

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 3, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

The Council of the City of Destin met in special session with the following members and staff present:

Destin City Council

Mayor Pro Tem Dewey Destin
Councilmember Kevin Schmidt
Councilmember Sandy Trammell

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

Interim City Manager Larry Jones
Deputy Comm Dev Director Steve O'Connor
Principal Planner Daniel Butler
Planner Jesse Hernandez
City Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy Public Works Director Joe Bodi
Planner Sherry Burney
Planner Ashley Dominguez

WORKSHOP

Steve O'Connor, Deputy Director of Community Development, delivered the following presentation:

A. Draft Article 8 – Sign Regulations

Language

- The current LDC is cumbersome to read
- Current language has allowed inconsistent interpretations and challenges in enforcement
- Written in a more readable manner (reduced “legalese”)
- Easier for users (residents, developers, Staff) to read and understand the regulations

Format, organization, and Consolidation

- Significant deviation from the current LDC format
- An easier to read and better flowing document
- Reduced multi-sentence run-on paragraphs
- The sections are bookmarked and hyperlinked
- Chart with graphic used rather than paragraphs for max. dock lengths

Supreme Court Case

- The Supreme Court Case *Reed v. Town of Gilbert*, AZ (2015) changed the way municipalities need to think about and develop their sign regulations. Since this ruling, the American Planning Association (APA) has provided guidance on how to be compliant post the Supreme court ruling. The guidance is as follows:
 - ❖ Focus on type not message (Permanent/Temporary or Attached/Detached)
 - ❖ Craft a compelling purpose statement
 - ❖ Review and update definitions of signs to remove any reference to content/message
 - ❖ Exemptions need to avoid content-based exemptions

The *Reed v. Gilbert* ruling does allow municipalities to identify signs as commercial or non-commercial speech to be able to distinguish and allow differing regulations for both types of speech. However, the regulations for non-commercial speech should be narrowed and focused. The regulations for commercial speech can be more stringent but still consistent.

DISCUSSION/SUMMARY:

The meeting revisited the implications of the *Reed v. Town of Gilbert* (2015) Supreme Court decision, which mandates that sign regulations must be content-neutral. Cities can differentiate between commercial and non-commercial speech but cannot regulate signs based on their content, except for identifying whether speech is commercial or non-commercial. This necessitated significant changes to ensure compliance with federal law.

The draft Article 8 introduces classifications for signs based on:

- Zoning districts (residential, mixed-use, commercial, etc.)
- Sign types (permanent, temporary, freestanding, attached)
- Distinctions between commercial and non-commercial speech.

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➤ Permanent & Temporary Signs:

- ❖ Establishing clear regulations for the differentiation of permanent and temporary regulations is critical. The current code does a good job of differentiating; however, the regulations are based on content and are not consistent throughout.
- ❖ Sign Classification & Type Charts:
 - The Charts are a "one-stop shop" to determine how much sign square footage is allowed, the allowed number of signs, and where they can be located broken out by the zoning district. This method was reviewed by several outside parties, which included sign companies. Staff received positive feedback on the chart's ease of use.
 - *The numbers provided within the Charts are generally what is currently allowed. However, due to the change in how the City must review signs, we created several sign types or classifications that don't have existing allowances. Therefore, Staff used existing allowances to propose a starting allowance to begin the discussion based on the closest existing sign type.*

➤ **Permanent Commercial Signage in Residential Zones:**

- ❖ **Current regulations allow permanent signage whether attached or detached in residential districts.**
 - **50 square feet for any lot that has 50 linear feet of street frontage, or 1 square foot per 1 foot of linear street frontage, up to 150 square feet for properties with 50 to 350 linear feet of street frontage.**
 - **The LPA recommended not to allow any attached permanent commercial signage in residential districts. Specific regulations were developed in Section 8.03.04. Special Signs that allow permanent free-standing signs in specific instances.**

DISCUSSION/SUMMARY:

Concerns were raised about existing commercial signs in residential districts, such as those advertising businesses operating from homes.

Clarifications were made regarding the prohibition of off-premises commercial signs and restrictions on home occupation signage.

The definition of flags as signs was debated, with a focus on whether flags should be regulated as commercial or non-commercial speech.

Wind devices, such as banners and feather flags, remained prohibited under the draft, but council members considered allowing temporary use during special events or grand openings.

The council discussed potential allowances for increased signage during special events, such as permitting 10–12 temporary signs. However, it was noted that the Reed v. Gilbert ruling restricts differentiating rules by event type.

String lights were discussed, particularly their use in commercial and residential settings. Current codes classify them as signage when visible from public rights-of-way. Suggestions were made to clarify these rules, exempting lighting being used for ambiance or safety.

The council discussed allowing subdivision signs while ensuring compliance with residential district regulations.

Issues of vegetation obstructing public signage were noted as an enforcement priority.

Setback allowances were reviewed. A prior regulation permitting signs to encroach into a 10-foot setback in certain corridors was removed for consistency with Reed v. Gilbert. Adjustments must now be tied to zoning districts, not specific corridors like the Harbor District.

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❖ Sign Height:

- With the undergrounding effort, some discussions have centered around signage cluttering our roadways.
- Currently, all freestanding signs are allowed up to 25'.
- The examples provided in the charts show how we can limit sign height in mixed-use districts to 8' while allowing commercial and industrial zones to be 25'.
- Though the sign height in the mixed-use districts was placed by staff as an example to show how signage can be regulated differently by district, the LPA recommended keeping the sign height limitation in the mixed-use districts.

DISCUSSION/SUMMARY:

Current regulations allow for ground signs up to 26 feet in commercial zones. Mixed-use districts were limited to a recommended height of 8 feet in the draft. Suggestions were made to introduce variations in sign height for aesthetic appeal while maintaining enforcement simplicity.

Concerns were raised about the size of temporary signs, especially large signs such as 4x6 feet. Some felt these sizes were unnecessary for a small town. A consensus was reached that maximum sizes for signs should be reduced for practicality and aesthetics. There was a proposal to cap temporary signs at 15 square feet.

The current draft allows a total of 75 square feet of signage for a property, which many felt might contribute to visual clutter.

Freestanding signs were debated, particularly in mixed-use districts, with a proposed limit of 150 square feet and a maximum height of 8 feet. Some argued that vehicular perspectives might make larger signs acceptable, while others again raised concerns about visual clutter.

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❖ Vehicle Signs:

- In the past, the City has had issues with enforcing the prohibition of Vehicle Signs. This is partly due to the way the current prohibition reads, where it has exceptions and lists what is not a vehicle sign, which leaves the door open to interpretation.
- Prohibition 16.03.02.T.:
- Vehicle signs with a total sign area on any vehicle in excess of ten square feet when the vehicle is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.

❖ Current Definition:

- Vehicle sign: Any sign affixed to a vehicle.

❖ The proposed definition is:

- Any sign on a vehicle more than four (4) square feet that is not either painted or affixed and flush with the vehicle's body in wrap form. Any form of signage that protrudes from or in which the vehicle body, shell, bed, trunk, fascia, windows, doors, or other integral part of the vehicle is altered by welding, bolting, or similar fastening is prohibited. Any sign that is attached to any vehicle in these manners is considered a portable sign.

DISCUSSION/SUMMARY:

Discussions focused on ensuring compliance with vehicle-mounted signs, emphasizing size limit (e.g., 4 square feet) and attachments methods (e.g. painted or flush-mounted signs). Portable signs and temporary mounts, like A-frames in truck beds, were prohibited.

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❖ Digital Signs:

- The LPA recommended making digital signage a prohibited sign type and medium.
- Their comments centered around beautifying the corridor of US 98/Harbor (Blvd. and Emerald Coast Parkway).
- Regulations were drafted on their recommendation to amortize existing digital signage and require all existing signs to be removed after 72 months (six years). These regulations have been updated and can be seen in Section 8.07.02 of the draft article.

DISCUSSION/SUMMARY:

Recommendations included prohibiting new digital signs, with existing ones becoming non-conforming and subject to removal within six years.

Concerns were raised about the impact on businesses, schools, and churches, suggesting possible exemptions for institutional uses or extended amortization periods.

Differentiations between digital billboards and business-specific digital signs were also discussed.

Anticipating public resistance to stricter digital sign regulations and prohibitions on wind devices, the council emphasized finding middle ground.

Staff underscored the challenges of balancing enforcement clarity with flexibility, especially for non-conforming uses during amortization periods.

It was noted that the LPA recommended banning digital signs with full-motion video due to their potential to distract drivers. For static digital signs, the council discussed maintaining a 10-second interval for message changes, exceeding the state's 6-second minimum.

The City Attorney stressed the importance of content neutrality, noting past litigation risks when attempting to regulate based on sign content.

A council member highlighted a local digital sign (American Legion) as an example of community interest and potential contention. While the member supported the public interest, he foresaw significant feedback

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B. Draft Article 11 – Glossary

Changes

Proposed Modified Definition	→	<u>Abutting/Adjacent property:</u> <u>Any property, land, or use that immediately borders, is contiguous to, or immediately across any road or public right-of-way from the lot in question.</u>
Current Definition (proposed to be removed)	→	<i>Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.</i>
Proposed New Definition	→	<u>Access/Accessway:</u> <u>The means of vehicular, bicycle, and pedestrian ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.</u>
Unmodified Definition	→	<u>Access aisle:</u> An unobstructed stabilized area that provides access for vehicles and bicycles from an accessway to parking, loading, or maneuvering areas, dwellings, or other structures.
Definition proposed to be removed	→	<u>Accessory:</u> <u>The principal or secondary means of vehicular or bicycle ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.</u>

Beach

- The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to Gulf of Mexico, East Pass, and estuarine shorelines.

Charter Fishing & Fare Carrying Vessel

- Charter fishing boat: ~~See Fare carrying vessel. A vessel that charges a fixed fee for the entire boat, schedules around a small set of customers typically no more than six passengers but occasionally seven or more passengers and provides the customers the chance to experience either in-shore or off-shore fishing.~~
- Fare carrying vessels: Vessels used for the following activities that are available to the public for hire: charter for hire, party fishing, sightseeing (e.g., dolphin, sunset, dinner cruises, etc.), sailing, parasailing and diving/snorkeling. Fare

carrying vessels shall not include pontoon, runabout boats, or personal watercraft.

Open Space

- **Open space: That portion of a site that is not occupied by any building coverage, vehicular-use area(s), or impervious surface(s). For the purposes of this definition paver systems or similar development is not considered open space.**
 - ❖ *A vegetative pervious surface at ground level that is unobstructed from ground level to the sky and is not occupied by any building coverage or impervious surfaces. Subterranean parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, and are constructed in such a manner that the open/green space is level with the grade of the adjoining properties and the adjacent right-of-way (if applicable) may be counted as 100 percent open space. Above-grade parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, may be counted as 75 percent open space. If however, the previously mentioned open space located on top of a subterranean or above-grade parking structure contains impervious surfaces, such as sidewalks or patios, then those areas will not be counted as open space.*

DISCUSSIONS/SUMMARY:

Abutting vs. Adjacent: Definitions were clarified to ensure consistency. While these terms are used interchangeably, council members noted potential confusion, particularly in stormwater runoff scenarios.

Beach Definition: Minor modifications were proposed, including specifying "Gulf of Mexico" and "East Pass." Ultimately, the council decided to maintain alignment with Florida Statutes.

Open Space Definition: Updated to exclude impervious surfaces like pools and hardscaped areas. Pervious materials (e.g., pavers) were debated, with concerns about long-term maintenance reducing permeability.

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C. Draft Article 3 – Nonconformities

Consolidated standards for non-conforming uses, structures, and site elements. Introduced clear requirements for site updates during use changes or development orders.

D. Draft Article 5 – Subdivision Regulations

Unified subdivision regulations, including neighborhood-level stormwater solutions to prevent individual lot constraints.

The council revisited maintenance issues for stormwater systems. Responsibilities were clarified:

- Homeowners must manage runoff on their property and maintain adjacent swales or vegetation.
- The city handles stormwater maintenance, including roadside swales.
- A citywide initiative to address swale maintenance issues is underway.

E. Draft Article 9 – Transportation Corridor Management

Merged the pathways master plan, mobility plan, and transportation management plan into one article. The article emphasizes right-of-way protection and clarifies variance processes.

F. Draft Article 10 – Impact Fees

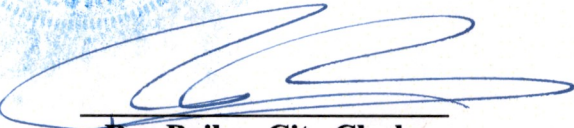
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

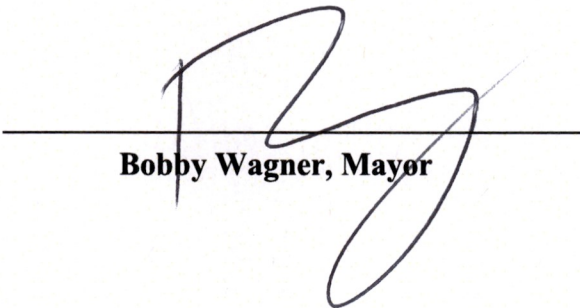
PUBLIC COMMENTS:

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:07 PM.

ATTEST:


Rey Bailey, City Clerk


Bobby Wagner, Mayor