

**REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 18, 2020
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Stewardship*****

CALL TO ORDER

INVOCATION

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 January 27, 2020 Special City Council Workshop

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

A. 2020 Mayor's State of the City

B. Certificate of Achievement for Code Compliance Officers Danny Sullivan and Sean Donaldson

C. Joint Proclamation of the Florida House of Representatives, the Board of County Commissioners of Okaloosa County and the City of Destin proclaiming April 18th through 24th "Beach Trash Awareness Week"

D. Water quality standards - Mr. Alan Osborne

E. Sunday parking at Marler Street Parking Lot

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. Sibert Avenue Parking Area Improvements

B. Development Review System Software - Update

C. Approval of Resolution 20-3 opposing the Short-Term Rental legislation proposed at the State level (SB 1128/HB 1011)

D. Discretionary Half Cents Sales Tax Direction

E. Beach Acquisition Agent

F. Land Development Code (LDC) Update Overview

G. Construction Noise Limitations

H. Announcements

5. PUBLIC HEARINGS

A. Second reading of Ordinance 20-02-LC, amending Articles 6, 7, 8, 11 and 12 of the Land Development Code to delete all references to the tiered land use system pursuant to the City's Comprehensive Plan.

B. Second reading of Ordinance 20-03-LC, amending Article 2 of the Land Development Code, amending procedures for lot splits and lot line adjustments.

6. *CONSENT AGENDA (No public comments)

A. Request approval for a marine construction project at 3813 Indian Trail. The project, located on Choctawhatchee Bay, includes ± 70 LF of dock, a boathouse and two (2) catwalks. The total project footprint is ± 1000 sq. feet.

B. Draft Minutes of Standing Committee/Board Meetings

C. Memorandum of Understanding between Marine Forces Special Operations Command and The City of Destin, Florida

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

1) Request to call executive session pursuant to section 286.011(8), Florida Statutes, in the cases of *Pointe Mezzanine, LLC v. City of Destin*, Okaloosa County Court Case No. 2019-CA-004010 F, and *Pointe Mezzanine, LLC v. City of Destin*, Okaloosa County Court Case No. 2019-CA-003733 F.

J. City Attorney

8. PUBLIC COMMENTS

9. ADJOURNMENT

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 necesiten 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
SPECIAL WORKSHOP
DESTIN CITY COUNCIL
JANUARY 27, 2020
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Pro Tem Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Cyron Marler

Councilmember Steven Menchel
Councilmember Skip Overdier

Destin City Staff

City Manager Lance Johnson
Public Information Manager Catherine Card
Public Services Director Michael Burgess
Community Development Director Louis Zunguze

City Clerk Rey Bailey
Deputy City Manager Webb Warren
City Attorney Kyle Bauman

CALL TO ORDER

Mayor Pro Tem Prebble Ramswell called the meeting to order at 5:30 PM, on Monday, January 27, 2020, followed by the recitation of the Pledge of Allegiance.

WORKSHOP

1. Utilization of the Half-Cent Sales Tax Revenues

The City Manager noted that his primary goal this evening is to be able to designate certain amounts of money to different projects as identified by the Council. The total number of projects would be at the discretion of the Council. Also, to determine for which project(s) the Council wants to earmark some money so they could subtract that amount from the total available funding and come up with a solid number to pass on to the Public Works/Safety Committee. This would allow the committee to determine how much money is available annually and available revenue over the next 9 years.

Next, the Deputy City Manager Webb Warren and the City Attorney gave the following presentation:

Discretionary Half-Cent Sales Tax

- Half-Cent Sales Tax Referendum – For funding of critical needs including:
 - ❖ Essential law enforcement/public safety facilities and vital equipment
 - ❖ Reduce traffic congestion
 - ❖ Construction and repairing of roads and bridges
 - ❖ Flood control and water quality improvements

- ❖ Construct other public facility improvements and pay debt
- State Statute on Optional Sales Tax – Reference Section 212.055(2), Florida Statute, essentially, the funds can be used for:
 - ❖ Infrastructure (as defined extensively below)
 - ❖ To acquire any interest in land for public recreation, conservation or protection of natural resources
 - ❖ To prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical State concern
 - ❖ To provide loans, grants, or rebates to residential or commercial property owners who make energy efficient improvements or landfill closure in certain defined circumstances
- Council Direction on Half-Cent Sales Tax Funds
 - ❖ FY 2020 Budgeted Projects:
 - \$350,000 Zerbe-Calhoun Pedestrian Pathway Phase 1
 - \$100,000 Zerbe-Calhoun Pedestrian Pathway Phase II (Under Marler Bridge)
 - \$75,000 Sibert-Zerbe Lot Construction
 - \$120,000 General Stormwater Improvements
 - Other Council Suggestions
- Tax Revenue
 - ❖ Revenue received for calendar year 2019 - \$1,235,000
 - ❖ Revenue available for allocation after FY20 capital budget allocation - \$590,000
 - ❖ Projected revenue over the next 9 year (3.5% increase) - \$12,800,000
- On September 4, 2019, City Council unanimously approved Resolution 19-15, establishing the Public Works/Safety Committee as the Infrastructure Surtax Advisory Committee
- On September 10, 2019, the City Attorney reviewed with the Public Works/Safety Committee the referendum and State Statute language concerning the half-cent sales tax

Considerable discussions took place relative to the following document. The City Manager noted that with the exception of #1 and #2 on the list, which were taken directly from the Strategic Plan, the rest of the items are in no particular order of priorities.

Surtax Possible Expenditures – This list was generated from Council input, the 2020 Strategic Plan and from projects identified in capital budgets (No particular order)

- * Partial funding identified
- ** No funding identified
- *** Potentially fully funded from grants

1) Public Beach Access/Beach Front Acquisition/parking (*)	\$6,500,000 from TDC, \$2,000,000 City match	Legal advice is to reserve most or all for Triumph application. Other funds could be used for near-term purchase of parcel(s)
2) Undergrounding of utilities (*)	Approx. \$850,000 annually from an increase of franchise fees	
3) Destin Community Events center (**)	\$20,000,000 - \$50,000,000 Projected Cost	
4) Crosstown Connector	State/County funding	
5) Sidewalk Repair/Improve Sidewalks (*)	\$130,000 FY 2020 Budget	
6) Wayfinding signs/Signage in the City/Gateway Signage (i.e., numbers included for intersection) (*)	\$15,000 allocated + potential TDC contributions	
7) City-wide parking options (*)	Approx. \$150,000 annually in paid parking	
8) Streetlights (*)	Staff is working with Gulf Power to have GPS inventory of streetlights for estimated cost	
9) Hardening City Facilities (**)	Staff is researching grants and cost	
10) Stormwater Improvements from Stormwater Master Plan (*)	\$120,000 in FY 2020 Capital, \$60,000 Public Services budget	\$2,900,000 in costs identified in the Stormwater Master Plan
11) Construction phase of Calhoun Multi-Use Trail/Pathway under the bridge (**)	Design is funded, final design will provide projected construction cost	
12) Joe's Bayou Boat Ramp area (***)	State Grant	
13) Traffic and Pedestrian Improvements at Stahlman (**)	Study is funded only	
14) Road striping/Pavement marking (*)	FY 2020 - \$60,000	
15) Pier and related land purchase (**)	\$10,000,000 - \$30,000,000	
16) Banner art poles	\$15,000	
17) Road for Norriego Point Park (*)	\$250,000 is allocated in FY2021 Capital Budget	
18) Linear Trail (*)	\$10,000 in FY2020	

Councilmember Overdier noted that his top 2 priorities are:

- 1) Public Beach Access
- 2) Undergrounding the Utilities

He stated that the lack of beach access is denying their residents and visitors access to their main attraction, which is their beaches, causing a lot of them to lose interest with the City. He also stated they have different pots of money available based on the list provided (i.e., surtax, TDC, Triumph, Reserved Funds, etc.). He recommends leveraging this money either through loans or bond issues. He would also like to have a financial expert address this issue before the Council and provide a plan showing the amount of money that is potentially available for the City, and ways to leverage that money to get even more money not only to purchase public beach accesses but to do the undergrounding of utilities and the other projects on the list. They could then decide how to spend the rest of the money, whether it be for sidewalk, parking or stormwater improvement.

Mayor Pro Tem Ramswell asked how they could leverage a loan or a bond to gain more money since they would be paying more than they borrowed due to interest rates.

Mr. Warren stated they have been advised in this case that a bond would be more costly than a loan from a bank due to the amount of money involved. They could make the best of their money whether through a low interest loan from a bank or spending some money in the reserve and replenishing it out of the revenue source. He added there are a couple of different options they could explore for the Council.

Councilmember Morgan noted that one of the City's biggest problems is the lack of beach access; but they have an opportunity to really make a positive impact with their residents and visitors alike. They have set aside money with the TDC and with their unallocated fund balance, and they also have money available through the surtax fund. He continued they cannot rely on the Triumph Gulf Coast application because not only that it is notoriously slow, but there is no guarantee their application would be approved.

According to Councilmember Menchel, they have been informed the City received approximately \$1,235,000 in half-cent revenue in calendar year 2019, and that approximately \$590,000 of that 2019 revenue remains unallocated. Their charge tonight is to figure out what to do with the \$590,000.

Mayor Pro Tem Ramswell noted they have the \$590,000 available to spend now, but her understanding was staff is asking the Council to consider all the money that will be available the next 9 years, which is approximately \$14 million, in case they want to take a bond or a loan to spend that money in full for other items.

Councilmember Menchel suggests they consider the recommendation from the Public Works/Safety Committee to spend some of the money on sidewalk repair and improvements; adding they need to make sure they do not allow their infrastructure to fall apart. He further stated they obviously do not have the money to fund all 18 items on the list, and so they would need to prioritize these items.

Councilmember Menchel pointed out that item #6 on the list includes the numbering of intersections in addition to street names, as they previously discussed. He suggests they consider it now because it may not cost too much at this time, or it could also be something they could do internally.

Mayor Pro Tem Ramswell stated she would definitely support spending money on beach acquisition. She also supports the undergrounding of utilities; but there are other potential revenue streams for it which they have previously discussed such as franchise and impact fees, and others they previously discussed. She continued that if they are prioritizing tonight and trying to come up with various pots of money for different projects, she would recommend focusing their attention on public beach access acquisition as well as needs coming from the Public Works/Safety Committee, such as sidewalk repairs, street striping, street lighting, and so forth. She added that with regards to linear trail, which is also listed, they could have the option of utilizing the Gulf Power easement that runs all the way through town on the north side, then crosses down and runs on the south side. It could be an ideal walking, hiking and biking trail.

Councilmember Morgan pointed out that the item listed as “Public Beach Access/Beach Front Acquisition/parking” included a note that states, “*Legal advice is to reserve most or all for Triumph application. Other funds could be used for near-term purchase of parcel(s).*” He asked the City Attorney to expound on this statement.

According to the City Attorney, this statement goes with the leveraging of the money to which Councilmember Overdier alluded earlier. He continued that the Triumph application process is quite complex, and any agreement entered into with the Triumph Board is equally as complex. As part of the process, Triumph will ensure that everyone involved would have a stake in the result, including the City of Destin. Before the Triumph Board would obligate any money, they would require the City of Destin to commit a certain amount of money, whether it be from the reserved funds, from the half-cent sales tax, or some other source. They would also consider other partners such as the TDC, which currently committed \$6.5 million to the City of Destin. He also noted this is the advice given by the Triumph attorneys. His advice to the City is if they value a beachfront property and they want it for this season or next, then they could use a fund to purchase it. They could use all the half-cent sales tax money and purchase one of the parcels and reserve the other \$8.5 million in case they get the Triumph application approved.

Mayor Pro Tem Ramswell asked whether the \$2 million that is listed is the recommended amount they would put forth for this project.

The City Manager noted the \$2 million is the amount Council had already committed for this project out of the reserved funds; adding that the more money they have committed to the project, the better it will be seen by Triumph.

The City Attorney stated that in his discussion with the Triumph attorney, one possibility the City could look into is entering into some sort of pre-agreement with the Triumph Board where they would recognize any expenditure the City makes and they shall be credited with that when they later negotiate a contract with the Triumph Board if they were to award the City any money.

At this time, the Mayor Pro Tem announced they would entertain comments from the public.

Mr. Tom Weidenhamer, a Destin resident and member of the Public Works/Safety Committee, stated that he fully understands the City's desire to protect their number one industry in this town which is tourism; but there are other entities that promote tourism such as the TDC and other private enterprises in this area. He asked the Council not to lose sight of some smaller improvements that could be made for the permanent residents of the City, such as good sidewalks, street lighting and stormwater improvements.

Mr. Kevin Schmidt, a Destin resident and member of the Public Works/Safety Committee, requests clarifications relative to his committee's role in the allocation of proceeds from the Surtax.

The City Attorney explained that the Council appointed the Public Works/Safety Committee as the advisory committee for the utilization of the half-cent sales tax revenues; but the City Council makes the final decision. Before any money is spent, the committee will have a chance to review the projects and provide their recommendations to the City Council. However, the main things the Council would want the committee to focus on beyond the two large projects are sidewalk repairs and maintenance of other critical infrastructures.

Mr. Schmidt noted there had only been one item they brought forward to Council which was a surtax expenditure requests for about \$400,000 for sidewalk repair. They would like to be able to prepare and present other ideas to Council at future meetings.

Councilmember Menchel stated this is something new and there is no established rule; and that they are currently fine-tuning the committee's role in this process. With regards to the committee's initial recommendation, if the Council decides to allocate some money for sidewalk repair, then they would look to the committee to provide a sidewalk repair priority list.

Ms. Sam Perman, a Destin resident and member of the Public Works/Safety Committee, stated that she supports more beach access acquisition, but there are also immediate problems that need to be resolved. One of them being the actual access over to Scenic Hwy 98. She stated that Dolphin Street comes up a lot in their committee's discussions. It is the narrowest street in Destin. In the past 3 years, there have been significant amount of constructions in that area and more and more people are using Dolphin Street as a north-south access point and it is becoming too dangerous to those who live there.

Ms. Perman also discussed the lighting issues on Scenic Hwy 98; including some beach accesses that do not have any streetlights. She stated that the beach attracts tourists which do not obey all the laws; and so, having enough lighting is critical. She also mentioned that the new parking at James Lee Park will come in handy because it would provide the extra spaces that are badly needed in that area. They also recently put up some brand-new turtle-friendly lights at the park.

Councilmember Morgan noted these are the kinds of specific information they expect from the Public Works/Safety Committee.

Mr. Bill Remington, a Destin resident, stated there are a lot of potholes in the City's roadway that need to be addressed. More beach access acquisition is important, but they need to make sure there is adequate parking because it would not do anybody any good if there is nowhere to park. He supports the City's plan to approach the Air Force regarding the NCO Beach Club located on the other side of the Marler Bridge. He would suggest pursuing that because it has everything they need – parking, bathroom and other facilities and a nice beach. He also stated that undergrounding the utilities is a great idea, but as a Destin resident he would like to know in advance how much it would cost the taxpayers. He also recommends doing something with the former concrete plant as that parcel has been vacant for quite a while now.

Councilmember Menchel asked the City Manager to clarify the following statement in item #8 streetlight: *"Staff is working with Gulf Power to have GPS inventory of streetlights for estimated cost."*

According to the City Manager, they have been working for quite some time to make sure they had an accurate inventory of addresses, hopefully in a map format, for the streetlights to make sure they are paying for exactly what they owe Gulf Power.

Mr. Dave Mcpherson from NashBuilt Inc., discusses the proposed Destin Community Events Center showing a project cost of \$20,000,000 - \$50,000,000. He stated there were only 3 ice rinks in Florida in the 1990s. It increases to 32 since Major league hockey decided to go south during that period. The old Orlando arena was an 18,000-seater built for a professional basketball team. They have now built a larger arena for about \$485 million. They are not talking about building a \$485 million event center for the City of Destin. What they have in mind is a small 2800 to 3400-seater facility that flex based upon the type of event at a \$20 million to \$25 million price range.

Mayor Pro Tem Ramswell asked how much land is needed to build such a facility that would include parking.

Mr. Mcpherson replied it would require about 4.4 acres for the building alone; adding that some communities build parking garages, which would require about 2 acres.

Mayor Pro Tem Ramswell stated that Destin clearly does not have the funds to immediately consider building this type facility. It was previously presented as requiring some sort of partnership. She asked what sort of funding the company would be able to provide and what sort of funding would they be expecting from the City and other entities that may be involved.

Mr. Mcpherson stated there is not an easy answer to this question particularly if it involves funding from the Triumph Gulf Coast Committee. He continued they have been a co-applicant with Escambia County. They were applicant #11 when they first started 3 years ago; and there are currently 550 applicants. The feedback they are receiving from Triumph is that they are starting to amend the idea of spending money on projects that produce jobs for a beach community, which are low income jobs. If Destin decides to pursue this type of project, then they could apply to the Triumph Committee as well as the TDC. Also, their company have partners that could come in, finance the facility, and develop some sort of lease purchase agreement or a payment plan with the municipality.

Mayor Pro Tem Ramswell stated that the TDC is definitely something to consider since one of the allowable expenditures for the TDC is sports centers and arenas because ostensibly they bring in tournaments and tourism.

The City Manager noted that a project of this magnitude would require some sort of feasibility study. He asked for a cost estimate to complete such a study.

Mr. Mcpherson replied it would be at the \$25,000 to \$30,000 range for Destin since his company already have a lot of the information such as the demography and psychographics; and they already know a lot about the market.

Councilmember Morgan stated they have to be creative to be able to fund the \$20 million to \$25 million price range for this facility. Another thing they need to consider is that the City does not own the property required for this type of facility.

Mayor Pro Tem Ramswell noted that the asking price right now is about \$1 million per acre of land.

Councilmember Morgan stated they are probably looking at a \$40 million to build this type of facility including the land purchase.

Having no further comments from the public, the Mayor Pro Tem turned the matter over to the City Council for further discussion and direction.

The City Manager stated that to simplify matters, they picked \$13.5 million as the starting amount to work with at this time. If Council's top priority is beach acquisition and decides to allocate 80 percent of that amount towards it, it would be about \$10.8 million. Which would leave 20 percent or \$2.7 million for other priorities. He continued this is the approach they are taking just to simplify this process, and that the Council has the prerogative to assign higher percentage to each pot of money as they choose.

Mayor Pro Tem Ramswell stated that based on tonight's discussion so far, it seemed their top priorities are beach acquisition/parking, Public Works/Safety Committee basic infrastructure needs, undergrounding of utilities, and other projects, which would be four separate pots of money.

Councilmember Marler stated that beach acquisition/parking and undergrounding the utilities are definitely top priorities; but they should also consider construction of parking garages and Joe's Bayou Improvements.

Councilmember Overdier stated that based on the figure provided by the City Manager, he would support allocating 80 percent for beach acquisition/parking, 10 percent for Public Works/Safety identified basic infrastructure needs and 10 percent for other projects. However, he still feels they need to leverage the money they expect to receive to make more money and have enough to finance all the project. He recommends getting some advice from their financial consultant on how to leverage their money.

Councilmember Morgan stated they simply have to ask for a bank loan and dedicate their revenue stream as collateral.

Councilmember Menchel suggests asking the City's financial consultant, Raymond James to come to a meeting and advise the Council of available options.

Councilmember Morgan suggests using the money already allocated from the TDC and the City's reserved funds to purchase either one large beach parcel or two medium parcels, whichever is enough to make a sizeable difference sooner rather than later. They could then use the sales tax revenues to finance the rest of the acquisition. He continued they should also set aside a certain amount of money from the sales tax to leverage any Triumph Gulf Coast money they will receive.

Councilmember Overdier noted that Public Works/Safety Committee's identified needs seemed to account for most if not all the remaining projects that are listed.

Councilmember Morgan stated that some of the items such as the linear trail would not be included in the Public Works/Safety's identified needs. He feels the linear trail would be a quality of life issue as it would run through the heart of Destin; and that it could be done for about \$200,000 if they move quickly.

Councilmember Menchel recommends establishing 4 separate pots of money; the fourth one being other projects.

The City Attorney noted that since the Council designated Public Works/Safety Committee as the Half-Cent Sales Tax Advisory Committee, they could consider any items on the list as they form their recommendation to Council.

The City Manager stated that for simplicity's sake, he would recommend establishing a separate pot of money for Public Works/Safety Committee's identified basic infrastructure needs. At this time, the 4 pots seemed to be for beach acquisition, undergrounding utilities, other categories which would include the linear parks, and the Public Works/Safety Committee's identified needs.

The Mayor Pro Tem asked how they should allocate the money if the Council agrees with the top 4 priorities as given by the City Manager.

According to Councilmember Morgan, they need to decide which beach access property they wish to purchase and how much of the sales tax money they would need to spend, and then allocate the remaining funds equally to the other 3 priorities; adding they could make any necessary adjustments later on.

Mayor Pro Tem Ramswell asked if Public Works/Safety Committee has a cost estimate for all the projects they have identified.

Public Services Director Michael Burgess noted they have a sidewalk inventory assessment they compiled a few months ago, which includes a per linear foot replacement cost totaling \$400,000, plus \$20,000 for installation of ADA compliant truncated domes. This is where Public Works/Safety Committee based their recommendation which they presented to Council a few weeks back.

Mayor Pro Tem stated they seemed to have a consensus in establishing 4 pots of money; with a general idea of an allocation but nothing finalized at this time because they need to get some numbers on beach acquisition. She also stated that Public Works/Safety Committee needs to provide some recommendations in their capacity as the Half-Cent Sales Tax Advisory Committee.

Councilmember Overdier asked if they should invite the City's financial consultant, Raymond James to come to a meeting and advise the Council of their options.

The City Manager recommends allowing staff and the City Attorney to bring some information back. He stated that some of the information is protected under State Statute which can be discussed with Council in another setting. He would also be very interested to find out exactly how much it would cost for a linear foot of beach access so they could determine the exact percentage of money they could allocate to each of their priorities.

Councilmember Morgan reiterated that he would want to be able to set aside at least \$2 million for the Triumph Gulf Coast application.

According to the City Attorney, the more money they set aside the more leverage they would have for the Triumph Gulf Coast application. However, they could also negotiate some sort of owner finance purchase agreement for the beach parcels, which would leave more money to leverage with Triumph Gulf Coast.

PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:50 PM.

Gary Jarvis, Mayor

ATTEST:

—

Rey Bailey, City Clerk

DRAFT

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU: Joey Forgione, Code Compliance Manager
Lance Johnson, City Manager

FROM: Karen Jankowski, HR Manager

DATE:

SUBJECT: Certificate of Achievement for Code Compliance Officers Danny Sullivan and Sean Donaldson

I. BACKGROUND:

II. DISCUSSION: On February 5th, Officer Donaldson and Officer Sullivan were flagged down and informed a gentleman had broken his ankle. They confirmed 911 first responders were called and sprang into action. Both Officers ensured the injured citizen was conscious and stable. While Officer Donaldson stayed to comfort the injured citizen, Officer Sullivan quickly secured a box in order to elevate and support the citizen's injured leg. Both Officers continued to keep the injured citizen calm and stable until relieved by Destin firefighters and Okaloosa County paramedics. Officer Sullivan's actions bring great credit upon himself, the Code Compliance Department, and the City of Destin.

A. Link to Strategic Goals / Objectives: Core Values displayed: Teamwork, Professionalism, Stewardship

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Mayor's Presentation of Appreciation
2. Certificate of Achievement - Danny Sullivan - Code Compliance Officer
3. Certificate of Achievement - Sean Donaldson - Code Compliance Officer

Presentation of Certificates

Mayor Jarvis

On February 5th, Officer Donaldson and Officer Sullivan were flagged down and informed a gentlemen had broken his ankle. They confirmed 911 first responders were called and sprang into action. Both Officers ensured the injured citizen was conscious and stable. While Officer Donaldson stayed to comfort the injured citizen, Officer Sullivan quickly secured a box in order to elevate and support the citizen's injured leg. Both Officers continued to keep the injured citizen calm and stable until relieved by Destin firefighters and Okaloosa County paramedics. Officer Sullivan's and Officer Donaldson's actions bring great credit upon themselves, the Code Compliance Department, and the City of Destin.

On behalf of our Citizens, elected officials and staff please accept this appreciation certificate and thanks for going above and beyond the call of duty.

Comments from the officers.

CERTIFICATE OF ACHIEVEMENT



This certificate is awarded to

Danny Sullivan

For his courage under pressure and quick response;
rendering first aid to an injured citizen while on duty. His
actions bring credit upon himself, Code Compliance
Department, and the City of Destin.

Gary Jarvis, Mayor, City of Destin



CERTIFICATE OF ACHIEVEMENT



This certificate is awarded to

Sean Donaldson

For his courage under pressure and quick response;
rendering first aid to an injured citizen while on duty. His
actions bring credit upon himself, Code Compliance
Department, and the City of Destin.

Gary Jarvis, Mayor, City of Destin





PROCLAMATION



A PROCLAMATION TO DESIGNATE THE WEEK OF APRIL 18~24, 2020, AS

“BEACH TRASH AWARENESS WEEK”

WHEREAS, the pristine sugar sand beaches of Destin and Okaloosa Island are major attractions for visitors, an economic driver and a source of tens of thousands of jobs in Okaloosa County; and

WHEREAS, more than 1.3 million pounds of trash is picked up off the beaches in 2019; and

WHEREAS, more and more beach refuse, which blights the shores of the Emerald Coast for visitors and locals alike, continues to be left behind or washed up on our beaches; and

WHEREAS, beach trash presents an existential threat to the natural wildlife which makes the Emerald Coast unique; and

WHEREAS, the citizens, visitors and businesses can all do their part to care for our beaches and the planet; and

WHEREAS, in a community as beautiful and unique as Okaloosa County, our voices and actions must seek to ensure a sustainable future for our children and children’s children, and

WHEREAS, the Okaloosa County Board of County Commissioners and the City of Destin want to encourage a culture of responsibility amongst locals and visitors; and

NOW, THEREFORE, be it resolved by the Okaloosa County Board of County Commissioners and the City of Destin that they do hereby **PROCLAIM** and **RECOGNIZE** the week of April 18~24, 2020 as

“BEACH TRASH AWARENESS WEEK”

DULY PASSED AND ADOPTED this 18th Day of February, 2020.

**BOARD OF COMMISSIONERS
OKALOOSA COUNTY, FLORIDA**

ROBERT A. “TREY” GOODWIN III, CHAIRMAN

CITY OF DESTIN

GARY JARVIS, MAYOR

ATTEST:

J.D. PEACOCK II
CLERK OF CIRCUIT COURT

SPEAKER'S FORM
City of Destin Council Meeting

In an effort to better serve the community, the City Council requests that items or requests to be presented before Council be provided to the City Clerk by noon Tuesday of the week prior to the meeting. **Any related materials that you wish to distribute to Council in support of your item must be submitted at that time as well.** This will give Council adequate time to review your request and make any necessary inquiries. In addition, the staff may need to contact you in response to your topic of concern or in response to action directed by the Council.

As you complete the form below, please note that **certain fields marked by * are required.** Late or incomplete forms, particularly where required information is omitted, will be deferred by Council to a future meeting pending receipt of all information.

The City appreciates your cooperation and adherence to these guidelines.

******* PLEASE PRINT *******

DATE OF REQUEST: 6 February 2020

***COUNCIL MEETING DATE:** _____

***NAME:** Alan Osborne

***PHONE #:** 685-4707

ADDRESS: _____

28henriq@gmail.com

***TOPIC/ISSUE** Water quality standards not being enforced by neighboring county.
Traffic rules not being enforced regionally.

***HAVE YOU SPOKEN WITH CITY STAFF ABOUT THIS ISSUE? If so, who and when?**

No, but have spoken to a few council members and the mayor. They asked me to present the info so I am.

***DESIRED ACTION BY COUNCIL?** Request the council have a resolution to send a request to governors office to have the DEO office issue a notice of violation on the offenders.

PRESENTATION MATERIALS ATTACHED?: YES Yes NO # see
attached OF PAGES

- Florida law defines “retention” & “to retain” to mean the “prevention” of stormwater run-off:

The **prevention of**, or **to prevent** the discharge of a given volume of stormwater run-off into the surface of the state by **complete** on-site storage.

F.A.C.62.25.020(12)

- Florida law requires specific design and performance standards for retention basins:
- Retention basins **shall** again provide the capacity for the given volume of stormwater within 72 hours following the storm event.
- The additional storage volume **must** be provided by a decrease of stored water cause **only by** percolation through soil, evaporation or evapotranspiration. F.A.C.62.25.025(4)

- Sandestin DRI has a stormwater retention standard:
 - Within the lake system a designed, **retention** of stormwater run-off is predicated on a 3-year storm of 24 hours duration for a total of 6.7 inches of rainfall.
 - Storms of greater intensity and rainfall **will discharge the excess volumes** of rainfall into Choctawhatchee Bay at various natural contributories.

1984

- Sandestin DRI added 35.4 acres of lakes to improve the “**retention**” capacity of [Sandestin] with attendant reduction in the potential for negative impacts on surrounding waters.”
(EX. 213, NGN000062.)

2007

- Florida Department of Community Affairs (DCA), agreed that the applicable requirement is for **retention** of 6.7 inches of run-off before any discharge to the Bay.
- System must also meet the Florida (DEP) rules:

- “project is required to provide minimum stormwater standards that are outlined in 19(b)(2)(d) of the Application for Development Approval as incorporated...
- Project is required to provide stormwater treatment to **retain** the run-off. From a 3 year 24 hour event (6.7 inches of rainfall) **and** stormwater facilities **must** be designated consistent with the Department of Environmental Protection rules.

EX. 80

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA

SAMUEL A. OSBORNE

Plaintiff,

Case No.: 2017 CA 607

v.

WALTON COUNTY, FLORIDA,

A political subdivision of the State of Florida

Defendant

v. SANDESTIN INVESTMENTS INC.

Intervenor

FILED
WALTON CO FLORIDA
CLERK OF COURTS
2020 FEB 11 A 8:10

PLAINTIFF's Motion of Clarification and a request for hearing.

Subject: Clarification of previously filed motion

Judge Lewis,

Your Honor,

I want to clarify something that may not be clear in my emergency motion.

1. This motion is relevant to the NOPC notice issue before this court for the following reasons.
 - A. A Notice of Proposed Change (NOPC) on a DRI is a 380.0 function and an NOPC can only be heard by a development in substantial compliance.
 - B. The evidence set forth in the motion not only demonstrates the county knew it was in noncompliance for the developments water quality standard, but that it knew long before the 2017 NOPC witch SDI now defends.
 - C. Since the county would have had to have at least heard the water quality issues at the 2017 NOPC, had it properly noticed it. The NOPC could not have preceded without substantial compliance and water quality being addressed. Therefor if the NOPC didn't have the required issues contained within the hearing or the required

compliance to conduct the NOPC, the notice and its issues become moot, because without the prerequisites being met the county was not allowed to have an NOPC. The developer was not entitled to anything without compliance. Rather his entitlements are only earned when compliance is met.

- D. The documents show the county has been on notice since at least 2007 by the DCA. Additionally, the county has taken many of the prohibited actions since my settlement in 2016. The county cannot claim that I don't have standing because of a prior settlement. That settlement only refers to actions taken prior to the settlement by the county.
 - E. The compliance argument quashes all arguments provided by the intervenor on the validity of the NOPC's notice. If compliance was not met, then the declarant applying for the action (the NOPC), had no standing. Vesting only occurs by compliance as does further development rights.
2. The plaintiff requests the court issue a hearing notice for oral argument by the parties affected and further requests the injunction be issued immediately until at least the court can hear such arguments.

Conclusion

For the good of order and the future of the Choctawhatchee Bay and our water quality, please grant this motion and issue orders and any additional relief as the court deems appropriate. Thank you for your consideration. I hereby certify that the following persons will be notified and provided copies of this filing by electronic service or US mail once filed.

- 1. Sidney Noyes and the Walton county BCC. (via electronic service)
- 2. Donald and Ellen Adkins, 405 Driftwood point rd. (Via US Mail)
- 3. Carrot Top developments LLC, 714 Cocobolo Dr. (Via US Mail) (all parcels in Driftwood)
- 4. Shawn Heath, PA (via electronic service)
- 3. I have added Dana Matthews because the county wouldn't respond to requests to accept their service for intervenor. Dana Matthews (via electronic service)



Samuel A. Osborne

Property Owner

Plaintiff, Pro Se

28henriq@gmail.com

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR WALTON COUNTY, FLORIDA

SAMUEL A. OSBORNE

Plaintiff,

Case No.: 2017 CA 607

v.

WALTON COUNTY, FLORIDA,

A political subdivision of the State of Florida

Defendant

v. SANDESTIN INVESTMENTS INC.

Intervenor

FILED
CLERK OF CIRCUIT
JAN 10 2018
2018-01-10 10:12

PLAINTIFF's Motion for emergency stop work order and emergency injunctions.

Subject: Selective enforcement and nonenforcement of county ordinance and regional Development orders.

Judge Lewis,

Your Honor, I cannot wait any longer without fear of unrepairable damage to my property, the Bay waters of Walton County and most of all my kids. I must request the following emergency orders and injunctions.

Background

I live within the boundaries of the Sandestin DRI. (Development of **REGIONAL** Impact). It is an exception to the county comp plan with specific requirements that are not optional. The Sandestin DRI was first approved in 1976 and was in violation by 1982. In 1984 the county in order to settle the compliance issues passed County resolution 84-24 and adopted an updated Master Plan. By 1989 the county adopted ordinance 89-9 and the state approved the new "1984 Master plan" adopting the changes agreed upon by the BCC and the Department of

community affairs. Following that there were series of NOPC's throughout the years that were adopted by ordinances that included ordinance numbers 90-7, 90-12, 93-17, 94-2, 95-4, 98-11, 2000-03, 2002-18, 2004-28 and so forth. Throughout these changes the following requirements for water quality have not changed.

Statement of facts (Chrono)

Under the development order that has not changed stormwater requirements since its re-adoption in 1989 by ordinance. The following is what is required by the development order under the section

A. "Impact on the environment and natural resources of the region (Attachment A)

Paragraph 19B (1) (a)

The older practice of curbing roads and thus directing the run-off water into storm sewers to immediately carry the water into the bay **WILL NOT** be employed. Once the runoff water has passed through the soils and vegetation immediately around the impervious surfaces, it will lead by percolation and sheet flow (in cases of intense rain) into a 170-acre series of internal lakes on the Sandestin lands."

B. "Paragraph 19b (2) Discharges into Surface Water (Attachment B)"

"None of the categories (A through F) will be discharged directly into any of the public waters surrounding the Sandestin Project. **IN ALL CASES** as in the handling of storm runoff, any liquid discharges such as treated sewerage effluent will be assimilated into the vegetation, soils and internal lake system within the Sandestin area. Every precaution is being taken to maintain or improve the good water quality of the Choctawhatchee bay."

C. Paragraph 19b (2) (D) Surface run-off (Attachment C)

Normally all surface runoff will pass through a series of natural filters such as (1) grassed, landscaped, and native areas near the impervious surfaces, (2) a zone of shoreline plants around the lakes, (3) the lake waters and (4) finally the saltmarshes around the area. In most cases, the run-off will be recirculated many times via irrigation waters from the lakes and **WILL NOT** reach the waters of the Choctawhatchee bay. In cases of extremely high rates of rainfall, the waters will still **have to** pass through the same set of filters which will clean them of sediments and nutrients, but the retention time will be shortened. Such intense rains would follow much of the same route without the Sandestin project."

D. During the 1984 settlement agreement. The county provided the following answer from the about to be adopted amended plan to the state DCA when asked how they would comply with stormwater runoff. (Attachment D.)

“Question: What are the projected retention times for stormwater runoffs?”

Reference is made to the runoff system as shown in the DRI application.

Within lake system as designed, retention of storm water runoff is predicated on a 3-year storm of 24 hours duration for a total of 6.7 inches of rainfall. Storms of greater intensity and rainfall will discharge the excess volumes of rainfall into Choctawhatchee bay at various **NATURAL** contributories.

- E. May 2005, Driftwood residents put the county on notice that the Sandestin DRI was out of compliance. Initially a moratorium was put in place and myself and other residents were assured the county would seek compliance. A year later, with still no action by the county, I was asked to go see what help we could get from the state DCA by the DHOA and other neighbors. The county was sent the following letter in 2007. (Attachment E) it reaffirmed the above previously stated standards. Paragraph 4, 5 and 6 state clearly what the county and developers must do for required water quality standards and to take corrective action.
- F. The county asked if “we” the residents would agree to a special master, that allowed the residents, DCA and the county to plead their side of the issue. We the residents spent in excess of 50k to present our case and we had far few residents then. So, with still no movement from the county the state once again affirmed its position. (Attachment F.) This document speaks for itself on the stormwater issue. The county committed to move forward in March and April of 2010. The agency said the state had the power to issue a Notice of Violation if they did not comply. Less than one year after this letter, the DCA began to shut down but the DRI’s were still valid and responsibility was transferred to the new DEO. Although the special masters’ findings can’t be enforced by him as he has no authority, the statute has the authority and can be exercised by the state. Also, this plan was adopted by ordinance so even if this court lacks jurisdiction over the 380 DRI statute, I ask this be enforced by the authority this court has over any ordinance adopted by local government.
- G. By the summer of 2011, the county had still not given any clear answer about the way forward to compliance. In its shutdown tour and transition to the DEO and growth management with local “monitoring”, The DCA was doing a farewell tour with Walton County native Billy Buzzett and now closing secretary of the DCA. The county had convinced the DCA it was going to fix the stormwater compliance. Having seen the proposals, I knew it wasn’t and sought a meeting with secretary Buzzett. The secretary only responded that he affirmed the special master’s findings. (Attachment G)
- H. When the state notified the BCC chairman Sara Comander that it was holding a public meeting to discuss growth management in Walton County, she responded by directing

the county attorney not to advertise the meeting so I wouldn't be there to present information. (Attachment H) Mrs. Commander then directed staff to track my meeting attendance about Driftwood and the Sandestin DRI.

- I. It took until the summer of 2015, but after much protest by residents and two lawsuits, the county hired Dr. Henry Harper as an independent consultant to numerically assess and assign what the implication of the standard numerically for the Driftwood Estates was. His preliminary report in 2015 found the conclusion (page 11) for the two areas of Driftwood Estates as part of the Sandestin DRI required 5.1 inches of retention for the interior of Driftwood Estates and 4.8 inches of retention for the exterior basin where I reside. In layman's terms, that means between the counties right-of-way and the homebuilders engineered plans, 4.8 inches of retention must be achieved and handled per the ADA before any may be released into the bay. Even then it should be released through natural outfalls. (Attachment I)
- J. After the Nov 2015 Harper report phase 1, the county realized it was the answer they didn't want and tried not to complete the study. As part of a civil settlement agreement in 2016 the county agreed to complete the report.
- K. The county had still not honored the settlement agreement, I approached the BCC and demanded they comply, or we would have to return to court for breach of settlement. Shortly after I spoke publicly about this. Somebody shot two rounds thru my front window of what appeared to be .22 short rounds. (Attachment J)
- L. Following the incident, the county then finally finished Dr. Harpers report 4 years after initiation, Dr. Harper presented it before the BCC in 2019 and it was accepted as fact by the BCC at a duly noticed meeting which was attended by all the current commissioners and Ms. Sidney Noyes, Walton County Attorney.
- M. The county has not stopped issuing building permits since the adoption of Dr. harpers report Adoption on February 12, 2019.
- N. The county panicked and had a meeting for Dr. Harper to clarify. (Attachment K) There they gave harper the limitation to design a fix only using the county right of way in driftwood and even at that Dr. Harper said multiple pieces of private property would be required to purchase to even achieve an improvement in flooding. He noted that the exterior design as being installed and proposed was retaining zero percent of its water. To date, I believe the county has spent over 4 million dollars placing improvements that further violate the DRI standards worse than before and continue to refuse to enforce the acceptance of the stormwater into the Sandestin lake system as required. The county has the ability and duty to request a notice of violation on SDI (Sandestin

Investments), but instead granted them an NOPC without proper notice and refused to put stormwater compliance at that improperly noticed NOPC. It is interesting to note that item no 1, clearly indicates that both the interior and exterior of Driftwood estates is not meeting DRI standards. Item 8, the county has already spent millions on a plan that is not even intended to meet DRI standards and Walton county has taken no steps to acquire the 4 parcels they need for the plan. At least 1 already has a home on it. Note the open admittance of noncompliance and the county sought maintenance permits from NFWFMD to modify a system that the state has jurisdiction over thru the DRI process which Northwest Florida Water Management district has no jurisdiction over. Additionally, it is believed by the plaintiff this was written in draft and hand distributed thru the county so as not to become public. It is further believed Dr. Harvey Harper may have never seen this document to verify his beliefs, submissions or reviews.

- O. In the fall of 2019, the lot next to me owned then by Donald and Ellen Adkins was cleared without notice and I called code to request a non-compliance notice be issued for no permits and a intrusion of the coastal Protection zone (50 feet from bay). I also reported two other lots, one owned by the Adkins daughter and son in law and the other straight across the street from my driveway. Both were approved to the county basic standards and not the DRI. Code responded they were issuing a violation to the Adkins but refused to give me any information but said a restoration plan would be required by the Adkins. When the county code and engineering came to Driftwood, I arrived home from work to find three county cars in front of my house. It was the chief of code and engineering and they were discussing with the offenders the situation. When I pulled up, they all walked away towards the farthest residence and turned and pointed at me to the neighbors. I tried to wait and see if they would talk to me, but quickly jumped in the county vehicles and left. (I have pictures) Steven Vaggalis Jr, owner of one of the properties approached me politely and said "hey neighbor, I'm new here, I'm not sure what's going on. I explained to him that the county had approved his plans, but they didn't meet the required retention for the 10-year standard, much less the DRI. The county made the homeowner modify his lot to the 10-year standard and apparently dismissed the complaints on all the other properties I had filed violations on. Mr. Vaggalis said he found it hard to believe county officials would lie to him, he walked away, and I have not spoken to him since. (Attachment L) Mr. Vaggalis never showed any aggression towards me, only the expression of bewilderment. I also told him what his father in law had been doing to me and he said he didn't agree with how his father in laws actions all the time. A series of incidents late at night on the undeveloped Adkins lot happened throughout the fall with people the Adkins gave permission to use the dock started coming to it all hours of the night shining headlight in my backyard and spotlights in my bedroom windows causing my dogs to start barking at all hours of the night 4 times the police had to respond. Adkins contractors, further destroyed thousands of dollars of mature bushes, two trees on the property line and violated the

clearing of the setbacks and destroyed my home DSL drop and rendered me without internet for 7 days and it could not be repaired because it was cut in too many places. It took century link over 30 days to get a new DSL line installed. Adkins was aware of the violations and damage. (His minor child admitted it to a WCSO) but never approached me at all or communicated with me. Just walked around his vacant lot over and over staring at me.

- P. Five days ago, the Adkins started clearing both lots next to me to the south. One is apparently now owned by his LLC, Carrot top development. No restoration had been done. I reported the violation and received no calls. The series of emails attached show my notification to the county commissioners who refused to respond. I think the document speaks for itself when Mrs. Noyes says the county disagrees with my assertions. (Attachment M)
- Q. Tuesday afternoon I called the sheriffs office because I had been awakened at 5:59 in the morning to a 3-axle dump truck slamming his bed up and down over and over. When the deputy arrived, she was unclear on the ordinance and I explained my position but got confused with the noise ordinance and the construction ordinance and said she would clarify with her SGT and get back with me soon. The ordinance states, no construction in this area before 630 in the morning and it must cease at 7 pm, M-F. At 730 PM, it was dark, and I heard the trucks arrive after the ordinance was in effect. The driver pulled over 60 feet from where he had dumped the dirt right next to my house and began cycling the dump bed up and down over and over. I ran outside and screamed at him that the ordinance was in effect and I was reporting him. He shot me a bird from the truck cab and drove off. (I have video) I returned inside. At approx. 930 pm the truck returned and once again backed up next to the property line and repeatedly cycled the truck bed up and down once again shaking the windows in my house. As I ran out of the house and up the driveway screaming at the operator and calling the WCSO again. I was trying to talk and film him, I arrived at the end of my driveway to find Donald and Ellen Adkins, their minor son and their grown daughter and maybe some other people with cameras walking towards my driveway. They began screaming at me and trying to provoke a confrontation, they informed me I was a crazy lunatic who was harassing them with complaints. They further told me the county had told them I was the problem out here and was wrong about my statements and complaints. I told them the police were on the way, and they screamed louder taunting me with their minor child while standing at the edge of my driveway probably over a quarter of a mile away. The dump truck incident was clearly staged because they arrived from over a quarter a mile away at the same time that I reached my driveway end. The police arrived and initially thought I was causing it. I showed them the video, quoted the ordinance and explained what had happened. The police said I needed to file an injunction against them and explained to the "Adkins group, that actually the ordinance was what I had

been saying.” Since that incident the filing of the lot has proceeded nonstop without plans to meet the DRI standard in any way. Apparently, they couldn’t explain to the officers how they arrived from their house 15 seconds after the incident occurred. (Sheriff report number 2020-18352) Pictures attached, show that if 5 more days go by without an injunction, the damage to my lot from their increasing the elevation of their lot with no plan to retain the lots runoff, could cause flooding of my lot to get worse than it has in the past. (Attachment N)

- R. Wed morning, my minor child arrived at South Walton High School and by third period students began asking him why his father pulled a gun on the Adkins family last night and had pulled one on the construction workers next door. My child got upset with the rumor going thru school because he could not control the untrue statements the Adkins parent had sent his child to spread or told. In fact, I never carry a gun as that is well known. While it is true my profession requires high level of skills with weapons, I haven’t carried since my children were little just so guns weren’t thought of as toys or normal things to play with. I have NEVER pulled a weapon on person except in the execution of my duties for the US government. In fact, I have never had a speeding ticket and do not even drink 6 glasses of wine a year. My on-call status requires me to be not under the influence when called for duty. My child is now pulled from school while it is being investigated by officer McMillen, the South Walton High School Resource Officer. This is wholly unacceptable, that these kinds of conflict occur and now my kid’s lives are involved in an ordinance violation. This is the war the county is putting on me by allowing individuals to think they are acting in compliance with the DRI and letting them invest in something that can force them into litigation with their neighbors while the county is not held accountable. (WCSO report 2020-18352) The report clearly states no weapons were involved. The story was fabricated to cause harm and embarrassment to my kids and family as the Adkins yelled as I was a crazy nut according to everybody at the county, who needed to leave the neighborhood. They left and said loudly as I walked back up my driveway that they would run me off and as Mrs. Adkins can clearly be heard yelling at me in surveillance camera footage, “we are gonna be here fo-evah..” In reality, Mr. and Mrs. Adkins should be angry at the county for not telling them what the county has known for years and telling them they actually were in compliance. I actually told the truth to code; the Adkins just were unhappy about it. It was a simple request for ordinance enforcement.
- S. Finally, attached is an aerial picture of the peninsula of the Sandestin DRI. Notice the black growth that is on the west side of the picture and note the absence of growth on the east or right side of the picture. That wasn’t there for the last 40 years and is now growing right where the untreated water is being piped into the bay. The tidal current keeps sweeping that growth west to Destin and Okaloosa waters and over crab island to the east pass. Those areas on the west side show intermediate levels of nitrogen beyond

what was ever previously recorded. This is wholly a violation on the people building unknowingly non-compliant systems at the direction and approval of Walton County engineers and Attorney and all who use the bay waters. It must be stopped before there are no options left to fix the problem. (Attachment O)

Requested Relief

1. Emergency Injunction for the county to not issue any more permits in the Sandestin DRI until compliance can be demonstrated to the adopted standard.
2. Stop work order on all existing lots in Driftwood that are under construction and not past the foundation stage. Homes that are beyond that stage, the county should immediately provide engineering support for free to homes that were told the wrong standard when their permits were applied for.
3. Order for the county attorney and BCC Chair to notify Northwest Florida regional planning and the state DEO. It should also notify all owners with active permits what the actual standards are per the ordinance and Development are.
4. If the court finds that thru this additional filing, the notice is moot because the NOPC was held while refusing to address what the state had required in the NOPC. IE, NOPC is still insufficient even if notice was good. Then if the court rules in the plaintiff's favor, it would render Mr. Heaths withdrawal motion as moot and I would concede to drop the request to deny his request to withdraw.
5. Issue a stop work order for the parcels surrounding my house owned by the Adkins and their LLC, Carrot Top development.
6. Issue a 300 foot no contact order within the Osbornes house or any of the Osborne family to Ellen and Donald Adkins home except to inspect their property. Property is undeveloped and should not be occupied by the owners or their guests until this compliance issue is resolved during any hours of darkness.
7. Order directing, Sidney Noyes to inform the BCC and all departments than no one may authorize someone to break an ordinance willingly or provide selective enforcement for any reason, if a complaint is filed.(This excludes declared emergencies for natural disasters.) The plaintiff further requests that attorney Noyes be sanctioned, if she refuses to obey any ordinance and development orders duly adopted in a public meeting.
8. Order directing the BCC to schedule an NOPC within 60 days and notify SDI (also known as the intervenor in this case) that the Sandestin Stormwater system is noncompliant and they must prove compliance to the ADA standard or submit plans for approval to achieve that standard. Also, the county should either buy or imminent domain the properties needed to implement a plan and lift stations to take the water into the Sandestin Lake system and stop all discharges forbidden by

the ADA as soon as it can possibly be accomplished. There are only three natural outfalls in Driftwood, the rest are manmade and prohibited by the ADA.

Concessions

1. Any property owner in the Sandestin DRI who can prove compliance with the DRI through either retention on their own lot, (Such as mine) or a combination of stamped county plans and their plans than can prove the required retention is being achieved, can have its stop work order lifted without the plaintiffs objection.
2. I apologize I didn't have access to westlaw at the present time, I will assume the court is familiar with ordinance and apologize but I had to write this in the last 15 hours.

Conclusion

For the good of order and the future of the Choctawhatchee Bay and our water quality, please grant this motion and issue orders and any additional relief as the court deems appropriate. Thank you for your consideration. I hereby certify that the following persons will be notified and provided copies of this filing by electronic service or US mail once filed.

1. Sidney Noyes and the Walton county BCC. (via electronic service)
2. Donald and Ellen Adkins, 405 Driftwood point rd. (Via US Mail)
3. Carrot Top developments LLC, 714 Cocobolo Dr. (Via US Mail) (all parcels in Driftwood)
4. Shawn Heath, PA (via electronic service)

 7 FEB, 2020
Samuel A. Osborne

Property Owner,

Plaintiff, Pro Se

28henrig@gmail.com

IMPACT ON THE ENVIRONMENT AND NATURAL RESOURCES OF THE REGION

19b Water Quality

19b(1) Effect Upon Water Resource

19b(1)(a) Recharge Areas

Completion of the Sandestin project as proposed will result in a reduction of the total recharge surface area which can receive rain water and the other minor forms of precipitation. Roof tops, such paved areas as parking lots, roads and drive ways will exclude the infiltration of water into the soils directly below them. Provision has been made to enhance the infiltration and percolation of this water into the sandy soils by causing the water to run directly from the impervious surfaces onto and into the vegetated soils immediately adjacent to them. The older practice of curbing roads and thus directing the run-off water into storm sewers to immediately carry the water into the bay will not be employed. Once the run-off water has passed through the soils and vegetation immediately around the impervious surfaces, it will be lead by percolation and sheet flow (in cases of intense rain) into a 170 acre series of internal lakes on the Sandestin lands.

19b(1)(b) Water Rentention Areas

The series of lakes shown in the Master Plan, Section 34i, represents an efficient system of retaining water in a readily useable form. In the natural state, the flatwoods

IMPACT ON THE ENVIRONMENT AND NATURAL RESOURCES OF THE REGION

19b(1)(c) Withdrawals From Groundwater and Resultant Continued

percolation ponds on the Sandestin site. The use of upland spray irrigation techniques and disposal by percolation ponds will help recharge the water table which will have been lowered slightly by the breaking up of the land upon the Leon soils and by the construction of the lakes.

19b(1)(d) Withdrawals From Surface Water

Since the disposal of part of the treated sewerage effluent via upland spray irrigation on golf courses will not meet the total irrigation needs for the project some of the water from the system of inland lakes will be withdrawn. The recirculation of the water in the lakes will also help prevent their eutrophication and the eventual enrichment of the waters of Choctowhatchee Bay.

19b(2) Discharges Into Surface Water

General Comments

None of the categories (a through f) will be discharged directly into any of the public waters surrounding the Sandestin project. In all cases as in the handling of storm run-off, any liquid discharges such as treated sewerage effluent will be assimilated into the vegetation, soils and internal lake system within the Sandestin area. Every precaution is being taken to maintain or improve the good water quality of Choctowhatchee Bay.

A.

IMPACT ON THE ENVIRONMENT AND NATURAL RESOURCES OF THE REGION

19b(2)(c) Dredge and Fill Operations Continued

If permitted, the basins can be dredged from within the site and then connected to the already existing deep water channels as an added precaution against sedimentation.

Erosion.

Some slight erosion problems are anticipated on fill materials near the internal lake systems. The problem will be solved by gentle contouring of the fill materials and rapid stabilization by mulching and plantings.

Wind erosion in high percent slope areas in the sand pine forests will be prevented by a policy of retaining and adding native vegetation.

19b(2)(d) Surface Runoff

Normally, all surface run-off will pass through a series of natural filters such as (1) grassed, landscaped, and native areas near the impervious surfaces, (2) a zone of shoreline plants around the lakes, (3) the lake waters and (4) finally the saltmarshes around the area. In most cases, the run-off waters will be recirculated many times via irrigation waters from the lakes and will not reach the public waters of Choctwhatchee Bay. In cases of extremely high rates of rainfall, the run-off waters will still have to pass through the same set of filters which will clean them of sediments and

IMPACT ON THE ENVIRONMENT AND NATURAL RESOURCES OF THE REGION

19b(2)(d) nutrients, but the retention time will be shortened. Such intense rains would follow much of the same route without the Sandestin project and would have approximately the same BOD and even greater sediment loads.

19b(2)(e) Thermal Discharges

There will be no thermal discharges associated with either the manmade lake system within the Sandestin project nor the public waters surrounding the project lands.

19b(2)(f) Sewage Effluent

At the peak of development, the Sandestin project may produce as much as 3 mgd of sewerage effluent during the most crowded holiday weekends. The normal load will most likely be around 2 mgd, but the systems will be designed for the greatest possible loads. In all cases, there will be no discharge into any of the surface waters around Sandestin. The sewerage effluent will have been treated to remove 95% of the BOD, 95% of the suspended solids before its utilization as irrigation water for the golf courses. Some of the effluent will be disposed of in a series of percolation ponds located well within the heart of the Sandestin site. These percolation ponds are more of a back-up system since the 250 acres of golf courses at Sandestin could assimilate up to 3.7 mgd if they were treated with $\frac{3}{4}$ inch (15,000 gallons) of the effluent per day. The combination of these two systems of disposal and utilization of the sewerage, treated to the secondary level,

19b Water Quality

(2) (d) Surface Runoff

Question:

"What are the projected retention times for storm water runoffs?"

Reference is made to the runoff system as shown in the DRI application.

Within the lake system as designed, retention of storm runoff is predicated on a 3-year storm of 24 hours duration for a total of 6.7 inches of rainfall. Storms of greater intensity and rainfall will discharge the excess volumes of rainfall into Choctawhatchee Bay at various natural contributories.

Phase I of Sandestin has been designed with this system of runoff control utilizing a dam/spillway for each retention lake system. The spillway is located to permit overflow discharge to the Bay.

This retention and overflow system for Phase I, Sandestin, was tested in the Summer and Fall of 1975:

- 1) 23 inches of rainfall within a six (6) day period.
2. Hurricane Eloise, September 1975.

In both cases, continued visual inspection during the course of the rainfall, established the design criteria to be accurate and functioning properly.

19b

(2) (d)
Cont.

The master planning for lake retention and storm controlled runoff is shown on sheet number 12 of the plans. Each dam/spillway and its location is identified by Exhibit 1, with a typical design shown and identified as Exhibit 2.

Within Table 2, the following data concerning each structure is tabulated.

- 1) Area of drainage basin.
- 2) Volume of runoff to be stored in a three (3) year, twenty-four (24) hour design storm.
- 3) Elevation of water level above the normal lake elevation permitting the volume accommodation in two (2), above.
- 4) Elevation of water levels above normal lake status during a fifty (50) year design storm.
- 5) Maximum discharge over spillway during a Fifty (50) year design storm.
- 6) Dimensions of the dam/spillways, as designed.



STATE OF FLORIDA
**DEPARTMENT OF COMMUNITY
 AFFAIRS**

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THOMAS G. PELHAM
 Secretary

May 14, 2007

Ms. Pat Blackshear
 Director of Planning and Community Development
 31 Coastal Center Boulevard, Suite 130
 Santa Rosa Beach, Florida 32459

Dear Ms. Blackshear:

This is to inquire about the Sandestin Development of Regional Impact in regard to implementation of development order provisions pertaining to access, stormwater, and evacuation. We have received information from concerned residents from the Driftwood Estates Subdivision who have requested that the Department take appropriate enforcement action to ensure consistency with the development order. Before considering such action we would appreciate Walton County's comment.

The Sandestin DRI was originally approved on October 19, 1976, as a mixed use resort with residential, commercial and office uses. An agreement in 1984 and several amendments have been reviewed by the Department.

Information provided by residents of the Driftwood Estates indicates that development activities may have occurred that are inconsistent with development order conditions. The Department would like to receive the County's comment with regard to three issues that appear have regional significance.

4 { First, as incorporated into the original development order and reinstated in the subsequent 1984 agreement and development order, the project is required to provide minimum stormwater standards that are outlined in 19b(2)(d) of the Application for Development Approval as incorporated. The project is required to provide stormwater treatment to retain the runoff from a three year 24 hour event (6.7 inches of rainfall), and stormwater facilities must be designed consistent with the Department of Environmental Protection rules regarding discharge to waters of the state. The Department noted in the 1984 development order that stormwater provisions would remain adequate if proper siltation methods during construction were followed and recommended the development address recommendations to include standards for a 5-year storm event. Section 19b(2) of the application indicates that no water retention areas will discharge into any of the public waters surrounding the Sandestin DRI. The project indicates that "in all cases

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
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 Internet address: http://www.suncom.com

CRITICAL STATE CONCERN FIELD OFFICE
 2706 Overseas Highway, Suite 211
 Miramar, FL 33025-2227
 305 250-2402

COMMUNITY PLANNING
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32309-2100
 850 488-2156

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 2555 Shumard Oak Boulevard
 Tallahassee, FL 32309-2100
 850 488-7914

5 { the handling of storm run-off, any liquid discharges... will be assimilated into the vegetation, soils and internal lake system within the Sandestin area." The application also indicates in 19b(2)(d) that all run off will be filtered and possibly re-used and in section 20b(4), the application indicates that lake canals will approach but remain approximately 150 - 200 feet from the Choctawhatchee Bay. The application also indicates that additional water quality monitoring is required should discharge to the Choctawhatchee Bay occur from the project.

6 { During a visit to the Sandestin DRI it was brought to our attention that stormwater may be directly discharged to the Choctawhatchee Bay via pipes. It is unclear if this stormwater is being retained and is receiving preliminary treatment consistent with the development order. The Department also received a copy of a plat for the southerly portion of Parcel 561 (see attachment 1). The plat indicates the intent to develop the area as primarily residential. The current development order Master Plan Exhibit indicates the intent to develop residential but also includes substantial areas for stormwater and recreation. These areas are absent from the plat plan. The Department requests the County clarify how the project is meeting the requirements for stormwater volume control, treatment and discharge per the existing requirements in the development order.

Second, vehicular access to the project is provided at points along US 98. In reviewing the most recent master plan for the Sandestin DRI it shows that internal circulation is provided by a spine road known as Baytowne Avenue/Club Drive and another connection, Route 457, in the eastern portion of the project. The entrance points provide access to the western portion of the project and eastern portion of the project respectively. It is our understanding residents of the northern portion of the Sandestin project are directed to the most eastern access road due to the fact the spine road was changed to terminate just north of a subdivision known as Burnt Pines Estates. Based on the latest master plan on file with the Department, the current internal configuration does not terminate but continues through to Driftwood Estates and Shipwreck Roads and provides a large loop system providing access to the entirety of the project.

The Department requests the County clarify how the current internal circulation is consistent with the development order and with the master plan exhibit that identifies an internal circulation allowing movement of residents throughout the project and identifies Baytowne Avenue as a common road accessible by residents. It is not clear how termination of the internal road is consistent with the development order.

Third, it has been brought to our attention that access to Driftwood Estates may be vulnerable to flooding. The application indicates that elevations in the Four Mile Point area range from 2 feet to 14 feet above sea level. Residents in the northern portion of the project have one egress in and out of the project exiting at the most eastern north/south roadway within the project. It is also our understanding that at least one portion of the identified evacuation route for Driftwood Estates is subject to flooding during normal rain events and is listed as flood prone during natural storm events including tropical storms and hurricanes. The Department is concerned that by having an egress route located below flood elevations and the inability of residents to use the slightly higher elevated western spine road may hamper or prevent evacuation during storm events. As you know the ability to evacuate safely during a storm event is a local, regional and state issue. The Department requests the developer and County analyze evacuation implications created by the current egress option and internal circulation.

Additionally, the development order identifies the Baytown Avenue spine road as a common roadway accessible by a majority of residents. It is our understanding that a portion of the roadway has been vacated by the County and that there is current dispute regarding whether the

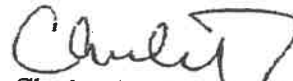
Page 3

May 14, 2007

road was properly vacated. Regardless of the dispute regarding road right-of-way, it appears that the development order has not been revised to recognize the vacation of the roadway or the revision to the internal circulation. The master plan exhibit map available to the Department continues to show the roadway as one that is common to the development and accessible by residents. It is not clear the current implementation of the project, because of the circulation and egress issues, is consistent with development order provisions shown in the master plan exhibit that work to maintain internal circulation and to provide an adequate evacuation route for residents in the northern portion of the development.

We are interested in receiving your report on these issues at your earliest opportunity. Should you have any questions please contact my staff Susan Poplin, AICP, Regional Planning Administrator at 850/922-1821.

Sincerely,



Charles Gauthier, AICP
Director, Division of Community Planning

CG/sps

cc: Terry Joseph, Executive Director, West Florida Regional Planning Council

ATTACHMENT

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

April 2, 2010

Honorable Scott Brannon
Chairman, Walton County Board of County Commissioners
415 Highway 20
Freeport, FL 32439

Re: Driftwood Estates

Dear Chairman Brannon:

This letter concerns the recent developments regarding the Sandestin Development of Regional Impact Driftwood Estates Special Magistrate Proceeding, specifically as they relate to the abandonment of Driftwood Drive and the storm water drainage and flooding issues. It is the Department's understanding that Special Magistrate Carlos Alvarez presented his findings and recommendations to the Board of County Commissioners at the February 18, 2010 Board Meeting. While the Special Magistrate's findings and recommendations are not legally binding, all parties moved forward with the Special Magistrate Proceeding with the understanding that the parties would acknowledge the findings and work in good faith towards implementing the recommendations.

Mr. Alvarez found that the abandonment of Driftwood Drive was legally valid, and recommended that the Sandestin DRI Master Plan (Map H) be amended to reflect the abandonment. This is to be done through a Notice of Proposed Change (NOPC). The Department agrees with this finding as well as the recommendation. Accordingly, the County should move forward with the NOPC process to properly depict points of access.

A great deal of evidence was presented to Special Magistrate Alvarez regarding the stormwater drainage and flooding issues in Driftwood Estates. The controlling standard, as documented in the Sandestin Application for Development Approval (ADA), is *retention* of 6.7 inches of rainfall during a 3 year, 24 hour storm event. The ADA also prohibits untreated runoff from reaching any of the public waters surrounding Sandestin, including the Choctawhatchee Bay. The evidence presented at the Special Magistrate Hearing makes clear that violations of the ADA standard are occurring.

The Department agrees with Special Magistrate Alvarez's findings that violations of the Development Order have occurred. Section 380.11, Florida Statutes, authorizes the Department

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to bring an action for injunctive relief in circuit court, or institute an administrative proceeding, if it has reason to believe a violation of a development order is occurring. The Department has been working diligently with the County and the Driftwood residents to find an amicable solution to solving the stormwater problems. However, if the identified violations continue to occur without corrective action taken, the Department may have no choice but to issue a Notice of Violation to the County.

A review of the minutes of the February 18, 2010 Board Meeting indicates that the Walton County Board of Commissioners expects to move forward with corrective action during the months of March and April. The Department requests that by April 30, 2010, the County send the Department an update documenting what corrective action has been taken to date regarding the Driftwood Drive abandonment and Driftwood stormwater issues, as well as a schedule for corrective actions to be taken in the future. The corrective actions should include an independent engineering study to document the extent of the drainage problem and what steps must be taken to bring the drainage system into compliance with the ADA standard. A plan must then be formulated to implement the independent engineer's recommendations.

Please contact the Regional Planning Administrator for Walton County, Susan Poplin, AICP, Regional Planning Administrator, at (850) 922-1821, or Matthew Davis, Assistant General Counsel, should you have any questions regarding this letter.

Sincerely yours,



Charles Gauthier, AICP
Director, Division of Community Planning

GG/mgd

cc: Honorable Kenneth Pridgen
Commissioner, Walton County Board of County Commissioners
17400 State Highway 83 North
DeFuniak Springs, FL 32433

Honorable Cecilia Jones
Commissioner, Walton County Board of County Commissioners
70 Logan Lane
Santa Rosa Beach, FL 32459

Honorable Sara Comander
Commissioner, Walton County Board of County Commissioners
417 Highway 20
Freeport, FL 32439

IN RE: GREATER DRIFTWOOD ESTATES/WALTON COUNTY SPECIAL
MAGISTRATE RECOMMENDED PROCEEDING

DEPARTMENT OF COMMUNITY AFFAIRS'
PROPOSED RECOMMENDATIONS

Pursuant to Order of Special Magistrate Alvarez, the Department of Community Affairs' hereby files its Proposed Recommendations.

1. Pursuant to the Initial Order of Mr. Alvarez, and reaffirmed orally at the Evidentiary Hearing, the parties are to prepare and submit Proposed Recommendations regarding the issues raised by the citizen Petitioners. Mr. Alvarez set Monday, September 21, 2009, as the deadline for submission of said recommendations, however the parties jointly filed a Motion for Extension Time requesting postponing the deadline to October 1, 2009. This was due to the fact that the recorded minutes of the evidentiary hearing were not finalized and supplied to the parties until Monday, September 14, 2009.

2. Intervenor Department of Community Affairs ("Department") is the state land planning agency with the power and duty to enforce and administer Chapter 380, Florida Statutes, "The Florida Environmental Land and Water Management Act of 1972," which includes provisions relating to Developments of Regional Impact ("DRI"). Fla. Stat. §§ 380.031(18) & 380.032. A Development Order issued by a local government establishes project specific criteria and standards which ensure the DRI will comply with Chapter 380 throughout construction and at build-out. A Development Order shall require a developer, or successor in interest, to make adequate provisions for the public facilities needed to accommodate the impacts of the proposed development. § 380.06(15)(e)2, Florida Statutes.

3. The Department is authorized by section 380.11, Florida Statutes, to, among other things, prevent, abate, or control conditions creating a violation of a development order. The

Department can require the developer of a DRI to take appropriate steps to cure a violation of the DRI development order, and can require a local government to enforce the conditions of the DRI development order. Killearn Properties, Inc. v. Department of Community Affairs, 623 So.2d 771 (Fla. 1st DCA 1993). This process is commenced through the issuance by the Department of a Notice of Violation pursuant to section 380.11(2), Florida Statutes.

4. The Walton County Board of County Commissioners (“Board”) approved a DRI development order for Sandestin on October 19, 1976. The 1976 Development Order establishes the commitments made in the 1974 Application for Development Approval (“ADA”) as the required benchmarks that must be met by the Sandestin DRI to guarantee that regionally significant natural resources and public facilities are being protected. In the years following the Board’s approval, ownership of Sandestin passed through various entities for a variety of reasons which resulted in fragmented ownership of the project by the late 1970’s. Implementation of the 1976 plan became difficult due to a lack of commitment and economic resources from the various owners. See, DCA exhibit 2. Consequently, changes to the 1976 Development Order were proposed, however before they could be implemented, ownership of the parcel was unified and the 1976 Development Order was once again economically viable and achievable. Id. In 1984 the 1976 Development Order was, more or less, readopted as the governing document of the Sandestin DRI¹. Id.

Stormwater Management

¹ The 1984 plan is modeled after the 1976 plan, but a few changes were made. For example, additional residential units were added and density was re-distributed throughout the development. Additionally, the area set aside for open space was increased, as was the area set aside for stormwater retention. Department Exhibit 2. None of these changes were found to be substantial deviations from the requirements of the original Development Order necessitating additional development of regional impact review conditioned on an agreement to provide certain information to the Department and to undertake certain actions such as an environmental survey of areas that had not been surveyed to date.

5. Chapter 380 of the Florida Statutes is designed to guide and coordinate decisions relating to growth and development in such a manner as to protect the natural resources and environment of the state. To that end, the ADA contains provisions addressing the environmental impacts of the Sandestin DRI, including numerous requirements regarding stormwater management. Section 19b(2)(d) requires all surface run-off to pass through a series of natural filters such as grassed, landscaped, and native areas near impervious surfaces; a zone of shoreline plants around internal lakes; the waters of the internal lakes themselves; and finally the salt marshes prevalent in the area. Department Exhibit 3, pg. 16. It goes on to state that, in most cases, run-off waters will be re-circulated via irrigation waters taken from the lakes and will not reach the public waters of Choctawhatchee Bay. Id. Even in the case of extremely high rates of rainfall, run-off waters must still pass through the filters mentioned above, but the retention time will be shortened. Id. At no time should stormwater run-off discharge into the Bay without first being treated. Id. at 13.

6. The ADA, in furtherance of the intent of Chapter 380, recognizes the value of the Choctawhatchee Bay both from an ecological aspect as well as from a recreation and aesthetic standpoint. The Choctawhatchee Bay is identified as a regionally significant resource. The ADA specifically mentions that “every precaution is being taken to maintain or improve the good water quality of Choctawhatchee Bay.” Department Exhibit 3, pg. 13. There is no debate that the ADA contains a 3 year, 24 hour, 6.7 inch *retention* standard. By definition, this means that all run-off stemming from a storm event not rising to the 3 year, 24 hour level should be assimilated into the stormwater system of swales, lakes and ponds and should not result in any discharge into the Bay.²

² Subsequent conversations with Florida Department of Environmental Protection (DEP) officials indicate that a “retention” system is not appropriate for this site given its topography and geology. Specifically, the groundwater

7. The County contends that it has imposed a 25 year, 24 hour standard, allegedly a stricter standard, upon the Driftwood stormwater treatment system and that it meets that standard. The County then argues that because the 25 year, 24 hour standard is being met, the 3 year, 24 hour retention standard must be met as it is a lesser standard. The Department disputes this assertion. The 25 year, 24 hour standard used by the County is strictly a measure of how water moves through the system. It simply seeks to “handle” water and reduce the peak discharge rate. However, the standard adopted into the Development Order is a retention standard that requires not only flood control but goes beyond and insists that the system actually *retain* all stormwater. Percolation, evaporation, or reuse should be the only methods of water leaving the system.

8. The stormwater management system in Driftwood is currently bifurcated into an “interior drainage system” and an “exterior drainage system.” The exterior system, the elder of the two systems, consists of roadside ditches or swales which filter through natural areas and on into the Bay. Numerous Driftwood citizens testified that this system routinely fails, resulting in ditches filling with rainwater and spilling into yards and driveways, and ultimately, sheets of water discharging directly into the bay. This is corroborated by video evidence provided by Alan Osborne, a Driftwood resident and spokesman for Petitioners. Moreover, based on the sworn testimony of the citizen Petitioners, this flooding was not a problem until development began on the interior portion of the Driftwood development. The County has asserted that the exterior system, a swale system, is properly functioning and is subject to a Florida Department of Environmental Protection swale exemption. However, no evidence of concurrence by Florida Department of Environmental Protection that the area meets the swale exemption requirements

level at this location prevents water in the swales from “percolating,” a key component to any retention system. It is also the environmental agency staff’s opinion that the system would not and could not have met the definition of swales that would make it eligible for a swale exemption.

in the historic or current documentation for the project have been provided.² Prior to development, the interior portion of the Driftwood peninsula consisted of undeveloped swampy open area, which purportedly served adequately as a natural stormwater retention system.

9. The interior system consists of a number of individual lot drainage directed to a roadway inlet and pipe collection system. This, then drains to series of interconnected lakes and ponds which, once full, overflow and drain to the Bay. In some cases, outfalls are continually full and drain almost continuously. The County also admits that stormwater run-off from a storm event more intense than the 25 year, 24 hour standard is allowed to drain across the Exterior system to the Bay and Bayou through the existing outfalls. Department Exhibit 15 (stormwater powerpoint presentation), pg. 24. Much of the interior system was permitted by the Department of Environmental Protection (“DEP”) in 2003. See Department Exhibit 15.³ The County, through the testimony of Greg Graham and Bob Horner, admitted that, as built, the system violates the permit by allowing outlet pipes at Lake 7 and Lake 1 (for Drainage Area #1) when only Lake 5 is permitted to allow an outfall to the Bay. Nonetheless, the County maintains that the system as a whole meets their self imposed standards, and thus by default the standards adopted by the governing Development Order as well.

10. As previously mentioned, the interior system allows for stormwater to drain across the exterior system in the event of a storm exceeding the County’s 25 year, 24 hour standards. Again, the Citizen Petitioners contend that this is occurs during most storm events, many of which do not rise to this standard. Further, numerous residents testified that the

³ It is important to keep in mind that DEP only has the authority to regulate stormwater effects on water quality; flood control lies within the County’s purview.

stormwater is not limited to existing outfalls, but rather runs directly across their property into the Bay.⁴

11. The greater weight of the evidence suggests that Driftwood's stormwater treatment system is not meeting the 3 year, 24 hour, 6.7 inch *retention* standard. The only evidence that the drainage system works is from the County's powerpoint that used the wrong standard as the benchmark. However, the county readily admits that stormwater eventually drains to the Bay and this is evident to anyone visiting the site, a clear violation of the retention standard. Further, Allan Brown of the County Public Works Department admitted to numerous problems with the exterior system and also claimed that the ground water level is too high to eliminate the standing water problem. The evidence presented by the Petitioners and mentioned earlier also inevitably leads to the conclusion that there clearly is a problem with Driftwood's drainage system. Therefore, despite the County's assertion, it is clear that the retention standard incorporated into the governing Development Order is not being met.

12. It is important to note that the Development Order standard is not just applicable to Driftwood, but rather the whole of the Sandestin DRI. No evidence of drainage problems within the Sandestin gated limits have been reported where lakes and golf courses, as contemplated in the ADA, are prevalent. A reasonable assumption is that these are necessary to adequately handle stormwater on this entire parcel given the high groundwater and generally swampy nature of the property. Driftwood, due to a myriad of reasons, is no longer located within the gated portion of Sandestin. Despite the now noticeable lack of open space, golf courses, or lakes at the frequency found within the gated community, Driftwood is required to comply with the Development Order standard.

⁴ On the site visit, the parties visited a residence where stormwater routinely moves in sheets across the road and down his driveway directly into the Bay. The water rises to such a level as to routinely short circuit the electric gear on his privacy gate located several inches above the ground.

13. In order to fix this obvious violation of the Development Order, and thus comply with Chapter 380, the Department first suggests that the County hire an independent stormwater engineer to run a model based on the full basin and assuming both the as-built conditions and the full buildout of the interior lots to accurately determine the deficiencies of the system. The model should assess whether a swale system can be achieved given the hydrogeologic characteristics and the applicable retention standard. Once the deficiencies have been identified, a plan should be developed and implemented which will bring the stormwater drainage system into compliance with the Development Order. Absent these two actions, the Department may be forced to issue a Notice of Violation against the County, which could prohibit any additional construction within Driftwood until the stormwater treatment system has been adequately addressed.

14. It is entirely possible that based upon the results of the model, it is determined that the standard contained in the Development Order is impractical to attain on this site. In that event the Department would recommend that the County file a Notice of Proposed Change to alter the standard to something effective and yet attainable; and include any needed stormwater facility plans as part of the change. Any new standard must comply with any and all statutes and rules governing stormwater treatment and must ensure protection of Choctawhatchee Bay.

Abandonment of Driftwood Drive

15. The Citizen Petitioners claim that the abandonment of Driftwood Drive and subsequent construction of a wall should be reviewed by the Department. The practical effect of the road closure is that Driftwood residents no longer have direct internal access to the amenities located within Sandestin, but instead must travel to Highway 98 and enter Sandestin from the Highway. There was no change in the number or location of access points to Highway 98.

Petitioners presented evidence surrounding the legality of the abandonment of the road as well as the detrimental effect of the abandonment on their property rights. However, these are ancillary to the Department's review which is limited to the scope of Chapter 380 and its implementing rules found in Rule 9J-2, Florida Administrative Code.

16. Section 380.06(19)(e)2.d., Florida Statutes, states that "changes in the configuration of internal roads that do not affect external access points" are not substantial deviations. The term "external access point" is not further defined in either the statute or the implementing rules.

17. There is no question that the most recent "Map H" of the project, adopted by Ordinance 2004-28, shows the roadway in question as being an existing internal circulation roadway. See testimony of Renee Bradley. Clearly this is not the case as the roadway has been physically blocked and, as indicated by the County, legally abandoned. Therefore, the DRI is in violation of the Development Order, particularly the Master Plan Map H. The Department recommends the County follow the procedures established in Section 380.06(19), Florida Statutes, Substantial Deviations section, specifically the Notice of Proposed Change process, to determine whether the abandonment of the road rises to the level of a substantial deviation, and to amend the Development Order to accurately document the existing conditions.

18. As established at the hearing, no traffic studies or other data and analysis has been submitted to the Department to aid in its review of the road closure. It is impossible to state which way this issue will be decided without the benefit of seeing additional data and analysis. However, following the procedures of Section 380.06(19), Florida Statutes, will allow for a fully informed and procedurally legal decision to be made. Therefore, with respect to the road abandonment issue, the Department recommends that the County follow the procedures set forth

in Chapter 380, F.S., to legally amend the Development Order to accurately reflect the existing conditions.

Hurricane Evacuation

19. Petitioners also raised concerns regarding hurricane evacuation to the Department. These concerns stem from the fact that Driftwood Estates has only one ingress and egress, Mack Bayou Road, to Highway 98. Petitioners claim this road runs through the Coastal High Hazard Area and floods during storm events. Once again, the Department's review of this concern is governed by Chapter 380, F.S., and its implementing rules.

20. Section 380.06(15)(3)2 requires that a DRI make adequate provisions for public facilities, which include hurricane evacuation routes. This is specifically implemented for emergency facilities and hurricane evacuation by Rule 9J-2.0256, Florida Administrative Code. Procedurally, however, this statute is applied during the initial review stage of a Development Order, or during the Notice of Proposed Change (NOPC) process. Even in this situation, the Department would apply the criteria of Rule 9J-2.0256, F.A.C., to determine if there is a regional emergency issue that must be addressed. There is currently not a pending NOPC in which these criteria would be considered. It is the Department staff's position that the local evacuation issues fall within the County's Emergency Management Department, which continues to monitor the Driftwood situation. See Department exhibit 13.

21. However, given the Department's recommendation that the road closure issue be addressed through the Substantial Deviation determination process including a Notice of Proposed Change (paragraphs 15-18, above), it is anticipated that any issues with regard to evacuation would be included in that consideration. Therefore, the Department would have an opportunity to analyze the proposed considering the criteria established in Chapter 9J-2, F.A.C.,

and determine conclusively whether the road abandonment creates a regional impact on hurricane evacuation as the Petitioners suggest. It is unlikely the Department would determine there are adverse regional impacts. See testimony of Susan Poplin. Ultimately, the Department recommends that this issue, as it pertains to Chapter 380, F.S., be resolved through the NOPC process, and that the County continue to monitor the situation through its Emergency Management Department.

Ultimate Recommendations

22. For the reasons stated earlier the Department believes a final recommendation that Walton County file a Notice of Proposed Change that addresses the drainage issue in such a manner to bring the development into compliance with the ADA standard, and to reflect the abandonment of the connection of Driftwood estates to the remainder of Sandestin and evaluate its impacts both on external access as well as hurricane evacuation should be issued. As it is clear that two violations of the Development Order are presently occurring (stormwater retention and accurate reflection of the abandonment of Driftwood Drive), such a Notice would obviate the need for the Department to exercise its discretion under Section 380.11, Florida Statutes which authorizes the issuance of a Notice of Violation. As a part of the amendment, the County should revise the development order so as to produce a consolidated document that incorporates all previous amendments and commitments.

F12



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BILLY BUZZETT
Secretary

March 10, 2011

J. Layne Smith
Smith, Brooks & Masterson, P.L.
2629 Mitcham Drive
Tallahassee, FL 32308

Re: Sandestin DRI

Dear Mr. Smith

Thank you for your letter of February 11, 2011, regarding the Sandestin DRI and Driftwood residents. As stated in your letter, the Department attended and provided testimony in the 2009 Special Magistrate proceeding in Walton County regarding a number of issues involving the DRI. The Department agrees with Special Magistrate Alvarez's recommendations, but does not feel that any further action on the part of the Department is appropriate.

Sincerely,

Matthew Davis
Assistant General Counsel

mgd

cc: Alan Osborne
Doris Beam

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□ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) □

ATTACHMENT

G

From: Sara Comander
Sent: Thursday, June 09, 2011 9:57 PM
To: Lynn Hoshihara
Subject: FW: DCA Growth Management Regional Workshops

Lynn,

We don't need to announce that DCA will be in DFS on July 5th or Allen Osborne will be there!

Sara Comander

Walton County Commissioner District 4

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding county business are public records; available to the public and media upon request. Your email communications may be subject to public disclosure. (Florida Statute, Chapter 119)

From: Tracy Kusmierz [<mailto:tkusmierz@fl-counties.com>] On Behalf Of Eric Poole
Sent: Thursday, June 09, 2011 3:31 PM
Subject: DCA Growth Management Regional Workshops

Commissioners,

The Department of Community Affairs will be holding a series of Growth Management Implementation Workshops throughout the state this month. These workshops are scheduled in place of the annual DCA Growth Management Implementation Workshop held in June. You can find the schedule and registration information here <<http://www.fl-counties.com/Docs/Legislative%20Division/Growth%20Management/Regional%20Workshops%20Announcem ent.pdf>> .

Thank you

ATTACHMENT

H j

From: Sara Comander
Sent: Wednesday, February 22, 2012 7:44 AM
To: Lynn Hoshihara
Subject: FW: driftwood

Thought you would find this interesting.

Sara Comander

Walton County Commissioner District 4

Please note: Florida has a very broad public records law. Most written communications to or from county officials regarding county business are public records; available to the public and media upon request. Your email communications may be subject to public disclosure. (Florida Statute, Chapter 119)

From: Kimberly Wilkins
Sent: Tuesday, February 21, 2012 2:49 PM
To: Sara Comander
Subject: RE: driftwood

I searched our minutes and found the following:

First time Mr. Osborne came before the Board was May 24, 2005.

Total number of meetings: 50

Files searched include: Regular Meetings, Special Meetings, Public Hearings, Workshops, and Land-Use Hearings

Sincerely,

Kimberly

From: Sara Comander
Sent: Tuesday, February 21, 2012 12:19 PM
To: Kimberly Wilkins
Subject: driftwood

ATTACHMENT

H.2



ENVIRONMENTAL RESEARCH & DESIGN, INC.

Engineering • Science • Chemistry • Research
3419 Trentwood Blvd. • Suite 102 • Belle Isle (Orlando), FL 32812-4864
Telephone: 407-855-9465 • Fax: 407-826-0419

DRAFT TECHNICAL MEMORANDUM

TO: Walton County Board of County Commissioners
FROM: Harvey H. Harper, III, Ph.D., P.E. – President
DATE: November 11, 2015
RE: Sandestin DRI and Driftwood Estates Stormwater Standard

Introduction

Driftwood Estates is part of the Sandestin Development of Regional Impact (DRI) which is located in Walton County, Florida. The Sandestin DRI is a mixed use development that includes approximately 1,960 acres of residential, office, and commercial land use activities which was approved by the Walton County Board of County Commissioners on October 19, 1976. The Sandestin DRI is bisected by U.S. Highway 98, with the majority of the development located north of U.S. Highway 98.

Driftwood Estates is located on the northern tip of the Sandestin DRI, approximately 2.5 miles north of U.S. Highway 98, and is bordered on the west, north, and east by Choctawhatchee Bay. Choctawhatchee Bay is a highly productive estuarine system which is classified in Chapter 62-302.400 of the Florida Administrative Code (FAC) as a Class II surface water suitable for shellfish propagation or harvesting.

An Application for Development Approval (ADA) was submitted to the Florida Department of Community Affairs (DCA) during 1974 to obtain approval for the proposed Sandestin development, including Driftwood Estates. The ADA included detailed descriptions of proposed activities for water supply, sewage disposal, surface drainage (runoff), water quality, natural resources, archeology, traffic, noise pollution, air pollution, and other design elements associated with significant developments. The ADA, including description of proposed activities and preliminary construction drawings, were developed by Baskerville-Donovan Engineers, Inc.

Driftwood Estates was developed in two separate phases. Driftwood Estates Phase I consists of perimeter portions of the overall Driftwood Estates, with lots that generally border Choctawhatchee Bay. These areas were platted during 1979 and are commonly referred as the "exterior" portions of Driftwood Estates. Driftwood Estates Phase II consists of center or "interior" portions of Driftwood Estates and was platted in three separate plats during 2003, 2004, and 2006.

ATTACHMENT

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Stormwater Matters in Dispute

Walton County and Greater Driftwood Estates Homeowners Association (Driftwood) have had an ongoing dispute regarding interpretation of the DRI development standards and criteria along with periodic flooding episodes which occur in the exterior portions of Driftwood Estates. During 2008, the parties entered into an agreement which stipulated that matters in dispute would be heard by an impartial Special Magistrate tasked with holding an evidentiary hearing, making findings of fact regarding the relevant issues, and providing recommendations for resolution of the matters in dispute. An evidentiary hearing was held on August 24-25, 2009 with participation from Walton County, Driftwood Estates, and DCA. The stormwater related areas of disagreement addressed by the Special Magistrate involved: (1) whether the Driftwood Estates stormwater system is designed according to standards outlined in the Sandestin DRI, and (2) and measures taken to correct the perceived deficiencies and stop the periodic flooding events.

The Special Magistrate Recommendation from the hearing included the following language regarding the stormwater issues:

"A review by an independent, qualified, and experienced stormwater engineer of the Driftwood Estates exterior stormwater system and interior stormwater system (jointly referred to as the "Driftwood Stormwater Systems") should be undertaken as soon as reasonably possible to determine or perform the following:

- A. The appropriate model to be used in modeling the Driftwood Stormwater Systems.
- B. The permitted design of the Driftwood Stormwater Systems and a reasonable review of what has been built to determine any significant changes not consistent with the design.
- C. The modeling inputs should assume full build-out and model the exterior stormwater system and the interior stormwater system independently and jointly.
- D. Model the Driftwood Stormwater Systems to determine if the 3-day, 24-hour storm DRI level of service pursuant to the Sandestin ADA and the 25-year, 24-hour storm Walton County development code level of service are being met. The independent contractor should assess from the Sandestin ADA and other relevant data whether the 3-day, 24-hour storm level of service is a 'retention' or 'detention' standard or some variation of the two.
- E. If the level of service standards are not met, determine what stormwater system options, including wet detention systems similar to other parts of the Sandestin DRI, are possible meet the level of service and their estimated costs.
- F. All results are to be reported to Walton County, Driftwood, and DCA."

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During April 2015, Walton County entered into a contract with Environmental Research & Design, Inc. (ERD) and Harvey H. Harper, III, Ph.D., P.E. (hereafter referred to as "Engineer") to address the stormwater-related recommendations provided by the Special Magistrate. Over the past few months, the Engineer has met with representatives of Driftwood Estates and Walton County and has reviewed numerous documents provided by each party. ERD is currently working on issues related to modeling of the Driftwood Stormwater Systems and interactions between the interior and exterior stormwater systems and results of these modeling efforts will be presented in a subsequent report. This Technical Memorandum specifically addresses the Recommendation from the Special Magistrate related to the level of service for the Driftwood Stormwater System outlined in the DRI and whether the level of service is a "retention" or "detention" standard or some variation of the two.

Description of DRI Stormwater Standard

A narrative description of the proposed stormwater management system for the Sandestin DRI is included in the Sandestin ADA. Section 19b(1)(b) of the ADA states the following:

"The series of lakes shown in the Master Plan, Section 34i, represents an efficient system of retaining water in a readily useable form. In the natural state, the flatwoods are flooded with each intense summer rain after which the native plants rapidly "pump" much of this water back into the air with accelerated rates of evapotranspiration. Much of the water is normally taken into the soil profile and is retained there and used in the growth of native trees and shrubs. A part of the water is normally taken into the surface sand aquifer where it is stored and is generally available."

This language implies that the stormwater system is designed to mimic the existing site hydrology where runoff is returned to the hydrologic cycle through evapotranspiration, infiltration into the soil profile, and stored in the surface sand aquifer.

Section 19b(2) of the Sandestin ADA provides further information regarding the intent of the stormwater management system as follows:

"In all cases as in the handling of storm runoff, any liquid discharges, such as treated sewage effluent, will be assimilated into the vegetation, soils, and internal lake system within the Sandestin area. Every precaution is being taken to maintain or improve the good water quality of Choctawhatchee Bay."

The intent of the stormwater management system is further clarified in Section 19b(2)(d) of the Sandestin ADA which provides a description of removal processes associated with the stormwater management system as follows:

"Normally, all surface runoff will pass through a series of natural filters, such as (1) grassed, landscaped, and native areas near the impervious surfaces, (2) a zone of shoreline plants around the lakes, (3) the lake waters, and (4) finally the salt marshes around the area. In most cases, the runoff water will be recirculated many times via irrigation waters from the lakes and will not reach the public waters of Choctawhatchee Bay. In cases of extremely high rates of rainfall, the runoff waters will still have to pass through the same set of filters which will clean them of sediments and nutrients, but the retention time will be shortened. Such intense rains would follow much of the same route without the Sandestin project and would have approximately the same BOD and even greater sediment loads."

This language describes a lake-based stormwater system which is designed to recirculate and reuse runoff inputs so that discharges from the lakes "will not reach the public waters of Choctawhatchee Bay" and anticipates that runoff will reach the Bay only in "cases of extremely high rates of rainfall".

The specific design standard for portions of the Sandestin DRI north of U.S. Highway 98, including Driftwood Estates, is provided in Appendix 26-1 of the Sandestin ADA which states:

"The system is to hold stormwater on-site in a series of interconnecting inland lakes (See Plan No. 13). These lakes will be adequate in size to retain onsite runoff from a 3-year design storm of 24-hour duration and not rise more than 2 feet."

It is not known whether the standard was proposed by DCA or provided by the applicant.

Analysis of DRI Stormwater Standard

At the time of submittal of the Sandestin ADA during 1974 the field of stormwater management was in its infancy. In fact, generally accepted stormwater rules and design criteria did not exist at the time of the Sandestin ADA submittal. The first stormwater rule promulgated by the Florida Department of Environmental Protection (FDEP, referred to at the time as the Department of Pollution Control) was outlined in Chapter 17-4.248 FAC and was an interim rule adopted in October 1979 that applied only to "significant discharges" while the rule-making process was going on for a more permanent rule.

The primary issue of contention regarding the Sandestin DRI stormwater standard is whether the standard reflects a "retention" or "detention" standard. At the time of the Sandestin ADA, the terms "retention" and "detention" were clearly part of stormwater nomenclature, although the first formal regulatory definitions for these terms were not published by FDEP until adoption of the Chapter 17-25 rule in October 1981. This rule defines "retention" as:

"Retention" or "To Retain" – the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters of the State by complete on-site storage where the capacity to store the given volume of stormwater is again provided within 72 hours following the storm event. The additional storage volume must be provided by a decrease of stored water caused only by percolation through soil, evaporation, or evapotranspiration.

Chapter 17-25 defines "detention" as:

"Detention" or "To Detain" – the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

The basic difference between the two treatment techniques is the mode of achieving pollutant load reductions. Retention systems provide pollutant removal by reducing the runoff volume through infiltration into groundwater, use as an irrigation source, or evapotranspiration through plants and the water surface. Detention systems simply detain the water for a period of time, without significant reduction in runoff volume, relying upon physical, chemical, or biological processes to remove pollutants during the period in which the water is detained, typically 72 hours or less.

It is generally undisputed between the parties that the Sandestin ADA uses the word "retention" instead of "detention" in describing the Sandestin Stormwater System. The assertion by Walton County that the words "retention" and "detention" were used interchangeably during the 1970s is correct, and in fact, these terms are still used interchangeably today by some stormwater engineers. However, the intent of the stormwater management system, described by the applicant in the Sandestin ADA, clearly appears to describe a retention rather than detention system. For example, Section 19b(1)(b) of the ADA states that "the series of lakes shown in the Master Plan, Section 34i, represents an efficient system of retaining water in a readily useable form. This section goes on to further describe how the pre-existing flatwoods on the site served to "pump" much of the runoff back into the atmosphere through evapotranspiration and how "water is normally taken into the soil profile and is retained there and used in the growth of native trees and shrubs". This description appears to describe a "retention" rather than a "detention" system.

Section 19b(2)(d) of the Sandestin ADA describes removal processes associated with the stormwater management system as occurring through a series of natural filters such as pervious areas near impervious surfaces, shoreline plants around the lakes, the lakes themselves, and the salt marshes around the area. This section indicates further that "in most cases, the runoff water will be recirculated many times via irrigation waters from the lakes and will not reach the public waters of Choctawhatchee Bay". This language supports a stormwater system where a majority of the runoff is retained on-site and prevented from reaching the waters of Choctawhatchee Bay.

Further evidence of a retention standard is provided by the applicant who uses the word "retention" or "retained" in every description of the stormwater management system as well as in responses to questions from DCA regarding protection of water quality. In fact, the word "detention" does not appear in any references to the stormwater management system for the Sandestin DRI reviewed by the Engineer for this analysis. The word "retention" appears almost exclusively in subsequent submittals for modification of the 1976 DRI development order, as well as in communications between DCA and the applicant. For example, the document titled "Sandestin-1984 Master Plan Update" prepared by the Sandestin Corporation and dated August 1, 1984 continues to refer to the stormwater system as "retention" and proposes an increase in the area of the retention lakes from 187.3 acres to 222.7 acres.

Question 26B of the Sandestin ADA relates to flood protection and impacts on the floodplain resulting from the proposed development. In response to this question, the applicant replied "since Choctawhatchee Bay is a Class II body of water, it is desirable to limit direct discharge of storm waters into its surface waters. In order to obtain this goal, a series of interconnected ponds are proposed which would collect and retain on-site all surface stormwater expected for the overflow of heavy storms which would occur infrequently". This language describes a retention system which would retain stormwater runoff on-site even for infrequent heavy storms. Later in addressing this same issue as part of Question 26C, the applicant further describes the system as "retention ponds" and states that "for design storms of greater intensity than a 3-year storm, six spillways will be constructed that will allow discharge of this excess stormwater from the lake system into Choctawhatchee Bay". This statement clearly anticipates that discharges will only occur from the stormwater system for storm events in excess of a 3-year storm.

In a correspondence dated April 2, 2010, the DCA reiterated the stormwater standard in a letter to the Honorable Scott Brannon, Chair of the Walton County Board of County Commissioners. DCA states in the third paragraph of this letter that "the controlling standard, as documented in the Sandestin application for development approval (ADA) is *retention* of 6.7 inches of rainfall during a 3-year, 24-hour storm event. The ADA also prohibits untreated runoff from reaching any of the public waters surrounding Sandestin, including the Choctawhatchee Bay." Although the words "retention" and "detention" were often used interchangeably in the stormwater community during the 1970s, it is unlikely that experienced professionals from DCA and FDEP assigned to address stormwater issues, designs, and regulatory criteria would consistently interchange these terms. The emphasis placed by DCA in the April 2, 2010 correspondence on retention (printed in italics in the original letter) supports the fact that DCA considers the standard to originally and currently refer to retention of the runoff generated by 6.7 inches of rainfall. This position is reiterated in correspondence from the Department of Economic Opportunity (DEO) on May 30, 2014 to the Honorable William (Bill) Chapman, Chair of the Walton County Board of County Commissioners, by repeating the assertion of DCA that the stormwater system should be designed to retain runoff from a 3-year, 24-hour storm event (6.7 inches) with no discharge into Choctawhatchee Bay.

The transcript from the Special Magistrate Hearing discusses testimony by Walton County that land development regulations require a stormwater Level of Service (LOS) of a 25-year storm, 24-hour duration with a total of 10.2 inches of rainfall in a 24-hour period. The County contends that the 25-year, 24-hour standard is a stricter standard than the 3-year, 24-hour standard for the Sandestin DRI, and maintains that systems designed to meet the County LOS will automatically meet the Sandestin DRI stormwater standard since the 25-year, 24-hour standard is a stricter standard. However, the Sandestin 3-year, 24-hour standard and Walton County 25-year, 24-hour standard refer to different components of a stormwater system that are not comparable. The Sandestin DRI standard of 3-year, 24-hour storm is a *water quality* volume standard similar to the Walton County performance standard for stormwater management systems outlined in Section 5.06.03-Stormwater Management Requirements of the Walton County Land Development Code which requires developments to provide on-site retention for the first inch of rainfall for water quality purposes. In contrast, the 25-year, 24-hour standard is a *flood protection* volume designed to prevent flooding during extreme storm events by providing temporary runoff storage in a pond so that the post-development peak discharge rate (generally referenced in cubic feet per second, cfs) does not exceed the peak runoff discharge under pre-development conditions. Most stormwater systems combine the water quality and flood control elements into a single pond with separate design elements and volumes for the water quality and flood protection elements. Since the 3-year, 24-hour standard addresses water quality and pollutant load reductions, and the 25-year, 24-hour standard addresses flood control, the standards are not comparable.

As a point of clarification, both The Special Magistrate Recommendation and historical documents related to the Driftwood Estates project used the term LOS, at times, when referring to the 3-year, 24-hour Sandestin DRI stormwater standard. However, the LOS term is typically used in the stormwater field in reference to issues related to runoff collection, conveyance, and flooding, not water quality volumes.

A final argument proposed by Walton County is that the use of wet ponds as part of the stormwater system assumes a method of "detention" instead of "retention". This statement is generally true when describing current stormwater methods. However, during the 1970s, wet retention systems, which provide for retention of runoff inside a wet pond rather than a dry pond, were popular within Florida. In wet retention systems, water volume is evacuated by exfiltration of the water into the adjacent shallow groundwater table or to deeper aquifers. The concept of wet detention lakes, as we know it today, did not become popular until the 1980s.

Perhaps a confusing aspect of the Sandestin DRI stormwater standard is that the retention depth is based upon a 3-year storm of 24-hour duration, with a total of 6.7 inches of rainfall. Current stormwater water quality design criteria are generally based upon a certain number of inches of rainfall or runoff over the contributing project area for estimation of water quality treatment volumes, while the reference to a return period and duration for a storm event (i.e., 3-year storm of 24-hour duration) is generally used to evaluate storms with respect to flooding potential. However, at the time of development for the Sandestin DRI, stormwater language related to water quality control was much less defined than under current conditions, and the language used to define the Sandestin DRI stormwater quality design standard is stated would probably not be used today.

Calculation of DRI Standard

The Sandestin DRI stormwater standard is based on retaining the runoff generated from a 3-year storm of 24-hour duration, with a total of 6.7 inches of rainfall. The amount of runoff generated from a given storm event is a function of the hydrologic characteristics of the project site and the rainfall depth. To provide more specificity regarding the Sandestin stormwater standard, an analysis was conducted by the Engineer to quantify the runoff treatment depth required by the standard. Due to the different hydrologic characteristics of the Interior and Exterior portions of Driftwood Estates, the runoff treatment depths will be different for the two areas.

Estimates of typical hydrologic characteristics for developed areas within Interior and Exterior portions of Driftwood Estates were developed by the Engineer based upon a review of aerial photography of existing development within the two areas, as well as extensive professional experience in evaluating hydrologic characteristics for a variety of land use types within the State of Florida. A summary of assumed hydrologic characteristics of Interior portions of Driftwood Estates is given in Table 1. Based upon review of aerial photography for existing development in Interior portions of the Driftwood Estates site, it appears that approximately 50% of the developed residential areas are covered by impervious surfaces such as houses, roadways, and sidewalks. This analysis further assumes that approximately 50% of the impervious area is considered to be directly connected impervious areas (DCIA), which refers to impervious areas directly connected into the stormwater drainage system, resulting in an estimated DCIA percentage of 25% of the project area (50% impervious x 50% DCIA = 25% of site).

Land cover in developed portions of the Interior site is assumed to grass in good condition. The hydrologic soil group (HSG) for the Interior site is assumed to be Group D under pre-development conditions, due to the high water table conditions prior to development. However, as a result of the general lowering of the water table under post-development conditions and import of significant amounts of fill, the HSG under post-development conditions is assumed to be Group C. The curve number (CN) value associated with the pervious areas, which is a measure of the runoff potential for the existing land cover and soil group, is assumed to be 74 which was obtained from the NRCS Technical Release 55 (TR-55) dated June 1995. Additional information regarding hydrologic characteristics can be obtained from the TR-55 publication or from the Harper and Baker (2007) report titled "Evaluation of Current Stormwater Design Criteria within the State of Florida" which was prepared for FDEP as part of the Statewide Stormwater Rule process.

TABLE 1

**HYDROLOGIC CHARACTERISTICS OF
INTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	UNITS	VALUE
Impervious Area ¹	% of Total Area	50
Directly Connected Impervious Area (DCIA) ²	% of Impervious Area	50
	% of Total Area	25
Pervious Areas	Land Cover	Grass, good conditions
	HSG ³	C
	CN Value ⁴	74

1. Percentage of total area covered by impervious surfaces
2. Percentage of total area covered by impervious surfaces which are directly connected to the drainage system
3. HSG = Hydrologic Soil Group
4. CN = SCS Curve Number obtained from NRCS Technical Release 55 (TR-55) (June 1995)

A tabular summary of assumed hydrologic characteristics for Exterior portions of Driftwood Estates is given in Table 2. Exterior portions are characterized by a lower impervious percentage, which is assumed to be approximately 30% of the total area. Impervious areas connected directly to the stormsewer system are assumed to be 25% of the total impervious area in Exterior portions, resulting in a DCIA percentage of 7.5% of the total area (30% impervious x 25% DCIA = 7.5% of site). Land cover for developed areas in Exterior portions of Driftwood Estates is assumed to be grass in good condition. The HSG for developed areas in Exterior portions of Driftwood Estates is assumed to be Group D due to a lower degree of fill and a lower degree of drawdown of the pre-development water table. The CN value associated with the assumed land cover and HSG is 80 which was obtained from TR-55.

TABLE 2

**HYDROLOGIC CHARACTERISTICS OF
EXTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	UNITS	VALUE
Impervious Area ¹	% of Total Area	30
Directly Connected Impervious Area (DCIA) ²	% of Impervious Area	25
	% of Total Area	7.5
Pervious Areas	Land Cover	Grass, good conditions
	HSG ³	D
	CN Value ⁴	80

1. Percentage of total area covered by impervious surfaces
2. Percentage of total area covered by impervious surfaces which are directly connected to the drainage system
3. HSG = Hydrologic Soil Group
4. CN = SCS Curve Number obtained from NRCS Technical Release 55 (TR-55) (June 1995)

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Estimates of the runoff volume generated by the 6.7-inch rainfall event were calculated for Interior and Exterior portions of Driftwood Estates using a modification of the SCS curve number methodology. The modified SCS method used by ERD calculates the runoff volume for a given rainfall event by adding the rainfall excess (runoff) from the non-DCIA portion to the rainfall excess created from the DCIA portion of the land use. Rainfall excess from the non-DCIA areas is calculated using the following set of equations:

$$nDCIA\ CN = \frac{CN * (100 - Imp) + 98 (Imp - DCIA)}{(100 - DCIA)}$$

$$Soil\ Storage\ (S) = \frac{1000}{nDCIA\ CN} - 10$$

$$Q_{nDCIAi} = \frac{(P_i - 0.2S)^2}{(P_i + 0.8S)} \times (\% nDCIA\ of\ total\ area)$$

where:

<i>CN</i>	=	curve number for pervious area
<i>Imp</i>	=	percent impervious area
<i>DCIA</i>	=	percent directly connected impervious area
<i>nDCIA CN</i>	=	curve number for non-DCIA area
<i>P_i</i>	=	event rainfall
<i>Q_{nDCIAi}</i>	=	rainfall excess for non-DCIA for rainfall event

For the DCIA portion, rainfall excess is calculated using the following equation:

$$Q_{DCIAi} = (P_i - 0.1) \times (\% DCIA\ of\ total\ area)$$

When *P_i* is less than 0.1, *Q_{DCIAi}* is equal to zero. This factor reflects the initial abstraction for the impervious areas which assumes that the first 0.1 inch of rainfall is stored within the irregularities in the impervious surfaces and does not become stormwater runoff. After these surfaces become filled with the initial 0.1 inch of rainfall, additional rainfall begins to generate runoff on these surfaces.

A summary of calculated runoff depth for a 6.7-inch rain event in Interior portions of Driftwood Estates is given on Table 3. The values listed in Table 3 are calculated using the previous formulas. The total runoff generated by a 6.7-inch rain event in Interior portions of Driftwood Estates is 5.1 inches, corresponding to an event C value of 0.75, indicating that approximately 75% of the rainfall generated by the 6.7-inch rain event became runoff. This value is substantially higher than annual average C values associated with residential developments which are typically in the range of 0.25-0.4. However, during extreme rainfall events, such as a 6.7-inch storm, the available soil storage is rapidly filled, and significant runoff begins to be generated by both pervious and impervious surfaces. Based upon this analysis, the retention standard for Interior portions of Driftwood Estates is approximately 5.1 inches of runoff over the developed area.

TABLE 3
CALCULATED RUNOFF DEPTH FOR A 6.7-INCH RAIN
EVENT FOR INTERIOR PORTIONS OF DRIFTWOOD ESTATES

PARAMETER	SYMBOL	UNITS	VALUE
Event Rainfall	P_i	inches	6.7
Non-DCIA CN Value ¹	nDCIA CN	--	82.0
Soil Storage	S	inches	2.20
Non-DCIA Runoff	Q_{nDCIA}	inches	3.48
DCIA Runoff	Q_{DCIA}	inches	1.58
Total Runoff ²	Q_{TOTAL}	inches	5.1
Event C Value ³	C	--	0.75

1. Weighted curve number of pervious areas and non-DCIA impervious areas
2. Sum of non-DCIA and DCIA runoff
3. Proportion of annual rainfall which becomes runoff

A summary of calculated runoff depth for a 6.7-inch rain event in Exterior portions of Driftwood Estates is given on Table 4. This analysis is conducted using the same methodology used for the Interior portion analysis. The total runoff generated by a 6.7-inch rain event in Exterior portions of Driftwood Estates is approximately 4.8 inches, equivalent to an event C value of 0.72, indicating that approximately 72% of the event rainfall became runoff. Therefore, the retention standard for Exterior portions of Driftwood Estates is approximately 4.8 inches over the contributing watershed area.

TABLE 4**CALCULATED RUNOFF DEPTH FOR A 6.7-INCH RAIN
EVENT FOR EXTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	SYMBOL	UNITS	VALUE
Event Rainfall	P_i	inches	6.7
Non-DCIA CN Value ¹	nDCIA CN	--	83.4
Soil Storage	S	inches	1.99
Non-DCIA Runoff	Q_{nDCIA}	inches	4.43
DCIA Runoff	Q_{DCIA}	inches	0.40
Total Runoff ²	Q_{TOTAL}	inches	4.8
Event C Value ³	C	--	0.72

1. Weighted curve number of pervious areas and non-DCIA impervious areas
2. Sum of non-DCIA and DCIA runoff
3. Proportion of annual rainfall which becomes runoff

The calculated retention standards of 5.1 inches for Interior portions of Driftwood Estates and 4.8 inches for Exterior portions of Driftwood Estates are exceedingly high standards which far exceed any existing water quality treatment volume standards within the State of Florida. It is not known if the originator of the stormwater standard intended to provide this level of protection for off-site discharges into Choctawhatchee Bay. However, regardless of the original intention, the retention depths of 5.1 inches for Interior portions and 4.8 inches for Exterior portions reflect the numerical interpretation of the adopted Sandestin DRI stormwater standard.

Conclusions

Based upon the review of available documentation, there appears to be overwhelming evidence that the stormwater standard for the Sandestin DRI is intended to be a "retention" standard. This conclusion is supported by documentation provided by the applicant as well as DCA which has reaffirmed their position on the issue on multiple occasions. In contrast, other than the interchangeability of the words "retention" and "detention" during the 1970s, and allegations by the County that a pond designed with a wet permanent pool volume must be detention by definition, there is little evidence to support a detention rather than retention interpretation of the standard. The Engineer agrees that the 3-year, 24-hour retention standard is an extraordinarily high standard, particularly for the period in time, but the 3-year, 24-hour retention standard is consistent with the stated objectives by the applicant of maintaining water quality within Choctawhatchee Bay. Therefore, the Engineer concludes that the Sandestin DRI stormwater standard is a retention standard which is equivalent to approximately 5.1 inches over the contributing drainage basin area for Interior portions of Driftwood Estates and 4.8 inches over the contributing drainage basin area for Exterior areas.

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Driftwood Pointe home gets shot into over Easter weekend

By DEBORAH WHEELER

Posted Apr 23, 2017 at 9:00 AM

Driftwood Pointe resident Alan Osborne believes that speaking out in Walton County could be dangerous.

The evening of April 14, his home in the Driftwood Pointe community on the Choctawhatchee Bay was shot into. His family was there when the incident occurred and they heard a noise, but it was not until the next morning that they realized what happened.

The front pane-glass window would have most likely been shattered if not for it being hurricane glass.

The resulting damage cost about \$2,000 to repair.

The incident was referred to on the Walton County Sheriff's Office's incident report as criminal mischief.

Osborne stated that around 11 p.m. his son heard a loud noise that made the dogs start barking. He said he found pellets from an air rifle under the window the next morning. The shots also hit his front column.

The house is set back off the road with no neighbors close by who would have been able to see anything and there are no cameras on the property.

Osborne told officers he believes the culprit might be someone one of the developers in the neighborhood hired to do this because he spoke out against them recently. He said stuff like this seems to happen after he speaks out against developers.

"Over the last 12 years stuff like this has happened four or five times," he told The Sun. "I'm tired of it. All I have done is tell the truth. I guess somebody thought I needed my windows broken."

"A few people suggested it was unruly spring breakers," Osborne added. "I live 300 feet off the road and you can't even see where the house was shot and it's about 4 miles from 98 on a road that dead ends. Somebody had to come through the woods to do it. The same people that believe that also believe the Sandestin NOPC hearings were legit and Mark Davis quit being the county attorney for 'better' career opportunities. I will continue to write and advocate for better government in South Walton. What we have now is a travesty."



Walton County Public Works Division

Engineering Department
117 Montgomery Circle
DeFuniak Springs, FL 32435

Memorandum

To: Walton County Board of County Commissioners

From: Charles Cotton, P.E.
Walton County Public Works Department
Chance Powell, P.E.
Walton County Public Works Department

CC: Harvey H. Harper, Ph.D., P.E.

Date: March 25, 2019

Subject: Driftwood Estates Stormwater Evaluation Review and Capital Improvement Prioritization

The following is a summary of the meeting held on March 12, 2019 between Dr. Harper, Ph.D., P.E. of Environmental Research and Design, Inc. (ERD) and Walton County Public Works employees Chance Powell, P.E. and Charley Cotton, P.E. This meeting was scheduled following an approved motion at the February 12, 2019 Walton BOCC meeting directing staff to meet with Dr. Harper, Ph.D., P.E. The purpose of this summary is to clarify the conclusions of ERD's stormwater evaluation, clearly define the scope of the recommended drainage capital improvement project identified in the report, and to present a workable prioritization and phasing plan for the capital improvement project.

Meeting Summary and Points of Discussion:

1. It is the opinion of ERD that neither the interior nor the exterior stormwater systems in Driftwood, in their existing state, meet the DRI standard.
2. ERD's review of the Driftwood Stormwater Systems concluded that "there is no practical method or cost-effective way of retrofitting the Driftwood Stormwater Systems for such an extraordinarily high standard", referred to as the DRI standard in item 1 above.
3. ERD's review of the Driftwood Stormwater Systems concluded that the interior systems do provide the required level of service for both water quality and peak rate attenuation pursuant to the applicable performance standards within Walton County's Land Development Code.
4. ERD's evaluation noted that developing the interior lots did not adversely impact the stormwater outfalls that are shared by both the interior and exterior portions of Driftwood Estates.
5. ERD's evaluation did not recommend modification to the interior stormwater systems.
6. ERD's evaluation did identify that the exterior stormwater system, designed and constructed per Connelly and Wicker plans dated June 1994, has 'issues and deficiencies inherent to the original drainage design.'
7. ERD's evaluation did recommend a drainage capital improvement project for the exterior loop meeting 'an adequate drainage level of service for the 10-year storm event without provisions for water quality treatment'.

8. ERD's proposed capital improvement project for the exterior loop would not (and is not intended to) meet the level of service referred to as the DRI standard in item 1, but would provide an adequate drainage level of service for a 10-year storm event to be consistent with the Walton County Land Development Code for a system with roadside swales for drainage internal to the development.
9. ERD's proposed capital improvement project involves the installation of a piping network and ditch bottom inlets to be located within the right-of-way for increasing collection and conveyance capacity to one of six outfalls to Choctawhatchee Bay.
10. ERD's proposed capital improvement project identifies the need to purchase 4 privately owned parcels for use as 'forebay's to daylight the proposed piping network. These forebays are not designed to meet the Walton County Land Development Code Standards for stormwater treatment or sized to retain the volume of runoff equaling the DRI Standard identified in item 1.
11. These forebays are not designed to meet stormwater quality standards, but it is understood that some ancillary level of treatment will be provided.
12. Based on current Walton County Property Appraiser information, the parcels identified for purchase as forebays include 1 vacant bay front parcel, 2 vacant interior parcels, and 1 interior parcel with a residential home.
13. ERD's capital improvement project proposes armoring of existing outfall locations using either ditch pavement or Articulated Concrete Block (ACB) matting to improve flow to the receiving water body and reduce maintenance frequency.
14. ERD identifies a maintenance recommendation that could be implemented in the interim if necessary due to anticipated budget implications associated with the proposed capital improvement project. The maintenance project involves grading of swales for positive flow, and ensuring adequate flow transmission through driveway connections is achieved by unclogging existing culverts or installing culverts at locations where needed. ERD recommends armoring the outfalls as part of the maintenance recommendation also.
15. Walton County Public Works has recently completed a phase of an 'in-house' project that involves conveyance improvements in a roadside collection system. The conveyance improvement utilize a shallow swale system with underdrains to provide connectivity to the existing outfall locations. A nutrient removing filtration system utilizing bi-sorption activated media was installed at the outfall as a water quality component. These plans and calculations have been provided to Dr. Harper, Ph.D., P.E. for review.
16. Existing outfall easement descriptions have been provided to Dr. Harper, Ph.D., P.E. for review.
17. Walton County's Conceptual Phasing Plan for the ERD Capital Improvement Project has been provided to Dr. Harper, Ph.D., P.E. for review.

Attachments:

- (a) Conceptual Construction Phasing Plan For ERD's Recommended Improvements For the Exterior Stormwater System in Driftwood Estates
- (b) Easement Descriptions for Existing Outfall Locations
- (c) Walton County Public Works Driftwood Drainage Retrofit Phase II Drainage Analysis
- (d) Walton County Public Works Driftwood Drainage Retrofit Plan Set
- (e) Walton County Public Works Driftwood Drainage Retrofit Qualification for Use of General Permit from Northwest Florida Water Management District

From: alan osborne <[redacted]>
Date: Fri, Aug 30, 2019 at 6:00 PM
Subject: Re: FW: harper report and driftwood
To: Michael Lynch <[redacted]>

It doesn't matter what the engineers think the standard is. The state and the BCC have adopted Harper's stance. Your engineers can't override ordinance and statute and standards duly accepted in a public meeting.

On Fri, Aug 30, 2019, 3:35 PM Michael Lynch <[redacted]> wrote:

Sorry,

When I hit reply it sent it back to me.

From: Michael Lynch
Sent: Friday, August 30, 2019 3:28 PM
To: Michael Lynch <[redacted]>
Cc: Sidney Noyes <[redacted]>; Andrea Ward <[redacted]>; Charles Cotton <[redacted]>; Chance Powell <[redacted]>; Heather Christman <[redacted]>
Subject: RE: harper report and driftwood

Mr. Osborne,

I've read the Cotton and Graham depositions and have a better understanding of the history regarding the storm water issues in Driftwood. I think there may be a dispute between what Dr. Harper was using as a standard (PZ 3) versus the 1984 NQPC. As I'm not an attorney or engineer, those determinations are not mine to make. In regards to the homes on the inner portion of Driftwood across from you, the 3 engineers that went out that day, Charlie, Chance, and Andrea were in agreement that the storm water measures in place at 260 Driftwood Point were consistent with the approved storm water plan, and being advised of that by 3 engineers, the code case was closed. The inspection by the same 3 engineers at 37 Teak Dr. resulted in unanimous agreement that the rear and side retention basins needed to be

reestablished in accordance with the approved storm water plan. The home owner had that work done and the code case was closed.

ADKWS
Property

The clearing without permit at the lot to your south is being addressed with the property owner, as is the clearing case 2 lots north of Teak Dr. The role of code enforcement is to seek compliance. We have no authority at all over any municipal, county, or state agency. We have no investigative authority over any agency. When there may be an issue of legality, we (code enforcement) advise the county attorney and await direction from their office before proceeding.

I am CC'ing this to the county attorney to advise them of your intent.

Mike Lynch

From: Michael Lynch
Sent: Friday, August 30, 2019 9:20 AM
To: Andrea Ward <warandrea@co.walton.fl.us>
Subject: FW: harper report and driftwood

Email 3 with attachments

From: alan osborne <28henrig@gmail.com>
Sent: Thursday, August 29, 2019 10:54 PM
To: Michael Lynch <lynmichael@co.walton.fl.us>
Subject: Re: harper report and driftwood

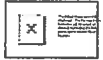
If you read Harpers report and then grahams statement. You can see the problem. He calls the standard purported....no, it;s the law and for the good of the bays water quality.



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On Thu, Aug 29, 2019 at 10:45 PM alan osborne <28henrig@gmail.com> wrote:

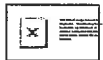
To be clear if the building and engineering dept has approved this house without making them comply with the lawfully adopted standard. I would like the building Dept and the engineering section cited for code violations. this house should not be issued a CO until compliance is met. That goes for ANY property on the exterior of Driftwood. I am happy to meet you and your engineer out here. I have greg grahams sworn statement he disagrees with the law. thank you.



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On Thu, Aug 29, 2019 at 4:36 PM alan osborne <28henriq@gmail.com> wrote:

fyi



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FROM: alan osborne <28henry@gmail.com>

Date: Wed, Feb 5, 2020 at 12:42 PM

Subject: Re: Re: Code complaint online wont take attachments

To: Sidney Noyes <NoySidney@co.walton.fl.us>

I don't care if you agree with it or not. That is not why I posted it and code had treated me poorly. I expect you to enforce the ordinances as adopted. Your code complaint has no place to explain the violation. I will report it to the commissioners because I have that right. I don't care if you agree. That's what the standard you adopted and the state approved. You are an employee of the citizens.

On Wed, Feb 5, 2020, 12:24 PM Sidney Noyes <NoySidney@co.walton.fl.us> wrote:

Alan,

Commissioner Glidewell forwarded your below email to me and asked that I respond. It's my understanding that you submitted a code complaint through the online portal regarding two parcels of property: 11-2S-21-42010-00C-0030 and 11-2S-21-42010-00C-0030. You did not mention in your complaint the specific code provisions you believe have been violated. From your below email it appears as though you believe the property owner may have cleared without permits and that the property owner is not complying with what you believe to be the DRI stormwater standard.

Code Enforcement inspected parcel 11-2S-21-42010-00C-0030 to determine whether or not there was improper clearing. After inspection, it appears that is not the case. Code Enforcement will inspect parcel 11-2S-21-42010-00C-0030 to determine whether or not there was any improper clearing. If so, Code Enforcement will address the issue.

Code Enforcement will not investigate your complaint as it relates to the "4.8 or 5.1 inches of retention" mentioned in your email below. That is not the standard adopted by the County. As you know, the County does not agree with your position on the DRI stormwater standard.

Sincerely,

Sidney Noyes

County Attorney

----- Forwarded message -----

From: alan osborne <28henry@gmail.com>

Date: Feb 5, 2020 6:27 AM

Subject: Re: Code complaint online wont take attachments

To: Bill Chapman <ChaBill@co.walton.fl.us>, Tony Anderson <AndTony@co.walton.fl.us>, Melar
<NipMelanie@co.walton.fl.us>, Danny Glidewell <dglidewell@co.walton.fl.us>, Jennifer Seigler
<SeiJennifer@co.walton.fl.us>

ATTACHMENT

M1

----- Forwarded message -----

From: alan osborne <28henry@gmail.com>

Date: Feb 5, 2020 6:27 AM

Subject: Re: Code complaint online wont take attachments

To: Bill Chapman <ChaBill@co.walton.fl.us>, Tony Anderson <andlouy@co.walton.fl.us>, Melanie Nipper <NipMelanie@co.walton.fl.us>, Danny Glidewell <glidanny@co.walton.fl.us>, Jennifer Seigler <SeiJennifer@co.walton.fl.us>

Cc:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Also my surveillance video captured the people who own the lots next door in my driveway screaming at me that the county told them I was crazy and he would do whatever he wanted with his land. That's what you created when engineering told code it was Ok. Please send me the authority for engineering personnel to waive adopted laws and ordinances. I will serve the Atkins the ordinances and an injunction as the deputy recommended. This was staged to antagonize me. They were coming to my driveway on foot in the dark to call me crazy. I'm not crazy and I showed both deputies the law and ordinances and they said. That's is what it says.....you the county are creating this conflict.

On Tue, Feb 4, 2020, 10:54 PM alan osborne <28henry@gmail.com> wrote:

Attached are the reports of Dr. Harper and your own internal memo stating it is uneconomically possible to comply.. Sorry you cant break state approved development standards and your own adopted ordinance. Please send me the ;law that allows you the county and the people pulling permits next to my property to break the rules. If you don't have a submitted engineering plan that retains the required 4.8 or 5.1 inches of retention, then planning and permitting aren't doing their job. Short of that I expect a stop work order on the properties until engineering plans are submitted that demonstrate compliance. If you do not, this will require more lawsuits. Is that what you want. Is not liking me a reason to take my rights of ordinance compliance. I don't think so. Your complaint system is broken and your code and county employees told people I complained. You are pitting neighbor against neighbor by telling residents they are in compliance when your internal communications state otherwise. This is pathetic and last night I had the sheriffs at my house until 11 pm over non compliance. I will continue to do so until you follow your own laws and the ones the state approved. Govern yourselves accordingly. I reported a violation and it went to code board and i didn't even know, that wasn't by accident. I have been filming all the violations out here and your complaint form doesn't even take attachments or photos, I wonder why....

Alan Osborne



ATTACHMENT
N_f



ATTACHMENT
N 2



NOTHING



Run2_Validation_VER

ATTACHMENT

0.25 Miles

250

0.25

1998

100

157

11

1

134

150

15

From: David Campbell
To: Greg Graham
CC: 'Brad Herndon'
Sent: 4/10/2012 5:05:17 PM
Subject: FW: Driftwood Volume Checks
Attachments: Driftwood Calcs Checks.pdf; DriftwoodStormwater2-29-12.pdf

Greg,

Please see the email below for the approval from FDEP. I will still need to provide them an as-built. Can you meet me at Driftwood either Thursday or Friday?

David O. Campbell, PE

Campbell Engineering, Inc.
8729 North Lagoon Drive
Panama City Beach, FL 32408
850-685-3603
dcampbell214@comcast.net

From: Shortt, Christopher [<mailto:Christopher.Shortt@dep.state.fl.us>]
Sent: Monday, March 19, 2012 8:53 AM
To: dcampbell214@comcast.net
Subject: Driftwood Volume Checks

David,

Please see the below email summarizing my review of the Driftwood calculations that were submitted to the Department. I also attached a pdf of my calculations spreadsheet. Based on my numbers, the elevations of the weirs will need to be above the stated minimum.

If you have any questions or concerns upon reviewing this information, please do not hesitate to give me a call.

Thanks,

Chris Shortt, E.I.

Stormwater Engineer

Florida Department of Environmental Protection

Panama City Branch Office

2353 Jenks Avenue

Panama City, Florida 32405

(850) 767-0043 Fax (850) 872-7790

christopher.shortt@dep.state.fl.us

Please take a few minutes to share your comments on the service you received from the department by clicking on this link.
[DEP Customer Survey.](#)

From: Shortt, Christopher

Sent: Friday, March 09, 2012 3:14 PM

To: Dickey, Kenneth; Wilson, Cliff

Subject: RE: Driftwood Geotechnical

I've completed my review of the submitted calculations for Driftwood. The only concern I have is with the treatment volume. The results of my calculations (see attached) are slightly different than those of the submitted calculations. Here is a summary of my findings and methodologies:

Treatment Volume:

I recreated the calculations using the areas and elevations shown in the submitted calculations. As an independent means of checking the "in-between" elevations/areas (areas for the as-built condition of the orifice elevations), I interpolated the areas. All of these areas matched up well with the numbers provided in the calculations. The provided calculations used an interpolation of the cumulative volumes to back into a required weir elevation. In my confirmation calculations (see attached), I performed the interpolation on the front end to determine an area for the stated minimum weir elevation. I then calculated the provided volume.

Due to some potential rounding issues and the fact that my interpolation was based on areas rather than volumes (in acre-feet), the treatment volumes resulting from my calculations were slightly lower than the required volumes for Drainage Areas 1 and 3. However, the areas are so large in these calculations that even the slightest upward adjustment from the minimum weir elevations shown in the submitted calculations will meet the required treatment volume. Reasonable assurance will need to be provided showing that the proposed weir elevations will be above the stated minimum (if only slightly) to ensure that the required volume is met. Setting them at the exact elevations shown in the submitted calculations will not leave any room for error in the field and will not, according to my calculations, provide the required volumes.

Permanent Pool:

The permanent pool provided exceeds the required.

Orifice Calculations:

Based on the Florida Development Manual, the orifice diameters should be sized so as to not discharge

more than 1/2 of the treatment volume in 60 hours. Based on the calculations, the proposed orifice pipe diameters appear to be sufficient to meet this requirement.

If you have any questions or would like to discuss my calculations, please feel free to give me a call.

Thank you,

Chris Shortt, E.I.

Stormwater Engineer

Florida Department of Environmental Protection

Panama City Branch Office

2353 Jenks Avenue

Panama City, Florida 32405

(850) 767-0043 Fax (850) 872-7790

christopher.shortt@dep.state.fl.us

DRIFTWOOD ESTATES NCL RESPONSE CALCULATIONS:

Drairage Area 1

Area (sf)	Area (ac)	Volume (ac-ft)	Cumul. Vol. (ac-ft)
-3	118245	2.714332	0
-2	137606	3.158969	2.936765381
-1	163474	3.752847	6.392688249 *Interpolated to account for apparent error in stage/storage table
0	189342	4.348694	10.44245888
1	221940	5.095041	15.19332845
2	251933	5.783588	20.80264004
3	288247	6.848800	28.91783747
4	343943	7.895845	34.28918437
4.15	361432.7	8.267353	1.214489942 *Interpolated area
4.5	402242	9.234208	3.069022785
4.92	427872.2	9.815707	4.00048185
5	432597	9.829468	0.789887052 *Interpolated area
5.5	485099	10.8772	43.38184573
6	436290	11.18358	48.612764
6.5	506678	11.63832	53.87268554
6.7			56.87266554

Provided (Interpolated weir elev - Interpolated orifice elev)
Required

Orifice Check:

Volume Required = 7.084 ac-ft
309014.8 cf

Q/2 = 154507.3 cf Q/2 in 60 hrs = 0.715312 cfs

C = 0.6
h = 0.5775 ft
A = 0.19349 sf
So D = 5.88945 in

Using proposed D to solve for Q

D = 6 in
A = 28.2736 in²
Q = CA(2gh)^{1/2}
Q = 0.715312 cfs

Single 6" diameter pipe proposed, so it is good (will draw down 1/2 of volume between 48-60 hours).

D.A. 2

Area (sf)	Area (ac)	Volume (ac-ft)	Cumul. Vol. (ac-ft)
-3	49531	1.137076	0
-2	66030	1.288272	1.211673554
-1	82733	1.440152	1.363211682
0	70107	1.608435	1.524793388
1	77408	1.777068	1.693250889
2	84984	1.950984	1.864015152
3	88871	2.299766	2.110369014
4	117828	2.707254	2.488510101
4.2	125238.8	2.888044	0.880528844 *Interpolated area
4.5	138705	3.184228	0.912340909
5	145818	3.347475	1.632925549
5.17	14858.8	3.440233	0.578995179 *Interpolated area
5.5	167700	3.820284	1.16488897
6	183307	3.749013	1.842328878
6.5	168864	3.87868	1.80697314
			20.85285813

Provided (Interpolated weir elev - Interpolated orifice elev)
Required

Orifice Check:

Volume Required = 2.98 ac-ft
128937.6 cf

Q/2 = 64488.8 cf Q/2 in 60 hrs = 0.298487 cfs

C = 0.6
h = 0.7275 ft
A = 0.072815 sf
So D = 3.950357 in

Using proposed D to solve for Q

D = 3 in D = 2 in
A = 7.068375 in² A = 3.1415 in²
Q = CA(2gh)^{1/2} Q = 0.049088 sf Q = 0.021818 sf
Q = 0.201589 cfs Q = 0.060585 cfs
Qtotal = 0.261195 cfs

Proposed 3" and 2" pipes.

D.A. 3

Area (sf)	Area (ac)	Volume (ac-ft)	Cumul. Vol. (ac-ft)
-3	48799	1.074357	0
-2	62586	1.439318	1.255337488
-1	75127	1.724079	1.580498183
0	89480	2.054178	1.889428375
1	105801	2.428867	2.241617447
2	120827	2.776102	2.602479339
3	142252	3.265657	3.020879247
4	144728	3.322498	3.284077135
4.4	183372	4.208942	1.508427918 *Interpolated area
4.5	183033	4.31428	0.432053469
5	208401	4.784226	2.303814141
5.21	213888.3	4.9102	1.017914979 *Interpolated area
5.5	221488	5.08416	1.449182128
6	232258	5.331933	2.604023158
6.5	243286	5.585354	2.729321626
			27.82705464

Provided (Interpolated weir elev - Interpolated orifice elev)
Required

Orifice Check:

Volume Required = 3.78 ac-ft
165092.4 cf

Q/2 = 82546.2 cf Q/2 in 60 hrs = 0.352158 cfs

C = 0.6
h = 0.8075 ft
A = 0.16183 sf
So D = 4.32095 in

Using proposed D to solve for Q

D = 3 in D = 3 in
A = 7.068375 in² A = 7.068375 in²
Q = CA(2gh)^{1/2} Q = 0.049088 sf Q = 0.049088 sf
Q = 0.184215 cfs Q = 0.184215 cfs
Qtotal = 0.36843 cfs

Proposed (2) 3" pipes.

DRIFTWOOD ESTATES-PHASE II

EVALUATION OF OUTFALL CONTROL STRUCTURES BASED ON AS-BUILT CONDITIONS

WALTON COUNTY, FLORIDA

PREPARED BY DAVID O. CAMPBELL, PE
February 29, 2012

In response to the noncompliance letter dated November 29, 2011 and the subsequent meeting with the FDEP, I have evaluated the as-built data regarding the outfall control structures of Driftwood Estates-Phase II and recommend the following minor modifications based on the attached calculations.

Drainage Area #1 – Outfall structure at Lake #5

1. Because the drawdown orifice was adjusted from the design elevation of 4.5 to the as-built elevation of 4.15 lowering the permanent pool elevation 0.35 ft, the discharge weir elevation shall be adjusted from the as-built elevation of approximately 4.7 to a new elevation of 4.92. This will ensure the 1" retention volume requirement is met.
2. The as-built permanent pool volume remains well above the required volume.
3. The drawdown orifice as-built will function according to design.
4. Adjust each skimmer according to the proposed weir elevation.

Drainage Area #2 – Outfall structure at Lake #9

1. Because the drawdown orifice was adjusted from the design elevation of 4.5 to the as-built elevation of 4.2 lowering the permanent pool elevation 0.30 ft, the discharge weir elevation shall be adjusted from the as-built elevation of approximately 5.0 to a new elevation of 5.17. This will ensure the 1" retention volume requirement is met.
2. The as-built permanent pool volume remains well above the required volume.
3. The drawdown orifice as-built will function according to design.
4. Adjust each skimmer according to the proposed weir elevation.

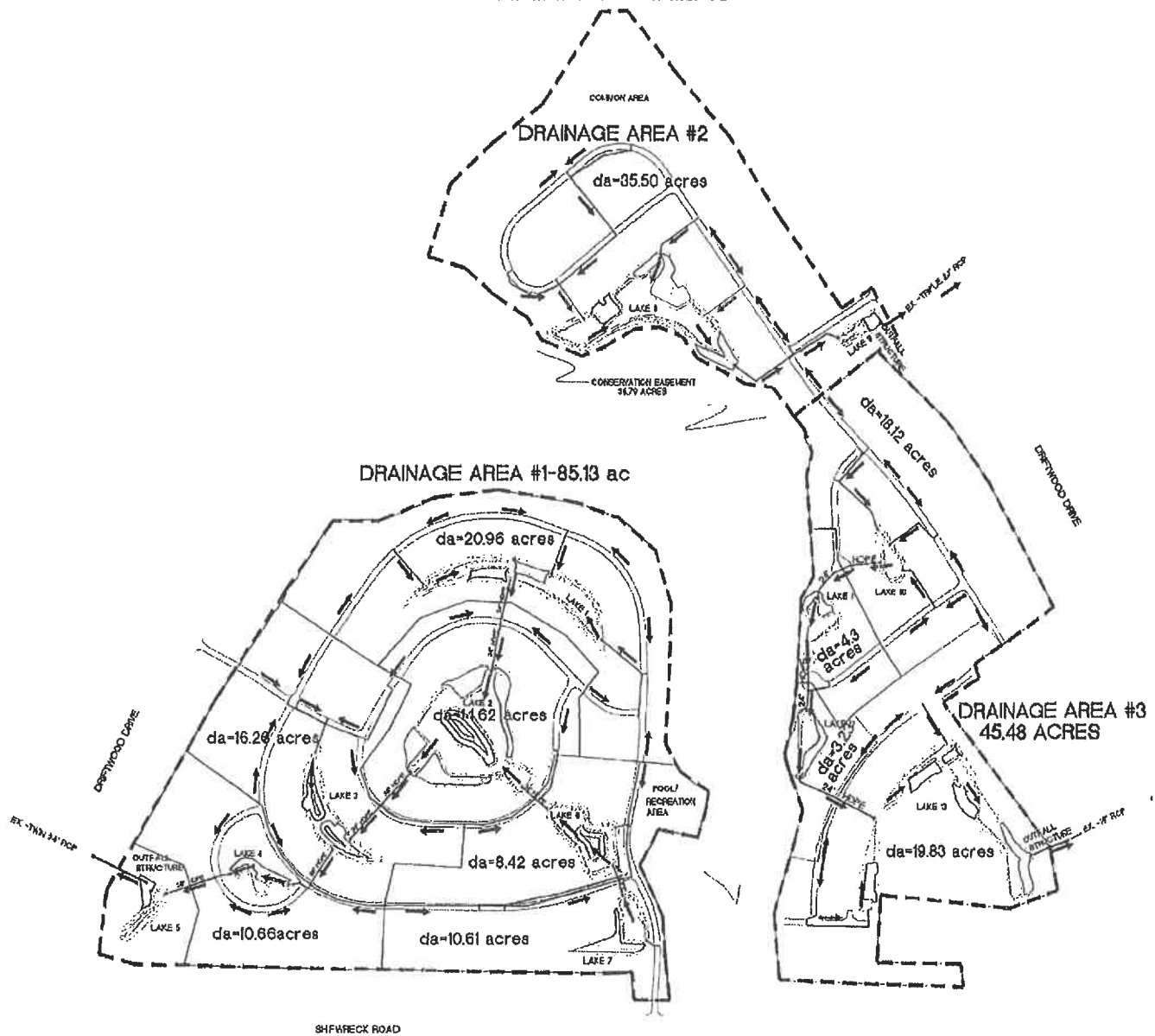
Drainage Area #3 – Outfall structure at Lake #13

1. Because the drawdown orifice was adjusted from the design elevation of 4.5 to the as-built elevation of 4.4 lowering the permanent pool elevation 0.1 ft, the discharge weir elevation shall be adjusted from the as-built elevation of approximately 4.9 to a new elevation of 5.21. This will ensure the 1" retention volume requirement is met.
2. The as-built permanent pool volume remains well above the required volume.
3. The drawdown orifice as-built will function according to design.
4. Adjust each skimmer according to the proposed weir elevation.

As-built drawings shall be submitted to the FDEP and the County after these adjustments are made.

David O. Campbell
2-29-12

DRIFTWOOD ESTATE PHASE II DRAINAGE AREAS



Retention Volumes LAKES #1 THROUGH #7
 Project: DRIFTWOOD ESTATES PHASE II
 Location: Walton County, Florida
 Revised: 29-Feb-12

DRAINAGE AREA #1 - PERMITTED DESIGN

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	118245.00	2.71453	0.00000	0.00000	0	
-2.00	137806.00	3.15900	2.93677	2.93677	0	
-1.00	15909.00	0.36522	1.76211	4.69888	0	
0.00	189342.00	4.34669	2.35596	7.05483	0	
1.00	221940.00	5.09504	4.72087	11.77570	0	
2.00	251933.00	5.78359	5.43931	17.21501	0	
3.00	298247.00	6.84881	6.31520	23.53021	0	
4.00	343943.00	7.89584	7.37133	30.90154	0	
4.50	402242.00	9.23421	4.28251	35.18405	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.50	402242.00	9.23421	0.00000	0.00000	0	
5.00	432397.00	9.92647	4.79017	4.79017	0	
5.50	465099.00	10.67720	5.15092	9.94109	0	
6.00	486290.00	11.16368	5.46022	15.40131	0	
6.50	506878.00	11.63632	5.70000	21.10131	0	

DRAINAGE AREA #1 - REVISED DESIGN

REVISED 2-29-12

CENTER LINE DRAWDOWN ORIFICE ELEV. = 4.15 (as-built)

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	118245.00	2.71453	0.00000	0.00000	0	
-2.00	137806.00	3.15900	2.93677	2.93677	0	
-1.00	15909.00	0.36522	1.76211	4.69888	0	
0.00	189342.00	4.34669	2.35596	7.05483	0	
1.00	221940.00	5.09504	4.72087	11.77570	0	
2.00	251933.00	5.78359	5.43931	17.21501	0	
3.00	298247.00	6.84881	6.31520	23.53021	0	
4.00	343943.00	7.89584	7.37133	30.90154	0	
4.15	361432.00	8.29734	1.21449	32.11603	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.15	361432.00	8.29734	0.00000	0.00000	0	
4.50	402242.00	9.23421	3.06802	3.06802	0	
5.00	432397.00	9.92647	4.79017	7.85819	0	
5.50	465099.00	10.67720	5.15092	13.00911	0	
6.00	486290.00	11.16368	5.46022	18.46933	0	
6.50	506878.00	11.63632	5.70000	24.16933	0	

DRAINAGE AREA = 86.126 ACRE DISCHARGE STRUCTURE AT LAKE #5
 FDEP AND COUNTY 1" RETENTION REQUIRED = 7.094 AC-FT
 CENTER LINE 6" DRAWDOWN ORIFICE ELEV. = 4.15 (as-built)
 REQUIRED WEIR ELEVATION = 4.92

$$5.0 - [(7.85819 - 7.094) / (7.85819 - 3.06802) * 0.5] = 4.92$$

AS-BUILT WEIR VARIES FROM ELEVATION = 4.67 TO 4.75
 WEIR ELEVATION TO BE SET AT MINIMUM ELEVATION = 4.92

CALCULATIONS

DRAINAGE AREA #1

TOTAL AREA TO RETENTION POND = 3,708,096 SF = 85.126
IMPERVIOUS AREA = 1,324,421 sf
PERVIOUS AREA = 2,383,675 sf
RATIONAL 'C' FACTOR = 0.51

PERM. POOL VOLUME REQ'D - THREE METHODS

1. 3.84% OF THE ANNUAL RAIN
 2. 9.15% OF THE YEARLY PEAK SEASON RAIN
 3. 2" X IMPERVIOUS AREA + 1/2" X PERVIOUS
-
1. $0.0384 \times 61" \times 3,708,096 \times 0.51 = 369,148 \text{ CF} = 8.47 \text{ ac-ft (FL. DEV. MANUAL)}$
 2. $0.0915 \times 30" \times 3,708,096 \times 0.51 = 432,596 \text{ CF} = 9.93 \text{ ac-ft}$
 3. $[(2/12) \times 1,324,421] + [(0.5/12) \times 2,383,675] = 320,056 \text{ CF} = 7.35 \text{ (FL. DEV. MANUAL)}$

PERM. POOL PROVIDED = 32.116 ac-ft > 9.93 O.K. MEETS CRITERIA FOR FL. DEV. MANUAL

ORIFICE DRAWDOWN OF THE TREATMENT VOLUME 7.094 AC-FT = 309,015 CF

$$Q = CA (2gh)^{1/2}$$

$$C = 0.6$$

$$Q \text{ REQUIRED} = 309015/2 \text{ PER 60 HRS} = 0.7153 \text{ CFS}$$

$$h = \text{HEAD} = 4.92 - 4.15 = 0.77' \text{ USE 75\% TO ACCOUNT FOR FALLING HEAD} = 0.6'$$

$$A = Q/[C(2gh)^{1/2}] = 0.7153/[0.6((64.4)(.6))^{1/2}] = 0.192 \text{ SF} = 27.6 \text{ SQ. IN.}$$

AREA OF 6" PIPE = 28.27 SQ. IN., THEREFORE USE ONE 6" PIPE

Retention Volumes LAKES #8 AND #9**Project: DRIFTWOOD ESTATES PHASE II****Location: Walton County, Florida****Revised:****DRAINAGE AREA #2 - PERMITTED DESIGN**

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	49531.00	1.13708	0.00000	0.00000	0	
-2.00	56030.00	1.28627	1.21167	1.21167	0	
-1.00	62733.00	1.44015	1.36321	2.57489	0	
0.00	70107.00	1.60944	1.62479	4.09968	0	
1.00	77409.00	1.77707	1.69325	5.79293	0	
2.00	84984.00	1.95096	1.86402	7.65694	0	
3.00	98871.00	2.26977	2.11037	9.76731	0	
4.00	117928.00	2.70725	2.48851	12.25582	0	
4.50	138705.00	3.18423	1.47287	13.72869	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.50	138705.00	3.18423	0.00000	0.00000	0	
5.00	145816.00	3.34747	1.63293	1.63293	0	
5.50	157700.00	3.62029	1.74194	3.37487	0	
6.00	163307.00	3.74901	1.84233	5.21719	0	
6.50	168964.00	3.87888	1.90697	7.12417	0	

DRAINAGE AREA #2 - REVISED DESIGN

REVISED 2-29-12

CENTER LINE DRAWDOWN ORIFICE ELEV. = 4.2 (as-built)

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	49531.00	1.13708	0.00000	0.00000	0	
-2.00	56030.00	1.28627	1.21167	1.21167	0	
-1.00	62733.00	1.44015	1.36321	2.57489	0	
0.00	70107.00	1.60944	1.52479	4.09968	0	
1.00	77409.00	1.77707	1.69325	5.79293	0	
2.00	84984.00	1.95096	1.86402	7.65694	0	
3.00	98871.00	2.26977	2.11037	9.76731	0	
4.00	117928.00	2.70725	2.48851	12.25582	0	
4.20	126239.00	2.89805	0.56053	12.81635	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.20	126239.00	2.89805	0.00000	0.00000	0	
4.50	138705.00	3.18423	0.91234	0.91234	0	
5.00	145816.00	3.34747	1.63293	2.54527	0	
5.50	157700.00	3.62029	1.74194	4.28721	0	
6.00	163307.00	3.74901	1.84233	6.12954	0	
6.50	168964.00	3.87888	1.90697	8.03651	0	

DRAINAGE AREA = 35.517 ACRE DISCHARGE STRUCTURE AT LAKE #9

FDEP AND COUNTY 1" RETENTION REQUIRED = 2.96 AC-FT

CENTER LINE DRAWDOWN ORIFICE ELEV. = 4.20 (as-built)

REQUIRED WEIR ELEVATION = 5.12

$$5.5 - [(4.28721 - 2.96)/(4.28721 - 2.54527) \times 0.5] = 5.12$$

AS-BUILT WEIR VARIES FROM ELEVATION = 4.96 TO ELEVATION 5.17

WEIR ELEVATION TO BE SET AT MINIMUM ELEVATION = 5.17

DRAINAGE AREA #2

TOTAL AREA TO RETENTION POND = 1,547,111 SF = 35.5

IMPERVIOUS AREA = 475,897 sf

PERVIOUS AREA = 1,071,214 sf

RATIONAL 'C' FACTOR = 0.47

PERM. POOL VOLUME REQ'D - THREE METHODS

1. 3.84% OF THE ANNUAL RAIN

2. 9.15% OF THE YEARLY PEAK SEASON RAIN

3. 2" X IMPERVIOUS AREA + 1/2" X PERVIOUS

1. $0.0384 \times 61" \times 1,547,111 \times 0.47 = 141,938 \text{ CF} = 3.26 \text{ ac-ft (FL. DEV. MANUAL)}$

2. $0.0915 \times 30" \times 1,547,111 \times 0.47 = 166,333 \text{ CF} = 3.81 \text{ ac-ft}$

3. $[(2/12) \times 475,897] + [(0.5/12) \times 1,071,214] = 123,950 \text{ CF} = 2.84$
(FL. DEV. MANUAL)

PERM. POOL PROVIDED = 12.81 ac-ft > 3.81 O.K. MEETS CRITERIA FOR FL. DEV. MANUAL

ORIFICE DRAWDOWN OF THE TREATMENT VOLUME 2.96 AC-FT = 128,926 CF

$$Q = CA (2gh)^{1/2}$$

$$C = 0.6$$

$$Q \text{ REQUIRED} = 128,926 / 2 \text{ PER 60 HRS} = 0.298 \text{ CFS}$$

$$h = \text{HEAD} = 5.17 - 4.2 = 0.97' \text{ USE 75\% TO ACCOUNT FOR FALLING HEAD} = 0.73'$$

$$A = Q / [C(2gh)^{1/2}] = 0.298 / [0.6\{(64.4)(.73)\}^{1/2}] = 0.0724 \text{ SF} = 10.4 \text{ SQ. IN}$$

AREA OF 3" PIPE = 7.06 SQ. IN

AREA OF 2" PIPE = 3.14 SQ IN THEREFORE, USE ONE 3" PIPE, AND ONE 2" PIPE

Retention Volumes LAKES #10 THROUGH #13
 Project: DRIFTWOOD ESTATES PHASE II
 Location: Walton County, Florida
 Revised:

DRAINAGE AREA #3 - PERMITTED DESIGN

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	48799.00	1.07436	0.00000	0.00000	0	
-2.00	62566.00	1.43632	1.25534	1.25534	0	
-1.00	75127.00	1.72468	1.58050	2.83584	0	
0.00	89480.00	2.05418	1.88943	4.72526	0	
1.00	105801.00	2.42886	2.24152	6.96678	0	
2.00	120927.00	2.77810	2.60248	9.56926	0	
3.00	142252.00	3.26566	3.02088	12.59014	0	
4.00	144728.00	3.32250	3.29408	15.88422	0	
4.50	193033.00	4.43143	1.93848	17.82270	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.50	193033.00	4.43143	0.00000	0.00000	0	
5.00	208401.00	4.78423	2.30391	2.30391	0	
5.50	221466.00	5.08416	2.46710	4.77101	0	
6.00	232259.00	5.33193	2.60402	7.37503	0	
6.50	243298.00	5.58535	2.72932	10.10436	0	

DRAINAGE AREA #3 - REVISED DESIGN

REVISED 2-29-12

CENTER LINE DRAWDOWN ORIFICE ELEV. = 4.4 average (as-built)

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
-3.00	46799.00	1.07436	0.00000	0.00000	0	
-2.00	62566.00	1.43632	1.25534	1.25534	0	
-1.00	75127.00	1.72468	1.58050	2.83584	0	
0.00	89480.00	2.05418	1.88943	4.72526	0	
1.00	105801.00	2.42886	2.24152	6.96678	0	
2.00	120927.00	2.77810	2.60248	9.56926	0	
3.00	142252.00	3.26566	3.02088	12.59014	0	
4.00	144728.00	3.32250	3.29408	15.88422	0	
4.40	183372.00	4.20964	1.50643	17.39065	0	

ELEVATION (ft)	AREA (sf)	AREA (ac)	STORAGE (ac-ft)	CUMM STORAGE (ac-ft)	DISCHARGE (cfs)	PERCOLATION (cfs)
4.40	183372.00	4.20964	0.00000	0.00000	0	
4.50	193033.00	4.43143	0.43205	0.43205	0	
5.00	208401.00	4.78423	2.30391	2.73597	0	
5.50	221466.00	5.08416	2.46710	5.20306	0	
6.00	232259.00	5.33193	2.60402	7.80709	0	
6.50	243298.00	5.58535	2.72932	10.53641	0	

DRAINAGE AREA = 45.5 ACRE DISCHARGE STRUCTURE AT LAKE #13
 FDEP AND COUNTY 1" RETENTION REQUIRED = 3.79 AC-FT
 CENTER LINE DRAWDOWN ORIFICE ELEV. = 4.3 and 4.5 (as-built)
 REQUIRED WEIR ELEVATION = 5.21

$$5.5 - [(5.20306 - 3.79) / (5.20306 - 2.73597) \times 0.5] = 5.21$$

AS-BUILT WEIR VARIES FROM ELEVATION = 4.86 TO ELEVATION 5.03
 WEIR ELEVATION TO BE SET AT MINIMUM ELEVATION = 5.21

DRAINAGE AREA #3

TOTAL AREA TO RETENTION POND = 1,981,287 SF = 45.5
IMPERVIOUS AREA = 659,345 sf
PERVIOUS AREA = 1,321,942 sf
RATIONAL 'C' FACTOR = 0.49

PERM. POOL VOLUME REQ'D - THREE METHODS

1. 3.84% OF THE ANNUAL RAIN
 2. 9.15% OF THE YEARLY PEAK SEASON RAIN
 3. 2" X IMPERVIOUS AREA + 1/2" X PERVIOUS
-
1. $0.0384 \times 61" \times 1,981,287 \times 0.49 = 189,506 \text{ CF} = 4.35 \text{ ac-ft (FL. DEV. MANUAL)}$
 2. $0.0915 \times 30" \times 1,981,287 \times 0.49 = 222,077 \text{ CF} = 5.10 \text{ ac-ft}$
 3. $[(2/12) \times 659,345] + [(0.5/12) \times 1,321,942] = 164,971 \text{ CF} = 3.78 \text{ (FL. DEV. MANUAL)}$

PERM. POOL PROVIDED = 17.39 ac-ft > 5.10 O.K. MEETS CRITERIA FOR FL. DEV. MANUAL

ORIFICE DRAWDOWN OF THE TREATMENT VOLUME 3.79 AC-FT = 165,106 CF

$$Q = CA (2gh)^{1/2}$$

$$C = 0.6$$

$$Q \text{ REQUIRED} = 165,106/2 \text{ PER } 60 \text{ HRS} = 0.382 \text{ CFS}$$

$$h = \text{HEAD} = 5.2 - 4.4 = 0.8' \text{ USE } 75\% \text{ TO ACCOUNT FOR FALLING HEAD} = 0.60'$$

$$A = Q/[C(2gh)^{1/2}] = 0.381/[0.6\{(64.4)(.60)\}^{1/2}] = 0.1022 \text{ SF} = 14.7 \text{ SQ. IN}$$

AREA OF 3" PIPE = 7.06 SQ. IN THEREFORE, USE TWO 3" PIPES,





Walton County Public Works Division

Engineering Department
117 Montgomery Circle
DeFuniak Springs, FL 32435

Memorandum

To: Walton County Board of County Commissioners

From: Charles Cotton, P.E.
Walton County Public Works Department
Chance Powell, P.E.
Walton County Public Works Department

CC: Harvey H. Harper, Ph.D., P.E.

Date: March 25, 2019

Subject: Driftwood Estates Stormwater Evaluation Review and Capital Improvement Prioritization

The following is a summary of the meeting held on March 12, 2019 between Dr. Harper, Ph.D., P.E. of Environmental Research and Design, Inc. (ERD) and Walton County Public Works employees Chance Powell, P.E. and Charley Cotton, P.E. This meeting was scheduled following an approved motion at the February 12, 2019 Walton BOCC meeting directing staff to meet with Dr. Harper, Ph.D., P.E. The purpose of this summary is to clarify the conclusions of ERD's stormwater evaluation, clearly define the scope of the recommended drainage capital improvement project identified in the report, and to present a workable prioritization and phasing plan for the capital improvement project.

Meeting Summary and Points of Discussion:

1. It is the opinion of ERD that neither the interior nor the exterior stormwater systems in Driftwood, in their existing state, meet the DRI standard.
2. ERD's review of the Driftwood Stormwater Systems concluded that "there is no practical method or cost-effective way of retrofitting the Driftwood Stormwater Systems for such an extraordinarily high standard", referred to as the DRI standard in item 1 above.
3. ERD's review of the Driftwood Stormwater Systems concluded that the interior systems do provide the required level of service for both water quality and peak rate attenuation pursuant to the applicable performance standards within Walton County's Land Development Code.
4. ERD's evaluation noted that developing the interior lots did not adversely impact the stormwater outfalls that are shared by both the interior and exterior portions of Driftwood Estates.
5. ERD's evaluation did not recommend modification to the interior stormwater systems.
6. ERD's evaluation did identify that the exterior stormwater system, designed and constructed per Connelly and Wicker plans dated June 1994, has 'issues and deficiencies inherent to the original drainage design.'
7. ERD's evaluation did recommend a drainage capital improvement project for the exterior loop meeting 'an adequate drainage level of service for the 10-year storm event without provisions for water quality treatment'.

8. ERD's proposed capital improvement project for the exterior loop would not (and is not intended to) meet the level of service referred to as the DRI standard in item 1, but would provide an adequate drainage level of service for a 10-year storm event to be consistent with the Walton County Land Development Code for a system with roadside swales for drainage internal to the development.
9. ERD's proposed capital improvement project involves the installation of a piping network and ditch bottom inlets to be located within the right-of-way for increasing collection and conveyance capacity to one of six outfalls to Choctawhatchee Bay.
10. ERD's proposed capital improvement project identifies the need to purchase 4 privately owned parcels for use as 'forebay's to daylight the proposed piping network. These forebays are not designed to meet the Walton County Land Development Code Standards for stormwater treatment or sized to retain the volume of runoff equaling the DRI Standard identified in item 1.
11. These forebays are not designed to meet stormwater quality standards, but it is understood that some ancillary level of treatment will be provided.
12. Based on current Walton County Property Appraiser information, the parcels identified for purchase as forebays include 1 vacant bay front parcel, 2 vacant interior parcels, and 1 interior parcel with a residential home.
13. ERD's capital improvement project proposes armoring of existing outfall locations using either ditch pavement or Articulated Concrete Block (ACB) matting to improve flow to the receiving water body and reduce maintenance frequency.
14. ERD identifies a maintenance recommendation that could be implemented in the interim if necessary due to anticipated budget implications associated with the proposed capital improvement project. The maintenance project involves grading of swales for positive flow, and ensuring adequate flow transmission through driveway connections is achieved by unclogging existing culverts or installing culverts at locations where needed. ERD recommends armoring the outfalls as part of the maintenance recommendation also.
15. Walton County Public Works has recently completed a phase of an 'in-house' project that involves conveyance improvements in a roadside collection system. The conveyance improvement utilize a shallow swale system with underdrains to provide connectivity to the existing outfall locations. A nutrient removing filtration system utilizing bi-sorption activated media was installed at the outfall as a water quality component. These plans and calculations have been provided to Dr. Harper, Ph.D., P.E. for review.
16. Existing outfall easement descriptions have been provided to Dr. Harper, Ph.D., P.E. for review.
17. Walton County's Conceptual Phasing Plan for the ERD Capital Improvement Project has been provided to Dr. Harper, Ph.D., P.E. for review.

Attachments:

- (a) Conceptual Construction Phasing Plan For ERD's Recommended Improvements For the Exterior Stormwater System in Driftwood Estates
- (b) Easement Descriptions for Existing Outfall Locations
- (c) Walton County Public Works Driftwood Drainage Retrofit Phase II Drainage Analysis
- (d) Walton County Public Works Driftwood Drainage Retrofit Plan Set
- (e) Walton County Public Works Driftwood Drainage Retrofit Qualification for Use of General Permit from Northwest Florida Water Management District

Choctawhatchee Bay	778C	Choctawhatchee Bay (Middle Segment2)	Estuary 2
Nutrients (Total Nitrogen)		ENRM7: AGM ≤ 0.36 mg/L	NA
Impaired	Medium	"ENRM7: AGM	5

2003 (0.31 mg/L)

2004 (0.27 mg/L)

2005 (0.31 mg/L)

2006 (0.25 mg/L)

2007 (0.30 mg/L)

2008 (0.32 mg/L)

2009 (0.39 mg/L)

2010 (0.33 mg/L)

2011 (0.27 mg/L)

2012 (0.33 mg/L)" "ENRM7: AGM

2008 (0.32 mg/L)

2009 (0.39 mg/L)

2010 (0.33 mg/L)

2011 (0.27 mg/L)

2012 (0.33 mg/L)

2013 (0.38 mg/L)

2014 (0.41 mg/L)" This waterbody is impaired for this parameter because the annual geometric means exceeded the criterion more than once in the most recent consecutive three year period. This parameter is being added to the 303(d) List.



ENVIRONMENTAL RESEARCH & DESIGN, INC.

Engineering • Science • Chemistry • Research
3419 Trentwood Blvd. • Suite 102 • Belle Isle (Orlando), FL 32812-4864
Telephone: 407-855-9465 • Fax: 407-826-0419

DRAFT TECHNICAL MEMORANDUM

TO: Walton County Board of County Commissioners
FROM: Harvey H. Harper, III, Ph.D., P.E. – President
DATE: November 11, 2015
RE: Sandestin DRI and Driftwood Estates Stormwater Standard

Introduction

Driftwood Estates is part of the Sandestin Development of Regional Impact (DRI) which is located in Walton County, Florida. The Sandestin DRI is a mixed use development that includes approximately 1,960 acres of residential, office, and commercial land use activities which was approved by the Walton County Board of County Commissioners on October 19, 1976. The Sandestin DRI is bisected by U.S. Highway 98, with the majority of the development located north of U.S. Highway 98.

Driftwood Estates is located on the northern tip of the Sandestin DRI, approximately 2.5 miles north of U.S. Highway 98, and is bordered on the west, north, and east by Choctawhatchee Bay. Choctawhatchee Bay is a highly productive estuarine system which is classified in Chapter 62-302.400 of the Florida Administrative Code (FAC) as a Class II surface water suitable for shellfish propagation or harvesting.

An Application for Development Approval (ADA) was submitted to the Florida Department of Community Affairs (DCA) during 1974 to obtain approval for the proposed Sandestin development, including Driftwood Estates. The ADA included detailed descriptions of proposed activities for water supply, sewage disposal, surface drainage (runoff), water quality, natural resources, archeology, traffic, noise pollution, air pollution, and other design elements associated with significant developments. The ADA, including description of proposed activities and preliminary construction drawings, were developed by Baskerville-Donovan Engineers, Inc.

Driftwood Estates was developed in two separate phases. Driftwood Estates Phase I consists of perimeter portions of the overall Driftwood Estates, with lots that generally border Choctawhatchee Bay. These areas were platted during 1979 and are commonly referred as the "exterior" portions of Driftwood Estates. Driftwood Estates Phase II consists of center or "interior" portions of Driftwood Estates and was platted in three separate plats during 2003, 2004, and 2006.

Stormwater Matters in Dispute

Walton County and Greater Driftwood Estates Homeowners Association (Driftwood) have had an ongoing dispute regarding interpretation of the DRI development standards and criteria along with periodic flooding episodes which occur in the exterior portions of Driftwood Estates. During 2008, the parties entered into an agreement which stipulated that matters in dispute would be heard by an impartial Special Magistrate tasked with holding an evidentiary hearing, making findings of fact regarding the relevant issues, and providing recommendations for resolution of the matters in dispute. An evidentiary hearing was held on August 24-25, 2009 with participation from Walton County, Driftwood Estates, and DCA. The stormwater related areas of disagreement addressed by the Special Magistrate involved: (1) whether the Driftwood Estates stormwater system is designed according to standards outlined in the Sandestin DRI, and (2) and measures taken to correct the perceived deficiencies and stop the periodic flooding events.

The Special Magistrate Recommendation from the hearing included the following language regarding the stormwater issues:

“A review by an independent, qualified, and experienced stormwater engineer of the Driftwood Estates exterior stormwater system and interior stormwater system (jointly referred to as the “Driftwood Stormwater Systems”) should be undertaken as soon as reasonably possible to determine or perform the following:

- A. The appropriate model to be used in modeling the Driftwood Stormwater Systems.
- B. The permitted design of the Driftwood Stormwater Systems and a reasonable review of what has been built to determine any significant changes not consistent with the design.
- C. The modeling inputs should assume full build-out and model the exterior stormwater system and the interior stormwater system independently and jointly.
- D. Model the Driftwood Stormwater Systems to determine if the 3-day, 24-hour storm DRI level of service pursuant to the Sandestin ADA and the 25-year, 24-hour storm Walton County development code level of service are being met. The independent contractor should assess from the Sandestin ADA and other relevant data whether the 3-day, 24-hour storm level of service is a ‘retention’ or ‘detention’ standard or some variation of the two.
- E. If the level of service standards are not met, determine what stormwater system options, including wet detention systems similar to other parts of the Sandestin DRI, are possible meet the level of service and their estimated costs.
- F. All results are to be reported to Walton County, Driftwood, and DCA.”

During April 2015, Walton County entered into a contract with Environmental Research & Design, Inc. (ERD) and Harvey H. Harper, III, Ph.D., P.E. (hereafter referred to as "Engineer") to address the stormwater-related recommendations provided by the Special Magistrate. Over the past few months, the Engineer has met with representatives of Driftwood Estates and Walton County and has reviewed numerous documents provided by each party. ERD is currently working on issues related to modeling of the Driftwood Stormwater Systems and interactions between the interior and exterior stormwater systems and results of these modeling efforts will be presented in a subsequent report. This Technical Memorandum specifically addresses the Recommendation from the Special Magistrate related to the level of service for the Driftwood Stormwater System outlined in the DRI and whether the level of service is a "retention" or "detention" standard or some variation of the two.

Description of DRI Stormwater Standard

A narrative description of the proposed stormwater management system for the Sandestin DRI is included in the Sandestin ADA. Section 19b(1)(b) of the ADA states the following:

"The series of lakes shown in the Master Plan, Section 34i, represents an efficient system of retaining water in a readily useable form. In the natural state, the flatwoods are flooded with each intense summer rain after which the native plants rapidly "pump" much of this water back into the air with accelerated rates of evapotranspiration. Much of the water is normally taken into the soil profile and is retained there and used in the growth of native trees and shrubs. A part of the water is normally taken into the surface sand aquifer where it is stored and is generally available."

This language implies that the stormwater system is designed to mimic the existing site hydrology where runoff is returned to the hydrologic cycle through evapotranspiration, infiltration into the soil profile, and stored in the surface sand aquifer.

Section 19b(2) of the Sandestin ADA provides further information regarding the intent of the stormwater management system as follows:

"In all cases as in the handling of storm runoff, any liquid discharges, such as treated sewage effluent, will be assimilated into the vegetation, soils, and internal lake system within the Sandestin area. Every precaution is being taken to maintain or improve the good water quality of Choctawhatchee Bay."

The intent of the stormwater management system is further clarified in Section 19b(2)(d) of the Sandestin ADA which provides a description of removal processes associated with the stormwater management system as follows:

"Normally, all surface runoff will pass through a series of natural filters, such as (1) grassed, landscaped, and native areas near the impervious surfaces, (2) a zone of shoreline plants around the lakes, (3) the lake waters, and (4) finally the salt marshes around the area. In most cases, the runoff water will be recirculated many times via irrigation waters from the lakes and will not reach the public waters of Choctawhatchee Bay. In cases of extremely high rates of rainfall, the runoff waters will still have to pass through the same set of filters which will clean them of sediments and nutrients, but the retention time will be shortened. Such intense rains would follow much of the same route without the Sandestin project and would have approximately the same BOD and even greater sediment loads."

This language describes a lake-based stormwater system which is designed to recirculate and reuse runoff inputs so that discharges from the lakes “will not reach the public waters of Choctawhatchee Bay” and anticipates that runoff will reach the Bay only in “cases of extremely high rates of rainfall”.

The specific design standard for portions of the Sandestin DRI north of U.S. Highway 98, including Driftwood Estates, is provided in Appendix 26-1 of the Sandestin ADA which states:

“The system is to hold stormwater on-site in a series of interconnecting inland lakes (See Plan No. 13). These lakes will be adequate in size to retain onsite runoff from a 3-year design storm of 24-hour duration and not rise more than 2 feet.”

It is not known whether the standard was proposed by DCA or provided by the applicant.

Analysis of DRI Stormwater Standard

At the time of submittal of the Sandestin ADA during 1974 the field of stormwater management was in its infancy. In fact, generally accepted stormwater rules and design criteria did not exist at the time of the Sandestin ADA submittal. The first stormwater rule promulgated by the Florida Department of Environmental Protection (FDEP, referred to at the time as the Department of Pollution Control) was outlined in Chapter 17-4.248 FAC and was an interim rule adopted in October 1979 that applied only to “significant discharges” while the rule-making process was going on for a more permanent rule.

The primary issue of contention regarding the Sandestin DRI stormwater standard is whether the standard reflects a “retention” or “detention” standard. At the time of the Sandestin ADA, the terms “retention” and “detention” were clearly part of stormwater nomenclature, although the first formal regulatory definitions for these terms were not published by FDEP until adoption of the Chapter 17-25 rule in October 1981. This rule defines “retention” as:

“Retention” or “To Retain” – the prevention of, or to prevent the discharge of, a given volume of stormwater runoff into surface waters of the State by complete on-site storage where the capacity to store the given volume of stormwater is again provided within 72 hours following the storm event. The additional storage volume must be provided by a decrease of stored water caused only by percolation through soil, evaporation, or evapotranspiration.

Chapter 17-25 defines “detention” as:

“Detention” or “To Detain” – the collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

The basic difference between the two treatment techniques is the mode of achieving pollutant load reductions. Retention systems provide pollutant removal by reducing the runoff volume through infiltration into groundwater, use as an irrigation source, or evapotranspiration through plants and the water surface. Detention systems simply detain the water for a period of time, without significant reduction in runoff volume, relying upon physical, chemical, or biological processes to remove pollutants during the period in which the water is detained, typically 72 hours or less.

It is generally undisputed between the parties that the Sandestin ADA uses the word "retention" instead of "detention" in describing the Sandestin Stormwater System. The assertion by Walton County that the words "retention" and "detention" were used interchangeably during the 1970s is correct, and in fact, these terms are still used interchangeably today by some stormwater engineers. However, the intent of the stormwater management system, described by the applicant in the Sandestin ADA, clearly appears to describe a retention rather than detention system. For example, Section 19b(1)(b) of the ADA states that "the series of lakes shown in the Master Plan, Section 34i, represents an efficient system of retaining water in a readily useable form. This section goes on to further describe how the pre-existing flatwoods on the site served to "pump" much of the runoff back into the atmosphere through evapotranspiration and how "water is normally taken into the soil profile and is retained there and used in the growth of native trees and shrubs". This description appears to describe a "retention" rather than a "detention" system.

Section 19b(2)(d) of the Sandestin ADA describes removal processes associated with the stormwater management system as occurring through a series of natural filters such as pervious areas near impervious surfaces, shoreline plants around the lakes, the lakes themselves, and the salt marshes around the area. This section indicates further that "in most cases, the runoff water will be recirculated many times via irrigation waters from the lakes and will not reach the public waters of Choctawhatchee Bay". This language supports a stormwater system where a majority of the runoff is retained on-site and prevented from reaching the waters of Choctawhatchee Bay.

Further evidence of a retention standard is provided by the applicant who uses the word "retention" or "retained" in every description of the stormwater management system as well as in responses to questions from DCA regarding protection of water quality. In fact, the word "detention" does not appear in any references to the stormwater management system for the Sandestin DRI reviewed by the Engineer for this analysis. The word "retention" appears almost exclusively in subsequent submittals for modification of the 1976 DRI development order, as well as in communications between DCA and the applicant. For example, the document titled "Sandestin-1984 Master Plan Update" prepared by the Sandestin Corporation and dated August 1, 1984 continues to refer to the stormwater system as "retention" and proposes an increase in the area of the retention lakes from 187.3 acres to 222.7 acres.

Question 26B of the Sandestin ADA relates to flood protection and impacts on the floodplain resulting from the proposed development. In response to this question, the applicant replied "since Choctawhatchee Bay is a Class II body of water, it is desirable to limit direct discharge of storm waters into its surface waters. In order to obtain this goal, a series of interconnected ponds are proposed which would collect and retain on-site all surface stormwater expected for the overflow of heavy storms which would occur infrequently". This language describes a retention system which would retain stormwater runoff on-site even for infrequent heavy storms. Later in addressing this same issue as part of Question 26C, the applicant further describes the system as "retention ponds" and states that "for design storms of greater intensity than a 3-year storm, six spillways will be constructed that will allow discharge of this excess stormwater from the lake system into Choctawhatchee Bay". This statement clearly anticipates that discharges will only occur from the stormwater system for storm events in excess of a 3-year storm.

In a correspondence dated April 2, 2010, the DCA reiterated the stormwater standard in a letter to the Honorable Scott Brannon, Chair of the Walton County Board of County Commissioners. DCA states in the third paragraph of this letter that "the controlling standard, as documented in the Sandestin application for development approval (ADA) is *retention* of 6.7 inches of rainfall during a 3-year, 24-hour storm event. The ADA also prohibits untreated runoff from reaching any of the public waters surrounding Sandestin, including the Choctawhatchee Bay." Although the words "retention" and "detention" were often used interchangeably in the stormwater community during the 1970s, it is unlikely that experienced professionals from DCA and FDEP assigned to address stormwater issues, designs, and regulatory criteria would consistently interchange these terms. The emphasis placed by DCA in the April 2, 2010 correspondence on retention (printed in italics in the original letter) supports the fact that DCA considers the standard to originally and currently refer to retention of the runoff generated by 6.7 inches of rainfall. This position is reiterated in correspondence from the Department of Economic Opportunity (DEO) on May 30, 2014 to the Honorable William (Bill) Chapman, Chair of the Walton County Board of County Commissioners, by repeating the assertion of DCA that the stormwater system should be designed to retain runoff from a 3-year, 24-hour storm event (6.7 inches) with no discharge into Choctawhatchee Bay.

The transcript from the Special Magistrate Hearing discusses testimony by Walton County that land development regulations require a stormwater Level of Service (LOS) of a 25-year storm, 24-hour duration with a total of 10.2 inches of rainfall in a 24-hour period. The County contends that the 25-year, 24-hour standard is a stricter standard than the 3-year, 24-hour standard for the Sandestin DRI, and maintains that systems designed to meet the County LOS will automatically meet the Sandestin DRI stormwater standard since the 25-year, 24-hour standard is a stricter standard. However, the Sandestin 3-year, 24-hour standard and Walton County 25-year, 24-hour standard refer to different components of a stormwater system that are not comparable. The Sandestin DRI standard of 3-year, 24-hour storm is a *water quality* volume standard similar to the Walton County performance standard for stormwater management systems outlined in Section 5.06.03-Stormwater Management Requirements of the Walton County Land Development Code which requires developments to provide on-site retention for the first inch of rainfall for water quality purposes. In contrast, the 25-year, 24-hour standard is a *flood protection* volume designed to prevent flooding during extreme storm events by providing temporary runoff storage in a pond so that the post-development peak discharge rate (generally referenced in cubic feet per second, cfs) does not exceed the peak runoff discharge under pre-development conditions. Most stormwater systems combine the water quality and flood control elements into a single pond with separate design elements and volumes for the water quality and flood protection elements. Since the 3-year, 24-hour standard addresses water quality and pollutant load reductions, and the 25-year, 24-hour standard addresses flood control, the standards are not comparable.

As a point of clarification, both The Special Magistrate Recommendation and historical documents related to the Driftwood Estates project used the term LOS, at times, when referring to the 3-year, 24-hour Sandestin DRI stormwater standard. However, the LOS term is typically used in the stormwater field in reference to issues related to runoff collection, conveyance, and flooding, not water quality volumes.

A final argument proposed by Walton County is that the use of wet ponds as part of the stormwater system assumes a method of "detention" instead of "retention". This statement is generally true when describing current stormwater methods. However, during the 1970s, wet retention systems, which provide for retention of runoff inside a wet pond rather than a dry pond, were popular within Florida. In wet retention systems, water volume is evacuated by exfiltration of the water into the adjacent shallow groundwater table or to deeper aquifers. The concept of wet detention lakes, as we know it today, did not become popular until the 1980s.

Perhaps a confusing aspect of the Sandestin DRI stormwater standard is that the retention depth is based upon a 3-year storm of 24-hour duration, with a total of 6.7 inches of rainfall. Current stormwater water quality design criteria are generally based upon a certain number of inches of rainfall or runoff over the contributing project area for estimation of water quality treatment volumes, while the reference to a return period and duration for a storm event (i.e., 3-year storm of 24-hour duration) is generally used to evaluate storms with respect to flooding potential. However, at the time of development for the Sandestin DRI, stormwater language related to water quality control was much less defined than under current conditions, and the language used to define the Sandestin DRI stormwater quality design standard is stated would probably not be used today.

Calculation of DRI Standard

The Sandestin DRI stormwater standard is based on retaining the runoff generated from a 3-year storm of 24-hour duration, with a total of 6.7 inches of rainfall. The amount of runoff generated from a given storm event is a function of the hydrologic characteristics of the project site and the rainfall depth. To provide more specificity regarding the Sandestin stormwater standard, an analysis was conducted by the Engineer to quantify the runoff treatment depth required by the standard. Due to the different hydrologic characteristics of the Interior and Exterior portions of Driftwood Estates, the runoff treatment depths will be different for the two areas.

Estimates of typical hydrologic characteristics for developed areas within Interior and Exterior portions of Driftwood Estates were developed by the Engineer based upon a review of aerial photography of existing development within the two areas, as well as extensive professional experience in evaluating hydrologic characteristics for a variety of land use types within the State of Florida. A summary of assumed hydrologic characteristics of Interior portions of Driftwood Estates is given in Table 1. Based upon review of aerial photography for existing development in Interior portions of the Driftwood Estates site, it appears that approximately 50% of the developed residential areas are covered by impervious surfaces such as houses, roadways, and sidewalks. This analysis further assumes that approximately 50% of the impervious area is considered to be directly connected impervious areas (DCIA), which refers to impervious areas directly connected into the stormwater drainage system, resulting in an estimated DCIA percentage of 25% of the project area (50% impervious x 50% DCIA = 25% of site).

Land cover in developed portions of the Interior site is assumed to grass in good condition. The hydrologic soil group (HSG) for the Interior site is assumed to be Group D under pre-development conditions, due to the high water table conditions prior to development. However, as a result of the general lowering of the water table under post-development conditions and import of significant amounts of fill, the HSG under post-development conditions is assumed to be Group C. The curve number (CN) value associated with the pervious areas, which is a measure of the runoff potential for the existing land cover and soil group, is assumed to be 74 which was obtained from the NRCS Technical Release 55 (TR-55) dated June 1995. Additional information regarding hydrologic characteristics can be obtained from the TR-55 publication or from the Harper and Baker (2007) report titled "Evaluation of Current Stormwater Design Criteria within the State of Florida" which was prepared for FDEP as part of the Statewide Stormwater Rule process.

TABLE 1

**HYDROLOGIC CHARACTERISTICS OF
INTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	UNITS	VALUE
Impervious Area ¹	% of Total Area	50
Directly Connected Impervious Area (DCIA) ²	% of Impervious Area	50
	% of Total Area	25
Pervious Areas	Land Cover	Grass, good conditions
	HSG ³	C
	CN Value ⁴	74

1. Percentage of total area covered by impervious surfaces
2. Percentage of total area covered by impervious surfaces which are directly connected to the drainage system
3. HSG = Hydrologic Soil Group
4. CN = SCS Curve Number obtained from NRCS Technical Release 55 (TR-55) (June 1995)

A tabular summary of assumed hydrologic characteristics for Exterior portions of Driftwood Estates is given in Table 2. Exterior portions are characterized by a lower impervious percentage, which is assumed to be approximately 30% of the total area. Impervious areas connected directly to the stormsewer system are assumed to be 25% of the total impervious area in Exterior portions, resulting in a DCIA percentage of 7.5% of the total area (30% impervious x 25% DCIA = 7.5% of site). Land cover for developed areas in Exterior portions of Driftwood Estates is assumed to be grass in good condition. The HSG for developed areas in Exterior portions of Driftwood Estates is assumed to be Group D due to a lower degree of fill and a lower degree of drawdown of the pre-development water table. The CN value associated with the assumed land cover and HSG is 80 which was obtained from TR-55.

TABLE 2

**HYDROLOGIC CHARACTERISTICS OF
EXTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	UNITS	VALUE
Impervious Area ¹	% of Total Area	30
Directly Connected Impervious Area (DCIA) ²	% of Impervious Area	25
	% of Total Area	7.5
Pervious Areas	Land Cover	Grass, good conditions
	HSG ³	D
	CN Value ⁴	80

1. Percentage of total area covered by impervious surfaces
2. Percentage of total area covered by impervious surfaces which are directly connected to the drainage system
3. HSG = Hydrologic Soil Group
4. CN = SCS Curve Number obtained from NRCS Technical Release 55 (TR-55) (June 1995)

Estimates of the runoff volume generated by the 6.7-inch rainfall event were calculated for Interior and Exterior portions of Driftwood Estates using a modification of the SCS curve number methodology. The modified SCS method used by ERD calculates the runoff volume for a given rainfall event by adding the rainfall excess (runoff) from the non-DCIA portion to the rainfall excess created from the DCIA portion of the land use. Rainfall excess from the non-DCIA areas is calculated using the following set of equations:

$$nDCIA\ CN = \frac{CN * (100 - Imp) + 98 (Imp - DCIA)}{(100 - DCIA)}$$

$$Soil\ Storage\ (S) = \frac{1000}{nDCIA\ CN} - 10$$

$$Q_{nDCIAi} = \frac{(P_i - 0.2S)^2}{(P_i + 0.8S)} \times (\% nDCIA\ of\ total\ area)$$

where:

<i>CN</i>	=	curve number for pervious area
<i>Imp</i>	=	percent impervious area
<i>DCIA</i>	=	percent directly connected impervious area
<i>nDCIA CN</i>	=	curve number for non-DCIA area
<i>P_i</i>	=	event rainfall
<i>Q_{nDCIAi}</i>	=	rainfall excess for non-DCIA for rainfall event

For the DCIA portion, rainfall excess is calculated using the following equation:

$$Q_{DCIAi} = (P_i - 0.1) \times (\% DCIA\ of\ total\ area)$$

When *P_i* is less than 0.1, *Q_{DCIAi}* is equal to zero. This factor reflects the initial abstraction for the impervious areas which assumes that the first 0.1 inch of rainfall is stored within the irregularities in the impervious surfaces and does not become stormwater runoff. After these surfaces become filled with the initial 0.1 inch of rainfall, additional rainfall begins to generate runoff on these surfaces.

A summary of calculated runoff depth for a 6.7-inch rain event in Interior portions of Driftwood Estates is given on Table 3. The values listed in Table 3 are calculated using the previous formulas. The total runoff generated by a 6.7-inch rain event in Interior portions of Driftwood Estates is 5.1 inches, corresponding to an event C value of 0.75, indicating that approximately 75% of the rainfall generated by the 6.7-inch rain event became runoff. This value is substantially higher than annual average C values associated with residential developments which are typically in the range of 0.25-0.4. However, during extreme rainfall events, such as a 6.7-inch storm, the available soil storage is rapidly filled, and significant runoff begins to be generated by both pervious and impervious surfaces. Based upon this analysis, the retention standard for Interior portions of Driftwood Estates is approximately 5.1 inches of runoff over the developed area.

TABLE 3
CALCULATED RUNOFF DEPTH FOR A 6.7-INCH RAIN
EVENT FOR INTERIOR PORTIONS OF DRIFTWOOD ESTATES

PARAMETER	SYMBOL	UNITS	VALUE
Event Rainfall	P_i	inches	6.7
Non-DCIA CN Value ¹	nDCIA CN	--	82.0
Soil Storage	S	inches	2.20
Non-DCIA Runoff	Q_{nDCIA}	inches	3.48
DCIA Runoff	Q_{DCIA}	inches	1.58
Total Runoff ²	Q_{TOTAL}	inches	5.1
Event C Value ³	C	--	0.75

1. Weighted curve number of pervious areas and non-DCIA impervious areas
2. Sum of non-DCIA and DCIA runoff
3. Proportion of annual rainfall which becomes runoff

A summary of calculated runoff depth for a 6.7-inch rain event in Exterior portions of Driftwood Estates is given on Table 4. This analysis is conducted using the same methodology used for the Interior portion analysis. The total runoff generated by a 6.7-inch rain event in Exterior portions of Driftwood Estates is approximately 4.8 inches, equivalent to an event C value of 0.72, indicating that approximately 72% of the event rainfall became runoff. Therefore, the retention standard for Exterior portions of Driftwood Estates is approximately 4.8 inches over the contributing watershed area.

TABLE 4

**CALCULATED RUNOFF DEPTH FOR A 6.7-INCH RAIN
EVENT FOR EXTERIOR PORTIONS OF DRIFTWOOD ESTATES**

PARAMETER	SYMBOL	UNITS	VALUE
Event Rainfall	P_i	inches	6.7
Non-DCIA CN Value ¹	$n_{DCIA\ CN}$	--	83.4
Soil Storage	S	inches	1.99
Non-DCIA Runoff	Q_{nDCIA}	inches	4.43
DCIA Runoff	Q_{DCIA}	inches	0.40
Total Runoff ²	Q_{TOTAL}	inches	4.8
Event C Value ³	C	--	0.72

1. Weighted curve number of pervious areas and non-DCIA impervious areas
2. Sum of non-DCIA and DCIA runoff
3. Proportion of annual rainfall which becomes runoff

The calculated retention standards of 5.1 inches for Interior portions of Driftwood Estates and 4.8 inches for Exterior portions of Driftwood Estates are exceedingly high standards which far exceed any existing water quality treatment volume standards within the State of Florida. It is not known if the originator of the stormwater standard intended to provide this level of protection for off-site discharges into Choctawhatchee Bay. However, regardless of the original intention, the retention depths of 5.1 inches for Interior portions and 4.8 inches for Exterior portions reflect the numerical interpretation of the adopted Sandestin DRI stormwater standard.

Conclusions

Based upon the review of available documentation, there appears to be overwhelming evidence that the stormwater standard for the Sandestin DRI is intended to be a "retention" standard. This conclusion is supported by documentation provided by the applicant as well as DCA which has reaffirmed their position on the issue on multiple occasions. In contrast, other than the interchangeability of the words "retention" and "detention" during the 1970s, and allegations by the County that a pond designed with a wet permanent pool volume must be detention by definition, there is little evidence to support a detention rather than retention interpretation of the standard. The Engineer agrees that the 3-year, 24-hour retention standard is an extraordinarily high standard, particularly for the period in time, but the 3-year, 24-hour retention standard is consistent with the stated objectives by the applicant of maintaining water quality within Choctawhatchee Bay. Therefore, the Engineer concludes that the Sandestin DRI stormwater standard is a retention standard which is equivalent to approximately 5.1 inches over the contributing drainage basin area for Interior portions of Driftwood Estates and 4.8 inches over the contributing drainage basin area for Exterior areas.

SPEAKER'S FORM
City of Destin Council Meeting

In an effort to better serve the community, the City Council requests that items or requests to be presented before Council be provided to the City Clerk by noon Tuesday of the week prior to the meeting. **Any related materials that you wish to distribute to Council in support of your item must be submitted at that time as well.** This will give Council adequate time to review your request and make any necessary inquiries. In addition, the staff may need to contact you in response to your topic of concern or in response to action directed by the Council.

As you complete the form below, please note that **certain fields marked by * are required.** Late or incomplete forms, particularly where required information is omitted, will be deferred by Council to a future meeting pending receipt of all information.

The City appreciates your cooperation and adherence to these guidelines.

******* PLEASE PRINT *******

DATE OF REQUEST: 02/10/2020 ***COUNCILMEETING:DATE:**02/18/2020

***NAME:** St Andrews Episcopal church, represented by Joe Gholston

***PHONE #:** 248-212-3643

ADDRESS: 307 Harbor Blve, Destin, FL **EMAIL:** admin@standrewsbtssepiscopal.com

***TOPIC/ISSUE** Except during special event weekends (ie: Seafood Festival, etc), please open Mahler street parking lot access on Sunday mornings for church attendee parking. There will be 3 congregations meeting simultaneously, beginning in April 2020.

***HAVE YOU SPOKEN WITH CITY STAFF ABOUT THIS ISSUE? If so, who and when?**
I phoned - I was advised fill out this form.

***DESIRED ACTION BY COUNCIL? With event schedule exclusions, provide free access to Mahler Street lot on Sunday mornings from 8AM to 1PM.**

PRESENTATION MATERIALS ATTACHED?: YES X to be provided NO

OF PAGES: 1

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council**THRU:** Lance Johnson, City Manager
Louis Zunguze, Community Development Director**FROM:** Michael Burgess, Public Services Director**DATE:** 02/11/2020**SUBJECT:** Sibert Avenue Parking Area Improvements

I. BACKGROUND: Council has previously authorized construction of two crushed concrete/gravel parking lots on City-owned property located at 104 and 112 Sibert Avenue. Council subsequently authorized construction of a third parking lot on City-owned property located at 108 Sibert Avenue and capped the funding applied towards this project at \$40,000. A quote was received from one of the City's continuing services providers (H&T Contractors/ATT2) for this project in the amount of \$60,292.50. Lighting will also be required for this project. After the grading is completed, solar LED Parking Lot fixtures attached to hurricane resistant poles will be installed. Staff requests that Council raise the cap for the project to \$67,000.

II. DISCUSSION: Construction of the two outermost lots (104 and 112 Sibert) is complete and provides 91 parking spaces. Construction of the middle lot (108 Sibert) will provide an additional ~47 parking spaces and will interconnect the three lots (see drawing, ATT1).

All three lots will have a similar crushed concrete/gravel finish until such time a permanent asphalt surface can be provided.

A quote for completing the consolidated lot was received from H&T Contractors, one of the City's continuing services providers, in the amount of \$60,292 (quote, ATT2).

Multiple Security-type (~300W) solar powered LED light fixtures with hurricane resistant poles will be included as part of this project.

- A. **Link to Strategic Goals / Objectives:** Quality of Life, Public Safety, Parking Options.
- B. **Effect on Budget (EOB):** \$75,000 was budgeted in FY20 for this project to be taken from proceeds of the 1/2 cent sales tax revenue.
- C. **Level of Service (LOS):** Level of Service will be improved by providing ~47 additional parking spaces to the Sibert Avenue Parking facility with lighting.

III. **CONCLUSION:**

Authorizing additional funding for this project will provide for the interconnection of all three parking lots, the addition of 47 parking spaces, stormwater management and the conversion of a vacant lot into a managed parking area for our citizens and visitors.

IV. RECOMMENDED MOTION: I move that the City Manager be authorized to execute an agreement with our continuing services contractor H&T Contractors LLC to construct a consolidated public parking area on Sibert Avenue in an amount not to exceed \$67,000.

Attachments:

1. ATT1: Proposed Consolidated Parking Sibert Zerbe w lighting
2. ATT2: H&T Sibert Ave Parking quote

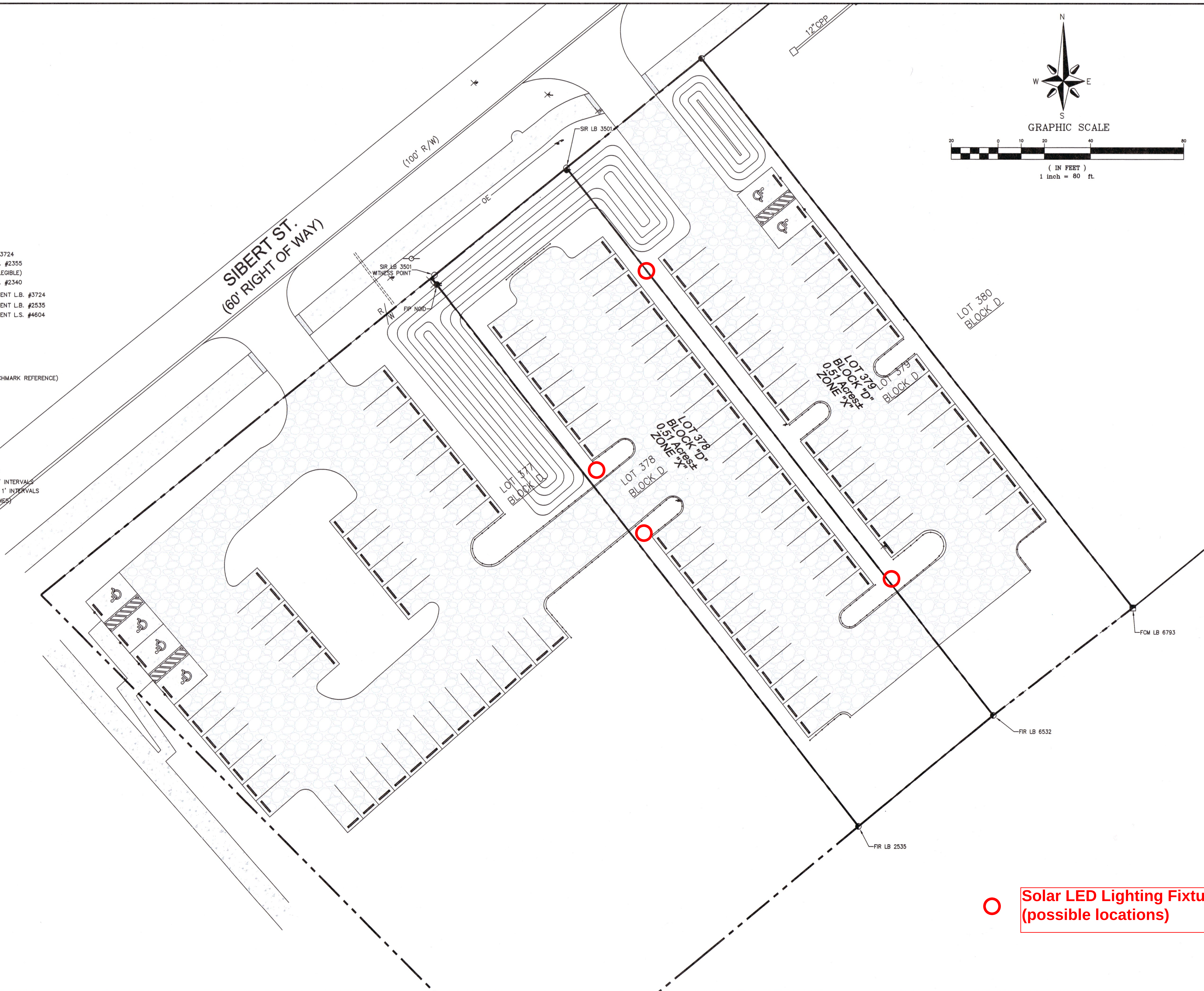
LEGEND:

- No. = NUMBER
= NUMBER
— = DISTANCE NOT TO SCALE
L.B. = LICENSED BUSINESS
L.S. = LICENSED SURVEYOR
ELEV. = ELEVATION
F.F.E. = FINISHED FLOOR ELEVATION
± = MORE OR LESS
(P) = FIELD MEASUREMENT
(P) = PLAT DATA
PVC = POLYVINYL CHLORIDE
R/W = RIGHT OF WAY
(TYP.) = TYPICAL
A/C = AIR CONDITIONER
ID. = IDENTIFICATION
DWG = DRAWING
OHU = OVERHEAD UTILITIES
○ = SET 1/2" CAPPED IRON ROD L.B. #3724
⊗ = FOUND 1/2" CAPPED IRON ROD L.B. #2355
⊙ = FOUND 1/2" CAPPED IRON ROD (ILLEGIBLE)
⦿ = FOUND 1/2" CAPPED IRON ROD L.S. #2340
■ = FOUND 4" BY 4" CONCRETE MONUMENT L.B. #3724
□ = FOUND 4" BY 4" CONCRETE MONUMENT L.B. #2535
⊠ = FOUND 4" BY 4" CONCRETE MONUMENT L.S. #4604
+ = MISC. SIGN
+ = WATER VALVE
⊕ = DRAIN MANHOLE
⊙ = SEWER MANHOLE
⦶ = BURIED FIBER OPTIC MARKER
⦿ = BENCHMARK (SEE TEMPORARY BENCHMARK REFERENCE)
⊗ = GAS VALVE
● = PILE FENCE POST (10" DIA.)
○ = GUY ANCHOR
○ = UTILITY POLE
MB = MAILBOX
□ = TELEPHONE BOX
x 10.56' = EXISTING SPOT ELEVATION AT "x"
+10.5 = PROPOSED SPOT ELEVATION AT "+"
---10--- = EXISTING CONTOUR ELEVATION AT 1' INTERVALS
-10 = PROPOSED CONTOUR ELEVATION AT 1' INTERVALS
= CONCRETE MITERED END SECTION (MES)
= BACK FLOW PREVENTER
= SANITARY SEWER VALVE
= A/C PAD
R.C.P. = REINFORCED CONCRETE PIPE
= WATER STUBOUT
FH = FIRE HYDRANT



GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.



Solar LED Lighting Fixture
(possible locations)

THE DESIGN, CONCEPTS, SPECIFICATIONS, AND DOCUMENTS HEREIN ARE THE PROPERTY OF THE CITY OF DESTIN, FLORIDA AND NO PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN CONSENT OF THE CITY OF DESTIN, FLORIDA.

108 SIBERT AVE.
GRADING AND DRAINAGE
PARKING LOT EXPANSION
DESTIN, FLORIDA

CITY OF DESTIN

ENGINEERING DEPARTMENT

TEL: (850) 837-4242 4200 TWO TREES ROAD
TEL: (850) 837-5684 DESTIN, FLORIDA 32541 FAX: (804) 837-3267

REVISIONS/DATE:

DATE: 11/11/2011
SCALE: 1"=20'
SHEET NO. 3
OF 8

FILE NO. 108SIBERT
DESIGNED BY: DJC
DRAWN BY: CJ
CHECKED BY:

WORK ORDER**MISCELLANEOUS ASPHALTIC CONCRETE CONTINUING SERVICES CONTRACT****CONTRACTOR:** H&T Contractors, LLC.**Date:** 2/12/2020**Work Order Number:****Completion Date:****Calendar Days:****Description of Work:** 108 Sibert Parking Lot Gravel

Item No.	Description	Unit	Unit Price	Quantity	Extension
1	2" Type SP – 12.5 Asphalt Concrete Superpave (Coarse)	SY	\$9.50	0.00	\$ -
2	1 ½" Type SP – 12.5 Asphalt Concrete Superpave (Fine)	SY	\$8.50	0.00	\$ -
3	1" Type SP - 9.5 Asphalt Concrete Overlay (Fine)	SY	\$7.00	0.00	\$ -
4	Milling of existing asphalt (average 1 in depth)	SY	\$3.00	0.00	\$ -
5	Milling of existing asphalt (average 2 in depth)	SY	\$4.00	0.00	\$ -
6	8" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$9.50	0.00	\$ -
7	6" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$8.50	0.00	\$ -
8	4" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$7.00	0.00	\$ -
9	Stabilized Subbase (12") (LBR 40 compacted to 98% modified proctor density per AASHTOT-180)	SY	\$3.50	1690.00	\$ 5,915.00
10	Stabilized Subbase (6") (LBR 40 compacted to 98% modified proctor density per AASHTOT-180)	SY	\$3.00	0.00	\$ -
11	Prime Coat	SY	\$0.75	0.00	\$ -
12	Tack Coat	SY	\$0.75	0.00	\$ -
13	Asphalt Cut with Abrasive Blade	LF	\$4.00	0.00	\$ -
14	Concrete Cut with Abrasive Blade	LF	\$4.00	0.00	\$ -
15	Silt Fence	LF	\$2.00	850.00	\$ 1,700.00
16	Straw Waddle	LF	\$3.00	0.00	\$ -
17	Manhole Adjustment	EACH	\$400.00	0.00	\$ -
18	Valve Box Adjustment	EACH	\$150.00	0.00	\$ -
19	Removal of Concrete over 6 inches	SY	\$7.50	0.00	\$ -
20	Removal of Asphalt up to 4 inches thick	SY	\$6.00	0.00	\$ -
21	Removal of Asphalt over 4 inches	SY	\$6.00	0.00	\$ -
22	Fill Dirt provided, delivered, spread and compacted on grade	CY	\$12.00	0.00	\$ -
23	Clear & Grub	SY	\$0.22	2450.00	\$ 539.00
24	Debris Hauling	CY	\$12.00	400.00	\$ 4,800.00
25	Tree trimming	HR	\$150.00	0.00	\$ -
26	Aluminum Pipe Guiderail (FDOT Index 870)	LF	\$150.00	0.00	\$ -
27	Guardrail (FDOT Index 400)	LF	\$125.00	0.00	\$ -
28	Mobilization	LUMP	\$2,500.00	1.00	\$ 2,500.00
29	12" inch RCP provided, delivered, and installed	LF	\$28.00	0.00	\$ -
30	15" inch RCP provided, delivered, and installed	LF	\$29.00	0.00	\$ -
31	18" inch RCP provided, delivered, and installed	LF	\$34.00	0.00	\$ -
32	24" inch RCP provided, delivered, and installed	LF	\$42.00	0.00	\$ -
33	30" inch RCP provided, delivered, and installed	LF	\$55.00	0.00	\$ -
34	36" inch RCP provided, delivered, and installed	LF	\$65.00	0.00	\$ -
35	42" inch RCP provided, delivered, and installed	LF	\$90.00	0.00	\$ -
36	48" inch RCP provided, delivered, and installed	LF	\$120.00	0.00	\$ -

*Payment shall be made on actual work performed, as measured in field.

WORK ORDER

MISCELLANEOUS ASPHALTIC CONCRETE CONTINUING SERVICES CONTRACT

37	12" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$20.00	0.00	\$ -
38	15" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$22.00	0.00	\$ -
39	18" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$25.00	0.00	\$ -
40	24" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$30.00	0.00	\$ -
41	30" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$38.00	0.00	\$ -
42	36" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$47.00	0.00	\$ -
43	42" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$85.00	0.00	\$ -
44	48" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$95.00	0.00	\$ -
45	Concrete Headwall or Drainage Structure	CY	\$600.00	0.00	\$ -
46	Mitered end section – medium 12 inches to 15 inches	EACH	\$800.00	0.00	\$ -
47	Mitered end section – large 18 inches to 24 inches	EACH	\$4,000.00	0.00	\$ -
48	Concrete flume (4 in thick)	SY	\$48.00	0.00	\$ -
49	Inlet Apron (4 in thick)	SY	\$48.00	0.00	\$ -
50	Raise existing inlet (assume 3 in adjustment)	EACH	\$1,000.00	0.00	\$ -
51	Lower existing inlet (assume 3 in adjustment)	EACH	\$800.00	0.00	\$ -
52	6 in Diameter Yard Inlet, installed, maximum 2 in depth	EACH	\$600.00	0.00	\$ -
53	Excavation and Haul Off	CY	\$8.00	1555.00	\$ 12,440.00
54	Well Points	DAY	\$3,500.00	0.00	\$ -
55	Grout (joint)	EACH	\$500.00	0.00	\$ -
56	Compaction of Subgrade, Soil, and Backfill (Up to 6" Thick)	SY	\$8.00	0.00	\$ -
57	Swale Installation (grading)	CY	\$10.00	600.00	\$ 6,000.00
58	Concrete Collar (any size)	EACH	\$400.00	0.00	\$ -
59	Rip Rap Rubble (up to 12" stone, 18" thick)	SY	\$200.00	0.00	\$ -
60	Rip Rap Rubble (up to 24" stone, 36" thick)	SY	\$400.00	0.00	\$ -
61	6 inch Drain pipe	LF	\$15.00	0.00	\$ -
62	Type "C" inlet installed (maximum depth 6 ft)	EACH	\$2,500.00	0.00	\$ -
63	Concrete Driveway 6 inches thick-fiber reinforced	SY	\$48.00	0.00	\$ -
64	Concrete Sidewalk – 4 inches thick installed	SY	\$43.00	0.00	\$ -
65	Concrete Flat/Ribbon Curb fiber reinforced (12" wide by 8" deep)	LF	\$15.00	0.00	\$ -
66	Concrete Type "D" Curb fiber reinforced	LF	\$25.00	0.00	\$ -
67	Concrete Type "E" Curb & Gutter fiber reinforced	LF	\$18.00	0.00	\$ -
68	Concrete Type "F" Curb & Gutter fiber reinforced	LF	\$18.00	0.00	\$ -
69	Concrete Modified (18") Type "F" Curb & Gutter fiber reinforced	LF	\$17.00	0.00	\$ -
70	ADA truncated dome mat installation	SF	\$40.00	0.00	\$ -
71	Traffic Control (MOT) cost	DAY	\$1,500.00	0.00	\$ -
72	Bermuda Sod installed	SY	\$5.40	0.00	\$ -
73	St Augustine Sod installed	SY	\$6.75	0.00	\$ -
74	Centipede Sod installed	SY	\$3.30	333.00	\$ 1,098.90
75	Irrigation Repair	HR	\$75.00	0.00	\$ -
76	Type "C" inlet installed (depth 6-10 ft)	EACH	\$4,000.00	0.00	\$ -
77	Type "C" inlet installed (depth 10 -14 ft)	EACH	\$6,000.00	0.00	\$ -
78	Type "C" inlet installed (maximum depth 6 ft)	EACH	\$2,500.00	0.00	\$ -
			Total		\$ 34,992.90

Additional Contract Items					
Item No.	Description	Unit	Unit Price	Quantity	Extension
79	Asph Reinforcing Fibers for 2" Thick Pvm Contractor Provided	SY	\$ 1.20	-	\$ -
81	Asph Reinforcing Fibers for 1.5" Thick Pvm Contractor Provided	SY	\$ 0.90	-	\$ -
83	Asph Reinforcing Fibers for 1" Thick Pvm Contractor Provided	SY	\$ 0.55	-	\$ -
			Total		\$ -
Contingent Items from Price Sheet		LS	Total		\$ 25,300.00
			Grand Total		\$ 60,292.90

CONTRACTOR REPRESENTATIVE: _____

DATE _____

*Payment shall be made on actual work performed, as measured in field.

WORK ORDER

MISCELLANEOUS ASPHALTIC CONCRETE CONTINUING SERVICES CONTRACT

*Payment shall be made on actual work performed, as measured in field.

CONTRACTOR: H&T Contractors, LLC.
Work Order Number: Contengent Item Pricing Sheet

Date:
Completion Date:
Calendar Days:

Description of Work:

Item No.	Description	Unit	Unit Price	Quantity	Extension
901	6" Crush Concrete		\$1,690.00	14.00	\$ 23,660.00
902	Parking Bumpers		\$41.00	40.00	\$ 1,640.00
903				0.00	\$ -
904				0.00	\$ -
905				0.00	\$ -
906				0.00	\$ -
907				0.00	\$ -
908				0.00	\$ -
909				0.00	\$ -
910				0.00	\$ -
911				0.00	\$ -
912				0.00	\$ -
913				0.00	\$ -
914				0.00	\$ -
915				0.00	\$ -
916				0.00	\$ -
917				0.00	\$ -
918				0.00	\$ -
919				0.00	\$ -
920				0.00	\$ -
Total					\$ 25,300.00

CONTRACTOR REPRESENTATIVE: _____

DATE _____

DIRECTOR OF PUBLIC SERVICES: _____

DATE _____

* Pricing for items on this list are specific to this work order.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Matthew Pace, IT Manager
Michael Burgess, Public Services Director
Joey Forgione, Code Compliance Manager
Louis Zunguze, Community Development Director
Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: 2/10/2019

SUBJECT: Development Review System Software - Update

I. BACKGROUND: On August 5th, 2019, Council requested that staff provide an update on the Municipal Software Project at each council meeting .

II. DISCUSSION: In January, the following items of significance have occurred.

1.) EnerGov Software Implementation Team

Upcoming implementation and training sessions are scheduled for February 11th - 13th and February 25th – 27th. These sessions will assist with the remaining process planning as well as provide hands-on training for subject matter experts. The system will continue to evolve as City staff and EnerGov consultants collaborate together to develop the system according to industry-wide best practices and existing processes within the City of Destin.

The departments continue to refine processes and work towards EnerGov milestones. All of the Community Development departments have exhibited great support and progress.

2.) Development Review Processes & Work Flow Critical Paths

The Interdepartmental Development Software Task Force Team comprised of Community Development, Code Compliance, Public Services, Clerk's Office and

I.T. answers to these questionnaires will provide the information necessary to create work processes within the future software package The EnerGov project team returned to the City of Destin on December 10th-12th and January 14th-16th for additional project sessions with staff.

Staff continues the effort of reviewing and streamlining all development review processes, application forms and work flow project critical paths, in preparation of the EnerGov Software implementation process. The task force team continues to meet weekly.

Staff is preparing to move forward on other additional software components that will assist in the development review process. Two sets of EnerGov Training sessions for subject matter experts are scheduled for February. These session will help with assessing and defining EnerGov processes as well as continue with training for setting up the system for the various departments.

3.) Scanning

Staff continues to work with VRC in the digitization of scanned files. Staff is pleased with the work product and will work to incorporate the data into our operations.

- A. **Link to Strategic Goals / Objectives:** Service Excellence
- B. **Effect on Budget (EOB):** Items are budgeted for
- C. **Level of Service (LOS):** Increased Level of Service

III. CONCLUSION: City of Destin staff continues to work hard in preparation for the Energov Project. Staff had very productive sessions with Energov staff in the preceding months and will continue to provide updates to the Council as the project progresses. This will be a challenging project for staff. As with all major technology projects, there will be some unexpected challenges we will have to work through. Staff is prepared to move forward and have a target date for substantial completion of this phase of the community development portion of Energov in January 2021.

IV. RECOMMENDED MOTION: None needed

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: February 11, 2019

SUBJECT: Approval of Resolution 20-3 opposing the Short-Term Rental legislation proposed at the State level (SB 1128/HB 1011)

I. BACKGROUND: The City Council previously directed the City Land Use Attorney to prepare a resolution opposing pending state legislation that would usurp municipal home rule powers and negatively impact the City's ability to regulate short-term rentals. Resolution 20-03 is now before the City Council in this regard.

II. DISCUSSION:

Resolution 20-03 sets forth extensive legislative findings to support the Council's opposition to HB 1011 and SB 1128, which diminish home rule authority and remove the ability of the City to regulate short-term rentals, as discussed previously with Council. Additionally, the resolution provides as follows:

Opposition of HB 1011 and SB 1128. The City Council of the City of Destin opposes HB 1011 and SB 1128, seeks to balance local private property rights with local incompatibility concerns, and requests that the Florida Legislature not pass HB 1011 and SB 1128.

Support for Home Rule Authority. The City Council of the City of Destin strongly believes in protecting the Home Rule powers of Florida's municipalities during the 2020 Legislative Session.

Directions to City Clerk. This Resolution shall be forwarded to the Florida House of Representatives; the Florida Senate, the Governor of Florida; the Okaloosa County Legislative Delegation; to Casey Cook, Senior Legislative Advocate at the Florida League of Cities; and to all Okaloosa County, Santa Rosa County, and Walton County Municipalities.

- A. **Link to Strategic Goals / Objectives:** Council Objective 2020: Short-term rental compliance with regulations
- B. **Effect on Budget (EOB):** None
- C. **Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to approve Resolution 20-03 and direct the City Clerk to distribute the Resolution according to Section 4 of the Resolution.

Attachments:

1. 03 - STR Resolution

RESOLUTION 20-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, SUPPORTING HOME RULE POWERS AND REQUESTING THAT THE FLORIDA LEGISLATURE VOTE AGAINST HB 1011 AND SB 1128, WHICH BILLS DIMINISH HOME RULE POWER OF LOCAL GOVERNMENTS; REQUESTING THAT THE FLORIDA LEGISLATURE VOTE IN FAVOR OF BILLS THAT WOULD RESTORE HOME RULE POWER TO LOCAL GOVERNMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, prior to 2011, the Florida's cities and counties regulated local land use issues and decisions under the Home Rule authority granted to them by the Florida Constitution; and

WHEREAS, the 2011 Florida Legislature enacted House Bill 883 (Florida Chapter 2011-119, Laws of Florida) (hereinafter the "2011 Statute") which preempted the local regulation of a specific land use commonly referred to as short-term vacation rentals (transient rentals of less than thirty days in duration and commonly located in residential areas) ; and

WHEREAS, the 2011 Statute prevented local communities from enacting new regulations necessary to address any negative impacts caused by short-term vacation rentals; and

WHEREAS, the 2014 Legislature enacted Senate Bill 356 (Florida Chapter 2014-71, Laws of Florida) (hereinafter the "Current Statute") which rescinded the previous preemption on local regulation of short-term vacation rentals, but provided that a local law, ordinance, or regulation adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration or frequency of short-term vacation rentals; and

WHEREAS, the Current Statute returned some limited local control back to communities to mitigate the effects of short-term vacation rentals in an attempt to make them safer, more compatible with existing residential neighborhoods, and accountable for their proper operations; and

WHEREAS, the Current Statute does not allow local governments to prohibit short-term vacation rentals from a community, nor to regulate the duration, or frequency of rentals of vacation rentals; and

WHEREAS, HB 1011 and SB 1128 were introduced in the 2020 Florida Legislative Session and would preempt regulation of vacation rentals to the state, prohibit local law ordinance or regulation from allowing or requiring inspections for licensing of vacation rentals, require licensing by the Division of Hotels and Restaurants of DBPR, preempt regulation of

advertising platforms for vacation rentals to the state, and provide requirements for advertising platforms; and

WHEREAS, permanent single-family and multi-family residents inherently understand and know their physical surroundings, to include any safety gaps and potential risks to their families because they have daily familiarity; and

WHEREAS, short-term rental occupants, due to the transient nature of their occupancy, are unfamiliar with local hurricane evacuation plans, the location of fire extinguishers, residence exit routes, pool and home safety features, and other similar safety measures that would readily be provided to guests in traditional lodging establishments; and

WHEREAS, local governments apply design standards tailored for residential neighborhoods for their roads, driveways, parking areas, emergency services planning, public shelters, emergency evacuation plans, solid waste collection, utilities, buffers and are also tailored in assessing their infrastructure impacts; and

WHEREAS, short-term vacation rentals located within established neighborhoods can disturb the quiet enjoyment of the neighborhood, lower property values, and burden the design layout of the neighborhood; and

WHEREAS, the presence of short-term vacation rentals in 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, short-term vacation rental owners may live elsewhere and not experience the quality of life problems and negative impacts associated with larger, unregulated short-term vacation rentals in residential neighborhoods; and

WHEREAS, traditional lodging establishments (hotels, motels and bed and breakfasts) are restricted to non-residentially zoned areas where more intense uses are separated from less busy and quieter residential uses; and

WHEREAS, some short-term vacation rental owners will make investments in upgrading building safety measures of their rental properties whereas other owner will not make such investments without local requirements and an ongoing inspection/enforcement program; and

WHEREAS, the City Council of the City of Destin supports legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to further regulate such properties to protect the integrity of their residential neighborhoods and to protect the health and welfare of their residents, visitors and businesses; and

WHEREAS, over the past several years, short-term vacation rentals have increased in popularity and it is estimated that there are approximately 600 short-term rentals in the City of Destin, as advertised on various websites; and

WHEREAS, permanent residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without over-intrusion by an excessive number of transient occupants in the neighborhood; and

WHEREAS, permanent residents within residential neighborhoods often establish long-term friendships, social norms and a sense of community which often leads to mutual respect among property owners on an ongoing basis; and

WHEREAS, a home is typically the largest investment a family will make in their lifetime, with the home held sacred in popular culture as the heart and the center of the family unit; 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 local jurisdictions in the State of Florida, and across the nation, have standards in place to minimize the negative impacts caused by short-term vacation rentals; and

WHEREAS, the City desires to encourage short-term vacation rentals that are safe, fit in with the character of the neighborhood, provide positive impacts for tourism, increase property values, and achieve greater neighborhood compatibility; and

WHEREAS, the City seeks to balance respect for private property rights and incompatibility concerns between the investors/short-term vacation rentals and families/permanent single and multi-family residences in established residential neighborhoods through the use of reasonable development standards; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, that

Section 1. Recitals. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Opposition of HB 1011 and SB1128. The City Council of the City of Destin opposes HB 1011 and SB1128, seeks to balance local private property rights with local incompatibility concerns, and requests that the Florida Legislature not pass HB 1011 and SB 1128.

Section 3. Support for Home Rule Authority. The City Council of the City of Destin strongly believes in protecting the Home Rule powers of Florida's municipalities during the 2020 Legislative Session.

Section 4. Directions to City Clerk. This Resolution shall be forwarded to the Florida House of Representatives; the Florida Senate, the Governor of Florida; the Okaloosa County Legislative Delegation; to Casey Cook, Senior Legislative Advocate at the Florida League of Cities; and to all Okaloosa County, Santa Rosa County, and Walton County Municipalities.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY OF DESTIN, FLORIDA THIS ____ DAY OF _____, 2020.

GARY JARVIS, MAYOR

ATTEST:

REY BAILEY, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
CITY OF DESTIN, ONLY:

KIMERLY ROMANO KOPP
CITY LAND USE ATTORNEY

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Webb Warren, Deputy City Manager
Lance Johnson, City Manager

FROM: Bragg Farmer, Finance Director

DATE: February 6, 2020

SUBJECT: Discretionary Half Cents Sales Tax Direction

I. BACKGROUND: On January 27th, 2020, the City Council held a workshop to discuss options for spending the new discretionary half cents sales tax (ATT1 and ATT2). It is estimated that approximately \$12,800,000 will be available from this tax over the next 9 years.

On September 4th, 2019, City Council approved resolution 19-15 establishing the Public Works/Public Safety Committee as Destin's Infrastructure Surtax Advisory Committee (ATT3 and ATT4).

II. DISCUSSION: During the 2020 budget process, the City appropriated \$645,000 from the 2019 half cent sales tax revenue to various projects. There is currently \$577,311 unallocated from the 2019 half cent sales tax revenue and a projected \$12,800,000 that will be available for spending in the future. Council reached general consensus at the January 27th workshop that the funds could be spent between four different pots as listed:

1. Beach Acquisition
2. Underground Utilities
3. PWPS committee identified projects
4. Other projects as designated by the Council

Based on allocation amounts discussed at the January 27th workshop, staff has drafted the following percentage allocations for discussion purposes:

1. Beach Acquisition - 75% - \$9,600,000

2. Underground Utilities - 10% - \$1,280,000
3. PWPS committee identified projects - 10% - \$1,280,000
4. Other projects as designated by the Council - 5% - \$640,000

Once allocations are set, staff will bring to council and the Public Works/Public Safety Committee any proposed projects for consideration, such as beach parcels, as well as detailed funding or financing options for such projects.

Earmarked half cent sales tax for beach acquisition would be in addition to the \$2 million earmarked from the City's unallocated fund balance and the \$6.5 million from the Okaloosa County Tourist Development funds.

As discussed at the January 27th workshop, historically, the Triumph Board of Directors has placed an emphasis on ensuring that other stakeholders also have monetary interest in any Triumph funded project. Thus, if the City Council wishes to proceed with its Triumph beach acquisition project application, then it may wish to reserve some funds for that process. Keeping some earmarked funds in reserve for beach acquisition, should improve the chances that the City's application is approved by the Triumph board. Additionally, there is the potential, but not guarantee, that the Triumph Board of Directors will "credit" any spending by the City Council on this beach acquisition project later in the negotiation process between the City and Triumph. If the City Council elects to proceed with potential beach acquisition at this time and prior to its Triumph application, then City staff and the City Attorney will attempt to work with Triumph staff to ensure that the City receives the maximum "credit" possible.

A. Link to Strategic Goals / Objectives: Council Objectives FY20: Public Beach Initiative

B. Effect on Budget (EOB): This will not effect the current budget but will require a budget amendment as the funds are allocated unless they are allocated during the budget process.

C. Level of Service (LOS): This will increase the level of service for our City

III. CONCLUSION: Staff is looking for direction on how much of the discretionary sales tax should be allocated to the four designated categories identified in the January 27th workshop.

A motion should be made to allocate, percentage-wise, spending of the discretionary sales tax among the following categories, Beach Property

Acquisition, Underground Utilities, Public Works/Public Safety Committee recommendations, other Council directed projects.

IV. RECOMMENDED MOTION:

I move to allocate half-cent sales tax revenues to the following:
75% towards beach acquisitions,
10% towards undergrounding utilities,
10% towards Public Works Public Safety initiated projects,
05% towards other projects.

Attachments:

1. ATT1: Draft Minutes of January 27th, 2020 workshop - Surtax Funding
2. ATT2: Sales Tax Presentation January, 27th, 2020
3. ATT3: Resolution 19-15 Establishing the Infrastructure Surtax Advisory Committee
4. ATT4: September 4th, 2019 Regular City Council Meeting Approved Minutes

**MINUTES
SPECIAL WORKSHOP
DESTIN CITY COUNCIL
JANUARY 27, 2020
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Pro Tem Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Cyron Marler

Councilmember Steven Menchel
Councilmember Skip Overdier

Destin City Staff

City Manager Lance Johnson
Public Information Manager Catherine Card
Public Services Director Michael Burgess
Community Development Director Louis Zunguze

City Clerk Rey Bailey
Deputy City Manager Webb Warren
City Attorney Kyle Bauman

CALL TO ORDER

Mayor Pro Tem Prebble Ramswell called the meeting to order at 5:30 PM, on Monday, January 27, 2020, followed by the recitation of the Pledge of Allegiance.

WORKSHOP

1. Utilization of the Half-Cent Sales Tax Revenues

The City Manager noted that his primary goal this evening is to be able to designate certain amounts of money to different projects as identified by the Council. The total number of projects would be at the discretion of the Council. Also, to determine for which project(s) the Council wants to earmark some money so they could subtract that amount from the total available funding and come up with a solid number to pass on to the Public Works/Safety Committee. This would allow the committee to determine how much money is available annually and available revenue over the next 9 years.

Next, the Deputy City Manager Webb Warren and the City Attorney gave the following presentation:

Discretionary Half-Cent Sales Tax

- Half-Cent Sales Tax Referendum – For funding of critical needs including:
 - ❖ Essential law enforcement/public safety facilities and vital equipment
 - ❖ Reduce traffic congestion
 - ❖ Construction and repairing of roads and bridges
 - ❖ Flood control and water quality improvements

- ❖ Construct other public facility improvements and pay debt
- State Statute on Optional Sales Tax – Reference Section 212.055(2), Florida Statute, essentially, the funds can be used for:
 - ❖ Infrastructure (as defined extensively below)
 - ❖ To acquire any interest in land for public recreation, conservation or protection of natural resources
 - ❖ To prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical State concern
 - ❖ To provide loans, grants, or rebates to residential or commercial property owners who make energy efficient improvements or landfill closure in certain defined circumstances
- Council Direction on Half-Cent Sales Tax Funds
 - ❖ FY 2020 Budgeted Projects:
 - \$350,000 Zerbe-Calhoun Pedestrian Pathway Phase 1
 - \$100,000 Zerbe-Calhoun Pedestrian Pathway Phase II (Under Marler Bridge)
 - \$75,000 Sibert-Zerbe Lot Construction
 - \$120,000 General Stormwater Improvements
 - Other Council Suggestions
- Tax Revenue
 - ❖ Revenue received for calendar year 2019 - \$1,235,000
 - ❖ Revenue available for allocation after FY20 capital budget allocation - \$590,000
 - ❖ Projected revenue over the next 9 year (3.5% increase) - \$12,800,000
- On September 4, 2019, City Council unanimously approved Resolution 19-15, establishing the Public Works/Safety Committee as the Infrastructure Surtax Advisory Committee
- On September 10, 2019, the City Attorney reviewed with the Public Works/Safety Committee the referendum and State Statute language concerning the half-cent sales tax

Considerable discussions took place relative to the following document. The City Manager noted that with the exception of #1 and #2 on the list, which were taken directly from the Strategic Plan, the rest of the items are in no particular order of priorities.

Surtax Possible Expenditures – This list was generated from Council input, the 2020 Strategic Plan and from projects identified in capital budgets (No particular order)

- * Partial funding identified
- ** No funding identified
- *** Potentially fully funded from grants

1) Public Beach Access/Beach Front Acquisition/parking (*)	\$6,500,000 from TDC, \$2,000,000 City match	Legal advice is to reserve most or all for Triumph application. Other funds could be used for near-term purchase of parcel(s)
2) Undergrounding of utilities (*)	Approx. \$850,000 annually from an increase of franchise fees	
3) Destin Community Events center (**)	\$20,000,000 - \$50,000,000 Projected Cost	
4) Crosstown Connector	State/County funding	
5) Sidewalk Repair/ Improve Sidewalks (*)	\$130,000 FY 2020 Budget	
6) Wayfinding signs/ Signage in the City/Gateway Signage (i.e., numbers included for intersection) (*)	\$15,000 allocated + potential TDC contributions	
7) City-wide parking options (*)	Approx. \$150,000 annually in paid parking	
8) Streetlights (*)	Staff is working with Gulf Power to have GPS inventory of streetlights for estimated cost	
9) Hardening City Facilities (**)	Staff is researching grants and cost	
10) Stormwater Improvements from Stormwater Master Plan (*)	\$120,000 in FY 2020 Capital, \$60,000 Public Services budget	\$2,900,000 in costs identified in the Stormwater Master Plan
11) Construction phase of Calhoun Multi-Use Trail/Pathway under the bridge (**)	Design is funded, final design will provide projected construction cost	
12) Joe's Bayou Boat Ramp area (***)	State Grant	
13) Traffic and Pedestrian Improvements at Stahlman (**)	Study is funded only	
14) Road striping/Pavement marking (*)	FY 2020 - \$60,000	
15) Pier and related land purchase (**)	\$10,000,000 - \$30,000,000	
16) Banner art poles	\$15,000	
17) Road for Norriego Point Park (*)	\$250,000 is allocated in FY2021 Capital Budget	
18) Linear Trail (*)	\$10,000 in FY2020	

Councilmember Overdier noted that his top 2 priorities are:

- 1) Public Beach Access
- 2) Undergrounding the Utilities

He stated that the lack of beach access is denying their residents and visitors access to their main attraction, which is their beaches, causing a lot of them to lose interest with the City. He also stated they have different pots of money available based on the list provided (i.e., surtax, TDC, Triumph, Reserved Funds, etc.). He recommends leveraging this money either through loans or bond issues. He would also like to have a financial expert address this issue before the Council and provide a plan showing the amount of money that is potentially available for the City, and ways to leverage that money to get even more money not only to purchase public beach accesses but to do the undergrounding of utilities and the other projects on the list. They could then decide how to spend the rest of the money, whether it be for sidewalk, parking or stormwater improvement.

Mayor Pro Tem Ramswell asked how they could leverage a loan or a bond to gain more money since they would be paying more than they borrowed due to interest rates.

Mr. Warren stated they have been advised in this case that a bond would be more costly than a loan from a bank due to the amount of money involved. They could make the best of their money whether through a low interest loan from a bank or spending some money in the reserve and replenishing it out of the revenue source. He added there are a couple of different options they could explore for the Council.

Councilmember Morgan noted that one of the City's biggest problems is the lack of beach access; but they have an opportunity to really make a positive impact with their residents and visitors alike. They have set aside money with the TDC and with their unallocated fund balance, and they also have money available through the surtax fund. He continued they cannot rely on the Triumph Gulf Coast application because not only that it is notoriously slow, but there is no guarantee their application would be approved.

According to Councilmember Menchel, they have been informed the City received approximately \$1,235,000 in half-cent revenue in calendar year 2019, and that approximately \$590,000 of that 2019 revenue remains unallocated. Their charge tonight is to figure out what to do with the \$590,000.

Mayor Pro Tem Ramswell noted they have the \$590,000 available to spend now, but her understanding was staff is asking the Council to consider all the money that will be available the next 9 years, which is approximately \$14 million, in case they want to take a bond or a loan to spend that money in full for other items.

Councilmember Menchel suggests they consider the recommendation from the Public Works/Safety Committee to spend some of the money on sidewalk repair and improvements; adding they need to make sure they do not allow their infrastructure to fall apart. He further stated they obviously do not have the money to fund all 18 items on the list, and so they would need to prioritize these items.

Councilmember Menchel pointed out that item #6 on the list includes the numbering of intersections in addition to street names, as they previously discussed. He suggests they consider it now because it may not cost too much at this time, or it could also be something they could do internally.

Mayor Pro Tem Ramswell stated she would definitely support spending money on beach acquisition. She also supports the undergrounding of utilities; but there are other potential revenue streams for it which they have previously discussed such as franchise and impact fees, and others they previously discussed. She continued that if they are prioritizing tonight and trying to come up with various pots of money for different projects, she would recommend focusing their attention on public beach access acquisition as well as needs coming from the Public Works/Safety Committee, such as sidewalk repairs, street striping, street lighting, and so forth. She added that with regards to linear trail, which is also listed, they could have the option of utilizing the Gulf Power easement that runs all the way through town on the north side, then crosses down and runs on the south side. It could be an ideal walking, hiking and biking trail.

Councilmember Morgan pointed out that the item listed as “Public Beach Access/Beach Front Acquisition/parking” included a note that states, “*Legal advice is to reserve most or all for Triumph application. Other funds could be used for near-term purchase of parcel(s).*” He asked the City Attorney to expound on this statement.

According to the City Attorney, this statement goes with the leveraging of the money to which Councilmember Overdier alluded earlier. He continued that the Triumph application process is quite complex, and any agreement entered into with the Triumph Board is equally as complex. As part of the process, Triumph will ensure that everyone involved would have a stake in the result, including the City of Destin. Before the Triumph Board would obligate any money, they would require the City of Destin to commit a certain amount of money, whether it be from the reserved funds, from the half-cent sales tax, or some other source. They would also consider other partners such as the TDC, which currently committed \$6.5 million to the City of Destin. He also noted this is the advice given by the Triumph attorneys. His advice to the City is if they value a beachfront property and they want it for this season or next, then they could use a fund to purchase it. They could use all the half-cent sales tax money and purchase one of the parcels and reserve the other \$8.5 million in case they get the Triumph application approved.

Mayor Pro Tem Ramswell asked whether the \$2 million that is listed is the recommended amount they would put forth for this project.

The City Manager noted the \$2 million is the amount Council had already committed for this project out of the reserved funds; adding that the more money they have committed to the project, the better it will be seen by Triumph.

The City Attorney stated that in his discussion with the Triumph attorney, one possibility the City could look into is entering into some sort of pre-agreement with the Triumph Board where they would recognize any expenditure the City makes and they shall be credited with that when they later negotiate a contract with the Triumph Board if they were to award the City any money.

At this time, the Mayor Pro Tem announced they would entertain comments from the public.

Mr. Tom Weidenhamer, a Destin resident and member of the Public Works/Safety Committee, stated that he fully understands the City's desire to protect their number one industry in this town which is tourism; but there are other entities that promote tourism such as the TDC and other private enterprises in this area. He asked the Council not to lose sight of some smaller improvements that could be made for the permanent residents of the City, such as good sidewalks, street lighting and stormwater improvements.

Mr. Kevin Schmidt, a Destin resident and member of the Public Works/Safety Committee, requests clarifications relative to his committee's role in the allocation of proceeds from the Surtax.

The City Attorney explained that the Council appointed the Public Works/Safety Committee as the advisory committee for the utilization of the half-cent sales tax revenues; but the City Council makes the final decision. Before any money is spent, the committee will have a chance to review the projects and provide their recommendations to the City Council. However, the main things the Council would want the committee to focus on beyond the two large projects are sidewalk repairs and maintenance of other critical infrastructures.

Mr. Schmidt noted there had only been one item they brought forward to Council which was a surtax expenditure requests for about \$400,000 for sidewalk repair. They would like to be able to prepare and present other ideas to Council at future meetings.

Councilmember Menchel stated this is something new and there is no established rule; and that they are currently fine-tuning the committee's role in this process. With regards to the committee's initial recommendation, if the Council decides to allocate some money for sidewalk repair, then they would look to the committee to provide a sidewalk repair priority list.

Ms. Sam Perman, a Destin resident and member of the Public Works/Safety Committee, stated that she supports more beach access acquisition, but there are also immediate problems that need to be resolved. One of them being the actual access over to Scenic Hwy 98. She stated that Dolphin Street comes up a lot in their committee's discussions. It is the narrowest street in Destin. In the past 3 years, there have been significant amount of constructions in that area and more and more people are using Dolphin Street as a north-south access point and it is becoming too dangerous to those who live there.

Ms. Perman also discussed the lighting issues on Scenic Hwy 98; including some beach accesses that do not have any streetlights. She stated that the beach attracts tourists which do not obey all the laws; and so, having enough lighting is critical. She also mentioned that the new parking at James Lee Park will come in handy because it would provide the extra spaces that are badly needed in that area. They also recently put up some brand-new turtle-friendly lights at the park.

Councilmember Morgan noted these are the kinds of specific information they expect from the Public Works/Safety Committee.

Mr. Bill Remington, a Destin resident, stated there are a lot of potholes in the City's roadway that need to be addressed. More beach access acquisition is important, but they need to make sure there is adequate parking because it would not do anybody any good if there is nowhere to park. He supports the City's plan to approach the Air Force regarding the NCO Beach Club located on the other side of the Marler Bridge. He would suggest pursuing that because it has everything they need – parking, bathroom and other facilities and a nice beach. He also stated that undergrounding the utilities is a great idea, but as a Destin resident he would like to know in advance how much it would cost the taxpayers. He also recommends doing something with the former concrete plant as that parcel has been vacant for quite a while now.

Councilmember Menchel asked the City Manager to clarify the following statement in item #8 streetlight: *"Staff is working with Gulf Power to have GPS inventory of streetlights for estimated cost."*

According to the City Manager, they have been working for quite some time to make sure they had an accurate inventory of addresses, hopefully in a map format, for the streetlights to make sure they are paying for exactly what they owe Gulf Power.

Mr. Dave Mcpherson from NashBuilt Inc., discusses the proposed Destin Community Events Center showing a project cost of \$20,000,000 - \$50,000,000. He stated there were only 3 ice rinks in Florida in the 1990s. It increases to 32 since Major league hockey decided to go south during that period. The old Orlando arena was an 18,000-seater built for a professional basketball team. They have now built a larger arena for about \$485 million. They are not talking about building a \$485 million event center for the City of Destin. What they have in mind is a small 2800 to 3400-seater facility that flex based upon the type of event at a \$20 million to \$25 million price range.

Mayor Pro Tem Ramswell asked how much land is needed to build such a facility that would include parking.

Mr. Mcpherson replied it would require about 4.4 acres for the building alone; adding that some communities build parking garages, which would require about 2 acres.

Mayor Pro Tem Ramswell stated that Destin clearly does not have the funds to immediately consider building this type facility. It was previously presented as requiring some sort of partnership. She asked what sort of funding the company would be able to provide and what sort of funding would they be expecting from the City and other entities that may be involved.

Mr. Mcpherson stated there is not an easy answer to this question particularly if it involves funding from the Triumph Gulf Coast Committee. He continued they have been a co-applicant with Escambia County. They were applicant #11 when they first started 3 years ago; and there are currently 550 applicants. The feedback they are receiving from Triumph is that they are starting to amend the idea of spending money on projects that produce jobs for a beach community, which are low income jobs. If Destin decides to pursue this type of project, then they could apply to the Triumph Committee as well as the TDC. Also, their company have partners that could come in, finance the facility, and develop some sort of lease purchase agreement or a payment plan with the municipality.

Mayor Pro Tem Ramswell stated that the TDC is definitely something to consider since one of the allowable expenditures for the TDC is sports centers and arenas because ostensibly they bring in tournaments and tourism.

The City Manager noted that a project of this magnitude would require some sort of feasibility study. He asked for a cost estimate to complete such a study.

Mr. Mcpherson replied it would be at the \$25,000 to \$30,000 range for Destin since his company already have a lot of the information such as the demography and psychographics; and they already know a lot about the market.

Councilmember Morgan stated they have to be creative to be able to fund the \$20 million to \$25 million price range for this facility. Another thing they need to consider is that the City does not own the property required for this type of facility.

Mayor Pro Tem Ramswell noted that the asking price right now is about \$1 million per acre of land.

Councilmember Morgan stated they are probably looking at a \$40 million to build this type of facility including the land purchase.

Having no further comments from the public, the Mayor Pro Tem turned the matter over to the City Council for further discussion and direction.

The City Manager stated that to simplify matters, they picked \$13.5 million as the starting amount to work with at this time. If Council's top priority is beach acquisition and decides to allocate 80 percent of that amount towards it, it would be about \$10.8 million. Which would leave 20 percent or \$2.7 million for other priorities. He continued this is the approach they are taking just to simplify this process, and that the Council has the prerogative to assign higher percentage to each pot of money as they choose.

Mayor Pro Tem Ramswell stated that based on tonight's discussion so far, it seemed their top priorities are beach acquisition/parking, Public Works/Safety Committee basic infrastructure needs, undergrounding of utilities, and other projects, which would be four separate pots of money.

Councilmember Marler stated that beach acquisition/parking and undergrounding the utilities are definitely top priorities; but they should also consider construction of parking garages and Joe's Bayou Improvements.

Councilmember Overdier stated that based on the figure provided by the City Manager, he would support allocating 80 percent for beach acquisition/parking, 10 percent for Public Works/Safety identified basic infrastructure needs and 10 percent for other projects. However, he still feels they need to leverage the money they expect to receive to make more money and have enough to finance all the project. He recommends getting some advice from their financial consultant on how to leverage their money.

Councilmember Morgan stated they simply have to ask for a bank loan and dedicate their revenue stream as collateral.

Councilmember Menchel suggests asking the City's financial consultant, Raymond James to come to a meeting and advise the Council of available options.

Councilmember Morgan suggests using the money already allocated from the TDC and the City's reserved funds to purchase either one large beach parcel or two medium parcels, whichever is enough to make a sizeable difference sooner rather than later. They could then use the sales tax revenues to finance the rest of the acquisition. He continued they should also set aside a certain amount of money from the sales tax to leverage any Triumph Gulf Coast money they will receive.

Councilmember Overdier noted that Public Works/Safety Committee's identified needs seemed to account for most if not all the remaining projects that are listed.

Councilmember Morgan stated that some of the items such as the linear trail would not be included in the Public Works/Safety's identified needs. He feels the linear trail would be a quality of life issue as it would run through the heart of Destin; and that it could be done for about \$200,000 if they move quickly.

Councilmember Menchel recommends establishing 4 separate pots of money; the fourth one being other projects.

The City Attorney noted that since the Council designated Public Works/Safety Committee as the Half-Cent Sales Tax Advisory Committee, they could consider any items on the list as they form their recommendation to Council.

The City Manager stated that for simplicity's sake, he would recommend establishing a separate pot of money for Public Works/Safety Committee's identified basic infrastructure needs. At this time, the 4 pots seemed to be for beach acquisition, undergrounding utilities, other categories which would include the linear parks, and the Public Works/Safety Committee's identified needs.

The Mayor Pro Tem asked how they should allocate the money if the Council agrees with the top 4 priorities as given by the City Manager.

According to Councilmember Morgan, they need to decide which beach access property they wish to purchase and how much of the sales tax money they would need to spend, and then allocate the remaining funds equally to the other 3 priorities; adding they could make any necessary adjustments later on.

Mayor Pro Tem Ramswell asked if Public Works/Safety Committee has a cost estimate for all the projects they have identified.

Public Services Director Michael Burgess noted they have a sidewalk inventory assessment they compiled a few months ago, which includes a per linear foot replacement cost totaling \$400,000, plus \$20,000 for installation of ADA compliant truncated domes. This is where Public Works/Safety Committee based their recommendation which they presented to Council a few weeks back.

Mayor Pro Tem stated they seemed to have a consensus in establishing 4 pots of money; with a general idea of an allocation but nothing finalized at this time because they need to get some numbers on beach acquisition. She also stated that Public Works/Safety Committee needs to provide some recommendations in their capacity as the Half-Cent Sales Tax Advisory Committee.

Councilmember Overdier asked if they should invite the City's financial consultant, Raymond James to come to a meeting and advise the Council of their options.

The City Manager recommends allowing staff and the City Attorney to bring some information back. He stated that some of the information is protected under State Statute which can be discussed with Council in another setting. He would also be very interested to find out exactly how much it would cost for a linear foot of beach access so they could determine the exact percentage of money they could allocate to each of their priorities.

Councilmember Morgan reiterated that he would want to be able to set aside at least \$2 million for the Triumph Gulf Coast application.

According to the City Attorney, the more money they set aside the more leverage they would have for the Triumph Gulf Coast application. However, they could also negotiate some sort of owner finance purchase agreement for the beach parcels, which would leave more money to leverage with Triumph Gulf Coast.

PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:50 PM.

Gary Jarvis, Mayor

ATTEST:

—

Rey Bailey, City Clerk

DRAFT



DISCRETIONARY HALF CENTS SALES TAX

HALF CENTS SALES TAX

Half-Cent Sales Tax Referendum-- For funding of critical needs including essential law enforcement/public safety facilities and vital equipment; reduce traffic congestion; construction and repairing of roads and bridges; flood control and water quality improvements and construct other public facility improvements and pay debt, subject to oversight by a citizens committee.

HALF CENTS SALES TAX

STATE STATUTE ON OPTIONAL SALES TAX

Section 212.055(2), FS.

Essentially, the funds can be used for

- “infrastructure” (as defined extensively below)
- to “acquire any interest in land for public recreation, conservation, or protection of natural resources,”
- “to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern”
- to “provide loans, grants, or rebates to residential or commercial property owners who make energy efficient improvements” or
- landfill closure in certain defined circumstances.

Council Direction on Half Cent Sales Tax Funds

FY20 Budgeted Projects:

- \$350,000 Zergie-Calhoun Pedestrian Pathway Phase 1
- \$100,000 Zergie-Calhoun Pedestrian Pathway Phase II (under Marler Bridge)
- \$75,000 Sibert-Zergie Lot Construction
- \$120,000 General Stormwater Improvements
- Other Council Suggestions

Tax Revenue

- ◆ Revenue received for calendar year 2019 \$1,235,000
- ◆ Revenue available for allocation after FY20 capital budget allocation \$590,000
- ◆ Projected revenue over the next 9 years (3.5% increase)
\$12,800,000

DISCUSSION

RESOLUTION 19-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; ESTABLISHING THE INFRASTRUCTURE SURTAX ADVISORY COMMITTEE; PROVIDING FOR ITS MEMBERSHIP AND TERMS OF OFFICE; PROVIDING FOR ITS AUTHORITY AND POWERS; ESTABLISHING ITS INITIAL MEMBERSHIP OF THE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 5, 2018, and pursuant to section 212.055, Florida Statutes (2018), the Board of County Commissioners of Okaloosa County, Florida, adopted Okaloosa County Ordinance 2018-09, an ordinance imposing a countywide local government infrastructure surtax of one-half percent (0.5%) on all authorized taxable transactions occurring within Okaloosa County (the "Surtax"); and

WHEREAS, Okaloosa County Ordinance 2018-09, establishes the critical need for the passage of the Surtax in Okaloosa County enabling the County and the municipalities located in the County to fund the safe, efficient, and uninterrupted provision of numerous essential public services provided by the County and municipalities; and

WHEREAS, on November 6, 2018, the citizens of Okaloosa County, Florida, approved a Referendum to impose the Surtax to fund essential improvements and infrastructure (the "Referendum"); and

WHEREAS, the Referendum requires that oversight for public expenditures of the Surtax be conducted by a citizens' advisory committee; and

WHEREAS, the citizens' advisory committee in the City of Destin, Florida, (the "City") designated as the Infrastructure Surtax Advisory Committee will review proposed projects to be funded by the Surtax and provide recommendations to the City Council of the City of Destin, Florida (the "City Council"), as to the prioritizing of the projects and those that would maximize the benefits of the Surtax to the citizens and residents of the City; and

WHEREAS, the Infrastructure Surtax Advisory Committee will also review expenditures of the Surtax; and

WHEREAS, the Public Works/Public Safety Committee advises the City Council on matters relating to infrastructure and the best manners and methods by which the City's infrastructure can be maintained and enhanced for the betterment of the public's health, safety, and welfare; and

WHEREAS, The City Council is empowered to appoint advisory bodies as it deems appropriate; and

WHEREAS, at a duly noticed public meeting and after discussion, the City Council, directed that the Public Works/Public Safety Committee also serve as the Infrastructure Surtax Advisory Committee; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Destin, Florida (the "City Council"), as follows:

SECTION 1 – RECITALS.

The above recitals are true and correct and incorporated herein.

SECTION 2 – CREATION OF THE INFRASTRUCTURE SURTAX ADVISORY COMMITTEE.

The City Council, does hereby establish the Infrastructure Surtax Advisory Committee (the "Committee").

SECTION 3. – PURPOSE AND RESPONSIBILITIES.

- A.** The purpose of the Committee is to advise and provide recommendations to the City Council relative to the expenditure of proceeds from the Surtax.
- B.** The Committee shall act solely in an advisory capacity for the City Council.
- C.** The Committee shall have the responsibility to (i) advise and make recommendations to the City Council as to the particular projects and expenditures for which the Surtax proceeds may lawfully be used, and (ii) review the expenditures of the proceeds of the Surtax, including the review of periodic audits involving the expenditure of such proceeds.
- D.** In reviewing the proposed expenditures of the proceeds of the Surtax, the Committee shall provide recommendations as to the specific projects to be funded using the Surtax. In evaluating the proposed expenditure of the Surtax, the committee shall consider those projects that maximize the benefit to the citizens and property within the City.

SECTION 4 – MEMBERSHIP; VACANCIES; AND REMOVAL.

- A.** The Committee shall be comprised of the members of the Public Works/Public Safety Committee and no others.

- B.** The same rules that govern the appointment of the membership of the Public Works/Public Safety Committee shall apply to the Committee.
- C.** The number of members and the length of service for members of the Committee shall be the same as the Public Works/Public Safety Committee.
- D.** If a Councilmember nominates a member of the public to serve on the Public Works/Public Safety Committee, then the nominee is simultaneously nominated to the Committee. Approval of the nominee by the City Council to the Public Works/Public Safety Committee constitutes approval of the nominee to the Committee. Resignation or removal of a member of the public from the Public Works/Public Safety Committee shall also constitute resignation or removal from the Committee.
- E.** If a Councilmember nominates a member of the public to serve on the Committee, then the nominee is simultaneously nominated to the Public Works/Public Safety Committee. Approval of the nominee by the City Council the Committee constitutes approval of the nominee to the Public Works/Public Safety Committee. Resignation or removal of a member of the public from the Committee shall also constitute removal from the Committee.
- F.** If any seat of the Committee become vacant, the rules governing replacement for the Committee shall be the same as for the Public Works/Public Safety Committee.
- G.** Removal of a member of the public from the seat of the Committee shall be accomplished in the same manner as removal from the Public Works/Public Safety Committee is accomplished.

SECTION 5 – CHAIRMAN AND VICE CHAIRMAN.

The Chairman of the Public Works/Public Safety Committee shall serve as Chairman of the Committee. The Vice Chairman of the Public Works/Public Safety Committee shall serve as the Vice Chairman of the Committee.

SECTION 6 -- MEETINGS.

- A.** The Committee shall meet as needed, but it shall meet no more frequently the Public Works/Public Safety Committee.
- B.** All meetings shall be duly noticed and open to the public.
- C.** As an advisory committee established by the City Council, the Committee is governed by and subject to the Florida Sunshine Law, the Public Records Laws of the State of Florida and the provisions of the Code of Ethics, as set forth in Florida Statutes. All newly appointed members shall participate in an orientation process, which shall include, but is not limited to, an overview of Sunshine Law, Public

Records and Ethics. From time-to-time, members of the Committee shall participate in refresher briefings on the topics included in the orientation.

SECTION 7 – SUNSET PROVISION.

The Committee shall remain in effect until the later of the life of the Surtax or when all proceeds of the Surtax are expended by the City. Thereafter, upon completion of these events, the Committee shall automatically sunset and no further action of the City is required.

SECTION 8 – EFFECTIVE DATE.

This Resolution shall be effective immediately upon adoption.

ADOPTED THIS 4TH DAY OF SEPTEMBER 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.



Kyle S. Bauman, Esq.
City Attorney

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 4, 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 Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
Library Director Wen Livingston
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
Public Info Manager Catherine Card
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Menchel requested moving up agenda item 2A ahead of the special public hearing for Fiscal Year 2020 millage rate and budget.

Councilmember Destin requested that agenda item 7F1 be moved ahead of agenda item 4A.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve the agenda as amended above passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

Next item discussed was agenda item 2A

SPECIAL PUBLIC HEARINGS FOR FISCAL YEAR 2020 MILLAGE RATE AND BUDGET:

A. First reading of Ordinance 19-21-CN – Adopting Fiscal Year 2020 Millage Rate

The City Attorney read proposed Ordinance 19-21-CN by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2020; 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 and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to adopt Ordinance 19-21-CN on first reading adopting a proposed FY 2020 millage rate of 1.6150 mills, which is more than the rollback rate of 1.5447 mills, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

B. First reading of Ordinance 19-22-CN – Adopting the Fiscal Year 2020 Budget

The City Attorney read proposed Ordinance 19-22-CN by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Cathy Hippee, Treasurer of the Emerald Coast Fitness Foundation, stated they have submitted a request to the City for funding for an electronic LED scoreboard to be installed at the aquatic center in Destin to be used for competitive swimming and competition meets. The proposal packet included a copy of the specifications for this item. Proposed price is approximately \$8,500 to include additional cost for the electrician for the work that must be done to install the scoreboard. She also stated that the aquatic center hosts about 20 meets a year that involved the high schools, middle schools, senior games, and the Coast Aquatic USA Swim Team

Mr. Brad Kale, a Destin resident and swimming coach, added there would be athletes coming in from Nashville, Tennessee, Birmingham, Alabama as well as local athletes from Panama City and Pensacola. The scoreboard will allow their facility to be attractive to these types of swim meets.

Councilmember Ramswell stated that she has been quite pleased with the way the aquatic center has been ran the past two years and proved a point that it can be done with the right leadership and personnel. She has also reached out to Ms. Hippee about looking into some sort of

partnership perhaps with the Destin Community Center in developing some sort of way for everybody in the community to work together and take advantage of all sorts of opportunities.

Councilmember Ramswell moved to approve the expenditure of \$8,500 for an electronic LED scoreboard for the aquatic center in Destin and add it to the Fiscal Year 2020 budget; seconded by Councilmember Braden.

The Finance Director requested a funding source for the \$8,500. He stated that the budget is currently balanced.

Councilmember Destin inquired as to the amount currently in the unallocated fund balance.

The Finance Director noted there is currently \$2 million in the unallocated fund balance.

Councilmember Ramswell offered an amended motion to approve the expenditure of \$8,500 for an electronic LED scoreboard for the aquatic center in Destin, and for the amount to be taken out of the City's unallocated fund balance; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

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

Motion to add the expenditure for the score board in the Fiscal Year 2020 budget and take the money from the City's unallocated fund balance passed 7-0.

Councilmember Destin moved to adopt Ordinance 19-22-CN on first reading adopting the Fiscal Year 2020 budget, to include the non-contingent expenditure of the Emerald Coast Fitness Foundation request for the scoreboard to come from the unallocated fund balance; seconded by Councilmember Ramswell.

Councilmember Menchel offered a substitute motion to postpone the adoption of the budget and direct staff to go back to the TDD and the County to get them to look into the additional 10 percent funding for the Sheriff's contract with the City of Destin. Councilmember Ramswell provided a second to the motion.

The Finance Director explained that the ordinance for the budget is dictated by Florida Statute; and that they cannot delay the adoption of the budget tonight. He continued that the unique position that the budget adoption process in Florida is that they can make any changes to the budget during the second reading of the ordinance without going back to first reading.

The City Attorney reiterated that the County Attorneys will provide the City a memorandum that details the steps that City could take to qualify for the additional funding.

Councilmember Ramswell suggests seeking an Attorney General's opinion on this subject since it has been going on for years.

The City Attorney requests Council allows them to have another meeting with the County so they could formulate a recommendation to the Council on this issue.

Councilmember Menchel made a substitute motion to adopt Ordinance 19-22-CN on first reading adopting the Fiscal Year 2020 budget, to include the non-contingent expenditure of the Emerald Coast Fitness Foundation request for the scoreboard to come from the unallocated fund balance; additionally, direct staff to contact Okaloosa County and explore the additional 10 percent funding of the Sheriff's contract with the City of Destin as provided by statute, and then come back with that information on second reading. Councilmember Ramswell provided a second to the motion. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

1. APPROVAL OF MINUTES

A. Approval of minutes of August 12, 2019 Budget Workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of August 12, 2019 Budget Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

B. Approval of minutes of June 24, 2019 City Council Workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of the June 24, 2019 City Council Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Capt. Charlie Nix – Sheriff's Department Contract and Manpower

Capt. Nix from the Sheriff's Office gave the following presentation:
Contracted Area of Responsibility:

- Destin (District 3)
 - ❖ Zone 25 – West Destin
 - ❖ Zone 27 – East Destin
- Calls for Service (generated within the City limits of Destin)
 - ❖ 2017: 28,488
 - ❖ 2018: 29,349

Note: The majority of these calls are answered by the Destin contracted positions.

Destin Contracted Positions

- The current Destin contract funds the following positions:
 - ❖ 17 Patrol Units
 - ❖ 2 Investigators
 - ❖ 1 Marine Unit
 - ❖ 1 front desk (Stahlman Office)

Note: The current Destin contract does not fund any beach units and only one of 4 marine units.

Manning Considerations

- Contracted positions remain constant throughout the fiscal year
- Spring Break (TDC Funding Assistance for OT)
- 100-Days of Summer
- Holidays

Contract with Sheriff's Office is a Force Multiplier

- Dive Team
- Traffic Homicide Investigator
- CSI Unit Crime Scene Specialists
- Street Crimes Unit
- K-9 Unit
- SRT
- CNU

Comparison I

- Panama Beach
 - ❖ Service Population: 14,000
 - ❖ Calls for Service: 37,897
 - ❖ Full-Time Officers: 68
 - ❖ Budget: \$9,014,760 (FY 2018)

Comparison II

- South Daytona Beach
 - ❖ Service Population: 12,500
 - ❖ Calls for Service: 25,200
 - ❖ Sworn Officers: 30
 - ❖ Budget: \$3.4 million (FY 2018)

Comparison III

- Atlantic Beach
 - ❖ Service Population: 13,608
 - ❖ Calls for Service: 21,226
 - ❖ Full-Time Officers: 29

- ❖ Budget: \$6.4 million (FY 2018)

Comparison IV

- City of Niceville
 - ❖ Service Population: 15,249
 - ❖ Calls for Service: 26,400
 - ❖ Full-Time Officers: 28
 - ❖ Part-Time Officers: 6
 - ❖ Budget: \$2.4 million (FY 2018)

TDC Current Funding

- The TDC currently funds the following:
 - ❖ 2 Marine Positions
 - ❖ 2 Beach Positions
 - ❖ Spring Break Funding (allows for personnel increases to address spring break related issues in Zones 24 (County), 25, 27. The additional manning reduces the added strain to patrol resources)

Note: Currently receiving maximum TDC allocation for public safety allowed by law.

- ❖ 2017: \$125,000 (first year funding from TDC) (1 FTE/Marine)
- ❖ 2018: \$574,000 (3 FTE) (vehicle/vessel and spring break/traffic detail)
- ❖ 2019: \$574,000 (4 FTE) and funding for spring break/traffic detail

Note: TDC approved funding for FY 2020

- ❖ 2020: \$585,500 (4 FTE) and funding for spring break/traffic detail

Challenges

- Challenges that Crab Island presents to our deputies, residents and tourists
- Crab Island has direct impact on issues which will occur on the water and on land within the City limits of Destin
 - ❖ 2017: 760 calls for service (Deaths 2)
 - ❖ 2018: 1068 calls for service (Deaths 5)
 - ❖ 2019 (To Date): 1773 calls for service (Deaths 2)

Note: This also strains resources at the patrol level

Councilmember Braden noted that he previously asked how the City of Niceville had been able to afford a \$2.4 million dollar law enforcement contract, and the answer he received was the City of Niceville has been able to collect taxes from other areas of the City. He continued that the City of Destin does not enjoy the same privilege.

Councilmember Braden asked why the Florida Highway Patrol does not handle traffic accidents in Destin.

Capt. Nix replied that the Florida Highway Patrol is not responsible for working traffic crashes in municipalities with contracted law enforcement services.

Councilmember Braden asked whether the County has budgeted at all for law enforcement services for the City of Destin.

Capt. Nix stated that Okaloosa County budgeted for law enforcement services for Area 26, which is the unincorporated area of Destin.

Councilmember Overdier noted that most of the calls for service come from the 30,000-40,000 people that show up in Destin every week during tourist season and not from the 13,765 permanent residents. He asked who set the TDC limit for funding.

Capt. Nix replied that Florida Statutes set the TDC limit for law enforcement funding.

The City Attorney stated that in accordance with Council's direction at the previous Council meeting, he and the Land Use Attorney had a telephone conversation with the County Attorneys about this issue. Part of the discussion centered around whether the City of Destin could potentially qualify for any additional funding under Florida Statutes Section 5C. He continued that according to the County Attorneys, it is not something municipalities have traditionally applied for, but there is possibly a scenario where the City of Destin could receive additional money based on that provision; and that they would send an email to the City explaining what the City of Destin has to do to apply for that money.

Councilmember Menchel noted that based on the information they received from the Sheriff's Office at their previous meeting, 80 percent of the calls for service from the Sheriff's Office in Destin are from tourists. Destin-contracted deputies have assisted other units in the unincorporated area of Destin 335 times; of which 80 percent of those times (268) were issues related to tourists. Conversely, deputies from outside the city limits of Destin responded to Destin 952 times to assist Destin-contracted deputies so far this year; and that 80 percent or 761 of those calls for service have been for tourists. He stated that based on this figure, they need more deputies in Destin. He also stated that Destin residents should not continue to pay for the entire amount of the contract when they are only receiving 20 percent of the service. He added they should do everything possible to obtain the untapped money from the TDC.

Councilmember Ramswell stated that she had worked in 2016 with then State Representative Matt Gaetz on legislation that would provide additional funding and the additional use of the TDC fund for public safety expenses. A specific clause was added for counties along the Gulf that receive significant impact because of tourism. The statute specifically states that the additional funding cannot "supplant" what they are already using for first responders and public safety. She also stated that before this bill was passed, Okaloosa County TDC was already spending \$1.1 million on lifeguards plus approximately \$.5 million for law enforcement services. Using the additional fund to hire more law enforcement officers in Destin is a must. She added that Walton County is using TDC money to fund code enforcement on the beach and for beach maintenance to include garbage collection, purchasing beach properties and building parking lots.

Next item discussed was Special Public Hearings for Fiscal Year 2020 Millage Rate and Budget.

B. Presentation – Trust for Public Land – Ms. Kate Brown

Ms. Kate Brown, Project Manager with the Trust for Public Land, provided an update on the Capt. Leonard Destin Park on Calhoun Avenue. According to Ms. Brown, the property located at 101 Calhoun Avenue was purchased in March 2016 using funds from the Deepwater Horizon oil spill settlements. The FDEP set aside \$45 million to create some new waterfront parks along the Panhandle counties affected by the oil spill. They purchased the property using BP funds and then proceeded to work on designing, developing and constructing the park. The construction is well underway and should be finished by the end of this calendar year; and with a substantial completion date of November 20, 2019. Final completion date will be 30 days after that date assuming there are no further delays from hurricanes. The Trust for Public Land currently owns the property; but they will be conveying it to the City of Destin. They already have a donation agreement in place and the City had already accepted the property. She added that the City will also receive 10 years of operations and maintenance money.

Also, according to Ms. Brown, they can also assist the City in acquiring some additional beach access points in the Crystal Beach area. She stated that in addition to building parks they also specialize in acting as interim buyer of land and then conveying it over to a local community, the State, or a federal agency that wants to own it for a park or conservation area. They offer a lot of real estate expertise. They could get a contract in place with a landowner, complete all the due diligence and turn the property over to the City and work with the City on the funding. They are not the funder, but they purchase and sell the property at the same price. They do not charge a fee for their services, but they ask the landowner to provide a confidential cash donation at closing when they purchase the land from them. The money is used to cover their cost of doing the transaction, paying for appraisals, surveys and title work and so forth.

Councilmember Overdier noted the City has different sources of funding for the purchase of the property but not sure exactly how much they would receive. If the Trust purchase the property in advance, the City may not get enough money to purchase the property from the Trust.

Ms. Brown stated they would not purchase the property until the City receives the funding for it.

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

Ms. Patti Brown, a Destin resident, noted that according to Capt. Nix's presentation, 70 percent of all the calls for service are from tourists. The Code Compliance Manager previously reported that 70 percent of their calls were tourist related. She continued that they raised the short-term rental fees, but they have an untapped source of funding which is their condominiums. They are not being required to register because they are supposedly being managed by condominium associations. But they are reportedly not doing a good job doing so and so condominiums are becoming more of an issue for the City. He urged the City to consider registering the short-term rental condominiums. It will be another source of income to cover the Sheriff's Office contract and for hiring more code enforcement officers.

Ms. Brown also noted that beach front owners have a lot of concern with their relationship with the Sheriff's Office. They pay a lot of property taxes, but they do not feel they are receiving proper service from the Sheriff's Office. For instance, they have not been getting proper response to complaints about people trespassing as there are still a lot of questions as to what part of the beach is public and which is private. She urged the City to address this issue immediately.

Next item discussed was agenda item 7H(1)

4. CITY MANAGER REPORTS

A. Electric Scooters (e-scooter) Regulations

According to the Community Development Director Louis Zunguze, electric scooters have become a national phenomenon ever since they first appeared in California in 2017. The Florida Governor signed legislation in June authorizing counties and municipalities to regulate these devices consistent with State law. There are significant issues to consider from a local government perspective in protecting the health, safety and welfare of its residents – including safety, liability location and quantity of the devices, and complaint resolution. The Sheriff's Office reported one fatality associated with these devices on Airport Road last year. He has been approached by 3 different vendors that are interested in participating; and so, staff is requesting direction from the Council as to which of the following options Council desires staff to take:

Option One: Ban E-scooters

Option Two: Create a Pilot Program regulating E-scooters

Councilmember Morgan recommends banning E-scooters in Destin since they do not have the infrastructure for these devices.

Councilmember Morgan moved to direct staff to develop an ordinance banning electric scooter companies from operating within the City of Destin; seconded by Councilmember Destin.

Councilmember Overdier stated that as a member of the Transportation Committee, a legislative action committee with the Florida League of Cities, and listening to other City Council members and commissioners, City Managers and Community Development Director, the disadvantages far outweigh the advantages when they talk about these devices. It would create a more hazardous situation for people using it.

Councilmember Marler wants to know their chances of winning a lawsuit if they decide to ban E-scooters in Destin.

The Land Use Attorney explained it is a new statute and so it has not gone to court for interpretation; but the statute does not prohibit local government and municipality from regulating E-scooters.

Councilmember Menchel suggests they be more specific when referring to E-scooters.

The Mayor noted they are not trying to ban privately-owned E-scooters. The idea is to ban commercial electric scooter companies from operating within the City.

The Land Use Attorney noted that the statute has the specific definition for E-scooters, and she suggests using that exact language in their ordinance.

Councilmember Ramswell stated there are so many electronic modes of transportation currently available – i.e., Segway, electronic bicycles, etc. – that people of all ages are using. She does not see how they could enforce such a regulation banning certain types of E-scooters and trying to differentiate a rental from a privately-owned equipment.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted “yes”; Councilmember Ramswell voted “no”).

B. Fall Visioning Session: Date Selection

It was the consensus of the Council to allow staff to schedule the Fall Visioning Session during the first week of November.

C. 3rd Quarter Financial and Investment Report

The City’s Finance Director presented the report to the Council.

D. Information Briefing on Right-of-Way (ROW) Construction Permit Violations/Damage to City ROW and Request for Direction to Amend City Land Development Code ROW Protection to Prohibit Uncontrolled Boring/Drilling

Public Services Director Michael Burgess provided the following report:

Damage to Public Infrastructure

➤ **Right-of-Way Permits**

- ❖ Destin’s Public Works Department issues permits for work on the right-of-way
- ❖ Four types:
 - Residential – Single family homes./Duplexes (driveways, landscaping)
 - Commercial - Other site development (driveways, landscaping)
 - Unauthorized encroachments (after the fact permits and/or per a Notice of Violation/Notice of Hearing)
 - Utility – Water/Sewer, power, gas, telecommunications
- ❖ Requires 24-hour advanced notice before beginning work
- ❖ Requires SSOC, or “Call Before You Dig” ticket
- ❖ May require a MOT (Maintenance of Traffic) Plan
- ❖ Directional Bore/Drill
 - Directional boring, allows the operator to “steer” the drill head underground for precise control to include vertical

- Uses water to facilitate the drill head moving through the ground
- ❖ Pneumatic Missile
 - Operator aims the missile towards the target that could be 10-25 feet away
 - Operator has little control over the missile after it has left the pit
 - Pneumatic missiles are known to deflect and “rise” in sandy soils
 - Pneumatic missiles are a lower-cost alternative to directional boring
- ❖ Hutchinson Street – July 30, 2019
 - Contractor was “shut down” by City staff early in the day for unauthorized cutting curb/asphalt and excavating under the street
 - Contractor had no “Maintenance of Traffic” devices/flaggers on site
 - Contractor did not have a valid Dig Ticket
 - Contractor was using a pneumatic missile instead of a Directional Boring setup
 - Applicant(s) identified Directional Boring as the technique to be used on the permit application
 - Sewer came up through the pavement in the morning
 - Cavity or “sinkhole” developed in the afternoon
 - Reported to the City of Destin by the Okaloosa County Sheriff Department
 - DWU was immediately called
 - DWU on-site within minutes
 - Road was reopened within a few hours
- ❖ Matthew Boulevard – August 12, 2019
 - 4” irrigation line was destroyed
 - Not 36” below the surface
- ❖ Scenic 98 (multiple locations – multiple dates)
 - Public Works was called out to a report of water gushing onto roadway at Matthew Blvd and Scenic 98
 - Possible damaged base material
 - Irrigation zone was shut off to prevent further damage
 - Will require opening the road to investigate
- ❖ Other areas of Scenic Hwy 98
 - Shallow boring and equipment damaged several panels of 10’ wide sidewalk
 - Other broken irrigation lines
- ❖ Scenic 98 Damage
 - Broken sidewalk from heavy trucks and equipment
- ❖ Airport Road damage – August 22, 2019
 - “Boring” Technology, probably a pneumatic missile damaged pavement on Airport Road and disturbed the base material
 - As the missile approached the surface, it damaged the asphalt creating a raised longitudinal “bump”
- ❖ An ounce of prevention
 - Pre-construction inspections of site to document conditions
 - Inspections during construction
 - Post-construction inspection to ensure conditions have been restored or improved

- Document everything with date-time stamped digital photos and forms
- ❖ Damages assessed thus far...
 - Airport Road - \$20,500 (road only)
 - Scenic 98 at Matthew - \$29,000 (road only)
 - Matthew at roadside parking - \$16,300 (road only)
 - Hutchinson Street - \$38,000 (road only/does not include DWU charges)
 - Total: \$103,800
- ❖ Recommendations from Staff
 - Authorize the return of an ordinance that prohibits the use of "uncontrolled" boring techniques under City streets
 - Ordinance language would hold operator (subcontractor) and applicant as equals for any enforcement actions taken
 - Ordinance would provide specific code section(s) for Notices of Violation, Notices of Hearing, etc....

Councilmember Destin moved to direct staff to prepare an ordinance amending the Land Development Code Section 8.01.00 - ROW Protection, that prohibits the use of "uncontrolled" boring techniques under City streets, hold operator/subcontractor and applicant as equals for any enforcement actions taken, and provides specific code section(s) for such things as Notices of Violation and Notices of Hearing. Councilmember Menchel provided a second to the motion.

Councilmember Ramswell asked if the contractors are covered by insurance for any of these damages so that the City does not have to pay for them.

Mr. Burgess stated that the applicant, the telecommunication company, is insured; however, he is not sure if the sub-contractor hired by the applicant is covered.

According to Councilmember Ramswell, they may have encountered this type of issue before on Airport Road. It seemed they have discussed adding clause into any of the City's contracts that would include sub-contractors and making them liable for damages that were incurred due to negligence. She asked staff to investigate it.

Mr. Burgess noted that all permits previously issued to the contractor are currently suspended. They will perform no work until the damages have been remedied. He added that one of the conditions of the City resuming business with them is that they ensure they provide directional boring equipment instead of pneumatic missile as their installation technique which the City believes was the direct cause of the vast majority of the incidents.

Councilmember Menchel noted that the damage assessment did not include the damage on Hwy 98 at the Crab Trap. He also stated there are other damages of which the City may not have been aware, such as the light pole in Destiny East being taken out by the pneumatic missile. He suggests they publicize this matter so residents may report other damages to infrastructure that have not yet surfaced and may be attributable to the work that had been performed.

According to the Land Use Attorney, one of the other things that she had discussed with staff was creating a list of approved sub-contractors; and once they have acted negligently or in violation of a permit, they would be removed from that list pursuant to a policy they plan to take to Council for consideration. She also noted there is a statutory language that allows certain small cell facilities to locate them in rights-of-way; however, they are not permitted to damage public property. The City's permit requires that if they do damage public property that they have to restore it to at least the same condition it was in prior to the work. She added that the contractor in this case is responsible for restoring the City's property.

Councilmember Ramswell inquired as to the procedure currently in place so that they have someone that could inspect each job site to ensure that the work, at least superficially, appears to have been done properly.

Mr. Burgess noted that part of his presentation included some new procedures they are implementing to prevent a similar occurrence. In addition, they plan to put in some language requiring a one-year warranty for the pavement in the area where work was performed just in case something that took a while to develop can be attributable to the work that was performed.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

E. Announcement

The City Manager asked the Council to appoint a representative from the Council to accompany him and the City's attorneys to Tallahassee to discuss the Norriego Point to discuss the position being held by FDEP and the Bureau of Land as it relates to the placement of additional sand on Norriego Point.

Councilmember Morgan moved to appoint Councilmember Destin as the Council representative to accompany the City Manager and the City's Legal Counsel to Tallahassee to discuss the position being held by FDEP and the Bureau of Lands as it relates to the placement of additional sand on Norriego Point; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

5. PUBLIC HEARINGS

A. Second reading of Ordinance 19-20-LC – Sign Requirements for Short-Term Rentals

The City attorney read Ordinance 19-20-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SIGN REQUIREMENTS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 16 – SIGNS; AMENDING SECTION 16.03.00 – PROHIBITED SIGNS, PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Patti Brown, a Destin resident, noted the City has an existing ordinance that prohibits placing signs on fences. However, she feels that aesthetically, it is much better for these signs to be on the fences than on the houses.

The Land Use Attorney explained they are creating an exception to that prohibition so that these signs can stay on fences rather than moving them to the houses. It is a limited exception for the signs to stay on white picket fences on Crystal Beach.

Ms. Marcie Bell, a Destin resident, noted there is a short-term rental unit located across the street from her house that has two signs for two different short-term rental companies. They had a property management company that was recently replaced by another company. The previous company has not come back to retrieve their sign and some of the people driving by, including the Sheriff's deputies, do not know which sign is appropriate.

Code Compliance Manager Joey Forgione stated they would investigate this matter.

Mr. Sam Perman, a Destin resident, expressed her appreciation to the City for taking on the issue of damages caused by telecommunication companies. She stated that after she came back from vacation, she received a water bill for \$738.58. She requested a printout of the itemized bill from DWU, and from that document determined that AT&T used her water while she was away on vacation. She sent them an email and requested a reimbursement.

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

Motion by Councilmember Braden, seconded by Councilmember Destin, to adopt Ordinance 19-20-LC on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

6. *CONSENT AGENDA

- A. Reimbursement to Councilmember Prebble Ramswell for expenses incurred while attending the Florida League of Cities Annual Conference in Orlando, Florida from August 14-18, 2019
- B. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the Florida League of Cities Annual Conference in Orlando, Florida from August 14-18, 2019
- C. Tourist Development Department Interlocal Agreement for Waterfront Access Maintenance and Capital Improvements
- D. Update: Municipal Software Project
- E. Approve Vendor to Replace Community Center Bleachers
- F. Resolution 19-15 – Establishing the Infrastructure Surtax Advisory Committee

Councilmember Braden requested that Consent Agenda Item 6D be pulled for further discussion.

Councilmember Marler moved to approve Consent Agenda items 6A, 6B, 6C, 6E and 6F, as printed above; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

Councilmember Braden requested an update on the City's relationship and processes with the County with regards to the municipal software project.

Deputy City Manager Webb Warren noted that the City has been working diligently with the County on this matter and they have made available their resources to work with the City. So far everything looks good in terms of compatibility and they expect to see some improved information sharing.

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve Consent Agenda item 6D, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

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

A. Councilmember Braden

Councilmember Braden requested an update on the FEMA funding for the Calhoun Park repairs.

Parks and Recreation Director Lisa Firth stated that the person representing the City has not provided any specifications on the seawall repair.

Councilmember Braden asked that Council be provided a copy of the Code Compliance Department's end of year report.

B. Councilmember Ramswell

Councilmember Ramswell asked staff to provide the Council a copy of the established protocol used in the event of severe weather conditions or other unforeseen emergency situations to make Council aware of the process. She asked if these guidelines and procedures are being reviewed annually.

According to the City Manager, each City department has their own responsibilities in terms of emergency management and Public Services Department takes the lead. He met with the City's senior leadership team in May this year and asked them to review and revise their processes if necessary.

C. Councilmember Menchel

Councilmember Menchel asked staff to inform the County there are 5 lights that are out at the Crab Trap parking lot.

Councilmember Menchel requested that a member of City staff reach out to Ms. Perman who spoke earlier about receiving a huge water bill while out on vacation, and possibly assisting her in her situation by providing her a good point of contact.

D. Councilmember Overdier

E. Councilmember Marler

F. Councilmember Destin

1) Appointment to the Local Planning Agency – Mr. Kevin Schmidt

Motion by Councilmember Destin, seconded by Councilmember Menchel, to appoint Mr. Kevin Schmidt for membership to the Local Planning Agency passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

The next item discussed was agenda item 4A

2) Governor Executive Order Discussion/Resolution

It was the consensus of the Council to instruct staff to bring back proposed language in Resolution form, to be adopted at a future meeting, that would express the Council's desire to the Emergency Management Department within the Governor's cabinet to tailor emergency orders that are issued to affected counties only.

G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

The City Attorney requested and received a consensus of the Council to authorize him and the City's Special Counsel, Ken Oertel, to move forward with defending the US Army Corps of Engineers' permit in the ongoing East Pass litigation.

8. PUBLIC COMMENTS

Mr. Ken Wampler, a Destin resident and member of the Destin Chamber of Commerce Board provided the following report:

➤ Reported Code Violations - October 2018 to August 2019:

❖ Parking

- FY 2018 – 54
- FY 2019 – 421

❖ Trash

- FY 2018 – 33
- FY 2019 – 247

❖ Unregistered Short-Term Rentals

- FY 2018 – 52
- FY 2019 – 87

- ❖ Unregistered Long-Term Rentals
 - FY 2018 – No Report
 - FY 2019 – 34
- ❖ Noise
 - FY 2018 – 1
 - FY 2019 – 15
- ❖ Business operating without Business Tax Receipt
 - FY 2018 – No Report
 - FY 2019 – 45
- ❖ Signs
 - FY 2018 – No Report
 - FY 2019 – 86
- ❖ Miscellaneous Violations
 - FY 2018 – 251
 - FY 2019 – 291

Mr. Wampler noted that based on the above statistics, what the City had done from the ordinance and code enforcement standpoint have made a big impact.

Ms. Marcie Bell, a Destin resident, noted that the swale/retention area in front of the aquatic center belongs to the center. She suggests doing a public/private partnership with the City to help the aquatic center make it another parking area and put some permeable materials there rather than just parking on the sand.

Ms. Patti Brown, a Destin resident, reported finding rats in her house; and that according to the exterminator, this is a huge problem in Crystal Beach. Due to insufficient number of trash cans, trash is being packed up in bags and placed besides the trash cans. She stated that it is a significant problem not only at Crystal Beach but also on Holiday Isle; and that it is something the Short-Term Rental Task Force needs to address

1

Having no further business at this time, the meeting was adjourned at 8:25 PM.


 Gary Jarvis, Mayor

ATTEST:


 Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council

THRU: Kyle Bauman, City Attorney
Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: February 5, 2020

SUBJECT: Beach Acquisition Agent

I. BACKGROUND: Beach acquisition is the top strategic objective for FY2020. These priorities were established through the visioning process in October 2019 and adopted by Council in the 2020 Strategic Plan.

Staff continues to pursue Triumph funding for this high priority project; However, the Triumph funding process is lengthy and is not guaranteed funding for the City. The Triumph application and approval process could extend well into the rest of this year.

The Triumph Board of Directors has historically placed high importance on the applicant showing a variety of monetary stakeholders. Because of this, if the City Council wishes to maximize the City's potential Triumph award, then its best course of action is to reserve a significant amount of money for that application process.

Nevertheless, Staff believes additional funding from half cent sales tax revenue will provide the City enough funds to immediately move forward with some beach acquisition and still provide a large enough balance to accompany the Triumph application. Additionally, any money the City Council spends on beach acquisition could potentially be viewed as a "credit" by the Triumph Board of Directors in that application process. If the City Council elects to proceed with possible beach parcel purchases prior to any Triumph award, then the City staff and City Attorney will work with the Triumph staff in attempt to ensure that the City is "credited." There is, however, no guarantee that the City will be credited.

II. DISCUSSION: Public beach acquisition is the top priority for the City Council and our organization. Staff is recommending an independent third party to assist with negotiations and property acquisition to help expedite the beach acquisition project.

The Trust for Public Land (TPL) is a 501(c)(3) organization that has worked with the City on past and present projects, such as Leonard Destin Park and Royal Melvin Heritage Park.

The TPL's mission statement is: **The Trust for Public Land creates parks and protects land for people, ensuring healthy, livable communities for generations to come.**

No contract is necessary for the city to utilize the TPL and their expertise to negotiate and facilitate the acquisition process.

Florida statute 166.045 addresses some real estate purchase processes for municipalities (see ATT1).

- A. **Link to Strategic Goals / Objectives:** Council Objective FY20, TOP PRIORITY - Public Beach Initiative
- B. **Effect on Budget (EOB):** The Trust for Public Land operates off of donations from land owners, the City will not incur any direct cost.
- C. **Level of Service (LOS):** Increased Level of Service

III. CONCLUSION: Staff believes that partnering with the Trust for Public Land will expedite Destin's beach acquisition process. Partnering with the TPL will also provide additional transparency and an experienced acquisition manager to work with staff during this process. Staff can work with the TPL to pursue supporting grants and assist in project management to ensure the acquisition process moves forward in a transparent, cost-efficient and pro-active manner.

Contingent upon Council approval, Staff will work with the TPL to ensure the guidelines established for Destin's Beach Acquisition are used to prioritize opportunities. Staff has communicated with Kate Brown, our TPL representative concerning their availability for this project. If Council approves, the TPL is ready to move forward on this project ASAP.

IV. RECOMMENDED MOTION: I move to authorize the City Manager to work with the Trust for Public Land to negotiate beach acquisition opportunities and bring individual properties back to Council for consideration in accordance with state statutes.

Attachments:

1. ATT1: Florida Statute 166.045

Select Year: 2019 ▼ Go

The 2019 Florida Statutes

[Title XII](#)
MUNICIPALITIES

[Chapter 166](#)
MUNICIPALITIES

[View Entire Chapter](#)

166.045 Proposed purchase of real property by municipality; confidentiality of records; procedure.—

(1)(a) In any case in which a municipality, pursuant to the provisions of this section, seeks to acquire by purchase any real property for a municipal purpose, every appraisal, offer, or counteroffer must be in writing. Such appraisals, offers, and counteroffers are not available for public disclosure or inspection and are exempt from the provisions of s. [119.07\(1\)](#) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing body of the municipality. If a contract or agreement for purchase is not submitted to the governing body for approval, the exemption from s. [119.07\(1\)](#) will expire 30 days after the termination of negotiations. The municipality shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term “option contract” means a proposed agreement by the municipality to purchase a piece of property, subject to the approval of the local governing body at a public meeting after 30 days’ public notice. The municipality will not be under any obligation to exercise the option unless the option contract is approved by the governing body at the public hearing specified in this section.

(b) If the exemptions provided in this section are utilized, the governing body shall obtain at least one appraisal by an appraiser approved pursuant to s. [253.025](#) for each purchase in an amount of not more than \$500,000. For each purchase in an amount in excess of \$500,000, the governing body shall obtain at least two appraisals by appraisers approved pursuant to s. [253.025](#). If the agreed purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote. The governing body may, by ordinary vote, exempt a purchase in an amount of \$100,000 or less from the requirement for an appraisal.

(c) Notwithstanding the provisions of this section, any municipality that does not choose with respect to any specific purchase to utilize the exemption from s. [119.07\(1\)](#) provided in this section may follow any procedure not in conflict with the provisions of chapter 119 for the purchase of real property which is authorized in its charter or established by ordinance.

(2) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, s. [286.011](#).

History.—s. 2, ch. 84-298; s. 2, ch. 88-315; s. 35, ch. 90-360; s. 9, ch. 94-240; s. 46, ch. 96-406; s. 30, ch. 2016-233.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: February 11, 2020

SUBJECT: Land Development Code (LDC) Update Overview

I. BACKGROUND: Florida's community planning laws require that each city adopt a Comprehensive Plan and a Land Development Code (LDC). The comprehensive plan guides future development, deals with problems associated with the development of land, promotes public health and safety, and protects human, environmental, social and economic resources. The LDC implements the goals, objectives and policies of the comprehensive plan. The LDC is required to be consistent with and implement the adopted comprehensive plan.

As it stands today, there are multiple inconsistencies between the adopted City of Destin Comprehensive Plan 2020 and the current City's Land Development Code. It is, therefore, time for a thorough article by article evaluation, reorganization, and rewrite to bring the LDC into compliance with and implement the adopted Comprehensive Plan.

II. DISCUSSION: The LDC update will be guided by the following principles, and take the following approach:

Guiding Principles

Simplicity – Simple to read and understand the different requirements

Easy To Navigate – Clear and streamlined, easy to follow, layout of the processes and requirements for review and approval.

Enhance the Livability Elements of City's Planning Areas – Reflect, showcase and enhance the unique characteristics of the City's neighborhoods and

economic districts.

Implement the City's development policies – Establish clear, simple and streamlined requirements and processes that implement the City's development policies aimed at guiding current and future development.

Approach

The initial effort of the LDC Update will focus on LDC Article 8 – Transportation. This is primarily because **Chapter 2: – Transportation Element of the Comprehensive Plan** was amended in its entirety, on November 3, 2014. However, a subsequent update of **LDC Article 8 – Transportation** was never undertaken.

In addition, starting with Chapter 8 of the LDC will set the tone in providing the requirements and process for a safe, convenient and cost effective multimodal transportation system and roadway network that optimizes access for current and future development.

Updating of Article 8 will take a three-part approach:

1. The first task will be to evaluate the applicability and consistency of the existing LDC provisions with the Comprehensive Plan 2020 Goals, Objectives, and Policies.
2. Next, the existing provisions will be reviewed, reorganized and amended into a logical sequence of elements that address the transportation corridors and facility design, access management, on-site transportation, and community parking strategies.
3. The third task will include the updating and drafting of new provisions to fully implement the Transportation Element of the Comprehensive Plan.

- A. **Link to Strategic Goals / Objectives:** Establish consistency between the Comprehensive Plan and the Land Development Code.
- B. **Effect on Budget (EOB):** None
- C. **Level of Service (LOS):** Improve the City's development review process.

III. CONCLUSION: Staff recommends that the City Council direct Staff to proceed with the task of updating the City's Land Development Code.

IV. RECOMMENDED MOTION: I move that the City Council direct staff to proceed with updates to the Land Development Code as outlined.

Attachments:

1. Land Development Code PP

Land Development Code Update Overview



“ How we develop and where we develop matters.

An adopted Comprehensive Plan and a Land Development Code are the Community’s guiding framework for attaining a community’s vision - for growth, redevelopment and investment.”

The Issue

The Issue

The City's Land Development Code is not consistent with the City's adopted Comprehensive Plan.

Therefore, it is time for a thorough article by article evaluation.

Guiding Principles

Guiding Principles



Simplicity



Easy to Navigate



Enhance Livability Elements
of City's Planning Areas



Implement the City's
development policies

The Approach

Approach

Focus on LDC Article 8 – Transportation

Why focus on LDC Article 8?



- 1.) To bring LDC Chapter 8 requirements into conformity with Comprehensive Plan policies Chapter 2-Transportation Element.
- 2.) Set the tone- Provide requirements and process for a safe, convenient and cost-effective multimodal transportation system and roadway network that optimizes access for current and future development.

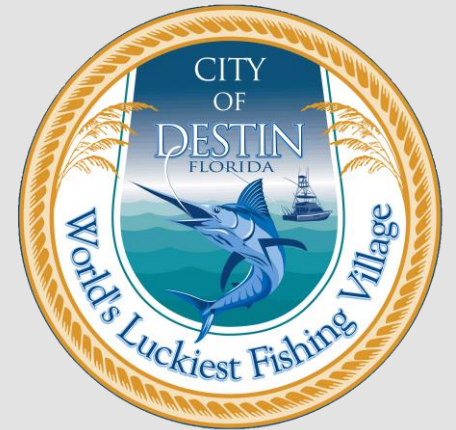
Approach

Three Part Approach

- 1.) Evaluate the applicability and consistency of existing LDC provisions with the Comprehensive Plan 2020 Goals, Objectives and Policies.
- 2.) Reorganize the existing provisions into a logical sequence of elements addressing transportation corridors and facility design, access management, on-site transportation and community parking strategies.
- 3.) Update and draft new provisions to implement the Transportation Element of the Comprehensive Plan.

Benefits of the Land Development Code Update

- 1.) Deliver customer-oriented development review service to residents of the development community.
- 2.) Enhance quality of life and showcase investment opportunities in the city.
- 3.) Enable Council and Administration to guide current and future development towards the City's vision.





Vision 2035

Adopted by City Council January 6, 2020

**DESTIN IS A FAMILY- ORIENTED BEACH
AND FISHING COMMUNITY WHERE PEOPLE
WANT TO LIVE, WORK & PLAY AND WHERE
GUESTS ARE WELCOMED TO
RESPECTFULLY ENJOY OUR COMMUNITY
AND ITS RESOURCES.**

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Noell Bell, Chief Building Official

DATE: February 11, 2020

SUBJECT: Construction Noise Limitations

I. BACKGROUND: The current Code of Ordinances outlines the following limitations on construction noise.

All zoning districts except SHMU

Sec. 14-56. - Exemptions

(10) Construction or demolition activities, other than the placement of concrete as described in subsection (13) below, for which the city has issued a development permit, provided such activity occurs between 7:00 a.m. and 10:00 p.m.

(11) Placement of concrete associated with nonresidential development activities, for which the City of Destin has issued a development permit, when conducted between 3:00 a.m. and 10:00 p.m. If placement of concrete is planned to occur prior to 7:00 a.m., notice shall be provided to surrounding residential areas or noise sensitive zones with a minimum of forty-eight (48) hours' notice prior to commencement of this activity. A copy of the notice and distribution list shall be provided to the city manager or city manager's designee at least forty-eight (48) hours prior to commencement of this activity

Sec. 14-63. - Exemptions in SHMU only.

(3) Provided construction operations are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Sunday for projects located adjacent to non-residential properties; and

(4) Provided construction operations are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. and 6:00 p.m. on Saturday and Sunday for

projects located adjacent to residential properties.

II. DISCUSSION: City administration has received multiple construction noise complaints over the years. The number of complaints has increased recently as a result of increased development activities in the City. These complaints range from both large projects to single-family dwellings under construction. Staff has reviewed the current ordinance hours allowed for the construction noise and recognizes that Destin is a small 7.2 square miles community and understand that development is part of any community. As such, with development comes inevitable construction noise. However, we have a responsibility to be fair to both our citizens and the development community.

Staff is suggesting that construction be prohibited on federal holidays and before 9 am on Saturdays and Sundays, in order to balance the interest of the residents and developers.

- A. **Link to Strategic Goals / Objectives:** Enhance the quality of life of the residents and promote economic growth in the City.
- B. **Effect on Budget (EOB):** None
- C. **Level of Service (LOS):** None

III. CONCLUSION: In an effort to accommodate all interested parties, staff proposes that the Council amend the construction noise limitations as follows.

ALL ZONING DISTRICTS:

1. Construction activity shall not be allowed on any Federal Holiday.
2. Monday – Friday 7am to 7pm
3. Weekends (Saturday and Sunday) 9am-5pm

IV. RECOMMENDED MOTION: Motion to direct the City Land Use Attorney to proceed with preparation of an ordinance to implement staff's recommended changes.

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: Announcement

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: February 18, 2020

TYPE OF AGENDA ITEM: Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: January 22, 2020

SUBJECT: Second reading of Ordinance 20-02-LC, amending Articles 6, 7, 8, 11 and 12 of the Land Development Code to delete all references to the tiered land use system pursuant to the City's Comprehensive Plan.

I. BACKGROUND: On April 2, 2018, City Council passed Ordinance 17-22-PC, amending Comprehensive Plan: 2020; removing the Tier System from the City's Comprehensive Plan, to be replaced with the Total Floor Area Ratio (T-FAR) planning tool. However, the remaining references to the Tier Land Use System in the Land Development Code were never subsequently removed. Proposed Ordinance 20-02-LC is a follow up to Ordinance 17-22-PC, removing the Tier System language from Article 6, Article 7, Article 8, Article 11, and Article 12 of the City's Land Development Code.

II. DISCUSSION: As a result of the removal of the Tier Land Use System, all design requirements will now be required for all Major and Minor Development Orders and Development Order Amendments. Additionally, minor Tier references which still exist in the Comprehensive Plan will also be removed through a Comprehensive Plan Amendment.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Proposed Ordinance 20-02-LC amends the City's Land

Development Code by removing all Tier System language for consistency with the City's Comprehensive Plan.

During a Public Hearing held January 16, 2019, the LPA recommended that City Council approve proposed Ordinance 20-02-LC.

IV. RECOMMENDED MOTION: I move that the City Council approve proposed Ordinance 20-02-LC on second reading.

Attachments:

1. Ordinance 17-22-PC
2. Ordinance 20-02-LC (Tier Removal)
3. Tier Removal Staff Report Council

ORDINANCE 17-22-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT; AMENDING CHAPTER 2 - TRANSPORTATION ELEMENT; AMENDING CHAPTER 12 - ADMINISTRATION; AND AMENDING CHAPTER 13 - GLOSSARY; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance is Section 1.01 of the City Charter; Chapter 163, Part II, *Florida Statutes*; Sections 166.021 and 166.041, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

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 of the City of Destin adopted its Comprehensive Plan: 2020 on November 3, 2013; and

Whereas, the Department of Economic Opportunity found Comprehensive Plan: 2020 to be in compliance with state requirements on January 7, 2015; and

Whereas, the City Council of the City of Destin deemed it necessary and appropriate to conduct intensive planning initiatives in 2015 and 2017 to significantly improve its approach to future growth and development; and

Whereas, the City Council of the City of Destin retained a planning consultant for the purpose of recommending changes to the City's Comprehensive Plan; and

Whereas, the result of the intensive planning initiatives are certain amendments to Chapter 1-Future Land Use, Chapter 2 - Transportation, Chapter 12 - Administration, and Chapter 13 - Glossary of Comprehensive Plan: 2020 to, among other things, eliminate the Tier System and replace same with appropriate densities, intensities and building height limitations, impose site development design guidelines and criteria universally, require pedestrian friendly site design, and enhance multimodal functionality; and

Whereas, the City Council has determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of City residents, as well as prevent hazards to persons, property, and vehicles traveling the City's highways, roads and streets; and

Whereas, the City's beaches attract people and families who travel from near and far to enjoy the coastal environment, breathe the fresh air, exercise, play or relax on the sand or in the water, and engage in other recreational activities; and

Whereas, tourism is a major contributor to the economic health of the City overall and the City desires to support the tourism industry while also seeking to improve the quality of life of City residents; and

Whereas, tourists and residents alike enjoy the City's pristine beaches, fertile fishing areas, and critical environmental habitats; and

Whereas, the City Council recognizes the continued need to protect areas designated for public uses in particular locations; and

Whereas, in recent years, the City Council has received many verbal and written public comments from its citizens at public meetings expressing that the City has experienced overcrowding, congested roadways, insufficient parking, overburdened infrastructure, and associated negative impacts on private property and decreases in the quality of life of its citizens; and

Whereas, the City Council desires to lessen congestion in City streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air, to prevent overcrowding; to avoid undue concentration of population; and

Whereas, the City Council seeks to make the City of Destin a livable, healthy, economically robust community with safe, convenient access to roadways and parking; and

Whereas, the City Council, to ensure the City's orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the changing needs and conditions within the City; and

Whereas, the Comprehensive Plan affects the City as a whole, which affects the general health, natural beauty, public safety, smart growth, and the welfare and wellbeing of City residents; and

Whereas, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

Whereas, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

Whereas, the City Council of the City of Destin has determined that the proposed amendments to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, *Florida Statutes* and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as "Chapter 1 - Future Land Use Element, Chapter 2 - Transportation Element, Chapter 12 - Administration and Chapter 13 - Glossary of the City of Destin's Comprehensive Plan - Goals, Objectives and Policies: 2020".

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: INTENT.

The intent of this Ordinance is to provide orderly growth management for the City of Destin. This Ordinance provides public policy mechanisms for growth management in order to serve the visitors, residents and property owners of Destin and maintain and improve the quality of life for all citizens of the City. The City Council of Destin finds that the goals, objectives, policies and regulations attached hereto and made part of by reference as Exhibit "1" are a necessary and proper means for planning and regulating the development and use of land in the City and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. This Ordinance shall be construed broadly to accomplish its stated purposes and objectives.

SECTION 6. ADOPTION OF THE AMENDMENTS TO THE FUTURE LAND USE ELEMENT, TRANSPORTATION ELEMENT, ADMINISTRATION AND GLOSSARY:

The Destin City Council hereby adopts the amended "Chapter 1 - Future Land Use Element, Chapter 2 – Transportation Element, Chapter 12 - Administration and Chapter 13 - Glossary of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020", a copy being attached hereto as Exhibit "1" and made a part hereof by reference, in conformance with Chapter 163, *Florida Statutes*.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or her 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 8: 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 Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

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

SECTION 9: 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.

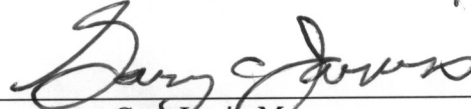
SECTION 10: EFFECTIVE DATE.

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 that the Administration Commission enters a final order determining 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 has become 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.

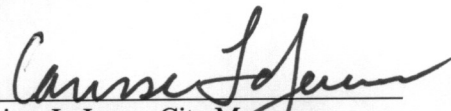
ADOPTED THIS 2ND DAY OF APRIL 2018,

BY:

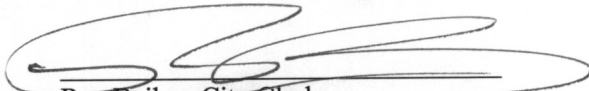


Gary Jarvis, Mayor

ATTEST:

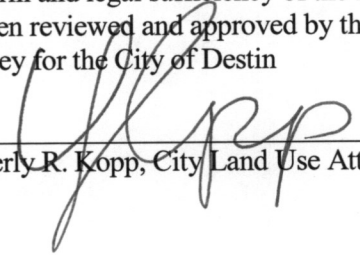


Carisse LeJeune, City Manager



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



Kimberly R. Kopp, City Land Use Attorney

First Reading: November 6, 2017

Second Reading: April 2, 2018

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CHAPTER 1: - FUTURE LAND USE ELEMENT

SECTION 1-1: FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES.

Policy: 1-1.1.1 Urban Design Standards and Design Criteria

2. **Design Criteria for Sites.** Within one year from Plan Adoption, the LDC shall be amended to enhance site design criteria that promote multimodal connectivity, maximize functional open space, and promote harmony with existing structures. The following are design standards that shall be applicable to all development, with the exception of industrial uses, and single-family and duplex residences, that front on a street in the Mixed Use Districts.
 - a. **Building Siting.** Buildings shall be sited in order to maximize functional open space and, meet LDC design standards to provide frontage on existing and proposed public and publicly accessible streets.

Policy 1-1.2.1: Protect Residential Areas. The LDC shall implement design standards to protect existing stable single-family residential areas and projected future single-family residential areas from adverse impacts by new development due to location, massing, intensity, scale, and height. These areas include all residential future land use designations and historically residential neighborhoods in mixed use designations delineated on the Future Land Use Map 1-1

Policy 1-1.2.4: Orderly Transition in Land Use. The type and density of new residential development shall be consistent with the Comprehensive Plan FLUM (Map 1-1), and adopted City redevelopment plans. Where the FLUM (Map 1-1) and/or Zoning Map denote transition in land use type, density, or intensity, the LDC shall provide criteria for ensuring that any new development or redevelopment provides a smooth transition in land use. Residential development shall be consistent with the concurrency management system and be approved only where available infrastructure capacity exists concurrent with the impacts of such development.

Policy 1-1.3.2: Location Considerations. Commercial and Mixed Use development shall be concentrated in strategically located areas having characteristics that best accommodate their specific land, site, public facilities, and market location requirements. These criteria have informed the location of commercial and mixed use designations on the Future Land Use Map (Map 1-1). The strategically located areas shall promote efficient flow of traffic along major thoroughfares, achieve orderly development, and minimize adverse impact on residential quality.

Commercial infill and redevelopment shall be regulated by the LDC in order to:

1. Promote multimodal access and efficient flow of traffic.

2. Achieve orderly development.
3. Avoid negative impacts on established residential neighborhoods.
4. Encourage appropriately scaled and designed neighborhood commercial development within easy walking distance of residences.
5. Prevent adverse impacts on the fragile coastal eco-system.
6. Direct mixed use development to the Town Center, the North and South Harbor Planning Areas, and other strategically located areas identified on the (Map 1-1a).
7. Prevent the proliferation of strip commercial development with few pedestrian amenities.

SECTION 1-2: FUTURE LAND USE MAP.

Policy 1-2.1.3: Areas Ineligible to Accommodate Development. No habitable buildings or non-water dependent structures, aside from essential public facilities and services, shall be located on land classified as un-developable environmentally sensitive lands, including wetlands, transitional wetlands, salt marsh, tidal waters, beaches, beach berms and dunes, and the natural shoreline. However, the LDC shall provide regulatory measures to ensure that land in private ownership is provided reasonable use. For instance, the LDC shall provide for transfer of density and intensity from privately owned environmentally fragile land to directly abutting uplands under common ownership as may be required to avoid a "taking," or a denial of vested right or beneficial use. The intent is to sustain demonstrated private property rights while preserving the public interest, welfare, health, and safety.

Policy 1-2.1.4: Method of Measuring Building Height.

Building height shall be measured from the highest point of the crown of the road, average grade of the subject property if it is not in an area that has a Federal Emergency Management Agency (FEMA) Minimum Based Flood Elevation, or FEMA Minimum Base Flood Elevation, whichever is higher, to the cornice line of the building (except the building height for the Harbor Waterfront, as defined herein). The highest point of the crown of the road shall be established by topographic survey that has been signed and sealed by a Florida Registered surveyor. Within the "Harbor Waterfront" area, as defined herein, building height shall be measured via the Average Grade Method. Single-family residential dwelling units may include non-habitable architectural roof embellishments (e.g. spires, watch towers, crows' nests, cupolas, chimneys, and similar architectural embellishments), or appurtenant structural systems (e.g. machinery rooms, elevator shafts, stairwells, and similar ancillary facilities) up to a maximum of six (6) feet above the allowable maximum height of roof structure. Non-residential and mixed-use buildings may include non-habitable architectural roof embellishments (e.g. spires, watch towers, crows' nests, cupolas, chimneys, and similar architectural embellishments), or appurtenant structural systems (e.g. machinery rooms, elevator shafts, stairwells, and similar ancillary facilities) up to a maximum of ten (10) feet above the allowable maximum height of the roof structure.

Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 5:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.

*Cornice Line: Cornice line as used herein means the horizontal line on the exterior of a building at which the roof system intersects the exterior wall.

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. Building heights, density and/or intensity which (a) are actual, present and which lawfully existed prior to the effective date of the Comprehensive Plan, or (b) were authorized pursuant to a development order, which development order remained unexpired as of the effective date of the Comprehensive Plan, shall continue to be legal building heights, density and or intensity (as applicable) after adoption of the Comprehensive Plan. 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, building height, density or intensity 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. The intent is to sustain demonstrated private property rights while preserving the public interest, welfare, health, and safety. 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.

Policy 1-2.1.7: Density and Intensity of Development. The maximum range of density and/or intensity stated in the Comprehensive Plan and in the LDC may be further constrained by quantitative and qualitative criteria included in the Comprehensive Plan and LDC, including but not limited to requirements for minimum open space; concurrency management and level of service standards for transportation, stormwater and other public facilities and services; off-street parking and internal circulation; landscaping; impacts on schools; and on-site and off-site improvements and design amenities required to achieve land use compatibility. In addition, natural constraints such as the shape and natural features of a site may present obstacles to achieving maximum density and/or intensity shown on the adopted Comprehensive Plan FLUM. Where a zone permits both density and intensity, that density and intensity shall not be applied to the same acreage. A developer may separate a portion of the property to be calculated as density (generally for single-family or multi-family development) and a different portion of the property to be calculated as intensity. Density and intensity shall be calculated using the amount of "gross land area" as defined in the glossary.

Policy 1-2.1.9: Intensity Defined. Floor Area Ratio (FAR), as defined in the Glossary, describes the square footage of uses on a development site. The specific FLUM designations shall identify the maximum FAR for land use designations.

FAR shall not be applied to publicly owned parking garages or to areas of parking garages dedicated to the City when part of a public-private development partnership.

Policy 1-2.1.10: Density Defined. Density, as defined in the Glossary, may be used to determine the maximum number of residential units allowed on a development site.

Residential uses include long-term and short-term residences. Non-residential uses are not regulated by density. The specific FLUM designations shall identify the maximum density for residential uses.

OBJECTIVE 1-2.2: ESTABLISH RESIDENTIAL LAND USE DESIGNATIONS. The residential FLUM designations shall be established as defined herein. Supportive community facilities and accessory land uses may be located within areas designated for any type of residential land uses. The LDC shall provide regulations for managing such community facilities and accessory land uses. This objective shall be measured through implementation of the following Policies.

Policy 1-2.2.1: Bay Estates (BE). Areas designated "BE" shall be developed, redeveloped and/or maintained and conserved as stable single-family (SF) long-term residential estates. The "BE" designation includes lots and parcels located in the Village Planning Area (VPA) adjacent to or near Choctawhatchee Bay, Joe's Bayou, Marler Bayou, or north of Indian Bayou. Land designated "BE" shall not include development or redevelopment of short-term residential or nonresidential uses. The "BE" designated land may be developed up to the following maximum development standards:

TABLE 1-1: GENERAL DEVELOPMENT STANDARDS FOR "BE" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories	Up to 2.90	N/A

Policy 1-2.2.2: Low Density Residential (LDR). Areas designated "LDR" shall be developed, redeveloped and/or maintained and conserved as single-family (SF) long-term residential uses. Lots and parcels in the Village Planning Area (VPA) or the East Harbor Planning Area (EHPA) (Map 1-1a) that are designated "LDR" shall not be allowed to develop or redevelop short-term residential uses or nonresidential uses. However, lots and parcels designated "LDR" within the Holiday Isle Planning Area (HIPA) shall be allowed to develop and/or be maintained as short-term residential uses, but nonresidential uses shall be prohibited. The "LDR" designation includes lots and parcels that may be developed up to the following maximum development standards:

TABLE 1-2: GENERAL DEVELOPMENT STANDARDS FOR "LDR" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories *	Up to 5.81	N/A

* Holiday Isle – 30'3 stories

Policy 1-2.2.3: Medium Density Residential (MDR). Areas designated "MDR" shall be developed, redeveloped and/or maintained and conserved as stable single-family (SF) or multiple-family (MF) long-term residential uses. Land designated "MDR" within the Village Planning Area (VPA) and the CRA, shall not be allowed to develop or redevelop short-term residential uses or nonresidential uses. However, lots and parcels designated "MDR" that are located within the Holiday Isle Planning Area (HIPA) shall be allowed to develop and/or maintain short-term residential uses, but not nonresidential uses. Based on established patterns of residential development within the Village, Holiday Isle, and the CRA (except the Town Center) Planning Areas, the following maximum development standards shall be applied to future development within "MDR" designated areas:

TABLE 1-3: GENERAL DEVELOPMENT STANDARDS FOR "MDR" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories*	Up to 5.81	N/A
Multi-Family Residential	35'3 stories	Up to 9.90	N/A

* Holiday Isle – 30'3 stories

The zoning map designation shall delineate policy for allocating specific densities on land designated "MDR" based on established patterns of land development and based on adopted Comprehensive Plan goals, objectives, and policies. Review of specific densities of developments shall be directed toward preserving stability of established residential areas. Sites designated "MDR" should be located and developed in a manner that ensures a smooth transition between lower density residential areas and areas developed and/or designated for other more intense uses. Generally, medium density areas should be located between the perimeters of low density residential areas, high density residential areas, and/or commercial or mixed use designations.

Policy 1-2.2.4: High Density Residential (HDR). Areas designated "HDR" shall be developed, redeveloped and/or maintained and conserved as stable multiple-family (MF) and attached single-family (SF) long-term and short-term residential uses and shall prohibit nonresidential uses. The "HDR" designation includes lots and parcels that may be developed up to the following maximum development standards:

TABLE 1-4: GENERAL DEVELOPMENT STANDARDS FOR "HDR" DESIGNATED LAND			
Use	Max. Height (feet/stories)	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	30'3 stories	Up to 9.90	N/A

Multi-Family	50'/4	Up to 16.9	N/A
Residential	stories ¹		

¹This maximum height limitation is subject to future review and the HIPA Height Overlay Sub-Area may be extended to additional areas within the Holiday Isle Planning Area (Map 1-1a) by amendment to this policy in the event it is definitively established by order of a court of competent jurisdiction that a lower maximum height limitation imposed under private restrictive covenants applies to, and is legally binding upon, those properties.

The zoning map shall delineate policy for allocating specific densities for land designated "HDR" based on established development patterns and adopted Comprehensive Plan goals, objectives, and policies, including design principles for achieving a smooth land use transition. Review of specific densities of developments shall be directed toward preserving stability of established residential areas, particularly adjacent structures. The design and intensity of structures shall be reviewed based on criteria that shall require new development to provide a smooth transition in land use, intensity, and general appearance and design. Sites for high density residential developments should be located in a manner that provides a smooth transition in land use, density, and intensity of development. Generally, high density residential areas should be located between the perimeters of medium density residential areas and/or commercial or mixed use designations. High density residential development should be served by a major arterial or major collector street.

Policy 1-2.2.5: Crystal Beach Neighborhood (CBN). The "CBN" designation provides for regulated residential and very limited supportive nonresidential uses. Areas designated "CBN" shall have a predominately single-family detached residential character. Single-family residential development shall not exceed a maximum of six dwelling units per gross residential acre. Areas designated "CBN" may have single-family (SF) or multiple-family (MF) structures. The "CBN" designation is intended for long-term or short-term residential uses but only very limited supportive nonresidential uses. Additional restrictions on permitted supportive non-residential uses, such as maximum square footage, design or location requirements, may be specified in the LDC. Commercial hotels, motels, bed and breakfast establishments, or other commercial transient living accommodations shall not be allowed on any property designated "CBN." Based on established patterns of residential development within "CBN" designated areas the following maximum development standards shall be applied to future development within "CBN" designated areas:

TABLE 1-5: GENERAL DEVELOPMENT STANDARDS FOR "CBN" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	30'/3 stories	Up to 6.00	N/A
Multi-Family Residential	50'/4 stories	Up to 6.00	N/A

Very Limited Supportive Non-Residential Uses	50'4 stories	N/A	0.5
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OBJECTIVE 1-2.3: ESTABLISH COMMERCIAL LAND USE DESIGNATIONS. The commercial FLUM designations shall be established as described herein. Supportive community facilities and accessory land uses may be located within areas designated for any type of commercial or residential land uses. The allocation of land for commercial use shall be compatible with goals, objectives, and policies identified in the Comprehensive Plan and shall be consistent with established pattern of legally established commercial land uses. The policies stated below provide an explanation of the purpose, intent, and character of the commercial land use designations. Notwithstanding other provisions of this chapter, single-story retail uses should not exceed thirty-five (35) feet in height or 0.5 FAR.

Policy 1-2.3.1: Commercial Limited (CL). The "CL" designation is intended to accommodate a mixture of short-term and long-term residential and commercial uses of a lesser intensity than is allowed in the mixed use development category. Small-scale community commercial uses such as medical related facilities, commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, offices, retail uses and ancillary recreation uses, including golf courses are allowed. Such sites may accommodate a shopping center with grocery stores, drug store/pharmacy, specialty shops, and similar tenants with no single business entity having more than 60,000 square feet. Such sites shall not include trades, warehousing, and large home improvement establishments. The nature and scale of uses allowed on properties designated "CL" shall provide a smooth transition between the more intense "CG" designated properties and adjacent residential development. "CL" designated areas shall be pedestrian-oriented, have sufficient landscape buffering and setbacks to protect residential uses, have architectural features to protect residential uses from obtrusive roof top mounted equipment, residential uses shall be adequately protected from vehicle service and parking areas, and these objectives shall be carried out by inclusion of design techniques as set forth in the LDC. The following maximum development standards shall be applied to future development within "CL" designated areas:

TABLE 1-6: GENERAL DEVELOPMENT STANDARDS FOR "CL" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	30'3 stories	Up to 9.00	N/A
Multi-Family Residential	50'4 stories	Up to 12.00	N/A
All other permitted uses or mixes of uses as described in Policy 1-2.3.1	50'4 stories	N/A	0.5

Policy 1-2.3.2: Commercial General (CG). The "CG" FLUM designation is intended to accommodate general retail sales and services; highway oriented sales and services;

other general commercial activities defined in the LDC; customary accessory uses; and requisite community facilities. The areas designated "CG" are generally located along the Harbor Boulevard/Emerald Coast Parkway corridor and are intended to service the general commercial needs of permanent and seasonal residents. To sustain the existing and long-term market demands for commercial goods and services, properties designated "CG" are not intended to be used for long-term residential uses, manufacturing of goods, or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The "CG" designation is intended to accommodate retail, service, and other commercial uses, commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, as well as multiple-family (MF) short-term residential uses. The LDC shall establish provisions regulating specific land uses. The following maximum development standards shall be applied to future development within "CG" designated areas:

TABLE 1-7: GENERAL DEVELOPMENT STANDARDS FOR "CG" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Short-Term Multi-Family Residential	50'4 stories	Up to 16.90	N/A
All other permitted uses or mixes of uses as described in Policy 1-2.3.2	50'4 stories	N/A	1.3

Policy 1-2.3.3: Commercial Trades and Services (CTS). The "CTS" designation is intended to accommodate small to moderate sized higher intensity commercial services related to the construction industry, machine and other power equipment, durable goods repair and service, warehousing, boat repair and service, vehicle service and repair, and similar commercial trades and services. These types of uses are generally concentrated in the western part of the City, along Mountain Drive as delineated on the FLUM. The "CTS" designation is not intended to accommodate any short-term or long-term residential land uses, commercial hotels, motels, bed and breakfast establishments, or other commercial transient living accommodations, manufacturing of goods or other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration or major fire hazards, or other impacts generally associated with more intensive industrial uses. The following maximum development standards shall be applied to future development within "CTS" designated areas:

TABLE 1-8: GENERAL DEVELOPMENT STANDARDS FOR "CTS" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Nonresidential Floor Area Ratio
Commercial trades and services as described in Policy 1-2.3.3 (No	35'3 stories	1.00 per development	1.30

residential uses allowed, except for custodian or night-watchman residence)			
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OBJECTIVE 1-2.4: ESTABLISH MIXED USE LAND USE DESIGNATIONS. The mixed use FLUM designations shall be established as defined herein. Supportive community facilities and accessory land uses may be located within areas designated for mixed use development. The allocation of land for mixed use development shall be compatible with goals, objectives, and policies identified in the Comprehensive Plan and shall be consistent with established pattern of legally established mixed use land uses. The following policies provide an explanation of the purpose, intent, and character of the mixed use and commercial land use designations.

Policy 1-2.4.1: Residential, Office, and Institutional (ROI). The "ROI" designation is designed to accommodate business and professional offices; as well as single-family (SF) and multiple-family (MF) long-term residential uses; and institutional uses listed in Policy 1-2.7.1. The "ROI" designated land shall only be allowed to develop as commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations or short-term residential uses if the subject properties abut or are located south of Harbor Boulevard/Emerald Coast Parkway as delineated on the FLUM. The primary intent of such LDC standards and criteria shall be to preserve a smooth transition in development density and intensity. This land use Policy designation expressly excludes general retail sales and services (unless integrated as part of a PUD), warehousing, and outside storage. Furthermore, this Policy designation is intended for areas which:

1. Have access to a major thoroughfare and all required urban services.
2. Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity.
3. Accommodate limited residential uses as described herein as well as business and professional office buildings, including financial institutions, and medical facilities as regulated in the LDC.

The LDC shall include performance standards requiring appropriate perimeter landscaping and screening consisting of an upper story tree canopy and lower story hedge or shrubbery, and/or an aesthetic decorative fence or wall to ensure privacy and to promote compatibility among existing and anticipated future residential uses and office developments. Design techniques such as landscaping, screening and buffering shall be applied to ensure smooth transition in residential structure types and densities. The following maximum development standards shall be applied to future development within "ROI" designated areas:

TABLE 1-9: GENERAL DEVELOPMENT STANDARDS FOR "ROI" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Nonresidential Floor Area Ratio
Single-Family	35'3 stories ²	Up to 9.00	N/A

Multi-Family Residential	50'/4 stories	Up to 12.00	N/A
All other permitted uses or mixes of uses as described in Policy 1-2.4.1	35'/3 stories ²	N/A	0.5

* ROI- TD – 30'/3 stories

¹ Residential SF and MF short-term residential uses are only allowed on properties that abut or are located south of Harbor Boulevard/Emerald Coast Parkway.

² The maximum height by right shall be 35 feet and three stories, except properties with non-residential uses that abut Harbor Boulevard/Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.

Policy 1-2.4.2: Crystal Beach Resort (CBR). The "CBR" designation provides for residential and limited nonresidential uses. Both permanent long-term and short-term residential uses are permitted. Commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations shall be allowed. Nonresidential uses shall include places of worship, community buildings, public facilities, schools, libraries, post offices, childcare centers, clubhouses, museums, visual and performance arts buildings, neighborhood retail commercial goods and services not exceeding 5,500 square feet designed primarily to serve the needs of the Crystal Beach resort area, offices, medical and dental clinics, laundries and dry cleaning drop off centers, banks, fitness centers, dinner clubs and restaurants. The following maximum development standards shall be applied to future development within "CBR" designated areas:

TABLE 1-10: GENERAL DEVELOPMENT STANDARDS FOR "CBR" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	30'/3 stories	Up to 6.00	N/A
Multi-Family Residential	50'/4 Stories	Up to 12.00	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.2	50'/4 stories	N/A	0.7

Policy 1-2.4.3: Mixed Use (MU). The "MU" designation provides an intense mix of residential and nonresidential uses within the Town Center, Calhoun, North and South Harbor, Gulf Resort, Bay Resort, and a small area within the Holiday Isle Planning Areas. The intent of the "MU" designation is to promote innovative arrangements of development types in strategically located areas of the City that have or are planned to accommodate

a mixture of residential and commercial activities in close proximity to each other, achieve compact development, and reduce total trips on the roadway system.

The "MU" FLUM designation allows an intense mixture of residential and commercial activity. Residential uses shall include long-term and short-term residential uses. The LDC shall describe a comprehensive list of other allowable nonresidential uses, such as medical related facilities, retail establishments, general commercial uses, offices, commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, and recreational uses. The following policies shall apply to the respective mixed use areas identified below:

1. **Town Center Mixed Use (TCMU).** The "TCMU" shall be a focal point for reinvestment in a community mixed use center anchored by the Main Street Corridor. Objective I-3.3 and Policies 1-3.3.1 through 1-3.3.3 and 1-3.3.5 identify a planning and management framework for initiating new regulations and public investment strategies for the Town Center. Notwithstanding other provisions within this Plan, land within the Town Center shall not be allowed to include short-term residential uses unless the properties have direct or secondary access to Harbor Boulevard. Permitted uses are multi-family residential, high density single family (not less than 7 units per acre), retail, service, restaurant, office, commercial uses and civic uses. Locations where High Density Single Family Uses are not permitted shall be specified in the Town Center Master Redevelopment Plan. The following maximum development standards shall be applied to future development within Town Center Mixed Use area:

TABLE 1-11: GENERAL DEVELOPMENT STANDARDS FOR "TCMU" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'/3 Stories	Up to 9.0	N/A
Multi-Family Residential	50'/4 Stories	Up to 24.0	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 1	75'/6 stories	N/A	1.5

2. The **Calhoun** area is envisioned as a walkable, medium-scale resort-mixed use area. It also provides a transition between the South Harbor Mixed Use area and

U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north. In the intermediate future, this area is intended to undergo redevelopment. Planned developments that increase pedestrian connectivity, east-west vehicular connectivity, and parks or open space shall be encouraged. The Calhoun area has an excellent tree canopy and before major new development occurs, it is important the tree preservation ordinance 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. Permitted nonresidential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 square feet, offices, water dependent activities, restaurants, and similar activities as shall be defined in the LDC. This area also permits appropriately scaled institutional uses.

- a. **Calhoun Mixed Use (CMU).** The "CMU" area is bounded on the north by Clement Taylor Park, on the east by Calhoun Avenue, on the south by the north property line of parcel #00-2S-22-0630-0000-11A2; and on the west by the Bay. The following maximum development standards shall be applied to future development within the "CMU" area:

TABLE 1-12: GENERAL DEVELOPMENT STANDARDS FOR "CMU" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories	Up to 6.00	N/A
Multi-Family Residential	50'4 stories	Up to 12.00	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 2	50'4 stories	N/A	0.5

- b. **Calhoun Mixed Use - Village (CMUV).** The "CMUV" area is depicted on the FLUM (Map 1-1). The following maximum development standards shall be applied to future development within the "CMUV" area:

TABLE 1-12: GENERAL DEVELOPMENT STANDARDS FOR "CMUV" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories	Up to 9.0	N/A
Multi-Family Residential	50'4 stories	Up to 12.00	N/A

All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 2*	50'/4 stories	N/A	0.5
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* May include Single Family as part of a Planned Unit Development.

3. **South Harbor Mixed Use (SHMU).** The "SHMU" area is that area extending along the north shoreline of the Harbor from the western boundary of the High Density Residential district, and heading west to the East Pass, together with that property bounded by Harbor Boulevard on the south, Calhoun Avenue on the east, the Bay on the west, and the southern boundary of the Calhoun Mixed Use district on the north. These boundaries are delineated on FLUM (Map 1-1). The "SHMU" area is intended to accommodate a festive mixed use market place. The City should encourage tourist commercial development designed to preserve waterfront views, preserve water dependent activity, foster a pedestrian-oriented environment, and promote convenient public access to the planned Harbor Boardwalk and charter fishing opportunities for the public. A major intent of the Comprehensive Plan is to preserve the "SHMU" area as a world-class fishing Village open to the public. Permitted uses include commercial transient living accommodations, retail, service, restaurant, office, similar commercial uses, and short-term residential uses.

Long-Term Residential uses shall be prohibited within the "SHMU" area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space" (e.g. retail, office, restaurant, etc.). The term "publicly leasable commercial space" shall mean space that is open to the public to lease and use and not a space or use that is exclusively for the owners or guests of the residential development in question. The purpose of requiring this minimum publicly leasable commercial space is to foster and encourage access by the public to the development and the planned Harbor Boardwalk. Additionally, parcels having frontage on the Harbor shall provide in their development a commercial storefront equal to a minimum of 50 percent of the width of the property along the harbor front. Such commercial storefront may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the Harbor side of the development. However, commercial hotel, motel, bed and breakfast establishments, other public lodging, and short-term residential uses are encouraged.

Within the "SHMU" area, there is hereby established a Harbor Residential sub-area (Map 1-1a). The Harbor Residential sub-area shall commence from the western property line of parcel #00-2S-22-0700-000D-0010 to the eastern property line of parcel #00-2S-22-0698-0000-0020. Properties within the Harbor Residential sub-area are not required to incorporate a minimum of 4,500 square feet of "publicly leasable commercial space" (e.g. retail, office, restaurant, etc.) when building a single-family detached residence. However, properties located in Harbor Residential sub-area that seek development approval for projects containing multifamily residential dwelling units shall be required to incorporate 3,000 sq. ft. of "publicly leasable commercial space" (e.g. retail, office, restaurant, etc.):

"SHMU" area LDC regulations shall implement urban design principles that achieve a harmonious general appearance. The LDC regulations shall address, but are not limited to, pedestrian amenities; perimeter landscape and landscaped buffers; fenestration (rooflines, windows, and dormers), and other design factors that reinforce land use compatibility and pedestrian-oriented activity. The regulatory

process should encourage that development reinforces public access to the waterfront. The LDC regulations for the "SHMU" area shall encourage opportunities for recreational, and commercial activities uses, protect property rights, protect the environment, and foster a festive market place. The following maximum development standards shall be applied to future development within the "SHMU" area:

TABLE 1-13: GENERAL DEVELOPMENT STANDARDS FOR "SHMU" DESIGNATED LAND¹			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio*
Single-Family Residential	30'/3 stories	9.0	N/A
Multi-Family Residential	50'/4 stories	24.0	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 3	75'/6 stories ¹	N/A	1.5

¹ *Harbor Waterfront Building Height.* Notwithstanding Table 1-13, Buildings in SHMU within the "Harbor Waterfront" area, as defined in the Glossary, that have an elevation facing the waterfront must step back 20 feet after the fourth floor or 50 feet, whichever is lower. Building height within the "Harbor Waterfront" area shall be measured using the Average Grade Method as defined in the Glossary, herein.

4. **North Harbor Mixed Use.** The "NHMU" area is bounded on the south by Harbor Boulevard and on the west by Calhoun Avenue. The north boundary of the "NHMU" area is an irregular line that is generally formed by Zerbe Street, Palmetto Place, Mountain Drive, extending eastward to Benning Drive, and then extending southeasterly along the rear property lines of lots fronting on Sea View Circle, and then extending southeasterly along the rear property lines of lots fronting on the north side of Harbor Boulevard to Beach Drive. Beach Drive forms the eastern boundary of the "NHMU" area. These boundaries are delineated on FLUM (Map 1-1).

The "NHMU" area is intended to complement the "SHMU" festive market place and shall accommodate retail, service, restaurant, office, commercial uses, long-term residential uses as well as short-term residential uses, commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations. This area also permits appropriately scaled institutional uses.

Regulatory programs should ensure a pedestrian environment that is responsive to transit trolley system initiatives set forth in the Transportation Element, and require pedestrian accessways that safely link the areas north and south of Harbor Boulevard between the East Pass and Beach Drive. Finally, the regulations should consider requiring ground level commercial retail and service opportunities along the north side of Harbor Boulevard.

The following maximum development standards shall be applied to future development within the "NHMU" area:

TABLE 1-14: GENERAL DEVELOPMENT STANDARDS FOR "NHMU" DESIGNATED LAND			
Use	Max. Height*	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'/3 stories	Up to 9.0	N/A
Multi-Family Residential	50'/4 stories	Up to 24.0	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 4	75'/6 stories	N/A	1.5

* An increase in maximum height up to 60 feet is available for non-residential properties that provide publicly accessible structured parking.

5. **Gulf Resort Mixed Use (GRMU).** The "GRMU" area is a major mixed use resort destination. This area is the City's most intensely developed area for commercial transient accommodations and short-term residential uses. Commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, retail, service, restaurant, office, and commercial uses long-term and short-term residential, are allowed uses in the "GRMU" area. The area is largely built out and in the future the area is anticipated to undergo infill and redevelopment. The following maximum development standards shall be applied to future development within the "GRMU" areas:

TABLE 1-15: GENERAL DEVELOPMENT STANDARDS FOR "GRMU" DESIGNATED LAND

Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family	50'/4 stories	Up to 9.0	N/A
Multi-Family Residential	50'/4 stories	24.0	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 5	65'/5 stories	N/A	1.3

6. **Holiday Isle Mixed Use (HIMU).** The "HIMU" area is an intense mixed use resort area located on the east side of Holiday Isle. The area comprises the western edge of the high intensity mixed use resort area and is comprised of tourist accommodations and short-term residential uses. Commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, service, restaurant, office, and commercial uses, and long-term and short-term residential are allowed uses in the "HIMU" area. The area is largely built out and in the future the area is anticipated to undergo limited infill. The following maximum development standards shall be applied to future development within the "HIMU" areas:

TABLE 1-16: GENERAL DEVELOPMENT STANDARDS FOR "HIMU" DESIGNATED LAND

Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family	50'/4 stories	Up to 9.0	N/A
Multi-Family Residential	50'/4 stories	16.9	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 6	50'/4 stories	N/A	1.3

7. **Bay Resort Mixed Use (BRMU).** The "BRMU" area is that area lying east of the Village and Town Center Planning Areas and North of the Gulf Resort and Crystal Beach Planning Areas. The "BRMU" area is intended to be applied to those properties annexed into the City from Okaloosa County that have a MU-1 or MU-2 future land use designation. The intent of "BRMU" designation is to accommodate a mixture of residential, retail, restaurant, service, hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, office, commercial and recreational uses. The percentage distribution of residential

component of the "BRMU" designation shall be a minimum of 75 percent to a maximum of 95 percent of the total area designated as BRMU on the FLUM (Map 1-1). The percentage distribution of non-residential component of the "BRMU" designation shall be a minimum of 5 percent to a maximum of 25 percent of the total area designated as BRMU on the FLUM (Map 1-1). The following maximum development standards shall be applied to future development within the "BRMU" area:

TABLE 1-22: GENERAL DEVELOPMENT STANDARDS FOR "BRMU" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family Residential	35'3 stories	Up to 9.0	N/A
Multi-Family Residential	50'4 stories	Up to 16.90	N/A
All other permitted uses and mixes of uses as described in Policy 1-2.4.3 subsection 7	50'4 stories	N/A	0.6

OBJECTIVE 1-2.5: ESTABLISH INDUSTRIAL LAND USE DESIGNATION. The FLUM (Map 1-1), shall delineate land for existing and anticipated future industrial needs and requisite support services.

Policy 1-2.5.1: Industrial (IN). The Industrial (IN) designation is designed to accommodate arrangements of industrial and limited commercial development types, with the intent to promote natural resource enhancement and to promote open spaces around buildings. Density is not provided within this FLUM designation, and therefore, residential uses are prohibited, including short-term residential uses. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. The industrial land use designation shall be allocated to industrial sites accessible to Airport facilities, and/or major thoroughfares. The sites shall be buffered from residential neighborhoods. The allocation of land use designations should provide a high priority to industry's frequent need for strategically located lands which are accessible to air and highway transport facilities, as well as labor markets and necessary urban services. The industrial (IN) designation is intended to provide strategically located sites principally within the southeast quadrant of Main Street and Airport Road. The City shall work with industrial interest groups to pursue selective industrial expansion as set forth herein in Policy 1-1.4.3.

Industrial uses include: Manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities, and other similar land uses that shall be regulated through appropriate LDC procedures and substantive Policy. Potentially harmful environmental impacts shall be mitigated prior to development approval. These uses typically generate heavy truck traffic, require significant acreage, are difficult to screen and buffer from residential areas, and therefore, should be located in more sparsely developed unincorporated areas. The following maximum development standards shall be applied to future development within "IN" areas:

TABLE 1-17: GENERAL DEVELOPMENT STANDARDS FOR "IN" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family and Multi-Family Residential (Prohibited)	N/A	N/A	N/A
Industrial Uses	35'/3 stories	N/A	1.30

OBJECTIVE 1-2.6: ESTABLISH AIRPORT LAND USE DESIGNATION. The FLUM (Map 1-1), shall delineate land for the existing Airport and including fixed base operations and other related Airport facilities and operations.

Policy 1-2.6.1: Airport (A). The Destin-Fort Walton Beach Airport shall be designated "A" on the FLUM (Map 1-1). The Airport is intended to accommodate Airport terminal, fixed base operators, Airport hangars, landing, take off or surface maneuvering of aircraft, including, but not limited to, requisite Airport infrastructure such as runways, taxiways, ramps and aprons. The Federal Aviation Administration (FAA) Regulations shall govern placement and specifications of structures within this area. The LDC shall establish the permitted uses and applicable restrictions within the air operations area to include buffering along the exterior perimeter of the Airport property. No LDC height regulations shall apply to the control tower. The following maximum development standards shall be applied to future development within "A" areas:

TABLE 1-18: GENERAL DEVELOPMENT STANDARDS FOR "A" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family and Multi-Family Residential (Prohibited)	N/A	N/A	N/A
Airport Uses	35'/3 stories	N/A	1.30

Within one year from Plan adoption, Destin shall coordinate land use issues impacting the airport with the Federal Aviation Administration (FAA) and Okaloosa County, as appropriate, in order to accomplish the following objectives:

1. Foster use of Destin-Fort Walton Beach Airport in a manner that contributes to the development of the City's economic base through selective pursuit of industry consistent with Policy 1-1.3.3.
2. Promote safe operation of aircraft through:

- a. Efficient use of airspace in relation to the surrounding land use within the Airport environs (i.e., within the noise contours and clear zone).
 - b. Promote fire safety to protect surrounding land uses, especially nearby residential neighborhoods.
 - c. Ensure that airport improvements accommodate operationally compatible aircraft and do not cause increased safety risks due to resultant expansion of noise contours and flight patterns inconsistent with established and projected land use patterns, or increased risk of accidents.
 - d. Ensure that new development within noise zones includes sound insulation consistent with best management practices for noise attenuation as may be established by the FAA or the Standard Building Code.
3. Achieve compatible Airport and industrial development by adoption of an Airport Master Plan that ensures compatibility of Airport uses with surrounding land use, through:
- a. Proper control of land uses that protects airport operations, avoids encroachment into environmentally sensitive areas, and ensures compatibility with nearby residential land uses, and reduces noise impacts outside the Airport property.
 - b. Preservation of the ecologically unique terrestrial wetlands on the property and perimeter buffer areas around the entire Airport property.
 - c. Promotion of aviation activity compatible with community needs and characteristics.

OBJECTIVE 1-2.7: ESTABLISH INSTITUTIONAL LAND USE DESIGNATIONS. The FLUM (Map 1-1) shall allocate land resources for institutional facilities and services as specified in the Policies established below. The sites shall be compatible with adjacent land uses to the greatest practical extent. The sites shall also fulfill the unique site location requirements included in respective functional plans and shall be responsive to the needs identified in related demographic and supportive needs analysis.

Policy 1-2.7.1: Institutional (INST). The intent of the "INST" is to accommodate public and semi-public facilities and services, promote natural resource enhancement and promote open spaces around buildings. Typical uses accommodated within this FLUM designation include but are not limited to the following uses, together with customary accessory uses that are incidental and subordinate the principal use and comply with LDC regulations impacting accessory uses:

- 1. Essential public services/facilities and utilities.
- 2. Public and private/non-profit educational institutions.
- 3. Places of worship.
- 4. Public and semi-public open spaces.
- 5. Arts/cultural or civic facilities.
- 6. Hospital, nursing, convalescent, and related facilities.
- 7. Government administration buildings.
- 8. Public zoos and arboretums.
- 9. Public/non-profit parks/recreation areas.
- 10. Fire and emergency operation facilities.
- 11. Cemeteries.

12. Family, child, and adult day care facilities.
13. Other similar semi-public services identified in the LDC.

Lands designated for institutional services shall contain sufficient acreage and open space and be properly screened and buffered to minimize potential adverse impacts on adjacent land uses. The City shall monitor the need for increased land area for institutional uses as well as redevelopment needs. The City shall assure that the institutional land use designation on the FLUM (Map 1-1) is expanded to accommodate the development and redevelopment of public and semi-public facilities such as governmental administration buildings; fire, police and rescue services; educational institutions and similar public uses. Land uses such as places of worship, cultural or civic centers, and other similar public or private not-for-profit uses may be included within this land use designation or within other land use designations as provided for in the LDC. The following maximum development standards shall be applied to future development within "INST" areas:

TABLE 1-19: GENERAL DEVELOPMENT STANDARDS FOR "INST" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family and Multi-Family Residential (Prohibited)	N/A	N/A	N/A
Institutional Uses	35'3 stories	N/A	0.50

Policy 1-2.7.2: Recreation (REC). The "REC" land use provides for publicly and privately owned property and facilities, with the intent to promote natural resource enhancement and to promote open spaces around buildings. No permanent or transient residential development is allowed within this FLUM designation. The LDC shall provide specific regulations for managing development of lands designated "REC."

1. Active recreation areas include beach parks, boat launching facilities, parks, basketball courts, tennis courts, baseball and softball fields, meeting halls and the like. The intensity of development of such sites shall be limited to 75 percent of impervious surface for the site, and be consistent with all setbacks, parking, landscaping, and open space requirements as defined within the LDC. Also, buffering to prevent intrusive noise, light, glare, vibration or other nuisance factors shall be required on all newly developed recreation sites.
2. Passive recreation areas include open spaces, wilderness and wetlands preserves, scenic vistas, parks, and Clement Taylor Park.

3. Development of all locally-owned public recreation facilities within the City shall be reviewed and approved by the City Council prior to development of such site.

The following maximum development standards shall be applied to future development within "REC" areas:

TABLE 1-20: GENERAL DEVELOPMENT STANDARDS FOR "REC" DESIGNATED LAND			
Use	Max. Height	Max. Density (units/acre)	Max. Floor Area Ratio
Single-Family and Multi-Family Residential (Prohibited)	N/A	N/A	N/A
Recreation Uses	35'3 stories	N/A	.20

OBJECTIVE 1-2.8: CONSERVATION LAND USE DESIGNATION. The FLUM (Map 1-1), shall identify lands that are environmentally fragile for long-term preservation by designating them as "CON." Environmentally fragile lands shall be referred to as conservation resources, which are defined in Rule 9J-5.003(30), Florida Administrative Code. The protection and preservation of conservation resources shall be achieved through the implementation of the following Policies.

Policy 1-2.8.1: Conservation (CON). The FLUM shall designate lands that are natural and coastal resources as "CON." It is the intent of the "CON" land use designation to provide for the long-term protection and preservation of environmentally sensitive natural resource systems. The LDC shall be amended to ensure no development is permitted within "CON" designated areas, other than beach accessways, such as dune walkovers, parking, docks, restroom facilities, and passive recreation. The City shall have the option of obtaining a conservation easement from the property owner(s) to protect lands that are demonstrated to be environmentally sensitive. The following maximum development standards shall be applied to future development within "CON" areas:

TABLE 1-21: GENERAL DEVELOPMENT STANDARDS FOR "CON" DESIGNATED LAND				
Use	Max. Height	Max. Density (units/acre)	Minimum Open Space	Max. Floor Area Ratio
Single-Family and Multi-Family Residential (Prohibited)	N/A	N/A	N/A	N/A
Conservation Uses	15'1 story	N/A	80%	.05

Areas covered by a conservation easement shall be treated the same as areas designated as "CON" on the FLUM (Map 1-1). The developer of lands adjacent to areas

designated "CON" shall bear the burden of proof in determining that proposed development will not adversely impact conservation resources.

SECTION 1-3: FUTURE LAND USE ELEMENT IMPLEMENTATION.

Policy 1-3.2.3: Density/Intensity Standards. The City shall continue to enforce the LDC requirements mandating that residential density and nonresidential intensity is consistent with the Comprehensive Plan, including the FLUM, where applicable.

Policy 1-3.2.4: Performance Standards. The following performance standards incorporated in the LDC shall be updated and refined as needed to reflect accepted best management principles and practices. Application review functions shall be carried out by the City Manager or designee, using, as needed, other professionals with demonstrated expertise required to effectively analyze proposed development. Rezoning, Future Land Use Map amendments, Major Developments, and Master Developments Plan applications require final approval by City Council. The land development code shall include measures to implement the provisions of the Housing, Public Facility, Conservation and Coastal Management, and Capital Improvements Elements, including wetland protection, open space preservation, potable wellfield protection, stormwater management, control of sedimentation and soil erosion, and other applicable policies requiring implementation through the land development code.

OBJECTIVE 1-3.5: DISCOURAGE PROLIFERATION OF URBAN SPRAWL.

2. **Avoid Site Design Sprawl:** The main concern of the City relative to development of areas currently within the city boundaries is site-design sprawl. These are site designs which cumulatively inhibit transportation connectivity, particularly for pedestrians, creating unnecessary travel distances between residential or lodging uses and destinations such as businesses, institutions, shopping, and transit. Barriers such as dead-end streets or cul-de-sacs, walls, fences, and pond locations can greatly increase travel distances for pedestrians and bicyclists and require them to spend more time on less comfortable routes with higher car and truck volumes. To avoid site-design sprawl, new development should adhere to the following criteria:

OBJECTIVE 1-3.6: PREVENT INCONSISTENT LAND USE.

Policy 1-3.6.4: Identification of Land Use and Zoning Inconsistencies. The City shall continue to review properties within the corporate limits of the City for appropriate future land use and zoning and make recommendations to the LPA and to the City Council for amendments as needed based upon the following criteria:

1. **Undeveloped Lands.** Undeveloped lands located in a zoning district that are inconsistent with the approved FLUM designation for that property shall be rezoned to the least intensive district appropriate to that land use designation.

2. Developed Lands. Developed lands located in a zoning district that is inconsistent with the approved FLUM designation for that property, but having a use that is consistent with the FLUM designation shall be rezoned to an appropriate zoning with the same density or intensity of the existing use. If the use is inconsistent with the zoning and/or land use, then the City shall treat the use as nonconformity and follow the rezoning method cited above.

CHAPTER 2: - TRANSPORTATION ELEMENT

Policy 2-1.3.19: Pursue Parking Solutions and Funding Strategies. The City shall explore parking and parking garage site identification and acquisition through funding options such as tax increment financing, various bond options, and public-private partnerships.

Policy 2-1.3.20: Dedicate Funding to Multimodal Transportation Improvements. The City shall continue the transportation impact fee to enable the funding of multimodal transportation facilities and to support multimodal design standards.

Policy 2-1.3.21: Prioritize Projects. As revenues become available from the Community Redevelopment Area (CRA) tax increments, the City shall prioritize projects that help support the goals of the MMTD.

Policy 2-1.3.22: Monitor Multimodal Transportation District. The City shall continue to produce a MMTD Monitoring Report every two years to meet statutory review requirements. This report shall summarize the City's progress towards achieving the multimodal level of service (MMLOS) standards, and achieving the multimodal objectives and policies described herein.

Policy 2-1.3.23: Use Multimodal Transportation District Performance Measures. The City shall use multimodal performance measures to help evaluate the progress towards implementing the goals of the MMTD.

- A. On a system wide level, the City shall:
 - 1. Calculate the number of new developments and redevelopments that are completed and meet the design standards of the LDC, contributing towards the development of the multimodal transportation system and the creation of a thriving, functional focal point to the City.
 - 2. Calculate the number and length of new multimodal facilities that have been completed or planned.
 - 3. Calculate the transit ridership on all transit services within the City.
 - 4. Report progress on the implementation tasks identified in Objective 2-1.3.
- B. On a corridor level, multimodal performance measures shall include the factors used in the calculation of multimodal level of service: transportation facilities, urban form, accessibility, and connectivity. These include:
 - 1. The corridor multimodal level of service as applied through the ARTPLAN multimodal LOS analysis will be used to monitor the progress towards completing the multimodal network.
 - 2. Urban form shall be evaluated by measuring development use, density, diversity and design based on the MMTD design standards in Policy 2-1.3.3.
 - 3. MMTD accessibility shall be determined by identifying pedestrian barriers that limit access to pedestrian facilities and determining the proportion of population with access to multimodal facilities. The most currently available US Census data will be used for this analysis. MMTD accessibility will also be measured by identifying activity centers and determining the proportion of population with multimodal access to those activity centers.

4. Connectivity for bicycles shall be measured by dividing the number of links in the bicycle facility system by the number of link termini (intersections, cul-de-sacs, and dead-ends). Connectivity for pedestrians shall be measured by computing the number of termini per square mile in the pedestrian facility system. Connectivity for transit is based on the proportion of major activity centers served by fixed route bus service.

Policy 2-1.3.24: Document Existing Conditions. The City shall continue to document the existing conditions on all arterial and collector roads within the City in the Annual Transportation Concurrency Analysis. These data shall be used to monitor the operating conditions on Harbor Boulevard/Emerald Coast Parkway and the collector roads and shall be submitted to the Department of Economic Opportunity, FDOT and adjacent jurisdictions as an informational component of the MMTD monitoring requirements.

Policy 2-1.3.25: Compare Current Traffic Volumes with Baseline Conditions. The City, in coordination with the Department of Transportation, documented the baseline conditions for the three segments of Harbor Boulevard/Emerald Coast Parkway. The baseline conditions were calculated using the average annual daily traffic volume plus committed trips as documented in the 2005 Annual Transportation Concurrency Analysis. Table 2-3 presents the baseline conditions for the roadway segments within the MMTD and the conditions at the time of the most recent Biennial Transportation Concurrency Report (2011). If the data demonstrate that the average annual daily traffic volume plus committed trips on Harbor Boulevard/Emerald Coast Parkway/U.S. Highway 98 is approaching 115% of the baseline condition, the City shall initiate meetings with the DOE, the FDOT, the TPO, and adjacent jurisdictions to evaluate progress and discuss regional solutions to address traffic conditions on Harbor Boulevard/Emerald Coast Parkway.

Policy 2-1.3.26: Study and Initiate Steps to Create Additional Capacity. If the data demonstrates that the average annual daily traffic volume plus committed trips for a given road segment of a collector road has reached or exceeded level of service D, the City shall initiate steps to create additional capacity, or demonstrate that creation of additional capacity would be contrary to the success of the multi modal district.

Policy 2-1.3.27: Refine or Revise Methodology. The City may elect to refine or revise this methodology based on experience gleaned through implementation of these procedures.

CHAPTER 12 - ADMINISTRATION

Policy 12-4.1.8: Methodology for Determining Demands on Concurrency Facilities.

A. **Transportation.** In determining whether transportation concurrency is met the following criteria shall be used:

1. **For Development Inside the Multimodal Transportation District:**

All applicants seeking development approval for properties located within the Multimodal Transportation District (MMTD) shall be required to meet the MMTD development standards detailed in the LDC. Additionally, a Transportation Analysis shall be submitted, which shall include a map indicating the distribution of vehicle trips on the surrounding street network as specified in the Land Development Code. The traffic analysis will help the City in determining the overall success of the MMTD in accordance with State requirements.

CHAPTER 13: - GLOSSARY

Policy 13-1.1.1: Definitions within the Comprehensive Plan. The following technical terms as used in the Comprehensive Plan shall have the meanings presented below.

Average Grade Method: This method for measuring building height within the SHMU designation. This method uses the existing grade of the parcel, generally identified as a line through the mid-point of the parcel from north to south creating a line connecting the high point to the low point. This line is then extended up to a height equal to the maximum building height permitted for the future land use designation. The building height shall be the distance measured to the cornice from a line formed by the 0.0 feet based on the National Geodetic Vertical Datum (NGVD) of 1929, the average existing grade, and the highest point of the crown of the road. The cornice line of any portion of the structure(s) shall not extend above the maximum height line. This method is illustrated in Figure 13-1, below.

[insert Figure 13-1 here]

Building height:

Building height shall be measured from the highest point of the crown of the road, average grade of the subject property if it is not in an area that has a Federal Emergency Management Agency (FEMA) Minimum Based Flood Elevation, or FEMA Minimum Base Flood Elevation, whichever is higher, to the cornice line of the building (except the building height for the Harbor Waterfront, as defined herein). The highest point of the crown of the road shall be established by topographic survey that has been signed and sealed by a Florida Registered surveyor. Within the "Harbor Waterfront" area, as defined

herein, building height shall be measured via the Average Grade Method. Single-family residential dwelling units may include non-habitable architectural roof embellishments (e.g. spires, watch towers, crows' nests, cupolas, chimneys, and similar architectural embellishments), or appurtenant structural systems (e.g. machinery rooms, elevator shafts, stairwells, and similar ancillary facilities) up to a maximum of six (6) feet above the allowable maximum height of roof structure. Non-residential and mixed-use buildings may include non-habitable architectural roof embellishments (e.g. spires, watch towers, crows' nests, cupolas, chimneys, and similar architectural embellishments), or appurtenant structural systems (e.g. machinery rooms, elevator shafts, stairwells, and similar ancillary facilities) up to a maximum of ten (10) feet above the allowable maximum height of the roof structure.

Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 5:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.

Dormer: A window set vertically in a structure projecting through a sloping roof or the roofed structure containing such a window.

Floor area ratio (FAR): A ratio describing the intensity of development obtained by dividing the floor area of buildings or structures on a development site by the land area of the site with both values in the same unit of measure (typically square feet).

Floor area ratio, Nonresidential: The gross floor area of all non-residential buildings and related structures on a development site divided by the gross land area of the site.

ORDINANCE NO. 20-02-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLES 6, 7, 8, 11 AND 12 OF THE LAND DEVELOPMENT CODE TO DELETE ALL REFERENCES TO THE TIERED LAND USE SYSTEM PURSUANT TO THE CITY'S COMPREHENSIVE PLAN; 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 amend Articles 6, 7, 8, 11 and 12 of the Land Development Code to delete all references or the tiered land use system pursuant to the City's Comprehensive Plan; 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 ARTICLES 6, 7, 8, 11, AND 12.

Articles 6, 7, 8, 11 and 12 of the Land Development Code are hereby amended as follows:

6.05.05. Multimodal Transportation Concurrency. All applicants seeking development approval for properties located within the Multimodal Transportation District shall be required to submit a Multimodal Transportation Concurrency Evaluation Certificate (CEC) form, documenting that each development has

met the standards for multimodal site design and mitigation as indicated in Section 8.09. The Multimodal Transportation CECs are found at the end of Article 6. The Multimodal Transportation CEC shall be accompanied by a traffic analysis, which shall include a map indicating the distribution of vehicle trips on the surrounding street network. The traffic analysis will help the City in determining the overall success of the Multimodal Transportation District in accordance with State requirements. Multimodal site design and mitigation requirements are based on a flexible, point-based system. Each multimodal standard is worth a particular number of points. The Multimodal Transportation CEC form indicates which standards are required, which are flexible and the number of points awarded for each standard. Three categories of points can be accumulated to meet the baseline minimum requirement:

1. ~~Basic points:~~ No substitutions are allowed for these items. These include the items most vital to the MMTD and feasible for a developer to implement, such as sidewalk provision, building orientation towards the sidewalk, bicycle parking, etc. Basic requirements are worth more than flexible requirements, with twice as much mitigation required to offset basic requirements not met than in the case of not meeting flexible requirements.
2. ~~Flexible points:~~ Substitutions for these items may be allowed in cases where the regulation cannot be met or an applicant has a valid reason for not being able to meet the regulation.
3. ~~Mitigation points:~~ These are not required, but can be provided to mitigate for basic or flexible requirements that were not met. Mitigation options include on-site design that goes "above and beyond" the requirements, or contributions towards off-site multimodal improvements.

Point requirements and accumulation are organized by the categories of MMTD development regulations proposed for each tier (refer to Table 6-1: Baseline MMTD point requirements). All points are aggregated for purposes of evaluation, so it is not necessary to meet the point requirements for each individual standard as long as the applicant has met the overall minimum aggregated point requirement for the Tier for which they are seeking approval. The total amount of multimodal site design and mitigation required for each development (MMTD point requirement) is based on the project location, size, and traffic impact, as described in further detail herein:

- A. The baseline MMTD point requirement (refer to Table 6-1: Baseline MMTD Point Requirement) is dependent on the project's location within the MMTD and the tier of development. Projects within Old Destin require the most mitigation, projects in Crystal Beach require less mitigation, and residential projects require the least mitigation. Similarly, Tier 3 projects require the most mitigation, Tier 2 projects require less mitigation, and Tier 1 projects require the least mitigation. These standards are outlined below:

TABLE 6-1: BASELINE MMTD POINT REQUIREMENT		
MMTD district	Tier	MMTD point requirement
Old Destin ⁽⁴⁾	1	453
	2	500
	3	580
Crystal Beach	1	176

	2	221
	3	271
Residential	N/A	75

-

(1) The MMTD point requirement is reduced by 20 points (criteria no. 2 on the MMTD Concurrency Evaluation Certificate) for properties that do not contain the Harbor Boardwalk.

7.09.00. - Special design criteria.

7.09.01. *Purpose and intent.* The purpose of this section is to establish design criteria to preserve, protect, and enhance the economic vitality and character of the City of Destin. Design criteria include general requirements for development, and establishment of specific overlay and special districts that because of their character or special conditions need design standards and use regulations. These standards and regulations are intended to promote and protect the desired character of the City, including promoting multimodal transportation opportunities, and that ensure compatibility with surrounding development. Further, incentives are provided for high standards of design through implementation of the tiered land use system.

~~7.09.03. Tiered land use system.~~

- A. ~~*Purpose and intent.* The intent of the bonus provisions in the tiered land use system is to offer applicants incentives for investing in quality, innovative development that enhances site and building design, enhances compatibility, enhances non-motorized mobility, and provides the opportunities for achieving extraordinary public benefit. The tiered land use system implements Comprehensive Plan: 2010, Future Land Use Element Policies 1-1.1.1(3), 1-2.1.8 and 1-3.2.5.~~
- B. ~~*Applicability.* This section shall apply to all development within the CMU, NHMU, SHMU, HDR, HIMU, TCMU, GRMU, CG, and CBR zoning designations.~~
- C. ~~*Establishment of tiers.* The following land use tiers are hereby established in order to designate the maximum height, density and intensity of development.~~
- ~~1. *Tier 1.* Unless otherwise specified, Tier 1 standards represent the maximum "by right" building height, density and intensity, which can be achieved by adherence to the standard site development criteria established in this code.~~
 - ~~2. *Tier 2.* Tier 2 standards allows for the attainment of additional building height, density and intensity beyond Tier 1.~~
 - ~~3. *Tier 3.* Tier 3 standards provide for additional building height, density and intensity beyond Tier 2.~~
- D. *Design review requirements.* The following design review requirements shall be adhered to when applying for a Tier 2 or Tier 3 approval Major or Minor Development Order or Development Order Amendment:

- ~~1. Applicants seeking Tier 2 height, density and intensity bonuses shall submit a development order application, in accordance with the development order review process established in section 2.07.00, requesting Tier 2 approval and must meet the specified supplemental design standards specified in section 7.09.03.F.~~
 - ~~2. Applicants seeking Tier 3 height, density and intensity bonuses shall meet all of the Tier 2 supplemental design standards specified in section 7.09.03.F, Tier 3 supplemental design analysis, provide public benefits and submit an application for PUD approval in conformance with section 7.14.00.~~
- ~~E. Tier system height, density and intensity bonuses. The height, density, and intensity bonuses are only allowed in those areas having one of the following zoning designations as indicated on the Zoning Map of Land Development Code: HDR, CBR, CG, TCMU, CMU, SHMU, NHMU, GRMU, and HIMU. The height, intensity, and density limits of each of the Tiers is set forth within the Table 7-3 of the Land Development Code. It is also important to note that some of the zoning designations, HDR and HIMU in particular, have height bonus standards in Tier 2 and Tier 3, but do not have density bonus standards in either Tier 2 or Tier 3 or both. The SHMU, NHMU, and TCMU future land use designations have floor area ratio bonus standards in Tier 2 and Tier 3.~~
- ~~F. Tier 2 supplemental design standards. The following supplemental design standards shall be met in order to qualify for Tier 2 height, intensity and density bonuses:~~
- ~~1. Design criteria. All developments shall meet the following design criteria requirements.~~
 - ~~a. Building footprint. Buildings shall be located and designed so as to maximize the "functional open space" on the site. Such functional open space shall take the form of view corridors, outdoor gardens, walking areas, or areas for the congregation of people for special events. Such areas may be an integral part of building features such as entranceways and pedestrian amenities providing pedestrian access through buildings and throughout the site. Additionally, buildings shall be oriented towards the public street frontage and shall be constructed as close to the adjacent right-of-way as possible in order to improve access from the multimodal transportation network (refer to Figure 7-1: Building Footprint). A continuous facade line shall be used along a block to provide an accessible and attractive streetscape. It is the intent of this section to have building facades along the length of the adjacent rights-of-way and harbor boardwalk, if applicable, except where vehicular or pedestrian accessways are required or needed. In no case however, shall a building or structure be located so as to block the clear visibility triangle for a vehicular accessway from the subject property onto adjacent rights-of-way. Please refer to Section 8.03.06. Clear visibility triangle for more information on this subject.~~
 - ~~c. Roofline design : The use of varied rooflines, through the utilization of parapets and/or sloped roofs, is required. The roofline of a building must vary when:~~
 - ~~1. Any side of such building is between 75 feet and less than 150 feet in width. For buildings or those portions of a building that have a height between 40 and 100 feet, 25 percent of the building's width, must vary by a minimum of one full floor or mezzanine floor contained within a sloping roof at the roofline for at least 20 percent of that roofline width, and such required minimum height variation must be divided into not less than two offsets or vertical eave separations, each of which must represent not less than 25 percent of the minimum required roof offset. For buildings or those portions of a building that have a height over 100 feet, 25 percent of the building's width, must vary by a minimum of two full floors or one floor and~~

one mezzanine floor contained within a sloping roof at the roofline for at least 20 percent of that roofline width, and such required minimum height variation must be divided into not less than two offsets or vertical eave separations, each of which must represent not less than 25 percent of the minimum required roof offset; or

2. Any side of such building is greater than 150 feet in width. For buildings or those portions of a building that have a height between 40 feet and 100 feet, 50 percent of the building's width, must vary by a minimum of one full floor or mezzanine floor contained within a sloping roof at the roofline for at least 40 percent of that roofline width, and such required minimum height variation must be divided into not less than two offsets or vertical eave separations, each of which must represent not less than 25 percent of the minimum required roof offset. For buildings or those portions of a building that have a height over 100 feet, 50 percent of the building's width, must vary by a minimum of two full floors or one floor and one mezzanine floor contained within a sloping roof at the roofline for at least 40 percent of that roofline width, and such required minimum height variation must be divided into not less than two offsets or vertical eave separations, each of which must represent not less than 25 percent of the minimum required roof offset.
- d. *Roofscape design* . Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 4:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line. One additional floor of living area and associated mezzanine areas may occur within the fully pitched roof space. Within the remaining 40 percent of the roof surface that is not under fully pitched roofs, single pitched or double pitched mansard style roofs or parapet walls are required. All mechanical equipment (e.g. air conditioning units, chillers units, etc...) located on the roof shall be shielded from offsite view by single pitched or double pitched mansard style roofs, parapet walls or screening devices of a design, color and material that match or complement the design of the balance of the roof or other building components. Single pitched or double pitched mansard roofs and parapet walls used for such screening must have a minimum height sufficient enough to conceal the mechanical equipment in question. Mansard style roofs and parapet walls shall not count towards the 60 percent coverage for fully pitched roofs. Non-habitable architectural roof embellishments (e.g. spires, watch towers, crows' nests, cupolas, chimneys, etc...), dormers, or appurtenant structural systems (e.g., machinery rooms, elevator shafts, stairwells, etc.) are permitted. Compliance with the specific pitched roof design requirements of this subsection is not required in the following cases:
 1. Where a parking garage occupies the top story of a building, or a portion of the top story of a building.
 2. Where a rooftop swimming pool amenity is utilized in a residential or mixed use building in lieu of a ground level pool amenity and where the related development plan provides at least an additional five percent open space above the minimum requirements of subsection (f)2. below.
 3. If the parking garage or the pool and related amenities do not utilize the entire roof top level, the remaining areas not utilized shall utilize a pitched roof design.
 4. These excepted buildings must still meet the screening criteria for rooftop mechanical equipment provided in this section.

- e. *Other architectural features.* Building facades shall be visually varied thru architectural design standards to include but are not limited to:
1. Color change;
 2. Texture change;
 3. Material module change;
 4. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.

All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.

- f. Supplemental setback and buffering requirements from single-family, duplex, or townhome uses. All development located in the NHMU, HIMU, CG, HDR, and TCMU zoning designations that abut single-family, duplex or townhome uses located in zoning designations different from the previously mentioned designations shall meet the following supplemental setbacks and buffers requirements:

1. *Setbacks* . Any portion of a building that abuts single-family, duplex or townhome uses shall provide a setback from those uses that is the greater of one foot for every foot in height (e.g. 160-foot tall project will have an 160-foot setback), ~~or the distance required so as not to cast a shadow on such residential uses, as measured to the property line of the residential use, between 9:00 a.m. and 4:00 p.m. central time. The date used in the shadow study shall be the autumnal equinox for the year that the study is performed. The autumnal equinox (the day of the year when night and day are nearly of the same length and the first day of autumn) is typically the date between the summer solstice (longest day of the year and the first day of summer) and the winter solstice (shortest day of the year and the first day of winter). Applicants that prefer to use the shadow option may be required to submit a shadow study to demonstrate that a project provides adequate setbacks.~~
2. *Buffers* . Minimum supplemental buffers shall be provided by the more intense use or zoning district when abutting single-family, duplex, or townhome uses.
 - a. Areas used or set aside for parking, loading, accessways, or service and utility areas shall not be located within 20 feet of the property line when such property line abuts single-family, duplex or townhome uses.
 - b. A minimum of six feet and not higher than eight-foot tall decorative, opaque, masonry wall shall be located within five feet of the property line along the extent of any parking, loading, accessway, or service and utility area located adjacent to a single-family, duplex or townhome use.
 - c. Supplemental landscaping shall be provided along the property line within the required ten-foot wide landscape buffer. One of the following landscaping designs shall be provided.
 - i. For every ten linear feet of landscape buffer, a minimum of one tree and 15 shrubs must be planted. The required landscaping may be planted on either side of the required wall. Trees shall be a minimum of 14 feet in height and have a three and one-half- inch caliper at the time of planting. Shrubs shall be a minimum of 24 inches in height at the time of planting; or

- ii. For every 50 linear feet landscape buffer, a minimum of one tree and 15 shrubs, as specified above, must be planted and a continuous row of evergreen trees, not less than 14 feet in height, spaced in staggered groupings to form a minimum of an 80 percent opaque buffer when planted. Trees may be located on either or both sides of any required wall; or
 - iii. Any combination of the above to achieve effective buffering and good landscape design.
 - d. Where space allows, berms at a slope of not greater than 3:1 may reduce required tree height by one foot for each two feet of berm height for those trees planted on the top of the berm. All berms must have at least a three-foot wide crest.
- 2. *Open space.* Development proposed in the CMU, NHMU, SHMU, HDR, HIMU, TCMU, GRMU, CG, and CBR zoning designations shall provide an additional five percent open space in addition to the required minimum of 25 percent for a total of 30 percent. Developments proposed in the NHMU, SHMU, and TCMU zoning designations can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in section 12.04.03.
- 3. *Landscaping.* All developments shall meet the following landscaping requirements.
 - a. *Trees.* All required trees shall be a minimum of 12 feet in height and have a three and one-half-inch caliper at the time of planting. Palm trees cannot comprise more than 40 percent of the total number of all required trees. For those properties lying south of Harbor Boulevard and Emerald Coast Parkway palm trees may comprise up to 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 Section 12.04.04.
 - b. *Shrubs.* 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 Section 12.04.04.
 - c. *Landscaping south of the coastal construction control line (CCCL).* For that portion of a development area that lies between the Gulf of Mexico and southern portion of the proposed building, all landscaping shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Protection.
- 4. *Pedestrian amenities.* All 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.
- G. ~~*Tier 3 standards.* In order to qualify for Tier 3 height, density and intensity bonuses, an applicant will have to demonstrate that they have met the Tier 2 supplemental design standards, Tier 3 supplemental design analysis, submit an application for PUD approval and are providing "public benefits" as stated in section 7.09.03.G.2.~~

- ~~1. *Supplemental design analysis* . As part of the PUD application for a Tier 3 project, the applicant shall demonstrate the impact of the project on access to light, impact on airflow dynamics, as well as the visual impacts that may adversely affect adjacent properties, motorists, pedestrians, or segments of the population. This shall be demonstrated by submitting three dimensional models, virtual computer images, architectural renderings, shadow analysis and/or other analyses that are appropriate to the character of the development proposed as determined by the City Manager or designee.~~
- ~~2. *Public benefits* . The City Manager shall be responsible for negotiating with the applicant concerning the Tier 3 public benefit requirement of subsection b. The applicant shall bear the burden of demonstrating that the specific character, design, and investment commitment is a significant overall 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. The final determination for what satisfies the Tier 3 public benefit requirement lies with City Council. In order for a project to be approved for the additional height, density, or intensity provided for in Tier 3, the applicant must meet, to the satisfaction of City Council, all of the items listed below in subsection a and at least one of the items listed under subsection b. However, if an applicant satisfies the item listed in subsection c, they do not have to satisfy any of the items listed in subsections a or b.~~
 - ~~a. Minimum required public benefits (must provide all of the following):~~
 - ~~i. *Develop affordable workforce housing in the north harbor mixed use future land use designation* . An applicant must satisfy one of the following items or an equitable combination of the two:~~
 - ~~a. Developments located on property within the NHMU zoning designation shall either:~~
 - ~~i. Build one affordable workforce housing unit on the development site for each 10,000 square feet of floor area developed, excluding areas devoted to structured parking and accessways; or~~
 - ~~ii. Dedicated \$2.00 per square foot of floor area developed into a dedicated "affordable workforce housing fund" maintained by the City or a housing authority having jurisdiction within the City of Destin that would be used for the purpose of providing "affordable workforce housing units" anywhere in the City.~~
 - ~~iii. Provide a proportionate combination of i. and ii. in such a manner that, for example, if half of the required housing units are physically provided, then one half of the \$2.00 per square foot dedication would be required. If 75 percent of the required housing units are physically provided, then only 25 percent of the \$2.00 per square foot dedication would be required.~~
 - ~~b. Developments located on property with a zoning designation other than NHMU shall dedicate \$2.00 per square foot of floor area developed into a dedicated "affordable workforce housing fund" maintained by the City or a housing authority having jurisdiction within the City of Destin that would be used for the purpose of providing "affordable workforce housing units" in the NHMU area.~~

- ~~ii. — Relocation and conversion of above ground utilities to below ground locations. An applicant can qualify for Tier 3 bonuses by relocating and converting all above-ground utilities to below ground locations for that portion of the above ground utilities that are located on the subject property and that are in an adjacent right-of-way. Additionally, the applicant can choose to pay the City the amount it would cost for the relocation and conversion of the above ground utilities to below ground locations, based on a binding cost estimate provided by Gulf Power, instead of performing the work. The City would then place the money into a separate fund (underground utility improvement fund), which would be used to accomplish several projects at once instead of piecemeal.~~
 - ~~iii. — Construct open space malls and arcades equipped with pedestrian-oriented furniture and streetscape that serve as gathering spaces for the general public. Encourage private investment in public gathering places. Site plans must demonstrate architecturally designed open space malls and arcades equipped with pedestrian-oriented furniture and streetscape. Pedestrian-oriented furniture and streetscape includes benches, trash receptacles, decorative light poles, paver blocks or stamped and colored concrete, water fountains, statues, high quantity and quality landscaping, etc.~~
 - ~~iv. — Create and/or reinforce a pedestrian friendly transit system. Proposed developments shall construct a transit stop where the City has the greatest need for one or make a monetary contribution to the City in the amount that would equal the cost of constructing a transit stop, or some combination of the two. The location of the transit stop shall be the highest ranked project listed in the City's 5-year Capital Improvement Plan (CIP) that is proposed for the next fiscal year.~~
- ~~b. — Additional required public benefits (must provide at least one).~~
- ~~i. — Beach access improvements. For improved access to the Beaches, this objective shall be carried forth within the GRMU, CBR, and HIMU zoning designated areas through private investment in the form of dedicating pedestrian easements to the public for access from public areas to the beach (public beach access points), the design, permitting, and construction of beach/dune walkovers facilities that include public showers, and access to that portion of the beach (proposed public beach) from the mean high water line to a reasonable distance from the principal structure(s) and/or accessory structures (e.g. pool and pool deck area, cabanas, gazebo, etc.) on the development site.~~
 - ~~ii. — Off site public parking garage. Non-residential uses located in the CMU, NHMU, SHMU, and TCMU districts are allowed to have up to 80 percent of their required parking located in an off site parking garage. However, the applicant must also provide an equivalent of 30 percent of the total required parking space for the proposed development in the proposed off site parking garage be dedicated to the City for public use. This dedication shall be in the form of a license and shall cover the above mentioned parking spaces and the ingress/egress to said parking spaces. The off site parking garage for non-residential uses located in the CMU, NHMU and SHMU districts shall be located in the NHMU district. The off site parking garage for non-residential uses located in the TCMU district shall be located in the TCMU district. All required handicap parking spaces and loading spaces must be provided for on-site.~~

- iii. ~~Preserve significant view of the gulf, harbor, or bay.~~ This incentive is applicable to sites that have direct access to the Gulf of Mexico, Destin Harbor or Choctawhatchee Bay and that have exceptional waterfront views that would clearly be imperiled without this incentive provision. Applicants for such incentive must submit scaled three-dimensional models demonstrating the preservation of a valuable view corridor and vista that is or would be a public benefit. In order to achieve the preservation of a significant view of the gulf or harbor the applicant shall be required to take the cumulative total of both side setbacks, minus 15 feet, and provide the entire combined setback on one side of the property. The opposite side of the property shall provide a minimum 15-foot setback. Additionally, an easement that runs with the land, the form of which must be approved by the City Land Use Attorney, must be recorded with the Clerk of the Circuit Court of Okaloosa County stating that the area of the development site where the significant view of the gulf or harbor is located can not be developed with any structures and must remain unobstructed. Applicants choosing to take advantage of this incentive shall be exempt from the Supplemental design analysis stated in section C.1 above. More specifically, the applicant will not have to demonstrate the impact of the project on access to light, impact on airflow dynamics, as well as the visual impacts that may adversely affect the adjacent properties where the 15-foot setback is located.
- iv. ~~Significant improvements to public infrastructure.~~ In order to satisfy this objective, the applicant must prove that they are encouraging private investment in off-site infrastructure improvements. Such off-site improvements may be located anywhere within the City. This may be achieved by: purchasing and/or dedicating land for needed rights-of-way as indicated in the comprehensive plan; improving median landscaping; designing and building public parking located within city rights-of-way; constructing sidewalks identified in City wide sidewalk improvement plan; constructing needed multi-use pathways or bikeways identified by the City; constructing recreational improvements identified in Policy 7-1.4.3; contributions, either in monetary or real property, that will hasten the implementation of any project identified in the most recently adopted five-year capital improvement plan; and any other significant public benefit that enhances public infrastructure throughout the City.
- c. ~~Annexation into the city limits.~~ Unincorporated properties seeking annexation shall be eligible for Tier 3 status within the Future Land Use Category established pursuant to an annexation agreement where Tier 3 heights or densities are necessary to maintain equality with the heights or densities achievable through applicable County comprehensive plans and land development regulations.

~~Additionally, it is the expressed intent of this code that any Tier 3 public benefit has to be met prior to the issuance of any certificate of completion or occupancy for any portion of the development. Bonding a public benefit/improvement to receive certificate of completion or occupancy for the development prior to the completion of the public benefit/improvement is expressly prohibited, unless special circumstances exist that are beyond the developer's control. In this case the City Manager may allow the developer to post a bond to ensure completion of the public benefit/improvement. If the City Manager decides against allowing the developer to post a bond to ensure completion of the public benefit/improvement, then the developer may appeal the City Manager's decision to the Board of Adjustment.~~

7.12.06. *Zoning districts.* The following zoning districts are established for the city, with principal uses and structures, accessory uses and structures, conditional uses and structures all as indicated by the following:

S. *South Harbor Mixed Use (SHMU).* The South Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(3), South Harbor Mixed Use of the Comprehensive Plan.

1. Purpose and intent. The South Harbor Mixed Use zoning district is intended to preserve SHMU area as a world-class fishing village that is open to the public and accommodates a mixed use festive market place. The SHMU zoning district accomplishes these goals by encouraging tourist commercial development designed to preserve waterfront views, preserve water dependent activity, foster a pedestrian-oriented environment, and promote convenient public access to the harbor boardwalk and charter fishing opportunities for the public. It is the intent of the this zoning district to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses. ~~It is the intent of the SHMU zoning district to specifically not encourage permanent residential uses by not providing any additional long term density above that stated in Tier 1.~~ Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space" (e.g. retail, office, restaurant, etc...). The term "publicly leasable commercial space" shall mean: a space that is open to the public to lease and use; not a space or use that is exclusively for the owners or guest of the residential development in question; shall be heated and cooled square footage; and shall not constitute that portion of the harbor boardwalk that is reserved for ingress and egress for public use. The purpose of requiring this minimum publicly leasable commercial space is to foster and encourage access by the public to the development and the harbor boardwalk. Additionally, parcels having frontage on the Harbor shall provide in their development a commercial storefront equal to a minimum of 50% of the width of the property along the harbor front. Such commercial storefront may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the Harbor side 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.
3. 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.

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 (%)		
		Wi	De	Tier	Tier	Tier	Fr	Si	Re	Tier	Tier	Tier	Ti	Ti	Ti	Ti	Ti	Ti

		depth	width	1A	2	3	front	depth	area	1	2	3	er 1	er 2	er 3	er 1	er 2	er 3
BE - one d.u.	15,000	80	150	35/3 stories	N/A	N/A	20	10	10	2.90	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
LDR-V/LDR-H/M DR-V - one d.u.	7,500	70	100	35/3 stories	N/A	N/A	20	7½	10	5.81	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
LDR-HI/M DR-HI - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	5.81	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
HDR - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	9.90	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
CL - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	12.00/Q	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
ROI-TD - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	12.00/R	N/A	N/A	N/A	N/A	N/A	30	N/A	N/A
/ROI-VR/ROI-CBR - one	7,500	70	100	35/3 stories	N/A	N/A	20	7½	10	12.00/R	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A

d.u.																		
CBN - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	6.00	N/A	24.0 0	N/ A	N/ A	N/ A	30	N/ A	N/ A
CBN- TDD - one d.u. (Y)	Y	50	150	Y	¥	¥	Y	Y	Y	Y	¥	¥	Y	¥	¥	Y	¥	¥
CBR - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	12.0 0/Q	N/A	N/A	N/ A	N/ A	N/ A	30	N/ A	N/ A
CMU - one d.u.	7,500	70	100	35/3 stories	N/A	N/A	20	7½	10	12.0 0	N/A	16.0 0	N/ A	N/ A	N/ A	25	N/ A	30
CMU -V - 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
CMU -V - two or d.u.	None	No ne	No ne	50/4 stories	N/A	N/A	J	J	J	12.0 0	N/A	N/A	N/ A	N/ A	N/ A	25	N/ A	N/ A
CMU -V - non d.u.	None	No ne	No ne	H	N/A	N/A	J	J	J	N/A	N/A	N/A	.50	N/ A	N/ A	25	N/ A	N/ A
SHM U - one d.u.	7,500	70	100	30/3 stories	N/A	N/A	20	7½	10	19.9 0/S	26.0 0/S	36.0 0	N/ A	N/ A	N/ A	30	18 A	12 A

NHM U - one d.u.	7,500	70	100	35/3 storie s	N/A	N/A	20	7½	10	19.9 0/T	26.0 0/T	36.0 0/T	N/ A	N/ A	N/ A	25	18 A	12 A
GRM U - one d.u.	7,500	70	100	50/4 storie s	N/A	N/A	20	7½	10	19.9 0/S	25.0 0/S	30.0 0	N/ A	N/ A	N/ A	30	30	N/ A
HIM U - one d.u.	7,500	70	100	35/3 storie s	N/A	N/A	20	7½	10	19.9 0/S	24.0 0/S	N/A	N/ A	N/ A	N/ A	30	30	N/ A
BRM U - one d.u.	7,500	70	100	35/3 storie s	N/A	N/A	20	7½	10	20.0 0	N/A	N/A	N/ A	N/ A	N/ A	25	30	30
MDR - V/M DR- HI - two or more d.u.	None	No ne	No ne	35/3 storie s	N/A	N/A	C/ D	C/ D	C/ D	9.99	N/A	N/A	N/ A	N/ A	N/ A	25	N/ A	N/ A
HDR - two or more d.u.	None	No ne	No ne	80/7 storie s	100/ 9 stori es	170/ 16 stori es/B	J	J	J	19.9 0	N/A	N/A	N/ A	N/ A	N/ A	25	30	30
CBN - two or more d.u.	None	No ne	No ne	50/4 storie s	N/A	N/A	20	C/ D	C/ D	6.00	N/A	N/A	N/ A	N/ A	N/ A	25	N/ A	N/ A

CBN - non d.u.	None	No ne	No ne	50/4 stories	N/A	N/A	20	C/D	C/D	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	N/A
CL - two or more d.u.	None	No ne	No ne	50/4 stories	N/A	N/A	20	C/D	C/D	12.00/Q	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
CL - non d.u.	None	No ne	No ne	E	N/A	N/A	10	C/D	C/D	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	N/A
CG - two or more d.u.	None	No ne	No ne	50/4 stories	130/12 stories	N/A	M	M	M	40.00	N/A	N/A	N/A	N/A	N/A	25	30	N/A
CG - non d.u.	None	No ne	No ne	50/4 stories/F	130/12 stories/F	N/A	M	M	M	N/A	N/A	N/A	1.30	N/A	N/A	25	30	N/A
CTS	None	No ne	No ne	35/3 stories	N/A	N/A	N	N	N	U	N/A	N/A	1.30	N/A	N/A	25	N/A	N/A
ROI-VR/ROI-TD two or more d.u.	None	No ne	No ne	35/3 stories G	N/A	N/A	C/D	C/D	C/D	12.00/R	N/A	N/A	N/A	N/A	N/A	25	N/A	N/A
ROI-GD/ROI-TD	None	No ne	No ne	35/3 stories	N/A	N/A	C/D	C/D	C/D	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	N/A

non d.u.				G														
CBR - two or more d.u.	None	No ne	No ne	50/4 storie s	N/A	60/5 stori es	O	O	O	12.0 0/Q	N/A	24.0 0	N/ A	N/A	N/A	25	N/A	30
CBR - non d.u.	None	No ne	No ne	50/4 storie s	N/A	60/5 stori es	O	O	O	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	30
TCM U - one d.u.	5,000	50	100	35/3 storie s	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	No ne	No ne	50/4 storie s	N/A	N/A	M	M	M	24.0 0	N/A	N/A	N/ A	N/A	N/A	25	N/A	N/A
TCM U - none d.u.	None	No ne	No ne	75/6 storie s	N/A	N/A	M	M	M	N/A	N/A	N/A	1.5	N/A	N/A	25	N/A	N/A
CMU - two or more d.u.	None	No ne	No ne	35/3 storie s	N/A	70/6 stori es	J	J	J	12.0 0	N/A	16.0 0	N/ A	N/A	N/A	25	N/A	30
CMU - non d.u.	None	No ne	No ne	H	N/A	H	J	J	J	N/A	N/A	N/A	.50	N/A	N/A	25	N/A	30
SHM U -	None	No	No	35/3 storie	100/ 9	160/ 15	P	P	P	19.9	26.0	36.0	N/	N/A	N/A	25	18	12

two or more d.u. (short - term)		ne	ne	s/I	stori es	stori es				0/S	0/S	0	A	A	A		18	12
SHM U - two or more d.u. (long - term)	None	No ne	No ne	35/3 storie s/I	100/ 9 stori es	160/ 15 stori es	P	P	P	19.9 0/S	N/A	N/A	N/ A	N/A	N/A	25	18 A	12 A
SHM U - non d.u.	None	No ne	No ne	35/3 storie s/I	100/ 9 stori es	160/ 15 stori es	P	P	P	N/A	N/A	N/A	.60	1- 75	2- 50	25	18 A	12 A
NHM U - two or more d.u.	None	No ne	No ne	35/3 storie s	100/ 9 stori es	160/ 15 stori es	M	M	M	19.9 0/T	26.0 0/T	36.0 0/T	N/ A	N/A	N/A	25	18 A	12 A
NHM U - non d.u.	None	No ne	No ne	35/3 storie s	100/ 9 stori es	160/ 15 stori es	M	M	M	N/A	N/A	N/A	.60	1- 75	2- 50	25	18 A	12 A
GRM U - two or more d.u.	None	No ne	No ne	50/4 storie s	130/ 12 stori es	200/ 19 stori es	O	O	O	19.0 0/S	25.0 0/S	30.0 0	N/ A	N/A	N/A	25	30	30

GRM U - non d.u.	None	No ne	No ne	50/4 storie s	130/ 12 stori es	200/ 19 stori es	O	O	O	N/A	N/A	N/A	1.3 0	N/ A	N/ A	25	30	30
HIM U - two or more d.u.	None	No ne	No ne	50/4 storie s	110/ 10 stori es	140/ 13 stori es	J	J	J	19.9 0/S	24.0 0/S	N/A	N/ A	N/ A	N/ A	25	30	30
HIM U - non d.u.	None	No ne	No ne	50/4 storie s	110/ 10 stori es	140/ 13 stori es	J	J	J	N/A	N/A	N/A	1.3 0	N/ A	N/ A	25	30	30
BRM U - two or more d.u.	None	No ne	No ne	35/3 storie s	100/ 9 stori es	180/ 17 stori es	O	O	O	20.0 0	N/A	N/A	N/ A	N/ A	N/ A	25	30	30
BRM U - non d.u.	None	No ne	No ne	35/3 storie s/W	100/ 9 stori es/X	180/ 17 stori es/X	O	O	O	N/A	N/A	N/A	.75 /X	N/ A	N/ A	25	30	30
IN	None	No ne	No ne	35/3 storie s	N/A	N/A	N	N	N	N/A	N/A	N/A	1.3 0	N/ A	N/ A	25	N/ A	N/ A
A	None	No ne	No ne	35/3 storie s/ K	N/A	N/A	L	L	L	N/A	N/A	N/A	1.3 0	N/ A	N/ A	25	N/ A	N/ A
INST	None	No ne	No ne	35/3 storie s	N/A	N/A	No ne	No ne	No ne	N/A	N/A	N/A	.50	N/ A	N/ A	25	N/ A	N/ A

REC	None	No ne	No ne	35/3 storie s	N/A	N/A	No ne	No ne	No ne	N/A	N/A	N/A	.20	N/ A	N/ A	25	N/ A	N/ A
CON	None	No ne	No ne	15/1 story	N/A	N/A	No ne	No ne	No ne	N/A	N/A	N/A	.05	N/ A	N/ A	80	N/ A	N/ A

Footnotes defining requirements:

- ~~A. Heights listed under the Tier 1 heading are the maximum height that may be achieved by adherence to the standard site development criteria of the land development code such as, but not limited to, setbacks, open space, parking, access and circulation, landscaping and minimum required buffers, including those to help assure smooth transition between distinctly different land uses.~~
- ~~B. The height and stories listed under the Tier 3 heading can only be achieved by properties that are located in the East Harbor Planning Area, as depicted on the future land use map (map 1-1) of the comprehensive plan.~~
- F. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories. ~~Tier 2 is not available for retail, service, restaurant, and similar commercial uses. Tier 2 is available for office, hotel, motel, bed and breakfast, other commercial transient living accommodations, and short term multi family residential uses.~~
- H. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. ~~Tier 2 is not available for office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses. Hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories. Tier 2 height of 70 feet/six stories is available for hotel, motel, bed and breakfast, and other commercial transient living accommodations.~~
- X. ~~In the BRMU zoning district, the recreation use is limited to Tier 1 height and a maximum floor area ratio of .20 per Comprehensive Plan: 2010.~~
- Y. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.
- ~~Z. For those single family residences intended for long term use in zoning districts where short term residential uses are allowed, a deed restriction, recorded in the official records of Okaloosa County must be provided to Community Development staff prior to a certificate of occupancy being issued. Otherwise, the maximum height and minimum open space standards mentioned above for short term residential will apply. The standards mentioned above are not applicable in any zoning district where short term single family residential uses are not permitted.~~

7.14.00. - Planned unit developments.

7.14.01. *Purpose and intent* . Planned unit developments are designed to provide an alternate method of land development not otherwise available within the framework of the land development code. For the purposes of this section, single-family dwellings, duplexes, townhouses, patio houses, atrium houses, multi-

family dwellings, motels, and hotels, along with other forms of residential development, may be considered as planned unit developments. Specifically, this use may be assigned to land which is to be developed utilizing innovative design techniques for the purpose of achieving one or more of the following development objectives:

- A. To preserve or be otherwise sensitive to significant environmental or topographical features which exist on the site.
- B. To accommodate a mixture of uses on a single parcel of land made internally and externally compatible through use limitations, sign control, building orientation, buffering, or other techniques which may be appropriate to a particular development proposal.
- C. To accommodate a juxtapositioning of buildings with exceptional setback or separation distances made internally and/or externally compatible through strategic landscape and spatial design.
- D. To accommodate a comprehensively planned and phased development or redevelopment project involving multiple ownerships which provides for interrelated uses, circulation patterns (both vehicular and pedestrian), building orientations, parking areas, architectural motifs, signs, open spaces, vistas, amenity areas and like features which positively contribute to the area being developed or redeveloped in the city.
- E. ~~To accommodate proposed Tier 3 developments which meet all requirements of the specified supplemental design standards of Tier 2, Tier 3 supplemental design analysis and provides specified "public benefits" as stated in section 7.09.03.G.2.~~

7.14.06. *Specific requirements.*

- A. No minimum lot size shall be required within a PUD. The frontage on dedicated public or private rights-of-way shall observe a front yard setback requirement in accordance with the zoning district. For detached structures, there shall be a minimum of a five-foot side yard and rear yards shall be a minimum of ten feet. For detached single-family dwellings exceeding three stories, the side yard shall be increased by two feet for each story above the third story. ~~Refer to section 7.09.03 for the side and rear yard setbacks for Tier 2 and/or 3 developments.~~ Corner lots and through lots shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of ten-foot setback along the other street frontage.

8.06.12. *Reduction of the required number of vehicle parking spaces.* The following options may be used to reduce the number of required vehicle parking spaces for a development:

- D. *Multimodal Transportation District (MMTD) parking reduction options.* The following options for the reduction of the required number of vehicle parking spaces are available to those properties located within the MMTD:
 - 4. *In-lieu parking fees.* Within designated special parking districts (refer to Section 8.06.13) an applicant shall be required to contribute fees, as established by the City Council, in lieu of providing dedicated on- or off-site parking spaces. For properties whose primary building entrance is located within 600 feet from an existing or proposed City parking facility, a minimum of 30 percent and maximum of 50 percent of the required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 600 feet but less than 1,200 feet away from an existing or proposed City parking facility, a minimum of 15 percent and a maximum of 25 percent of required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 1,200 feet away from an existing or proposed City parking facility, in-lieu parking fees are not an option. The distance requirements of this subsection

shall be measured from the primary building entrance of the subject property to property line of the City parking facility. Sidewalks and crosswalks shall be required to connect between the primary building entrances and the parking facility. Residential uses cannot use in-lieu parking fees for required on-site parking. ~~In order for an applicant to have more than 50 percent of the required parking located on a City facility, the applicant's project must be approved as a Tier 3 project (refer to section 8.06.13(A)(4)).~~

8.06.13. *Special parking districts.* The City Council may designate special parking districts where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.

A. *Off-site vehicle parking facilities requirements.* The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:

1. Nonresidential and short-term residential uses are the only uses that are allowed to take advantage of having required vehicle parking spaces located off-site.
2. Those portions of a mixed-use development that contain long-term residential uses, as defined in Comprehensive Plan: 2010, are required to have all required parking spaces located on-site.
3. ~~For projects requesting Tier 1 or 2 approval, a maximum of 50 percent of the total number of required vehicle parking spaces are allowed to be located off-site.~~
4. ~~For projects requesting Tier 3 approval, up to 100 percent of the total number of required vehicle parking spaces for nonresidential and short term residential uses are allowed to be located off-site provided that approval is granted by City Council.~~

8.09.03. *Multimodal Transportation District Design Standards.* All proposed development located in the MMTD must demonstrate adherence to the following standards.

A. *Old Destin MMTD sub-area—Mixed-use, nonresidential, and multifamily residential.* All mixed-use, nonresidential, and multifamily residential development located within the Old Destin MMTD sub-area, shall be subject to the following standards.

1. *Pedestrian-oriented building design.*
 - a. *Setbacks.* Buildings shall be located directly adjacent to the public sidewalk (refer to Figure 8-2: Setbacks) and in accordance with the setbacks specified in Table 7-3: Schedule of dimensional requirement in zoning districts of this Code and outside of clear visibility triangle as stated in section 8.03.06. Exceptions to the requirement that buildings must be located directly adjacent to the public sidewalk may be granted by the City Manager or designee to: 1) provide space for outdoor seating areas, plazas, markets, or other pedestrian-oriented outdoor activities; 2) buildings and or structures associated with gasoline stations; and 3) automobile and other motor vehicle dealers. Alternatively, if a project provides a frontage road or limited accessway between the existing road right-of-way and the front of its development (buildings), then the setback requirements shall be measured from the frontage road or limited accessway and not the existing road right-of-way. Side setbacks of zero shall be required so that adjacent buildings can be designed to adjoin and form a continuous street front. Exceptions to the zero-side setback may be granted by the City Manager or designee for vehicular accessways, and pedestrian sidewalks. ~~and Tier 3 view corridors.~~

- b. *Building orientation.* Each building shall include at least one pedestrian entrance oriented towards the primary pedestrian accessway leading from the adjacent right-of-way and include design elements to ensure that such entrance is identifiable and is integrated into the building architecture (refer to Figure 8-3: Building orientation). Such design elements shall include, but are not limited to canopies, wall recesses or projections, arcades, arches, and columns. Buildings fronting the Harbor boardwalk shall have at least one pedestrian entrance oriented towards the boardwalk. It is the intent of this section to have buildings oriented along the entire length of the adjacent rights-of-way except where vehicular accessways, ~~or pedestrian accessways, or Tier 3 view corridors~~ are required or needed. For those properties located in the SHMU zoning district, developments shall provide a nonresidential storefront equal to a minimum of 50 percent of the width of the property along the harbor front. Said nonresidential storefront may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the harbor side of the development. The term "nonresidential storefront" as it is used herein, refers to that portion of a building which faces the harbor and is devoted to any use allowed in the zoning district in which the property in question is located, with the exception of long- and short-term residential units, hotel/motels, bed and breakfast inns, other commercial transient living accommodations, rooming houses and boarding houses. The City strongly encourages property owners to orient the required nonresidential storefront next to the Harbor Boardwalk.

11.05.09. *Exceptions.* Exceptions from the provisions of Section 11.05.01 are as follows:

B. ~~Properties located in the South Harbor Mixed Use zoning district that propose development under Tier 1 or 2 development standards are exempt from the provisions prescribed in paragraphs F, G, M and N of Section 11.05.01 provided they meet all of the following criteria:~~

- ~~1. An approved submerged land lease from FDEP is submitted.~~
- ~~2. An approval from the Army Corps of Engineers stating that the length of docks and pilings will not create a risk to navigation is submitted.~~
- ~~3. This provision only applies to properties with only non-residential uses and mixed uses that contain non-residential uses and short-term residential uses.~~
- ~~4. This provision does not apply to developments that contain long-term residential uses.~~
- ~~5. A minimum ten percent of the total number of the slips in the project are set aside for fare carrying boats and that another minimum ten percent of the total slips are set aside for transient boats that are open to the public (to promote non-automobile travel). "Project" as used herein shall mean the entire number of slips tied to the uplands and not the total number of slips past 200 feet from the uplands. A minimum of 50 percent of the transient slips must be reserved for non-rental users. The remainder of the total ten percent may be reserved for short-term rental users. A loading and unloading area or slip must be reserved for use by a water taxi. This area or slip must be clearly marked by signage stating that it is reserved for the water taxi.~~
- ~~6. For Tier 1 developments, all of the requirements listed in Section 7.09.03.F.7 must be met.~~

~~C. Properties located in the Calhoun Mixed Use zoning district that propose development under Tier 1 or 2 development standards are exempt from the provisions prescribed in paragraphs M and N of Section 11.05.01 provided they meet all of the following criteria:~~

- ~~1. An approved submerged land lease from FDEP is submitted.~~

- ~~2. An approval from the Army Corps of Engineers stating that the length of docks and pilings will not create a risk to navigation is submitted.~~
- ~~3. A minimum ten percent of the total number of the slips in the project are set aside for fare carrying boats and that another minimum ten percent of the total slips are set aside for transient boats that are open to the public (to promote non-automobile travel). "Project" as used herein shall mean the entire number of slips tied to the uplands and not the total number of slips past 200 feet from the uplands. A minimum of 50 percent of the transient slips must be reserved for non-rental users. The remainder of the total ten percent may be reserved for short term rental users. A loading and unloading area or slip must be reserved for use by a water taxi. This area or slip must be clearly marked by signage stating that it is reserved for the water taxi.~~
- ~~4. For Tier 1 developments, all of the requirements listed in Section 7.09.03.F.7 must be met.~~

12.04.02. *Open space.* The minimum required open space within all zoning districts shall be 25 percent except for conservation, which shall be 80 percent. ~~For developments proposed under the Tiered Land Use System, as outlined in section 7.09.03, the minimum required open space shall be increased to 30 percent.~~ Notwithstanding, within the North Harbor, South Harbor, and Town Center Mixed Use districts the minimum required open space can be reduced to not less than 12 percent through adherence to the requirements of the "open space incentive program" as stated in section 12.04.03 of this Code.

12.04.03. *Open space incentive program.*

D. *Supplemental standards required.* ~~In order to decrease the required open space to 18 percent, developments shall meet the Tier 2 standards contained in section 7.09.03.F. In order to obtain the full reduction of required open space to 12 percent, developments shall meet Tier 3 standards in section 7.09.03.G.~~ The following list indicates the incentives and their associated percentage amount that the overall open space requirement can be reduced by:

- ~~6. All required trees for the development are one inch d.b.h. above Tier 2 standards and all required shrubs, not including ground cover, for the development are 12 inches above Tier 2 standards at time of planting (three percent).~~
- ~~7. Projects that provide an additional five percent of the total number of boat slips, above and beyond the required 20 percent total stated in the requirement for Tier 2 status, as either fare carrying or transient slips (four percent).~~
12. The total area of all pedestrian and/or vehicular easements or rights-of-way dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront and along Harbor Boulevard shall be credited towards the open space landscape requirement of the development. ~~However, the percentage of the reduction cannot be greater than the maximum allowed for the tier that the applicant is applying for approval of (Tier 2 = 18% or Tier 3 = 12%).~~
13. The total area provided for a transit stop, as specified in section 7.09.03.G.2a.iv.a, located either on-site or adjacent to Harbor Boulevard/Emerald Coast Parkway will be given 100 percent credit for area dedicated to the transit stop. ~~However, the percentage of the reduction cannot be greater than the maximum allowed for the tier that the applicant is applying for approval of (Tier 2 = 12 percent or Tier 3 = 18 percent).~~

12.04.04. *Categories.* Landscape developments shall consist of seven landscape development categories: open space landscape, front perimeter/common boundary landscape, interior parking landscape, buffer zone landscape, publicly owned property, public utility development, and telecommunications tower sites.

D. *Buffer zone landscape.* The following criteria shall apply to buffer zone landscape requirements:

3. ~~*Buffer zones for Tier 2 and Tier 3 developments.* Tier 2 and Tier 3 developments are exempt from provisions 1 and 2 of this subsection and instead shall be governed by the supplemental buffering requirements listed in section 7.09.03.F.1.f.2.~~

12.04.05. *Landscape development standards.* To ensure the attainment of the objectives of this section, the design and installation of required landscaping shall be consistent with the following standards, unless it can be demonstrated that alternative design and installation plans will meet the objectives of this section. The landscape development standards contained herein shall apply whenever a landscape plan is required.

E. *Plant material standards.*

1. *Quality.* Unless otherwise provided herein, plant material as described in Grades and Standards for Nursery Plants, 1963, Part I and Part II, of the State of Florida, Department of Agriculture, Tallahassee, shall be credited on the landscape development requirements of this section. ~~All plant material quality for Tier 2 and Tier 3 developments shall be Florida grade number one or better. Additionally, all tree calipers shall be measured four and one-half feet above grade when planted.~~
6. ~~*Tier 2 and Tier 3 developments.* The minimum tree and shrub material standards for Tier 2 and Tier 3 developments shall be in accordance with requirements listed in Section 7.09.03.F.4. and not subsections 3 and 4.a listed above.~~

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 _____, 2020.

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: _____
Second Reading: _____

**COMMUNITY DEVELOPMENT DEPARTMENT****AGENDA ITEM****CITY COUNCIL MEETING DATE:** February 3, 2020**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

TO: City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney**DATE:** January 21, 2020**SUBJECT:** Proposed Ordinance 20-02-LC Removal of Tiers from the City's Land Development Code and Comprehensive Plan

I. BACKGROUND:

On April 2, 2018, City Council passed Ordinance 17-22-PC, amending Comprehensive Plan: 2020; removing the Tier System from the City's Comprehensive Plan, to be replaced with the Total Floor Area (T-FAR) planning tool. However, the remaining references to the Tier Land Use System in the Land Development Code were never subsequently removed.

Proposed Ordinance 20-02-LC is a follow up to Ordinance 17-22-PC, removing the Tier System language from Article 6, Article 7, Article 8, Article 11, and Article 12 of the City's Land Development Code.

II. DISCUSSION:

As a result of the removal of the Tier Land Use System, all design requirements will now be required for all Major and Minor Development Orders and Development Order Amendments. Additionally, minor Tier references which still exist in the Comprehensive Plan will be removed through a Comprehensive Plan Amendment.

III. CONCLUSION:

Proposed Ordinance 20-02-LC amends the City's Land Development Code by removing all Tier System language for consistency with the City's Comprehensive Plan.

IV. LPA RECOMMENDATION:

The LPA recommends City Council approve proposed Ordinance 20-02-LC.

V. **MOTION:**

I move to approve proposed ordinance 20-02-LC.

Attachments:

- a) Ordinance 17-22-PC
- b) Proposed Ordinance 20-02-LC

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: January 22, 2020

SUBJECT: Second reading of Ordinance 20-03-LC, amending Article 2 of the Land Development Code, amending procedures for lot splits and lot line adjustments.

I. BACKGROUND: City Council has given staff a standing directive to clarify, simplify, and streamline the development review process. Related to this directive is the Minor Replat process-Lot line adjustment process. Lot line adjustments are often the result of encroachment of fencing, landscaping, and errors in land surveying. To address these encroachments a lot line adjustment is required to go through the Minor Replat Process. The Minor Replat process, just like the Minor Subdivision process, is time consuming for both staff and the applicant and is also expensive for the applicant.

II. DISCUSSION: Consistent with Council directive, staff proposes an amendment to clarify, simplify, and streamline the Minor Replat Process by including a lot line adjustment process within the previously adopted Lot Split Ordinance 19-36-LC. This modification will allow these types of applications to be reviewed by Staff and approved by the Community Development Director. The proposed recommendations are consistent with Council's directive regarding the development review process.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: During a Public Hearing held January 16, 2020, the LPA recommended that the City Council approve Ordinance 20-03-LC.

IV. RECOMMENDED MOTION: I move that the City Council approve proposed ordinance 20-03-LC on second reading.

Attachments:

1. 20-03-LC_Lot Split Ordinance
2. Ordinance 19-36-LC Procedures for
Lot Splits
3. 20-03-LC_Lot Line Adj. Staff Report-
Council

ORDINANCE NO. 20-03-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; AMENDING PROCEDURES FOR LOT SPLITS AND LOT LINE ADJUSTMENTS; 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 procedures for the subdivision or resubdivision of land in order to provide procedures for lot splits; 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 2.19.00.

Section 2.19.00 of the Land Development Code is hereby amended as follows:

2.19.04. *Minor replats/minor subdivisions.* Where development involves a minor replat or minor subdivision as defined in Article 3, the City may issue a construction permit without requiring a final development order. However, City approval of the minor replat or minor subdivision is required prior to the issuance of a construction permit. Minor replats or minor subdivisions do not follow the procedures outlined in Sections 2.19.02 or 2.19.03, but rather follow the procedures outlined in this subsection only.

C. In the case of minor replats/minor subdivisions which involve a total of three or fewer lots, one single-family residential structure shall be permitted on each lot as a matter of right, provided the minimum lot size, dimension, and setback requirements of this Code are met.

2.19.05. *Lot splits.* The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split:

- A. For purposes of this section, the term "lot split" shall mean a division of a tract of land or lot that will result in either a lot line adjustment between two platted lots or tracts of land or the creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
1. The lot or tract of land to be split is a previously platted lot or legal description of record.
 2. Each lot or tract of land created hereunder shall abut a public or approved private street, unless perpetual cross-access easements already exist on the lot to be split or are determined not to be necessary, or, if necessary, are provided by separate instrument.
 3. The lot split shall in every respect meet the criteria established elsewhere in this chapter and the City Land Development Code for the category of zoning and other relevant Codes under which the property is zoned.

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 _____, 2020.

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: _____
Second Reading: _____

ORDINANCE NO. 19-36-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; PROVIDING PROCEDURES FOR LOT SPLITS; 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 procedures for the subdivision or re-subdivision of land in order to provide procedures for lot splits; 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 2.19.00.

Section 2.19.00 of the Land Development Code is hereby amended as follows:

2.19.05. Lot splits. The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split:

A. For purposes of this section, the term "lot split" shall mean a division of a tract of land or lot that will result in the creation of exactly one (1) additional lot or tract of land provided the following conditions are met:

1. The lot or tract of land to be split is a previously platted lot or legal description of record.
2. Each lot or tract of land created hereunder shall abut a public or approved private street, unless perpetual cross-access easements already exist on the lot to be split or are determined not to be necessary, or, if necessary, are provided by separate instrument.
3. The lot split shall in every respect meet the criteria established elsewhere in this chapter and the City Land Development Code for the category of zoning and other relevant Codes under which the property is zoned.

B. Every lot split shall be processed in the following manner:

1. An application form provided by the community development department shall be completed and filed with the department, accompanied with the following:
 - a) An application fee approved by the city council by resolution;
 - b) Three (3) paper copies of the proposed lot split;
 - c) A statement indicating whether new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land; and
 - d) Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division shall be prepared by a duly licensed land surveyor registered in the state. If a lot or tract of land contains any principal or accessory structures, a survey showing the structures on the lot or tract of land shall accompany the application.
2. Upon approval of the lot split by determination of the Community Development Director, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.

C. No further division of an approved lot split is permitted under this section, unless a plat is prepared and approved in accordance with this chapter.

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.

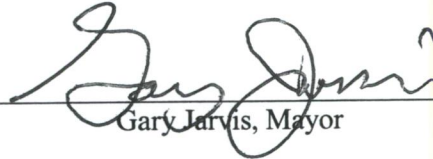
SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such 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 16TH DAY OF DECEMBER 2019

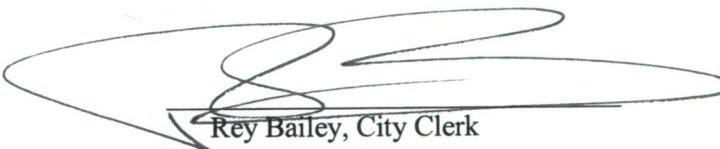
BY:



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: December 2, 2019
Second Reading: December 16, 2019



COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

CITY COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: January 21, 2020

SUBJECT: Proposed Ordinance 20-03-LC: Lot Split

BACKGROUND: City Council has given staff a standing directive to clarify, simplify, and streamline the development review process. Related to this directive is the Minor Replat process.

ISSUE: Lot line adjustments are often the result of encroachment of fencing, landscaping, and errors in land surveying. To address these encroachments a lot line adjustment is required to go through the Minor Replat process. The Minor Replat Process, just like the Minor Subdivision process, is time consuming for both staff and the applicant and is also expensive for the applicant.

DISCUSSION: Consistent with Council directive, staff proposes an amendment to clarify, simplify, and streamline the Minor Replat Process by including it as a process within the previously adopted Lot Split Ordinance 19-36-LC. This modification will allow these types of applications to be reviewed by Staff and approved by the Community Development Director.

CONCLUSION: The proposed recommendations are consistent with Council's directive regarding the development review process.

LPA RECOMMENDATION: The LPA recommends City Council approve proposed Ordinance 20-03-LC.

RECOMMENDED MOTIONS: I move to approve proposed ordinance 20-03-LC.

Attachments:

Ordinance 20-03-LC: Lot Split

Ordinance 19-36-LC: Lot Split

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: Public Hearing

TO: City Council

THRU: Louis Zunguze, Community Development Director
 Lauren Witt, Planner
 Kyle Bauman, City Attorney

FROM: Lance Johnson, City Manager

DATE: January 28, 2020

SUBJECT: Request approval for a marine construction project at 3813 Indian Trail. The project, located on Choctawhatchee Bay, includes ± 70 LF of dock, a boathouse and two (2) catwalks. The total project footprint is ± 1000 sq. feet.

I. BACKGROUND: The contractor has submitted an AFTER-THE-FACT permit for a ± 70 LF of dock, with two (2) catwalks - one (1) 28' x 3' and one (1) 16' x 4' and a 28' x 13' covered boatlift with a 32' x 17' roof. The dock does not exceed the maximum length (i.e., 147 ft.) established in Article 11.

II. DISCUSSION: Per Article 11.05.01.M., City of Destin Land Development Code, the maximum length allowed for a dock located on Choctawhatchee Bay is equal to 1.5 times the width of the property at the mean high-water line, or 200 feet, whichever is less. The width of this property at the mean high-water line is approximately 98 feet. The proposed dock is 70 feet long.

The proposed dock also meets the requirements of Article 11.05.01.S., City of Destin Land Development Code, as it includes the required 25-foot riparian setback from the adjacent property lines.

- 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.

C. Level of Service (LOS): There is not any anticipated effect on LOS.

III. CONCLUSION: The contractor provided a Florida Department of

Environmental Protection (FDEP) permit, File No. 0376583-001-EE/46 and an Army Corp of Engineer (ACE) permit, SAJ-2019-01884 (GP-HMM). 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.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

The proposed single-family marine construction project was reviewed by the Harbor and Waterways Board during a public hearing on January 27, 2020. AT the conclusion of the public hearing the Harbor and Waterways Board recommended City Council approval of a single-family marine construction project at 3813 Indian Trail for ±70 LF of dock, with two (2) catwalks - one (1) 28' x 3' and one (1) 16' x 4' and a 28'x 13' covered boatlift with a 32'x 17' roof, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION: I move that the City Council approve of a single-family marine construction project located at 3813 Indian Trail.

Attachments:

1. Application
2. Site Plan
3. FDEP
4. ACOE



Community Development Department
Building Division

4200 Indian Bayou Trail, Destin, FL 32541
Phone: (850) 654-1119 Fax: (850) 460-2171



Marine Construction Permit Application

DATE: _____

JOB SITE ADDRESS: 3813 INDIAN TRAIL

PARCEL ID: 00-2S-22-1650-000J-0120 LOT: 12 BLOCK: J SUBDIVISION: MORENO ACRES

OWNER OF PROPERTY: TOMMY & JEAN CARTER

ADDRESS: 719 MARS STREET

CITY, STATE, ZIP: DESTIN, FL 32541

PHONE: _____ FAX: _____

MOBILE/CELL: (850)650-3847

FEE SIMPLE TITLEHOLDER (If other than owner): _____

ADDRESS: _____

CITY, STATE, ZIP: _____

NAME OF PROJECT: CARTER

CONTRACTOR COMPANY NAME: FRANK DAVIS

QUALIFIER NAME: _____

STATE LICENSE #: _____ COMP#: _____

ADDRESS: 1765 WEST HEWITT

CITY, STATE, ZIP: SANTA ROSA BEACH, FL 32459

PHONE: (850)2592255 FAX: _____

CONTACT PERSON: _____

MOBILE/CELL: (850)259-2255

EMAIL: WFDAVIS.CONSTRUCTION@GMAIL.COM

All new marine construction requires review by the Harbor & Waterways Board, per Article 11.05.01.A., Land Development Code. This process requires a separate Harbor & Waterways Board Application. After the Board meets to take action on a proposed dock application, its recommendation is forwarded to the City Council for approval or denial. A Marine Construction Permit is also necessary and may be reviewed simultaneously. All applications require a scaled site plan or survey depicting improvements.

HARBOR & WATERWAYS BOARD HEARING DATE: 12/23/19 CITY COUNCIL APPROVAL DATE: _____ (Provide the information checklist with Mayor or City Council designee signature or City Council meeting minutes.)

DESCRIPTION OF WORK TO BE DONE:

Construct 1,000 Sq.Ft. of dock plus Boatlift

CATEGORY TYPE: ☐ Residential ☒ Commercial

CURRENT CODE: _____

PERMIT TYPE: ☐ Bulkhead(seawall) ☒ Dock/Pier ☐ Piles ☐ Boatlift ☒ Boathouse ☐ Boat Ramp ☐ Other: _____

CONSTRUCTION TYPE: ☐ New ☐ Repair ☐ Replace ☐ Remove ☐ Relocate ☐ Addition DEP Permit required: ☐ Yes ☐ No

Marine Contractors must maintain applicable workers' compensation and general liability insurance as required by state and federal law, including but not limited to the provisions of the LONGSHOREMEN'S and Harbor Worker's Compensation Act.

TOTAL VALUE (MATERIAL & LABOR): 28,000.00
(excluding lot)

FINAL INSPECTION IS REQUIRED ON ALL PERMITS-Failure to obtain a final inspection may result in legal action.

Applicants Signature: _____ Date: _____

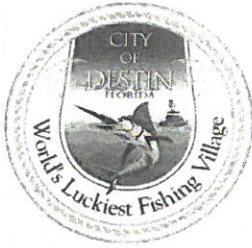
Applicants Printed Name: Frank Davis Date: _____

Reviewed by: (Building Division) Date: _____

Reviewed By: (Planning Division) Date: _____

Reviewed By: (Code Compliance Dept.) Date: _____

Received By: KSS 11/7/19 (Initials) Date: _____



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: Construct 1000' of dock and boatlift

1. APPLICANT INFORMATION:

Name: Tommy and Jean Carter
Mailing Address: 719 Mars Street
Phone: (850) 650-3847 Fax: _____
Email: Wfdavis.construction@gmail.com (contractor)

2. PROPERTY TO BE REVIEWED:

Street Address: 3813 Indian Trail
Parcel ID #: 00-25-22-1650-000J - 0120

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: [Signature]

DATE: 11-7-19

CITY OF DESTIN-WEBTRAC
4100 INDIAN BAYOU TRL
DESTIN, FL 325414303

11/07/2019

16:13:47

MID: XXXXXXXXXXXX752

TID: XXXXX353

CREDIT CARD

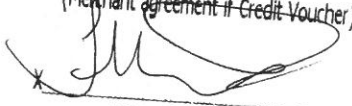
VISA SALE

Card #	XXXXXXXXXXXX9645
Chip Card:	VISA CREDIT
AID:	A0000000031010
ATC:	0009
ARQC:	298C6C21EEC19419
SEQ #:	20
Batch #:	1086
INVOICE	20
CLERK	0634
Approval Code:	003226
Entry Method:	Chip Read
Mode:	Issuer
Tax Amount:	\$0.00

SALE AMOUNT

\$50.00

I agree to pay above total amount
according to card issuer agreement.
(Merchant agreement if Credit Voucher)


WILLIAM FRANK DAVIS

MERCHANT COPY



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

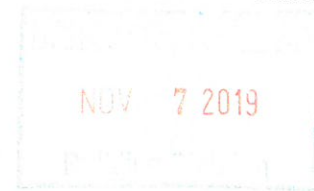
Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 27, 2019

Thomas Carter
3813 Indian Trail
Destin, Florida 32541
Nwfnative2777@yahoo.com



File No.: 0376583-001-EE/46, Okaloosa County

Dear Mr. Carter:

On May 28, 2019, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock with a step-down and a covered boat lift that is 1,000 square feet or less within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 3813 Indian Trail, Destin, Florida 32541, Parcel No. 00-2S-22-1650-000J-0230, in Section 18, Township 2 South, Range 22 West in Okaloosa County; 30°24'53.34" North Latitude, 86°28'58.07" 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 did not qualify for the federal review portion of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

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 activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.), under Section

403.813(1)(b), Florida Statutes (F.S.) 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 – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book 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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

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. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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 may not apply to persons who have not received a clear point of entry.

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)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
2. Project Drawings, 5 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:

Jason Taylor, Consultant, Oakhurst Environmental, oakhurstenvironmental@gmail.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

June 27, 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 –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

403.813(1)(b)

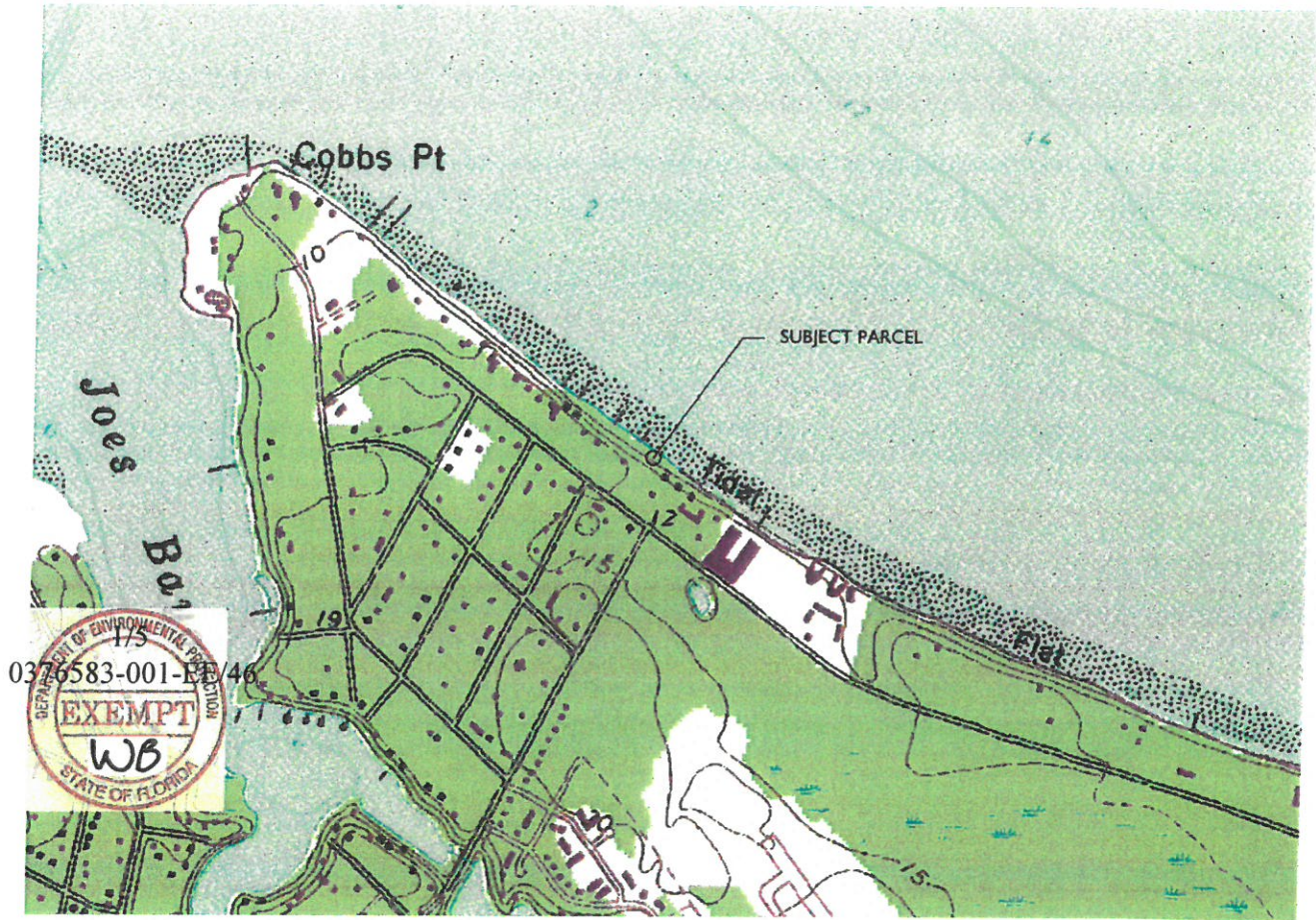
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve 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:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting

pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

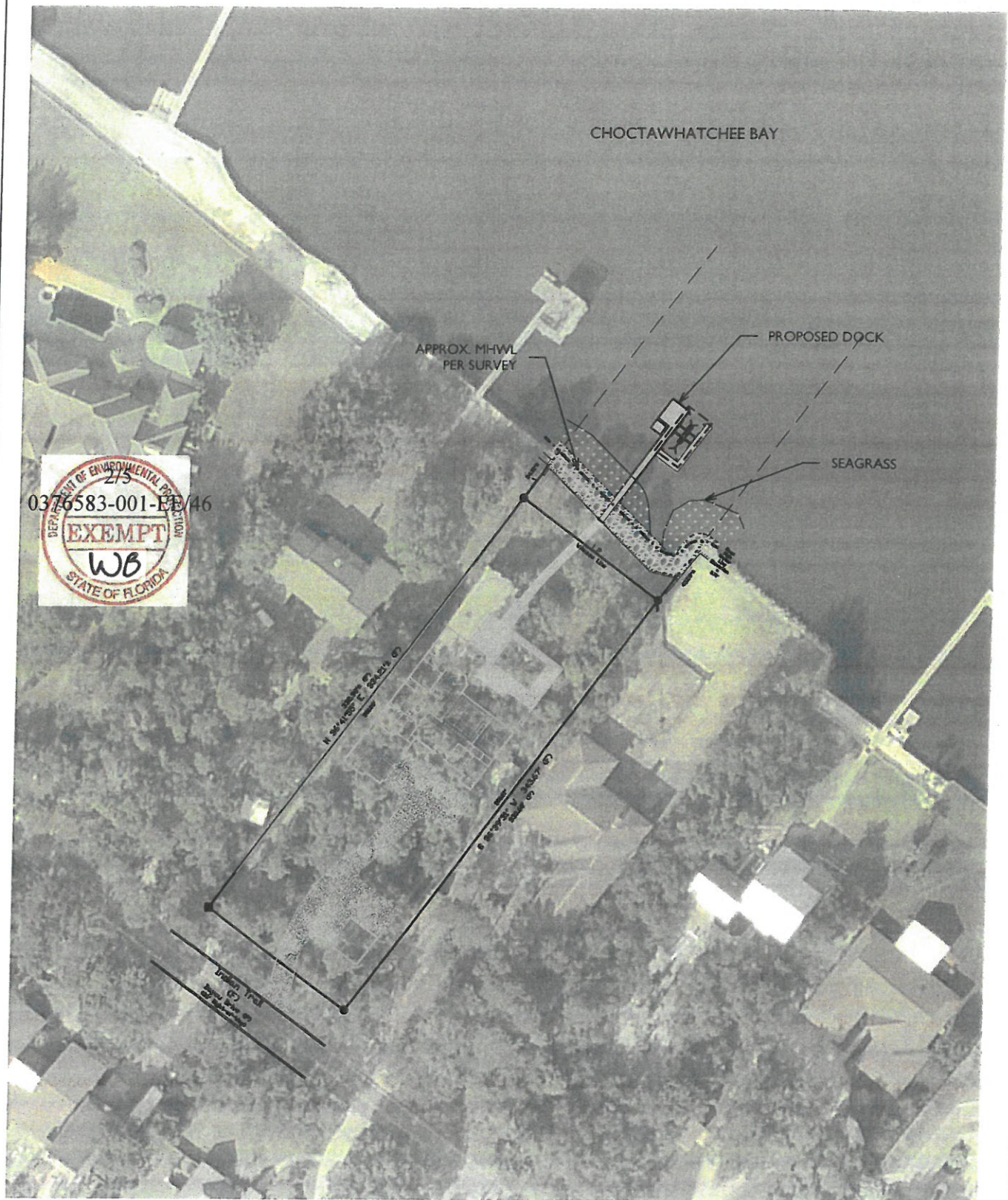
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W/ 7 2019

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2/5
376583-001-EE
EXEMPT
WB
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF FLORIDA

APPROX. MHWL
PER SURVEY

PROPOSED DOCK

SEAGRASS

N 26°45'00" E 324.214 m

2000
S 28°37'30" E 343.67 (7)
2000 (7)

Indian Trail
May 1968
1000

PROJECT NAME: 3813 INDIAN TRAIL, CARTER

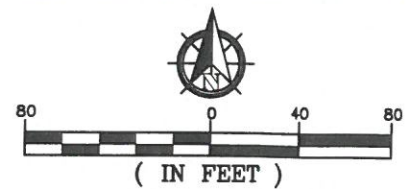
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PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

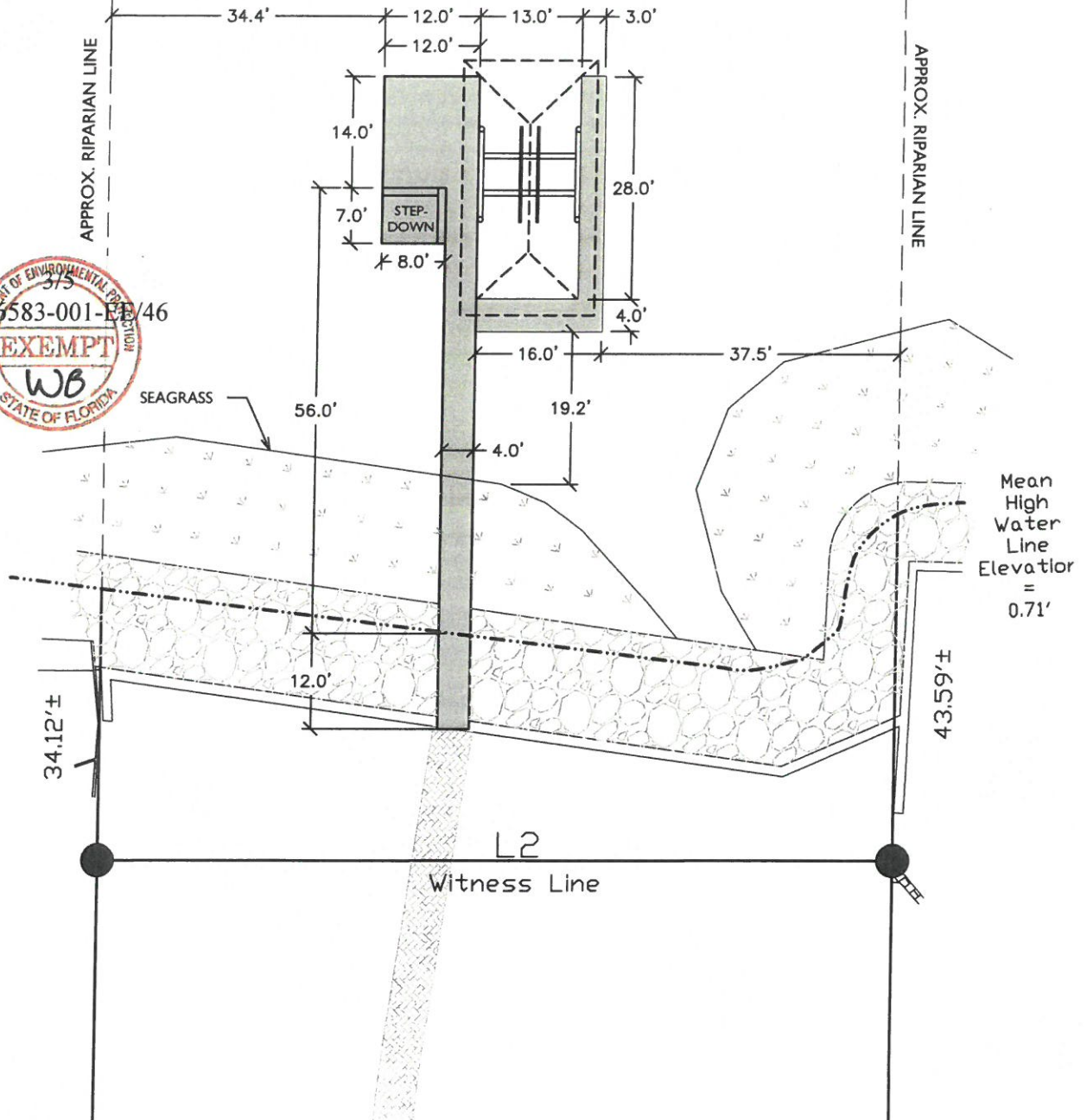
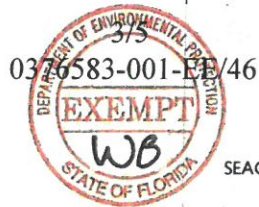
SHEET: 2 OF 5



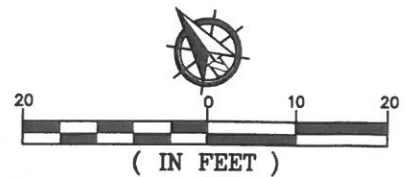
CHOCTAWHATCHEE BAY

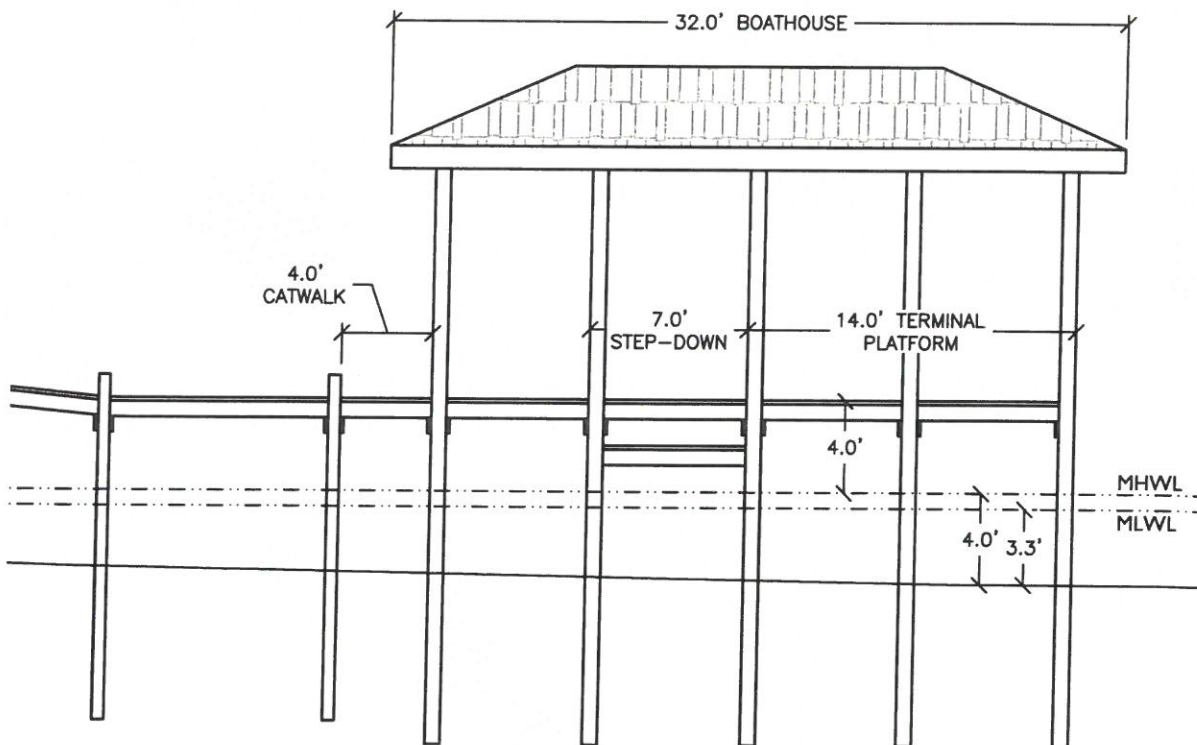
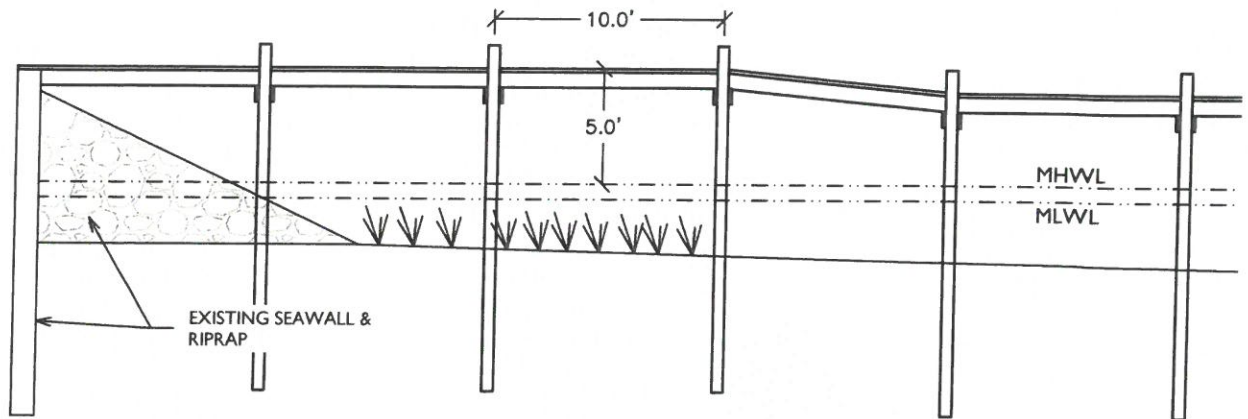
PREEMPTED AREA CALCS:

56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.



PROJECT NAME: 3813 INDIAN TRAIL, CARTER
PLAN VIEW - DOCK
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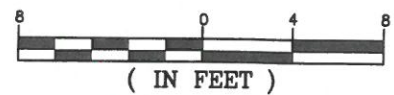
PROFILE (TYPICAL)

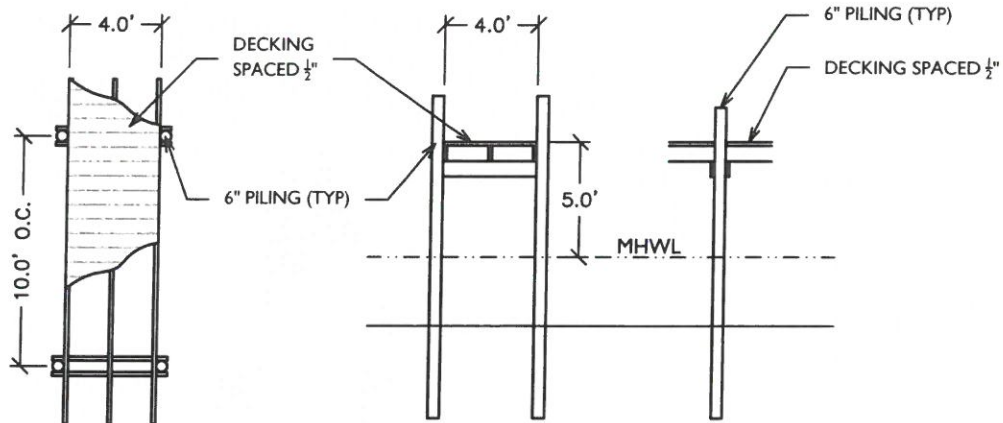
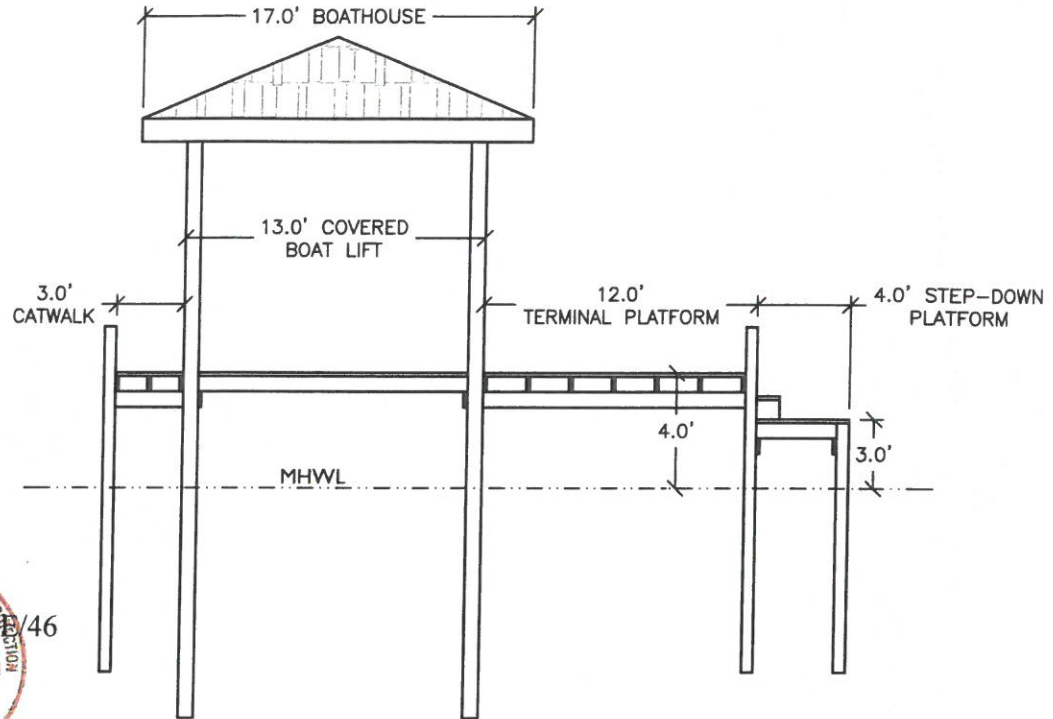
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PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
SECTIONS (TYPICAL)	
PROJECT NO.: 19-013	
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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

July 25, 2019

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2019-01884 (GP-HMM)

Thomas Carter
3813 Indian Trail
Destin, Florida 32541

Dear Mr. Carter:

Your application for a Department of the Army permit has been assigned number SAJ-2019-01884 (GP-HMM). A review of the information and drawings provided shows the proposed work is to construct a 56-foot by 4-foot access pier, a 14-foot by 12-foot terminal platform, a 7-foot by 8-foot step-down, a 16-foot by 4-foot catwalk, and a 28-foot by 3-foot catwalk forming a 28-foot by 13-foot covered boatlift with a 32-foot by 17-foot roof. The project is located at 3813 Indian Trail, in Indian Bayou, Latitude 30.414570° North, Longitude 86.482979° West, Section 00, Township 2 South, Range 22 West, in Destin, in Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until **March 27, 2023**. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

The following special conditions are included with this verification:

1. **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:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson St., Suite 301, Pensacola, FL 32502.

b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2019-01884 (GP-HMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form 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.
4. **Assurance of Navigation and Maintenance:** 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.
5. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".
6. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
7. No building or fill materials, tools or other equipment shall be stockpiled within the waters of the United States.
8. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
9. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the

Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

10. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). 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 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

Please note U.S. Coast Guard regulations may require you as permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact Holly Millsap by the letterhead address, by email at Holly.M.Millsap@usace.army.mil or by telephone at 850-470-9823.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



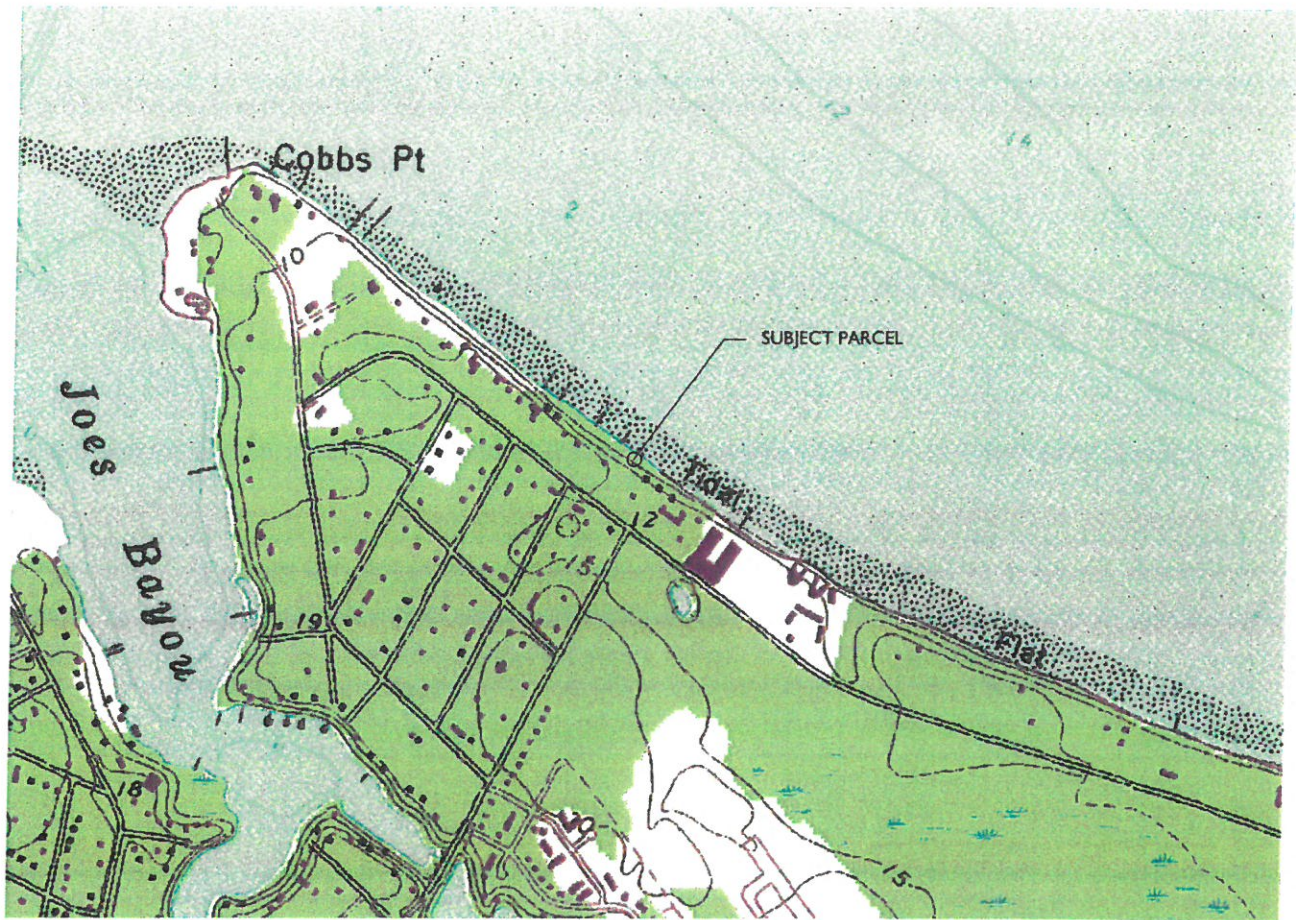
Holly Millsap
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Manatee Conditions
- Sea Turtle/Smalltooth Sawfish Conditions
- Self-Certification Statement of Compliance
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- CESAJ-RD-SE
- Oakhurst Consulting, Agent



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

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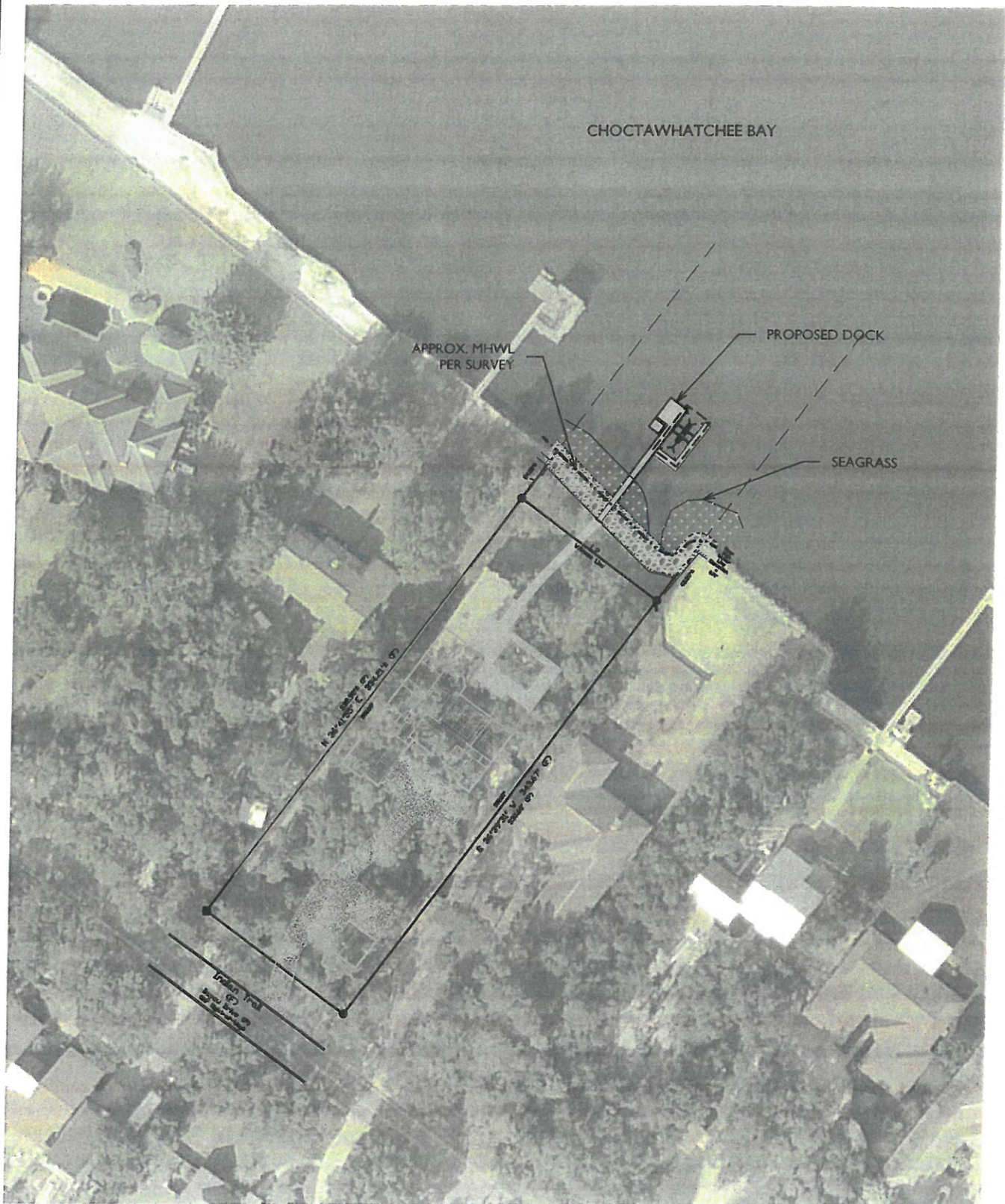
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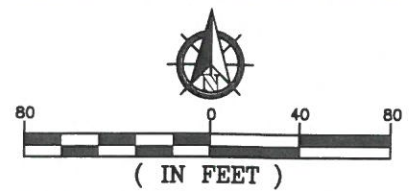
PLAN VIEW DEPICTED ONTO AERIAL

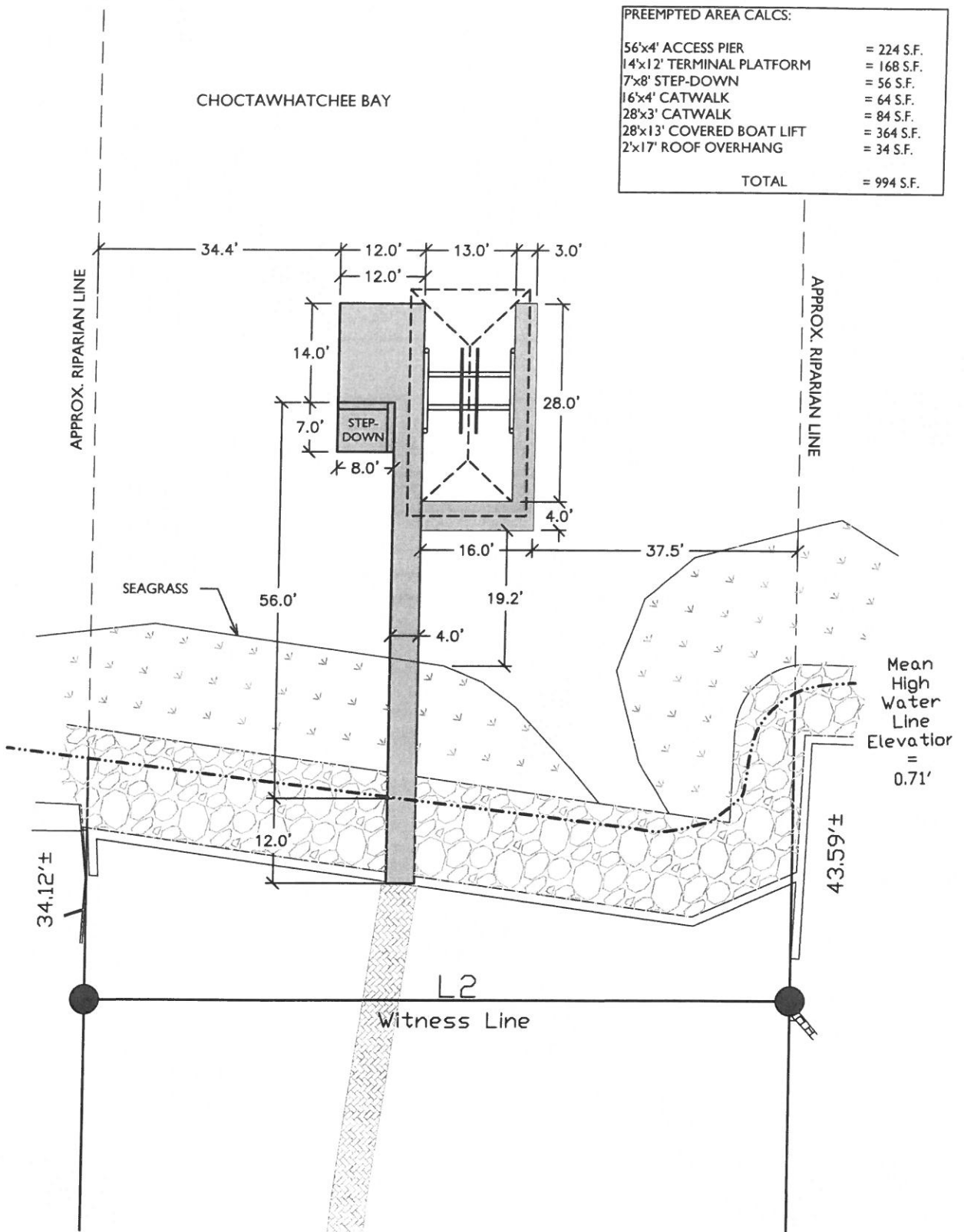
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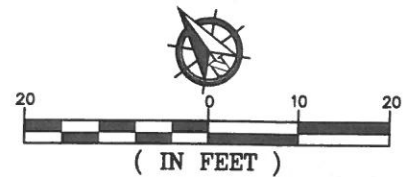
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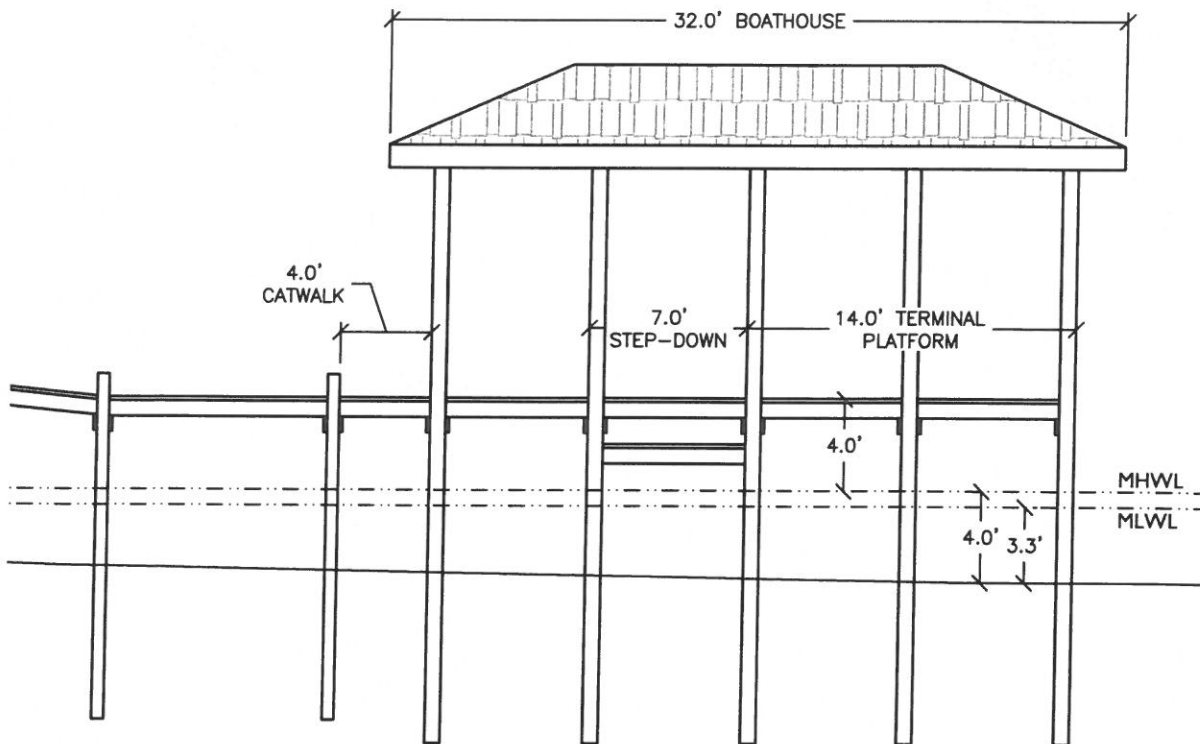
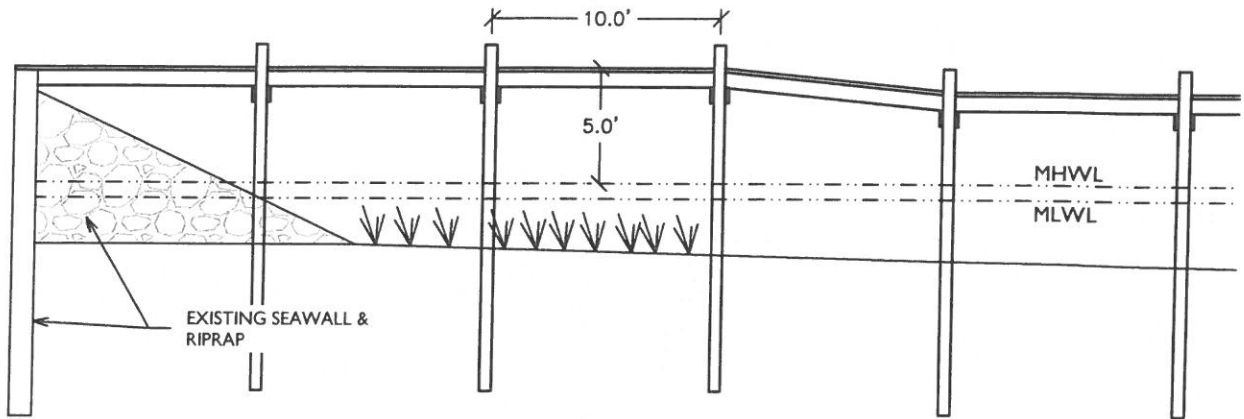
PLAN VIEW - DOCK

PROJECT NO.: 19-013

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PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PROFILE (TYPICAL)

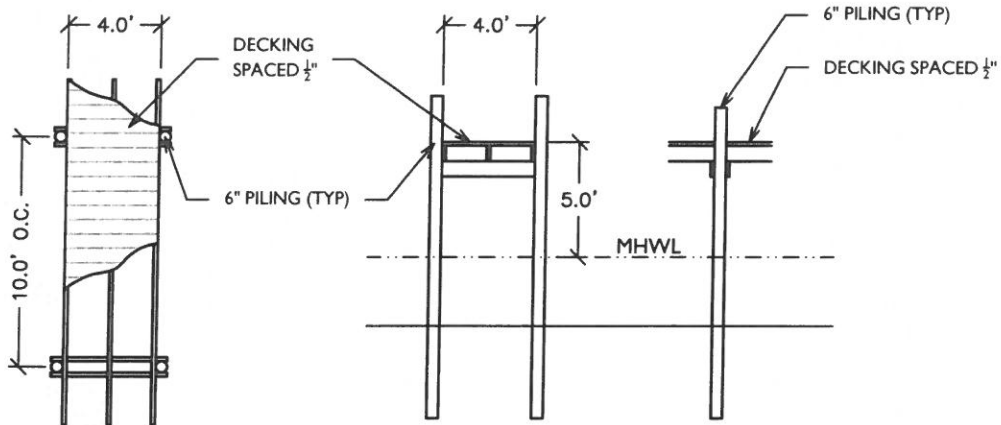
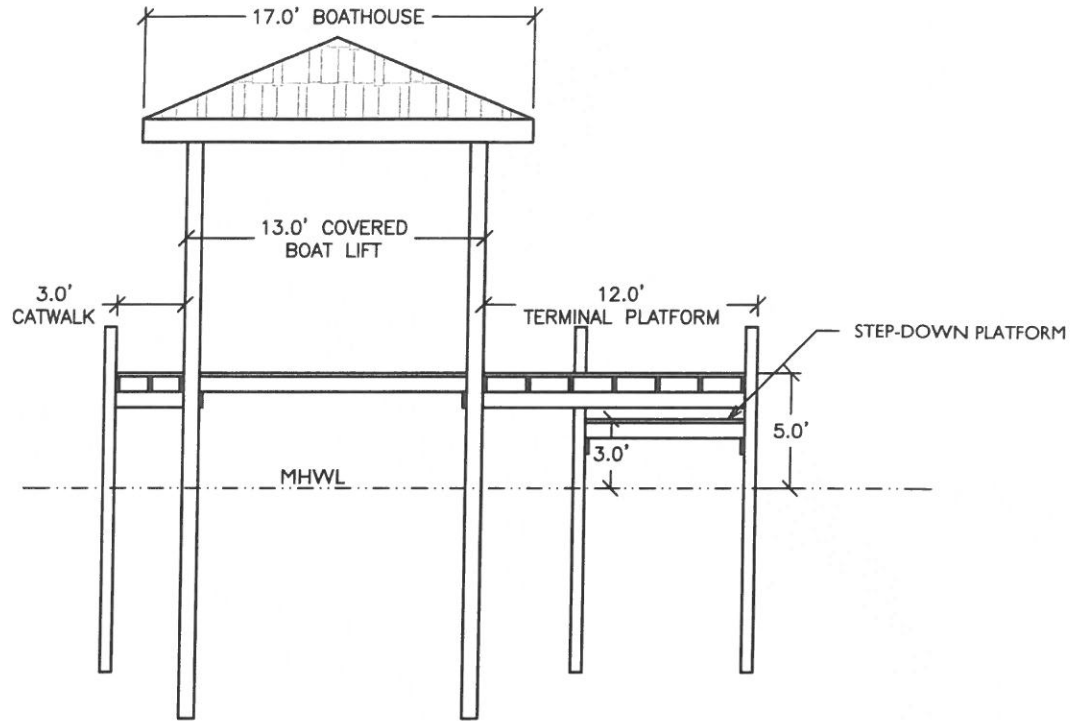
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DATE: 5/13/19

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PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SECTIONS (TYPICAL)

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

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GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022.**
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 in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2019-01884 (GP-HMM)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: SAJ- SAJ-2019-01884 (GP-HMM)

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

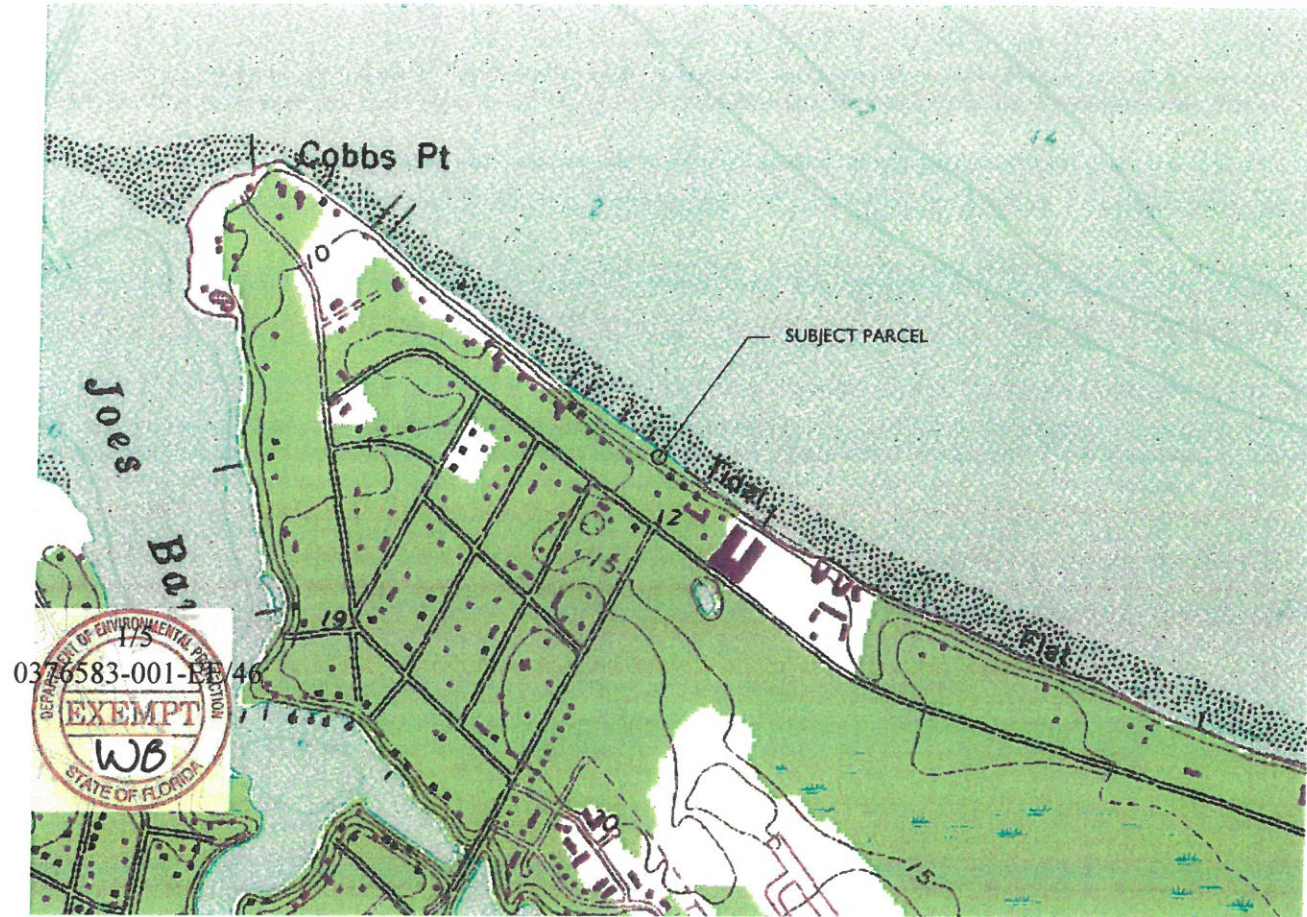
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



PARCEL ID#

00-25-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

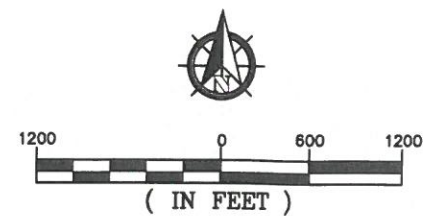
RECORD OWNER

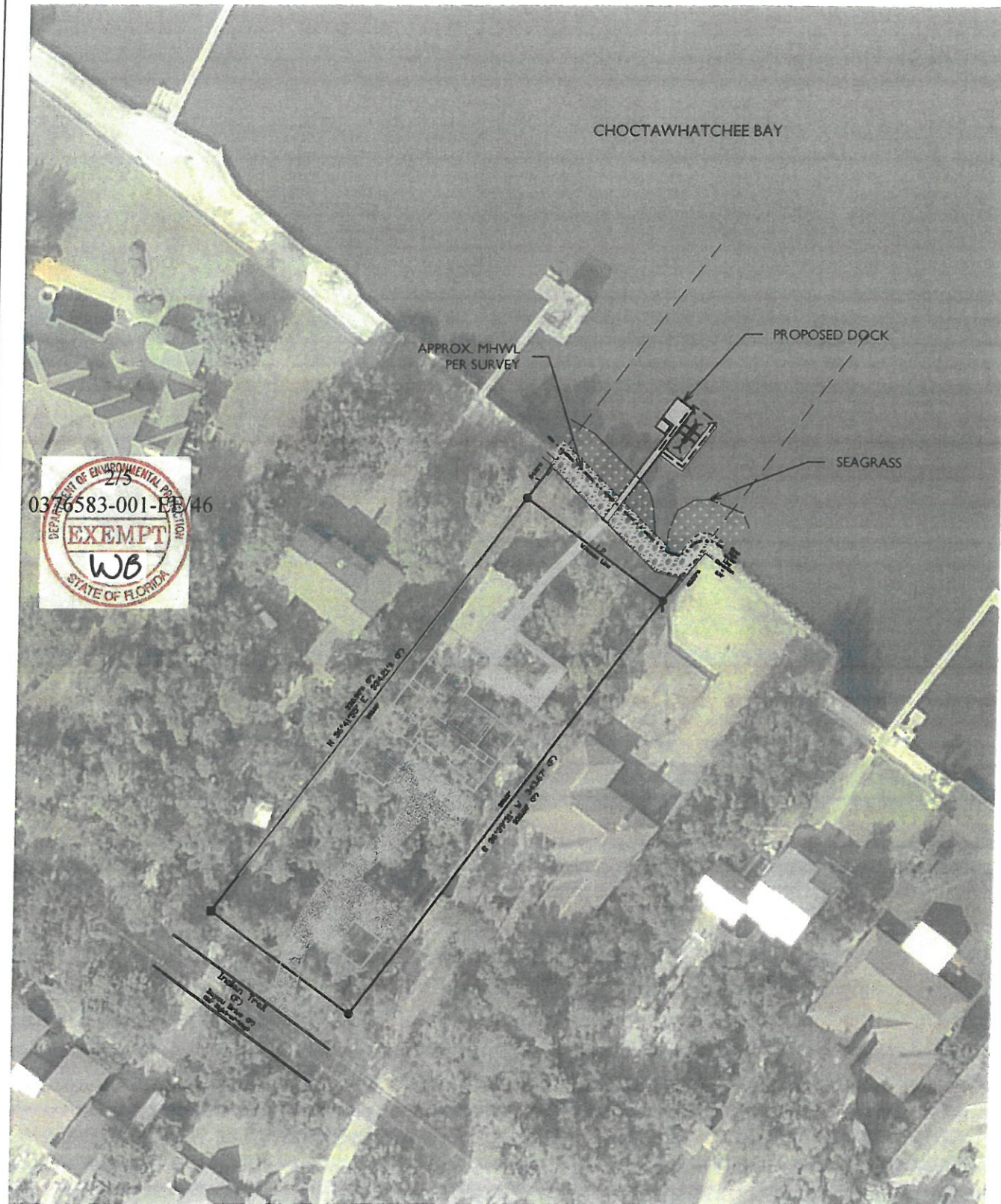
THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

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DRAWN BY: JAT	DATE: 5/13/19
SHEET: 1 OF 5	

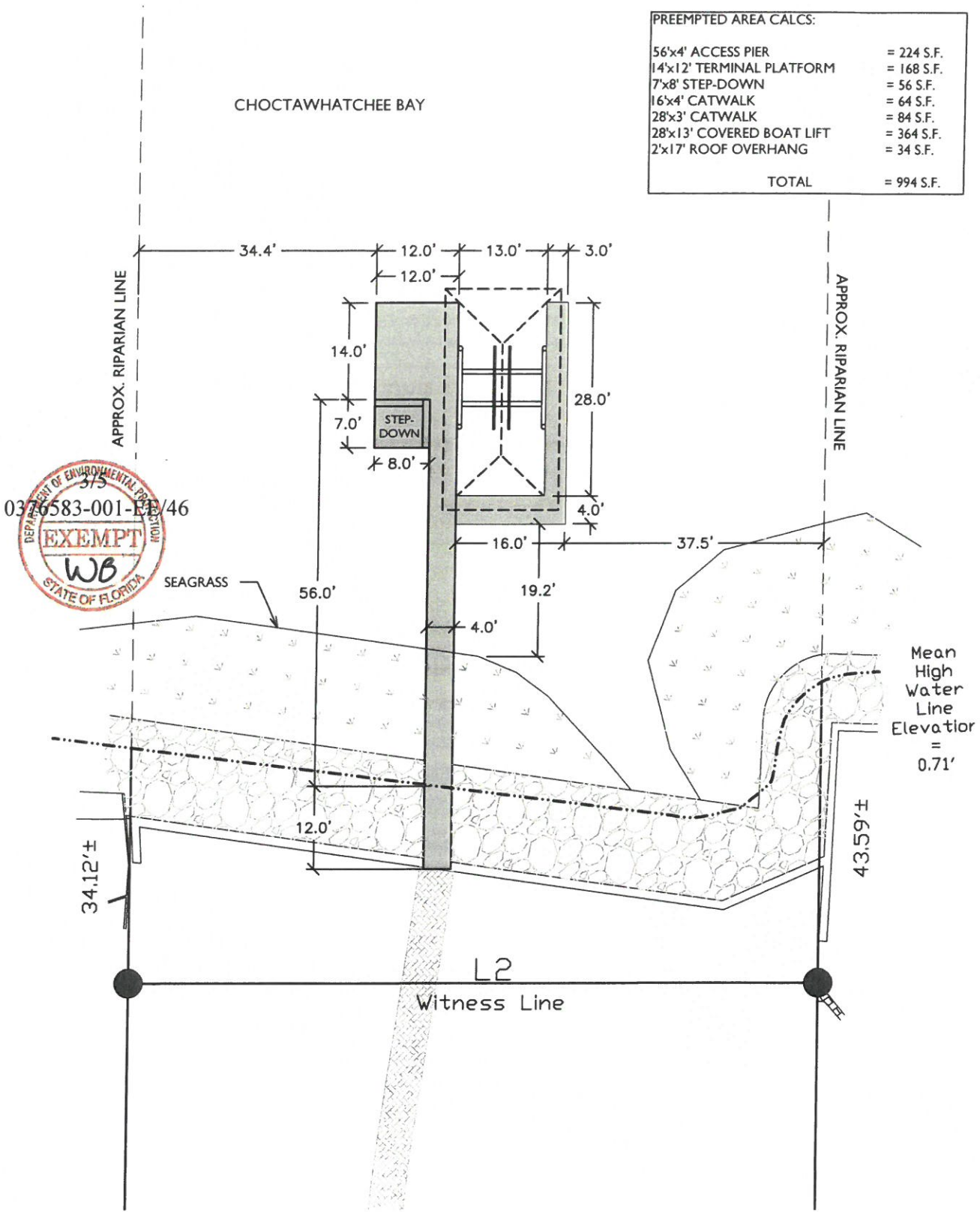




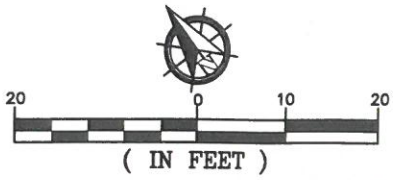
PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 2 OF 5	

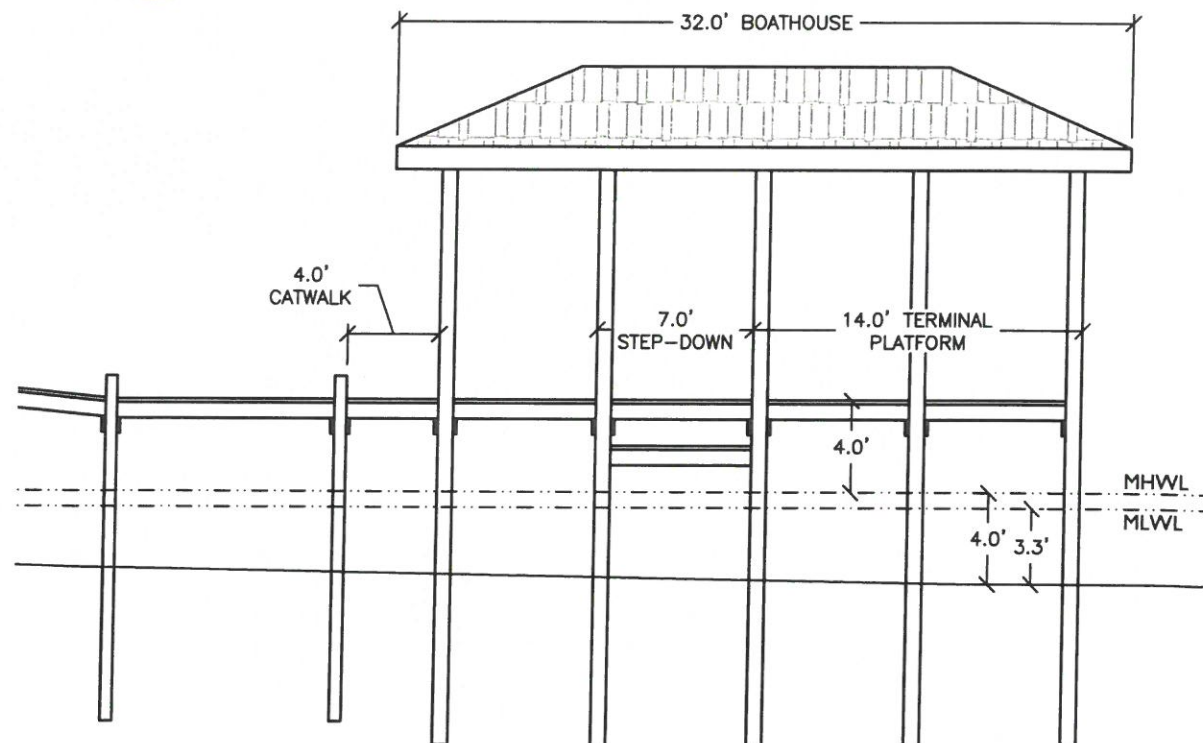
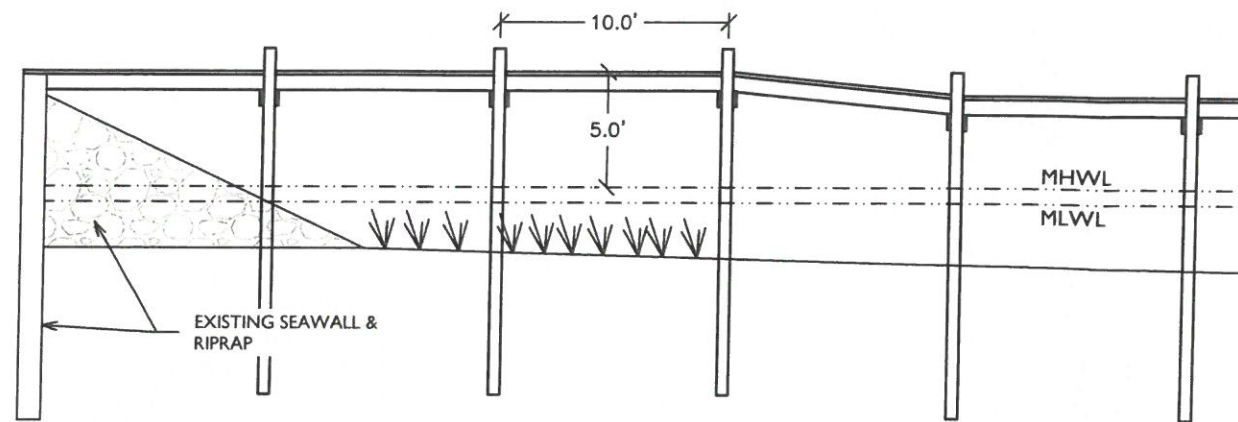


PREEMPTED AREA CALCS:	
56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.

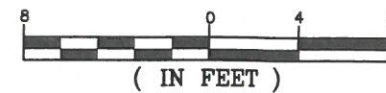
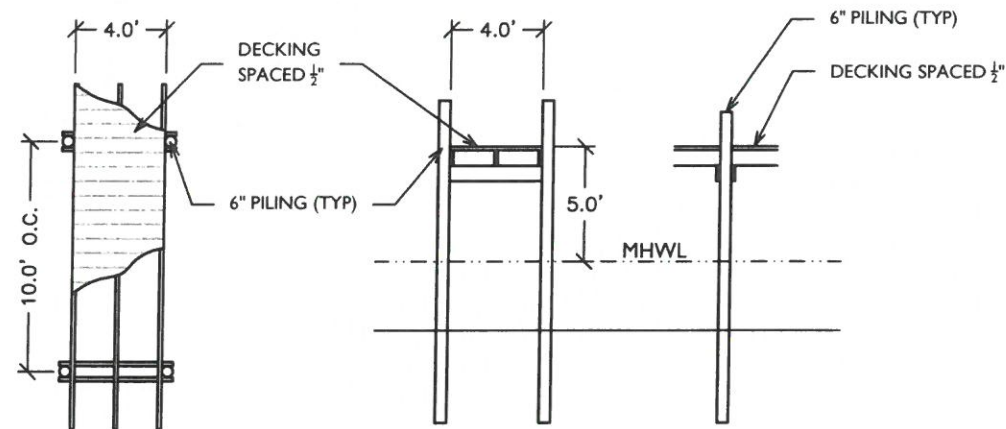
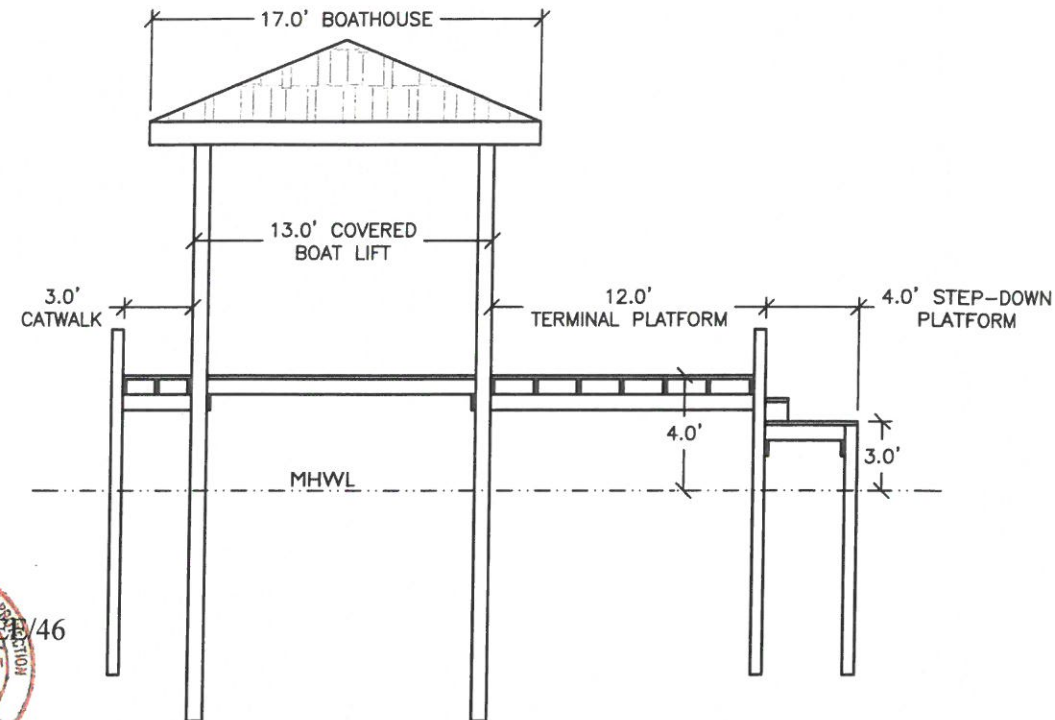


PROJECT NAME: 3813 INDIAN TRAIL, CARTER
PLAN VIEW - DOCK
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 5/13/19
SHEET: 3 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER
PROFILE (TYPICAL)
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 5/13/19
SHEET: 4 OF 5



PROJECT NAME: 3813 INDIAN TRAIL, CARTER
SECTIONS (TYPICAL)
PROJECT NO.: 19-013
DRAWN BY: JAT DATE: 4/8/19
SHEET: 5 OF



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

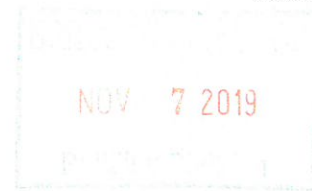
Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

June 27, 2019

Thomas Carter
3813 Indian Trail
Destin, Florida 32541
Nwfnative2777@yahoo.com



File No.: 0376583-001-EE/46, Okaloosa County

Dear Mr. Carter:

On May 28, 2019, we received your request for verification of exemption to perform the following activities:

To construct a single-family dock with a step-down and a covered boat lift that is 1,000 square feet or less within Choctawhatchee Bay, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 3813 Indian Trail, Destin, Florida 32541, Parcel No. 00-2S-22-1650-000J-0230, in Section 18, Township 2 South, Range 22 West in Okaloosa County; 30°24'53.34" North Latitude, 86°28'58.07" 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 did not qualify for the federal review portion of this verification request.

Additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

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 activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.), under Section

403.813(1)(b), Florida Statutes (F.S.) 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 – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book 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 a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

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. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

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 may not apply to persons who have not received a clear point of entry.

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)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
2. Project Drawings, 5 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:

Jason Taylor, Consultant, Oakhurst Environmental, oakhurstenvironmental@gmail.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

June 27, 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 –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

403.813(1)(b)

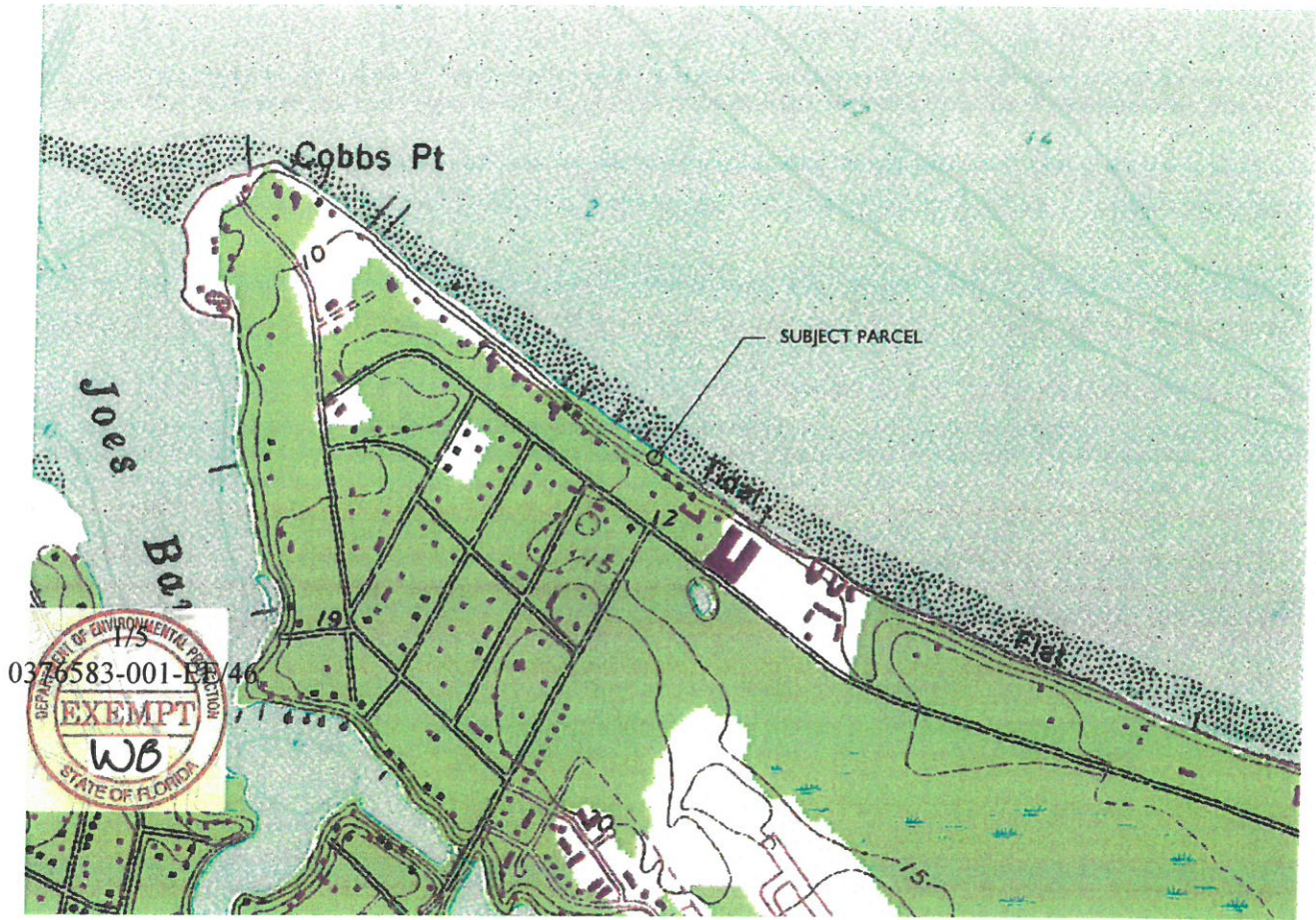
(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve 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:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting

pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



PARCEL ID#

00-2S-22-1650-000J-0120
3813 INDIAN TRAIL
DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER
3813 INDIAN TRAIL
DESTIN, FL 32541

INDEX OF SHEETS

- 1- SITE LOCATION
- 2-PLAN VIEW DEPICTED ONTO AERIAL
- 3-PLAN VIEW
- 4-PROFILE TYP.
- 5-SECTIONS TYP.

NOV 7 2019



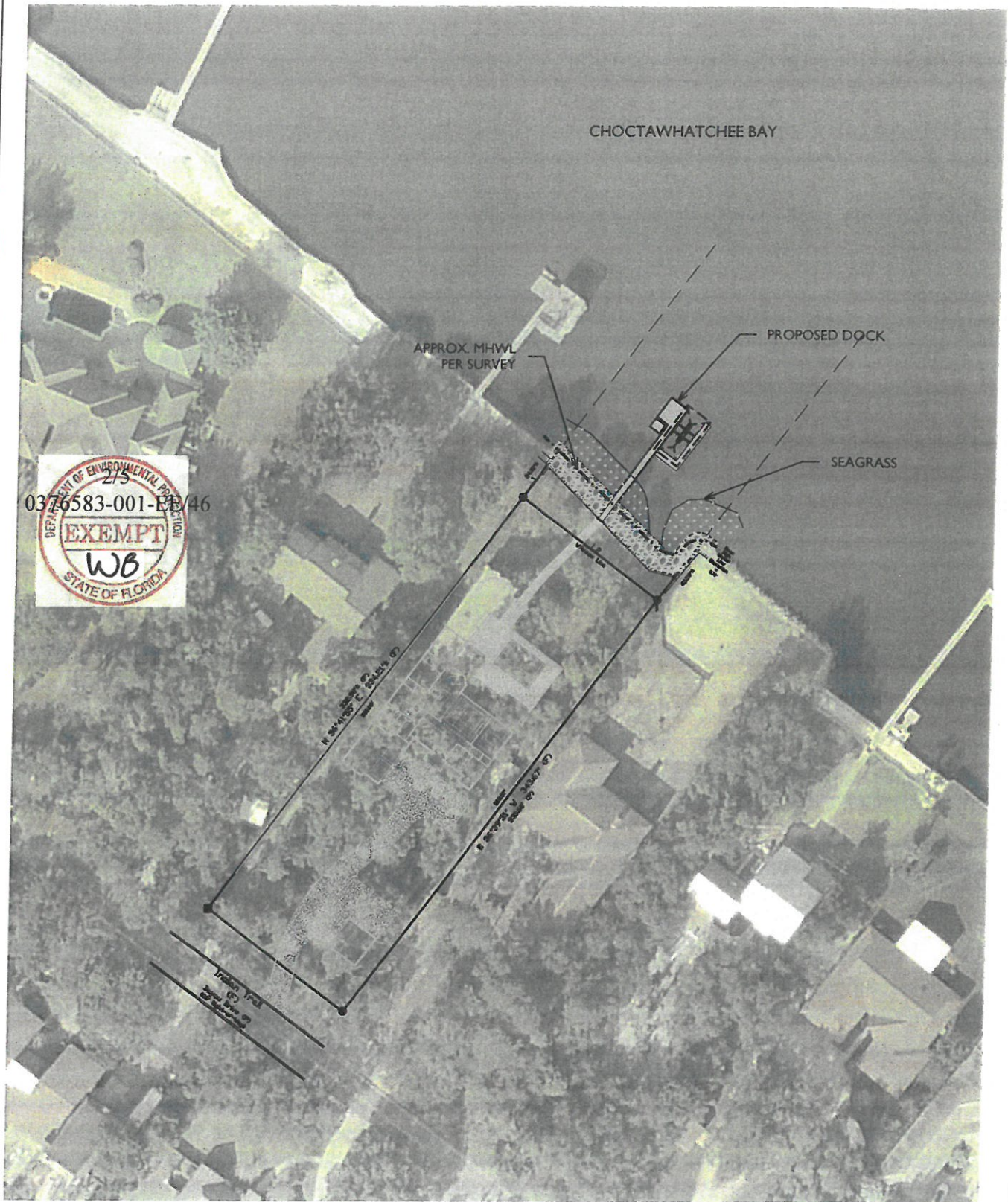
PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 19-013

DRAWN BY: JAT DATE: 5/13/19

SHEET: 1 OF 5



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 19-013

DRAWN BY: JAT

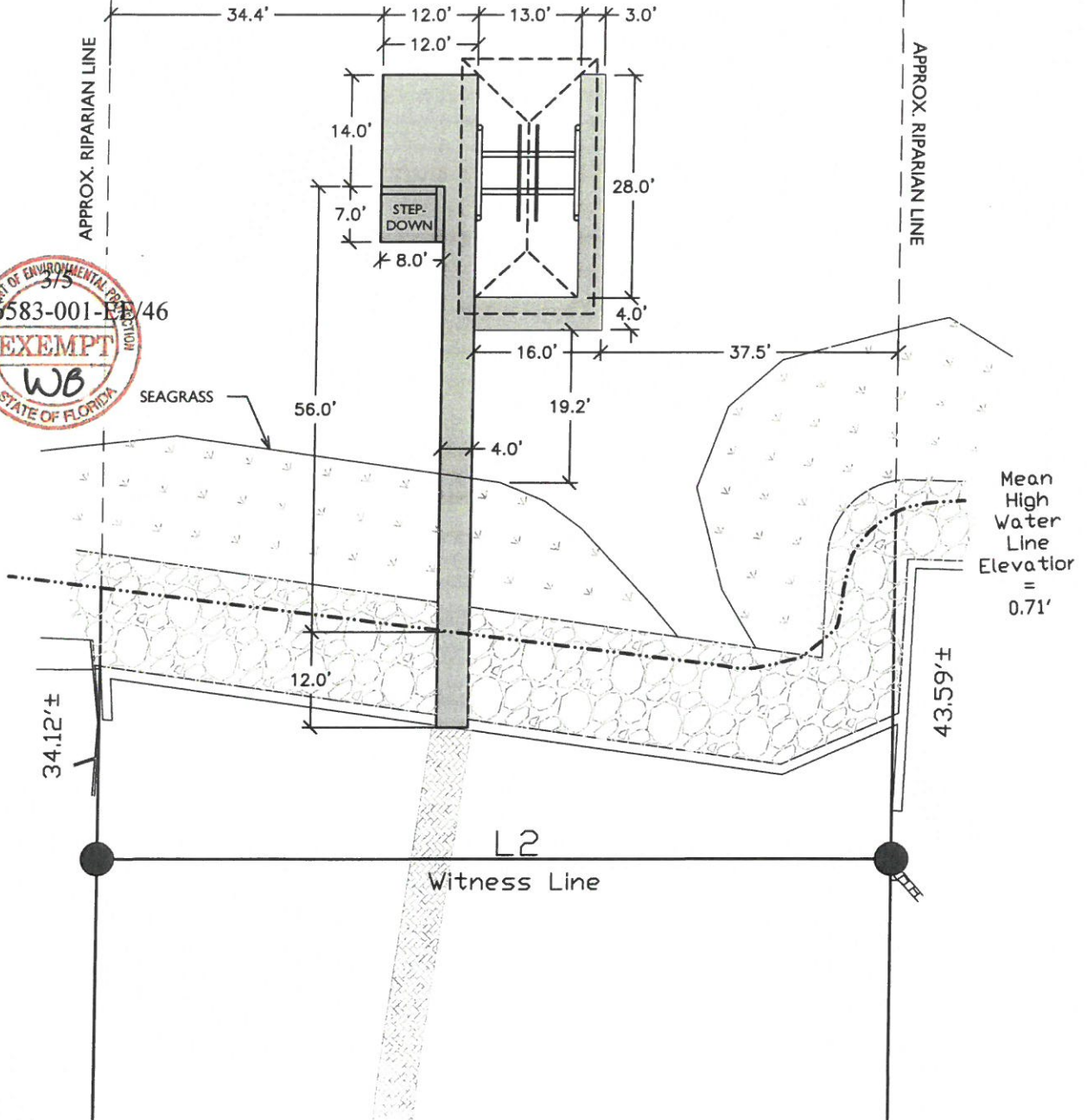
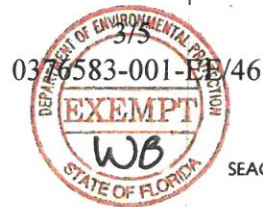
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SHEET: 2 OF 5



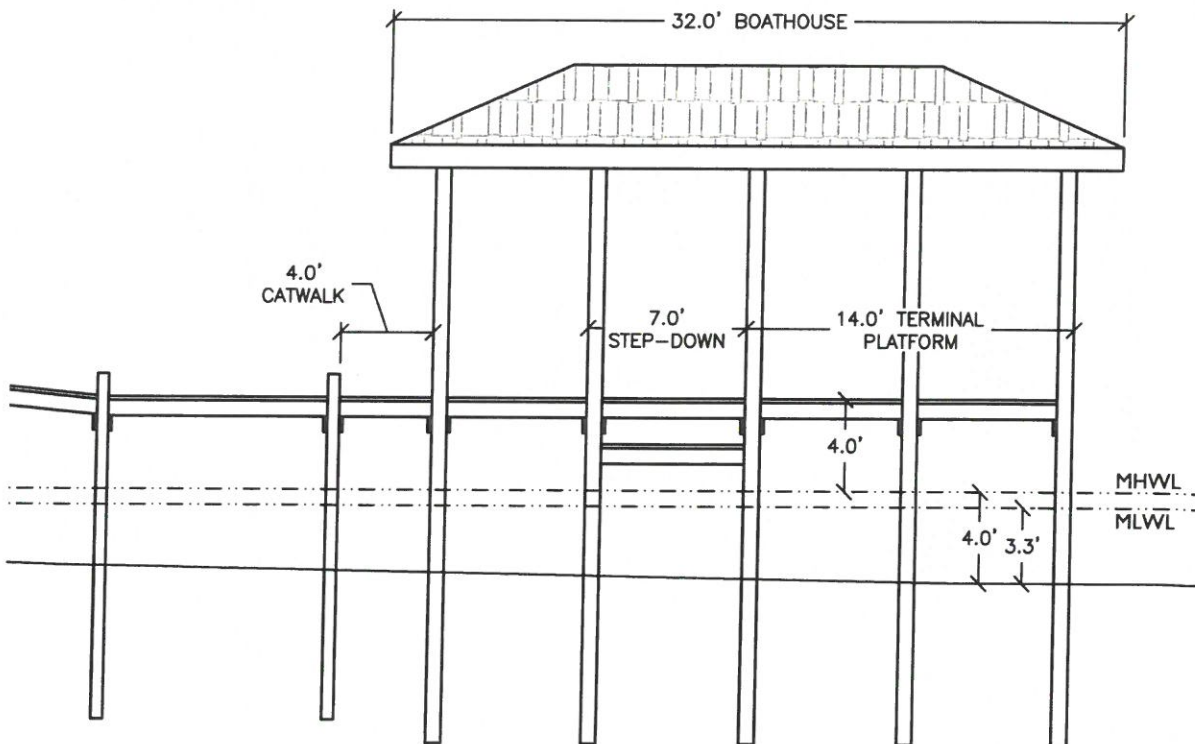
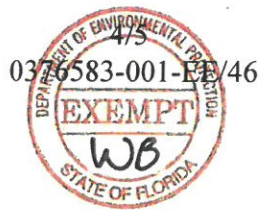
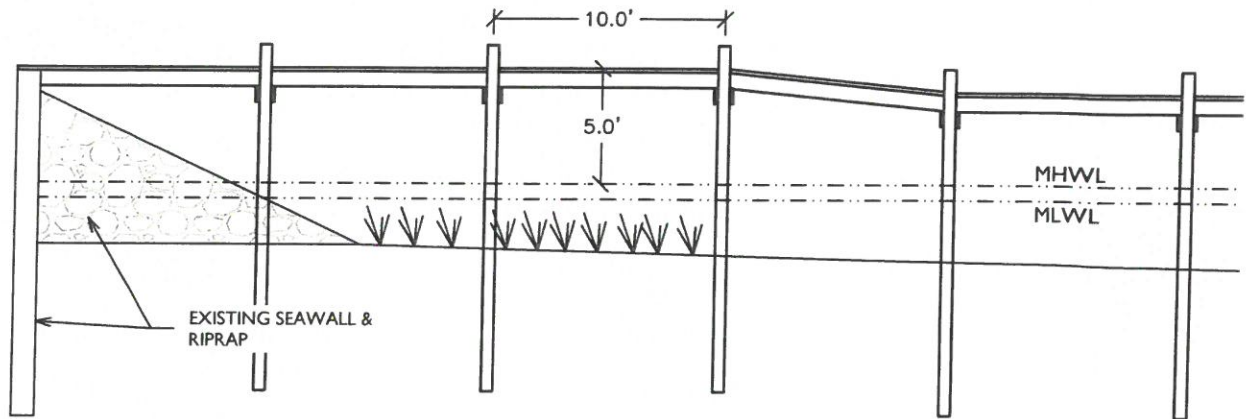
CHOCTAWHATCHEE BAY

PREEMPTED AREA CALCS:	
56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
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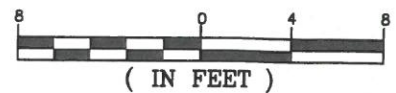


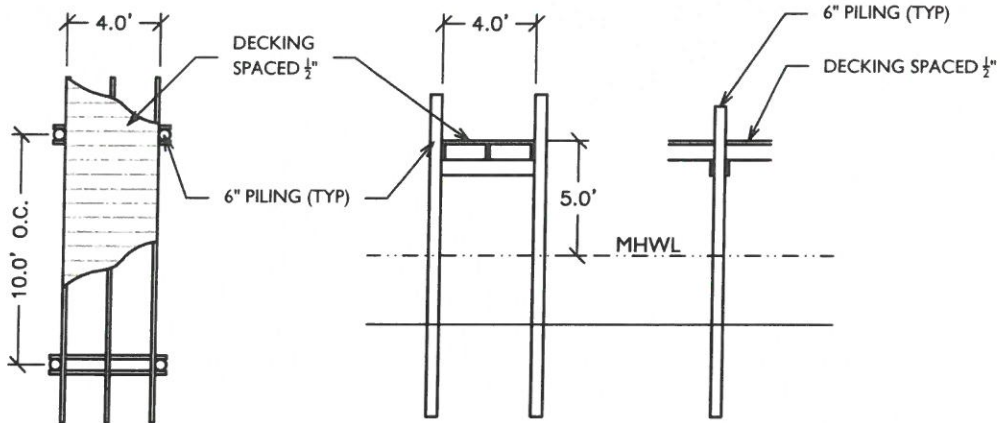
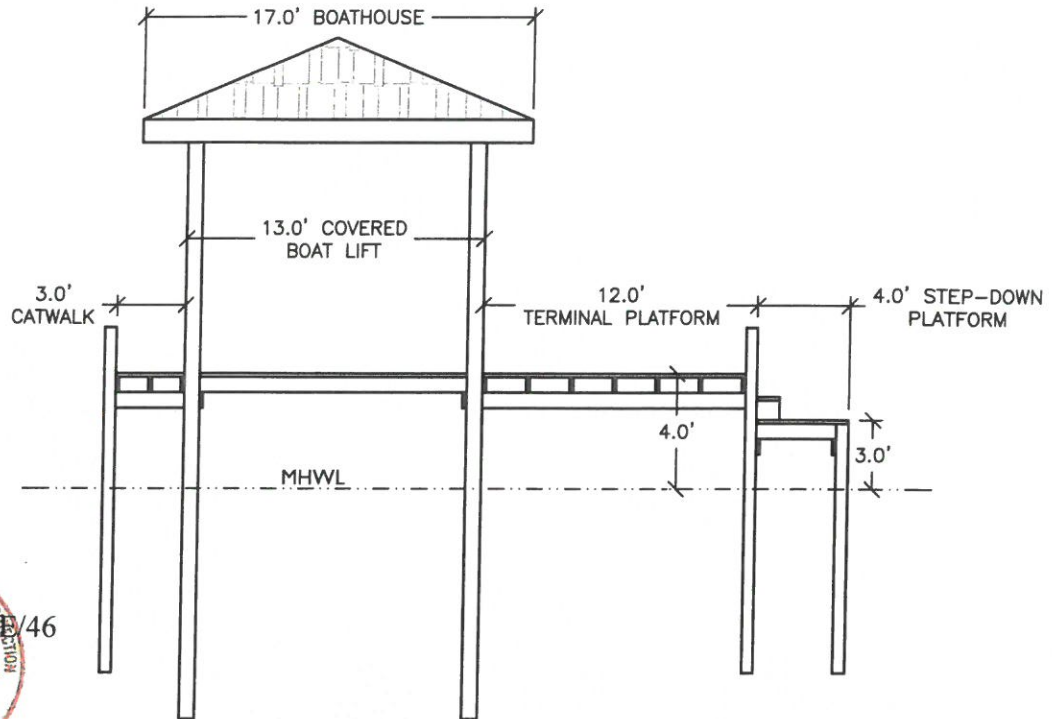
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PLAN VIEW - DOCK	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 5/13/19
SHEET: 3 OF 5	



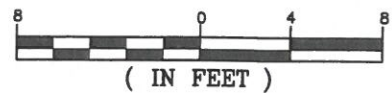


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PROFILE (TYPICAL)	
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PROJECT NAME: 3813 INDIAN TRAIL, CARTER	
SECTIONS (TYPICAL)	
PROJECT NO.: 19-013	
DRAWN BY: JAT	DATE: 4/8/19
SHEET: 5 OF	





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

July 25, 2019

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2019-01884 (GP-HMM)

Thomas Carter
3813 Indian Trail
Destin, Florida 32541

Dear Mr. Carter:

Your application for a Department of the Army permit has been assigned number SAJ-2019-01884 (GP-HMM). A review of the information and drawings provided shows the proposed work is to construct a 56-foot by 4-foot access pier, a 14-foot by 12-foot terminal platform, a 7-foot by 8-foot step-down, a 16-foot by 4-foot catwalk, and a 28-foot by 3-foot catwalk forming a 28-foot by 13-foot covered boatlift with a 32-foot by 17-foot roof. The project is located at 3813 Indian Trail, in Indian Bayou, Latitude 30.414570° North, Longitude 86.482979° West, Section 00, Township 2 South, Range 22 West, in Destin, in Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until **March 27, 2023**. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

The following special conditions are included with this verification:

1. **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:

a. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 41 North Jefferson St., Suite 301, Pensacola, FL 32502.

b. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2019-01884 (GP-HMM), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form 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.
4. **Assurance of Navigation and Maintenance:** 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.
5. **Manatee Conditions:** The Permittee shall comply with the attached "Standard Manatee Conditions for In-Water Work – 2011".
6. **Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.
7. No building or fill materials, tools or other equipment shall be stockpiled within the waters of the United States.
8. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
9. **Agency Changes/Approvals:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the

Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

10. Cultural Resources/Historic Properties:

- a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.
- b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures 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 and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.
- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). 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 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). 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 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

Please note U.S. Coast Guard regulations may require you as permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced RGP, please contact Holly Millsap by the letterhead address, by email at Holly.M.Millsap@usace.army.mil or by telephone at 850-470-9823.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,



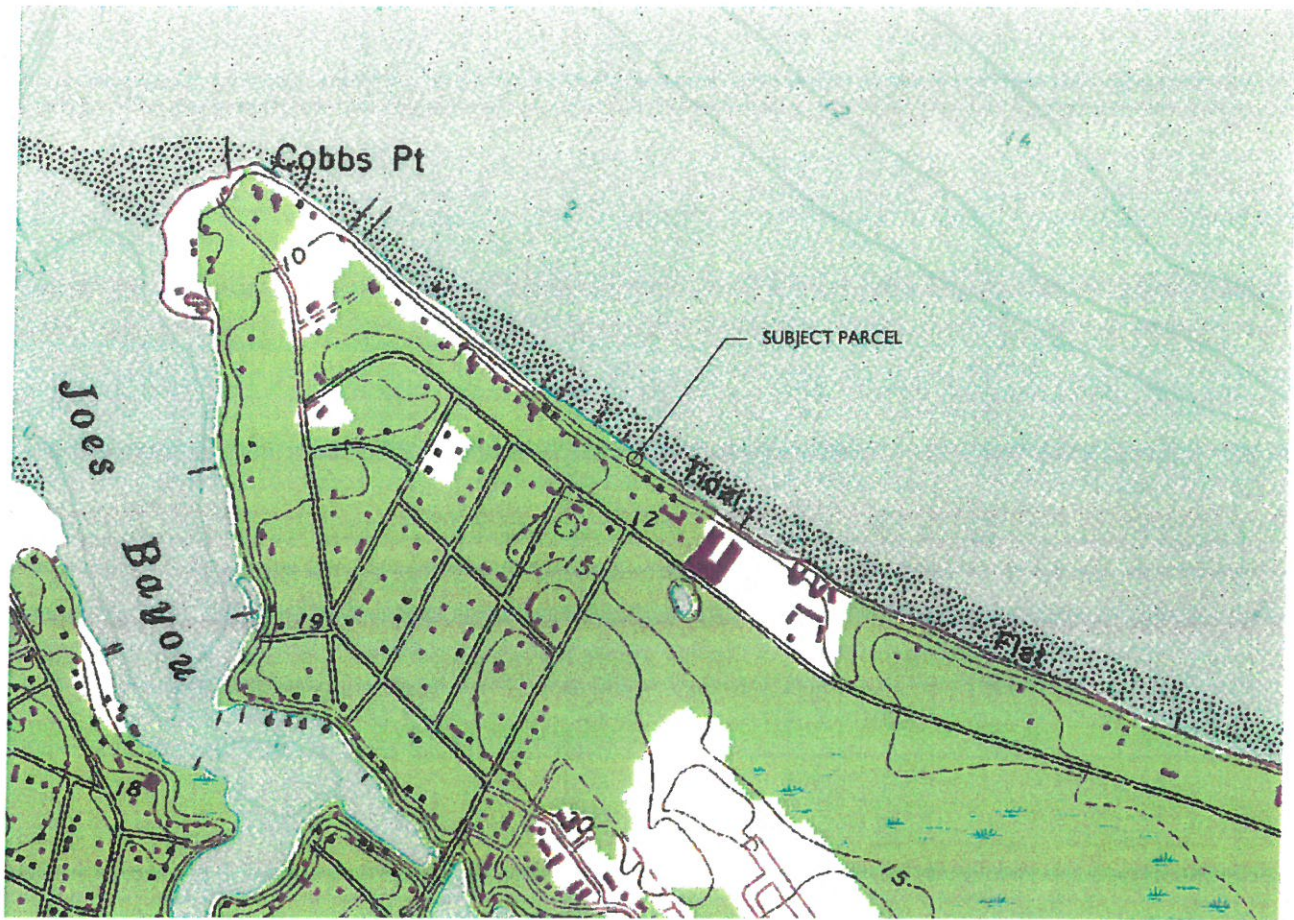
Holly Millsap
Project Manager

Enclosures:

- Permit Drawings
- General Conditions
- Manatee Conditions
- Sea Turtle/Smalltooth Sawfish Conditions
- Self-Certification Statement of Compliance
- Department of the Army Permit Transfer Request

Copy/ies Furnished:

- CESAJ-RD-SE
- Oakhurst Consulting, Agent



PARCEL ID#

00-2S-22-1650-000J-0120

3813 INDIAN TRAIL

DESTIN, FL 32541

RECORD OWNER

THOMAS & JEAN CARTER

3813 INDIAN TRAIL

DESTIN, FL 32541

INDEX OF SHEETS

1- SITE LOCATION

2-PLAN VIEW DEPICTED ONTO AERIAL

3-PLAN VIEW

4-PROFILE TYP.

5-SECTIONS TYP.

PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 1 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 19-013

DRAWN BY: JAT DATE: 5/13/19

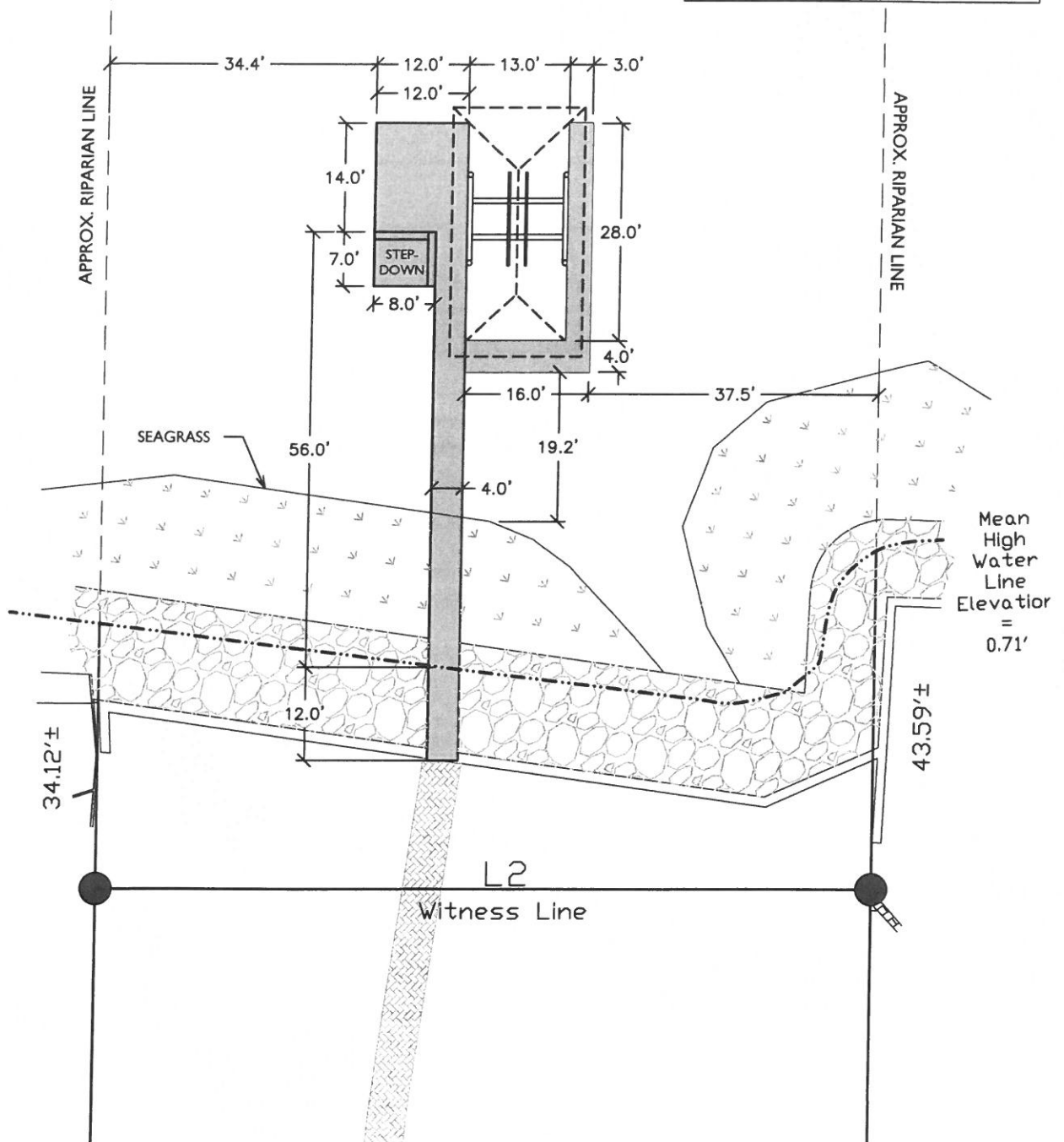
SHEET: 2 OF 5



CHOCTAWHATCHEE BAY

PREEMPTED AREA CALCS:

56'x4' ACCESS PIER	= 224 S.F.
14'x12' TERMINAL PLATFORM	= 168 S.F.
7'x8' STEP-DOWN	= 56 S.F.
16'x4' CATWALK	= 64 S.F.
28'x3' CATWALK	= 84 S.F.
28'x13' COVERED BOAT LIFT	= 364 S.F.
2'x17' ROOF OVERHANG	= 34 S.F.
TOTAL	= 994 S.F.



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

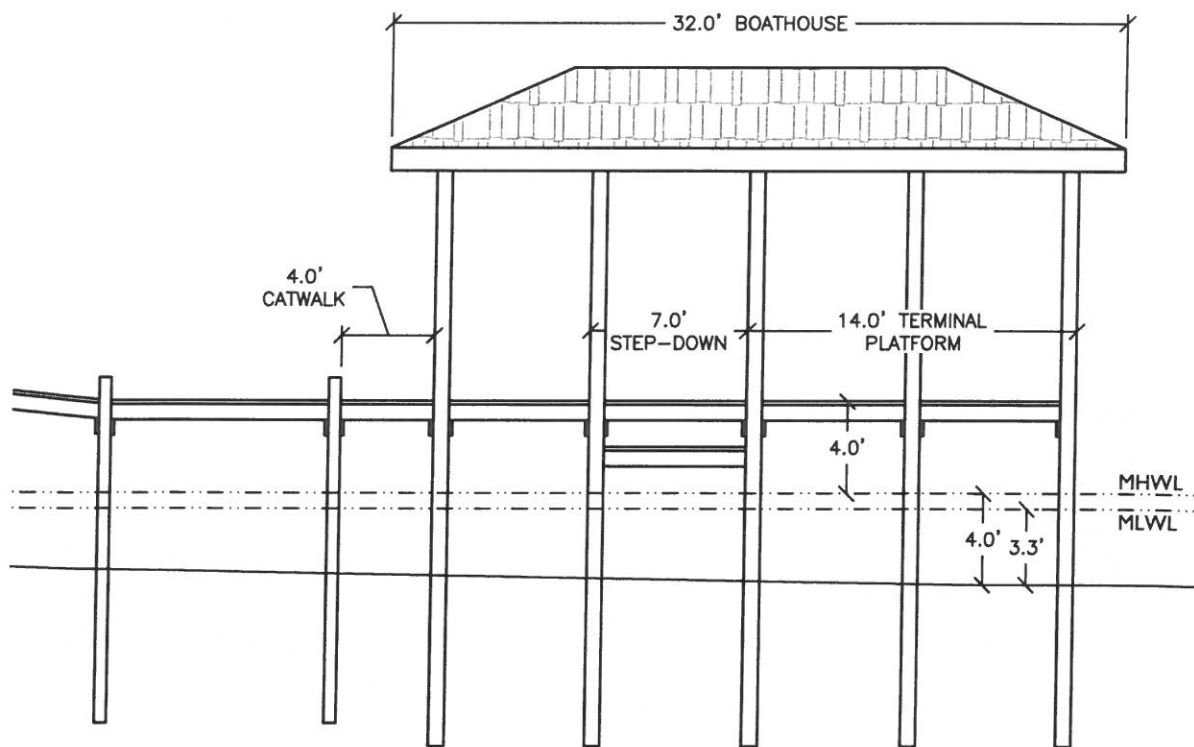
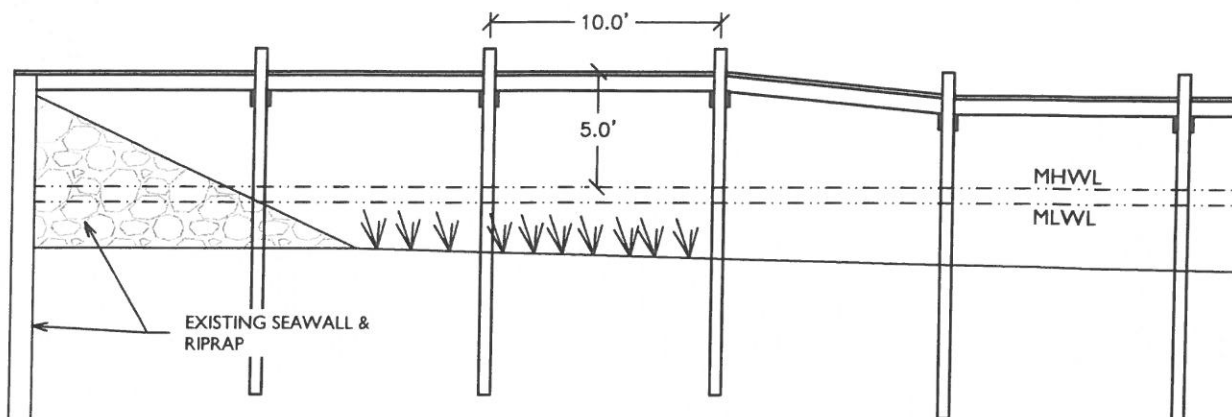
PLAN VIEW - DOCK

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 3 OF 5



PROJECT NAME: 3813 INDIAN TRAIL, CARTER

PROFILE (TYPICAL)

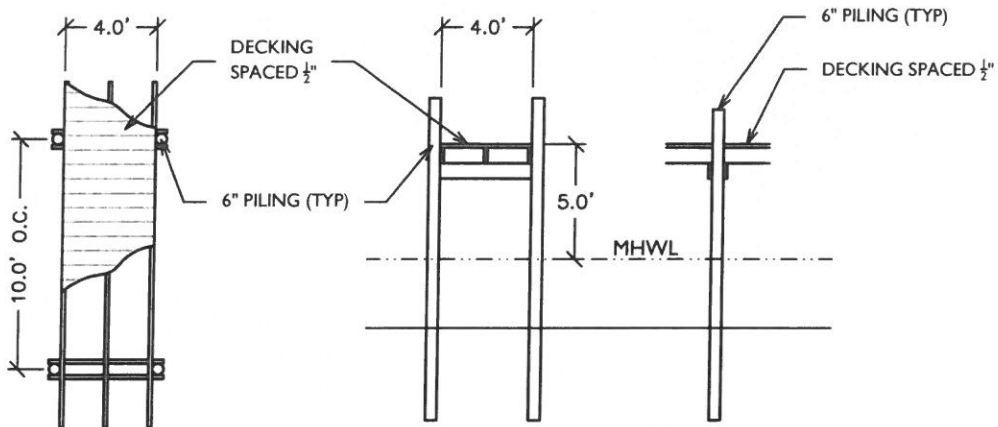
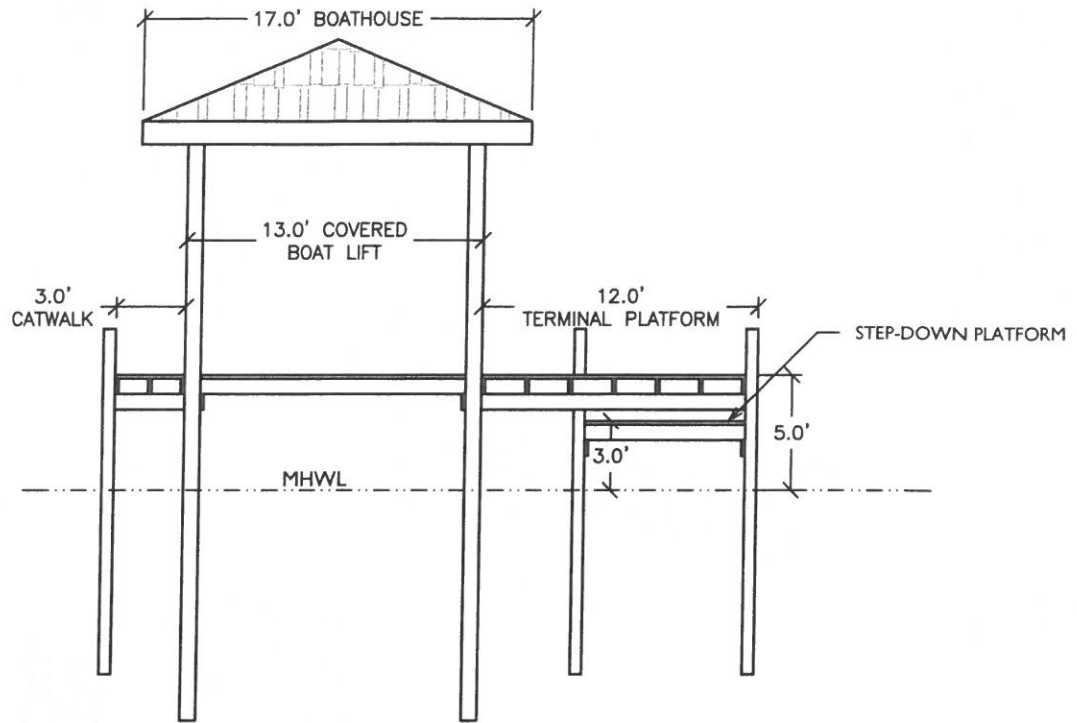
PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 4 OF 5





PROJECT NAME: 3813 INDIAN TRAIL, CARTER

SECTIONS (TYPICAL)

PROJECT NO.: 19-013

DRAWN BY: JAT

DATE: 5/13/19

SHEET: 5 OF 5



GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on **March 18, 2022.**
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 in the space provided 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. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative 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.

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2019-01884 (GP-HMM)

Permittee's Name & Address (please print or type): _____

Telephone Number: _____

Location of the Work: _____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____ NO _____

TO SCHEDULE AN INSPECTION PLEASE CONTACT _____
AT _____

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

Describe any Deviations from Permit (attach drawing(s) depicting the deviations):

I certify that all work, and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

Permit Number: SAJ- SAJ-2019-01884 (GP-HMM)

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. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

(TRANSFEEE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

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MINUTES OF THE PUBLIC WORKS/SAFETY COMMITTEE MEETING TUESDAY, JANUARY 14, 2020 - 5:30 PM DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE:

Chairman Ramswell called the Public Works/Safety Committee to order on Tuesday, January 14, 2020 at 5:30 p.m.; which was followed by Pledge of Allegiance.

2. ROLL CALL:

Members Present

Anthony Ramswell
Kevin Schmidt
Jim Wood, Jr.
Mike Parker
Richard Hickey

Members Absent

Sam Perman
Tom Weidenhamer

Staff

Kim Montgomery, Deputy City Clerk
Michael Burgess, PW Director

3. APPROVAL OF MINUTES: November 12, 2019

Motion by Committee member Wood seconded by Committee member Parker; the members voted 4-0 to approve the November 12, 2019 minutes as written. Committee member Schmidt was not present for the vote.

4. NEW BUSINESS:

A) Annual Report & Work Plan

The need to get the 2019 Annual Report and 2020 Work Plans finalized in order to schedule it for presentation to City Council was briefly discussed. The Chairman agreed to meet with Mr. Burgess to work on it prior to their next meeting.

B) Guardrail Installation on Airport Road

According to Mr. Burgess, he, the City Manager and the City Engineer met with Volkert Engineering and developed a task order for the guardrail design which, when finalized, will be presented to City Council for their approval at the next meeting. He described the plan for the guardrails to be located between the ribbon curve and the sidewalk and a second one on the interior of the curve on the northern side of the roadway.

Committee member Hickey asked what the projected cost of the project is. According to Mr. Burgess, the initial cost for Engineer to do the design work is \$30k and the estimate for construction from Continuing Services Contractor is mid \$60k range. However, Okaloosa county recently removed their guardrails they had at the James Lee Park and donated them to the city, so they can be used for this project if they pass inspection. Committee member Hickey asked if there are any plans for that area of the roadway so if anything that is put in, won't be torn out in the future. According to Mr. Burgess, the area is currently being surveyed in advance of the placement for the high friction road treatment on the area of the curve.

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Committee member Wood asked if there is any liability to the city with the guardrail system after its installed. According to Mr. Burgess this type of system was recommended by the city's insurance carrier.

Chairman Ramswell asked how long he anticipates the design to take. According to Mr. Burgess, the last estimate would be about 6-weeks.

C) LSV Policy, Review of Council Proposal & Revised Map

OCSO Capt. Nix explained that there were 45 traffic crashes on Airport Road in 2019 and this roadway is the second leading road in the city for traffic crashes. He spoke of how the Sheriff is concerned with allowing LSV's on Airport Road because of that very problem. He spoke of the amount of anger that could potentially be caused by someone driving an LSV and backing up traffic during high peak season.

According to Mr. Burgess there are four roadways that this committee recommended to Council to allow LSV's on:

- Airport Road
- Commons Drive between Indian Bayou Trail and Airport Road
- Indian Bayou Trail from the roundabout to Hwy 98
- Main Street South to 98 Palms

Adding that travelling on US 98 is strictly prohibited and can only be crossed at major intersections with traffic lights.

Committee member Wood pointed out that the words "Golf Cart" and "Low Speed Vehicle (LSV)" are not interchangeable because they are two different things with different meanings. He then questioned staff if it is the goal of the city for people to be able to transit east and west through the city on an LSV. Adding that if that is not the goal, then Airport Road is not needed.

According to Capt. Nix, if the ultimate goal is to designate Airport Road as an LSV allowed road then there needs to be signage that they can only be operated in the right lane only.

Committee member Schmidt spoke of not being in favor of allowing LSV's on Airport Road and proposed leaning in the side of the Sheriff's recommendation and removing it from the policy.

Motion by Committee member Schmidt to take the recommendation of the Sheriff's Department and remove Airport Road from the proposed list of allowable streets for LSV's with Committee member Hickey providing the second. The motion passed with a 5-0 vote.

Motion for staff to submit the proposed map as is with the exception of removing Airport Road, as recommended by the Sheriff's Department, with Committee member Wood providing the second. In discussion, Committee member Wood asked for clarification on the map for Indian Bayou Trail, once the traffic light is in operation, would people driving an LSV be able to cross the intersection?

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According to Mr. Burgess, that is correct, they would be able to cross over to Restaurant Row. The motion passed unanimously with a 5-0 vote.

D) 1/2 Cent Sales Tax Workshop

Mr. Burgess informed the members that there will be a surtax workshop coming up this month for Council to determine how to spend the funds.

The Chairman spoke of how some of funds should still be allocated to the much needed repairs to the sidewalks in the city.

E) Reorganization of Public Services & Community Development

Mr. Burgess explained that the Engineering Department positions has been moved to the Community Development Department and housed at the City Hall Annex. Those positions include the City Engineer, the Engineering Assistant and the Stormwater Flood Plain Manager.

F) Resignation of Tim Pietenpol, Deputy Public Services Director

Mr. Burgess explained to the members that Mr. Pietenpol resigned in November, the position has been advertised and interviews would start soon. He also spoke of how Travis Bailey, who was a Maintenance Technician, has transferred to the Parks & Recreation Department and will be the Program Coordinator, which is an excellent move since his career prior to working for the City was in Recreation. Also, Terry Greenwell, who worked in Public Services, resigned as well; to focus on his personal business.

G) Sidewalk Repairs

Mr. Burgess spoke how the shop mechanic got one of the inoperable concrete grinders repaired and staff has been out in the field inspecting and grinding sidewalks that needed to be ground down to prevent and trips and falls. He also informed them of some sidewalk replacements on Azealia next to Whataburger.

5. OLD BUSINESS:

➤ Annual Report & Work Plans

6. BICYCLE SUB COMMITTEE REPORT: Nothing

7. COMMITTEE MEMBER COMMENTS:

- **Committee member Wood** – Spoke of how he's been tracking speed on Airport Road for 12-years and how the Sheriff's reports he receives is concerning on how many warnings v. tickets are written. The average is about 75% more warnings than tickets written on Airport Road; and how that is concerning, especially on a road where speeding is a problem. He also spoke of the constant problem of people parking in the right-of-way and on sidewalks. He briefly mentioned

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he parked his wife's car on the side road and the very same day got a warning from Code Enforcement but a neighbor up the street, that has several cars parked in the road at all times of the day never seems to get a warning or fine. Not to mention the various work trucks he sees parked on or across sidewalks throughout the city. And mentioned that to him, there is not enough consistency for parking issues.

- **Committee member Schmidt** – Spoke of the flashing speed signs the City of Fort Walton Beach have put up in Hollywood Blvd. that flash the speed people are travelling when entering its range. He explained that he contacted the city and found out that they cost about \$6k for each. Which is significantly less than the total cost for the guardrails with the design and installation being close to \$100k, not including the cost when they will have to be replaced from getting hit. He spoke of how he feels the signs would be more beneficial than the guardrail system and would like to present the alternative to Council at their upcoming meeting for their consideration. He also questioned if the guardrails are permanent or a temporary solution. And he just cannot see spending that amount of money for something that may not even be permanent.

Motion by Committee member Schmidt to recommend to the City Council to install two flashing speed limit signs on Airport Road immediately instead of the guardrail system with Committee member Wood providing the second. In discussion, Committee member Hickey suggested providing both options to Council.

Motion by Committee member Hickey to amend Committee member Schmidt's motion to recommend to the City Council consider installing the flashing lights in lieu of or in addition to the guardrail barriers with Committee member Parker providing the second. The amended motion passed 5-1 with Committee member Wood dissenting.

- **Committee member Hickey** – Questioned why the surf conditions flag warning system are not flying. It was explained that when there are not lifeguards are not on the beach the flags are not flown. Mr. Burgess added that staff is in the process of obtaining quotes to replace the flagpole that was taken out from a previous storm. Committee member Hickey also asked about e-Scooters rentals. Mr. Burgess informed him that Council addressed those a few months ago and was not in favor of those in the city. Adding that he will put together an information packet to present to them at their next meeting as well as one for bicycles.

8. OLD BUSINESS:

- **Public Services Status Report** – Mr. Burgess provided an update on the following items:

- 1) **Stahlman/US98 Interchange Assessment** – Council will address a task order from Volkert Engineering to perform an assessment of the Stahlman Ave./U.S. 98 interchange at their upcoming meeting.
- 2) **Harbor Pump Camera** – Staff recently installed a camera to be able to monitor the pump better to ensure that it's running properly.

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- 3) **Security Upgrades at City Hall** – All doors to the internal offices now require a security badge to enter for staff, Mayor & City Council members.
- 4) **Pre-Cut Thermoplastic** – These are to replace worn stop-bars and crosswalks in the city.
- 5) **RPMs, Chevrons on Airport Road** – A past road safety audit concluded that the Reflective Panel Markers (RPM) were in need of being replaced, and currently all have been replaced. As well as the new chevron signage for Airport Road and the “SLOW DOWN” Thermoplastic letters on the roadway are on schedule to be put down as well.
- 6) **Street Stripping Priorities/Policy** – Unearmarked road stripping for roads that are not on the Capital Improvements list for resurfacing needs to be addressed. He informed the members that he would be providing them with a list of roads in need as well as creating and addressing a policy to recommend to City Council to govern the stripping and budgeting for them.
- 7) **Annual Tree Trimming** – Staff is trimming back and up bushes and tree limbs from sidewalks and street corners starting in Crystal Beach and heading west. He also provided information on how billboards have a State Statute to ensure they are visible from the roadways from trees and how that is handled.
- 8) **City Hall Generator** – Brand new Generac 130kw generator has been installed at City Hall and all that is left is to have Okaloosa Gas, whose quote was the lowest, come out to connect the natural gas to it. Their quote was \$975.00.
- 9) **Equipment Purchases** – John Deere Gator, 6-new trucks for various department replacements. As well as a new GPS unit for surveys and inventory signs and sidewalks and any other items that may need surveyed in the city limits.
- 10) **Process Maps and SOPs, APWA Accreditation** – Mr. Burgess explained that he is in the process of identifying key functions for the City Manager and so far has identified 31 processes from his department. He added that he then will create a flow chart for each process and develop a standard operation process for each. This will help with training of new employees and staying consistent with the handling of various equipment. Also, the APWA Accreditation Process he is working towards will help him to create a Public Works Operation Manual.
- 11) **Energy Audit** – Staff is working towards identify cost savings to the city in regard to the power bills and the Finance Director identified 100 meters that the city is being billed for monthly. Public Services staff went out in the field and identified meters and took pictures of each. He further explained that some were not located, and some are suspect and he will provide an update once the determination is made.

Committee member Wood asked if that includes the power outlets on the Harbor Boardwalk. According that is something that will be investigated later once staff compiles the information on the billing process and is able to vet all the invoices that the city is being billed for.

➤ **ADDITIONAL COMMENTS:**

Committee member Hickey asked if staff had a means of tracking the motions and actions from the meetings. Committee member Schmidt spoke of the Tracking Chart Matrix that Council member Menchel used to keep track of and discuss the status at each subsequent meeting when he was the Chairman. And how after he was elected Councilmember, it somehow got dropped by the wayside. However, he feels they could definitely resurrect it to keep track of items of concern and issues.

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Councilmember Menchel spoke of the how he tried to press upon his fellow Council members the importance of the actions that come as a result of committee meetings at Council Visioning Sessions and ultimately; the minutes are now placed on the Consent Agenda instead of Council's individual inboxes and are getting seen. He also suggested to the members that when they make a motion for anything they want immediate attention is to contact the City Clerk the following day after their meeting and get scheduled to come before Council at their next meeting.

In regards to their 2019 Annual Report, it was created prior to him being elected to Council and turned it into staff. He also mentioned that he is going to discuss with Council traffic enforcement for Airport Road to actually write more speeding tickets; noting how social media will get the word out that tickets are being written. He spoke of the reasoning behind creating the tracking sheet and how it helps to keep staff accountable for different projects and issues but also helps at the end of the year when they need to create their Annual Report.

And finally, he stated that he is the one that suggested this committee to be in charge of the Surtax Task Force instead of creating a separate committee for Council to appoint citizens to meet on how to spend the funds. He mentioned how he feels they are the best group of members the city has to review and suggest how to best spend the funds.

Committee Wood spoke of creating a basic priority list, similar to what the TPO uses to set aside funds for projects that Council wants to focus on to get funded and accomplished.

Councilmember Menchel also spoke of Major Brown's speeding problems on Dolphin Street and how the speed study so far has never been performed during peak season and still needs to be addressed this coming season.

➤ **Directors Report** – Mr. Burgess informed the members that there will be a Sunshine Law Workshop on Friday, January 30th. He also asked the members email him for items or issues and no longer send them to him as a text message.

Having no further business at this time, the meeting adjourned at 8:00 p.m.

Adopted and approved this _____ day of _____ 2020

Anthony Ramswell, Chairman

Kim Montgomery, Deputy City Clerk

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MINUTES HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE MEETING JANUARY 8, 2020 - 5:30 PM DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:31 p.m. on Wednesday, January 8, 2020 in the Destin City Hall Board Room.

2. ROLL CALL:

HCRA-AC Members:

Present

Mike Buckingham
James Green
Mike Raim
Sandy Trammell
Casey Jones
Barbara Mizell

Absent

Jan Best

Staff Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Planner
Lauren Witt, Principle Planner
Louis Zunguze CD Director
Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney

3. MINUTES FOR APPROVAL: November 13, 2019

Motion by Committee member Raim, seconded by Committee member Trammell the members approved the November 13, 2019 minutes as written with a 6-0 vote.

4. OLD BUSINESS:

- **Livery Vessel Recommendations:**

Mr. Zunguze explained their Livery recommendations were presented to City Council and they in turn instructed staff to start preparing the ordinances to move forward to the Local Planning Agency. Additionally, at the January 6th Council Meeting; they instructed staff to contact the Livery business stakeholders in the city to schedule a meeting and get input and make any necessary adjustments. At this time, that meeting is scheduled for Friday, January 17, 2020 at the Annex Council Chambers. Additionally, their recommendations will still go forward as scheduled to the Local Planning Agency for their input.

5. NEW BUSINESS:

- **2020 Work Plans:**

Mr. Zunguze asked the members if they are interested in carrying over their 2019 Work Plans to 2020 and if not, to provide staff with the ideas they may be interested in pursuing.

The Chairman informed the members that he met with Mr. Zunguze prior to this meeting and discussed with him his idea on how they, the committee members, may be interested in pursuing individual Work Plan items since, there has not been any progression with some of the past Work Plans they were provided

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by previous staff. He asked then asked the members for their input.

According to Committee member Raim, his workplan item for Highway 98 traffic safety seemed to finally come to fruition this past year with all the safety implementations that FDOT are putting in with the 3R Project.

Committee member Trammell stated she would like to continue working on the landscaping work plan item for both Highway 98 and Mountain Drive. She mentioned how a majority of the landscaping that was installed on Mountain Drive is now dead because the irrigation pumps have not been working for so long. Additionally, she expressed the need to be kept up-to-date with everything that is happening in the Harbor District, including the new park and Clement Taylor Park. As well as anything that effects the committee. Pointing out that they don't seem to get any information until after most things happen.

The Chairman spoke of how he has gotten with a few of the business owners that front the medians and asked if they would set aside some funds to help improve the look of the landscaping. Such as getting rid of the old bushes that have been in place for so long and updating them with low growing plants.

Mr. Zunguze agreed and stated that staff will start implementing their ideas and provide progress updates at each meeting.

Committee member Raim asked what the current status is of Royal Melvin Heritage Park funding. According to Mrs. Kopp, the sub-grant agreement has been signed by both the city and the county and the RFP will be going out soon for the work. As soon as the county approves the RFP bid documents.

6. COMMITTEE MEMBER COMMENTS:

➤ **Committee member Trammell** – Asked for the Harbor CRA-AC budget so they would know what they have to work with. She then questioned how big the homeless situation is in the city, especially in the Harbor District. According to the Chairman, it's getting better down on the harbor but there seems to be more showing up on the streets.

According to Committee member Trammell, she is working with the homeless shelter in Fort Walton Beach for transporting them to a cold shelter when the temperatures get too low. She also spoke of One Hopeful Place that received a \$600k grant for renovations with the hopes to be able to house all the homeless in the area by the end of the year or into 2021.

7. PUBLIC COMMENT:

None.

8. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:00 PM.

Adopted and approved this _____ day of _____ 2020.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

DRAFT

MINUTES TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE MEETING JANUARY 15, 2020 - 5:30 PM DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Wernet called the meeting to order at 5:30 PM on Wednesday, January 15, 2020 at the Destin City Hall Boardroom and welcomed the two new members, Matthew Sweetser and Frank McDonough.

2. ROLL CALL:

Members Present

Lockwood Wernet
Michele Sandstead
Justin Woodard
Matthew Sweetser
Frank McDonough

Members Absent

Delores Morrell

Staff Present

Kim Montgomery Deputy City Clerk
Samantha Brisolara, Planner
Lauren Witt, Planner

3. APPROVAL OF MINUTES: April 17, 2019 and July 17, 2019

Motion by Committee member Sandstead, seconded by Committee member Sweetser to approve the July 17, 2019 meeting minutes as written passed 5-0.

4. OLD BUSINESS:

➤ 2019 Work Plan

The Chairman spoke of their work plans staff provided in their packets for the following items:

- Mobility & Connectivity within the Town Center CRA District
- Economic and Development Revitalization
- Implementation of the Master Plan
- Research for possible grants
- Landscaping

He then called for a motion from the members to incorporate the 2019 Work Plan into the 2020 Work Plans.

Motion by Committee member McDonough second by Committee member Sandstead to incorporate the 2019 Work Plan into the 2020 Work Plans.

Committee member Sweetser asked about the Linear Park noting that he also serves on the Parks & Recreation Board and has never heard of this park. The Chairman explained that in their Master Plan the committee was tasked to implement and create a Linear Park to connect areas east of Main Street through the Gulf Power Easement to the other end of Airport Road. Explaining that the city is acquiring right-of-way by new developments that are being built and reviewed along that corridor and Mattie Kelly Blvd. **The motion passed with a 5-0 vote for approval.**

DRAFT

The Chairman explained that since they were unable to meet for some time, staff went ahead and presented the Annual Report to the CRA, who sits as Council and thanked Committee member Sandstead for her help in creating the document.

5. NEW BUSINESS:

- Current Overview of the TCCRA-AC Approved Development Projects – Traci Goodhart

Mr. Zunguze explained that the district is slowly emerging from being in the red towards being in solvent with Impact Fees from new developments and property values as well.

The Chairman explained to the new members road improvement projects were constructed in the Town Center District prior to the economy tanking and with revenues not coming in as projected, the city had to support the Town Center from the General Fund Revenue.

The following is a list of new projects in the Town Center CRA District

- Destin United Methodist Addition – \$1,203.28 collected for Impact Fees
- Beach Lofts, 12-Long Term Townhomes Dwelling Units \$25K of Impact Fees
- Vintage Destin, 282 Long Term Multi Family Development \$350K of Impact Fees Collected
- BK of Destin, Big Kahuna's Expansion \$78K of Impact Fees Collected
- The Charles, 192 Long Term Multi Family Units \$242K of Impact Fees
- Rehabilitation of NW Florida, Expansion of 10 additional patient rooms \$7K of Impact Fees collected
- Tuscan Village, 86 Long Term Residential Townhomes \$150K of Impact Fees collected
- Executive Car Wash a redevelopment of the old Wendy's Restaurant with \$6,800 of Impact Fees collected

Ms. Goodhart explained in detail how Vintage Destin, BK of Destin, and Tuscan Village will help with the Linear Park by the required right-of-way they will have to dedicate to the city for their projects.

The Chairman asked what improvements the CRA-AC members should recommend to Council that would be included in Impact Fees. According to Mr. Zunguze, the impact fees can only be applied to what is set forth in the Code. So, they could make their recommendations based on the needs deemed appropriately for what the city could fund. Adding once the TC-CRA becomes solvent, they should be able to press their issues more to Council.

6. VISITOR COMMENTS:

Mr. Ron Sandstead spoke of how successful the Banner Art Program has been for its first year. He also informed the members that there is a Silent Auction for the original artwork displayed for 2019 at La Paz restaurant. Explaining the money raised will go towards more art projects for the city such as additional banner poles along Airport Road.

7. DIRECTOR'S REPORT:

Mr. Zunguze welcomed the new members to the board and spoke of the struggle staff had last year to obtain a quorum and how glad he is to be able to start working with them all. He introduced the City Attorney, Kyle Bauman to the new members.

Mr. Bauman spoke on the importance of the Sunshine Law and how they, as members, are responsible to abide by it. Explaining the basis of the Public Records Law in Section 119 of the Florida Statutes and the Government in the Sunshine Law, Section 286.11. Any record created that is city business is defined in the Florida Statutes as a public record. And any citizen of the in the United States who makes a request for any type of city record must be made available, except for the few exemptions that may apply. He also explained how any communications that they make on any of their personal devices that relates to anything that may come before them at an open meeting is subjected to the Public Records Law. He also explained how if any two or more of them end up or meet each other in a public setting can not discuss any issues that foreseeably may come before them at one of these meetings for a vote. Adding that this applies to electronic communications as well.

The Chairman informed the member of the Ordinance that the City Council adopted to move the city elections in March to the general election in November. Therefore, their expiration dates have been extended to November.

ADJOURNMENT:

Having no further discussions, the meeting was adjourned at 6:45 PM.

Adopted and approved _____ day of _____ 2020.

Lockwood Wernet, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Kyle Bauman, City Attorney

FROM: Lorraine Berish, Senior Administrative Coordinator

DATE: February 6, 2020

SUBJECT: Memorandum of Understanding between Marine Forces Special Operations Command and The City of Destin, Florida

I. BACKGROUND: Marine Forces Special Operations Command will be conducting a training exercise from April 24 - May 6, 2020 at Eglin Air Force base and would like to incorporate some small scale/low visibility training in the our area.

In effort to promote transparency, safety, and security for both the area and the MARSOC Marines, MARFORSOC would like to establish a Memorandum of Understanding (MOU) with the City of Destin.

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB): None

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to authorize Mayor Jarvis to sign the Memorandum of Understanding between Marine Special Operations Command and the City of Destin for the stated training purposes.

Attachments:

1. MOU between MARFORSOC and City of Destin
2. Notification of Training Letter

3. Email from - Safford, Robert III
SSGT USMC USSOCOM MARSOC
USA



UNITED STATES MARINE CORPS
MARINE FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20116
CAMP LEJEUNE, NORTH CAROLINA 28542-0116

IN REPLY REFER TO:
3307
G-7

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
MARINE FORCES SPECIAL OPERATIONS COMMAND (MARFORSOC)
AND
THE CITY OF DESTIN, FLORIDA

1. Purpose. The purpose of this memorandum is to memorialize the approval by the municipal leadership of the city of Destin, Florida for MARFORSOC to conduct training in Destin, Florida. MARFORSOC requests that the city of Destin, Florida grant MARFORSOC the authority to periodically conduct required training within the city. All such training will be coordinated under the guidelines set forth in this agreement. All personnel involved in these exercises will be consenting military personnel, government civilian workers, or contractors; no private citizens will be part of or involved in the training exercises in any manner.

2. Approval. The City of Destin hereby agrees to permit members of MARFORSOC (to include all military, civilian, and contractor support personnel) to conduct military training, to include surveillance, advanced communications, raid, reconnaissance, Convoy, Foot Movement of troops and Equipment, Drop Zone, Landing or Pick up Zone, other helicopter operations, and other required training necessary to develop special operations skills within the boundaries of Destin, Florida. Training and informal meetings will be restricted specifically to commercial/restaurant and public gathering areas of the above stated city and will not involve direct contact with the local populace. Any training to be conducted on private property in the above-mentioned city will be coordinated with and approved by the property owners involved. This approval is subject to the following:

a. This MOU becomes effective upon execution by the city of Destin, Florida and MARFORSOC and will run for five (5) years from the date of execution of the last signing party unless sooner terminated under the provisions of paragraph 7(b). This MOU recognizes that MARFORSOC intends to conduct training in the city of Destin, Florida on multiple occasions over that time period. Prior to conducting any training, MARFORSOC will

provide advance written notice to civilian leadership. The notice will include current contact information, training personnel points of contact, type of training to be conducted, areas to be utilized during training and dates of intended usage (see enclosures (1) and (2)). The information will be provided in order to give the Destin the maximum possible visibility over training and to provide notice of our presence in the area. Every effort will be made by MARFORSOC to provide written notice at least thirty (30) days in advance of any training in order to allow sufficient time for both parties to mutually resolve any outstanding issues and address any concerns. During the conduct of any training, MARFORSOC will conduct daily liaison with the designated law enforcement personnel.

b. MARFORSOC shall not knowingly use any commercial/public gathering areas in any unlawful way.

c. 31 U.S.C. Sect. 1341, "The Anti-Deficiency Act", prohibits open-ended indemnification and "hold harmless agreements" by the U.S. Government. However, sovereign immunity is waived if any damages do occur, in order to hold the federal government liable. The U.S. Government is responsible, under the terms of the Federal Tort Claims Act (FTCA), 28 U.S.C. 1346(b), 2671-2680, or the Military Claims Act (MCA) 10 U.S.C. 2733, as applicable, for any injury to persons or damage to property proximately caused by acts or omissions of Government employees acting within the scope of their employment. The FTCA, and supporting case law, provides several means of recovery for negligent acts of Government personnel. The injured party may submit a claim directly against the U.S. Government; a defendant may implead the U.S. Government as a third-party tortfeasor; or a defendant may later pursue the U.S. Government in a separate indemnity action or claim submission, for any amounts paid to the injured party due to negligence of the U.S. Government. A perfected claim requires a completed U.S. Government Standard Form 95 and proof substantiating the claimed amount. Other documentation may be required on a case by case basis. Claims packages may be submitted to the below offices by email, fax, or standard mail. For required documents, see <http://www.jag.navy.mil/organization/code 15 packets forms.htm>. Claims packages may be submitted to the Camp Lejeune Office by standard mail.

Commanding General
LSSS-E (Claims)
PSC Box 20005
MCIEAST-MCB

Camp Lejeune, NC 28542-0005

3. For all training exercises, MARFORSOC, via the officer in charge (OIC) of the exercise, will ensure that appropriate officials are informed of all areas, times, and dates that will be utilized for training. All activities conducted at these venues will be appropriate for the intended training objective. Additionally, MARFORSOC staff will embed a liaison element within the Okaloosa County Sheriff's Office that will notify the requisite elements of the Okaloosa Sheriff's Office of any activity within each district. MARFORSOC instructors will either be on site or in the vicinity of training in order to critique training as well as function as an on-site liaison to ensure training is conducted in accordance with this agreement. In the event a situation presents itself involving local law enforcement, an Exercise Participant Card will be provided that includes contact information of the MARFORSOC leadership responsible for the training and the MARFORSOC Public Affairs Office. The Okaloosa County Sheriff will intervene and act as they deem necessary to handle and resolve any situation.

4. Unless otherwise agreed upon in writing, MARFORSOC training activities in the city of Destin will be low-impact and low-visibility. MARFORSOC activities are not likely to attract undue attention nor should the conduct of activities alert any civilians/members of the establishment who are in the immediate area. In the event that a civilian/non-law enforcement official or uniformed member of local law enforcement approach and begin to question any personnel conducting training about their activities, the personnel conducting training will provide an Exercise Participant Card and Military Identification Card. The personnel conducting training will contact their OIC in any situation where civilians or law enforcement personnel intervene in the training. In this instance, all personnel conducting training will comply with instructions from local law enforcement officials and will immediately inform their OIC.

5. Prior to the start of the exercise, MARFORSOC members will receive classes and be thoroughly briefed on the safety plan and rules of training. No personal vehicles are authorized for use by the Marines conducting this training. Tactical vehicles, Rental and/or government plated vehicles consisting of sedans, mini-vans, and sport utility vehicles will be utilized during this training.

6. MARFORSOC personnel conducting training will not conduct concealed carry of firearms at any time during training.

MEMORANDUM OF UNDERSTANDING BETWEEN MARFORSOC AND THE CITY OF DESTIN OF
FLORIDA and THE DESTIN POLICE DEPARTMENT

MARFORSOC personnel will not conduct open carry of firearms, simulated firearms, or pyrotechnic devices during the course of active training in Destin without advance notice to the City of Destin.

a. "Active training" does not include transportation of weapons between training locations.

b. MARFORSOC may be permitted to carry firearms, simulated firearms, or pyrotechnic devices on a case-by-case basis. In such instances, MARFORSOC will provide a description of the desired activity to the City of Destin in the required notification letter four weeks prior to commencement of the exercise. MARFORSOC will coordinate with Okaloosa County Sheriff detailing the starting and ending point of each movement, time of movement, activities to be exercised, make/model/license plate of vehicles, and number of personnel executing activity. The City of Destin maintains the right to refuse to permit the desired activity. Any refusal will be provided by Destin in writing in response to the notification within two weeks of receipt of the notification of training.

7. All MARFORSOC personnel will be in civilian attire or military uniforms; however, they will be able to produce an Exercise Participant Card and a government identification card at all times. All MARFORSOC personnel conducting training and exercise staff will obey all traffic laws and posted speed limits. At no time will MARFORSOC personnel engage in any activity that will put themselves or others in danger, and they will obey all orders from civilian law enforcement agencies. The training exercise will culminate when all exercise participants have departed the Destin area. The MARFORSOC OIC will notify the City of Destin upon completion of the exercise. The MARFORSOC OIC will provide the Destin Mayor's Office a signed copy of this document and a copy of the notification for each training event for the record.

8. Non-Disclosure. Destin, Florida agrees not to disclose any MARFORSOC tactics, techniques, procedures, methods of training, or exercise concepts or scenarios that Destin may learn during discussions with MARFORSOC about exercises or by observation during the conduct of an exercise. Additionally, Destin agrees not to disclose the identity of MARFORSOC personnel conducting training or, if not active duty Marines, their affiliation with MARFORSOC (e.g., contracted civilian role players or members of other armed services). Furthermore, Destin, Florida agrees not to disclose the locations or dates of the MARFORSOC exercises

MEMORANDUM OF UNDERSTANDING BETWEEN MARFORSOC AND THE CITY OF DESTIN OF
FLORIDA and THE DESTIN POLICE DEPARTMENT

beyond those with a need to know within the City of Destin's official affiliation.

9. Modification or Termination

a. Modifications to this MOU must be in writing and signed by authorized representatives of the city of Destin and MARFORSOC. The representative for MARFORSOC can be contacted at MARFORSOC, ATTN: Office of the Staff Judge Advocate, PSC Box 20116, Camp Lejeune, NC 28542-0116 or via phone at 910-440-0928. The representative for the office of the Destin's Mayors can be contacted at 4200 Indian Bayou Trail, Destin, Florida 32541 or via phone at 850-837-4242, and via email at mayor@cityofdestin.com

b. This MOU shall remain in effect for five (5) years from the date of execution of the last signing party. Both the city of Destin and MARFORSOC retain the right to terminate this MOU at any time, with ninety (90) days written notice to the other party, for any reason.

Deputy Chief of Staff,
MARFORSOC

Date: _____

Gary Jarvis
Mayor
City of Destin, FL

Date: _____



UNITED STATES MARINE CORPS
MARINE FORCES SPECIAL OPERATIONS COMMAND
PSC BOX 20119
CAMP LEJEUNE, NC 28542-0119

IN REPLY REFER TO:
3307

NOTIFICATION OF TRAINING
FROM
MARINE FORCES SPECIAL OPERATIONS COMMAND (MARFORSOC)
AND
THE CITY OF DESTIN, FLORIDA

Subj: NOTIFICATION OF TRAINING

1. PURPOSE. The purpose of this notification is to notify the City of Destin, Florida of MARFORSOC's intent to conduct training within the boundaries of Destin, Florida per the Memorandum of Understanding between MARFORSOC and the City of Destin, Florida expiring on [Date TBD, Pending Destin City MOU approval].
2. TRAINING DATES. The training will last from 24 April, 2020 through 06 May, 2020.
3. SCOPE. There will be approximately eight to ten MARFORSOC Marines and other exercise participants conducting low visibility reconnaissance training between the hours of 0800 to 2200 each day. Training will be conducted in and around Destin, Florida and surrounding areas. Marines participating in the training will travel in and around the area by rental vehicle and will be wearing civilian clothing. No firearms (real or simulated), ammunition, or pyrotechnics will be used during this training. Prior to the start of the training, local law enforcement will be notified and the Marines will be thoroughly briefed on the safety plan.
4. All personnel will be operating under official government orders and will be able to produce a government identification card and exercise participant's card at all times. MARFORSOC personnel will obey all local and state laws and posted speed limits. At no time will MARFORSOC personnel engage in any activity that will place themselves or others in danger and they will obey all orders from civilian law enforcement agencies.
5. The point of contact in regards to this matter is Mr. Austin Clancy, at (910)440-1908 (office), (541)602-4981(cell) or via email at Austin.Clancy2@socom.mil.

From: [Safford, Robert III SSGT USMC USSOCOM MARSOC \(USA\)](#)
To: [Council](#); [Lorraine Berish](#); [Rev Bailey](#)
Cc: [Clancy, Austin M CTR USSOCOM MARSOC \(USA\)](#)
Subject: Memorandum of Understanding
Date: Tuesday, January 7, 2020 12:40:38 PM
Attachments: [Destin, FL MOU.doc](#)
[City of Destin-Notification-of-Training-Letter.doc](#)

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good Morning,

My name is Robert Safford; Myself and Mr. Austin Clancy (CCed) are responsible for the coordination and development of off-base realistic military training for 3d Marine Raider Battalion, Marine Special Operations Command (MARSOC) out of Camp Lejeune, NC. We'll be conducting a training exercise from 24 April - 6 May, 2020 at Eglin Air Force base and would like to incorporate some small scale/low visibility training in the surrounding counties. We strive to replicate real world environments which is often difficult to achieve when training and sustaining our advanced skills on base. In effort to promote transparency, safety, and security for both the area and our MARSOC Marines, we would like to establish a Memorandum of Understanding (MOU) with each of the local municipalities and law enforcement agencies as you may have done with other military services in the area.

If the MOU request is approved, City of Destin representatives will be informed of all future training events in the form of an official "Notification of Training" no later than 30 days prior to the start of training. The Notification of Training outlines what specific training will be conducted; approximate number of personnel; and when the training will take place.

Attached is the draft MOU, to which please let us know any edits you require to the document. Also if you could please provide city Points of Contact on Page 5 of the MOU. Additionally, I've attached the Notification of Training for our next exercise in April so you get a better idea of its contents prior to signing the MOU.

I can be reached via my contact information below. We do respectfully request the dissemination of these training activities be limited to the necessary Destin city personnel to help maintain the safety and security of our military personnel. We greatly appreciate your help on this matter and I'm prepared to answer any questions. Thank you.

v/r,
SSgt Rob Safford
Training Cell
3rd Marine Raider Battalion (3d MRB), MARSOC
Office: 910-440-1911
SVOIP: [751-3337](tel:751-3337)

Cell: 610-715-7627

NIPR: Robert.safford@socom.mil

SIPR: Robert.safford@marsoc.socom.smil.mil

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: February 18, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: 1) Request to call executive session pursuant to section 286.011(8), Florida Statutes, in the cases of *Pointe Mezzanine, LLC v. City of Destin*, Okaloosa County Court Case No. 2019-CA-004010 F, and *Pointe Mezzanine, LLC v. City of Destin*, Okaloosa County Court Case No. 2019-CA-003733 F.

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