

ORDINANCE 2020 - ____

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE FLAGLER COUNTY LAND DEVELOPMENT CODE, SECTION 3.03.17.B, ADDING INDOOR BOAT STORAGE AS A PERMISSIBLE USE OF PREMISES IN GENERAL COMMERCIAL ZONE DISTRICTS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01(1), *Fla. Stat.*, authorizes the County Commission to adopt ordinances and resolutions as needed to exercise its power and authority; and

WHEREAS, the Flagler County Land Development Code (“LDC”) divides the lands of unincorporated Flagler County into zoning districts for the purpose of encouraging orderly development, while protecting the health, safety, and general welfare of residents; and

WHEREAS, the LDC lists principle uses of land for each zoning district, and only those enumerated uses, or permitted special exceptions thereto, may be conducted in the respective districts; and

WHEREAS, although the County Commission never intended to prohibit indoor boat storage in unincorporated Flagler County, such use is not specifically listed as a principle use or permitted special exception within any zoning district; and

WHEREAS, the General Commercial and Shopping Center District (“C-2”) lists boat service establishments as a principal use of land, but does not define “boat service”; and

WHEREAS, within the A1A Scenic Corridor, the LDC prohibits outdoor storage, commercial warehousing, miniwarehouses, and the sales or repairs of motorized boats, but does not prohibit indoor boat storage; and

WHEREAS, on XYZ date, an owner of C-2 zoned land submitted a site development plan of an indoor boat storage facility for approval by the County’s Technical Review Committee; and

WHEREAS, the Hammock Community Association objected to the site development plan within the Scenic Corridor, eventually taking the matter to the Circuit Court; and

WHEREAS, the Circuit Court did not address the issue of whether indoor boat storage is a permissible use of land under the LDC in C-2 zoned districts within the Scenic Corridor, but disposed of the case on other grounds; and

WHEREAS, the Board desires to exercise its legislative power to make explicit that indoor boat storage is a permissible use of general commercial, C-2 zoned land; and

WHEREAS, the Board finds that indoor boat storage facilities, which otherwise meet the strictures of C-2 zoning under the LDC, do not amount to warehouses or miniwarehouses and are therefore permissible within C-2 zoned premises within the A1A Scenic Overlay District; and

WHEREAS, the Board also recognizes a community need for boat storage and that indoor boat storage improves aesthetics and mitigates against hurricane damage; and

NOW THEREFORE, be it ordained by the Flagler County Board of County Commissioners as follows:

SECTION 1. FINDINGS

The above recitals are incorporated herein as true and correct and establish the legislative intent of this Ordinance.

SECTION 2. FLAGLER COUNTY CODE AMENDMENT

Section 3.03.17 of the Flagler County Land Development Code is hereby amended as follows (additions are shown in underline, and deletions are shown in ~~striketrough~~ format):

Sec. 3.03.17. –General commercial and shopping center district.

* * * *

B.23. In other general commercial areas:

* * * *

(y) Indoor boat storage.

SECTION 3. CODIFICATION AND SCRIVENER'S ERRORS

- A. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of Flagler County, Florida, as additions and amendments thereto, and shall be appropriately renumbered or re-lettered to conform to the uniform numbering system of the Code. Scrivener's errors may be corrected as deemed necessary.
- B. Only Section 2 herein shall be codified within the Flagler County Code of Ordinances. Sections not specifically amended herein shall remain unchanged by this Ordinance.

SECTION 4. SEVERABILITY

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect upon filing with the Secretary of State as provided in Section 125.66, Florida Statutes.

PASSED AND ADOPTED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, THIS _____ DAY OF _____ 2021.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donald T. O'Brien Jr., Chair

Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

Al Hadeed, County Attorney