



**Town of Ponce Inlet  
Planning Board  
Regular Meeting Minutes  
May 24, 2022**

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1 **1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE:** Pursuant to proper notice,  
2 Vice-Chairman White called the meeting to order at 5:30 p.m. in the Council Chambers, located  
3 at 4300 S. Atlantic Avenue, Ponce Inlet, FL, and led attendees in the Pledge of Allegiance.  
4

5 **2. ROLL CALL AND DETERMINATION OF QUORUM:**  
6

7 Board members present:

8 Mr. Mauldin, Seat #1

9 Mr. Kaszuba, Seat #2

10 Mr. White, Seat #3; Vice-Chairman

11 Mr. Carney, Alternate Seat #1  
12

13 A quorum was established with four members present; Chairman Cannon, Seat #4 and Mr.  
14 Thompson, Seat #5 were absent.  
15

16 Staff present:

17 Mr. Disher, Director, Planning & Development Department

18 Ms. Hunt, Assistant Deputy Clerk

19 Mr. Mendenhall, Principal Planner

20 Attorney Smith, Town Attorney  
21

22 **3. ADOPTION OF AGENDA:** Vice-Chairman White asked if there were any changes; Mr.  
23 Mendenhall added agenda Item 3-A, *Oath of Office* to John Carney, Alternate Seat #1 and  
24 requested the roll-call reflect Mr. Carney's attendance; there were no other changes.  
25

26 Mr. Kaszuba moved to adopt the agenda as amended; seconded by Mr. Mauldin. The motion  
27 PASSED 4-0, consensus.  
28

29 **A. Oath of Office, John Carney** - Attorney Smith administered the *Oath of Office* to  
30 John Carney.  
31

32 **4. APPROVAL OF MINUTES:**  
33

34 **A. April 26, 2022 Regular meeting** - Vice-Chairman White asked if there were any  
35 changes; there were none.  
36

37 Mr. Kaszuba moved to approve the April 26, 2022 Regular meeting minutes as presented;  
38 seconded by Vice-Chairman White. The motion PASSED 4-0, consensus.  
39

40 **B. May 9, 2022 Special meeting** - Vice-Chairman White asked if there were any  
41 changes; there were none.

42  
43 Mr. Kaszuba moved to approve the May 9, 2022 Special meeting minutes as presented; seconded  
44 by Mr. Carney. The motion PASSED 4-0, consensus.  
45

46 **5. REPORT OF STAFF:**

47  
48 **A. Administrative Variance Applications** - Mr. Mendenhall stated there were no  
49 Administrative Variance applications.  
50

51 **B. Other updates / reports** - Mr. Disher welcomed Mr. Carney; he announced that  
52 Beverly Frazier, Senior Planner, has accepted a position with St. Johns County as their Assistant  
53 Growth Management Director; updated the status of the Watershed Master Plan grant, reviewed  
54 recent changes to state laws regarding legal notices and tree trimming requirements; and referenced  
55 a recent article sent to the Board regarding living shorelines. Mr. Mendenhall described the living  
56 shoreline being constructed at the Liza Jackson Park Fort Walton Beach and stated that these are  
57 created from oyster shells, sand, and recycled concrete, and it does not erode; he and Mr. Disher  
58 are looking into these and other options to help protect and restore the shorelines. Mr. Disher added  
59 there is a bid opening tomorrow at 11:00 a.m. for the Townwide Traffic Study and that item will  
60 go to the June Council meeting for award; and a special exception application is currently under  
61 review for a farmers market and may be ready for next month's Board meeting.  
62

63 **6. CORRESPONDENCE/DISCLOSURE OF EX-PARTE COMMUNICATION:** None.  
64

65 **7. HEARING OF CASES:**

66  
67 **A. Special Exception #SE10-2021; Address: 133 Inlet Harbor Road (Tiki Pub)**  
68 **Purpose: To allow a sightseeing boat base in a B-2 Riverfront Commercial**  
69 **zoning District per Section 3.29 of the LUDC.** Mr. Mendenhall referred to Ms.  
70 Frazier's staff report dated May 13, 2022. He noted that the application is for a minor special  
71 exception to allow a sightseeing boat base operation at Inlet Harbor Marina. The applicant intends  
72 to operate a 16-passenger sightseeing boat, named "Tiki Pub 1", using existing dock and slip  
73 facilities at that location. The boat measures approximately 26 feet in length and 14 feet in width  
74 and will be operated by one captain. They intend to offer 90-minute daily tours between the hours  
75 of 10:00 a.m. and 8:00 p.m. The Marina's general manager has an agreement to lease a wet slip to  
76 the applicant, contingent upon approval of this application. There will be nine parking spaces  
77 designated for Tiki Pub's customers; based on the number of passengers and captain, the tour boat  
78 base requires a minimum of six parking spaces (LUDC 4.7.8). He noted the B-2 zoning district is  
79 intended to support small-scale water-oriented commercial activity and allows a variety of water-  
80 dependent and water-enhanced uses (1. boat/vessel rentals, 2. charter fishing boats; 3. boat/vessel  
81 sales, service, and construction; 4. temporary residences on boats in the water; and 5. sightseeing  
82 boat base not to exceed 50 passengers). While the first three listed are *permitted uses*, the  
83 sightseeing boat base requires a *minor special exception* approval. Mr. Mendenhall reviewed the  
84 four criteria outlined in LUDC Section 3.29 and stated that all of the criteria were met. He then  
85 reviewed the eight general criteria outlined in LUDC, Section 6.3.6.F and stated that all of those  
86 criteria were met. He noted that staff's recommendation of approval is subject to the following  
87 five conditions: 1. The special exception use is limited to one 16-passenger boat - any proposed  
88 increase in the number of boats or passengers shall be reviewed as a new special exception

89 application; 2. One wet slip shall be assigned to this use from the total number of wet slips allotted  
90 to Inlet Harbor Marina; 3. Inlet Harbor Marina shall identify the nine parking spaces allocated to  
91 this use in its parking lot to ensure availability during business hours of the Tiki Pub boat. The  
92 signs may be temporary to allow removal when the tour boat is not in operation; 4. Any proposed  
93 relocation of this use elsewhere in the Town shall be reviewed as a new special exception  
94 application; and 5. The applicant shall maintain all applicable federal, state, and local licenses and  
95 a valid business tax receipt with the Town.

96  
97 Mr. Carney asked if the Town knew how many passengers are on the various fishing charters  
98 currently operating out of the marina. Mr. Disher noted that fishing charters typically carry six  
99 passengers - they are allowed as a permitted use in B-2, so do not need to go through this process.  
100 Mr. Mendenhall added that sightseeing boats are allowed up to 50 passengers, but this one is  
101 limited to 16 passengers. Mr. Carney referenced the “impact on surrounding area” criterion and  
102 asked how that is determined. Mr. Mendenhall stated it is an evaluation of the types of uses that  
103 are already approved for that area as well as analyzing the concurrency requirements (traffic,  
104 additional structures, etc.). Mr. Disher added that staff looks to see if the proposed use is different  
105 than anything else that is already there; and in this case, the threshold has not been surpassed. Mr.  
106 Carney expressed concerns with “reserved parking” and conflicts with the boat slip holder’s  
107 parking spaces. Mr. Disher stated that staff is requiring management to designate the parking  
108 spaces, on a parking plan, not physically mark them. (Mr. Disher noted that this would be reworded  
109 in the conditions #3 for clarity). Vice-Chairman White stated that the parking location was  
110 indicated on the presentation slide. Mr. Kaszuba asked if there is a cap on the number of businesses  
111 allowed to operate at a specific site. Mr. Mendenhall stated as long as the *use* is allowed, another  
112 business could be added, provided sufficient parking exists, and lot coverage and setbacks are met.  
113 Mr. Kaszuba asked how many businesses are operating out of this location. Mr. Disher stated he  
114 did not have that information with him and noted that other than the Marina and the Restaurant,  
115 the other businesses have varying hours and typically do not conflict with one another. Mr.  
116 Mauldin added that this is a typical use in a marina. Mr. Kaszuba asked how the trash generated  
117 from this business would be secured and noted that this “boat” appears to be a “floating bar”. Mr.  
118 Mendenhall stated there are no additional dumpsters proposed and that the board should ask the  
119 applicant specific questions regarding the business’ operations. Mr. Disher stated he believes there  
120 may be four or five tour boats in the entire town.

121  
122 Vice-Chairman White invited the applicant to address the board. Cal Alti, representing the business  
123 owner stated that the loading of passengers will occur at one location, on the dock west of the  
124 restaurant; parking will not be allowed in the slip holder’s reserved parking areas; there are several  
125 other parking spaces available to accommodate adequate parking; the business (Trolley Pub of  
126 North Carolina) has been in business for over six years and has operated one boat known as the  
127 *Paddle Pub* out of Halifax Marina, Daytona Beach for nearly six months; that tour travels north  
128 on the Halifax to Caribbean Jack’s/Coquina Marina and loops back to the Halifax Marina. Alcohol  
129 is allowed as a BYOB, limited only to wine and beer, glass and liquor are prohibited, and no  
130 alcohol is sold. Vice-Chairman White asked if this business is already operating within the Town  
131 limits - specifically Disappearing Island, what are the amenities, and what is the planned travel  
132 route? Mr. Alti stated that the boat is not currently operating within the Town; the tour will travel  
133 on the Halifax river south to the Inlet and loop back to the dock, adding that this is a slow-moving  
134 tour boat (3-4 knots) and clarified that there would be no stops along the route. Mr. Alti stated the  
135 photo in the staff report is a “depiction” of the type of boat but that the actual boat will have a

136 restroom facility on board. He noted that he works with the businesses on site (symbiotic  
137 relationship) to allow customers to wait and use restroom facilities, sometimes offering gift cards  
138 to patrons to use at the businesses.

139  
140 Vice-Chairman White opened public comment: Joanne Doyle, Ponce deLeon Circle, stated that  
141 her concerns of increased noise and the loading area have been addressed; she asked if there would  
142 be additional lighting. Mr. Mendenhall stated there would be no additional lighting and restated  
143 the hours of operation would be 10:00 a.m. to 8:00 p.m. Vice-Chairman White closed public  
144 comment. Boardmembers completed the Quasi-Judicial Worksheets and returned them to the  
145 Assistant Deputy Clerk (marked as Attachment #1 to this set of minutes).

146  
147 Mr. Mauldin moved to approve the Special Exception application #10-2021 for the Tiki Pub  
148 Sightseeing Boat with the five conditions outlined in the staff report; seconded by Mr. Carney. The  
149 motion PASSED 4-0, with the following vote: Mr. Mauldin - yes; Mr. Carney - yes; Vice-Chairman  
150 White - yes; Mr. Kaszuba - yes.

151  
152 **8. BUSINESS ITEMS/PUBLIC HEARINGS:**

153  
154 **A. Discussion - LUDC Amendment: Mobile Food Sales (Mobile Food Vending**  
155 **Vehicle - MFVV) and Temporary Use** - Mr. Mendenhall explained the state legislation (HB  
156 1193 and F.S. 509.102) that preempts local jurisdictions from prohibiting mobile food vendor  
157 vehicles (MFVVs, commonly referred to as “food trucks”) from the jurisdiction, and from  
158 requiring a separate license or fee for them. The jurisdiction must allow them within its jurisdiction  
159 and can only regulate the location of where MFVVs are allowed. He noted that these vehicles are  
160 inspected and licensed by the state, the same as with any other restaurant. Vice-Chairman White  
161 asked if the town has the ability to review or inspect the MFVVs state licensing or permits? Mr.  
162 Mendenhall stated yes, we can ask to see those documents to verify that they are legitimate. Mr.  
163 Disher added that the proposed LUDC amendment allows for a fire inspection by the Town’s fire  
164 marshal prior to issuance of a permit. Since the LUDC does not currently allow MFVVs, it must  
165 be amended to reflect the changes to state law, therefore Articles 2, 3, and 6 of the LUDC and  
166 Chapter 50, Code of Ordinances are being presented for the Board’s consideration. The proposed  
167 language addresses commonly identified issues: 1) limit the number of MFVVs that intermittently  
168 travel into the community for short periods of time to take advantage of crowds or unscheduled  
169 events; 2) maintain a high level of transparency for the residents to as to where these uses can be  
170 expected to operate and for how long; 3) provide police and code enforcement with clear  
171 documentation of each vendor’s permitted activity and location; 4) keep property owners that  
172 allow the use on their property aware of the regulations and their responsibilities regarding  
173 MFVVs; 5) limit secondary issues such as excessive garbage, unregulated signage, pedestrian and  
174 traffic circulation conflicts, and unnecessary noise levels; and 6) provide an efficient process for  
175 MFVV operators to obtain a permit from the Town that clearly outlines their responsibilities and  
176 penalties. He noted that applications would be subject to Administrative review and approval by  
177 staff; and the use is consistent with Comprehensive Plan for B-1 and B-2 zoning districts. Mr.  
178 Mendenhall added that there could be MFVVS seeking to operate on publicly-owned properties,  
179 and those would require a public hearing unless they are already allowed on public property in  
180 conjunction with a Town-sponsored Special Event. The Board discussed potential locations,  
181 special events, and regulations. Attorney Smith reiterated that the Town cannot prohibit these  
182 vehicles, it can only regulate *where they are allowed*. Mr. Mendenhall added that these would not

183 be allowed on any lot that does not already have a principal structure. There was discussion  
184 regarding how the town could determine if an MFVV had been banned from another jurisdiction  
185 due to illegal or “bad behavior”. Attorney Smith stated that the town can only confirm if the MFVV  
186 has a valid state-issued license. *[Editor’s Note: the public may check the website for the Florida*  
187 *Department of Business and Professional Regulation to see the status of complaints and*  
188 *inspections for any licensed business, including MFVVs]*. The Board discussed the length of non-  
189 activity that would cause a permit to expire and suggested reducing that from 90 days to 45 days,  
190 so as to not tie-up a spot that could be utilized by another vendor.

191  
192 Vice-Chairman White opened public comment, hearing none, he closed public participation.

193  
194 *The Board requested staff prepare a proposed ordinance for consideration by the Planning Board*  
195 *at a future meeting; 4-0, consensus.*

196  
197 **9. PUBLIC PARTICIPATION:** Vice-Chairman White opened public participation -  
198 hearing none, he closed public participation.

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200 **10. BOARD DISCUSSION:** None.

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202 **11. ADJOURNMENT:** The meeting was adjourned at 8:08 p.m.

203  
204 Prepared and submitted by,  
205

206 \_\_\_\_\_  
207 Peg Hunt, Assistant Deputy Clerk

208  
209 Attachment(s):  
210 1. QJ Worksheets: #SE10-2021