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**AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA
RELATING TO FARMER'S MARKETS; PROVIDING A DEFINITION
AND REGULATIONS FOR FARMER'S MARKETS AND PROVIDING
THAT FARMER'S MARKETS SHALL NOT INCLUDE VENDORS
SELLING CERTAIN TYPES OF PRODUCTS; PROVIDING FOR
CODIFICATION; PROVIDING FOR CONFLICTS AND ESTABLISHING
AN EFFECTIVE DATE**

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

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

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

WHEREAS, the City Commission of the City of Flagler Beach further recognizes, however, the importance of limiting the types of products sold at Farmer's Markets to those traditionally associated with Farmer's Markets in order to protect the harmonious and mutually beneficial relationship between Farmer's Markets and surrounding businesses and development; and

WHEREAS, the City Commission of the City of Flagler Beach finds that it is in the best interest of the residents, visitors and businesses of the City of Flagler Beach to recognize Farmer's Markets as a principally permitted use within certain zoning districts and provide for a limitation of the types of products sold at such Farmer's Markets to those traditionally associated with Farmer's Markets.

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

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

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Sec. 2.02.00. – Definitions.

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Farmer's Market. An open air market at which vendors sell or promote from tables or stands (not including food trucks) agricultural products, crafts, ornamental plants, humane society or pet rescue adoptions and/or health food items and seafood prepared off-site and intended for off-site consumption. Farmer's Markets permitted pursuant to the schedule of uses contained in this Article shall not include vendors selling or serving food or drink items prepared at the farmer's market for immediate consumption. Farmer's Markets permitted pursuant to the schedule of uses contained in this Article shall only be conducted on Fridays, Saturdays and Sundays between the hours of 6:00 a.m. and 6:00 p.m.

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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	
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.	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	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.	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.

	facilities. 8. Boat and marine supply sales. 9. Marinas. 10. Private clubs. 11. Resort dwellings. 12. Resort condominiums. <u>13. Farmer's Markets</u>		6. Marinas allowing liveaboard vessels for residential uses 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)
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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	
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	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	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	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

requirements and generate traffic volumes which would be in conflict with the pedestrian character of the area.	<p>residents of the community.</p> <p>9. Medical services and facilities.</p> <p>10. Public administrative facilities.</p> <p>11. Essential public services and facilities.</p> <p>12. Park and recreational facilities.</p> <p>13. Private clubs.</p> <p>14. Veterinary hospitals 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>16. Mini-warehouses.</p> <p>17. Combined use buildings within the defined boundary.</p> <p>18. Resort dwellings.</p> <p>19. Resort condominiums.</p> <p>20. Boutique Winery.</p> <p><u>21. Farmer's Markets.</u></p>	<p>which are the same as in the MDR District.</p> <p>5. Monopole communication towers and communication antennas which do not exceed the established height limitations.</p>	<p>to combined use buildings.</p> <p>6b. Combined use buildings outside of the defined boundary excluding properties adjacent to A-1-A.</p> <p>7. Adult Arcades, as permitted in Chapter 4 of the 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>NOTE: All special exception uses are subject to Section 2.03.00, Section 2.06.01 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	
<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"> 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. 4. Car wash to include self wash and/or drive-thru. 5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels. 6. Financial institutions without drive-thru windows. 7. Health clubs. 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. 9. Personal services. 10. Personal storage facilities conducted within a totally enclosed structure. 11. Professional and business services including but not limited to: <ol style="list-style-type: none"> a. Medical services and facilities without overnight care of patients. 	<ol style="list-style-type: none"> 1. Automobile parking structures. 2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures. 3. Monopole communication towers and communication antennas which do not exceed the established height limitations. 	<ol style="list-style-type: none"> 1. Commercial recreational facilities (e.g. bowling alley, billiard parlor). 2. Hotel, motels and inns. 3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district. 4. Bars, cocktail lounges, taverns and the like with outdoor entertainment. 5. Restaurants with drive-thru window service. 6. Financial institutions with drive-thru windows. 7. Private, social, recreational or fraternal clubs or organizations. 8. Churches, synagogues or other houses of worship. 9. Medical Marijuana Dispensaries <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><u>16.</u> Sexually oriented businesses as defined in <u>Chapter 4</u>, 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</p>		

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	licensed to operate. <u>17. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances.</u> <u>18. Farmer's Markets.</u>		
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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.

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

PASSED AND ADOPTED THIS _____ DAY OF _____, 2014.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

Linda Provencher, Mayor

ATTEST:

Penny Overstreet, City Clerk

