

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION THURSDAY, FEBRUARY 25, 2016
AT 6:00 P.M. AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE. CITY COMMISSION
CHAMBERS, 105 S. SECOND STREET, FLAGLER BEACH, FLORIDA 32136

AGENDA

1. Call the meeting to order.
2. Pledge of Allegiance followed by a moment of silence to honor our Veterans, Members of the Armed Forces and First Responders.
3. Proclamations and Awards.
4. Deletions and Changes to the Agenda.
5. Comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes.

CONSENT AGENDA

6. Approve the Minutes of the Jt. Workshop with the PAR Board on January 25, 2016.
7. Approve bid with from Synergy Lighting in the amount of \$25,365 for turtle lighting on the pier.

GENERAL BUSINESS

COMMISSION COMMENTS

8. Commission comments, including reports from meetings attended.

PUBLIC HEARINGS

9. Ordinance 2016-XX An Ordinance By The City Commission Of The City Of Flagler Beach, Florida, Amending Appendix "A", Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions, Amending The Definition Of Building, Amending The Definition Of Impervious Surface; Amending The Definition Of Lot Coverage; Amending Appendix "A", Land Development Regulations, Article II, Zoning, Section 2.04.02.9, Zoning Schedule Two Amending Lot Coverage To Include Maximum Impervious Surface Lot Area Development Standards For Each Zoning District Classification; Amending Note Seven, Establishing A Note Thirteen And Fourteen; Providing For Inclusion In The Code Of Ordinances; Providing For Conflict; Providing An Effective Date Hereof, First Reading. Staff assigned: Larry Torino, Planner

STAFF REPORTS

10. Staff Reports.
11. 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 233 at least 72 hours prior to the meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.

JOINT WORKSHOP MEETING OF THE FLAGLER BEACH CITY COMMISSION, AND THE FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD, JANUARY 25, 2016 AT 5:30 PM. 105 SOUTH SECOND STREET, FLAGLER BEACH, FLORIDA 32136

MINUTES

PRESENT: Mayor Linda Provencher, Chairman Marshall D. Shupe, Vice-Chair Jane Mealy, Commissioners Kim M. Carney, Joy McGrew, Stephen M. Settle, PAR Board Members: Don Deal, Roseanne Stocker, Rick Belhumeur, Paul Eik, Michael Flank, Joseph Pozzuoli. City Attorney D. Andrew Smith, III, City Manager Larry M. Newsom, Deputy City Clerk Kate Settle.

1. CALL THE MEETING TO ORDER: Chairman Shupe called the meeting to order at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE FOLLOWED BY A MOMENT OF SILENCE TO HONOR OUR VETERANS, MEMBERS OF THE ARMED FORCES AND FIRST RESPONDERS: Mayor Provencher led the pledge to the flag followed by a moment of silence.
3. DISCUSSION AND DIRECTION TO STAFF REGARDING DEVELOPMENT AND OR AMENDMENTS TO PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS: Kay McNeely reviewed a power point presentation regarding three main topics: elevations of new additions, elevation of new construction and cumulative substantial improvement. A question and answer period followed. Topics discussed were: the former ordinance of BFE+1 and the current ordinance of BFE+2; the potential benefits to the citizens; impact on flood insurance to those in the area; cost benefit comparison; sea level rising; whether there is a potential conflict with the City's LDRS; FEMA's recommendation; how it affects the costs of building a home.

The public hearing was opened: The following parties came forward to give their concerns, opinions and suggestions: Jason DeLorenzo, Joe Sweetwater, Robby Richmond, Rick McFadden, Kyle Flagley, Barbara Revels. The public hearing closed.

Discussion among the Commissioners and the Board Members continued. Both bodies thanked Kay McNeely for all of her work and research regarding the topic. It was the consensus of the Commission and the PAR Board that the ordinance be written to reflect the requirement of BFE+1.

4. ADJOURNMENT: **Motion** by Commission McGrew, seconded by Commissioner Settle to adjourn the meeting by 8:00 p.m. The **motion** carried unanimously.

Attest:

Kathleen E. Settle, Deputy City Clerk

Marshall D. Shupe, Chairman



City of Flagler Beach

AGENDA ITEM # 7

Item Summary and Recommendation

DATE: February 16, 2016 (for February 25 Commission Meeting)

SUBJECT: Approve bid with from Synergy Lighting in the amount of \$25,365 for turtle lighting on the pier.

BACKGROUND: In 2012, the City acquired FEMA federal funds, administered through the state FDEM, for our pier hardening project, at a 75/25% cost share. Through two modifications to the original grant in 2013 and 2014, the final amount of grant money is \$1,317,934, with FEMA paying \$988,451 or 75%, and the City responsible for \$329,483.50, (25%). Of that 25%, TDC contributed \$160,000; Flagler County \$72,000, and City of Bunnell, \$2,000. Flagler Beach's adjusted share is \$95,483.

An environmental requirement of the grant is that the existing turtle-friendly pier light system, installed over 20 years ago, be maintained. Last year it was discovered that these lights had been replaced with non-compliant bulbs. At the City's environmental close-out inspection in August of 2015, state inspectors informed us that there are funds still available to the City to install an entirely new system at the same 75/25% cost share rate. Our environmental compliance date was extended to April 30, 2016.

RECOMMENDATION: An RFP was advertised and three bids were submitted. Bob Smith, City Engineer, and I are requesting that the second to the lowest bid, \$25,365, submitted by Synergy Lighting, Inc., in Bradenton, be chosen over the lowest bid of \$22,841, because:

1. The light fixture is more attractive and sheds a more diffuse light;
2. A four-man crew will do the work, as opposed to just one man, which should reduce the amount of time to complete the installation with less disruption to pier traffic;
3. The difference between the two bids is only \$2,524; and
4. The 25% cost share difference is \$631, a negligible amount for a superior product.

ATTACHMENTS: A picture of the new proposed fixture. It will be housed inside a custom-built box. There will be 20 lights down each side of the pier, staggered, with two at the T-end, for a total of 42 lights. Installation includes all new wiring and USF&W approved amber LED turtle-friendly bulbs. An outdoor electrical outlet is included about mid-way down the pier for nighttime events.

SUBMITTED BY: Kay McNeely, Administrative Assistant, Department of Public Works

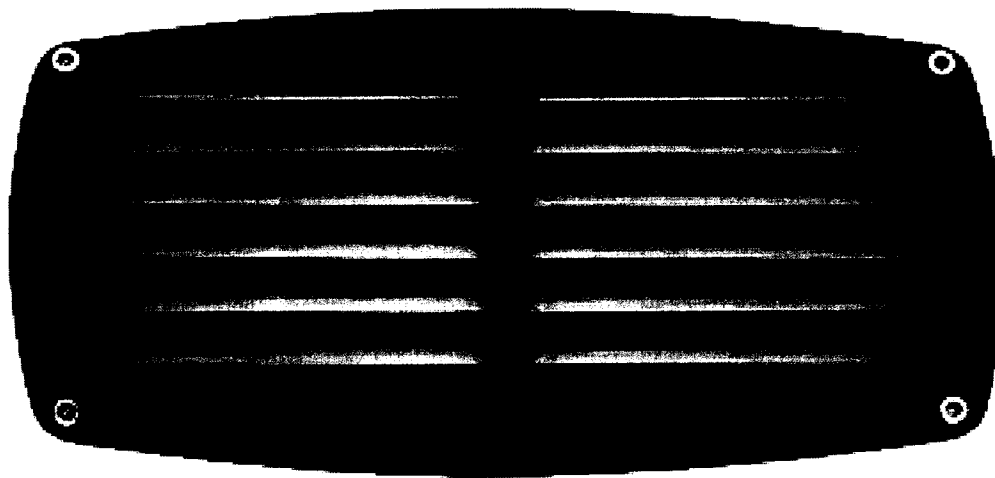
Reviewed by:

_____ **Finance Director:** At the last commission meeting 2/11/16, city commission adopted Resolution 2016-07, which contained a budget amendment for this grant funded project. The amendment was based on an estimate from the project manager, \$42,000 for the entire project and a \$10,500 match (25%) for the city. If Commission approves the contract with Synergy Lighting, Inc.; the

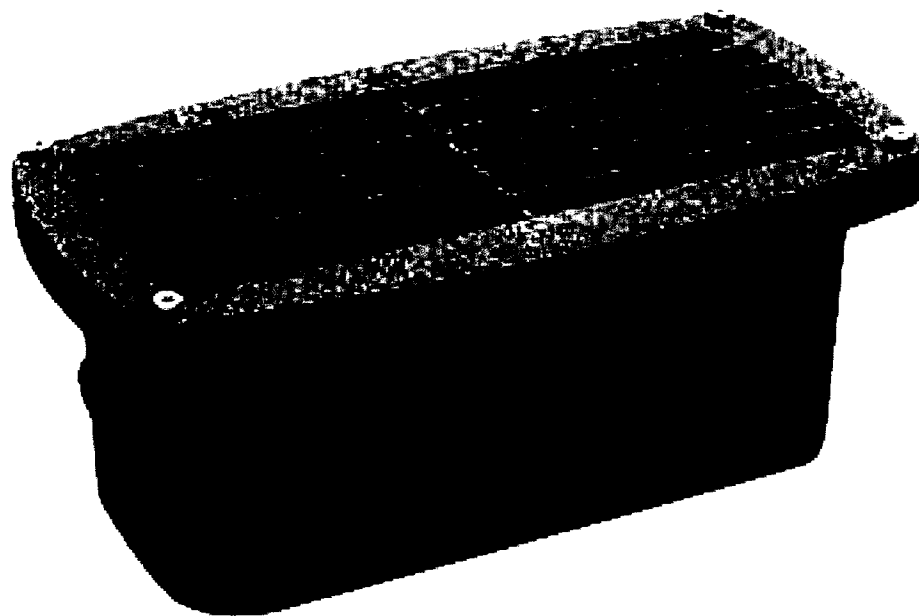
city match will be \$6,342. The remaining budget of \$4,158 will be returned to the General Unrestricted Fund Balance.

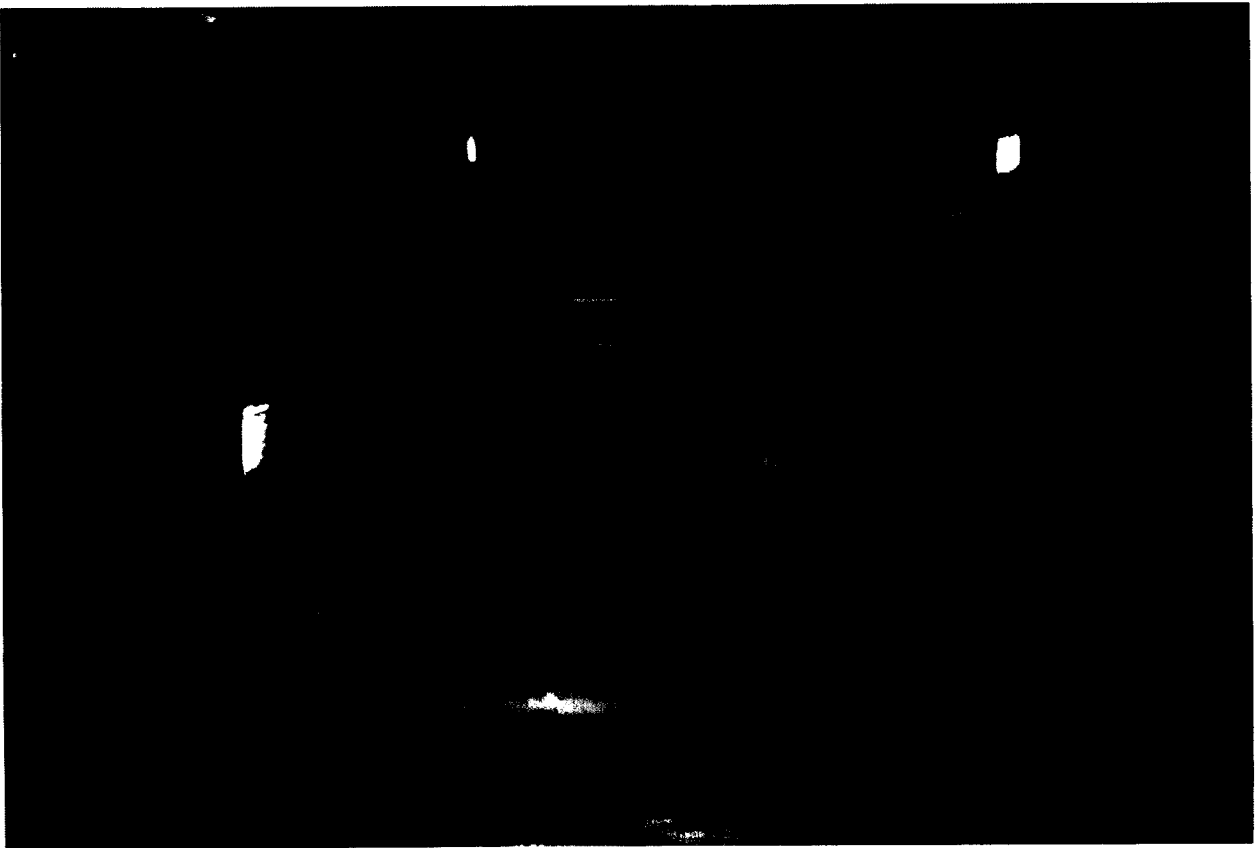
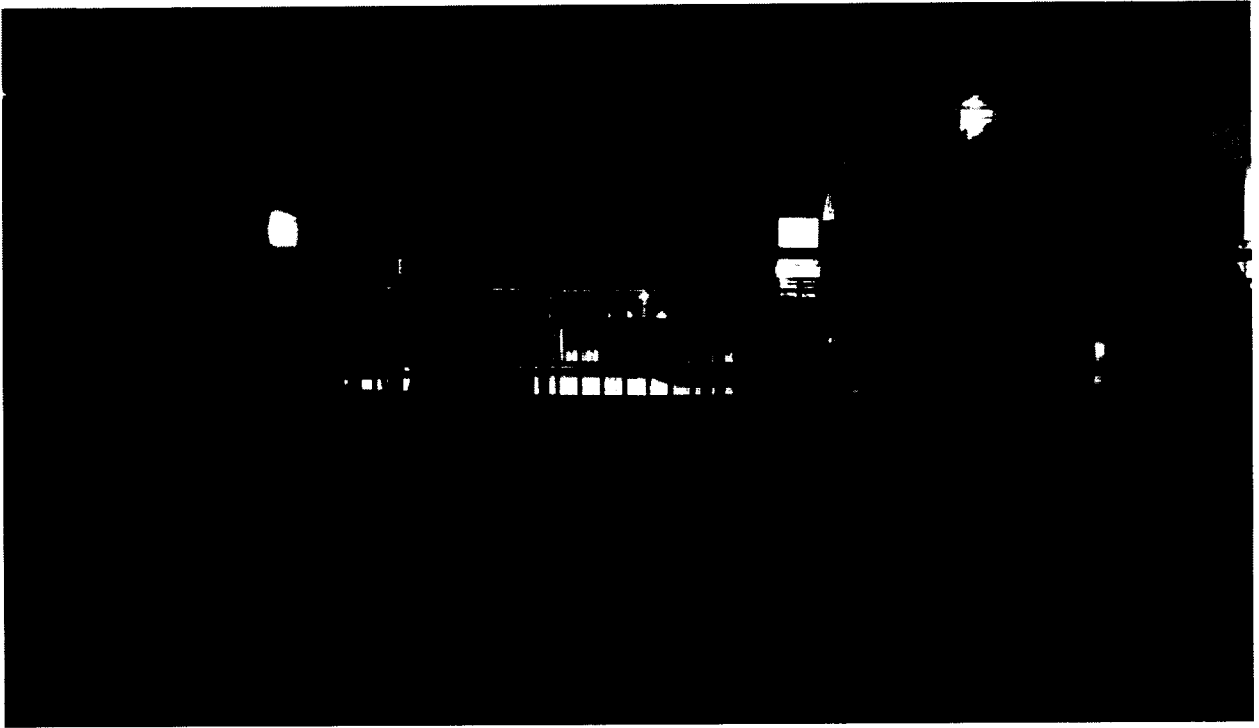
This is a reimbursable grant, meaning the city pays the vendor and then is reimbursed through the grant process. Synergy is requesting a 50% advance in order to purchase the materials and the city will agree provided that the remaining 50% payment be held until final inspection of the project is complete.

_____ **City Manager :** The City will be approaching the TDC for the matching funds for the grant.



9 inches x 5 inches







City of Flagler Beach

AGENDA ITEM # 9

Item Summary and Recommendation

DATE: February 17, 2016 (for February 25 Commission Meeting)

SUBJECT: Ordinance 2016-XX An Ordinance By The City Commission Of The City Of Flagler Beach, Florida, Amending Appendix "A", Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions, Amending The Definition Of Building, Amending The Definition Of Impervious Surface; Amending The Definition Of Lot Coverage; Amending Appendix "A", Land Development Regulations, Article II, Zoning, Section 2.04.02.9, Zoning Schedule Two Amending Lot Coverage To Include Maximum Impervious Surface Lot Area Development Standards For Each Zoning District Classification; Amending Note Seven, Establishing A Note Thirteen And Fourteen; Providing For Inclusion In The Code Of Ordinances; Providing For Conflict; Providing An Effective Date Hereof, First Reading.

BACKGROUND:

Virtually all Land Development Regulations (LDR's) include a development standard that limits the degree of impervious surface coverage permitted on individual lots and/or property. The current City of Flagler Beach Land Development Regulations, other than defining the term impervious surface, has no such development standard. Rather, the city regulates impervious surface coverage only as it relates to building area coverage (does not include detached buildings). The LDR's Schedule Two Maximum Lot Coverage (Building coverage) development standard for residential properties is currently established at 30-40% based on the given zoning classification. There is one exception however, the Mirror Lake Watershed Overlay District. Residential development within this geographic area, due to its low elevation and propensity to flooding adheres to an impervious surface coverage standard which reads as follows; "In the Mirror Lake Watershed Overlay District no more than fifty (50) percent of a property shall be deemed impervious including all but not limited to structures, driveways, pools, sidewalks, accessory uses, landscape enhancements or appurtenances. The **building official** (highlighted for emphasis) may and can require additional testing or engineering, at the expense of the applicant."

The lack of such a citywide development standard promotes covering up to 100% of property with impervious materials, without recourse. This possibility applies specifically to single family and low density residential development insofar as zoning is concerned. As development, and particularly infill development continues to increase, particularly on the barrier island, the expanse of pervious land area if left unregulated, will only serve to exacerbate stormwater runoff, the potential for flooding, impact the City's storm drainage system and likely detract from the aesthetic character of the community.

The City Commission, after having been apprised of the concerns, directed staff to consult with the Planning and Architectural Review Board to resolve this loophole. The subject has been discussed at two separate meetings. The proposed ordinance reflects the results of this effort having received unanimous approval from the PARB members.

RECOMMENDATION:

Recommend City Commission approve amendments to the Land Development Regulations, Article II, Zoning, as follows:

1. Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions, delete the definition of "Lot Coverage"
2. Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "Impervious surface".
3. Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; *establish a* definition for the term "Impervious surface coverage".
4. Land Development Regulations, Article II Section 2.04.02.9, Zoning Schedule Two; delete Lot Coverage standards; establish Maximum Impervious Surface Coverage development standard limitations for each Zoning District Classification.
5. Land Development Regulations Article II, Zoning Section 2.04.02.9, Zoning Schedule Two; add Note 13 and 14.
6. Land Development Regulations, Article II Section 2.04.02.9. Zoning Schedule Two, Lot Coverage: Note 7. Amend reference to "building official" to read "City Engineer".
7. Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "Building".
8. Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "structure".

ATTACHMENTS:

Staff Report/Attachments

Ordinance 2016-XX

Powerpoint

SUBMITTED BY:

Reviewed by:

_____ Finance Director Fiscal Impact if any:

_____ City Manager Comments if any:



City of Flagler Beach

Planning and Building Department

Date:February 17, 2016

To: Marshall Shupe, Chairperson and City Commission Members

From: Planning and Building Department

Subject:Lot Coverage as It Relates to Impervious Surface Lot Area Coverage

1. SUMMARY IN BRIEF

Virtually all Land Development Regulations (LDR's) include a development standard that limits the degree of impervious surface coverage permitted on individual lots and/or property. The current City of Flagler Beach Land Development Regulations, other than defining the term impervious surface, has no such development standard. Rather, the city regulates impervious surface coverage only as it relates to building area coverage and does not include detached buildings.

The LDR's Schedule Two Maximum Lot Coverage (Building coverage) development standard for residential properties is currently established at 30-40% based on the given zoning classification. There is one exception however, the Mirror Lake Watershed Overlay District. Residential development within this geographic area, due to its low elevation and propensity to flooding adheres to an impervious surface coverage standard which reads as follows; "In the Mirror Lake Watershed Overlay District no more than fifty (50) percent of a property shall be deemed impervious including all but not limited to structures, driveways, pools, sidewalks, accessory uses, landscape enhancements or appurtenances. The **building official** (highlighted for emphasis) may and can require additional testing or engineering, at the expense of the applicant."

The City Commission, after having been apprised of these concerns, directed staff to consult with the Planning and Architectural Review Board in an effort to resolve this circumstance. The subject has been discussed at two separate meetings. The proposed amendments and accompanying ordinance reflect the outcome of this endeavour after having received unanimous endorsement from the Planning and Architectural Review Board.

2. SUBJECT MATTER

a. LOT COVERAGE AS IT RELATES TO MAXIMUM PERMITTED LOT AREA IMPERVIOUS SURFACE COVERAGE

Following, for your information is the current definition of *Lot coverage* which is recommended be deleted as the measurable standard for impervious surface. Most communities regulate impervious coverage by virtue of a maximum *impervious surface measurement*. Generally, this is expressed in the form of a ratio or percentage. Other communities regulate maximum permitted surface area coverage by means of a *lot coverage* definition which includes all impervious surfaces.

Current "Lot Coverage" LDR's Definition

That percentage of a lot area covered or occupied by the base of the buildings including attached accessory buildings.

Impervious surface

The current definition of the term "*Impervious Surface*" is general in nature and given the recommended introduction of utilizing impervious surface coverage as a lot coverage tool it is recommended that the definition be amended to correlate with this approach, as follows:

Current "Impervious Surface" LDR's Definition

- A surface which has been compacted or covered with a layer of material so that it will not permit the passage of water. It includes surfaces such as compacted clay, as well as most conventionally surfaced streets, driveways, roofs, parking lots, and other similar surfaces.
- **Strikethru (delete)/underline**

A surface which has been compacted or covered with a layer of material ~~so that it will not permit the passage of water, commonly accepted as highly resistant to infiltration by water.~~ It includes, but is not limited to, **buildings, roofs, concrete, sidewalks, driveways, pools, and pavement areas, and semi-impervious surfaces such as compacted clay** and surfaces such as compacted clay, as well as most conventionally surfaced streets, driveways, roofs, parking lots, and other similar surfaces.

- Impervious surface: **Proposed Amended Definition: (Clean version)**

Impervious surface – a surface which has been compacted or covered with a layer of material commonly accepted as is highly resistant to infiltration by water. It includes, but is not limited to, buildings, roofs, concrete, sidewalks, driveways, pools, and pavement areas, and semi-impervious surfaces such as compacted clay and other similar surfaces.

b. Impervious Surface Coverage

As indicated above, the current Land Development Regulations, other than defining the term *impervious surface*, do not regulate lot coverage as it relates to limiting *impervious surface area* coverage on a lot, or property, an exception as noted in the summary above, the Mirror Lake Watershed Overlay District (**SEE ATTACHMENT 1, 2, 3 as it relates to Mirror Lake**).

The lack of such a citywide development standard, promotes covering up to 100% of property with impervious materials, without recourse. This possibility applies specifically to single family and low density residential development zoning wise. As development, and particularly infill development continue to increase, particularly on the barrier island the expanse of pervious land area if left unregulated, will only serve to exacerbate stormwater run-off, the potential of flooding, impact the City's storm drainage system and likely detract from the aesthetic character of the community.

The PARB, subsequent to a staff presentations, extended discussion at two meetings, unanimously agreed to recommend the following amendments to the Land Development Regulations as it relates to these issues.

3. RECOMMENDATIONS:

Recommend City Commission approve amendments to the Land Development Regulations, Article II, Zoning, as follows:

1. **Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions, delete the definition of "Lot Coverage"**
2. **Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "Impervious surface", as follows:**

Impervious surface – A surface which has been compacted or covered with a layer of material so that it will not permit the ~~passage of water.~~ natural rate of absorption or retention of stormwater. Such areas include, but are not limited to building footprints, driveways, vehicular use areas, swimming pools, porches, decks and patios.

3. **Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; establish a definition for the term "Impervious surface coverage", as follows:**

Impervious surface coverage – The percentage of surface area covered by any part of a building, vehicular use area, patio, sidewalk, pavers or any other structure, improvement or facility or material that prevents or severely restricts natural percolation of water.

4. Land Development Regulations, Article II Section 2.04.02.9, Zoning Schedule Two; delete Lot Coverage standards; establish Maximum Impervious Surface Coverage development standard limitations for each Zoning District Classification, as follows:

-----Lot Coverage: Section 2.04.02.9. Zoning Schedule Two-----

EXISTING		PROPOSED	
Zoning District	Maximum Lot Coverage (% of Total Area of Lot)	Zoning District	Maximum Lot Coverage (% of Total Area of Impervious Surface)(See Note 13)
SFR - Single-family Residential	40 (see note 7)	SFR - Single-family Residential	70 (see Note 7)
LDR - Low Density Residential	40	LDR - Low Density Residential	70 (see Note 14)
MDR - Medium Density Residential	40	MDR - Medium Density Residential	65
MDR - (Two Fam)	40	MDR - (Two Fam)	65
MDR - (Twnhse)	40	MDR - (Twnhse)	65
MDR - (Multi Fam)	30	MDR - (Multi Fam)	65
MDR - (Other Uses)	30	MDR - (Other Uses)	65
TC - Tourist Comm (SFR)	40	TC - Tourist Comm (SFR)	70
TC - (Twnhse)	40	TC - (Twnhse)	65
TC - (Multi Fam)	30	TC - (Multi Fam)	65
TC - (Non-Res)	90	TC - (Non-Res)	70
GC - General Commercial	90	GC - General Commercial	75 (CBD 85%)
HC - Highway Commercial	65	HC - Highway Commercial	75
LI - Light Industrial	40	LI - Light Industrial	70

5. Land Development Regulations Article II, Zoning Section 2.04.02.9, Zoning Schedule Two; add Note 13 and 14.

Note 13. Pavers are considered impervious and shall be included in the calculation of impervious surface coverage of a lot or property.

Note 14. Two-family dwellings which may be permitted as a Special Exception Use shall not exceed a maximum of 65% lot coverage.

6. Land Development Regulations, Article II Section 2.04.02.9. Zoning Schedule Two, Lot Coverage: Note 7. Amend reference to "building official" to read "City Engineer".

Note 7. In the Mirror Lake Watershed Overlay District no more than fifty (50) percent of a property shall be deemed impervious including all but not limited to structures, driveways, pools, sidewalks, accessory uses, landscape enhancements or appurtenances. The building official

City Engineer may and can require additional testing or engineering, at the expense of the applicant.

7. **Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "Building".**

Building - ~~See Structure~~ Any structure, temporary or permanent, used or intended for supporting or sheltering any use or occupancy.

8. **Land Development Regulations, Article II, Zoning; Section 2.02.00, Definitions; amend the definition of "structure", as follows:**

Structure—Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having permanent location on the land or over water, extended over water, or affixed to something that is or will be located on the ground and covered by water.

Attachments:

- Attachment 1 –City Commission meeting minutes Item #13 (May 10, 2001)
- Attachment 2 – City Commission meeting minutes Item # 6 (June 14, 2001)
- Attachment 3 – Ordinance 2001-09 (Mirror Lake)
- Attachment 4 - Powerpoint
- Attachment 5 – Ordinance 2016-XX (Proposed)

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION MAY 10, 2001 AT 7:00 P.M., AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE.

PRESENT: Mayor Bruce Jones, Chairman Richard Price, Vice-Chairman Sharon O'Brien, Commissioners Mike Evans, Ed Kuhnlein, and Ron Vath, City Attorney Charles Cino, Acting City Manager Sandra Bolser, Building Official Bill Ward and City Clerk Angela Apperson.

1. CALL THE MEETING TO ORDER: Chairman Price called the meeting to order at 7:00 p.m. Mayor Jones led the pledge to the flag.

2. PROCLAMATIONS AND AWARDS:

3. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO TWO MINUTES: Larry Long, Chairman of the Redevelopment Committee, conveyed the committee's concerns that the landscaping is struggling to survive during this drought. The committee requested the Commission direct staff to maintain and water the landscaping. Ms. Bolser informed the Commission that the Parks Department has already receive those instructions.

Tom Sheehan, member of the Redevelopment Committee, Scenic Highway Committee, Visions Committee, Museum Committee and Director of the Flagler Beach Chamber of Commerce, raised the question of compliance with the Sunshine Law. Mr. Sheehan was concerned about violating the Sunshine Laws while taking part in these Committee activities, because members to these committees were present, yet not all members were present. He also indicated a concern that a violation would take place at a Community information session or while fund raising. He asked that the City to engage Attorney Cino to study the operations of these groups and determine whether or not they are in compliance. Furthermore, he also requested that the City work to eliminate the requirement for citizen volunteer committees to be subject to the Sunshine Law, as the threat of prosecution is a deterrent for volunteers to continue to serve. It was the consensus that Attorney Cino attend the Visions Committee Meeting to clear up any misunderstandings regarding the Sunshine Law and that a letter be sent to the State Representatives requesting their help to reduce sunshine law restriction on citizen volunteer committees.

Richard Black, PET PALS of Flagler County, wanted to set the record straight as to the group's activities. He asked the City to work with them regarding the feeding of these animals as they have been feed twice a day for several years. He reiterated that the program they offer is based around a trap, neuter and return policy. Mr. Black asked to be placed on the next agenda to further discuss this issue. He also left handouts and copies of a video for people to review.

Mr. Duffy indicated he supported the groups efforts and hoped the City would allow these animals to be fed.

PUBLIC HEARINGS

4. ORDINANCE 2001-04, ENTITLED "ADULT ENTERTAINMENT CODE", SETTING FORTH THE AUTHORITY, SCOPE AND PURPOSE OF THE ORDINANCE; BY SETTING

FORTH FINDINGS OF FACTS; ESTABLISHING DEFINITIONS; BY PROVIDING FOR THE ENFORCEMENT OF THE ORDINANCE; SETTING FORTH DEPARTMENT RESPONSIBILITIES; PROVIDING FOR APPEALS, NOTICE, IMMUNITY FROM PROSECUTION AND CONSTRUCTION; ESTABLISHING A LICENSING REQUIREMENT AND PROCEDURES FOR APPLICATION, PROCESSING, AND APPROVAL OR REJECTION OF APPLICATION; BY ESTABLISHING TERMS OF LICENSE AND REGULATING RENEWAL EXPIRATION AND CANCELLATION OF SAME, SETTING FOR THE AN ANNUAL LICENSE FEE; BY PROVIDING FOR LICENSE TRANSFER AND ESTABLISHING NAME CHANGE AND SETTING FORTH REGULATIONS CONCERNING SUSPENSION AND REVOCATION OF LICENSE; ESTABLISHING LOCATIONS AND DISTANCE REQUIREMENTS; PROVIDING FOR NONCONFORMING USES AND VARIANCES; SETTING FORTH GENERAL AND COMPREHENSIVE REQUIREMENTS FOR ALL ADULT ENTERTAINMENT ESTABLISHMENTS AND PROVIDING SPECIFIC REGULATIONS FOR EACH TYPE OF ADULT ENTERTAINMENT ESTABLISHMENT; SETTING FORTH PENALTIES FOR VIOLATION OF THIS ORDINANCE; SETTING FORTH PROHIBITED ACTS; SETTING HOURS OF OPERATION AND ADVERTISING REGULATIONS; PROHIBITING MINORS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE; SECOND AND FINAL

READING: Attorney Cino read the title of the ordinance into the record. He also explained Attorney Hansen's feelings as to making this item a special exception use. The public hearing was opened. Mr. Carl Laundrie spoke in opposition to the ordinance as written. He felt people applying for this use should have to go before the Planning and Architectural Review Board and before the City Commission before they would be granted a license. The public hearing was closed. Commissioner Evans also felt the ordinance should be changed to require a special exception use. A discussion ensued. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to continue the public hearing / second reading till the next meeting and have Mary Hansen at the next meeting. The discussion continued. The **motion** carried unanimously.

5. CONSIDER APPROVAL OF AN AMENDED SITE PLAN FOR LOTS 1 AND 2, BLOCK 13, MOODY SUBDIVISION, PARCEL # 12-12-31-4500-00130-0010, ALSO KNOWN AS CARIBBEAN SIN, 600 S. A1A, FLAGLER BEACH, FL. -JAMES COOK AND MICHAEL BAREFOOT: Mr. Barefoot explained his request to the Commission. Building Official Ward reviewed his recommendation not to approve this request. A discussion ensued. **Motion** by Commissioner Kuhnlein, seconded by Commissioner Evans, to deny the request and have the business owner follow the instructions of the Building Official. The discussion continued. The **motion** carried unanimously.

6. A REQUEST HAS BEEN MADE FOR A VARIANCE TO APPENDIX A- ZONING, SCHEDULE TWO, ZONING SCHEDULE OF LOT, YARD & BULK REGULATION, SPECIFICALLY TO THE LAND AREA REQUIRED PER DWELLING UNIT IN THAT THE OWNERS WOULD LIKE TO BUILD A TWO FAMILY DWELLING, ON EACH LOT WHICH REQUIRES A TOTAL OF 7500 SQUARE FEET OF LAND. THE LOTS OF RECORD ONLY HAVE 5000 SQUARE FEET. LOT 6 AND LOT 7, BLOCK 29, MOODY SUBDIVISION PARCEL #12-12-31-4500-00290-0060, AND # 12-12-31-4500-00290-0070 ALSO KNOWN AS 212 AND 216 S. 7TH STREET, FLAGLER BEACH, FL-GARY & JOANN LANGFORD, REPRESENTED BY, BETTY JO STRICKLAND: Attorney Cino swore in Mrs.

12. ORDINANCE 2001-06, REPEALING CHAPTER 10, FLOOD DAMAGE PREVENTION IN ITS ENTIRETY, CREATING A NEW CHAPTER 10 FLOOD DAMAGE PREVENTION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, FIRST READING:

Commissioner Price read the title of the ordinance into the record. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve 2001-06, carried unanimously after a roll call vote.

13. ORDINANCE 2001-09, REQUIRING A MINIMUM PERVIOUS AREA OF SIXTY PERCENT (60%) IN ALL SINGLE FAMILY RESIDENTIAL PARCELS IN THE MIRROR LAKE WATERSHED OVERLAY DISTRICT, AMENDING APPENDIX A, ZONING, SCHEDULE 2; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, FIRST READING:

Commissioner Price read the title of the ordinance into the record. Mr. Ward suggested changing this to 50%. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve 2001-09 with a change to 50%. Mr. Barr suggested the City notify the effected property owners of this ordinance. A discussion ensued. The **motion was amended** to include sending letters to everyone in the overlay district. The **motion and the amendment** carried four to one with members voting as follows: Commissioner Evans, Against; Commissioner Kuhnlein, For; Commissioner O'Brien, For; Commissioner Price, For; Commissioner Vath, For.

14. ORDINANCE 2001-10, AMENDING APPENDIX A, ZONING, TO REQUIRE GRADING AND FILLING OF MIRROR LAKE WATERSHED OVERLAY DISTRICT, PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AND EFFECTIVE DATE HEREOF, FIRST READING:

Commissioner Price read the title of the ordinance into the record. **Motion** by Commissioner O'Brien, seconded by Commissioner Kuhnlein, to approve 2001-10. The ordinance was discussed. The **motion** carried unanimously, after a roll call vote.

15. ORDINANCE 2001-13, CREATING REQUIREMENTS FOR BINDING LOT AGREEMENTS; PROVIDING FOR CITY STAFF REVIEW; PROVIDING FOR ADOPTION PROCEDURES; PROVIDING A PROCESS FOR TERMINATION OF A BINDING LOT AGREEMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, FIRST READING:

Commissioner Price read the title of the Ordinance into the record. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve Ordinance 2001-13. The **motion** carried unanimously, after a roll call vote.

16. ORDINANCE 2001-14, AMENDING APPENDIX A, ZONING, SCHEDULE 2; YARD MINIMUM; SECTION 4-20; FOR SINGLE FAMILY LOTS THAT ARE IRREGULAR IN SHAPE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, FIRST READING:

Commissioner Price read the title of the Ordinance into the record. **Motion** by Commissioner O'Brien, seconded by Commissioner Kuhnlein, to approve Ordinance 2001-14. Commissioner Vath suggested clarifying the ordinance by stating side setback. The **motion** carried unanimously after a roll call vote.

REGULAR MEETING OF THE FLAGLER BEACH CITY COMMISSION JUNE 14, 2001 AT 7:00 P.M., AND TO BE CONTINUED UNTIL ITEMS ARE COMPLETE.

PRESENT: Mayor Bruce Jones, Chairman Richard Price, Vice-Chairman Sharon O'Brien, Commissioners Mike Evans, Ed Kuhnlein, & Ron Vath, City Attorney Charles Cino, Acting City Manager Sandra Bolser, Building Official Bill Ward, and City Clerk Angela Apperson.

1. CALL THE MEETING TO ORDER: Chairman Price called the meeting to order at 7:00 p.m. and led the pledge to the flag.
2. PROCLAMATIONS AND AWARDS: None
3. COMMENTS REGARDING ITEMS NOT ON THE AGENDA. CITIZENS ARE ENCOURAGED TO SPEAK. HOWEVER, COMMENTS SHOULD BE LIMITED TO TWO MINUTES: None

PUBLIC HEARINGS

4. ORDINANCE 2001-05, SETTING FORTH THE REQUIREMENTS FOR SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS, AMENDING APPENDIX A, ZONING, CREATING ARTICLE 4.27, SINGLE FAMILY RESIDENTIAL SITE PLAN REQUIREMENTS FOR THE MIRROR LAKE WATERSHED OVERLAY DISTRICT, PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, SECOND AND FINAL READING. Attorney Cino read the title of the ordinance into the record. The public hearing was opened. Mathew Wilson spoke on behalf of Mr. Matson, owner of 16 lots within the overlay district, in opposition of the ordinance. Janet Powell spoke in opposition of the ordinance. The public hearing was closed. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve Ordinance 2001-05. Striking the word prepared in the second paragraph on page two was discussed. The **motion was amended** to include the striking the word prepared. The **motion and the amendment** carried unanimously, after a roll call vote.

5. ORDINANCE 2001-06, REPEALING CHAPTER 10, FLOOD DAMAGE PREVENTION IN ITS ENTIRETY, CREATING A NEW CHAPTER 10 FLOOD DAMAGE PREVENTION; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, SECOND AND FINAL READING. Attorney Cino read the title of the ordinance into the record. The public hearing was opened. There were no comments and the public hearing was closed. **Motion** by Commissioner O'Brien, seconded by Commissioner Kuhnlein, to approve Ordinance 2001-06. The **motion** carried unanimously, after a roll call vote.

6. ORDINANCE 2001-09, REQUIRING A MINIMUM PERVIOUS AREA OF FIFTY PERCENT (50%) IN ALL SINGLE FAMILY RESIDENTIAL PARCELS IN THE MIRROR LAKE WATERSHED OVERLAY DISTRICT, AMENDING APPENDIX A, ZONING, SCHEDULE 2; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, SECOND AND FINAL READING. Attorney Cino read the title of the ordinance into the record. The public hearing was opened. Mathew Wilson, spoke on behalf of Edward Matson and Richard

Gallager, in opposition of the ordinance. The public hearing was closed. Comments were heard from the Elected Officials. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve Ordinance 2001-09. The **motion** carried with members voting as follows: Commissioner Evans, Against; Commissioner Kuhnlein, For; Commissioner O'Brien, For; Commissioner Price, For; Commissioner Vath, For.

7. ORDINANCE 2001-10, AMENDING APPENDIX A, ZONING, TO REQUIRE GRADING AND FILLING OF MIRROR LAKE WATERSHED OVERLAY DISTRICT; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AND EFFECTIVE DATE HEREOF, SECOND AND FINAL READING:

Attorney Cino read the title of the ordinance into the record. The public hearing was opened. The title of the ordinance was discussed. The public hearing was closed. **Motion** by Commissioner O'Brien, seconded by Commissioner Kuhnlein, to approve Ordinance 2001-10, the **motion** carried unanimously, after a roll call vote.

8. ORDINANCE 2001-13, CREATING REQUIREMENTS FOR BINDING LOT AGREEMENTS; PROVIDING FOR CITY STAFF REVIEW; PROVIDING FOR ADOPTION PROCEDURES; PROVIDING A PROCESS FOR TERMINATION OF A BINDING LOT AGREEMENT; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, SECOND AND FINAL READING:

Attorney Cino read the title of the ordinance into the record. He explained the ordinance and indicated the Planning and Architectural Review Board has approved the Ordinance. The public hearing was opened. Jackie Mulligan spoke in opposition of the ordinance. She also questioned whether this is an optional process, as the word may is used in section two. Joy McGrew asked a question regarding the impacts of the ordinance. Mathew Wilson spoke in opposition of the ordinance. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve Ordinance 2001-13 after replacing the word may with shall. The public hearing was closed. A discussion ensued. The **motion** failed three to two with members voting as follows: Commissioner Evans, Against; Commissioner Kuhnlein, For; Commissioner O'Brien, For; Commissioner Price, Against; Commissioner Vath, Against.

9. ORDINANCE 2001-14, AMENDING APPENDIX A, ZONING, SCHEDULE 2, YARD MINIMUM, SECTION 4-20, FOR SINGLE FAMILY LOTS THAT ARE IRREGULAR IN SHAPE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF, SECOND AND FINAL READING:

Attorney Cino read the title of the ordinance into the record. The public hearing was opened. No comments were made and public hearing was closed. **Motion** by Commissioner Kuhnlein, seconded by Commissioner O'Brien, to approve Ordinance 2001-14. The **motion** carried unanimously, after a roll call vote.

10. ORDINANCE 2001-15, AMENDING ORDINANCE 2000-33, TO REFLECT BUDGET TRANSFERS AMENDMENTS; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE, SECOND AND FINAL AND READING:

Attorney Cino read the title of the ordinance into the record. The public hearing was opened. There were no comments and the public hearing was closed. **Motion** by Commissioner O'Brien, seconded by Commissioner Kuhnlein, to approve Ordinance 2001-15. The **motion** carried unanimously, after a roll call vote.

ORDINANCE 2001 - 09

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, REQUIRING A MINIMUM PERVIOUS AREA OF FIFTY PERCENT (50%) IN ALL SINGLE FAMILY RESIDENTIAL PARCELS IN THE MIRROR LAKE WATERSHED OVERLAY DISTRICT; AMENDING APPENDIX A, ZONING, SCHEDULE TWO; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City Commission of the City of Flagler Beach, Florida, wishes to further define the percentage of the lot area covered or occupied by the base of the buildings including attached accessory buildings; and

WHEREAS, the current zoning ordinance requires forty percent (40%) of the total area of a lot may be covered by any buildings; and

WHEREAS, the City Commission wishes to expand the definition in lot coverage in the Mirror Lake Watershed Overlay District to include all impervious surfaces; and

WHEREAS the City of Flagler Beach Ad Hoc Committee has recommended the adoption of this ordinance.

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

SECTION 1. Zoning, Appendix A, Schedule Two is hereby amended to include a requirement that no more than fifty percent (50%) of a property in the Mirror Lake Watershed Overlay District shall be deemed impervious, including all but not limited to structures, driveways, pools, sidewalks, accessory uses, landscape enhancements or appurtenances. The Building Official may and can require additional testing or engineering, at the expense of the applicant.

SECTION 2. Any requirements, not specifically covered by this ordinance, or interpretation necessary to meet the intent of this ordinance, shall be determined by the Building Official.

SECTION 3. It is the intent of the City Commission of Flagler Beach, and is hereby provided that the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance" may be changed to "section", "article", "chapter", or other appropriate designation to accomplish such intention.

SECTION 4. If any Section, Subsection, sentence, clause, phrase, or portion of this ordinance, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 5. All ordinances or parts thereof that are in conflict with this ordinance, be and the same are hereby repealed.


SECTION 6. This ordinance shall become effective immediately upon passage as provided for by law.

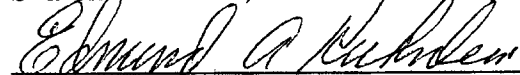
PASSED ON FIRST READING THIS 10th DAY OF May, 2001.

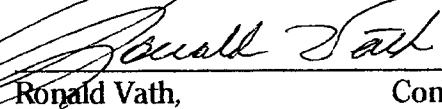
ADOPTED ON SECOND READING THIS 14th DAY OF June, 2001.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION


Richard T. Price, Chairman

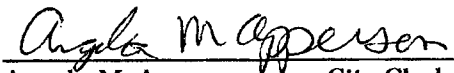

Sharon K. O'Brien, Vice Chairman


Edmund A. Kuhnlien, Commissioner

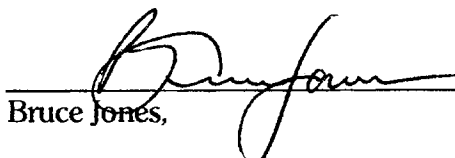

Ronald Vath, Commissioner


Mike Evans, Commissioner

ATTEST:



Angela M. Apperson, City Clerk

APPROVED THIS 14th DAY OF June, 2001.



Bruce Jones, Mayor

 **City of Flagler Beach**
Planning and Building Department
February 23, 2016

BUILDING COVERAGE



LOT COVERAGE
&
IMPERVIOUS SURFACE COVERAGE

 **City of Flagler Beach**
Planning and Building Department


ISSUES

Land Development Regulations, Article II, Zoning

Coverage (Definition)
Coverage is that percentage of a lot covered or occupied by the base of the buildings including attached accessory buildings.

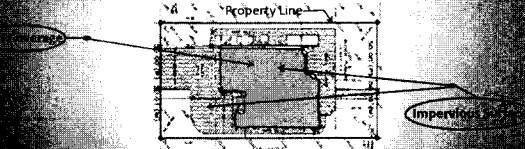
Development Regulations Section 2.04.02.9. Zoning Schedule Two, Maximum Coverage, as defined, for residential properties is 30 - 40% based on the given lot area.

Impervious Surface (Definition)
Development Regulations, other than defining the term *impervious surface*, set a maximum *impervious surface coverage* (exception - Mirror Lake). The lack of such a standard promotes the occasion to excessive imperviousness. In extreme circumstance cover a lot with 100% impervious surface area, create stormwater run-off, the potential of flooding, impact the environment and detract from the visual aesthetics of the community.

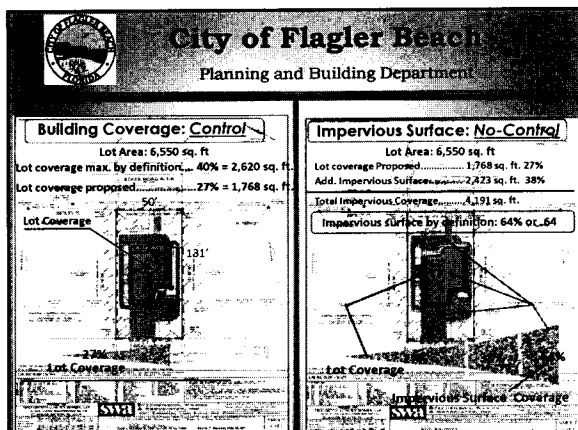
 **City of Flagler Beach**
Planning and Building Department

Definitions

Coverage - that percentage of a lot area covered or occupied by the base of the buildings including attached accessory buildings.



Impervious Surface - A surface which has been compacted or covered with a layer of material so that it will not permit the passage of water. It includes surfaces such as compacted clay, or well-graded gravel, or other similar surfaces.



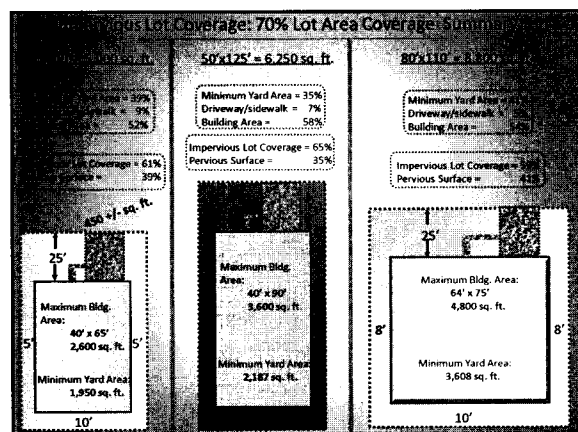
City of Flagler Beach


Planning and Building Department

ADOPTED Land Development Regulations - Lot Coverage: Section 2.04.02.9: Zoning

	Delete	Recommend
Zoning District	Max. Lot Cov. (% of Total Area of Lot)	Maximum Impervious Coverage (% of Total Impervious Surface Area)
Single-Family Residential	40 (see note 7)	70 (see Note 7)
Single-Family Residential	40	70 (see Note 13)
Single-Family Residential	40	65
Single-Family Residential	40	65
Single-Family Residential	40	65
Single-Family Residential	40	65
Single-Family Residential	40	65

	Delete	Recommend
Zoning District	Max. Lot Cov. (% of Total Area of Lot)	Maximum Impervious Coverage (% of Total Impervious Surface Area)
TC - Tourist Comm (SFR)	40	70
TC - (Townhouse)	40	70
TC - (Multi Fam)	30	65
TC - (Non-Res)	90	70
GC - General Commercial	90	70
HC - Highway Commercial	65	70
II - Light Industrial	40	70





City of Flagler Beach
Planning and Building Department

Recommendations

Development Regulations, Article II, Zoning: Section 2.02.00, Definitions, delete the term of "Lot Coverage"

Development Regulations, Article II, Zoning: Section 2.02.00, Definitions; amend the term of "Impervious surface".

Development Regulations, Article II, Zoning: Section 2.02.00, Definitions; establish definition for the term "Impervious surface coverage".


Development Regulations, Article II Section 2.04.02.9, Zoning Schedule Two; delete the standards; establish Maximum Impervious Surface Coverage development standards for each Zoning District Classification.

Development Regulations Article II, Zoning Section 2.04.02.9, Zoning Schedule Two; add 14.

Development Regulations, Article II Section 2.04.02.9, Zoning Schedule Two, Lot Coverage; amend reference to "building official" to read "City Engineer".

Development Regulations, Article II, Zoning: Section 2.02.00, Definitions; amend the term of "building".

Development Regulations, Article II, Zoning: Section 2.02.00, Definitions; amend the term of "structure".



City of Flagler Beach
Planning and Building Department

(Recommendations Con't)

Building definition (strike through/underline)


~~Any structure, temporary or permanent, used or intended for sheltering any use or occupancy.~~

Definition

Any structure, temporary or permanent, used or intended for supporting or sheltering any use or occupancy.

Structure" definition

Anything constructed or erected, the use of which requires permanent location or attachment to something having permanent location on the land or over water, or affixed to something that is or will be located on the ground and is permanent.



City of Flagler Beach
Planning and Building Department

COMMENTS → DISCUSSION ↘
City Commission Action

ORDINANCE NO. 2016-XX

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX "A", LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING; SECTION 2.02.00, DEFINITIONS, AMENDING THE DEFINITION OF BUILDING, AMENDING THE DEFINITION OF IMPERVIOUS SURFACE; AMENDING THE DEFINITION OF LOT COVERAGE; AMENDING APPENDIX "A", LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, SECTION 2.04.02.9, ZONING SCHEDULE TWO AMENDING LOT COVERAGE TO INCLUDE MAXIMUM IMPERVIOUS SURFACE LOT AREA DEVELOPMENT STANDARDS FOR EACH ZONING DISTRICT CLASSIFICATION; AMENDING NOTE SEVEN, ESTABLISHING A NOTE THIRTEEN AND FOURTEEN; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the City of Flagler Beach has previously adopted ordinances limiting lot coverage at land development projects requiring zoning compliance approval, and

WHEREAS, development and redevelopment can contribute to the issue of flooding and erosion by creating excessive stormwater run-off through the construction of new or additional impervious surfaces, and

WHEREAS, The City of Flagler Beach finds that excessive stormwater run-off exacerbates the potential of flooding, impacts the City's storm drainage system, contributes to erosion, and

Whereas, excessive runoff can be produced through the unregulated construction of impervious surfaces such as buildings, vehicular use areas, patios, pavers and walkways, and

WHEREAS, the current Land Development Regulations definition of lot coverage is restricted to building coverage only, and

WHEREAS, the City of Flagler Beach desires to minimize flooding, impact the City's drainage system and potential of erosion within the City, and

WHEREAS, the City of Flagler Beach presently does not have in place a mechanism to regulate maximum allowable lot area impervious surface coverage, and

Whereas, the City Commission provided direction to the Planning and Architectural Review Board to engage in an effort to establish maximum allowable lot area impervious surface coverage development standards for the respective zoning district classifications, and

WHEREAS, the Planning and Architectural Review Board at the meeting of February 2, 2016 provided recommendations to the City Commission, and

Whereas, the City Commission at the meeting of March____, 2016 has determined that it is essential to protect the safety and welfare of the residents by regulating the intensity of impervious surface lot area coverage.

(NOTE: underline text denotes additions, strikethrough text denotes deletions and asterisks "*" * *" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

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

SECTION 1. Legislative findings and intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Section 2.02.00, DEFINITIONS of the Land Development Regulations shall be amended as follows:

* * *

(2) Definitions. For the purposes of this section, certain terms or words used herein shall be interpreted as follows: (note, except where specifically defined in this section the terms and definitions otherwise used herein shall be as defined in the city Land Development Regulations).

SECTION 3. Appendix A - Land Development Regulations, Article II Zoning; Section 2.02.00 Definitions, is hereby revised to amend and/or delete and establish the following terminology as follows:

* * *

Building - ~~See Structure~~ Any structure, temporary or permanent, used or intended for supporting or sheltering any use or occupancy.

Impervious surface – A surface which has been compacted or covered with a layer of material so that it will not permit the ~~passage of water.~~ natural rate of absorption or retention of stormwater. Such areas include, but are not limited to building footprints, driveways, vehicular use areas, swimming pools, porches, decks and patios.

Impervious surface coverage – the percentage of surface area covered by any part of a building, vehicular use area, patio, sidewalk, pavers or any other structure, improvement or facility or material that prevents or severely restricts natural percolation of water.

Lot Coverage – ~~That percentage of a lot area covered or occupied by the base of the buildings including attached accessory buildings.~~

Structure—Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having permanent location on the land or over water, extended over water, or affixed to something that is or will be located on the ground and covered by water.

SECTION 4. Appendix A - Land Development Regulations, Section 2.04.02.9, Zoning Schedule Two, Lot, Yard, Height and Bulk Regulations.

- 93 Schedule Two Zoning District Schedule of Lot, Density, Yard, Height & Lot Coverage
 94 Requirements
 95 SECTION 5. Appendix A - Land Development Regulations, Section 2.04.02.9, Zoning Schedule
 96 Two, Lot, Yard, Height and Bulk Regulations.

Zoning District	Maximum Lot Coverage (% of Total Area of Lot) Maximum Impervious Surface Coverage (% of Total Lot Area) (See Note 13)
SFR - Single-family Residential	40 70 (see note 7)
LDR - Low Density Residential	40 70 (see Note 14)
MDR - Medium Density Residential	40 <u>65</u>
MDR – (Two Fam)	40 <u>65</u>
MDR – (Twnhse)	40 <u>65</u>
MDR - (Multi Fam)	30 <u>65</u>
MDR - (Other Uses)	30 <u>65</u>
TC - (SFR)	40 <u>70</u>
TC - (Twnhse)	40 <u>65</u>
TC – (Multi Fam)	30 <u>65</u>
TC – (Non-Res)	90 <u>70</u>
GC - (General Commercial)	90 <u>75</u> (CBD 85%)

HC - (Highway Commercial)	65 <u>75</u>
LI - (Light Industrial)	40 <u>70</u>

97

98 Note 7. In the Mirror Lake Watershed Overlay District no more than fifty (50) percent of a property
 99 shall be deemed impervious including all but not limited to structures, driveways, pools, sidewalks,
 100 accessory uses, landscape enhancements or appurtenances. The ~~building official~~ City Engineer
 101 may and can require additional testing or engineering, at the expense of the applicant.

102 Note 13. Pavers are considered impervious and shall be included in the calculation of impervious
 103 surface coverage of a lot or property.

104 Note 14. Two-family dwellings which may be permitted as a Special Exception Use shall not
 105 exceed a maximum of 65% lot coverage.

106 **SECTION 7.** It is the intent of the City Commission of Flagler Beach, and is hereby provided
 107 that the provisions of this ordinance shall be made a part of the Flagler Beach Code; that the
 108 sections of this ordinance may be re-numbered or re-lettered; and that the word "ordinance" may
 109 be changed to "section", "article", "chapter" or other appropriate designation to accomplish such
 110 intention.

111 **SECTION 8.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby
 112 repealed.

113 **SECTION 9.** This ordinance shall take effect immediately upon passage as provided by law.

114 PASSED ON FIRST READING THIS _____ DAY OF _____, 2016.

115 PASSED AND ADOPTED THIS _____ DAY OF _____, 2016.

116

117 CITY OF FLAGLER BEACH, FLORIDA
 118 CITY COMMISSION

119

120

 Linda Provencher, Mayor

121 ATTEST:

122

123 _____
 Penny Overstreet, City Clerk

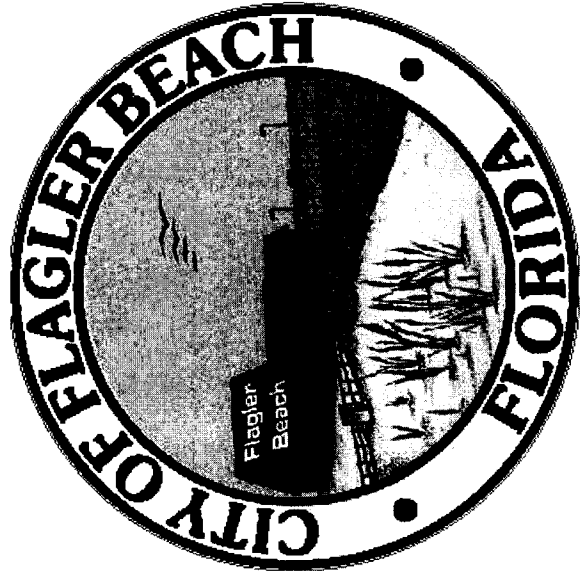
124

City of Flagler Beach

Budget Report

as of

January 31, 2016



January 2016

General Fund

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
REVENUES						
Total Dept 3100- AD VALOREM, SALES AND USE TAXES	3,575,507	3,575,507	2,195,969	61.42%	33.33%	28.08%
Total Dept 3200- LICENSE & PERMITS	204,202	204,202	81,207	39.77%	33.33%	6.43%
Total Dept 3300- INTERGOVERNMENTAL	620,609	625,909	36,099	5.77%	33.33%	-27.57%
Total Dept 3400- CHARGES FOR SERVICE	48,451	48,451	12,325	25.44%	33.33%	-7.90%
Total Dept 3500- FINES & FORFEITURES	40,050	40,050	8,691	21.70%	33.33%	-11.63%
Total Dept 3600- MISCELLANEOUS REVENUE	50,100	50,100	18,002	35.93%	33.33%	2.60%
TOTAL Revenues	4,538,919	4,544,219	2,352,293	51.76%	33.33%	18.43%

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
EXPENDITURES						
Total Dept 5111- COMMISSION	61,874	67,874	20,713	30.52%	33.33%	-2.82%
Total Dept 5122- EXECUTIVE	102,843	111,438	38,405	34.46%	33.33%	1.13%
Total Dept 5123- CITY CLERK	127,669	128,651	36,230	28.16%	33.33%	-5.17%
Total Dept 5131- FINANCE	155,091	156,791	47,193	30.10%	33.33%	-3.23%
Total Dept 5141- LEGAL	170,900	170,900	27,762	16.24%	33.33%	-17.09%
Total Dept 5191- MAINTENANCE	241,030	241,030	87,673	36.37%	33.33%	3.04%
Total Dept 5192- GENERAL GOVERNMENT	778,579	821,079	389,329	47.42%	33.33%	14.08%
Total Dept 5214- POLICE DEPARTMENT	1,206,253	1,209,153	340,634	28.17%	33.33%	-5.16%
Total Dept 5215- VICTIM'S ADVOCATE	96,059	69,039	22,691	32.87%	33.33%	-0.47%
Total Dept 5221- FIRE DEPARTMENT	515,676	515,676	159,522	30.93%	33.33%	-2.40%
Total Dept 5241- BUILDING & ZONING	107,826	107,826	28,606	26.53%	33.33%	-6.80%
Total Dept 5392- GENERAL FUND CAPITAL	342,834	369,932	17,933	4.85%	33.33%	-28.49%
Total Dept 5411- ROADS & STREETS	248,256	429,313	36,395	8.48%	33.33%	-24.86%
Total Dept 5711- LIBRARY	98,637	98,637	28,022	28.41%	33.33%	-4.92%
Total Dept 5712- MUSEUM	5,080	5,080	896	17.64%	33.33%	-15.70%
Total Dept 5722- BEACH DEPARTMENT	163,929	163,929	10,958	6.68%	33.33%	-26.65%
Total Dept 5723- DUNE CROSSOVERS	6,000	6,000	0	0.00%	33.33%	-33.33%
Total Dept 5800- RECREATION	75,458	75,458	12,298	16.30%	33.33%	-17.04%
TOTAL Expenditures	4,503,994	4,747,806	1,305,260	27.49%	33.33%	-5.84%

GENERAL FUND SUMMARY				ACTUAL YEAR TO DATE
	ORIGINAL BUDGET	AMENDED BUDGET		DATE
TOTAL REVENUES	4,538,919	4,544,219		2,352,293
TRANSFERS OUT (INFRASTRUCTURE SURTAX)	45,227	45,227		
USE (RETURN) OF FUND BALANCE RESERVES	(80,152)	(73,877)		
ENCUMBERED FROM PRIOR YEAR		232,237		
TOTAL EXPENDITURES	4,503,994	4,747,806		1,305,260
NET OF REVENUES & EXPENDITURES	-	-		1,047,033

Note: 83% of Ad Valorem revenues collected as of 1/31/16

January 2016

CRA Fund

REVENUES		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE		PERCENT REALIZED		PERCENT OF YEAR		VARIANCE	
Total Dept 3100-	TAX INCREMENT FUNDING	132,551		132,551		131,518		99.22%		33.33%		65.89%	
TOTAL Revenues		132,551		132,551		131,518		99.22%		33.33%		65.89%	

EXPENDITURES		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE		PERCENT REALIZED		PERCENT OF YEAR		VARIANCE	
Total Dept 5391-	FUND EXPENSE	121,265		121,265		5,367		4.43%		33.33%		-28.91%	
TOTAL Expenditures		121,265		121,265		5,367		4.43%		33.33%		-28.91%	

CRA FUND SUMMARY

		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE	
TOTAL REVENUES		132,551		132,551		131,518	
USE (RETURN) OF FUND BALANCE RESERVES		(11,286)		(11,286)			
ENCUMBERED FROM PRIOR YEAR				0			
TOTAL EXPENDITURES		121,265		121,265		5,367	
NET OF REVENUES & EXPENDITURES		-		-		126,151	

Note: All TIF Revenues are collected for 15/16

Building Code Inspection Fund

REVENUES		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE		PERCENT REALIZED		PERCENT OF YEAR		VARIANCE	
Total Dept 3200-	LICENSE & PERMITS	146,500		146,500		58,069		39.64%		33.33%		6.30%	
TOTAL Revenues		146,500		146,500		58,069		39.64%		33.33%		6.30%	

EXPENDITURES		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE		PERCENT REALIZED		PERCENT OF YEAR		VARIANCE	
Total Dept 5242-	BUILDING CODE INSPECTION	158,112		158,112		45,718		28.91%		33.33%		-4.42%	
TOTAL Expenditures		158,112		158,112		45,718		28.91%		33.33%		-4.42%	

BUILDING CODE INSPECTION FUND SUMMARY

		ORIGINAL BUDGET		AMENDED BUDGET		ACTUAL YEAR TO DATE	
TOTAL REVENUES		146,500		146,500		58,069	
USE (RETURN) OF FUND BALANCE RESERVES		19,112		19,112			
TRANSFERS OUT (EDUCATION FEES)		(7,500)		(7,500)		(3,196)	
TOTAL EXPENDITURES		158,112		158,112		45,718	
NET OF REVENUES & EXPENDITURES		-		-		9,155	

January 2016

Pier Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400-	251,200	251,200	72,330	28.79%	33.33%	-4.54%
Total Dept 3600-	111,092	111,092	41,206	37.09%	33.33%	3.76%
TOTAL Revenues	362,292	362,292	113,536	31.34%	33.33%	-2.00%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5725-	309,928	309,928	101,433	32.73%	33.33%	-0.61%
TOTAL Expenditures	309,928	309,928	101,433	32.73%	33.33%	-0.61%

PIER FUND SUMMARY				ACTUAL YEAR TO DATE
	ORIGINAL BUDGET	AMENDED BUDGET		DATE
TOTAL REVENUES	362,292	362,292		113,536
USE (RETURN) OF FUND BALANCE RESERVES	(52,364)	(52,364)		
TOTAL EXPENDITURES	309,928	309,928		101,433
NET OF REVENUES & EXPENDITURES	-	-		12,103

January 2016

Utility Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400	2,901,304	2,901,304	843,448	29.07%	33.33%	-4.26%
Total Dept 3500	35,000	35,000	11,225	32.07%	33.33%	-1.26%
Total Dept 3600	272,400	272,400	78,748	28.91%	33.33%	-4.42%
TOTAL Revenues	3,208,704	3,208,704	933,421	29.09%	33.33%	-4.24%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5331-	718,458	718,458	174,003	24.22%	33.33%	-9.11%
Total Dept 5332- & D - WATER TREATMENT PLANT	262,719	262,719	68,560	26.10%	33.33%	-7.24%
Total Dept 5351-	560,551	560,551	150,798	26.90%	33.33%	-6.43%
Total Dept 5352-	69,352	69,352	17,737	25.58%	33.33%	-7.76%
Total Dept 5391-	882,201	886,020	425,514	48.03%	33.33%	14.69%
Total Dept 5392-	943,000	1,589,908	241,430	15.19%	33.33%	-18.15%
TOTAL Expenditures	3,436,281	4,087,008	1,078,042	26.38%	33.33%	-6.96%

UTILITY FUND SUMMARY				ACTUAL YEAR TO DATE
		ORIGINAL BUDGET	AMENDED BUDGET	DATE
TOTAL REVENUES		3,208,704	3,208,704	933,421
USE (RETURN) OF FUND BALANCE RESERVES		429,577	446,396	
TRANSFERS OUT (RESTRICTED IMPACT FEES)		(202,000)	(202,000)	(63,542)
ENCUMBERED FROM PRIOR YEAR		0	633,908	
TOTAL EXPENDITURES		3,436,281	4,087,008	1,078,042
NET OF REVENUES & EXPENDITURES		-	-	(208,163)

Note: Paid SRF Loan \$232,876 in January

January 2016

Sanitation Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400	923,836	923,836	291,321	31.53%	33.33%	-1.80%
Total Dept 3500	10,500	10,500	3,307	31.50%	33.33%	-1.84%
Total Dept 3600	8,350	8,350	2,640	31.62%	33.33%	-1.72%
TOTAL Revenues	942,686	942,686	297,268	31.53%	33.33%	-1.80%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5341	797,842	797,842	223,389	28.00%	33.33%	-5.33%
Total Dept 5391	59,409	59,409	39,181	65.95%	33.33%	32.62%
Total Dept 5392	0	183,907	183,907	100.00%	33.33%	66.67%
TOTAL Expenditures	857,251	1,041,158	446,477	42.88%	33.33%	9.55%

SANITATION FUND SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	942,686	942,686	297,268
USE (RETURN) OF FUND BALANCE RESERVES	(85,435)	(85,435)	
ENCUMBERED FROM PRIOR YEAR	0	183,907	
TOTAL EXPENDITURES	857,251	1,041,158	446,477
NET OF REVENUES & EXPENDITURES	-	-	(149,209)

Note: Paid for new Sanitation Truck in January, \$183,907

Stormwater Fund

REVENUES	ORIGINAL BUDGET	AMENDED BUDGET	DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 3400	248,138	248,138	75,107	30.27%	33.33%	-3.07%
Total Dept 3500	2,800	2,800	883	31.54%	33.33%	-1.80%
Total Dept 3600	400	400	220	55.00%	33.33%	21.67%
TOTAL Revenues	251,338	251,338	76,210	30.32%	33.33%	-3.01%

EXPENDITURES	ORIGINAL BUDGET	AMENDED BUDGET	DATE	PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
Total Dept 5391-	197,786	197,786	24,109	12.19%	33.33%	-21.14%
Total Dept 5392-	45,000	45,000	-	0.00%	33.33%	-33.33%
TOTAL Expenditures	242,786	242,786	24,109	9.93%	33.33%	-23.40%

STORMWATER FUND SUMMARY

	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO DATE
TOTAL REVENUES	251,338	251,338	76,210
USE (RETURN) OF FUND BALANCE RESERVES	(8,552)	(8,552)	
ENCUMBERED FROM PRIOR YEAR	0	0	
TOTAL EXPENDITURES	242,786	242,786	24,109
NET OF REVENUES & EXPENDITURES	-	-	52,101

January 2016

All Funds Budget Report

REVENUES

FUND	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO		PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
			DATE	DATE			
001	GENERAL FUND	4,535,419	4,544,219	2,352,293	51.76%	33.33%	18.43%
101	CRA FUND	132,551	132,551	131,518	99.22%	33.33%	65.89%
102	BUILDING CODE INSPECTION FUND	146,500	146,500	58,069	39.64%	33.33%	6.30%
103	PIER FUND	362,292	362,292	113,536	31.34%	33.33%	-2.00%
401	UTILITY FUND	3,208,704	3,208,704	933,420	29.09%	33.33%	-4.24%
403	SANITATION FUND	942,686	942,686	297,268	31.53%	33.33%	-1.80%
405	STORMWATER FUND	251,338	251,338	76,210	30.32%	33.33%	-3.01%
TOTAL REVENUES		9,579,490	9,588,290	3,962,314	41.32%	33.33%	7.99%

EXPENDITURES

FUND	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO		PERCENT REALIZED	PERCENT OF YEAR	VARIANCE
			DATE	DATE			
001	GENERAL FUND	4,503,994	4,747,806	1,305,260	27.49%	33.33%	-5.84%
101	CRA FUND	121,265	121,265	5,367.00	4.43%	33.33%	-28.91%
102	BUILDING CODE INSPECTION FUND	158,112	158,112	45,718	28.91%	33.33%	-4.47%
103	PIER FUND	309,928	309,928	101,433	32.73%	33.33%	-0.61%
401	UTILITY FUND	3,436,281	4,289,011	1,078,042	25.13%	33.33%	-8.20%
403	SANITATION FUND	857,251	1,041,158	446,477	42.88%	33.33%	9.55%
405	STORMWATER FUND	242,786	242,786	24,109	9.93%	33.33%	-23.40%
TOTAL EXPENDITURES		9,629,617	10,910,066	3,006,405	27.56%	33.33%	-5.78%

REVENUES LESS EXPENDITURES

FUND	ORIGINAL BUDGET	AMENDED BUDGET	ACTUAL YEAR TO	
			DATE	DATE
001	GENERAL FUND	1,047,033	1,047,033	
101	CRA FUND	126,151	126,151	
102	BUILDING CODE INSPECTION FUND	12,351	12,351	
103	PIER FUND	12,103	12,103	
401	UTILITY FUND	(144,622)	(144,622)	
403	SANITATION FUND	(149,209)	(149,209)	
405	STORMWATER FUND	52,101	52,101	
TOTAL REVENUES LESS EXPENDITURES		955,909		

Note: 83% of Ad Valorem revenues collected as of 1/31/16
Note: All TIF Revenues are collected for 15/16

Note: Paid SRF Loan \$232,876 in January
Note: Paid for new Sanitation Truck in January, \$183,907

Encumbered, Restricted and Available Cash Balances

Sunday, January 31, 2016

	General	Utility	Sanitation	Stormwater	CRA
Operating Accounts	1,892,740	436,154	306,542	255,610	264,317
Inter Fund Transfers Pending					
Remaining Budgeted Salaries & Operations Averaged					
SBA Accounts	2,523,577	1,270,192	501,914	95,077	
FL Municipal	2,757,134	4,026,422	501,297		
Total Cash & Investments	7,173,451	5,732,768	1,309,753	350,687	264,317
Encumbrances:					
CRA Loan Payments (Revenue Note & General Fund)					105,321
Landscaping Grant (City Costs Only)	10,000				
Wickline Building Improvements	10,000				
Beach Management Support	15,000				
Cooling System Police Dept	10,000				
City Hall Roof Improvements	2,454				
2016 Police Vehicles	54,000				
City Hall Finance Department	16,832				
Public Works Building (includes \$13,000 amendment)		19,979			
Lift Station Pumps & Panels		58,000			
Lift Station Rebuild Citywide		127,747			
Marina Bay Lift Station completed					
New Wells		150,000			
Rehabilitate Well #10		20,000			
Improvements Well #12		135,378			
South Clarifier - WWTP		125,000			
Drying Beds - WWTP		22,000			
Motor Control Building Modification - WWTP		25,000			
Replace Fire Hydrants - Citywide		40,000			
Grit Removal - WWTP (Maintenance) completed					
WWTP North Clarifier		43,888			
WWTP VFD's on Aerators		113,919			
WWTP Bar/Screen		114,568			
Nano Filters WTP		84,000			
Trench Box		12,000			
Mini Excavator		40,000			
Antenna WTP		25,000			
WWTP 1/2 Ton Pickup		30,000			
Upgrade Meters @ WTP		20,000			
Tractor		17,000			
WTP Pickup Truck		30,000			
Consumptive Use Permit Renewal		70,000			
SRF Loan for the Water Treatment Plant		232,875			
Customer Utility Deposits		198,558			
Sanitation Truck (completed)					
Lambert Avenue/S Central Swale Maintenance				45,000	
Stormwater Loan Payment				117,863	
Total Encumbered Funds	118,286	1,754,913	-	162,863	105,321
Restricted For Projects funded by:					
Infrastructure (ISX)	403,027				
Reserve for Fire Truck (Transferred from ISX)	81,579				
Radio Reserve (ISX Reserve)	233,334				
Support Equipment Reserve - Fire Department (ISX Funds)	29,167				
Computer Hardware Reserve	1,711				
Police Training	168				
Law Enforcement Automation	7,383				
A1A Land Purchases	18,490				
Restricted Education Fund - Bldg Code Inspection	26,197				
Reserve for Contingencies	12,362				
Reserved for Paving	120,767				
S 8th Street Parking Lot Improvements (Paving Funds)	5,000				
S 4th Street Parking (Demolition) (Paving Funds)	15,000				
S 4th Street & S Flagler Parking Lot Improvements (Paving F	40,000				
Sidewalk - N Flagler (Paving Funds)	8,000				
Sewer Impact		1,224,426			
Water Impact		1,490,499			
Reserve for Utility Infrastructure		50,976			
Reserve for Pumps		39,055			
Total Restricted Funds	1,002,185	2,804,956	-	-	-
Total Encumbered and Restricted Funds	1,120,471	4,559,869	-	162,863	105,321
Unencumbered, Unrestricted Funds (Cash Balance)	6,052,980	1,172,899	1,309,753	187,824	158,996
Total All Funds	7,173,451	5,732,768	1,309,753	350,687	264,317
Total Available Funds (after Encumbrances)	7,055,165	3,977,855	1,309,753	187,824	158,996

