ORDINANCE 2025-06

- 2 AN ORDINANCE BY THE CITY COMMISSION OF THE 3 CITY OF FLAGLER BEACH, FLORIDA, AMENDING 4 "A," OF APPENDIX 5 PROVISIONS LAND DEVELOPMENT **REGULATIONS**, 6 RELATING TO ARTICLE II, ZONING; AMENDING SECTION 2.06.02, 7 "PARKING;" AMENDING THE SCHEDULE OF OFF-8 9 STREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; 10 PROVIDING FOR CONFLICT AND PROVIDING AN 11 **EFFECTIVE DATE HEREOF** 12
- WHEREAS, the City recognizes off-street parking requirements are an essential tool within
 the Land Development Regulations; and
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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.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COMISSION OF

30 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).

38 Sec. 2.06.02. Parking.

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Section 2.06.02.1 Off-street parking.

- In all districts and in connection with every use, with the exception of those zoning districts 40 within the Downtown Mixed-Use District and the Downtown A1A Retail Corridor as 41 42 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, 43 added to or enlarged or reconstructed, or if there is a change in the category of use listed in 44 45 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 46 requirements as set forth herein. (Note: Any nonconforming use may replace an existing 47 nonconforming use if the parking requirements under the schedule are less for the new 48 nonconforming use.) 49
- 50 (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 51 parking of each automobile, exclusive of access drives or aisles thereto. Minimum 52 width for the maneuvering of an automobile into a parking space shall be in 53 54 conformance with the illustrative chart as set forth in Attachment One of this 55 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 56 57 to complete the maneuver.

- 58 Street or sidewalk areas may not be used for off-street parking purposes as herein 59 defined. Individual ingress and egress drives extending across the public sidewalks and 60 curbs and connecting the off-street parking spaces to the public street areas shall not 61 exceed a maximum of twelve (12) feet for a one-way drive and twenty-four (24) feet 62 for a two-way drive. The number and placement of such drives is to be subject to the 63 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
- 69parking facilities with adequate provisions for ingress and egress, in accordance with70paragraph (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.

75 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS*

76 CITY OF FLAGLER BEACH

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	LAOLEK DEACH			
1.	Single and two-family dwellings and	Two per dwelling unit		
2	townhouses Multi-family dwellings	Two per dwelling wit		
2. 3.		Two per dwelling unit		
5.	Churches or other places of worship	One per six permanent seats in the main auditorium		
1	Private clubs			
4.	Private clubs	One per three hundred sq. ft. of total floor area or portion thereof		
5.	General business, commercial and	One per three hundred fifty sq. ft. of		
5.	personal service	establishments or office buildings total		
	personal service	[floor] area or portion thereof		
6.	Hotels, motels and motor inns	One per bedroom or sleeping unit plus		
0.	notors, motors and motor mills	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	One per one hundred fifty sq. ft. total		
	places	floor area or one per three fixed seats or		
	1	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.		
		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.		
		Source: 2021 International Building		
		Code Table 1004.5* see note 2		
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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	Two spaces/court plus required parking		
	facilities	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 Maximum floor area in square feet allowance per occupant for restaurant = 15 pet				

<u>* Note 2. Maximum floor area in square feet allowance per occupant for restaurant = 15 net</u> (tables and chairs) 1000SQFT/15 = 67 max occupancy/4 people = 17 parking spaces

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80 **SECTION THREE.** <u>Codification.</u> This Ordinance shall be incorporated into the Flagler 81 Beach City Code. Any section, paragraph number, letter and/or any heading may be changed 82 or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or 83 like errors may

84 be corrected, and additions, alterations, and omissions not affecting the construction or

85 meaning of this ordinance or the City Code may be freely made.

87 **SECTION FOUR.** <u>Severability.</u> If any section, subsection, sentence, clause, phrase, word or 88 provision of this Ordinance is for any reason held invalid or unconstitutional by any court of 89 competent jurisdiction, whether for substantive, procedural, or any other reason, such portion 90 shall be deemed a separate, distinct and independent provision, and such holding shall not 91 affect the validity of the remaining portions of this Ordinance.

93 SECTION FIVE. <u>Conflicts.</u> In the event of a conflict or conflicts between this Ordinance and
 94 any other ordinance or provision of law, this Ordinance controls to the extent of the conflict,
 95 as allowable under the law.

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97 SECTION SEVEN. <u>Effective Date.</u> This Ordinance shall become effective immediately
98 upon adoption by the City Commission of the City of Flagler Beach, Florida.

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100	PASSED ON FIRST READING THIS _	DAY OF	2025.
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102	PASSED AND ADOPTED THIS	_ DAY OF	, 2025.
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104		CITY OF FLAGLER BE	ACH, FLORIDA
105		CITY COMMISSION	
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108		Pattie King, Mayor	
109	ATTEST:		
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112	Penny Overstreet, City Clerk		
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