

The Flagler Beach Comprehensive Plan: Future Land Use and Housing

Changes Required by Statute/Passage of Time

- Delete references to plan implementation and update timeframes in Future Land Use and Housing and Elements.
- Modify the standards for future land use plans and amendments to include permanent and seasonal population, compatibility, and land uses and development patterns within antiquated subdivisions (F.S. 163.3177(6)(a)2,3).
- Modify requirements for future land use element to accommodate at least the minimum amount of land required by the medium projections of UF BEBR for a 10 year planning period (F.S. 163.3177(6)(a)4).
- Update data and analysis for both elements and the Future Land Use Map and map series .

Changes Adopted Locally but not yet included in Plan

2011 Major Issue

- Nonconformities: The City should consider adding policies that would allow legally established nonconforming uses to continue until ceased. When a nonconforming use has ceased, it can be replaced only by a conforming use.

2011 Trends and Conditions

- Annexations: None from 2000 to 2010, and none contemplated. Still true?
- Amount of vacant land by category: Scattered vacant residential on island and NW section of mainland. Vacant commercial on mainland. Still true?

2011 Assessment of Elements

- Update dates and timelines for FLUE. Update substandard housing inventory in Housing and continue to explore housing opportunities for residents with special needs such as low income elderly and handicapped persons, and affordable housing opportunities for the working middle class.

2017 Updates? What has changed?

Project webpage: Icon on www.nefrc.org



F. Nonconformities

Comprehensive Plan nonconformities are the result of conflicts between future land use (FLU) designations and zoning classifications on parcels of land. These nonconformities may occur as a use that either does not conform to the requirements of its FLU designation or a zoning classification that is more intense than its FLU designation. A review of the City's FLU Map and zoning reveals that the FLU designations and zoning classifications have not created any land use or intensity nonconformities.

On the other hand, the City's Land Development Regulation's zoning classifications can create nonconformities related to buildings and lots. These types of zoning nonconformities are more appropriately addressed within the Land Development Regulations and are not the subject of this EAR unless the City desires to add

additionally polices as part of the EAR-based Plan amendment that address zoning regulation related nonconformities.

Objective and Policy Review

Objectives and Policies that impact non-conforming land use issues were found in the FLU Element and are listed below.

FLUE Policy A.1.13.1

Upon adoption of the Comprehensive Plan, the City shall discourage the issuance of variances, special use or other permits to non-conforming land uses or take any other action that may prolong their existence as a non-conforming land use.

FLUE Policy A.1.13.3

At the time of the EAR-based plan amendment, the City shall inform owners of the non-conforming status of properties developed with land uses that are not consistent with the adopted Comprehensive Plan or upon adoption of future LDR revisions.

Recommendation

The City should consider adding polices that would allow legally established nonconforming uses to continue until ceased. When a non-conforming use has ceased, it can be replaced only with a conforming use.



not any more

Section III
Review of Comprehensive Plan Objectives
[F.S.163.3191(2)(g)]

The above referenced Statute requires an assessment of whether the Plan objectives within each Plan Element have been achieved. The following objectives are contained within the adopted Comprehensive Plan. An evaluation of each objective specifies to what extent the objectives have been met and whether an amendment is needed to the Plan. Also objectives that are applicable to the major work tasks listed in the "letter of understanding" have been identified and assessed as well as providing an additional explanation within the status column.

all 9J-5 references are obsolete

FUTURE LAND USE ELEMENT		
OBJECTIVE	STATUS	AMENDMENT NEEDED
<p>Objective A.1.1 9J-5.006(3)(b)1 Upon plan implementation, The City of Flagler Beach shall regulate future land use and development through the adoption and implementation of land development regulations based on the Comprehensive Plan and the availability of public facilities and services in accord with the requirements of the state growth management legislation. The City of Flagler Beach shall adopt a planning time frame to include an initial planning time period that begins in 2000 and runs to the end of 2004. A second planning period would run from the year 2004 to 2010. This further includes the establishment of a planning time frame which should include a list of grant funded capital facility improvements to be funded by the year 2010.</p>	<p>This is an on-going effort. The City reviews all developments and redevelopments to ensure that they are consistent with the Comprehensive Plan and LDC.</p>	<p>Revise to indicate that the LDRs are adopted and update reference to time frames and capital improvements.</p>
<p>Objective A.1.2 9J-5.006(3)(b)1 Upon plan implementation, the City of Flagler Beach shall regulate the location of future land use and development with regard to appropriate topography and soil conditions, as described by the following policies:</p>	<p>This is an on-going effort.</p>	<p>Delete reference to Plan implementation.</p>
<p>Objective A.1.3 9J-5.006(3)(b)3 & 7 Upon plan adoption the City shall coordinate development with adjacent jurisdictions or annex surrounding areas whose proposed land uses may adversely impact the City.</p>	<p>This is an on-going effort.</p>	<p>Delete reference to Plan adoption.</p>
<p>Objective A.1.4 9J-5.006(3)(b)7 In order to discourage the proliferation of urban sprawl, upon plan adoption, new residential construction shall be guided to infill lots on existing paved streets in areas already served with water and sewer facilities.</p>	<p>This is an on-going effort.</p>	<p>Delete reference to Plan adoption.</p>

FUTURE LAND USE ELEMENT (cont.)

OBJECTIVE	STATUS	AMENDMENT NEEDED
<u>Objective A.1.5</u> 9J-5.006(3)(b)8 Upon plan adoption, the City shall require that the developer provide utility facility sites as may be needed for the service of each new development.	Completed and is an on-going effort.	Delete reference to Plan adoption.
<u>Objective A.1.6</u> 9J-5.006(3)(b)3 Within one year from the date of the EAR based plan amendment is adopted the City shall revise its zoning map and adopt a unified land development code to reflect the land use designations described by the Future Land Use Element and Future Land Use Map.	Completed	Revise to address that City has adopted a Land Development Code consistent with this Objective.
<u>Objective A.1.7</u> 9J-5.006(3)(b)3 Upon plan implementation, the City shall seek to improve its ad valorem tax base by encouraging development of light industry and manufacturing north and west of Wadsworth Park.	Completed and is an on-going effort.	Delete reference to Plan implementation.
<u>Objective A.1.8</u> 9J-5.006(3)(b)3 Upon plan implementation, review zoning and land use requirements to ensure the regulations allow the development of multi-family housing in proximity with central business and light industrial areas.	Completed and is an on-going effort.	Delete reference to Plan implementation.
<u>Objective A.1.9</u> 9J-5.006(3)(b)3 Upon plan implementation, strengthen commercial facilities oriented to serve tourists along the A1A corridor.	Completed and is an on-going effort.	Delete reference to Plan implementation.
<u>Objective A.1.10</u> 9J-5.006(3)(b)3 Create beach parking facilities on local streets adjacent to A1A to serve tourists and other beach users.	Completed and is an on-going effort. This objective is related to the beach access major issue.	Revise and /or delete.
<u>Objective A.1.11</u> 9J-5.006(3)(b)1 Encourage the construction of bikeways and pedestrian ways on SR 100 in conjunction with FDOT highway construction or improvements.	Completed and is an on-going effort. This objective is related to the traffic calming major issue.	None
<u>Objective A.1.12</u> 9J-5.006(3)(b)2 The City of Flagler Beach shall continue implementing the Southern Standard Building Code to establish minimum housing standards for construction and rehabilitation.	This is an on-going effort.	Update reference to Florida Building Code.

Rewrite needs to include this change

FUTURE LAND USE ELEMENT (cont.)		
OBJECTIVE	STATUS	AMENDMENT NEEDED
<u>Objective A.1.13</u> 9J-5.006(3)(b)3 Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.	This is an on-going effort.	None.
<u>Objective A.1.14</u> 9J-5.006(3)(b)5 Upon adoption of the Comprehensive Plan, population densities in the barrier island portion of the City of Flagler Beach shall be limited to a density that can be removed from danger within the constraints of the Flagler County Hurricane Evacuation Plan.	Completed because the City has limited densities consistent with this objective.	Delete reference to Plan adoption.
<u>Objective A.1.15</u> 9J-5.006(3)(b)1 Upon plan adoption, all new construction shall be planned and built so as to minimize the danger of life and property losses due to coastal and inland flooding.	Completed and is an on-going effort.	Delete reference to Plan adoption.
<u>Objective A.2.1</u> 9J-5.006(3)(b)4 Upon adoption of the Plan, the City shall protect the natural and historic resources and preserve them from destruction or encroachment by development. This shall include such activities as ensuring the availability of dredge spoil disposal sites only for the purpose of maintenance dredging of the Intracoastal Waterway.	Completed and is an on-going effort.	Delete reference to Plan adoption.
<u>Objective A.2.2</u> 9J-5.006(3)(b)6 Upon plan adoption, coordinate City development with all resource planning and management plans prepared pursuant to Chapter 380, F.S., and approved by the Governor and Cabinet.	Completed and is an on-going effort.	Delete reference to Plan adoption.
<u>Objective A.2.3</u> 187.201(15)(a)(b)1,2,3 The City of Flagler Beach shall protect private property rights and recognize the existence of private interests in land use.	This is an on-going effort and related to redevelopment shoreward of the CCCL major issue.	None.
<u>Objective A.2.4</u> 9J-5.006(3)(b)3 198.201(16)(a) Encourage the elimination or reduction of existing land uses which are incompatible or inconsistent with the Future Land Use Plan.	This is an on-going effort.	None

not applicable - never was applicable



HOUSING ELEMENT		
OBJECTIVE	STATUS	AMENDMENT NEEDED
<p><u>Objective C.1.1</u> 9J-5.010(3)(b)1 The City of Flagler Beach shall adopt programs and policies upon plan implementation, which shall address the housing needs of all citizens of the City including very low, low and moderate-income households. In addition, the City will coordinate with the County in order to participate in housing weatherization programs and the State Housing Initiative Program. The City of Flagler Beach shall adopt a planning time frame to include an initial planning time period that begins in 2000 and runs to the end of 2004. A second planning period would run from the year 2004 to 2010.</p>	Completed and is an on-going effort.	Delete references to Plan implementation and time frames.
<p><u>Objective C.1.2</u> 9J-5.010(3)(b)2 Upon plan adoption, of the EAR based plan amendment, the City shall implement programs that provide for the conservation and rehabilitation of existing substandard dwelling units in the City.</p>	Completed and is an on-going effort.	Delete reference to adoption of EAR based Plan amendment
<p><u>Objective C.1.3</u> 9J-5.010(3)(b)3 The City of Flagler Beach shall ensure adequate sites for low and moderate-income households and for mobile homes.</p>	This objective has been implemented by providing land use designations and zoning districts for such housing.	None.
<p><u>Objective C.1.5</u> 9J-5.010(3)(b)2 and 5 Upon Plan adoption, the City of Flagler Beach shall continue to ensure that existing residential neighborhoods be maintained and upgraded.</p>	Completed and is an on-going effort.	Delete reference to Plan adoption.
<p><u>Objective C.1.6</u> The City shall, by Ordinance, assign responsibility for historical preservation to its Architectural Review Board. The Board shall then implement the following policies:</p>	Completed and is an on-going effort.	None.
<p><u>Objective C.1.7</u> 9J-5.010(3)(b)1 Upon Plan adoption, the City of Flagler Beach shall take a leadership role in the coordinating with Flagler County and other appropriate Federal and State agencies with the intent of establishing mechanisms for the provision of affordable housing for its low and moderate income households.</p>	Completed and is an on-going effort.	Delete reference to Plan adoption.

While not inconsistent this is quite a high bar

HOUSING ELEMENT (cont.)		
OBJECTIVE	STATUS	AMENDMENT NEEDED
<u>Objective C.1.8</u> 9J-5.010(3)(b)6 Upon Plan adoption, the City shall ensure that no occupied housing unit shall be cleared by the City before adequate and affordable housing is provided the occupants.	Completed and is an on-going effort.	Delete reference to Plan adoption.
<u>Objective C.1.9</u> 9J-5.010(3)(b)7 Upon Plan adoption the City shall implement the following programs to ensure successful pursuit of the Plans housing goals and objectives. The City of Flagler Beach shall adopt a revised unified land development code to replace the current Zoning Code and related development control ordinances.	Completed and is an on-going effort.	Delete references to Plan adoption and land development code.