

ORDINANCE 2025-____

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 COMMISSION 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: underscore indicates new text and ~~striketrough~~ 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 2.01.02.7.1 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.

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- 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.

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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 <u>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</u> whichever is greater. 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. <i><u>Source: 2021 International Building Code Table 1004.5* see note 2</u></i>
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. * Note 2. <u>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</u>		

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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 ____ 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