

**REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 15, 2019
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION (Pastor Eric Partin of Shoreline Church)

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL *(Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)*

1. APPROVAL OF MINUTES

A. Approval of minutes of February 19, 2019 Regular City Council Meeting

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

A. Proclamation - Arbor Day Celebration

B. Destin Harbor Clean-Up - Initial Planning and Proposal - Capt. Andrew Nelson, Special Tactics Training Squadron

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA (All agenda items other than those under Number 5)

(Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. CITY MANAGER REPORTS

A. Immanuel Anglican Church and the Week of Blessings Committee request to waive parking fees at Marler Parking Lot for 2019 Blessing of the Fleet.

B. Results of the Harbor CRA Advisory Committee and Parks and Recreation Committee Joint Meeting - Discussion

C. Announcements

1. Code Compliance Update: New positions filled.

5. PUBLIC HEARINGS

A. Continuance to 6pm at May 6, 2019 Regular City Council Meeting for Caretta Dunes - Application for Determination of Vested Rights

B. Second reading of Ordinance 19-05-LC - Amending Article 7 of the Land Development Code to create a Harbor District overlay

- C. Second reading of Ordinance 19-06-LC - Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district
- D. Second reading of Ordinance 19-07-LC - Amending the Town Center Mixed Use (TCMU) zoning district
- E. Second reading of Ordinance 19-08-CN - Livery Vessel Moratorium
- F. First Reading of Ordinance 18-15-LC - Wheeled Vehicles on the Beach
- G. First reading of Ordinance 18-30-LC - Creates definitions for commercial uses, commercial special events and commercial special event venues. Provides for amendments to Articles 3, 7 and 9 of the Land Development Code; amending Table 7-2, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.
- H. First Reading of Ordinance No. 19-02-LC, Zoning Map Amendment
- I. First Reading of Ordinance 19-03-PC Future Land Use Map Amendment
- J. First reading of Ordinance 19-04-LC, Prohibiting Pay-to-Park Facilities from Collecting fees at Entrance to Facility

6. *CONSENT AGENDA (No public comments)

- A. Request for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1.
- B. Request for a single-family residential marine construction project at 504 Vera Cruz Drive

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (No public comments)

- A. Councilmember Braden
- B. Councilmember Ramswell
- C. Councilmember Menchel
- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. ADJOURN

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

****To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.**

***** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.**

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

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Personas con discapacidades que necesitan asistencia o personas que necesitan ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Note: Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

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MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 19, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis

Councilmember Steven Menchel

Councilmember Cyron Marler

Councilmember Parker Destin

Councilmember Chatham Morgan

Councilmember Steven Menchel

Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson

Acting Public Services Director Tim Pietenpol

Code Compliance Manager Joey Forgione

Community Development Director Louis Zunguze

Acting Public Services Director Tim Pietenpol

Public Information Manager Catherine Card

Deputy City Clerk Kim Montgomery

IT Manager Webb Warren

Finance Director Bragg Farmer

Tim Whaler, Planner

City Land Use Attorney Kimberly Kopp

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Quinn Erwin of Shoreline Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Destin, to add East Pass Dredge discussion under the City Attorney's Report portion of the agenda passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to adopt the agenda as modified passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of February 4, 2019 Regular City Council Meeting

Councilmember Marler moved to approve minutes of February 4, 2019 Regular City Council Meeting; seconded by Councilmember Menchel.

Councilmember Ramswell announced she would abstain from voting as she did not attend the February 4, 2019 meeting.

Motion passed 5-0 (Council members Morgan, Destin, Marler, Menchel, and Braden voted “yes”; Councilmember Ramswell abstained from voting; Councilmember Overdier was absent from the meeting).

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS /ANNOUNCEMENTS

A. 2019 State of the City Address – Mayor Jarvis

Mayor Gary Jarvis delivered the State of the City Address. Below are highlights of his speech:

- Recognized all City officials in attendance
 - ❖ Councilmember Rodney Braden
 - ❖ Councilmember Parker Destin
 - ❖ Councilmember Skip Overdier
 - ❖ Councilmember Cyron Marler
 - ❖ Councilmember Steven Menchel
 - ❖ Councilmember Chatham Morgan
 - ❖ Councilmember Prebble Ramswell
- Recognized City Staff
- City of Destin’s commitment to do the following:
 - ❖ Build Trust and Credibility.
 - ❖ Create a working environment in which to succeed over the long term and
 - ❖ Diligently strive to accomplish all commitments.
- Due to the leadership of the City Council, taxes continue to be low for Destin residents, while providing a high level of service to all; such as:
 - ❖ In 2018, the City Council prioritized an initiative for the City to seek out and acquire more gulf front property for public recreational use utilizing several potential funding sources including our reserves, TDC funding, State/Federal Grants and Triumph funding. This initiative is paramount to preserving public beaches for future generations of residents and visitors to enjoy.
 - ❖ The Council is in negotiations with Gulf Power to develop a purchase agreement or a new franchise agreement with the goal being to ensure Destin’s residents and businesses will receive reliable and low-cost electrical service
 - ❖ To improve green space, parking, building heights and densities, Council has revised sections of the City’s Comprehensive Plan. This includes the adoption of an ordinance to regulate commercial activity in public parks and maintain green space for our public to enjoy
 - ❖ The pilot program adopted by Council for “pay-for-parking” had over 15,000 parking transactions in 2018. In 2019, the city will be looking at how to improve this service for the city’s residents, businesses and visitors. The program is designed to be its own funding source for the expansion and improvement of public parking as designated by the City Council. Parking fees help to offset the costs of these city services and programs so the cost is not attached to the City’s millage rate
 - ❖ With the adoption of the livery vessel registration, the City is holding operators accountable to guidelines that create a safer environment on the water as well as adequate land-based facilities for their customers.
 - ❖ To protect residents and address issues the City is experiencing, they adopted an ordinance that limits the number of overnight occupants of each short-term rental home. This ordinance came from multiple complaints from residents and property owners due to quality of life issues arising from occupancy issues associated with some short-term rental properties.
 - ❖ Phase I of the Norriego Point restoration is complete and the harbor is protected. Phase II - Stabilization of the dunes is also complete, and Phase III - Recreational Components is scheduled to begin in the fall of 2019.
- Progress continues on Captain Leonard Destin Park off Calhoun Avenue and completion is projected in early 2020. This future park will be a 10 million-dollar project funded by the state using oil spill restitution money. The

new park will provide the residents and visitors with a family friendly waterfront park with scenic views of the East Pass, Crab Island and Choctawhatchee Bay

- Awaiting word on a grant to improve the Joe's Bayou Recreation Area located on Beach Drive. Since the acquisition of the old CEMEX property in 2016, this area totals more than 17 acres and includes the Mattie Kelly Pier and Nature Walk and the Joe's Bayou Boat Ramp. The multi-million-dollar grant will include a master plan for the entire site, multiple environmental enhancements and construction of recreational amenities
- Due to funding through FDOT's Local Agency Program, the City was able to complete the design phase of the Calhoun Avenue and Zerbe Street Pathway Improvements Project. The City is working to acquire funding for the construction phase of this project. This Pedestrian Pathway will ultimately connect Clement Taylor Park to the boardwalk under the Marler Bridge and will help to achieve our goal of pedestrian-friendly walking pathways throughout the city.
- The Florida Department of Transportation's 3R Project is in progress. The City Council was able to provide input into the project, ultimately suggesting 10-foot travel lanes and a 4-foot bike path on the roadway. This project includes roadway resurfacing from the Marler Bridge to Airport Road, improvements to the right-of-way, landscaping and updated traffic signs. This project is designed to help alleviate some of the congested traffic that normally occurs during peak seasons.

Highlight of departmental and strategic partners' achievements for 2018.

➤ The Clerk's Office

- ❖ Successfully provided administrative support for 132 meetings of the City Council, CRA Board, and the City's volunteer committees and Boards. They maintain a viable Records Management Program that is in full compliance with Federal and State regulations as it pertains to the maintenance, retention, and destruction of our public records. Over 500 public records requests were received and over 10,000 files were digitized into LaserFiche, providing the public broader access to our records.

➤ Public Services

- ❖ Has done a remarkable job of assessing roadways, sidewalks, striping, and drainage systems. Thanks to the 3.6 million-dollar Gulf Environmental Benefit Fund, all storm water projects have been completed which will improve the overall water quality of our city waterways, as well as improve areas susceptible to flooding. The National Fish and Wildlife Foundation will use the remaining grant funds to cover three additional projects to mitigate existing outfall discharging into the Marler Bayou and the Choctawhatchee Bay. Three major paving projects were completed for Industrial Park Road, Trista Terrace and Indian Bayou Trail. Public Services also administers the Citywide adopt-a-street program, removed derelict abandoned vessels in the Destin Harbor and Joe's Bayou, maintains the harbor pumping stations, assist in our community events and so much more

➤ Parks and Recreation

- ❖ The City's Community Center continues to be the hub of their community providing year-round programs for all age groups. All of the crews made numerous improvements to City facilities while keeping them safe and clean for residents and visitors.
- ❖ Morgan Sports Center hosted 20 tournaments last year generating millions of dollars in economic impact.
- ❖ Staff continues to work with county officials to obtain designated RESTORE Act dollars from the US Treasury, totaling 2 million dollars and will begin once funds are released for Captain Royal Melvin Heritage Park, Plaza on Destin Harbor and Clement Taylor Park.
- ❖ Provided many community special events

➤ The Destin Library

- ❖ Vital and vibrant cornerstone of education and culture for the citizens of Destin. Staff is continually seeking to improve the library's collections and program offerings focusing on the needs of the community.
- ❖ The library received over 53,000 visitors in 2018 and expanded beyond their walls to engage local school children at orientation and issued over 200 library cards. Families participated in numerous holiday events and the Winter/Spring Cultural Series was a highlight of the snowbird season offerings.
- ❖ More than 1,100 patrons attended 78 classes, concerts, and special events during the summer reading program. In addition to reading programs, the library has launched a series of science and technology based classes for middle and elementary school students which have been very successful, as well as a year-round Code Club. Our library is a beautiful facility and we are fortunate for the opportunity of lifelong learning.

➤ Information Technology (IT)

- ❖ Implemented a new work order system which is easy for employees to submit and track work requests within the City for their IT support needs

- ❖ Despite the challenges of high turnover in Code Compliance last year, IT and Code Compliance cooperated to improve mobile access to their systems as well as incorporate approximately 800 rental registrations into the system. Additionally
- ❖ Helped improve automation of City security procedures, surveillance and entry lock down in facilities and upgraded aging fiber infrastructure between city facilities
- Community Development Department
 - ❖ There was a lot of turnover in this department last year and despite the challenges, citizens' needs were met, they provided good customer service and were able to perform their jobs effectively
 - ❖ All the divisions within the department worked collaboratively to ensure goals were met.
 - ❖ The department's focus is to stabilize staffing, streamline processes and shorten turnaround time for applications and permits. As new efficiencies are developed it will improve the timeliness of responding to permit requests and inspections.
- Code Compliance Department
 - ❖ Code Compliance works very hard to ensure quality of life of citizens by enforcing the City's ordinances as it relates to the health, safety, and welfare of the citizens.
 - ❖ Last year, code compliance officers responded to 985 cases and issued 1191 registrations.
 - ❖ Code Compliance and IT implemented a new on-line citation management program to track parking violations throughout the city as well as renewing rentals online. Registrations for short and long term rental properties along with beach vendor and livery vessel operators increased from the year prior with a 19% increase in revenue for 2018.
 - ❖ Code Compliance officers now have in-car computers and printers, creating more efficiency in responding to concerns and spending more time out in the field to educate citizens on local ordinances.
 - ❖ As part of the community relations initiative, all code officer vehicles have been striped to promote visibility and light bars have been added for safety. Their goal is to strengthen community outreach and gain voluntary compliance through education and awareness of city ordinances.
 - ❖ Code Compliance has a great relationship with the Okaloosa County Sheriff's Office as they work in concert together to provide the citizens of Destin with the highest level of professional service available
- Finance Department
 - ❖ Finance has a very crucial role by providing oversight for the day-to-day operations of the City's finances. They provide support for the financing and refinancing of all City debt and over-see the investment of City funds.
 - ❖ The City was awarded, for the twenty-fourth consecutive year, the Government Finance Officer Association Certification of Achievement for Excellence in Finance Reporting and the Distinguished Budget Award for the fifteenth year
- Human Resources (HR)
 - ❖ Like many other public or private entities, the City experienced turnover and personnel shortages. Due to some of these unanticipated shortages and transitions, the were unable to achieve some of its projected goals in 2018. However, they now have new and energetic key personnel in place and are striving to accomplish these goals and more in 2019. The City still has senior and new dedicated professionals who are working very hard for the citizens
- First Responders
 - ❖ During the spring break and summer months, the City receives thousands of visitors. The Okaloosa County Sheriff's Office has done a tremendous job in coordinating with the City to conduct proactive enforcement practices and encourage citizens and visitors to report crimes and suspicious activities
 - ❖ Maintain an atmosphere of hometown policing and partnerships have developed between the residents, local business owners, and community leaders
 - ❖ The Destin Fire Control District coordinates with the City for beach and water safety, hurricane preparedness and educating the public on fire safety. They conduct inspections for residents and visitors to ensure they are protected under the safety codes. It is a shared vision that by continuing to build upon community relationships, it would strengthen their ability to communicate and provide the best law and fire services to the citizens they serve.
- City Staff
 - ❖ The true ambassadors of the City who work hard to meet the needs of the City's full-time residents and visitors
 - ❖ The City's finances are solvent and with a low tax rate
 - ❖ Maintains roads, addresses drainage system issues, maintains the City parks and recreation
 - ❖ The City's library and community center provides community engaged activities for all ages

City officials and staff will continue to work hard every day for the residents and visitors and the world's renowned beaches to make the State of the City stronger than ever before!

B. Parks & Recreation Committee Presentation – Teresa Hebert

Ms. Teresa Hebert, Parks and Recreation Committee Chair, presented the committee's Fiscal Year 2018 Accomplishments and Fiscal Year 2019 Work plans. She highlighted the following activities during Fiscal Year 2018:

➤ Arbor Day Ceremony

- ❖ The City's annual Arbor Day ceremony was held April 27, 2017 at the Destin Elementary School with Mayor Pro Tem Prebble Ramswell presiding and Committee member Myra Williams speaking
- ❖ Park inspections were completed by the committee for Fiscal Year 2018

Ms. Hebert also noted that during the October 15, 2018 Council meeting, the City Council approved a pilot program at Mattie Kelly Nature Walk and Kell-Aire South Park an on-leash parks for currently licensed dogs. She continued that due to the success of the pilot program, the parks and Recreation Committee recommends additional parks to be designated as on-leash parks for currently licensed dogs.

Councilmember Ramswell asked if the committee ever discuss making a section of the Joe's Bayou Park a swimming area for dogs. She stated she has received email in the past from people thinking that would be a great idea since the City does not allow pets in the beaches.

Ms. Hebert replied that this particular issue has not been brought to the attention of the committee. She also stated that since Joe's Bayou is mostly set up for launching and recovery of boats, it could be a hazard. However, if the Council approves Joe's Bayou as an on-leash park for dogs, somebody having their dog on a leash during off season when there are not a lot of boats would easily let their dog get into the water and be in control of it.

Councilmember Ramswell noted that according to the plans for the potential park, the recreation area is going to expand more to the west.

Ms. Hebert stated that when that happens, the committee would push for it to also be an on-leash area for dogs.

Councilmember Destin moved to approve the Parks and Recreation Committee's Fiscal Year 2018 Annual Report and Fiscal Year 2019 Work Plans; and to approve Resolution 19-03 authorizing the Mattie Kelly Pier and Nature Walk, Joe's Bayou Launch and Recovery, Kell-Aire Park North, Main Street Park and Jewel Melvin Park to become On-Leash parks for currently licensed dogs. Councilmember Marler provided a second to the motion.

The Mayor announced he would now allow public comments on this issue. Having none the Mayor called for a vote on the motion.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

Ms. Hebert asked the Council to instruct City staff to remove the “No Dogs Allowed” signs from the parks as soon as possible so they could encourage people to use the parks.

The City Manager stated that the signs will be removed.

C. Harbor CRA Updates/Recommendations: Capt. Royal Melvin Heritage Park & Plaza / Harbor Livery Vessels

The City Manager noted that the Harbor CRA Advisory Committee reviewed the revised plan for Capt. Royal Melvin Heritage Park & Plaza; which reflected the changes this Council had instructed staff to include. The committee adopted a motion to approve the changes and to recommend to the Council to forward the plan back to the County for their approval and subsequently to the Treasury Department for the final approval on the grant.

Councilmember Ramswell moved to approve the plan as presented; seconded by Councilmember Menchel.

Ms. Jan Best, member of the Harbor CRA Advisory Committee, noted that the committee’s motion was to send the plan forward to Council and to approve it as a working plan; and for the Council to send the plan back to the committee if any further changes are necessary.

Councilmember Ramswell amends her motion to approve the plan as a working plan; seconded by Councilmember Menchel.

Councilmember Destin announced he would abstain from voting as he is related to one of the litigants in this case.

Motion passed 5-0 (Council members Morgan, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Destin abstained from voting; Councilmember Overdier was absent from the meeting).

The City Manager noted that the Committee also made a recommendation to the City Council to consider limiting the number of Harbor Livery stickers for pontoon boats to the number that was issued last year.

The Community Development Director Louis Zunguze explained that the main reason for this recommendation was the overcrowding of pontoon boats on the harbor; which is a safety concern for the committee. The committee is recommending perhaps the Council issuing a moratorium to hold the number of pontoon boats to last year’s number until a study with respect to is conducted.

The Mayor stated that he supports the moratorium idea because he firmly believes they need to control the numbers and the carrying capacity of the harbor from a safety standpoint. He

also stated that the City did not have the enforcement capabilities or the staffing necessary to actually evaluate the number of livery vessels per parking in upland requirements.

The City Manager requested that if Council intends to make a motion in this regard, to delay making that motion until after agenda item 4B when the Code Compliance Department report is presented because an item in that report is a request for additional manpower on the Harbor Boardwalk area.

Councilmember Ramswell moved to delay any decisions relating to this subject until after agenda item 4B is presented; seconded by Councilmember Morgan.

Councilmember Menchel asked if there were any pending applications for additional vessels: to which Mr. Zunguze replied affirmatively.

The Mayor asked if there were any unregistered livery vessels in 2018. A member of staff replied affirmatively.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

Ms. Jan Best noted that a pontoon boat operator who made a presentation to the committee stated that he was in favor of a moratorium. He would like to see the industry raise their standards and comply with the codes. Ms. Best also explained that the committee recommends a temporary moratorium because they feel it is important to know the carrying capacity of the pontoon boats on the harbor. They would also like to see water quality be conducted. It was reported that some livery vessel operators use 5-gallon cans to fuel their boats; resulting in spillage of fuel into the harbor.

4. CITY MANAGER REPORTS

A. Crosstown Connector: Property Acquisition; Legal Opinion, Inverse Condemnation

The City Manager explained that back in December 2018, the Council directed staff to hire a special counsel to form a legal opinion regarding the potential of inverse condemnation related to acquisitions required for the Crosstown Connector project. Staff subsequently received an opinion from Mr. Bruce Humphreys, a copy of which was included in the meeting packet, basically stating that he finds no reason for alarm with regards to inverse condemnation in this City. The next step would be to proceed with the acquisition of the properties they need to complete the crosstown connector; which is a part of this agenda.

B. Code Compliance Update

Mr. Joey Forgione, Code Compliance Manager, stated that the City's newly-formed Code Compliance Division is transitioning from a reactive compliance approach to a proactive approach; with the following goals mind:

- Maximize current officer capacity given the City's challenges and add personnel as needed
- Obtain and maintain compliance of all city ordinances
- Educate the public about all city laws

Mr. Forgione proceeded to discuss the following topics:

- Code Compliance Officer Appearance
- Code Compliance Officer Professionalism
- Code of Ethics for Code Compliance Officers
- Standard Operating Procedures for Code Compliance Officer
- Code Compliance Officer Safety
- 2018 Code Compliance Calls for Service

Also, according to Mr. Forgione, in order to successfully complete this transition, additional manpower will be required in key areas such as the harbor and waterways and beaches; to include night-time coverage. The addition of this manpower will enhance the delivery of effective, confident and professional code compliance serve and strengthen local, state and federal agency cooperation. He recommends the hiring of a full-time Harbor Compliance Officer and a part-time Beach Compliance Officer for the upcoming season.

The Harbor Compliance Officer will:

- Ensure compliance along the harbor and waterways
- Manage the Livery Vessel Program
- Assist the Harbor Board
- Work closely with Okaloosa Sheriff's Office Harbor Unit

The Beach Compliance Officer will:

- Ensure beach vendor compliance
- Ensure compliance of beach management codes
- Work closely with Okaloosa Sheriff's Office

Councilmember Ramswell moved to make the appropriate budget amendments to hire a full-time Harbor Compliance Officer, and a part-time/seasonal Beach Compliance Officer; seconded by Councilmember Morgan. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Next, the Mayor pointed out that the Council delayed its action with regards to agenda item 2C, livery vessel moratorium, until after this item is completed.

The City Attorney expressed concern with regards to Council passing a moratorium tonight since no notice was provided to any of the pontoon boat owners. He recommends the motion be limited to directing staff to further investigate this issue.

Councilmember Destin moved to continue the item on Livery Vessel Moratorium to their next regularly scheduled meeting, and to instruct staff to conduct further investigation on the issue; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

C. Discussion on draft ordinance for pay-to-park facilities

According to the Land Use Attorney, the City Council discussed the first draft of this ordinance related to pay-for-park facilities at its regular meeting on February 4, 2019. Based on comments made at that meeting, staff has revised the draft ordinance for City Council consideration. She explains that the draft ordinance requires that pay-to-park facilities will have their patrons pay for parking upon exiting the facility or within a designated parking spot within the facility, but prohibits payments from being made at the entrance or in any drive area within the facility other than the exit lane.

Councilmember Marler opined that the City has no direct right to dictate to a private property owner how parking fees at their facilities are to be collected. It is also not appropriate for the City to blame property owners for backing up traffic on US Hwy 98 and other streets without a proper study and available data to prove it. He noted that one particular property has been named by several Council members which could result in potential lawsuit causing the City thousands of taxpayers' money. He believes those properties that charge parking fees are doing so to comply with the City's code on having the proper amount of parking spaces for their customers. He also argues that this ordinance would force these properties to redesign their parking facilities at their expense in order to be in compliance.

Councilmember Marler offered a motion to table the proposed ordinance until such time that a proper study has been performed on all properties charging parking fees to determine if the proposed ordinance is warranted; and for Council to give the affected properties authorization to work with City staff in trying to come up with a reasonable solution to this issue in lieu of the proposed ordinance. Motion dies for lack of a second.

The Mayor recommends adding a language in the proposed ordinance such that if the collection of parking fees causes a traffic back-up on US Hwy 98, a Code Compliance officer can issue a citation. He stated this would place the burden on a property owner to find a way to collect parking fees without violating the code.

The Land Use Attorney asserts that the whole reason for putting in designated areas for payment is it is much easier to enforce and less burdensome for the City.

Councilmember Destin moved to proceed with the proposed ordinance; seconded by Councilmember Ramswell. Motion passed 5-1 (Council members Morgan, Destin, Menchel,

Ramswell and Braden voted “yes”; Councilmember Marler voted “no”; Councilmember Overdier was absent from the meeting).

D. Announcements

The City Manager announced that on Tuesday, February 26th, at 5:00 PM, in the City Hall Annex, the City Council will hold a workshop to discuss resolving the conflicts between the Future Land Use Map and Zoning Map

E. Destin Fishing Fleet v. City of Destin, Okaloosa County Circuit Court, Case No. 2019 CA 000425 F.

The City Attorney announced that the Destin Fishing Fleet has filed a lawsuit against the City of Destin; and that the City has 20 days to respond unless an extension is provided. The City’s insurance carrier hired Attorney Bill Warner to represent the City. He and the Land Use Attorney will meet with Mr. Warner tomorrow to discuss strategy. He asked the City Council to consider hiring Anchors, Smith & Grimsley as excess legal counsel in this matter. He stated that his contract with the City allows the City to hire him at a reduced rate of \$145.00 per hour for litigation matters.

Councilmember Ramswell moved to appoint Anchors, Smith & Grimsley to serve as excess legal Counsel; seconded by Councilmember Braden.

Councilmember Ramswell asked if the Land Use Attorney would be consulted at all since she is an expert in this particular case.

The Land Use Attorney stated she would be working with the City Attorney in this case; but, Anchors, Smith & Grimsley has more attorneys and is in a better capacity to handle the workload.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

5. PUBLIC HEARINGS

A. Jenkins Engineering, Inc., on behalf of Vintage Destin, Inc., LLC, is requesting approval of a Major Development Order and Major Subdivision identifies as “Vintage Destin.” The proposed multi-family development consists of 282 units with Office Space and associated infrastructure improvements, including proposed public right-of-way. The proposed project is generally located north of Highway 98 East, addressed as 117 Palms Street. Property can also be identified by Okaloosa County Property Appraiser’s Parcel I.D. no. 00-2S-22-0000-00213-0000. The total site area is 18.1 acres, more or less.

The Deputy City Clerk sworn in the following individuals for testimony:

- Louis Zunguze, Community Development Department Director
- Tim Whaler, Planner
- Tim Pietenpol, Acting Public Services Director

- Mr. Jamie Eubanks, Project Engineer
- Ross Bradley, development team member, TDK
- Tom Newton, development team member, TDK

According to Mr. Zunguze, City staff has conducted an extensive review of the following requirements and found that the project met, and in most cases, exceeded these requirements.

- Comprehensive Plan requirements
- Land Development Code requirements
- Density
- Height
- Setbacks
- Open space
- Transportation management
- Concurrency
- Storm water management
- Parking requirements
- Pedestrian requirement
- Networks
- Utilities
- Public improvements

The Land Use Attorney noted that the project is proposing a major subdivision to be processed simultaneously with a major development order. She continued that a major subdivision is required by code due to road dedication.

Attorney Mark Davis, representing the applicant, requested that the staff report and all the attachments be accepted into evidence. There were no objections from the City Attorney and City Land Use Attorney.

The Mayor accepted the staff report and all the attachments into evidence.

Mr. Davis stated that the proposed development meets, and in most cases, exceeds all the requirements in the City's Land Development Code and Comprehensive Plan; as noted in the report presented by City staff. The property is located in a TCMU zoning and land use district where a maximum of 24 dwelling units per acre is allowed. The particular site contains 18.1 acres; but, the property owner had chosen to develop only 15.58 dwelling units per acre. The code requires 25 percent open space, but the plan will present 46 percent of the property as open space. The project is located within the multi-modal transportation district, and it meets all the code requirements for this district. A portion of a right-of-way which will extend to 98 Palms Blvd further to the east will be provided to the City. The developer will provide \$262,000 for multi-modal improvements toward that corridor. The value of the dedicated property is valued at approximately \$1 million. The developer is also paying \$376,745 in impact fees to the City. The total monetary contributions being provided to the City to build this project is approximately \$2 million. He added that the developer wants to be a part of the City; and he wants to make sure the project will help the City realize its goals in that area. He urged the Council to approve the development order and the subdivision plat.

Mr. Jamie Eubanks, Civil Engineer for the project, noted they have gone before the City Board of Adjustment to obtain the variance on this project. It has to do with the required setback. The Destin Water Users has three main lines that run through that particular area which serve about half of Destin. He then highlighted the component and type of development for which the developer is seeking. He stated they submitted the plan in March 2018 and worked with different staff members within the Community Development Department. They believe that their current plan is a better plan than the plan they submitted in 2018.

Mr. Eubanks also provided the following information: The project includes right-of-way dedication consistent with the Transportation Corridor Management Plan. The dedications include portions of the East-West Section 1 secondary alignment, 98 Palms Blvd and North-South Section 1, Palms Street. As to the east-west alignment, the project will provide a portion of right-of-way extending 98 Palms Blvd further to the east. As to the north-south alignment, the project will provide a portion of right-of-way extending Palms Street northward to the 98 Palms Blvd extension. These segments of right-of-way will allow the City to provide connectivity to the residential Twin Lakes Subdivision and continued eastward to Mattie Kelly Blvd. The project provides a complete pedestrian network. External sidewalks are provided along all rights-of-way including the existing private southern alignment of 98 Palms Blvd and the proposed Palms Street extension. A continuous on-site internal sidewalk is provided throughout the development.

Councilmember Braden inquired as to the reason for the right-of-way dedication.

Mr. Tim Whaler, City planner, explained that the City's Comprehensive Plan has key components in the Transportation element that emphasize increasing roadway connectivity within the City to disperse the traffic trips through the City better than having just one east-west road. The initiative has been in place since approximately 2005; and that these policies were enacted around that time period. From staff's perspective, it is great to see projects coming in that are actually in the future roadway management corridor areas to help move the initiative forward.

Councilmember Braden asked which City Engineer approved the stormwater portion of the plan on January 29, 2019 as noted in the staff report. He pointed out that the City currently does not have an engineer. He asked if there would be a legal issue if a non-engineer signed off on the plan.

Acting Public Services Director Tim Pietenpol stated that Michael Burgess, Stormwater Manager, or Jim Bodi, Engineering Assistant, signed off on the plan.

The Land Use Attorney noted there is no legal issue involved in this case if someone from the Public Works Department signed-off on the plan; adding that if it becomes an issue with the Council, they could have that person testify on another date.

Councilmember Braden suggests changing the report to indicate someone from the Public Works Director signed off on the plan instead of the City Engineer.

According to Mr. Whaler, the staff report indicates that the City's Stormwater Manager signed the Stormwater Concurrency Evaluation Certificate.

The City Manager noted that Mr. Michael Burgess is a certified stormwater manager.

The Land Use Attorney stated there are no legal issues involve in this case.

Mr. Ross Bradley, member of the development team, stated that his firm is very focus on transit oriented development and town center style development; and that they value the importance of safety and creating a quality of life for residents.

Mr. Davis requested that the items they presented – the amenities list, renderings and pictures of the project – be accepted into evidence.

Having no objections from the City Attorney, the Mayor accepted the items into evidence.

Councilmember Ramswell noted the staff report indicates the total number of units per acre allowed and units per acre proposed was changed. She asked who made the change and the reason for the change.

Mr. Eubanks explained that part of the reason was comprehensive plan changes that took place during this whole process that affected the development, along with the normal revision process. They had 281 units when they started; now they have 282 units.

There were some discussions relative to the traffic study. Councilmember Ramswell noted that the report seems to indicate that the development will have no impact on traffic.

Councilmember Ramswell questioned the accuracy of the traffic study. She stated that the report seems to indicate that the development will have no impact on traffic; and that the trips are not going to be increased to the point where there needs to be additional roads. She stated that this is going to be a 282 unit development. There could be a minimum of 200 residents and 200 cars, plus the number of support personnel.

Mr. Eubanks explained that in the traffic study, the data is collected during a certain time frame in the afternoon. They take the 4 highest 15 minute intervals in that time period, and they come up with what is known as the PM Peak Hour. These are the worst case scenarios during the afternoon hour. He continued that the traffic study does not indicate the project has no impact on traffic or it does not generate trips. It gives an actual breakdown of what is available on each City roadway. It shows the generation of the actual trips, the standard distribution of those trips and the tentative trips that are out there from other approved projects. The report actually indicates there is sufficient capacity on all affected roadway for the amount of trips this project will generate. As an example, if a roadway in a City system shows there are 100 trips available, and they have 10 trips, there will now be 90 trips available for future development.

Councilmember Ramswell asked if the owners of Target and Hobby Lobby been consulted as to the potential impact of the number of vehicles that would actually traversing through those private properties.

Mr. Eubanks replied that to his knowledge, they have not been consulted; but, he believes the report took that particular scenario account.

Mr. Tom Newton, development team member, noted there are cross-parking easement between the Winn-Dixie center, the Target center and other properties in that area.

Councilmember Ramswell stated that with regards to the roadway dedication, it was noted earlier that they would be extending 98 Palms as well as Palms Street. She pointed out there are already existing City of Destin easement that are required to remain to allow access to the other City of Destin easements that run west to east.

According to Mr. Eubanks, it was the opinion of the City's former Public Works Director that those original dedicated plats may not be valid; and that they have had that discussion numerous times in the past. It is the reason they are issuing the plat at the same time. It is a way to ensure access is available.

Councilmember Ramswell asked if the public would be allowed to drive through the dedicated right-of-way and possibly park there if parking is provided, and then access the Indian Lakes Park.

Mr. Eubank stated that once the Council approves the plat and it is recorded, and that the roadway is constructed, it becomes City property. There would be 7 or 8 parallel parking spaces, along with a transit stop and a school bus drop off area. It would be a dedicated public roadway and the public would be allowed to park along that roadway or along the Palms Street area so they could access the park.

At this time, the Mayor announced he would allow public comments on this subject.

Ms. Marcie Bell, a Destin resident, expressed her support for the project. She asked if they have taken into account the work which FDOT is about to do on US Hwy 98. She also wants to know how much it would cost to rent the condominiums or apartments; and if there is a guarantee short-term rental would not be allowed on the property since it is designed for long-term residential living..

Attorney Dana Matthews, representing the developer, stated they have been working on this project with Mr. Eubanks and his staff, as well as with the City of Destin staff and other regulatory agencies, for nearly 16 months. He noted that the traffic analysis was done by Mr. Joe Poole, with Southern Traffic, from Tallahassee. Mr. Poole has worked with FDOT for 20 years and then went in to private practice for another 20 years and did some work for several city and county governments. He clarified that the 2500 traffic leftover shown in the traffic analysis report were on PM peak hour and not necessarily at any given moment. These are based on traffic concurrency data that is maintained by the City. It was reviewed by the appropriate agencies and it met concurrency requirements.

Councilmember Ramswell asked if the private roads through the shopping centers were taken into account.

Mr. Matthews explained that the traffic mitigation portion in Mr. Poole's report indicates they did not take into consideration the new improvement. The new improvement on Palm Street

was not taken into consideration for purposes of a report. The re-analysis reveals it has less impact on US Hwy 98 because it allows traffic to go north. He added that all the access point on US Hwy 98, including the Palm Street extension, was clearly taken into consideration.

Mr. Matthews agrees the staff report needs to be corrected because it shows that a City Engineer signed the Stormwater Concurrency Evaluation Certificate when in fact the City does not currently have a City Engineer. However, Mr. Burgess, the City's Stormwater Manager, and Mr. Bodi, who have been reviewing stormwater for the City for many years, are certainly qualified to sign the certificate. He also noted that the Northwest Florida Water Management District reviews and approves all stormwater plans as well as all signed and sealed engineering plans and analysis. They have to issue a permit before the City can even issue their concurrency certificate.

Referring to a map, Mr. Matthews noted that the roadway north of 98 Palms Street is not going to be improved by the developer. The City may choose to do so using the money being provided by the developer. He also mentioned that short-term rentals would not be allowed on the property.

Councilmember Morgan moved to approve the major development order and major subdivision identified as "Vintage Destin"; seconded by Councilmember Braden.

Councilmember Ramswell asked if there was a required public benefit in this case. The Land Use Attorney replied that a public benefit is not required.

According to Councilmember Braden, it has been mentioned that the project will provide a portion of right-of-way extending Palms Street northward to the 98 Palms Blvd extension. These segments of right-of-way will allow the City to provide connectivity to the residential Twin Lakes Subdivision. This would be problematic because Twin Lakes was never designed for through traffic and there are a lot of children in that neighborhood.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

- B. First reading of Ordinance 18-24-CN Acquisition of 607 Sandalwood for the Cross Town Connector

The City Attorney ready Ordinance 18-24-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY FOR THE CROSS TOWN CONNECTOR; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF TOWNHOME UNIT, LOCATED AT 607 SANDALWOOD DRIVE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Bill Reddington, a Destin resident, noted that 6 or 7 properties were going to be included in the eminent domain, but only two are being addressed tonight. He inquired as to the status of the other properties.

The City Manager explained that the inverse condemnation was not in regards to the two properties on the agenda tonight for purchase.

The City Attorney stated there was never any intent to exercise eminent domain powers. The City hires a special counsel to determine whether there is an inverse condemnation issue where they look at the effect of City action on adjacent properties.

Mr. Reddington asked by the contract prices for both properties are a lot more than what they are worth.

According to the City Manager, the company the City hired to handle the acquisition for the crosstown connector project arrived to what they consider to be a fair price for these properties.

The City Attorney added that when they enter into a voluntary purchase such as these, there are certain tenant relocation expenses the City must incur; which is why the prices for these properties are possibly above market value.

Having no further comments from the public, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 18-24-CN on first reading and direct staff to bring it back for second reading at the next City Council meeting; seconded by Councilmember Marler. Motion passed 5-1 (Council members Morgan, Destin, Marler, Menchel and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Overdier was absent from the meeting).

- C. First reading of Ordinance 18-25-CN Acquisition of 601 Sandalwood for the Cross Town Connector

The City Attorney ready Ordinance 18-25-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY FOR THE CROSS TOWN CONNECTOR; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF TOWNHOME UNIT, LOCATED AT 601 SANDALWOOD DRIVE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 18-25-CN on first reading and direct staff to bring it back for second reading at the next City Council meeting; seconded by Councilmember Marler. Motion passed 5-1 (Council members Morgan, Destin, Marler, Menchel and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Overdier was absent from the meeting).

- D. First reading of Ordinance 19-01-LC Provides for an amendment to Land Development Code Section 9.06.04, relating to the location of swimming pools

The City Attorney ready Ordinance 19-01-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE LOCATION OF SWIMMING POOLS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 9.06.04; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-01-LC on first reading and direct staff to bring back for second reading at the next Council Meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

- E. First reading of Ordinance 18-30-LC - Creates definitions for commercial uses, commercial special events and commercial special event venues. Provides for amendments to Articles 3, 7 and 9 of the Land Development Code; amending Table 7-2, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.

The City Attorney ready Ordinance 18-30-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Destin moved to approve Ordinance 18-30-LC on first reading and direct staff to bring back for second reading at the next Council Meeting; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

6. CONSENT AGENDA

- A. Submerged Lands Easement Renewal – Old Pass Lagoon
- B. Destin Little League Opening Day Parade Request for use of city right-of-way
- C. Junior League of the Emerald Coast request for use of right-of-way
- D. GP Lighting Service Contract Rate Schedule
- F. Independence Day Fireworks bid approval
- G. LoBello, Duhon, LoBello Quotes for Mattie Kelly & Joe Bayou
- H. Fencing Repairs for Tennis/Pickleball Courts at Buck Destin

Councilmember Ramswell requested that Consent Agenda item 6G be pulled for further discussion.

Councilmember Morgan moved to approve Consent Agenda items 6A through 6H, and pull Consent Agenda item 6A for discussion, seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

Councilmember Ramswell reported that several members of the public had contacted her to express their concern that the repairs to Mattie Kelly and Joe’s Bayou piers are taking too long; and that they would like the City to do whatever is necessary to expedite the process.

The City Manager explained that this action is to move the project forward and get the repairs done. He stated that City staff has been working with FEMA over the last two months to finalize the needed repairs and determine which repairs are and are not reimbursable. At this point, FEMA is willing to reimburse the City for 75 percent of the cost, the State will reimburse the City for 12.5 percent of the cost, and the City is responsible for the other 12.5 percent. He added that the City would have to front the money to get the repairs done; and that the City is prepared to do so.

Councilmember Braden moved to approve Consent Agenda item 6G; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

A. Councilmember Braden

Councilmember Braden reported that some citizens contacted him wanting to partner with the Trees on the Coast or formed their own group for the maintenance of the medians from the Marler Bridge to Airport Road; which would include additional landscaping, fertilization and irrigation. They are also willing approach the adjacent property owners along Hwy 98 and find out if they are willing to contribute for maintenance of the median in front of their businesses. They would like to know the process involved in making this happen.

The City Manager recommends waiting until the FDOT's 3R project on US Hwy 98 concludes; adding that the City temporary suspended maintenance of the medians and in some cases removed the irrigation system in preparation for the pending work on that road. The company the City hired to maintain the medians will resume work once the 3R project is completed.

Councilmember Braden will meet with the City Manager to discuss what they can do to possibly supplement the work on the medians, to include involvement by the businesses along US Hwy 98.

B. Councilmember Ramswell

Councilmember Ramswell stated that she has spoken to Mr. Zunguze about some of the concerns she received from the citizens. Due to the fact they have un-annexed areas that are adjacent to annexed areas, sometimes people on one side of the street or even neighbors have differing rules and allowable items that they could do. Some of the businesses have expressed concern they are not allowed to advertise in the same manner as someone located next door to them. She asked Mr. Zunguze to try to look into Okaloosa County and Destin partnership for zoning compatibility at annexed lines.

C. Councilmember Menchel

Councilmember Menchel asked staff to invite a Mid-Bay Bridge Authority representative to attend the next City Council meeting to provide an update on the status of the Mid-Bay Bridge.

Councilmember Menchel also announced that if anyone from the public has a residential building they are planning to tear down, to contact the Destin Fire Control District because they are interested in using it for training purposes before it is demolished.

- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan

Councilmember Morgan requested that Mr. Alan French of Trees on the Coast be added on the next agenda. Mr. French will present a plan to beautify the Welcome to Destin sign on the Eglin Air Force Base property by the Marler Bridge.

H. Mayor Gary Jarvis

I. Land Use Attorney

1) Technical Review Committee (TRC) Update

The Land Use Attorney noted that the required updates are included in the agenda packet.

J. City Attorney

1) Fleet Lawsuit

The City Attorney has no update on the current litigation between the Destin Fishing Fleet and the City of Destin.

2) East Pass Update

The City Attorney reported that the administrative action against the City has been delayed indefinitely while the County and the petitioners (Cherry's and Donovan's) continue to work on their agreement. At this point it looks like the Army Corps of Engineers (USACE) would be performing the dredging at their sole cost, which is not to exceed \$1.5 million. He continued that since they have been unable to get to the Reach 3 properties, Destin would be getting half the sand in Reach 1, which would not be enough to fill up Reach 1. The other half of the sand would go to Okaloosa Island. This is the agreement the County is trying to reach with the petitioners. He also noted they have previously executed an easement to Reach 1 property owners since they have anticipated moving forward with the City's permit. It now looks like they would be moving forward with USACE's permit. He further stated that he and the County Attorney have worked on a language to allow flexibility to go with either permit. He asked for Council's authorization to allow the Mayor, City staff and City Attorney to execute easement with Reach 1 property owners so that these property owners could receive sand from the East Pass dredge.

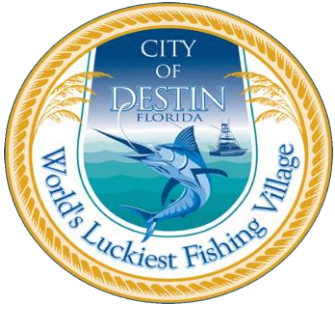
Councilmember Destin moved to authorize the Mayor, City Staff and City Attorney to execute easements with Reach One property owners so they can receive sand from the East Pass Dredge; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Having no further business at this time, the meeting was adjourned at 9:05 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk



City of Destin

Proclamation

DESTIN ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska. Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community. They are a source of joy and spiritual renewal;

NOW, THEREFORE I, Mayor Gary Jarvis, on behalf of the Destin City Council, do hereby proclaim April 26, 2019 as **Arbor Day** in the City of Destin, Florida, and that all citizens are urged to support the efforts to protect our trees and woodlands; and that further all citizens are urged to plant trees to gladden hearts and promote the well-being of present and future generations.

SO DONE THIS 15TH DAY OF APRIL 2019

By:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk



DESTIN HARBOR CLEAN-UP

INITIAL PLANNING AND PROPOSAL

CAPT ANDREW NELSON

SPECIAL TACTICS TRAINING SQUADRON

WHO



- COMBAT CONTROLLERS (CCT) COMPLETING ADVANCED DIVE TRAINING AT THE SPECIAL TACTICS TRAINING SQUADRON, HURLBURT FIELD
- HIGHLY TRAINED AIRMEN THAT PROVIDE EXPERT AIR-TO-GROUND INTEGRATION AND AIR TRAFFIC CONTROL CAPABILITIES TO SOCOM
 - TRAINED IN STATIC LINE PARACHUTE AND MILITARY FREE FALL
 - OPEN AND CLOSED CIRCUIT DIVING
- SUPPORTED THAI CAVE RESCUE IN JULY 2018 AND BLACK HAWK CRASH RECOVERY IN MARCH 2015; PROVIDES 1,500 DIVES ANNUALLY
- 20 – MAN TEAM: 15 MASTER DIVERS; ALL AIR FORCE COMBAT DIVE SCHOOL GRADUATES
 - LIVED IN DESTIN/FWB AREA FOR 18 MONTHS AND WILL MOVE IN OCTOBER
 - WANT TO GIVE BACK TO OUR COMMUNITY IN A MEANINGFUL WAY
 - UTILIZE OUR UNIQUE SKILLSET AND CAPABILITY TO SUPPORT LOCAL COMMUNITY

WHAT / WHEN / HOW

- WHAT: UNDERWATER CLEAN-UP OF DESTIN HARBOR AND/OR NEARBY AREAS IN NEED
- WHEN: WEDNESDAY 8 MAY 2019
- HOW: WITH SUPPORT FROM CITY OF DESTIN, EMERALD COAST SCUBA, LOCAL AUTHORITIES (SHERIFF'S OFFICE / US COAST GUARD)
- FULL FACE MASK DIVING WITH INTEGRATED UNDERWATER COMMUNICATION (2-5X TEAMS)
- PARALLEL SWEEP, WINDSHIELD WIPER, PENDULUM SEARCH METHODS
- COMMAND AND CONTROL BOAT WITH MEDICAL SUPPORT (DR. / PARAMEDIC) AND STANDBY SAFETY DIVERS
- LAW ENFORCEMENT PROVIDES CORDON FROM BOATER TRAFFIC



WHAT A HARBOR CLEAN-UP ENTAILS



- SAFETY
 - C2 BOAT EQUIPPED WITH COMMUNICATION BETWEEN SURFACE/SUBSURFACE
 - MEDICAL PERSONNEL WITH AED AND O2
 - POLICE CORDON PREVENTS RECREATIONAL AND COMMERCIAL BOATS FROM INTERFERING WITH DIVERS
- SUPPLIES: SCUBA GEAR, DEBRIS COLLECTION BAGS, DEBRIS CATALOG AND DISPOSAL, AIR TANK REFILL/EXCHANGE
- LOGISTICS
 - LOCATION OF CLEAN UP / GRID SEARCH AREA DEFINED
 - STAGING AREA AT EMERALD COAST SCUBA
 - ~0730 VOLUNTEER BRIEF / 0900 SPLASH / 1400 DIVES COMPLETE / 1600 MISSION COMPLETE



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM: Lance Johnson, City Manager

DATE: April 3, 2019

SUBJECT: Immanuel Anglican Church and the Week of Blessings Committee request to waive parking fees at Marler Parking Lot for 2019 Blessing of the Fleet.

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. 2019 Blessing of the Fleet Request-City of Destin

Destin's 62nd Annual Blessing of the Fleet and Community Fish Fry

Request for the City Council (15 April 2019):

Whereas: The City of Destin recognizes the importance of maintaining a vibrant active harbor, and

Whereas: The City of Destin has always been supportive of its fishing fleet and the many other commercial seaborne vessels that make their living from the sea or support our many visiting tourists, and

Whereas: We want to invoke God's continued protection and blessing upon those who make their living from the sea and their families

Therefore: The Destin Week of Blessings Committee requests the City of Destin become an official sponsor of Destin's annual Blessing of the Fleet by waiving or suspending the parking lot fees at the city's Marler parking lot on Harbor Blvd for one day, Ascension Day, in support of this long-standing community tradition.

2019 Event Date: Thursday, 30 May 2019, (always Ascension Day, 40 days after Easter)

Location: On the docks, Destin Fishing Fleet Marina (behind Brotula's Restaurant)

Blessing of the Fleet Background:

- This is Destin 's second oldest tradition (second only to the annual fishing rodeo).
- The Blessing of the Fleet was the catalyst for beginning Destin's Week of Blessings activities which are held annually in conjunction with the Blessing of the Fleet.
- The Blessing is available to all vessels who make their living from the sea.
- This year Easter comes later than usual so Ascension Day follows Memorial weekend.
- Immanuel Anglican Church is the event sponsor, but the Church of Destin and the entire community participates.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Announcements

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Joey Forgione, Code Compliance Manager
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: April 15, 2019

SUBJECT: 1. Code Compliance Update: New positions filled.

I. BACKGROUND: Pursuant to prior directive of the City Council, the new Code Compliance department is growing.

II. DISCUSSION: 1. HARBOR WATERWAYS COMPLIANCE OFFICER

A Harbor Waterways Compliance Officer has been hired. Officer Dave Bazylak commenced this new position with the City on 3/25/2019. Officer Bazylak was previously the City's Code Enforcement Manager for 25 years. He has training in all Florida Association of Code Enforcement (FACE) levels, as well as environmental training.

2. BEACH COMPLIANCE/HARBOR WATERWAYS COMPLIANCE OFFICER

A Beach Compliance/Harbor Waterways Compliance Officer has been hired. Officer Murray Casey will commence this new position with the City on or about Memorial Day weekend. Officer Casey's background includes the following:

Retired Master Chief, U.S. Navy

Lifeguard/CPR Certified

Advance knowledge of creating Standard Operating Procedures and Training Curriculum

Bachelor of Arts Degree

A. Link to Strategic Goals / Objectives: Enhance Quality of Life

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: April 15, 2019

SUBJECT: Continuance to 6pm at May 6, 2019 Regular City Council Meeting for Caretta Dunes - Application for Determination of Vested Rights

I. BACKGROUND: The Applicant and the City have agreed to a continuance of this item to the regular City Council meeting on May 6, 2019 at 6:00 pm. So that the City does not have to re-advertise this item, Staff and the City Land Use Attorney are requesting a formal motion of continuance from the City Council, as set forth in the Recommended Motion, below.

The applicant has timely submitted a vested rights application pursuant to Ordinance 18-16-LC ("Vested Rights Ordinance"). The intent and purpose of the vested rights procedures set forth in the Vested Rights Ordinance is to provide a fair and equitable process for the determination as to whether a property owner had vested rights as of April 2, 2018, when the City Council adopted Comprehensive Plan amendments (such amendments were not effective until June 8, 2018).

II. DISCUSSION: The process set forth in the Vested Rights Ordinance is only available to property owners who personally, or through their predecessors in title, can provide written proof that prior to April 2, 2018, they applied to the City of Destin to build something on the property that was never built on a specific property, and that they are able to meet one of the specific categories set forth in the Ordinance, which has been codified as Section 2.26.03 of the City Land Development Code.

The scope of any such request for a Vested Right shall be limited to what was applied for in the original application filed with the City prior to April 2, 2018,

and shall be further limited to any written input or opinions provided by staff at the time of the denial or approval. Any application relied upon by the Applicant, along with any input or opinions from staff, must be attached to any Application submitted to the City.

The applicant, H.D. Blasbichler /Traship Holding, through authorized agent David Pleat, Esq., has submitted an application under Category One of the Vested Rights Ordinance. Category One provides as follows:

A property owner may make application to the City Council for a Vested Rights Determination if...

Category One:

- i. The Applicant received a Development Order, which expired sometime in the five (5) calendar years prior to April 2, 2018, and prior to the expiration of the Development Order, the Applicant conveyed and constructed a tangible public benefit for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the Development Order, with the Applicant incurring ascertainable monetary costs at the time of conveyance or construction.
- ii. Any such written agreement evidencing the Development Order must be attached to the application and failure to do so will result in a summary denial of the application.
- iii. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order, consistent with this section of the Code.
- iv. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.
- v. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.
- vi. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

A. Link to Strategic Goals / Objectives: Policy 1-2.1.5 of the City's Comprehensive Plan provides that existing land uses that were lawfully conforming uses prior to the effective date of the Comprehensive Plan continue as lawful uses. Pursuant to Florida Statutes, and Policy 1-2.1.5 of the City's Comprehensive Plan, implementing regulations and administrative remedies are required to be set forth in the City's Land Development Code for vested rights issues.

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The Applicant and the City have agreed to a continuance of this item to the regular City Council meeting on May 6, 2019 at 6:00 pm. This item will be heard on that date/time.

IV. RECOMMENDED MOTION: I move to continue the applicant's application for a vested rights determination to the regular city council meeting of May 6, 2019 at 6:00 pm.

Attachments:

1. March 4 2019 Application for Vested Rights
2. Executed Vested Rights Ordinance 18-16-LC
3. City Exhibit A April 17 2015 Letter from Blasbichler to City
4. City Exhibit B reimbursement 12-7-2015 Agenda Memo Item _20
5. City Exhibit C Minutes 12-07-2015._ Reimbursement
6. City Exhibit D Council Minutes 03-01-2010 Dieter
7. City Exhibit E March 2010 agenda item
8. City Exhibit F Council Minutes 11-16-2015.



City of Destin

Community Development Department

Planning Division

City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541

Phone (850) 337-3130 • Fax (850) 460-2171

email to: planning@cityofdestin.com

APPLICATION FOR DETERMINATION OF VESTED RIGHTS

An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

Name of Project: Caretta Dunes
(This name shall be consistent on all submitted plans & documents.)

I. Contact Information:

A. Owner(s): H.D. Blasbichler/Traship Holding, AG

Mailing Address: PO Box 222, Destin, FL 32540

Business Phone: 850-837-6655 Cell: 850-585-7669

Email: blas222@aol.com

B. Authorized Agent (if applicable): David B. Pleat, Esq.

Mailing Address: 4477 Legendary Drive, Suite 202, Destin, FL 32541

Business Phone: 850-650-0599 Cell: 850-974-2800

Email: david@pleatperry.com

C. Engineer: Innerlight Engineering Corporation/Mark. T. Murray, P.E.

Mailing Address: 11490 Emerald Coast Parkway, Suite 2W
Miramar Beach, FL 32550

Business Phone: 850-424-5855 Cell: _____

Email: mark@ieceng.com

D. Architect: Patrick Ballasch, AIA/DAG Architects

Mailing Address: 1223 Airport Road, Destin, FL 32541

Business Phone: 850-837-8152 Cell: _____

Email: pballasch@dagarchitects.com

E. Surveyor: David Smith, PSM/Intnerlight Engineering Corporation

Mailing Address: 11490 Emerald Coast Parkway, Suite 2W,
Miramar Beach, FL 32550

Business Phone: 850-424-5855 Cell: _____

Email: david@ieceng.com

II. PROPERTY INFORMATION:

A. **General Information** (brief description of the project of which this application is seeking a vested rights determination):

See attached ~~Original~~ "Final Development Order at Exhibit
"1"; See Final Development Order extension dated 8/8/14
at Exhibit "2"; See original Vested Rights Request of
6/14/18; Caretta Dunes is a proposed four story 64 unit
condominium.

Future Land Use Map Designation(s) on Property: CBR

Zoning District(s) on Property: BT

Total Acreage and Square Footage of the Property: 5.99 acres and +/- 260,924 SF

III. PROJECT INFORMATION:

A. APPLICATION CATEGORY: For which Category are you applying? **Circle only one.**
If an Applicant selects more than one category, then the Application shall be denied pursuant to section 2.26.02(D), LDC.

Category One

Category Two

Category 3

See Next Page for Requirements Specific to Each Category

A. Requirements Specific to Category One:

i. The Applicant received a Development Order, which expired sometime in the five (5) calendar years prior to April 2, 2018, and prior to expiration of the Development Order, the Applicant conveyed and constructed a tangible public benefit, for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the Development Order, with the Applicant incurring ascertainable monetary costs at the time of conveyance or construction.

Development Order Number: 05-21
Expiration Date of above D.O.: final extension approved 8/8/14
What public benefit was constructed? 5' wide public easement to beach along with public walkway and 5 public parking spots
Date construction completed: 2008
Date public benefit conveyed: 2008
Ascertainable monetary costs at time of conveyance or construction: Approximately \$400,000.00 for land value and construction of improvements

ii. Any such written agreement evincing the Development Order must be attached to the application, and failure to do so will result in a summary denial of the application.

iii. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order, consistent with this section of the code.

iv. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.

v. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

vi. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

B. Requirements Specific to Category Two

i. The Applicant is party to, or is the assignee of a party named to a fully performed written annexation agreement, and is/was promised certain development rights within the annexation agreement, said development rights not having a defined expiration/termination date within the annexation agreement.

Please attach a copy of the annexation agreement to this application.

Date of annexation agreement: _____

Parties to agreement: _____

Parcel Numbers for Property/ies subject to agreement: _____

ii. Any Applicant in this category shall be eligible to apply for an amendment to the Annexation Agreement that will provide a vesting recognition of the development rights within the annexation agreement, with a maximum five (5) year expiration/termination of the development rights conferred within the annexation agreement.

iii. If the Annexation Agreement contains express and identifiable parking specifications that contradict Section I.C., above, then the contents of the Annexation Agreement shall control.

iv. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

v. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

C. Category Three

i. The Applicant previously applied for a Development Order, which was denied. **(Attach a copy of the Development Order application to this Application for Vested Rights Determination).**

ii. Despite the denial, the Applicant can produce an express written agreement that expressly sets forth, on the face of the document itself, an identifiable vested development right benefitting the Applicant. **(Attach a copy of such written agreement to this Application for Vested Rights Determination).**

iii. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

iv. The Applicant shall be required to prove the following:

a. The applicant, prior to April 2, 2018, made a substantial change in position or has incurred extensive obligations or expenses.

b. The following are not considered development expenditures or obligations:

1. Expenditures for legal and other professional services that are not related to the design or construction of improvements;

2. Any form of Taxes paid, or incurred;

3. Expenditures for acquisition of the land, including purchase price and all closing costs.

4. Obligations to any third parties, including but not limited to investors or creditors of the Applicant.

v. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order.

vi. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, footprint, or square footage of the project.

vii. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

B. ADDITIONAL PROJECT INFORMATION:

1. Number of permanent or long-term residential uses: 80
Number of seasonal or short-term uses: -
Total Number of Units Proposed: 80
Proposed Building Height: 60 ft.
Number of Proposed Stories: 5
Gross Floor Area of Structure: N/A
2. Is the property in White Sands Zone I X White Sands Zone II _____
Or Outside the White Sands Zone _____
3. Are there any existing or proposed Conditional Uses, Variances, Administrative Appeals, etc:
Yes: _____ (provide a copy of final order) No X
4. Development Intensity: Floor Area Ratio (FAR)
This entire section must be completed for all non-residential projects. N/A

NOTE: This application must be filled out completely and must be signed by the owner or his designated agent. If the applicant is different than the owner of the subject property, then an agent affidavit is required from the owner of the property. The agent affidavit must be completely filled out and submitted with this application. If the property has multiple owners, then all owners or their designated agents must sign this application.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.

APPLICANT: H.D. Blasbichler
SIGNATURE: [Signature] DATE: 3-4-2019
PRINTED NAME: H.D. Blasbichler

TRASHIE HOLDING, AG
By: H.D. Blasbichler DATE: 3-4-2019



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



First Dev. Order

www.cityofdestin.com **Tier I**

May 2, 2005

Order No. 05-21

Final Development Order:

"Beach Crystal Condominiums" A MAJOR DEVELOPMENT (SP-05-12)

Based upon the City Council's approval of this development order on April 4, 2005, this document will serve as your Final Development Order, to include all of the provisions of the attached Technical Review Committee Report, testimony, and with the following conditions as specified by the City Council:

BACKGROUND / ISSUE:

- Applicant:** Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) is requesting approval of a Major Development identified as "Beach Crystal Condominiums."
- Request:** The proposed development consists of constructing a 4 story, 64-unit multifamily residential condominium complex, which includes a pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement.
- Location:** The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA. (Exhibit A)
- Parcel Size:** The total proposed site area is 5.99 acres, more or less.
- Future Land Use:** Crystal Beach Resort (CBR)
- Zoning District:** Business Tourism (BT)
- Density:** Allowed: 12 dwelling units per acre in Crystal Beach Resort (CBR)
Proposed: 64 dwelling units / 5.99 acres = 10.68 dwelling units per acre
- Intensity:** Not applicable for residential uses under the CBR Future Land Use Map Designation.
- Application Date:** January 3, 2005
- TRC Date:** January 19, 2005
- Approved Site Plan Date:** March 16, 2005
- City Council Date:** April 4, 2005



DETERMINATIONS:

1. The Destin City Council held a public hearing on April 4, 2005. The Council voted 7 to 0, to approve the project as presented in the agenda package and subject to all applicable conditions identified within the Final Development Order, TRC report dated March 16, 2005, with all necessary changes and updates, testimony, and contingent upon payment of all outstanding fees prior to the issuance of the Development Order.
2. All the findings of the Technical Review Committee report dated March 16, 2005, are incorporated herein.

CONDITIONS OF APPROVAL FOR "Beach Crystal Condominiums" A MAJOR DEVELOPMENT (SP-05-12):

1. Pursuant to the City of Destin Land Development Code and the City of Destin Code of Ordinances:

Construction must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on May 2, 2005 (no later than May 2, 2006), and must be completed as shown on plans approved by the Technical Review Committee.

WARNING: If the applicant/owner has not obtained a building permit(s) or has not commenced construction within one (1) year of issuance of the final development order, the final development order will become null and void and the application for plan approval must be re-initiated.

NOTE: An applicant/owner who desires to extend the twelve (12) month (1 year) deadline must submit a request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.15.00, of the Destin Land Development Code and City Ordinance 02-06-LC for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Beach Crystal Condominiums" will be protected. However, the protected concurrency status will be lost if:
 - A. Construction activity ceases for a period exceeding one (1) year at any time during the term of this Final Development Order so that concurrency is not maintained under section 6.02.00.B.3 of the Destin Land Development Code, or
 - B. Construction permit(s) are not obtained in accordance with Section 2.09.00 of the Land Development Code to maintain concurrency.

3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.
4. **Community Development Department Conditions:**
 - A. Refer to pages 14 and 15 of the attached TRC Report dated March 16, 2005.
5. **Destin Water Users, Inc., Conditions:**
 - A. Refer to page 8 of the attached TRC Report dated March 16, 2005.

TECHNICAL REVIEW COMMITTEE REPORT

"Beach Crystal Condominiums" A MAJOR DEVELOPMENT (SP-05-12)

TRC Report: March 16, 2005

ISSUE:

Applicant: Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) is requesting approval of a Major Development identified as "Beach Crystal Condominiums."

Request: The proposed development consists of constructing a 4 story, 64-unit multifamily residential condominium complex, which includes a pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement.

Location: The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA. (Exhibit A)

Parcel Size: The total proposed site area is 5.99 acres, more or less.

Future Land Use: Crystal Beach Resort (CBR)

Zoning District: Business Tourism (BT)

Density: Allowed: 12 dwelling units per acre in Crystal Beach Resort (CBR)
Proposed: 64 dwelling units / 5.99 acres = 10.68 dwelling units per acre

Intensity: Not applicable for residential uses under the CBR Future Land Use Map Designation.

Application Date: January 3, 2005

TRC Date: January 19, 2005

Approved Site Plan Date: March 16, 2005

City Council Date: April 4, 2005

DISCUSSION/FINDINGS:

Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) is requesting approval of a Major Development identified as "Beach Crystal Condominiums." The proposed development consists of constructing a 4 story, 64-unit multifamily residential condominium complex, which includes a pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement. The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA. The total proposed site area is 5.99 acres, more or less.

The proposed project as depicted on the site plan(s) (Exhibit B), as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review that is detailed below under the "Compatibility" section of this TRC Report.

The proposed request as presented and described is consistent with the Comprehensive Plan and Land Development Code, which include a Compatibility review, Concurrency Management review, and a Level of Service review.

The Technical Review Committee (TRC) reviewed and approved the project with specific conditions as stated below.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use Map designation of Crystal Beach Resort (CBR) and a Zoning District designation of Business Tourism (BT). The proposed multifamily residential land use is consistent with the intent of the Crystal Beach Resort (CBR) Future Land Use Map designation as an acceptable land use pursuant to the Comprehensive Plan - 2000. The Business Tourism (BT) zoning district specifically allows for the described use(s) (§7.12.01 (I) (ss), LDC). However, the proposed development must satisfy compatibility criteria established in Policy 7.A.4.6 (p), Comprehensive Plan and §7.09.00, LDC.

COMPATIBILITY:

The LDC requirements regulating compatibility are *"intended to ensure functional and attractive development by requiring that all future development be consistent with accepted planning practices and principles as well as natural area limitations"* [LDC, §7.09.01]. The Comprehensive Plan and Land Development Code further require that compatibility be measured based on the characteristics of proposed development and its impact on the immediate or surrounding area and especially homogeneous residential neighborhoods. Characteristics for consideration include:

1. Type of land use, zoning district, and land use category;
2. Building location, dimensions, height, and floor area ratio;
3. Location and extent of parking, access drives, and service areas;
4. Traffic generation, hours of operation, noise levels, and outdoor lighting;
5. Alteration of light and air; and
6. Setbacks and buffers.

The project, as required by the Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the requirements as detailed in the staff reviewed and accepted Compatibility Analysis, dated February 4, 2005, by Ms. Robyn Peterson, P.E. of Moore Bass Consulting (See Exhibit C).

City Staff accepts the above referenced compatibility analysis and agrees that site plan for the "Beach Crystal Condominiums" a multifamily residential development complies with the City of Destin Comprehensive Plan Policy 7.A.4.6 (p) and the Land Development Code §7.09.00 with any above stated conditions.

Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions of the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09].

RIGHT-OF-WAY DEDICATION:

Not applicable.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: X
Potable Water: X
Sanitary Sewer: X
Traffic: X
Stormwater Management: X

Please refer to the attached Exhibits D through H for approved Concurrency Evaluation Certificates.

TRAFFIC ANALYSIS:

According to the traffic review conducted by the City's Transportation Manager and approved on February 9, 2005, the proposed development will not degrade the level of service of those major transportation facilities in the City of Destin (urban collectors and arterials).

Traffic concurrency is satisfied for this project, as confirmed by the City's Transportation Manager after reviewing the applicant's traffic concurrency analysis dated January 3, 2005 (Exhibit G).

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multi-family residential use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents, the applicant has provided a Condominium Affidavit, dated March 3, 2005, (See Exhibit "I"). **Condition: Prior to the issuance of a Certificate of Occupancy, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.**

WHITE SANDS ZONE:

The project property is located in White Sand Zone I.

PHASING:

The proposed development will not be a phased development.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SETBACKS:

The proposed buildings meet and exceed all of the required setbacks for the following zoning district(s): Business Tourism (BT) meeting the RIA four or more, 3 or more floors dimensional requirements:

Distances provided are from the proposed facility to the nearest property lines:

	<u>Required Setbacks</u>	<u>Buffers</u>	<u>Provided</u>
Front (north):	20'	10' FP	41.25' including the 10' FP
Back (south):	FDEP/CCCL determined	N/A	175.00' +/-
Side (east):	20'	5' CB	29.34' including the 5' CB
Side (west):	20'	5' CB	29.33' including the 5' CB
Between Bldgs.:	10'	N/A	N/A

Note: 10' FP = 10' Front Perimeter Landscaped Area, 10' VB = 10' Vegetative Buffer Area, and 5' CB = 5' Common Boundary Landscaped Area. The following buffers are required: 10' FP is required along the property abutting the right-of-way, the standard five (5) foot common boundary buffers along the eastern and western property lines.

SIGNS:

A single ground sign is proposed as identified on the site plan. Only its location is approved. **Note:** All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

UTILITIES:

Utilities/service (existing and proposed) shall be placed underground.

CITY OF DESTIN BUILDING OFFICIAL:

Building Official's office provided preliminary technical comments to the applicant, which shall be addressed and/or readdressed during the building permit review process. A full set of construction plans, specification, and related documents for the development must be submitted to the Building Department for review and approval before any building permits will be issued.

COX COMMUNICATIONS:

Cox Communications approved the project in a letter dated January 17, 2005.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated January 19, 2005.

GULF POWER:

Gulf Power did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by default.

OKALOOSA GAS:

Okaloosa Gas did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by default.

SPRINT:

Sprint approved the project in a letter dated January 11, 2005.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated January 19, 2005. Please note the following as conditions of the Final Development Order:

1. All revisions to the water and/or sewer utilities of any previously approved project, must be reapproved by Destin Water Users, Inc., at least 24 hours prior to implementation. If you have question or concerns please call Steve Schmitt/Field Operations Manager (850) 837-6146 ext. 106 or Steve Benoit GIS Section Head (850) 837-6146 ext. 109.
2. Field verified "As-Built" Plans must be furnished to Destin Water Users, Inc., prior to the release of water service.
3. Please submit all flow calculations.
4. Add a note stating that all hydrants shall be installed or retrofitted to meet current requirements.
5. Add hydrant details to utilities details sheet.

STORMWATER:

The stormwater management plan was found acceptable and approved on March 7, 2005. The following are **stormwater** related notes and conditions:

1. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

2. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
3. **Condition:** If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
4. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).

COASTAL MANAGEMENT AND CONSERVATION:

The proposed project is located within the VE16 special flood hazard area per the FEMA Flood Insurance Rate Maps. A certified statement from a licensed architect has been provided and is on file, dated February 1, 2005, indicating the proposed development will be designed and constructed in compliance with the Federal Emergency Management Agency (FEMA)/National Flood Insurance Program (NFIP) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.00.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point at the western end of the project and a right-in/right-out only access point at the eastern end of the project, which both access the Scenic Highway 98 ROW. The redevelopment of the properties will reduce the number of access points from six to two.

PARKING:

The project meets or exceeds the parking requirements of the Destin Land Development Code as indicated on the approved plans.

Per code:

Dwelling, Multi-family (4 stories or less): 2.25 parking spaces per unit

Per site plan:

64-units x 2.25 spaces = 144

TOTAL REQUIRED: 144 parking spaces

TOTAL PROVIDED: 144 parking spaces (including 5 handicap spaces)

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirements of the Destin Land Development Code as indicated on the approved plans and are as follows:

TOTAL REQUIRED: 2 loading spaces

TOTAL PROVIDED: 2 loading spaces

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All dumpsters and refuse handling area must be enclosed by fully opaque screen and gate.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

Sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on sheet 4 (Exhibit B). In addition to the required sidewalks and interior pedestrian connectivity, the developer will be vacating and relocating an existing private easement (See sheet 2 Exhibit B) to the eastern side of the project for beach access and will also be providing a new 5' public access easement to the beach (See sheet 3 Exhibit B). Note: because the City of Destin has not previously recognized, improved nor maintained public beach access across the property, the City has no basis on which to claim that a public beach access easement previously existed across the property.

OPEN SPACE/LANDSCAPE:

Open Space Requirements:

Site Development Area (Total Area): 260,924 sq. ft. (5.99 acres, more or less)

Required 18% Open Space: 46,966.32 sq. ft.

Provided Open Space: 86,165 sq. ft. south of CCCL + 50% of land seaward of CCCL 5,532 sq. ft. = 91,697 sq. ft. (35%)

Tree Requirements:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):	0
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" to 24" diameter) on Site (0 trees x 5 credits per tree):	0
Total Reforestation Credits for saving Existing, Protected, or Preserved Trees:	<u>0</u>
Reforestation Trees (1 per every .10 of an acre: $5.99 \times 10 = 60$ Required on Site:	<u>60</u>
Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site:	<u>60</u>

Note: Per the Land Development Code, credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within Article 12, Section 12.04.04.C.

Total Reforestation Trees Required on Site:	60
Total Reforestation Trees Provided on Site:	152
Front Perimeter Trees (1 per 25') Required on Site:	28
Front Perimeter Trees (1 per 25') Provided on Site:	29
Parking Lot Trees (1 per end row and landscape island) Required on Site:	6
Parking Lot Trees (1 per end row and landscape island) Provided on Site:	16
Vegetative Buffer Trees, if applicable, (1 per 25') Required on Site:	0
(Includes additional vegetation per Compatibility Analysis)	*
Replacement Trees (removal of trees 12" d.b.h. or greater) Required on Site:	0
TOTAL TREES REQUIRED:	94
TOTAL TREES PROVIDED:	197

*The number of trees provided shall be adjusted (increased) to address any compatibility requirements prior to the certificate of occupancy.

A five (5) foot Common Boundary Landscape Area is required along those property lines that directly abut an adjacent parcel (east and west). A ten (10) foot Front Perimeter Landscape Area is required along the northern property line. The required five (5) foot Common Boundary landscaping shall provide a minimum of fifty percent (50%) opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries within three (3) years of planting.

If required, the ten (10) foot Front Perimeter Landscape Buffer shall be calculated as one (1) tree per twenty-five (25) linear feet of buffer. Unless otherwise noted, all required trees must be a minimum of six (6) feet high at time of planting and reach a crown of twenty (20) feet at maturity. If the twenty (20) foot crown requirement is not met, additional trees shall be added and grouped together to meet the twenty (20) foot crown. If shrubs are used in the required buffer areas, they must be a minimum of twelve (12) inches in height when measured immediately after planting. **WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department. Additional vegetation may be required per compatibility.**

IMPACT FEES:

The following impact fee amounts may be subject to change. Final impact fee amounts will be determinant upon the gross floor area of the overall development land use and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. **Any claims for exemption or credits must be made no later than the time a Certificate of Occupancy is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees.** The owner/applicant must pay the final impact fee amounts prior to the issuance of a Certificate of Occupancy:

This is a redevelopment project, which contains a motel, 4-unit multifamily residential, and two single-family dwellings. The impact fees are calculated based on the net positive increase between the existing land uses and the proposed land use.

Parks: The park fees were calculated using the "Multi-family = \$113.03 per unit" amount.

Existing Land Use(s):

Hotel/Motel: \$50.46 x 52 units = \$2623.92
Multifamily Dwellings: \$113.03 x 4 units = \$452.12
Single-family Dwellings: \$159.99 x 2 units = \$319.98
Subtotal: \$3396.02

Multi-family:

\$113.03 x 64 units = \$7,233.92

Park Impact Fee Net Positive Difference: \$7,233.92 - \$3396.02 = **\$3,837.90**

Public Library: The public library fees were calculated using the "Multi-family = \$76.19 per unit" amount.

Existing Land Use(s):

Hotel/Motel: \$0.00 x 52 units = \$0.00
Multifamily Dwellings: \$76.19 x 4 units = \$304.76
Single-family Dwellings: \$107.84 x 2 units = \$215.68
Subtotal: \$520.44

Multi-family:

\$76.19 x 64 units = \$4,876.16

Public Library Impact Fee Net Positive Difference: \$4,876.16 - \$520.44 = **\$4,355.72**

Police Protection: The police protection impact fees were calculated using the "Multi-family = \$14.50 per unit."

Existing Land Use(s):

Hotel/Motel: \$13.07 x 52 units = \$679.64
Multifamily Dwellings: \$14.50 x 4 units = \$58.00
Single-family Dwellings: \$20.53 x 2 units = \$41.06
Subtotal: \$778.70

Multi-family:

\$14.50 x 64 units = \$928.00

Police Protection Impact Fee Net Positive Difference: \$928.00 - \$778.70 = **\$149.30**

Road: The road impact fees were calculated using the "Multi-family = \$577.00 per unit."

Existing Land Use(s):

Hotel/Motel: \$1,365.00 x 52 units = \$70,980.00
Multifamily Dwellings: \$577.00 x 4 units = \$2,308.00
Single-family Dwellings: \$471.00 x 2 units = \$942.00
Subtotal: \$74,230.00

Multi-family:

\$577.00 x 64 units = \$36,928.00

Road Impact Fee Net Positive Difference: \$36,928.00 - \$74,230.00 = **-\$37,302.00 or \$0.00**

Totals:

Parks:	=	\$3,837.90
Public Library:	=	\$4,355.72
Police Protection:	=	\$149.30
<u>Roads:</u>	=	<u>\$0.00</u>
TOTAL:	=	\$8,342.92

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (May 2, 2005). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	N/A
City Compatibility Consultant:	N/A
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	Paid
Re-Review Fees (Engineering Review.)	Paid
Administrative Costs:	Paid
<u>City Council Advertising:</u>	<u>\$103.36</u>
TOTAL (as of 5/2/05) =	\$103.36

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater, and FDEP beaches and shores, and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.

COMMENTS/CONDITIONS:

Public Input:

Public comment has been presented to staff at the time of this report. Residents in the surrounding area of the proposed development are concerned about the fact the developer is proposing to vacate and relocate an existing access easement (directly across from Dolphin Street), which has served as their means of accessing the beach for several years.

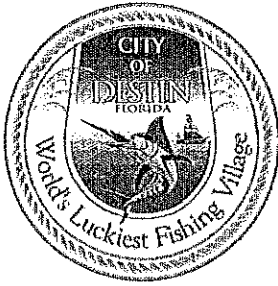
Per Community Development Department:

1. **Prior to the issuance of the Final Development Order**, all outstanding costs associated with this project and are owed to the City must be paid in full.
2. **Prior to the issuance of the Final Development Order**, the property owner shall coordinate with the City Attorney and agree to a temporary construction easement for the City of Destin's beach restoration project as applicable to all property associated with the Beach Crystal Condominium development. } OK
5/9/05
3. **Within 90 days of the issuance of the Final Development Order or prior to the issuance of any building permit, whichever is sooner**, the applicant shall dedicate to the City of Destin, a 5' public access easement along the project's western property line for use as a public beach access.
4. **Prior to installation of any vegetation within the Scenic Highway 98 ROW**, approval from the City of Destin Environmental/Tree Committee (Tree Board) shall be granted for planting of "Washingtonia Palms" or the applicant may desire to amend the landscape plan to remove that species and replace with a species from the approved list.
5. **Within 180 days of the issuance of the first permit issued by the Building Division**, the applicant, in coordination with the City's Engineering Department and Community Development Department's Transportation Manager, shall finalize a design to provide designated public beach access parking (estimated 5 or 6 parallel parking spaces) along the southwestern side of the Tarpon Street right-of-way (ROW), south of the access point into the Grant Caribbean development. This is in order to provide additional public parking for the proposed public beach access along the western property line of the proposed Beach Crystal Condominium project site. The applicant shall also agree to the following:
 - a. Provide the City of Destin an existing conditions boundary and topographic survey (1 foot contour with spot elevations on pavement edges and sidewalk) for the proposed Tarpon Street ROW improvement area public parking design; and
 - b. Construct the estimated five (5) or six (6) parallel parking spaces along the western side of the Tarpon Street ROW in accordance with the finalized design.
6. The proposed columns at the accesspoints are architectural/landscape features. There shall be no gate and/or fence/wall attributed to these features.
7. **Prior to obtaining any city permit**, a copy of the FDEP stormwater, FDEP beaches and shores, and NPDES approvals shall be forwarded to the City Engineer's office to be stamped "Received" and then forwarded to the Community Development Department.
8. **Prior to the issuance of a building permit for vertical construction**, the landscape plan shall be amended as necessary to properly identify the proposed 5' access easement for public beach access along the western property line.

9. **Prior to the issuance of a Certificate of Occupancy**, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit dated March 3, 2005.
10. **Prior to the issuance of a Certificate of Occupancy**, a revised lighting/photometrics plan shall be submitted to City Staff for review and approval indicating the as-built lighting conditions.
11. **Prior to the issuance of a Certificate of Occupancy**, all applicable impact fees must be paid.
12. **Prior to the issuance of a Certificate of Occupancy**, the landscaping and outdoor lighting, if installed, must be inspected and approved by the Community Development Department. The lighting plan must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky. The source of all illumination should not be visible from off-site.
13. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.
14. **Prior to obtaining any city permit**, a copy of the FDEP stormwater and NPDES approvals shall be forwarded to the City Engineer's office.
15. If groundwater is observed standing in the proposed stormwater structures, the stormwater management plan shall be in non-compliance and a revised stormwater plan shall be re-submitted for review and approval.
16. **Prior to obtaining a Certificate of Occupancy**, the Stormwater Maintenance Plan shall be acknowledged and signed by the owner. This plan shall include but not be limited to the following: This system will require periodic maintenance for continued proper operation. This will include, as a minimum: a) removal of silt and debris from surface infiltration areas and catch basins, and b) maintenance of vegetative cover in surface infiltration areas. Owner shall regrade swale/retention areas as required to maintain approved design cross-section(s), line(s), and grade(s).
17. Any additional revisions to the site plan must be reviewed and approved by the appropriate Technical Review Committee members and may be subject to a compatibility analysis if required pursuant to provisions stated within the approved Development Order, the Comprehensive Plan [Policy 7.A.4.6 (p)] and Land Development Code [LDC, §7.09] or if necessary as agreed upon by the City and the applicant prior to the issuance of the final development order.


 Gerald F. Mucci, AICP Date
 Community Development Director

 5-11-05
 Traship Holding, A.C., Date
 Owner
 Mr. H. Dieter Blasbichler



CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

June 24, 2005

Order No. 05-28

Head Companies
P.O. Box 230
Point Clear, AL 36564

Subject: Beach Crystal Condominiums, 1st Amendment a Minor Deviation to a previously approved Major Development

To Whom It May Concern:

A request has been made, through your agent Moore Bass Consulting, Inc., for the City approve an amendment to revise the previously approved Development Order and site plan to reflect the following changes to the site plan:

1. As a result of architectural plan changes, the site plan structural footprint was amended to reflect added gross floor area. The amount of added gross floor area is considered diminimus.

The City has reviewed your request pursuant to the requirements of Article 2, Section 2.07.04, and has determined that the proposed amendment qualifies as a simple deviation, which can be approved by the Community Development Director or his designee without TRC and City Council action.

Staff has found that you have met all necessary requirements and conditions for the proposed site plan changes, and has granted approval of the amendment with the following notes/conditions:

1. All applicable conditions and requirements of the existing final development order (D.O. 05-21) remain in affect unless otherwise amended in this order.

Please keep a copy of this letter with the original Final Development Order and any subsequent amended development orders.

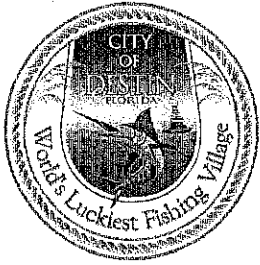
If I can be of any further assistance, please contact me at 837-4242, extension 102.

Sincerely,

Gerald F. Mucci
Community Development Director

GFM/ksg

cc: City Clerk
Building Department
File: SP-05-23
File: 2005 D. O. Log
File: Letter Log
Fax: 850-269-2888 (Moore Bass Consulting, Inc.)



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-337-3123 | Fax: 850-837-7949 | www.cityofdestin.com

August 8, 2014

Order No. 14-14

Final Development Order:

**CARETTA DUNES, 4TH AMENDMENT,
A SIMPLE DEVIATION TO A PREVIOUSLY APPROVED
MAJOR DEVELOPMENT
3310 SCENIC HIGHWAY 98
(14-26-SP)**

Traship Holding, AG.
Attn.: Mr. Heinz Dieter Blasbichler
P.O. Box 222
Destin, Florida 32540

Dear Mr. Blasbichler:

You have requested that the City approve an amendment to the previously approved Development Order to reflect the following changes:

1. The inclusion of a Phasing Master Plan (indicating 2 phases of construction); and
2. A revised location for a temporary driveway connection to Scenic Highway 98 for Phase I.

The City has reviewed your request pursuant to the requirements of Article 2, Section 2.17.01, and has determined that the proposed amendment qualifies as a simple deviation, which can be approved by the City Manager or his designee (the Community Development Department) without City Council action.

Staff has found that you have met all necessary requirements and conditions for the proposed site plan changes, and has granted approval of the amendment with the following notes/conditions:

1. All prior conditions of Development Orders No. 05-21, 05-28, 08-13, and 10-07 for this project are still applicable. It is the owner's responsibility to review and become familiar with these conditions and it is also his responsibility to inform any contractor that he hires to build this development of those said conditions.
2. All of the conditions listed on the Public Services Memorandum dated July 29, 2014 shall apply (refer to attachment).

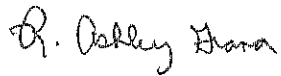
Please note that all other provisions of Development Orders for the project have not changed and remain in effect. **Please keep a copy of this letter with the original Final Development Order and subsequent amended development orders.**



Page 2 of 2
August 8, 2014
DO-14-14 Caretta Dunes, 4th Amendment

If I can be of any further assistance, please contact me at 837-4242, extension 3175.

Sincerely,



R. Ashley Grana
Planning Division Manager

RAG/

Attachment: Public Services Memorandum dated July 29, 2014

cc: City Clerk
Building Division File: 3310 Scenic Highway 98
Planning Division File: 14-26-SP
2014 Development Order Log
File: Letter Log

To: City of Destin/City Council

Meeting Date: June 4, 2018

From Applicant: Dieter Blasbichler/Traship Holdings A G (hereinafter "Sea Oats Property")

REQUEST FOR GRANDFATHER/VESTED RIGHTS STATUS

This presentation is made on behalf of Dieter Blasbichler and Traship Holdings A G, the property owners of what is known as the Sea Oats Property (approximately 5.99 acres on the beach) on Old Highway 98 abutting the Gulf of Mexico. This request is being made pursuant to the City of Destin Comprehensive Plan Policy 1-2.1.5: Grandfather Clause.

The existing Grandfather Clause states as follows:

Policy 1-2.1.5: Grandfather Clause. Existing land uses that were lawfully conforming uses prior to the effective date of the Comprehensive Plan, shall continue as lawful uses and shall be regulated through administrative remedies for vested rights issues that shall be included in the LDC. All duly approved and recorded lots, subdivision and condominium plats of record, which existed as legal lots, subdivision and condominium plats of record prior to the adoption of this Comprehensive Plan shall continue to be legal lots, subdivision and condominium plats of record after adoption of the Comprehensive Plan. This grandfather status may only be relinquished voluntarily by the vested entity. All new lots, subdivisions, condominium plats and all replats shall comply with the Comprehensive Plan objectives and Policies, including maximum density provisions. Similarly, all new development shall comply with the Comprehensive Plan and LDC unless the development is found to have a vested right in a land use that is in conflict with the Comprehensive Plan and LDC. Under such condition the grandfather clause shall be applicable unless voluntarily relinquished by the vested entity. Notwithstanding, any single-family home that is subject to redevelopment shall be allowed to reconstruct, providing adopted building and construction codes as well as this ordinance and the size and dimension criteria of the LDC are met.



PROPERTY HISTORY

On March 28, 2008, the Sea Oats Property owners obtained a Tier III¹ status under the existing Comprehensive Plan and Land Development Code for a project known as Caretta Dunes. Attached as **Exhibit "1"** is an artist rendition of Caretta Dunes. The time line leading up to the Tier III application is attached as **Exhibit "2."** As part of the Tier III designation, the Sea Oats property owners granted the City of Destin a five (5) foot public beach access easement and dune walkover on the western edge of the property (Tarpon Street Public Beach Access) and obtained approval for and constructed the five designated public beach access parking spots along the southwestern side of the Tarpon Street right-of-way. Pictures of both the five (5) foot public beach access easement and parking spaces are attached as **Exhibit "3."** In addition, the Developer Order that was ultimately issued by the City of Destin approving the Tier III designation is attached hereto as **Exhibit "4."** The estimated cost of the public benefits in the development of the Caretta Dunes project totaled \$2,077,600.00, see attached **Exhibit "5."** Notwithstanding the fact that the Caretta Dunes project was not eventually developed, as an act of good faith the Sea Oats property owners provided the City of Destin the promised five (5) foot wide easement for public beach access and constructed a public boardwalk. In 2008, the estimated value of the five (5) foot wide public easement was \$350,000.00. The actual cost of the walkover was \$37,648.81. The City of Destin contributed \$23,419.87 toward the construction on December 23, 2015. See, boardwalk expense report attached hereto at **Exhibit "6."** In addition, the value of the parking spaces was \$53,500.00 to construct. The City has had the benefit of both the public easement walkover and parking spaces since 2010. The Tier III approval allowed for eighty units (80) as opposed to the original sixty-two (62) units and allowed the construction of a five story building with a fifty (50) foot height maximum. Under the Tier III allowance, the Caretta Dunes Development Order would have allowed for 143 units. Notwithstanding that fact, 80 units were proposed in the Development Order. See the attached Tier Level Comparison Chart at **Exhibit "7."**

The affect of the proposed changes to the Comprehensive Plan regarding the height restrictions for the Sea Oats parcel would take it from 80 units to 48 units. The resulting loss in value of the property is in the tens of millions.

In 2005, the Head Companies had agreed to purchase the land for \$42,000,000.00 which was \$60,000.00 per square foot at seven hundred feet of beach front property (\$42,000,000.00). An appraisal on July 14, 2017 placed the value of the property at \$32,000.00 per front foot or \$22,400,00.00 for the raw land.² See attached Appraisal at **Exhibit "8."**

¹City of Destin Land Development Code 7.09.03. G.2 (tiered land use system).

²This number takes into consideration that the Traship parcel (\$9,600,000.00) and Blasbichler parcel which is approximately 400 front feet. Just considering the five foot frontage on City access places value of frontage for public access of \$160,000.00 which does not take into consideration the 350 feet of walkway/boardwalk.

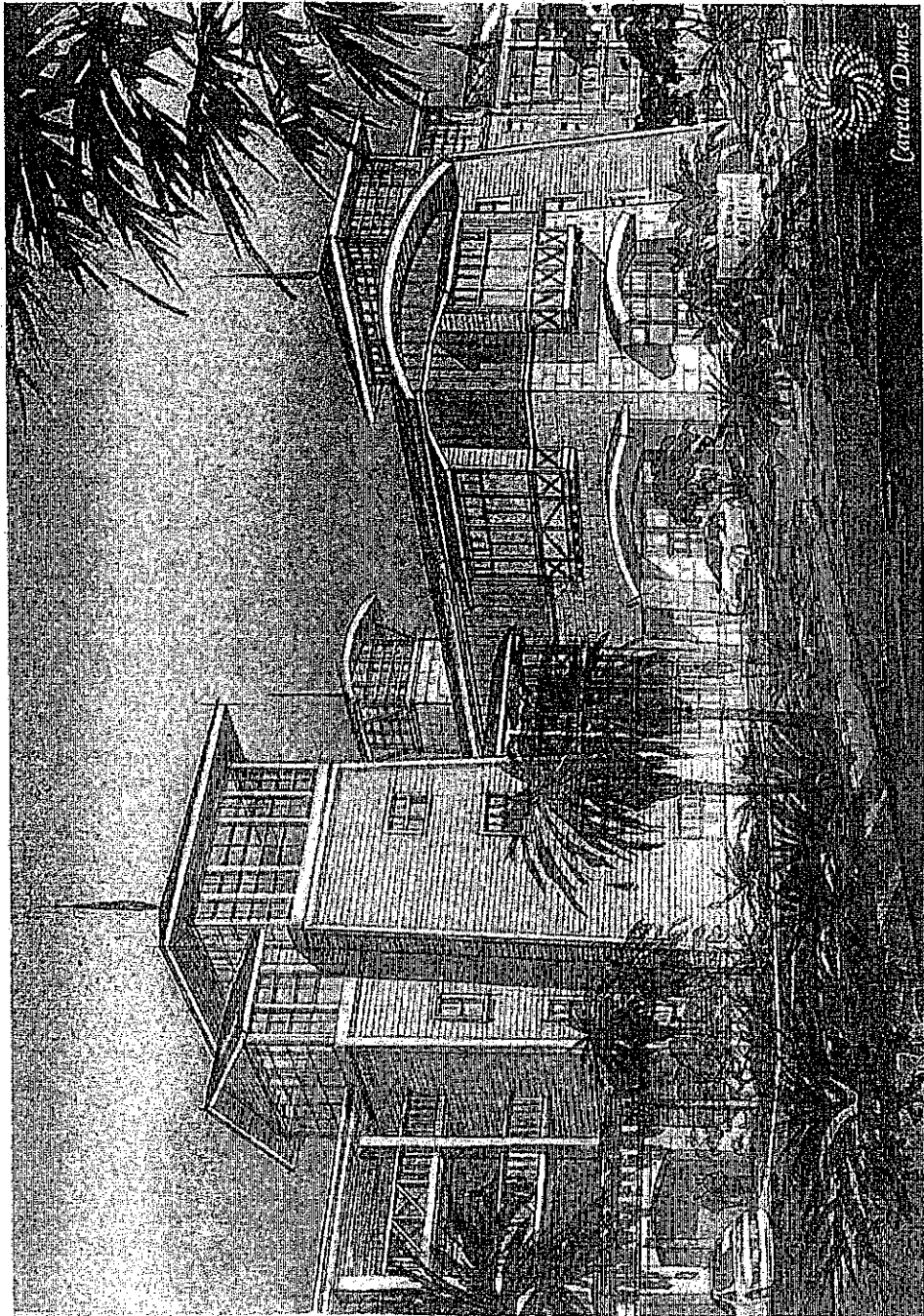
The proposed changes in the CBR Designated Land Development Standards within the Comprehensive Plan for single family residential is thirty-five foot and three stories and multi-family residential fifty foot/4 stories with a density up to 12 units per acre density. See Policy 1.2.4.2 Crystal Beach Resorts (CBR). The maximum height proposed was 5 stories and 60 feet pursuant to the previous Development Order.

The Tier III designation was a lawfully conforming use prior to the expected effective date of the proposed changes in the Comprehensive Plan. The applicant requests that any new development on its parcel comply with the existing Comprehensive Plan and Land Development Code Tier III designation as having been found to have vested rights in land use notwithstanding the fact that the previous vested rights could conflict with proposed amendments to the Comprehensive Plan and LDC.

books

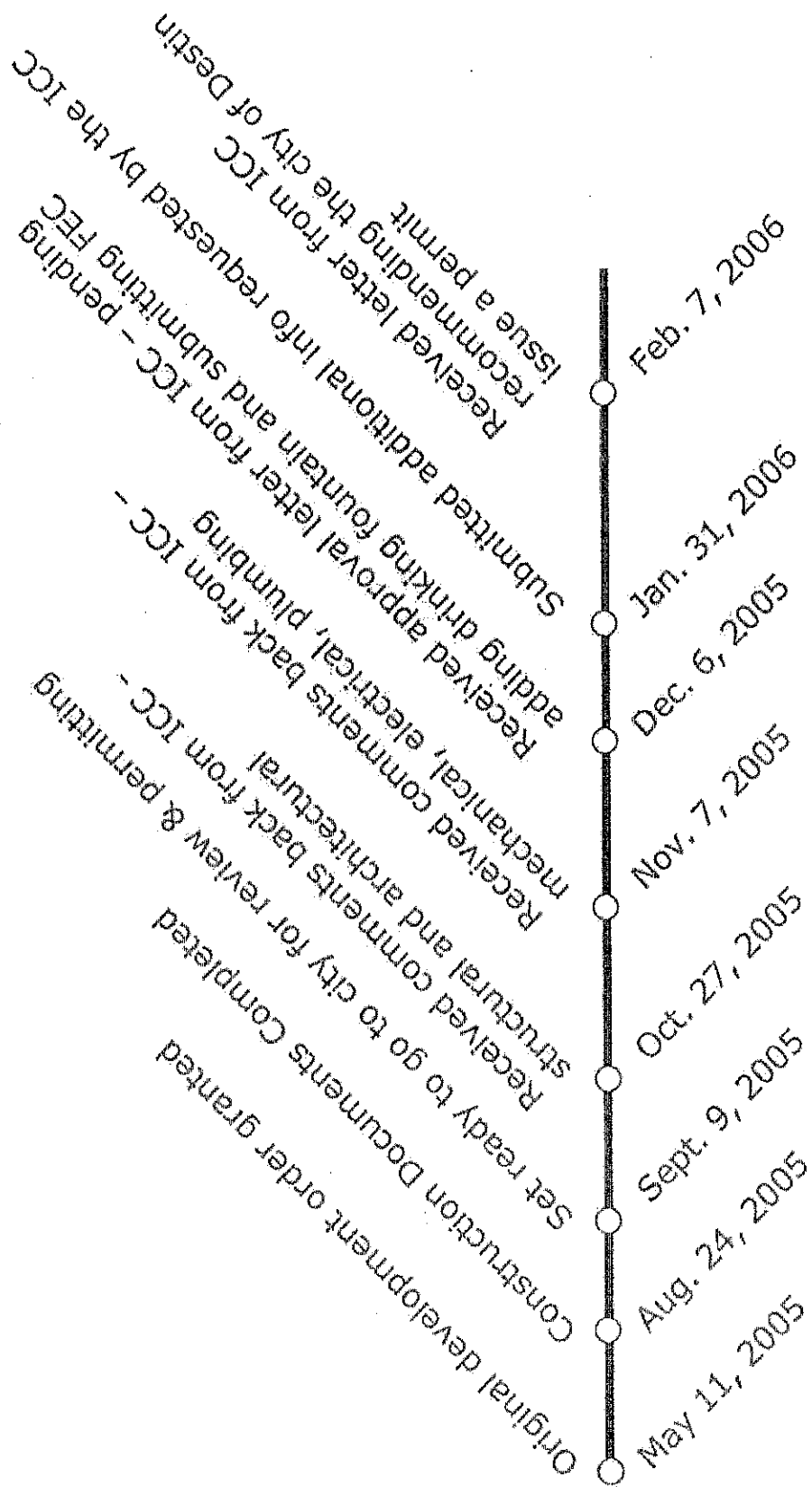
EXHIBIT

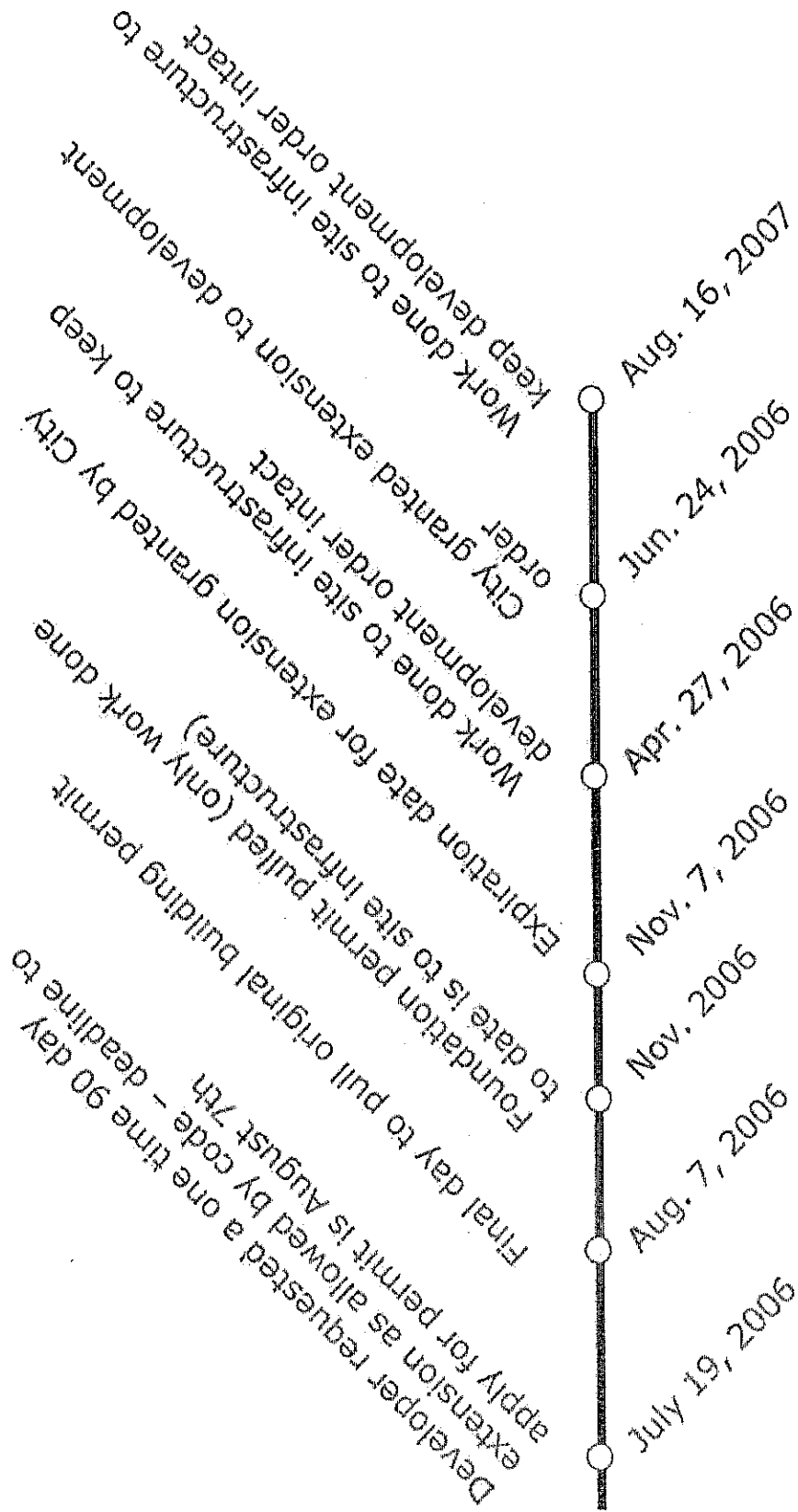
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Caretta Dunes Tier 3 Proposal

day





Development Order Timeline



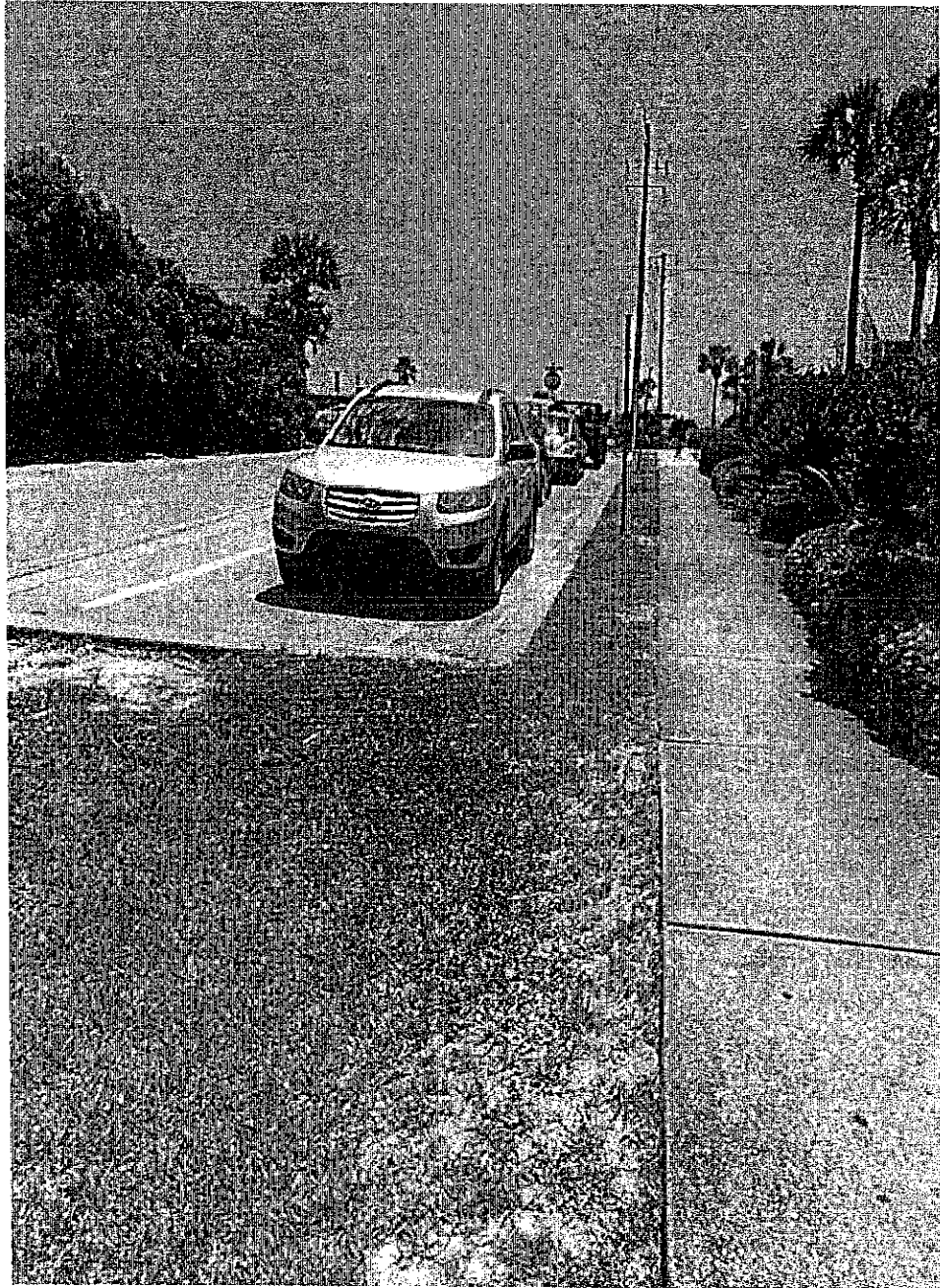




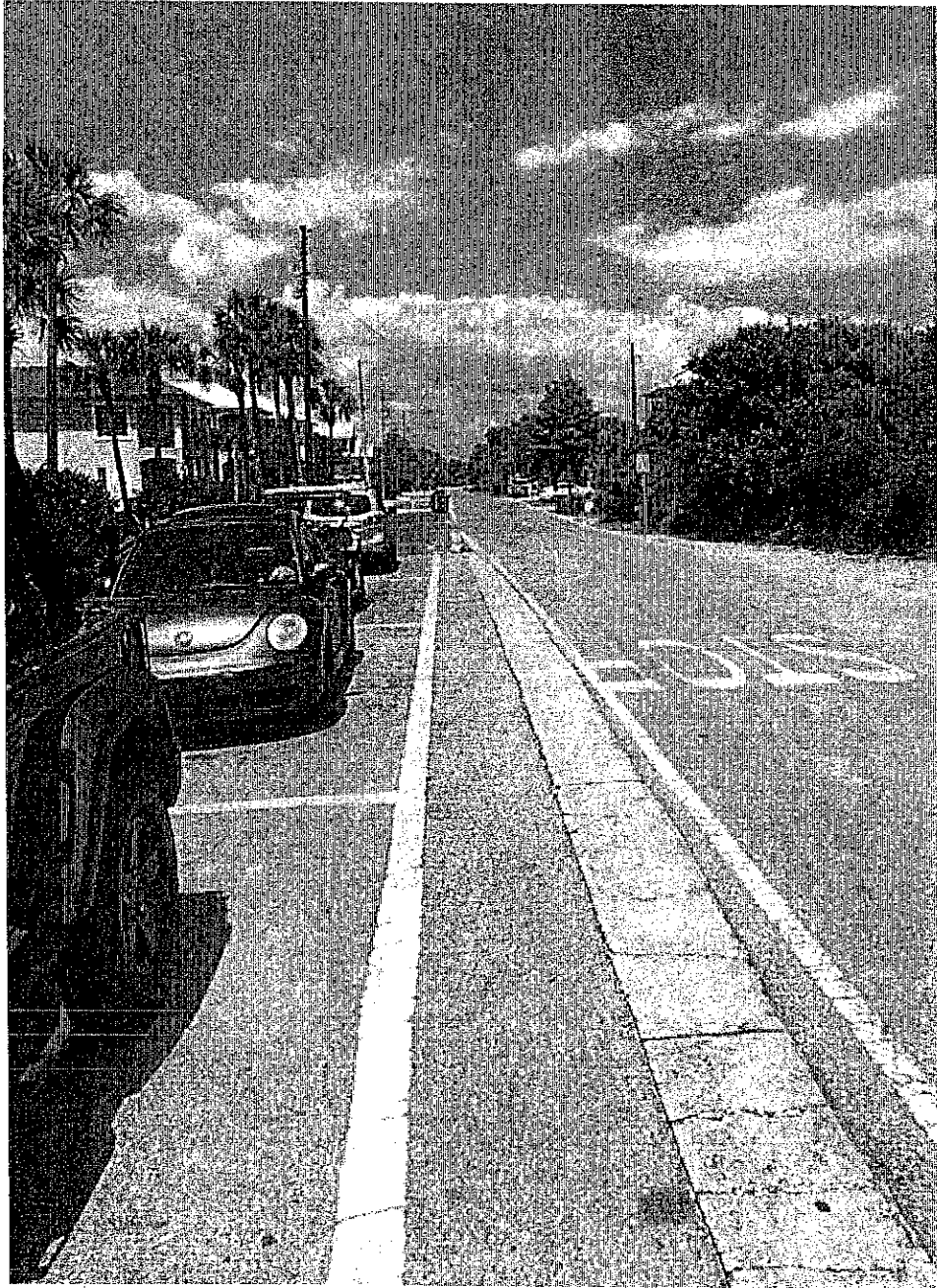


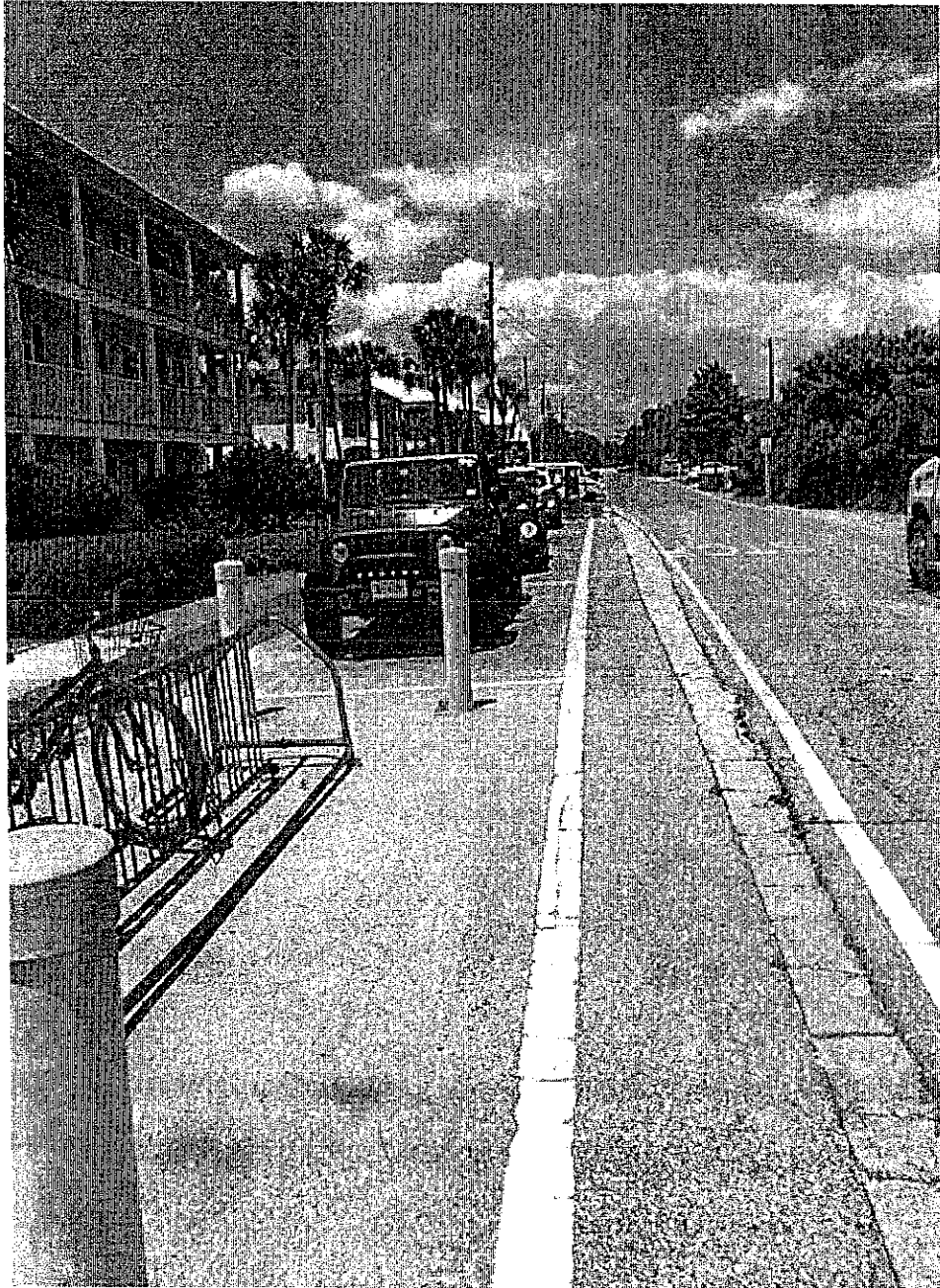




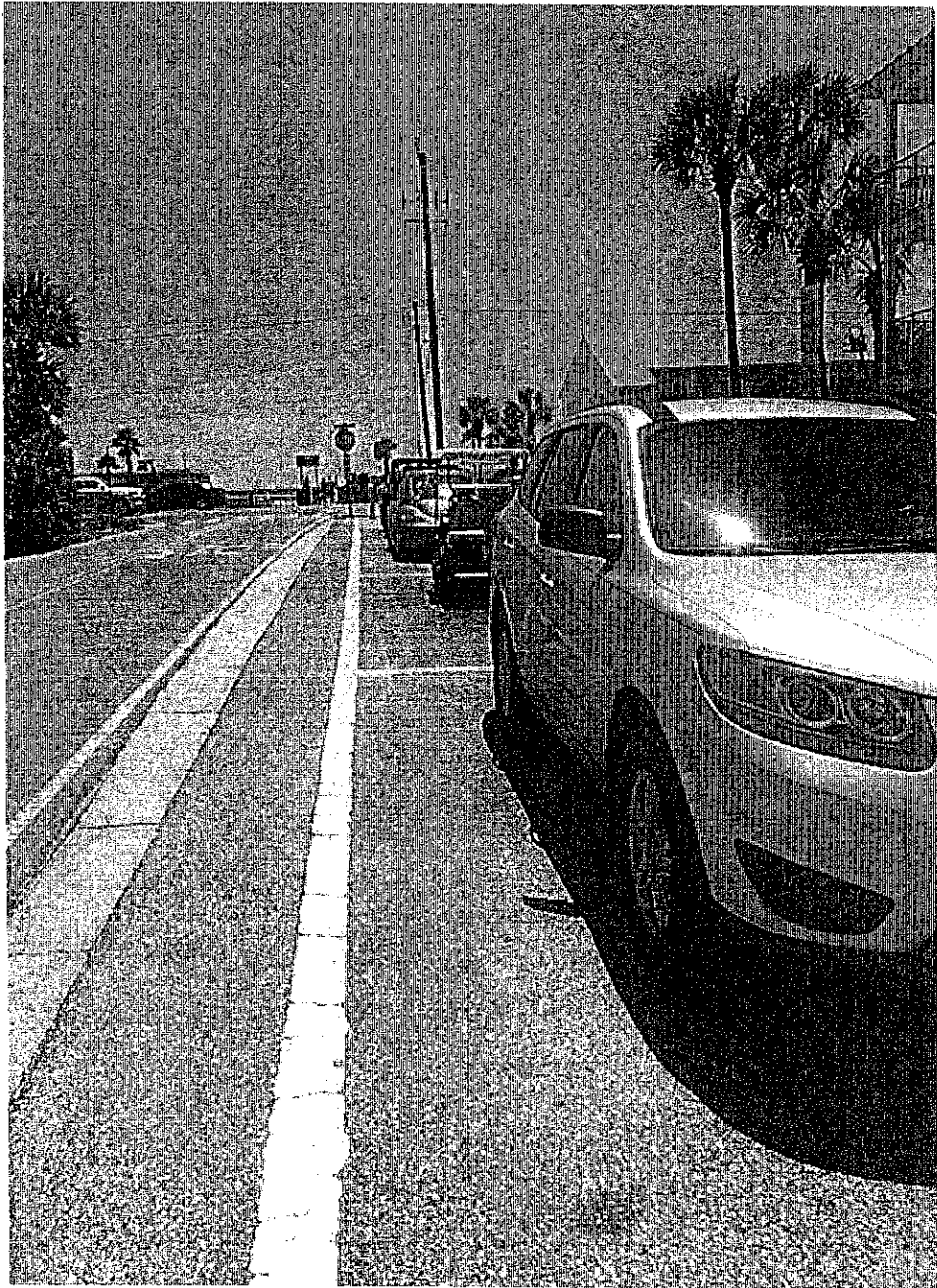














CITY of DESTIN

4200 Two Trees Road • Destin, Florida 32541



www.cityofdestin.com

March 28, 2008

Order No. 08-13

Final Development Order:

**"CARETTA DUNES (pka BEACH CRYSTAL), 2nd AMENDMENT"
A TIER 3 MAJOR DEVIATION TO A PREVIOUSLY APPROVED
MAJOR DEVELOPMENT
(SP-08-04)**

Based upon the City Council's approval and the City's issuance of this Final Development Order on March 24, 2008, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.

ISSUE:

Applicant: Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) and H. Dieter Blasbichler.

Request: The applicant is requesting approval of a Tier 3 Major Deviation (2nd Amendment) to a previously approved Major Development identified as "Caretta Dunes (previously known as Beach Crystal)." The proposed development amendment is a modification to the overall master plan development. The following outlines the specific components of the modification:

- The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The maximum number of stories and height proposed is 5 stories, 60feet.

Location: The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA.

Parcel Size: The total proposed site area is 5.99 acres, more or less.

Future Land Use: Crystal Beach Resort (CBR)

Zoning District: Crystal Beach Resort (CBR)

Density: Previous Development Order: Up to 12 dwelling units per acre
64 units approved for total site / 5.99 acres = 10 d.u./acre
Proposed Tier 3: Up to 24 dwelling units per acre (If Tier 3 approval granted.)
80 units proposed overall for total site / 5.99 = 13 d.u./acre

Intensity – Floor Area Ration (FAR): Not applicable

2nd Amendment Application Date: December 21, 2007

TRC Date: January 16, 2008

Approved TRC Site Plan Date: February 19, 2008

City Council Date: February 25, 2008



DETERMINATIONS:

1. All the findings of the Technical Review Committee report dated February 19, 2008, are incorporated herein.

CONDITIONS OF APPROVAL FOR "CARETTA DUNES - 2nd AMENDMENT" A TIER 3 MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-08-04):

1. Pursuant to the City of Destin Land Development Code:

Construction of infrastructure has commenced as approved under the original final development order. This amendment to the original final development order does not alter the timeframes required to maintain construction activity on the site to ensure concurrency is maintained and so that the development order does not become null and void.

NOTE: Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. (Article 2, Section 2.21.00)

2. If the applicant fully complies with the requirements of Condition No. 1 above, the concurrency capacity allocation status for "Caretta Dunes" will be protected. However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:
 - A. Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.
3. The applicant must obtain City of Destin permits for the following activities on and off site (These may require appropriate bonding):
 - A. Disturbance of the City's right-of-way (Note: Applicant must obtain the proper ROW permit(s) from the Engineering Department prior to issuance of building permits, unless otherwise exempted by the City Engineer.)
 - B. Pavement cuts.
 - C. Construction of any kind.
 - D. Clearing, grubbing, or demolition.
 - E. Paving, grading, drainage, sidewalks.
 - F. Signage.
 - G. Installation of utilities.
 - H. Construction trailers.

4. Conditions per Community Development Department: Refer to pages 16 thru 18 of the attached TRC Report dated February 19, 2008.
5. Conditions per Engineering Department: Refer to pages 18 thru 20 of the attached TRC Report dated February 19, 2008.
6. Conditions Per Destin Water Users, Inc.: Refer to pages 11 and 12 of the attached TRC Report dated February 19, 2008.

TECHNICAL REVIEW COMMITTEE REPORT

"CARETTA DUNES (pka BEACH CRYSTAL), 2nd AMENDMENT" A TIER 3 MAJOR DEVIATION TO A PREVIOUSLY APPROVED MAJOR DEVELOPMENT (SP-08-04)

TRC Report: February 19, 2008

ISSUE:

Applicant: Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) and H. Dieter Blasbichler.

Request: The applicant is requesting approval of a Tier 3 Major Deviation (2nd Amendment) to a previously approved Major Development identified as "Caretta Dunes (previously known as Beach Crystal)." The proposed development amendment is a modification to the overall master plan development. The following outlines the specific components of the modification:

- The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The maximum number of stories and height proposed is 5 stories, 60feet.

Location: The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA.

Parcel Size: The total proposed site area is 5.99 acres, more or less.

Future Land Use: Crystal Beach Resort (CBR)

Zoning District: Crystal Beach Resort (CBR)

Density: Previous Development Order: Up to 12 dwelling units per acre

64 units approved for total site / 5.99 acres = 10 d.u./acre

Proposed Tier 3: Up to 24 dwelling units per acre (If Tier 3 approval granted.)

80 units proposed overall for total site / 5.99 = 13 d.u./acre

Intensity – Floor Area Ration (FAR): Not applicable

Application Date: December 21, 2007

TRC Date: January 16, 2008

Approved TRC Site Plan Date: February 19, 2008

City Council Date: February 25, 2008

DISCUSSION/FINDINGS:

Moore Bass Consulting, Inc., on behalf of Traship Holding, A.G., (A Swiss Corporation) and H. Dieter Blasbichler is requesting approval of a Tier 3 Major Deviation (2nd Amendment) to a previously approved Major Development identified as "Caretta Dunes (previously known as Beach Crystal)." The currently approved development is for a 4 story, 64-unit multifamily residential condominium complex, pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement. The developer also agreed to design, obtain approval, and construct designated public beach access parking (estimated 5 or 6 parallel parking spaces) along the southwestern side of the Tarpon Street right-of-way (ROW). The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The proposed development is located south of Scenic Highway 98, between Tarpon Street and Sunfish Street, more specifically known as Property Appraiser's parcel I.D. numbers 00-2S-22-0580-000A-0090, 00-2S-22-0580-000A-0100, 00-2S-22-0580-000A-0110, 00-2S-22-0580-000A-0120, and the east 40' of 00-2S-22-0390-0000-00CA. The total proposed site area is 5.99 acres, more or less.

The following again details the sequence of this development to this point:

- Final Development Order No. 05-21: The proposed development consists of constructing a 4 story, 64-unit multifamily residential condominium complex, which includes a pool amenity area, a 5-foot public beach access easement, and the relocation of an existing 5-foot private beach access easement.
- Final Amended Development Order (1st Amendment-Simple Deviation) No. 05-28: As a result of architectural plan changes, the site plan structural footprint was amended to reflect added gross floor area. The amount of added gross floor area is considered de-minimus.
- The proposed deviation seeks Tier 3 approval to allow an additional 1 story and 16 units. The maximum number of stories and height proposed is 5 stories, 60feet.
- For the overall development, the applicant is representing to the City Council their findings for Tier 3 compliance with Article 7, Section 7.09.03 (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 1-6, Figures 6-20, and Exhibit "B" – Wind Assessment – Refer to File SP-08-04). More specifically, the applicant shall prove the overall site is technically compliant and able to achieve additional height of 10 feet beyond the Tier 1 maximum of 50 feet, additional density to allow for 80 units, and no additional intensity by qualifying for the Tier 3 standards of Section 7.09.03.G and the public benefits if approved by the City Council.

The Technical Review Committee (TRC) has reviewed and approved the project with specific conditions as stated in applicable sections below. TRC approval determination is not inclusive of the Tier 3 public benefits (Article 7, Section 7.09.03.G.2), as that final determination lies with the City Council.

COMPREHENSIVE PLAN/ZONING:

The property currently has a Future Land Use designation of Crystal Beach Resort (CBR) and a Zoning designation of Crystal Beach Resort (CBR). The "Beach Crystal (Caretta Dunes)" short-term multi-family residential development is consistent with the CBR Future Land Use designation of the Comprehensive Plan and is a permitted principal use in the CBR Zoning District.

TIER 2 SUPPLEMENTAL DESIGN STANDARDS:

Comprehensive Plan: 2010 Policy 1-2.1.8 states that *"Height, intensity, and density bonus provisions are provided in the HDR, CMU, SHMU, NHMU, TCMU, GRMU, HIMU, and CBR Land Use Designations. These provisions shall be initiated to stimulate reinvestment in high standards of design through implementation of a tiered regulatory system that grants incentives for actions that are consistent with design criteria that cannot otherwise be mandated. The outcome shall result in high quality, innovative development that enhances site and building design, achieves land use compatibility, promotes non-motorized mobility, and provides the opportunity for achieving extraordinary public benefit."*

Section 7.09.03 of the Land Development Code contains supplemental design standards that shall be met in order to qualify for Tier 2 height, intensity, and density bonuses. These supplemental standards include:

- Design criteria
- Open space
- Setbacks
- Landscaping
- Pedestrian amenities
- Design initiatives that accommodate transit needs
- Pedestrian and/or vehicular access

Design criteria (Building footprint, Building mass, façade, and elevations, Roofline design, Roofscape design, and Other architectural features:

See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 1-3, Figures 13, 14, and 17 – 20. (See File: SP-08-04).

Open space:

Tiered Land Use System developments proposed in the CBR future land use designation shall provide an additional five percent open space in addition to the required minimum of 25 percent for a total of 30 percent. The applicant is proposing 65.2% open space. The proposed amount of open space, as defined in the Land Development Code, for this development is as follows:

Total sq. ft. of provided open space / sq. ft. of subject parcel/development area = % open space

170,166 sq. ft. / 260,924 sq. ft. (Development Area) = 65.2% open space provided

Setbacks & Buffers:

The following setbacks shall apply to developments proposed in the CBR zoning district.

PROPERTY LINE	REQUIRED SETBACK	PROVIDED
North (front)	• Ten (10) feet minimum and no maximum.	• 14 feet
West (side)	• Min 10 ft. for any portion of a building having a height of 35 ft. or less • Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. • Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height	• Min. Required: 17 feet. • Provided: 29.33 feet
East (side)	• Min 10 ft. for any portion of a building having a height of 35 ft. or less • Min 15 ft. for any portion of a building having a height above 35 ft. but below 50 ft. • Additional 2 ft. setback for each 10 ft. or fraction thereof exceeding 50 ft. in height	• Min. Required: 17 feet. • Provided: 29.34 feet
South (rear)	• As established by FDEP	• Varies

The proposed amended development meets all of the required setbacks for a Tier 2 development located in the CBR zoning district.

Landscaping:

All Tier 3 developments shall meet the following landscaping requirements.

Tree Requirements:

All required trees shall be a minimum of twelve (12) feet in height and have a three and one-half (3½) caliper at the time of planting. For those properties lying south of Harbor Boulevard and Emerald Coast Parkway palm trees cannot comprise more than 80 percent of the total number of all required trees. The number of required trees shall be increased by 20 percent above the minimum requirements for trees set forth in LDC Section 12.04.04. Trees having an average mature spread of crown less than 20 feet shall be arranged in groupings so as to create the equivalent of a 20-foot crown spread.

WARNING: A Certificate of Occupancy will not be issued until the required landscape material per the approved landscape plan has been inspected and approved by the Community Development Department.

The tree requirements for this development have been calculated as follows:

Credits for Existing Trees (2" to 6" diameter) on Site (0 trees x 2 credits per tree):	0
Credits for Existing Trees (7" to 12" diameter) on Site (0 trees x 3 credits per tree):	0
Credits for Existing Trees (13" to 19" diameter) on Site (0 trees x 4 credits per tree):	0
Credits for Existing Trees (20" or 24" diameter) on Site (0 tree x 5 credits per tree):	0
Total Reforestation Credits for Existing, Protected, or Preserved Trees:	0
 Reforestation Trees (1 per every .10 of an acre: $5.99 \times 10 = 60$) Required on Site:	 60
 Total Reforestation Credits:	 0
Total Reforestation Trees Required on Site:	60

Total Reforestation Trees (1 per every .10 of an acre minus credits) Required on Site: 60	
Front Perimeter Trees (1 per 25') Required on Site:	28
Replacement Trees (removal of trees over 12" d.b.h.) Required on Site:	0
Parking Lot Trees (1 per end row and landscape island) Required on Site:	6
Vegetative Buffer Trees, if applicable, Required on Site:	N/A
Trees Required on Site per LDC Section 12.04.04:	<u>94</u>
20 percent increase for Tier 2 Development (0.20 x 94 required trees = 18.8)	112.8
TOTAL TREES REQUIRED:	<u>113</u>
TOTAL TREES PROVIDED:	<u>162</u>
TOTAL TREES (Sabal Palm Reduction and a min. 12' tall) PROVIDED:	114

Shrub requirements:

All shrubs shall be sized in accordance to the following specifications: one-third shall be a minimum of 36 inches in height at the time of planting; one-third shall be a minimum of 18 inches in height at the time of planting; and one-third shall be ground cover plantings of a one gallon size. The number of required shrubs shall be increased by 20 percent above the minimum requirements for shrubs set forth in LDC Section 12.04.04.

Pedestrian amenities:

All Tier 2 developments "shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities: benches, waste containers, planters, and pedestrian lighting fixtures. Other types of pedestrian amenities may be incorporated and include: decorative water fountains, sculptures, drinking fountains, phone booths and bicycle racks." [LDC, §7.09.03].

The proposed development provides a pedestrian amenities component, which incorporates a gathering/sitting plaza area at the center of the development adjacent to the right-of-way, pedestrian walkways, and pedestrian amenities along Scenic Highway 98. Included in these areas are benches, waste containers, planters, landscaping, and lighting. (See TRC Report Exhibit "A" – Figures 10, 11, Sheet C4.0, and Sheets L-501-503 - See File: SP-08-04).

Design initiatives that accommodate transit needs:

"All developments located within a one-quarter mile radius of a transit stop shall contribute to the success of the transit system through contributions toward amenities and the creation of a safe and inviting pedestrian and transit atmosphere at all transit stop locations..." "Provision of additional transit infrastructure elements (e.g., transit shelter, street furniture, transit signs, contribution towards the transit operating fund, etc.) may be used as a multi-modal transportation mitigation measure for developments." [LDC, §7.09.03].

An unimproved transit stop is located within one-quarter mile west of the development at the intersection of Pompano Street and Scenic Highway 98. An unobstructed path is provided to the unimproved transit stop via the City's sidewalk along Scenic Highway 98. The applicant is committed to improving the existing transit stop to meet all adopted transit design standards and to upgrade the unobstructed path/sidewalk to 10 feet wide to be in compliance with the Crystal Beach Multimodal District requirements.

Condition: Prior to the issuance of the first Certificate of Occupancy, the transit stop and pedestrian connection shall be properly designed in accordance with MMTD requirements and the cost to construct shall be paid to the City to construct the facility at a future date.

Pedestrian and/or vehicular access:

This requirement is only applicable for those properties located within the South Harbor Mixed Use (SHMU) zoning district.

TIER 3 STANDARDS:

See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 1-6, Figures 6-20, and Exhibit "B" – Wind Assessment for details on the applicant's intent to adhere to the Tier 3 standards (See File: SP-08-04).

Article 7, Section 7.09.03.G.2 of the Land Development Code, requires the applicant to present and "bear the burden of demonstrating that the specific character, design, and investment commitment is a significant public benefit. The City retains the decision making power to determine whether the **specific private investment, including the project amenities, together with the public benefits,** are commensurate with the increment of increased height, density or intensity that the applicant seeks."

In order for the project to be approved, the City Council must be satisfied the applicant has provided all of the following:

1. **Dedicate \$2.00 per square foot of floor area developed into a dedicated "affordable workforce housing fund."** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
2. **The relocation and conversion of above ground utilities to below ground locations.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
3. **Construct open space malls and arcades serving as gathering places of the general public.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
4. **Create and/or reinforce a pedestrian friendly transit system.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)

And at least one of the following:

1. **Beach access improvements.** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)
2. **Off-site public parking garage.** Not applicable.
3. **Preserve significant view of the gulf, harbor, or bay.** Applicant has chosen not to pursue this benefit.
4. **Provide significant improvements to public infrastructure (private investment in off-site infrastructure improvements).** (See Exhibit "A": Tier III Findings of Fact "Beach Crystal (Caretta Dunes) Condominium" dated January 24, 2008, pages 5 and 6 and Figure 12 - See File: SP-08-04)

The City Council has final authority to determine whether the applicant has satisfied the Tier 3 public benefits as described in Article 7, Section 7.09.03.G.2 of the Land Development Code.

CONCURRENCY MANAGEMENT:

Concurrency requirements have been met:

Solid Waste: **YES, approved. (Exhibit "C" - See File: SP-08-04)**

Potable Water: **YES, approved. (Exhibit "D" - See File: SP-08-04)**

Sanitary Sewer: **YES, approved. (Exhibit "E" - See File: SP-08-04)**

Traffic: **YES, approved. (Exhibit "F" - See File: SP-08-04)**

Stormwater Management: **YES, approved. (Exhibit "G" - See File: SP-08-04)**

TRANSPORTATION ANALYSIS:

According to the transportation/traffic concurrency review conducted by the City's Transportation Manager, currently represented by Renaissance Planning Group (RPG), Inc., and approved on February 18, 2008, the proposed development will not degrade the level of service of those major transportation modes and facilities in the City of Destin and complies with the goals, objectives, and policies of the multimodal transportation district as found in the City's Comprehensive Plan: 2010.

As a requirements of the City's multimodal transportation district, as adopted in Comprehensive Plan: 2010, the City's Transportation Manager has reviewed and approved the applicant's traffic impact analysis dated January 24, 2008 (Exhibit "F" - See File: SP-08-04).

SUBDIVISION OR PUD - PLAT:

The proposed development will be a multi-family residential use under condominium ownership and thus Condominium Documents are necessary. In lieu of providing draft Condominium Documents at this time, the applicant has provided a Condominium Affidavit, dated March 3, 2005, (See Exhibit "H" - See File: SP-08-04).

Condition: Prior to the issuance of a Certificate of Occupancy, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.

WHITE SANDS ZONE:

The project property is located in White Sand Zone I.

PHASING:

The proposed development will not be a phased development.

AIRPORT PROTECTION:

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area. NOTE: If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

SIGNS:

No overall sign approval is part of this application. All future signs must comply with the applicable section of the Destin Land Development Code in effect at the time a sign application is submitted.

UTILITIES:

Underground utilities/service (existing and proposed) are required. The project shall be compliant with the Tier 3 requirements for underground utilities.

Condition: Prior to the issuance of any Certificate of Occupancy, the applicant shall locate all above-ground utilities on the property and within the adjacent right-of-way to below ground.

COX COMMUNICATIONS:

Cox Communications did not attend the TRC meeting nor did they provide documentation for this project. They approve the project by failing to attend or provide documentation.

DESTIN FIRE CONTROL DISTRICT:

The Destin Fire Control District approved the project in a letter dated January 16, 2008.

GULF POWER:

Gulf Power approved the project in a letter dated January 16, 2008.

OKALOOSA GAS:

Okaloosa Gas approved the project in a letter dated January 16, 2008.

EMBARQ:

EMBARQ approved the project in a letter dated January 8, 2008.

CITY OF DESTIN BUILDING OFFICIAL:

Building Official's office provided preliminary technical comments to the applicant, which shall be addressed and/or readdressed during the building permit review process. A full set of construction plans, specification, and related documents for the development must be submitted to the Building Department for review and approval before any building permits will be issued.

WATER/SEWER PROVIDER:

Destin Water Users, Inc. approved the project in a letter dated January 29, 2008, with the following conditions:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.

2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.

ENGINEERING DEPARTMENT:

The City of Destin Engineering Department approved the project with conditions in a letter dated February 14, 2008. Conditions are provided on pages 15 and 16.

STORMWATER MANAGEMENT:

The stormwater management plan was found acceptable and approved with conditions on January 25, 2008.

COASTAL MANAGEMENT AND CONSERVATION:

As required from the original development order, the proposed project is located within the VE16 special flood hazard area per the FEMA Flood Insurance Rate Maps. A certified statement from a licensed architect has been provided and is on file, dated February 1, 2005, indicating the proposed development will be designed and constructed in compliance with the Federal Emergency Management Agency (FEMA)/National Flood Insurance Program (NFIP) standards and the requirements set forth within the City of Destin Land Development Code, Article 11, Section 11.04.00.

INGRESS/EGRESS:

Ingress and egress to the proposed project is provided by a two-way access point at the western end of the project and a right-in/right-out only access point at the eastern end of the project, which both access the Scenic Highway 98 ROW. The redevelopment of the properties will reduce the number of access points from six to two.

PARKING:

The development is currently approved and required to provide 144 parking spaces (64 units x 2.25 parking spaces per unit = 144 spaces) based on the uses and the requirements applicable to the existing development order. The applicant has agreed that since the multimodal transportation district ordinance has yet to be adopted by the City Council, they will adhere to all parking requirements as drafted and once fully adopted. (See TRC Report Exhibit "A" – Sheet C4.0- See File: SP-08-04)

Per Original Development Order:

Dwelling, Multi-family (4 stories or less): 2.25 parking spaces per unit

$$2.25 \times 64 \text{ units} = 144 \text{ parking spaces}$$

Per existing Land Development Code:

Dwelling, Multi-family (long-term and short-term): 3 bedrooms or more – 2.5 spaces per unit

80 (3 & 4 bedroom units) x 2.5 = 200
TOTAL: 200 spaces

Per DRAFT MMTD Ordinance:

Dwelling, Multi-family (short-term ONLY): 2-3 bedrooms -- 2 spaces per unit
4 bedrooms or more – 2.5 spaces per unit
Bicycle: 10% of Total Vehicle Parking

60 (3 bedroom units) x 2 = 120
20 (4 bedroom units) x 2.5 = 50
TOTAL: 170 spaces
Bicycle TOTAL: 17 bicycle spaces

TOTAL Required (Existing LDC): 200 vehicle spaces

TOTAL Required (Proposed MMTD Ord.): 170 vehicle spaces and 17 bicycle spaces

TOTAL Proposed: 203 vehicle spaces and 28 bicycle spaces

Note: Double stacked parking shall be allowed for multi-family residential developments provided the parking spaces are specifically assigned to a particular unit. Specific language shall be provided within the Condominium Documents addressing parking space assignments.

LOADING SPACE (ZONE):

The project meets or exceeds the loading space requirement of the Destin Land Development Code as indicated on the approved plans and is as follows:

TOTAL REQUIRED: 3 loading spaces

TOTAL PROVIDED: 3 loading spaces

REFUSE COLLECTION:

Refuse collection is to be provided by dumpster service. All proposed dumpsters must be screened by a gated opaque enclosure at least six feet tall. The gates shall remain closed at all times except for when waste management services are collecting refuse from the site. If necessary, a sign shall be posted on the gates requiring the gates remain closed when not in service.

SIDEWALKS/PEDESTRIAN CONNECTIVITY:

10' wide public sidewalks, interior pedestrian accessways, and appropriate crosswalk striping shall be provided as indicated on the site plan (Exhibit "A" – Sheet C4.0- See File: SP-08-04). In addition to the required sidewalks and interior pedestrian connectivity, the developer will be vacating and relocating an existing private easement (See Exhibit "A" – Sheet C4.0- See File: SP-08-04) to the eastern side of the project for beach access and will also be providing a new 5' public access easement and pedestrian amenities to the beach (See Exhibit "A" – Sheet C4.0- See File: SP-08-04) along the western property line. Note: because the City of Destin has not previously recognized, improved nor maintained a public beach access across the property, the City has no basis on which to claim that a public beach access easement previously existed across the property.

IMPACT FEES:

The following impact fee amounts may be subject to change and are applicable to those land uses added to the overall master development. Final impact fee amounts will be determinant upon the number of units and gross floor area receiving a certificate of occupancy (C.O.) or certificate of completion (C.C.). Final impact fee amounts will also be determinant whether exemption or credits are applicable and reevaluated at the time a C.O. or C.C. is requested. Any claims for exemption or credits must be made no later than the time a C.O. or C.C. is requested. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees.

The land uses identified below are from the "Fee Schedule" tables found in Article 19 of the Land Development Code and are those deemed most closely related to the land uses proposed in this development. The fee payer has the option of paying the fees identified below for the identified land use or they shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a C.O. or C.C. is sought. The determination made by the City Manager may be appealed to the City Council by filing a written request with the City Manager within 10 days of the City Manager's determination. We advise the applicant to submit any independent fee calculation study as soon as possible for a determination. Refer to Article 19 of the Destin Land Development Code for specifics regarding impact fees. The owner/applicant must pay the final impact fee amounts prior to the issuance of a C.O. or C.C.:

Parks: The park fees were calculated using the "Multi-family = \$113.03 per unit" amount.

Existing Land Use(s):

Hotel/Motel: \$50.46 x 52 units = \$2,623.92
Multifamily Dwellings: \$113.03 x 4 units = \$452.12
Single-family Dwellings: \$159.99 x 2 units = \$319.98
Subtotal: \$3,396.02

Multi-family:

\$113.03 x 80 units = \$9,042.40

Park Impact Fee Net Positive Difference: \$9,042.40 - \$3,396.02 = \$5,646.38

Public Library: The public library fees were calculated using the "Multi-family = \$76.19 per unit" amount.

Existing Land Use(s):

Hotel/Motel: \$0.00 x 52 units = \$0.00
Multifamily Dwellings: \$76.19 x 4 units = \$304.76
Single-family Dwellings: \$107.84 x 2 units = \$215.68
Subtotal: \$520.44

Multi-family:

\$76.19 x 80 units = \$6,095.20

Public Library Impact Fee Net Positive Difference: \$6,095.20 - \$520.44 = \$5,574.76

Police Protection: The police protection impact fees were calculated using the "Multi-family = \$14.50 per unit."

Existing Land Use(s):

Hotel/Motel: \$13.07 x 52 units = \$679.64
Multifamily Dwellings: \$14.50 x 4 units = \$58.00
Single-family Dwellings: \$20.53 x 2 units = \$41.06
Subtotal: \$778.70

Multi-family:

\$14.50 x 80 units = \$1,160.00

Police Protection Impact Fee Net Positive Difference: \$1,160.00 - \$778.70 = **\$381.30**

Road: The road impact fees were calculated using the "Multi-family = \$577.00 per unit."

Existing Land Use(s):

Hotel/Motel: \$1,365.00 x 52 units = \$70,980.00
Multifamily Dwellings: \$577.00 x 4 units = \$2,308.00
Single-family Dwellings: \$471.00 x 2 units = \$942.00
Subtotal: \$74,230.00

Multi-family:

\$577.00 x 80 units = \$46,160.00

Road Impact Fee Net Positive Difference: \$46,160.00 - \$74,230.00 = **-\$28,070.00 or \$0.00**

Totals:

Parks:	=	\$5,646.38
Public Library:	=	\$5,574.76
Police Protection:	=	\$381.30
Roads:	=	\$0.00
TOTAL:	=	\$11,602.44

OTHER FEES:

The fees listed below are subject to change and are based on the most recent information available (February 8, 2008). The fees must be paid by the applicant as part of the cost recovery associated with the proposed project:

City Traffic Consultant:	TBD
City Surveyor:	N/A
Re-Review Fees (Community Dev.)	\$500.00
Re-Review Fees (Engineering)	\$300.00
Administrative Costs:	TBD
City Council Advertising:	TBD
TOTAL (2/08/08) =	\$TBD

STATE/FEDERAL PERMITS REQUIRED BEFORE ISSUANCE OF BUILDING PERMIT

FDEP stormwater and NPDES approvals shall be forwarded to the city engineer's office for stamp received and then forwarded to the Community Development Department.

COMMENTS/NOTES/CONDITIONS:

Public Input:

An email in opposition was submitted from the public to the City Council and Mayor. Following standard procedures, this email will be provided to the City Council and Mayor at the hearing. This email was presented to staff at the time of this report being finalized.

Per Community Development Department:

1. All comments, notes, and conditions, as applicable or otherwise amended, from Final Development Order No. 05-21 and No. 05-28 shall remain in effect.
2. **Condition: Prior to the installation**, lighting, benches, drinking fountains, trash containers, planters and other hardscape items shall be incorporated into the design of the Scenic Highway 98 right-of-way improvements and as per the standards and specifications approved and adopted by the City.
3. **Condition: Prior to the issuance of the first Certificate of Occupancy**, both the private and public beach accesses shall be constructed and functional as per the approved plans.
4. **Condition: Prior to the issuance of the first Certificate of Occupancy**, the transit stop and pedestrian connection shall be properly designed in accordance with MMTD requirements and the cost to construct shall be paid to the City to construct the facility at a future date.
5. **Condition: Prior to the issuance of a Certificate of Occupancy**, the condominium documents, which incorporate the unification of property, must be reviewed, approved by City Staff, and properly recorded as stated within the Condominium Affidavit.
6. **Note:** Double stacked parking shall be allowed for multi-family residential developments provided the parking spaces are specifically assigned to a particular unit. Specific language shall be provided within the Condominium Documents addressing parking space assignments.
7. **Condition: Prior to the issuance of any Certificate of Occupancy**, the applicant shall locate all above-ground utilities on the property and within the adjacent right-of-way to below ground.
8. **Condition: Prior to the issuance of any further City permits**, all necessary easements applicable for this site and development shall be submitted, reviewed, approved and recorded in the public record.
9. **Condition:** All non-construction related dumpsters, trashcans and recycling bins shall be placed in solid waste collection areas and shall be shielded from the view of adjacent properties. *Ref. LDC Section 7.09.02(B)(3).*

10. **Condition:** Outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or to the side of the building, or otherwise visually screened. In no case shall mechanical equipment be located between the principal structure and the front property line or any property line facing a right-of-way. All mechanical equipment located on the roof shall not be visible from adjacent properties or rights-of-way from heights equal to or less than the equipment. All mechanical equipment located in the rear or to the side of the building shall be enclosed by opaque fence, wall or hedge a minimum of six (6) feet in height or to the highest point of the equipment, whichever is lower. For air conditioning or other equipment requiring airflow, a lattice screen of at least 50 percent opacity shall be sufficient to meet this requirement.
11. **Condition: Prior to installation,** all outdoor lighting must be inspected and approved by the Community Development Department. The lighting plan which shall be submitted prior to the issuance of any city permit must provide specifications for the proposed outdoor lighting, including photometrics. All lighting must be shielded downward and away from adjacent properties in order to avoid spill-over and illumination into the night sky.
12. **Note:** Signage, if installed, must be approved by the Community Development Department. All signage shall require the issuance of city permit. All signage shall meet the requirements set forth in Article 16 of the City's Land Development Code.
13. **Note:** Each handicap accessible parking space must be prominently outlined with blue paint, and must be posted with a permanent above-grade sign bearing the international symbol of accessibility and containing the caption "PARKING BY DISABLED PERMIT ONLY." Such sign shall also indicate the penalty for illegal use of the space, which shall be a minimum fine of \$250.
14. **Note:** Curb ramps complying with Section 11-4.7 of the Florida Accessibility Code shall be provided wherever an accessible route crosses a curb.
15. **Condition: Prior to Certificate of Occupancy,** assigned address numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts. *Ref. LDC Section 7.18.04.*
16. **Note:** The slab for all structures shall be constructed a minimum of 12 inches above the crown of the nearest street, except where topography will provide adequate drainage as certified by a professional engineer registered in the State of Florida. *Ref. LDC Section 10.03.02(A)(5).*
17. **Condition: Prior to the issuance of a Certificate of Completion/Occupancy,** the landscaping and any outdoor lighting, if installed, must be inspected and approved by the Community Development Department.
18. **Condition: Prior to obtaining a Certificate of Occupancy,** the Stormwater Operation/Maintenance Plan (SWOMP) shall be acknowledged and signed by the Owner.

19. **Condition:** Prior to obtaining any City permit, a copy of the FDEP stormwater and a NPDES Stormwater Construction Generic Permit (if applicable) approval shall be forwarded to the City Engineer's office and then forwarded to the Community Development Department.
20. **Note:** If groundwater is observed standing in the storm structures, the SWMP shall be considered in non-compliance and a revised stormwater plan shall be resubmitted for review and approval.
21. **Note:** Please abide by the general guidelines set forth in the FDEP's "Florida Development Manual: A Guide to Sound Land and Water Management," particularly those guidelines set forth for the construction and maintenance of exfiltration trenches.
22. **Condition:** All perforated piping and exfiltration beds shall be inspected and approved by the Engineer of Record and the City of Destin prior to backfilling. Prior to inspection by the City, the Engineer of Record shall submit an inspection report that certifies the compliance.
23. **Note:** The Engineer of Record is cautioned to review the construction documents as submitted to assure thorough information is provided to allow proper construction. All stormwater management facilities shall be required to be constructed per the Codes of the City of Destin.

Per Engineering Department:

1. **Condition:** Prior to obtaining any City permits, obtain a City of Destin Right-of-Way Construction Permit from the City Engineering Department.
2. **Condition:** All new street pavement shall be subject to the testing requirements outlined in the Destin LDC and shall follow all procedures for permanent acceptance by the City.
3. **Condition:** Refer to LDC Article 8.03.06. *Clear visibility triangle*. In order to provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear visibility formed by two intersecting streets. The following standards shall be met:
 - a. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection, except those signs or devices approved pursuant to section 16.01.00 of this Code. Note: The applicant is reminded that building setbacks must be observed so as to preserve clear visibility at intersections.
 - b. The clear visibility triangle shall be formed by connecting a point on each street centerline with such point to be located at a distance determined by the building setback requirements associated with the property and the zoning district within which the property is located. That is, the visibility distances shall be those established by the setback requirements within the city's zoning ordinance. Note: The visibility triangle shall be in accordance with the "Technical Construction Standards Manual," included in this Code, and the Florida Department of Transportation Standards Index.

4. **Condition:** Refer to LDC Article 8.01.00.B.2. Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet from any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.
5. **Condition:** Refer to LDC Article 8.01.00.C. Sidewalks, recreational trails, and bicycle ways shall be permissible in ROWs:
 - a. Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.
 - b. Trees or shrubs shall not be planted within five feet from all streets or sidewalks, recreational trails, and bicycle ways.
6. **Condition:** Contractor shall not be allowed to utilize ANY public right-of-ways for any loading/unloading, staging or storage of construction materials, equipment or vehicles or unauthorized construction. **Failure to comply with this requirement may void your city right-of-way construction permit until the violation is corrected. Voided permits must be reapplied for and application fees shall be assessed**
7. **Condition:** Reconstruct any broken sidewalk from joint to joint, across the entire right-of-way frontages as needed.
8. **Condition:** Sidewalk area crossing the drive access shall meet ADA flatness & slope requirements.
9. **Condition:** Maintain close communication with the City Engineering office throughout construction within the ROW.
10. **Condition:** Roadside swale shall meet proper elevation and grades after all landscaping is installed and landscaping shall not reduce retention volumes of the roadside swales.
11. **Condition:** Roadside parking on Tarpon Street design is acceptable in this submittal.

Erosion Control & Wetlands Comments

1. **Condition:** Provide FDEP NPDES permit approval and provide copy of the SWPPP.
2. **Condition:** Provide a 24 hour contact person's phone number; that person shall have demonstrated ability in maintenance of erosion control measures.
3. **Condition:** Areas not being worked for 30 days or more shall be vegetated
4. **Condition:** All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.

5. **Condition:** Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required.
6. **Condition:** Any sediment that is tracked onto road pavement shall be removed immediately (prior to the end of the work day) by sweeping. The sediment collected by sweeping shall be removed from the roadway and stabilized on-site.
7. **Condition:** Any liquid storage of petroleum, paint or any other hazardous material on site shall be a minimum of 75' from any environmentally sensitive area
8. **Condition:** Dust Control is required on all areas of development or redevelopment activities.
9. **Condition:** A copy of all Federal, State and city permits (as applicable) shall be posted in a clearly visible location on the project site.
10. **Condition:** Any off-site catch basins, curb inlets or swale that required protection shall be cleaned.

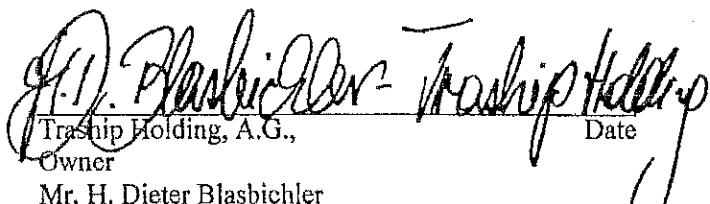
Per Destin Water Users, Inc.:

1. **Condition:** All revisions to the water and/or sewer utilities of any previously approved project must be re-approved by Destin Water Users, Inc. in writing at least 24 hours prior to implementation.
2. **Condition:** Field verified and scaled "as-built" plans including all utility infrastructures must be submitted to the City of Destin and forwarded to Destin Water Users, Inc. for final inspection by Destin Water Users, Inc. A written approval shall then be submitted to the City of Destin prior to issuance of Certificate of Occupancy by the City of Destin if there are no outstanding issues.


 Greg Kisela
 City Manager

3/28/08

Date

 4-3-08
 Traship Holding, A.G.,
 Owner

Mr. H. Dieter Blasbichler

 4-3-08
 Mr. H. Dieter Blasbichler
 Owner

Date

Estimated Cost to Developer for Public Benefits

1. \$2.00 per sf for affordable workforce housing does not include Parking Level SF	257,300 GSF x \$2.00	\$514,600.00
2. Engineering, Survey, Topo and design off site parking Construct off site parking		\$8,500.00 \$45,000.00
3. Easement for Public Beach Access (5ft wide)		\$350,000.00
4. Construct Public Boardwalk (5ft wide)	\$50.00 per sf x 198ft	\$49,500.00
5. Convert utilities to run underground (Allowance)		\$700,000.00
6. Creating the streetscape along front of property and in Scenic 98 median, includes landscaping, and hardscape elements i.e. benches, planters, trash receptacles, and lighting		\$180,000.00
7. Existing Transit Stop Upgrade		\$150,000.00
8. \$6.00 per sf for 10 ft wide sidewalk ¼ mile to nearest transit stop		\$80,000.00
TOTAL ESTIMATED COST		\$2,077,600.00

Public Benefits as defined by the Destin Land Development Code Article 7.09.03.G.2



BOARDWALK EXPENSE REPORT

DATE	UNIT BILLED	CHECK #	CATEGORY /COMPANY	DESCRIPTION	AMOUNT OF CONSULTING	AMOUNT OF REMODEL LABOR	AMOUNT OF MISC.	AMOUNT OF L&P FEES	AMOUNT OF LANDSCAPE /LAWN MAINT.
1/18/2010	M4	2385	CONSULTING: MOORE BASS MISC.:	FDEP CONSULTING	\$ 391.25				
4/18/2010	D3	2463	NW FLORIDA WATER CONSULTING	NW FL LICENSE					
4/19/2010	M1	2474	FEE:MOORE BASS REMODEL LABOR:	CONSULTING FEE	\$ 4,000.00				
4/19/2010	M4	2476	GADDIE MARINE MISC.:	BOARDWALK	\$ 3,440.00				
4/18/2010	M3	2462	CITY OF DESTIN MISC.:	LICENSE			\$ 500.00		
4/27/2010	M3	2483	ED SCOFIELD MISC.:	LABOR: NEW BOARDWALK			\$ 4,000.00		
4/27/2010	M3	2480	GADDIE MARINE MISC.:	PILINGS FOR BOARDWALK			\$ 3,730.00		
4/27/2010	M3	2486	ED SCOFIELD MISC.:	MATERIALS FOR BOARDWALK			\$ 1,457.82		
5/12/2010	M4	2493	LUMBER MISC.:	BOARDWALK			\$ 9,432.92		
5/12/2010	M4	2494	MISC.: MATTHEW'S DEVELOPMENT CO. LANDSCAPE/LAWN	NEW BOARDWALK			\$ 2,356.07		
5/17/2010	M4	2500	MAINTENANCE: HOME DEPOT MISC.:	FENCE / TIMBER					\$ 217.15
5/27/2010	M3	2502	MOORE BASS L&P FEES:	SURVEYS / PERMITTING			\$ 4,551.89		
7/27/2010	M4	2509	MOORE BASS	BOARDWALK ENGINEERING			\$ 2,205.00	\$ 1,066.71	
12/29/2010	M3	2602	MISC.: HIMES SIGNS	BEACH ACCESS SIGN					
TOTAL \$ 37,648.81					\$ 4,391.25	\$ 3,440.00	\$ 28,533.70	\$ 1,066.71	\$ 217.15

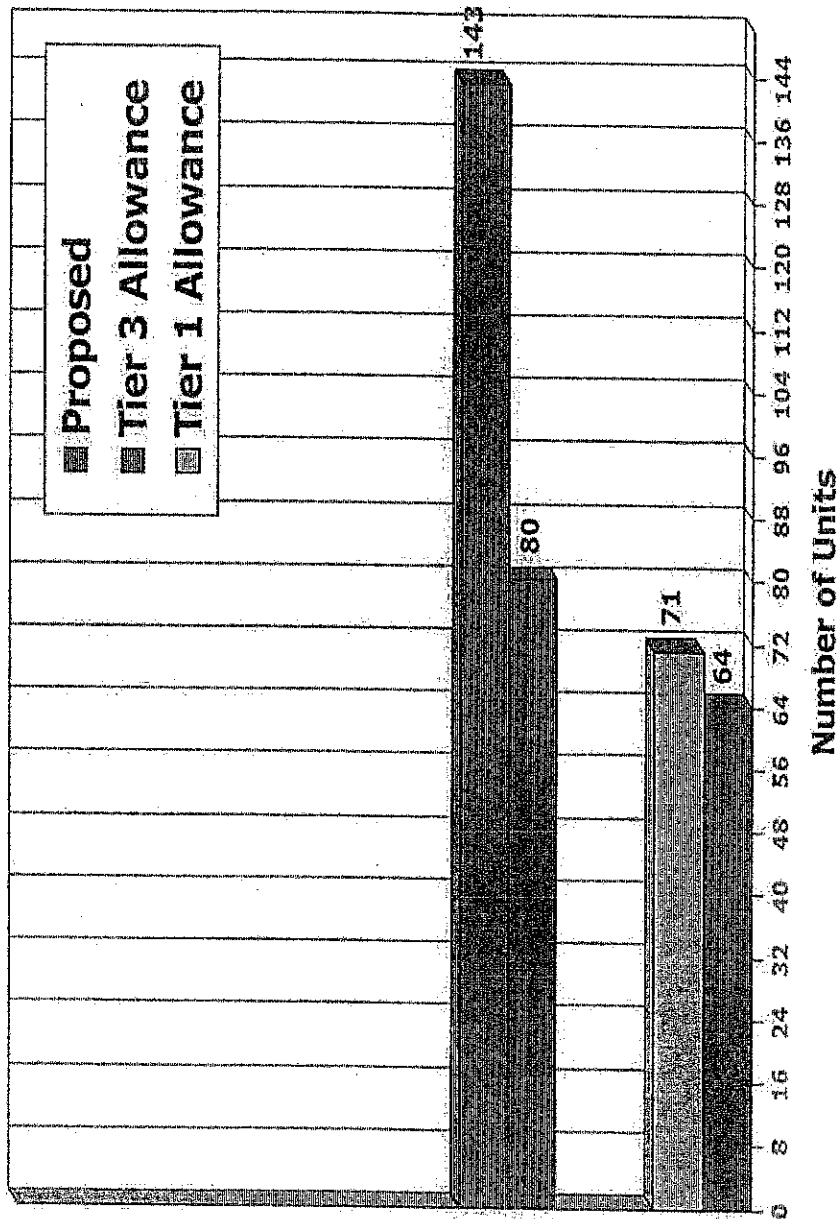
EXHIBIT

9

201009

Units allowed under
Tier 3 ordinance
Units Proposed

Units allowed under
Tier 1 ordinance
Units Proposed



Note: Developer is only asking for 9% above what is already allowed by Tier 1.

Tier Level Comparison

APPRAISAL REPORT

SUBJECT PROPERTY

3310 Scenic Highway 98
Destin, FL 32541

EFFECTIVE DATE OF APPRAISAL

June 18, 2017

REPORT DATE

July 14, 2017

INSPECTION DATE

June 18, 2017

CLIENT/INTENDED USER

Traship Holding A G
P.O. Box 222
Destin, FL 32540

H & A File № 170060

PREPARED BY:

Walter H. Humphrey, MRICS	State-Certified General Real Estate Appraiser № RZ 1218 (FL)
Aleksandra Muldowney	State-Certified General Real Estate Appraiser № RZ 3535 (FL)

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HUMPHREY AND ASSOCIATES, INC.

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Specializing in Undivided Partial Interests and Litigation Support
Fort Walton Beach and Jacksonville

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Jacksonville, FL 32207
Telephone: (904)346-1944
Facsimile: (904)346-1945

July 14, 2017

Traship Holding A G
P.O. Box 222
Destin, FL 32540

Re: Appraisal of gulf-front property "as if vacant" located at 3310 Scenic Highway 98, Destin, FL 32541.
H & A File № 170060

Traship Holding A G:

We have completed the inspections, research, and analysis necessary to appraise the fee simple interest in the above referenced property as of the effective date of the report as of July 14, 2017, subject to assemblage with surrounding lots to the east and west.

The accompanying document is an appraisal report format as contrasted with a restricted appraisal report format.

The purpose of the appraisal was to develop an opinion of the market value of the fee simple interest in the subject property as of June 18, 2017, as an assemblage of three lots running east and west.

The understood use of the report is for reference in pricing and planning. No other use of this report by any other entity or person is authorized without written permission.

Market value, fee simple interest, highest and best use, and other pertinent terms are defined in the following report.

We have analyzed the value of the subject property based on the estimate of the highest and best use which is assemblage with adjoining lots to the east and west, and redevelopment as a residential condo site, or as a subdivision into 50-foot wide lots for a future construction of detached single-family dwellings.

Subject to the above and the assumptions, limiting conditions, and certification set forth herein, it is our professional opinion that the market value of the fee simple interest in the subject property, "as if vacant," as of June 18, 2017, is:

\$9,600,000

NINE MILLION SIX HUNDRED DOLLARS

The opinion of value is linked to an estimated exposure time of six (6) to nine (9) months, based on market analysis. The marketing time would be the same.

We hereby certify that we have no interest, present or contemplated, in the appraised property. The undersigned appraisers are competent for the property type under appraisal. This appraisal has been prepared utilizing all of the requirements set forth as standards for real estate appraisals established by the IRS, and the State of Florida. The appraisal is in conformity with the standards for real estate appraisals as established by the Appraisal Foundation and its Appraisal Standards Board. The appraisal also conforms to the 2016 edition of the *Uniform Standards of Professional Appraisal Practice* (USPAP). The fee for this appraisal was not based on value nor was the assignment undertaken based on a predetermined value, a trend in value, or a minimum or maximum value.

Respectfully submitted,

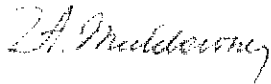
HUMPHREY AND ASSOCIATES, INC.

Walter H. Humphrey, MRICS

Digitally signed by Walter H. Humphrey, MRICS
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Associates, Inc, ou, email=bluechip25@aol.com, c=US
Date: 2017.07.14 07:33:44 -05'00'

Walter H. Humphrey, MRICS

State-certified General Real Estate Appraiser № RZ 1218 (FL)



Aleksandra Muldowney

State-certified General Real Estate Appraiser № RZ 3535 (FL)

RECONCILIATION OF FINAL SITE VALUE

The sales comparison analysis indicated a range of value for the subject from \$18,249 to \$33,659 per waterfront foot with a median value of \$26,506, with the variation based upon the location of the property, and size of the overall site. This range is supported by the historical sales summarized and sales on other more distant condominium and single-family waterfront sites.

An alternative highest and best use of detached single family development was considered. This recognized that finished lots were sometimes smaller than 50 feet in width and sold for more than \$3,000,000 in ungated subdivisions, or as much as \$6,000,000 in gated subdivisions like Alys Beach. The absence of a wealth of data to discern different pricing based on location in terms of talking points ("Our lot is in Alys Beach."), neighboring density and intensity of land uses, and the potential premium, if any, for a gated subdivision in the subject location render such an analysis of vertical construction to be more speculative and subjective than objective and market-drive. Thus, this vertical alternative was discarded.

The quantity and quality of data is more than sufficient to derive a reliable indication of value for the subject. Most of the weight was given to Comparable 3 due to its most similar location. Our opinion of value for the subject site is near the top of the market, or \$32,000 per front foot recognizing the overall indication of market appreciation per a small number of back to back sales, as of June 18, 2017.

MARKET VALUE FOR THE SUBJECT LAND VIA THE SALES COMPARISON ANALYSIS

(As of June 18, 2017)

Number of Front Feet		Price per Front Foot		Value
300	×	\$32,000	=	\$9,600,000

\$9,600,000

NINE MILLION SIX HUNDRED THOUSAND DOLLARS

Excess Land

None.

ORDINANCE 18-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE TO ESTABLISH A PROCESS FOR VESTED RIGHTS DETERMINATIONS; PROVIDING FOR INTENT; PROVIDING FOR ELIGIBILITY TO APPLY FOR A VESTED RIGHTS DETERMINATION; PROVIDING FOR APPLICATION REQUIREMENTS, APPLICATION CATEGORIES, AND APPLICATION PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR ULTRA VIRES PROTECTIONS; PROVIDING FOR NOTICES TO THE STATE; PROVIDING FOR AUTHORITY; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter "Community Planning Act") the City of Destin has adopted and has in effect a Comprehensive Plan; and

WHEREAS, the City Council and the City's Local Planning Agency have previously undertaken the necessary studies and have adopted a Comprehensive Plan to guide and control growth in the city; and

WHEREAS, Policy 1-2.1.5 of the City's adopted Comprehensive Plan provides that existing land uses that were lawfully conforming uses prior to the effective date of the Comprehensive Plan continue as lawful uses; and

WHEREAS, Policy 1-2.1.5 of the City's adopted Comprehensive Plan requires that implementing regulations and administrative remedies be set forth in the City's Land Development Code for vested rights issues;

WHEREAS, the City Council desires to adopt implementing land development regulations consistent with the adopted Comprehensive Plan in accordance with the Community Planning Act; and

WHEREAS, the City Council of the City of Destin recognizes that there is insufficient parking in the City to serve additional development within the City limits, and as such, new development and redevelopment must provide sufficient parking for the development being proposed; and

WHEREAS, the City Council desires to balance the welfare and quality of life of its citizens and tourist population, and of all the public, with the rights of private property owners; and

WHEREAS, the City Council of the City of Destin, Florida hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of the City of Destin, Florida; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. Creation of Section 2.26.00, of Article 2 of the Land Development Code.

The City of Destin Land Development Code, Article 2, Section 2.26.00 is hereby created as follows: Underlined language is language proposed to be added and * * * represents sections of the Land Development Code that have been skipped and remain unchanged.

Article . 2 Administration.

* * *

Section 2.26.00 Vested Rights Determinations.

For purposes of this entire Chapter on Vested Rights Determinations, the term “and” is conjunctive, and the term “or” is disjunctive.

Section 2.26.01. Intent.

This chapter is intended to provide implementing land development regulations consistent with Policy 1-2.1.5 of the City’s adopted Comprehensive Plan.

A. The intent of the procedure for Vested Rights Determinations is to provide for a fair and equitable process for the determination of whether a property owner has vested rights as of April 2, 2018.

B. The purchase of property in reliance on then existing zoning, without more, shall not vest the purchaser's right to develop in accordance with said zoning.

C. The City does not deem there are any applicants eligible for Vested Rights within the City, wherein the claimed Vested Right would allow a property owner to not provide parking onsite of the proposed development, for one hundred percent of the maximum allowed occupancy, whether commercial or residential, of the proposed project.

D. The City deems that no Applicants shall receive recognition of a Vested Right that impermissibly obligates the City to provide its credit for the benefit of the Applicant.

Section 2.26.02. Eligibility to Apply for a Vested Rights Determination

A. This process is only available to property owners who personally, or through their predecessors in title, can provide written proof that prior to April 2, 2018, they applied to the City of Destin to build something on the property that was never built on a specific parcel of property, and that they are able to meet one of the three categories of applications set forth below in section 2.26.03.

B. The scope of any such request for a Vested Right shall be limited to what was applied for in the original application filed with the City prior to April 2, 2018, and shall be further limited to any written input or opinions provided by staff at the time of the denial or approval. Any application relied upon by the Applicant, along with any input or opinions from staff, must be attached to any Application

submitted under this Chapter.

C. One may not apply if they are seeking a determination as to anything that was subject to an unexpired development order, which was pending as of April 2, 2018, and any building heights, density, and or intensity requirements in the unexpired development order shall continue to be legal after the date of the adoption of the Comprehensive Plan, and shall expire on the expiration date contained within the development order.

D. An Applicant may only submit one application for a Vested Rights Determination per parcel, which will require the Applicant to indicate which category the Applicant is applying under. The Categories are mutually exclusive, and Applicants shall only select one category for their application. If an Applicant selects more than one category, then the Application shall be summarily denied if not corrected within three (3) months of the effective date of this Chapter.

Section 2.26.03. Application Categories.

A property owner may make application to the City Council for a Vested Rights Determination if they fall within one of the three categories listed below.

A. Category One

i. The Applicant received a Development Order, which expired sometime in the five (5) calendar years prior to April 2, 2018, and prior to expiration of the Development Order, the Applicant conveyed and constructed a tangible public benefit, for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the Development Order, with the Applicant incurring ascertainable monetary costs at the time of conveyance or construction.

ii. Any such written agreement evincing the Development Order must be attached to the application, and failure to do so will result in a summary denial of the application.

iii. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order, consistent with this section of the code.

iv. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.

v. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

vi. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

B. Category Two

i. The Applicant is party to, or is the assignee of a party named to a fully performed written annexation agreement, and is/was promised certain development rights within the annexation agreement, said development rights not having a defined expiration/termination date within the annexation agreement.

ii. Any Applicant in this category shall be eligible to apply for an amendment to the

Annexation Agreement that will provide a vesting recognition of the development rights within the annexation agreement, with a maximum five (5) year expiration/termination of the development rights conferred within the annexation agreement.

iii. If the Annexation Agreement contains express and identifiable parking specifications that contradict Section I.C., above, then the contents of the Annexation Agreement shall control.

iv. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

v. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

C. Category Three

i. The Applicant previously applied for a Development Order, which was denied.

ii. Despite the denial, the Applicant can produce an express written agreement that expressly sets forth, on the face of the document itself, an identifiable vested development right benefitting the Applicant.

iii. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

iv. The Applicant shall be required to prove the following:

a. The applicant, prior to April 2, 2018, made a substantial change in position or has incurred extensive obligations or expenses.

b. The following are not considered development expenditures or obligations:

1. Expenditures for legal and other professional services that are not related to the design or construction of improvements;

2. Any form of Taxes paid, or incurred;

3. Expenditures for acquisition of the land, including purchase price and all closing costs.

4. Obligations to any third parties, including but not limited to investors or creditors of the Applicant.

v. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order.

vi. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, footprint, or square footage of the project.

vii. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

viii. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

Section 2.26.04. Procedure for Applying and Determining Vested Rights.

A. Applications for a vested rights determination shall be submitted to the city manager on a form to be provided by the city.

B. Such application must be filed within six (6) months after the Council passes this ordinance on second reading.

C. Failure to file an application within the required period will constitute an abandonment of any claim to vested rights.

D. The owner of the subject property must either sign the application or give written authorization

E. Judicial relief will not be available unless administrative remedies set forth in this article are exhausted.

F. The city manager, in consultation with the city land use attorney, and city attorney, and city staff, shall review a vested rights determination application for sufficiency, shall forward the request to the city council once it is deemed the Application includes all required information.

G. The city manager shall schedule a public hearing before the city council, which hearing shall be held not later than forty-five (45) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause.

H. Written notice of the date, time, place and purpose of the hearing shall be mailed by the city clerk to all owners of property located within one hundred fifty (150) feet of the boundaries of the property for which vested rights are sought, according to the latest certified tax roll. (For purposes of this article, such an owner is deemed a "party of record"). Said notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.

I. The Applicant shall provide a proposed Order to the City Council a minimum of ten (10) days prior to the hearing on the Application.

J. The city council shall render an order to either issue or deny a vested rights determination on the application.

K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) what rights, if any, are vested; (ii) what laws or regulations those rights are vested against; and (iii) what limitations or requirements apply for the applicant to preserve those vested rights.

Section 2.26.05. Appeals.

A. Any appeal of a city council decision on a vested rights determination shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.

B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.

Section 2.26.06. Prohibited clauses within Proposed Order.

Any proposed Order provided to the City Council shall not include:

A. Any change to add a new land use or to change the vested mix of land uses that alters the basic character of the vested development; or

B. Any change in access to the project that would increase the development's transportation impacts.

Section 2.26.07. Ultra Vires Revocation.

A vested rights determination shall be revoked by operation of law if the Applicant, the Applicant's predecessor in interest, the Applicant's principals or officers, or the Applicant's predecessor in interest's principals or officers, are found to have engaged in criminal or fraudulent activities during the negotiation, execution, or performance of any agreements related to either the application submitted under this Chapter, or within the actions that led to the formation of the proposed project as originally presented to the City prior to April 2, 2018.

Section 2.26.08. Notice of this Ordinance.

Any individual or entity who has applied to the City of Destin for any Development Order within the last five years, whom (1) owns waterfront property within the SHMU, CMU, or NHMU, (2) owns any undeveloped property along Highway 98, or (3) owns any undeveloped property south of Highway 98, shall be provided a copy of this ordinance mailed by certified mail return receipt requested.

Section 3. Incorporation into the Land Development Code.

This ordinance shall be incorporated into the Land Development Code, and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 4. Conflicting Provisions.

All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior inconsistent ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5. Severability.

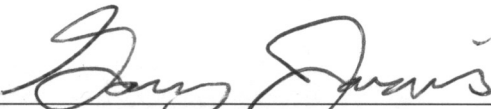
If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This ordinance shall become effective adoption by the City Council and signature by the Mayor.

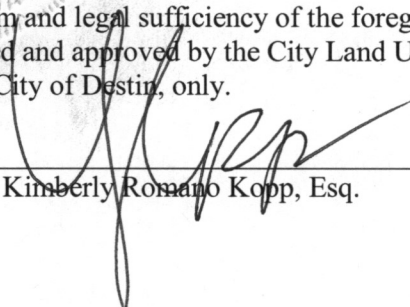
ADOPTED THIS 5TH DAY OF SEPTEMBER 2018

By: 
Gary Jarvis, Mayor

ATTEST:


Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.


Kimberly Romano Kopp, Esq.

First Reading: August 20, 2018

Second Reading: September 5, 2018

P.O. Box 222
Destin, FL 32540
850-837-6655

Attachment C



RECEIVED

APR 20 2015

COMMUNITY
DEVELOPMENT

April 17, 2015

Mr. Ken Gallander, AICP
Community Development Director
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

RE: Public Boardwalk South of Tarpon Street

Dear Mr. Gallander:

Unfortunately we were not able to get the Caretta Dunes project off the ground before the final deadline, and the city did not extend the development order past the March 28, 2015 date.

According to the city counsel decision of March 1, 2010, the city agreed to reimburse 50% of the expenses of building the boardwalk and its required improvements if Caretta Dunes is not constructed by the final amended development order. Attached is an itemized list of invoices and expenses associated with the public boardwalk. Please let me know if you need anything else.

Sincerely,

A handwritten signature in dark ink, appearing to read "H.D. Blasbichler". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

H.D. Blasbichler
Owner
Sea Oats Motel

Boardwalk Expense Report
South of Tarpin Street

<i>Date</i>	<i>Company/Description</i>	<i>Amount</i>
3/31/2010	City of Destin / License	\$ 500.00
3/31/2010	N.W. Florida Water M.D. / License	\$ 300.00
4/5/2010	Gaddie Marine / Pilings Labor	\$ 1,500.00
4/8/2010	Moore Bass / Engineering	\$ 4,000.00
4/16/2010	Gaddie Marine / Pilings Labor	\$ 3,440.00
4/21/2010	Gaddie Marine / Pilings Labor	\$ 3,730.00
4/23/2010	Ed Scofield / Boardwalk Labor	\$ 4,000.00
4/27/2010	Ed Scofield / Boardwalk Labor	\$ 1,457.82
5/6/2010	South Bay Ace / Boardwalk Materials	\$ 9,432.92
5/6/2010	Matthews Development Company	\$ 2,356.07
5/17/2010	Home Depot / Materials	\$ 217.15
5/24/2010	Moore Bass / Engineering	\$ 4,551.89
6/4/2010	Barco Products	\$ 1,216.91
6/30/2010	Moore Bass / Engineering	\$ 1,066.71
12/26/2010	Himes Signs / Signage	\$ 2,205.00
8/22/2014	Panhandle Plumbing	\$ 5,650.00
10/23/2014	Ed Scofield	\$ 1,215.27
Total		\$ 46,839.74

NO 2nd 1000

NO 2nd 1000

? Commission?

? 1000

Sea Oats Management

3420 Scenic Hwy 98
P. O. Box 222
Destin, FL 32540

visitus@seaoatsrentals.com
office 850-837-6655
fax 850-654-8255

Invoice	
Date	Invoice #

Unit
M-3

ITEM	DESCRIPTION	QTY	HOURS	COST/RATE	AMOUNT
	LICENSE FROM THE CITY OF DESTIN				\$ 500.00
				SUBTOTAL	\$ 500.00
				TAX	
				TOTAL	\$ 500.00

Post & print
4-18-10

CK # 2462

Sea Oats Management

3420 Scenic Hwy 98
P. O. Box 222
Destin, FL 32540

visitus@seaoatsrentals.com
office 850-837-6655
fax 850-654-8255

Invoice	
Date	Invoice #

Unit
D-3

ITEM	DESCRIPTION	QTY	HOURS	COST/RATE	AMOUNT
	N. W. FL WATER DISTRICT LICENSE				\$ 300.00
				SUBTOTAL	\$ 300.00
				TAX	
				TOTAL	\$ 300.00

post & print
4-18-10

CK# 2463



REGIONS

Regions Bank

Main Office - Destin
100 Main ST
Destin, FL 32541

SEA OATS MOTEL
PO BOX 222
DESTIN FL 32540-0222



ACCOUNT # [REDACTED]

Page

7 of 9

SEA OATS MOTEL
PO BOX 222
DESTIN FL 32540-0222

Check# 27714
04/26/2010
\$250.00

Robert Sauler
1118 LAMARIN DR
WOODBRIDGE, OH 44091-1222

Diana Dickey

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33536
04/05/2010
\$50.52

Regions

2-6-10
\$50.52

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33608
04/30/2010
\$37.50

Regions

3-25-10
\$37.50

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33609
04/08/2010
\$694.56

Regions

3-30-10
\$694.56

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33610
04/06/2010
\$8471.04

Regions

3-30-10
\$8471.04

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33613
04/06/2010
\$180.00

Regions

4-2-10
\$180.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33614
04/08/2010
\$1500.00

Regions

4-8-10
\$1500.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33615
04/09/2010
\$52.98

Regions

4-5-10
\$52.98

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33616
04/13/2010
\$9563.66

Regions

4-6-10
\$9563.66

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33617
04/12/2010
\$55.00

Regions

4-6-10
\$55.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33618
04/07/2010
\$75.00

Regions

4-6-10
\$75.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33619
04/09/2010
\$150.00

Regions

4-7-10
\$150.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33620
04/09/2010
\$150.00

Regions

4-7-10
\$150.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33621
04/14/2010
\$4122.93

Regions

4-8-10
\$4122.93

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33622
04/12/2010
\$500.00

Regions

4-8-10
\$500.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33623
04/14/2010
\$60.00

Regions

4-8-10
\$60.00

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33624
04/09/2010
\$308.58

Regions

4-9-10
\$308.58

SEA OATS MOTEL LLC
PO BOX 222
DESTIN FL 32541

Check# 33625
04/13/2010
\$40.70

Regions

4-10-10
\$40.70

Moore Bass CONSULTING

INVOICE: 0039860

CLIENT: Dieter Blashchler
c/o Sea Oats Motel
P.O. Box 222
Destin FL 32541

Project Name: Sea Oats Motel

Project No: D2158.0001.00

Invoice Date: April 01, 2010

Services from: February 24, 2010 to March 25, 2010

BASIC SERVICES CONTRACT							TOTAL PAID TO DATE	PAST DUE AMOUNT	CURRENT INVOICE	TOTAL AMOUNT DUE
TASK #	BASIC SERVICES TASK	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER				
E0080	Construction Documents	5,000.00	56.00%	2,800.00	0.00	2,200.00	0.00	0.00	2,800.00	2,800.00
E0090	Permitting	2,500.00	0.00%	0.00	0.00	2,500.00	0.00	0.00	0.00	0.00
E9000	FDEP Beaches & Shores Consulting	Hourly		3,355.00	2,245.00	N/A	1,050.00	1,195.00	1,110.00	2,305.00
S0030	Boundary and Topographic Survey	2,500.00	100.00%	2,500.00	0.00	0.00	0.00	0.00	2,500.00	2,500.00
S9000	Stake Eastern Property Line	250.00	100.00%	250.00	0.00	0.00	0.00	0.00	250.00	250.00
S9001	Stake Western Property Line	250.00	100.00%	250.00	0.00	0.00	0.00	0.00	250.00	250.00
Subtotal		10,500.00		9,155.00	2,245.00	4,700.00	1,050.00	1,195.00	6,910.00	8,105.00

INTEREST EXPENSE							TOTAL PAID TO DATE	PAST DUE AMOUNT	CURRENT INVOICE	TOTAL AMOUNT DUE
Subtotal							0.00	0.00	17.93	17.93

Remit to: Moore Bass Consulting, Inc.
902 North Gadsden Street
Tallahassee, FL 32303

Please indicate invoice number on check(s)
If you have questions, please call 850-222-3367.

PAST DUE AMOUNT 1,195.00
CURRENT INVOICE TOTAL 6,927.93
TOTAL AMOUNT DUE NOW: 8,122.93

4-8-10

PR 4122.93
9000.00

33621 SK
2474 TX

\$4000-

Post & Print
4/19/10

STATEMENT

GADDIE MARINE, INC.

~~2323 E. 15th Street~~ P.O. Box 35026
 PANAMA CITY, FLORIDA 32405
 (850) 763-8268 32412

, INC.

DATE 04/15/10

MATHEWS DEVELOPMENT CO (ATT: MAX MATHEWS)
 3320 W. County Hwy 30A
 SANTA ROSA Bch, FL 32459

TERMS:

PLEASE DETACH AND RETURN WITH YOUR REMITTANCE

\$ 3,440.⁰⁰

DATE	INVOICE NUMBER / DESCRIPTION	CHARGES	CREDITS	BALANCE
	BALANCE FORWARD			
	6x6 POSTS FOR BEACH			
	ACCESS BOARDWALK			
	+ DUNE WALKOVER			
	8- 14'S @ \$140. ⁰⁰	1,120 ⁰⁰		
	16- 16'S @ 145 ⁰⁰	2,320 ⁰⁰		
				3,440 ⁰⁰
	#2476			
	pd 4-16-10			
	TOTAL DUE			3,440 ⁰⁰

GADDIE MARINE, INC.

225 SPENCER DRIVE
 FT. WALTON BEACH, FLORIDA 32547

posted
 print
 4/19/10 Thank You

↑
 PAY LAST AMOUNT
 IN THIS COLUMN

1200 - - m6
 \$ 2400 - Total

M2 ✓

M5 ✓

posted
 4-20-10

Sea Oats Management

3420 Scenic Hwy 98
P. O. Box 222
Destin, FL 32540

visitus@seaoatsrentals.com
office 850-837-6655
fax 850-654-8255

Invoice	
Date	Invoice #
4/21/2010	42110

Unit
MHM3

Check # 2480

ITEM	DESCRIPTION	QTY	HOURS	COST/RATE	AMOUNT
	FINAL PILINGS FOR BOARD WALK Co: GADDIE MARINE				\$ 3,730.00
				SUBTOTAL	\$ 3,730.00
				TAX	
				TOTAL	\$ 3,730.00

posted
& billed
4-27-10

Ed SLOFICU.
1001 CHARITY DR.
NICEVILLE FL 32578

685965

INVOICE

496-4037

SOLD TO		SHIP TO	
Dexter Blasichie			
ADDRESS		ADDRESS	
Tarpon St. Dore Walkover			
CITY, STATE, ZIP		CITY, STATE, ZIP	
Destin FL 32541			
CUSTOMER ORDER NO.	SOLD BY	TERMS	DATE
			4-27-10
ORDERED	SHIPPED	DESCRIPTION	PRICE
		Materials	UNIT
			AMOUNT
			\$ 282 82
			\$ 5175 00
		207 LF 1035 @ 5.00 SF	
		pd # 2486	4-23-10
		4-27-10	2483 \$ 4000 00
			1457 82

adams 5840

M-3

posted
&
printed
4-27-10

SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 1 Invoice: 10349817

Special Instructions:	Time: 10:36:43
Sale rep #:	Ship Date: 04/05/10
508 Rich	Invoice Date: 04/05/10
	Due Date: 05/10/10
Acct rep code:	
Sold To: MAX MATTHEWS*GENERAL ACCT*	Ship To: DUNE WALKOVER @ CRYSTAL BEACH
3320 W. HWY 30-A	(850) 267-2601
SANTA ROSA BEACH, FL 32459	JOBSITE IS PARKING LOT B/W
	OLD BRICK HOUSE & CR BC RSORT
	() - ACROSS FROM TARPONST.
Customer #: 202	Order By/Max sf

UNIT
T 58

ORDER	SHIP	L	UM	ITEM#	DESCRIPTION	Alt Price/Unit	PRICE	EXTENSION
4.00	4.00	L	PC	TR2050616	LUMBER-YF #2 6 X 6 X 16' TREATED	635.2083 wbf	30.4900	121.96
					READ PRECAUTIONS FOR TREATED LUMBER			

9,432.92 *
1,198.40 +
292.95 +
6,706.48 +
1,563.02 +
140.50 +
91.10 +

FILLED BY	CHECKED BY	DATE SHIPPED	DRIVER	MISC. DELV:	10.00	Sales total	\$121.96
SHIP VIA	SBAY TRUCK	RECEIVED COMPLETE AND IN GOOD CONDITION		Misc + Frgt	10.00		
				Taxable	121.96		
				Non-taxable	10.00		
				Sales tax	8.54		
				Tax #			
				TBF:	192		
				TOTAL		\$140.50	

3 - Statement copy



* 0 0 0 5 B H G 0 0 1 0 C 4 5 Q 3 3 *

SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 1 Invoice: 10350517

Special Instructions:	Time: 13:27:43
Sale rep #:	Ship Date: 04/20/10
410 JOHN HERRICK	Invoice Date: 04/20/10
	Due Date: 05/10/10
Acct rep code:	
Sold To: MAX MATTHEWS*GENERAL ACCT*	Ship To: OLD 98 BEACH WALKOVER
3320 W. HWY 30-A	(850) 267-2601
SANTA ROSA BEACH, FL 32459	
	(850) 267-2601
Customer #: 202	Order By/Max

UNIT
T 58

ORDER	SHIP	L	UM	ITEM#	DESCRIPTION	Alt Price/Unit	PRICE	EXTENSION
6.00	6.00	L	PC	TR2021010	LUMBER-YF #2 2 X 10 X 10' TREATED	623.2753 wbf	10.3900	62.34
					READ PRECAUTIONS FOR TREATED LUMBER (NOTIFY)			
8.00	8.00	L	EA	12212HEXSS	1/2" X 2-1/2" SS HEX BOLT	1.8500 EA	1.8500	14.80
8.00	8.00	P	EA	SS12NUT		0.5000 EA	0.5000	4.00
16.00	16.00	P	EA	12SSFW		0.2500 EA	0.2500	4.00

FILLED BY	CHECKED BY	DATE SHIPPED	DRIVER	Sales total	\$85.14
SHIP VIA	SBAY TRUCK	RECEIVED COMPLETE AND IN GOOD CONDITION		Taxable	85.14
				Non-taxable	0.00
				Sales tax	5.96
				Tax #	
				TBF:	100
				TOTAL	\$91.10

3 - Statement copy



* 0 0 0 B C 9 J 0 0 1 3 I S C A J 4 *

SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 1 Invoice: 10349560

Special Instructions:	Time: 08:58:48
Ship Date: 03/30/10	Ship Date: 03/30/10
Invoice Date: 04/13/10	Invoice Date: 04/13/10
Due Date: 05/10/10	Due Date: 05/10/10
Sale rep #: 410 JOHN HERRICK	Act rep code:
Sold To: MAX MATTHEWS "GENERAL ACCT"	Ship To: DUNE WALKOVER @ CRYSTAL BEACH
3320 W. HWY 30-A	(850) 267-2601
SANTA ROSA BEACH, FL 32459	JOBSITE IS PARKING LOT BW
	OLD BRICK HOUSE & CR BC RSORT
	() - ACROSS FROM TARPONST,
Customer #: 202	Customer PO:
13	Order By: MAX SR

10TH
T 56

ORDER	SHIP	L	UM	ITEM#	DESCRIPTION	Alt Price/Um	PRICE	EXTENSION
8.00	8.00	L	PC	TR2021216	LUMBER-YIP #2 2 X 12 X 16 TREATED READ PRECAUTIONS: TREATED LUMBER (S4BDL)	470.3125 MBF	15.0500	120.40
28.00	28.00	L	PC	TR2021010	LUMBER-YIP #2 2 X 10 X 10 TREATED READ PRECAUTIONS: TREATED LUMBER (S4BDL)	569.8960 MBF	9.5000	266.00
50.00	50.00	L	PC	TR2021016	LUMBER-YIP #2 2 X 10 X 16 TREATED READ PRECAUTIONS: TREATED LUMBER (S4BDL)	558.7514 MBF	14.9000	745.00
26.00	26.00	L	EA	L	2x6x16 #1 pt	9.8900 EA	9.8900	257.14
52.00	52.00	L	EA	L	2x4x16 #1 pt	8.8900 EA	8.8900	462.28
26.00	26.00	L	EA	L	2x6x16 #1 WITH EASED EDGE RADIUS (18")	16.5000 EA	16.5000	429.00
200.00	200.00	L	EA	L	2X6X10 #1 PT MASTERDECK	8.0000 EA	8.0000	1600.00
220.00	220.00	P	EA	H	1/2" X 10' SS HEX BOLTS	2.9600 EA	2.9600	651.20
336.00	336.00	P	EA	H	1/2" X 8' SS HEX BOLTS	2.2000 EA	2.2000	739.20
1112.00	1112.00	P	EA	H	1/2" SS F WASHER	0.1100 EA	0.1100	122.32
556.00	556.00	P	EA	H	1/2" SS NUTS	0.2000 EA	0.2000	111.20
50.00	50.00	L	LB	35STORX	SS 3" 24LB TORX DRIVE 316 WOODPECKER SWAN SECURE QTY. 1,750 PCS (2 BOXES AT 25LB EACH)	14.0000 LB	14.0000	700.00
4.00	4.00	L	PC	TR2021016	#1 PT ORDERED FROM EV SS HARDWARE ORDERED FROM FAT SER WILL DELV 1ST WEEK OF APRIL - JOHN PUGH WILL NOTIFY WHEN TO SHIP LUMBER-YIP #2 2 X 10 X 16 TREATED READ PRECAUTIONS: TREATED LUMBER (S4BDL)	600.0015 MBF	16.0000	64.00

*** CONTINUED ON NEXT PAGE ***

3 - Statement Copy



SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 2 Invoice: 10349560

Special Instructions:	Time: 08:58:48
Ship Date: 03/30/10	Ship Date: 03/30/10
Invoice Date: 04/13/10	Invoice Date: 04/13/10
Due Date: 05/10/10	Due Date: 05/10/10
Sale rep #: 410 JOHN HERRICK	Act rep code:
Sold To: MAX MATTHEWS "GENERAL ACCT"	Ship To: DUNE WALKOVER @ CRYSTAL BEACH
3320 W. HWY 30-A	(850) 267-2601
SANTA ROSA BEACH, FL 32459	JOBSITE IS PARKING LOT BW
	OLD BRICK HOUSE & CR BC RSORT
	() - ACROSS FROM TARPONST,
Customer #: 202	Customer PO:
13	Order By: MAX SR

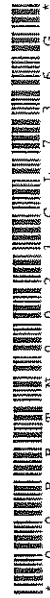
10TH
T 56

ORDER	SHIP	L	UM	ITEM#	DESCRIPTION	Alt Price/Um	PRICE	EXTENSION
					updated!!!!!! added 4 2X10X16 pt, do not ship yet they are having problems set ting posts. max will call and release			

FILLED BY	CHECKED BY	DATE SHIPPED	DRIVER
SHIP VIA	SSAY TRUCK		
RECEIVED COMPLETE AND IN GOOD CONDITION			
Taxable		6267.74	
Non-taxable		0.00	
Tax #		X	
Sales total		\$6267.74	
Sales tax		438.74	
TOTAL		\$6706.48	

IBF: 2163

3 - Statement Copy



SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy

INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 1 Invoice: 10350567

Special Instructions	Time: 08:26:06
Sale rep #:	410 JOHN HERRICK
Sold To:	MAX MATTHEWS*GENERAL ACCT*
Ship To:	DUNE WALKOVER @ CRYSTAL BEACH
Job Site:	JOBSITE IS PARKING LOT B/W
Old Brick House & CR BC RSORT	
Customer #:	202
Customer PO:	13
Order Br/Max SR:	

Order Br/Max SR

ORDER	SHIP	L	U/M	ITEM#	DESCRIPTION	Alt Price/Uom	PRICE	EXTENSION
25.00	25.00	L	EA	L	2X6X10 #1 PT MASTERDECK	8.0000 EA	8.0000	200.00
3.00	3.00	L	EA	L	2X6X16 BULLNOSE PT	16.5000 EA	16.5000	49.50
1.00	1.00	L	PC	TR2021216	LUMBER-YF #2 2 X 12 X 16' TREATED READ PRECAUTIONS TREATED LUMBER (S4BRT) 2X6 DUE TODAY FROM E.W. 2X8 DUE 4/22 GSWP. DELIVER 2X8 & 2X12 BY 10:00 A.M. TOMORROW.....JAY	796.7500 MSF	24.2800	24.28

FILLED BY	CHECKED BY	DATE SHIPPED	DRIVER
SHIP VIA	SHIP TRUCK		
RECEIVED COMPLETE AND IN GOOD CONDITION			
Taxable	273.78		
Non-taxable	0.00		
Tax #			
Sales total	\$273.78		
Sales tax	19.17		
TOTAL	\$292.95		

3 - Statement Copy



TBF: 32

SOUTH BAY ACE

P.O. BOX 1386
SANTA ROSA BEACH, FL 32459
(850) 267-2509 FAX (850) 267-1147

Statement Copy

INVOICE

PLEASE REFER TO INVOICE NUMBER
ON ALL CORRESPONDENCE

Page: 1 Invoice: 10350235

Special Instructions	Time: 10:08:54
Sale rep #:	180 Jenny
Sold To:	MAX MATTHEWS*GENERAL ACCT*
Ship To:	DUNE WALKOVER @ CRYSTAL BEACH
Job Site:	JOBSITE IS PARKING LOT B/W
Old Brick House & CR BC RSORT	
Customer #:	202
Customer PO:	13
Order Br/Max	

Order Br/Max

ORDER	SHIP	L	U/M	ITEM#	DESCRIPTION	Alt Price/Uom	PRICE	EXTENSION
4.00	4.00	L	BOX	QD3SS	QUICKDRIVE 10 X 3" SS SCREWS	280.0000 BOX	280.0000	1120.00

FILLED BY	CHECKED BY	DATE SHIPPED	DRIVER
SHIP VIA	CUSTOMER PICK UP		
RECEIVED COMPLETE AND IN GOOD CONDITION			
Taxable	1120.00		
Non-taxable	0.00		
Tax #			
Sales total	\$1120.00		
Sales tax	78.40		
TOTAL	\$1198.40		

3 - Statement Copy



TBF: 32

posted/pending
5-12-10

SEA OATS MANAGEMENT CO.
RENTAL ESCROW
P O Box 222 850-837-6655
Destin, FL 32541

2494

63-1011/632

PAY
TO THE
ORDER OF

Harvey's Development Co.
Twenty Three Hundred Fifty Six 07

DATE

5-6-10

\$ *2356.07*

DOLLARS



AM SOUTH BANK

THE RELATIONSHIP PEOPLE

FOR

10% Comm on Beachwalk

H.D. Blankenship

MP

© HARRIS AND STYLE XXI

0 • C

Goddie Mor - 8,670.00 +
Goodfield - 5,457.82 +
Sally Jay - 9,432.92 +
23,560.74 *

2494

pass/prwy
5-12-10

#2500

M-4

Landscape



#2500

M-4

More saving.
More doing.SM

4385 COMMONS DRIVE WEST
DESTIN, FL 32541 (850)650-4175

6377 00002 62733 05/14/10 09:50 AM
CASHIER DIANA - DS5731

043156171408	GRGSCYLABCMB <A>	47.92
764666141421	34HGFS1 <A>	3.24
694903	SNOW FENCE <A>	
2057.00		114.00
098168230704	TIMBER <A>	
1003.97		39.70

SUBTOTAL	204.86
SALES TAX	12.29
TOTAL	\$217.15
CHECK	217.15

XXXXXX4478
AUTH CODE 002292

TA



6377 02 62733 05/14/2010

RETURN POLICY DEFINITIONS
POLICY ID DAYS POLICY EXPIRES ON
A 1 90 08/12/2010

THE HOME DEPOT RESERVES THE RIGHT TO
LIMIT / DENY RETURNS. PLEASE SEE THE
RETURN POLICY SIGN IN STORES FOR
DETAILS.

When you provide a check as payment,
you authorize us to use the information
from your check to process a one-time
Electronic Funds Transfer (EFT) or
draft drawn from your account, or
process the payment as a check
transaction. You also authorize us to
process credit adjustments, if



post/print
5-17-10

Moore Bass

CONSULTING

INVOICE: 0040031

CLIENT: Dieter Blashichler
c/o Sea Oats Motel
P.O. Box 222
Destin, FL 32541

Project Name: Sea Oats Motel

Project No: D2158.0001.00

Invoice Date: May 01, 2010

Services from: March 26, 2010 to April 26, 2010

TASK #	BASIC SERVICES TASK	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E0080	Construction Documents	5,000.00	100.00%	5,000.00	2,800.00	0.00	2,200.
E0090	Permitting	2,500.00	89.00%	2,225.00		275.00	2,225.
E9000	FDEP Beaches & Shores Consulting	Hourly		3,355.00	3,355.00	N/A	
S0030	Boundary and Topographic Survey	2,500.00	100.00%	2,500.00	2,500.00	0.00	
S9000	Stake Eastern Property Line	250.00	100.00%	250.00	250.00	0.00	
S9001	Stake Western Property Line	250.00	100.00%	250.00	250.00	0.00	
Subtotal		10,500.00		13,580.00	9,155.00	275.00	4,425.

TASK #	REIMBURSABLES	CONTRACT FEE		AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E0080	Construction Documents		N/A	94.38		N/A	94
E0090	Permitting		N/A	32.51		N/A	32
Subtotal				126.89			126

Remit to: Moore Bass Consulting, Inc.
805 North Gadsden Street
Tallahassee, Florida 32303

CURRENT INVOICE TOTAL 4,551.

PAST AMOUNT DUE

Please indicate invoice numbers on check(s)
If you have questions, please call (850) 222-3367 Accounting Dept.

TOTAL AMOUNT DUE NOW: 4,551

posted/printed
5-27-10

5-24-10
Traship (50000 checks)
#2502

Net Due 10 Days

198140

INVOICE

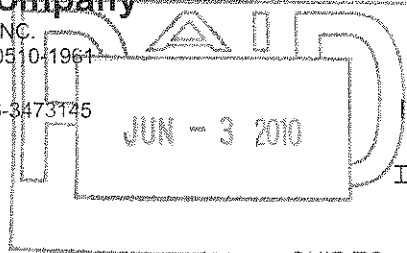
63-10


BARCO Products Company

 A Division of GENEVA SCIENTIFIC INC.
 11 N. Batavia Avenue / Batavia, IL 60510-1961

(630) 879-0084

Federal I.D. #36-3473145



INVOICE NUMBER 041002143

INVOICE DATE 06-02-10

SOLD TO:

 SEA OATS MOTEL
 HD BLASBICHLER

 3420 SCENIC HIGHWAY 98
 DESTIN

FL 32541-4725

SHIP TO:

 SEA OATS MOTEL
 HD BLASBICHLER
 ((CALL 850-837-6655))
 3420 SCENIC HIGHWAY 98
 DESTIN

FL 32541-4725

CUSTOMER #	ORDER DATE		PHONE NUMBER	INVOICE DATE	DATE TO SHIP	
198140	04-29-10		850-837-6655		SEE PRODUCT DESC.	
P.O. NUMBER		TERMS		ORDERED BY	SHIPPING METHOD	
WEB STORE Shipper		Credit Card Date			4308348962	
ORDERED	SHIPPER	DATE	ITEM NO.	DESCRIPTION	PRICE	AMOUNT
1/EA	UPS BLUE	05-26-10	GR6802	WAVE BIKE RACK(5),ING	218.00	218.00
1/EA	ODFL BLUE	05-10-10	PUPEX-32RDTL	32GAL.CITY RCPTCL+DOME LID+	438.00	438.00
1/EA	ODFL BLUE	05-10-10	PUP942S-DV6	6'CITY PLAYERS BENCH,15"W,I	358.00	358.00
1/EA	N/A	05-10-10	SR/NLG	CUST DECLINED LIFT GATE		
1/EA	N/A	05-10-10	SR/CA	NEEDS 24HR CALL #850-837-6655		
1/EA	N/A	05-10-10	SR/PSHPC	PARTIAL SHIPMENT		
PAID JUN - 3 2010 pd. with CC for						
Prod Subt		Ship Chg	SalesTax	Invoice Ttl	Pmt Recd.	Balance Due
1,014.00		202.91	.00	1,216.91	.00	\$.00



Regions Bank

Main Office - Destin
100 Main ST
Destin, FL 32541

SEA OATS MOTEL
PO BOX 222
DESTIN FL 32540-0222



ACCOUNT #

Cycle 092
Enclosures 27
Page 133
2 of 12

DEPOSITS & CREDITS (CONTINUED)

06/21	Deposit - Thank You	- 1,470.00 -
06/21	Deposit - Thank You	- 450.00 -
06/21	Npc Merch Pymt Proc Sea Oats Motel 0013794992	6,063.99
06/21	Npc Merch Pymt Proc Sea Oats Motel 0013794992	5,041.77
06/22	Npc Merch Pymt Proc Sea Oats Motel 0013794992	8,734.05
06/23	Npc Merch Pymt Proc Sea Oats Motel 0013794992	7,102.72
06/24	Npc Merch Pymt Proc Sea Oats Motel 0013794992	3,616.26
06/25	Npc Merch Pymt Proc Sea Oats Motel 0013794992	4,484.10
06/28	Deposit - Thank You	- 5,966.38 -
06/28	Deposit - Thank You	- 600.00 -
06/28	Npc Merch Pymt Proc Sea Oats Motel 0013794992	6,161.31
06/28	Npc Merch Pymt Proc Sea Oats Motel 0013794992	5,892.24
06/28	Npc Merch Pymt Proc Sea Oats Motel 0013794992	3,255.07
06/29	Npc Merch Pymt Proc Sea Oats Motel 0013794992	2,800.53
06/30	Npc Merch Pymt Proc Sea Oats Motel 0013794992	2,990.26
Total Deposits & Credits		\$209,752.38

WITHDRAWALS

06/01	CheckCard Purchase Wal-Mart #1362 Destin FL 1737	107.59
06/02	Npc Merch Pymt Proc Sea Oats Motel 0013794992	3,675.49
06/03	Simple Hr Payroll Sea Oats Motel	7,191.27
06/04	CheckCard Purchase Barco Products 630-8790084 IL 1737	1,216.91
06/10	Simple Hr Payroll Sea Oats Motel	7,259.73
06/15	M & T Mortgage Mtg Pymt Blasbichler	487.00
06/16	Fla Dept Revenue C01 Sea Oats Motel 000000012027854	8,932.91
06/17	Simple Hr Payroll Sea Oats Motel	7,234.78
06/21	Telecheck Inv062010A Sea Oats Motel 0030129033	154.38
06/24	Simple Hr Payroll Sea Oats Motel	7,435.66
06/29	CheckCard Purchase Wal-Mart #1362 Destin FL 1737	40.20
06/30	Fla Dept Revenue C01 Sea Oats Motel 000000012027854	9,722.94
Total Withdrawals		\$53,558.87

FEES

06/01	Stop Pay-Special Pay Inst Fee	0.00
06/09	Analysis Charge 05-10	105.21
06/18	Stop Pay-Special Pay Inst Fee	36.00
Total Fees		\$141.21

0. 0
 1,980.00 +
 225.00 +
 2,205.00 *



P.O. Box 5324
 Destin, FL 32540
 (850) 837-1159

INVOICE

DATE	PO #	Num
12/8/2010		70

Sea Oats Motel
 3420 Scenic Hwy 98
 Destin, FL 32541

Due Date	Phone	Fax	Job
12/8/2010	850-837-6655	654-8255	

id	Item	Qty.	Description	Rate
10			MANUFACTURED & INSTALLED: PUBLIC BEACH	
10	Materials - ...		ACCESS SIGN TARPON STREET	1,980.00
10	Labor		SIGN SYSTEM	225.00
			INSTALLATION	
			TAX EXEMPT (CITY OF DESTIN)	
#2602 12-26-10				

PANHANDLE PLUMBING

P.O. Box 972
DESTIN, FLORIDA 32540
(850) 837-6441

JOB INVOICE**7601**

CUSTOMERS ORDER NO.		DATE ORDERED 8/22/14	
ORDER TAKEN BY		DATE PROMISED ☐ A.M. ☐ P.M.	
BILL TO SEA OATS APARTMENTS & MOTEL		PHONE	
ADDRESS 3420 SCENIC HIGHWAY 98		MECHANIC	
CITY DESTIN, FLORIDA 32541		HELPER	
JOB NAME AND LOCATION ABOVE		☐ DAY WORK	
DESCRIPTION OF WORK BREAK DOWN OF INVOICE 7584		☐ CONTRACT	
		☐ EXTRA	

QUANT.	DESCRIPTION OF MATERIAL USED	PRICE	AMOUNT
	SHOWER TOWER		3630 00
>	FREIGHT		320 00
	SUB TOTAL		3950 00
	.06% TAX		237 00
	SUB TOTAL		4187 00
	BACKFLOW PREVENTOR		400 00
	MISC. MATERIALS		328 00
	LABOR		735 00
	TOTAL DUE THANK-YOU		5650 00

50% SON 2825
50% Trashup 2825
5650

9-2-14

HOURS	LABOR	AMOUNT	TOTAL MATERIALS
	MECHANICS @		
	HELPERS @		TOTAL LABOR
I hereby acknowledge the satisfactory completion of the above described work.		TOTAL LABOR	TAX
SIGNATURE		DATE COMPLETED	TOTAL

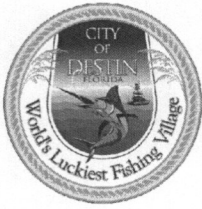
ED SUP 1ED
1001 CHASTY DR
Niceville FL 32578

489432

Invoice

SOLD TO		SHIP TO	
Dietrich Sea Outlets Motel			
ADDRESS		ADDRESS	
Tarpon St Beach guests			
CITY, STATE, ZIP		CITY, STATE, ZIP	
CUSTOMER ORDER NO.		TERMS	DATE
			10-23-14
SOLD BY		F.O.B.	
ORDERED	SHIPPED	DESCRIPTION	PRICE
		Excavate 12'x8' area to pour	
		concrete	
		pour concrete and finish to	
		specs	
		place in predities for Bile for analysis	
		and bench.	
		Complete materials	\$ 615
		labor	600
		Total	\$ 1215
			27

CITY OF DESTIN



AGENDA ITEM

CITY COUNCIL MEETING DATE:

December 7, 2015

TYPE OF AGENDA ITEM:

Staff Report & Recommendation

TO: Mayor and City Council

THROUGH: City Manager, Greg Kisela *dk*FROM: Community Development Director, Kenrick Gallander, AICP *KG*

DATE: November 20, 2015

SUBJECT: Tarpon Street Public Beach Access and Associated Improvements Reimbursement to Mr. Dieter Blasbichler – Agreement Compliance

- I. **BACKGROUND:** On February 25, 2008, the City Council approved a Tier 3 major development known as “Caretta Dunes.” Two of the public benefits associated with the development were the dedication of a 5’ wide easement (\$350,000), which has been dedicated to the City for a public beach access and the construction of the public beach access improvements (\$49,500) directly across from Tarpon Street.

Due to the economic downturn experienced over the last several years, the “Caretta Dunes” development did not commence as anticipated. Mr. Dieter Blasbichler, the current property owner/representative for the Sea Oats Motel and adjacent properties where “Caretta Dunes” was to be developed, approached city staff in early 2010 with a proposal to seek permits, pay for, and construct the public beach access and associated improvements now rather than waiting for the Caretta Dunes’ developer to do the same sometime in the distant future. Staff further discussed this proposal with Mr. Blasbichler and the Caretta Dunes’ developer, The Head Companies, to further detail how the proposal could be accomplished. Staff drafted a proposal to help ensure the public beach access is constructed sooner rather than later and presented the proposed understanding to the City Council at their March 1, 2010 meeting, which is as follows (See also Attachment “A” – March 1, 2010, for the complete Staff Report & Recommendation):

The following identifies the proposed understanding that enabled Mr. Blasbichler to move forward with the permitting and construction of the public beach access and associated improvements in 2010 rather than years from then:

1. Proposed cost shall not exceed \$49,500 (as per the public benefit) for the public beach access improvements.
2. Public beach access, planned amenities, and signage shall meet or exceed city standards and requirements.
3. Mr. Blasbichler will pay for, permit, and construct the public beach access and associated amenities by June 2010.

4. If the Caretta Dunes development is constructed, the costs and reimbursement associated with the public beach access improvements will be addressed with Mr. Blasbichler directly in a separate agreement in order to satisfy the final amended development order condition.
5. If the Caretta Dunes development is not constructed per the final amended development order No. 08-13 or the final amended development order is voided/withdrawn, the City will reimburse Mr. Blasbichler up to \$24,750.00 or no more than half of the total cost (to be determined later in a separate agreement with Mr. Blasbichler) of the public beach access and associated improvements.

The City Council approved unanimously, 7-0, the proposed understanding as stated in the March 1, 2010, Staff Report & Recommendation enabling Mr. Blasbichler to construct the public beach access and associated improvement by June 2010 (Attachment "B"). Mr. Blasbichler coordinated with the city and obtained all approvals to construct the public beach access and associated improvements, which are in place and used by the public (See Attachment "C" – Photos of the Tarpon St. Public Beach Access).

II. **DISCUSSION:**

As proposed, Mr. Blasbichler had the public beach access and associated improvements installed and are in full use by the public. The "Caretta Dunes" development has been voided and will not be constructed. As per the agreed upon proposal, #5 listed above, the City agreed to pay up to \$24,750.00 or no more than half of the total cost of the public beach access and associated improvements. The total amount is \$46,839.74 (See Attachment "D"). Thus, the City is obligated to reimburse Mr. Blasbichler \$23,419.87, which is less than the maximum proposed to be expended.

A. **Link to Strategic Focus/Goals/Objectives:**

- **World Class Beach, Fishing, and Harbor**
- **High Quality of Life and Safety for Families**

B. Effect on Budget (EOB): As proposed, Mr. Blasbichler had the public beach access and associated improvements installed and are in full use by the public. The "Caretta Dunes" development has been voided. The City agreed to pay up to \$24,750.00 or no more than half of the total cost of the public beach access and associated improvements. Thus, the City is obligated to reimburse Mr. Blasbichler \$23,419.87, which is less than the maximum proposed from existing Recreation Impact Fee account (Account code: 15157283.563000).

C. Level of Service (LOS): With the completion of the public beach access and associated improvements, the City increased the level of service to the beach. Total number of public beach accesses points in the Crystal Beach area has increased to seven (7).

III. CONCLUSION: It is in the best interest of the public that beach access is provided throughout the City. Through this proposed agreement and follow through by Mr. Blasbichler, the benefit of the public beach access now having been constructed and in full use by the public rather than sometime in the relatively distant future or none at all since the development did not happen, has been in the best interest of our community.

- IV. **RECOMMENDED MOTION:** "I move the City Council approve, per the City Council's March 1, 2010, approval of the proposed understanding for completing the public beach access and associated improvements, reimbursement of not more than \$23,419.87 to Mr. Blasbichler from the City's Recreation Impact Fee account code 15157283.563000."

Attachments:

- A. March 1, 2010, Staff Report & Recommendation
- B. City Council Minutes: March 1, 2010
- C. Photos of Tarpon St. Public Beach Access
- D. Request for reimbursement and associated costs documentation from Mr. Blasbichler

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 7, 2015
CITY HALL BOARDROOM
6:00 PM**

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

Destin City Council

Mayor Mel Ponder
Councilmember Rodney Braden
Councilmember Cyron Marler

Councilmember Jim Wood
Councilmember Jim Foreman
Councilmember Prebble Ramswell

Destin City Staff

City Manager Greg Kisela
CRA/Development Manager Steve Schmidt
Community Development Director Ken Gallander
Parks/Recreation Director Lance Johnson
Deputy Public Services Director Tim Pietenpol
Public Information Manager Doug Rainer
HR Manager Karen Jankowski

City Clerk Rey Bailey
IT Manager Webb Warren
Code Enforcement Manager David Bazylak
Finance Director Bragg Farmer
City Engineer David Campbell
Land Use Attorney Scott Shirley
City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Mel Ponder called the meeting to order at 6:00 PM. Councilmember Marler delivered the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

APPROVAL OF MINUTES

1. Request approval of minutes of the October 20, 2015 special city council meeting
2. Request approval of minutes of the October 19, 2015 regular city council meeting

Motion by Councilmember Wood, seconded by Councilmember Marler, to approve minutes of the October 20, 2015 special council meeting and October 19, 2015 regular council meeting passed 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

PUBLIC HEARINGS

3. First reading of Ordinance 15-14-LC, regulations for outdoor storage and parking in residential neighborhoods

The City Attorney read Ordinance 15-14-LC by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE CONSERVATION OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS BY LIMITING THE NUMBER AND TYPE OF VEHICLES WHICH MAY BE STORED OUTSIDE; AMENDING ARTICLE 9 SECTION 9.05.00 CONSERVE ESTABLISHED NEIGHBORHOODS BY CREATING A NEW SECTION 9.05.00.B.6.VEHICLES STORED OUTSIDE; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained this item relating to regulation of outdoor storage was previously discussed by Council. The proposed ordinance limits property owners or occupants to one operable boat and/or Jet Ski and one operable trailer and/or RV in their front and side yard. Any additional items would be required to be stored behind the fence in the backyards. He stated the proposed ordinance was presented to the Local Planning Agency on October 22, 2015, which unanimously voted to recommend its approval to the City Council.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Shane Moody, President and CEO of the Destin Area Chamber of Commerce, stated they have been fairly vocal since 2012 with code enforcement about cleaning up the City and making it safe for the pedestrians, and making the quality of place and quality of life for residents and tourists better. He stated the Chamber Board is in favor of passing the proposed ordinance.

Having no further comments from the public, the Mayor closed the public hearing portion and turned the matter over for discussion and consideration by Council.

Councilmember Ramswell moved for approval of the proposed Ordinance 15-14-LC on first reading and direct staff to schedule it for final adoption on second reading. Councilmember Braden provided a second to the motion.

Councilmember Wood wants to make sure only cars, not trailers or boats are allowed to park in the right-of-way.

The Community Development Director Ken Gallander noted there is language in the code that such things could park there on a temporary basis; however, they are monitored as they come and go by staff.

Councilmember Foreman wants to make sure the ordinance does not prohibit service vehicles, such as lawn care services, to park in the right-of-way.

Mr. Gallander stated service vehicles are not prohibited since they park in the right-of-way on a temporary basis.

The Mayor called for a vote on the motion, which passes 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted “yes”; Council members Trammell and Dixon were absent from the meeting).

4. First reading of Ordinance 15-15-CC, short term rental regulations

The City Attorney read Ordinance 15-15-CC by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE REGISTRATION OF SHORT TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT OF CODE OF ORDINANCES SECTION 13-104 DEFINITIONS; PROVIDING FOR AMENDMENT OF CODE OF ORDINANCES 13-106 FORMAL APPLICATION REQUIRED; PROVIDING FOR AN AMENDMENT OF CODE OF ORDINANCES SECTION 13-107 APPLICATION FOR REGISTRATION; PROVIDING FOR THE CREATION OF A NEW SECTION 13-108 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE RENUMBERING OF SECTION 13-108 FEES FOR REGISTRATION; PROVIDING FOR THE RENUMBERING AND AMENDMENT OF SECTION 13-109 ISSUANCE OR REFUSAL OF REGISTRATION; PROVIDING FOR THE RENUMBERING OF SECTION 13-110 REGISTRATION NOT TRANSFERRABLE; PROVIDING FOR THE RENUMBERING OF SECTION 13-111 EXPIRATION OF REGISTRATION; PROVIDING FOR THE DELETION OF SECTION 13-114 REVOCATION; PROVIDING FOR THE RENUMBERING OF SECTION 13-115 TERRITORY EMBRACED; PROVIDING FOR THE RENUMBERING AND THE AMENDMENT OF SECTION 13-116 POSTING OF SIGNAGE; PROVIDING FOR THE RENUMBERING OF SECTION 13-117 PREEMPTION OF HOMEOWNER'S ASSOCIATION; PROVIDING FOR THE RENUMBERING OF SECTION 13-118 COMPLAINTS; AND PROVIDING FOR THE AMENDMENT AND RENUMBERING OF SECTION 13-119 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that during the September 21, 2015 meeting, Council directed staff to draft an ordinance regulating short-term rentals of single-family attached dwelling units, incorporating the recommended amendments to the existing ordinance, and sending the amended regulations to the Local Planning Agency. He also noted that the following items are those portions of the existing regulations that were significantly amended based on Council's guidance and direction:

- Require submittal of all State issued documents as part of application review in accordance with State Statutes
- Expanded and clarified requirements for vehicle parking associated with short-term rentals
- Expanded and clarified requirements for garbage service and removal
- Include attached single-family dwelling units as being required to adhere to the short-term rental regulations

The City Manager also stated the proposed ordinance will help ensure they are providing City code enforcement officers and citywide staff with tools to help improve the quality of life for

all residents and visitors affected by short-term rental uses. He added the Local Planning Agency voted unanimously to recommend the passing of the proposed ordinance to the City Council.

Mr. Gallander noted that a correction was made on page 6, Section 13-110(6), line 1, adding the word “of” between “form” and “short-term rental.”

The City Clerk acknowledged that he has the change in written form.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Ken Wampler, a Destin resident, commended Council and staff for the excellent work they have done on the ordinance stating it will give staff the tools required to do their job. He also suggests changing the size of the required signage within the single family dwelling unit to 8 ½ by 11; adding it should not make a huge impact relative to the guest being able to read it.

Councilmember Ramswell moved for approval of proposed Ordinance 15-15-CC on first reading and direct staff to schedule it for final adoption on second reading; seconded by Councilmember Marler.

Councilmember Ramswell noted that Section 13-113 was missing on page 6 of the proposed ordinance.

Mr. Gallander stated they would reinsert that section.

Councilmember Ramswell asked if Section 13-111 needed to be stricken.

The Land Use Attorney stated it does not; adding it was simply for the renumbering of that particular section and it does not change the actual text.

Referencing page 4, Section 13-108(1), lines 3-4: “*Garage area parking shall only be counted as provided parking if the area is open and free from obstructions*”; Councilmember Wood asked for some clarifications of this language.

Mr. Gallander explained that since they have added the town homes, their garage would have to fall under these rules. He continued the garage would have to be free from obstruction; otherwise, they are not counted as provided parking, which then potentially limits their ability to provide for parking on their property.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted “yes”; Council members Trammell and Dixon were absent from the meeting).

5. Resolution of Intent to use uniform method of collecting non-ad valorem assessment for acquisition and improvement of Regions Way

The City Attorney read Resolution 15-14 by title.

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained that Regions Way was privately constructed. It has never been dedicated to the City, and has been poorly maintained. He stated that on September 3, 2014 Council meeting, there was a general consensus among Council that the City not take over Regions Way unless it is brought up to current standards by the owners or by Special Assessment. He stated that petitions from over half the 126 property owners currently anticipated to be affected by a Special Assessment for Regions Way improvement had been submitted; and that Council subsequently directed the City Manager to pursue a Special Assessment for the acquisition and improvement of Regions Way, utilizing the Non-Ad Valorem Assessment process with the County's Tax Collector's Office. He also stated State statutes require that the City holds a public hearing and adopt this resolution of intent to use the uniform method of collection for any assessment program in the calendar year prior to any such collection. To assist the City in doing this, they have engaged the Government Services Group from Tallahassee, specifically Ms. Camille Tharpe, who is recognized as the expert in this particular area throughout the State. She then introduced Ms. Tharpe who provided the following Power Point presentation:

➤ Project Overview

- ❖ Regions Way connects Crystal Beach Drive and U.S. Hwy 98
- ❖ Privately constructed in the late 80's
- ❖ Private asphalt roadway, approximately 1,130 feet in length, located on a sixty foot private right-of-way owned by Regions Way of Destin, LLC
- ❖ Property owners have secured and submitted petitions from over half the property owners within the area
- ❖ In August 2015, City Council voted unanimously to proceed with creation of a special assessment program in accordance with Chapter 170, Florida Statutes, provided that collection of annual installment on the special assessment could be handled by the County Tax Collector
- ❖ Propose to streamline the imposition of the assessment program by using the City's home rule authority (not chapter 170)
- ❖ Project includes:
 - Acquire the right-of-way from the existing owners, pay the taxes and certificates, and engage a contractor to demolish and reconstruct a substantial portion of the existing roadway, including ribbon curb
 - The contractor will mill and resurface over the least degraded section of roadway
 - Roadside swales will be installed and stabilized for storm water treatment and control

➤ Project Costs

❖ Demolition	\$44,050.00
❖ Paving	\$80,279.50
❖ Traffic Maintenance	\$15,000.00
❖ Concrete	\$17,360.00
❖ Drainage	\$0.00
❖ Sod & Erosion Control	\$ 7,150.00
❖ Miscellaneous	<u>\$ 7,905.00</u>
SUBTOTAL	\$171,744.50

❖ 5% Contingency	\$ 8,587.23
❖ Mobilization (Max 5% of Bid)	\$ 8,587.23
❖ Bonds and Insurance (Max 2% of Bid)	\$ 3,434.89
❖ Engineering and CEI (15%)	\$25,761.68
❖ GSG, Inc.	\$ 3,500
❖ County Tax Certificate	\$ 228,615.52

 SUBTOTAL

 Less City Contribution \$ 202,853.84

➤ Assessment Methodology

 ❖ Improved Parcels

- Based on building use codes assigned to each building by the Okaloosa County Property Appraiser or the City's independent verification of building use
- Total building square feet or dwelling units for each building located on the parcel and
- Estimated number of vehicle trip rates such parcel generates relative to the total vehicle trips generated by parcels in the assessment area pursuant to the ITE Schedule, adjusted for the direct or indirect use of the roadway

 ❖ Unimproved Parcels

- Based on their planned and permitted development build-out
- Total building square feet or dwelling units for each building to be located on the parcel and
- Estimated number of vehicle trip rates such parcel generates relative to the total vehicle trips generated by parcels in the assessment area pursuant to the ITE Schedule, adjusted for the direct or indirect use of the roadway

➤ Financing Assumptions

- ❖ Internal loan
- ❖ Total project costs of \$202,853.84 including contingencies
- ❖ 5 year term
- ❖ 5% interest rate
- ❖ One payment per year
- ❖ No debt service reserve fund, capitalized interest, issuance costs or underwriters discount

➤ Prepayments

- ❖ Property owners can prepay their assessment amounts prior to financing to avoid additional financing costs and are provided additional prepayment opportunities at any time after the money has been borrowed, subject to financing costs
- ❖ Prior to borrowing money:
 - Each property owner will be given the opportunity to prepay the assessment at this rate prior to the date on which the City borrows money and incurs any financing cost
 - Amounts received by the City from prepayments will be used to pay the construction costs and decrease the amount of money to be borrowed
 - All initial prepayment amounts must be paid in full – partial payments will not be accepted
- ❖ Following the borrowing of money: Since the City is not charging any financing costs, the prepayment amounts are the same
- ❖ The prepayment amount will be reduced annually to reflect the principal component of each annual assessment payment. Property owners will be entitled at any time to prepay the balance of the remaining assessment at this rate. All prepayment amounts must be paid in full – partial payments will not be accepted

➤ Annual Assessments

Item	Based On	Amount
Annual Debt Service	Debt Service	\$46,854.12
Property Appraiser Costs	Estimated at 2%	\$1,029.76
Tax Collector Costs	Estimated at 2%	\$1,029.76
Statutory Discount	Estimated at 5%	\$2,574.40
Annual Assessment Amount		\$51,488.05

➤ Implementation Steps – Schedule

Event	Date
First reading of Home Rule Ordinance	January 4, 2016
City advertises public hearing to adopt ordinance	By - January 7, 2016
Public hearing/Home Rule Ordinance and Initial Assessment Resolution adopted	January 18, 2016
Print and stuff notices	January 18-20, 2016
Publication deadline for Notice of Public Hearing re: Final Resolution	By – January 25, 2016
Mail notices to affected property owners	January 25, 2016
Public hearing to adopt Final Assessment Resolution	February 15, 2016
Prepayment period starts	February 16, 2016
Prepayment period ends	March 17, 2016
Certified tax roll to Tax Collector	By – September 15, 2016

Councilmember Ramswell asked how they arrived at the City's contribution of \$25,000.

The CRA/Development Manager Steve Schmidt stated these are standard percentages for the project costs that they use to determine the amount; but, since they are doing all the design, engineering and supervision during construction in house, basically their contributions are staff time.

The Mayor opened a public hearing to receive comments for or against the proposed resolution. Having none, the Mayor closed the public hearing portion and turned the matter over for discussion and consideration by Council.

Motion by Councilmember Foreman, seconded by Councilmember Wood, to approve proposed Resolution 15-14 and direct staff to send a copy to the appropriate parties, as required by Section 197.3632 Florida Statutes, passed 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS

At this time, the Mayor asked if any member of the public would like to speak on agenda items #6 thru #23.

Mrs. Mary Ann Windes, a Destin resident, came forward to speak on agenda item #22 – Funding Safety Assessment Study/proposed 3R Project Improvements. Mrs. Windes noted that in terms of the pedestrian crosswalks planned for US Hwy 98, the City was being asked to pre-fund some of the money that would be reimbursed by FDOT. She continued that for safety reasons, they are urging the City to approve this action. She also stated they do not have a problem with the location of the crosswalk closest to the Marler Parking Lot. She continued that the Destin Fishing Fleet had originally stated they will not oppose it as long as it is located west of their property. However, upon learning that FDOT seems to be struggling with it, they discussed this matter with some of the other property owners during a board meeting. They have decided to support the location of the crosswalk anywhere from the east side of their property to the west side of the City property; adding that getting employees and customers safely across the street is the main goal, and they will support whatever work best for the City and FDOT.

Next, Ms. Leigh Moore representing Howards Group came forward and addressed item #22 as well. She remarked they would support the City's decision and FDOT's recommendation. However, they suggest the fifth pedestrian crosswalk be located as close as possible to the Marler Parking Lot; adding if it is located further west, it gets very close to the one proposed in front of AJ's Restaurant. She also noted that the western corner of the parking lot seems to be the best place for the crosswalk because FDOT apparently has an easement on the south side of that area, and it is also a future location for a transit stop.

CONSENT AGENDA*

6. Request for approval to add a 12' x 32' boat slip and boat lift to an existing dock / Destin Lowery / Marine Construction

7. Request for approval to purchase FY 2016 budgeted equipment
8. Reimbursement to Councilmember Sandy Trammell for expenses incurred at the Florida League of Cities 55th Annual Legislative Conference in Orlando, Florida on November 19-20, 2015

Motion by Councilmember Ramswell, seconded by Councilmember Wood, to approve Consent Agenda items #6 thru #8, as printed above, passes 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

RESOLUTIONS

9. Resolution 15-15 – Schedule of Fees for FY 2016

The City Attorney read Resolution 15-15 by title.

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY; AMENDING THE SCHEDULE OF FEES FOR FISCAL YEAR 2016; PROVIDING FOR REPEALER AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that the Community Development Department has completed an evaluation of its fees and program descriptions to ensure they are accurate for the individual programs, and changes are included in the fee schedule. He also noted the resident fee of \$30.00 for use of the Joe's Bayou Boat launch was eliminated.

Referring to page 9, item #14 of the fee schedule, Councilmember Ramswell asked why they changed the category of swimming pools from "commercial" to "public."

Mr. Gallander explained it is in correlation with the building codes. A lot of the building code requirements follow the commercial categories; adding that commercial type pools have a different construction technique and different requirements.

Councilmember Ramswell asked how they differentiate between hotel pools and public pools.

Mr. Gallander noted that hotel pools are considered public pools.

Motion by Councilmember Wood to adopt Resolution 15-15 and the associated Schedule of Fees for Fiscal Year 2016 with an effective date of January 1, 2016 was seconded by Councilmember Ramswell and passed 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

COMMITTEE REPORTS

SCHEDULED PRESENTATIONS FROM THE PUBLIC**

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

10. Councilmember Braden
11. Councilmember Ramswell

Councilmember Ramswell stated that she enjoyed the Christmas Tree Lighting at the Destin Community Center; adding it was excellent with some amazing singers. She thanked everyone involved in organizing the event.

- 12. Councilmember Dixon
- 13. Councilmember Foreman
- 14. Councilmember Marler

Councilmember Marler stated he was the master of ceremony for the Christmas Tree Lighting, and that he was very pleased with the way it was organized.

- 15. Councilmember Wood
- 16. Councilmember Trammell
- 17. Mayor Ponder

Mayor Ponder stated that in pursue of higher office of State Representative, he would have to step down as Mayor of the City of Destin before his term expires. He continued that out of respect and fiduciary responsibility to the City, he wanted to step down when there is a least economic impact to the City to have the Mayoral election added to the ballot in the upcoming elections. He further stated that the two windows of opportunity was either to step down in June 2016 so it will be in the ballot for the August 2016 Primary Election, or step down in January 2016 so the Mayoral election will be included in the ballot for the March 2016 Presidential Primary Election. He explained that he is running for the higher office based on the core values he believes in as well as to honor things they built in this community; and that after spending a lot of time and consideration he, with the support of his family, has decided to step down effective January 15, 2016. He added it has been an honor, privileged, and an amazing benefit to serve as Mayor of the City of Destin.

Councilmember Ramswell stated that Mayor Ponder honors this City by his very presence. He will be greatly missed, and that they wish him the very best and support him in his decision.

STAFF REPORTS AND RECOMMENDATIONS

- 18. City Attorney comments
- 19. City Land Use Attorney comments
- 20. Tarpon Street public beach access and associated improvements reimbursements to Mr. Dieter Blasbichler – agreement compliance

The City Manager noted this item was continued from the previous Council meeting to allow staff time to conduct additional research. He explained that the City Council approved a Tier 3 project known as "Caretta Dunes." Two of the public benefits associated with the development were the dedication of a 5' wide easement, which has been dedicated to the City for a public beach access and the construction of public beach access improvements. On March 1, 2010, the City Council approved unanimously, 7-0, a proposed understanding enabling Mr. Blasbichler to construct the public beach access and associated improvement. The instruction was to memorialize it into an agreement, which basically did not get accomplished. What was agreed to was if the project did not move forward pursuant to the Tier 3 public benefit component, the City would

reimburse the developer half of the estimated costs, not to exceed \$49,500. He added even though they never memorialized the agreement, the City Council unanimously approved the proposed understanding as stated in the March 1, 2010 Staff Report and Recommendation, a copy of which has been provided to this Council.

Councilmember Braden asked when the easement was conveyed to the City and for what reason.

Mr. Gallander replied the easement was conveyed to the City April 27, 2006. He explained that as part of the development there was an existing easement in the middle of the property. They relocated that easement to the west side of the property to ensure it was not in the middle of what was proposed as "Caretta Dunes."

Councilmember Braden noted the exact motion that was voted on March 1, 2010 was *"to direct staff to finalize the proposed agreement to enable Mr. Blasbickler to construct the public beach access and associated improvements by June 2010."*

The City Manager stated it was his understanding the agenda item was approved unanimously, 7-0, authorizing staff to enter into an agreement with the developer, even though the agreement was never memorialized; adding that Council basically voted on the reimbursement pursuant to this agenda request.

Councilmember Braden inquired as to the reason they are just now asking for reimbursement.

The City Manager replied the development order for the project did not sunset until March 2015.

According to the Land Use Attorney, due to economic downturn the State made a series of statutory changes which created a system whereby owners could simply request an extension of a development order. This went on for 5 to 6 years, and the owner of "Caretta Dunes" requested an extension of his development order each year.

Councilmember Marler stated he agrees with earlier comments made by Councilmember Dixon that they cannot beat the price of this beach access; and that they need all the beach accesses they could get. He also stated as a member of the Council back in 2008, he could attest to the fact the developer did what Council had asked him to do then; and that he has no problem reimbursing him for half the amount he spent for the beach access improvements.

Councilmember Marler moved for approval of the proposed understanding for completing the public beach access and associated improvements, per the City Council's March 1, 2010 approval, the reimbursement of not more than \$23,419.87 to Mr. Blasbichler from the City's Recreation Impact Fee account code 15157283.563000. Councilmember Foreman provided a second on the motion.

Mr. Foreman noted this is one of the deficiencies of the tier system that they had to overcome when they went through the entire process last year. It required the developer to provide a public benefit in advance of the project; which turned out to be unfair in this case because they were not able to complete the project. He added that in all fairness, the right thing to do in this case is to reimburse the developer for half the cost of the easement improvements.

Councilmember Ramswell stated it was her understanding this is not payment for an access, but, it is payment for a walkover to an access that already belongs to the City. She also noted there are two missing elements in this case; an agreement that was drafted in 2008 based on the motion by Councilmember SeEVERS, and Councilmember Destin's request for the Land Use Attorney to follow up and review that document to make sure everything is in order. She continued they did not vote on the amount of reimbursement as it was also said at that meeting they have to have another separate agreement that details the amount to be determined. She added the Council did not vote on the reimbursement amount.

The City Manager stated that the memorandum attached to the minutes specifically gave the amount of \$49,500 as well as the reimbursement for the amount up to \$24,750. He continued it was his understanding this was the amount Council voted on and the only thing that did not get accomplished was a formal agreement memorializing this memorandum. He added the spirit of what the City Council voted on March 1, 2010 is what is being presented to Council this evening.

Councilmember Ramswell asked if they have to stipulate they are creating a new agreement, since the exact amount was never voted on; and that this is now the new term of the agreement.

According to the Land Use Attorney, everything is fine as structured and as proposed in the agenda item.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

21. Request for approval to surplus items

The City Manager stated staff has inventoried its existing vehicles and equipment and listed some items as surplus.

Motion by Councilmember Wood, seconded by Councilmember Marler, to classify the vehicles and equipment listed as surplus and authorize the City Manager to dispose of the items in accordance with City ordinances passed 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

22. Funding Safety Assessment Study/proposed 3R Project Improvements – Hwy 98/Harbor Blvd – Airport Road to Marler Bridge

The Mayor reminded Council of the comments relating to this item made earlier by Ms. Mary Ann Windes and Ms. Leigh Moore and asked Council to take these comments into consideration as they deliberate on this item.

The City Manager noted that on September 21, 2015 they had some discussions about FDOT's proposed 3R projects and safety assessment report. At that meeting, Council gave him authorization to request a number of things from FDOT which were memorialized on a letter to FDOT dated September 30, 2015. He stated their original request on the pedestrian lighted crossings to be accomplished by spring break 2016 is pretty ambitious at this point. He continued they met with FDOT on November 18, 2015 and that they were very cooperative at that meeting and have committed to do whatever necessary to get the mid-block intersections installed by Memorial Day 2016. Since acquisition of right-of-way is normally a two-year process, FDOT decided to include the requested five lighted pedestrian crosswalks in the proposed 3R project and delay the start from FY 18 to FY 19. After further discussion, FDOT agreed to look at alternatives to do it as part of the 3R projects by Memorial Day 2016, and that since this is now in their 5-year plan, it is something for which they can reimburse the City. They estimate about \$150,000 for each crosswalk and \$750,000 for the 5 crosswalks. If the City advances the money, FDOT will commit to installing the pedestrian crossings by Memorial Day 2016. He further stated that all the locations for the crosswalks, except for the one proposed near the Marler Parking Lot, are acceptable to FDOT. The one proposed near the Marler Parking Lot is only about 450 to 500 feet from the crosswalk proposed in front of AJ's Restaurant. He added that FDOT is continuing to review this location to determine the best course of action.

Councilmember Wood moved to authorize the City Manager to enter into the refund agreement with FDOT to advance the \$750,000 to install the pedestrian signalized crosswalks; seconded by Councilmember Marler.

Councilmember Braden asked if the plan includes placing the mast arm in the median so it does not impact the property owners.

The City Manager noted that when they originally met with FDOT on November 18th FDOT asked for the City to advance the funds and to secure the property. However, with the width of the medians being 36 feet, as well as the precedence that has been established in either South or Central Florida that allows mast arms to be put in medians, they are now agreeable to putting the proposed mast arms in the medians avoiding the necessity of acquiring property which would allow this project to move forward as planned.

With regards to the proposed crosswalk near the Marler Parking Lot, Councilmember Marler suggests shifting its location to the west side of the Marler Parking Lot to the far east side of the Fisherman's Wharf property.

Councilmember Wood offered an amended motion to authorize the City Manager to enter into the refund agreement with FDOT to advance the \$750,000 to install the pedestrian signalized crosswalks; and to shift the location of the Marler Parking Lot crosswalk further to the east, to come to the west side of the Marler Parking Lot and to the east side of the Fisherman's Wharf lot; seconded by Councilmember Marler. Motion passed 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

23. City Manager comments

a. Royal Melvin Heritage Park – 206 Harbor Blvd

According to the City Manager, this item involves an offer by BI, Inc to resolve the issue with the City relating to the Royal Melvin Heritage Park. The City bought the property back in 2006 for \$4.6 million; almost half of which was paid through a grant from the Florida Community Trust. Since that time, they have had an issue about access from the neighbor to the west relating to being able to access the bottom portion of their property. They have been attempting to try to resolve this issue with the City for the last 8 or 9 years. The City received a \$1.25 million Restore Act authorization through Okaloosa County, and they are at the point where they have to proceed with construction of the park. The park is almost two-thirds to three quarters of the way designed and BI, Inc. is suggesting they basically do a property exchange and easement exchange with the City.

The City Manager stated that the State does allow, under certain conditions, property exchanges to be accomplished. This would require the City to redesign the park to accommodate the footprint. The park is designed basically from the pedestrian accessibility standpoint. They can go literally from the harbor or Harbor Blvd and transverse north and south from an accessibility standpoint in a wheelchair or in a walker, and it would be ADA compliant. But, this would make it really difficult to accomplish without either redesigning the park completely or building some retaining walls, which would make it very unsightly. But, it is allowed under the rules if Council wants to entertain this proposed property exchange. If this is not acceptable, the Land Use Attorney and his partner have studied this issue and are very comfortable about the City's right as it relates to the egress/ingress. But it is also suggested that Council considers getting a second opinion from an independent counsel before proceeding into any kind of litigations.

Mr. Dewey Destin of BI, Inc came forward to address the issue. He stated that the road has been jointly used for nearly 50 years. His father gave money to Mr. Pete Melvin for the road maintenance in the 60s along with other people who had boats along the harbor located near this driveway. He stated that in addition to this historical and customary use of this road, an easement was entered into the public record of Okaloosa County in 1967 by Mr. Pete Melvin for access from Hwy 98 to the water's edge. The FDOT curb cut which served both of these properties was located on both properties because the road was a sole access to both properties and memorialized by the said easement. The City's title insurance policy specifically states that the property is subject to any existing easements. In 2009 when BI, Inc sought to remove the Old Blue Room Restaurant and remodel it, City staff informed BI, Inc. that no plans showing the use of the road for access to the new parking area would be approved. At that point, in an attempt to be good neighbors, BI, Inc, agreed to redesign their parking lot to show an interest on their own property. They also made it

clear at that time that they needed to use the road to access the property that was down by the waterfront. At that point as they were still in negotiations, the City staff asked that they quit claim any right to access the existing road. In an attempt to memorialize that agreement, they worked with the City to come to an agreement that they would put a road on the western boundary in exchange for quit claiming their right to use the existing road. The City Attorney at that time also pointed out that as a City Council member, he could not enter into an agreement with the City that would exchange anything of value without violating any existing ethics laws so their attempt to reconcile the matter ended. At this point, they are not requiring that the City exchange property with them. They are offering to exchange the easement for the boardwalk and the \$100,000 they spent building it out of their own private funds in exchange for the City's acknowledgement that they are using a portion of that existing old easement. They also agree to quit claim any right to use any other portion of the road at this time. He stated there are two businesses operating down on the waterfront – Luther's Pontoons that has been down there for over 25 years and a number of bay charter boats. If the road is closed they lose their access to Hwy 98, and would potentially be out of business.

Councilmember Ramswell asked if there have been any alternative plans presented to BI, Inc.

Mr. Destin stated they have not received any other alternatives from the City. He continued that during the arbitration they discussed the idea of an east-west access across the City's portion of the property; but the City does not think it would be possible.

Referring to slides of the Royal Melvin Heritage Park Site Plan, Councilmember Ramswell suggest slightly shifting the red rendering down to the east; adding that by all appearances, it would no longer interfere with the red zone and yet still stays within the City's property line.

The City Manager stated that the design of the park is basically adjusted so it would not tilt toward the harbor from the ADA compliant standpoint; adding to do that and still achieve the grate changes, they would have to build a 6 to 8 foot retaining wall on the eastern boundaries of the "yellow" area on the map.

The City Engineer explained that in the current design, there is a small retaining wall on the west property line, between Dewey's Restaurant and the City property. They could accommodate a small wall there because the distance between the pathway and the property line allows a small wall and then a slope lawn towards the pathway. When they introduce a 20 foot wide area into this design, it takes away the ability to have a slope lawn and it becomes an 8 to 9 foot retaining wall between the "yellow" area and the pathway.

Councilmember Ramswell asked why it would be such a big deal shifting it 10 to 20 feet to the east if there is already going to be a retaining wall along that area.

The City Engineer stated it would create a tunnel vision as both sides will be large retaining walls with a very narrow walkway. He continued they were also trying to preserve some heritage trees on the property.

Councilmember Marler asked how much it would cost to redesign the park.

The City Manager stated it would probably be in the \$50,000 to \$100,000 range to redesign it and then work through the ADA compliant issue to make sure it is accessible.

Councilmember Marler stated he does not feel comfortable making a decision on this issue tonight with the absence of two Council members.

Councilmember Marler offered a motion to continue this item to the December 21, 2015 City Council meeting. Motion dies for lack of a second.

Councilmember Wood moved to authorize the City Manager to explore with the Florida Communities Trust the exchange of easements between the City and B.I., Inc.; and to authorize the City Manager to retain special counsel to advise the City Council on a recommended course of action. Councilmember Foreman provided a second to the motion.

Councilmember Ramswell expressed concern with hiring a special counsel for something Mr. Destin is willing to discuss and make some compromises. She also feels they are having a healthy discussion relating to having other alternative solutions to this issue. She added hiring a special counsel could prolong matters leading to the possibility of the City losing the grants for the park.

According to Mr. Destin, they have been discussing this issue for several years. He stated that one of his suggestions is not to shave the bluff down 15 feet because they would be taking away protection that bluff offers to Hwy 98 and the adjacent properties during a hurricane; adding they could accomplish the ADA compliant issue without having to shave the bluffs down.

At this time the City Manager distributed a sketch of the park showing what the retaining wall looks like if they leave the park as designed. He stated it is not as intrusive down as they get closer to the water.

Councilmember Braden stated he agrees with Mr. Destin's recommendation not to shave the bluff down as it offers so much protection to the City.

The City Engineer noted that part of the bluff is being preserved in the design as it offers protection to a heritage tree.

Councilmember Ramswell offered a substitute motion to continue this item to the December 21st Council meeting and direct staff to come up with some different sketches and different ideas based on tonight's discussion, including thoughts brought forward by Mr. Destin; seconded by Councilmember Braden. Motion fails 2-3 (Council members Ramswell and Braden voted "yes"; Council members Wood, Marler and Foreman voted "no").

The Mayor announced the original motion made by Councilmember Wood and seconded by Councilmember Foreman is back on the floor.

Councilmember Ramswell inquired as to the time frame involved in obtaining a legal opinion from the special counsel.

The City Manager stated they should be able to bring back the legal opinion from the special counsel by the next 30 to 45 days; and that it would probably take anywhere from 3 to 6 months for them to obtain anything definitive from the State relating to the proposed easement exchange.

The Mayor called for a vote on the original motion, which passes 5-0 (Council members Wood, Marler, Foreman, Ramswell and Braden voted "yes"; Council members Trammell and Dixon were absent from the meeting).

b. Fourth Quarter FY 2015 Financial and Investment Report

The City Manager made the following announcements:

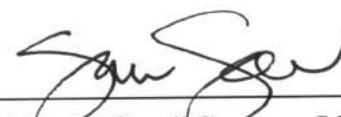
- Wednesday, Dec 16th @ 5:30 PM – Special Council Meeting – Envision Destin
- Saturday, Dec 12th, @10:00 AM, Destin Christmas Parade
- Staff will bring back an agenda item on Dec 21st Council meeting to discuss the process the Council wants to use to appoint an Interim Mayor to serve from Jan 16, 2016 to March 21, 2016 when the newly elected Mayor takes office

COMMENTS FROM THE AUDIENCE

Having no further business at this time, the meeting was adjourned at 8:15 PM.

ADOPTED THIS 1ST DAY OF FEBRUARY 2016

By:



Sarah "Sam" Seevers, Mayor

ATTEST:



Rey Bailey, City Clerk

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MARCH 1, 2010
ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council for the City of Destin met in regular session with the following members present:

Destin City Council

Mayor Craig Barker
Councilmember Jim Wood
Councilmember Sandy Trammell
Councilmember Jim Bagby

Councilmember Sam Seevers
Councilmember Dewey Destin
Councilmember Tom Weidenhamer
Councilmember Kelly Windes

Destin City Staff

City Manager Greg Kisela
CD Director Ken Gallander
Library Director Jurate Burns
HR Manager Chuck Garcia
Public Info Mgr Deborah Thatcher
City Planner Hank Woollard
Land Use Attorney Scott Shirley

City Clerk Rey Bailey
Finance Director Bragg Farmer
Public Services Director Steve Schmidt
IT Manager Webb Warren
Recreation Manager Lance Johnson
Planning Manager Ashley Grana
City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Barker called the meeting to order at 6:00 PM. Councilmember Wood delivered the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Fiscal Year 2009 Comprehensive Annual Financial Report, presented by Bruce Nunnally/Partner - Carr, Riggs & Ingram, LLC

Mr. Bruce Nunnally, Partner/CPA, presented the independent auditor's report, on behalf of Carr, Riggs, & Ingram, LLC, for the fiscal year ending September 30, 2009. According to Mr. Nunnally, findings of the Fiscal Year 2009 audit demonstrate legal compliance and a sound financial condition for the City of Destin; and that they have given the City a "clean opinion" on the financial statements. He reported they found no material weaknesses or significant deficiency in internal control; and that the State single audit which requires additional and more significant testing also revealed no deficiencies. The records were in such shape that they were able to audit them virtually making no adjustments. He also told the Council they encountered no difficulties in dealing with the City Manager and his staff.

Mr. Nunnally also reported that the City of Destin, in comparison to its peer group consisting of about 8 other cities, came out favorable in almost all of the ratios and all of the results.

He stated the only thing that could be considered negative was the long term debt, which came out less favorable than the average of the other cities. However, these ratios are written generally from the standpoint of the amount of debt per resident, but so much of the properties that are owned in Destin as far as the tax base are not owned by the residents. They have so much property within the City that is owned and taxes are being paid not by actual residents. He added that since September 30th approximately 10 percent of this outstanding debt has been paid down.

Councilmember Bagby commended the City Manager, Finance Director and his staff for what he considers one of the best audits he has ever seen.

Motion by Councilmember Trammell, seconded by Councilmember Seevers, to accept the Fiscal Year 2009 audit passed unanimously 7-0.

PUBLIC HEARINGS

2. A public hearing on the recently updated Pathways Master Plan. The Council is reviewing the updated Pathways Master Plan to ensure the correction of several inconsistencies in map coding and project identification descriptions, as well as mislabeled road sections with the unincorporated area of Destin.

The Mayor opened a public hearing to receive comments for or against the Pathways Master Plan. Hearing none, the Mayor closed the public hearing and turned the matter over for council members' consideration.

Councilmember Seevers made a motion to adopt the corrected Pathways Master Plan Update and direct staff to proceed with an ordinance to implement the Pathways Master Plan project priorities in the Land Development Code. Councilmember Trammell provided a second to the motion, which passes unanimously 7-0.

3. First reading of Ordinance 10-01-LC, which creates section 8.07.02 *Pathways Master Plan* in the Land Development Code (LDC). This new section would implement the City's recently adopted Pathways Master Plan update in the LDC.

The City Attorney read proposed Ordinance 10-01-LC by title, and then presented it to the City Council on first reading.

Staff distributed copies of amended pages 3 and 5 of the proposed ordinance. The Community Development Director discussed the changes made to some components on Table 8-7A: Level One Priority Planned Improvements.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing for first reading of Ordinance 10-01-LC and turned the matter over for council members' consideration.

Councilmember Seevers made a motion to approve Ordinance 10-01-LC on first reading, to include the amended version, and direct staff to bring the ordinance back to

Council for consideration on second reading. Councilmember Trammell provided a second to the motion.

Councilmember Destin questioned the Local Planning Agency's 4-3 vote to recommend approval of Ordinance 10-01-LC. According to the Community Development Director, one aspect was the level of prioritization that came up through consultant's methodology, and perhaps some philosophical elements to the plan itself created an issue to some of the members.

Having no further discussion from the council members, the Mayor called for a vote on the motion, which passes unanimously 7-0.

4. First reading of Ordinance 10-02-LC, which amends the Land Development Code by adding "*8131 Religious organizations*," as an allowable use in some commercial and mixed use zoning districts, to the permitted uses table of the Land Development Code.

The City Attorney read proposed Ordinance 10-02-LC by title, and then presented it to the City Council on first reading.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing for first reading of Ordinance 10-02-LC and turned the matter over for council members' consideration.

Councilmember Weidenhamer made a motion to approve Ordinance 10-02-LC on first reading and direct staff to bring the ordinance back to Council for consideration on second reading. Councilmember Destin provided a second to the motion.

According to Councilmember Weidenhamer, if this ordinance passes, they absolutely need to address the current 1,000 foot separation requirements between churches and businesses dispensing alcoholic beverages as a primary source of revenue in resort areas that are zoned Mixed Use so that no resort area businesses are inhibited.

Having no further discussion from the council members, the Mayor called for a vote on the motion, which passes unanimously 7-0.

CONSENT AGENDA*

5. Request approval of the minutes of the February 1, 2010 regular city council meeting
6. Request approval of the minutes of the February 16, 2010 regular city council meeting
7. Request approval of the minutes of the February 16, 2010 executive session
8. Request approval to construct a 996 sq. ft. dock including a 32' x 100' boat slip - Titan Development/Marine Construction

Motion by Councilmember Seevers, seconded by Councilmember Trammell, to approve Consent Agenda items #5 thru #8, as printed above, passes unanimously 7-0.

RESOLUTIONS

9. Resolution 10-02 – Amendment to FY2010 Budget Amendment

The City Attorney read Resolution 10-02 by title.

The City Manager explained the City Council previously approved this budget amendment; however, staff later noticed that the report that was used to prepare the budget amendment was not complete. He stated that in order to correct this error, it would be necessary to adopt a corrected Resolution that is reflective of the actual roll-forward expenses and projects.

Motion by Councilmember Seevers to adopt Resolution 10-02, seconded by Councilmember Trammell, passed unanimously 7-0.

COMMITTEE REPORTS

SCHEDULED PRESENTATIONS **

10. Tony Mennillo – Inventory of artifacts at the Destin History and Fishing Museum

Mr. Tony Mennillo, owner of Arturo's Studio, asked for council's assistance in obtaining a detailed inventory of all Arturo images that are in the possession of Destin History and Fishing Museum. He stated these images were taken by his father, who founded Arturo's Studio in 1945, and that these images are under copyright. He also stated that people may possess an Arturo print, but they do not have the right to reproduce it without permission. He also informed the council that he has a copy of a resolution from the City of Destin acknowledging his ownership of these images, as well as a signed contract from the City detailing how these images can be used. Staff made copies of the documents and provided them to the council.

Mr. Mennillo asserted that the City loaned his property to the museum to be put on display for public view; and that the museum has breached the contract numerous times. He stated he previously sent the museum a certified letter asking them to cease the unlawful copying of the images and provide him an inventory list of his property that are in their possession but did not get a response.

Councilmember Seevers asked if Mr. Mennillo has a list of the items he loaned to the City. Mr. Mennillo acknowledged having a list. Councilmember Seevers stated that if Mr. Mennillo already has a list, the City should not have to provide him one. She added this Council cannot mandate an audit from the Destin History and Fishing Museum.

According to Councilmember Destin, it would not be unreasonable to ask the museum for an inventory especially if the City is the recipient of these images and then loaned them to the museum. He feels that the proper thing to do is to send a request to the Board of Directors of the museum asking for their help in resolving this issue. He added he had spoken with two of the board members recently and they told him they were prepared to work with Mr. Mennillo to resolve this issue.

The City Manager pointed out that the contract Mr. Mennillo spoke of was not with the City of Destin but with the Destin Library. He added that at some point the City took responsibility for the Library but he was not sure of the exact date.

Jurate Burns, the City's Library Director, came forward and informed the Council the City took responsibility for the library in 1989.

Councilmember Bagby asked Mr. Mennillo for a copy of the inventory list that accompanied the agreement when the photos were turned over to the City. He added the City has the responsibility to account for those items only. According to Mr. Mennillo, he would present the City a copy of the inventory list.

Councilmember Destin made a motion to ask the City Manager to send a letter to the Board of Directors of the Destin Fishing Museum requesting that they work with the City to resolve this issue; and also ask Mr. Mennillo to provide any inventory list that he may have that is connected to the agreement. Councilmember Bagby provided a second to the motion.

Councilmember Destin reiterated that the purpose of his motion was not to direct a 50C3 to do anything; but to merely ask for their cooperation in resolving this issue.

According to the City Attorney, they may be using the term agreement loosely in this case. He stated that the particular City employee who signed the document did not have contract authority on behalf of the City; adding that they may be looking at a document that may not be an enforceable writing against the City.

Councilmember Destin amended his motion to ask the City Manager to send a letter to the Board of Directors of the Destin Fishing Museum requesting they work with the City to resolve this issue; and also to ask Mr. Mennillo to provide any inventory list that he may have that is connected to the document he presented to Council tonight. Councilmember Bagby provided a second to the motion, which passes unanimously 7-0.

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

11. Councilmember Trammell

According to Councilmember Trammell, she attended the Airport Master Plan Workshop recently conducted by the County where it was announced that the Destin Airport has been accepted into the FAA contract tower program. She stated that the Destin Airport would be competing with 14 other airports for priority status in the tower program. She also informed Council that Mr. Greg Donovan, Airports Director, suggested the City adopts a resolution supporting the construction of a tower at the Destin Airport sooner rather than later. Another suggestion was for citizens to write their senators explaining the urgency of having a tower for safety reasons. She also mentioned that the tower would not cost the citizens of Destin any money because it would be financed through the FAA.

Motion by Councilmember Trammell, seconded by Councilmember Weidenhamer, to direct the City staff to come back with a resolution to the Council supporting immediate construction of an air traffic control tower at the Destin Airport passed 7-0.

12. Councilmember Weidenhamer

13. Councilmember Destin

Councilmember Destin thanked Mayor Barker and Councilmember Windes for their years of service to the City.

14. Councilmember Bagby

Councilmember Bagby commended Mayor Barker for a fine job as the City's Mayor and for all his years of service to the City. He also praised Councilmember Windes for a job well done as member of the city council while at the same time being a full time working fisherman.

15. Councilmember Wood

Councilmember Wood echoed the sentiments of the other council members with regard to the Mayor and Councilmember Windes; and that he enjoyed working with both individuals.

16. Councilmember Seevers

Councilmember Seevers expressed the need for more citizen volunteers to the City's standing committees and boards. She explained that with the turnover of the City Council the terms of many of the current committee members, which run concurrently with the terms of the council members who nominated them, resulting in approximately 30 vacant positions.

And then Councilmember Seevers expressed to Mayor Barker how much the citizens of Destin would miss him even 10 years from now because of the tremendous impact he has made to the community; and that in 50 years, people would look back at the legacy he left as a public servant. She also expressed her appreciation to Councilmember Windes for a great job as member of the council.

17. Councilmember Windes

Councilmember Windes expressed his appreciation to Mayor Barker and expressed how proud he was to be a member of this council.

18. Mayor Barker

a) City Manager Evaluation

The Mayor read the following conclusion with regards to the City Manager's evaluation into the record:

"My review of the completed evaluation confirms my belief that Mr. Kisela has performed admirably in meeting the City Council's objectives during this past year. While the City Manager's performance during this evaluation cycle is worthy of a merit pay increase, I cannot make that recommendation in light of the very difficult economic conditions we are in. Mr. Kisela supports this position and has in fact personally requested that he not receive a pay increase this year. I would however like to recognize Mr. Kisela's performance and would offer the following Recommended Motion of the Council:

Mr. Kisela is commended for his outstanding personal performance and the leadership he has provided to Team Destin. His actions reflect admirably upon our Community and promote the health, safety, welfare and quality of life of our residents, businesses, and visitors. We thank him for his dedication and perseverance."

Councilmember Seevers commended the City Manager for being a great leader to this community; and stated that he not only served the City well in his capacity as City Manager, but he has volunteered to serve in different organizations and boards for the benefit of the community.

Councilmember Bagby made the following motion: Commend the City Manager for his outstanding personal performance and the leadership he has provided to Team Destin. His actions reflect admirably upon this community and promote the health, safety, welfare and quality of life of its residents, businesses and visitors. We thank him for his dedication and perseverance. Councilmember Trammell provided a second to the motion. Motion passes unanimously 7-0.

Mayor Barker thanked Councilmember Windes for his tremendous service to the City of Destin; and stated that it has been an honor and privilege knowing and working with him.

STAFF REPORTS AND RECOMMENDATIONS

19. City Attorney comments

20. Proposal to construct public beach access and associated improvements at property owned by Dieter Blasbichler (future site of Caretta Dunes development).

On February 25, 2008, the City Council approved the Tier 3 major development known as "Caretta Dunes." Two of the public benefits associated with the development are the dedication of a 5' wide easement, which has been dedicated to the City, for a public beach access and the construction of the public beach access improvements at the far west end of the proposed development. But due to the economic conditions, the development is not commencing as quickly as anticipated. The City Manager stated that the current property owner of an adjacent property offered to construct the public beach access and associated improvements now rather than waiting for the Caretta Dunes' developer to do the same sometime in the distant future. He stated staff believes this is in the best interest of the community and requests council's authorization to proceed.

The City Attorney announced he had represented Mr. Dieter Blasbichler, the owner of the parcel, in the past; and that his current firm, Pleat and Perry, PA, has also represented the corporation in which Mr. Blasbichler is actually the property owner and not the developer. He added his involvement in this issue has been exclusively the presentation of the package.

Councilmember Seevers made a motion to direct staff to finalize the proposed agreement to enable Mr. Blasbichler to construct the public beach access and associated improvements by June 2010. Councilmember Trammell provided a second to the motion.

Councilmember Destin asked to make sure the proposed agreement has been reviewed by the Land Use Attorney, since the City Attorney was not able to do so, to make sure everything is in order. The Land Use Attorney stated he would assist the City staff in finalizing the agreement.

Having no further comments from the council members, the Mayor called for a vote on the motion, which passes 7-0.

21. Authorization to proceed with the adoption process of proposed Ordinance 09-13-LC, which amends Section 7.12.00 Zoning regulatory controls to create a new zoning district – Bay Estates Waterfront. The new zoning district increases the minimum lot dimensions and maximum density to be more consistent with the existing waterfront development pattern in the Bay Estates Zoning District

According to the City Manager, a public workshop on this issue was held September 21, 2009; and that during that workshop a number of issues were raised, prompting the City Council to ask staff to address these issues and bring a revised Bay Estates Waterfront (BEW) zoning district back to the City Council for further review. He then detailed the 3 different options from a policy standpoint relating to the council's desire to move forward on this issue.

Councilmember Trammell recommends moving forward with Option 1, which increases the minimum lot size to 20,000, stating that in her opinion it would be the least intrusive.

Councilmember Trammell then move to proceed with Option 1 in the process of creating the new Bay Estates Waterfront zoning district, seconded by Councilmember Bagby.

According to Councilmember Destin, many of the property owners he spoke with recently are still not in favor of this ordinance. He recommends not going forward with a zoning change without ascertaining the majority of the 173 property owners are in favor of it.

Councilmember Wood noted they currently have about 31 nonconforming properties and going forward with this zoning change would raise that level; which makes him feel uncomfortable.

Councilmember Destin offered a substitute motion to direct staff to terminate work on this ordinance, seconded by Councilmember Windes.

The City Attorney pointed out that enough "no" votes on the original motion would serve the same purpose.

Councilmember Destin withdrew his motion.

At this time Mr. Guy Tadlock, a Destin residence, came forward and urged the Council to continue with the adoption process of the ordinance creating a new Bay Estates Waterfront zoning district. He stated that any of the three proposed options would be better than doing nothing. He expressed concern about water quality at Joe's Bayou in the future; stating it is a pristine body of water very unique to the City of Destin. He asserts this pristine body of water would not survive long term unless they control the development and the subdivisions.

Councilmember Bagby agreed with Mr. Tadlock, and stated he would support the motion because even though people bought their land and are allowed to subdivide it several times, he does not think it is really what they want for that part of Destin.

Having no further comments from the council members, the Mayor called for a vote on the motion, which failed 3-4 (Council members Trammell, Bagby & Weidenhamer voted “yes” – Council members Destin, Wood, Seevers & Windes voted “no”).

**22. Options for reducing separation distances in Land Development Code Section 7.16.00 –
*Alcoholic Beverage Dispensing***

The City Manager informed the Council the City staff conducted some analysis on whether it is better to carve out certain zoning district or to simply reduce 1,000 feet to 500 feet minimum separation requirements between churches and business dispensing alcoholic beverages; and that staff decided on reducing it to 500 feet.

The Land Use Attorney explained that in the final analysis they determined that since all of these districts allow commercial activities, and in fact could allow the very same commercial activity in every single one of these districts, staff had difficulty in coming up with a rationale for treating the districts differently in terms of the separation requirement. They felt it is most equitable to simply recommend reducing the requirements in every district to 500 feet so that all of these districts are treated equally and not have to justify unequalled treatment among the districts. They could all allow religious institutions and they could all have businesses that are primarily engage in dispensing of alcoholic beverages.

Councilmember Seevers moved to direct staff to draft an ordinance establishing within the commercial and mixed-use zoning districts, with the exemption of the South Harbor Mixed Use district, a five hundred foot minimum separation distance between churches and businesses dispensing alcoholic beverages as a primary source of revenue. Councilmember Wood provided a second to the motion.

Councilmember Destin questioned why the South Harbor Mixed Use zoning district is excluded from this requirement. According to the Land Use Attorney, staff felt the South Harbor district was a district that had characteristics that would really differ from the other districts in terms of the festive market place type concept that has been proceeding for a very long time. He added it has several important distinguishing characteristics that would seem to argue in favor of not having minimum separation requirements in that district.

Councilmember Destin maintained that while they are trying to promote the entire harbor district they have given an unfair advantage to people on one side of the road versus the other side. He recommends exempting the entire harbor district.

Councilmember Destin offered a motion to amend the original motion by exempting both the South Harbor and North Harbor Mixed Use zoning districts from the five hundred foot minimum separation; seconded by Councilmember Weidenhamer. Motion passes unanimously 7-0.

Motion by Councilmember Seevers for approval of her original motion, as amended, seconded by Councilmember Wood passes unanimously 7-0.

23. Scenic Hwy 98 Phase III project hardscape and landscape scope of work

According to the City Manager, this is a request for some additional hardscapes and landscapes improvements on the Scenic Hwy 98 Phase III Improvements Project. He stated they anticipate having most of the hardscapes completed over the next 30-45 days. He stated they are now at a point where they need to finalize some of the outstanding issues from a previous City Council meeting relating to Change Order #2. He noted that all the backups and requests they received from the four neighborhood associations have been provided to the council. He also informed the council that staff met with representatives from the homeowners associations just prior to this meeting and they have passed out a recommended motion to council that states the City would basically fund the homeowners associations irrigating the medians. He stated the City would give them anticipated dollars that was projected in the original scope; and they would then augment those dollars with additional dollars to upgrade the landscaping. He further stated there are some irrigation repairs that were not included in Change Order #2 and asked that council approve to have them included. He added the total amount of \$38,087.00 would capture all these expenses.

Councilmember Weidenhamer made a motion to allocate \$38,087.00 for the installation and repairs as outlined in Exhibit 1, that the appropriate budget amendment to allocate the funds from Scenic Hwy 98 Phase III reconstruction (0154162-565034 CD85F) to Public Services Median Maintenance (0154160-534407), and that the respective Homeowner Associations be allowed to maintain the medians and rights-of-way fronting on their respective properties provided such maintenance is evidenced by comprehensive Hold Harmless and Maintenance Agreements which clearly identify the scope of each Homeowner Association's responsibilities. Councilmember Seevers provided a second to the motion.

Councilmember Bagby announced he would abstain from voting as he lives in one of the neighborhoods under consideration.

Councilmember Weidenhamer asked that they specify within the Hold Harmless and Maintenance Agreement that DOT standards must be maintained

The Mayor called for a vote on the motion, which passes 6-0. Councilmember Bagby abstained from voting.

24. Request for additional funding for sidewalk repair

The City Manager explained that the Public Services Department provided the contractor with a purchase order and listing of sidewalk repairs to be performed this fiscal year with the caveat that the repairs were not to exceed the purchase order amount. The contractor performed the sidewalk repairs on the list but overestimated how many repairs could be completed and exceeded the amount of the purchase order. He stated the repairs are needed to be accomplished but were not budgeted for this fiscal year. The contractor has requested payment of additional \$13,850.20.

Motion by Councilmember Windes that \$13,850.20 be transferred from account 154162.565034 (New Sidewalk Installation) to account 154160.534004 (Miscellaneous Concrete Sidewalk Repairs) and make the approved budget amendments, seconded by Councilmember Weidenhamer, passes unanimously 7-0.

25. City Manager comments

- a) Special presentation honoring Mayor Craig Barker

The City Manager announced that a joint meeting will be held Tuesday, Mar 2nd at City Hall between the Public Works/Safety Committee and Harbor CRA Advisory Committee to discuss the transit stop issues. He asked for Council's approval to allow the Town Center CRA Advisory Committee to participate in the meeting.

Motion by Councilmember Trammell, seconded by Councilmember Weidenhamer, to allow the Town Center CRA Advisory Committee to participate in the joint meeting unanimously passed 7-0.

The City Manager made the following announcements:

- Sunday, Mar 14th, 3:00 p.m. at the Library – Free Concert (David Ott and Friends)
- Tuesday, Mar 9th – Election Day for City Council
- Monday, Mar 15th at 5:30 – Reception for incoming/outgoing Mayor and Council

Next, the City Manager expressed his thanks and appreciation to Mayor Barker for his service as Council member and Mayor. He then presented Mayor Barker with a gift of appreciation. Mayor Barker followed with his comments on the direction of the City and his tenure of service. He expressed his gratitude for having had the opportunity to service the citizens of Destin. He then presented a plaque to the Council stating it has been quite an honor to serve with them. As his last official act, Mayor Barker passed the gavel to Mayor-elect Sam Seevers.

ADJOURN

Having no further business at this time, the meeting was adjourned at 8:20 PM.

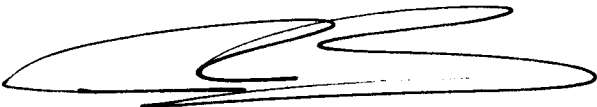
ADOPTED THIS 15TH DAY OF MARCH 2010

By:



Sarah "Sam" Seevers, Mayor

ATTEST:



Rey Bailey, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Baby James Brandon</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council</i>	
MAILING ADDRESS <i>4709 Seaster Vista</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Destin</i>	COUNTY <i>Okaloosa</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>3/1/10</i>		NAME OF POLITICAL SUBDIVISION: <i>City of Destin</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, James B. Bagby, hereby disclose that on March 1, 2010.

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I live in a neighborhood (Destiny East) which was requesting funding for landscaping work in the city right of way.

March 1, 2010
Date Filed

James B. Bagby
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

CITY OF DESTIN



AGENDA ITEM

CITY COUNCIL MEETING DATE: March 1, 2010

TYPE OF AGENDA ITEM: Staff Report & Recommendation

TO: Mayor and City Council

THROUGH: City Manager, Greg Kisela *dk*FROM: Community Development Director, Kenrick Gallander, AICP *KG*

DATE: February 25, 2010

SUBJECT: Proposal to construct Public Beach Access and Associated Improvements at property owned by Dieter Blasbichler (future site of Caretta Dunes development)

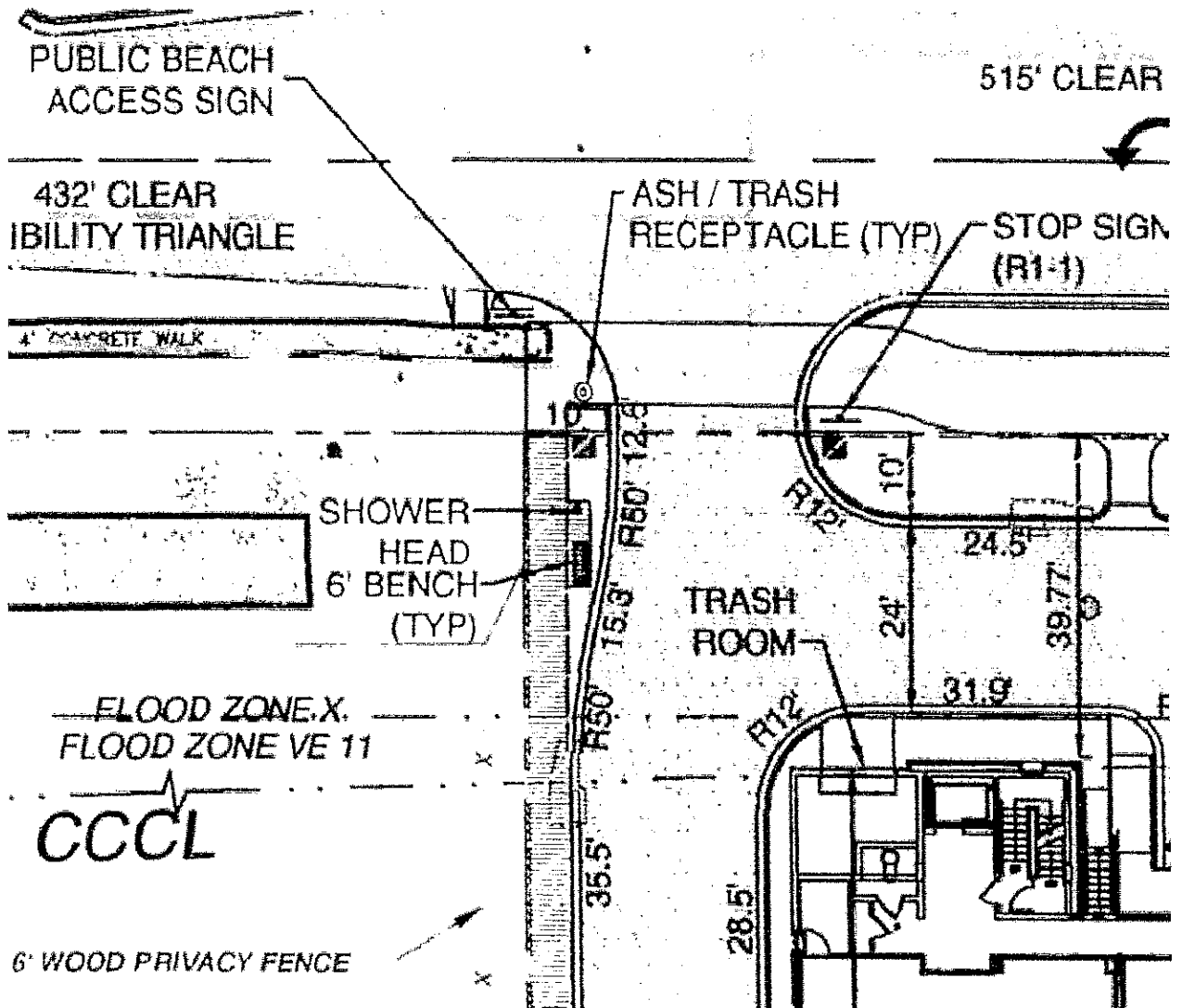
- I. **BACKGROUND:** On February 25, 2008, the City Council approved the Tier 3 major development known as "Caretta Dunes." Two of the public benefits associated with the development are ~~the dedication of a 5' wide easement (\$350,000)~~, which has been dedicated to the City, for a public beach access and the construction of the public beach access improvements (\$49,500) at the far west end of the proposed development directly across from Tarpon Street (See Exhibit A).

Due to the economic conditions of the last few years, the development is not commencing as quickly as anticipated. Mr. Dieter Blasbichler, the current property owner/representative for the Sea Oats Motel and adjacent properties approached City Staff with a proposal to permit, pay for, and construct the public beach access and associated improvements as indicated on Exhibit A now rather than waiting for the Caretta Dunes' developer to do the same sometime in the distant future. Staff further discussed this proposal with Mr. Blasbichler and the Caretta Dunes' developer, The Head Companies, to further detail how the proposal could be accomplished. Staff has drafted a proposal to help ensure the public beach access is constructed sooner rather than later.

- II. **DISCUSSION:** The following identifies the proposed understanding to enable Mr. Blasbichler to move forward with the permitting and construction of the public beach access and associated improvements within the next several weeks rather than years from now:

1. Proposed cost shall not exceed \$49,500 (as per the public benefit) for the public beach access improvements.
2. Public beach access, planned amenities, and signage shall meet or exceed city standards and requirements.
3. Mr. Blasbichler will pay for, permit, and construct the public beach access and associated amenities by June 2010.
4. If the Caretta Dunes development is constructed, the costs and reimbursement associated with the public beach access improvements will be addressed with Mr. Blasbichler directly in a separate agreement in order to satisfy the final amended development order condition.

Public Beach Access Improvements
(Future site of Caretta Dunes development)



BEACH ACCESS EASEMENT AGREEMENT
STATE OF FLORIDA
COUNTY OF OKALOOSA

DEPUTY CLERK POUNN
DON W. HOWARD, CLERK OF COURTS, OKALOOSA COUNTY, FL

THIS EASEMENT AGREEMENT made and granted on this 17th day of April, 2006 by and between H. DIETER BLASBICHLER, whose mailing address is Post Office Box 222, Destin, Florida 32540 ("Grantor"), to CITY OF DESTIN, a Florida municipal corporation, whose address is 4200 Two Trees Road, Destin, Florida 32541 ("Grantee").

A. GRANTOR is seized in fee simple and in possession of lands described as:

The East 40 feet of the following described property:

That portion of Block A, lying between the Southerly extension of the East line of Block 6 and the West line of Block 4 of Crystal Beach, a subdivision of the West mile of the East two miles of the Destin Peninsula, Township 2 South, Range 22 West, Okaloosa County, Florida according to the plat thereof as recorded in Plat Book 1 at Page 17, of the Public Records of Okaloosa County, Florida. Subject to any easements granted of record for ingress and egress to the Gulf over a Southerly extension of 4th Street according to the plat of said Crystal Beach,

and

That portion of Block A, lying between the Southerly extension of the West line of Block 4, and Westerly of a Southerly extension of the West line of Block 3, in Crystal Beach, a subdivision of the West mile of the East two miles of the Destin Peninsula, Township 2 South, Range 22 West, Okaloosa County, Florida, according to the plat thereof recorded in Plat Book 1 at Page 17, of the Public Records of Okaloosa County, Florida.

B. GRANTOR has agreed, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to grant to Grantee, an easement across, over and upon the land described herein for the purposes and in the manner expressed herein.

WITNESSETH:

That, in pursuant of the parties mutual agreement for the creation of an easement and other good and valuable consideration, receipt of which is acknowledged, Grantor grants unto Grantee, its successors and assigns, a perpetual easement for the purposes of constructing, establishing and maintaining a public beach access for pedestrian traffic across, over and upon the following:

That part of Block "A" Crystal Beach Subdivision, as recorded in Plat Book 1, Page 17, Public Records of Okaloosa County, Florida being more particularly described as follows:

Commence at the Southwest Corner of Lot 1 of Block 3 of said Crystal Beach Subdivision, thence proceed South 07 degrees 45 minutes 00 seconds West along

CD/H.D

FATIC 04-0013 / JBR

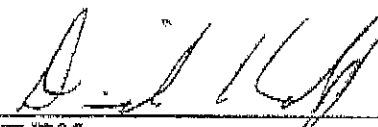
Commence at the Southwest Corner of Lot 1 of Block 3 of said Crystal Beach Subdivision, thence proceed South 07 degrees 45 minutes 00 seconds West along a line being a projection of the West line of said Lot 1 for a distance of 100.00 feet to the South right-of-way of Scenic Highway 98, thence proceed North 82 degrees 15 minutes 00 seconds West along said South right-of-way for a distance of 35.00 feet to the Point of Beginning, thence departing said right-of-way proceed South 07 degrees 45 minutes 00 seconds West for a distance of 334.02 feet, more or less, to the mean high water line of the Gulf of Mexico (said mean high water line having an elevation of 1.06 feet, National Geodetic Vertical Datum of 1929, as shown on "Specific Purpose Survey" by Emerald Coast Associates, Inc., latest revision date of August 20, 2004); thence North 82 degrees 15 minutes 40 seconds West along said mean high water line for a distance of 5.00 feet, more or less; thence, departing said mean high water line, North 07 degrees 49 minutes 49 seconds East for a distance of 334.15 feet, more or less, to said South right-of-way of Scenic Highway 98; thence South 82 degrees 15 minutes 00 seconds East along said South right-of-way for a distance of 5.00 feet to the Point of Beginning. Said parcel contains 0.03 acres, more or less.

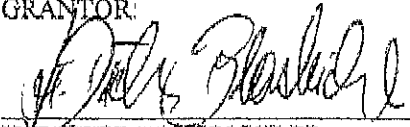
Grantee agrees that the above public beach access easement may be closed to the public by Grantor during the active construction of Caretta Dunes, formerly known as Beach Crystal Condominiums Project, from the date of issuance of the building permit until the earlier of the date of issuance of a Certificate of Occupancy or abandonment of Caretta Dunes, formerly known as Beach Crystal Condominiums Project. Grantee agrees that during that period, the Grantor may include the public beach access easement within the Project's construction site fence.

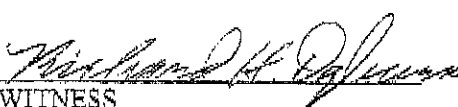
THE RIGHTS granted in this agreement shall be possessed and enjoyed by Grantee, its successors and assigns, in perpetuity or until Grantee determines that it has no public purpose for use of the easement granted herein. Further, Grantee shall have the right of ingress and egress to and from the described property for any and all purposes necessary or convenient to the exercise of the rights granted in this agreement.

IN WITNESS WHEREOF, Grantor has set his hand and seal on the day and year first above written.

Signed, sealed and delivered
In our presence as witnesses:


WITNESS
Printed Name: DAVID H. H. H. H.

GRANTOR:

H. DIETER BLASBICHLER


WITNESS
Printed Name: RICHARD H. H. H.

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me this 27th day of April, 2006,
by H. DIETER BLASBICHLER.

Diane B. Dickey
Notary Public

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced: _____



In the presence of:

Cyrus Mark
Printed: CYRUS MARK

J. Jerome Miller
Printed: J. Jerome Miller

GRANTEE:

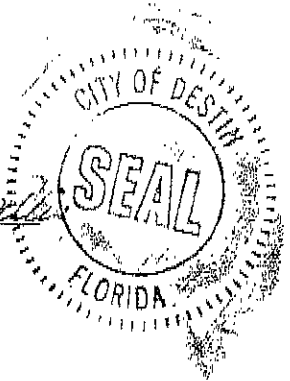
THE CITY OF DESTIN, FLORIDA

By:

Craig H. Barker
CRAIG H. BARKER
Its: MAYOR

ATTEST:

Dana L. S. Williams
DANA L. S. WILLIAMS
CITY CLERK



[SEAL]

STATE OF FLORIDA
COUNTY OF OKALOOSA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared CRAIG H. BARKER as Mayor, and DANA L. S. WILLIAMS, as City Clerk of the City of Destin, Florida, personally known to me ~~or who has produced~~ as identification, to be the persons described in and who executed the foregoing Easement and they acknowledged before me that they executed same.

WITNESS my hand and official seal in the county and state last aforesaid this 17th day of April, 2006.

J. Jerome Miller
NOTARY PUBLIC
My Commission Expires: _____



This Instrument Prepared by:

J. JEROME MILLER, Esq.
Miller & Ansley, P.A.
Attorneys at Law
Wildcat Plaza
415 Mountain Drive, Suite 3
Destin, FL 32541-2349
Florida Bar No. 0128569
Phone: (850) 837-3860



LETTER OF TRANSMITTAL

TO: City of Destin - Public Services Department

FROM: Tracy Gregg for David E. Smith, P.E.

DATE: 5/7/10

SUBJECT: Sea Oats - Public Boardwalk

MBC JOB NUMBER: D2158.0001 / 09-175

Attached you will find the following items:

Copy(ies):	Description:
1	Right-of-Way Permit

- ☒ For Approval ☐ For Your Use
☐ For Your Records ☐ For Review & Comment
☐ Please Sign & Return ☐ For Distribution
☐ Returned with Corrections ☐ Other

Remarks

--

Disclaimer

Pursuant to your request, Moore Bass Consulting, Inc. is providing electronic media containing information for the above referenced project. Any use or reuse of original or altered files by you or others or CADD adaptation for the specific purpose intended will be at your own risk and at your own full legal responsibility. Furthermore, the Recipient shall, to the fullest extent permitted by law, indemnify and hold MBC harmless from any and all claims, suits, liability, demands or other costs arising out of or resulting there from. Moore Bass Consulting, Inc. makes no representation as to the accuracy of the information provided via electronic media. Data on electronic media can deteriorate or be modified without the knowledge or consent of MBC. Therefore, the Recipient agrees that MBC will not be held liable for the completeness, correctness or readability of the electronic media. The Recipient agrees that utilization of this electronic data is at their own risk. Electronic media viruses are ever increasing in complexity and growth, MBC advises all Recipients to scan any disk and attached electronic media files received from outside sources with a current anti-virus program. MBC works diligently to keep our system clean of viruses, but because no system is perfect, occasionally a virus may pass undetected. MBC will not be responsible for any damage caused by such a virus. If any virus is detected by you on any media received from MBC, please contact us immediately. Use of the attached electronic media constitutes your consent to the terms as listed above.

Copy to
MBC

Client

CITY OF DESTIN - PUBLIC SERVICES DEPARTMENT

RIGHT-OF-WAY CONSTRUCTION PERMIT

COMMERCIAL SITE or MULTI-FAMILY

Application Date: 5.6.10 ROW Permit No: _____

Project Address: 3420 Scenic Hwy 98, Destin, FL 32541

Applicant/Permitee: H. Dieter Blasbitchler

Applicant/Permitee Address: 3420 Scenic Hwy 98, Destin, FL 32541

Contact Person: H. Dieter Blasbitchler

Telephone: 850.585.7669 Fax: 850.654.8255

**NO ROAD
CUTS
PERMITTED**

Permitee is requesting permission from the City of Destin to conduct construction activity in the City's Right of Way (ROW) at the above Project Address, described as follows:

Construction of 8' x 10' concrete pad with bench, bike rack, and trash receptacle.

Construction of 2' x 3' concrete pad with shower.

Estimated Construction Timeframe From: May 15, 2010 To: June 15, 2010
(90 days maximum)

1. A Site Plan or drawing of the proposed work to be done shall be attached to this permit.
2. If project includes Pavers in the ROW, Permitee must execute a Maintenance and Hold Harmless Agreement (approved by City Attorney) with the City and have it recorded into Public Records at the Okaloosa County Clerk of Courts prior to filling this permit.
3. The following Fees shall be required for Commercial ROW Construction Permits per Resolution 02-23, Section 2.

- Processing Fee \$ 100.00
- _____ Linear Feet of disturbed ROW @ \$10.00 per 100 feet _____
- _____ Road Bores @ \$75.00 each _____
- Yes No Landscaping/Irrigation included in project? @ \$75.00 _____
- **Total Fees:** -0- Per Ken Gallander *KG*

Payment Information:

\$0
RB

Official Use Only

4. A bond in the amount of \$50 per linear foot of pavement and/or \$10 per linear foot of right-of-way is hereby posted with this permit for utility installation. Any other construction improvements will require a bond in the amount of the improvements within the right-of-way. Said bond will be returned to Permitee within _____ days of the requested final inspection and acceptance by the Public Services Director or his designee.

5. Permitee has insurance (Company Name): _____

Certificate of Insurance required with City of Destin as Additional Named Insured.

(Minimum amount: \$1,000,000 individual and \$2,000,000 aggregate, with Workmen's Compensation is required.)

6. Permitee declares that prior to filing this application, the location of all existing utilities, both aerial and underground have been located by notifying: **Sunshine 1-800-432-4770, Locate Ticket Number:** _____ **(REQUIRED)**

7. It is expressly stipulated that this permit is a license for permissive use only and that placing of facilities upon property pursuant to this permit shall not operate to create or vest any property right in said holder.

8. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said road as determined by the Public Services Director, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder shall be immediately removed from said road, for reset or relocation thereon as required by the Public Services Director, and at the expense of the Permitee unless reimbursement is authorized.

9. All work shall meet City standards and be performed to the satisfaction of the City of Destin's Public Services Director. All materials and equipment shall be subject to inspection by the Public Services Director.

10. All disturbed property shall be restored to its original or better condition in a manner satisfactory to the City of Destin.

11. If permission is given for a road cut, a temporary two-inch (2") asphalt patch shall be installed within five (5) working days, and cut must be completely restored to engineer's specifications within 15 feet either side of the cut, within 30 working days.

12. The Public Services Director shall be notified twenty-four (24) hours in advance before starting work. The Permittee shall commence actual project construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within 365 days from approval date. (If work is not commenced within 60 days of approval date, this permit is void).

13. **At Project Completion, Notification to the Public Services Department of City Hall IS REQUIRED!**

14. The construction and maintenance of such ROW construction shall not interfere with the property and rights of a prior Permittee.

15. Special Conditions/Instructions: _____

16. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the holder, and the holder will, at all times, assume all risks of, and indemnify, defend and save harmless the City of Destin from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges; during construction, all safety regulations of the City shall be observed and the holders must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with adequate safety practices.

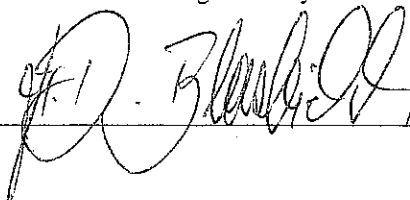
17. All Landscaping placed within the ROW by adjacent property owner shall be at risk for maintenance, replacement or removal by said adjacent property owner. The City shall make every effort to support property owners in maintenance and beautification of ROW's and encourage contractors of utility work and City projects to coordinate with adjacent property owners for removal and restoration of facility and landscaping associated with various projects. Where feasible, the utilities and City work shall be encouraged to restore all compliant landscaping and facilities as a part of project costs. However, should the ROW be required for utility or other City work, the adjacent property owner shall be responsible for removal and/or replacement of any landscaping within the ROW at no cost to the City.

18. In the event contaminated soil is encountered by the Permittee or anyone within the permitted construction limits, the Permittee shall immediately cease work and notify the City. The City shall coordinate with the appropriate agencies and notify the Permittee of any suspension or revocation of the permit until contamination assessment and remediation, as appropriate under Rule Chapters 62-770 and 62-730 Florida Administrative Code, has progressed to a state that all environmental regulatory agencies having jurisdiction have approved the site of the contamination for resumption of work.

19. No lane closure shall be allowed on arterial or collector roadways between 6 am to 8 am or between 4 pm and 6 pm. No lanes shall be closed from 12-noon forward on Friday afternoons.

Notify the Public Services Department at Destin City Hall (837-4242) 24 hours in advance of any lane closure.

20. In the case of noncompliance with the City's requirements, this permit is void and the facility will have to be brought into compliance or removed from the right-of-way at no cost to the City.

Submitted by  Property Owner _____ (signature and title)

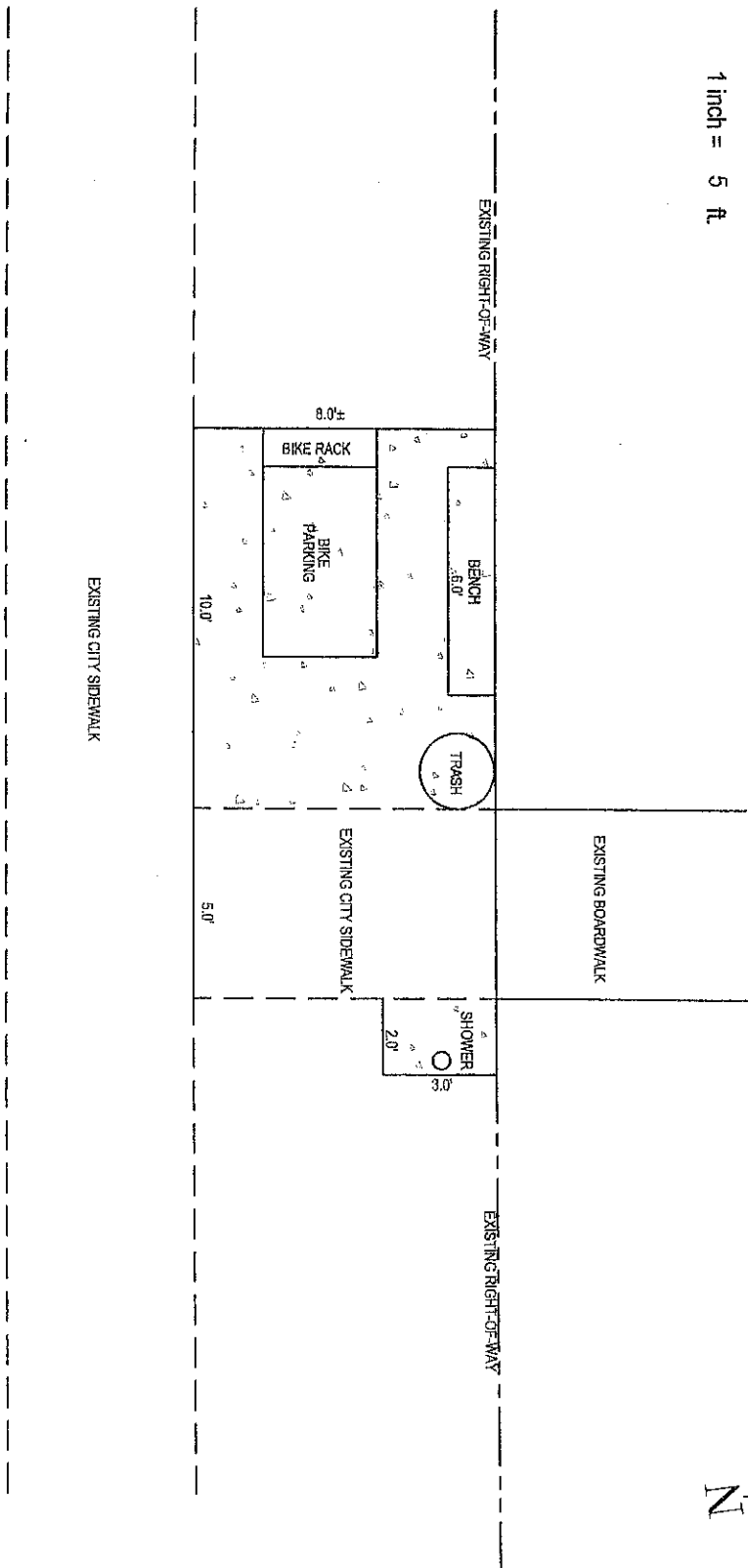
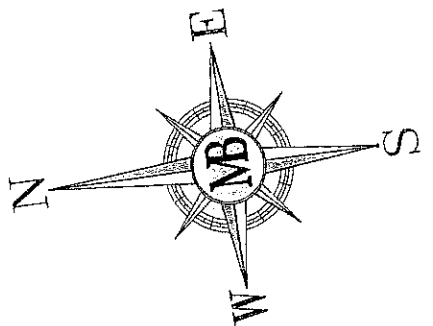
Approved this _____ day of _____

By: _____, PUBLIC SERVICES DIRECTOR, for the City of Destin

GRAPHIC SCALE



1 inch = 5 ft



Ken Gallander

From: Ken Gallander
Sent: Tuesday, May 04, 2010 4:37 PM
To: 'David Smith'
Cc: Joe Bodi
Subject: RE: Sea Oats Boardwalk Amenity Exhibit

David,

The plan looks good. Need to work on the following to get it finalized:

1. Obtain a City of Destin Right-of-Way permit (See Joe Bodi)
 - a. Need the plan you designed with the r/w permit submittal.
 - b. Include the cut sheets of the amenities (trash receptacle, bench, bike rack, and shower) that I sent to Dieter and you.
 - c. The City will waive the right-of-way permit fees.
2. Coordinate with DWU for the meter and connection for the shower.
3. A plumbing contractor will need to get a plumbing permit from the Building Division to install the shower.

I think that should be it.

Let me know if you have any questions or concerns. Appreciate you working on this.

Ken

Kenrick S. Gallander, AICP
Community Development Director
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

Phone: 850.837.4242 ext. 3126
Fax: 850.650.0693
email: kgallander@cityofdestin.com



CORE VALUE: "Sound and fair group decision making."

From: David Smith [mailto:dsmith@moorebass.com]
Sent: Tuesday, May 04, 2010 2:42 PM
To: Ken Gallander
Subject: Sea Oats Boardwalk Amenity Exhibit

Ken,

Attached is the "rough" exhibit for the Sea Oats Boardwalk Amenity.

Please let me know if you have any comments or if this is good.

Thanks,
David

David Smith, P.E., P.S.M.
Moore Bass Consulting of Destin, Inc.
1221 Airport Drive, Suite 205
Destin, Florida 32541
850.269.2800 - office
850.269.2888 - (fax)

www.moorebass.com

dsmith@moorebass.com

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 16, 2015
CITY HALL BOARDROOM
6:00 PM**

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

Destin City Council

Mayor Mel Ponder
Councilmember Rodney Braden
Councilmember Cyron Marler
Councilmember Sandy Trammell

Councilmember Jim Wood
Councilmember Jim Foreman
Councilmember Prebble Ramswell
Councilmember Tuffy Dixon

Destin City Staff

City Manager Greg Kisela
Parks/Recreation Director Lance Johnson
Community Development Director Ken Gallander
CRA/Development Manager Steven Schmidt
Public Information Manager Doug Rainer
Land Use Attorney Scott Shirley

City Clerk Rey Bailey
City Engineer David Campbell
IT Manager Webb Warren
Library Director Jurate Burns
Finance Director Bragg Farmer
City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Mel Ponder called the meeting to order at 6:00 PM. Councilmember Marler delivered the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Ron Sandstead Veteran's Day 5k Run Video

Mr. Ron Sandstead, a local resident and business owner, and President of the Main Street Betterment Alliance (MSBA), played and then briefly discussed a short video of the Veteran's Day 5k Run. He stated the Alliance sponsored the event, which was held Saturday, November 14th, to raise money for military veterans.

The Mayor thanked Mr. Sandstead and the MSBA for all their efforts in sponsoring this event, and for honoring the military and their veterans.

APPROVAL OF MINUTES

2. Request approval of minutes of the October 12, 2015 special council meeting

Motion by Councilmember Wood, seconded by Councilmember Marler, to approve the minutes of the November 16, 2015 special council meeting passed 7-0 (Council members Trammell, Wood, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

PUBLIC HEARINGS

3. First reading of Ordinance 15-11-LC, which amends the Land Development Code to allow "Grocery stores" as a permitted use in Gulf Resort Mixed Use (GRMU) Zoning District.

The City Attorney read proposed Ordinance 15-11-LC by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO GROCERY STORES AS AN ALLOWABLE USE WITHIN THE GULF RESORT MIXED USE ZONING DISTRICT; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06 ZONING DISTRICTS, TABLE 7-2: TABLE OF ALLOWABLE USES TO PROVIDE FOR GROCERY STORES WITHIN THE GULF RESORT MIXED USE ZONING DISTRICT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that this item was brought before Council earlier this year, with Councilmember Wood as the legislative sponsor. The proposed ordinance had also been presented to the Local Planning Agency (LPA), which recommends its approval to the City Council. He also remarked adoption of this ordinance would allow grocery stores in the Gulf Resort Mixed Use zoning district.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Shane Moody, President and CEO of the Destin Area Chamber of Commerce, spoke first. He stated they are not against any specific or type of business; however, they spent a lot of time with the City several years ago discussing targeted industries and economic diversification, and creating the high skilled high wage jobs so that they are not reliant upon the industries they currently have in Destin. He also spoke on the importance of E-Date and giving economic development tax exemptions to targeted industries. He further stated it would be up to the City to recruit the kind of businesses they need since the State Legislature is cutting Enterprise Florida's budget and there would not be very many State incentives to do so. He added that by approving this ordinance and changing the Gulf Resort Mixed Use zoning classification, they would risk adding something not in the targeted industries for Destin.

Mr. Chatam Morgan, managing partner of La Paz Restaurant, pointed out it was written in the staff report that the link to strategic goals and objectives for this particular item was to enhance opportunities for economic growth and diversity within the City. He continued that allowing more grocery stores in this area is really not being diverse because they already have plenty of it nearby. He also mentioned that the owner of the Shoreline Mall, which is the property involved in this case, is not renewing leases on their property. He added that the property owner is fully aware grocery stores are not allowed on the property, and for this Council to change the zoning classification on that property to accommodate the property owner because they are not able to successfully lease out their units would be a disservice to the City.

Mr. Charles Morgan, a Destin resident and business owner, stated that residents do not want this project, and so this should not be a hard decision to make for this Council. He continued this is an out of town developer wanting to bring in a "big box" store that would hire many low wage employees. He remarked they need to focus their energy on making this City a better place to live, and that they need more parks, sidewalks, bike paths, and swimming pools; adding this project would not be beneficial to the City of Destin.

Mr. J.J. Chambers, a Destin resident, states that he enjoys seeing the growing number of small businesses in the Shoreline Mall; however, he has heard from a lot of people that the property owner has not been returning calls regarding renewal of leases on the property. The property is clearly being cleared out to have a larger entity bring in a "big box" store. He continued there is no shortage of grocery stores in that area with the existing Winn-Dixie and Target. He added it would not be in the best interest of Destin and its residents to allow another grocery store in that district as it would only create more traffic in that area, and it would also mean the removal of many wonderful local businesses.

Mr. Guy Tadlock, a Destin resident, noted that Gulf Shore Drive and US Hwy 98 intersection has been in the top three in the highest crash intersection in the City of Destin the past three years; with the number of crashes increasing right after McDonald opened up across the street. He continued this number will surely increase if they allow another grocery store in that area. He also stated it was noted in the Canin study, Envision Destin, the importance of giving the Town Center area a boost to get it going; and so if they would entertain a "big box" store, Main Street would be a better location for it than this very busy intersection.

Ms. Cary Harbager, a Destin resident, stated that the thought of allowing a large grocery store and putting several local businesses out of business is unconscionable. She asked Council to think through the consequences before making any decision on this matter as these local businesses really contribute a lot to this community

Mr. John Abernathy, President of the company that redeveloped the Shoreline Mall and also one of its owners, spoke next. He stated they have not made any specific applications; however, their interest is to be able to entertain calls for grocery stores and other things they have on their

property. He also stated they are being referred to as out of town developer, but they have made a pretty significant investment in the community as evidenced by the way they developed the Shoreline Center. He further stated that adjacent property owners are commenting on what they should or should not do on their property while they do what they want with their properties. He added that the rumor that they are selling the entire property is incorrect as they simply want to entertain a grocery store as an option.

Mr. David Schussler, a Destin resident, noted that Target is fast becoming more of a grocery store than the traditional Target store, and that one is located just across the street from the Shoreline Mall. He added that less than a mile down the road from the mall is a Super Walmart, which is the biggest grocery store in the world.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter for discussion and consideration by Council.

Councilmember Braden stated that he tried to keep an open mind when he first learned about this issue, thinking it only involved a small grocery store; but, later on he found out that was not the case. He remarked he cannot support this initiative based on all the e-mail he has been getting and all the comments made tonight from citizens who are totally against it.

Councilmember Marler remarked he was thinking about a "mom and pop" style grocery store and not a "big box" store when this item was first brought before Council. Noting earlier comments from citizens that there is already a Winn Dixie across the street and a Super Walmart right down the road from the mall, he stated that he cannot support another chain store.

Councilmember Dixon noted that this request is no different from an earlier request to rezone a certain district to allow automobile dealership, which Council did not support. He continued he cannot support this request because he does not feel it is conducive to this area.

Councilmember Foreman stated that he understood other people's sentiments about having another grocery store in this area; and that he probably will not support this requests based on tonight's comments and e-mails from the citizens. However, he does not feel it is right for them to start picking and choosing what businesses to approve and where to put certain businesses within the City based on an outcry from the public.

Councilmember Ramswell stated that she agrees with earlier comments that they are trying to encourage economic diversity and attracting different types of businesses in the City. She continued that changing the zoning to encourage more market and grocery stores in more places in the City does not contribute to economic diversity, and so she cannot support it for this reason.

Councilmember Marler asked if the proposed ordinance fails if Council takes no action.

The City Attorney stated that absence of a motion and a second completes the consideration of this matter; unless it is resurrected by appropriate process.

Councilmember Wood moved for approval of Ordinance 15-11-LC on first reading and direct staff to schedule it for final adoption on second reading. Motion failed for lack of a second.

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS

CONSENT AGENDA*

RESOLUTIONS

COMMITTEE REPORTS

SCHEDULED PRESENTATIONS FROM THE PUBLIC **

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

4. Councilmember Trammell
5. Councilmember Wood

Councilmember Wood announced they have just completed their 3rd Annual Emerald Coast Transportation Symposium at Sandestin on November 12th and 13th with 225 transportation representatives from around the State and some across the nation in attendance. He continued that transportation is moving forward in this area and that they are getting a lot of notoriety out of it.

6. Councilmember Marler

Councilmember Marler announced the upcoming Christmas Tree Lighting on December 3rd, at 6:00 PM, at the Destin Community Center as well as the Mattie Kelly Arts Foundation Christmas Sound of the Season at Village Baptist Church on December 4th. He also announced the Destin Christmas Parade on December 12th and the Destin Boat Parade on December 13th.

7. Councilmember Foreman

Councilmember Foreman noted that many high level people from around the State attended the Transportation Symposium this year with various groups discussing different subjects; adding it was an excellent symposium.

8. Councilmember Dixon

Councilmember Dixon congratulated the American Legion for the successful Veteran's Day 5K run. He suggests the City plays a bigger role in honoring the many veterans that live in the City by possibly doing a night time parade on Main Street on Veteran's Day.

9. Councilmember Ramswell

Councilmember Ramswell announced she received great report from the public regarding members of City staff, including the Recreation and Public Services departments, all going out during red tide and removing dead fish from the beach.

Councilmember Ramswell inquired as to the status of the on-line tracking system for code enforcement.

The City's IT Manager announced that Code Enforcement department is on-line with the software and has been using it to track their cases. He continued they have implemented it with their existing help desk system so that when customers submit something through the help desk system, they receive case information where they could track it on line through that system.

Councilmember Ramswell asked if Council has the capability to track code enforcement status on a day to day basis.

According to the IT Manager, the City will set up sessions with members of Council to demonstrate how to use the system.

Councilmember Ramswell asked for an update on the "dip" sign she had requested to be placed in front of Big Kahuna's.

The City Engineer David Campbell stated they posed the question but were unable to get an accurate response from FDOT about the "dip" sign. He continued that FDOT has been considering either replacing the 60" storm pipe, from Airport Road to Gulf Shore Drive, or putting a liner in the pipe. He also stated that FDOT has the 3R project coming up in about three years, and that they may be more apt to waiting and coordinating that effort with the 3R project. However, they are closely monitoring the "dip" area on the road to make sure it does not continue to subside.

Councilmember Ramswell noted the "dip" had sunk to the point people are being bounced off their motorcycles; adding this area can now be considered a pretty serious safety hazard.

Mr. Campbell noted that FDOT continues to put asphalt at that location and made some repairs to the box itself located underneath the pavement.

Councilmember Ramswell asked for the rationale given by FDOT for not putting up a sign to warn motorists of the hazard.

Mr. Campbell stated that FDOT did not provide any rationale for their decision; but, they would probably prefer to try to keep the pavement level instead of considering it a permanent dip. He added there are times the "dip" occurs in a day, and FDOT typically responds to the City's call on the same day. He also added he would press the issue once again with Transfield Services.

The Mayor asked if they could put at least a temporary sign (i.e., "dip ahead") warning approaching motorists of the "dip."

According to Mr. Campbell, they would have to go through a permitting process with FDOT because it is on US Hwy 98.

Councilmember Ramswell inquired as to the status of the street signage; noting that Hutchinson Street, for instance, is still being referred to as "293"; adding it is an inaccurate sign since it does not accurately reflect the street name.

The Community Development Director Ken Gallander stated that according to the County, these are existing signs that meet their standard; and that if the City desires to have any of the signs changed, they would need to coordinate it with the County and provide the resources to make the change.

Councilmember Ramswell stated she does not understand the County's unwillingness to replace or improve existing signage that is misleading.

Mr. Gallander stated that he would continue to coordinate with the County on this matter.

Next, Councilmember Ramswell asked if the City had been able to file the yearly storm water report with NPDES on time.

Mr. Campbell noted the City had filed the report and received the NPDES response today.

Councilmember Ramswell asked for an update of their previous discussion relating to the festive market place boundary; at which time the City Manager addressed it and noted that the Sheriff's Department was uncomfortable with the wording of the ordinance.

According to the City Manager, they need to move forward and modify the language so that the Sheriff's Department is comfortable in enforcing the regulations.

Councilmember asked for an update on the Gulf Power inventory of their power poles.

The City Manager stated they have anticipated receiving a complete inventory list Gulf Power by the end of August 2015, but it was not complete; however, they met with Gulf Power and they now expect to have a complete inventory listing within the next two weeks.

Councilmember Ramswell noted that Council voted on September 8th to disallow the cell phone towers installed in front of the Crab Trap. She wants to know the status of having these cell towers relocated.

The City Manager stated that they have contacted Verizon and asked them to remove the posts out of the City rights-of-way; adding they gave them specific deadline, but would follow up on it.

Councilmember Trammell noted that Verizon contacted the Destin Water Users and is working with them to move the poles to a particular location; adding as soon as they completed the contractual agreement, the poles will be moved to a particular spot.

Councilmember Ramswell suggests giving Verizon a deadline to move the poles so they do not prolong it.

Councilmember Ramswell asked for the status on the removal of the badly damaged sidewalk braille on Main Street.

According to the City Manager, this project had been incorporated in to the 2016 budget, and that they now have budgetary funds to obtain the necessary replacements and have them installed this year.

Next, Councilmember Ramswell discussed the letter she received from Attorney Dana Matthews from Matthews & Jones; copies of which were distributed to all members of the Council. Copies of the following statement, which Councilmember Ramswell read into the record, were also distributed. Councilmember Ramswell also noted she had been the subject of intimidation in two separate instances within the last three weeks; and that the following statement addresses the second incident:

*“OFFICIAL STATEMENT
Offered Into Public Record on November 16, 2015
By: City of Destin Councilwoman
PREBBLE Q. RAMSWELL*

November 16, 2015

City Council, City Manager, City Staff, and Citizens of Destin:

Last week, I received a letter from Attorney Dana Matthews on behalf of his client Peter Bos. This letter was an attempt to threaten me into submission. It demands I cease speaking in my capacity as a city councilmember, on behalf of the citizens I have been elected to represent, about unfair, improper and even dangerous conditions perpetrated by Mr. Bos and his representatives. The letter stated they are prepared to seek all legal remedies against me, including compensatory and punitive damages, unless I published letters of retraction within 10 days in both newspapers as well as my own website, and cease and desist any disparaging communications about Mr. Bos or his businesses.

This threat is about an email I wrote within my scope of duties as a councilmember to our city manager, Greg Kisela, in August. The email detailed concerns about the public's ability to use the Osteen public beach access and

safely swim in the water there. It was made public as part of an FOIA request by a citizen and published on August 25th, in its entirety, on social media.

Let me state for the record: I will not be bullied or threatened into not performing my public duties. I won't be bullied or threatened into shirking my job as a councilmember – not by Mr. Bos, Mr. Matthews or anyone. As they have now threatened to move our differences into the courts if I do not meet their demands, I find I must retain council. Since the City retains insurance coverage for such instances, I am requesting the City notify our carrier and request coverage.

It is unfortunate that Mr. Bos and Mr. Matthews have chosen to take this path; but, for all of us on the dais, it is vital that we – as elected representatives of the people of Destin – are not bullied into nonsense lawsuits. We should engage in and encourage open, honest dialogue without threat, even if we disagree.

I was elected to serve in good faith and speak to the needs, wants and concerns of those who live and work here and whom voted for me to be their voice. I have a duty to do what's right by them and will continue to do so – not just because it is my duty, but because it's the right thing to do."

The City Attorney noted that he had already advised the City Manager ahead of this meeting that he should forward the letter to the City's underwriter; and that it will be treated as well as any other alleged claim.

Councilmember Ramswell stated she has supporting documentation for each and every point made in Mr. Matthews' letter.

The City Manager stated this item will be referred to the City's insurance carrier immediately to determine whether or not there is coverage.

The City Attorney noted there is no downtime in every incident when there is an alleged claim that involves the City.

10. Councilmember Braden

Councilmember Braden noted they have done an excellent job on the sidewalk at Hutchinson Street.

Councilmember Braden suggests the City starts giving out awards for best decorated businesses on US Hwy 98 as they do for the best decorated houses during the Christmas Holiday.

The Parks and Recreation Director noted that “best decorated businesses” is already one of the categories for this annual competition.

11. Mayor Ponder

The Mayor announced he had the opportunity to represent the City of Destin in giving out the Good Citizenship Awards to the Destin Elementary School students.

STAFF REPORTS AND RECOMMENDATIONS

12. City Attorney comments
13. City Land Use Attorney comments
14. Recommendation for Paid Parking in City Parking Areas

The City Manager noted there are three very distinct parking areas in the City:

- The Crystal Beach area where parking is fragmented because there is sporadic parking up and down Scenic Hwy 98
- Parking in Restaurant Row area by June White Decker Park is a little bit more concentrated; but, it is predominantly for individuals who access the beach at that particular location
- Marler Parking Lot in the Harbor District with approximately 150 parking spaces may be the easiest to install paid parking. It is a bit more challenging on the west side of the Harbor District by Sibert Avenue and Zerbe Street with the overflow parking lot and the Destin Community Center parking lot. The community center parking lot predominantly serves the community center, but it also provides parking for the Harbor District itself.

The City Manager also informed Council of the three different options or technology on paid parking – Pay and Display, Pay by Space and Pay by License. He stated the industry for the most part is moving away from having parking meters on specific spots; and that technology has advanced quite a bit where a person could use their smart phones at times to add additional time to the parking meter. He suggests that if Council decides to implement paid parking that they track it similarly with Joe’s Bayou (from spring break to the end of October); and not implement it during the winter months as demand for paid parking drops off substantially during the winter months. He also stated they would need to have enforcement if they implement paid parking. For comparison, they have looked at other cities utilizing paid parking that are equivalent to Destin – Clearwater Beach, Madeira Beach and Pensacola. He requests policy direction from Council.

Councilmember Foreman stated that he has been an avid supporter of paid parking; and that the idea is for the program to sustain itself over a period of time. He continued it would be a great source of revenue, especially during tourist season, which would enable them to put additional parking in other location in the City.

Councilmember Dixon noted that the way parking meters are setup, they would probably only get 50 cents on a dollar because they have to pay for the machine as well as the company doing the collection. He also noted there are very few parking spaces that are near the beach; and that he is not ready to support the idea of charging for parking where people have been doing it for free for quite a while; unless it is for a project which involves building a parking garage.

Councilmember Ramswell stated that she supports the idea but not for the entire city. She continued one aspect that she likes is being able to add a surcharge to any parking fines that would pay for school crossing guards; and that she had already confirmed this is a definite possibility.

Councilmember Braden asked if they have enforcement capability if they decide to implement paid parking.

According to the City Manager, they would need enforcement personnel to issue parking tickets to violators.

Councilmember Marler stated he cannot support the idea at this time because they already have enough problems trying to fill the Marler Parking Lot even during the summer months; adding it is a perfect idea if they have a parking garage.

Councilmember Wood suggests doing a pilot program at the Marler Parking Lot just to see how it works. He stated he is sensitive to the idea of suddenly charging people to park when they have been parking in Destin for free all their life.

Councilmember Trammell stated that Council has the authority to implement the paid parking program and the authority to designate proceeds to go toward building a parking garage. However, they have told all the businesses along the harbor to have their employees park on the City lot; and so if they decide to implement the paid parking program, they need to consider giving these employees a parking pass and not charge them for parking.

Councilmember Foreman suggests they consider the paid parking program in connection with a long range plan to develop perhaps a parking garage.

Councilmember Foreman moved to direct the City Manager to undertake a study to determine the feasibility of a pilot program for paid parking in the Marler Parking Lot; and then bring back recommendations to Council. Councilmember Wood provided a second to the motion.

Councilmember Ramswell expressed concern they built a public lot and they now want to charge people to park in a public lot. She suggests putting the parking meters along Scenic Hwy 98, Restaurant Row or Crystal Beach.

The City Manager noted that the plan has always been to start with the surface lot and then go to a structured parking; adding that structured parking will cost \$18,000 to \$20,000 per space.

Councilmember Ramswell stated they are trying to encourage people to park in the parking lot; but this would discourage people from parking there because they would have to pay.

The City Manager stated they are slowly but surely seeing a number of the businesses in the harbor district charge for parking; with AJ's already charging people to park on their north side parking lot. Customers of AJ's get their parking tickets validated and parking becomes free; but, non-customers have to pay for parking. He added that the easiest place to run a pilot program is clearly at the Marler Parking Lot because parking is all contained in the 2½ to 3 acre site.

Councilmember Dixon noted the Marler Parker Lot was about 20 percent occupied during the Fourth of July; adding he expects it to be 10 percent less than that if they implement paid parking in that lot. He added it would be the worst place to do a pilot program because it is seldom used anyway.

Councilmember Braden suggests using the parking lot on Sibert Avenue or another lot that is actually used.

Councilmember Ramswell asked what other lots are used regularly on a large capacity and would be better for them to consider.

The City Manager stated the only other lot that is used regularly is the overflow parking lot at Sibert Avenue and Zerbe Street; however, it would require quite a bit of work to get it to a point where they could implement a pilot program for paid parking.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 5-2 (Council members Trammell, Wood, Marler, Foreman and Ramswell voted "yes"; Council members Dixon and Braden voted "no").

15. Tarpon Street Beach Access and Associated Improvements Reimbursements to Dieter Blasbichler – Agreement Compliance

The City Manager explained this was part of a Tier 3 project in the Crystal Beach area where a developer contributed a 5' wide easement, which has been dedicated to the City for a public beach access and the construction of the public beach access improvements on behalf of the City. He continued the agreement was if the project, for whatever reason, did not proceed as plan the City would reimburse the developer for half of the construction cost of the public beach access totaling \$23,419.87.

Councilmember Ramswell noted the meeting minutes dated March 1, 2010 that was attached to the staff report did not address the fact there was an agreement for the City to pay the developer 50 percent of the construction cost of the public beach access.

The Community Development Director Ken Gallander noted they utilized the motion from the previous staff report, and the five conditions as listed on pages 1 and 2 of the staff report, which the Council approved at that point.

Councilmember Ramswell reiterated that the minutes are included in the staff report but they did not show a vote by Council allowing the developer to go ahead and build the beach access and agreeing to pay back 50 percent of the construction costs. She added that condition #5 in the staff report states that the reimbursement amount *"to be determined later in a separate agreement with Mr. Blasbichler."*

The City Manager stated it was perhaps included in the previous staff report.

Councilmember Ramswell asked that they provide that staff report to Council before they make a decision.

The City Manager suggests they defer this item to the December 7, 2015 meeting.

Councilmember Dixon noted they are basically paying just a little bit over \$23,000 for a beach access; which is quite cheap for what they would normally pay for a beach access.

Councilmember Dixon moved to approve, per the City's proposal agreement, reimbursement of not more than \$23,419.87 to Mr. Blasbichler from the City's Recreation Impact Fee account code 15157283.563000; seconded by Councilmember Marler.

Councilmember Wood asked if there were any documentation stating that Council agreed to pay back the developer for half of the construction costs for the beach access.

Mr. Gallander stated he has not actually seen a written agreement; reiterating that they utilized the motion from that previous Council meeting to determine the five conditions which the developer and staff followed leading to the construction of the beach access.

According to the City Manager, there might not have been a written agreement; but, there was an understanding which the City Council voted on that the City would reimburse the developer in the event the project did not move forward.

Councilmember Ramswell expressed concern as to the appearance of impropriety if Council agrees to pay the amount specified in the motion when they do not have an actual document that shows the previous Council had indeed made that decision. She reiterated that condition #5 in the

staff report states that reimbursement amount *“to be determined later in a separate agreement with Mr. Blasbichler”* which implies there was no vote on the specific amount at that Council meeting.

The City Manager stated they would have to go back and look in the file for additional documentation related to this issue.

Councilmember Trammell moved to continue this matter to the December 7, 2015 Council meeting to allow staff to bring back additional information relating to this item; seconded by Councilmember Wood.

Councilmember Foreman asked if there was a question as to who owns the beach access since it has already been constructed.

The City Manager stated there was an easement given to the City of Destin.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Trammell, Wood, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon voted “no”).

16. City Manager comments

A. Heritage Park Update (Tentative)

Item deferred to the December 7, 2015 Council meeting.

The City Manager made the following announcements:

- Nov 26-27: All City facilities closed for Thanksgiving
- Dec 3 @ 6 PM: 31ST Annual Destin Christmas Tree Lighting Ceremony at the Destin Community Center
- Dec 12: 31st Annual Destin Christmas Parade
- Dec 16th@5:30 PM: Special City Council Meeting (Envision Destin)
- Wed, Nov 18th: Staff will meet with FDOT to discuss course of action for proposed 5 pedestrian crossings on Hwy 98 as part of the 3R Project

At this time, Councilmember Dixon requested an update on the derelict boat issue.

According to the City Manager, they have a meeting scheduled on the first week of December with the Florida Fish and Wildlife Commission (FWC), along with their regional derelict vessel coordinator, to discuss this process. He continued that some of the boats in question are not considered derelict; and that there are different processes involved in dealing with these boats depending on whether they are on City property or on a private property on Norriego Point. He also stated the State has to determine which boats are derelict; and that this

process normally takes 3 to 6 months. He added they should be able to provide Council some ideas on how to proceed after this meeting.

COMMENTS FROM THE AUDIENCE

Mr. Schussler approached the podium and distributed handouts to members of the Council. He then informed Council that he attended the November 2, 2015 Council meeting and asked questions pertaining to the Envision Destin meetings held by Canin and Associates. He noted that the questions he asked at that meeting and the answers given by members of Council are all written in the handouts given to Council. He also stated he read all the minutes of the past regular Council meetings, special Council meetings, and Council workshops relating to Comprehensive Plan: 2020 and found no reference to whether or not the Council should attend the Envision Destin meetings. He added he once again want to ask the question as to when the decision was made for elected officials not to attend the Envision Destin meetings and who made that decision.

The City Manager stated he was not the acting City Manager and therefore not involved in any of the conversations when the original changes to the Comprehensive Plan: 2020 were proposed. He stated that during the April/May 2015 timeframe, he and the City Attorney asked the members of the City Council and the LPA not to attend the Envision Destin meetings as they would see these as part of their normal legislative process. He added that Canin provided a one-on-one briefing with members of Council and shared with them the recommendations they received during the process.

Councilmember Trammell stated that before Canin was even involved in this process Council essentially decided to have Mr. Gallander meet with stakeholders and present the result of that meeting to Council. However, Council did not like the result and decided to hire a consultant to assist in the process.

Next, Ms. Patty DeFrenza, a Destin resident, reported that the Destin Fire Control District had voted to discontinue automatic full paramedic advance life support response on every EMS call; and that they approached the fire control commissioners but they are not providing answers to their questions. She noted that the City contributes \$100,000 to the beach safety program for the fire control district; and even though the Beach Safety Chief only works part-time (seasonal), these money helps fund his full pension, while the citizens who pay these tax bills are not getting the full service they deserve. She also stated there is nothing more important than public safety, and even though the district is separate from the City, someone from the City should send a letter to the fire control commissioners asking them to fulfill the promise they made to the citizens.

Councilmember Dixon noted he was the Destin Fire Control District Chief when they originally started the Beach Safety Program which saved many lives. He continued when they originally approach the funding for this initiative, the Tourist Development Council, which funds the major portion of the program, wanted to make sure the City of Destin contributes to it. He stated that the City gets a full benefit for the \$100,000 they contribute to the fire control district

beach safety program. He added it would not be proper for him to comment on the full operations of the fire control district since he is no longer the chief.

The Mayor noted that the fire control district is a separate entity from the City, and so they cannot tell them how to run their operation. He suggests Ms. DeFrenza continues to discuss this matter with the fire control commissioners and try to get some answers.

Ms. DeFrenza asked if the City could absorb the fire district.

Councilmember Marler noted that the fire control commissioners have asked to raise the millage rate twice but were voted down both times by the citizens on a referendum. He stated the City Council cannot absorb something they cannot control.

According to Councilmember Dixon, in order for the fire control district to come under the City, the citizens would have to vote to abolish it and give the tax money to the City instead of the County.

Next to speak was Mr. Walter Woo, a Destin resident. He stated he does not believe it would be necessary to put parking meters in the Crystal Beach area or anywhere else on Scenic Hwy 98; adding that traffic in these areas are way out of control and putting parking meters there will not solve this problem.

Ms. Marcie Bell noted that the parking meters will cost approximately \$10,000 to \$15,000 a piece. She asked if they can be returned if they decide not to move forward with the paid parking program.

The Mayor stated they would have more information when staff brings back recommendations to Council.

Ms. Bell commented that the citizens should not be forced to pay to park at the Marler Parking Lot since they already paid with their tax dollars to build it. Referencing an earlier comment that the overflow parking lot at Sibert Avenue and Zerbe Street would require quite a bit of work to get it to a point where they could implement a pilot program for paid parking, Ms. Bell stated it would only give the Emerald Grande employees free parking while employees on the other end of the harbor district have to pay to park at the Marler Parking Lot.

According to Mr. Tadlock, there were some good dialogues at the Envision Destin meetings; and that they were well attended and Canin did an excellent job in getting the public to participate. He stated that Council missed all the excitements at those meetings; and what they received is Canin interpretation on what they could legally do. He also stated many people gave similar presentations at the LPA meeting, and that the LPA members seemed to be disappointed they were not able to attend those meetings. The continued the LPA members were given 150-170 pages of documents just a few days prior to their meeting and did not really have a chance to read them all. He added

that the Chairman of the LPA stated at the meeting it would take several meetings for them to absorb all the information that were provided. However, they went ahead and made a decision after being informed of the deadline to have the document approved.

Councilmember Foreman stated it is not a question of being deceptive or trying to keep the Council from being involved; but, if they attend the Envision Destin meetings as members of the City Council, it would take away from the purpose of these meetings. He continued that the public would tend to focus on the individuals that will be taking part in the decision making process. He added they want the raw material that comes out of these meetings so they could look at it objectively.

Councilmember Ramswell stated that she decided to attend the LPA meeting due to the importance of the comprehensive plan. She stated there were repeated comments about a deadline and the importance of meeting that deadline. She asked staff to speak more on this deadline.

The City Manager explained that when Council hired Canin, their goal was to have Chapter 1 of the comprehensive plan completed by either the end of 2015 or early 2016, and avoid what happened in 2013 and 2014. He continued this is the schedule and guideline the City staff followed.

Councilmember Marler stated that having been a member of Council for several years, he knows if they attend a meeting when they have members of advisory committees or other citizens at that meeting, their decisions could be convoluted and it will be a disservice to the entire citizenry. He also commented that members of Council are elected to make decisions based upon all the information gathered and not just a version from one or two entities. He further stated there would be at least two new Council members after the next election who may not agree with the plan and could result in starting the whole process over; adding this is the basic reason they are trying to get the plan approved prior to the next election cycle.

Ms. Bell stated that Council was presented only with a few slides which were supposed to represent 8 nights of discussions.

The City Manager noted that all of the Envision Destin meetings were videotaped and that the video recordings and all the written materials were uploaded on the Envision Destin website; adding that the elected officials could watch and hear everything that was said during all the sessions. He also stated that LPA members were asked not to attend the Envision Destin meeting; but, they were not instructed not to watch the videotapes of the meetings. He added that during the LPA meeting, two of the members stated that they watched the videotapes of the Envision Destin meetings.

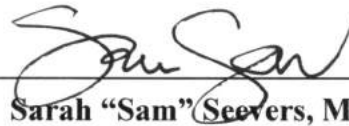
Councilmember Ramswell stated she understands the concern about the upcoming elections and the idea of starting the process entirely over; however, all the talk about the deadline at the LPA meeting was quite bothersome to her. She feels the LPA members were pressured into voting and would like to encourage everyone to listen to the audio recording of the LPA meeting.

Councilmember Dixon stated that he never felt pressured in getting the comprehensive plan approved prior to the next election; adding it was never a determining factor for him as far as trying to move forward with the plan.

Having no further business at this time, the meeting was adjourned at 8:40 PM.

ADOPTED THIS 1ST DAY OF FEBRUARY 2016

By:

A handwritten signature in cursive script, appearing to read "Sam Seavers", written over a horizontal line.

Sarah "Sam" Seavers, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Rey Bailey", written over a horizontal line.

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019**TYPE OF AGENDA ITEM:** Ordinance

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 15, 2019

SUBJECT: Second reading of Ordinance 19-05-LC - Amending Article 7 of the Land Development Code to create a Harbor District overlay

I. BACKGROUND: There is currently nothing in the Land Development Code which encourages staff to require architectural compatibility and preservation of historic structures within the Harbor Planning Area of Destin, as outlined in Policy 1-1.3.3(1). This policy requires the City to "maximize the use of what already exists by protecting, restoring and enhancing the existing assets..." In an effort to achieve ongoing consistency between the LDC and Comprehensive Plan, staff has prepared proposed Ordinance 19-05-LC, which creates a Harbor District Overlay for all properties that are zoned either SHMU or NHMU.

Consistent with the Comprehensive Plan, the Overlay recognizes the Destin Harbor as a vital part of the City of Destin's history as a world-class fishing village and festive marketplace. The intent of the overlay is to (1) encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98 and (2) to encourage the reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace, such as restaurants, bars, bed and breakfasts, and other uses that encourage tourist commercial development by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

On March 21, 2019, the LPA held a public hearing on Ordinance 19-05-LC, and recommended approval, by unanimous vote.

On April 1, 2019, the City Council approved Ordinance 19-05-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading. Staff has clarified the provision of the ordinance related to waivers between first and second reading. As was already included in the ordinance on first reading, waivers may not be granted in cases where the Building Official finds a serious health/safety threat. Since first reading, references to waivers for height, density, and FAR have been removed. Further, it has been clarified that any alternatives related to stormwater requirements may be implemented to prevent flooding.

II. DISCUSSION: Proposed Ordinance 19-05-LC encourages uses and activities which contribute to tourist commercial development while maintaining the historic value of the Destin Harbor. The proposed ordinance applies to uses within the Harbor Overlay District (which includes properties zoned either SHMU or NHMU) and provides an application process for an applicant to obtain a Certificate of Appropriateness (with or without a Conditional Use) for designated projects, structures, and sites of significance to the history of the Destin Harbor, based on outlined criteria.

The proposed Ordinance authorizes the City Council to grant a Certificate of Appropriateness (with or without a conditional use) to an applicant if there is an existing structure on a site, which the applicant seeks to preserve, and which was constructed prior to 1975, if at least one of the following criteria are met:

. Historical Significance

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Harbor area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

B. Architectural Significance

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk

and charter fishing opportunities for the public.

In addition, the proposed Ordinance authorizes the City Council to grant any Code Waivers required to further the intent of the Harbor District Overlay, provided such waivers do not pose a serious threat to the public health, safety or welfare. The Proposed Ordinance also provides for Appeals and Penalties.

On March 21, 2019, the LPA unanimously recommended approval of Ordinance 19-05-LC.

On April 1, 2019, the City Council approved Ordinance 19-05-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading. Staff has clarified the provision of the ordinance related to waivers between first and second reading. As was already included in the ordinance on first reading, waivers may not be granted in cases where the Building Official finds a serious health/safety threat. Since first reading, references to waivers for height, density, and FAR have been removed. Further, it has been clarified that any alternatives related to stormwater requirements may be implemented to prevent flooding.

A. Link to Strategic Goals / Objectives: Comp Plan Objective 1-3.4:
Encourage Redevelopment and Renewal

Comp Plan Policy 1-2.4.3(3) South Harbor Mixed Use

Comp Plan Policy 1-2.4.3(4) North Harbor Mixed Use

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends that the City Council pass Ordinance 19-05-LC on second reading.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-05-LC on second reading.

Attachments:

1. Harbor Overlay April 15_2019
Version Second Reading

ORDINANCE NO. 19-05-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES”; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Harbor District Overlay to preserve the historic character of the Harbor area as a fishing village and a festive market place, consistent with the City’s Comprehensive Plan; and

WHEREAS, the Comprehensive Plan “OBJECTIVE 1-3.4: ENCOURAGE REDEVELOPMENT AND RENEWAL” provides that “[i]n addition to Community Redevelopment Agency effort identified in Objective 1-3.3 and in the Policies that implement Objective 1-3.3, the City of Destin shall pursue redevelopment in other areas, such as the North and South Harbor Planning Areas that have a unique history, style, and look that the City seeks to preserve. The City shall maximize the use of what already exists by protecting, restoring and enhancing the existing assets, including the North and South Harbor Planning Areas ...”; and

WHEREAS, it is the intent of the Harbor District Overlay is to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the historic neighboring areas north of U.S. Highway 98; and

WHEREAS, much of the Harbor area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village; and

WHEREAS, in addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place and growth over time into a world-class fishing village; and

WHEREAS, this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area and foster knowledge of the city's living heritage; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.

Section 7.12.06 of the Land Development Code is hereby amended as follows:

DD. Harbor District Overlay. The Harbor District Overlay implements Future Land Use Element Policies 1-2.4.3(3) South Harbor Mixed Use (SHMU) and 1-2.4.3 (4) North Harbor Mixed Use (NHMU), and Objective 1-3.4 Encourage Redevelopment and Renewal, of the Comprehensive Plan.

1. **Purpose and intent.** The Harbor District Overlay encompasses all land that is within either the South Harbor Mixed Use zoning district or the North Harbor Mixed Use zoning district. The Destin Harbor is a vital part of the City of Destin's history as a world-class fishing village and festive marketplace, and will continue to play an important role in the City's future. The intent of the Harbor District Overlay is to (1) encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98 and (2) to encourage the reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace, such as restaurants, bars, bed and breakfasts, and other uses that encourage tourist commercial development by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public. Much of the Harbor Area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village. In addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place. This overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area, a world-class fishing village and festive marketplace.
2. **Process for Designation of Structures and Sites Significant to the History of the Destin Harbor.** A property owner or authorized agent of a property owner may apply to designate a structure or site as significant to the history of the Destin Harbor pursuant to this section. Such application may include a request for a conditional use, if applicable.
 - A. Applications for a Certificate of Appropriateness (with or without a Conditional Use) shall be submitted to the city manager on a form to be provided by the city, along with a signed, sealed survey of the subject property, which survey is dated within at least one year of the application date.
 - B. The owner of the subject property must either sign the application or give written authorization.
 - C. The city manager, in consultation with the city land use attorney and city staff, shall review a Certificate of Appropriateness (with or without a Conditional Use) application for sufficiency, and shall forward the request to the city council once the city manager has determined that the application includes all required information.
 - D. The city manager shall schedule a public hearing on the Certificate of Appropriateness (with or without a Conditional Use) before the city council, which hearing shall be held not later than sixty (60) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause. A separate hearing before the Board of Adjustment shall not be required if a Certificate of

- Appropriateness application is submitted with a Conditional Use.
- E. Notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
- F. The city council shall render an order to either issue or deny the application for a Certificate of Appropriateness (with or without a Conditional Use).
- K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) that the Certificate of Appropriateness (with or without a Conditional Use) vests the uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, as well as any City code waivers authorized by approval of the survey submitted by the applicant; all until such time that the applicant abandons the uses for a period of at least 180 days; and (ii) that no further permits shall be required from the City of Destin with respect to any uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, all until such time that the applicant abandons the uses for a period of at least 180 days, and subject to any limitation that may exist, to the extent that the Building Official has determined a serious threat to the public health or safety exists without such limitations. Nothing in this section releases the Applicant from any requirement to obtain a business tax receipt on the subject property, if applicable.
3. **Criteria for Designation of Structures and Sites Significant to the History of the Destin Harbor.** The City Council may grant a Certificate of Appropriateness if there is an existing structure on the site, which the applicant seeks to preserve, and which was constructed prior to 1975 (according to records of the Property Appraiser and/or the City of Destin) and at least one of the following additional criteria are met:
- A. Historical Significance
- Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Harbor area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.
- B. Architectural Significance
- Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

4. **Conditional uses.** If an applicant desires to change the use of an existing structure on the site, the applicant is required to apply for a Certificate of Appropriateness with Conditional Use. Conditional uses in the Harbor Area Overlay shall include those listed in Table 7-2, Table of Allowable Uses. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the Harbor Area Overlay, the provisions of the underlying zoning district shall apply, unless an application for a Certificate of Appropriateness has been submitted. The following shall apply to all applications for a Certificate of Appropriateness with Conditional Use within the Destin Harbor Area:
 - a. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing on the Certificate of Appropriateness with a Conditional Use, that the proposed use, application and, if applicable, survey or site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity. The City Council is authorized to grant any waivers to the Land Development Code pursuant to subsection 7.12.06(DD)(6), in order to further the purposes of the Harbor District Overlay.
 - b. *Characteristics of use described.* The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
 - (1) Scale and intensity of the proposed conditional use as measured by the following:

- i. Floor area ratio;
- ii. Traffic generation;
- iii. Square feet of enclosed building for each specific use;
- iv. Proposed employment;
- v. Proposed number and type of service vehicles; and
- vi. Off-street parking needs.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the Harbor District Overlay:

- i. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

- ii. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- iii. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- iv. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- v. Preservation of “Old Destin”. The Harbor District Overlay is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore,

conditional uses should meet one or more of the following criteria:

A. Historical Significance

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Harbor area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

B. Architectural Significance

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

- vi. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances except that the City Council may grant waivers or variances to the City Land Development Code pursuant to section 7.12.06(DD)(6) of this Code. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.

5. **Certificate of Appropriateness.** Evidence of the approval required under the terms of the Harbor District Overlay shall be a Certificate of Appropriateness issued by the City Council, stating that the change of use and development or re-development depicted on the survey has been made are approved by the City Council. The City Council may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. Any action by applicants following issuance of a Certificate of Appropriateness shall be in accord with the application and material approved and any conditions appended thereto.
6. **Code Waivers.** To further the intent and purpose of Harbor District Overlay, the City Council may waive or modify requirements of the Land Development Code pursuant to this section 7.12.06(DD)(6), including but not limited to parking requirements, driveway requirements, stormwater requirements, any performance standards, requirements for lot area, lot width, lot depth, setback, and open space standards set forth in Table 7-3, Table of Dimensional Regulations, provided however, that if the Building Official determines there is a serious threat to the public health, safety or welfare, such waivers may not be granted. Further, alternative stormwater requirements may be imposed to prevent flooding on the subject property.
7. **Appeals:**
 - A. Any appeal of a city council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.
 - B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.
 - C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.
8. **Penalties:** The code compliance department may enforce the terms of this section by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes. Additionally, the code compliance department, or other duly authorized officer or authority, may enforce the terms of this section through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

Table 7-2 Table of Allowable Uses

²⁰ No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City.

NOTE: Any change of use within the Harbor District Overlay that is part of an application for a Certificate of Appropriateness shall require conditional use approval pursuant to section 7.12.06(DD).

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(Signatures Continued on Next Page)

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15th DAY OF APRIL, 2019.

By: _ Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: April 1, 2019

Second Reading: April 15, 2019

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 15, 2019

SUBJECT: Second reading of Ordinance 19-06-LC - Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district

I. BACKGROUND: Ordinance 15-17-PC updated the City's Comprehensive Plan to include the Calhoun Mixed Use Village Future Land Use category. Ordinance 19-06-LC seeks to create consistency between the City's FLUM and Land Development Code, by creating the Calhoun Mixed Use Village zoning district.

Future Land Use Element Policy 1-2.4.3.2.b, of the City's Comprehensive Plan establishes the Calhoun Mixed Use Village FLUM category. This category allows multi-family and single-family residential uses, as well as all of the non-residential uses established for all Calhoun Mixed Use categories in FLU Element Policy 1-2.4.3.2., of the City's Comprehensive Plan. These uses include village-level hotels, motels, bed and breakfasts, and other commercial transient living accommodations, neighborhood retail commercial goods and services not exceeding 5,500 square feet, offices, water-dependent activities, restaurants, and appropriately-scaled institutional uses.

On March 21, 2019, the LPA voted unanimously to recommend approval of this proposed Ordinance.

On April 1, 2019, the City Council approved Ordinance 19-06-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading.

II. DISCUSSION: The City Council has directed staff to create a new zoning category to be compatible and consistent with the Calhoun Mixed Use-Village FLUM category. Proposed Ordinance 19-06-LC will establish the Calhoun

Mixed Use-Village Zoning District.

This new zoning category is intended to encourage a mix of village and neighborhood level uses and to provide a transitional area between the higher intensities of the SHMU to the south and the surrounding low-density residential zoning districts located within the "Old-Destin" area. The uses of the Calhoun Mixed Use-Village (CMU-V) zoning district are derived from the Calhoun area future land use category in the City's Comprehensive Plan. The CMU-V zoning district includes single family at a maximum density of 9.0 dwelling units/acre as a permitted use.

Multi-family residential uses, including appropriate non-residential uses, are considered conditional uses as outlined in Table 7-2 (Article 7.12.08, LDC). To incorporate the new CMU-V district into the City's LDC, staff updated Table 7-3, Schedule of Dimensional Requirements in zoning districts (Article 7.12.08, LDC) as follows to include performance standards consistent with the Comprehensive Plan:

- * Setbacks within the CMU-V zoning district are 20-foot front, 7.5 side, and 10 foot rear for parcels with one dwelling unit.
- * Parcels with two or more dwelling units or nonresidential uses require a front setback of ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less.
- *For any portion of a building having a height above 40 feet, the front setback is a minimum of 30 feet. Side setbacks are zero for buildings with a height of 35 feet or less, and 15 feet for any portion of a building having a height over 35 feet.
- *The maximum height in the CMU-V district is 35 feet/3 stories for one dwelling unit and 50 feet/4 stories for two or more dwelling units and nonresidential uses.
- *Parcels contiguous to a residential zoning district boundary in the CMU-V district will require 10-foot side yards maintained as open space.

The CMU-V zoning designation will encourage compatibility between commercial, mixed-use development and residential uses, and ensure the integrity of residential uses by increasing buffering requirements.

On March 21, 2019, the LPA voted unanimously to recommend approval of this proposed Ordinance.

On April 1, 2019, the City Council approved Ordinance 19-06-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading. The purpose and intent section of the Ordinance has been modified since first reading, to make

clarifications for increased consistency with the Comprehensive Plan.

A. **Link to Strategic Goals / Objectives:** Enhance Quality of Life.

Comp Plan Policy 1-2.4.3 Mixed Use;

Comp Plan Policy 1-2.4.3(2)(b) Calhoun Mixed Use Village

B. **Effect on Budget (EOB):**

C. **Level of Service (LOS):**

III. **CONCLUSION:** Proposed Ordinance No. 19-06-LC creates a zoning district that implements FLU element policy 1-2.4.3.2.b. of the City's Comprehensive Plan.

IV. **RECOMMENDED MOTION:** I move to approve Ordinance 19-06-LC on second reading.

Attachments:

1. CMUV Ordinance April 15 2019 2nd Reading

ORDINANCE NO. 19-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN CENTER MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES”; AMENDING TABLE 7-3: “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Calhoun Mixed Use- Village in order to obtain consistency with the City’s Comprehensive Plan; and

WHEREAS, the purpose of the Calhoun Mixed Use – Village zoning district is to provide a mixed-use transitional area between the higher intensity south harbor mixed use zoning district and the less intense surrounding low density residential zoning districts; and

WHEREAS, it is the intent of the CMU-V to encourage lower density residential developments and mixed-use developments by specifically not allowing stand-alone multi-family residential uses, but rather, to require multi-family uses to include nonresidential uses as components of the development.

WHEREAS, the CMU-V is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past; and

WHEREAS, it is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the area east of the Choctawhatchee Bay and Calhoun Avenue, promote the tourist trade and interest, and foster knowledge of the city's living heritage; and

WHEREAS, the City Council has determined that this ordinance is consistent with the

adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.

Section 7.12.06 of the Land Development Code is hereby amended as follows:

CC. Calhoun Mixed Use - Village(CMU-V). The Calhoun Mixed Use - Village zoning district implements Future Land Use Element Policy 1-2.4.3(2), Calhoun Mixed Use - Village of the Comprehensive Plan.

1. Purpose and intent. Purpose and intent. The "CMUV" area is depicted on the FLUM (Map 1-1) and is generally located east of Calhoun Avenue, west of Sibert Avenue, south of Forest Street, and north of the South Harbor Mixed Use area. The intent of this zoning district is to preserve the character of the nearby "Old Destin" area, and to provide a mixed use transitional area between the higher intensity south harbor mixed use zoning district and the less intense surrounding low density residential zoning areas. The Calhoun Mixed Use-Village is envisioned as a walkable, medium-scale resort-mixed use area. Planned developments that increase pedestrian connectivity, east- west vehicular connectivity, and parks or open space shall be encouraged. The Calhoun Mixed Use Village should encourage an excellent tree canopy and before major new development occurs, it is important the tree preservation be enhanced to ensure the lush character of this area continues even as new development occurs. The area shall redevelop as a mixed use area, accommodating primarily medium to high density long-term and short-term residential uses. Commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations shall be allowed. Non-residential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 square feet designed primarily to serve the needs of the adjacent "Old Destin" area, offices; water dependent activities, restaurants, and similar uses (refer to table 7-2). It is the intent of the CMU-V zoning district to specifically not allow each general retail

commercial goods and services uses to exceed 5,500 heated and cooled square feet. Additionally, it is the intent of the CMU-V to encourage lower density residential developments and mixed use developments by specifically not allowing stand-alone multi-family residential uses, but rather, to require multi-family uses to include appropriate nonresidential uses as components of the development.

2. Principal, accessory and conditional uses. Permitted, accessory and conditional uses shall include those listed in Table 7-2, Table of Allowable Uses. The following shall apply to all applications for a conditional use in the CMU-V zoning district:

- a. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

- b. *Characteristics of use described.* The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

- (1) Scale and intensity of the proposed conditional use as measured by the following:

- i. Floor area ratio;
 - ii. Traffic generation;
 - iii. Square feet of enclosed building for each specific use;
 - iv. Proposed employment;
 - v. Proposed number and type of service vehicles; and
 - vi. Off-street parking needs.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the CMU-V:

- i. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- ii. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

- iii. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- iv. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- v. Preservation of “Old Destin”. The CMU-V is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the area east of the Choctawhatchee Bay and Calhoun Avenue, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses should meet one or more of the following criteria:
 - 1. Historical Significance: Proposed development in the CMU-V district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the area east of the Choctawhatchee Bay and Calhoun Avenue; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.
 - 2. Architectural Significance: Proposed development should portray an era of history characterized by City of Destin

3. Environmental Significance: Proposed development should enhance the variety, interest, and sense of identity of the area east of the Choctawhatchee Bay and Calhoun Avenue by protecting the unique natural and man-made environments.

d. Appeals: Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.

	TABLE 7-2: TABLE OF ALLOWABLE USES																											
	B E	L D R -	L D R -	L D R -	M D R -	M D R -	H D R	C B N	C L	C G	C T S	R O I - G	R O I - T	R O I - V	R O I - C	C B R	T C M U	C M U	C M	S H M	N H M	G R M	H I M U	B R M	I N	A N S	R E C	C O N

	V	H	H	V	HI						D	D	R	B				<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>		<u>U</u>		<u>T</u>	
	Residential Use Designations																									
Permanent or long-term residential uses																		<u>P</u>								
Single-family detached dwelling	P	P	P	P	P	P	P	P	P		P		P	P	P		P		C	C	P	C	P			
Multi-family attached dwelling					P	P	P	C	P		P			P	P	P	<u>C</u>		P	P	P	P	P			
Mobile home dwelling	C																									
Mobile home development							C																			
Guest house ⁽¹⁾	P				P	P	P	P			P	P		P			<u>C</u>									
Accessory	P				P	P	P	P			P	P		P			<u>C</u>									

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[illegible]

4512 Book, periodic al, and music stores								P (2)	P		P (3)	P (3)			P (4)	P	P	P	P	P	P	P	P				
452 General merchan dise stores																											
4521 Departm ent stores								P (2)	P						P			P	P								
4529 Other general merchan dise stores								P (2)	P		P (3)	P (3)			P (4)	P	P		P	P	P	P	P	P			
453 Miscella neous store retailers																											
4531 Florists								P (2)	P		P (3)	P (3)			P (4)	P			P	P	P	P	P				
4532 Office supplies, stationer								P (2)	P		P (3)	P (3)			P (4)	P			P	P	P	P	P	P			

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	Sector 61 Educational Services																										
611 Educational services																											
6111 Elementary and secondary schools										P	P														P		
6112 Junior colleges										P	P														P		
6113 Colleges and universities										P	P														P		
6114 Business, computer and management training									P	P	P	P	P				P	P		P	P	P	P	P	P	P	
6115 Technical and trade schools										P	P	P													P	P	P
6116 Other schools									P		P	P				P	P	<u>C</u>	P	P	P	P	P		P	P	

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[illegible]

722111 Limited- service restaura nts									P	P							P	P	P (6)	<u>C</u>		P	P	P	P	P	P			
7224 Drinking places, alcoholic beverag es									P (7)	P (7)							P (7)	P (7)	P (6) (7)	<u>C</u>		P (7)	P (7)	P (7)	P (7)	P (7)		P (7)		
	Sector 81 Other Services, Except Public Administration																													
811 Repair and mainten ance									P	P																	P			
8111 Automot ive repair and mainten ance									P	P												P					P			
811192 Car washes									P	P								P												
81149 Other personal and househol									P	P								P	P	<u>P</u>		P	P	P	P	P	P			

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	⁷ Must meet minimum distance separation requirements, see section 7.16.00 of the Land Development Code.
	⁸ Must meet minimum distance separation requirements, refer to the definition of the use in question in article 3 of the Land Development Code.
	⁹ Office space associated with this use shall not exceed 25 percent of the total square footage of the building.
	¹⁰ Zoos are only allowed in the Industrial zoning district.
	¹¹ Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.
	¹² Commercial transient living accommodations.
	¹³ Used merchandise stores are restricted to only those that are classified as a nonprofit business.
	¹⁴ Can only provide said services free of charge, refer to section 7.09.02B(11) for further information.
	¹⁵ Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.
	¹⁶ Refer to Section 7.09.02(B)12 for further information.
	¹⁷ Reserved.
	¹⁸ Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.
	¹⁹ No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.

	²⁰ No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City.
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7.12.08. *Dimensional requirements.* The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS

(Dimensions are in feet)

Zoning Districts	Minimum Lot Area (sq. ft.)	Minimum Lot Size		Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Minimum Open Space (%)		
		Width	Depth	Tier 1A	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
CMU - one d.u.	7,500	70	100	35/3 stories	N/A	N/A	20	7½	10	12.00	N/A	16.00	N/A	N/A	N/A	25	N/A	30
CMUV - one d.u.	5,000	50	100	35/3 stories	N/A	N/A	20	71/2	10	9.00	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
CMUV - two or d.u.	None	None	None	50/4 stories	N/A	N/A	J	J	J	12.00	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
CMUV - non d.u.	None	None	None	H	N/A	N/A	J	J	J	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	N/A

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15th DAY OF APRIL, 2019.

By: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: April 1, 2019
Second Reading: April 15, 2019

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 15, 2019

SUBJECT: Second reading of Ordinance 19-07-LC - Amending the Town Center Mixed Use (TCMU) zoning district

I. BACKGROUND: The Town Center Mixed Use (TCMU) Zoning District encourages a mixture of commercial and residential uses, as outlined in the Comprehensive Plan. However, additional criteria and design guidelines are necessary to ensure that the appropriate non-residential uses and residential uses are compatible, and further, the intent of the TCMU zoning district and the City's vision to encourage that multi-family residential developments within the TCMU include non-residential components.

Article 7.12.06.Q., Land Development Code, implements Future Land Use Element Policy 1-2.4.3(1) of the City's Comprehensive Plan. Currently, the TCMU District allows permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. The TCMU zoning district specifically does not allow permanent or seasonal single-family residential uses. However, commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations and seasonal multi-family attached residential dwelling units are only allowed on properties that have direct or secondary access to Harbor Boulevard/U.S. Highway 98.

The City Council has directed staff to modify the language of the Land Development Code, specifically the Town Center Mixed Use (TCMU) Zoning District, to do the following:

- a.) Encourage that appropriate nonresidential components be incorporated into multi-family residential development or redevelopment projects.
- b.) Amend the Land Development Code to provide for increased buffering and setbacks for nearby residential developments that abut mixed-use developments.

c.) Incorporate planning review criteria for conditional uses in the TCMU to ensure that development or redevelopment are compatible with surrounding uses and do no adversely impact land use activities in the immediate vicinity.

On March 21, 2019, the LPA voted unanimously to recommend approval of this proposed Ordinance.

On April 1, 2019, the City Council approved Ordinance 19-06-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading.

II. DISCUSSION:

Table 7-3 Schedule of Dimensional Requirements in Zoning Districts (Article 7.12.08., Land Development Code) was updated in the following way to bring the TCMU zoning district into compliance with the Comprehensive Plan:

- Standards for TCMU one dwelling unit (d.u.) were added for the High Density Single Family use allowed in the Comprehensive Plan.
- The minimum lot size of 5,000 square feet and lot dimensions of 50 feet by 100 feet are consistent with the maximum density of 9 dwelling units per acre outlined in the Comprehensive Plan.
- The setback requirements for one d.u. parcels are 20-foot front, 5-foot side, and 10-foot rear with a maximum height of 35 feet/3 stories.
- The height and density/intensity standards for parcels with two or more d.u. and non d.u. in TCMU were modified to reflect the Comprehensive Plan.
- References to the Tiered Land Use System standards were removed.
- Footnote G, which outlines a specific height allowance for parcels that abut US Highway 98, was removed because the height allowance is less than the maximum height provided in the Comprehensive Plan.
- The deletion of Footnote T removed density bonuses for developments with one bedroom short-term residential units which is not referenced in the Comprehensive Plan.
- The setback requirements outlined in Footnote M(ii) were modified to provide additional setback buffering along property lines that are contiguous with a residential zoning district boundary.

The updated TCMU zoning designation will encourage compatibility between commercial, mixed-use development, and residential uses and ensure the integrity of residential uses by increasing buffering requirements.

On March 21, 2019, the LPA voted unanimously to recommend approval of this proposed Ordinance.

On April 1, 2019, the City Council approved Ordinance 19-06-LC on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading.

A. Link to Strategic Goals / Objectives: Enhance Quality of Life.

Comp Plan Policy1-2.4.3(1) TCMU

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The proposed Ordinance 19-07-LC modifies the Land Development Code so it provides additional review criteria for conditional uses within the TCMU Zoning District.

Staff recommends approval on second reading.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-07-LC on second reading.

Attachments:

1. TCMU Ordinance April 15 2019 CC

ORDINANCE NO. 19-07-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES”; AMENDING TABLE 7-3: “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the Town Center Mixed Use zoning district in order to allow the City Council to consider specified criteria for conditional uses within the zoning district; and

WHEREAS, the purpose of the Town Center Mixed Use zoning district is to provide a mixed-use area that encourages commercial uses along U.S. Highway 98; and

WHEREAS, the City Council desires to encourage that multi-family residential development in the zoning district include nonresidential components; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the**

Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.

Section 7.12.06 of the Land Development Code is hereby amended as follows:

Q. *Town Center Mixed Use (TCMU)*. The Town Center Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(1), Town Center Mixed Use of the Comprehensive Plan.

1. Purpose and intent. The Town Center Mixed Use zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. It is the intent of the TCMU zoning district to specifically not allow permanent or seasonal single-family residential uses. It is also the intent of the TCMU zoning district to encourage multi-family developments to include appropriate non-residential components in furtherance of the mixed-use nature of the zoning district. Commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations and seasonal multi-family attached residential dwelling units are only allowed on properties that have direct or secondary access to Harbor Boulevard/U.S. Highway 98. It is intended that the TCMU zoning district provide for increased buffering and setbacks from nearby residential and mixed use developments.

2. Principal, accessory and conditional uses. Permitted, accessory and conditional uses shall include those listed in Table 7-2, Table of Allowable Uses. The following shall apply to all applications for a conditional use in the TCMU zoning district:

- a. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

b. Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

(1) Scale and intensity of the proposed conditional use as measured by the following:

- i. Floor area ratio;
- ii. Traffic generation;
- iii. Square feet of enclosed building for each specific use;
- iv. Proposed employment;
- v. Proposed number and type of service vehicles; and
- vi. Off-street parking needs.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the TCMU:

- i. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- ii. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- iii. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
- iv. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- v. Avoid Over-Proliferation of Uses. The TCMU is intended to provide a variety of uses along U.S. Highway 98, and an over-proliferation of similar uses within the zoning district shall

not be permitted. The City Council shall review the existing uses within the TCMU zoning district in determining whether a conditional use shall be approved or denied.

- vi. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.

- d. Appeals: Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.

1. Performance standards. For lot area, lot width, lot depth, height, setback, density, floor area ratio, and open space standards, please refer to Table 7-3, Table of Dimensional Regulations.

TABLE 7-2 Table of Allowable Uses

	B E	L D R - V	L D R - H I	L D R - H	M D R - V	M D R - H I	H D R	C B N	C C L	C C G	C T S	R O I - G D	R O I - T D	R O I - V R	R O I - C B R	C B R	T C M U	C M U	S H M U	N H M U	G R M U	H I M U	B R M U	I N	A	I N S T	R E C	C O N
Resident ial Use Designat ions																												
Permane nt or long- term residenti al uses																												

Single-family detached dwelling	P	P	P	P	P	P	P	P	P			P		P	P	P		P	C	C	P	C	P					
Multi-family attached dwelling					P	P	P	C	P			P			P	P C		P	P	P	P	P	P					
Mobile home dwelling	C																											
Mobile home development							C																					
Guest house ⁽¹⁾	P				P	P	P	P				P	P		P													
Accessory dwelling	P				P	P	P	P				P	P		P													
Custodian or night-watchman dwelling												P																
Single room occupancy housing	P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P						

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454 Non-store retailers										P											P				
481 Air transportation																					P				
483 Water transportation															P			P							
484 Truck transportation																					P				
485 Transit and ground passenger transportation																									
4851 Urban transit systems								P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P
4852 Interurban and rural bus transport								P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P

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services																				
8123 Dry cleaning and laundry services							P	P	P	P	P			P	P	P	P	P	P	P
81233 Linen and uniform supply services								P	P										P	
812910 Pet care (except veterinary) services								P		P ₍₃₎	P ₍₃₎			P	P	P	P	P	P	P
812930 Parking lots and garages (public & private)														P <u>C</u>			P			P
813 Memberships and organizations								P	P		P	P		P	P	P	P	P	P	P
8131 Religious							P	P	P	P	P			P	P	P		P	P	

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parlors									8	)							(8)	(8)					8	)				
Passive recreation ⁽¹¹⁾																												P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A	A	A	A	A												A		A						

7.12.08. *Dimensional requirements.* The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS

(Dimensions are in feet)

Zoning Districts	Minimum Lot Area (sq. ft.)	Minimum Lot Size		Maximum Building Height			Setbacks			Maximum Density (units per acre)			Maximum Floor Area Ratio			Minimum Open Space (%)		
		Width	Depth	Tier 1A	Tier 2	Tier 3	Front	Side	Rear	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3	Tier 1	Tier 2	Tier 3
TCM U - one d.u.	5,000	50	100	35/ 3 stories	N/A	N/A	20	5	10	9.00	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
TCM U - two or more d.u.	None	None	None	50/ 4 35/ 3 6 stories N/A	100/ 9 stories N/A	160/ 15 stories N/A	M	M	M	19.9 /F 24.0 0	26.0 0/F N/A	36.0 0/F N/A	N/A	N/A	N/A	25	N/A 18 /V	N/A 12 /V
TCM U - non d.u.	None	None	None	75/ 6 35/ 3 6 stories N/A	100/ 9 stories N/A	160/ 15 stories N/A	M	M	M	N/A	N/A	N/A	1.5	N/A	N/A	25	N/A 18 /V	N/A 12 /V

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15th DAY OF APRIL, 2019.

By: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: April 1, 2019
Second Reading: April 15, 2019

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019**TYPE OF AGENDA ITEM:** Ordinance

TO: City Council**THRU:** Lance Johnson, City Manager**FROM:** Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney**DATE:** April 15, 2019**SUBJECT:** Second reading of Ordinance 19-08-CN - Livery Vessel Moratorium

I. BACKGROUND:

On February 6, 2019, the Harbor Community Redevelopment Board Advisory Committee (the "Harbor CRA-AC") received public comment indicating that Destin Harbor and the surrounding waterways are overcrowded with livery vessels, which disproportionately contribute to dangerous boating conditions. The Harbor CRA-AC passed a motion recommending that the City Council enact a moratorium restricting further permitting of livery vessels. On February 19, 2019, the City Council first considered the Harbor CRA-AC's recommendation, and directed staff and the City Attorney to explore the possibility of imposing a livery vessel permitting moratorium.

At the Harbor CRA-AC's regularly scheduled meeting on March 13, 2019, staff and the City Attorney presented their findings and recommendations to the Harbor CRA-AC. After considering staff and the City Attorney's findings and recommendations, the Harbor CRA-AC passed a motion on a 5-2 vote, recommending that the City Council enact an ordinance imposing a moratorium on issuing any new livery vessel licenses, other than those that a vendor had already obtained for a livery vessel in the previous year. The Harbor CRA-AC also passed a motion on a 7-0 vote recommending that the City Council engage an entity to commission a harbor capacity study to consider aesthetics, socioeconomic, quality of life, tourism, and community character issues, including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the Harbor CRA district and the Calhoun area (the "Capacity Study").

At the City Council's second regularly scheduled March meeting on March 18, 2019, staff and the City Attorney presented their findings and recommendations in addition to the motions passed by the Harbor CRA-AC on March 13, 2019. After considering staff and the City Attorney's findings and recommendations, the recommendations of the Harbor CRA-

AC, and hearing public comment, the City Council directed staff and attorneys for the City to:

1. Draft an ordinance imposing a moratorium on issuing any new livery vessel licenses or permits over and above those issued in the previous years, with an exception for compliant vendors that have detrimentally relied on the City's existing livery vessel permitting code; and
2. Begin the processes necessary to hire an entity capable of performing a Capacity Study.

Ordinance 19-08-CN was approved on first reading by the City Council on April 1, 2019, and is now before the City Council on second reading.

II. DISCUSSION:

The Livery Vessel Permitting Moratorium Ordinance (the "Ordinance") is before the Council on second reading. The Ordinance enacts a temporary moratorium, set to expire on November 1, 2019, which may be extended by amendment of the Ordinance.

The Ordinance's legislative findings articulate the extremely dangerous boating conditions which are severely and disproportionately exacerbated by the livery vessel rental industry, which rents an inordinate number of boats, waverunners and jet-skis to inexperienced pilots unfamiliar with the already difficult to navigate local waterways. The Ordinance further enacts a temporary moratorium preventing a vendor from obtaining more permits for livery vessels than that vendor was issued in the previous year unless the vendor can demonstrate a "substantial hardship" or there is an existing agreement between the City and the vendor that has been approved by the City Council.

The Ordinance defines "substantial hardship" as "a demonstrable, direct, financial detriment in excess of \$10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of" the previous livery vessel permitting ordinance.

The Ordinance further directs staff to evaluate and develop recommendation for appropriate regulations taking into consideration the same elements considered in the Capacity Study and bring these recommendations back to the City Council when they can be finalized. Upon receipt of the Capacity Study and staff's recommendations, City Council may wish to revisit and revise this Ordinance.

On April 1, 2019, the City Council approved Ordinance 19-08-CN on first reading and directed staff to advertise the ordinance for second reading.

The ordinance is now before the City Council on second reading.

Additionally, please see the attachments provided by the Army Corp of Engineers, which may be available as an option to provide a study for the City. These Army Corp attachments have been included for informational purposes.

- A. **Link to Strategic Goals / Objectives:** Enhance Quality of Life
- B. **Effect on Budget (EOB):**
- C. **Level of Service (LOS):**

III. CONCLUSION: The Ordinance before the City Council on second reading is an exercise of its police powers to the protect the public's health, safety, and welfare by enacting a temporary moratorium preventing the permitting of livery vessels over and above the number of livery vessels that were permitted in the previous year unless a vendor demonstrates "substantial hardship."

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-08-CN on second reading.

Attachments:

1. 19-08-CN -- Livery Vessel Permitting Moratorium Ordinance April 15 2nd reading
2. Copy of Email to Louis Zunguze from Army Corp
3. Army Corp Form Letter

Ordinance No.: 19-08-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council approved ordinance number 17-02-CC on Second Reading at its regular meeting on February 21, 2017, creating Code of Ordinances Article VIII Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council adopted ordinance number 17-07-CC on Second Reading at its regular meeting on March 20, 2017, which amended Code of Ordinances Article VIII Permitting of Livery Vessels; and

WHEREAS, the waterways adjacent to the landward municipal limits of the City of Destin, particularly Destin Harbor, are severely overcrowded resulting in a dangerous congestion of Vessels; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the above-described congestion by renting livery vessels to an abnormally high number of inexperienced and ineffective Livery Vessel operators, which severely increases the danger to the public's health, safety, and welfare; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the deterioration of water quality in the waterways of the City of Destin and the waterways immediately adjacent to the City of Destin; and

WHEREAS, the City of Destin City Council has determined that the above-recited facts have resulted in significant danger to the health, safety, and welfare of the public; and

WHEREAS, the City Council has directed City staff to procure a qualified expert capable of performing a study and producing a report quantifying the uses, congestion, overcrowding, and resulting water quality of Destin Harbor and other waterways adjacent to the City of Destin; and

WHEREAS, the City of Destin currently lacks adequate regulations to reduce, mitigate, or eliminate the adverse effects of a proliferation of Livery Vessels in the Destin Harbor and other waterways adjacent to the City of Destin.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

*NOTE: Language in Sections 2 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Despite the City of Destin's reasonable efforts to control the number of Livery Vessels in the waterways adjacent to the municipal limits of the City of Destin through a permitting structure described in ordinance number 17-07-CC, an inordinately high number of Livery Vessels originating from the City of Destin remain in these adjacent waterways and pose a heightened risk to the public's health, safety, and welfare when compared to vessels that are not Livery Vessels. Without further regulation preventing the increased proliferation of Livery Vessels, the risk to the public's health, safety, and welfare will continue to increase. The moratorium described herein is meant to ensure that the risk to the public's health, safety, and welfare is not further exacerbated by the increased proliferation of Livery Vessels.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, "substantial hardship" means a demonstrable, direct, financial detriment in excess of \$10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of ordinance number 17-07-CC. All other terms used herein shall have the same meanings as described in 13-141, City of Destin Code of Ordinances.

SECTION 4. TEMPORARY MORATORIUM.

- (a) There is hereby enacted a Temporary Moratorium on the permitting and operation of all Livery Vessels originating from within the municipal limits of the City of Destin and adjacent waterways. A Vendor shall not be issued a Permit unless the Vendor provides proof that the number of Livery Vessels for which the Vendor seeks permit(s) is equal to or less than the number of permits that the City of Destin issued to the Vendor in the previous year ending December 31, 2018 except as provided herein.
- (b) The City of Destin shall not issue any Permit or any other document which would have the effect of permitting or otherwise authorizing the operation of any Livery Vessels in excess of the number authorized by Section 4(a), of this Ordinance, unless either (1) the Vendor demonstrates a Substantial Hardship, as the term is defined herein, or (2) an existing agreement between the City of Destin and the Vendor exists, that has been authorized by the City Council.

SECTION 5. DIRECTION TO STAFF. City staff is directed to evaluate and develop such recommendations, as staff may deem appropriate, for adoption of appropriate regulations that consider, among other things, aesthetics, socioeconomic impact, quality of life for the public, tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the waterways adjacent to the City of Destin.

SECTION 6. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on November 1, 2019.

SECTION 7. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15th DAY OF APRIL 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

Kyle S. Bauman, City Attorney

First Reading: April 1, 2019
Second Reading: April 15, 2019

From: "Ladart, Meredith H CIV USARMY CESAM (US)"
<Meredith.H.LaDart@usace.army.mil<mailto:Meredith.H.LaDart@usace.army.mil>>
Date: April 8, 2019 at 2:57:57 PM CDT
To: "<izunguze@cityofdestin.com<mailto:izunguze@cityofdestin.com>"
<izunguze@cityofdestin.com<mailto:izunguze@cityofdestin.com>>, "Samantha Brisolara"
<sbrisolara@cityofdestin.com<mailto:sbrisolara@cityofdestin.com>>
Cc: "Boatman, Todd H CIV USARMY CESAM (US)"
<Todd.H.Boatman@usace.army.mil<mailto:Todd.H.Boatman@usace.army.mil>>, "Richardson, Jerica M
CIV USARMY CESAM (USA)"
<Jerica.M.Richardson@usace.army.mil<mailto:Jerica.M.Richardson@usace.army.mil>>, "Flakes, Curtis
M CIV (US)" <Curtis.M.Flakes@usace.army.mil<mailto:Curtis.M.Flakes@usace.army.mil>>
Subject: Destin Harbor Carrying Capacity Study

Mr. Zunguze,

Mobile District would like to provide assistance to complete your Carrying Capacity Study for Destin Harbor.

The best vehicle to undertake this effort with the Army Corps of Engineers (USACE) would be the Planning Assistance to States Program (PAS). To initiate this process we would need a letter of intent from the City of Destin. We, USACE Mobile District, would need to request funds from our HQUSACE. The funds that we would request from HQUSACE would likely not be available until after 1 OCT 2019, unless there are excess funds during the summer. The study would be cost-shared 50% FED/ 50% Non-Fed (City of Destin).

Under this effort, the City of Destin would provide the matching funds to USACE Mobile District once the scope of work is agreed upon and the PAS agreement is signed.

Mobile District has undertaken a large recreation carrying capacity study for Lake Lanier in north Georgia last year. We have several in house planners and economists with the required expertise to satisfy the objectives that were laid out by Ms. Brisolara. The Corps of Engineers would provide the following under this effort:

1. Develop the contract proposal
2. Award contract
3. Develop survey questions and sampling method with contractor and oversee the survey approval from OMB via Department of Army
4. Provide Contract Management
5. Provide QA/QC of all work products
6. Deliver completed carrying capacity study

This effort would not be completed until late Fall of 2020 as the survey work would need to be completed during the next recreation season May-Aug 2020.

I have attached a sample letter of intent for your reference. Please feel free to contact me if you have any questions.

Thanks,

Meredith LaDart, Regional Economist, SACE Mobile District, 251-690-2608

Mr. Curtis Flakes
Chief, Planning and Environmental Division
U. S. Army Corps of Engineers
Mobile District
P. O. Box 2288
Mobile, AL 36628-0001

June 26, 2017

Dear Mr. Flakes:

This is in reference to the Corps of Engineers' Planning Assistance to States Program. We understand that the provisions of the Section 22 of the Water Resources Development Act of 1974, as amended, provides the authority for the Corps to assist in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources. The **[name of state, Indian Nation, local government, or other non-Federal entity]** requests planning assistance for **[briefly describe problem or need, including, the name of water or waterway, and the location of the problem in county and state]**.

We understand that upon receipt of a letter requesting assistance from the Corps of Engineers, the Corps will prepare a Scope of Work and a cost estimate for a study. If the **[name of the municipality]** enters into an agreement to work on a Section 22 study, we understand we will be responsible for 50 percent of study costs.

We would like to discuss the availability of information required, as well as the schedule and level of effort needed in order to negotiate the appropriate agreements required to initiate a Section 22 study. My point of contact for this effort is **[name and title]**. They may be contacted at **[phone number]**.

Signature Block

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 15, 2019

SUBJECT: First Reading of Ordinance 18-15-LC - Wheeled Vehicles on the Beach

I. BACKGROUND:

Consistent with the Comprehensive Plan 2020 Goals, Objectives and Policies, it is a strategic objective of the City Council to periodically amend the Land Development Code to strengthen and improve regulatory efficiency.

This ordinance is related to the use of wheeled vehicles on public and private areas of the City's Beaches. Recently, the City of Destin has seen an increase in the amount of wheeled vehicles driving on privately owned beach property. Driving on the beach is not only aesthetically displeasing, it is also dangerous for beachgoers. Additionally, driving wheeled vehicles on the beach can be damaging to the ecosystem, including the beach fauna and flora. It is widely recognized that beach driving can cause serious ecological impacts by potentially destroying nesting areas for sea turtles and birds. Pristine beaches, clear of vehicle tracks, allow the recovery of all coastal organisms that benefit from the lack of disturbance and compacting of the substrate by the heavy vehicles.

The City's Land Development Code Section 11.08.02 bans the use of wheeled vehicles on the beach but is not clear as to whether driving vehicles on private beaches is prohibited. Therefore, the purpose of this ordinance is to amend the Land Development Code to clearly and unequivocally prohibit the use of all wheeled vehicles on all beaches in the Destin City limits, regardless of property ownership status.

On March 21, 2019, the Local Planning Agency found Ordinance No. 18-15-LC consistent with Comprehensive Plan: 2020, and recommended the adoption of said Ordinance by City Council by a vote of 5-0.

II. DISCUSSION:

The purpose of this ordinance is to balance the comfort and convenience of tourists and local beach-goers with the need to protect the health, safety and welfare of those on the beach, as well as, prevent negative environmental impacts stemming from the use of wheeled vehicles on the beach. The City's intent is to not interfere with the enjoyment and comfort of beach goers and this Ordinance will not prohibit or hinder the level of beach access currently enjoyed by both locals and tourists.

A. Link to Strategic Goals / Objectives: Goal 4 High quality of life and safety for families.

Comp Plan consistency: Proposed ordinance is consistent with Policy 1-1.1: Urban Design Standards and Design Criteria and Policy 7-1.1.4 Maintain Existing Recreation Land and Facilities

B. Effect on Budget (EOB):

C. Level of Service (LOS): Enhancement of the City's recreational level of service standards is anticipated.

III. CONCLUSION: Ordinance 18-15-LC is consistent with the Comprehensive Plan, and staff recommends approval.

IV. RECOMMENDED MOTION: I move to approve Ordinance 18-15-LC on first reading, and direct staff to advertise for second reading.

Attachments:

1. 18-15-LC Beach Driving Ordinance
April 15 CC First Reading

ORDINANCE 18-15-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City of Destin has seen an increase in the amount of vehicles driving on privately owned beach property; and

WHEREAS, Driving on beach is aesthetically displeasing and dangerous for beach strollers as well as damaging to the ecosystem and large-scale prohibition of driving may bring back the beach fauna and flora; and

WHEREAS, Land Development Code Section 11.08.02 bans the use of wheeled vehicles on the beach but is not clear as to whether driving vehicles on private beaches is prohibited; and

WHEREAS, the City Council has deemed it necessary to amend the existing Land Development Code to clearly and unequivocally prohibit the use of all wheeled vehicles on all beaches regardless of who owns the beach; and

WHEREAS, the City Council desires to balance the comfort and convenience of tourists and local beach-goers with the need to protect the health, safety and welfare of those on the beach as well as prevent negative environmental impacts stemming from the use of wheeled vehicles on the beach; and

WHEREAS, the City of Destin promotes tourism, including appreciation and enjoyment of the City's abundant preserved natural areas, pristine beaches, and walking and bicycling paths that make the City of Destin unique among Florida's coastal municipalities; and

WHEREAS, many coastal jurisdictions in the State of Florida, and across the nation, have standards in place to minimize the negative impacts caused by vehicular activity on both public and private beaches; and

WHEREAS, pristine beaches, clear of vehicle tracks, allow the recovery of all coastal organisms that benefit from the lack of disturbance and compacting of the substrate by the heavy vehicles; and

WHEREAS, it is widely recognized that beach driving can cause serious ecological impacts by potentially destroying nesting areas for sea turtles and birds; and

WHEREAS, in *Proposed Rule - Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle* (Federal Register, March 25, 2013) it is stated that, "Beach driving has been found to reduce the quality of loggerhead nesting habitat in several ways. In the southeastern United States, vehicle ruts on the beach have been found to prevent or impede hatchlings from reaching the ocean following emergence from the nest (Hosier et al. 1981, p. 160; Cox et al. 1994, p. 27; Hughes and Caine 1994, p. 237). Sand compaction by vehicles has been found to hinder nest construction and hatchling emergence from nests (Mann 1977, p. 96). Vehicle lights and vehicle movement on the beach after dark results in reduced habitat suitability, which can deter females from nesting and disorient hatchlings. If driving occurs at night, sea turtles could be run over and injured. Additionally, vehicle traffic on nesting beaches contributes to erosion, especially during high tides or on narrow beaches where driving is concentrated on the high beach and foredune."; and

WHEREAS, shore erosion can be caused by careless beach driving; and

WHEREAS, beach driving can pose a serious safety hazard to beach goers and there have been injuries and deaths to beach goers caused by vehicles in coastal areas where beach driving is allowed; and

WHEREAS, the City Council does not wish to interfere with the enjoyment and comfort of beach goers and this Ordinance will not prohibit or hinder the level of beach access currently enjoyed by both locals and tourists; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language

proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 11.08.02.

Section 11.08.02 of the Land Development Code is hereby amended as follows:

~~C. Wheeled vehicles. The use of wheeled vehicles, other than emergency and public safety vehicles, turtle nest monitoring, baby strollers, or equipment for mobility impaired persons, is prohibited except by special permit.~~

C. **Wheeled vehicles.** This clause is applicable regardless of whether the beach is privately owned or open to the public. Violations of this clause shall subject the violator to code enforcement proceedings, criminal prosecution, or both.

(i) **Definition of Wheeled vehicle.** Anything that moves on wheels, sleds, or treads, and is able to transport/carry things or people, and which utilizes a form of propulsion such as: (1) a motor that is gas powered, wind powered, coal powered, wood powered, solar powered, kinetically powered, or battery powered; (2) an internal combustion engine; or (3) pedals, chains, springs, or hydraulics for manual propulsion. Additionally, anything that is pulled by a horse, mule, camel, or donkey, and which transports things or people, is also a Wheeled vehicle for purposes of this section.

a. **Express Exceptions:** Baby strollers weighing less than 100lbs; wagons/wheelbarrows/hand-carts/pull-carts that are pushed/pulled by a human; wheelchairs weighing less than 300lbs.

(ii) **Definition of 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. Also, the definition of beach includes: (1) any undeveloped property wherein a federal spoils easement exists for the placement of fill from a dredging operation; (2) any undeveloped sandy areas, including sea oats, within a 1,000 foot radius of the Army Corp of Engineers jetty located on the eastern shore of the East Pass; (3) any sandy areas, including sea oats, seaward of any home or condominium building, located between the Army Corp of Engineers jetty located on the eastern shore of the East Pass, and the entrance of the Destin Harbor; or (4) any undeveloped sandy areas, including sea oats, located on Norriego Point, including the City park, and any sandy areas within 1,000 feet of the park and on Norriego Point.

(iii) **Permit Required.** Any wheeled vehicle on a beach within the Destin City Limits shall have a permit decal displayed prominently on the front windshield of the vehicle. The permit decals shall be issued annually by the City Manager, or City Manager's designee. Permit decals shall be free of charge, and shall be issued within a reasonable time of request.

(iv) **Permit Eligibility.** The following wheeled vehicles shall be the only wheeled vehicles eligible to receive permit decals: (1) Any governmental vehicle that is operated by any law enforcement agency with jurisdiction over the beaches within the Destin City Limits, (2) Any governmental vehicle operated by the Destin Fire District, or any lifeguards officially sanctioned by the Destin Fire District, the Okaloosa County TDC, or the City of Destin, (3) Any wheeled vehicle owned or operated by a state or federal agency that requires the use of a vehicle on the beaches within the Destin City Limits, (4) Any vehicle that is utilized by a life safety entity, or organization, to perform life safety or rescue operations, (5) Any vehicle owned or operated by a non-profit entity that is licensed by the state or federal government to rescue or monitor endangered wildlife, injured native wildlife, turtles, manatees, or dolphins, (6) Any vehicle necessary for beach cleaning, or raking, which is owned or operated by an individual or entity that is contracted by a governmental entity or agency, or (7) Any Beach Vendor whom meets the requirements of subsection (a)., below.

a. **Beach Vendor Permit:** If a vendor possesses a Business Tax Receipt that permits the vendor to operate a business that rents beach chairs and beach umbrellas for profit within the Destin City limits, or which permits the vendor to provide beach chairs and beach umbrellas as an amenity provided to the guests of any condominium or hotel, and the vendor can provide written proof that it has a legal right to provide beach chairs and beach umbrellas on a beach within the Destin City limits, then the vendor shall be entitled to one (1) permit for the entire business, and any affiliated businesses. If a vendor receives such a permit, then the permit shall be affixed to either an ATV, or to a truck equal to, or smaller than a half ton pickup truck. Unless enforcement of City Ordinances is suspended by the City Manager due to a pending natural disaster, then a Beach Vendor Permit shall only permit the operation of a wheeled vehicle between the hours of 5:01 p.m., CST to 9:00 a.m. CST.

b. **Construction Beach Permits:** If the City issues any permit in connection with construction activities, or design activities associated with permitted construction activities, that might occur on any beach, then the permittee shall be eligible to receive a reasonable number of wheeled vehicle Construction Beach Permits to allow the construction or design activities to be completed. The number of reasonable Construction Beach Permits shall be determined by the City Manager on a case by case basis.

(v) **Decals.** For each Permit issued under this section, a decal will be issued, which shall be affixed to the permitted wheeled vehicle. New decals with different color codings shall be issued each calendar year, and it is the duty of Permit holder to obtain a new decal each calendar year. Beach Vendor permit decals, and Construction Beach Permits shall be color coded differently from the other six categories listed in section (iv) above, in order to assist law enforcement with enforcing this ordinance.

(vi) **Criminal Penalty.** It shall be unlawful for any person to place, leave, drive, or cause to be driven, an unpermitted wheeled vehicle on any beach within the Destin City Limits. Anyone in violation of this clause shall be guilty of a second degree misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both, as

provided by law, and in addition shall pay all costs and expenses incurred in the prosecution of such violation.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this ____ day of _____, 2019.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land
Use Attorney, for the City of Destin, only.

Kimberly Romano Kopp, Land Use Attorney

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: April 15, 2019

SUBJECT: First reading of Ordinance 18-30-LC - Creates definitions for commercial uses, commercial special events and commercial special event venues. Provides for amendments to Articles 3, 7 and 9 of the Land Development Code; amending Table 7-2, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.

I. BACKGROUND: Currently, section 7.12.04 of the Land Development Code prohibits buildings, structures and land from being used except in conformity with zoning district regulations. While the City's residential zoning districts currently prohibit nonresidential activities, and therefore, the Code already prohibits commercial special events from being held in residential areas, the City Council has directed staff to clarify the Code on these points due to the increase in commercial activities in residential districts within the City and in order to clarify existing City codes.

The LPA considered this Ordinance on March 21, 2019, and unanimously recommended approval with a couple of modifications to the Ordinance.

Ordinance 18-30-LC is now before the City Council for first reading, with modifications recommended by the LPA and agreed by staff.

II. DISCUSSION:

The proposed Ordinance 18-30-LC prohibits advertising or marketing for a special event in a residential zoning district. It further provides that such code violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

Additionally, the proposed ordinance, in current form, provides for the following new definitions:

Commercial special events: Any wedding or wedding reception, bachelor party, family reunion, class reunion, company banquet, retreat and/or picnic, or other similar event or celebration for which a property owner or occupant of the property obtains a profit, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

1. The holding of two or more weddings or wedding receptions at the premises within any given twelve (12) month period is prima facie evidence that the event is a commercial special event.
2. The holding of two or more company banquets, retreats, and/or picnics at the premises within any given twelve (12) month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events per year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, or other commercial gain by the property's owner's (or property owner's authorized occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. Home occupations permitted pursuant to section 9.06.06 of this code are specifically excluded from this definition.

The ordinance will also specifically prohibit commercial special event venues in residential areas via inclusion in Table 7-2, which contains permitted and prohibited uses for each zoning district. A one year amortization clause is included to cover events for which property owners may already be under contract.

Additionally, the ordinance has been revised to prohibit any residence from holding more than 5 special events per year in a residential area, whether for profit or not. This has been done to prevent commercial gains from being wrapped into rental payments or other fees to avoid city code enforcement. Staff finds that the holding of more than 5 special events at the same property address within one calendar year is not a typical residential use and is not consistent with, or compatible with, residential zoning districts.

Ordinance 18-30-LC is now before the City Council for first reading, with modifications recommended by the LPA and agreed by staff. The modifications included (1) the addition of "in-kind" exchanges within the definition of "Commercial events" and (2) inclusion of the word "or" between subparts a and b within the definition of "Commercial special events."

A. Link to Strategic Goals / Objectives:

Goal 1-1, Urban Form; Comprehensive Plan Future Land Use Element.

OBJECTIVE 1-1.2: Residential Quality; Comprehensive Plan, Future Land Use Element.

Policy 9.05.00. - Conserve established residential neighborhoods; Comprehensive Plan, Future Land Use Element.

B. Effect on Budget (EOB): Other than the costs involved with code compliance, there is not anticipated to be an effect on budget.

C. Level of Service (LOS): Not applicable.

III. CONCLUSION:

While the City's residential zoning districts currently prohibit nonresidential activities, and therefore, the Code already prohibits commercial special events from being held in residential areas, the City Council has directed staff to clarify the Code on these points due to the increase in commercial activities in residential districts within the City and in order to clarify existing City codes.

Staff recommends approval of the ordinance.

IV. RECOMMENDED MOTION: I move to approve Ordinance 18-30-LC on first reading, and direct staff to advertise it for second reading.

Attachments:

1. Commercial Events Ordinance APRIL 15 2019 CITY COUNCIL FIRST READING

ORDINANCE NO. 18-30-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article I, Section I .01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Pan II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, there has been an over-proliferation of special events, including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, and other similar events or celebrations) in residential zoning districts within the City of Destin, beyond which can reasonably and typically be expected to occur in residential areas; and

WHEREAS, the City has received complaints from citizens in residential areas regarding the over-proliferation of such special events in residential areas; and

WHEREAS, the City Council desires to amend its City Codes by limiting the number of special events that may occur on a single property annually within the City of Destin; and

WHEREAS, the conducting of commercial activity in residential areas has become a topic of concern within the City of Destin; and

WHEREAS, the City Council desires to obtain compliance with existing City codes by clarifying the existing code with respect to specified commercial activities; and

WHEREAS, Section 7.12.04(A) of the City's Land Development Code prohibits the use or occupation of buildings, structures, or land except in conformance with all of the regulations of the zoning district within which it is located; and

WHEREAS, each of the residential zoning districts within the City specifically prohibit commercial activities; and

WHEREAS, the presence of commercial activities within established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash and diminished public safety; and

WHEREAS, advertising for special events in residential areas encourages events and activities that are not consistent with, or compatible with, residential uses, and as such, such advertising should be prohibited in all residential zoning districts; and

WHEREAS, the City Council has determined that the holding of more than five special events within a calendar year at the same property in a residential neighborhood is not consistent with the character of residential areas and should be prohibited, even if it is not shown that a profit, monetary compensation, event fee, or other commercial gain was obtained by the property owner or property owner's agent, and the City Council recognizes that such profits or compensation may be included in general rental payments and other fees to avoid enforcement of City Codes; and

WHEREAS, the provisions of this Ordinance will serve to further address the concerns of the City and its residents related to illegal commercial activities in residential zoning districts, to preserve the quality of life in all City neighborhoods, and to provide clarification to residents of the City's intent in enforcement of its existing ordinances; and

WHEREAS, the City Council has deemed it in the best interest of its citizens and residents to adopt additional regulations for short-term rental units; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City and its citizens; and

WHEREAS, public hearings have been conducted by the City Council after due public notice; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in sections three (3), four (4) and five (5) of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 3: Article 3 of the Land Development Code is hereby amended as follows:

* * *

Article 3 Definitions.

* * *

3.00.01 DEFINITIONS.

For the purpose of this Code, the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

* * *

Commercial special events: Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

- a. The holding of two or more weddings or wedding receptions at the premises within any given twelve (12) month period is prima facie evidence that the events are commercial special events or
- b. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given twelve (12) month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, in-kind exchange, or other commercial gain by the property owner's (or property owner's authorized occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. Home occupations permitted pursuant to section 9.06.06 of this code are specifically excluded from this definition.

* * *

SECTION 4. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 7:

Article 7 of the Land Development Code is hereby amended as follows:

* * *

Article 7 - LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS

* * *

7.12.04. Compliance with Zoning District Regulations. The regulations set forth in this section within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

* * *

N. Prohibition on Advertising for Special Events in Residential Zoning Districts. Advertising

for special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar event or celebration) in a residential area and/or residential zoning district is prohibited. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

O. Commercial Special Events Prohibited in Residential Areas. Commercial special events are prohibited in all residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

P. Limit on Number of Other Special Events In Residential Zoning Districts. Special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that are not “*commercial special events*”, as defined in this Code, shall be limited to five or fewer in any twelve (12) month period in residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional- Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

Q. Pre-existing Contracts. Notwithstanding any other provision of this ordinance, contracts for a commercial special event or other special event (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that were pre-existing as of the enactment of this Ordinance 18-30-LC, (hereinafter “Pre -existing Contracts”) are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance are subject to the provisions

of this ordinance.

Any defense under this subsection shall be determined based upon the following information, and upon any additional information supplied by the property owner or otherwise determined by the fact finder:

- i. Copy of deposit or payment information evidencing that the agreement was a Pre-existing Contract.
- ii. Copy of e-mail or other communication evidencing a binding Pre-existing Contract.
- iii. Information from the property owner confirming that there was a binding agreement in a time frame to make the agreement as Pre-existing Contract under this section.

If it is reasonably determined by the City staff, and confirmed by the City's Special Magistrate, that any information supplied to the City of Destin in support of an application for exemption, or in support of a defense based upon Pre-existing Contract, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the City Council by resolution.

* * *

TABLE 7-2: TABLE OF ALLOWABLE USES																												
	B E	L D R - V	L D R - H I	L D R - H	M D R - V	M D R - H I	H D R	C B N	C L	C G	C T S	R O I- G D	R O I- T D	R O I- V R	R O I- C B R	C B R	T C M U	C M U	S H M U	N H M U	G R M U	H I M U	B R M U	I N	A	I N S T	R E C	C O N
Sector 53 Real Estate and Rental and Leasing																												
531 Real Estate services										P	P	P	P	P		P	P	P	P	P	P	P	P					
531120 Commercial Special Event Venue											P						P	P	P	P	P	P	P					

* * *

SECTION 5. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 9: Article 9 of the Land Development Code is hereby amended as follows:

* * *

ARTICLE 9. HOUSING.

* * *

9.06.06. Home Occupations -Standards.

* * *

C. Prohibited home occupations.

The following uses are specifically prohibited in residential zones and are not, by definition, permitted home occupations:

- (1) Beauty/barber shops.
- (2) Appliance and motor repair.
- (3) Automotive/vehicle repairs/paint and body work.
- (4) Florist.
- (5) Veterinary clinic.

- (6) Radio/television repair.
- (7) Work involving hazardous materials.
- (8) Restaurants, bars, lounges or bottle clubs.
- (9) Fortunetellers or similar occupations.
- (10) Wholesale sales.
- (11) Retail sales.
- (12) Commercial special event venues.
- (13) Any other occupation which does not meet the standards set forth herein.

SECTION 6. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 7. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 8. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 9. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 6TH DAY OF MAY, 2019 .

By: Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only:

Kimberly Romano Kopp, Land Use Attorney

First Reading: April 15, 2019
Second Reading:

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: City Council

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: April 15, 2019

SUBJECT: First Reading of Ordinance No. 19-02-LC, Zoning Map Amendment

I. BACKGROUND:

The applicant, Indian Bayou Properties, is requesting 75.08 acres be rezoned from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the Future Land Use changed from Recreation (REC) to Low-Density Residential (LDR). The subject property was previously used as a 9-hole golf course.

Applicant: Indian Bayou Properties

Location: The subject property was previously a 9-hole golf course located in the southwest corner of the site, directly east of the Destin Airport. The address of the property is 1 Country Club Drive East.

Size of Property: 75.08 acres

Parcel ID Number: 00-2S-22-0000-0046-0000

Current Zoning: Recreation (REC)

Future Land Use

Map Classification: Recreation (REC)

Legal Notice: Abutter notices were sent to all property owners within a 300' radius on February 26, 2019. The request was submitted for publication in the Destin Log and Northwest Florida Daily News on March 6, 2019 with publication dates of March 9, 2019 and March 16, 2019.

II. DISCUSSION:

The evaluation of the map requests is based on the following land use and performance criteria:

LAND USE:

COMPREHENSIVE PLAN CONSISTENCY: Proposed Ordinances No. 19-02-LC and 19-03-PC is consistent with Policy 1-1.1.1: Urban Design Standards and Design Criteria. Both of the proposed ordinances must be adopted in order for the Zoning Map to remain consistent with the Comprehensive Plan's Future Land Use Map.

LAND COMPATIBILITY:

Generally, the applicant's request is compatible with the neighboring mix of uses and zoning districts in the area with the exception of the Airport. Located to the north, the remainder of the property is zoned REC which contains an 18-hole golf course, with surrounding LDR-V zoning around the north and west portions. Directly south of the subject property, there is Institutional zoning and Okaloosa County – owned commercial property. Additionally, the addition of a development of this magnitude would provide more connectivity in central Destin. If approved, the applicant will be required to meet all dimensional and performance criteria outlined in the Land Development Code and Comprehensive Plan for the Low-Density Residential – Village Zoning District.

PUBLIC COMMENTS:

To date, Planning staff has not received any comments other than general inquiries relating to the proposed map change requests, except for comments from the Airport, which will be discussed with the Council.

PERFORMANCE CRITERIA:

The following performance criteria has been noted to ensure that there is a clear understanding of the expectations that the proposed development would have going forward if the request is approved.

ENVIRONMENTAL IMPACTS

Due to environmentally sensitive areas (wetlands) being located in and around the proposed subject property, the applicant will be required to provide FDEP and U.S. Army Corps of Engineers wetlands delineations. Any development or construction activity located in either jurisdictional areas will be subject to the appropriate permits and requirements from the respective agency. This may also require additional permits from the Northwest Florida Water Management District (NFWMD) and the City of Destin.

TRAFFIC ANALYSIS:

The traffic impact analysis provides sufficient documentation that all impacted roadway segments have sufficient capacity to handle the project trips to be generated by the proposed development.

AIRPORT

Generally speaking, residential uses tend to be incompatible when located directly adjacent to airport property because of the noise and air pollutants that are created by aircraft departures, landings and maintenance. As outlined in Article 7.15.00, there are several constructional restrictions and requirements associated with residential buildings located in Airport Noise Zone C, which a portion of the zoning request is located in. Additionally, per LDC 7.15.22(B), notification of potential noise impact in this area shall be made to all potential residents. In order to both protect and promote the Destin Airport, in line with Comprehensive Plan Policy 2-1.4.4, the applicant will be required to provide the following items in order to reduce potential conflicts between the Airport use and a single-family development, based on recommendations by the Okaloosa County Airports System:

- Conserve property abutting DTS including the DTS departure surface, Zone C and 65 DNL Noise Zones within an aviation easement that describes the rights and benefits for the unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above surface. The Airport may use the airspace above the easement property for any and all activities that are inherent in the operation of all types of aircraft, to include fixed wing and rotor wing aircraft. Said operation of aircraft includes landing at, taking off from, overflying at low altitude, or operating on or near the Airport. In addition, the aviation easement would require the land owner to:
 - Keep the airspace above the heights described and depicted on Exhibit B clear and free from any and all fences, crops, trees, poles, buildings and other obstructions of any kind or nature which now extend, or which may at any time in the future extend, above those heights.
 - Remove any ground level or all natural growths which extend on the easement property above the heights described and depicted on the attached drawing to the extent such action is reasonably necessary in furtherance of the purpose of this easement. (i.e., growth of natural objects that would constitute an obstruction to air navigation). Any removal or trimming of trees or other natural growth on the easement property shall be conducted by the owner.
 - Remove obstructions from the easement property as identified in Exhibit B, with the exception of Obstruction Number 2401.
 - Not construct upon the easement property any structure that extends above the heights described and depicted on the attached drawing.
 - Not promote any activity on the easement property that is incompatible with the purpose of this easement. (prohibits any activity on the land that would interfere with, or be a hazard to, the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport).
 - Not cause any device that will create electrical interference with radio

communication between the installation upon the airport and aircraft, or impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking-off or maneuvering of aircraft to be located in the easement property.

- Not use the easement property for any use that would be incompatible with the operation of the airport including the following: landfills, open dumps, waste disposal sites, storm water retention ponds, creation of new wetlands, planting of crops that would attract or sustain hazardous bird movements, or any use that would be incompatible with the operation of the airport.
- Allow Okaloosa County Airports System access to the property within the Airport's critical zones as described in Exhibit B.
- New development within noise zones should ensure that sound insulation be consistent with best management practices for noise attenuation as may be established by the FAA or the Standard Building Code in accordance to the City of Destin Comprehensive Plan Future Land Use Element Objective 1-2.6. As provided in the Destin Land Development Code Section 7.15.22, all purchasers of residential property shall be informed of the adjacent airport operations and the high potential for noise impacts.
- In addition, any proposed development within the subject property that meets any of the following conditions shall require review and approval by Airport and the Aviation Advisory Committee on Tall Structures:
 - Greater than 200 feet in height above ground level
 - Greater in height than an imaginary trapezoidal shape, beginning at the end of a runway of a public use airport, at an initial width of 50 feet, and extending outward and upward at a slope of 34:1 or 40:1 for a distance of 20,000 feet, to a width of 3,000 feet at its ending point
 - Located within the runway approach area of DTS.

The rezoning ordinance, Ordinance 19-02-LC is now before the City Council on first reading. Notably, this Ordinance would not be effective unless the corresponding Ordinance 19-03-PC, the Future Land Use Map Amendment to the Comprehensive Plan, becomes effective, to ensure that the zoning and future land use on the property remain consistent.

A. Link to Strategic Goals / Objectives: Enhance Quality of Life.

B. Effect on Budget (EOB): N/A.

C. Level of Service (LOS): N/A.

III. CONCLUSION: The proposed Zoning Map Amendment and Future Land Use Map Amendment are compatible requests with the surrounding zoning designations and future land use classifications. However, it is important to note that through the development review process, both the existing wetlands and proximity to the Airport will need to be addressed.

To ensure consistency with the Comprehensive Plan, staff recommends approval of Ordinance 19-02-LC only if the City Council also approves 19-03-PC, the corresponding FLUM amendment.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-02-LC on first reading, and direct staff to advertise for second reading.

Attachments:

1. 19-02-LC_Ordinance First Reading
April 15 2019
2. Exhibit A Legal Description and
Depiction to Ordinance 19-02-LC

ORDINANCE NO. 19-02-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, after due public notice, a public hearing was conducted on March 21, 2019, by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2 zoning maps, is hereby amended to include a change of zoning map designation from Recreation (REC) to Low-Density Residential - Village (LDR-V) for the specific area of land located east of the Destin Airport which is legally described and depicted in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict

with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon occurrence of all three of the following: (1) its adoption by the City Council, (2) signature by the Mayor, and (3) Ordinance 19-03-PC (containing the FLUM amendment for the subject property) becoming effective. In the event that Ordinance 19-03-PC does not become effective, this Ordinance shall be null and void.

ADOPTED THIS 6TH DAY OF MAY 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

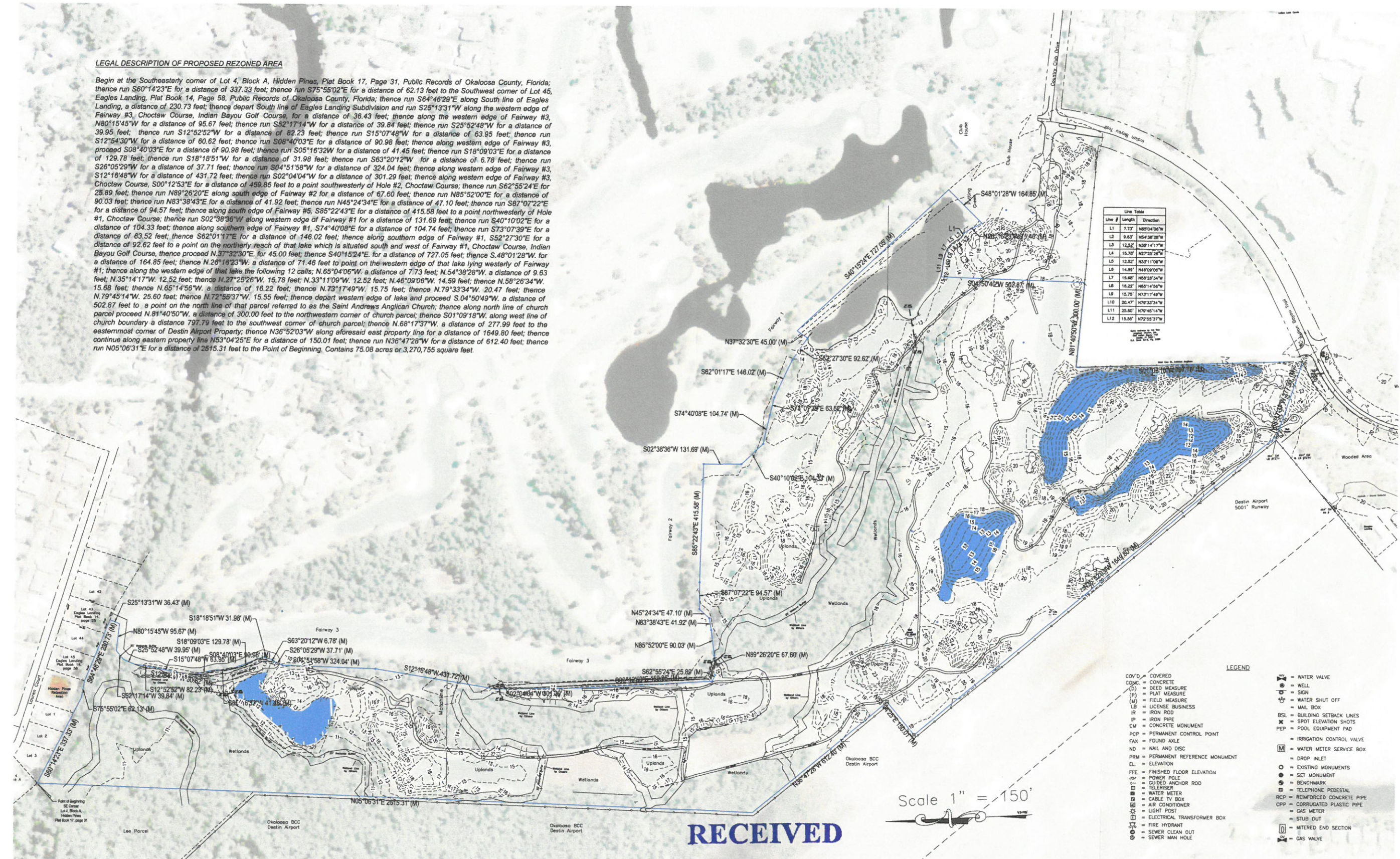
Kimberly Kopp, City Land Use Attorney

First Reading: April 15, 2019

Second Reading: _____

LEGAL DESCRIPTION OF PROPOSED REZONED AREA

Begin at the Southeast corner of Lot 4, Block A, Hidden Pines, Plat Book 17, Page 31, Public Records of Okaloosa County, Florida; thence run S60°14'23"E for a distance of 337.33 feet; thence run S75°55'02"E for a distance of 62.13 feet to the Southwest corner of Lot 45, Eagles Landing, Plat Book 14, Page 58, Public Records of Okaloosa County, Florida; thence run S64°46'29"E along South line of Eagles Landing, a distance of 230.73 feet; thence depart South line of Eagles Landing Subdivision and run S25°13'31"W along the western edge of Fairway #3, Choctaw Course, Indian Bayou Golf Course, for a distance of 36.43 feet; thence along the western edge of Fairway #3, N80°15'45"W for a distance of 95.67 feet; thence run S52°17'14"W for a distance of 39.84 feet; thence run S25°52'48"W for a distance of 39.95 feet; thence run S12°52'52"W for a distance of 82.23 feet; thence run S15°07'48"W for a distance of 63.95 feet; thence run S12°54'30"W for a distance of 60.62 feet; thence run S08°40'03"E for a distance of 90.98 feet; thence along western edge of Fairway #3, proceed S08°40'03"E for a distance of 90.98 feet; thence run S05°16'32"W for a distance of 41.45 feet; thence run S18°09'03"E for a distance of 129.78 feet; thence run S18°18'51"W for a distance of 31.98 feet; thence run S63°20'12"W for a distance of 6.78 feet; thence run S26°05'29"W for a distance of 37.71 feet; thence run S04°51'58"W for a distance of 301.29 feet; thence along western edge of Fairway #3, S12°18'48"W for a distance of 431.72 feet; thence run S02°04'04"W for a distance of 301.29 feet; thence along western edge of Fairway #3, Choctaw Course, S00°12'53"E for a distance of 459.86 feet to a point southwesterly of Hole #2, Choctaw Course; thence run S62°55'24"E for 25.89 feet; thence run N89°26'20"E along south edge of Fairway #2 for a distance of 67.60 feet; thence run N85°52'00"E for a distance of 90.03 feet; thence run N83°38'43"E for a distance of 41.92 feet; thence run N45°24'34"E for a distance of 47.10 feet; thence run S87°07'22"E for a distance of 94.57 feet; thence along south edge of Fairway #5, S85°22'43"E for a distance of 415.58 feet to a point northwesterly of Hole #1, Choctaw Course; thence run S02°38'36"W along western edge of Fairway #1 for a distance of 131.69 feet; thence run S40°10'02"E for a distance of 104.33 feet; thence along southern edge of Fairway #1, S74°40'08"E for a distance of 104.74 feet; thence run S73°07'39"E for a distance of 63.52 feet; thence S62°01'17"E for a distance of 146.02 feet; thence along southern edge of Fairway #1, S52°27'30"E for a distance of 92.62 feet to a point on the northerly reach of that lake which is situated south and west of Fairway #1, Choctaw Course, Indian Bayou Golf Course, thence proceed N.37°32'30"E. for 45.00 feet; thence S40°15'24"E. for a distance of 727.05 feet; thence S.48°01'28"W. for a distance of 164.85 feet; thence N.26°16'23"W. a distance of 71.46 feet to point on the western edge of that lake lying westerly of Fairway #1; thence along the western edge of that lake the following 12 calls; N.65°04'06"W. a distance of 7.73 feet; N.54°38'28"W. a distance of 9.63 feet; N.35°14'17"W. 12.52 feet; thence N.27°25'26"W. 15.78 feet; N.33°11'09"W. 12.52 feet; N.46°09'06"W. 14.59 feet; thence N.58°26'34"W. 15.68 feet; thence N.65°14'56"W. a distance of 16.22 feet; thence N.73°17'49"W. 15.75 feet; thence N.79°33'34"W. 20.47 feet; thence N.79°45'14"W. 25.60 feet; thence N.72°55'37"W. 15.55 feet; thence depart western edge of lake and proceed S.04°50'49"W. a distance of 502.87 feet to a point on the north line of that parcel referred to as the Saint Andrews Anglican Church; thence along north line of church parcel proceed N.81°40'50"W. a distance of 300.00 feet to the northwestern corner of church parcel; thence S01°09'18"W. along west line of church boundary a distance 797.79 feet to the southwest corner of church parcel; thence N.68°17'37"W. a distance of 277.99 feet to the easternmost corner of Destin Airport Property; thence N36°52'03"W along aforesaid east property line for a distance of 1649.80 feet; thence continue along eastern property line N53°04'25"E for a distance of 150.01 feet; thence run N36°47'28"W for a distance of 612.40 feet; thence run N05°06'31"E for a distance of 2615.31 feet to the Point of Beginning. Contains 75.08 acres or 3,270,755 square feet.



sheet 1 of 1

FEB 11 2019

Community
Development

REVISIONS Rev. _____ Date: _____ Rev. _____ Date: _____ Rev. _____ Date: _____		NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. Job No.: 18-0228 Cadd File: 10/23/18 Drawn By: SC Field By: JG/SC Field Bk/Pg: RE 153		Shannon D. Clotchy Professional Surveyor and Mapper Florida Registration #6178	
Re-Zoning Description Indian Bayou Golf Proposed Redevelopment FOR Indian Bayou Properties				RARE EARTH SURVEYING & MAPPING Professional Surveyor - Florida License Number No. 7300 1435 Hwy 90, Okaloosa, Florida 32578 Tel. (904) 888-6141 Fax (904) 798-2514	

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019

TYPE OF AGENDA ITEM: Ordinance

TO: City Council

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: April 15, 2019

SUBJECT: First Reading of Ordinance 19-03-PC Future Land Use Map Amendment

I. BACKGROUND:

The applicant, Indian Bayou Properties, is requesting 75.08 acres be rezoned from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the Future Land Use changed from Recreation (REC) to Low-Density Residential (LDR). The subject property was previously used as a 9-hole golf course.

Applicant: Indian Bayou Properties

Location: The subject property was previously a 9-hole golf course located in the southwest corner of the site, directly east of the Destin Airport. The address of the property is 1 Country Club Drive East.

Size of Property: 75.08 acres

Parcel ID Number: 00-2S-22-0000-0046-0000

Current Zoning: Recreation (REC)

Future Land Use

Map Classification: Recreation (REC)

Legal Notice: Abutter notices were sent to all property owners within a 300' radius on February 26, 2019. The request was submitted for publication in the Destin Log and Northwest Florida Daily News on March 6, 2019 with publication dates of March 9, 2019 and March 16, 2019.

II. DISCUSSION:

The evaluation of the map requests is based on the following land use and performance criteria:

LAND USE:

COMPREHENSIVE PLAN CONSISTENCY: Proposed Ordinances No. 19-02-LC and 19-03-PC is consistent with Policy 1-1.1.1: Urban Design Standards and Design Criteria. Both of the proposed ordinances must be adopted in order for the Zoning Map to remain consistent with the Comprehensive Plan's Future Land Use Map.

LAND COMPATIBILITY:

Generally, the applicant's request is compatible with the neighboring mix of uses and zoning districts in the area with the exception of the Airport. Located to the north, the remainder of the property is zoned REC which contains an 18-hole golf course, with surrounding LDR-V zoning around the north and west portions. Directly south of the subject property, there is Institutional zoning and Okaloosa County – owned commercial property. Additionally, the addition of a development of this magnitude would provide more connectivity in central Destin. If approved, the applicant will be required to meet all dimensional and performance criteria outlined in the Land Development Code and Comprehensive Plan for the Low-Density Residential – Village Zoning District.

PUBLIC COMMENTS:

To date, Planning staff has not received any comments other than general inquiries relating to the proposed map change requests, except for comments from the Airport, which will be discussed with the Council.

PERFORMANCE CRITERIA:

The following performance criteria has been noted to ensure that there is a clear understanding of the expectations that the proposed development would have going forward if the request is approved.

ENVIRONMENTAL IMPACTS

Due to environmentally sensitive areas (wetlands) being located in and around the proposed subject property, the applicant will be required to provide FDEP and U.S. Army Corps of Engineers wetlands delineations. Any development or construction activity located in either jurisdictional areas will be subject to the appropriate permits and requirements from the respective agency. This may also require additional permits from the Northwest Florida Water Management District (NFWFMD) and the City of Destin.

TRAFFIC ANALYSIS:

The traffic impact analysis provides sufficient documentation that all impacted roadway segments have sufficient capacity to handle the project trips to be generated by the proposed development.

AIRPORT

Generally speaking, residential uses tend to be incompatible when located directly adjacent to airport property because of the noise and air pollutants that are created by aircraft departures, landings and maintenance. As outlined in Article 7.15.00, there are several constructional restrictions and requirements associated with residential buildings located in Airport Noise Zone C, which a portion of the zoning request is located in. Additionally, per LDC 7.15.22(B), notification of potential noise impact in this area shall be made to all potential residents. In order to both protect and promote the Destin Airport, in line with Comprehensive Plan Policy 2-1.4.4, the applicant will be required to provide the following items in order to reduce potential conflicts between the Airport use and a single-family development, based on recommendations by the Okaloosa County Airports System:

- Conserve property abutting DTS including the DTS departure surface, Zone C and 65 DNL Noise Zones within an aviation easement that describes the rights and benefits for the unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above surface. The Airport may use the airspace above the easement

property for any and all activities that are inherent in the operation of all types of aircraft, to include fixed wing and rotor wing aircraft. Said operation of aircraft includes landing at, taking off from, overflying at low altitude, or operating on or near the Airport. In addition, the aviation easement would require the land owner to:

- Keep the airspace above the heights described and depicted on Exhibit B clear and free from any and all fences, crops, trees, poles, buildings and other obstructions of any kind or nature which now extend, or which may at any time in the future extend, above those heights.
 - Remove any ground level or all natural growths which extend on the easement property above the heights described and depicted on the attached drawing to the extent such action is reasonably necessary in furtherance of the purpose of this easement. (i.e., growth of natural objects that would constitute an obstruction to air navigation). Any removal or trimming of trees or other natural growth on the easement property shall be conducted by the owner.
 - Remove obstructions from the easement property as identified in Exhibit B, with the exception of Obstruction Number 2401.
 - Not construct upon the easement property any structure that extends above the heights described and depicted on the attached drawing.
 - Not promote any activity on the easement property that is incompatible with the purpose of this easement. (prohibits any activity on the land that would interfere with, or be a hazard to, the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport).
 - Not cause any device that will create electrical interference with radio communication between the installation upon the airport and aircraft, or impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking-off or maneuvering of aircraft to be located in the easement property.
 - Not use the easement property for any use that would be incompatible with the operation of the airport including the following: landfills, open dumps, waste disposal sites, storm water retention ponds, creation of new wetlands, planting of crops that would attract or sustain hazardous bird movements, or any use that would be incompatible with the operation of the airport.
 - Allow Okaloosa County Airports System access to the property within the Airport's critical zones as described in Exhibit B.
 - New development within noise zones should ensure that sound insulation be consistent with best management practices for noise attenuation as may be established by the FAA or the Standard Building Code in accordance to the City of Destin Comprehensive Plan Future Land Use Element Objective 1-2.6. As provided in the Destin Land Development Code Section 7.15.22, all purchasers of residential property shall be informed of the adjacent airport operations and the high potential for noise impacts.
- In addition, any proposed development within the subject property that meets any of the following conditions shall require review and approval by Airport and the Aviation Advisory Committee on Tall Structures:
 - Greater than 200 feet in height above ground level
 - Greater in height than an imaginary trapezoidal shape, beginning at the end of a runway of a public use airport, at an initial width of 50 feet, and extending outward and upward at a slope of 34:1 or 40:1 for a distance of 20,000 feet, to a width of 3,000 feet at its ending point
 - Located within the runway approach area of DTS.

The FLUM ordinance, Ordinance 19-03-PC is now before the City Council on first reading.

- A. Link to Strategic Goals / Objectives:** Enhance Quality of Life.
- B. Effect on Budget (EOB):** NA
- C. Level of Service (LOS):** NA

III. CONCLUSION: Staff recommends approval of Ordinance 19-03-PC.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-03-PC on first reading, and direct staff to advertise for second reading.

Attachments:

1. 19-03-PC_Ordinance FLUM First Reading April 15 2019
2. Exhibit A Legal Description and Depiction to Ordinance 19-03-PC

ORDINANCE NO. 19-03-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the applicant desires to change the future land use designation from Recreation (REC) future land use category to the Low Density Residential (LDR) future land use category in the City's Comprehensive Plan on a parcel of land containing 75.08 acres, more or less, lying within the corporate limits of the City; and

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on March 21, 2019, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 3. ADOPTION OF THE AMENDMENT TO THE FUTURE LAND USE MAP:

The City of Destin's Future Land Use Map is hereby amended by changing the future land use category of a parcel containing approximately 75.08 acres of land, more or less, from Recreation (REC) to Low-Density Residential (LDR) for the specific area of land that is legally described and depicted on Exhibit A, attached hereto and fully incorporated herein by this reference.

SECTION 4. TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY:

The City Manager or his designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning agency, in accordance with the Community Planning Act.

SECTION 5. INCORPORATION INTO COMPREHENSIVE PLAN. Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin's Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 6. CONFLICTING PROVISIONS. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 8. EFFECTIVE DATE. The comprehensive plan amendment shall not become effective until 31 days after the State Planning Agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date the Administration Commission enters a final order determining that the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it becomes effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS 6TH DAY OF MAY 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

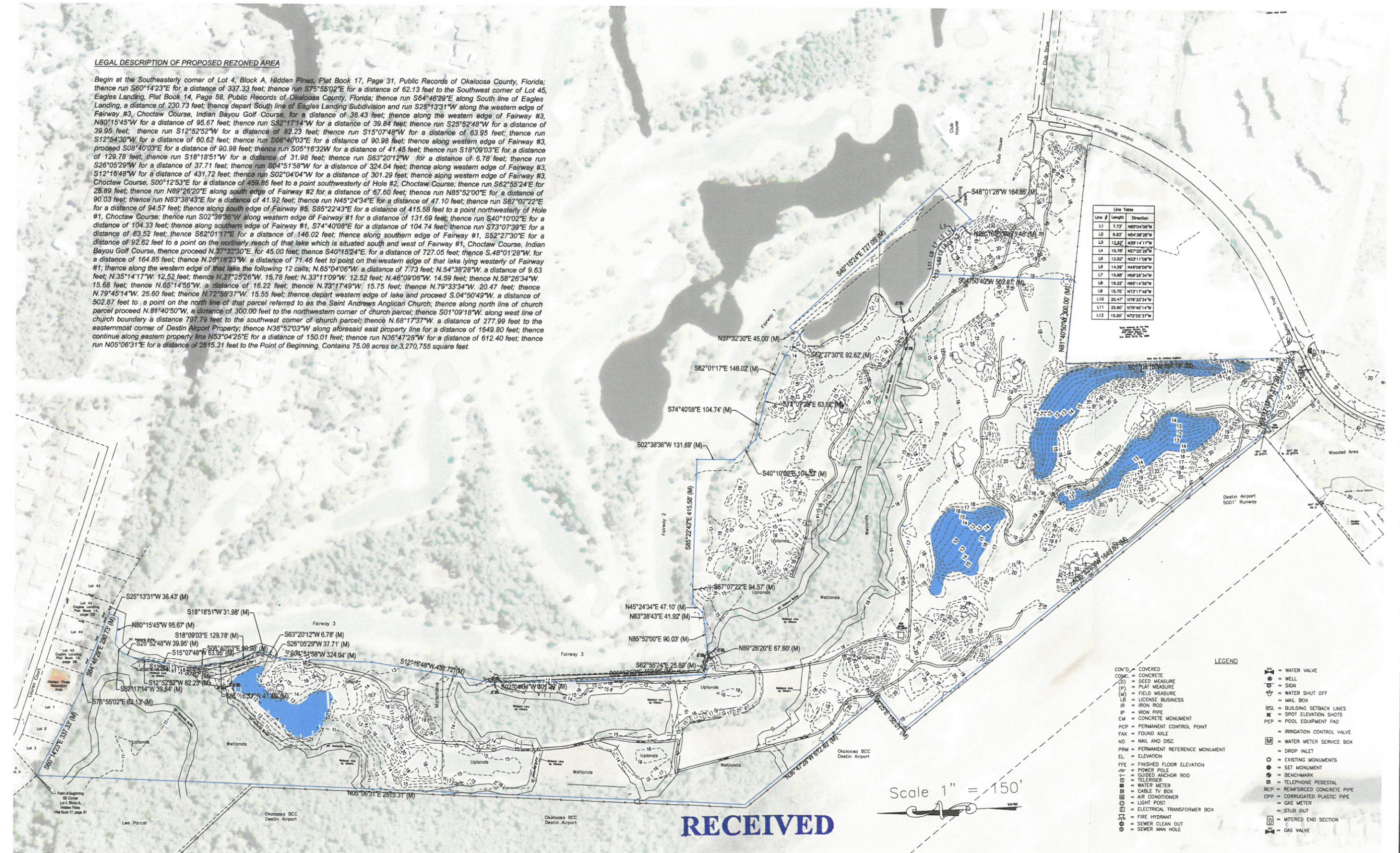
Kimberly Kopp, City Land Use Attorney

First Reading: April 15, 2019

Second Reading: _____

LEGAL DESCRIPTION OF PROPOSED REZONED AREA

Begin at the Southeast corner of Lot 4, Block A, Hidden Pines, Plat Book 17, Page 31, Public Records of Okaloosa County, Florida; thence run S60°14'23"E for a distance of 337.33 feet; thence run S75°55'02"E for a distance of 62.13 feet to the Southwest corner of Lot 45, Eagles Landing, Plat Book 14, Page 58, Public Records of Okaloosa County, Florida; thence run S64°46'29"E along South line of Eagles Landing, a distance of 230.73 feet; thence depart South line of Eagles Landing Subdivision and run S25°13'31"W along the western edge of Fairway #3, Choctaw Course, Indian Bayou Golf Course, for a distance of 36.43 feet; thence along the western edge of Fairway #3, N80°15'45"W for a distance of 95.67 feet; thence run S52°17'14"W for a distance of 39.84 feet; thence run S25°52'48"W for a distance of 39.95 feet; thence run S12°52'52"W for a distance of 82.23 feet; thence run S15°07'48"W for a distance of 63.95 feet; thence run S12°54'30"W for a distance of 60.62 feet; thence run S08°40'03"E for a distance of 90.98 feet; thence along western edge of Fairway #3, proceed S08°40'03"E for a distance of 90.98 feet; thence run S05°16'32"W for a distance of 41.45 feet; thence run S18°09'03"E for a distance of 129.78 feet; thence run S18°18'51"W for a distance of 31.98 feet; thence run S63°20'12"W for a distance of 6.78 feet; thence run S26°05'29"W for a distance of 37.71 feet; thence run S04°51'58"W for a distance of 301.29 feet; thence along western edge of Fairway #3, S12°18'48"W for a distance of 431.72 feet; thence run S02°04'04"W for a distance of 301.29 feet; thence along western edge of Fairway #3, Choctaw Course, S00°12'53"E for a distance of 459.86 feet to a point southwesterly of Hole #2, Choctaw Course; thence run S62°55'24"E for 25.89 feet; thence run N89°26'20"E along south edge of Fairway #2 for a distance of 67.60 feet; thence run N85°52'00"E for a distance of 90.03 feet; thence run N83°38'43"E for a distance of 41.92 feet; thence run N45°24'34"E for a distance of 47.10 feet; thence run S87°07'22"E for a distance of 94.57 feet; thence along south edge of Fairway #5, S85°22'43"E for a distance of 415.58 feet to a point northwesterly of Hole #1, Choctaw Course; thence run S02°38'36"W along western edge of Fairway #1 for a distance of 131.69 feet; thence run S40°10'02"E for a distance of 104.33 feet; thence along southern edge of Fairway #1, S74°40'08"E for a distance of 104.74 feet; thence run S73°07'39"E for a distance of 63.52 feet; thence S62°01'17"E for a distance of 146.02 feet; thence along southern edge of Fairway #1, S52°27'30"E for a distance of 92.62 feet to a point on the northerly reach of that lake which is situated south and west of Fairway #1, Choctaw Course, Indian Bayou Golf Course, thence proceed N.37°32'30"E for 45.00 feet; thence S40°15'24"E for a distance of 727.05 feet; thence S.48°01'28"W for a distance of 164.85 feet; thence N.26°16'23"W for a distance of 71.46 feet to point on the western edge of that lake lying westerly of Fairway #1; thence along the western edge of that lake the following 12 calls: N.65°04'06"W, a distance of 7.73 feet; N.54°38'28"W, a distance of 9.63 feet; N.35°14'17"W, 12.52 feet; thence N.27°25'26"W, 15.78 feet; N.33°11'09"W, 12.52 feet; N.46°09'06"W, 14.59 feet; thence N.58°26'34"W, 15.68 feet; thence N.65°14'56"W, a distance of 16.22 feet; thence N.73°17'49"W, 15.75 feet; thence N.79°33'34"W, 20.47 feet; thence N.79°45'14"W, 25.60 feet; thence N.72°55'37"W, 15.55 feet; thence depart western edge of lake and proceed S.04°50'49"W, a distance of 502.87 feet to a point on the north line of that parcel referred to as the Saint Andrews Anglican Church; thence along north line of church parcel proceed N.81°40'50"W, a distance of 300.00 feet to the northwestern corner of church parcel; thence S01°09'18"W, along west line of church boundary a distance 797.79 feet to the southwest corner of church parcel; thence N.68°17'37"W, a distance of 277.99 feet to the easternmost corner of Destin Airport Property; thence N36°52'03"W along aforesaid east property line for a distance of 1649.80 feet; thence continue along eastern property line N53°04'25"E for a distance of 150.01 feet; thence run N36°47'28"W for a distance of 612.40 feet; thence run N05°06'31"E for a distance of 2615.31 feet to the Point of Beginning. Contains 75.08 acres or 3,270,755 square feet.



sheet 1 of 1

FEB 11 2019

Community
Development

REVISIONS Rev. _____ Date: _____ Rev. _____ Date: _____ Rev. _____ Date: _____		NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. Job No.: 18-0228 Cadd File: 10/23/18 Drawn By: SC Field By: JG/SC Field Bk/Pg: RE 153		Shannon D. Clotchy Professional Surveyor and Mapper Florida Registration #6178	
Re-Zoning Description Indian Bayou Golf Proposed Redevelopment FOR Indian Bayou Properties				RARE EARTH SURVEYING & MAPPING Professional Surveyor - Florida License Number No. 7300 1435 Hwy Street, Okaloosa, Florida 32578 Tel. (904) 888-6141 Fax (904) 798-2514	

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019**TYPE OF AGENDA ITEM:** Ordinance

TO: City Council

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: April 15, 2019

SUBJECT: First reading of Ordinance 19-04-LC, Prohibiting Pay-to-Park Facilities from Collecting fees at Entrance to Facility

I. BACKGROUND: Based on concerns expressed by members of the City Council at the regular City Council meeting held on January 21, 2019, staff prepared a draft ordinance for discussion purposes at that time. The City Council discussed the draft ordinance related to pay-to-park facilities at its regular meeting held on February 4, 2019. Based on directive given at the February 4, 2019, meeting, staff revised the draft ordinance for City Council review on February 19, 2019. On February 19, 2019, the City Council directed staff to move the attached proposed Ordinance 19-04-LC to the LPA for review and a recommendation.

On March 21, 2019, the LPA unanimously recommended approval of Ordinance 19-04-LC. The Ordinance is now before the City Council on first reading.

II. DISCUSSION: Ordinance 19-04-LC is proposed to be applicable to all pay-to-park facilities within the City, whether such facilities are publicly- or privately-owned. The Ordinance requires that pay-to-park facilities have patrons pay for parking upon exiting the facility, or within a designated parking spot within the facility, but prohibits payments from being made at the entrance or in any drive area within the facility other than the exit lane.

Additionally, Ordinance 19-04-LC prohibits a pay-to-park facility from obstructing the entrance and exit lanes of the facility with pooling traffic that may spill out onto roadways located within the City, creating safety concerns and congestion.

Ordinance 19-04-LC contains civil and criminal penalties for noncompliance, to the extent authorized by Florida Law. Further, after hearing comments from the LPA on March 21, 2019, staff has clarified in the Ordinance that the City may enforce the Ordinance on a per-vehicle basis (not just on a per day basis). (See highlighted text within Ordinance 19-04-LC).

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends approval on first reading.

IV. RECOMMENDED MOTION: I move to approve Ordinance 19-04-LC on first reading.

Attachments:

1. April 15 2019 CC First Reading of Ordinance 19_04_LC

ORDINANCE 2019-04-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes, and Section 162.22, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council desires that all pay-to-park parking facilities within the City provide a safe and convenient area for payment of parking fees;

WHEREAS, the City Council further desires to alleviate or prevent the back-up of vehicles at the entrance to pay-to-park facilities which may cause spillover and congestion of traffic on the roads, streets and highways;

WHEREAS, the City Council desires to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles and pedestrians, and between vehicles on line to pay fees to pay-to-park facilities; and

WHEREAS, the City Council has deemed it necessary to amend the existing Land Development Code to clearly and unequivocally prohibit the collection of parking fees at entrances to pay-to-park facilities; and

WHEREAS, the City Council desires to balance the comfort and convenience of residents, tourists and business-owners with the need to protect the health, safety and welfare of those on the roads, streets and highways; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00.

Section 8.10.00 of the Land Development Code is hereby created as follows:

Section 8.10.00. Pay-to-park facilities.

A. **Purpose and Intent.** The City seeks to clearly and unequivocally prohibit the collection of parking fees at entrances to pay-to-park facilities in order to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles and pedestrians, and between vehicles in line to pay fees to parking facilities. Further, the intent of this section is to alleviate or prevent the back-up of vehicles at the entrance to pay-to-park facilities, and to further prevent spillover and congestion of traffic onto the roads, streets and highways. The City's purpose is to balance the comfort and convenience of residents, tourists and business-owners with the need to protect the health, safety and welfare of those on the roads, streets and highways.

B. **Application.** This section applies to all parking facilities, including but not limited to all parking structures and parking lots.

C. **Payment to be collected in designated parking spaces or at exit of parking facility.** Pay-to park facilities shall require patrons to pay for parking either (1) after the vehicle is parked in a designated parking spot or (2) upon exiting the parking facility, when the vehicle is in the exit lane of the parking facility. In no case shall payments for parking be permitted to be made at the entrance to the parking facility, or within any accessway or drive area in the parking facility, other than the exit lane as specified herein. Any pay-to-park facility in violation of this subsection is subject to the civil and criminal penalties set forth herein.

D. **Backup and spillover of vehicles.** The entrance or exit lane(s) of a pay-to-park facility may not be obstructed such that congestion of vehicles spills over onto any city, state or federal highway, road or street. A pay-to-park facility that causes or allows vehicles to back-up and spillover on to any city, state or federal highway, road or street is subject to the civil and

criminal penalties set forth herein.

E. Enforcement.

1. **Code Compliance.** The code compliance department may enforce the terms of this section 8.10.00 by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes. The Special Magistrate or Code Enforcement Board, whichever is applicable, and the code compliance department, are authorized to impose fines on a per-vehicle basis.
2. **Civil Citation:** The code compliance department, or other duly authorized officer or authority, may enforce the terms of this section 8.10.00 through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes. The code compliance department is authorized to issue citations on a per-vehicle basis.
3. **Criminal Penalties:** A violation of this section 8.10.00 shall be punishable as a misdemeanor by a fine of up to five hundred (\$500.00) dollars per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22.
4. Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with this section 8.10.00, including but not limited to: (a). Pursuit of injunctive and/or declaratory relief in a court of law; and (b). Utilizing any other action or enforcement method allowable by law.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this

ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this 6th day of May, 2019.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land
Use Attorney, for the City of Destin, only.

Kimberly Romano Kopp, Land Use Attorney

First reading: April 15, 2019
Second reading:

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019
TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager
Kyle Bauman, City Attorney
Louis Zunguze, Community Development Director

FROM: Dawn McDonald, Planning

DATE: April 8, 2019

SUBJECT: Request for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1.

I. BACKGROUND:

Authorized Representative Charles LoBello submitted a Harbor & Waterways Board application for Property Owner Barbara Parish on February 28, 2019, for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1. Per Article 11.05.01.B., City of Destin Land Development Code, all new marine construction and significant changes to existing marine construction require review by the Harbor & Waterways Board. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial.

Ms. Parish's property currently includes an existing dock. The applicant proposes to modify the existing boat dock within an existing boat slip. The applicant will remove an existing pier from the edge of an existing dock and construct a new pier within the boat slip, perpendicular from the shore. The new finger pier will be 3' x 36' (+/- 108 square feet). To accommodate a boat lift, the applicant plans to install new moorings and pilings also within the existing boat slip.

II. DISCUSSION:

The applicant requests removal and replacement of one (1) 3' x 36' finger pier (+/- 108 square feet).

Staff has determined that the property is located on Destin Harbor, and per Article 11.05.01.F., Land Development Code, no new or existing dock shall be

constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay. The width of Destin Harbor in this location is +/-1,418 feet and 20 percent of the width would be +/-284 feet, limiting the length to 200 feet. Thus, with a proposed length of 36 feet the project meets City Code requirements. The proposed dock is within 25 feet of adjacent property lines. To that end, adjoining property owners were provided with written notification, per Article 11.05.01.S., Land Development Code. Notices were sent out, and to date, no comments were received from the adjacent property owners.

At the Harbor and Waterways Board meeting of March 25, 2019, the Board recommended approval of the single-family residential marine construction project proposed at 415 Gulf Shore Drive, Unit 1, subject to the applicant obtaining the required Florida Department of Environmental Protection (FDEP) approval, or statement of exemption. Since then, the applicant secured verification of exemption from the FDEP, dated March 25, 2019. As such, the applicant has now secured all of the required permits.

A. Link to Strategic Goals / Objectives:

1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB):

There is not any anticipated effect on the budget. Additionally, there is no staff requirement for this project.

C. Level of Service (LOS):

The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

III. CONCLUSION:

The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

The application has been reviewed and approved by the Florida Department of Environmental Protection (FDEP). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.F & S., City of Destin Land

Development Code, as well as the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

At the Harbor & Waterways Board Meeting of March 25, 2019, the Board recommended approval of the single-family residential marine construction project proposed at 415 Gulf Shore Drive, Unit 1, subject to the applicant obtaining the required Florida Department of Environmental Protection (FDEP) approval, or statement of exemption. Since then, the applicant secured verification of exemption from the FDEP, dated March 25, 2019. As such, the applicant has now secured all of the required permits.

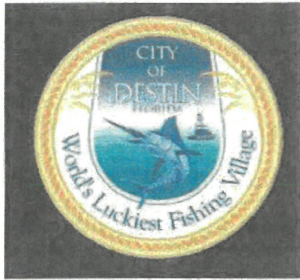
IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family residential marine construction project proposed at 415 Gulf Shore Drive, Unit 1.

Attachments:

1. 415 Gulf Shore Drive Unit 1 Harbor Board Application
2. DRAFT HB 3-25-19 MINUTES

RECEIVED



City of Destin
Community Development Department
Planning & Zoning Division
City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 837-4242 • Fax (850) 460-2171
planning@cityofdestin.com

FEB 28 2019

**Community
Development**

APPLICATION for HARBOR BOARD

Harbor Board meets the 4th Monday, all applications must be submitted at least 2 weeks prior.

Description of work: Install boatlift on new pilings in existing slip, move 3 x 36' finger pier to midc
middle of slip + install mooring pilings (see drawing)

1. APPLICANT INFORMATION:

Name: Barbara Parish

Mailing Address: 415 Gulf Shore Dr Unit #1

Phone: 303 720 2504

Fax: _____

Email: barbieparish@aol.com

2. PROPERTY TO BE REVIEWED:

Street Address: same as above

Parcel ID #: _____

3. FEE: \$40.00 Residential
\$80.00 Commercial

Cash, Check, MasterCard or Visa

Marine Applications, Fees & Letters per FY2017 Schedule of Fees,
adopted 02/21/17, effective 02/22/17.

Must be paid when submitting application.

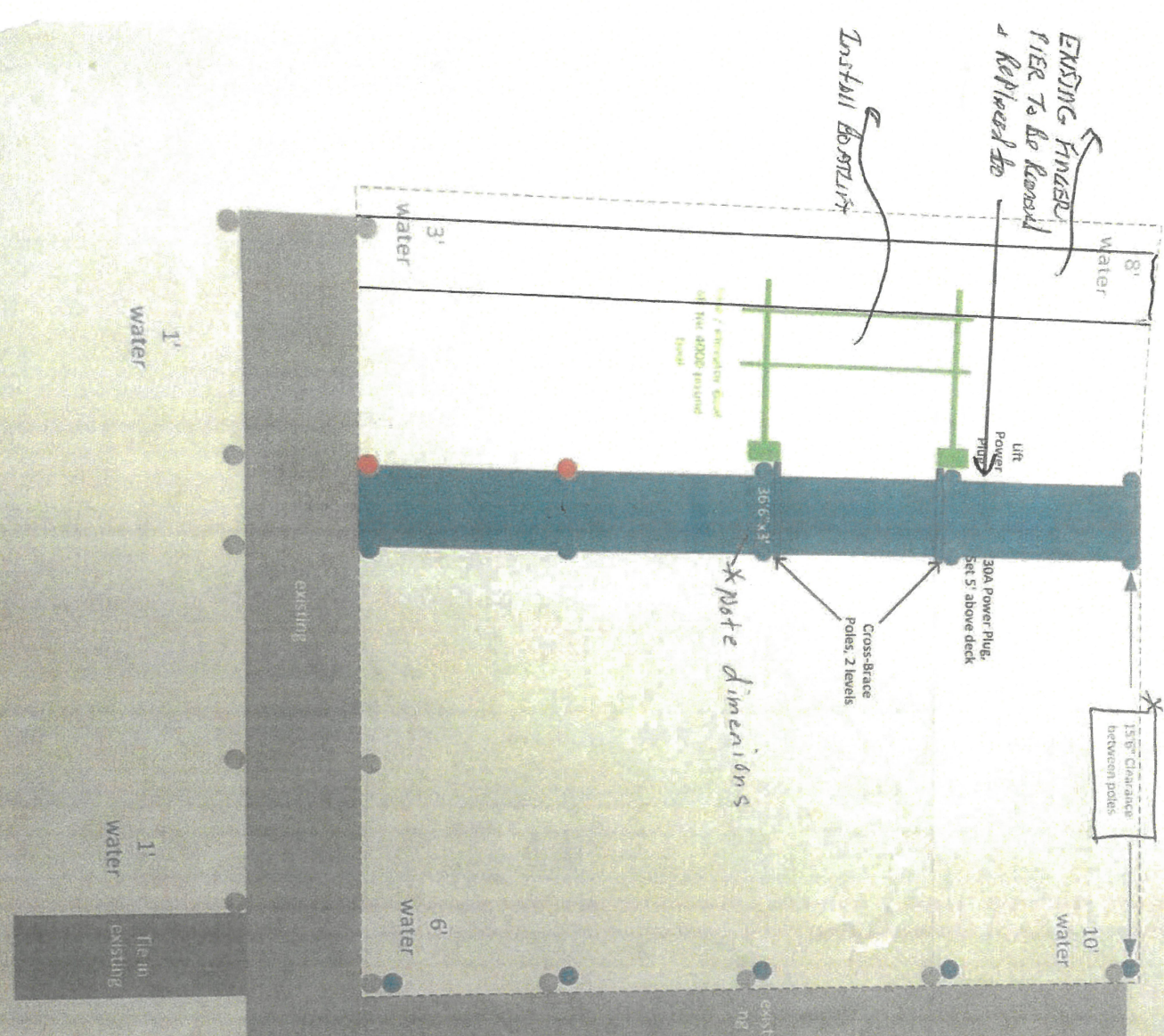
4. ADDITIONAL DOCUMENTATION REQUIRED:

- Complete detailed drawings and site plan.
- Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval.

APPLICANT'S SIGNATURE: _____

DATE: 2/28/19



Parish, dock, boat lift, jetty
 Drawing Rev 1.0
 415 Gulf Shore Dr. Unit 1
 Destin FL



**FLORIDA DEPARTMENT OF
Environmental Protection**

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

**Electronic Submission
Request for Verification of Exemption from an Environmental Resource Permit**

You have successfully submitted a request for Verification of Exemption from the Environmental Resource Permit (ERP) requirements of Part IV of Chapter 373, F.S., and Chapter 62-330, F.A.C.. Your request was received on March 12, 2019.

Below is a copy of the details of your request for your records.

Facility Information

Site Name: 415 Gulf Shore Dr Unit 1
Address Line 1: 415 Gulf Shore Dr
Address Line 2: Unit 1
City/State/Zip Code: Destin, FL 32541 5004

Mailing Address

Address Line 1: 415 Gulf Shore Dr
Address Line 2: Unit 1
City/State/Zip Code: Destin, FL 32541 5004

Applicant

Name: Charles LoBello
Address Line 1: 297 W Miracle Strip Pkwy
Address Line 2:
City/State/Zip Code: Mary Esther, FL 32569 1971
Phone Number: (850) 585-3003
Extension:
Cell Number:
Fax Number:
E-mail Address: ChuckLDL@cox.net

Property Owner

Name: Charles LoBello
Address Line 1: 297 W Miracle Strip Pkwy
Address Line 2:
City/State/Zip Code: Mary Esther, FL 32569 1971
Phone Number: (850) 585-3003
Extension:
Cell Number:
Fax Number:
E-mail Address: ChuckLDL@cox.net

Project Information

Tax Parcel Identification Number(s):

Anticipated Commencement Date: 03/31/2019

Anticipated Completion Date: 04/08/2019

Project Name (including Phase): Parish

Exemptions Requested:

Permit Category	Permit Subcategory	Application #
Docks, piers, boat ramps, navigational aids, and related activities	Addition of a boat lift at a private, single-family residence	0374131-001
	Replacement & repair of existing docks or piers	0374131-002
Single-family residences	Single-family dwelling unit within existing development	0374131-003

Project Description:

Install boatlift and move 3x 36 finger pier towards center of slip. board for board

Wetlands Information:

--

Erosion Control Information:

Turbidity Screen

Additional Information:

--

See Attachments

Attachments:

File Description: SWERP Supporting Document - Parish drawing

File Name: Parish drawing 1.png

File Hash: f87f6d1c96829044472c014a1e18192517aa38ca3b5726f7968ba649daa4a15f

Notification Submitted By

Name: Charles LoBello
Phone Number: (850) 585-3003
E-mail Address: ChuckLDL@cox.net

All information submitted was certified true, accurate, and correct to the best of the knowledge of the person whose name appears above.

If you have any questions or concerns about the information contained in this report, please contact the Division of Water Resource Management at (850) 245-8336 or by e-mail at ERP_eApps@dep.state.fl.us.



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 25, 2019

Charles LoBello
297 W Miracle Strip Pkwy
Mary Esther, Florida 32569
ChuckLDL@cox.net

File No.: 0367372-002-EE/46, Okaloosa County

Dear Mr. LoBello,

On March 12, 2019, we received your request for verification of exemption to perform the following activities:

To move a finger pier towards the center of an existing slip and install a boatlift within a man-made canal, connected to Destin Harbor, Class III Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 415 Gulf Shore Drive Unit 1, Destin, Florida 32541, Parcel No. 00-2S-24-2187-0000-0010, in Section 25, Township 2 South, Range 23 West in Okaloosa County; 30°23'17.89" North Latitude, 86°30'10.55" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project qualifies for all three. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activities as proposed are exempt, under Rule 62-330.051(5)(c), Florida Administrative Code (F.A.C.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Not Required

The activity does not appear to be located on sovereign submerged lands, and does not require further authorization under Chapters 253 or 258, F.S. or Chapters 18-20 or 18-21, F.A.C.

3. Federal Review – SPGP Approved

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S. before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S. or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28 106.205, F.A.C.

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the

presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Whitney Bretana at the letterhead address, at (850)595-0658, or at Whitney.Bretana@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Whitney Bretana

Environmental Specialist

Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.051(5)(c), F.A.C. and Section 403.813(1)(i), F.S., 1 page
2. Special Conditions for Federal Authorization for SPGP V-R1, 7 pages
3. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
4. SPGP V: Other SPGP attachments, 2 pages
5. Project Drawings, 2 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Charles LoBello, ChuckLDL@cox.net

Barbara Parish, barbieparish@aol.com

Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,

sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

March 25, 2019

Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters in accordance with section 403.813(1)(i), F.S., and within residential canal systems legally in existence under chapter 403 or part IV of chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(i) The construction of private docks of 1,000 square feet or less of over-water surface area and seawalls in artificially created waterways where such construction will not violate existing water quality standards, impede navigation, or affect flood control. This exemption does not apply to the construction of vertical seawalls in estuaries or lagoons unless the proposed construction is within an existing manmade canal where the shoreline is currently occupied in whole or part by vertical seawalls.

Special Conditions for Federal Authorization for SPGP V-R1

Note: JAXBO (Jacksonville District's Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>. The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

Special Conditions for All Projects

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
 - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
 - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
 - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of

- this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).
- d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
- (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
 - (2) For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.
7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.
8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.
10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
- a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.
 - b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such

activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).
2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
 - a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must

be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
 - (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
 - (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
- a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
 - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
 - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).
5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).

7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
 - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
 - (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).
 - (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
 - b. For all other Projects,
 - (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
 - (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
 - (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).
 - (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following

scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates “Scenario B” as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):

- (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
 - (a) within Johnson’s seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson’s seagrass under the dock; or, Native seagrass, other than Johnson’s seagrass, under the dock; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with No current seagrass survey or, Johnson’s seagrass under the dock,
- (ii) New docks or dock expansions and:
 - (a) within Johnson’s seagrass critical habitat; or,
 - (b) within the Range of Johnson’s seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson’s seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the “Dock PDCs for Scenario B” within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
 - (1) To avoid and minimize impacts to Johnson’s seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - (i) The dock must be positioned to avoid and minimize effects to Johnson’s seagrass.
 - (ii) Over any area that contains Johnson’s seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson’s seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson’s seagrass or native, non-listed seagrasses.
 - (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson’s seagrass to minimize direct impacts.
 - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - (vi) No covered boat lifts are allowed over any Johnson’s seagrass.
 - (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
 - (i) For grated decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the

seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.

- (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
- (ii) For plank decking:
 - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
 - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
 - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).

General Conditions for Federal Authorization for SPGP V-R1

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or Construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
 4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
 5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
 6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
 7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at MyFWC.com/manatee. Questions concerning these signs can be sent to the email address listed above.

CAUTION: MANATEE HABITAT

All project vessels

IDLE SPEED / NO WAKE

When a manatee is within 50 feet of work
all in-water activities must

SHUT DOWN

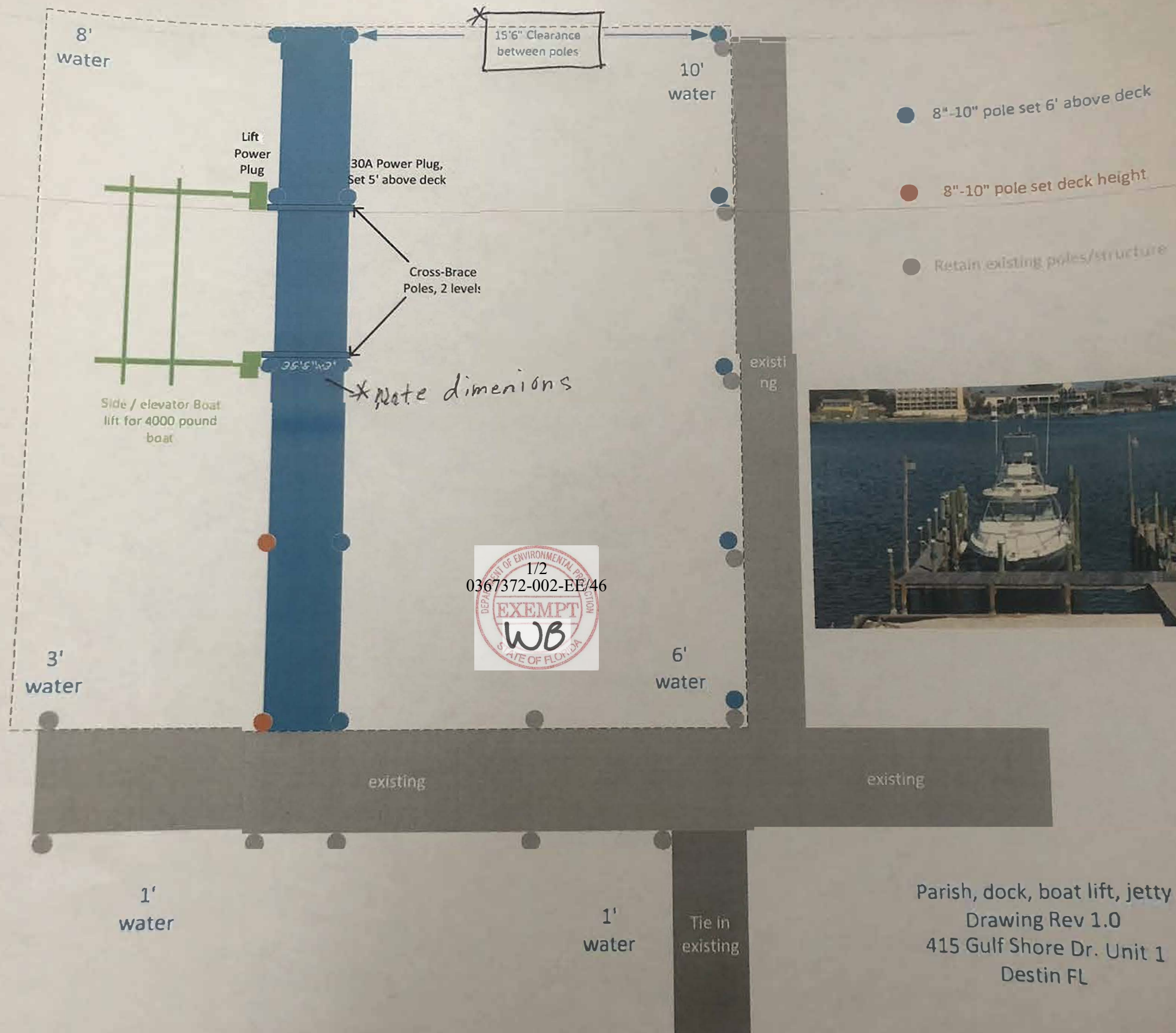
Report any collision with or injury to a manatee:



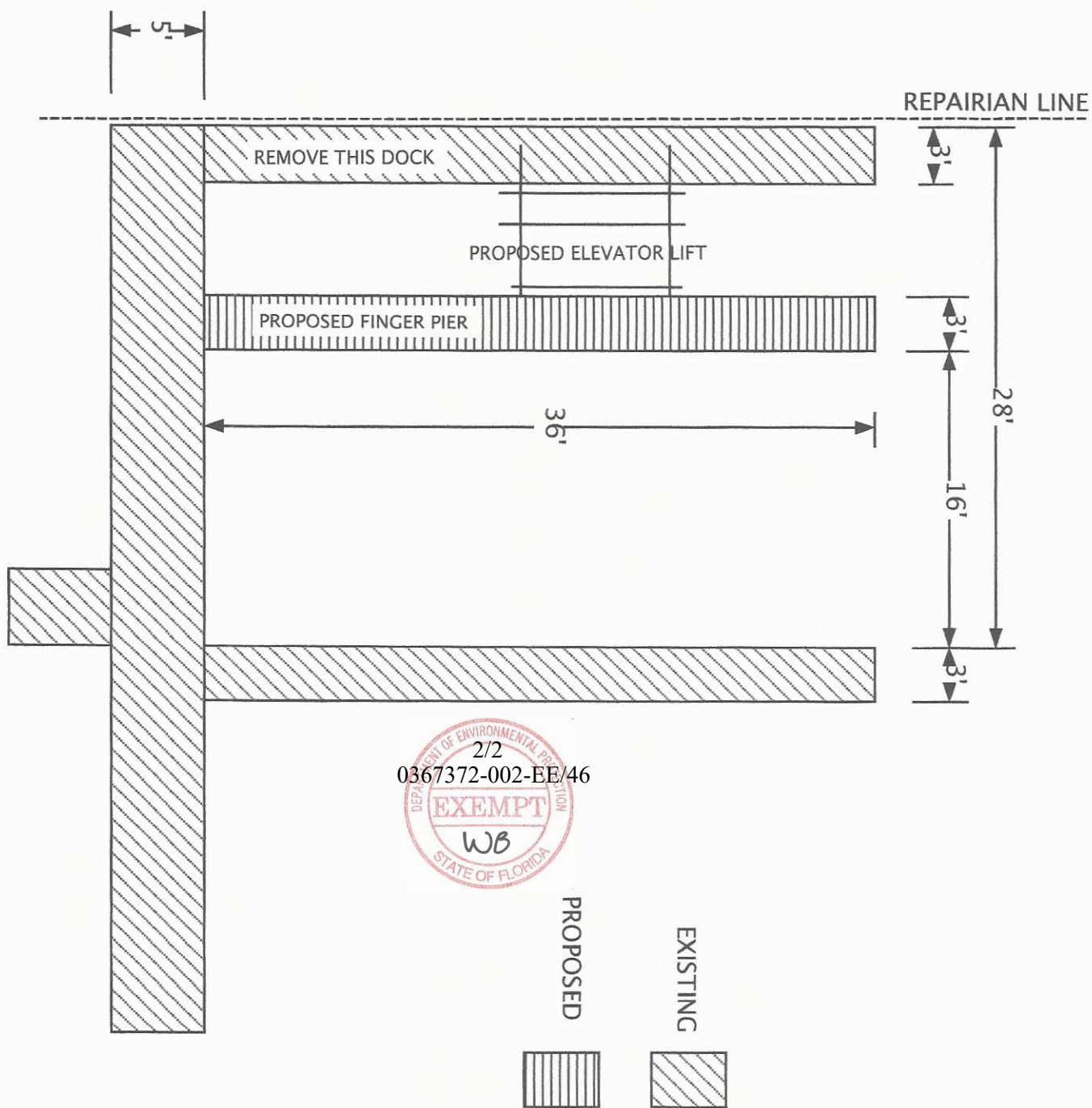
Wildlife Alert:

1-888-404-FWCC(3922)

cell *FWC or #FWC



BARBIE PARISH
415 GULF SHORE DR. UNIT 1



L D & L MARINE CONTRACTORS
297 W. MIRACLE STRP. PKWY
MARY ESTHER, FL. 32569
(Chuck LoBello) 585 3003 / chuckldl@cox.net
(Clay Duhon) 585 5557 / c3d1@cox.net
MARINE CONTRACTOR LIC. NO. 11071-0600564

**MINUTES
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL 5:00 P.M. – MARCH 25, 2019**

1. CALL TO ORDER:

Chairman Trammell called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, March 25, 2019 at Destin City Hall.

2. ROLL CALL:

Member Present:

Matt Trammell
Guy Tadlock
Richard Hoey
Jim Green
Bill McKissick

Members Absent:

Mark Meyer
Casey Jones

Staff:

Kim Montgomery, Deputy City Clerk
Dawn McDonald, Planner
Steven Bauman, City Attorney Associate
Louis Zunguze, Community Development Dir.

3. APPROVAL OF MINUTES:

➤ **March 25, 2019**

Board member Green motioned to approve of the March 25, 2019 as corrected with Board member Tadlock providing the second; the motion passes with a 5-0 vote.

4. NEW BUSINESS:

A. 415 Gulf Shore Drive, Unit #1, Barbara Parish, Property Owner; Chuck LoBello, Authorized Agent

Requesting recommendation of approval for (1) one 3' X 36' finger pier at a single-family residence.

The City Planner Dawn McDonald briefly provided the details of the project request and that it meets the requirements of both the Land Development Code and the Comprehensive Plan. She explained that the length is just under the required by Code and is within the 25-feet of adjacent property lines, whom each have been notified of the project request and have no objections have been filed. The applicant has submitted an exemption for an environmental resource permit has been submitted to the Florida Department of Environmental Protection (FDEP) and is under review and staff recommends approval of the request subject to the applicant obtaining the FDEP permit.

The Chairman spoke of the vagueness of the Code regarding whether or not the applicant has to have the FDEP permit and the ACOE authorization and how they have seen so many of these type of requests that likely there is an exemption and suggests that they add to the motion the contingent upon receiving it to allow the applicant to move forward with their request.

Board member Tadlock mentioned a letter of exemption that the State at one time issued. According to the Chairman, the State has moved away from issuing those and are easing their regulatory burden. Adding that he hopes Mr. Lobello can produce a permit or just an email from the State saying they concur that the applicant is exempt so the applicant won't be held up.

Ms. McDonald informed the members that this request cannot move forward to City Council until they get the official determination from the State.

The City Attorney suggested that in the motion, they state that the recommendation is subject to the applicant obtaining the FDEP approval or required exemption.

Motion by Board member Green, seconded by Board member Tadlock, to recommend that City Council approve the request by Barbara Parish located at 415 Gulf Shore Drive, Unit 1 subject to the applicant obtaining the required FDEP approval or statement of exemption. The motion passed with a 5-0 vote.

B. 504 Vera Cruz Drive, Kenneth McElheny, Property Owner; Donald Davis, Authorized Agent

Requesting recommendation of approval for (1) one +/-325-square-foot dock at a single-family residence.

The City Planner Dawn McDonald briefly provided the details of the project request and that it meets the requirements of both the Land Development Code and the Comprehensive Plan in regards to the length of the pier extending into the canal and is located than the 25-foot of each adjacent property lines. Also, staff sent notification letters to each adjacent property owner and has not received objections from either owner.

The Chairman asked about the Corp of Engineers stamp on the plans and asked if they received their permit as well. According to Ms. McDonald, the property owner did get a ACOE permit because the owner will also be building a home on the property and applied to them first for his seawall permit that is being rebuilt under the existing footprint. Pointing out that the owner also has their FDEP permit.

Board member Green asked if there are plans for the area to be dredged. According to Chairman they will be allowed to excavate and place the spoils on the upland property.

Board member Tadlock stated that the city did permit the owner to pull additional sand back and he should not need to dredge and additional material but if any is necessary it will have to be white sand.

Motion by Board member Tadlock to recommend that the Harbor and Waterways Board recommends approval to the Destin City Council for the residential marine construction project for the installation of (1) one +/-325-square-foot dock located at a 504 Vera Cruz Drive. The motion passed with a 5-0 vote.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 15, 2019
TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager
Kyle Bauman, City Attorney
Louis Zunguze, Community Development Director

FROM: Dawn McDonald, Planning

DATE: April 8, 2019

SUBJECT: Request for a single-family residential marine construction project at 504 Vera Cruz Drive

I. BACKGROUND:

Authorized Representative Donald Davis submitted a Harbor & Waterways Board application for Property Owner Kenneth McElheny on February 19, 2019, for a single-family residential marine construction project at 504 Vera Cruz Drive. Per Article 11.05.01.B., City of Destin Land Development Code, all new marine construction and significant changes to existing marine construction require review by the Harbor & Waterways Board. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial.

The applicant proposes to remove an existing upland boat slip, which requires the construction of a new upland boat slip and the construction of a new dock within the slip at another location within the property. The applicant proposes a +/- 325-square foot dock (boardwalk) to the southeast of the existing dock.

II. DISCUSSION:

The applicant requests construction of (1) one +/- 325-square-foot dock (boardwalk) within a proposed boat slip.

The proposed +/-325-square-foot dock (boardwalk) will be located to the southeast of the existing upland boat slip. Most of the proposed dock will be constructed in an upland slip and will remain within the property lines of the parcel. However, a portion of the proposed +/-325-square-foot dock extends 5.6

feet into the canal. According to Article 11.05.01.Q., Land Development Code, no pier shall extend more than six feet within a canal. The proposed boardwalk is parallel to the shore and is therefore not a pier, and the structure does not extend beyond six feet. Additionally, the proposed dock is located more than 25 feet from the adjacent property lines, per Article 11.05.01.S., Land Development Code. Therefore, the proposed project meets City Code requirements.

At the Harbor and Waterways Board meeting of March 25, 2019, the Board recommended approval of the single-family residential marine construction project proposed at 504 Vera Cruz Drive.

A. Link to Strategic Goals / Objectives:

1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB):

There is not any anticipated effect on the budget. Additionally, there is no staff requirement for this project.

C. Level of Service (LOS):

The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

III. CONCLUSION:

The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

The application has been reviewed and approved by the Florida Department of Environmental Protection (FDEP). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.Q. & S., City of Destin Land Development Code, as well as the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

At the Harbor & Waterways Board Meeting of March 25, 2019, the Board recommended approval of the single-family residential marine construction project proposed at 504 Vera Cruz Drive.

IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family residential marine construction project proposed at 504 Vera Cruz Drive.

Attachments:

1. 504 Vera Cruz Drive Harbor Board Application
2. DRAFT HB 3-25-19 MINUTES



City of Destin
Community Development Department
Planning & Zoning Division
City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 837-4242 • Fax (850) 460-2171
planning@cityofdestin.com

APPLICATION for HARBOR BOARD

Harbor Board meets the 4th Monday of each month, all applications must be submitted at least one month prior.

Description of work: INSTALL NEW SEAWALL, BOARDWALK AND BOAT LIFT

1. APPLICANT INFORMATION:

Name: WHAT'S UP DOCKS DONALD DAVIS
Mailing Address: 6534 LAKESHORE DR.
Phone: 850-291-0357 Fax: N/A
Email: WHATSUPDOCKS1@GMAIL.COM

2. PROPERTY TO BE REVIEWED:

Street Address: 504 VERA CRUZ DR
Parcel ID #: 00-25-24-2186-000F-0790

3. **FEE:** \$50.00 Residential Cash, Check, MasterCard or Visa
\$100.00 Commercial

Fees must be paid when submitting an application.

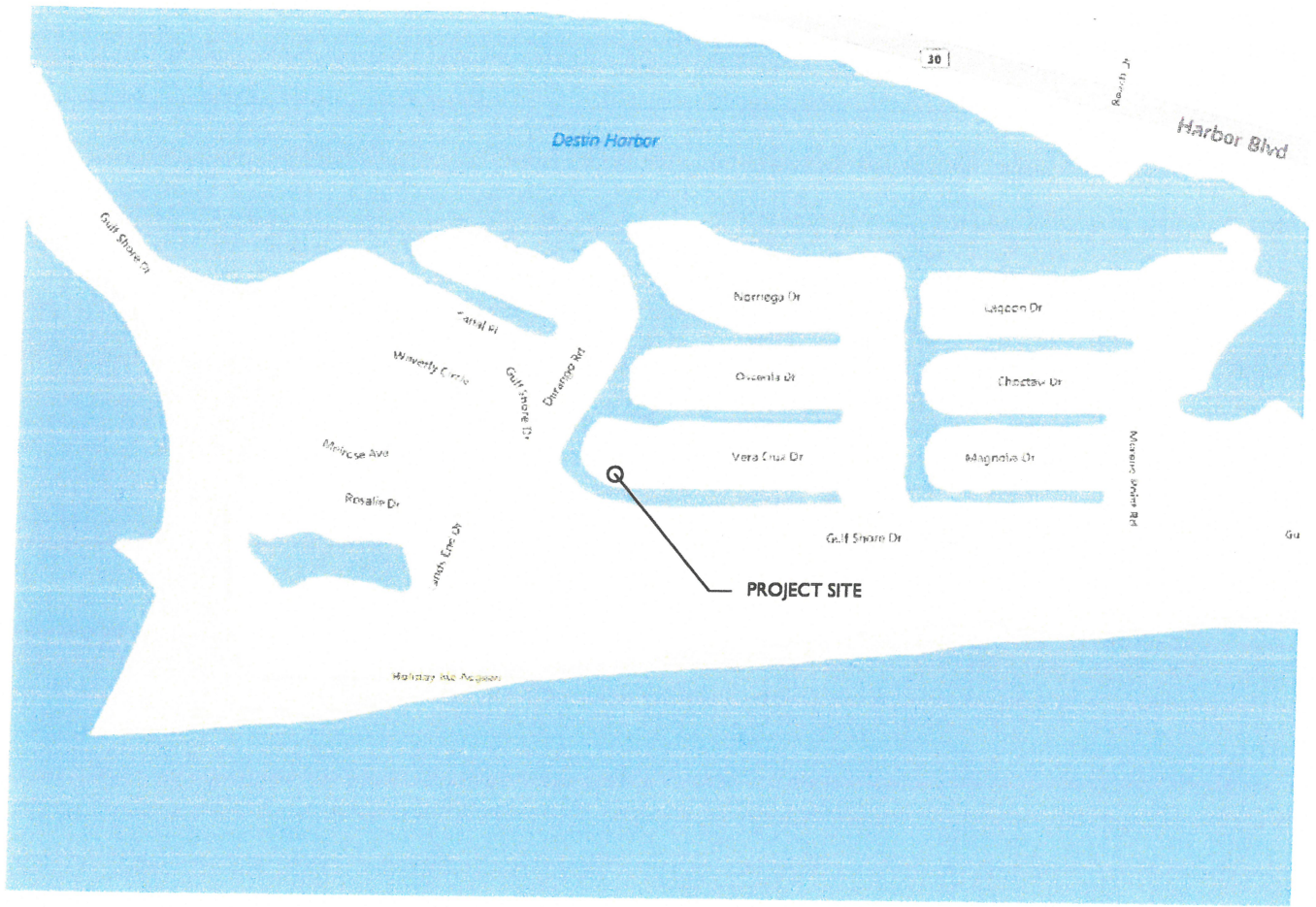
4. ADDITIONAL DOCUMENTATION REQUIRED:

- Complete detailed drawings and site plan.
- Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).

APPLICANT'S SIGNATURE: 

DATE: 19 FEB 2019



PARCEL ID#

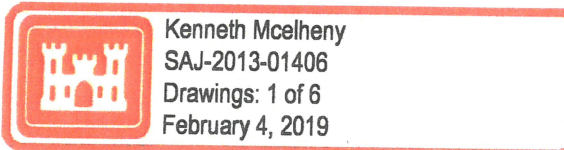
00-2S-24-2186-000F-0790
504 VERA CRUZ DRIVE
DESTIN, FL 32541

RECORD OWNER

MCELHENY KENNETH & LESLIE
18110 OLD PELICAN BAY DR
FORT MYERS BEACH, FL 33931

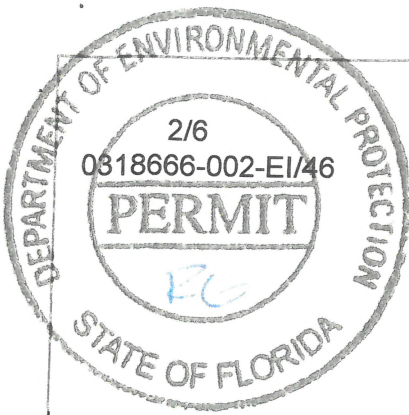
INDEX OF SHEETS

- 1- SITE LOCATION AND SHEET INDEX
- 2-EXISTING SITE CONDITIONS
- 3-PLAN VIEW DEPICTED ONTO AERIAL
- 4-PLAN VIEW OF PROPOSED DREDGE
- 5-PLAN VIEW OF PROPOSED DOCK & SEAWALL
- 6-SECTIONS (TYPICAL)



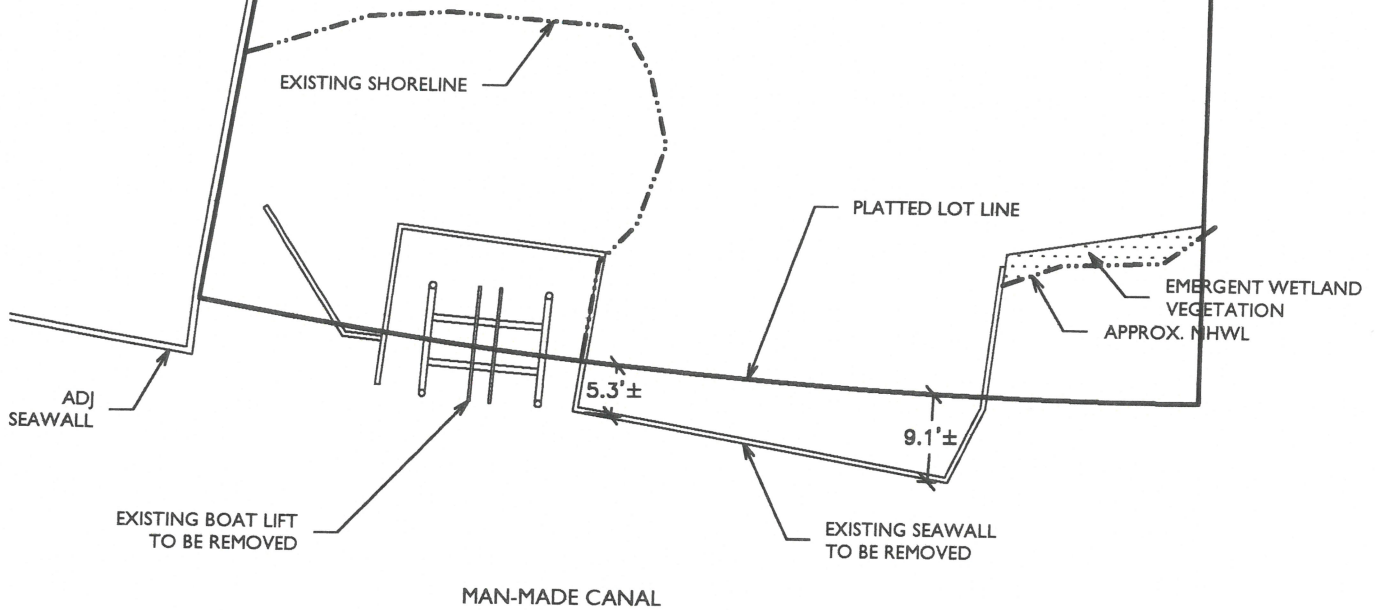
PROJECT NAME: 504 VERA CRUZ, McCELHENY	
SITE LOCATION AND SHEET INDEX	
PROJECT NO.: 18-104	
DRAWN BY: JAT	DATE: 10/2/18
SHEET: 1 OF 6	





VERA CRUZ

SUBJECT PROPERTY
504 VERA CRUZ
DESTIN, FL 32541



PROJECT NAME: 504 VERA CRUZ, McCELHENY

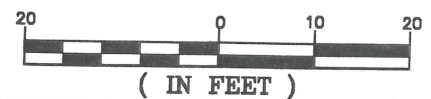
EXISTING SITE CONDITIONS

PROJECT NO.: 18-104

DRAWN BY: JAT

DATE: 10/2/18

SHEET: 2 OF 6





Kenneth McElheny
SAJ-2013-01406
Drawings: 3 of 6
February 4, 2019

VERA CRUZ

ADJACENT PROPERTY
MICHELE KRANTZ
502 VERA CRUZ
DESTIN, FL 32541

SUBJECT PROPERTY
KEN & LESLIE McCELHENY
504 VERA CRUZ
DESTIN, FL 32541

ADJACENT PROPERTY
CARRIGAN SALLIE
223 SPIER AVE
ALLENHURST, NJ 07711

CLEAN EARTHEN BACKFILL

PROPOSED SEAWALL

PROPOSED BOAT LIFT
& MARGINAL DOCK

PLATTED LOT LINE

MAN-MADE CANAL

PROJECT NAME: 504 VERA CRUZ, McCELHENY

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 18-104

DRAWN BY: JAT

DATE: 10/2/18

SHEET: 3 OF 6



(IN FEET)

SUBJECT PROPERTY
504 VERA CRUZ
DESTIN, FL 32541

PROPOSED DREDGE AREA
820± SQ. FT.
151± CU. YDS

CLEAN EARTHEN BACKFILL 149± CU. YDS.
(37± CU. YDS. BELOW MHWL)

ENTRENCHED SILT FENCE

DREDGED SPOIL CELL
THERE WILL BE NO RETURN
FLOW TO OPEN WATER.

PROPOSED SEAWALL;
SEE SHEET 5

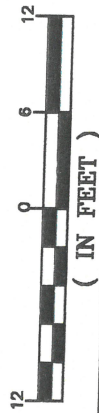
EMERGENT WETLAND
VEGETATION

APPROX. MHWL

PLATTED LOT LINE

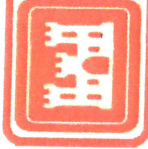
EXISTING SEAWALL TO BE REMOVED

MAN-MADE CANAL

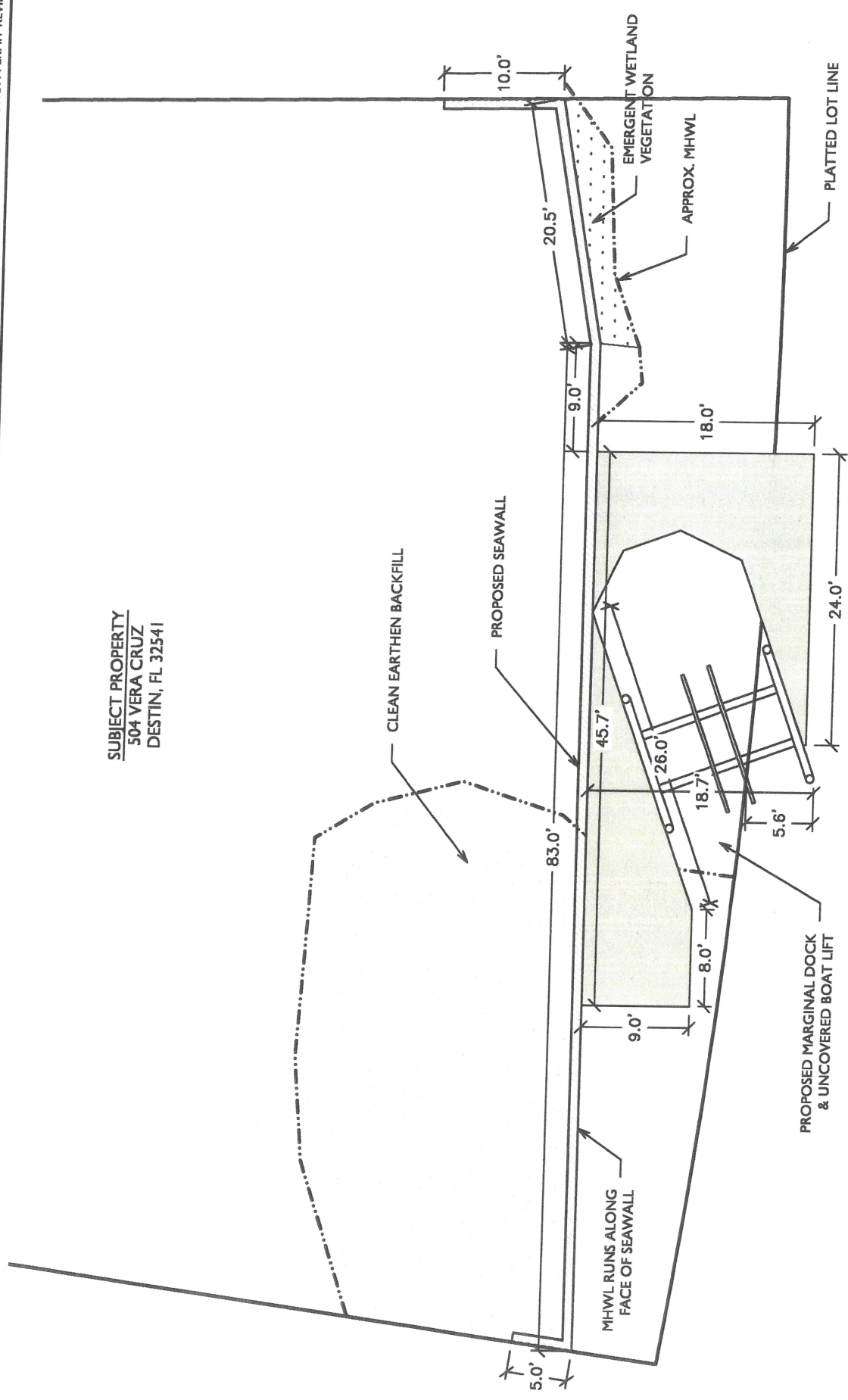


PROJECT NAME: 504 VERA CRUZ, McCELHENY
PLAN VIEW OF PROPOSED DREDGE
PROJECT NO.: 18-104
DRAWN BY: JAT DATE: 10/2/18
SHEET: 4 OF 6

Kenneth McElheny
SAJ-2013-01406
Drawings: 4 of 6
February 4, 2019



SUBJECT PROPERTY
504 VERA CRUZ
DESTIN, FL 32541

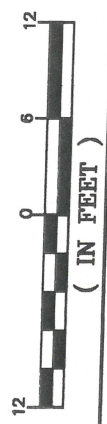


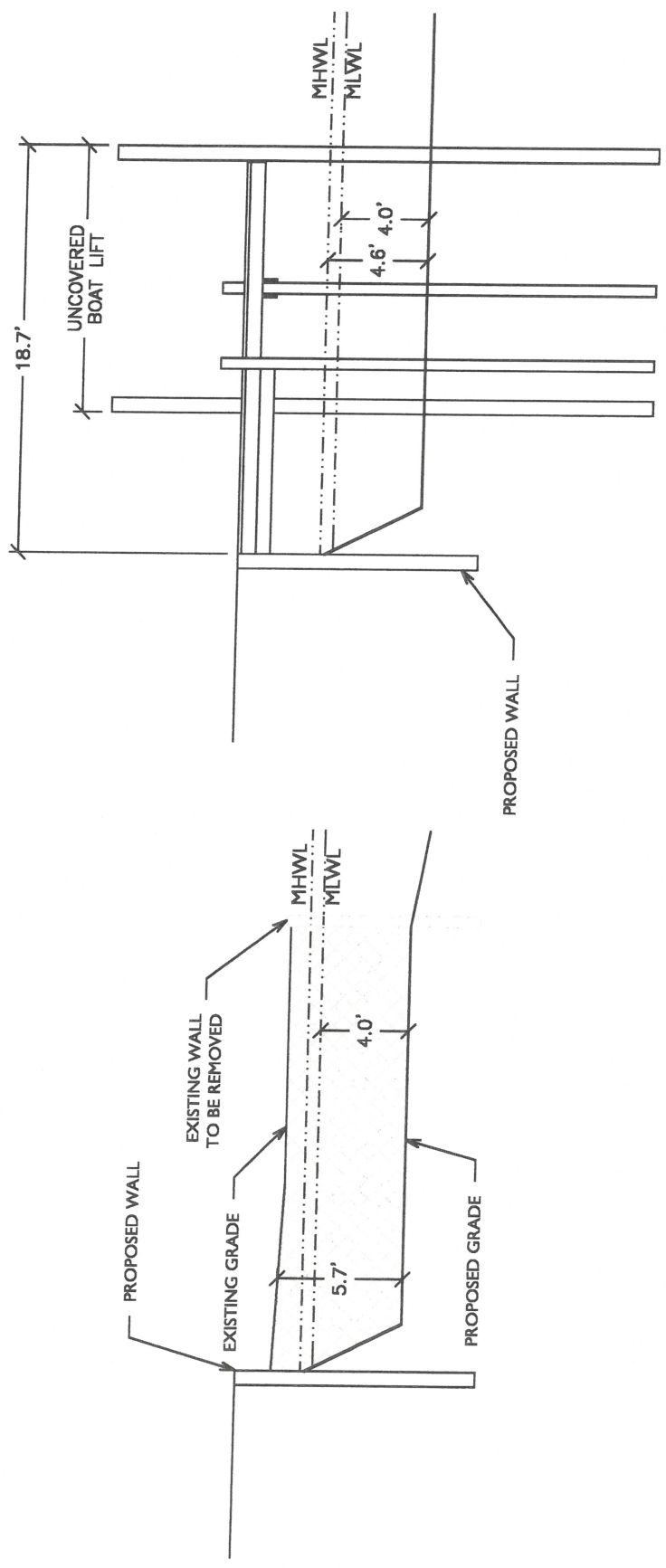
PROJECT NAME: 504 VERA CRUZ, McCELHENY	
PLAN VIEW OF PROPOSED SEAWALL & DOCK	
PROJECT NO.: 18-104	
DRAWN BY: JAT	DATE: 10/2/18
SHEET: 5 OF 6	



Kenneth McElheny
SAJ-2013-01406
Drawings: 5 of 6
February 4, 2019

MAN-MADE CANAL

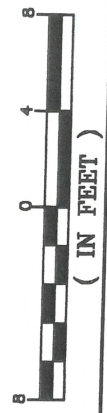






Kenneth McElheny
SAJ-2013-01406
Drawings: 6 of 6
February 4, 2019

PROJECT NAME: 504 VERA CRUZ, McCHELENY
SECTIONS (TYPICAL)
PROJECT NO.: 18-104
DRAWN BY: JAT
DATE: 10/2/18
SHEET: 6 OF 6



**MINUTES
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL 5:00 P.M. – MARCH 25, 2019**

1. CALL TO ORDER:

Chairman Trammell called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, March 25, 2019 at Destin City Hall.

2. ROLL CALL:

Member Present:

Matt Trammell
Guy Tadlock
Richard Hoey
Jim Green
Bill McKissick

Members Absent:

Mark Meyer
Casey Jones

Staff:

Kim Montgomery, Deputy City Clerk
Dawn McDonald, Planner
Steven Bauman, City Attorney Associate
Louis Zunguze, Community Development Dir.

3. APPROVAL OF MINUTES:

➤ **March 25, 2019**

Board member Green motioned to approve of the March 25, 2019 as corrected with Board member Tadlock providing the second; the motion passes with a 5-0 vote.

4. NEW BUSINESS:

A. 415 Gulf Shore Drive, Unit #1, Barbara Parish, Property Owner; Chuck LoBello, Authorized Agent

Requesting recommendation of approval for (1) one 3' X 36' finger pier at a single-family residence.

The City Planner Dawn McDonald briefly provided the details of the project request and that it meets the requirements of both the Land Development Code and the Comprehensive Plan. She explained that the length is just under the required by Code and is within the 25-feet of adjacent property lines, whom each have been notified of the project request and have no objections have been filed. The applicant has submitted an exemption for an environmental resource permit has been submitted to the Florida Department of Environmental Protection (FDEP) and is under review and staff recommends approval of the request subject to the applicant obtaining the FDEP permit.

The Chairman spoke of the vagueness of the Code regarding whether or not the applicant has to have the FDEP permit and the ACOE authorization and how they have seen so many of these type of requests that likely there is an exemption and suggests that they add to the motion the contingent upon receiving it to allow the applicant to move forward with their request.

Board member Tadlock mentioned a letter of exemption that the State at one time issued. According to the Chairman, the State has moved away from issuing those and are easing their regulatory burden. Adding that he hopes Mr. Lobello can produce a permit or just an email from the State saying they concur that the applicant is exempt so the applicant won't be held up.

Ms. McDonald informed the members that this request cannot move forward to City Council until they get the official determination from the State.

The City Attorney suggested that in the motion, they state that the recommendation is subject to the applicant obtaining the FDEP approval or required exemption.

Motion by Board member Green, seconded by Board member Tadlock, to recommend that City Council approve the request by Barbara Parish located at 415 Gulf Shore Drive, Unit 1 subject to the applicant obtaining the required FDEP approval or statement of exemption. The motion passed with a 5-0 vote.

B. 504 Vera Cruz Drive, Kenneth McElheny, Property Owner; Donald Davis, Authorized Agent

Requesting recommendation of approval for (1) one +/-325-square-foot dock at a single-family residence.

The City Planner Dawn McDonald briefly provided the details of the project request and that it meets the requirements of both the Land Development Code and the Comprehensive Plan in regards to the length of the pier extending into the canal and is located than the 25-foot of each adjacent property lines. Also, staff sent notification letters to each adjacent property owner and has not received objections from either owner.

The Chairman asked about the Corp of Engineers stamp on the plans and asked if they received their permit as well. According to Ms. McDonald, the property owner did get a ACOE permit because the owner will also be building a home on the property and applied to them first for his seawall permit that is being rebuilt under the existing footprint. Pointing out that the owner also has their FDEP permit.

Board member Green asked if there are plans for the area to be dredged. According to Chairman they will be allowed to excavate and place the spoils on the upland property.

Board member Tadlock stated that the city did permit the owner to pull additional sand back and he should not need to dredge and additional material but if any is necessary it will have to be white sand.

Motion by Board member Tadlock to recommend that the Harbor and Waterways Board recommends approval to the Destin City Council for the residential marine construction project for the installation of (1) one +/-325-square-foot dock located at a 504 Vera Cruz Drive. The motion passed with a 5-0 vote.