

**MINUTES OF THE  
HARBOR AND WATERWAYS BOARD MEETING  
DESTIN CITY HALL, APRIL 24, 2023 - 5:30 P.M.**

**1. CALL TO ORDER:**

Chairman ~~Hoey~~ <sup>Stephens</sup> called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Monday, April 24, 2023, at Destin City Hall, with the Pledge of Allegiance immediately following.

**2. ROLL CALL:**

**Member Present:**

John Stephens  
Jim Green  
Richard Hoey  
Guy Tadlock  
Casey Jones

**Members Absent**

Bill McKissick  
Jerod Hayden

**Staff:**

Kim Montgomery Deputy City Clerk  
Steven O'Connor Principal Planner  
Kyle Bauman City Attorney

**3. APPROVAL OF MINUTES:**

➤ **February 27, 2023**

**Board member Tadlock moved to approve the minutes of February 27, 2023, as written, with Board member Jones providing the second; the motion passes with a 6-0 vote.**

**4. PUBLIC COMMENTS:**

Mr. Jason Belcher of 147 Siebert Avenue representing the Destin Chamber of Commerce being the Chairman spoke of how he has asked the Board members to start attending the committee to find out what is taking place in the city other than the Council meetings. He thanked the members for their service to the community.

With no further public comment, the Chairman closed the public comments.

**5. NEW BUSINESS:**

**A) proposed single-family residential marine construction project at 4049 Indian Bayou North (Parcel ID: 00-2S-22-1244-0000-004A).**

Planner Christopher Willis explained this application originally came before them previously in November 2022. The Board tabled the item to return with a site plan that meets Marina Siting requirements due to the confusion with how dock length is measured and where "usable" riparian rights begin. The applicant Ben Williams of B&W Services, LLC, on behalf of Joseph Kitts is requesting the Harbor and Waterways Board approval for single-family marine construction located at 4049 Indian Bayou North, located within Indian Bayou, a Class II Florida

Waterbody, and tributary of Choctawhatchee Bay. The application includes the separation of a 4' section of the existing shared dock, and the proposed construction of one (1) 75' x 4' marginal dock, one (1) 30'x13' covered boat lift and one (1) 6'x4' access pier, comprising a total of ±714 square feet of new construction. The proposed marine construction project meets the following requirements of Section 11.05.00, City of Destin Land Development Code (LDC):

- 11.05.01.A – Construction of new dock
- 11.05.01.C, 11.05.01.D – Waste Disposal into the Harbor and Waterways of Destin
- 11.05.01.F, 11.05.01.G, and 11.05.01.M – Length of the pier
- 11.05.01.N – Slip Density on Canal
- 11.05.01.Q – No pier shall extend more than six feet into a canal right-of-way

Mr. Willis explained the applicant has provided a receipt of submittal from the Florida Department of Environmental Protection (FDEP) of Self-Certification, File #0427150001EE. Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with LDC Section 11.05.01, Marina Siting, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3). Additionally, staff remeasured the width of the waterway which measured just under 100-feet at 99.8-feet and the proposed dock length is 20.1, which is under the required 20% therefore, staff recommends approval of the requested marine construction project.

Chairman Stephens opened the hearing to the public, with no one coming forward to speak on the request, he then closed the public portion of the hearing and called for additional comments from the board or a motion.

**Motion by Board member Jones, seconded by Board member Tadlock for the approval of the single-family marine construction project proposed at 4049 Indian Bayou North, consisting of the separation of a 4' section of the existing shared dock, and the proposed construction of one (1) 75' x 4' marginal dock, one (1) 30'x13' covered boat lift and one (1) 6'x4' access pier, comprising a total of ±714 square feet of new construction.**

Board member Tadlock spoke of the portion of the existing dock being removed and inquired if that is still the case and if it would be disconnected to the adjacent neighbors.

According to Mr. Willis, the four-foot section will be removed from the existing dock.

Board member Hoey asked if the dock is considered a marginal dock, and asked what the setback requirements are for the riparian lines for marginal docks. According to Mr. O'Connor, the setback 10-feet.

With no further discussion the Chairman called for the vote, **the motion passed 6-0.**

**B) A proposed commercial marine dock construction project at 530 Harbor Boulevard (Parcel IDs: 00-2S-22-0630-0000-03A1; 00-2S-22-0630-0000-03A3; 00-2S-22-0630-0000-03A2).**

Mr. Willis explained to the members that the applicant came before the board in January and then to the Board of Adjustment for a Variance for the additional dock length. The Board of Adjustment approved the Variance request however, the project was not approved by City Council. Therefore, the project is before the board again with a revised plan. The new proposal consists of a construction of a ±3,436 square foot, 200' long, 16-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility at 530 Harbor Boulevard, along with a boardwalk that spans from property line to property line and is approximately 27 timber mooring piles shall be installed within the slips as well as a boardwalk that expands from property line to property line. With an additional condition of installing a Water Taxi Stop, per LDC Section 8.09.03.A.9.d, the applicant shall incorporate such stop (and sign) on the southwestern most finger pier, or another location that is sufficient with the applicant and is compliant with LDC Section 8.09.03.A.9.d., and staff recommends approval of the request.

Chairman Stephens opened the public portion of the meeting for comment.

Mr. Randy Taylor of 508 Harbor Boulevard spoke against the project stating that he lives next door to Gilligan's and spoke of how they had issues with the jets skis just this past week coming into their boat slips and there was almost a collision with one of the parasail boats. He then questioned why the proposed dock is showing going out 16 more feet than the current dock and asked why.

Mr. O'Connor explained the reasoning has to do with how the MHWL juts further out due to the orientation of the land and the offset comes out further as well.

Mr. Taylor also spoke of the results of the Harbor Capacity Study that said the harbor is at or almost at full capacity and questioned why a project such as this would even be considered.

Mr. Kenneth Dehanes of 25 Laurie Drive, Fort Walton Beach spoke against the request because of the results of the Harbor Capacity Carrying Study emphasizing that everywhere that was studied came back being exceeded or at capacity then as well as the new project at Norriego Point that will be bringing in about 53 more boats and asked for that to be considered.

Chairman Stephens asked for verification that when basing their decision, they cannot make their determination based on the results of the Harbor Capacity Study results. According to Mr. O'Connor, that is correct.

With no further comment from the public, Chairman Stephens closed the public portion of the hearing and opened the discussion to the Board members.

Board member Hoey questioned why they chose to use the offset for the dock pointing out that if he would have just designed it to go straight out from the land. Mr. Dombroski explained the offset from the shoreline does not have a perfect curvature and is collapsing in on itself, but it is 200-feet from each point from the offset and is how it's calculated. Adding that it's rotated relative to the shoreline and not perpendicular.

Chairman Stephens asked staff if they agree that the offsets are correct? According to Mr. O'Connor, staff does agree.

**Board member Jones made the recommended motion that the Harbor and Waterways Board recommends that City Council approve the commercial marine construction project located at 530 Harbor Blvd. with the condition subject to providing the applicant meeting all applicable Federal and State and city permitting requirements. Chairman Stephens provided the second.**

Board member Hoey read from paragraph G into the record that states no pilings shall be added to the waterward end of a pier for which the pilings would make a total length of a dock more than 200-feet or 20% of the waterway, whichever is greater, except for Choctawhatchee Bay.

Mr. Dombroski explained to the members that he sat on the very board for eight years and the definition of reads 200-feet or the width of the waterway, and when you measure the width of the waterway, it's perpendicular of the shoreline, hence the 200-feet. Additionally, the whole purpose of that section was the extension from the shoreline, not the length of the dock within the usable/allowable area of the 200-foot offset. Adding that it's not the actual length of the dock, its perpendicular to the shoreline or the width of the waterway, which is how it's always been measured in his 30-year career working in Destin.

There were general discussions regarding the way the Code is interpreted regarding the 200-foot dock length regulations and the how offset is determined. As well as why rip rap was not included in the last submittal. Additionally, if water taxi and transient slips are provided.

Mr. O'Connor reminded the Board that a dock at this location that exceeded the 200-foot limitation has already been recommended for approval by this board several weeks ago.

**The motion was a tie vote and will go forward to Council without a recommendation.**

**C) Review, discussion, and the Board's recommendation on the Draft Article 2 Language concerning the Board's review process for Harbor & Waterways Board applications.**

Mr. O'Connor provided the member with a brief overview of Section 08, explaining there are three categories of review.

- Category 1 review process for self-certification of a dock will no longer come before the board and will just be a marine construction permit.
  - a. Residential docks eligible for self-certification from Florida Department of Environmental Protection (FDEP)
  - b. Boat lifts in existing slips
  - c. Upland slips
  - d. Sea walls that are upland of the declared mean high water line
  - e. Seawall that are waterward of the declared mean high water lineAdditionally, staff will maintain their education to the level of the State requirements.
- Category 2: Marine Construction projects shall be considered Category 2 if any of the following criteria applies:
  - a. Residential docks not qualifying for FDEP self-certification,
  - b. Residential docks with 3-9 slips,
  - c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval
  - d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties.

Additionally, Category 2 docks do come before this board for review and a recommendation to City Council who would approve on Consent, as with all residential docks currently. They have the discretion to pull any items for discussion, if necessary and a separate vote.

- Category 3: Marine Construction projects shall be considered Category 3 if any of the following criteria applies:
    - a. Residential docks with 10 or more slips
    - b. Commercial docks
    - c. Oil abatement plans
    - d. Dredge and/or Fill requests
      - 1. Application Materials require proof of submittal to State and Federal agencies as applicable.
      - 2. Proposed dredge and fill requires a Marine Construction Permit review and shall have State and Federal approvals at time of Marine Construction permit application submittal.
- A. All marine construction applications deemed Category 2 or 3 shall require review and approval by City Council prior to the issuance of any building permits and the start of construction. 1. Category 2 applications will be reviewed by City Council on the Consent Agenda for regularly scheduled council meetings. 2. Category 3 applications will be

reviewed by City Council during a publicly noticed public hearing per Sections 2.02.03. and 2.15.

- B. The City Council shall approve, approve with conditions, or deny the application at the next available regularly scheduled City Council meeting.
- C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

Chairman Stephens opened the public portion of the topic for comment. With no one coming forward, he closed the public and called upon the members for comment or a motion.

**Board member Hoey made the motion for a positive recommendation to the Local Planning Agency for the draft language of Article 2, Administration, Section 2.08. Harbor and Waterways Board Review. With Board member Jones providing the second.**

Chairman Stephens asked in Category 1, the canvas covers that are now being used for covers on boat slips would fall under this category. According to Mr. O'Connor, only if it falls under what the State would conclude in the self-certification and are included in the square footage calculations. In addition, Board member Stephens asked Board members Hoey and Jones if they would be willing to amend the motion and move the Oil Abatement Plan from Category 3 to Category 2, both agreed.

Board member Tadlock spoke of his concern for the board for board construction where the projects are actually not exactly built back the same and feels that if a dock is to be removed completely and rebuilt, it does not constitute a board for board and is a rebuild.

If board for board is more than 50% rebuild, then the dock must be brought into compliance.

Mr. O'Connor explained that a board for board is considered a Category 1 and is not reviewed by this board. When the marine construction permit is pulled, if staff sees that the permit is not as it should be, they will put the permit on hold, contact the State and go to the location for a site inspection.

In discussion, Committee member Hoey stated that if there is an issue or dispute regarding the riparian lines, even if it's going through the self-certification, it should go up in category as appropriate. He mentioned that he would prefer for shared docks to go into Category 2 consideration.

Regarding Category 1, Board member Tadlock spoke of seawalls being waterward of the property lines and if a canal, he would like to see some kind of language regarding that especially on Holiday Isle since the association members owns the submerged land lease. Mr. O'Connor

explained the canals that are private property and don't apply and the statement is referring to State waters. Regarding Category 2, Board member Tadlock spoke of his concern over the number of slips allowed and spoke of a past experience where docks were allowed to be rented out and how it affected his quality of life.

Mr. O'Connor explained he cannot speak of why it was not enforced by past staff but explained that commercial uses are not allowed in residential.

There was a lengthy discussion regarding the interpretation of riparian lines and property lines, shared and marginal docks along property lines and how the notices that are sent to the adjacent property owners.

Mr. O'Connor recapped the following:

- Category 1 – Add #6 - board for board replacement language
- Category 2 – #4, add language after, “implied riparian property lines for adjacent properties from pier or finger docks and less than 10 feet from marginal or parallel docks
- Add a #5, shared docks to Category 2 regarding shard docks
- Move oil abatement plans from Category 3 into Category 2

**To recap the motion, Committee member Hoey moved to recommend forwarding a positive recommendation to the LPA on the draft language for Article 2 - Administration, Section 2.08. Harbor and Waterways Board review with the following amendments:**

- **Category 1 – Add #6 - board for board replacement language**
- **Category 2 – #4, add language after, “implied riparian property lines for adjacent properties from pier or finger docks and less than 10 feet from marginal or parallel docks**
- **Add a #5, shared docks to Category 2 regarding shard docks**
- **Move oil abatement plans from Category 3 into Category 2**

**With Board member Jones providing the second. The motion passed unanimously.**

#### **6. BOARD MEMBER COMMENTS:**

➤ **Board member Jones – Recommends to City Council for the city to provide oil disposal site for used oil, with Chairman Stephens providing the second. The motion passed unanimously.**

Committee member Jones also want to discuss at an upcoming meeting the need to have pump out stations for the public or have boats come to provide the service with so many boats on the water the need is extreme.

➤ **Board member Tadlock – Agreed with the need for pump out stations. He also spoke how he is against making the harbor protected because of the fact that there would be stringent rules that would have to be adhered to.**

Chairman asked for the city to invite CBA to the Harbor Capacity Study meetings as well as one of these upcoming meetings to discuss water quality.

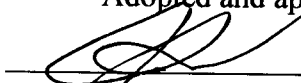
**7. DIRECTOR REPORT:**

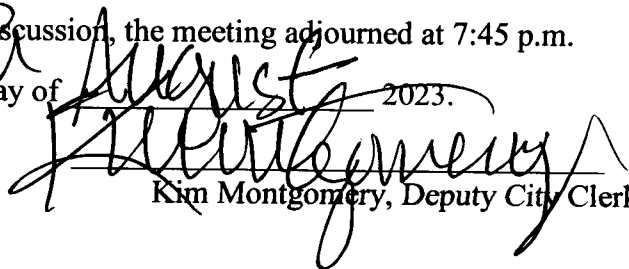
Mr. Zunguze explained the preemption at the State level regarding people coming before the board for a recommendation for their project without having their permits from the State until they get to the building permit portion of the approval process.

**8. ADJOURNMENT:**

With there being no further discussion, the meeting adjourned at 7:45 p.m.

Adopted and approved this 28th day of August 2023.

  
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John Stephens, Chairman

  
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Kim Montgomery, Deputy City Clerk