

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, January 7, 2014 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 December 3, 2013.
5. Election of Officers.
6. Approve the 2014 Regular Meeting dates.
7. New Business:
 - A. Application #OE 14-01-01
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: Leo Koulik for Flagler Breeze
2444 South Ocean Shore Boulevard
Property Owner: Absente 5, LLC
 - B. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Sections 2.02.00 and 2.05.05 of the *Land Development Regulations* to add definitions and dimensional requirements for private swimming pools and screen enclosures; to add setback reductions for certain residential attached accessory structures; to allow certain residential accessory structures to be within required yards; providing for codification, conflicts, and an effective date.
8. PARB Member Comments.
9. 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 January 2, 2014

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

City Hall Commission Chambers

MINUTES

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

STAFF: Attorney Drew Smith, Planner Chad Lingenfelter, Staff Secretary Marlene Beams

ABSENT: 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.
3. PLEDGE OF ALLEGIANCE: Ms. Baker led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 5, 2013: Don Deal asked that the November 6 minutes reflect instructing the new police captain how important it was to enforce the noise ordinance and felt it was priority. **Motion** by Roseanne Stocker, seconded by Alice Baker, to approve the minutes of the November 5th PAR Board meeting as amended. The **motion** carried unanimously.
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. Mr. Lingenfelter reported the consensus of the City Commission was to remove recreation space and laundry facility requirements as well. Discussion included concerns over removing the recreational space requirements; definition of recreational space; having a set of criteria in place to trigger the need for recreational space; landscaping being included as recreational space and the aesthetics of the City being compromised by removing the requirement for recreational space. Don Deal thought he would like to take a look at how other communities approach the issue and see if 200 square feet is a reasonable number to put in the ordinance. The discussion then centered on changing the wording regarding recreation space to open space in order to ensure the greenery would remain as part of the community or to change the requirement to reflect recreational and/or open space. It was the consensus of the Board to have staff research the number of square feet of recreational space needed per size of the building or complex. Mr. Lingenfelter requested the Board accept the strikethroughs regarding the laundry facility and he would look into their request regarding recreational space. **Motion** by Roseanne Stocker, seconded by Joseph Pozzuoli, we recommend strikethrough in Section 2.06.06, lines 33-36 and we request that staff to research in

neighboring or similar communities regarding recreation/open space and the size of the square footage required. The **motion** carried unanimously.

- 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: Mr. Deal read the item into the record. Mr. Lingenfelter reported on the history of the item and indicated it is a "glitch" ordinance regarding the wayfinding signs that will be expanding from south to north of Moody Boulevard in the next few months. He explained that there is new wording reflecting regarding the proximity of a sign to a business. **Motion** by Joseph Pozzuoli, seconded by Dan Bayerl, we accept the revised Item 9, lines 18-22 as written and proposed and the strikethroughs on lines, 13 through part of 15. The **motion** carried unanimously.
- C. Discussion and recommendation of Land Development Regulations amendments that should be undertaken. Mr. Lingenfelter explained that this item is similar to one that was on the November 7, 2013 Commission agenda. He reviewed a list of the regulations that have been completed and also those that may need to be addressed. He spoke to items where he sought consistency and those that he felt would better mirror the overall feel of the City. Pools currently can be placed in the front yard, should there be a desire by a homeowner or builder; screen enclosures and fences should be addressed. The Board reviewed the list. Mr. Deal felt that lot coverage should also be included in terms of impervious services, docks and how they have been considered in the past, stormwater, and any remaining issues regarding trees. Mr. Deal asked if the noise ordinance should be included on the list. Mr. Lingenfelter indicated that the list is comprised simply of those items in the Land Development Regulations that need to be addressed. The Noise Ordinance would need to be addressed at separately from the list presented. Mr. Deal then asked Attorney Smith if the Commission was aware that the PAR Board would like to take a look at the Noise Ordinance. Attorney Smith reported he had spoken with some of the Commissioners but it had not be presented at a Regular meeting.
- 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. Mr. Lingenfelter referred to current language and suggested the second paragraph be dedicated to regulation of docks. He also had language to add into the proposed wording which would include specifications after reading the Tomoka Marsh Aquatic Preserve Management Plan. Mr. Deal

reviewed the draft with the Board page by page. Mr. Lingenfelter added language between line 66 and 67 to include wording: "proposed development activity shall be designed and maintained consistent with the Tomoka Marsh Aquatic Preserve Management Plan and Rules and the outstanding state water requirements in the Tomoka River Manatee Sanctuary Requirements." There was some concern regarding limiting a property owner of a 30 foot boat on a lift and the setback needed. It was the consensus of the board to change the number to 90 feet. It was the consensus of the board to recommend allowing a dock to be built before a home is built on the lot. It was the consensus of the board to change the dock to a permitted principal use. The depth of the canal lots was discussed at length. Mr. Lingenfelter suggested the following language: "No dock shall extend more than 25% of the width of the water body opposite of buildable shoreline or 30% opposite non-buildable shoreline, except for the limitations in Palma Vista and Venice Park." The board directed staff to review and revise the language regarding the percentage of the width of the water body. Mr. Deal referred to Line 105 and expressed his concern over the dock height being 15 ft. He did not think 15ft was high enough. Mr. Deal referred to his neighbor's dock and the size of his boat and felt more comfortable if the height could be bumped up to 18 feet. It was the consensus to change the wording to reflect 18 feet. Mr. Lingenfelter was to make the appropriate change to line 114. Mr. Deal referred to line 135, aquatic vegetation. Mr. Lingenfelter explained the section was put in to limit the impact of building a dock on the environment. It was the consensus of the board to remove lines 88-93 in order to move the ordinance forward and address the primary permitted use issue at a later date. **Motion** by Roseanne Stocker, Alice Baker, that we recommend the City Commission approve Section 2.05.07 of the land development regulations as presented here today, with the exception of striking lines 88 through 93 and all the other changes discussed. The **motion** carried unanimously. Mr. Deal asked staff to bring the issue of a dock being a primary permitted use to the attention of the Commission in order to let the PAR Board know whether to work on the issue.

6. PARB MEMBER COMMENTS: Mr. Deal asked if there was any other thoughts regarding the revisions to the LDRs. Roseanne Stocker asked to add to the list Parking. There seems to be an issue or misunderstanding regarding parking and the requirements for different areas of the City.
7. ADJOURNMENT: Motion by Joseph Pozzuoli, seconded by Alice Baker, to adjourn the meeting at 7:24 p.m.

City of Flagler Beach

Planning and Architectural Review Board

First Tuesday of Each Month at 5:30 p.m.

City Hall Commission Chambers

2014 Schedule

Application Submittal Deadline ¹	Post Agenda and Send Public Notices	Regular Meeting Date
Friday, December 6, 2013	Friday, December 20, 2013	Tuesday, January 7, 2014
Friday, January 10, 2014	Friday, January 24, 2014	Tuesday, February 4, 2014
Friday, February 7, 2014	Friday, February 21, 2014	Wednesday, March 5, 2014 ²
Friday, March 7, 2014	Friday, March 21, 2014	Tuesday, April 1, 2014
Friday, April 4, 2014	Friday, April 18, 2014	Tuesday, May 6, 2014
Friday, May 9, 2014	Friday, May 23, 2014	Tuesday, June 3, 2014
Friday, June 6, 2014	Friday, June 20, 2014	Tuesday, July 1, 2014
Thursday, July 3, 2014 ²	Friday, July 18, 2014	Tuesday, August 5, 2014
Friday, August 8, 2014	Friday, August 22, 2014	Tuesday, September 2, 2014
Friday, September 5, 2014	Friday, September 19, 2014	Tuesday, October 7, 2014
Friday, October 3, 2014	Friday, October 17, 2014	Wednesday, November 5, 2014 ²
Friday, November 7, 2014	Friday, November 21, 2014	Tuesday, December 2, 2014
Friday, December 5, 2014	Friday, December 19, 2014	Tuesday, January 6, 2015

¹ Deadlines are subject to change dependent upon staff workload and project complexity

² Rescheduled due to a holiday or a schedule conflict



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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

Item Summary

SUBJECT: Application OE-13-12-01 – 2444 Oceanshore Boulevard South - Outdoor Entertainment Permit.

BACKGROUND: Applicant: Leo Koulik, 2444 Oceanshore Boulevard South, Flagler Beach, Florida 32136. The subject property is zoned TC Tourist Commercial. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the City Commission, after receiving recommendation from the Planning and Architectural Review (PAR) Board, shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact to the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fails to protect the city's environment.
 - (2) The activity would unreasonably inconvenience the general public.
 - (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
 - (4) The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
 - (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.
 - (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
 - (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
 - (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
 - (9) The information furnished in the application is not materially complete and accurate.
 - (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.
 - (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
 - (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
 - (13) The proposed event or activity is prohibited by federal, state, or local regulations.
 - (14) Other issues in the public interest as identified by the city commission.
- (a) In making a determination to approve a permit the city commission may limit the type and number of temporary structures and the duration of the activity including the

hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.

- (b) Upon receipt of an application for outdoor entertainment activity, the city clerk's office shall review the application within five (5) working days of receiving it to determine if it is complete, fees have been paid and if the proposed activity qualifies as an outdoor entertainment activity. If so determined, the city clerk's office shall mail via regular mail a notice to all real property owners located within two hundred (200) feet from the property line of the subject property which notice shall include: the address of the subject property, the nature of outdoor entertainment activity sought, and the date, time and location of the PAR board meeting at which the application will be heard for recommendation. In deciding its recommendation on the application, the PAR board shall consider those same grounds listed above for consideration by the city commission. The recommendation will be brought to the city commission for final decision at its next available commission meeting.

ATTACHMENTS: Application, letter sent to applicant, letter sent to surrounding properties, site plan showing location of outdoor entertainment.

SUBMITTED BY: Penny Overstreet, City Clerk

DEC 06 2013

OFFICE USE ONLY: DATE REC'D <u>12-6-2013</u> FEE REC'D \$ <u>150.⁰⁰</u> INITIALS: <u>P.O.</u> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> SENT PARB <input checked="" type="checkbox"/> PERMIT ISSUED _____	INSTRUCTIONS: <i>Please print or type all information.</i> The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification.	City of Flagler Beach APPLICATION FOR OUTDOOR ENTERTAINMENT  105 South 2nd Street, Post Office Box 70 Flagler Beach, Florida 32136 Phone (386) 517-2000 Fax (386) 517-2008
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**Please type or print legibly
Required Information**

Business Name: FLAGLER BREEZE

Contact Person: Leo Koulik

Address: 2444 S. OCEAN SHORE BLVD

City: FLAGLER BEACH State: FL Zip: 32136

Work Phone: 413-557-4189 Home Phone: _____

Fax: _____ Mobile Phone: _____

E-Mail Address: AKDBA@YAHOO.COM

What type of permit are you applying for? (check one)

- Annual Permit (permit fee = \$150.00)
- Per event that occurs fewer than 12 times a year (permit fee = \$75.00)
(Please list dates and times for the events on the bottom of page 2)
- One day event on Date _____ (permit fee = \$50.00)
Start time _____ am/pm End time _____ am/pm

Will you utilize temporary structures at your event? _____ No _____ Yes
(If yes, attach a sketch of the site showing the location of these structure and see note below)

(Indicate number of each)

_____ Stages _____ Scaffolding _____ Fences _____ Other _____

_____ Tents Do any of the tents exceed 200 square feet? _____ No _____ Yes

Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

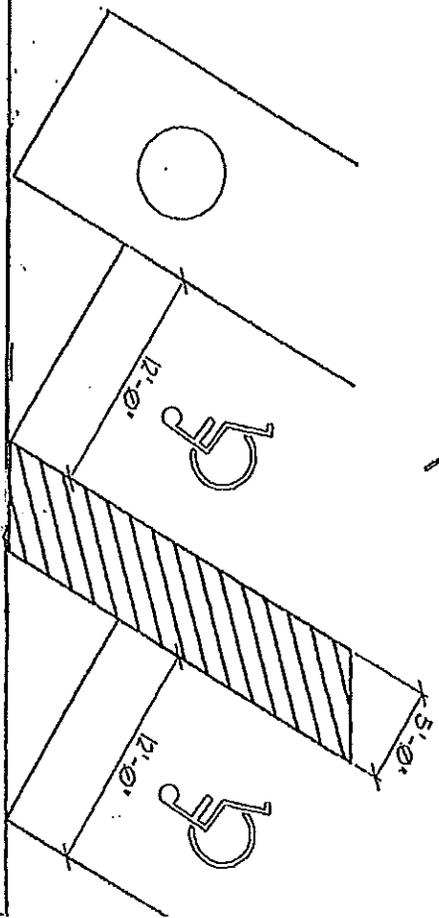
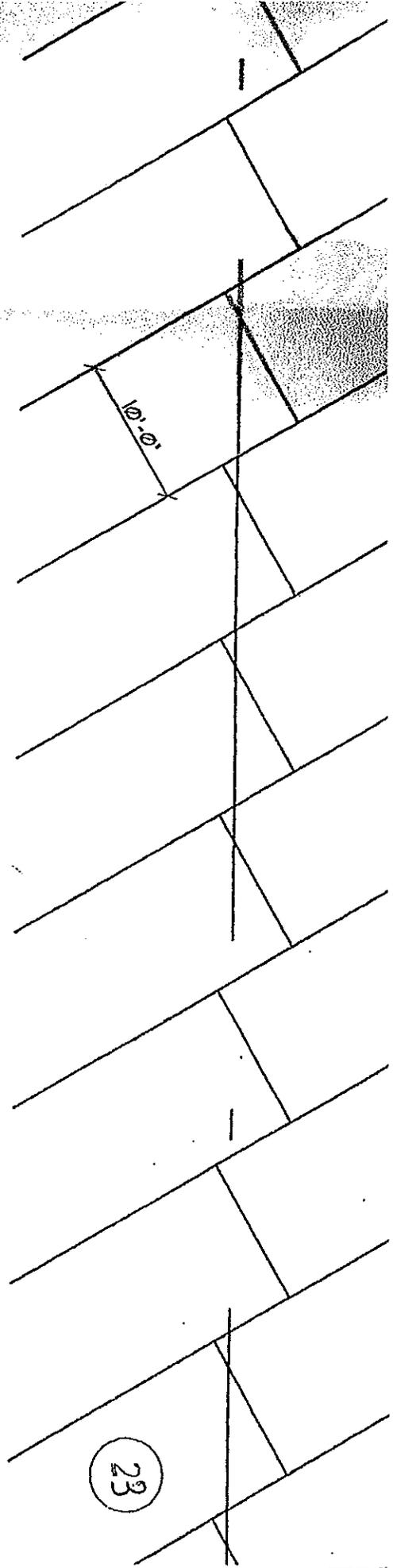
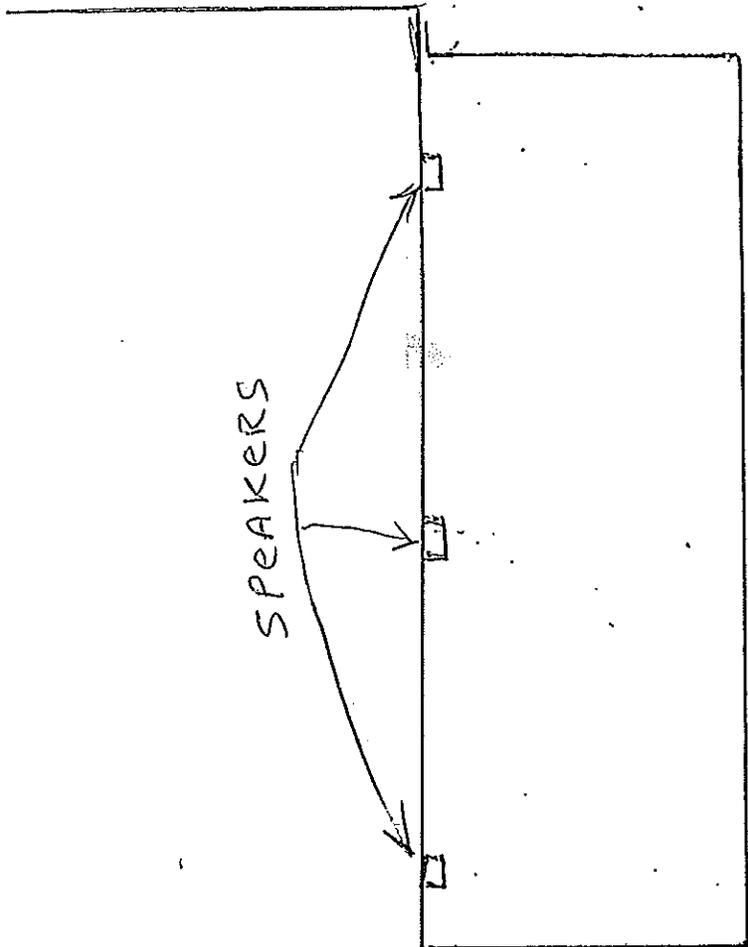
- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City's Noise Ordinance be violated.
- The City Manager may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

Signature of Applicant  Date 12/6/13

Title of Applicant _____

Affiliation _____

- | | | |
|----------------|------------------------|----------------------|
| 1. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 2. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 3. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 4. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 5. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 6. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 7. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 8. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 9. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 10. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 11. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 12. Date _____ | Start time _____ am\pm | End time _____ am\pm |



2444

S. Ocean Shore BLVD.



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

December 9, 2013

Mr. Leo Koulik
Flagler Breeze
2444 South Oceanshore Boulevard
Flagler Beach, Florida 32136

RE: Outdoor Entertainment Application

Dear Leo:

This letter is to advise, your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural review Board on January 7, 2014 at 5:30 p.m. The Planning Boards recommendation will be heard by the City Commission and the final decision will be made at their January 09, 2014 meeting which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to the businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at povestreet@cityofflaglerbeach.com or 386-517-2000 ext. 235. You may also contact the Planner, Chad Lingenfelter at clingenfelter@cityofflaglereach.com or 386-517-2000 ext. 230.

Sincerely,

A handwritten signature in black ink, appearing to read "Penny Overstreet", is written over a horizontal line.

Penny Overstreet
City Clerk

cc: Chad Lingenfelter, Planner
Planning & Architectural Review Board
Elected Officials
Bruce Campbell, City Manager



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

December 9, 2013

RE: Outdoor Entertainment Permit Application Review

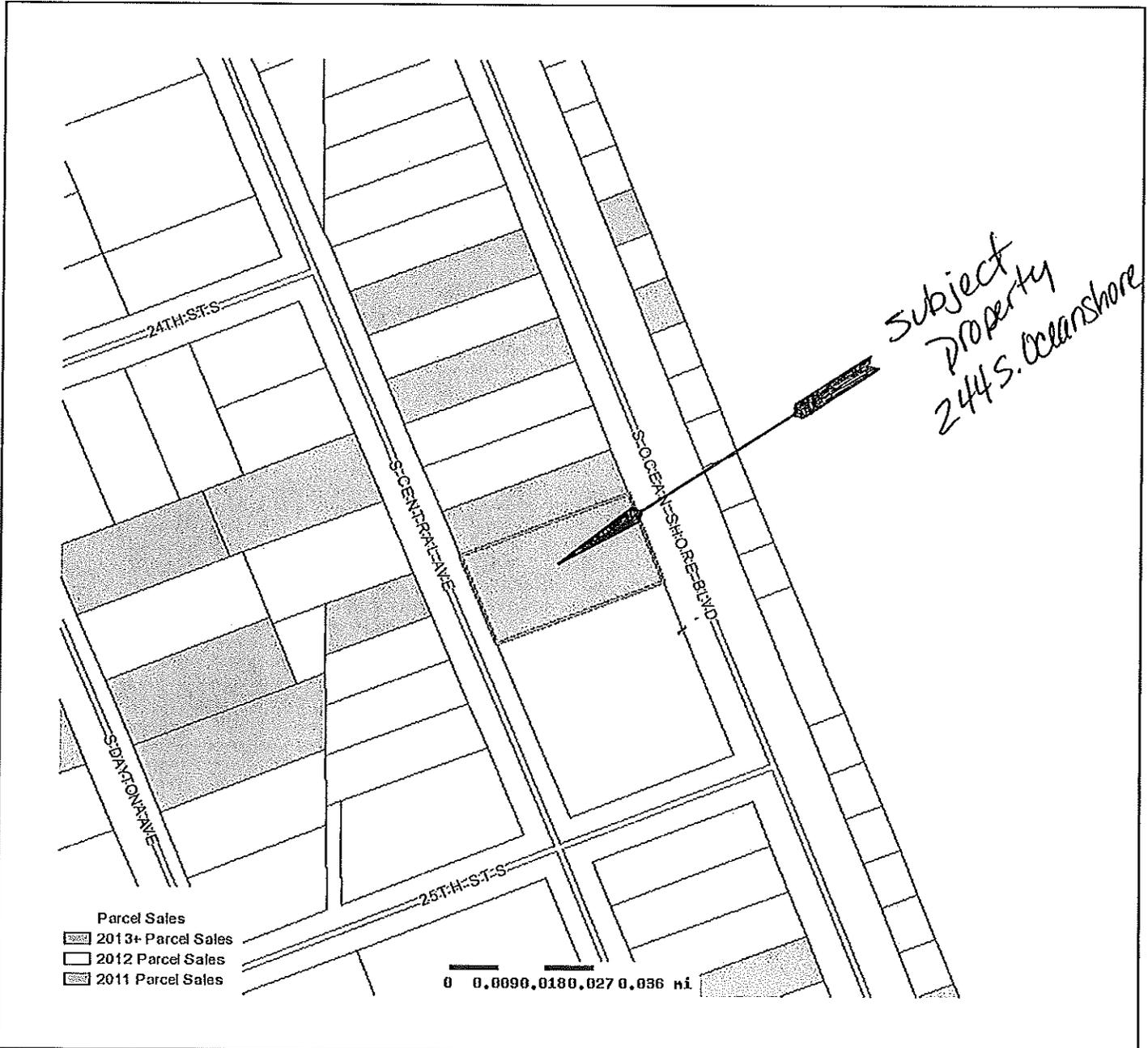
Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "Flagler Breeze" located at 2444 South Oceanshore Boulevard requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The request will be reviewed by the Planning & Architectural Review Board on January 7, 2014; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on January 9, 2014 meeting begins at 5:30 p.m. The intent of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your opinion of the requested activity. Should you have questions, please contact the Planning & Zoning Office at 386-517-2000 ext. 232 or the City Clerk's Office at 386-517-2000 ext. 235 or 236.

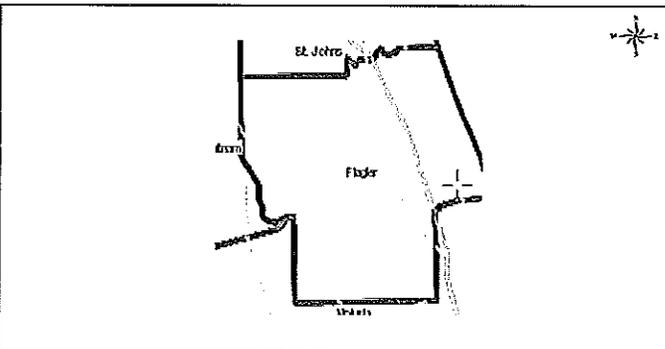
Sincerely,

Penny Overstreet
City Clerk

CC: Bruce Campbell, City Manager
Chad Lingenfelter, Planner
Leo Koulik, Applicant
Absentee 5, LLC, Property Owner



Flagler County Property Appraiser			
Parcel: 19-12-32-0150-00010-0050 Acres: 0.416			
Name	ABSENTE 5 LLC	Land Value	1
Site	2444 S OCEAN SHORE BLVD	Building Value	751,681
Sale	\$425,000 on 06-2011 Vacant=N Qual=U	Misc Value	0
Mail	58 ISLAND ESTATES PKWY PALM COAST, FL 32137	Dist Value	751,682
		Assessed Value	751,682
		Exempt Value	0
		Taxable Value	751,682



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: 12/09/13 : 13:01:08

Barry Griffin
2448 S. Oceanshore Boulevard
Flagler Beach, Florida 32136

Lee Foshay
151 Center Road
Dudley, MA 01571

Debbi Dukehart
2450 S. Central Avenue
Flagler Beach, Florida 32136

Roe Kinnan
2416 S. Central Avenue
Flagler Beach, Florida 32136

Silverio Feola
2400 S. Central Avenue
Flagler Beach, Florida 32136

Dallas Clewis
5700 SW 81st Street
Miami, Florida 33143

Absente 5, LLC
58 Island Estates PKWY.
Palm Coast, Florida 32137

Robert Dunn
406 Neill Court
Tuscumbia, AL 35674

David Kren
58 River Road
Ulster Park, NY 12487

Nancy Cushing
21412 Central Avenue S.
Flagler Beach, Florida 32136

William Stepnicka
9521 Meech Avenue
Cleveland, OH 44105

Buffardi Investment Corp.
% Palm West Realty
2 Florida Park Dr., Ste. 107
Palm Coast, Florida 32137

Cynthia Dangioloni
P.O. Box 1889
Flagler Beach, Florida 32136

George Fanning
2404 S. Central; Avenue
Flagler Beach, Florida 32136

Michael Aguirre
2419 S. Daytona Avenue
Flagler Beach, Florida 32136

Wioletta Romanowska
2433 S. Daytona Avenue
Flagler Beach, Florida 32136

Marvin Sheets
P.O. Box 1487
Bunnell, Florida 32136

Loretta Hillier
2340 S. Oceanshore Blvd.
Flagler Beach, Florida 32136

Pal Parker & Sons , Inc.
P.O. Box 218
Flagler Beach, Florida 32136

Dale Greene
P.O. Box 3500
Boone, NC 28607

Lee Forshay
151 Center Road
Dudley, MA 01571

Resident
2408 S. Oceanshore Blvd.
Flagler Beach, Florida 32136

Marvin Sheets
P/O. Box 1487
Bunnell, Florida 32110

LeliaHattersley
1341 E. McNair Dr.
Tempe, AZ 85283

Gary Cuddy
3364 37th Street EXT
Beaver Falls, PA 15010

Walter Meissner
2433 S. Daytona Avenue
Flagler Beach, Florida 32136

Warren Sanson
P.O. Box 2368
Flagler Beach, Florida 32136

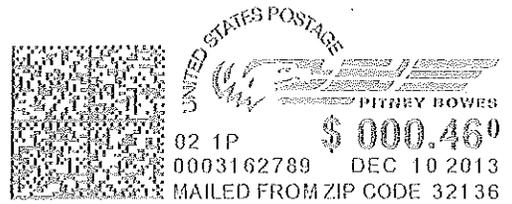
Richard Willet
P.O. Box 750
Flagler Beach, Florida 32136

Resident
205 24th Street S.
Flagler Beach, Florida 32136



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136



William Stepnicka
9521 Meech Avenue
Cleveland, OH 44105

NIXIE 441 SE 1009 7012/19/13

RETURN TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32136007070 *0374-07189-11-41
32136007070



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

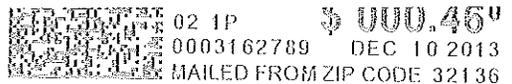


Resident
205 24th Street S.
Flagler Beach, Florida 32136

NIXIE 339 SE 1009 0012/13/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32136007070 *0274-00835-11-40
32136007070



Resident
2408 S. Oceanshore Blvd.
Flagler Beach, Florida 32136

NIXIE 339 SE 1009 0012/13/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32136007070 *0174-10583-11-40
32136007070

43 thereto, are included as a part of a private swimming pool.

44 ***

45 **Sec. 2.05.05. Minimum Yard Regulations for Accessory Structures.**

46

47 Section 2.05.05.1 Unattached accessory structures in SFR, LDR, MDR districts.

48 Accessory structures, which are not attached to a principal structure, may be erected
49 in accordance with the following requirements.

- 50 a. An accessory building may not exceeding twelve (12) feet in height ~~may not~~
51 and occupy more than thirty (30) percent of a required rear yard.
- 52 b. No accessory structure shall be located within ten (10) feet of side or rear lot
53 lines.
- 54 c. No accessory structure shall be located closer to the street than the front yard
55 setback required for a principal structure in the district in which such
56 accessory structure may be located.
- 57 d. For corner lots the setback from the side street shall be the same for accessory
58 buildings as for principal buildings.
- 59 e. Private swimming pools shall be located behind the front plane of the
60 principal structure. Corner lots will be considered to have two front planes,
61 one on each street. If a structure is not constructed squarely on a parcel, the
62 swimming pool must be located at or behind the most restrictive front plane of
63 the principal structure.
- 64 f. Screen pool enclosures may be allowed an additional ten percent lot coverage.
65 There shall be no variances granted to exceed the maximum lot coverage for
66 screen pool enclosures.

67 Section 2.05.05.2 Attached accessory structures in SFR, LDR, MDR districts.

68 a. When an accessory structure is attached to the principal building, it shall
69 comply in all respects with the yard requirements of this ordinance applicable
70 to the principal building. A reduced side and rear setback of five (5) feet is
71 established for the following accessory structures:

72 i. Decks;

73 ii. Swimming pools;

74 iii. Pool decks;

75 iv. Screen pool enclosure

76 v. Gazebos;

77 vi. Sheds; and

78 vii. Porches

79 However, accessory structures shall not be allowed within visibility

- 80 triangles, as detailed in Section 2.05.01.4.
- 81 b. No structures shall be allowed in the required yards except as follows:
- 82 i. Structures or portions of structures, completely under the ground
- 83 surfaces and not visible from above the ground surface.
- 84 ii. Utility facilities extending three (3) feet or less aboveground.
- 85 iii. Chimneys and bay windows shall be allowed to encroach 24 inches
- 86 into the required yards.
- 87 iv. Air-conditioning/heating and ventilation components are allowed in
- 88 required yard areas opposite non-habitable portions of adjacent
- 89 property owner's dwelling, such as a garage, carport, or storage area.
- 90 c. Private swimming pools shall be located behind the front plane of the
- 91 principal structure. Corner lots will be considered to have two front planes,
- 92 one on each street. If a structure is not constructed squarely on a parcel, the
- 93 swimming pool must be located at or behind the most restrictive front plane of
- 94 the principal structure.
- 95 d. Screen pool enclosures may be allowed an additional ten percent lot coverage.
- 96 There shall be no variances granted to exceed the maximum lot coverage for
- 97 screen pool enclosures.

98 Section 2.05.05.3 Accessory structures in districts not listed in subsection 2.05.05.2.

99 Accessory structures shall comply with front and side yard requirements for the

100 principal structure to which they are accessory and shall not be closer to any rear

101 property line than ten (10) feet.

102 ***

103 **SECTION THREE. Codification.** It is the intent of the City Commission of the City

104 of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is

105 granted broad and liberal authority in codifying the provisions of this Ordinance.

106 **SECTION FOUR. Conflicts.** In any case where a provision of this Ordinance is found

107 to be in conflict with provisions of any other ordinance of this City, the conflicting

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

109 **SECTION FIVE. Effective date.** This Ordinance shall take effect immediately upon

110 adoption as provided by the Charter of the City of Flagler Beach.

111

112 PASSED ON FIRST READING THIS ____ DAY OF _____, 2014.

113

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

115

116

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

117

118

119

Linda Provencher, Mayor

120

122 ATTEST:

123

124

125 Penny Overstreet, City Clerk