

# City of Flagler Beach

## Planning and Architectural Review Board

Tuesday, June 2, 2015 at 5:30 p.m.

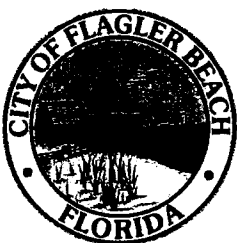
City Hall Commission Chambers

---

### Agenda

1. Pledge of Allegiance.
2. Call the roll.
3. Approve the minutes of the Regular Meeting of Tuesday May 5, 2015.
4. New Business:
  - A. Variance Request Application #15-06-01 – A request has been submitted to construct a pool and more specifically a screen enclosure, commencing 1.1 feet from the rear property line as opposed to the required minimum ten (10) feet as provided for in Section 2.05.05.2 Attached accessory structures in the SFR, LDR, and MDR districts of the City of Flagler Beach Land Development Regulations. Applicant: Nancy Harrington and Worth Strickland; Address: 208 Palm Circle.
  - B. Discussion – Micro housing: Presentation and consideration of amending the Land Development Regulations to permit a residential use that does not meet the current minimum square footage requirement of 550 square feet for multi-family dwelling units. (Jeff Meyer: Tiny Hammock Cottages).
5. Old Business:
  - A. Farmer's Market Ordinance:

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA RELATING TO FARMER'S MARKETS; PROVIDING A DEFINITION FOR FARMER'S MARKETS AND PROVIDING THAT FARMER'S MARKETS ARE A SPECIAL EXCEPTION USE IN THE GENERAL COMMERCIAL, TOURIST COMMERCIAL AND HIGHWAY COMMERCIAL ZONING DISTRICTS; PROVIDING REGULATIONS RELATED TO FARMERS' MARKETS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND ESTABLISHING AN EFFECTIVE DATE
6. 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 March 20, 2015

---

### 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, May 5, 2015 at 5:30p.m.

City Hall Commission Chambers

---

### Minutes

**PRESENT:** Steve Sandiford, Catherine Feind, Rick Belhumeur, Vice-Chair Roseanne Stocker, Joseph Pozzouli-  
entered late

**STAFF:** City Planner Larry Torino, City Attorney D. Andrew Smith III, Board Secretary Candice Seymour

**ABSENT:** Chairman Don Deal, Alice Baker

1. CALL THE MEETING TO ORDER: Vice-Chair Stocker called the meeting to order at 5:30p.m.
2. PLEDGE OF ALLEGIENCE: Rick Belhumeur led the Pledge
3. CALL THE ROLL: Candice Seymour called the roll
4. APPROVE THE MINUTES OF REGULAR MEETING: Mr. Torino made one correction on Page 2:
  - Clarifying that the combination of Commercial below Residential uses shall be limited to the same building for *New Development* to distinguish from requests to convert an existing building that does not meet ~~his standard~~ to the standards of mixed use.

**Motion** by Rick Belhumeur, seconded by Catherine Feind to approve the minutes including change.

**Motion** carried unanimously.

5. NEW BUSINESS: None

6. OLD BUSINESS:

a. ~~Farmer's Market Ordinance:~~

~~AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA RELATING TO FARMER'S MARKETS; PROVIDING A DEFINITION FOR FARMER'S MARKETS AND PROVIDING THAT FARMER'S MARKETS ARE A SPECIAL EXCEPTION USE IN CERTAIN AREAS OF THE GENERAL COMMERCIAL ZONING DISTRICT AND A SPECIAL EXCEPTION USE IN THE TOURIST COMMERCIAL AND HIGHWAY COMMERCIAL ZONING DISTRICTS; PROVIDING REGULATIONS AND STANDARDS RELATED TO FARMERS' MARKETS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS AND ESTABLISHING AN EFFECTIVE DATE~~

Vice-Chair Stocker announced that this item will be continued to the next meeting.

b. Mixed Use Building Ordinance:

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX "A", LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING; SECTION 2.02.00, DEFINITIONS, DELETING THE TERM COMBINED USE BUILDING; AMENDING SECTION 2.04.02.8 ZONING SCHEDULE ONE, LAND USE CONTROLS, REPLACING THE TERM COMBINED USE BUILDING TO MIXED-USE BUILDING WHERE APPLICABLE, AMENDING SECTION 2.04.02.9, ZONING SCHEDULE TWO, LOT, YARD & BULK REGULATIONS, REPLACING THE TERM COMBINED USE BUILDING TO MIXED-USE BUILDING; SECTION 2.04.02.12, REPLACING THE SECTION TITLE COMBINED USE BUILDING REGULATIONS TO MIXED USE BUILDING REGULATIONS, RESTATING SUB-SECTION A. PURPOSE AND INTENT, RESTATING AND AMENDING SUB-SECTION B. GENERAL REQUIREMENTS, RESTATING SUB-SECTION C. PERMITTED USES, AMENDING SUB-SECTION D. PROHIBITED USES, RESTATING SUB-SECTION E. MINIMUM LOT SIZE, RESTATING AND AMENDING SUB-SECTION F. SUPPLEMENTAL SITE IMPROVEMENT REGULATIONS, AMENDING SUB-SECTION G. PARKING, AMENDING SUB-SECTION H. PARKING PROVISIONS, AMENDING SUB-SECTION I. EXISTING BUILDINGS, AND AMENDING SECTION 5. SUB-SECTION 5.04.00. LANDSCAPING/TREES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.

Vice-Chair Stocker invited Larry Torino to summarize what was amended between the last presentation of the ordinance and this review. Mr. Torino presented a list of five items that were amended:

- Under "Special Exceptions": permitting the conversion of an existing building to mixed-use in the Downtown A1A Retail Corridor Tourist Commercial District.

- Same change as above in the Downtown Mixed-Use District and A1A Retail Corridor in General Commercial
- Under "General Requirements" on page 4 Item C(3) has been limited solely to all new development as existing buildings will be addressed in a separate manner.
- Under "Existing Structures" on Page 7 of the ordinance, specifying the Downtown Mixed-Use District and A1A Retail Corridor.
- Permitted uses table amended per the discussion at the April Board meeting.

The Board came to consensus to include language addressing Adult Entertainment retail shops as a prohibited use and to accept the Specialty Store definition presented by Mr. Torino. The Board discussed Hardware stores further and decided to leave Hardware stores in the ordinance as written.

**Motion** by Catherine Feind, seconded by Steve Sandiford to recommend approval to the City Commission for the Mixed-use Building Ordinance. **Motion** carried unanimously.

7. PARB MEMBER COMMENTS:

Joseph Pozzuoli shared concerns with the Board regarding the Minimum Base Floor Elevation of 7ft in the recently adopted Flood Plain Ordinance. His comments specifically concerned the impact to existing buildings and he would like to discuss the possibility of making the Base Floor Elevation remain at 6ft for existing structures. The new ordinance imposes extreme economic impact for large additions and renovations to existing buildings. Attorney Smith recommended discussion and the possibility of amending the ordinance. He said he will discuss the issue with the City Manager who will pass the concerns to the City Commission. Mr. Torino explained further some of the difficulties with the Base Floor Elevation and the Cost/Benefit ratio of the newly adopted Finished Floor elevation.. Rick Belhumeur says the Base Floor Elevation should be 6ft for New construction as well. Mr. Belhumeur also reminded the Board that his term is nearing its end and steps to appoint a new member need to be taken.

8. ADJOURNMENT: **Motion** by Catherine Feind, Seconded by Rick Belhumeur, to adjourn. **Motion** carried unanimously. Meeting adjourned at 6:06pm.



# City of Flagler Beach

---

**DATE:** MAY 27, 2015

**TO:** Don Deal, Chairperson, Planning and Architectural Review Board  
Planning and Architectural Review Board Members

**FROM:** Larry Torino, City Planner

**RE:** Variance Request

---

**Case No.** VAR 15-06-01  
**Applicant/Owner:** Nancy Harrington and Worth Strecker  
**Location:** 208 Palm Circle  
**Real Estate ID No.** 12-12-31-5000-00020-0220  
**Current FLUM designation:** Low Density  
**Zoning District:** Single Family  
**Current Use:** Single Family residence  
**Subject Property Area:** 9,600 square feet

---

## ANALYSIS

### **Requested Action:**

This is a request to:

- 1) Approve a rear property line setback for a swimming pool with structural screen enclosure measuring 1.1 feet as opposed to the minimum required 10 feet as provided for in Section 2.05.02 *Attached accessory structures* of the Land Development Regulations as follows.

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

- a. When an accessory structure is attached to the principal structure, it shall comply in all respects with the yard requirements of this ordinance applicable to the principal structure (*NOTE: Single Family Residential Principal structure minimum rear yard setback; ten (10) feet*). A reduced side yard setback of five (5) feet is established for the following accessory

structures:

- i. Decks;
- ii. Swimming pools;
- iii. Pool decks;
- iv. Screen pool enclosures
- v. Gazebos; and
- vi. Porches

**ANALYSIS BASED ON LAND DEVELOPMENT REGULATIONS ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT; SECTION 8.04.16 VARIANCES;**

The Planning and Architectural Review Board (PARB) shall recommend such variances as will not be contrary to the public interest and where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary and undue hardships. In order to recommend any variance from the terms of this ordinance the PARB must and shall find each of the following criteria is met by the applicant, and the PARB's written findings shall be sent to the City Commission.

Following, for your information and reference, are the applicant's justification responses warranting the granting of the variance request. The criteria responses were submitted by the applicant's contractor on behalf of the property owners.

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

**The special condition that is peculiar to this residence is abutment to the Intracoastal Waterway Marsh. (picture #1 )**

2. That the special conditions and circumstances do not result from the action of the applicant;

**Circumstances are existing at this residence and not created by applicant. The applicant had a stipulation prior to purchase that a swimming pool can be built at this residence. An email received by the Realtor from the City of Flagler Beach stated "pool deck can go to the property line". The email did not advise that a screen enclosure could not be built on the pool deck. Given the information about a pool, the sale of the home proceeded.**

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;

**Granting the variance will not confer any special privilege to the applicant. Other homes in the same block have screen enclosures. Any residence with direct abutment to a marsh should have the ability to enjoy their outdoor living space without concerns of pests and debris. (picture #2)**

4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;

**This variance would allow the applicant to build a swimming pool of reasonable size with a screen enclosure in the same manner that their neighbors enjoy.**

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

**Variance granted would be considered reasonable use to the majority of Florida homeowners.**

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

**Granting this variance will enhance the harmony of outdoor living on the marsh. Ordinances are in place to protect the public and land ownership values. Approving this variance will not be detrimental to the public in any way. In fact, it will bring this residence up to the neighboring properties values.**

#### **PUBLIC PARTICIPATION SUMMARY**

At the time of staff report preparation, staff had not received comment from the public. Public Hearing Notification letters were sent to surrounding property owners in accordance with city ordinance requirements.

#### **Recommendation**

Staff recommends the Planning and Architectural Review Board recommend to the City Commission approval of the requested variance for the subject property to permit the construction of a swimming pool and screen enclosure with a rear yard setback of not less than 1.1 feet as opposed to the minimum required ten (10) feet. This recommendation is predicated upon the uniqueness of the circumstances, including but not limited to the following:

1. The physical geometry and configuration of the residence is not the result of actions of the current property owner (the depth of the home is atypical with those properties bordering the intra-coastal waterway; 70 feet vs 53 feet).
2. The proposed pool area and deck area is not oversized and in scale with the limited available buildable area to make reasonable use of the property.
3. The proximity of the proposed screen enclosure to the rear property line is not detrimental or injurious to an adjoining property inasmuch as the rear yard abuts the intra-coastal right-of-way which provides an expansive landscape that precludes residential development.
4. Other properties bordering the westerly extent of Palm Circle maintain an average rear yard setback of thirty-eight (38) feet which provides appreciably

---

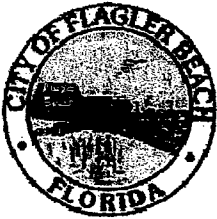
more depth to construct a swimming pool with screen enclosure as opposed to the twenty-two (22+/-) feet of depth available to the property in question.

Should the Planning and Architectural Review Board find that the criteria has been met by the applicant, staff recommends that the requested variance for the subject property be approved with the following conditions:

1. Applicant provides to the city a perimeter screen plan to assure minimal disturbance of off-site vegetation.
2. A swimming pool and screen enclosure building permit is issued within twelve (12) months of the City Commission's approval of the variance.

Enclosures:

1. Variance Application Packet
2. Aerial Photograph



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

**Zoning Variance Application**

Date: 5-6-15

Application #:

Applicant: Jill Pond 3B's Custom Concrete Email: jill@3bsflagler.com

Address: 1836 S. Daytona Ave. Phone #: 386-569-8681  
Flagler Beach FL 32136

Owner of Subject Property: Nancy Harrington and Worth Strecker

Address: 208 Palm Circle Email: worthemail@gmail.com  
Flagler Beach FL 32136 Phone # 917-647-3146

Applicant Status:  Owner  Agent for Owner  Attorney for Owner  Contract Purchaser

This is a request for a Variance for a swimming pool with a screen enclosure, 10'

on \_\_\_\_\_ zoned property. The Comprehensive Plan Future Land Use designation is \_\_\_\_\_

Size or Parcel 80' by 120' Tax Parcel # 12-12-31-5000-00020-0220

Address of Property: 208 Palm Circle

APPLICATION WILL NOT BE ACCEPTED UNLESS ALL OF THE FOLLOWING ARE ATTACHED:

- A. A filing fee of \$600.00 plus additional fees for mailing notifications to adjoining property owners and public notices in newspaper. **All of these fees are non-refundable.**
- B. A notarized authorization form from the owner or the attorney representing the owner.

GEN  
MAY 13 2015



- C. A copy of the legal description.
- D. A signed and sealed survey of the property prepared by a Florida Registered Land Surveyor that shows the location and dimensions of existing and proposed structure(s) and distances of existing and proposed structure(s) from all lot lines and proposed improvement for which the variance is requested.
- E. A completed signed written petition for a variance.

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

SIGNATURE OF PETITIONER: Jill Pond DATE: 5-6-15

### Owner Authorization

Property Address: 208 Palm Circle  
Flagler Beach Fl

Parcel Id: 12-12-31-5000-00020-0220

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

NAME: Jill Pond ADDRESS: 1836 S Daytona Ave  
Flagler Beach Fl 32136  
PHONE: 386-569-8681  
STATE OF FLORIDA,  
County of Flagler

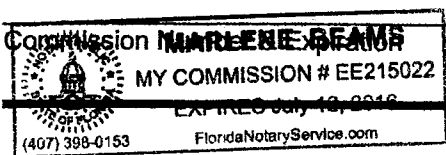
Subscribed and Sworn to (or affirmed) before me by  
Worth Strecker

[Signature]  
SIGNATURE OF OWNER

Worth Strecker  
OWNER'S NAME (Print/Type)

208 PALM CIRCLE  
ADDRESS (Street, City) & Phone Number

This 6 day of May, 2015. Who is personally known to me or has produced  
FLDL 362881656220 as identification.



Marlene Beams  
Notary Public

Instrument No: 2015004861 2/18/2015 11:44 AM BK: 2049 PG: 260 PAGES: 1 DOCTAX PD \$4,340.00  
RECORDED IN THE OFFICIAL RECORDS OF Gail Wadsworth, Clerk of the Circuit Court & Comptroller Flagler, FL

This instrument prepared by:  
Name: Brandy Hyder  
Flagler County Abstract Company  
300 N 2nd Street  
Flagler Beach, Florida 32136  
FILE NO. S2941  
Property Appraisers Parcel Identification Number(s):  
12-12-31-5000-00020-0220

SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED** made the 13 day of February, 2015 by

**Phillip John Andrews, Jr. aka Philip John Andrews, Jr. and Denise Andrews, husband and wife**

whose street address is 7513 Royal Harbour Circle, Ooltewah, TN 31362

hereinafter called the grantor\*, to

**Nancy Harrington and Worth Strecker, joint tenants with full right of survivorship**

whose street address is ~~1291 S Flagler Ave., Flagler Beach, FL 32136~~ 208 PALM CIRCLE, FLAGLER BCH FL 32136

hereinafter called the grantee\*:

(\*Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH**, that the grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed unto the grantee and grantee's heirs forever the following described land situate in County of Flagler, State of Florida, to wit:

Lot 22, Block 2, Palm Island Subdivision (unrecorded), Flagler Beach, Florida, according to a proposed plat of Palm Island Subdivision, according to a survey of D.D. Moody, Bunnell, Florida; also described as:

Beginning at a point where the North line of Section 12, Township 12 South, Range 31 East, intersects the Easterly boundary of the 500 foot right-of-way of the Intracoastal Waterway as a point of reference; thence South 15 degrees 36' 14" East along the Easterly boundary of the Intracoastal Waterway a distance of 476.95 feet to the point of beginning; thence North 67 degrees 27' 46" East a distance of 120 feet to a point; thence South 15 degrees 36' 14" East a distance of 80.00 feet to a point; thence South 67 degrees 27' 46" West a distance of 120 feet to a point on the Easterly boundary of the 500 foot right-of-way of the Intracoastal Waterway; thence North 15 degrees 36' 14" West along said right-of-way a distance of 80.00 feet to the point of beginning of this description.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31<sup>st</sup>, 2013. FURTHER SUBJECT TO Restrictions, Reservations, Covenants, Dedications, Resolutions, Conditions and Easements of record, if any, however this reference shall not operate to reimpose same.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Witness 1 Signature  
Brandy Hyder  
Printed or Typed Name

[Signature]  
Phillip John Andrews, Jr. aka Philip John Andrews, Jr.

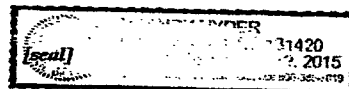
[Signature]  
Witness 2 Signature  
Isadora M.A. Hobbs  
Printed or Typed Name

[Signature]  
Denise Andrews

STATE OF FLORIDA  
COUNTY OF Flagler

The foregoing instrument was acknowledged before me this 13 day of February, 2015, by Phillip John Andrews, Jr. aka Philip John Andrews, Jr. and Denise Andrews, husband and wife who is personally known to me or who produced FL License, as identification and who did/did not take an oath.

[Signature]  
Notary Public  
My Commission Expires:  
1/11/2015



**This is a petition/application for a 10' variance to build a swimming pool with a screen enclosure at: 208 Palm Circle, Flagler Beach**

**Attachment A**

**The 10' variance request meets the six variance standards as follows.**

- 1 The special condition that is peculiar to this residence is abutment to the Intracoastal Waterway Marsh. (picture #1 )**
- 2 Circumstances are existing at this residence and not created by applicant. The applicant had a stipulation prior to purchase that a swimming pool can be built at this residence. An email received by the Realtor from the City of Flagler Beach stated "pool deck can go to the property line". The email did not advise that a screen enclosure could not be built on the pool deck. Given the information about a pool, the sale of the home proceeded.**

**The information given was incomplete for this residence on the Flagler Beach marsh. A swimming pool without screen enclosure is not acceptable for the majority of homeowners in Florida. Over the past 14 years, I have built 53 swimming pools only 4 were built without screen enclosures.**

- 3 Granting the variance will not confer any special privilege to the applicant. Other homes in the same block have screen enclosures. Any residence with direct abutment to a marsh should have the ability to enjoy their outdoor living space without concerns of pests and debris. (picture #2)**
- 4 This variance would allow the applicant to build a swimming pool of reasonable size with a screen enclosure in the same manner that their neighbors enjoy. (picture #3 )**
- 5 Variance granted would be considered reasonable use to the majority of Florida homeowners.**
- 6 Granting this variance will enhance the harmony of outdoor living on the marsh. Ordinances are in place to protect the public and land ownership values. Approving this variance will not be detrimental to the public in any way. In fact, it will bring this residence up to the neighboring properties values.**

**Thank you for your consideration,**

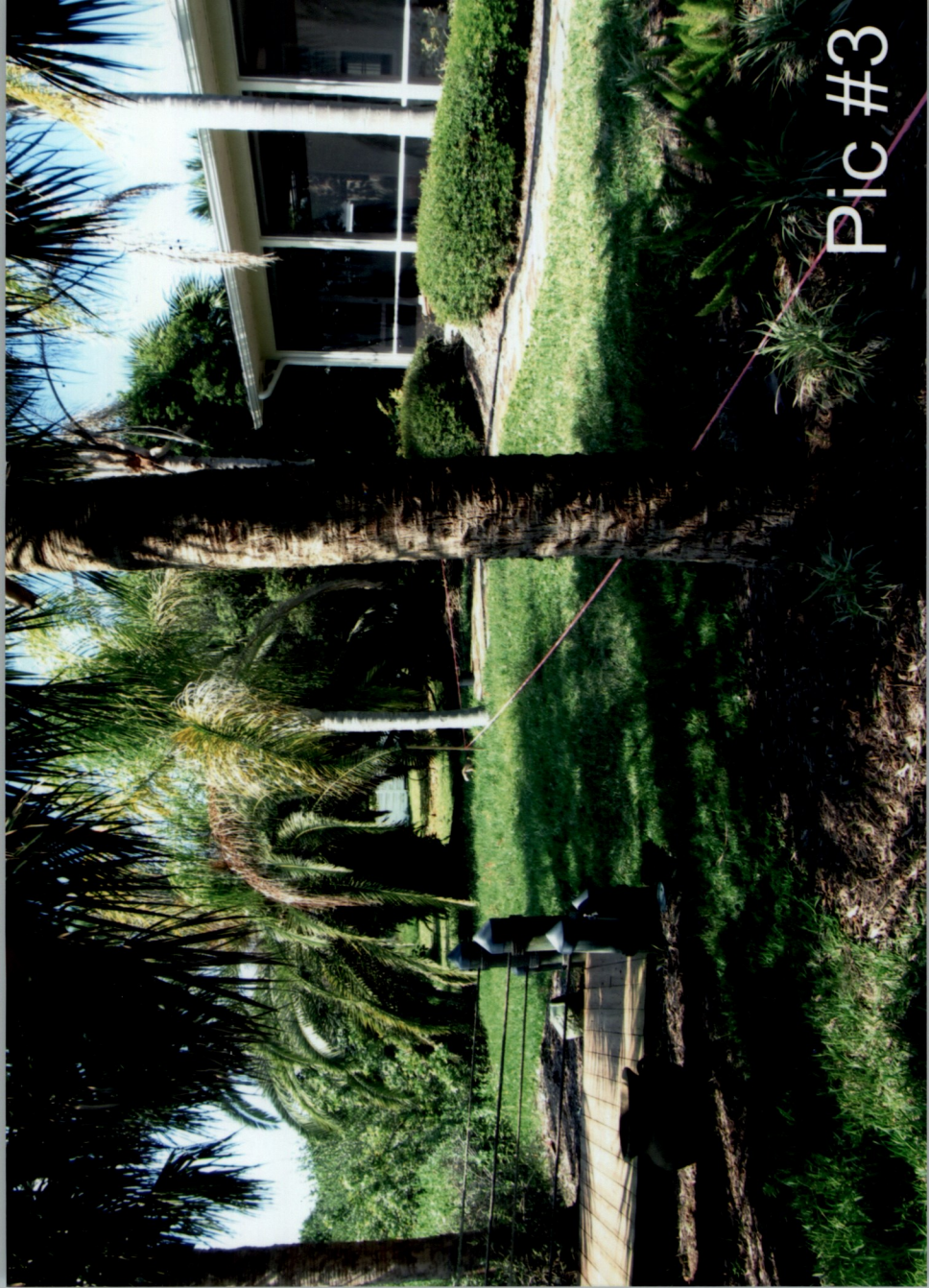


**Jill Pond  
3B's Custom Concrete, Inc.  
CPC057220**





Pic #2



Pic #3



© 2015 Google

208 Palm Cir

Google earth



1995

Imagery Date: 1/15/2014

29°28'59.56" N

81°08'14.23" W elev

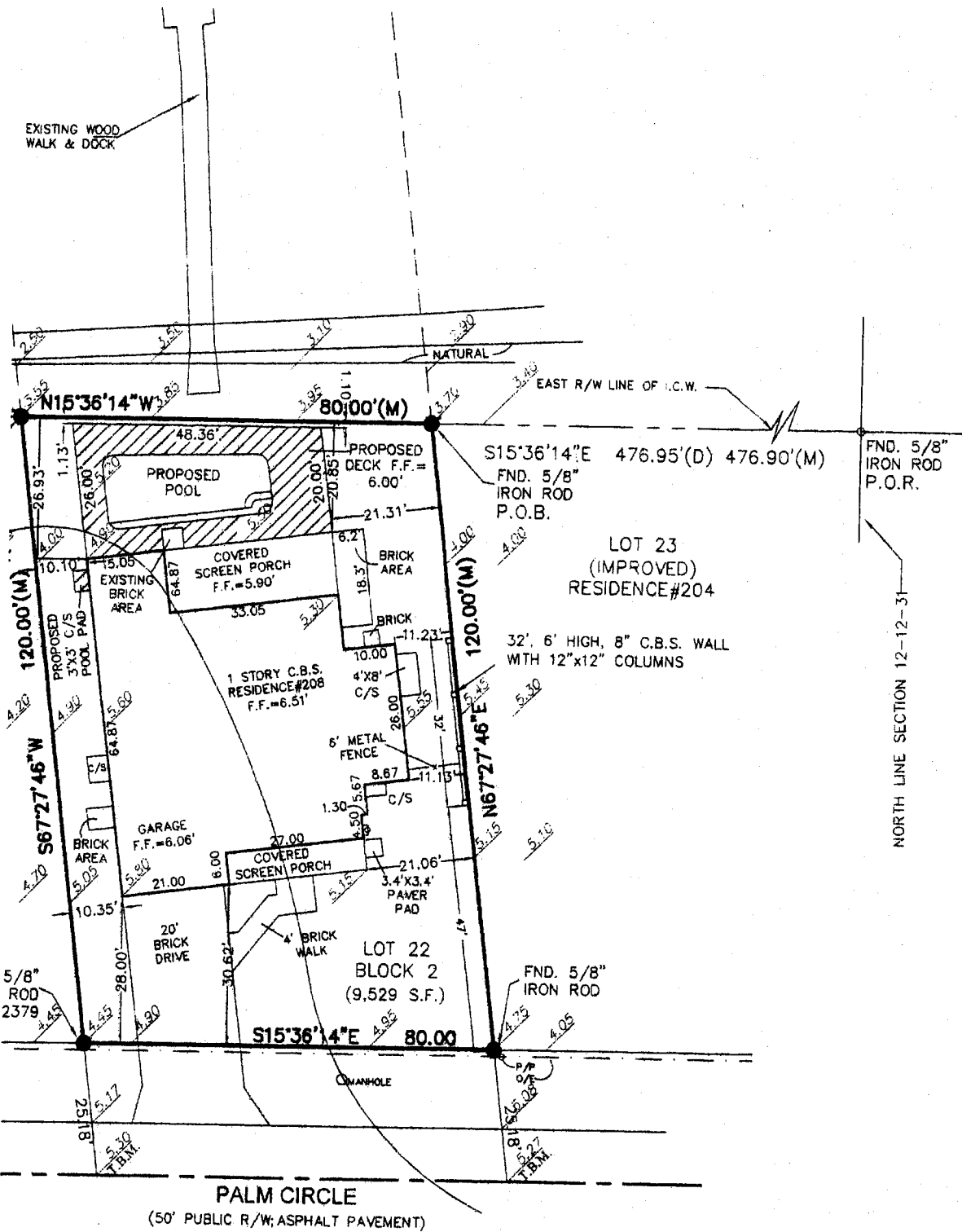
3 ft

eye alt

681 ft



EXISTING WOOD WALK & DOCK



**PALM CIRCLE**  
(50' PUBLIC R/W; ASPHALT PAVEMENT)

- Overhead Electric
- Power Pole
- PEP Tank
- Manhole
- Television Riser
- Cable Television Riser
- Water Meter
- Electric Meter
- Fire Hydrant
- Licensed Surveyor
- Licensed Business
- Official Engineer Seal & Stamp



**STEPHENSON, WILCOX & ASSOCIATES, INC.** (L.B.#7672)

204 N. Railroad Street PO Box 186 Bunnell FL 32110  
Phone: 386.437.2363 Fax: 386.437.0030  
Email: info.swa@gmail.com

**CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS**

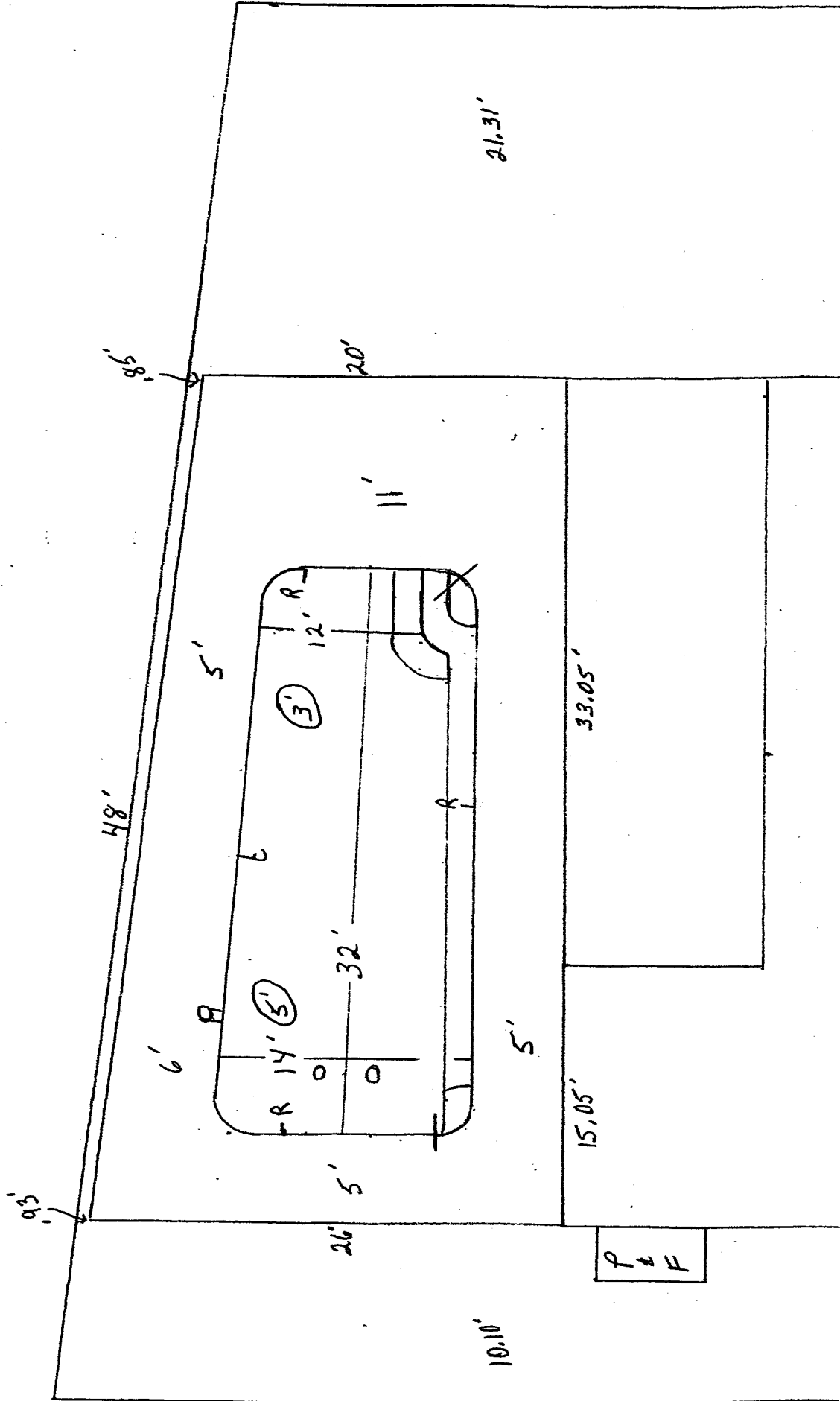
I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 61G17 Florida Administrative Code.

**SHEET**



Custom designed swimming pool for:  
 Nancy Harrington & Worth Strecker  
 208 Palm Circle, Flagler Beach, FL

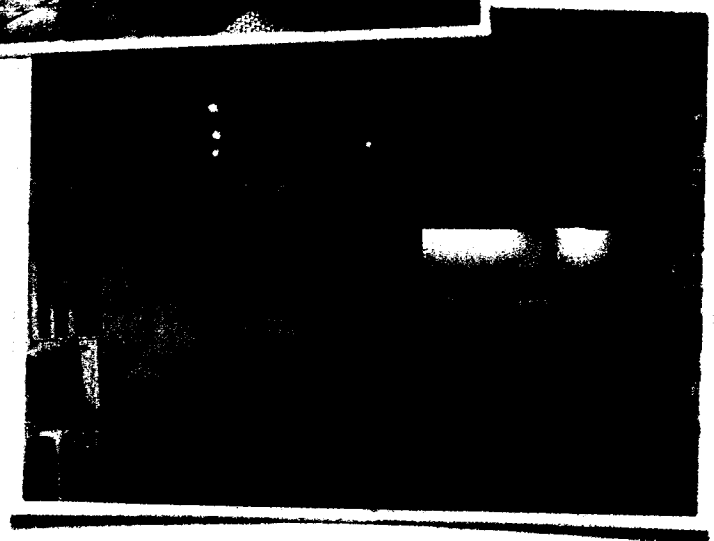
Concrete & Swimming Pool Experts  
 Bill Snyder  
 386-931-5912  
 Jill Pond  
 386-569-8681  
**3 B's Custom Concrete, Inc.**  
 386-439-6034  
 Flagler County, FL  
 New Construction, Repairs & Remodeling  
 \* Stamped Concrete \*  
 Licensed & Insured  
 CPC057220  
 www.3bsflagler.com





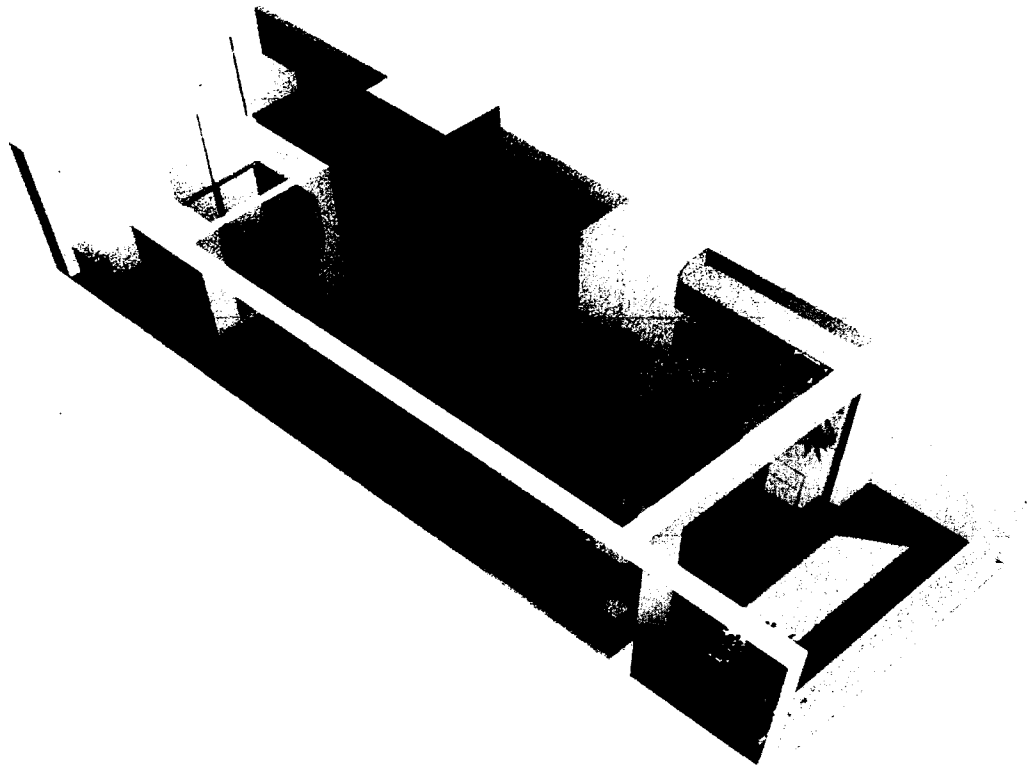
# Oceanside Cottages

Micro Condo's The Next Big Thing

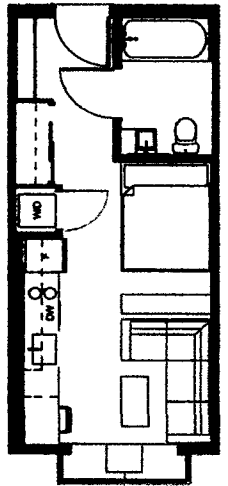
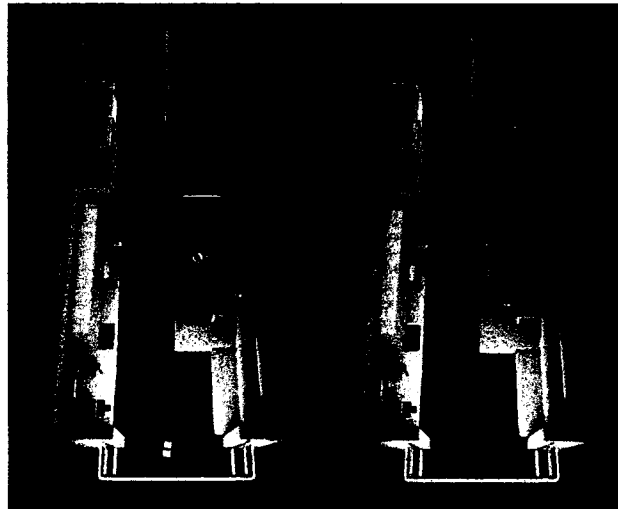
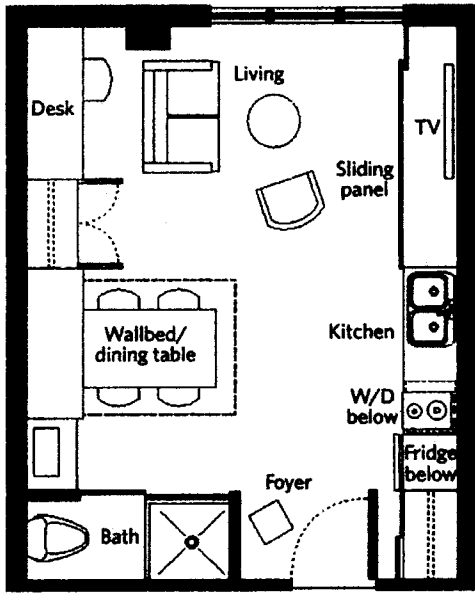


Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach



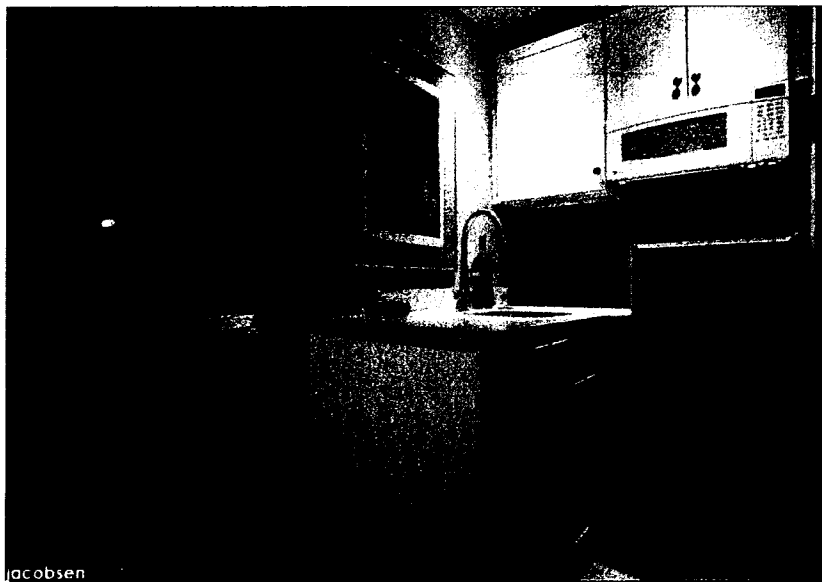
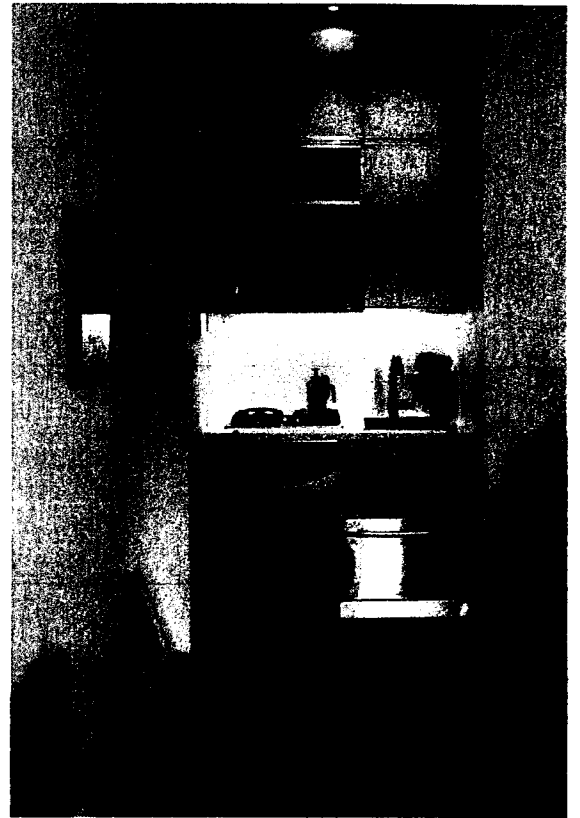


**270 sq. ft. micro condo**



Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach





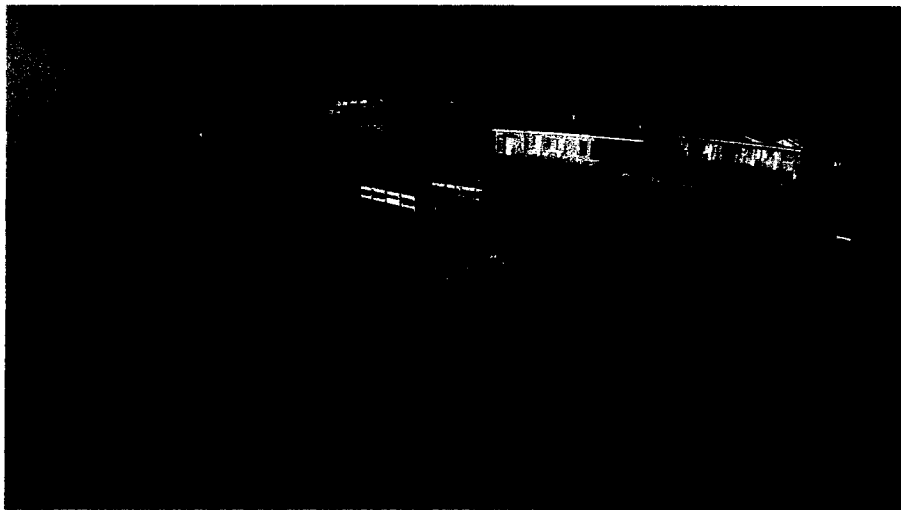
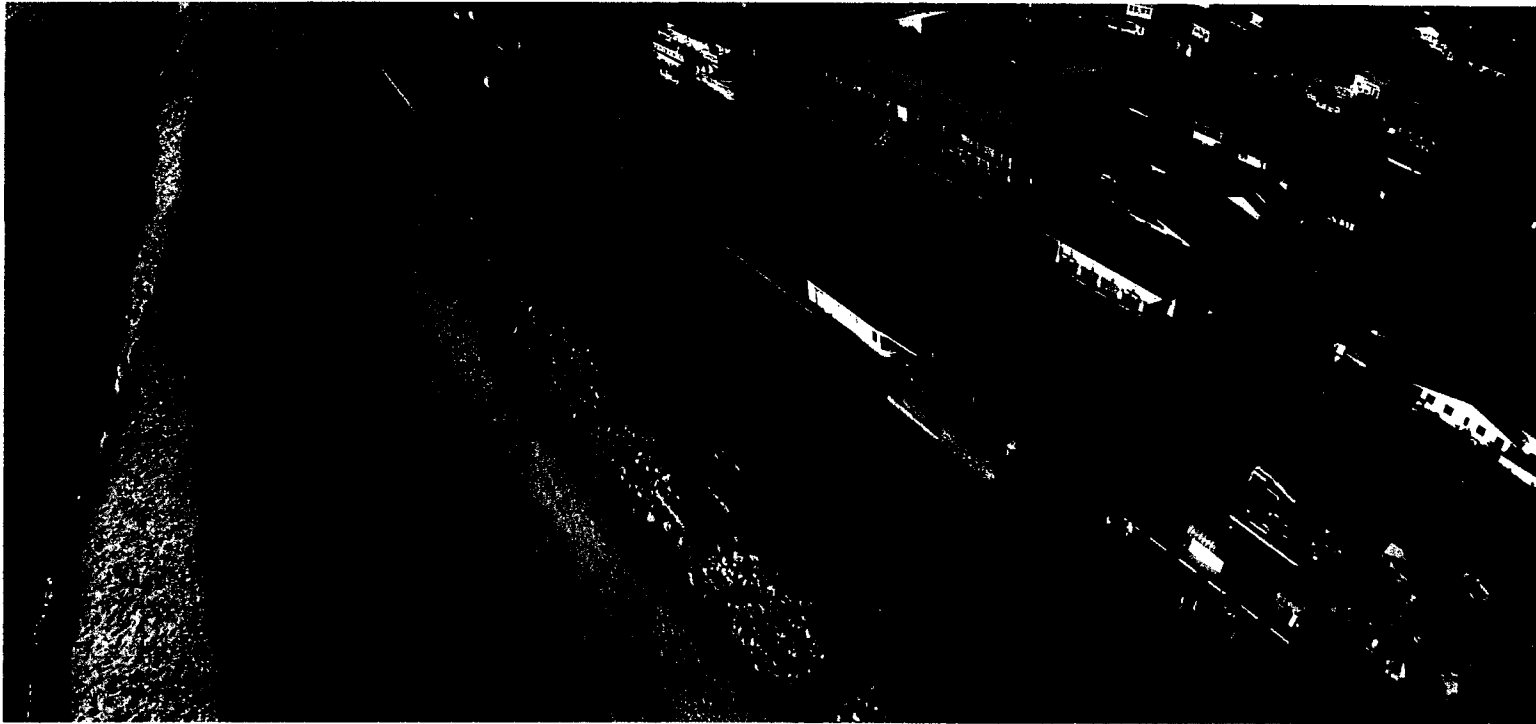
Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach



# A1A Cottages

**1204 S A1A, Flagler Beach, FL 32136**

**Jeff Meyer 561-707-7939 [1meyergroup@gmail.com](mailto:1meyergroup@gmail.com)**



**Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach**

**CONDOS386.COM**  
LANDMARK PROPERTIES, LLC.

## **5 Trends That Will Shape The Future Of Tiny Housing**

CITIES AND RENTERS ARE STARTING TO ACCEPT APARTMENTS THAT ARE JUST 300 SQUARE FEET. HERE'S WHAT THE FUTURE OF MICRO-HOUSING HOLDS.

In response to demographic shifts — and in an effort to create more affordable units — urban and resort housing is getting smaller. Cities like Miami, Orlando, Seattle, San Francisco, and Boston have adopted changes to encourage micro-housing, generally studios under 400 square feet. Nonprofit think tank the Urban Land Institute has just released a new report on the future of micro-housing. Here's what to expect from the burgeoning world of compact living:

Apartments will be small, but not too small. According to one developers interviewed for this report, the ideal micro-apartment size is between 275 and 300 square feet. In the process of conducting consumer research, this unnamed developer "one person plus dog" household. It's the same size used by New York City's pilot micro-housing program, adAPT NYC. In other words, people are willing to deal with Murphy beds and hidden storage, these units also will be the perfect resort home/rental.

and hidden storage, these units also will be the perfect resort home/rental.

It won't have an oven, but it will have a full-sized refrigerator. American consumers may be ready to live with a little bit less, but haven't quite embraced the tiny appliances sold in Europe and Asia, like all-in-one washer-dryer combos. Hotel-sized fridges are a no-go—Americans want a full-height refrigerator. A full sized oven, however, can be sacrificed if there's a microwave/convection oven and convection oven. As long as the microwave is located above the counter, not below. According to the study, a kitchen between six feet and eight feet in length is ideal.

There will be places to socialize outside your condo. Most tiny-apartment/condo dwellers are single professionals or vacation home owners who are new to the area or launching new careers. "Micro-unit occupants are described as social animals, but ones who do not want or need to socialize in their units," the study points out. In an effort to entice people to downsize (for what is usually a greater price-per-square-foot, though a lower total rent, than other apartments) developers are tossing building amenities into the mix, with spaces like communal tables/outdoor kitchens, and decks...

# \$139,000 - \$144,000

Available October 1,2015

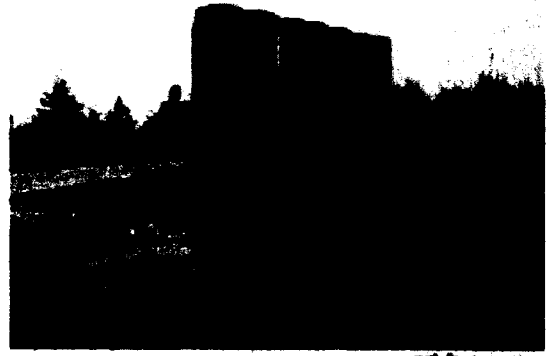
- Beach getaway
- Rent them when not in use
- lowest priced units on the ocean
- 9 foot ceilings, gourmet micro-kitchen
- Walk-in designer shower
- Outdoor Kitchen
- Party Deck On The Beach

<u>Room</u>	<u>Price</u>
<del>1</del>	<del>\$159,000 Reserved</del>
<del>2</del>	<del>\$144,000 Reserved</del>
<del>3</del>	<del>\$144,000 Reserved</del>
<del>4</del>	<del>\$144,000 Reserved</del>
5	\$139,000
6	\$144,000
7	\$144,000
<del>8</del>	<del>\$144,000 Reserved</del>
<del>9</del>	<del>\$144,000 Reserved</del>
<del>10</del>	<del>\$159,000 Reserved</del>

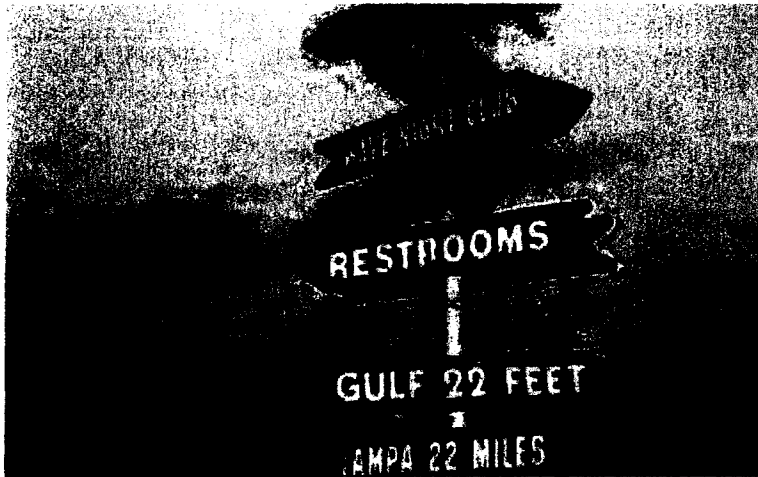
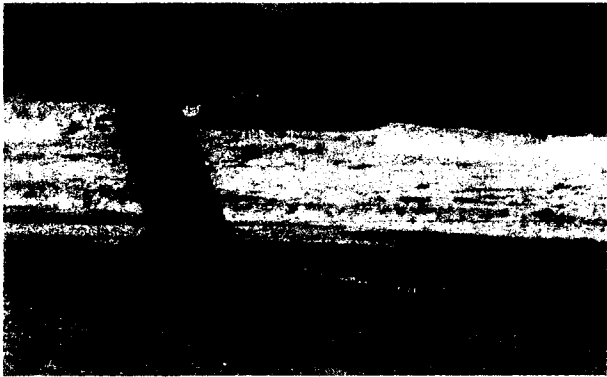
Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach







and Photography



Jeff Meyer 561-707-5939 1204 S A1A, Flagler Beach



The two market segments indicating the most interest in smaller homes are millennials, who either don't want or can't afford a mortgage in a place they want to live, and boomers who are downsizing for retirement and want to be released from the golden handcuffs required to pay for and maintain a large home. As a result, product manufacturers at all price points are ramping up to meet this tiny, small and micro-unit demand.

One of the biggest trends in home design is not about the house at all, but where it's located. Proximity to walkable communities with a mix of uses adds to individual property value and strengthens the local tax base.

Zero Energy Ready (ZER) is today's gold standard for efficient home design.

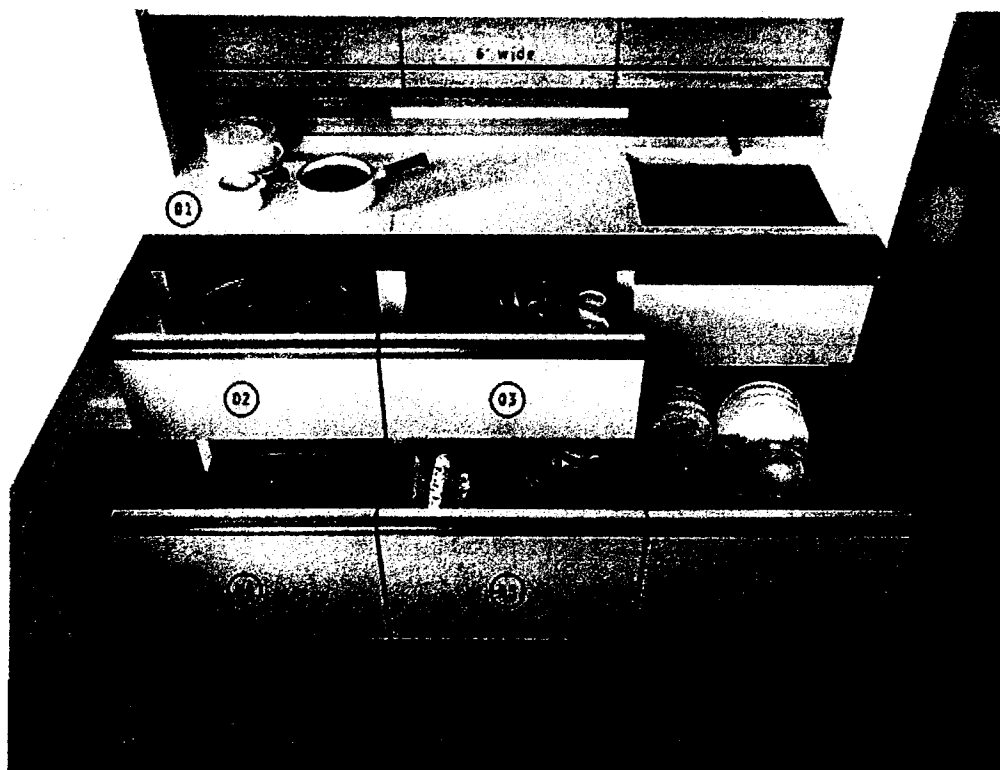
**Micro Baths:** For the bathroom, at the higher end, Toto offers an Urban Micro Bath suite of products. For those on more of a budget, products like



Ikea's line of sinks and storage for bathrooms are ideal for **tiny** spaces.

**Micro Kitchens:** GE is in development of a new line of kitchens for urban micro units developed in the company's innovative FirstBuild Studio. GE's designs bring the highest level of yacht design to the kitchen. From a faucet that retracts into the wall to allow the sink to become a chopping block to the timer on the dishwasher projected on the counter, the GE Micro Kitchen is equal parts ingenuity and beauty. For those with a little more space, Liebherr offers a 24" full height refrigerator. At the other end of the price spectrum is the old standby Acme Kitchen, which comes with a certain retro charm.

## THE GE MICRO KITCHEN



# Contact

Jeff Meyer

561-707-5939 mobile

386-439-5329 Oceanside Cottages

# URBANLAND

THE MAGAZINE OF THE URBAN LAND INSTITUTE

SECTIONS

MORE ULI SITES

Urban Land > Planning & Design > Thinking Bigger about Micro Units

## Thinking Bigger about Micro Units

By Trisha Riggs

December 18, 2014

Text Size: **A A A**

Print

Email

Share

Facebook

LinkedIn

Twitter

New research from the Urban Land Institute suggests that micro units—typically larger than a one-car garage, but smaller than a double—have staying power as a housing type that appeals to urban dwellers in high-cost markets who are willing to trade space for improved affordability and proximity to downtown neighborhoods.

*The Macro View on Micro Units* includes an analysis by MPF Research of more than 400 rental apartment communities (comprising more than 90,000 units) built in 2012–2013 in the 35 U.S. metropolitan areas that experienced the highest concentration of multifamily construction during that period. It also includes findings from more than 3,500 responses to an early-2014 survey by Kingsley Associates of renters of both conventional apartments and micro units; and case studies drawn from 30 existing and 18 planned rental communities with micro units that were identified by Robert Charles Lesser & Company (RCLCO). *The Macro View on Micro Units* was prepared for ULI's Multifamily Housing Councils with support from a grant awarded in 2013 by the ULI Foundation.

Key findings from the report:

### The Macro View on Micro Units

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.



ULI

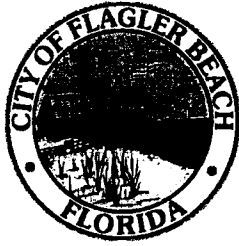
- Micro units are typically about 350 square feet in size, but can range from less than 250 square feet to 500 square feet, depending on the city building code requirements. They have no separate bedroom; sleeping space is combined with living space, but they do have fully functional bathrooms and kitchens. Micro-unit communities place significant emphasis on multiple amenities outside the units themselves, such as shared communal spaces that encourage socializing and foster a sense of community.
- The target market profile for micro units is predominantly young professional singles, typically under 30 years of age, earning less than \$40,000 per year, trending slightly more toward males than females. Other market segments include couples, older single empty nesters, and temporary users. Singles currently living with roommates tend to be the most interested in making the switch from a traditional unit to a micro unit.
- The appeal of the micro unit is largely about economics, as well as place and privacy. Those interested in micro units are seeking to lower their rental costs (the units typically rent for 20 to 30 percent less); they are also drawn to the trendy "hip" locations where micro units tend to be built, and by the ability to live alone.
- Nearly a quarter of the renters surveyed who live in conventional apartments said they would be interested in renting a micro unit. Fifty-eight percent said they would not be interested, primarily due to the lack of a separate bedroom, less storage space, and less living or dining space.
- Those who are interested in switching to micro units ranked access to a grocery store as their top priority for a neighborhood amenity, followed by restaurants and a gym. In terms of project amenities, a laundry room ranked highest, followed by assigned parking, visitor parking, and a fitness center; and for unit amenities, a washer and dryer ranked first, followed by built-in closet/drawers and storage space. More than half were interested in multifunctional, convertible furniture.
- Those currently living in micro units cited location as the top factor influencing their decision to move into the small units, followed by price, proximity to work/education institutions, proximity to neighborhood amenities, the ability to live alone, and proximity to transit.
- Smaller and micro units outperform conventional units in the marketplace, in terms of achieving higher occupancy rates and garnering significant rental rate premiums (rent per square foot) compared with conventional units.
- The market is shifting toward a greater mix of smaller studio and one-bedroom units being included in traditional apartment communities, as well as more construction of micro-unit communities. Studio and one-bedroom units accounted for nearly 51 percent of the 2012–2013 completions, up drastically from 41 percent in 2002–2003.
- Despite the rising popularity of micro units, some developers are building in the flexibility to easily convert two side-by-side units into one larger unit if demand shifts back for more conventional models.

RCLCO's case study research identifies four trends (primarily associated with generation Y) that are linked to the rising appeal of the units: delayed household formation; an increase in single-person households; a decrease in car ownership; and the tendency to accumulate fewer belongings and participate in the "sharing economy."

Among the case studies that contributed to the best practices and lessons learned: Factory 63 in Boston; the Flats in Chicago; Lofts at 7 in San Francisco; Arcade Providence in Providence, Rhode Island; Eko Haus Freedom Center in Portland, Oregon; and My Micro NY in Kips Bay, New York.

"Whether this [increased development of micro units] turns out to be a lasting phenomenon or a passing fad, micro units have renewed the focus on efficient layouts and innovative design solutions," concludes the report.

5a



# City of Flagler Beach

---

**DATE:** May 28, 2015

---

**TO:** Don Deal, Chairperson, Planning and Architectural Review Board  
Planning and Architectural Review Board Members

**FROM:** Larry Torino, City Planner

**RE:** Farmer's Market Ordinance 2015-XX

**Update:**

The Planning and Architectural Review Board, at the meeting of April 8, 2015, reviewed the proposed ordinance with the City Attorney. The discussion was primarily directed toward identifying areas to conduct a farmer's market, to establish an existing farmer's market grandfathered, and to establish a minimum standard area requirement.

Kindly see the attached updated ordinance provided by the City Attorney for your review and comment.

Attachment: 1. Updated Farmers Market Ordinance

1 ORDINANCE NO.: 2015-XXX  
2

3 AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA  
4 RELATING TO FARMER'S MARKETS; PROVIDING A DEFINITION  
5 FOR FARMER'S MARKETS AND PROVIDING THAT FARMER'S  
6 MARKETS ARE A SPECIAL EXCEPTION USE IN THE GENERAL  
7 COMMERCIAL, TOURIST COMMERCIAL AND HIGHWAY  
8 COMMERCIAL ZONING DISTRICTS; PROVIDING REGULATIONS  
9 RELATED TO FARMERS' MARKETS; PROVIDING FOR  
10 CODIFICATION; PROVIDING FOR CONFLICTS AND ESTABLISHING  
11 AN EFFECTIVE DATE  
12

13 WHEREAS, the City Commission of the City of Flagler Beach recognizes the  
14 importance of private Farmer's Markets as an important cultural opportunity for residents and  
15 visitors to the City of Flagler Beach; and  
16

17 WHEREAS, the City Commission of the City of Flagler Beach also recognizes the  
18 importance of private Farmer's Markets as important venue for local farmer's and specialty  
19 product vendors to exhibit their products and wares; and  
20

21 WHEREAS, the City Commission of the City of Flagler Beach desires to encourage  
22 private Farmer's Markets in those zoning districts within the City of Flagler Beach in which the  
23 such Farmer's Markets will harmoniously benefit surrounding businesses and development; and  
24

25 WHEREAS, the City Commission desires to ensure that Farmer's Markets are located in  
26 areas in which such Farmer's Markets can be safely conducted in a manner harmonious with  
27 surrounding development; and  
28

29 WHEREAS, the City Commission of the City of Flagler Beach finds that it is in the best  
30 interest of the residents, visitors and businesses of the City of Flagler Beach to recognize  
31 Farmer's Markets as a principally permitted use within certain areas of the General Commercial  
32 zoning district and as a special exception within the Tourist Commercial and Highway  
33 Commercial zoning districts and provide for a limitation of the types of products sold at such  
34 Farmer's Markets to those traditionally associated with Farmer's Markets.  
35

36 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE  
37 CITY OF FLAGLER BEACH, FLORIDA THAT:  
38

39 SECTION 1. Appendix A, "Land Development Regulations," Article II, "Zoning," of  
40 the City of Flagler Beach Code of Ordinances is hereby amended as follows (note: strikethrough  
41 text indicates deletions, underline text indicates additions, ellipses (\*\*\*) identify text that  
42 remains unchanged and that is not reprinted herein):  
43

44 \* \* \*

45  
46 Sec. 2.02.00. – Definitions.



47  
 48  
 49  
 50  
 51  
 52  
 53  
 54  
 55  
 56

\* \* \*

Farmer's Market: An outdoor, open air market held on private property with the owner's permission at which vendors sell or promote agricultural products, seafood, licensed products permitted by the Florida Department of Agriculture, cottage food products as defined by the Florida Department of Agriculture, eggs, plants, health food products, arts and crafts, nonprofit organizations and animal rescue adoptions.

\* \* \*

**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>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 2.06.05 provides for special requirements of Tourist Commercial in several areas of the city.</p>	<p>1. Motels and hotels.            2. Bed and breakfast inns.            3. Restaurants.            4. Gift shops.            5. Convenience commercial uses such as:                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</p>	<p>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.</p>	<p>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>

	sales. 9. Marinas. 10. Private clubs. 11. Resort dwellings. 12. Resort condominiums.		<u>7. Farmer's Markets.</u> NOTE: All special exception uses are subject to Section 2.03.00, Section <u>2.06.01</u> and additional specific requirements as noted. (Ord. No. 2005-02, § 2, 3-24-05; Ord. No. 2005-24, § 2, 9-22-05; Ord. No. 2007-30, § 2, 9-27-07; Ord. No. 2009-17, § 4, 10-8-09)
--	--	--	--

57  
58  
59  
60

\* \* \*

SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<b>GC - GENERAL COMMERCIAL</b> 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	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.	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	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

<p>in conflict with the pedestrian character of the area.</p>	<p>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 with no kennels. There shall be no overnight stays of animals, except for emergency care.  15. All principal uses permitted in the MDR District.  16. Mini-warehouses.  17. Combined use buildings within the defined boundary.  18. Resort dwellings.  19. Resort condominiums.  20. Boutique Winery.</p>	<p>District.  5. Monopole communication towers and communication antennas which do not exceed the established height limitations.</p>	<p>buildings outside of the defined boundary excluding properties adjacent to A-1-A.  7. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances.  7. Farmers' Markets (Provided, however, that no Farmers' Market shall be permitted on that portion of Palm Drive zoned General Commercial) (Ord. No. 2005-02, § 2, 3-24-05; Ord. No. 2005-15, § 1, 7-14-05; Ord. No. 2007-33, § 2, 10-25-07)  NOTE: All special exception uses are subject to Section 2.03.00, Section 2.06.01 and additional specific requirements as noted.</p>
---	--	---	---

61  
62  
63  
64

\* \* \*

<p>SCHEDULE ONE  ZONING SCHEDULE OF USE CONTROLS  CITY OF FLAGLER BEACH</p>	
<p>CATEGORY OF USE</p>	<p>USES PERMITTED</p>

	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 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>	<ol style="list-style-type: none"> <li>1. Automotive retail parts store.</li> <li>2. Automotive service stations without major mechanical repairs.</li> <li>3. Automotive repair centers, tire sales and service without major mechanical repairs.</li> <li>4. Car wash to include self wash and/or drive-thru.</li> <li>5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels.</li> <li>6. Financial institutions without drive-thru windows.</li> <li>7. Health clubs.</li> <li>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.</li> <li>9. Personal services.</li> <li>10. Personal storage facilities conducted within a totally enclosed structure.</li> <li>11. Professional and business services including but not limited to: <ol style="list-style-type: none"> <li>a. Medical services and facilities without overnight care of patients.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Automobile parking structures.</li> <li>2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.</li> <li>3. Monopole communication towers and communication antennas which do not exceed the established height limitations.</li> </ol>	<ol style="list-style-type: none"> <li>1. Commercial recreational facilities (e.g. bowling alley, billiard parlor).</li> <li>2. Hotel, motels and inns.</li> <li>3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district.</li> <li>4. Bars, cocktail lounges, taverns and the like with outdoor entertainment.</li> <li>5. Restaurants with drive-thru window service.</li> <li>6. Financial institutions with drive-thru windows.</li> <li>7. Private, social, recreational or fraternal clubs or organizations.</li> <li>8. Churches, synagogues or other houses of worship.</li> <li>9. Medical Marijuana Dispensaries</li> <li>10. Farmer's Markets</li> </ol> <p>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>
	b. Veterinary offices. There		

	<p>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><b>16.</b> Sexually oriented businesses as defined in <b>Chapter 4</b>, 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> <p>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 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>		

	17. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances.		
--	---	--	--

65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106

\* \* \*

**Sec. 2.06.03 Retail Uses**

\* \* \*

**Sec 2.06.03.3 Farmer's Markets**

(1) A City of Flagler Beach local business tax receipt is required for vendors provided, however, that vendors who already possess a City of Flagler Beach business tax receipt for a business selling merchandise or wares at a different location within the city may sell the same type of merchandise or wares sold at said location at a City licensed farmer's market without obtaining an additional business license tax receipt from the city.

(2) Farmers' Markets shall only be allowed on lots of at least ten thousand square feet.

(3) Products and services promoted or offered for sale at a Farmer's Market shall be limited to those classes of products described in the definition of Farmer's Market in Section 2.02.00.

(4) Products promoted or offered for sale at a Farmer's Market shall only be promoted or offered for sale from portable stands or tables. Products shall not be promoted or offered for sale from food trucks.

(5) No tables or stands used in the promotion or selling of products at a Farmer's Market shall be allowed to remain on the property overnight.

(6) A Farmer's Market may not be operated on the same property more than three days in any calendar week. For purposes of this section a calendar week shall be defined as a seven day period beginning on Monday and ending on Sunday.

**SECTION 2. RECOGNITION OF EXISTING USES.** Any Farmers' Market in existence and operation as of the effective date of this Ordinance shall be deemed a lawfully conforming use and shall not be required to obtain a Special Exception to continue such use. All other provisions of this Ordinance shall be applicable to existing Farmers' Markets.

**SECTION 3. 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.

107           **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word or portion of  
108 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall  
109 not be held to invalidate or impair the validity, force or effect of any other section, sentence,  
110 phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or  
111 unconstitutional.

112  
113           **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found  
114 to be in conflict with a provision of any other ordinance of this City, the provision which  
115 establishes the higher standards for the promotion and protection of the health and safety of the  
116 people shall prevail.

117  
118           **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective  
119 immediately upon its passage and adoption.

120  
121           **PASSED AND ORDAINED** this \_\_\_ day of \_\_\_\_ 2015, by the City Commission of the  
122 City of Flagler Beach, Florida.

123  
124 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

125 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

126  
127  
128

129

130

131

132

133

134

135

136

137

138

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provencher, Mayor

ATTEST:

\_\_\_\_\_

Penny Overstreet, City Clerk