

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, May 6, 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 February 4, 2014.
5. New Business:
 - A. Application #OE 14-05-01
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 GC, General Commercial zoning district.
Applicant: William and Maria Alicea for Back to Eden Café
210 South Central Avenue
Property Owner: Erik H and Brenda Melton
 - B. Discussion and recommendation of Ordinance 2014-11 of the City of Flagler Beach, Florida, amending the lists of permitted uses in General Commercial, Tourist Commercial and Highway Commercial zoning districts; providing that houses of worship and recreational and fraternal clubs are special exception uses within the General Commercial, Tourist Commercial and Highway Commercial zoning districts; providing for severability; providing for repeal of inconsistent ordinances; providing for inclusion in the code; and providing for an effective date.
 - C. Discussion and recommendation of Ordinance 2014-12 of the City of Flagler Beach, Florida, amending Appendix A, *Land Development Regulations*, Article II, "Zoning;" providing definitions; providing that medical marijuana dispensaries, non-medical marijuana sales and cannabis farms are prohibited uses in certain zoning districts; providing that medical marijuana dispensaries is a permitted special exception use in the Highway Commercial zoning district; providing additional standards and considerations for approval of a special exception application for a medical marijuana dispensary providing for conflicts; providing for severability; providing 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 April 30, 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, February 4, 2014 at 5:30 p.m.

City Hall Commission Chambers

MINUTES

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

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

ABSENT: Lea Stokes, Cathy Feind

1. CALL THE MEETING TO ORDER. Chairman Deal called the meeting to order at 5:32 p.m.
2. CALL THE ROLL: Ms. Settle called the roll.
3. PLEDGE OF ALLEGIANCE: Mr. Pozzuoli led the pledge.
4. APPROVE THE MINUTES OF JANUARY 7, 2014: Don Deal referred to page 2 of the minutes and asked that the response from the Attorney be added to the section regarding Dan Bayerl's question regarding the design of a barrier. The Attorney advised the board that the Board would not be liable if the barrier was not effective. **Motion** by Alice Baker, seconded by Dan Bayerl, to approve the minutes as amended by the Chairman. The **motion** carried unanimously.

5. OLD 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

Chairman Deal read the item into the record. Mr. Koulik was not present. Mr. Koulik, through the Planner, sent in a new drawing for the Board's consideration. The Board reviewed the drawing. The following items were addressed by the applicant, the speakers indicated they were facing east, he would construct an insulated wall for sound buffering, a protective barrier of some sort will be put up between outdoor seating and the parking lot. The definition of "protective barrier" was discussed. Joseph Pozzuoli suggested using the bollard and specified a six inch steel post, concrete filled, minimum embedment of 12 inches, the height of the bollard should be at least 36 inches above slab. Ms. Baker expressed frustration that the applicant did not appear before the board. **Motion** by Joseph Pozzuoli, seconded by Roseanne Stocker, that we approve this outdoor entertainment license contingent upon the nine foot wall with insulation, the 3 foot wing wall, 2 foot overhang, if it is a live band, the speakers will be held behind the wing wall, speakers will face east as indicated on

these drawings, and we will provide a 6 inch diameter metal post/bollard, concrete filled with a minimum embedment of 12 inches, eight feet on center, 36 inches high for protection from the cars and their backing out of the spaces. The motion was amended to include a live band or DJ, and was amended to strike "we will provide a six inch diameter metal post/bollard"" and change to "the applicant will provide the steel bollard 6 inch diameter minimum which is typical application". The **motion** carried four to one, with Ms. Baker voting no.

6. NEW BUSINESS:

A. Application #SP 14-02-01

Site Plan Review for Gamble Rogers Memorial State Recreational Area Campgrounds and Day Use Area Improvements.

Applicant: Matt Mitchell, Chief, Florida Department of Environmental Protection,
Bureau of Design & Construction, Office of Operations
3100 South Ocean Shore Boulevard

Property Owner: Board of Trustees of the Internal Improvement Trust Fund c/o Florida
Department of Environmental Protection, Division of Recreation & Parks

John Bastow of George F. Young Engineers spoke of the nature of the project. Mr. Deal reviewed the information that was presented to the board. Mr. Deal inquired about the relocation of the gopher turtles and commended Mr. Bastow on the number of trees that will be planted after the construction is completed. Alice Baker asked if there would be improvements done to A1A. He reported that they are not planning to do anything at this time. Roseanne Stocker asked for the timeframe of the completion of the project. Dean Stoddart, Project Manager, indicated the bidding process is underway. He hoped construction would be begin in April with completion in five months. 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 the site plan review for Gamble Rogers Memorial State Recreational Campgrounds and Day Use Area Improvements. The **motion** carried unanimously.

B. DISCUSSION AND RECOMMENDATION OF ORDINANCE 2014-04 OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE IV, RESOURCE PROTECTION STANDARDS, SECTION 4.05.00 FLOOD DAMAGE PREVENTION; SECTION 4.05.05 DEFINITIONS, SECTION 4.05.07 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, SECTION 4.05.27 DUTIES AND RESPONSIBILITIES, TO INCORPORATE SPECIFIC LANGUAGE AS REQUIRED BY THE FLORIDA DEPARTMENT OF EMERGENCY MANAGEMENT; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. Kay McNeely explained the need for the ordinance and reviewed the changes to the current ordinance. The public hearing was opened. No comments were received. The public hearing was closed. **Motion** by Joseph Pozzuoli, seconded by Dan Bayerl, that we recommend approval of the ordinances as presented. The **motion** carried unanimously.

7. PARB MEMBER COMMENTS. Alice Baker asked if her comments from the last meeting regarding the Board's recommendations and the lack of follow-up of those recommendations, were passed along to staff and the Commission. Mr. Lingenfelter reported that he had passed along the information to the City Manager.

8. ADJOURNMENT. **Motion** by Roseanne Stocker, seconded by Joseph Pozzuoli, to adjourn the meeting at 6:11 p.m.



City of Flagler Beach Item Summary

SUBJECT: Application OE-14-05-01 – 210 S. Central Avenue - Outdoor Entertainment Permit.

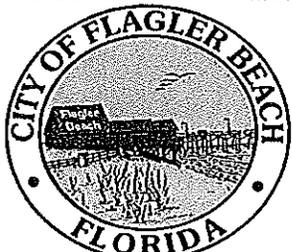
BACKGROUND: Applicant: William Alicea, Return to Eden Café 210 S. Central Avenue, Flagler Beach, Florida 32136. . The subject property is zoned General Commercial. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, 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 informing of request and hearing dates, site plan showing location of outdoor entertainment.

SUBMITTED BY: Penny Overstreet, City Clerk

OFFICE USE ONLY: DATE REC'D <u>4-3-14</u> FEE REC'D \$ <u>75.00</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: Back to EDEN CAFE

Contact Person: William or Maria

Address: 210 South Central AVE

City: Flagler Beach State: FL Zip: 32136

~~*Store~~ Phone: 386 693 4939 Home Phone: 386 986 - 1346

Fax: _____ Mobile Phone: 386 693 4930

~~*~~E-Mail Address: williamalicea@bellsouth.net

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.

Would like to participate for the 1st Friday of Each month EVENT consider rain dates & 1st Friday canceled.

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 William Aliea Date 4/2/14

Title of Applicant CEO / OWNER

Affiliation _____

1. Date <u>4/4/14</u>	Start time <u>10⁰⁰ AM</u> <input checked="" type="radio"/> am <input type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
2. Date <u>5/2/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
3. Date <u>6/6/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
4. Date <u>7/4/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
5. Date <u>8/1/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
6. Date <u>9/5/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
7. Date <u>10/3/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
8. Date <u>11/7/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
9. Date <u>12/5/14</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
10. Date <u>1/2/15</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
11. Date <u>2/6/15</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm
12. Date <u>3/6/15</u>	Start time <u>10⁰⁰</u> <input type="radio"/> am <input checked="" type="radio"/> pm	End time <u>10⁰⁰ PM</u> <input type="radio"/> am <input checked="" type="radio"/> pm

IT
12
anniversary

City of Flagler Beach
105 S 2ND ST
FLAGLER BEACH, FL 32136
Phone : (386) 517-2000

Received From:
BACK TO EDEN CAFE

Date: 04/03/2014 Time: 1:23:30 PM
Receipt: 46386
Cashier: JPAGAND
Workstation: Drawer: 1

ITEM REFERENCE	AMOUNT

ORDER #: 13379194	
Credit Card Type MasterCard	
328 OTHER SPECIAL PERMITS	
OTHER SPECIAL PERMITS	\$75.00

TOTAL	\$75.00
CREDIT CARD XXXXXXXXXXXX1715	\$75.00
Total Tendered:	\$75.00
Change:	\$0.00



City of Flagler Beach

P.O. Box 70 • 116 3rd Street South
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2016

April 4, 2014

William Alicea
Back to Eden Café
210 South Central Avenue
Flagler Beach, FL 32136

RE: Outdoor Entertainment Application

Dear Mr. Alicea:

This letter is to advise, your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural review Board on May 6, 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 May 8, 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 the City Clerk, Penny Overstreet, at povestreet@cityofflaglerbeach.com or 386-517-2000 ext. 233. You may also contact the Planner, Chad Lingenfelter at clingefelter@cityofflaglereach.com or 386-517-2000 ext. 230.

Sincerely,

Kathleen E. Settle
Deputy City Clerk

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



City of Flagler Beach

P.O. Box 70 • 116 3rd Street South
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2016

April 4, 2014

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 "Back to Eden" located at 210 South Central is 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 May 6, 2014, 2014; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on May 8, 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,

Kathleen E. Settle
Deputy City Clerk

CC: Bruce Campbell, City Manager
Chad Lingenfelter, Planner
William Alicea

112 S. 5th Street Property, LLC
2205 S. Daytona Avenue
Flagler Beach, FL 32136

200 Pleasant View Prop.
P.O. Box 1207
Flagler Beach, FL 32136

411 SC LLC
1640 Lambert Avenue
Flagler Beach, FL 32136

Theodore M & Marjorie C Barnhill
6615 Cardinal Lane
ANNANDALE, VA 22003

Bengley
2 Cherokee Court East
Palm Coast, FL 32136

Berleene
P.O. Box 848
Flagler Beach, FL 32136

Alde & Angie Blackburn
1845 N US Highway 1
ORMOND BEACH, FL 32174

Blandford
1616 S. Oceanshore Blvd.
Flagler Beach, FL 32136

Clyde
P.O. Box 65
Umatilla, FL 32784

Curry
1417 Chatham Road
Waynesboro, VA 22980

Flagler Beachside Suites, LLC
P.O. Box 1714
Flagler Beach, FL 32136

William M. & Zoe B. Forehand
P O Box 2029
Flagler Bch, FL 32136

Teri Fortney
P.O. Box 653
Flagler Beach, FL 32136

Gerling Sports Marketing
109 Emerald Lake Drive
Palm Coast, FL 32137

Goldberg
186 Eric Drive
Palm Coast, FL 32164

Goodemote
132 Lantana Avenue
Flagler Beach, FL 32136

Gordon
20 Cypresswood Drive
Palm Coast, FL 32136

Hadley
257 Millburty Street
Auburn, MA 01501

Hoffman
6246 Davon Court
Loveland , OH 45140

John W Horan
P.O. BOX 151587
TAMPA, FL 33684

Hunter
3230 N. Old Dixie Highway
Bunnell, FL 32110

LHP Scales
P.O. Box 1207
Flagler Beach, FL 32136

Libretti
11700 Preston Road
Dallas, TX 75230

Lewellen
2080 N. Oceanshore Blvd.
Flagler Beach, FL 32136

Livesey
P.O. Box 540174
Flagler Beach, FL 32136

Melton
4112 Palos Verdes Dr., S.
Ranch Palos Verde, CA 90275

Peter Palmadesso
103 South 21st Street
Kenilworth, NJ 07033

MH Parsons & Sons Lumber, Co.
50 Woodridge R.d
York, ME 03909

Riversedge Managmeent, LLC
400 Canopy Walk Lane, #445
Palm Coast, FL 32127

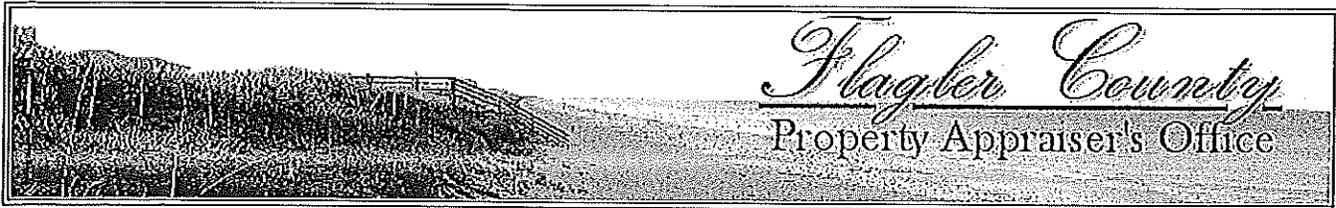
Smokenski
30A Woodamber Drive
Palm Coast, FL 32164

Ms. Betty Jo Strickland
P O Box 550
Bunnell, FL 32110

Walker
40 Turkey Creek
Alachua, FL 32615

Weeks
404 S. Central Avenue
Flagler Beach, FL 32136

Wilson, C.
43 Bulow Woods Circle
Flagler Beach, FL 32136

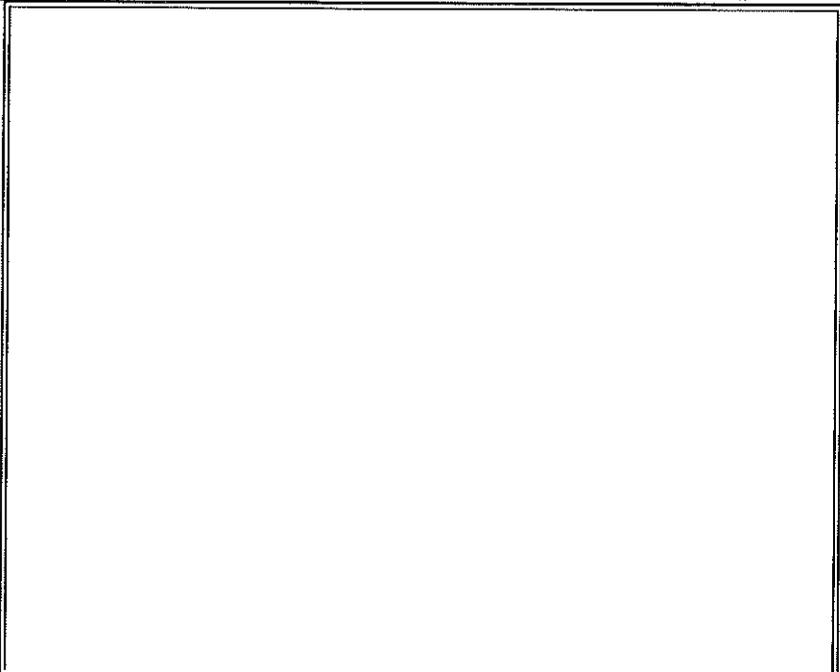


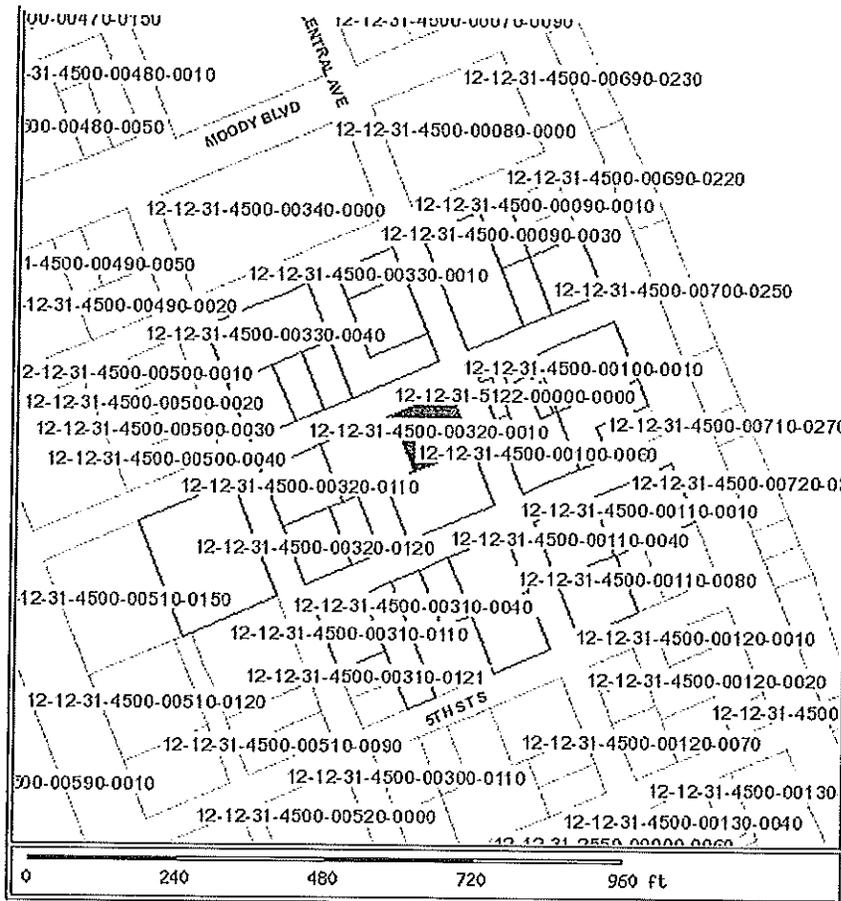
200 Feet Refresh With New Distance

Print Mailing Labels at 200 Feet

Count	Parcel #	Owner	Address	City	State	Zip
1	12-12-31-5122-00010-0030	SMOLENSKI CHESTER A & SANDRA	K SMOKENSKI & LINDSEY N SMOLENSKI JTWR0S 30 A WOODAMBER DRIVE	PALM COAST	FL	32164
2	12-12-31-4500-00090-0100	LHP SCALES INC	PO BOX 1207	FLAGLER BEACH	FL	32136
3	12-12-31-5122-00030-0000	PLAZA CARIBE' CONDO BLDG 3	DEC REC OR 1585 PG 729 2008 TAX ROLL AVE			
4	12-12-31-4500-00100-0060	VAUGHN ELAINE D &	CLYDE E JR W&H P O BOX 65	UMATILLA	FL	32784
5	12-12-31-5122-00020-0120	GERLING SPORTS MARKETING INC	109 EMERALD LAKE DRIVE	PALM COAST	FL	32137
6	12-12-31-4500-00320-0030	S E CLINE HOLDING COMPANY	PO BOX 262	FLAGLER BEACH	FL	32136-0262
7	12-12-31-4500-00330-0120	BARNHILL THEODORE M &	MARJORIE C TRUSTEES & THEODORE MCCOY BARNHILL JR TRUSTEE 6615 CARDINAL LANE	ANNANDALE	VA	22003
8	12-12-31-5122-00010-0020	HOFFMAN THOMAS C & PATRICIA E	HOFFMAN H&W 6246 DAVON COURT	LOVELAND	OH	45140
9	12-12-31-4500-00320-0080	FORTNEY TERI L	PO BOX 653	FLAGLER BEACH	FL	32136
10	12-12-31-5122-00010-0040	LABUE ROSEMARIE				
11	12-12-31-4500-00110-0010	BERLEENE INC	PO BOX 848	FLAGLER BEACH	FL	32136
12	12-12-31-5122-00030-0110	GORDON PETER & NATALYA H&W	20 CYPRESSWOOD DRIVE	PALM COAST	FL	32137
13	12-12-31-4500-00110-0060	112 SOUTH 5TH ST PROPERTY LLC	2205 S DAYTONA AVE	FLAGLER BEACH	FL	32136
14	12-12-31-4500-00310-0040	BLANDFORD ZACHARY A & JULIE	MICKLE BLANDFORD H&W 1616 S OCEANSHORE BLVD	FLAGLER BEACH	FL	32136
15	12-12-31-4500-00330-0070	STRICKLAND BETTY JO	P O BOX 550	BUNNELL	FL	32110
16	12-12-31-4500-00310-0090	FLAGLER BEACHSIDE SUITES LLC	PO BOX 1714	FLAGLER BEACH	FL	32136
17	12-12-31-4500-00330-0020	BARNHILL THEODORE M JR &	MARJORIE V TRUSTEES 6615 CARDINAL LANE	ANNANDALE	VA	22003
18	12-12-31-4500-00090-0080	LHP SCALES INC	PO BOX 1207	FLAGLER BEACH	FL	32136
19	12-12-31-4500-00330-0030	PALMADESSO PETER	103 SOUTH 21ST STREET	KENILWORTH	NJ	07033
20	12-12-31-5122-00020-0100	HADLEY JAMES C	257 MILLBURY ST	AUBURN	MA	01501
21	12-12-31-4500-00510-0010	MH PARSONS & SONS LUMBER CO	INC 50 WOODRIDGE RD	YORK	ME	03909
22	12-12-31-4500-00330-0080	MELTON ERIK H & BRENDA L H&W	4112 PALOS VERDES DR S	RCH PALOS VRD	CA	90275-6076
23	12-12-31-4500-00320-0060	GOODEMOTE LARRY S &	SUZANNE K TRUSTEES 132 LANTANA AVE	FLAGLER BEACH	FL	32136
24	12-12-31-4500-00320-0070	FORTNEY TERRI L	PO BOX 653	FLAGLER BEACH	FL	32136
25	12-12-31-4500-00330-0060	RIVERS EDGE MANAGEMENT GROUP	LLC 400 CANOPY WALK LANE #445	PALM COAST	FL	32137
26	12-12-31-5122-00010-0010	WALKER JOHN R & CAROL J	40 TURKEY CREEK	ALACHUA	FL	32615
27	12-12-31-5122-00010-	PLAZA CARIBE' CONDO BLDG 1	DEC REC OR 1585 PG 729	FLAGLER	FL	32136

	0000		2008 TAX ROLL AVE	BEACH		
28	12-12-31-4500-00310-0050	HUNTER KEVIN S SR & ZENA M	KENDE 3230 N OLD DIXIE HWY	BUNNELL	FL	32110
29	12-12-31-5122-00030-0050	CURRY THERESA E	1417 CHATHAM ROAD	WAYNESBORO	VA	22980
30	12-12-31-4500-00320-0110	LIBRETTI ANTHONY J & MICHELLE	L LIBRETTI H&W % VEE SERVICES INC 11700 PRESTON ROAD #660-193	DALLAS	TX	75230
31	12-12-31-4500-00110-0040	411 SC LLC	1640 LAMBERT AVENUE	FLAGLER BEACH	FL	32136
32	12-12-31-4500-00100-0010	NCNB NATION BANK OF FLORIDA	BANK OF AMERICA-CORPORATE R.E. ASSESSMENTS-NC1-001-03-81 101 N TRYON STREET	CHARLOTTE	NC	28255
33	12-12-31-5122-00030-0060	GORDON PETER & NATALYA H&W	20 CYPRESSWOOD DRIVE	PALM COAST	FL	32137
34	12-12-31-4500-00090-0040	CITY OF FLAGLER BEACH	CITY HALL PO BOX 70	FLAGLER BEACH	FL	32136
35	12-12-31-4500-00330-0040	PALMADESSO PETER	103 SOUTH 21ST STREET	KENILWORTH	NJ	07033
36	12-12-31-4500-00310-0110	LIVESEY BERNARD & FIORINA	LIVESEY JTWROS P O BOX 540174	ORLANDO	FL	32854
37	12-12-31-5122-00020-0080	GOLDBERG RONALD & JULIA M	GOLDBERG TRUSTEE 186 ERIC DR	PALM COAST	FL	32164
38	12-12-31-5122-00020-0070	BENGLY JACK E & LORRAINE H&W	2 CHEROKEE COURT EAST	PALM COAST	FL	32137
39	12-12-31-4500-00320-0120	CITY OF FLAGLER BEACH	PO BOX 70	FLAGLER BEACH	FL	32136
40	12-12-31-5122-00020-0000	PLAZA CARIBE' CONDO BLDG 2	DEC REC OR 1585 PG 729 2008 TAX ROLL AVE			
41	12-12-31-4500-00320-0010	LOTT DENNIS & KELLY LEWELLEN	2080 N OCEANSHORE BLVD	FLAGLER BEACH	FL	32136
42	12-12-31-5122-00020-0090	HADLEY JAMES H & JAYNE E H&W	1 LOWELL AVE	HOLDEN	MA	01520
43	12-12-31-4500-00310-0030	HORAN JOHN W	209 S 4TH STREET	FLAGLER BEACH	FL	32136
44	12-12-31-4500-00310-0010	WEEKS ALVIN R &	SHARON D 404 S CENTRAL AVE	FLAGLER BEACH	FL	32136
45	12-12-31-4500-00090-0030	200 PLEASANT VIEW PROP INC	PO BOX 1207	FLAGLER BEACH	FL	32136
46	12-12-31-4500-00100-0080	WILSON CATHERINE P	TRUSTEE 43 BULOW WOODS CIRCLE	FLAGLER BEACH	FL	32136
47	12-12-31-4500-00330-0010	BARNHILL THEODORE M JR &	MARJORIE TRUSTEES 6615 CARDINAL LANE	ANNANDALE	VA	22003
48	12-12-31-5122-00000-0000	PLAZA CARIBE' CONDOMINIUM	DEC REC OR 1585 PG 729 2008 TAX ROLL			





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CITY OF FLAGLER BEACH

CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p>TC - TOURIST COMMERCIAL The provisions of this district are to provide for uses to serve tourist needs in the community. The primary uses are intended for commercial uses for lodging, dining establishment(s), and minor retail establishments which primarily serve tourist(s) and other visitors to the city. NOTE: Section <u>2.06.05</u> provides for special requirements of Tourist Commercial in several areas of the city.</p>	<ol style="list-style-type: none"> 1. Motels and hotels. 2. Bed and breakfast inns. 3. Restaurants. 4. Gift shops. 5. Convenience commercial uses such as: <ol style="list-style-type: none"> a. Beauty or barber shops. b. Laundromat, laundry and dry cleaning pick-up stations. c. Newsstands or bookstores. 6. Off-street parking and loading. 7. Commercial recreational entertainment facilities. 8. Boat and marine supply sales. 9. Marinas. 10. Private clubs. 11. Resort dwellings. 12. Resort condominiums. 	<ol style="list-style-type: none"> 1. Automobile parking structures. 2. Cocktail lounges and bars which are accessory to and within a motel, hotel or restaurant. 3. Monopole communication towers and communication antennas which do not exceed the established height limitations. 	<ol style="list-style-type: none"> 1. Temporary structures including carnivals, circuses and other temporary commercial amusement activities and religious gatherings for special events of a temporary nature with the city commission establishing the period for which such events shall begin and end. 2. All principal uses permitted in MDR District. 3. Professional Offices. 4. Combined use buildings outside of the defined boundary excluding properties adjacent to A-1-A. 5. Convenience commercial uses such as: food, grocery, drug, or convenience stores. 6. Marinas allowing liveaboard vessels for residential uses <p>NOTE: All special exception uses are subject to Section 2.03.00, Section <u>2.06.01</u> and additional specific requirements as noted.</p> <ol style="list-style-type: none"> 7. <u>Private, social, recreational or fraternal clubs or organizations.</u> 8. <u>Churches, synagogues or other houses of worship.</u>

Note 1. Marinas allowing liveaboard vessels for nonresidential use are not allowed in any zoning

district.
 Note 2. Once granted a special exception for residential liveboard vessels, a marina shall not expand the number of liveboard vessels granted unless application for a special exception for the expansion is granted by the City.

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SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p>GC - GENERAL COMMERCIAL The provisions of this district are intended to serve the general commercial needs of the city, wherein a large variety of retail, commercial, governmental, financial, professional office services and other general commercial are permitted. The activities permitted are intended to be compatible with a pedestrian-oriented area, and uses not compatible with such an environment are discouraged. These include activities which require substantial parking requirements and generate traffic volumes which would be in conflict with the pedestrian character of the area.</p>	<ol style="list-style-type: none"> 1. Off-street parking facilities or structures. 2. Business and financial services. 3. Professional offices. 4. Funeral homes. 5. Automotive service stations. 6. Retail building supplies. 7. Restaurants. 8. Retail sales of food, hardware and other household items normally required to serve the residents of the community. 9. Medical services and facilities. 10. Public administrative facilities. 11. Essential public services and facilities. 12. Park and recreational facilities. 13. Private clubs. 14. Veterinary hospitals 	<ol style="list-style-type: none"> 1. Automobile parking structures. 2. Cocktail lounges and bars which are accessory to and within a motel, hotel or restaurant. 3. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures. 4. Residential uses accessory to a principal use, the maximum requirements of which are the same as in the MDR District. 5. Monopole communication towers and communication antennas which do not exceed the established height 	<ol style="list-style-type: none"> 1. Temporary structures as provided in the TC District. 2. All principal uses permitted in TC District. 3. Day care centers. 4. Commercial recreational facilities. 5. Zero lot line setbacks. 6a. Conversion of existing buildings lying within the defined boundary to combined use buildings. 6b. Combined use buildings outside of the defined boundary excluding properties adjacent to A-1-A. 7. Adult Arcades, as permitted in Chapter 4 of the

	<p>with no kennels. There shall be no overnight stays of animals, except for emergency care.</p> <p>15. All principal uses permitted in the MDR District.</p> <p><u>16.</u> Mini-warehouses.</p> <p><u>17.</u> Combined use buildings within the defined boundary.</p> <p><u>18.</u> Resort dwellings.</p> <p><u>19.</u> Resort condominiums.</p> <p><u>20.</u> Boutique Winery. (Ord. No. 2004-28, § 2, 9-23-04; Ord. No. 2005-15, § 1, 7-14-05; Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2008-08, § 3, 10-16-08; Ord. No. 2013-03, § 3, 2-23-12)</p>	<p>limitations.</p>	<p>Code of Ordinances. (Ord. No. 2005-02, § 2, 3-24-05; Ord. No. 2005-15, § 1, 7-14-05; Ord. No. 2007-33, § 2, 10-25-07)</p> <p><u>8. Private, social, recreational or fraternal clubs or organizations.</u></p> <p><u>9. Churches, synagogues or other houses of worship.</u></p> <p>NOTE: All special exception uses are subject to <u>Section 2.03.00</u>, <u>Section 2.06.01</u> and additional specific requirements as noted</p>
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SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
HC - HIGHWAY COMMERCIAL a. The provisions of this district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the	1. Automotive retail parts store. 2. Automotive service stations without major mechanical repairs. 3. Automotive repair centers, tire sales and service without major mechanical repairs.	1. Automobile parking structures. 2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.	1. Commercial recreational facilities (e.g. bowling alley, billiard parlor). 2. Hotel, motels and inns. 3. Automotive

<p>category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations.</p> <p>b. Each parcel shall be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties. To minimize vehicular, pedestrian and bicycle conflict, cross access drives and internal oriented ingress, egress to individual parcels shall be employed, where applicable.</p> <p>NOTE: All commercial uses in existence at the time of the adoption date of Ordinance 2006-13, which are not in conformance with Schedule Two, Lot, Yard, and Bulk Regulations, shall hereby be deemed conforming uses (Ord. No. 2006-13, § 2, 4-3-06)</p>	<p>4. Car wash to include self wash and/or drive-thru.</p> <p>5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels.</p> <p>6. Financial institutions without drive-thru windows.</p> <p>7. Health clubs.</p> <p>8. Outdoor eating facilities and service associated with, and on the same property of an enclosed restaurant. There shall be no outdoor music or entertainment.</p> <p>9. Personal services.</p> <p>10. Personal storage facilities conducted within a totally enclosed structure.</p> <p>11. Professional and business services including but not limited to:</p> <p>a. Medical services and facilities without overnight care of patients.</p>	<p>3. Monopole communication towers and communication antennas which do not exceed the established height limitations.</p>	<p>service stations, automotive repair centers, and lube shops if abutting any residential zoning district.</p> <p>4. Bars, cocktail lounges, taverns and the like with outdoor entertainment.</p> <p>5. Restaurants with drive-thru window service.</p> <p>6. Financial institutions with drive-thru windows.</p> <p>7. <u>Private, social, recreational or fraternal clubs or organizations.</u></p> <p>8. <u>Churches, synagogues or other houses of worship.</u></p> <p>NOTE: All Special Exception uses are subject to Section 2.03.00 Establishment of Districts, and Section 2.06.01, Special Exception uses.</p>
	<p>b. Veterinary offices. There shall be no overnight stays of animals, except for emergency care.</p> <p>c. Veterinary hospitals or clinics wholly within a noise-attenuated structure with no overnight stays of animals, except for emergency care.</p> <p>12. Retail building supplies.</p> <p>13. Retail sales and services.</p> <p>14. Restaurants.</p> <p>15. Shopping centers providing retail sales of food, hardware and other household items normally required to serve the residents of the community.</p> <p>16. Sexually oriented businesses as defined in Chapter 4, Article II; City Code subject to the following:</p>		

	<p>a. All such sexually oriented businesses, as defined in Ordinance 2006-15, shall maintain a minimum 200 foot setback from the following:</p> <ol style="list-style-type: none"> 1. An area zoned within the county, municipality or adjoining municipality for residential use, 		
	<ol style="list-style-type: none"> 2. Areas designated as a category that permits residential uses on the Future Land Use Map of the city/, adjoining city or county. 3. Preexisting residence. 4. Preexisting religious institution. 5. Preexisting park. 6. Preexisting education facility. <p>b. The distance from a proposed sexually oriented business to the aforementioned residential areas and other uses shall be measured by drawing a straight line between the closest property line of said residential areas or other uses and the closest exterior wall of any building in which the sexually oriented business is licensed to operate.</p> <p><u>17</u>. Adult Arcades, as permitted in <u>Chapter 4</u> of the Code of Ordinances. (Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2007-33, § 2, 10-25-07)</p>		

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44 **SECTION 2: Severability.** The provisions of this Ordinance are declared to be severable, and
 45 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
 46 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
 47 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
 48 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

49

50 **SECTION 3: Repeal of Inconsistent Ordinances.** Any Ordinance in conflict with this
51 Ordinance is hereby repealed.

52
53 **SECTION 4: Inclusion in the Code.** It is the intention of the City Commission, and it is
54 hereby ordained that the provisions of this Ordinance shall become and be made a part of the
55 Code of the City of Flagler Beach; that the sections of this Ordinance may be renumbered or
56 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to
57 "Section" or other appropriate word.

58
59 **SECTION 5: Effective Date.** This Ordinance shall be effective immediately upon adoption at
60 the second public hearing.

61
62 **PASSED AND ORDAINED** this __ day of ____2014, by the City Commission of the
63 City of Flagler Beach, Florida.

64
65 PASSED ON FIRST READING THIS _____ DAY OF _____, 2014.

66 PASSED AND ADOPTED THIS _____ DAY OF _____, 2014.

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71 CITY OF FLAGLER BEACH, FLORIDA
72 CITY COMMISSION

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74 _____
75 Linda Provencher, Mayor

76 ATTEST:
77 _____

78 Penny Overstreet, City Clerk

79

46 **WHEREAS**, the Planning and Architectural Review Board, sitting as the local planning
47 agency, has found this ordinance to be consistent with the City’s Comprehensive Development
48 Plan and recommended approval; and

49
50 **WHEREAS**, the City Commission of the City of Flagler Beach finds that this ordinance
51 promotes the public health, safety and welfare.

52
53 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
54 **CITY OF FLAGLER BEACH, FLORIDA THAT:**

55
56
57 **SECTION 1.** Appendix A, “Land Development Regulations,” Article II, “Zoning,” of
58 the City of Flagler Beach Code of Ordinances is hereby amended as follows (note: strikethrough
59 text indicates deletions, underline text indicates additions, ellipses (***) identify text that
60 remains unchanged and that is not reprinted herein):

61 * * *

62
63
64 **Sec. 2.02.00. – Definitions.**

65 * * *

66 *Cannabis.* Any plant or part of a plant of the genus *Cannabis*, whether growing or
67 not; the seeds thereof; the resin extracted from any part of the plant; and every
68 compound, manufacture, salt, derivative, mixture, or preparation of the plant or
69 its seeds or resin

70
71
72 *Cannabis Farm.* Any property used in whole or in part for the growing or
73 cultivation of *Cannabis* plants, whether or not such growing or cultivation is
74 lawful under federal or state law.

75 * * *

76
77
78 *Medical Marijuana Dispensary.* A facility that is operated by an organization or
79 business holding all necessary licenses and permits from which marijuana,
80 cannabis, cannabis-based products, or cannabis plants are delivered, purchased,
81 possessed, or dispensed for medical purposes and operated in accordance with all
82 local, federal and state laws.

83
84 *Medical Use.* The prescriptive use of any form of cannabis to treat a qualifying
85 medical condition and the symptoms associated with that condition or to alleviate
86 the side effects of a qualifying medical treatment.

87 * * *

88
89
90 *Non-Medical Marijuana Sales.* The purchase, sale, transfer or delivery of
91 marijuana, cannabis, cannabis-based products or cannabis plants when such sale,

92 transfer or delivery is not associated with any medical purpose or use, whether or
93 not such purchase, sale, transfer or delivery is lawful under federal or state law.

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101 **Sec. 2.06.04. – Marijuana and Cannabis.**
102

103 Non-medical Marijuana Sales and Cannabis Farms shall be prohibited uses in all
104 zoning districts of the City. Medical Marijuana Dispensaries shall be a prohibited use in
105 all zoning districts of the City except Highway Commercial. Medical Marijuana
106 Dispensaries shall be allowed as a special exception use within the Highway Commercial
107 zoning district upon application, hearing and approval as provided in this Code of
108 Ordinances. An application for special exception use for a Medical Marijuana
109 Dispensary may be denied, approved or approved with conditions. In addition to all other
110 requirements and conditions, the applicant shall comply with all the following conditions
111 contained herein and no special exception for a Medical Marijuana Dispensary shall be
112 approved unless the applicant has shown by competent substantial evidence its ability to
113 comply with each of the conditions contained herein.

114
115 (1) Loitering. A Medical Marijuana Dispensary shall provide adequate
116 seating for its patients and business invitees and shall not allow patients or
117 business invitee to stand, sit (including in a parked car), or gather or loiter
118 outside of the building where the dispensary operates, including in any
119 parking areas, sidewalks, right-of-way, or neighboring properties for any
120 period of time longer than that reasonably required to arrive and depart.
121 The Medical Marijuana Dispensary shall post conspicuous signs on at
122 least three sides of the building that no loitering is allowed on the
123 property.

124 (2) No drive through service. No Medical Marijuana Dispensary
125 shall have a drive through or drive in service aisle. All dispensing,
126 payment for and receipt of products shall occur from inside the Medical
127 Marijuana Dispensary.

128 (3) Alcoholic Beverages. No consumption of alcoholic beverages shall
129 be allowed on the premises on which a Medical Marijuana Dispensary is
130 located, including the parking areas and sidewalks.

131 (4) Separation Distances. No Medical Marijuana Dispensary shall
132 operate within two thousand five hundred (2,500) feet of any pre-existing
133 school, church, day care facility, public park or another Medical
134 Marijuana Dispensary.

135 (5) Compliance with Other Laws. All Medical Marijuana Dispensaries
136 shall at all times be in compliance with all federal, state and local laws and
137 regulations.

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Each application for a special exception shall be accompanied by a site plan incorporating the regulations established herein. The site plan shall be drawn to scale indicating property lines, rights-of-way, and the location of buildings, parking areas, curb cuts and driveways.

* * *

Sec. 2.04.02.8. Zoning Schedule One Land Use Controls.

* * *

SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p>HC - HIGHWAY COMMERCIAL</p> <p>a. The provisions of this district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations.</p> <p>b. Each parcel shall be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties. To minimize vehicular, pedestrian and bicycle conflict, cross access drives</p>	<p>1. Automotive retail parts store.</p> <p>2. Automotive service stations without major mechanical repairs.</p> <p>3. Automotive repair centers, tire sales and service without major mechanical repairs.</p> <p>4. Car wash to include self wash and/or drive-thru.</p> <p>5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels.</p> <p>6. Financial institutions without drive-thru windows.</p> <p>7. Health clubs.</p> <p>8. Outdoor eating facilities and service associated with, and on the same property of an enclosed restaurant. There shall be no outdoor music or entertainment.</p> <p>9. Personal services.</p>	<p>1. Automobile parking structures.</p> <p>2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.</p> <p>3. Monopole communication towers and communication antennas which do not exceed the established height limitations.</p>	<p>1. Commercial recreational facilities (e.g. bowling alley, billiard parlor).</p> <p>2. Hotel, motels and inns.</p> <p>3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district.</p> <p>4. Bars, cocktail lounges, taverns and the like with outdoor entertainment.</p> <p>5. Restaurants with drive-thru window service.</p> <p>6. Financial institutions with drive-thru windows.</p>

<p>and internal oriented ingress, egress to individual parcels shall be employed, where applicable. NOTE: All commercial uses in existence at the time of the adoption date of Ordinance 2006-13, which are not in conformance with Schedule Two, Lot, Yard, and Bulk Regulations, shall hereby be deemed conforming uses (Ord. No. 2006-13, § 2, 4-3-06)</p>	<p>10. Personal storage facilities conducted within a totally enclosed structure. 11. Professional and business services including but not limited to: a. Medical services and facilities without overnight care of patients.</p>		<p>7. Private, social, recreational or fraternal clubs or organizations. 8. Churches, synagogues or other houses of worship. <u>9. Medical Marijuana Dispensaries</u> NOTE: All Special Exception uses are subject to <u>Section 2.03.00</u> Establishment of Districts, and <u>Section 2.06.01</u>, Special Exception uses.</p>
	<p>b. Veterinary offices. There shall be no overnight stays of animals, except for emergency care. c. Veterinary hospitals or clinics wholly within a noise-attenuated structure with no overnight stays of animals, except for emergency care. 12. Retail building supplies. 13. Retail sales and services. 14. Restaurants. 15. Shopping centers providing retail sales of food, hardware and other household items normally required to serve the residents of the community. <u>16. Sexually oriented businesses</u> as defined in <u>Chapter 4</u>, Article II; City Code subject to the following: a. All such sexually oriented businesses, as defined in Ordinance 2006-15, shall maintain a minimum 200 foot setback from the following: 1. An area zoned within the county, municipality or adjoining municipality for residential use,</p>		
	<p>2. Areas designated as a category that permits residential uses on the Future</p>		

	<p>Land Use Map of the city/, adjoining city or county.</p> <p>3. Preexisting residence.</p> <p>4. Preexisting religious institution.</p> <p>5. Preexisting park.</p> <p>6. Preexisting education facility.</p> <p>b. The distance from a proposed sexually oriented business to the aforementioned residential areas and other uses shall be measured by drawing a straight line between the closest property line of said residential areas or other uses and the closest exterior wall of any building in which the sexually oriented business is licensed to operate.</p> <p>17. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances. (Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2007-33, § 2, 10-25-07)</p>		
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SECTION 2. CODIFICATION. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 4. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ORDAINED this __ day of ____2014, by the City Commission of the City of Flagler Beach, Florida.

172 PASSED ON FIRST READING THIS _____ DAY OF _____, 2014.

173 PASSED AND ADOPTED THIS _____ DAY OF _____, 2014.

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CITY OF FLAGLER BEACH, FLORIDA

179

CITY COMMISSION

180

181

Linda Provencher, Mayor

182

183 ATTEST:

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185 Penny Overstreet, City Clerk

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