# City Commission Regular Meeting Agenda

**Thursday, June 12, 2025 at 5:30 PM**

**City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136**

**All meeting items will be continued until meeting is complete.**

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**

   a. Proclamation Honoring Flagler Cares - Sponsored by Commissioner Belhumeur.

4. **Deletions and changes to the agenda**

5. **Public comments regarding items not on the agenda**

   Citizens are encouraged to speak. However, comments should be limited to three minutes. A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.

6. **Consent Agenda**

   a. Approve the May 22, 2025 Regular Meeting Minutes.

   b. Approve the 2025 Asphalt Maintenance On-Call Services and As-Needed Citywide, Small-Scale Construction, Renovation, Maintenance, and Repair Services Qualified Contractor lists.

7. **General Business**

   a. Application OE-25-06-01 Request for an Annual Outdoor Entertainment Permit - Compass Hotel 111 S. Daytona Avenue - Applicant - Syra Bhoola - Represented by Attorney Dennis K. Bayer.

   b. Receive an update on the Veteran's Park fountain and water feature - Ken Bryan.

   c. **Resolution 2025-48. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to complete and submit a grant application under the Resilient Florida Grant Program; providing for conflict and an effective date.**

   d. Resolution 2025-49. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to complete and submit a grant proposal under the Federal Hazard Mitigation Grant Program to address flooding issues around South Daytona Avenue; providing for conflict and an effective date.

   e. Resolution 2025-50. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to submit a grant application to the Resilient Florida Grant Program for the upgrading of three(3) lift Stations; providing for conflict and an effective date.

8. **Public Hearings**

a. Ordinance 2025-05. An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date -final reading.

b. Ordinance 2025-06. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof - final reading.

c. Ordinance 2025-07. An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof - final reading.

d. Ordinance 2025-08. An Ordinance by the City of Flagler Beach, Florida, amending the Flagler Beach Code of Ordinances, Appendix “A,” Land Development Regulations, to specify elevation of manufactured homes in flood hazard areas; to adopt and reformat local amendments to the Florida Building Code; providing for applicability and severability; and providing for an effective date - final reading.

**9. Staff Reports**

a. City Attorney

b. City Manager

Provide directions regarding the viability of the Ad-Hoc Parks Committee.

Provide direction to staff regarding enforcement of the current installations of door and window signage.

c. City Clerk

d. Weekly Staff Reports

**10. Commission Comments**

a. Commission comments, including reports from meetings attended

b. Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.

**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. 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.

# Proclamation
## Honoring Flagler Cares
## A Decade of Impact

**WHEREAS,** Flagler Cares was founded in 2014 with a deep commitment to building a robust social safety net for all residents of Flagler County; and

**WHEREAS,** the organization has grown to become a leading provider of behavioral health, social services, and prevention initiatives across the county and beyond, while remaining grounded in its mission to serve every community with compassion and collaboration; and

**WHEREAS,** Flagler Cares proudly serves the residents of Flagler Beach through its prevention work, community programs, and local partnerships, and as corporate members of the Flagler Beach Rotary Club, the organization actively contributes to community service and civic engagement; and

**WHEREAS,** Flagler Cares has implemented the Flagler County Village-a centralized hub where multiple agencies collaborate under one roof, offering a welcoming community space and ensuring a "no wrong door" approach for individuals seeking help; and

**WHEREAS,** the organization lives by the philosophy of "humans helping humans," treating all individuals with dignity and respect, meeting people where they are, and serving as a trusted bridge to essential resources and services; and

**NOW, THEREFORE, BE IT RESOLVED,** that the City of Flagler Beach hereby recognizes and honors Flagler Cares for a decade of unwavering service, transformational leadership, and profound impact on the well-being of our community, and congratulates the organization on its 10-year anniversary.

**In Witness Whereo**f, I have hereunto set my hand and cause of the seal of the City of Flagler Beach, to be affixed this 12th day of June in the year, Two Thousand Twenty-Five.

_____

Rick Belhumeur, Vice-Chairman

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | Colleen Kuhn, Deputy City Clerk |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Approve the 2025 Asphalt Maintenance On-Call Services and As-Needed Citywide, Small-Scale Construction, Renovation, Maintenance, and Repair Services Qualified Contractor lists. |

**Background:**

City staff conducted a Request for Proposal for Asphalt Maintenance Services and a Request for Qualifications for As-Needed Citywide, Small-Scale Construction, Renovation, Maintenance, and Repair Services to perform services as needed around the City. The qualified contractors on each list would be available to respond to urgent and/or small-scale jobs within the scope of the City Manager's signing authority, $35,000 or less. If any contractor were requested to perform work resulting in costs above the City Manager's signing threshold, staff would prepare the required documentation and present it to the City Commission for their approval before beginning such work.

**Fiscal Impact:**

Fiscal impact is determined as work is needed; expenses over the City Manager's signing authority of $35,000 would be brought before the City Commission for approval before work begins.

**Staff Recommendation:**

Approve Qualified Contractor lists as presented.

**Attachments:**

1. Qualified Contractor Lists 05.2025

| Citywide | | | | | |
|---|---|---|---|---|---|
| | | | | | |
| FIRM | Address | Phone | Website | Email | Fax |
| Sparks Concrete LLC dba Sparks Concrete & Asphalt | 3060 Steel Rail Drive Bunnell, FL 32110 | 386.263.7229 | sparksconcreteandasphaltllc.com | sparksconcrete@cfl.rr.com | |
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| **All Areas** | | | | | |
|---|---|---|---|---|---|
| | | | | | |
| **FIRM** | **Address** | **Phone** | **Website** | **Email** | **Fax** |
| All Construction Group of North Florida, Inc. | 12654 Weeping Branch Circle Jacksonville, FL 32218 | 904.305.7651 | allcgnf.com | ddavis@allcgnf.com | |
| Lads Construction Services LLC | 1312 South Central Avenue Flagler Beach, FL 32136 | 386.793.4342 | ladscoastal.com | Jeffrey@ladsconstructionllc.com | |
| **Small Scale Paving - Drainage** | | | | | |
| **FIRM** | **Address** | **Phone** | **Website** | **Email** | **Fax** |
| Masci General Contractor Inc. | 5752 S. Ridgewood Avenue, Port Orange, FL 32127 | 386.322.4500 | None found | masciestimate@mascigc.com | |
| **Painting** | | | | | |
| **FIRM** | **Address** | **Phone** | **Website** | **Email** | **Fax** |
| Lamphier Company dba Lamphier & Company | 131 Commerce Way Sandford, FL 32771 | 407.330.1628 | lamphier.com | lamphier1@aol.com | |
| POD, LLC dba Painters on Demand | 3201 N Florida Ave Tampa, FL 33603 | 561.267.2726 | paintersondemand.com | claudias@paintersondemand.com | |
| **Disaster Recovery** | | | | | |
| **FIRM** | **Address** | **Phone** | **Website** | **Email** | **Fax** |
| Coastal Reconstruction Group | 744 Ste. B Industry Road, Longwood, FL 32750 | 877.708.5501 | coastalreconstruction.com | gregnewsome@coastreconstruction.com | |
| **Roofing** | | | | | |
| **FIRM** | **Address** | **Phone** | **Website** | **Email** | **Fax** |
| R & K Roofing & Contracting of Florida | 4551 N US Highway 1, Suite A Bunnell FL 32110 | 386.366.5552 | rkroof.com | Laura@RKRoof.com | |

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|---|---|---|---|---|---|
| Enterprise Roofing LLC | 5210 Cresent Technical C+ Unit 1, St. Augustine, FL 32086 | 904.808.3319 | enterpriseroofingllc.com | ChrisFelix@EnterpriseRoofingllc.com | |

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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|---|---|
| **To:** | City Commission |
| **From:** | Penny Overstreet, City Clerk |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Application OE-25-06-01 Request for an Annual Outdoor Entertainment Permit - Compass Hotel 111 S. Daytona Avenue - Applicant - Syra Bhoola - Represented by Attorney Dennis K. Bayer. |

**Background:**

Applicant: Compass Hotel Flagler Beach, 111 S. Daytona Avenue, Flagler Beach, Florida 32136. The subject property is zoned General Commercial G.C. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Letters were mailed to the surrounding properties. The City was not in receipt of any comments negative or positive.

The applicant indicated they are seeking an annual outdoor entertainment permit to allow ambient music to be heard from exterior speakers in the area of the pool, the covered restaurant area, the commercial shop entrances, and lobby entrance. The applicant indicated they would like to have recorded and live entertainment at the rooftop bar. The type of entertainment is known as "plug and play", generally a one-person, possibly two-person entertainment with a stringed instrument.

At the Planning Board review on June 3rd, Attorney Bayer advised that there would not be rowdy or loud, overbearing entertainment acts as they are not permitted by the Compass and Margaritaville brand/franchise.

The Planning Board recommended approval of the annual permit. Motion by Joann Soman to recommend approval of the Outdoor Entertainment license. Lisa Smith seconded the motion. The option carried unanimously, after a roll call vote.

Section 4-167, Review of Permit Application states that the City Commission, after receiving a recommendation from the Planning and Architectural Review Board (PARB), shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

(1) The activity would present an adverse impact on the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fail to protect the city's environment.

(2) The activity would unreasonably inconvenience the general public.
(3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
(4) The applicant cannot meet, or is unwilling to meet, all the requirements of this article.
(5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.
(6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
(7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
(8) The event would conflict with another proximate event or interfere with construction or maintenance work.
(9) The information furnished in the application is not materially complete and accurate.
(10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.
(11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
(12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
(13) The proposed event or activity is prohibited by federal, state, or local regulations.
(14) Other issues in the public's interest as identified by the city commission.
(a) In deciding to approve a permit the city commission may limit the type and number of temporary structures and the duration of the activity, including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.

**Fiscal Impact:**
N/A

**Staff Recommendation:**
The application should be reviewed and considered based upon the fourteen criteria.

**Attachments:**
1. Application , site plan, letters sent

| OFFICE USE ONLY: | INSTRUCTIONS: | City of Flagler Beach |
|---|---|---|
| DATE REC'D 5-2025 | *Please print or type all information.* The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification. | APPLICATION FOR OUTDOOR ENTERTAINMENT |
| FEE REC'D $_____ | | |
| INITIALS: PD. | | |
| APPROVED ☐ | | |
| DISAPPROVED ☐ | | |
| SENT PARB ☒ | | |
| PERMIT ISSUED _____ | | |

105 South 2nd Street,
Post Office Box 70
Flagler Beach, Florida 32136
Phone (386) 517-2000 Fax (386) 517-2008

## Please type or print legibly
## Required Information

**Business Name:** Compass Hotel Flagler Beach

**Contact Person:** Syra Bhoola

**Address:** 111 S Daytona Ave

**City:** Flagler Beach **State:** FL **Zip:** 32136

**Work Phone:** (386)356-8510 **Home Phone:** _____

**Fax:** _____ **Mobile Phone:** (386)882-6796

**E-Mail Address:** AGM@compasshotelflaglerbeach.com

**What type of permit are you applying for? (check one)**

X Annual Permit (permit fee = $150.00)

_____ Per event that occurs fewer than 12 times a year (permit fee = $75.00)
(Please list dates and times for the events on the bottom of page 2)

_____ One day event on Date_____ (permit fee = $50.00)
Start time _____ am\pm End time _____am\pm

**Will you utilize temporary structures at your event?** X No _____Yes
(If yes, attach a sketch of the site showing the location of these structure and see note below)
(Indicate number of each)
_____Stages _____Scaffolding _____Fences _____ Other

_____Tents Do any of the tents exceed 200 square feet ? X No _____ Yes

*Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.*

**PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.**

**By signing below I understand:**

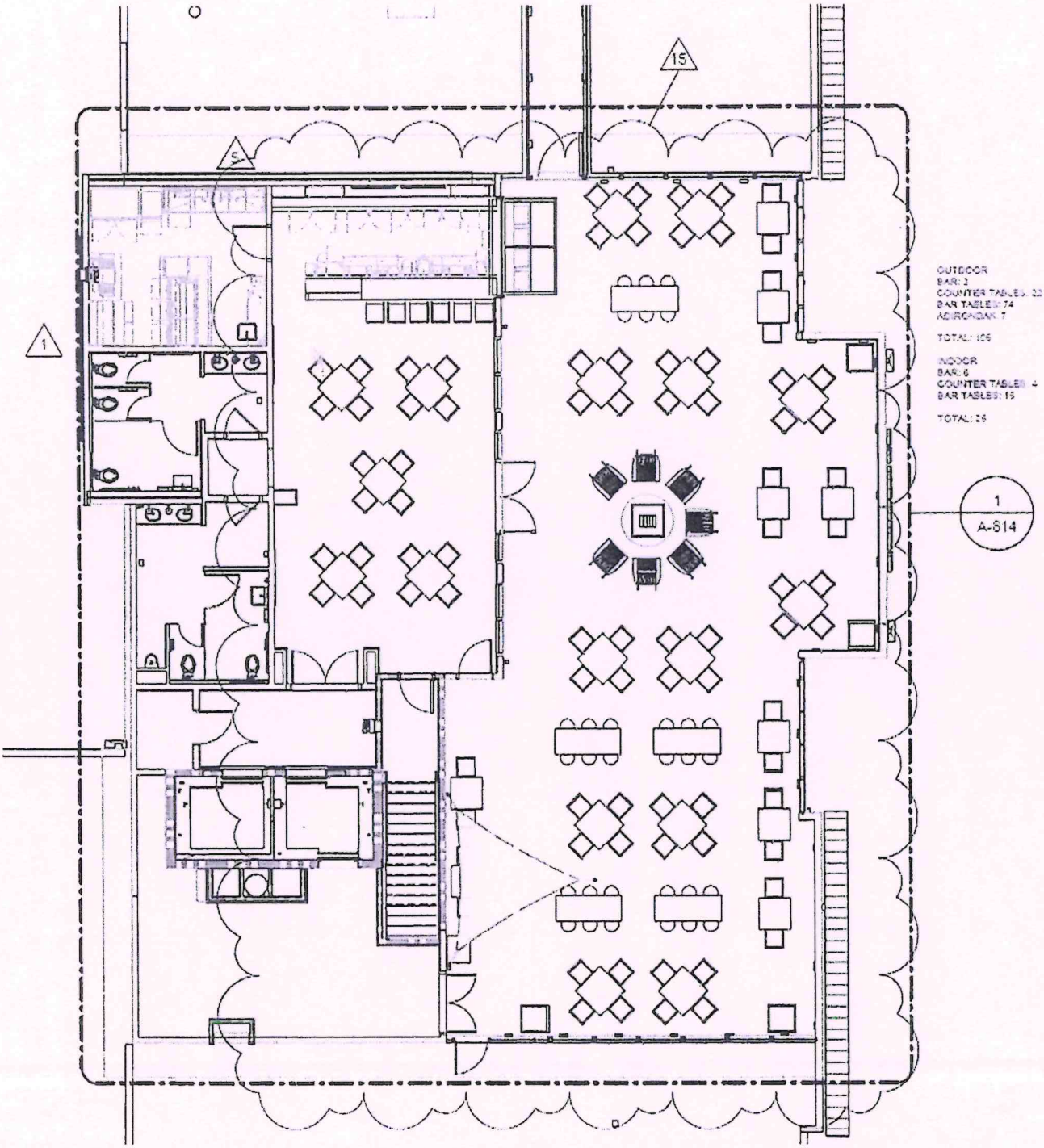
- **This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.**
- **I have included my application fee and understand that my application will not be processed without the application fee.**
- **In no case shall the City's Noise Ordinance be violated.**
- **The City Manager may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.**
- **The event(s) may not be held until a permit is received.**

**Signature of Applicant** Syra Bhoola **Date** 5/14/25

**Title of Applicant** Assistant General Manager

**Affiliation** Elite Hospitality

| | | | |
|---|---|---|---|
| **1. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **2. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **3. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **4. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **5. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **6. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **7. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **8. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **9. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **10. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **11. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |
| **12. Date**_____ | **Start time** _____ **am\pm** | **End time** _____**am\pm** |


15
5
1
OUTDOOR
BAR: 3
COUNTER TABLES: 22
BAR TABLES: 74
ADIRONDAK: 7
TOTAL: 106
INDOOR
BAR: 6
COUNTER TABLES: 4
BAR TABLES: 15
TOTAL: 25
1
A-814

# City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008


May 14, 2025

RE: Outdoor Entertainment Permit Application Review

Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "Compass Hotel", located at 111 S. Daytona Avenue, requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred-foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The Planning & Architectural Review Board will review the request on June 03, 2025; the meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on June 12, 2025; the meeting begins at 5:30 p.m. The purpose of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your concerns or approval of the requested activity. Should you have any questions please contact the Planning & Zoning Office at 386-517-2000 ext. 231 or the City Clerk's Office at 386-517-2000 ext. 233 if you wish to view the application.

Sincerely,

Penny Overstreet
City Clerk

CC: Dale L. Martin, City Manager
Lupita McClenning, Planner
Elected Officials
PARB Members
Syra Bhoola, Applicant

# City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008


May 20, 2025

Syra Bhoola
Compass Hotel Flagler Beach
111 S. Daytona Avenue
Flagler Beach, Florida 32136

RE: Outdoor Entertainment Application

Dear Mr. Bhoola

This letter is to advise you that the Planning and Architectural Review Board will hear your request for an Outdoor Entertainment Permit on June 03, 2025, at 5:30 p.m. The City Commission will hear the Planning Board's recommendation, and the final decision will be made at their June 12, 2025, meeting, which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at poverstreet@cityofflaglerbeach.com or 386-517-2000 ext. 233.

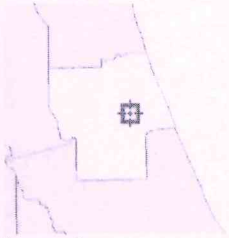
Sincerely,

Penny Overstreet
City Clerk

CC: Lupita McClenning, Planner
Planning & Architectural Review Board
Elected Officials
Dale L. Martin, City Manager

# FLAGLER COUNTY PROPERTY APPRAISER

Overview



Legend

- Parcels
- Roads
- Streams and Rivers

| | | | | | | Last 2 Sales | | | |
|---|---|---|---|---|---|---|---|---|---|
| **Parcel ID** | 12-12-31-4500-00340-0000 | **Owner** | SUN PARTNERS LLC<br>45 SETON TRAIL<br>ORMOND BEACH, FL<br>32176 | **Land Value** | $3,677,888 | **Date** | **Price** | **Reason** | **Qual** |
| **Prop ID** | 78788 | | | **Ag Land Value** | $0 | 10/12/2023 | 0 | I | U |
| **Class Code** | VACANT COMMERCIAL | | | **Building Value** | $0 | 9/9/2022 | 0 | V | U |
| **Taxing District** | 22 | **Physical Address** | 111 S DAYTONA AVE | **Misc Value** | $0 | | | | |
| **GIS sqft** | 57,662.450 | | | **Just Value** | $3,677,888 | | | | |
| | | | | **Assessed Value** | $1,282,461 | | | | |
| | | | | **Exempt Value** | $0 | | | | |
| | | | | **Taxable Value** | $1,282,461 | | | | |

Date created: 5/21/2025
Last Data Uploaded: 5/21/2025 9:11:01 AM

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# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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|---|---|
| **To:** | City Commission |
| **From:** | Ken Bryan |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Receive an update on the Veteran's Park fountain and water feature - Ken Bryan. |

**Background:**
Former Commissioner Ken Bryan will be providing an update on the proposed fountain/water feature proposed for Veteran's Park.

**Fiscal Impact:**

**Staff Recommendation:**
Staff will act upon directions provided by the City Commission.

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | William Freeman, City Engineer/Public Works Administrator |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | **Resolution 2025-48. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to complete and submit a grant application under the Resilient Florida Grant Program; providing for conflict and an effective date.** |

## Background:

City staff are requesting approval by the City Commission to develop and submit a grant proposals:

**History:** The City was awarded 4486-016-R, City Project #230, a Florida Department of Emergency Management (FDEM) grant from the Hazard Mitigation Grant Program (HMGP) in the amount of $105,000. The grant was approved by the City Commission on December 8, 2022. The grant comes from a Hurricane Mathew disaster fund and requires a 10% local match (see the attached scope of work). The funding covered Phase 1, Design, only. Phase 2, Bidding and Construction, would be awarded pending a Benefit-Cost Analysis (BCA) ratio greater than 1.0. BCAs are typically finalized once the design phase is completed, and a final cost estimate is submitted. If the BCA, which takes several months to complete, is less than 1.0, the project will not be awarded additional funds through HMGP and will not move into Phase 2, Bidding and Construction. The City would have a set of plans which it cannot build.

In 2022, when a grant opportunity arose from the State's Resilient Florida Grant Program, another FDEM program, staff, with Commission approval, submitted an application to Resilient Florida, as an alternative funding source, or "Plan B", to cover the construction portion of the project. At the time of submission, Flagler Beach qualified as a Disadvantaged Community, due to its low Mean High Income (MHI), which is determined using Census data, and as a result, the grant would not require a local match.

However, sometime during the FDEM review period, which lasted well into 2023, the latest Census data were released and demonstrated a much higher MHI for Flagler Beach, disqualifying the City's grant application. No recourse was offered, other than resubmitting an application once the Florida Resilient portal reopens.

**This request**: City staff requests permission from the City Commission to submit an application to the Resilient Florida Grant Program. The program's portal will be open from July 1 – September 1, 2025. The State grant does not require a BCA. The application will request funding for Phase 2, Bidding and Construction of City Project #230. The project will provide flood protection for the four City buildings (Police, Fire, Public Works and Maintenance shops) on South Flagler Avenue (SR100 to S. 7$^{th}$ Street). The project

includes regrading of South Flagler Avenue, construction of Miami curbs, storm drain infrastructure, new driveways, and other upgrades to the site. The cost of the construction is estimated to be $3,000,000 with the cost share 50% state/50% local.

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**Fiscal Impact:**

Funding for the cost shares of the grants will come from the FY 2025-26 Capital budget. No costs will be incurred unless a grant is awarded.

**Staff Recommendation:**

Staff recommends approval to apply for the Resilient Florida Grant Program, to seek funding for Phase 2, Bidding and Construction.

**Attachments:**

1. Resolution 2025-48
2. Scope of Work HMGP 4486-016-R

**RESOLUTION 2025-48**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING CITY STAFF TO COMPLETE AND SUBMIT A GRANT APPLICATION UNDER THE RESILIENT FLORIDA GRANT PROGRAM, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission has prioritized stormwater mitigation due to city-wide flooding; and

**WHEREAS,** the City seeks federal and state grant opportunities that provide funding for municipalities to address stormwater issues such as flooding; and,

**WHEREAS,** City staff have identified a funding opportunity through State of Florida's Resiliency Grant Program that would address flooding around South Flagler Avenue at an anticipated project cost of $3,000,000 with a cost share of 50% state funds and 50% local funds; and,

**NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:**

SECTION 1. The City Commission approves staff to pursue the proposed grant opportunity through the Resilient Florida Grant Program.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 12th DAY OF JUNE, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

_____
Patti King, Mayor

_____
Penny Overstreet, City Clerk

**Attachment 1: SCOPE OF WORK**
**HMGP 4486-016-R (062), City of Flagler Beach, S. Flagler Avenue, Drainage – Phase I**

**The City of Flagler Beach proposes to provide drainage improvements along South Flagler Avenue, between State Route 100 and 7th Street South, in Flagler Beach, Florida 32136.**

**The scope of work is for Phase I only, which includes but is not limited to surveying, engineering, design, plans preparation, permitting and bidding for the proposed project, for Phase II approval. Once the lowest responsive bidder is selected, the total cost for Phase 2 (construction) will be determined. If this cost exceeds the original budget (prepared over a year ago), the City will apply to FEMA for a budget adjustment. No construction activities for this project have been approved.**

**The project proposal shall improve approximately 1,500 feet of the existing drainage infrastructure along of South Flagler Avenue by installing a below grade piping system to collect stormwater runoff from curbs and inlets. These pipes will gravity flow to a new pumping station west of 7th Street South and discharge into an existing retention area. Curbs and gutters will be installed along the west side of South Flagler Avenue from Moody Boulevard to South 7th Street. The bituminous concrete and concrete surface tarmacs and aprons of the Fire Department, Public Works Shops, and Maintenance shops will need to be rebuilt and regraded to provide proper drainage conveyance to the proposed new piping system. To increase the drainage capacity, the existing retention area at the South end of the project area will be deepened and enlarged to the extent possible and converted to a retention/settling pond. This pond will outfall to the Intracoastal Waterway. Finally, a berm approximately 3 feet high by 15 feet wide at the base will be built along the Public Works and Maintenance Shops buildings which are subjected to tidal flooding. The proposed mitigation project shall improve the conveyance and increase the capacity of the stormwater system, reducing flood damages to the buildings, standing water and loss of service for the roadway.**

**The project shall be designed to provide protection against a 25-year storm event. Activities shall be completed in strict compliance with Federal, State and Local applicable Rules and Regulations.**

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | William Freeman, City Engineer/Public Works Administrator |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Resolution 2025-49. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to complete and submit a grant proposal under the Federal Hazard Mitigation Grant Program to address flooding issues around South Daytona Avenue; providing for conflict and an effective date. |

**Background:**

City staff request City Commission permission to submit a grant application to the Federal Hazard Mitigation Grant Program (HMGP) under DR-4834 Hurricane Milton. The grant would provide funds for Project #586 and other Stormwater plans to mitigate flooding on the South 26th, 27th, and 28th blocks of South Daytona Avenue. The scope of work includes a swale conveyance system design and construction, infrastructure, and two storm water retention ponds.

**Fiscal Impact:**

The estimated total cost is estimated to be no greater than $1,500,000 with a cost share of 75% federal / 25% local. Funding for the cost shares of the grant will come from the FY 2025-26 capital budget. No costs will be incurred unless a grant is awarded.

**Staff Recommendation:**

Staff recommends approval to apply for the Federal Hazard Mitigation Grant.

**Attachments:**

1. Resolution 2025-49

**RESOLUTION 2025-49**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING CITY STAFF TO COMPLETE AND SUBMIT A GRANT PROPOSAL UNDER THE FEDERAL HAZARD MITIGATION GRANT PROGRAM TO ADDRESS FLOODING ISSUES AROUND SOUTH DAYTONA AVENUE; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Commission has prioritized stormwater mitigation due to city-wide flooding; and

**WHEREAS,** the City seeks federal and state grant opportunities that provide funding for municipalities to address stormwater issues such as flooding; and,

**WHEREAS,** City staff have identified a funding opportunity through the Federal Hazard Mitigation Grant Program (HMGP) under DR-4834 Hurricane Milton to provide funds for Project #586 and other Stormwater plans to mitigate flooding on the South 26th, 27th, and 28th blocks of South Daytona Avenue. The estimated total cost is estimated to be no greater than $1,500,000 with a cost share of 75% federal/25% local.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:**

SECTION 1. The City Commission approves staff pursuing the proposed grant opportunity through the Federal Hazard Mitigation Grant Program.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 12th DAY OF JUNE, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

_____
Patti King, Mayor

_____
Penny Overstreet, City Clerk

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | William Freeman, City Engineer/Public Works Administrator |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Resolution 2025-50. A Resolution by the City Commission of the City of Flagler Beach, Florida, authorizing City Staff to submit a grant application to the Resilient Florida Grant Program for the upgrading of three(3) lift Stations; providing for conflict and an effective date. |

**Background:**

History: In early 2023, the City received funding from the American Rescue Plan Act (ARPA). A portion of this funding was allocated to upgrade four sanitary sewer lift stations. The scope included complete rebuilding and design documentation was done by CPH as City Project #271. When the design documents and final cost estimates were presented to the City Commission, the Commission implemented only one of the four lift stations. Pump Station PS-1, located at 3570 South Central Avenue, was approved by the City Commission at the February 8, 2024, meeting, was bid on, and constructed for $293,000.

This request: The remaining three lift stations are the subject of this Resilient Florida Grant proposal: LS-01 (246 Ocean Palm Drive), PS-05 (South Flagler Avenue & South 3d Street), and PS-08 (Moody Lane at Lantana Avenue). The project is “shovel-ready” with the contract documents ready for bidding. The scope of work includes a complete reconstruction of the stations, repainting, relining, and new internal and external parts and materials consistent with the City’s standard detail for lift stations.

**Fiscal Impact:**

The cost of this project is estimated to be no greater than $1,500,000 with the cost share of 50% / 50% for the Resilient Florida Grant.

**Staff Recommendation:**

Staff recommends approval of Resolution 2025-50 authorizing staff to apply fo the Resilient Florida Grant to secure funding for the complete reconstruction of three Lift Stations.

**Attachments:**

1. Resolution 2025-50

**RESOLUTION 2025-50**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AUTHORIZING CITY STAFF TO SUBMIT A GRANT APPLICATION TO THE RESILIENT FLORIDA GRANT PROGRAM FOR THE UPGRADING OF THREE (3) LIFT STATIONS; PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.**

**WHEREAS,** the City Staff and consulting Engineers have recommended the complete reconstruction of four lift stations, one of those four; Pump Station PS-1 was rehabilitated in 2024; and

**WHEREAS,** the Staff has sought state grant opportunities to provide funding to address the remaining lift stations in need of rehabilitation; and,

**WHEREAS,** City staff have identified a funding opportunity through the Resilient Florida Grant Program to provide funds for the rehabilitation. The estimated total cost is estimated to be no greater than $1,500,000 with a cost share of 50% / 50%.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:**

SECTION 1. The City Commission approves staff pursuing the proposed grant opportunity through the Resilient Florida Grant Program.

SECTION 2. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.
SECTION 3. This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 12th DAY OF JUNE 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

_____
Patti King, Mayor

_____
Penny Overstreet, City Clerk

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:** Lupita McClenning, Planner
**Meeting Date:** June 12, 2025
**Item Name:** Ordinance 2025-05. An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date -final reading.

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**
Staff reccomends approval of Ordinance 2025-05 on final reading.

**Attachments:**
1. 2025-05
2. BIS 2025-05 Residential Roofs
3. Affidavit 2025-05, 2025-06, 2025-07

**ORDINANCE NO. 2025-05**

**AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, SECTION 2.05.06, "HEIGHT REGULATIONS," OF THE CODE OF ORDINANCES; AMENDING THE METHOD OF DETERMINING ROOF HEIGHT FOR CERTAIN RESIDENTIAL ROOF-TYPES, INCLUDING GABLE, HIP, AND GAMBREL ROOFS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS,** in 2024, the City amended the height regulations related to commercial buildings to provide greater clarity and improve enforcement; and

**WHEREAS,** the City now finds it necessary to amend the method of calculation of roof height for certain residential roof types; and

**WHEREAS,** specifically, the Land Development Regulations provide for the height of gable, hip, and gambrel roofs to be calculated based on the mean between the eaves and ridge; and

**WHEREAS,** in order to avoid manipulation of the mean in such calculations, the City Commission finds it appropriate to include a maximum total height regardless to apply in addition to the mean height.

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

**SECTION ONE. Amendment of Code.** Section 2.05.06, "Height Regulations," of the Code of Ordinances is Amended as follows (Note: <u>underline</u> text indicates additions, ~~strikethrough~~ text indicates deletions).

**Sec. 2.05.06. Height regulations.**

Section 2.05.06.1 *Building height.*

Roof height shall not exceed thirty-five (35) feet above the finished grade as described herein.

Section 2.05.06.2 *Building height measurement.*

For purposes of this section, building height is defined as the vertical distance of a building measured from the finished grade at the center of the front of the building to:

1. The highest point of the roof surface for a flat roof.
2. To the deck line of a mansard roof.

3. To the mean height level between eaves and ridge for gable, hip and gambrel roofs; provided, however, that the highest point of the roof shall not exceed 42 feet.

Finished grade, for the purpose of measuring building height, is hereby defined as the greater of:

(a) The average natural grade along the front of the building.

(b) The minimum required finished floor elevation, if in a flood zone; or

(c) The highest allowable grade, defined as the average grade of adjacent developed lots or the minimum grade necessary to provide positive drainage.

* * *

**SECTION TWO. Ordinances in Conflict.** All ordinances or parts thereof, which may be determined to be in conflict herewith, are hereby repealed and superseded by this Ordinance, to the extent of such conflict.

**SECTION THREE. 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 FOUR. 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 provisions of this Ordinance.

**SECTION FIVE. Effective Date.** This Ordinance shall become effective immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____ 2025.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____
Pattie King, Mayor

ATTEST:

_____
Penny Overstreet, City Clerk

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website.*

ORDINANCE NO. 2025-05

An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
    b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
    c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
    d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2025-05 establishes a maximum height cap applicable to residential sloped roofs which is applicable regardless of the mean height between peak and eave.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance is not expected to have any direct economic impact on private, for profit businesses in the City. The ordinance will not have any regulatory costs nor costs of compliance for businesses. The ordinance does not create any new fees or charges on businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

The City does not expect any businesses in the City to be impacted by the proposed ordinance.

Serial Number
25-00152F

Observer
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PalmCoastObserver.com

Palm Coast Observer
Published Weekly
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Nancy Kay Raymond who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of June 12th

in the Court, was published in said newspaper by print in the

issues of 5/29/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

N. Kay Raymond
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

29th day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.

Sara Hubert
Notary Public, State of Florida
(SEAL)

SARA HUBERT
NOTARY
My Comm. Expires
Sept. 7, 2026
HH 309909
PUBLIC
STATE OF FLORIDA

**PUBLIC NOTICE**
**The City of Flagler Beach proposes to adopt the following ordinances entitled:**

**ORDINANCE NO. 2025-05**

An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date.

**ORDINANCE NO. 2025-06**

An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof.

**ORDINANCE NO. 2025-07**

An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof.

Public Hearings will be conducted to consider the amendments as follows:

City Commission: Thursday, June 12, 2025 @ 5:30 p.m. or soon thereafter

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 5:30 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.

May 29 25-00152F

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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| | |
|---|---|
| **To:** | City Commission |
| **From:** | Lupita McClenning, Planner |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Ordinance 2025-06. An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof - final reading. |

**Background:**

**Fiscal Impact:**
N/A

**Staff Recommendation:**
Staff reccomednds approval of the Ordinance on second and final reading.

**Attachments:**
1. 2025-06 Final reading Parking Amendments
2. BIS 2025-06 Parking Calculation
3. Affidavit 2025-05, 2025-06, 2025-07

**ORDINANCE 2025-06**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO ARTICLE II, ZONING; AMENDING SECTION 2.06.02, "PARKING;" AMENDING THE SCHEDULE OF OFF-STREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF**

**WHEREAS,** the City recognizes off-street parking requirements are an essential tool within the Land Development Regulations; and

**WHEREAS,** over the years, calculation of required off-street parking for restaurants has presented challenges due to the fact that alternative potential formulas were included for the calculation: fixed seats and square footage; and

**WHEREAS,** within the development patterns of the City, the fixed seat calculation method has been the less reliable of the two because it fails to account for possible temporary seating; and

**WHEREAS,** in order to bring more clarity to the calculation of required off-street parking for restaurants and similar commercial uses, the City Commission finds it appropriate to amend the Land Development Regulations and provide for a formula using square footage as the sole formula for calculating required off-street parking for restaurants, night-clubs, and eating places.

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

**SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

**SECTION TWO.** Section 2.06.02 of the City of Flagler Beach Land Development Regulations is hereby amended as follows): Note: <u>underscore</u> indicates new text and ~~strikethrough~~ indicates deletion of text and asterisks "* * *" denote sections of the existing Ordinance which remain unaltered and not reprinted herein).

**Sec. 2.06.02. Parking.**

Section 2.06.02.1 *Off-street parking.*

In all districts and in connection with every use, with the exception of those zoning districts within the Downtown Mixed-Use District and the Downtown A1A Retail Corridor as defined and regulated by Section 2.04.02.7.1 Downtown Design Guidelines, there shall be provided, at the time any building is constructed or any existing building is moved, altered, added to or enlarged or reconstructed, or if there is a change in the category of use listed in the schedule of off-street requirements which requires issuance of a new business tax receipt and/or certificate of occupancy, off-street parking space in accordance with the requirements as set forth herein. (Note: Any nonconforming use may replace an existing nonconforming use if the parking requirements under the schedule are less for the new nonconforming use.)

(1) Size and access—An off-street parking space shall consist of a parking space having minimum dimensions of ten (10) feet in width by twenty (20) feet in length for the parking of each automobile, exclusive of access drives or aisles thereto. Minimum width for the maneuvering of an automobile into a parking space shall be in conformance with the illustrative chart as set forth in Attachment One of this ordinance. The parking plan must be so arranged that each automobile may be placed and removed from the property without the necessity of moving any other automobile to complete the maneuver.

Street or sidewalk areas may not be used for off-street parking purposes as herein defined. Individual ingress and egress drives extending across the public sidewalks and curbs and connecting the off-street parking spaces to the public street areas shall not exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet for a two-way drive. The number and placement of such drives is to be subject to the approval of the planning and architectural review board before being installed.

(2) Number of parking spaces required—There shall be provided at the time of the erection of any structure or at the time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, or at the time any use or occupancy of an existing building is changed to a use or occupancy which increases the requirements for off-street parking, minimum off-street

parking facilities with adequate provisions for ingress and egress, in accordance with paragraph (1) of this section and the schedule of off-street parking requirements.

(3) Location of parking spaces—Parking spaces for all uses or structures which are provided as required parking in conformance with the schedule of off-street parking and other applicable provisions shall be located within two hundred (200) feet and have the same zoning district, as the principal use or structure they are intended to serve.

SCHEDULE OF OFF-STREET PARKING REQUIREMENTS*
CITY OF FLAGLER BEACH

| | | |
|---|---|---|
| 1. | Single and two-family dwellings and townhouses | Two per dwelling unit |
| 2. | Multi-family dwellings | Two per dwelling unit |
| 3. | Churches or other places of worship | One per six permanent seats in the main auditorium |
| 4. | Private clubs | One per three hundred sq. ft. of total floor area or portion thereof |
| 5. | General business, commercial and personal service | One per three hundred fifty sq. ft. of establishments or office buildings total [floor] area or portion thereof |
| 6. | Hotels, motels and motor inns | One per bedroom or sleeping unit plus one per each five units or portion thereof |
| 7. | Libraries and museums | One per five hundred sq. ft. |
| 8. | Medical or dental offices or clinics | Eight for each doctor or dentist |
| 9. | Restaurants, nightclubs or other eating places | ~~One per one hundred fifty sq. ft. total floor area or one per three fixed seats or~~ One (1) parking space per four (4) seats based on the maximum floor area allowed per occupant as established by the standards of the Florida Building Code ~~whichever is greater~~.<br>Where the restaurant abuts the Intracoastal Waterway, boat slips may be counted for seating. One boat slip per three seats. When counting boat slips for seating as provided herein, such boat slips must be transient in nature and cannot have electrical or water hookups. Boat slips can only represent an additional 25% of land parking.<br><br>*Source: 2021 International Building Code Table 1004.5* see note 2* |
| 10. | Theatres, auditoriums | One per each four seats |
| 11. | Schools (public or private) | |
| | Grades 1—6 | One per fourteen students |
| | Grades 7—9 | One per nine students |
| | Grades 10—12 | One per three students |
| 12. | Industrial | One per six hundred sq. ft. of total floor space or portion thereof |
| 13. | Hospitals | 1.5 per bed |
| 14. | Tennis, hand-ball, and racquetball facilities | Two spaces/court plus required parking for additional uses on the site |

| | | |
|---|---|---|
| 15. | Health club | One space/one hundred fifty square feet of gross floor area |
| 16. | Driving range (golf) | One space/tee plus required parking for any other uses on the site |
| 17. | Golf course (regulation) | Six spaces/hole plus required parking for any other uses on the site |
| 18. | Boat slips | One space per boat slip, except charter boats. |
| 19. | Charter boats* | One space per six permanent seats on the boat, plus one space for the captain/skipper |
| *Note 1. Charter boats are permitted in marinas. Prior to the date when a charter boat begins operation, the owner shall submit a parking plan to the city.<br>* Note 2. Maximum floor area in square feet allowance per occupant for restaurant = 15 net (tables and chairs) 1000SQFT/15 = 67 max occupancy/4 people = 17 parking spaces | | |

* * *

**SECTION THREE. Codification.** This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may

be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION FOUR. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS 8TH DAY OF MAY 2025.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____
Pattie King, Mayor

ATTEST:

_____
Penny Overstreet, City Clerk

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website.*

ORDINANCE NO. 2025-06

An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
    b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
    c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
    d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2025-06 clarifies the method of calculating required parking spaces by requiring the parking space calculation to be based on square footage of use area.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance is not expected to have any direct economic impact on private, for profit businesses in the City. The ordinance will not have any regulatory costs nor costs of compliance for businesses. The ordinance does not create any new fees or charges on businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

The City does not expect any businesses in the City to be impacted by the proposed ordinance.

Serial Number
25-00152F

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Palm Coast Observer
Published Weekly
Palm Coast, Flagler County, Florida

COUNTY OF FLAGLER

STATE OF FLORIDA

Before the undersigned authority personally appeared Nancy Kay Raymond who on oath says that he/she is Publisher's Representative of the Palm Coast Observer a weekly newspaper published at Palm Coast, Flagler County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of June 12th

in the Court, was published in said newspaper by print in the

issues of 5/29/2025

Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

N. Kay Raymond
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

29th day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.

Sara Hubert
Notary Public, State of Florida
(SEAL)

SARA HUBERT
NOTARY
My Comm. Expires
Sept. 7, 2026
HH 309909
PUBLIC
STATE OF FLORIDA

**PUBLIC NOTICE**
**The City of Flagler Beach proposes to adopt the following ordinances entitled:**

**ORDINANCE NO. 2025-05**

An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date.

**ORDINANCE NO. 2025-06**

An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof.

**ORDINANCE NO. 2025-07**

An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof.

Public Hearings will be conducted to consider the amendments as follows:

City Commission: Thursday, June 12, 2025 @ 5:30 p.m. or soon thereafter

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 5:30 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.

May 29 25-00152F

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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| | |
|---|---|
| **To:** | City Commission |
| **From:** | Lupita McClenning, Planner |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Ordinance 2025-07. An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof - final reading. |

**Background:**

**Fiscal Impact:**
N/A

**Staff Recommendation:**
Staff reccomends approval of Ordinance 2025-07 on final reading.

**Attachments:**
1. 2025-07 final reading
2. BIS 2025-07 Irrigation
3. Affidavit 2025-05, 2025-06, 2025-07

**ORDINANCE 2025-07**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING PROVISIONS OF APPENDIX "A," LAND DEVELOPMENT REGULATIONS, RELATING TO IRRIGATION SYSTEM REQUIREMENTS; AMENDING SECTION 5.04.00, "LANDSCAPING/TREES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE HEREOF**

**WHEREAS,** the City's Land Development Regulations provide detailed requirements related to irrigation systems in various locations; and

**WHEREAS,** Section 5.04.00 has a single sentence discussing irrigation and that sentence could be read to require all properties install irrigation systems; and

**WHEREAS,** it is not the City's intent that all properties install irrigation systems regardless of whether or not the landscaping needs irrigation; and

**WHEREAS,** the City has implemented a variety of water conservation practices, including implementing a water conservation rate structure; and

**WHEREAS**, the City is implementing its Water Conservation Plan submitted as part of the CUP process; and.

**WHEREAS**, the City's comprehensive plan includes other water conservation and plans to maintain and improve upon them when feasible:

- Implementation of City's Water Conservation Plan (Policy D.1.6.2)
- Implementation of water conservation rate structure
- Requirements for native plants (Policies E.2.5.3 and E.2.6.3)
- Education program (Policies D.1.6.2)
- Building regulation enforcement (PoliciesD1.6.1-D.1.6.5)
- Monitoring water consumption trends (Policy D.1.4.1)
- Intergovernmental coordination of water conservation (Policies G.1.4.4-G.1.4.7
- Coordination for limiting landscape watering (Policy D.1.6.2)
- Metering requirements (Policy D.1.6.5)

**WHEREAS**, the City recognizes that depending on the landscaping installed on any property, an irrigation system may or may not be practically required for the health of the landscaping; and

**WHEREAS**, the City Commission finds it appropriate to delete subsection (N) from Section 05.04.01 of the City's Land Development Regulations as the St. Johns River Water Management District has exclusive authority under F.S. Ch 373 and implements procedures that promote water conservation through more efficient use of landscape irrigation as outlined in Section 04.02.01 and 04.02.03 of the Land Development Code.

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

**SECTION ONE.** The findings set forth in the recitals above are hereby adopted as legislative findings of the City Commission pertaining to this Ordinance.

**SECTION TWO.** Section 5.04.00 of the City of Flagler Beach Land Development Regulations is hereby amended as follows): Note: <u>underscore</u> indicates new text and ~~strikethrough~~ indicates deletion of text and asterisks "* * *" denote sections of the existing Ordinance which

remain unaltered and not reprinted herein).

**Sec. 5.04.00. Landscaping/Trees.**

Section 5.04.01 *General criteria.*

A. Emphasis shall be placed upon landscaping as a means of achieving beauty in the community. It will be required on all projects, and in some projects and areas, it will be the primary tool available.

B. Landscape design and planning shall be integrated with the overall area design concept and not be considered merely as an after thought. Toward this end, proposed landscaping schemes will be evaluated as to their relationship to the existing natural landscape, developed and other proposed landscape, including those on adjacent properties and street rights-of-way and the building or buildings existed and proposed.

C. The existing natural landscape character shall be preserved whenever possible. As an example of this, in an area containing a stand of trees, the developer should preserve as many of these trees as possible and further landscape in a complementary manner, rather than destroy the existing trees and replant with a type of vegetation foreign to the immediate natural environment.

D. Landscaping includes not only trees and plantings, but paving, benches, fountains, exterior lighting fixtures, fences, and any other item or exterior furniture. All items of the landscape are to be selected not only for their functional value but for their aesthetic value, and must complement the whole.

E. One (1) of the uses of landscaping will be to screen. It is the masking out or concealing of any objectionable area. The achievement of this is left to the designer, whether by walls, fences, mounds of earth, or vegetation. It must be complimentary to the whole as outlined above. Screening shall be employed in parking lots, and to mask from the public view of adjacent properties such service areas as trash and garbage areas, outside equipment of unaesthetic character, and accessory buildings or areas not enhancing or in keeping with the aesthetics of the project or neighborhood. Screening of air conditioning units and other mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.

F. Landscaping shall be designed in such a manner as to impact its aesthetic character when viewed from any area accessible to the public or from adjacent properties. This is to include view from high rise and bridges.

G. All landscaping and plantings designated on the plans approved by the planning and architectural review board shall be installed in accordance with the specified height, spread and quality before a certificate of occupancy is issued.

H. Xeriscape landscaping techniques using native vegetation shall be required landscaping for all new construction.

I. Plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", Part I, Current Edition, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases.

J. Grass areas may be sodded, plugged, spread or seeded except that solid sod shall be used in swales or other areas subject to erosion. Seed where used shall be of a variety which will produce complete coverage within ninety (90) days from sowing. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

K. Installation—All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures with the quality of plant materials as described. All elements of landscaping shall be installed so as to meet all other applicable ordinances and code requirements.

L. Landscaped areas shall require protections from vehicular encroachment. Car stops shall be placed at least three (3) feet from the edge of such landscaped areas. Where a wheel stop or curb is utilized, the paved area between the curb/wheel stop and the end of the parking space may be omitted, provided it is landscaped in addition to the required landscaping provided. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

M. Maintenance—The owner, occupant, tenant and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.

~~N. All landscaped areas shall be provided with an approved irrigation system.~~

* * *

**SECTION THREE. Codification.** This Ordinance shall be incorporated into the Flagler Beach City Code. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the City Code may be freely made.

**SECTION FOUR. Severability.** If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

**SECTION FIVE. Conflicts.** In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

**SECTION SEVEN. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida.

PASSED ON FIRST READING THIS 8TH DAY OF MAY 2025.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____
Patti King, Mayor

ATTEST:

_____
Penny Overstreet, City Clerk

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website.*

ORDINANCE NO. 2025-07

An Ordinance by the City Commission of the City of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Irrigation System Requirements; amending Section 5.04.00, Landscaping/Trees; providing for inclusion in the Code of Ordinances; providing for conflict and providing an effective date hereof hereof.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
    a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
    b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
    c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
    d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2025-07 removes an unnecessary reference to required irrigation systems that was causing confusion.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance is not expected to have any direct economic impact on private, for profit businesses in the City. The ordinance will not have any regulatory costs nor costs of compliance for businesses. The ordinance does not create any new fees or charges on businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

The City does not expect any businesses in the City to be impacted by the proposed ordinance.

Serial Number
25-00152F

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Affiant further says that the Palm Coast Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

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N. Kay Raymond
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

29th day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.

Sara Hubert
Notary Public, State of Florida
(SEAL)

SARA HUBERT
NOTARY
My Comm. Expires
Sept. 7, 2026
HH 309909
PUBLIC
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**PUBLIC NOTICE**
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An Ordinance of the City of Flagler Beach, Florida, amending Appendix A, Land Development Regulations, Article II, Zoning, Section 2.05.06, "Height Regulations," of the Code of Ordinances, amending the method of determining roof height for certain residential roof-types, including gable, hip, and gambrel roofs, providing for conflicts, providing for severability; and providing an effective date.

**ORDINANCE NO. 2025-06**

An Ordinance by the City Commission of the City of Flagler Beach, Florida, amending provisions of Appendix "A," Land Development Regulations, relating to Article II, Zoning; amending Section 2.06.02, "Parking," amending the Schedule of Off-Street Parking Requirements; providing for inclusion in the Code of Ordinances;; providing for conflict and providing and effective date hereof.

**ORDINANCE NO. 2025-07**

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The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 5:30 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida. If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.

May 29 25-00152F

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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| | |
|---|---|
| **To:** | City Commission |
| **From:** | Lupita McClenning, Planner |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Ordinance 2025-08. An Ordinance by the City of Flagler Beach, Florida, amending the Flagler Beach Code of Ordinances, Appendix "A," Land Development Regulations, to specify elevation of manufactured homes in flood hazard areas; to adopt and reformat local amendments to the Florida Building Code; providing for applicability and severability; and providing for an effective date - final reading. |

**Background:**

**Fiscal Impact:**
N/A

**Staff Recommendation:**
Staff reccomends approval of Ordinance 2025-08 on final reading.

**Attachments:**
1. 2025-08 Final reading _Floodplain Management Ordinance_LDC Update_v5 (DAS rev)
2. Affidavit 2025-08
3. BIS 2025-08 3 feet over base flood

**ORDINANCE NO. 2025-08**

**AN ORDINANCE BY THE CITY OF FLAGLER BEACH AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS,** the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the **City of Flagler Beach** participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class **#6)**, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

**WHEREAS**, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

**WHEREAS**, to satisfy the prerequisite and for the **City of Flagler Beach** to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus three (3) feet which necessitates modification of the existing requirements; and

**WHEREAS**, the **City Commission** has determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the Community Rating System at the current class rating; and

**WHEREAS,** the **City Commission** approved Ordinance 2025-01, which provided for elevation to at least base flood elevation plus two feet; and

**WHEREAS,** the **City Commission** desires to increase that to base flood elevation plus three feet; and

**WHEREAS,** the **City Commission** is adopting a requirement to increase the minimum elevation requirement for dwellings in all flood hazard areas for the purpose of participating in the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

**WHEREAS**, the **City Commission** has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code,* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes.

**NOW, THEREFORE, BE IT ORDAINED** by the **City Commission** of the **City of Flagler Beach** that the **Code of Ordinances, Appendix" A," Land Development Regulations,** is amended as set forth in the following amendments.

**SECTION 1. AMENDMENTS**

**Appendix "A," LAND DEVELOPMENT REGULATIONS OF THE CITY OF FLAGLER BEACH CODE OF ORDINANCES is hereby amended as follows** (Note: additions are shown as underline text, deletions are shown as ~~strikethrough~~, and portions of the Code that remain unchanged and which are not reprinted here are show as ellipses (***)).

* * *

**Sec. 4.07.13. Manufactured homes.**

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this section. New manufactured homes and replacement manufactured homes shall not be installed in coastal high hazard areas except in an existing manufactured home parks or subdivisions. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(B) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(1) In flood hazard areas (zone A) other than coastal high hazard areas and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this ~~article~~ section.

(2) In coastal high hazard areas (zone V) and coastal A zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this ~~article~~ section.

(C) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(D) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus ~~two (2) feet~~ three (3) feet.

(E) ~~(G)~~ *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

(F) ~~(H)~~ *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

* * *

## ARTICLE V. DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

### Sec. 5.00.00. General.

* * *

### Sec. 5.00.09. Reserved.

### Sec. 5.00.10 Technical amendments to the Florida Building Code, Building.

(1) Minimum building elevations in flood hazard areas:

(a) The minimum elevation for buildings in flood hazard areas that are within the scope of the Florida Building Code, Building, shall be, as specified in ASCE 24, the base flood elevation plus ~~two (2) feet~~ three (3) feet, or the design flood elevation, whichever is higher.

(b) The minimum elevation for one- and two-family dwellings and townhouses in flood hazard areas that are within the scope of the Florida Building Code, Residential, shall be the base flood elevation plus ~~two (2) feet~~ three (3) feet or the design flood elevation, whichever is higher.

(2) Enclosures below elevated buildings in coastal high hazard areas and Coastal A Zones. In coastal high hazard areas and Coastal A Zones, enclosed areas below the elevation required in the building code shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators and the access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

(3) Construction documents for dwellings in flood hazard areas. Construction documents for dwellings in flood hazard areas shall include documentation that is prepared and sealed by a registered design professional that the foundation design accounts for flood loads.

* * *

**SECTION 2. FISCAL IMPACT STATEMENT.** In terms of design, plan application review, construction, and inspection of buildings and structures, the cost impact as an overall average is negligible in regard to the local technical amendments because all development has been subject to the requirements of the local floodplain management ordinance adopted for participation in the National Flood Insurance Program. Therefore, in terms of lower potential for flood damage, there will be continued savings and benefits to consumers.

**SECTION 3. APPLICABILITY.**

For the purposes of jurisdictional applicability, this ordinance shall apply in the **City of Flagler Beach**. This ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this ordinance.

**SECTION 4. INCLUSION INTO THE CODE OF ORDINANCES.**

It is the intent of the **City Commission** that the provisions of this ordinance shall become and be made a part of the **City of Flagler Beach Code of Ordinances**, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 5. SEVERABILITY.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

**SECTION 6. EFFECTIVE DATE.**

This ordinance shall take effect immediately upon adoption in accordance with the City of Flagler Beach Charter.

PASSED ON FIRST READING THIS 22ND DAY OF MAY, 2025.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2025.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____
Patti King, Mayor

ATTEST:

_____
Penny Overstreet, City Clerk

Serial Number
25-00154F

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AN ORDINANCE BY THE CITY OF FLAGLER BEACH AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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N. Kay Raymond
Nancy Kay Raymond

Sworn to and subscribed, and personally appeared by physical presence before me,

29th day of May, 2025 A.D.

by Nancy Kay Raymond who is personally known to me.

Sara Hubert

Notary Public, State of Florida
(SEAL)

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My Comm. Expires
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ORDINANCE NO. 2025-08
AN ORDINANCE BY THE CITY OF FLAGLER BEACH AMENDING THE FLAGLER BEACH CODE OF ORDINANCES, APPENDIX "A," LAND DEVELOPMENT REGULATIONS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; TO ADOPT AND REFORMAT LOCAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

[1] See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

Ordinance 2025-08 increases the required elevation for new construction above base flood elevation in certain flood prone areas from two feet to three feet.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

The ordinance applies to new construction and is not expected to have any impact on existing private, for-profit businesses.

3. Good faith estimate of the number of businesses in the City likely to be impacted by the proposed ordinance:

The City does not expect any businesses in the City to be impacted by the proposed ordinance.

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** City Attorney

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** City Manager

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | Dale Martin, City Manager |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Provide directions regarding the viability of the Ad-Hoc Parks Committee. |

**Background:**

Staff request direction from the Commission regarding the committee's viability. The members were recommended by the officials individually and the Ad-Hoc Committee was formally established on October 12, 2023. The intent was to have residents review the existing parks and equipment to evaluate and make recommendations for maintenance and improvements. The Committee evaluated each park and recommendations were received and staff performed the maintenance as suggested. At that time, the CRA Director had applied for a Florida Recreation Development Assistance Program (FRDAP) grant to replace the playground equipment at Wickline Park. The City successfully obtained the grant, which is a 50/50 match in the amount of $170,000. Now that the bid package is under development for the construction of the playground, staff is seeking direction as to the wishes of the Commission. Shall the task-specific Ad-Hoc Committee be sunset or should staff present a resolution at a future meeting to formally establish a Parks Committee of continual existence and serve as a recommending body for the city parks.

**Fiscal Impact:**

N/A

**Staff Recommendation:**

Provide direction to staff.

**Attachments:**

1. 2023-22

RESOLUTION 2023-22

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FOR THE CREATION OF A PARKS AD-HOC COMMITTEE, PROVIDING FOR THE ESTABLISHMENT, PURPOSE AND DUTIES, PROVIDING FOR APPOINTED MEMBERS, AND TERMS, SETTING FORTH OFFICERS, RULES AND PROCEDURES, AND SUNSET PROVISIONS, AND AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

WHEREAS the City Commission recognizes the value of citizen involvement in the use of parks and other recreational facilities, and

WHEREAS the City Commission of Flagler Beach wishes to create a City Parks Ad-Hoc Committee to serve as volunteers and advisors to assist the city with recommendations for parks services and facilities.

SECTION I - Creation

1. There is hereby created a committee in the City to be known as the Flagler Beach Parks Ad-Hoc Committee.
2. The Committee shall be viewed as an advisory Ad-Hoc Committee of the City.
3. The Committees Mission will be to provide recommendations related to the maintenance of the existing parks and equipment, and recommendations for new or replacement equipment, and other duties as assigned by the City Commission.
4. The Committee shall come into formal existence upon approval of this Resolution.
5. The Committee shall sunset one-year after adoption of this Resolution, unless extended by a majority vote of the City Commission.

SECTION II -Membership

1. The Committee shall consist of six (6) voting members appointed by the Flagler Beach City Commission, and three (3) ex-officio members.

SECTION III -Eligibility

1. Members of the Ad-Hoc Committee shall be residents of the City of Flagler Beach.
2. Members shall be appointed by the City Commission based upon the guidelines established by Section 2-62 of the Flagler Beach Code of Ordinance.

SECTION III – Vacancies

1. Shall be filled in accordance with Section 2-65 of the Flagler Beach Code of Ordinance.

SECTION IV – Officers and Chair Duties

1. Shall be guided by Section 2-67 and 2-68 of the Flagler Beach Code of Ordinance.

SECTION V – Committee Operations

1. The Committee shall meet at a minimum monthly, unless a quorum is unable to be obtained.
2. Regular meetings of the Committee or subcommittee shall be held in public at a day, time and place set by the members and the chair. The meeting date may be changed by the chair with notification to the committee members. Special meetings may be called as needed by the chair or vice-chair of chair is unavailable. A summary of each meeting shall be prepared by the recording secretary for approval by the committee, and distributed to all elected officials and members of the committee. The official copies of the agendas, minutes and agenda packets will be maintained by the city clerk.
3. All meetings will be open to the public. For advertising purposes, the committee will provide the city clerk with information and schedule of their meetings and ensure agendas and minutes are available to the public, all agendas will be posted at a minimum of 72-hours prior to the meeting.
4. All meetings shall be guided by Roberts Rules of Order.
5. The committee shall have no authority other than as stipulated by the mission defined and approved by the city commission.
6. A report of the committee activities shall be presented to the city commission at a public meeting when requested.
7. Expenditure of funds shall only be made as authorized by the city manager, provided funds are available.

SECTION VI –

All Resolutions or parts thereof in conflict herewith be and the same hereby repealed.

SECTION VII –

This Resolution shall become effective immediately upon passage as provided by law.

PASSED AND ADOPTED THIS 12th DAY OF OCTOBER, 2023.

CITY OF FLAGLER BEACH

Suzie Johnston, Mayor

Attest:

Penny Overstreet, City Clerk

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

| | |
|---|---|
| **To:** | City Commission |
| **From:** | Penny Overstreet, City Clerk |
| **Meeting Date:** | June 12, 2025 |
| **Item Name:** | Provide direction to staff regarding enforcement of the current installations of door and window signage. |

**Background:**

The owner of a business in the CRA district has been in contact with you regarding his frustration with his signage permits being denied, and what he feels is targeted enforcement. I advised you in an email of the steps staff are taking to eliminate some of the concerns raised by the business owner. Currently, the Code Enforcement Officers are performing an assessment of the current commercial window and door signage. Staff needs direction. Do you wish for the Code Enforcement process to proceed with issuing waring notices to all the businesses in violation Sign regulations or would you like them to pause their actions until the assessment is complete, and they come back to you with a report of the findings and potential solutions to streamline the process.

**Fiscal Impact:**

N/A

**Staff Recommendation:**

Provide direction to staff.

**Attachments:**

1. TIMELINE OF SIGNAGE 328 N 2nd Street
2. Doors and Window signage
3. Box of Rocks Photo

**TIMELINE OF SIGNAGE 328 N 2nd Street.**

**July 2024**

Ordinance 2024-03 changed Section 7.06.07 to read, "copy area of window signs shall not exceed fifty (50) percent of the area of any window as viewed from the outside of the building." It also states that "existing signs as of July 11, 2024, shall be brought into compliance with the coverage limitation provided herein on or before December 31, 2024.

*Note: The required published notice of meeting in newspaper and City website of new ordinance may not have been sufficient for the current business owners to become aware of the new ordinance potentially impacting their window/door signage.*

**April 10, 2025**

Planning receives email with attached photograph from McNeill Signs requesting clarification to Section 7.05.00 (s) which identifies prohibited signs, in this case *prohibits roof signs, except in recreational zoning districts east of SR A1A right-of-way*

**April 11, 2025**

Planning replies to McNeill Signs stating that the building's feature is aligned with a mansard roof; however, it's a false mansard roof and in accordance with Section 2.06.06.05 (G)(2) false mansard roofs are prohibited and one cannot expand on a nonconforming structure.

The reply email also states that the attached photograph revealed existing signage. The city was unable to locate an approved permit for the signage and instructed that a permit will need to be submitted to ensure compliance with the City's code.

*Note: This email is how signage issue(s) originally came to light at 328 N 2nd St*.

**May 12, 2025**

Permit for signage at 208 Moody Blvd disapproved by Planning Department in accordance with Section 7.06.07. - WINDOW SIGNS; ORDINANCE 2024-03

**May 23, 2025**

EPS Printing sends email asking if samples of product had been reviewed and states it is the same product currently being used on door and window of another commercial establishment. In reply email, and in accordance with state law, a form to submit an alleged code violation provided.

**May 23, 2025**

City Planner replies to email stating the samples were reviewed and regrettably do not meet current code. City Planner stated she is happy to meet to explore options to be in compliance with the sign ordinance.

**May 29, 2025**

Email from EPS Printing states he met with his customer for signage at 208 Moody Blvd and have come up with a satisfactory alternative that meets the City's sign ordinance.

**May 29, 2025**
Internal staff from various departments meet ~90 minute to review timeline of events related to signage at 328 N 2nd St.

**May 30, 2025**
City Planner meets with business owner of 328 N 2nd St.

**Proposed Solution**
Planning's estimation of non-compliance with Ordinance 2024-03 warrants a city-wide wind-shield assessment. Code Enforcement is underway conducting assessment to determine how many businesses are out of compliance as it relates to the 50% copy area of the window.

The survey/assessment of non-compliant window signs will provide relevant data and help to expedite compliance. Armed with this data (number and/or percentage of non-complaint businesses) will enable staff to move forward with an awareness campaign to facilitate enforcement of the ordinance. The goal is to bring businesses into compliance with an organized course of action (versus one business at a time to deter business owners from feeling targeted.)

At completion wind-shield assessment/survey a report of findings to be provided. As FYI, Planning would like to collaborate/coordinate with CRA to craft awareness campaign to facilitate enforcement of non-compliant window signs.

Additionally, to provide clear guidelines for applicants and help streamline the process, the sign permitting form is being revised beginning with graphics. Please see attached.

Outlook

## Re: Mr. Keith Patton- Issues

**From** Penny Overstreet <POverstreet@CityofFlaglerBeach.com>

**Date** Thu 5/29/2025 5:01 PM

**To** Drew Smith <dsmith@shepardfirm.com>; Dale Martin <dmartin@cityofflaglerbeach.com>; Lupita McClenning <LMcClenning@cityofflaglerbeach.com>; Michele Ficocello <MFicocello@CityofFlaglerBeach.com>; John Gifford <JGifford@CityofFlaglerBeach.com>; Gary Hinebaugh <GHinebaugh@Cityofflaglerbeach.com>; Casey Ryan <kcryan@cityofflaglerbeach.com>

**Bcc** Elected Officials <ElectedOfficials@cityofflaglerbeach.com>

2 attachments (4 MB)

Code Complaint Form 4-2025.pdf; Keiths Box Of Rocks.jpg;

***Elected Officials are Blind Copied to Prevent potential Sunshine Violations****

This email is in response to Commissioner Shermans email below related to complaints/concerns he heard from Keith Patton.
I met with staff to hear the chain of events. Staff has taken various actions which will be explained. Our goal is a layered approach to streamline the process for the business owners and staff.

First to address the questions Commissioner Sherman posed .

1. Can we potentially bring the window signage ordinance back before the commission? ***Yes***.
    a. For potential discussion and action. My justification for this would be the issue of enforcement being applied equally across the board. I am not in code enforcement, nor do I work in city administration. However, based on the conversation I have had with Mr. Patton, it seems that the ordinance is one that staff might be having issues with and potentially enforcing unevenly. ***Staff intends to place an item on the June 12th agenda to receive direction. This does not have to be a long discussion, we are simply seeking a yes or no response to whether you want the code enforcement process to halt for only this particular issue.***

2. Mr. Patton has been summoned to meet with the city magistrate. That being said, since there is potential for the ordinance to be revisited, would this be a matter that could be postponed, since the city commission may revise this ordinance? ***This is not an accurate statement. Mr. Patton has been issued a courtesy notice for violation, he had 30 days to comply. He did not. He was then issued a Notice of Violation he has until June 23rd to comply, if he does not he would then be issued a Notice of Hearing. Statutes require hearing dates have a 30 day minimum notice. In total 3 months, in which he could comply or await the decision of the Magistrate.***

*I was not privileged to participate in the conversations each of you have had with Mr. Patton, only this email. After meeting with five members of staff I heard a different version of this issue. Mr. Patton is not being targeted. This issue came about from Mr. Patton's contracted sign company McNeil Signs whom*

*he hired. McNeil Signs sent to the Planning department a picture to ask if it was compliant. Responding to the email from McNeil it was determined that The Box of Rocks shop had not applied for a permit for the sign, and the picture clearly showed additional window signage which also was not permitted. An application for the roof sign was submitted, it was denied. It was denied because the false mansard roof is non-conforming, so changes to it cannot be made, unless those changes are bringing that roof into compliance. (The building was constructed before the Downtown Design Guidelines were adopted which prohibits Mansard Roofs, therefore it is non-conforming and when the change of use for the business came through there should have been a site plan review done and the building should have been made to be brought into conformance to approve the use change.) Mrs. McClenning did explain this to Mr. Patton on April 11, 2025. Once the window/door signage was noted Code Enforcement went to the property, other violations were noted and have been corrected (fence repair, overgrown grass).*

*In response to Mr. Patton feeling targeted, this is not true. I am looking back at the notes from our conversation to write this and I am unclear as to who stated a verbal complaint about Johnny D's Window coverage. It was either Mr. Patton or EPS Printing. Mrs. McClenning provided them with a Code Enforcement Complaint form; it has never been returned.*

*Planning Department Staff have begun an internal response to this and other instances to correct the process and improve the citizens' interaction.*

- Michele revised the code complaint form (attached) it is compliant with State Statutes, and it holds staff accountable.
- MIchele is revising the application for a sign permit and includes a reference check list. Many times, the applications are turned into the Building Department incomplete of information, then sent to the Planner for review and she must deny or try to obtain the information. The new application will have mandatory fields and will not be accepted if not complete. The online application will have the mandatory fields as well. This will cut back on review time and provide a clear explanation of what is needed for the customer.
- The Planner directed Code Enforcement to perform a city-wide assessment of door and window signage, once the assessment is complete she will have Code Enforcement work with the CRA Director to explain and assist those businesses in the CRA to come into compliance.
- Staff will place an item on the June 12th agenda to obtain clear direction yes or no, do you want code enforcement to pause the process on Mr. Patton until the assessment of the door and window signage is complete, if yes, Staff would come back to you with a report and again request direction, enforce for compliance or again change your code likely leading to further confusion.

Thank you for hanging in there to read this long email , and we look forward to receiving your direction at the meeting on the 12th.

Sincerely,

**Penny Overstreet, CMC**
City Clerk
City of Flagler Beach
105 S. 2nd Street
Flagler Beach, FL 32136
www.cityofflaglerbeach.com
☏386-517-2000 ext. 233

Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. The City of Flagler Beach's policy does not differentiate between personal and business emails. This means email messages, including your e-mail address and any attachments and information we receive online might be disclosed to any person or media making a public records request. E-mail sent on the City system will be considered public and will only be withheld from disclosure if deemed confidential or exempt pursuant to State Law. If you are an individual whose identifying information is exempt under 119.071, Florida Statutes, please so indicate in your email or other communication. If you have any questions about the Florida public records law refer to Chapter 119 Florida Statutes

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**From:** James Sherman <JSherman@cityofflaglerbeach.com>
**Sent:** Tuesday, May 27, 2025 11:16 AM
**To:** Penny Overstreet <POverstreet@CityofFlaglerBeach.com>; Drew Smith <dsmith@shepardfirm.com>
**Cc:** keithsbigboxofrocks@gmail.com <keithsbigboxofrocks@gmail.com>; Dale Martin <dmartin@cityofflaglerbeach.com>
**Subject:** Mr. Keith Patton- Issues

Good morning, Penny and Drew,

I hope you both had a great weekend. Please see the message below from Mr. Patton. I was looking for some guidance here.

1. Can we potentially bring the window signage ordinance back before the commission?
    a. For potential discussion and action. My justification for this would be the issue of enforcement being applied equally across the board. I am not in code enforcement, nor do I work in city administration. However, based on the conversation I have had with Mr. Patton, it seems that the ordinance is one that staff might be having issues with and potentially enforcing unevenly.
2. Mr. Patton has been summoned to meet with the city magistrate. That being said, since there is potential for the ordinance to be revisited, would this be a matter that could be postponed, since the city commission may revise this ordinance?

Thank you both for your time and assistance with this matter:

Good morning Mr Sherman

this is Keith Patton, we spoke on Wednesday about my issues with the planning department

I was optimistic about help I might get from the city manager after Mr Cooley had offered to speak to him on my behalf but unfortunately it's not gotten better but worse

I with the CRA director yesterday

She was instructed to contact me by the city manager but was not at all helpful, she knows none of the city codes I have issue with nor any of the employees or their roles

Understandably since she's new but her only advise was for me to go to the magistrate hearing and plead my case or go to city council and ask that the code be altered

Needless to say this is not the help I was hoping for

I was served a summons yesterday for the window signs on my crystal shop

The code enforcement guys are sticking to the story that they are doing as directed

Luputa still will not return phone calls nor agree to meet me or my sign company to deal with the code issue or my sign application for the yoga studio which she denied for what seems like a lack of understanding of the code she cited as the only reason

It's really difficult to understand why she's denied me application and refuses to help with any solutions

I feel my only other course of action is to ask the city council to change the code

Remove it all together or alter it to both allow businesses with signs already in place to keep those window signs and to allow for more materials, such as sun shade to be used in new applications

Truthfully this code looks like something from some northern city with armed robbers and human traffickers to worry about, seeing in our local businesses dies seem much of a safety concern for law enforcement therefore to get rid of this code seems reasonable to me

I have begun to suspect that I am being discriminated against due to religious differences since it's all going back to one or two individuals in the planing department that are targeting only me with the code

I ♥
Crystal Sleep
© 2025 Google

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** City Clerk

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** Weekly Staff Reports

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** Commission comments, including reports from meetings attended

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None

# Staff Report

**City Commission Regular Meeting**

**June 12, 2025**

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**To:** City Commission
**From:**
**Meeting Date:** June 12, 2025
**Item Name:** Public comments regarding items not on the agenda. Citizens are encouraged to speak. However, comments should be limited to three minutes. A thirty-minute allocation of time for public comment on items not on the agenda. Each speaker has up to three-minutes to address the Chair, and one opportunity to speak, no time can be allotted to another speaker.

**Background:**

**Fiscal Impact:**

**Staff Recommendation:**

**Attachments:**
None