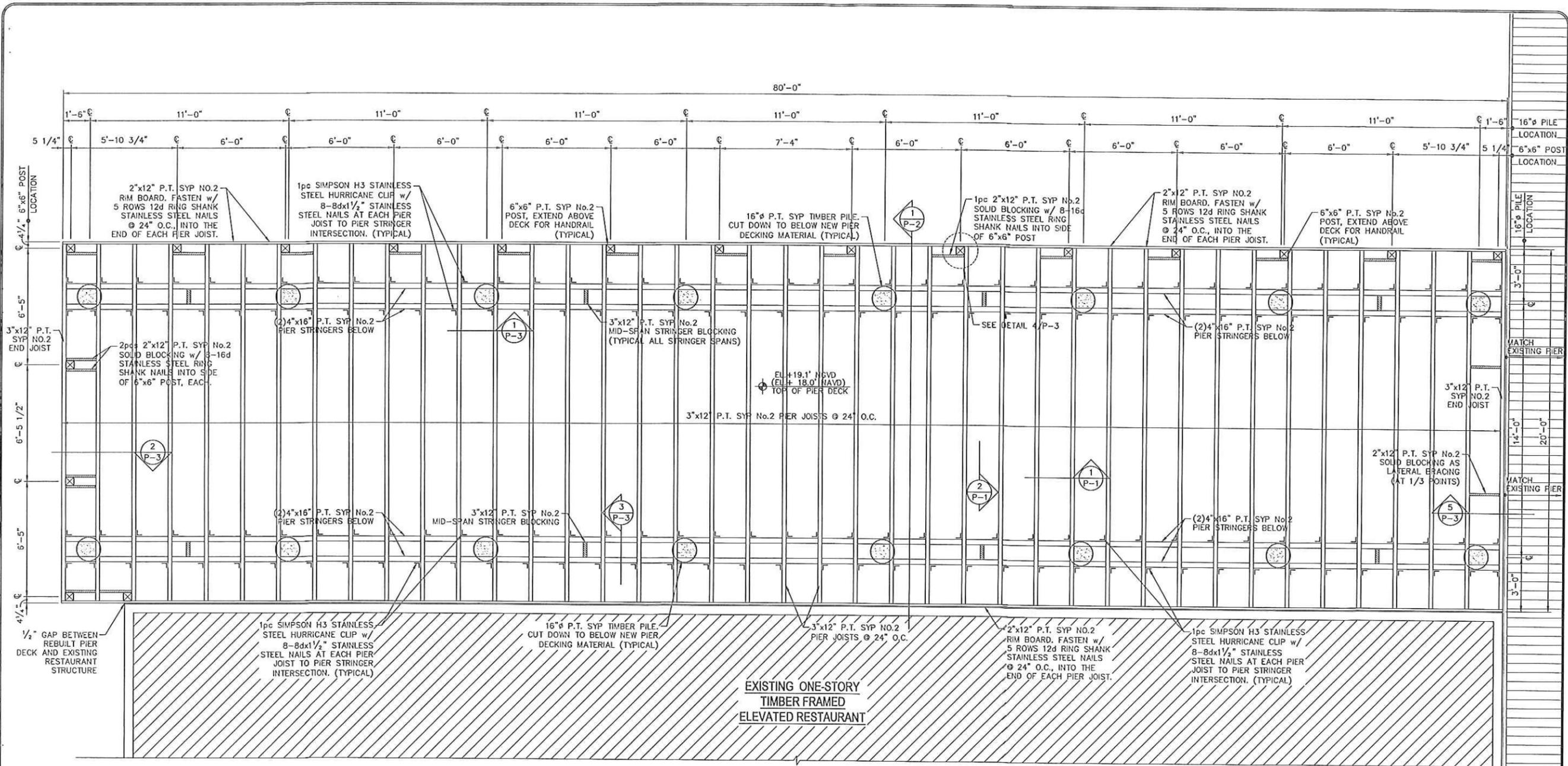
CHRISTOPHER C. KATHE, INC.
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FLAGLER BEACH PIER EXTENSION
FLAGLER BEACH PIER
215 OCEANSHORE BOULEVARD
FLAGLER BEACH, FLORIDA

ccathe
07/22/11
CHRISTOPHER C. KATHE
FL P.E. 36820

DRAWN	CCK
CHECKED	CCK
DATE	07/22/2011
SCALE	3/8" = 1'-0"
JOB NO.	E11-033
SHEET	P-1

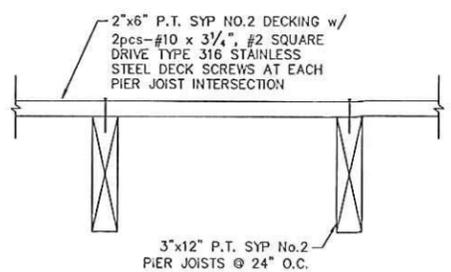
SHEET 3 OF 5



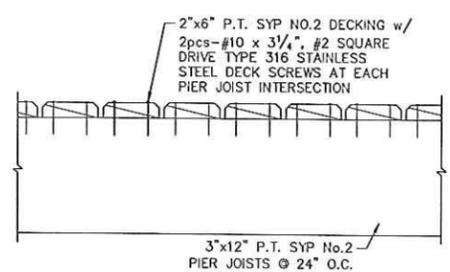
PIER DECK SYSTEM DESIGN CRITERIA:
SUPERIMPOSED PIER DECK DEAD LOAD = 10psf
SUPERIMPOSED PIER DECK LIVE LOAD = 100psf

ELEVATED TIMBER PIER EXTENSION FRAMING PLAN

SCALE: 3/8" = 1'-0"
 [Symbol] INDICATES 6"x6" P.T. SYP No.2 POST EXTEND ABOVE PIER DECK FOR HANDRAIL
 [Symbol] INDICATES 16"Ø PILING, CUT DOWN BELOW NEW PIER DECKING MATERIAL
 NOTE: WATERPROOFING AND FLASHING DESIGNED BY OTHERS
 NOTE: MAXIMUM 1/4" GAP BETWEEN EACH PIECE OF DECKING AFTER SHRINKAGE AND DRYING



SECTION 1
SCALE: 1/2" = 1'-0"



SECTION 2
SCALE: 1/2" = 1'-0"

UPLIFT CONNECTOR SCHEDULE

MEMBER	SUPPORT	SIMPSON CONNECTOR
3"x12" PIER JOIST	4"x16" PIER STRINGER	(1)H3 CLIP EACH INTERSECTION
4"x16" PIER STRINGER	16"Ø TIMBER PILE FOUNDATION	(4) 3/4" THROUGH BOLTS
6"x6" HANDRAIL POST	3"x12" PIER JOIST	(2) 3/8" THROUGH BOLTS AND 6-20d RING SHANK NAILS

ALL SIMPSON HARDWARE SHALL BE 304 STAINLESS STEEL

NOTES:
 1) CONNECTORS ARE SIMPSON STRONG TIE, 304 STAINLESS STEEL.
 2) SEE DETAILS THIS SHEET FOR TYPICAL APPLICATIONS.
 3) USE THE FOLLOWING FASTENERS FOR EACH CONNECTOR:
 H3 8-8dx1 1/2" STAINLESS STEEL NAILS FLORIDA PRODUCT APPROVAL #10456.13

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 THE ELEVATED OCEAN PIER DECKING AND RAILING COMPONENTS HAVE BEEN DESIGNED AS AN "EXPENDABLE STRUCTURE" IN COMPLIANCE WITH SECTION 62B-33.002(22), FLORIDA ADMINISTRATIVE CODE.

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FLAGLER BEACH PIER EXTENSION
FLAGLER BEACH PIER

215 OCEANSHORE BOULEVARD
FLAGLER BEACH, FLORIDA

DRAWN CCK
CHECKED CCK
DATE 07/22/2011
SCALE 3/4" = 1'-0"
JOB NO. E11-033
SHEET P-2

STRUCTURAL NOTES:
DESIGN IN ACCORDANCE WITH REQUIREMENTS OF THE FLORIDA BUILDING CODE 2007 WITH 2009 AMMENDMENTS. ELEVATED PIER WIND DESIGN PER ASCE 7-05. LOCATED WITHIN WIND BORNE DEBRIS REGION. ELEVATED TIMBER PIER STRUCTURE DESIGNED AS "OPEN".

DEP DESIGN CRITERIA:
FLAGLER COUNTY MONUMENT R079
100 YEAR STORM ELEVATION +16.1' NGVD (EL.+15.0' NAVD)
WAVE CREST HT.
100 YEAR STORM DESIGN GRADE + 3.1' NGVD (EL.+ 2.0' NAVD)

LIVE LOADS:
UNIFORM LIVE LOADS:
ELEVATED TIMBER PIER DECK 100 PSF

ELEVATED TIMBER PIER WIND LOAD DESIGN CRITERIA:
BASIC WIND SPEED 120 MPH
IMPORTANCE FACTOR 1.0
EXPOSURE 'C'
MEAN ROOF HEIGHT 15.0 FT
ROOF PITCH 0/12 (0.0 DEGREES)
INTERNAL PRESSURE COEFFICIENT "OPEN" +0.0/-0.0

COMPONENT AND CLADDING UPLIFT DESIGN PRESSURES:
AT 10 SFT -26.6 PSF
AT 20 SFT -25.8 PSF

ALLOWABLE UNIT STRESSES
STEEL BOLTS ASTM A325 HOT DIPPED GALVANIZED
STAINLESS STEEL BOLTS AISI 304
STAINLESS STEEL NAILS AISI 304

ELEVATED TIMBER PIER:
ALL DIMENSION LUMBER JOISTS, RAFTERS, STRINGERS, POSTS, AND RAILS SHALL BE SYP NO. 2 OR BETTER, WITH AN ALLOWABLE BENDING STRESS F_b = 1200 psi, IN ACCORDANCE WITH SOUTHERN YELLOW PINE INSPECTION BUREAU GRADING RULES.

ALL ROUND TIMBER PILES SHALL BE CLEAN PEELED IN ACCORDANCE WITH ASTM D-25 WITH CLEAR WOOD STRENGTH VALUE AS IN ASTM D-2555. TIMBER PILING SHALL HAVE A 16" MINIMUM BUTT DIAMETER, A 12" MINIMUM TIP DIAMETER, AND A 35'-0" MINIMUM LENGTH AS INDICATED. ALL ROUND TIMBER PILES SHALL BE GRADED "TIMBER PILE", WITH AN ALLOWABLE BENDING STRESS F_b = 2400 psi, IN ACCORDANCE WITH ASTM D-25.

ALL LUMBER, TIMBER, PILING, AND POSTS SHALL BE PRESSURE TREATED IN ACCORDANCE WITH AWP standards, C-2 AND C-14. THE PRESERVATIVES SHALL BE IN ACCORDANCE WITH FEDERAL SPECIFICATIONS TTW-571J AND TTW-536 AND AWP STANDARD P-5.

ALL 16" PILING IN GROUND SHALL BE 0.60 ACQ. ALL 4"x16" PIER STRINGER MATERIAL SHALL BE 0.40 ACQ. ALL 3"x12" PIER JOIST MATERIAL SHALL BE 0.40 ACQ MATERIAL. ALL 2"x6" PIER DECKING MATERIAL SHALL BE 0.40 ACQ. ALL 6"x6" HANDRAIL POST MATERIAL, ALL 2"x6" CAP MATERIAL, AND ALL 2"x4" HANDRAIL MATERIAL SHALL BE 0.40 ACQ MATERIAL.

ALL EXPOSED HARDWARE SHALL BE HOT DIPPED GALVANIZED. BOLTS SHALL MEET THE REQUIREMENTS OF ASTM A-325, TYPE I, AND HOT DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A-153. NUTS SHALL MEET THE REQUIREMENTS OF ASTM A-563, GRADE DH, AND HOT DIPPED GALVANIZED IN ACCORDANCE W/ ASTM A-153. ALL EXPOSED WASHERS AND HARDWARE SHALL BE HOT DIPPED GALVANIZED (UNO).

LAG SCREWS SHALL HAVE DRILLED LEAD HOLES WITH A DIAMETER APPROXIMATELY 50% OF THE SHANK DIAMETER OF THE LAG SCREW. THE THREADED PORTION OF THE LAG SCREWS SHALL BE INSTALLED BY TURNING WITH A WRENCH AND NOT BY DRIVING WITH A HAMMER. SOAP MAY BE USED ON THE LAG SCREWS TO FACILITATE INSTALLATION.

ALL SCREWS TO FASTEN THE 2"x6" DECKING SHALL BE #10 x 3/4", #2 SQUARE DRIVE TYPE 304 STAINLESS STEEL DECK SCREWS.

ALL NAILS TO FASTEN FRAMING SHALL BE 12d, 16d, AND 20d RING SHANK TYPE 304 STAINLESS STEEL, U.N.O.

ALL SIMPSON H3 HURRICANE CLIPS SHALL BE TYPE 304 STAINLESS STEEL.

SUPPLEMENTARY NOTES
VERIFY ALL DIMENSIONS WITH EXISTING STRUCTURE.

IF THE PILE FOOTING ELEVATIONS SHOWN OCCUR IN A DISTURBED, OR UNSTABLE SOIL, THE PIER STRUCTURAL ENGINEER SHALL BE NOTIFIED.

THE PIER STRUCTURAL ENGINEER SHALL NOT HAVE CONTROL OR BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, PROCEDURES, SEQUENCES, ACTS AND/OR OMISSIONS OF THE CONTRACTOR, OR ANY OTHER PERSONS PERFORMING WORK, NOR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT WORK IN ACCORDANCE WITH THESE CONTRACT DOCUMENTS.

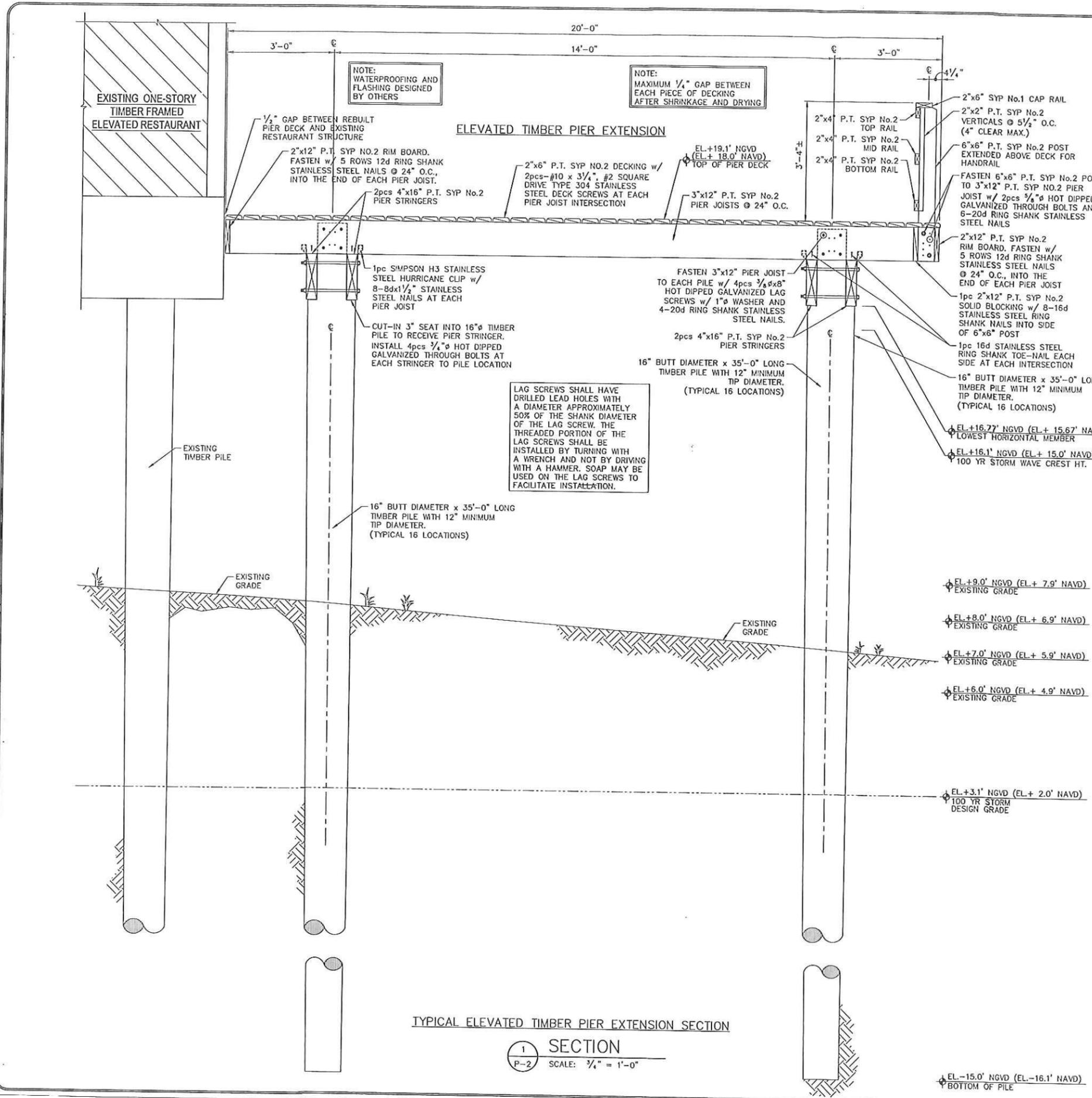
PROVIDE ALL TEMPORARY BRACING, SHORING, GUYING, OR OTHER MEANS TO AVOID EXCESSIVE STRESSES AND TO HOLD STRUCTURAL ELEMENTS IN PLACE DURING CONSTRUCTION.

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TYPICAL ELEVATED TIMBER PIER EXTENSION SECTION

SECTION P-2 SCALE: 3/4" = 1'-0"

EL.-15.0' NGVD (EL.-16.1' NAVD) BOTTOM OF PILE

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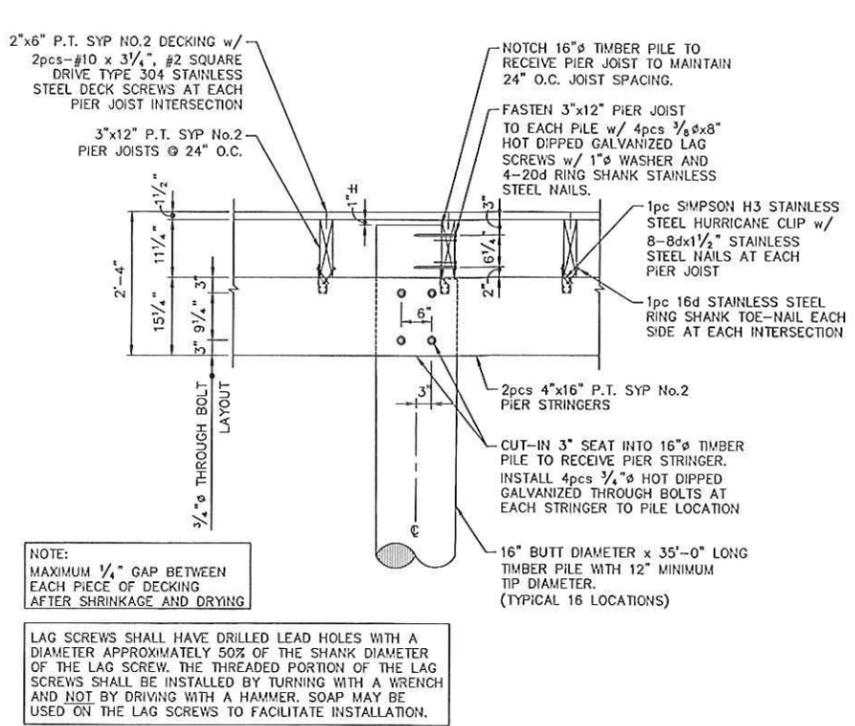
CHRISTOPHER C. KATHE, INC.
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FLAGLER BEACH PIER EXTENSION
FLAGLER BEACH PIER
215 OCEANSHORE BOULEVARD
FLAGLER BEACH, FLORIDA

11/22/11
CHRISTOPHER C. KATHE
R.P.E. 36620

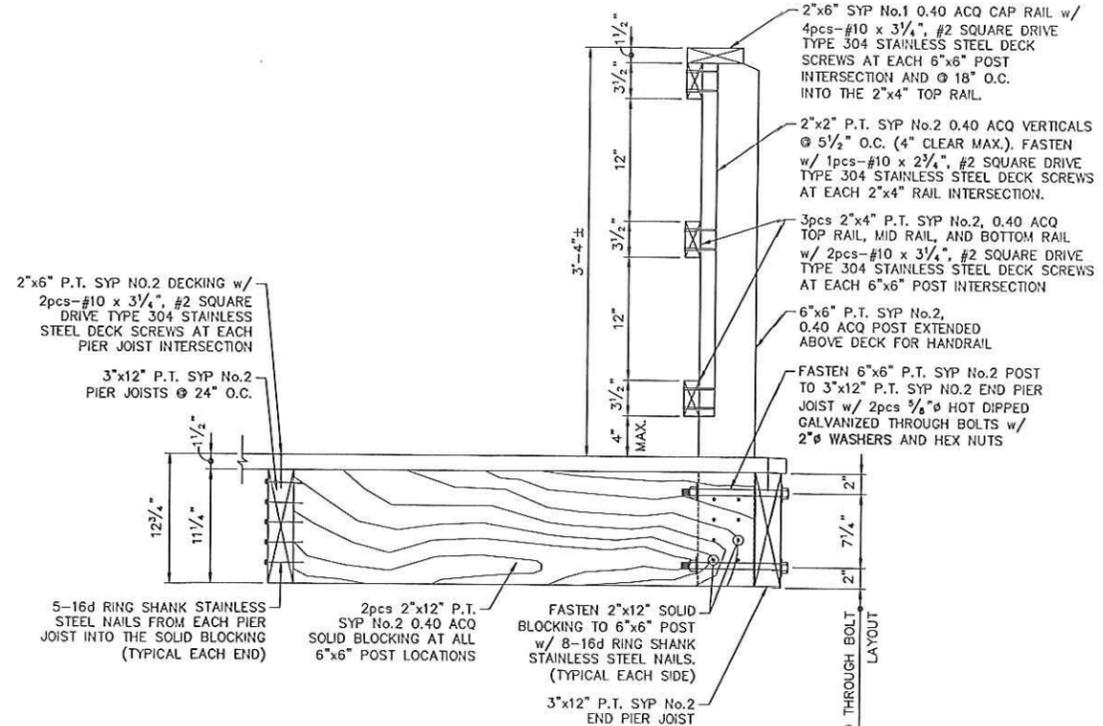
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3/4" = 1'-0"
JOB NO.
E11-033
SHEET

P-3
SHEET 5 OF 5



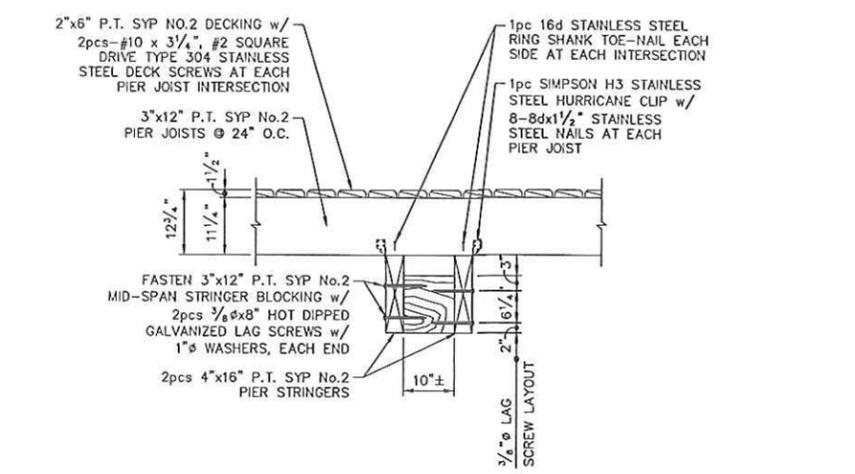
PIER JOIST TO TIMBER PILE CONNECTION

1 SECTION
P-3 SCALE: 3/4" = 1'-0"



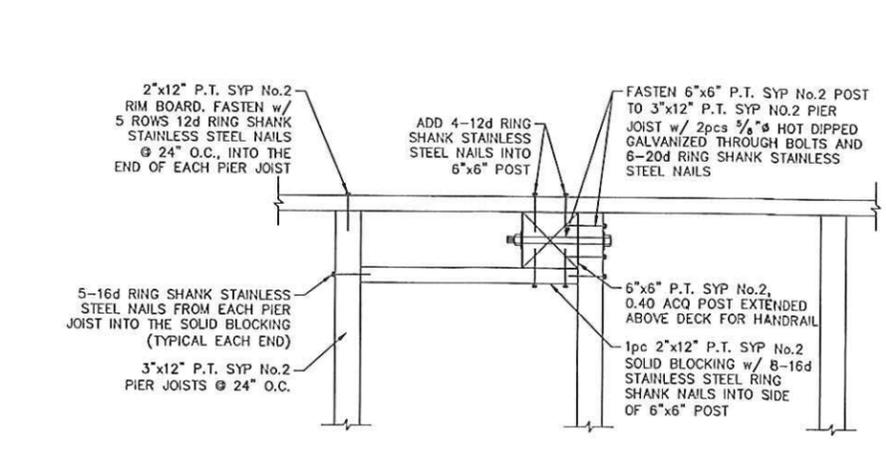
NORTH END HANDRAIL POST FASTENING

2 SECTION
P-3 SCALE: 1 1/2" = 1'-0"



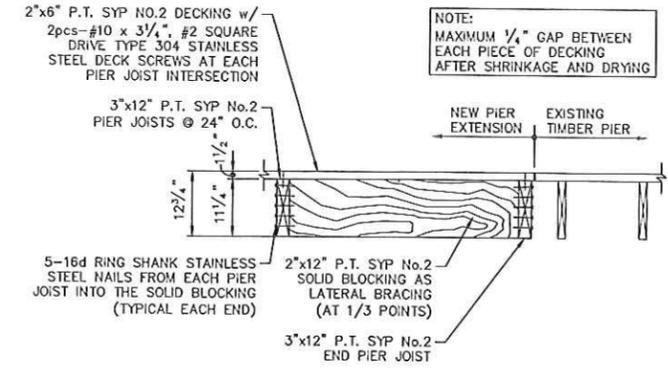
MID-SPAN STRINGER BLOCKING ASSEMBLY

3 SECTION
P-3 SCALE: 3/4" = 1'-0"



EAST SIDE HANDRAIL POST FASTENING

4 DETAIL
P-3 SCALE: 1 1/2" = 1'-0"



SOUTH END PIER INTERSECTION w/ EXISTING

5 SECTION
P-3 SCALE: 1 1/2" = 1'-0"

16" BUTT DIAMETER TIMBER PILE INSPECTION

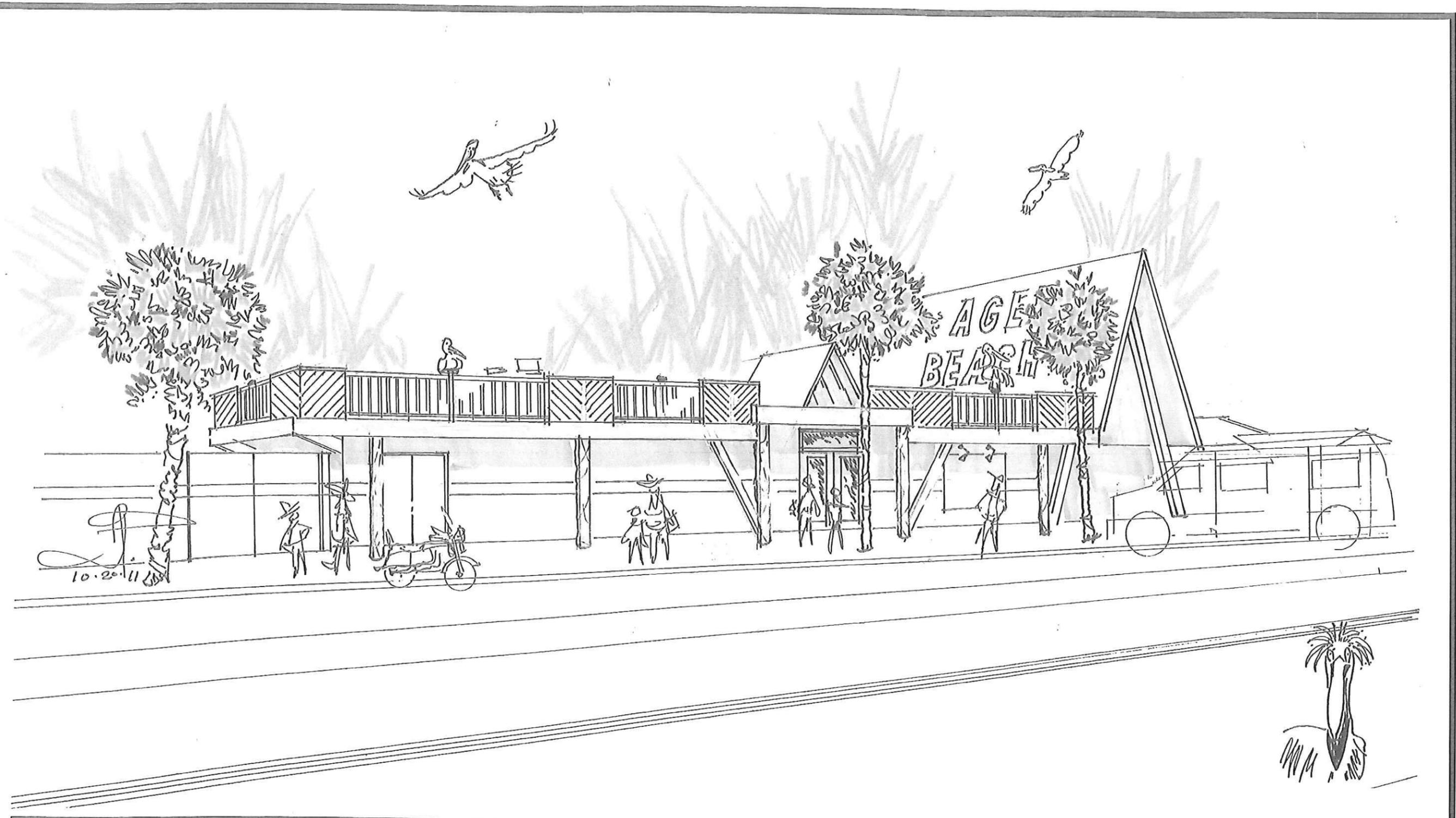
- PILES SHALL HAVE A MINIMUM 16" BUTT DIAMETER, 12" MINIMUM TIP DIAMETER, AND SHALL PROVIDE A MINIMUM SAFE BEARING CAPACITY OF 12 TONS, AN ALLOWABLE TENSION CAPACITY OF 3 TONS, AND A LATERAL CAPACITY OF 4 TONS.
- PILES SHALL BE DRIVEN WITH A HAMMER TO THE SPECIFIED TIP ELEVATION INDICATED ON THE PLAN. AUGERING AND JETTING THE PILES ARE NOT PERMITTED.
- TIMBER PILE PLACEMENT TOLERANCE: PLUS OR MINUS 2 INCHES.
- THE CONTRACTOR SHALL ENGAGE THE SERVICE OF A FLORIDA REGISTERED PROFESSIONAL ENGINEER OR AN APPROVED TESTING AGENCY TO SUPERVISE AND CERTIFY THAT THE PILE INSTALLATION COMPLIES WITH THE DESIGN REQUIREMENTS. RECORDS OF EACH INDIVIDUAL PILE BUTT DIAMETER, TIP DIAMETER, PILE LENGTH, AND DRIVEN DEPTH FOR EACH PILE; TOTAL NUMBER OF INSTALLED PILES; TOTAL LENGTH OF INSTALLED PILES; AND DEVIATION OF EACH PILE FROM THE SPECIFIED LOCATION SHALL BE RECORDED AND SUBMITTED TO THE ENGINEER OF RECORD UPON COMPLETION OF THE TIMBER PILE WORK.

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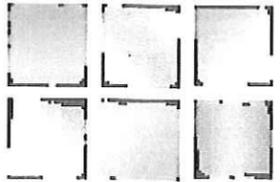
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ELEVATIONS

NEW PIER RESTAURANT 215 HIGHWAY A1A



JPA
 JOSEPH POZZUOLI ARCHITECT
 314 E. MOODY BLVD
 FLAGLER BEACH, FLORIDA 32136
 T: (385) 439-5650 F: (385) 439-5651
 AR 13178 ID 4843 COPYRIGHT 2012



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: Simulated Gaming Devices Prohibition

DATE: October 27, 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 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 simulated gaming devices within city boundaries and providing for penalties and remedies for violations; amending Chapter 4, Article V, Adult Arcade Amusement Centers, Section 4-196; providing for codification, severability, conflicts and an effective date.

Analysis

Electronically simulated gambling devices have proliferated at internet cafés throughout many local jurisdictions. Although the Florida Legislature failed during its recent legislative session to enact any laws regarding these activities, the Florida Attorney General has issued a legal opinion providing such devices constitute illegal gambling devices. The City Attorney prepared the enclosed ordinance that amends the *Code of Ordinances* to prohibit simulated gambling activities through electronic devices.

Recommendation

Staff requests that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to replace the present on-site temporary banner sign permit requirements with the previous "Temporary Signs" exemption and maintain the present specific number, size, time durations, location, and condition standards.

Enclosures: Proposed Ordinance

35 **WHEREAS**, due to the overtly deceptive nature of simulated gaming devices, as herein
36 defined, the possession, use, playing and operation of such devices within the City has or will
37 have an unreasonable adverse effect upon persons that are statistically at risk for gambling
38 addictions and other similar compulsive behaviors, the elderly and the economically
39 disadvantaged; and

40 **WHEREAS**, there is a direct relationship between establishments that possess and use
41 devices that simulate or play actual slot machine games or other games of chance and
42 disturbances of the peace and good order of the community, and the concurrency of these
43 activities is hazardous to the health, safety, and welfare of those persons in attendance; and

44 **WHEREAS**, in order to preserve the public peace and good order, and to safeguard the
45 health, safety, morals and welfare of the community and citizens of Flagler Beach, it is necessary
46 and proper to prohibit the possession, use, playing and operation of devices defined herein as
47 simulated gaming devices within the City of Flagler Beach; and

48 **WHEREAS**, in terms of negative impact described herein, there is little or no material
49 distinction between the effects of slot machines and the effects of simulated gaming devices as
50 defined herein; and

51 **WHEREAS**, the City has home rule authority pursuant to Article VII, Section 2 of the
52 Florida Constitution and Chapter 166, Florida Statutes, to enact this Ordinance.

53 **NOTE:** Underlined words constitute additions to the City of the City of Flagler Beach
54 Code of Ordinances, ~~strike through~~ constitutes deletions from the original Code of Ordinances,
55 and any asterisks (***) indicate an omission from the existing text which is intended to
56 remain unchanged.

57 **NOW THEREFORE, BE IT ENACTED BY THE CITY OF FLAGLER BEACH,**
58 **FLORIDA:**

59
60 **Section 1. Legislative Findings and Intent:** The findings set forth in the recitals above
61 are hereby adopted as legislative findings pertaining to this Ordinance.

62 **Section 2. “Chapter 4, Article VI. Simulated Gaming Devices”** of the Flagler Beach
63 Code of Ordinances is hereby created and shall read as follows:

64 **Section. 4-221. Definitions.**

65 The following words, terms and phrases, when used in this article, shall have the meanings
66 ascribed to them in this section, except where the context clearly indicates a different meaning:

67 Commercial establishment means any establishment, whether operated for profit or not, that
68 exchanges goods, product, services, or property of any kind for compensation or donation, or
69 facilitates the exchange of goods, services, or property of any kind for compensation or donation
70 in the ordinary course of trade, business, or fundraising, regardless of the land use designation
71 assigned to the location of the commercial establishment.

72 Simulated gaming device means any electronic, computerized, mechanical, or electromechanical
73 device that, by the use or insertion of coin, bill, token, slug, form of payment, passcode,
74 electronic or magnetic card in conjunction with the device or other reader or system connected or
75 networked to the device or with the aid of some physical act by the user or commercial
76 establishment representative, the device will allow an operator to use, play or operate the device
77 such that the device displays simulated or actual games of chance, slot machine games, spinning
78 wheels, line ups or arrangements of objects, symbols, colors, fruit, numbers or letters, or any
79 game known as or similar to keno, roulette, faro, game at cards, poker, blackjack, "Fruit Bonus,"
80 "Triple Jack," "Mystery J&B," "Fruit Paradise," "Klondike," "Magical Odds," or "Reel of
81 Fortune" in such a way as to display, disclose or reveal whether the user is to receive or become
82 entitled to receive a payout, jackpot, or prize, which may include money, credits, tokens, or
83 anything of value, or anything that may be exchanged for money, credits, tokens or anything of
84 value, regardless of whether such payout, jackpot, or prize is made automatically from the device
85 or other reader or system connected or networked to the device, or manually, and such device is
86 located and used, played or operated in or at a commercial establishment in connection with the
87 promotion, sale or purchase of good(s), product(s) or service(s). The term simulated gaming
88 device further includes, without limitation, a "slot machine" as defined by Section 849.16,
89 Florida Statutes. "Simulated gaming device" shall not be construed so as to preclude the lawful
90 use or possession of: (i) reverse vending machines authorized pursuant to Section 849.16(2),
91 Florida Statutes, (ii) amusement games or machines authorized pursuant to Section 849.161,
92 Florida Statutes, (iii) bingo, instant bingo or pull tab machines or dispensers operated in
93 accordance with Section 849.0931, Florida Statutes, (iv) a State of Florida lottery device
94 authorized by Florida Statutes, or (v) any other device expressly authorized by and complying
95 with the Florida Statutes and the Florida Administrative Code. Simulated gaming device shall
96 not be construed to include devices not otherwise prohibited by general law that are not located
97 in or at a commercial establishment and are used, played or operated for non-commercial
98 purposes (i.e., not in connection with the promotion, sale or purchase of goods, products or
99 services).

100 Person means an individual, association, partnership, limited liability company, joint venture,
101 not for profit corporation, corporation, or a director, executive, manager or officer of an
102 association, partnership, limited liability company, joint venture, not for profit corporation, or
103 corporation.

104 **Section 4-222. Prohibition of simulated gaming device.**

105 It is unlawful for any person to possess, use, play, or operate a simulated gaming device within
106 the municipal boundaries of the City. Each individual use, play, operation or possession of a
107 simulated gaming device shall be a separate violation of this Section. A violation of this Section
108 shall constitute a public nuisance.

109 **Section 4-223. Remedies and Penalties.**

110 In the event that a violation of this Article occurs, the City shall have the right to one or more of
111 the following remedies or actions:

112 (a) Institute code enforcement proceedings and prosecute code violations against the
113 violator and the property owner of the real property where the violation occurs;

114 (b) Prosecute the violator for a criminal misdemeanor punishable by a fine not
115 exceeding \$500.00 or imprisonment for a term not exceeding 60 days, or by both
116 such fine and imprisonment in the discretion of the court;

117 (c) Institute any appropriate action to bring about compliance or remedy, including
118 but not limited to, instituting an action in court to enjoin violating actions, in
119 which case the violating person shall be liable to the City for reimbursement of
120 the City's attorneys' fees and costs concerning such action; and

121 (d) Take any other action or remedy authorized by law or in equity, in which case the
122 violating person shall be liable to the City for reimbursement of the City's
123 attorneys' fees and costs concerning such action.

124 **Section 3. Section 4-196** of the Flagler Beach Code of Ordinances is hereby amended as
125 follows:

126 (a)*Definition.* Adult arcade amusement center; a business or other similar entertainment
127 enterprise or business at which electronic, mechanical, coin-operated, computer, video or other
128 similar games of amusement, chance or skill are played; which do not meet the definition of
129 'simulated gaming devices' as defined by Section 4-221 of the Flagler Beach Code of
130 Ordinances, whether for consideration or not when the games are similar to, or in the nature of,
131 slot machines.

132 **Section 4. Codification:** It is the intent of the City Council of the City of Flagler Beach
133 that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal
134 authority in codifying the provision of this Ordinance.



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: On-Site Temporary Banner Signs Permit Exemption

DATE: October 27, 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 Article VII, "Signs," of the City of Flagler Beach Land Development Regulations to exempt on-site temporary banner signs from sign permitting

Analysis

On October 27, 2011, the City Commission directed staff to prepare an amendment to the *Land Development Regulations* to exempt on-site temporary banner signs from permit requirements.

The City Commission replaced previous sign regulations with Ordinance 2010-15 on November 18, 2010. An amendment in Ordinance 2011-12 on August 25, 2011, was a "glitch" ordinance. The most recent fee schedule for City Clerk permits, engineering permits, and planning reviews was adopted on July 28, 2011. This resolution includes a "Temporary Sign" fee of \$30. The sign regulations prior to November 18, 2010, stated, "Temporary Signs: It is the express intent of this ordinance that the erection of any such temporary signs shall comply with all the terms, provisions and requirements as set forth for the erection of any signs. This type of sign will not require a permit, but the owners of the business will be required to go to the building department where there will be a sign-in sheet to be filled in, stating the business name, type of sign, and the date the sign is erected. There will be no fee for this. Decorations for all legal holidays will not require the use of the sign-in sheet. Any special events using temporary signs will have to use the sign-in sheet, giving the name of the sponsoring group, type of sign and date erected."

On-site temporary banner signs must adhere to specific number, size, time durations, location, and condition standards.

Recommendation

Staff requests that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to replace the present on-site temporary banner sign permit requirements with the previous "Temporary Signs" exemption and maintain the present specific number, size, time durations, location, and condition standards.



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: October 27, 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."

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.