MEMBERS PRESENT: Chair Michael Boyd, Jack Corbett, Laureen Kornel, Mark Langello, and Anthony Lombardo.

MEMBERS EXCUSED: Timothy Conner and Michael Goodman.

STAFF PRESENT: Adam Mengel, Planning Director; Gina Lemon, Development Review Planner III; and Wendy Hickey, Planner.

BOARD COUNSEL: Kate Stangle, with Nelson Mullins Broad and Cassel.

Chair Boyd called the meeting to order.

1. Roll Call.

Attendance was confirmed by Ms. Lemon and a quorum was present.

2. Pledge of Allegiance.

Chair Boyd led the Pledge of Allegiance to the Flag.

3. Quasi-judicial requiring disclosure of ex parte communication:

CONTINUED FROM THE AUGUST 13, 2019 REGULAR MEETING

Application #3179 - APPLICATION FOR A SPECIAL EXCEPTION IN THE AC (AGRICULTURE) DISTRICT - request for a borrow pit in the AC (Agriculture) district. Parcel Numbers: 31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000; 14.79+/- acres. Owner: Rayonier Atlantic Timber Company/Applicant: Matthews Design Group.

Chair Boyd asked for ex-parte disclosures; none were provided.

Mr. Mengel presented the staff report describing the property and explaining that the item had been continued from the previous month and that additional maps were handed out to the Board as they were received from the applicant via email prior to this meeting (attached to these minutes as Attachment “A”). He continued with the staff report and gave the staff recommendation that the Planning and Development Board find that all the special exception criteria as listed in the guidelines at the Land Development Code Section 3.07.03.F have been met and therefore approves the Special Exception for Soil Extraction (borrow pit) located on Parcels: #31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000, subject to the following conditions:

1. the Special Exception runs with the land;
2. owner or contractor to obtain all permits prior to the commencement of work;
3. the use shall be limited to 7a.m. to 6 p.m. Monday through Saturday;
4. the parcels shall remain under single ownership;
5. a minimum 50 foot wide perimeter buffer shall be maintained adjacent to the parcel boundary lines within which no activity shall take place;
6. applicant shall obtain an Administrative Future Land Use Amendment (to correct the Conservation Future Land Use designation) prior to commencement of any activity on the site;
7. applicant to provide necessary access improvements –consisting at a minimum of installation of a paved driveway connection to County Road 13 and paved shoulder apron edge opposite the driveway and along County Road 13, with other improvements as determined by the County Development Engineer at the time of right-of-way permit application for the driveway improvements- within the public right-of-way to ensure safe traffic movement on and off County Road 13, with no damage to pavement and/or drainage flow; and
8. Any damage to County Road 13 directly resulting from and in close proximity to this use shall be the responsibility of the owner/operator.

He then went on to also offer the alternative of denial and advised the Board the applicant is available for questions.

Chair Boyd asked if the applicant would like to speak.

Shannon Acevedo, Matthews Design Group, 7 Waldo Street, St. Augustine, applicant discussed the project along with options for the relocation of the access points for the excavation site.

Mr. Langello asked how many cubic yards are to be extracted.

Ms. Acevedo, responded 365,000 cubic yards with an average of 50 truckloads per day.

Mr. Langello stated based on his experience that would mean 26,000 truckloads and that is why moving the entrance further south would be better for the community.

Kenneth Rester, Business Development Manager, Rayonier Inc., 1 Rayonier Way, Yulee, representing the owner, stated they will do whatever they have to understanding that a neighbor had concerns.

Mr. Langello, noted that there was one neighbor that came with concerns.

Mr. Rester, stated he has no problem moving the entrance farther south between the two wetlands.

Chair Boyd opened the Public Hearing, seeing no one he closed the Public Hearing and asked the Board for a motion.
Motion to approve with staff conditions made by Mr. Lombardo, seconded by Ms. Kornel. Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:

Application #3185 - APPLICATION FOR A SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL / LIMITED COMMERCIAL) DISTRICT - request for a veterinary office with no boarding in the R/C (Residential/Limited Commercial) district. Parcel Number: 40-10-31-3250-00140-0070; 0.21 +/- acres. Owner/Applicant: Raic Cala Delarosa, LLC.

Chair Boyd asked for ex-parte disclosures; none were provided.

Mr. Mengel presented the staff report, giving a brief history of the property and details of the request. Noting that the applicant had gone to the Scenic A1A Committee and their recommendation letter is included within your packet. He proceeded to give the staff recommendation that the Planning and Development Board finds that all special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approves the Special Exception for a veterinary office with no boarding to be located at 5927 North Oceanshore Boulevard, Parcel #40-10-31-3250-00140-0070, with the following conditions: (conditions added within the PowerPoint presentation). He then went on to also offer the alternative of denial and advised the Board the applicant is available for questions.

1. the Special Exception runs with the land;
2. owner or tenant to obtain all permits prior to issuance of a Business Tax Receipt (BTR);
   and
3. the use shall be limited to a veterinary office without boarding.

He then went on to also offer the alternative of denial and advised the Board the applicant is available for questions.

Chair Boyd asked if the applicant would like to speak.

Patricia Hoskins, 94 Emerald Lake Drive, representing the applicant, stated she was available if there were any questions.

Mr. Langello asked what will happen with the residence.

Mr. Mengel stated nothing, it is currently occupied.

Chair Boyd opened the Public Hearing, asking if anyone would like to speak.
Adopted December 10, 2019

Eric Reagan, 821 1st Avenue, Welaka, owner of lot at 46 Seminole Avenue concerned about dogs barking.

Dennis Clark Chairman of Scenic A1A PRIDE Committee the committee supports responsible growth and we do support this project it is a needed service in the area. He also questioned if the driveway would support incoming and outgoing traffic to the parking lot

Mr. Mengel responded that is not A1A’s purview that is up to FDOT to make that determination.

Chair Boyd closed the Public Hearing and opened Board comments.

Mr. Langello asked the applicant if there would be dogs staying overnight?

Ms. Hoskins responded there will be one doctor and 4 cages. The building is 896 square feet and there may be an animal that stays because it is sick. This building is along A1A then there is the parking area and then there is the residential area with the mobile home before the any other residential area.

Mr. Lombardo asked if the cages were inside or outside the building.

Ms. Hoskins responded inside the building.

Motion to approve with staff conditions outlined in Power Point presentation made by Mr. Lombardo, seconded by Ms. Kornel.

Motion carried unanimously

5. Quasi-judicial requiring disclosure of ex parte communication:

Application #3194 – APPEAL OF THE PLANNING DIRECTOR DECISION IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for an appeal of the Planning Director’s decision that boat storage is a permitted use on a parcel previously approved by the Board of County Commissioners for boat manufacturing. Applicant: Hammock Civic Community Association

Mr. Mengel explained appeals don’t happen too often and explained the basis for this request is to appeal the Planning Directors decision that boat storage is a permitted use on a parcel previously approved by the Board of County Commissioner action to allow boat manufacturing. He presented the application stating the applicant’s basis and additional information for the appeal along with his analysis of the appeal. The recommendation to the Board is to receive the information related to the appeal request and take action as appropriate.
Chair Boyd asked if the applicant would like to speak.

Dennis Bayer Esq. 109 South 5th Street, Flagler Beach, for the applicant, provided a hand out to the Board attached to these minutes as Attachment “B”. He presented the applicants case for the appeal at times quoting excerpts of the Flagler County Land Development Code and referencing the handout he provided.

Mr. Mengel asked Mr. Bayer if boat manufacturing was a conforming or non-conforming use?

Mr. Bayer responded it was approved by the Board.

Mr. Mengel so that would make it conforming.

Ms. Kornel asked if there was a special exception approved for the use

Mr. Mengel stated no but the approval was originally for two lots the additional lot was for a buffer.

Mr. Langello asked in what zoning district is boat storage allowed.

Mr. Mengel responded it is not specifically stated.

Mr. Langello so it is not allowed in industrial?

Mr. Mengel, no

Mr. Bayer it can be in a PUD (Planned Unit Development) like Sea Ray

Mr. Langello so are we here to approve the use or the just the decision previously made

Mr. Mengel you are to determine if the Planning Director had the authority to make the determination.

Ms. Stangle advised the board there are two questions here, does Mr. Mengel have the authority to make the determination what is a similar use. Second if you determine he does have the authority was he correct.

Mr. Langello quoted Sec. 1.09.02 of the Land Development Code as it relates to responsibility of interpretation of the Code and how that responsibly is that of the Planning Director.

Ms. Stangle stated that when looking at statutes and regulations there is a concept that the more specific prevails over the general. In this case the C-2 district does say if it is not listed as permitted use other
uses may be considered and it goes on to say by the Planning Board. That is the argument before you did he have the authority or was that within your purview.

Mr. Langello asked if we determine that he didn’t have the authority do we now then make the determination tonight or is it that they have to reapply.

Ms. Stangle yes it would have to come back before you with the appropriate application. It would allow for a thorough discussion about what the appropriate use is.

Mr. Mengel stated the problem with that you are restricted to the C-2 uses. In this case you do not have that you have an exception by the Board, and determination by the Board that manufacturing is appropriate here. So when the application comes in you cannot do anything with it because you are making a determination of use based on what is similarly listed in the C-2 district and boat manufacturing is not listed in C-2 so you are going to be trapped you will not be able to do anything. The scenario becomes does this become a uniquely Board of County Commissioners decision. Because it was a Board of County Commissioners decision that allowed for boat manufacturing.

Chair Boyd asked then why wouldn’t it go straight to the Board of County Commissioners

Mr. Mengel because we do not have a mechanism for that.

Chair Boyd If we don’t have the authority and we are trapped as a Board I don’t see the reason.

Mr. Langello clarified with Ms. Stangel we are her to first determine if Mr. Mengel had the authority to make the decision and if he has the right we go to the next question. If he doesn’t have the right we do go to the next question which is if his decision is correct.

Ms. Stangle if you were to determine that the determination is within your purview and it doesn’t fall under the general provisions of the Sec. 1.09. that would be the end of this item by approving the appeal.

Mr. Mengel added that commercial warehousing which generates truck traffic and mini-warehouses were both prohibited uses within the scenic A1A corridor he then went to read into the record the a portion of Sec. 3.03.17 B Permitted principal uses and structure. In the C-2 shopping center district no premises shall be used except for the following uses and their customary accessory uses and structures. What comes into play here is the assumption of acreage the section we are laboring over is 3.03.17 B 22 “Other commercial uses of nature similar to those listed may be permitted upon determination by the planning board that such uses are appropriate in the Č-2 district. The standard industrial classification manual will be used as a reference for these determinations.” Then 23 goes on to state “Other commercial areas” then the first listed is all uses permitted in the shopping center district. He continued pointing out the confusing nature of the listing in the code as it pertains to the C-2 general
commercial and shopping center district. He added that this is not something we cannot overcome, this is a problem here this is a spot zoning. It is a C-2 I would get the preamble of the purpose and the intent section when this issue has come up before this does not meet the C-2 requirement.

Chair Boyd stated he thought General Commercial would be much different than a Shopping Center District.

Mr. Bayer stated a Veterinary Office in the A1A corridor would have to get a special exception but something as intense as this would only have to go to the TRC (Technical Review Committee). The previous contractor whom stored their equipment on the property had to come this Board for a special exception.

Mr. Mengel responded Veterinary Clinics are a permitted use in the A1A Corridor in the C-2 zoning district. The Veterinary Clinic was in the R/C (residential Limited Commercial) district. This is a C-2 zoning.

Ms. Kornel asked about a policy about compatibility with residential.

Mr. Bayer there is a 40 foot buffer that is zoned R-1 (Rural Residential) district that was a required part of part of this property for the C-2 zoning.

Ms. Kornel commented that many codes refer that boat storage is frowned upon against residential. Noting that she has been a Certified Planner for 18 years, she stated that she was not sure if she would have not thought that boat storage was not a similar use to boat manufacturing. But noting that she would have taken it to the Board for their decision because it is a kind of grey area. There is that provision that you can go to the Planning Board for their determination.

Chair Boyd noted that there are a couple of options we as a Board can determine; if Mr. Mengel had the authority to make that determination or we can table this to do some research.

Mr. Langello stated that out of respect to the people that are here and the property owner, to let them speak.

Chair Boyd responded this is a technical decision.

Mr. Langello I thought we should hear from the person most affected by it.

Chair Boyd opened Public Comments. He explained that this is not a discussion on if you like this project specifically, this is strictly to determine if the Planning Director has the authority to make the
Adopted December 10, 2019

determination. We are not here to discuss the emotional aspects of neighbors, we are here for the
technical aspects of the appeal.

Ms. Stangle add we are not here to talk about the substance of the pending site development plan or
the attributes of the project.

Mr. Lombardo commented, I believe Adam has the authority to make the decision but since it is such
a gray area I think you got stuck with a really hard one.

Kathy Viehe 5676 N. Oceanshore Boulevard, wants a public process and would like to see it codified.

Stephen Hatcher 85 Ocean Oaks Lane, thinks there should have an attorney opinion for their
decision.

Jan Sullivan, 35 Nantucket Drive, questioned the statement the proposed use is less intense than the
current allowable use.

Dennis Clark, 5784 N. Oceanshore Boulevard, feels the use is not the same.

Robert Million, representing the property owner Hammock Harbour LLC, 5658 N. Oceanshore
Boulevard stated that the concern has been about the intensity. This property is zoned C-2 and you are
allowed a certain amount of floor coverage and a certain number of uses for example a 300 seat
restaurant is an approved use we would just build it. The most intense use on this parcel is the restaurant
not the boat storage, it has very little traffic and very little noise. So we are talking about intensity
something that would need 120 parking spaces they are allowed by code the size of the building is
allowed by code. I’m not just talking about boat storage, so not being able to have a building and not
being able to have parking spaces is not correct. You should not consider the parking and the building
size that is for the site plan.

Gary Roberge 27 Las Palmas Way, claims boat storage of this size is an intense use. If the building
size stayed the same that would be different.

Jody Bollinger 5648 N. Oceanshore Boulevard, feels this is not consistent with the Flagler County
Comprehensive Plan and that boat storage would reduce property values in the area.

Chair Boyd closed the public comments and opened Board comments.

Mr. Langello stated he has been here over 40 years and he believes that property existed prior to our
zoning regulations and there wasn’t a lot out there at the time. There was always talk of something
eventually happening out there, always a lot of talk. My question is why didn’t they just zone it industrial?
Boat manufacturing is industrial with C-2 you can have a lot of traffic, I understand the concerns. He added that he did not hear testimony that the boat manufacturing was only one boat. If you are not going to put it in a boat manufacturing facility where else are you going to put it.

Ms. Kornel stated there definitely should be a place for boat storage, but doesn’t feel it should be abutting residential. She also added the Planning Director has the authority to make a decision but should have brought it before the Board.

Mr. Corbett stated that Adam made the best decision in a very grey area.

Motion to deny the appeal made by Mr. Langello, seconded by Mr. Corbett.

Motion passed 4/1 with Ms. Kornel dissenting.

6. Staff Comments
None.

7. Board Comments
None.

8. Public Comments - Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

Joyce Skaff 5648 N. Oceanshore Boulevard the serenity of area will be gone because of allowing this in a residential area.

Mr. Langello stated he lives in the area, has for 40 years and is across the street from a C-2 zoned property that currently has a restaurant that has music, outdoor music into the night. I understand but it is not only the neighbors right but the property owner also has rights we have to consider. I made the motion because I believed it was the right thing to do. You have the right to go to the Board of County Commissioners which I think this is where this is going, they are the elected officials.

9. Adjournment

Meeting adjourned at 7:38 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
Hammock Harbour Revisions - 8/23/19

SITE DATA TABLE

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
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<tbody>
<tr>
<td>TOTAL SITE</td>
<td>426 AC</td>
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<tr>
<td>EXISTING BUILDING</td>
<td>24,133 SF</td>
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<td>EXISTING IMPERVIOUS AREA</td>
<td>2,104 SF</td>
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<td>PROPOSED BUILDING</td>
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<td>TOTAL PERVIOUS %</td>
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<td>TOTAL FLOOR AREA</td>
<td>59,521 SF</td>
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<td>FLOOR AREA RATIO (FAR)</td>
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<td>PARCEL NUMBER($)</td>
<td>40-10-31-3150-00000-0420</td>
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<tr>
<td>911 ADDRESS</td>
<td>5658 N OCEAN SHORE BLVD</td>
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<td>FLOOD ZONE</td>
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SANITARY FLOWS

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<tr>
<th>Type of Development</th>
<th>GPO</th>
<th>Toilet Count</th>
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<tr>
<td>RESTAURANT</td>
<td></td>
<td></td>
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<tr>
<td>2,270 SF, 100 SEATS, 16 HOURS</td>
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<td>4,000</td>
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<tr>
<td>BOAT WAREHOUSE</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>4 EMPLOYEES @ 15 GPO</td>
<td></td>
<td>60</td>
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<tr>
<td>60 BOAT GUESTS @ 4 GPO</td>
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<td>240</td>
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<td>TOTAL</td>
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<td>4300</td>
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RESTAURANT PARKING CALCULATIONS

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<tr>
<th>Use: Restaurant</th>
<th>1 SPACE PER 50SF</th>
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<tr>
<td>DINING AREA (OR OTHER UNIT)</td>
<td>2270 SF</td>
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<tr>
<td>EMPLOYEES</td>
<td>7</td>
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<tr>
<td>TOTAL REQUIRED</td>
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<tr>
<td>TOTAL PROVIDED</td>
<td>52 SPACES</td>
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<tr>
<td>ADA REQUIRED</td>
<td>2 SPACES</td>
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<tr>
<td>ADA PROVIDED</td>
<td>2 SPACES</td>
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<tr>
<td>Compact Parking Provided</td>
<td>OSPACES</td>
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<tr>
<td>Max Compact Parking Allowed</td>
<td>12 SPACES</td>
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WAREHOUSE PARKING CALCULATIONS

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<tr>
<th>Use: Warehouse</th>
<th>1 SPACE PER 1,000 SF</th>
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<tbody>
<tr>
<td>BUILDING AREA (OR OTHER UNIT)</td>
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<td>Compact Parking Provided</td>
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<tr>
<td>Max Compact Parking Allowed</td>
<td>10 SPACES</td>
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TOTAL PARKING CALCULATIONS

| Total Required                     | 108 SPACES         |
| Total Provided                     | 120 SPACES         |
| ADA REQUIRED                       | 5 SPACES           |
| ADA PROVIDED                        | 5 SPACES           |
### Hammock Harbour Building Areas

#### Existing Buildings

<table>
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<tr>
<th>Building Type</th>
<th>SF</th>
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<tbody>
<tr>
<td>Current Metal Building (200' x 70')</td>
<td>14,000</td>
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<tr>
<td>North side attached shed (200' x 25')</td>
<td>5,000</td>
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<tr>
<td>Front office</td>
<td>3,500</td>
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<tr>
<td>Total Area of all Buildings</td>
<td>23,700</td>
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#### Proposed Will Variances

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<tr>
<th>Building Type</th>
<th>SF</th>
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<tbody>
<tr>
<td>Storage Front - Retail</td>
<td>4,226</td>
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<tr>
<td>Storage first side - Retail</td>
<td>1,100</td>
</tr>
<tr>
<td>Storage middle side - Retail</td>
<td>1,600</td>
</tr>
<tr>
<td>Front separate building - Retail</td>
<td>2,476</td>
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<tr>
<td>Restaurant</td>
<td>3,406</td>
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<tr>
<td>Restroom, Mech Equip</td>
<td>1,100</td>
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<tr>
<td>Total Area of all Buildings</td>
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#### Proposed Building Coverage

<table>
<thead>
<tr>
<th>Total Site (4.26 AC)</th>
<th>185,700</th>
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<tbody>
<tr>
<td>% Building Coverage</td>
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<tr>
<td>Total Floor Area</td>
<td>56,683</td>
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<td>Total Floor Area Ratio (FAR)</td>
<td>33.4%</td>
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#### Proposed Parking Spaces

<table>
<thead>
<tr>
<th>Spaces</th>
<th>58' Boat Storage</th>
<th>40' Boat Storage</th>
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<tbody>
<tr>
<td>SFR</td>
<td>24</td>
<td>24</td>
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<tr>
<td>Vacant</td>
<td>5</td>
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#### Hammock Harbour Final Site

<table>
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<tr>
<th>SF</th>
<th>Building Coverage</th>
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<tbody>
<tr>
<td>41,850</td>
<td>29%</td>
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<table>
<thead>
<tr>
<th>SF</th>
<th>Building Coverage</th>
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</thead>
<tbody>
<tr>
<td>57,510</td>
<td>33%</td>
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</tbody>
</table>

### 58' Boat Storage 41,850 sf

Total Site Building Coverage 29%

- Boat Storage
- Commercial
- Restaurant
- Restrooms

### 40' Boat Storage 57,510 sf

Total Site Building Coverage 33%
Hammad Harbour Killidi11 area,

USING PROVIDED SIT PLAN PLANS FOR BUILDING SIZES (not the comparison drawns below)

<table>
<thead>
<tr>
<th>Buildings</th>
<th>SF</th>
<th>Increase</th>
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<tbody>
<tr>
<td>Cumint Metal Building (200' x 70')</td>
<td>14,000</td>
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<tr>
<td>North side attached shed (200' x 25')</td>
<td>5,000</td>
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<tr>
<td>Front storage building</td>
<td>3,500</td>
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<tr>
<td>Front office</td>
<td>1,300</td>
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<tr>
<td>Total Area of all Buildings</td>
<td>23,700</td>
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</table>

Total Site (4.26 AC) 185,700
"Building cake 1.3" 23,700
Total Floor Area 23,700
Total Floor /sites Ratio (FAR) 12.8%

Parking Spaces 11

| Subtotal retail                     | 9,402   |          |
| Restaurant                          | 3,104   |          |
| Restroom, Mech Equip                | 1,100   |          |
| Total Area of all Buildings         | 54,208  |          |
| Total Site (4.6 AC)                 | 185,700 |          |
| "Buildings Coverage"               | 2.9%    |          |
| Total Floor Area                    | 56,683  |          |
| Total Floor Area Ratio (FAR)        | 30.5%   |          |

Proposed parking spaces 1113

Without Variance Building

<table>
<thead>
<tr>
<th>SF Increase</th>
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<tbody>
<tr>
<td>Restaurant</td>
</tr>
<tr>
<td>Restroom, Mech Equip</td>
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<tr>
<td>Total Area of all Buildings</td>
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<tr>
<td>Total Site (4.6 AC)</td>
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<td>&quot;Building Coverage&quot;</td>
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<tr>
<td>Total Floor Area</td>
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<tr>
<td>Total Floor Area Ratio (FAR)</td>
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58' Boat Storage 41,850 sf
Total Site Building Coverage 29%

55,211 SF
40' Boat Storage 57,510 sf
Total Site Building Coverage 33%
3.03.17. C-2-General commercial and shopping center district.

A. **Purpose and intent.** The purpose and intent of the C-2, general commercial and shopping center district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such uses should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accompanied in a manner consistent with the public health, safety, and welfare. It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the Flagler County Comprehensive Plan.

B. **permitted principal uses and structures.** In the C-2 shopping center district no premises shall be used except for the following uses and their customary accessory uses or structures:

1. Retail sales and services, excluding: motor vehicle sales and rental; automobile driving schools; boat or mobile home sales and service; car washes; miniwarehouses and water slides.
2. Retail specialty shops.
3. Adult congregate living facility.
4. Auction parlors.
5. Automobile service stations.
8. Art, dance, modeling and music schools.
10. Employment agencies.
11. Financial institutions.
12. Game rooms or arcades for pool, billiards, pinball machines, jukeboxes or other coin-operated amusements.
13. Laundry and dry cleaning establishments.
15. Professional offices.
16. Restaurants.
17. Travel agencies.
18. Stamp redemption centers.
19. Taxicab stands.
20. Theaters.
21. One (1) single-family dwelling unit to be used only in conjunction with the operation of a permitted business on the same premises; such single-family dwelling unit shall be an integral and contiguous part of the principal business structure and located behind or above that portion of the business structure devoted to service of the public. The building structure must meet all applicable building codes for the respective residential and commercial uses including fire and public safety laws. In no case shall this permitted use be construed to allow multifamily development behind or above a strip commercial center.
22. Other commercial uses of a nature similar to those listed may be permitted upon determination by the planning board that such uses are appropriate in the C-2 district. The standard industrial classification manual will be used as a reference for these determinations.
23. In other general commercial areas:
   (a) All uses permitted in the shopping center district.
C-2-General commercial and shopping center district.

(b) Automobile driving schools.
(c) Automobile rental agencies.
(d) Automotive repair.
(e) Bus stations.
(f) Boat, mobile home sales and service establishments.
(g) Catering services.
(h) Funeral homes.
(i) Automobile sales.
(j) Pawn shops.
(k) Pest exterminators.
(l) Private clubs.
(m) Tailors.
(n) Trade shops including electrical, plumbing, cabinet maker and heating and air-conditioning.
(o) Veterinary clinics.
(p) Car washes.
(q) Printing.
(r) Hotels, motels and other tourist accommodations.
(s) Restaurants.
(t) Nightclubs, bars.
(u) Hospitals.
(v) Medical and dental clinics.
(w) Miniwarehouses.
(x) Commercial recreational uses.

Bii. Prohibited uses in the A1A Scenic Corridor.

1. Adult businesses-As defined in Flagler County Ordinance 2000-17.
2. Mobile and modular home dealerships, repair or service establishments.
3. Automobile sales.
4. Recreational vehicle sales.
5. Automotive repair.
6. Establishments for sales or repair of motorized boats (excluding canoes and kayaks).
7. Tattoo parlors and/or body piercing establishments.
8. Pawn shops.
9. Outdoor storage, excluding plant nurseries.
11. Miniwarehouses.
13. Adult arcade amusement center or other similar entertainment enterprise or business at which electronic, mechanical, coin-operated game of amusement, chance or skill are played, whether for consideration or not when the games are similar to, or in the nature of, slot machines.
C-2-General commercial and shopping center district.

C. Permitted special exceptions.

1. Commercial warehousing and contractor storage yards-Provided outside storage is completely enclosed by a solid fence or otherwise screened from the public view.
2. Building material storage yards including lumber yards.
6. Roofing contractor.
7. Septic tank service.
8. Tractor sales and service.
10. Welding shop.
11. Temporary manufactured housing sales center-The "temporary sales center" will be permitted for a specific time frame and the models and their stem wall foundation removed upon time expiration.
12. Roadside vendor subject to the following provisions:
   (a) Limited to operation at an approved site, but not within five hundred (500) feet of any existing permanent business offering the same services or products.
   (b) Must provide safe ingress and egress to the site.
   (c) Must obtain county occupational license.

D. Dimensional requirements.

1. Shopping centers.
   (a) Minimum project size:
       Area: Five (5) acres.
       Width: Three hundred (300) feet.
   (b) Minimum perimeter setback requirements for structures:
       Front yard: One hundred (100) feet.
       Rear yard: Fifty (50) feet.
       Side yard:
       Interior lot: Fifty (50) feet.
       Abutting any street: One hundred (100) feet.
       (The minimum required side or rear yards shall be one hundred (100) feet where they abut a residential classification.)
   (c) Maximum building height: Forty-five (45) feet.
   (d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.
   (e) Minimum pervious area: Thirty (30) percent.

2. General commercial.
   (a) Minimum lot size:
       Area: Ten thousand (10,000) square feet.
C-2-General commercial and shopping center district.

Width: One hundred (100) feet.

(b) Minimum setback requirements for structures:
   Front yard: Thirty-five (35) feet.
   Rear and side yard: Ten (10) feet unless abutting any residentially classified property; then thirty-five (35) feet.

(c) Maximum building height: Sixty-five (65) feet.

(d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.

(e) Minimum pervious area: Thirty (30) percent.

Da. Dimensional requirements in the A 1A Scenic Corridor.

1. Shopping centers.
   (a) Maximum lot size: Five (5) acres except for lots zoned C-2 on the effective date of this section.
   (b) Minimum perimeter setback requirements for structures:
      Front yard: A minimum of twenty-five (25) feet for properties with a lot depth of one hundred (100) feet or less, and for properties with a lot depth greater than one hundred (100) feet, a minimum of twenty-five (25) percent of the lot depth, up to forty (40) feet.
      Rear yard: Fifty (50) feet.
      Side yard:
         Interior lot: Fifty (50) feet, when adjacent to residential zoning districts or uses; ten (10) feet when adjacent to commercial zoning districts or uses.
   (c) Maximum building height: Forty (40) feet but not more than three (3) stories.
   (d) Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.
   (e) Minimum pervious area: Thirty (30) percent.

2. General commercial.
   (a) Maximum lot size: Five (5) acres except for lots zoned C-2 on the effective date of this section.
   (b) Minimum perimeter setback requirements for structures:
      Front yard: A minimum of twenty-five (25) feet for properties with a lot depth of one hundred (100) feet or less, and for properties with a lot depth greater than one hundred (100) feet, a minimum of twenty-five (25) percent of the lot depth, up to forty (40) feet.
      Rear yard: Fifty (50) feet.
      Side yard:
         Interior lot: Fifty (50) feet, when adjacent to residential zoning districts or uses; ten (10) feet when adjacent to nonresidential zoning districts or uses.
   (c) Maximum building height: Forty (40) feet and no more than three (3) stories.

E. Off-street parking and loading requirements. Off-street parking and loading space meeting the requirements of section 3.06.04 shall be constructed.

F. Site development plan requirements.

1. A site development plan meeting the requirements of Appendix B is required. Lots or parcels of five (5) acres or more require site plan approval by the planning board.
C-2-General commercial and shopping center district.

2. Lots or parcels less than five (5) acres require site plan review by the technical review committee.

Fa. **Site development plan requirements in the A1A Scenic Corridor.** A site development plan as per the requirements of Appendix B (Site Development Plan Review) of the Flagler County Land Development Code, a sign plan, landscaping plan, and building elevations in conformance with the regulations of the A1A Scenic Corridor shall be required for simultaneous review. The site development plan, with all proposed improvements, shall illustrate a tree survey of all index trees on the site both to be removed or to remain.

(Ord. No. 92-03, § 3, 3-20-92; Ord. No. 93-11, § 1, 7-19-93; Ord. No. 95-06, § 4, 8-21-95; Ord. No. 01-26, § B., 12-17 01 Ord. Ne 0411, § 3. 8-16-04)