

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, December 3, 2013 at 5:30 p.m.

City Hall Commission Chambers

Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of November 5, 2013.
5. New Business:
 - A. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.06.06 of the *Land Development Regulations* to modify the list of multi-family and motel structure standards by removing laundry facility and recreation space requirements; providing for codification, conflicts, and an effective date.
 - B. 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*; providing legislative findings; amending section 7.06.10 of the land development regulations to revise the specifications of pedestrian wayfinding signs on and over public property and right-of-way; providing for codification, conflicts, and an effective date.
 - C. Discussion and recommendation of *Land Development Regulations* amendments that should be undertaken.
 - D. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.05.07. of the *Land Development Regulations* to add standards for structures over water; providing for codification, conflicts, and an effective date.
6. PARB Member Comments.
7. Adjournment.



RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext. 235 at least 72 hours prior to the meeting.

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

Posted November 27, 2013

Planning and Building Department

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

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, November 5, 2013 at 5:30 p.m.

City Hall Commission Chambers

MINUTES

PRESENT: Alice Baker, Dan Bayerl, Don Deal, Joseph Pozzuoli, Roseanne Stocker.

STAFF: Attorney Drew Smith, Planner Chad Lingenfelter, Deputy City Clerk Kate Settle

ABSENT: Cathy Feind, 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. Settle called the roll.
3. PLEDGE OF ALLEGIANCE: Mr. Bayerl led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 1, 2013: **Motion** by Alice Baker, seconded by Dan Bayerl to approve the minutes of October 1, 2013. The **motion** carried unanimously.
5. NEW BUSINESS:
 - A. Application #RP 13-11-01
Replat of Lot 32 of the Cedar Island Subdivision.
Applicant: Jeremiah Mahoney
Cedar Island Subdivision, Lot 32
Property Owner: Jeremiah Mahoney

Don Deal read the item into the record. Mr. Mahoney spoke to the nature of his request. Mr. Lingenfelter explained the history of the item and the special factors regarding this particular piece of property. He recommended approval of splitting the lot. The public hearing was opened. No comments were received. The public hearing was closed. **Motion** by Roseanne Stocker, seconded by Alice Baker, that we recommend approval of Application RP13-11-01, replat of lot 32 of the Cedar Island Subdivision. The motion and the second were amended to include the recommendations in the staff report. The **motion** carried unanimously.

- B. Application #OE 13-11-01
Outdoor Entertainment to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment on the subject property in the TC, Tourist Commercial zoning district.
Applicant: Kathryn Policastro for Sweet Waters Smokehouse Bar and Grill
820 Moody Lane
Property Owner: The US 1 Corporation of Bunnell

Don Deal read the item into the record. Kathryn Policastro explained the nature of her request. Mr. Deal reported on his visit to Michael Policastro. He outlined on the diagram that there were two different pairs of speakers. Mr. Policastro had indicated the speakers on the north side would be the only ones used. Topics discussed among the board members were sound dampening materials, the stage structure, the placement of the speakers and being a good neighbor to those around the restaurant. The public hearing was opened. The following citizens came forward to

give their concerns, opinions and suggestions: Andy Miklos, Wayne Bostick, and Jim Cox. The public hearing was closed. The Board reviewed the current regulations and the noise ordinance; whether you could have a permit for less than a year; the current measures that are in place for those that do violate the noise ordinance; the magistrate process and the possible need to revisit the noise ordinance. Don Deal recapped by saying, the applicant has agreed to insulate the two speaker boxes on the north end of the property with two to four inch sound deadening material and the applicant has also agreed to do away with the two speakers on the south end of the property and only have the two speakers on the north end of the property active. **Motion** by Joseph Pozzuoli, seconded by Dan Bayerl, recommend we approve the outdoor entertainment license with the noted that the speakers on the southside will not be operational and that boxes will be insulated and the speakers will be enclosed in the structure and they will be insulated with two to four inch sound deadening material. The **motion** carried four to one with Alice Baker voting no.

C. Application #AP 13-11-01

Appeal of a Decision of the City Planner in the Enforcement and Interpretation of the Tree Replacement Regulations.

Applicant: Greg and Regina Orlik
2305 Marlin Lane

Property Owner: Regina W and Gregory Orlik

Don Deal read the item into the record. Mr. Lingenfelter reported the applicant is requesting not to preserve a pine tree with an 18 inch diameter located on their property. The Board reviewed the photographs of the tree before and after excavation. Mr. and Mrs. Orlik felt the size of the tree and the limbs being in the FPL wires was a danger to them and their property. The Board spoke about the following topics: knowing the City's ordinances and codes before building; efforts taken by other residents to save as many trees as possible; changing the location of the home; paying into the tree bank; the result of the arborist regarding the tree's damage and the danger of the location of the tree limbs to the power lines. The public hearing was opened. Rick Belhumer spoke of his experience building a home in Flagler Beach. Mr. Deal recapped and felt the options were to deny the appeal or replace it with three canopy or accent six inch tree or we have the option to move the house three or four feet to the west and it is possible that this tree may be taken out by the drive way. Roseanne Stocker needed clarification as to all the options. **Motion** by Joseph Pozzuoli, seconded by Roseanne Stocker that we follow staff's recommendation to save the tree. The **motion** carried unanimously.

6. PARB MEMBER COMMENTS. It was the consensus of the PAR Board that they would like staff to ask the Commission to revisit the Noise Ordinance due to the increasing number of establishments asking for Outdoor Entertainment Permits. Ms. Stocker was concerned the City might become a restaurant/bar destination to the detriment of the quiet Flagler Beach which is why so many residents moved here. Attorney Smith explained a recent Supreme Court Decision and describing a "plainly audible" standard.

7. ADJOURNMENT: **Motion** by Roseanne Stocker, seconded by Alice Baker to adjourn the meeting at 6:42 p.m. The **motion** carried unanimously.

43 building.

44 4. Distance between buildings and driveways—No driveway or parking lot should
45 be closer than ten (10) feet to the front of any building or less than five (5) feet to
46 the side or rear of any building.

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

50 ~~5. Recreation space—There shall be provided on the site of a multi-family
51 development an area or other areas, either enclosed or unenclosed, devoted to the
52 joint recreational use of the residents thereof. Such recreation space shall consist
53 of not less than two hundred (200) square feet of space per dwelling unit. Each
54 such recreation space shall be developed with passive and active recreation
55 facilities.~~

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

58 ~~6.5.~~Off-street parking spaces—There shall be provided on the site of such
59 development an area or areas devoted to the storage of automobiles. The number
60 and their provision shall be provided for as required by Section 2.06.02.1.

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

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

68 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon
69 adoption as provided by the Charter of the City of Flagler Beach.

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

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73 PASSED AND ADOPTED THIS ____ DAY OF _____, 2014.

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CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

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Linda Provencher, Mayor

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81 ATTEST:

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Penny Overstreet, City Clerk

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1 the City for free expression and communication by the public; and

2 **WHEREAS**, the Planning and Architectural Review Board, acting as the Local
3 Planning Agency, found and determined that this Ordinance is consistent with the City’s
4 Comprehensive Plan, and the City Commission finds and determines that the following
5 amendments are consistent with all applicable policies of the City’s Comprehensive Plan.

6 **NOTE:** Underlined words constitute additions to the City of the City of Flagler
7 Beach Land Development Regulations, ~~strike through~~ constitutes deletions from the origi-
8 nal Code of Ordinances, and any asterisks (***) indicate an omission from the exist-
9 ing text which is intended to remain unchanged.

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

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14 **SECTION ONE.** The findings set forth in the recitals above are hereby adopted as leg-
15 islative findings of the City Commission pertaining to this Ordinance.

16 **SECTION TWO.** Article VII, “Signs,” of the City of Flagler Beach Land Development
17 Regulations is hereby amended as set forth below:

18 **ARTICLE VII. SIGNS**

19 ***

20 **7.06.10. Signs on or over public property.**

21 A. Except as otherwise provided herein, no person except the governmental entity
22 owning the property shall erect a sign on or over any public right-of-way or public
23 property.

24 B. Temporary signs in City public parks shall be allowed only for events to be held at
25 the public park which are open to the public upon application for a permit, pursuant to
26 this Article. Applicants shall not be required to provide a bond or public liability
27 insurance unless a temporary sign is associated with a special event required to be
28 permitted under the City’s Code of Ordinances. Standards for such signs in City parks
29 are governed by Section 7.07.03.

30 C. Pedestrian wayfinding sign blades owned and controlled by the City may be provided
31 by the City and shall be located only on pedestrian wayfinding sign posts as provided
32 by the City in the City’s sole discretion within public rights-of-way. Pedestrian
33 wayfinding sign are subject to the following quantity and specifications:

34 1. Pedestrian wayfinding sign blades shall be limited to one (1) directional sign
35 blade per side per business or venue where a valid local business tax receipt has
36 been obtained or is not required;

37 2. The City shall charge a fee established by resolution of the City Commission
38 to have each sign blade made after receipt and approval of an application from an
39 eligible business;

40 3. After approval of an application from an eligible business, the City shall install
41 and maintain each sign blade;

- 1 4. The City shall charge an annual maintenance fee established by resolution of
2 the City Commission for each sign blade, which maintenance fee shall be due on
3 October 1, of each year; failure to pay the annual maintenance fee within thirty
4 days of the date due shall result in removal of the applicable sign blade(s).
- 5 5. The total number of pedestrian wayfinding sign blade locations shall be limited
6 to six (6) sign blades per side;
- 7 6. Sign blade locations on pedestrian wayfinding sign posts shall be allocated on
8 a first-come, first-served basis;
- 9 7. No application for a pedestrian wayfinding sign blades shall be approved for a
10 business or venue located within 150 feet, measured along the right-of-way, from
11 the pedestrian wayfinding sign post requested;
- 12 8. Pedestrian wayfinding sign blades shall not exceed eight (8) inches tall by 20
13 inches wide ~~with logos and/or lettering not to exceed seven (7) inches tall by 14.5~~
14 ~~inches wide;~~
- 15 ~~9. Pedestrian wayfinding sign blades~~and shall include a four (4) inch wide “A1A
16 Blue” directional panel at the right end of the sign blade with a white three (3)
17 inch by three (3) inch arrow and white distance to the destination in blocks;
- 18 9. The City may remove the sign blade for the business located furthest away
19 from the pedestrian wayfinding sign post to install a sign blade for a business
20 located closer to the pedestrian wayfinding sign post at no cost to the business
21 located furthest away. The City will refund the annual maintenance fee for the
22 removed sign blade on a prorated basis;
- 23 10. Pedestrian wayfinding sign blades shall be limited to logos and/or a dark
24 background with white lettering in “Arial Black” font;
- 25 11. The City will remove any pedestrian wayfinding sign blade for any business
26 or venue that relocates, ceases operation, and/or closes;
- 27 12. Relocated businesses or venues that desire a new pedestrian wayfinding sign
28 blade must complete a new application for approval; and
- 29 13. The City may install pedestrian wayfinding sign blade(s) for one (1) or more
30 institutions on pedestrian wayfinding sign posts.

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

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

38 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon
39 adoption as provided by the Charter of the City of Flagler Beach.

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

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CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

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Linda Provencher, Mayor

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11 ATTEST:

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Penny Overstreet, City Clerk

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Land Development Regulations Revisions

Completed Amendments

Tree and Vegetation Removal; Tree Removal

- ✓ To provide a definition for specimen trees, exemptions to tree replacement requirements for single-family lots, and amend the requirement to make tree bank payments in lieu of replacement

Site Plans

- ✓ To provide the standards and conditions essential to ensure that site plan applications contain sufficient information for review and approval

List of Adopted Codes

- ✓ To revise the list of codes adopted by reference and to revise the wind speed

Tourist Commercial Zoning District Side Yard Setbacks

- ✓ To add dimensional requirements for single- and two-family dwelling units and reduce the side yard setbacks for other uses

Possible Amendments

Docks

- Required to Meet to Side Yard Setback of a Principal Structure or of an Unattached Accessory Structure?
- Limited to a Height of 12 feet?
- Are an Accessory Structure?

Fences – Each Neighbor Erects a Fence with the More Finished Side Facing Outward

- Should the More Finished Sides Face Each Other?

Screen Enclosures

- Required to Meet to Side and Rear Yard Setbacks of a Principal Structure?
- Included in the Calculation for Lot Coverage?

Pools

- Allowed in the Front Yard?
- Required to Meet to Front, Side, and Rear Yard Setback of a Principal Structure or of an Unattached Accessory Structure? (Measured at the Coping)

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- (1) Permit required.
 - (a) No piers, docks, boathouses, or other similar structures extending into any surface water body shall be built until plans and specifications have been submitted to and approved by the chief building official and a permit for such construction issued.
 - (b) Any structures proposed in or within 25 feet of a regulated wetland system must be consistent with the criteria of Section 4.00.00. of this Code.
 - (c) No permit shall be required for the nonstructural replacement of existing walkway or terminal platform boards or maintenance or repair of existing boatlifts.
- (2) General standards.
 - (a) No more than one (1) dock shall be permitted for each single-family residence on a non-oceanfront waterfront lot.
 - (b) All submerged lands shall be considered as single use lands and shall be managed primarily for the maintenance of essentially natural conditions, propagation of fish and wildlife, and traditional recreational uses such as fishing, boating, and swimming. Compatible secondary purposes and uses which will not detract from or interfere with the primary purpose may be allowed.
 - (c) Activities which will result in adverse impacts to submerged lands and associated resources including wetlands shall not be approved unless there is no reasonable alternative and adequate mitigation is proposed.
 - (d) Any landscaping or vegetation that is disturbed during the construction process shall be restored to approximate its original condition within sixty (60) days of final approval of the structure.
 - (e) To the maximum extent practical, the proposed development activity shall address existing erosion problems and stabilization of the shoreline through the establishment of appropriate native wetland vegetation in littoral areas.
 - (f) Docks extending into any water body shall not be permanently enclosed.
 - (g) During construction, turbidity must be controlled on site to prevent reduction in water quality.
- (3) Setback requirements.
 - (a) If the length of the shoreline is less than 65 feet, a minimum ten (10) foot setback from the riparian lines of adjacent owners is required for all structures, including mooring poles.

- 82 (b) If the length of the shoreline is 65 feet or more, a minimum 25
83 foot setback from the riparian lines of adjacent owners is
84 required for all structures, including mooring poles.
- 85 (c) Setbacks from other activities, channels and structures shall be
86 required to ensure safety, facilitate enforcement abilities and
87 ensure resource management.
- 88 (d) No dock shall extend farther than a maximum water depth of
89 four (4) feet below mean low water or one (1) foot below the
90 lowest part of the vessel, or more than twenty-five percent (25%)
91 of the width of the waterbody, opposite a buildable shoreline or
92 thirty percent (30%) opposite a nonbuildable shoreline,
93 whichever is more restrictive.
- 94 (4) Water depths requirements. Docking facilities shall have adequate
95 water depths to accommodate the proposed boat use consistent with
96 permit conditions of appropriate state and federal agencies.
- 97 (5) Dimensional requirements. The following criteria shall apply in
98 review and approval of all docks.
- 99 (a) Covered boat slip.
- 100 (i) The area of any covered boat slip shall not exceed five
101 hundred (500) square feet.
- 102 (ii) The roof overhang of any covered boat slip shall not exceed
103 one (1) foot beyond the footprint of the lift and the boat
104 stored at the lift.
- 105 (iii) The roof of any covered boat slip, at its highest point, shall
106 not exceed 15 feet above the water level at mean high tide.
- 107 (b) Terminal platform.
- 108 (i) The area of any terminal platform shall not exceed one
109 hundred eighty (180) square feet.
- 110 (ii) The roof overhang of any terminal platform shall not
111 exceed one (1) foot beyond the footprint of the terminal
112 platform.
- 113 (iii) The roof of any terminal platform, at its highest point, shall
114 not exceed 15 feet above the water level at mean high tide.
- 115 (c) Roof deck.
- 116 (i) The area of any roof deck shall not exceed five hundred
117 (500) square feet.
- 118 (ii) The overhang of any roof deck shall not exceed one (1)
119 foot beyond the footprint of the covered boat slip and/or the
120 terminal platform.
- 121 (iii) The railing of any roof deck, at its highest point, shall not

122 exceed 15 feet above the water level at mean high tide. All
123 railing must be constructed of stainless steel cables with
124 posts no closer than four (4) feet apart.

125 (d) Access walkway.

126 (i) The main access pier or catwalk shall be considered a
127 walkway and shall not exceed six (6) feet in width.
128 Catwalks and finger docks extending off the main access
129 walkway shall not exceed three (3) feet in width.

130 (ii) The square footage limitations established herein are
131 exclusive of the area of the main access walkway providing
132 ingress or egress from the dock.

133 (e) See Section 6.02.04 for additional dimensional requirements in
134 Palma Vista and Venice Park Subdivisions.

135 (f) Vegetative disturbance. If five percent (5%) or more of the floor
136 area of a dock is proposed to be located over beds of native
137 submerged aquatic vegetation consisting of any of the following
138 listed species, the structure shall be located so as to minimize any
139 disturbance to such vegetation in compliance with state and
140 federal guidelines: widgeon grass (*Ruppia maritima*); eel grass
141 (*Zostera marina*); manatee grass (*Cymodocea filiformis* or
142 *Syringadium filiformis*); sea grass (*Halophila* spp.); shoal grass
143 (*Halodule wrightii*); and eel grass (*Vallisneria* spp.).

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150 provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

151 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon
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159 CITY OF FLAGLER BEACH, FLORIDA
160 CITY COMMISSION

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162 _____
163 Linda Provencher, Mayor
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165 ATTEST:

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Penny Overstreet, City Clerk