



City of Palm Coast

City Offices at City
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Palm Coast, FL 32164
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Meeting Minutes Planning & Land Development Regulation Board Workshop

*Chairman Michael Beebe
Vice Chair James Jones
Board Member Robert Cuff
Board Member Glenn Davis
Board Member Sybil Dodson-Lucas
Board Member Christopher Dolney
Board Member Ray Henderson
School Board Representative Chuck Nies*

Wednesday, May 20, 2015

5:30 PM

Palm Coast Community Center

**Workshop to start immediately following regularly scheduled
PLDRB meeting on May 20, 2015**

Public comment will be allowed consistent with Senate Bill 50, codified at the laws of Florida, 2013 – 227, creating Section 286.0114, Fla. Stat. (with an effective date of October 1, 2013). The public will be given a reasonable opportunity to be heard on a proposition before the City's Planning & Land Development Regulation Board, subject to the exceptions provided in §286.0114(3), Fla. Stat.

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>All pagers and cell phones are to remain OFF while the Planning and Land Development Regulation Board is in session.

A. Call to Order.

Chair Beebe called the PLDRB Workshop to order at 5:35PM

B. Roll Call

Present: 6 - Chairman Beebe, Vice Chair Jones, Board Member Cuff, Board Member Davis, Board Member Henderson, and School Board Representative Nies

Excused: 2 - Board Member Dodson-Lucas, and Board Member Dolney

Order of Business for Public Hearings (PLDRB may make inquiries at any stage):

Open Hearing

Staff Presentation

Applicant Presentation (if applicable)

PLDRB Questions of Applicant or City Staff (if applicable)

Public Comments/Presentations

Rebuttal by Applicant or City Staff (if applicable)

Close Hearing

PLDRB Discussion

PLDRB Action

**1 [15-212](#) ORDINANCE 2015-XX ADOPTING PROPOSED LAND
DEVELOPMENT CODE AMENDMENT UPDATING STANDARDS
FOR DRINKING ESTABLISHMENTS, FENCES, AND WALLS**

Attachments: [Ordinance LDC Amendments](#)

Mr. Tyner, Planning Manager for the City of Palm Coast, addressed the Planning and Land Development Regulation Board (PLDRB) members and introduced Mr. Bill Hoover, Senior Planner.

Mr. Hoover, Senior Planner with the City of Palm Coast, made a presentation dealing with proposed Land Development Code Amendment updating standards for drinking establishments and fences. This presentation is attached to these minutes..

Vice Chair Jones: We are not passing anything tonight (with regard to the Proposed Land Development Code Amendment)?

ANS: Mr. Tyner: No, this is just a workshop.

Mr. Henderson: Plantings on the outside of the fencing, is that mandatory?

ANS: Mr. Hoover: Yes, that is mandatory.

Vice Chair Jones: Bill, what about a screened in enclosure around that pool, is that not a fence?

ANS: Mr. Hoover: I'm just showing the pool deck, there (referring to the pool being displayed in the presentation)?

Vice Chair Jones: Well, if that home owner wanted to place a screened enclosure around that pool, as most people do, would that be considered a fence or a screened enclosure?

ANS: Mr. Hoover and Mr. Tyner: That is a screened enclosure.

Mr. Davis: Aren't you required to put an enclosure around a pool for safety reasons, pertaining to OSHA (Occupational Safety and Health Administration), to keep small children from falling into that (the pool)?

ANS: Mr. Hoover: You have to place a 4' screened enclosure, wall, or a fence (around a pool).

Mr. Davis: You have to do one or the other?

ANS: Mr. Hoover: Right.

Mr. Henderson: Isn't number 3 there (in the presentation) contradictory?

ANS: Mr. Hoover: That only refers to fresh water canals.

Mr. Henderson: Wouldn't the word fresh water be better instead of just canals?

Mr. Hoover: Yes, that is a good point.

Chair Beebe: There would not be a change in non-permitted lots, that don't back up to a canal (one would be allowed to do their 6' privacy fence, none of that is changing)?

ANS: Mr. Tyner: Yes just (the proposed change is) for salt water canals.

Vice Chair Jones: The last one here (referring to the presentation), Bill, are you talking about putting an open fence across the front of a house?

Mr. Tyner: Bill, can you put up the one graph (referring to the presentation graph)?

ANS: Mr. Tyner: You can see in the bright green area (referring to the presentation section highlighted with a pointer) that the garage sticks out further from the house so they could actually bring up the 6' fence up closer to the street.

Vice Chair Jones: But you could have a 6' fence from the property line to the house?

ANS: Mr. Tyner: Right, we can today.

Vice Chair Jones: So the last piece you're talking about is just the turn?

ANS: Chair Beebe and Mr. Tyner: Well, today that is not allowed.

Vice Chair Jones: Right now from the line of the house to the property there is a 6' fence and on the street side of that there is no fencing allowed?

ANS: Mr. Tyner and Mr. Hoover: Right.

Chair Beebe: So is there a limit to the length of that (the fence)?

ANS: Mr. Hoover: 20'

Chair Beebe: In total run? Or on each run? For example 10' and 10' or 20' and 20'?

ANS: Mr. Hoover: Since it is connected it would be (a limit of) 20'.

Chair Beebe: Is there a limit so there can't be a 20', 10', 7', 15', ten of them (fence runs) out there? Is there anything that addresses that (multiple fence runs)?

ANS: Mr. Hoover: But, one problem was when that question first came up, our answer was you could have fencing equal to half of your lot width.

Chair Beebe: So if your lot width is 75' you could have 37.5' of open fence in no more than a 20' section?

ANS: Mr. Hoover: Yes.

Mr. Cuff: Are we getting into landscaping instead of fencing?

ANS: Mr. Tyner: Asked for clarification.

Mr. Hoover: Read the definition of the proposed code for fencing (referring to page #3 of the presentation).

Vice Chair Jones: As we talk about fence restrictions with regard to salt water canals, why aren't we including fresh water canals?

ANS: Mr. Tyner: There aren't any issues with the fresh water canals because of the large easement, they are our treatment facility. The issue with a saltwater canal, there is a bulkhead and it's smaller in area, along with neighbors. There isn't an issue with fresh water canals because you have to maintain a 15'-20' easement, green area.

Mr. Cuff: Talking about the landscaping, what is the rational, I didn't even know there was a requirement to have landscaping in front of fencing in the front yard that were parallel to the road, why are we removing it (that requirement in the LDC).

ANS: Mr. Tyner: Most people who are putting it (landscaping) outside the fence are not maintaining it, they just have to put it there. In addition the maintenance of it.

Mr. Davis: How the heck, does the homeowner find out about any of this (meaning the LDC regulations)? Is he given a paper that states the code? I don't think so, I've been there (through this process) already and they (Permitting Department) doesn't give you anything?

ANS: Mr. Tyner: You are making Mr. Hoover's point, because a fence requires a permit from the Building Department, they will come in for permit. Mr. Hoover references his process for notifying all the fence companies about the upcoming hearing and supplying the proposed code change to them for their review and input.

Chair Beebe: Can you still do a double fence?

ANS: Mr. Tyner: Yes.

Vice Chair Jones: Generally, the fences you (referring to the LDC) allow are maintenance free?

ANS: Mr. Hoover: The fence companies have told me there are very few wooden fences that they are installing. You'll see them at Home Depot and Lowes for the homeowners, but they (fence companies) have told me that 75% to 80% (of their fence installations) are vinyl.

Vice Chair Jones: When you say application package, do you mean that when a homeowner comes into City Hall to request a permit for a fence, there will be an application package that includes these types of rules?

ANS: Mr. Hoover: Right (once the rules are revised)?

Mr. Davis: But we are not doing it now?

ANS: Mr. Tyner: No, the Building Department has their applications and they have their certain standards. 99% of the installers are contractors who put up the fences. All of our contractors know our regulations. We brought them in early on this (proposed LDC changes) and we will send them information on the fence code changes, so they are aware of the changes. They are agreeing with the changes. The majority of our education is will contractors. But yes, if a home owner comes in to put up a chain link fence we will have applications there that tell them what types of fences we allow and our regulations.

Vice Chair Jones: Isn't a fence inspected, too?

ANS: Mr. Tyner: Yes.

Vice Chair Jones: So if a fence is put up and it is nonconforming, before the building department signs off on that fence, they would have to go inspect it?

ANS: Chair Beebe: That is assuming someone pulled the permit?

ANS: Vice Chair Jones: Yes

ANS: Mr. Tyner: Yes

Chair Beebe: When you looked at the 10 other cities did you see that (requiring a

home owner to reach out to their neighbor who already had a fence to inform them that the homeowner is applying for a fence permit)?

ANS: Mr. Hoover: No, that is a rare one (circumstance).

Vice Chair Jones: That reminds me, Bill, of another question. If I build a fence and I change the pitch of my land, so that water drains onto a neighbor's land (is that inspected)?

ANS: Mr. Hoover: That would be reviewed in your plans, by our Stormwater Engineering Division.

Mr. Tyner asked if the members would like to discuss further the proposed changes.

A lengthy discussion on length of fence and/or landscape features took place among the board members, as well as, recommended changes were discussed.

Mr. Tyner: Mr. Davis, I've got a 2' picket fencing, very common, that you see around landscaping, is that a fence?

ANS: Mr. Davis: I'm saying no to anything above a foot or two.

Mr. Tyner: If this was 2' instead of 4' (border around your landscape), is that ok?

ANS: Mr. Davis: No, the common sense tells most of us that if you were going to build something like that in your front yard, you would build a planter. We should restrict the height of that planter and not use the word fencing at all.

Vice Chair Jones: Could we say that this decorative wall material would have to connect, enclosing planted shrubs or flowers as a landscape feature?

ANS: Mr. Hoover: I think we can, when I looked on line at some of the pictures, sometime they stack them up in front of a tree where it is a 6" or 8" (diameter) tree and then they taper them back down. In that case they would meet the requirement.

Mr. Hoover continued presentation regarding proposed drinking establishment changes to the Land Development Code.

Mr. Henderson: Was there one (micro brewery; brew pub) out on Hargrove Grade?

ANS: Mr. Tyner: No, that was a distillery (spirits).

Chair Beebe: So, if I'm reading this correctly the most significant change from our existing code to the proposed code is in Table 3.1, we will no longer allow drinking establishments without entertainment in either one (Com 1 and Office)?

ANS: Mr. Hoover: In my experience, as a planner, I have never seen one (drinking establishment) in Office (referring to the zoning code).

Vice Chair Jones: Somewhere else in the City code there are hours, correct?

ANS: Mr. Tyner: Yes, in the Code of Ordinance.

Mr. Henderson: I see a couple here (referring to the Drinking Establishment Mini Code Amendment) underlined, why are those underlined.

ANS: Vice Chair Jones: Because they were added.

Mr. Davis: What fast food restaurants can you drive up to a window and buy a beer or alcohol?

ANS: Vice Chair Jones: None

Mr. Davis: Under the definition of restaurants and fast food, they have the word bar, what do you mean by bar?

ANS: Mr. Hoover: A counter or a table.

Mr. Davis: Some communities have put restrictions on bars that only open during "Bike Week" to sell beer and entertainment, do we allow that in Palm Coast?

ANS: Vice Chair Jones: We don't have anything like that.

Mr. Davis: What's to say we can't?

ANS: Mr. Tyner: We have our special events' permit, i.e. Food Truck Tuesdays and Food and Wine Festivals. Which are (special events) regulated by the State (FL) as well.

Vice Chair Jones: But, they would have to conform to zoning?

ANS: Mr. Tyner: No, special events are covered in a separate ordinance, and they can apply for a temporary alcohol license for a festival.

Vice Chair Jones: So a group out of Ormond could come to Palm Coast City Council to request a special exception to open a tent bar?

ANS: Mr. Tyner: No, special events. We have an application permit for special events.

Vice Chair Jones: Which would be reviewed by City Council?

ANS: Mr. Tyner: The City Council has already approved the special event ordinance with all the criteria spelled out in the ordinance.

Vice Chair Jones: Then who approves it?

ANS: Mr. Tyner: It's staff initiated.

Mr. Davis: So what you are saying is tents, what I'm saying is building?

ANS: Mr. Tyner: We have special events.

Mr. Davis: That applies to a building as well as a tent?

ANS: Mr. Tyner: If you hold it (special event) in a building you would need a license (alcohol) and to meet Florida building code license and occupancy load ordinance.

Chair Beebe lead a discussion about the number of special meetings that are being requested of the PLDRB.

Mr. Tyner: Address what, addressing the two meetings per month suggestion?

ANS: Chair Beebe: Yes, at that point in time, if we get tired of working till ten o'clock at night.

Adjournment

The meeting was adjourned at 7:30PM

Respectfully submitted:

Irene Schaefer, Recording Secretary

[15-262](#)

ATTACHMENTS TO MINUTES

Attachments: [Fences, Walls and Drinking Establishments \(4\)](#)