

**REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 7, 2021
ANNEX COUNCIL CHAMBERS
6:00 PM**

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

CALL TO ORDER

INVOCATION (Pastor Steve Farris - First Baptist Church of Destin)

PLEDGE OF ALLEGIANCE

RECONFIRM APPOINTMENT OF INTERIM CITY COUNCIL MEMBER FOR THE CITY OF DESTIN

INAUGURATION OF INTERIM CITY COUNCIL MEMBER FOR THE CITY OF DESTIN

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 May 3, 2021 Regular City Council Meeting
- B. Approval of minutes of April 19, 2021 Regular City Council Meeting

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

- A. Proclamation - Code Enforcement Officers' Appreciation Week
- B. Tourist Development Department Update - Jennifer Adams

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. US98 Westbound to Airport Road, turn lane update
- B. Proposed City of Destin Planning Areas
- C. Consultant Selection for Zerbe/Calhoun Pedestrian Improvements Phase II
- D. Cross Town Connector Multimodal Design Update
- E. Memorial Day Weekend - After Action Report
- F. Captain Royal Melvin Heritage Park Update
- G. Transfer of ERU Water and Sewer Credits to Destin High School, Inc.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 21-09-LC - Providing for amendments to Article 7 of the Land Development Code "Land Use, Type, Density, Intensity, Zoning and Regulatory Controls"; amending Table 7-2 "Table of Allowable Uses" relating to breweries, micro-breweries, brewpubs, distilleries, craft distilleries, and restaurants
 - B. Second reading of Ordinance 21-04-PC - Amending Comprehensive Plan: 2020, Chapter 1 - Future Land Use Element related to building heights to provide for consistency with the City Charter
 - C. Second reading of Ordinance 21-05-PC - Amending Comprehensive Plan: 2020 Chapter 1 - Future Land Use Element, Policy 1-2.1.4 relating to roofing and roof pitch
6. ***CONSENT AGENDA** (No public comments)
- A. Minutes of Board & Committees
 - B. Proposed Bert Harris Settlement Agreement for 4478 Ocean View Drive
7. **COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY** (No public comments)
- A. Councilmember Braden
 - 1) Livery Vessel Fees
 - B. Councilmember Ramswell
 - 1) Maintenance of right-of-way along Commons Drive
 - C. Councilmember Destin
 - D. Councilmember Morgan
 - E. Councilmember Hebert
 - 1) Master Gardener's Cooperative Project
 - F. Councilmember King
 - G. Councilmember Schmidt
 - 1) Charter Review
 - 2) Harborwalk Boardwalk Replacement
 - 3) Air Tour Operations - Resolution in Support of County's Efforts Related to Helicopter and Air Tour Flight Paths
 - H. Mayor Gary Jarvis
 - I. Land Use Attorney
 - 1) Invocation of pending ordinance doctrine for floodplain ordinance
 - J. City Attorney
8. **ADJOURN**

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

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

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

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

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

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

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

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

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

Please visit our agenda center on the city website at www.cityofdestin.com/agendas

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 3, 2021
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 Pro Tem Dewey Destin
Councilmember Terésa Hebert
Councilmember Rodney Braden

Councilmember Johnny King
Councilmember Prebble Ramswell
Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Code Compliance Manager Joey Forgione
Comm. Dev. Director Louis Zunguze
Parks/Recreation Director Lisa Firth
Finance Director Krystal Strickland
Grants/Project Manager Jeffrey Cozadd
City Land Use Attorney Kimberly Kopp (Virtual)

Deputy City Manager Webb Warren
Public Information Manager Catherine Card
Public Services Director Michael Burgess
HR Manager Nichole DeVito
Building Official Noelle Bell
IT Specialist James Lauria
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor Pro Tem called the meeting to order at 6:00 pm. Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Hebert requests agenda item 7E (1) be pulled from the agenda.

The City Manager requests Council discussion and direction regarding the filling of vacated Council seat be added to the agenda under City Manager Report.

Motion by Councilmember Schmidt, seconded by Councilmember King, to approve the agenda, as amended, passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

1. APPROVAL OF MINUTES

A. Approval of minutes of March 15, 2021, Regular City Council Meeting

Motion by Councilmember King, seconded by Councilmember Hebert, to approve the March 15, 2021, Regular City Council Meeting passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Proclamation - Food For Thought Day

The Mayor Pro Tem read the Proclamation recognizing May 18, 2021 as *Food For Thought Day*, and then presented it to Mr. Tiffanie Nelson, Founder/Director of Food For Thought, and Ms. Jessica Roberts, Director of Food For Thought Outreach.

B. Proclamation - Drinking Water Week

The Mayor Pro Tem read the Proclamation proclaiming May 28, 2021 as *Drinking Water Week* and then presented it to Mr. Lockwood Wernet, General Manager of the Destin Water Users.

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

Mr. John Stephens, a Destin resident and livery operator, asked if the city could adopt a program to offer boater safety courses for high school students at Destin High School.

Councilmember Ramswell noted she was scheduled to speak with the high school principal to discuss a captain/fishing course they were going to implement. This would be a very good complement to it and so she would pass it on to the principal. She also mentioned that the United States Coast Guard used to offer a boating safety course which she has previously taken, and they could possibly work out some sort of a joint partnership with them as well.

Mr. John Stephens also stated that he has previously met with a marine patrol officer and learned that the number one issue they were having with vessels on the water involves the no wake zones. He asked if there have been any updates on the additional signage that was supposed to be added to no wake zones. It was presumably approved by the Fish and Wildlife Commission, and they were just waiting on the County to install them.

The City Manager will investigate and report back.

Mr. Charles Duplantis, a Destin resident and livery operator, asked what was taking so long for the City to issue him his livery vessel permit. He turned in his application about 5 months ago and he is still waiting for approval. He stated he has been in business for 28 years, but still finds it hard to obtain a permit. Other livery vessel operators who have not been in business that long already received their permit. He added there are also many unlicensed pontoon operators currently operating on the harbor daily.

Code Compliance Manager Joey Forgione noted there were corrections needed to be made to the application. There were also other required paperwork that were not submitted correctly.

According to the Land Use Attorney, some of the requests from staff had to do with clarifications on changes that happened over the years. The City has implemented new processes for change of use application. They previously discussed about this year being the “cleanup” year and to get their record straight. They needed to properly confirm they have the parking that matches the uses. She also stated that everybody in a similar situation was given a temporary authorization to continue authorization to continue operating until the end of May to protect their business interest and work together with the livery vessel operators. She added that Mr. Duplantis should have received an acknowledgement that his application is complete, and that the application is being reviewed for compliance with the code. They have also submitted the more complicated parking matters to a consultant, and it is going through a process.

Councilmember Braden stated that the main issue he has observed was having several businesses occupying the same parking slots on the property, which is the responsibility of the property owner and not the City staff or this Council.

The Mayor Pro Tem stated that City staff will look into this issue and come up with an equitable solution.

Councilmember Hebert asked staff to report back at the next meeting the number of outstanding livery permit applications and the reasons for the delay.

Mr. Mike Abadie, a Destin resident and livery operator, noted that he submitted a 58-page renewal application on January 5, 2021. He received an email from a Code Compliance Officer on January 12th stating that his application has been reviewed and forwarded to the City’s Planning Division. On February 8th he received an email from Planning Division staff asking for clarification on parking, to which he promptly responded. He received approval of his application on April 21st. He stated that the application renewal process is quite complicated, that it has now gotten quite onerous for staff to have to go through these voluminous applications; adding that the city may need to hire more people just to keep up.

Mr. Greg Fisher, a Destin resident and livery operator, noted that during a January 2021 City Council meeting, a livery operator came before this Council and expressed concern the permit application does not allow broken vessels to be swapped out. It is only allowed for chase vessels. He stated they are working with equipment that requires regular maintenance, and that the ability to swap out vessels not only keeps their businesses running but also ensures visitors are using the safest vessels possible. He stated they need to have something in writing that they could make swaps for back-up equipment as verbal promises from City staff that they would work with livery operators is just not good enough. He asked the Council to allow the use of backup vessels as long as the number of permitted vessels for rent does not change.

According to the Land Use Attorney, a letter went out to livery vessel companies a few days ago explaining that repair vessels are allowed as long as it does not violate the moratorium

and cause an increase in the overall number of vessels in the water. As an example, when one vessel goes down, they could put another vessel in the water, but they have to take the non-operable vessel out of the water.

Councilmember Ramswell asked if it would be satisfactory for livery operators to go ahead and write that sentence in to the application and sign it.

The Land Use Attorney replied affirmatively, stating that some people have already done so, and have been accepted.

4. CITY MANAGER REPORTS

A. September Meeting Schedule

The City Manager noted that the City must publish a budget adoption calendar each year establishing dates for the two budget and millage publish hearings. Staff recommends approval of the budget calendar which sets the first budget and millage public hearing for Thursday , September 9, 2021, at 5:30 PM in the City Hall Annex Chambers.

Councilmember Hebert moved to approve the FY 2022 Budget Calendar and to set the Budget and Millage Adoption Public Hearing #1 for September 9, 2021 at 5:30 PM in the City Hall Annex Council Chambers at 4100 Indian Bayou Trail; seconded by Councilmember Schmidt. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

B. RFP 21-03-FIN Tax Exempt Loan Financing

Finance Director Krystal Strickland reported that the City issued a request for proposal (RFP) for Tax Exempt Loan Financing and received 8 proposals. The City’s Bid Selection Committee reviewed and ranked the proposals based upon the interest rate offered, and considered closing costs, prepayment provisions, all-in True Interest Cost, present value of net savings on refunding, and the total interest to be paid over the life of the loan. Key Government Finance, Regions Capital Advantage, and Trustmark National Bank all ranked in the top three, with a copy of the Committee’s ranking sheet provided to the Council. The Committee recommends commencing a loan with Key Government Finance to refund the 2009 Harbor CRA loan and the 2015 General Fund Capital Improvement loan.

Mr. Jon Ford, the City’s financial advisor, stated that the interest rate being proposed by Key Government Finance is just below 1.4% which is outstanding. The total interest the City of Destin will pay for the life of this debt will be less than \$500,000 on a \$10 million loan. A few years back, they would have paid that much money on the first year of the loan alone.

Councilmember Schmidt moved to accept the proposal of Key Government Finance, Inc. in response to RFP 21-03-FIN and authorize and direct the City Manager and Mayor to execute all documentation necessary to consummate the transaction; seconded by Councilmember Hebert.

start replacing some of the 4G towers that are 80 – 90 feet in the air. The 5G network is much different than the 3G and 4G networks in the way it operates. They will have a larger area of coverage based on a very tall tower. These are relay units that actually transmit data from pole to pole that will provide faster speed over time and over a larger distance. There is a very small number of poles being installed in this area. They are trying to implement the low frequency system so that they could start utilizing them this area in much quicker fashion than in mid and high-density areas.

Councilmember Ramswell inquired as to the potential merger of the old towers that carry the 3G and 4G network with the 5G towers so they could possibly get rid of the older and taller towers.

Mr. Pace stated that he has spoken with several different carriers and visited several different areas that have already converted to 5G network. He learned that not every device that people have will accept the 5G connection since it is a totally different way of delivering wireless services. They have a lot of 4G users. The two connections do not integrate with each other, and so they are utilizing some of the taller towers and placing some of the 5G junction on those towers as they transition out of the 3G and 4G network. However, they may make those towers smaller as they do not need to be as high as the old towers.

Councilmember Ramswell pointed out that the map that was created depicting the cell tower locations shows a very large gap in the central area of town, specifically the area around City Hall, City Hall Annex, Indian Bayou, and Henderson Beach State Park. City Hall and the Annex are the key business locations from a functional governmental point of view and so it would be important to have a tower at those locations. She asked whether this area was overlooked.

Mr. Pace stated he cannot actually provide the exact reasons the towers are placed at their current locations; however, the towers are being located based on the population of certain areas. The carriers will be putting in more towers in densely populated areas as more infrastructures are put in place the next year or so.

Councilmember Ramswell asked whether these present towers would be obsolete if 6G or 7G networks are developed 5 years from now.

Mr. Pace explained that with the advent of the 5G network, which is a totally different type of wireless technology and is different from its predecessors, chances of this type of technology changing as they move forward will not be in effect only because they could build upon the 5G network to make it more viable in certain areas as they expand into rural areas central to the United States. If they transition through a 6G or 7G network, they will actually see that the system will remain the same similar to when they transition from 3G to 4G, and they just increase the speed. He added that based on his research, the 5G technology they are putting in place is going to be the technology most likely to be used within the next 20 to 30 years.

Councilmember Schmidt asked whether the city could simply deny a permit application for these towers.

According to the Land Use Attorney, they cannot prohibit these cell towers from locating or co-locating in the rights-of-way under the law. They can create regulations related to aesthetics and landscaping around them to try to improve their appearance as long as it does not interfere with the functionality of the equipment. They can also require the carriers to register with the city. She also noted that the city passed an ordinance to regulate them to the extent authorized by law.

Councilmember Schmidt recommends they create as much regulations as they can legally create for these cell towers and try to obtain the best possible scenario for their citizens. He also stated that other cities and counties are challenging the ruling regarding cell towers, and so they should not dismiss that possibility.

Councilmember Ramswell asked if they will be able to regulate color, size, or types of material for cell towers, or to have the different carriers share poles with one another.

The Land Use Attorney stated that in terms of aesthetics, it cannot be overly cumbersome or can be interpreted as in-effect prohibiting them from constructing the tower. They may be able to require different carriers to co-locate as long as it does not interfere with their ability to operate or to perform necessary functions. She added it is a policy decision for this Council if they want to challenge the law in this case. If they want to discuss this issue at some point, staff could bring back information on what the other local governments are doing as well as the cost associated with it.

The Mayor Pro Tem suggests they all read the existing ordinance and then decide if they want to put in on future agenda for discussion.

D. Fill Vacated Council Seat

The City Manager announced that Councilmember Skip Overdier resigned from the Council on April 30th. It creates a vacancy that they would need to fill on a temporary basis and then schedule a special election to elect a candidate to fill the unexpired term of the vacated Council seat.

The City Attorney noted that pursuant to the City Charter, when there is a Council resignation, and there is more than a year remaining on the term, the Council needs to appoint an interim councilmember quickly, and then hold a special election no less than 60 days or more than 90 days following the resignation date. The Supervisor of Elections has agreed to conduct the election on July 20, 2021, and the elected candidate to take office on August 2, 2021, until November 2022. With regards to the appointment of interim councilmember, staff recommends having the City Clerk advertise the vacancy as soon as possible and bring back a list of interested candidates for appointment by Council at the June 7, 2021 Council meeting.

A brief discussion followed when several members of the Council expressed the desire to shorten the advertising period and bring back a list of candidates for interim appointment at the next City Council meeting.

Councilmember Schmidt moved to schedule the appointment of an interim City Councilmember at the May 17, 2021 City Council meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

E. Announcements:

The City Manager made the following announcements:

- Crosstown Connector Workshop is scheduled for May 10th at 5:30 PM
- CRA Board Meeting is scheduled for May 17th at 5:30 PM
- The building that was located on the far eastern parcel in the Shores at Crystal Beach Park was demolished. The debris will be removed, and the work will be completed shortly
- Lauren Witt, the City’s Principal Planner for 2½ years will be leaving the city shortly. She will be sorely missed
- The city has recently hired a new planner and a building inspector
- The Community Development Department is now open 5 days a week, from 8 AM to 5 PM

5. PUBLIC HEARINGS

- A. First reading of Ordinance 21-11-CN - Authorizing the issuance of the City of Destin non-ad valorem refunding revenue note, Series 2021 in the principal amount of not to exceed \$10,600,000 for the purpose of financing the acquisition of certain real property within the City to be used to expand public beach access, refunding on a current basis the City's outstanding non-ad valorem refunding revenue note, Series 2015A and refunding on a current basis the outstanding Harbor Community Redevelopment Area Phase 1 revenue note, Series 2009, issued by the Community Redevelopment Agency of the City of Destin.

The City Attorney read Ordinance 21-11-CN by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2021 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,600,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY TO BE USED TO EXPAND PUBLIC BEACH ACCESS, REFUNDING ON A CURRENT BASIS THE CITY'S OUTSTANDING NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2015A, AND REFUNDING ON A CURRENT BASIS THE OUTSTANDING HARBOR COMMUNITY REDEVELOPMENT AREA PHASE I REVENUE NOTE, SERIES 2009, ISSUED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DESTIN, FLORIDA; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING CERTAIN

OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Councilmember Hebert moved to approve Ordinance 21-11-CN on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

- B. First reading of Ordinance 21-12-CN - Amending the FY2021 Budget to accommodate issuance of the Non-Ad Valorem Revenue Refunding Note, Series 2021, providing for authority, providing for findings of fact, providing for amendment to the 2021 Budget, providing for severability, and providing for an effective date

The City Attorney read Ordinance 21-12-CN by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FISCAL YEAR 2021 BUDGET AS DESIGNATED IN THE ATTACHED EXHIBIT “A,” DESCRIBING AMENDMENTS NECESSARY TO ACCOMMODATE ISSUANCE OF THE NON-AD VALOREM REVENUE NOTE, SERIES 2021; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE 2021 BUDGET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Schmidt moved to approve Ordinance 21-12-CN on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

- C. First reading of Ordinance 21-03-LC - Providing for amendments to Article 7, Section 7.12.08, "Dimensional Requirements"; amending Table 7-3, "Schedule of Dimensional Requirements in Zoning districts;" providing for consistency with the City's Comprehensive Plan

The City Attorney read Ordinance 21-03-LC by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 "DIMENSIONAL REQUIREMENTS"; AMENDING TABLE 7-3 "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

Councilmember King moved to approve Ordinance 21-03-LC on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").

- D. First reading of Ordinance 21-08-LC - Providing for amendments to Article 7 of the Land Development Code, "Land Use, Type, density, Intensity, zoning and Regulatory Controls" to require multi-family long-term uses to include commercial components in the commercial General (CG) zoning district

The City Attorney read Ordinance 21-08-LC by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS; SEVERABILITY, AND AN EFFECTIVE DATE.

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

Councilmember Hebert moved to approve Ordinance 21-08-LC on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").

- E. First reading of Ordinance 20-24-LC - Regulating low speed vehicles, amending Article VIII "Transportation" and creating a new Section 8.09.04 entitled, "Alternative Modes of Transportation"; defining "Low Speed Vehicles"; providing for limited operation of low-speed vehicles on certain city streets, prohibiting low speed vehicles on specified streets.

The City Attorney read Ordinance 20-24-LC by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII "TRANSPORTATION" AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION"; DEFINING "LOW SPEED VEHICLES"; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; 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.

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

Mr. Claude Perry, a Destin resident and business owner, expressed concern that allowing golf carts to operate on City streets will slow down traffic and prohibits the city from having the ability to have trolleys and other types of transportation that would enable them to move people around town.

The Land Use Attorney explained this item is exclusive to low-speed vehicles as defined by statute, and that it would not affect trolleys. She continued that under State laws, low speed vehicles are not allowed on US Hwy 98. The proposed ordinance, if it passes, will prohibit low speed vehicles from operating on certain city streets.

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

Councilmember Schmidt moved to disregard the current map showing where the low-speed vehicles can operate in the city and enforce the laws of the State of Florida with regards to low-speed vehicles; seconded by Councilmember Hebert.

According to the Land Use Attorney, if they simply do not adopt the proposed ordinance, then they would simply fall under State law with regards to low speed vehicles.

Councilmember Ramswell inquired as to why they went through the process of creating an ordinance regulating low speed vehicles if it would make more sense to just follow the State law.

Community Development Director Louis Zunguze explained that the previous Council decided to exclude certain City streets on which to allow low speed vehicles.

According to the City Manager, State statutes declares the roads with speed limit of 35 mph or less that are not state or federal highways can be used by low-speed vehicles.

Capt. Howell of the Sheriff's Office stated that the Sheriff's Office's biggest concern is Airport Road. In their opinion, no low-speed vehicles should be allowed to operate on Airport Road for safety reasons. By State Statute, low speed vehicles are allowed on Airport Road absence of a city ordinance.

The Mayor Pro Tem stated that the main problem that presently exists on Airport Road is their inability to control speed. He continued that the city was one of the first cities to adopt the multi-modal concept; and to ban low speed vehicles on certain streets is contrary to their goals under multi-modal.

Councilmember Ramswell noted that the City is not supposed to adopt a policy that conflicts with State law. She asked if it is acceptable to adopt a stricter policy rather than a more lenient policy.

The Land Use Attorney stated that Council can pass an ordinance that is stricter than State statutes.

Councilmember Destin moved to table this item indefinitely; seconded by Councilmember Braden. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").

6. CONSENT AGENDA

- A. Minutes from Boards and Committees
- B. Letter of Support/E. Byrne Memorial Justice Assistance Program

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda items 6A and 6B passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").

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

- A. Councilmember Braden

Councilmember Braden inquired as to the status of the landscape improvements project on the medians on US Hwy 98.

Mr. Burgess noted that the contacts for the landscaping improvements project, from Airport Road to Marler Bridge was supposed to expire in August 2021, and it includes irrigation improvements.

Councilmember Braden asked if they have done any striping on the boat ramp.

Mr. Burgess stated they have not done any striping, but they would do so as soon as possible.

B. Councilmember Ramswell

1) Determining the Harbor CRA Boundary Line

Councilmember Ramswell noted that this request was brought before her by a member of the Harbor CRA Advisory Committee who was concerned that the southern portion of the harbor – Norriego Point and other properties on the southern portion – were not included; and whether it is something the City needs to potentially amend.

The City Attorney explained that the CRA boundary line was set back when the CRA first came to existence. Essentially, CRA districts are intended to help blighted areas, which is a defined term under the statute. It is intended for areas where there are low property values that have the potential of increasing. The difference in the increased property value and the set property value at the time the CRA came to existence goes into a TIF fund which is then used to rejuvenate that area. The area in question is relatively an affluent area which would not generally be included in blighted districts because it would be very difficult to increase the property values and increased the TIF revenue for the entire district. However, the Council could certainly look at expanding the CRA boundary.

Councilmember Destin noted that the Council at the time was able to include the north shore portion of the harbor into the CRA. Because of the State definition of “blight” they did not think it was possible with Holiday Isle probably being the most affluent area in Destin at that time. He also explained that forming a CRA stops the flow of money into the general revenue fund. Any increases in property values that occur inside the CRA go to the CRA fund and not the general fund. They need the general revenue funds to run the general operation of the City. They have already taken some of the valuable lands in the city diverting any increases away from the general fund. At the time they felt it was impossible to include all of Holiday Isle without easily crippling the City’s general fund for 20-30 years, which is disastrous as they have already been constantly running short in general funds over the years. He added that if they try to reconsider this issue, they will run into the same problem they had before.

Councilmember Ramswell explained there were some elements of the Norriego Point project that had been brought before the committee for discussion in the past. The committee believes they were only getting bits and pieces of the south shore of the harbor and not everything; and so, she just wanted to get some clarity as to what exactly was included in the Harbor CRA boundary.

According to the City Attorney, the Harbor CRA Advisory Committee is in an advisory capacity to the CRA Board. Often times, the committee discusses a wide variety of issues that affect the harbor at large, but they do not actually oversee any of the development in the harbor. That process comes before the Council as described in the Land Development Code and Comprehensive Plan.

2) Harbor Capacity Study – identify the number of existing boat slips in the harbor

Councilmember Ramswell asked whether the Harbor Capacity Study will be able to identify the number of existing boat slips in the harbor.

Mr. Zunguze explained that they are looking at all capacity levels for the harbor – parking areas, vehicle transportation, and water transportation. Boat slips will also be covered in the study, including slips that are in the canal.

3) Water Quality Study

Councilmember Ramswell asked whether the harbor pump is running 24 hours a day. She also asked when the last water quality study was conducted in the harbor area.

According to Mr. Burgess, they have been running the pump 4-6 hours a day, and 2 hours every week in the wintertime to prevent it from freezing up. However, the pump has been down for a few weeks. They have ordered and received the necessary parts and plan to reassemble the pump and start running it again as soon as possible.

Mr. Burgess also reported that the last water quality study for the harbor areas was conducted in March 2021, and they just received the results several days ago.

Councilmember Ramswell noted a concern by many that water quality in many areas of the harbor is so horrible people do not want to swim in it. Different elements (mineral, metals) that are currently being tested are not the same as those that have been tested in the past. Past findings were so concerning there was actually a moratorium on building slips and any sorts of development along the harbor. Councilmember Ramswell asked staff to investigate the following:

- A comparison between what elements were tested back in 1999, what elements were tested in 2009, and what elements are being tested today. What is actually included in the water quality study being conducted periodically.
- What is the difference in terms of the elements? Why those elements tested in the past are no longer being tested?

4) Norriego Point Submerged Land Lease

Councilmember Ramswell asked the City Attorney to provide an update on the Norriego Point Submerged Land Lease.

The City Attorney reported that the major issue with this application is the requirement that they present engineering drawings along with the application to FDEP.. Staff has engaged in back-and-forth discussions on this matter with FDEP, and both sides have agreed to a pre-application meeting. They have two meetings scheduled with FDEP the next two weeks and Councilmember Ramswell plans to attend those meetings.

Next, Councilmember Ramswell noted she has sent an email to Mr. Burgess regarding the condition of the County right-of-way along Commons Drive with a request that it be mowed and attended to by the County. She asked Mr. Burgess to address the situation.

According to Mr. Burgess, staff has discussed this issue with the County. The County maintains that specific area in question along Commons Drive. The city has approached its median maintenance contractor for some proposals for improved maintenance in that area. He will discuss some of the options with the City Manager and obtain the County's concurrence.

Councilmember Ramswell announced that the Destin High School will be hosting the community Blessings of the Marketplace on Wednesday, May 12th during the Week of Blessings. Destin High School will be the recipient of any donations that they will receive. She urged everyone to participate in this event as well as all other events during the Week of Blessings.

C. Councilmember Destin

Councilmember Destin noted that Time Saver Oil Change on Mountain Drive has closed. They were under contract with the City to take used oil from people who change oil on boats. He asked staff to come up with a course of action to provide an environmentally safe and lawful place for people to dispose their used oil and advertise it accordingly.

Councilmember Destin asked when the speed bumps in front of Leonard Destin Park will be installed. The park's grand opening is scheduled later this month.

Mr. Burgess reported that they have received quotes from their continuing services contractor. They will be starting the milling and resurfacing of Beach Drive within the next two weeks, and they hope to tie in the two projects together. In addition, the 4-way stops on Sibert Avenue and Forrest Street have been advertised to start on May 7th.

D. Councilmember Overdier

E. Councilmember Hebert

- 1) Recommendation to delay repair of the boardwalk in front of Tailfins until November and any immediate boards that are damaged be replaced immediately, but no full replacement be made until the end of the season.

This item was pulled from the agenda.

F. Councilmember King

G. Councilmember Schmidt

- 1) Airport Road Curve – Update

Councilmember Schmidt requested an update on the Airport Road curve situation.

Mr. Burgess reported that according to FDOT representatives, the start of construction is scheduled for the first week of June 2021. They will be milling and resurfacing that section of Airport Road and installing a topcoat of the material called High Friction Surface Treatment. They will also be putting up some new signage to include a speed detecting speed limit signs as

well as new pavement markings in that area. They estimate this project to take two weeks to complete.

- 2) Nomination of Mr. Alexander Santos to the Town Center CRA Advisory Committee

Motion by Councilmember Schmidt, seconded by Councilmember Ramswell, to appoint Alexander Santos to the Town Center CRA Advisory Committee passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).

Councilmember Schmidt noted that a citizen recently sent Council some information about what she has been experiencing at her house on Cross Street as a result of a construction project. This homeowner believes she is being negatively impacted by a job being performed by a contractor hired by the city. Councilmember Schmidt asked if the city could give this citizen some assurances that they will provide her some assistance if she experiences some issues resulting from this project now and into the future.

The City Manager stated he has met with the citizen on the job site. He informed her that he cannot offer her a blanket warrantee or obligate future funds as this will violate their policies; however, he instructed her to contact the City immediately if she encounters some issues that she believes is caused by this work so that the City can promptly investigate and assist her in resolving the problem.

- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:11PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 19, 2021
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 Terésa Hebert
Councilmember Skip Overdier	Councilmember Prebble Ramswell
Councilmember Rodney Braden	Councilmember Kevin Schmidt
Councilmember Johnny King	Councilmember Dewey Destin

Destin City Staff

Deputy City Manager Webb Warren	City Clerk Rey Bailey
Code Compliance Manager Joey Forgione	Public Services Director Michael Burgess
City Engineer Donald Smith	Parks/Recreation Director Lisa Firth
Finance Director Krystal Strickland	Planner Daniel Butler
Grants/Project Manager Jeffrey Cozadd	IT Specialist James Lauria
HR Manager Nichole DeVito	Building Official Noelle Bell
City Land Use Attorney Kimberly Kopp (Virtual)	City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:00 pm. Pastor Kevin Wendt gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Overdier, to approve the agenda passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

1. APPROVAL OF MINUTES

A) Approval of minutes of March 1, 2021 Regular City Council Meeting

Councilmember King moved for approval of minutes of March 1, 2021 Regular City Council meeting; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITION / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A) Proclamation - Arbor Day Celebration

The Mayor read the Proclamation designating April 29, 2021 as *Arbor Day* in the City of Destin and then presented it to the members of the Parks and Recreation Committee.

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

Mr. Mike Buckingham, a Destin resident, provided an update on the progress at the Capt. Royal Melvin Heritage Park construction. He stated there was a big concrete pour for the foundation of the building a week ago. There were some concerns over the material and so they had it tested. The test came back negative, which means the material has failed to meet the requirements. He continued that the soil was good but too much water has been added to the material. He also stated he has provided an update to the contractor who will then come back with some idea on how they could solve this problem and move forward.

The City Attorney noted there are procedures in the contract to address this type of scenario; and since there is work which is not up to specifications of the engineer of record, the engineer of record, city staff, city engineer and all concerns will come together and determine the appropriate course of action.

Ms. Michelle Melancon, a Destin resident, reported that a “No Trespassing” sign suddenly appeared a week ago at the end of the pathway to the beach on Gulf Winds Court. No one seems to know the origin of this sign. She continued that the US Army Corp of Engineers (USACE) controls this area, and no one other than USACE has the right to place that sign. She asked the City to investigate.

The Council asked the Code Compliance Department to investigate this matter and report their findings to Council via email.

4. CITY MANAGER REPORTS

A) Capital Project Status

Finance Director Krystal Strickland presented a summary of the current capital improvements projects, showing status and year-to-date expenditures and encumbrances.

B) Operations Financial Report

Ms. Strickland presented the year-to-date budget versus actuals for the General Fund and the two community redevelopment areas.

Councilmember Hebert inquired whether there would be any additional expenses related to the delay of GoLive date for the COMPASS/Energov System.

Ms. Strickland pointed out that none of the contracts has any added expenses, and she knows nothing about any additional expenses related to the delay.

C) Destin High School Request to Transfer Water and Sewer ERU Credits

The City Attorney explained that the development of the Destin High School is ongoing and will ultimately result in an increased impact on the water and sewer system run by Destin Water Users, Inc. To mitigate this increased impact, DWU will require the payment of impact fees. Impact fees are charged and calculated based upon an Equivalent Residential Unit (ERU) credits. Through acquisition of various parcels over the preceding years, the City has acquired a number of ERU credits. These credits may be used in lieu of impact fee payment. No action is recommended tonight as this item is merely introductory in nature with more information forthcoming at a future Council meeting for a formal transfer of the credits.

Ms. Myra Williams and Mr. Jimmy Nielsen, both Destin residents, spoke on behalf of the Destin High School urging the City to consider transferring some of the ERU credits to the school to prevent them from having to raise more money.

D) Utility Undergrounding - Utility Consultants of Florida - Task Order 1

The Deputy City Manager noted that undergrounding of utilities project is an initiative identified as part of the City's Strategic Plan. The City Council accepted the project management agreement with Utility Consultants of Florida. The project management agreement will allow the City to issue task assignments to this company and will allow the company to begin the activities outlined in it and will serve as the scope of service for first year activities. The Task Order has been prepared with inputs from City staff, the City attorney, the City's undergrounding consultant Schef Wright, Councilmember Dewey Destin and the Utility Consultants of Florida.

The City Attorney stated this Task Order will provide much-needed information that will prove useful in helping the City identify future steps in the utility undergrounding process.

According to Mr. Schef Wright, this is all part of the parallel process of negotiating a new franchise and getting a sound underground facilities conversion agreement with Gulf Power. They currently have a draft franchise agreement asking for better terms for the City which is currently being reviewed by Gulf Power. He continued that with the agreement with Utility Consultants of Florida, they would be able to identify things that need to be done for phase 1 of the project, as well as identifying the existing overhead facilities that need to be converted, not just the electric but also cable and telecommunications, and provide conceptual phasing for the rest of the City.

Councilmember Schmidt moved to execute Task Order 1 of the Destin Utility Undergrounding Project Management Agreement with Utility Consultants of Florida; seconded by Councilmember Destin.

Councilmember Destin noted that securing the franchise agreement with NextEra sooner rather than later is of utmost importance; otherwise, they would be moving forward with a project they would not have the ability to complete.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

E) Support of Bill to Consolidate Utility Poles - SB 1944/HB 1567

The Deputy City Manager noted that NextEra has reached out to the City asking for its support of Senate Bill 1944 and House Bill 1567. For nearly 15 years, Florida Power & Light has been enhancing the energy grid to make it stronger and more storm-resilient, which includes installing new poles that can withstand hurricane-force winds. Before they can remove an old pole, they must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situation, which, while unsightly, often do not affect the reliable service provided to customers. Proposed legislation provides a new process to remove redundant poles and streamline disputes between utilities, among other issues, under the authority of the Florida Public Service Commission. Consolidating utility poles should help provide increased storm resiliency for critical infrastructure as well as simplify future undergrounding opportunities. If authorized, City staff will send a letter of support for the bills.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to authorize and direct the Mayor and City Manager to send the letter of support for SB 1944 and HB 1567 to the State legislature passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

F) Funding requests from Emerald Coast Fitness Foundation and Okaloosa County Watersports Operators Coalition

According to the Deputy City Manager, two non-profit entities made requests for donations at a previous Council meeting for donations that were approved by Council. The Emerald Coast Fitness Foundation requested \$25,000 for operations, and the Okaloosa County Watersport Operators Coalition requested a donation of \$8,000 to support production of water safety videos. Council directed the City Manager to coordinate with the City’s Finance Director to identify the appropriate budget accounts from which to donate this money this fiscal year. The Finance Director recommends using available budget in the Human Services Contingency Account and Economic Development Contingency Account for the \$25,000 donation to the Emerald Coast Fitness Foundation. The Finance Director also recommends taking \$8,000 from the Council Travel Account for the safety videos, which will likely go largely unused this fiscal year due to fewer in-person conferences for municipal officials because of the COVID-19 pandemic.

Councilmember Destin moved to approve the recommended internal budget transfers and direct staff to coordinate a donation of \$25,000 to the Emerald Coast Fitness Foundation for operations and a donation of \$8,000 to the Okaloosa County Watersports Operators Coalition for production of water safety videos. Councilmember Ramswell provided a second to the motion.

Councilmember Overdier asked whether the other 3 entities – City of Fort Walton Beach, the Okaloosa School District, and Okaloosa County – have agreed to provide similar donations to the Emerald Coast Fitness Foundation.

Ms. Kathy Hippie, Emerald Coast Fitness Foundation Board member, noted they have received approval from Okaloosa School District, and they will approach the City of Fort Walton

Beach next. She added that the Okaloosa County Board of Commission has already agreed to provide assistance once donations are received from the other 3 entities.

Councilmember Braden asked how the safety videos would benefit the City of Destin.

The Deputy City Manager explained that the current safety videos are non-specific, and that the new safety videos will be more relevant to Destin areas and the waters of Okaloosa County.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

G) Flood Plain Map and Development Issues

The City’s Building Official Noelle Bell provided the following presentation:

Floodplain Map and Development – Proposed Modification to Ordinance 18-05-LC and Ordinance 18-07-CC

- City Council directed staff to determine how the new floodplain maps will affect development in Destin and to bring any proposed changes to the current flood ordinance that would improve development in designated Special Flood Hazard Areas (SFHA)
- Identified Changes – the Base Flood Elevation (BFE) in designated SFHA were decreased by 1 – 2 feet.

CURRENT DESIGN STANDARDS:

- Design Standards for AE zones
 - ❖ Building or structures in flood hazard areas (AE zone) shall have the lowest floors elevated to or above the BFE plus 2 feet, or Design Flood Elevation (DFE), whichever is highest.
 - ❖ Enclosed areas below DFE shall be used solely for parking, building access, and storage.
 - ❖ Areas below DFE are provided with flood openings (i.e., 1 square inch opening for each square foot of enclosed area).
 - ❖ If enclosed area is used for parking shall be enclosed with lattice, screening, or material that permits unobstructed flow of flood waters.
 - ❖ Non-conversion agreement is required.
 - ❖ Building access and storage can be no more than 200 square feet and only 70 square feet can be used for storage.
- Design standards for VE zones (High Coastal Hazard Areas) are the same as AE zones, except (*See Attachment*):

- ❖ Building or structures in coastal high hazard areas (VE zone) shall be elevated so that the bottom of the lowest horizontal member shall be above the BFE plus 2 feet, or DFE, whichever is highest.
- ❖ Use of fill material for structural support is prohibited.

CHALLENGES OF CURRENT DESIGN STANDARDS:

- Flood regulations and design standards are located in two different locations – the LDC and Code of Ordinances. This causes confusion for the public.
- The City's current flood design standards:
 - ❖ Similar for both VE and AE flood zones. It is a one size fits all approach to floodplain management. However, it is important to note, these areas are drastically different areas and should not share the same design characteristics.
 - ❖ Allow fill material in the AE zones. This increases the chance of flooding for existing adjacent properties that are in low lying areas.
 - ❖ The current design standard is the most restrictive. Can drastically change the physical and visual characteristics of a neighborhood. Although it may create the most protective environment possible for our residents, it can be restrictive and burdensome to development and/or redevelopment based on the level of risk. Furthermore, the standards are not based on a risk analysis feasibility study.

PROPOSED SOLUTIONS TO CHALLENGES:

- Flood regulations and design standards located in LDC only
 - ❖ Revise Ordinance 18-05-LC to include the revised technical amendments that support the City's Community Rating System (CRS) design standards. This will allow for all flood regulations and design requirements to be found in *Article 11.04.00 – Floodplain Management, Land Development Code*.
- Define and designate our Coastal A zones, versus the Non-Coastal A Zones, Eliminate the use of fill material in AE zones, and Revise Non-Coastal A design requirements:
 - ❖ Define and designate the Coastal A Zone per the City's Comprehensive Plan. Under the CRS program, these areas are subject to higher regulatory standards due to potential storm surge. The flood elevations were lowered on Holiday Isle when the new maps became effective. However, this area is more susceptible to storm surge. Staff proposes designating Holiday Isle, and those areas already defined by the limited area of minimum wave action (LiMWA) as Coastal A on the new flood maps.
 - ❖ Eliminate the use of fill material in AE zones or designated low-lying areas. This will reduce flooding impacts to nearby property.
 - ❖ Revise the 2-foot freeboard requirement for structures in the Non-Coastal A zone and use the flood design standards from the Florida Building Code, which requires a 1-foot free board or Design Flood Elevation (DFE), whichever is higher. *Note: will require amending Ordinance 20-01-PC, which established the higher design standards in the Comprehensive Plan. (i.e., 2-foot free board)*

ADVANTAGES OF THE PROPOSED CHANGES:

- Flood regulations will be located in the LDC ONLY
- Higher regulatory construction standards will be maintained in the designated High Coastal Hazard Areas (i.e., Holiday Isle)
- Coastal A Zones will be designated, and the design standards defined for Coastal and Non-Coastal A or AE Zones.
- Utilize regulatory design standards based upon 1-foot freeboard requirement established by the Florida Building Code. This will help establish clear development and redevelopment standards, and will allow for enclosed spaces (i.e., garage) to be designed below base flood elevation in designated Non-Coastal AE Zones.
- Eliminate the use of fill material in AE Zone or identified low-lying areas to reduce the potential risk of elevating the parcel allowing water to displace onto adjacent parcels.
- No decrease in CRS rating

DISADVANTAGES OF THE PROPOSED CHANGES:

- Perception of lowering standards in AE zones. However, the design standard in AE zones will meet the Florida Building Code 1-foot free board requirement for development or redevelopment in designated SFHA.
- Requirements of no fill material may increase construction and maintenance cost

CONCLUSION:

- The proposed solutions will maintain higher regulatory standards in High Coastal Hazard Areas (i.e., VE and Coastal A zones), while better defining the design standards for Non-Coastal A zones and AE zones
- Staff seeks direction from City Council regarding whether to proceed with the proposed changes to Ordinance 18-05-LC & 18-07-CC or to maintain the current Level of Service (LOS) for flood regulations.

The Mayor asked what this would cost the homeowners in designated high risk flood zones.

Ms. Bell stated that it should not reflect any changes to their current payments, and it should not negatively impact their current CRS rating or lower their points at this time. She added it would only affect new developments if they went to a more defined regulatory language in the Land Development Code.

Councilmember Braden moved to direct staff to proceed with the proposed changes to Ordinances 18-05-LC and 18-07-CC; seconded by Councilmember Hebert.

Councilmember stated that since they are under a cycle review, how confident should they be their CRS rating would not be downgraded.

Ms. Bell explained that the cycle review is conducted every 5 years, and that their cycle review is currently being conducted under their current ordinance. These changes would not be included until the next cycle review.

H) Zerbe-Calhoun Pedestrian Improvements Project, Boardwalk section

Public Works Director Michael Burgess presented the following 3 options:

[illegible]

CTP Sidewalk Crossing Option 2



- Sidewalk from the driveway of the wedding chapel/future fire station location
- Extend an 8 to 10-foot sidewalk in and amongst the Live Oak Trees, and then it would cross the driveway and come out on the other side
- There would be an angular pedestrian crossing with the enhanced visibility crosswalk
- Two rectangular rapid flashing beacons available for pedestrians

CTP Sidewalk Crossing Option 3



- Crossing at the fire station
- 10-foot sidewalk extend up to west side of Calhoun Avenue, and extend across the street using the visually enhanced crosswalk pattern
- The sidewalk on the east side of Calhoun Avenue is not part of the Zerbe-Calhoun Pedestrian Improvements Project. It is only 4-feet wide
- There are some utility conflicts, storm sewer and a headwall which directs storm water under the road to a retention area on the northwest corner
- Sidewalk not in pristine condition

Councilmember Schmidt moved to direct the City Manager to work with the contractor to install a sidewalk section in the interior of the park instead of the elevated boardwalk sections along Calhoun Avenue; seconded by Councilmember Ramswell.

Councilmember Destin asked whether the motion, if it passes, would cost the City more money.

According to Mr. Burgess, the bid amount on the boardwalk section was \$80,000, and he does not expect the short sidewalk section to cost nearly as much.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

I) Direction on Enhancing Payment Technology for Harbor District Parking Lots

The Deputy City Manager noted that at the March 15, 2021 City Council meeting, a presentation was provided to Council on the status of paid parking in Destin. Paid parking in Destin is handled through the digital Passport Parking System. This system provides options to pay for parking through a phone app, a website interface text messaging, through Google maps, apple pay as well as phone call-based transactions. A potential option to add additional forms of payment technology is to provide kiosks or other hardware-based solutions. The company that fully integrates with the City’s current Passport Parking System only provides kiosks that are cell data driven. Other comparable kiosks with additional connectivity options such as WIFI or hard-wired internet are not compatible with the Passport Parking System. Further research and work are required in order to potentially find payment options without the use of additional apps and services outside of the Passport Parking System. Staff remains in contact with vendors and services and are still waiting on additional information as it pertains to the City’s paid parking lots. Information are not being received in a timely manner possibly due to the pandemic. Staff requests further direction on this item. Any potential option would have a best case install timeframe of mid-July 2021. There is no FY 2021 budget allocated for additional payment options. Staff recommends researching possible payment options and planning a possible project through the FY 2022 budget process.

Councilmember Destin stated that the two questions he has are how to get people to use the parking lots and how to make them pay in an easier manner. He continued that the former can be handled easily through proper wayfinding signage, using larger signs or banners to notify people of available public parking lots and prevent them from having to drive around looking for a place to park; and this needs to be implemented before Memorial Day this year. The latter may

take quite a bit more time to implement. He would support staff's recommendation of taking a comprehensive approach in pursuing additional payment options compatible with the existing system and planning a possible project through the FY 2022 budget process.

It was the consensus of the Council to have staff take a comprehensive approach in pursuing additional payment options, compatible with the existing Passport Parking System, through the FY 2022 budget process, and to implement any good solutions in the fall during the off season. Also, for staff to bring back a report on directional signage and other means of informing people of public parking lot locations that can be implemented before Memorial Day.

J) Announcements:

The Deputy City Manager made the following announcements.

- Crosstown Connector Workshop on Monday, May 10th, at 5:30 PM
- Beginning Tuesday, April 20th, DWU will continue their installation of reclaim water main across Airport Road, which will impact surrounding roadways in the area. Motorists are encouraged to avoid Airport Road during this construction
- The City recently hired two planners and a building inspector

5. PUBLIC HEARINGS

A) Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as "Holiday Inn Express Addition". The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres. No changes to the other approved uses or site improvements are proposed.

The City Attorney sworn in the following individuals for testimony:

- City Engineer Donald Smith
- City Planner Daniel Butler
- Jerry Campbell, applicant

At this time, the City Attorney asked each member of the Council to disclose any ex parte communications on this matter.

The Mayor and each member of the Council announced they have not been involved in any ex parte communications regarding this project.

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

Councilmember Hebert moved to approve the Major Deviation to a Major Development Order identified as “Crystal Beach Plaza 9th Amendment – Holiday Inn Express Addition”; seconded by Councilmember Overdier.

Councilmember Destin inquired as to the parking requirements for the hotel.

Mr. Campbell replied it is one space per 100 square feet.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

B) Second reading of Ordinance 21-02-LC - Amending the official Zoning Map as referenced in the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of the parcels from Low Density Residential - Village (LDR-V) to Residential, Office and Institutional-Village Residential (ROI-VR)

The City Attorney read Ordinance 21-02-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM LOW DENSITY RESIDENTIAL - VILLAGE (LDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190)

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.

Councilmember Schmidt moved for approval of Ordinance 21-02-LC on second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

C) Second reading of Ordinance 21-06-LC - Amending Article 7 of the Land Development Code - Land Use, Type, Density, Intensity, Zoning and Regulatory Controls; amending Table 7-2 - Table of Allowable Uses to include police protection and fire protection as a conditional use in all city zoning districts; providing for consistency with the City's Comprehensive Plan

The City Attorney read Ordinance 21-06-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND 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.

Councilmember Destin moved for approval of Ordinance 21-06-LC on second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

D) Second reading of Ordinance 21-07-LC - Relating to preserving the historic Zerbe-Calhoun area within the City of Destin; amending Article 7 of the Land Development Code - Land Use, Type, Density, Intensity, Zoning and Regulatory Controls to create a Zerbe-Calhoun historic district overlay.

The City Attorney read Ordinance 21-07-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC ZERBE-CALHOUN AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO CREATE A ZERBE-CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

Councilmember Ramswell moved for approval of Ordinance 21-07-LC on second reading; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

6. CONSENT AGENDA

A) Draft Minutes of Advisory Committees and Boards

B) Request approval of Councilmember Teresa Hebert's enrollment in the Destin Chamber of Commerce Destin Forward Class

There was a brief discussion relative to Consent Agenda 6B. Councilmember Ramswell noted that individuals used to attend the Destin Forward class and then run for Council. There have also been Council members that had requested to attend different classes and training. One of the requirements was for the class or training to actually benefits the City.

Mr. Shane Moody, President and CEO of the Chamber of Commerce, and sponsor of the Destin Forward class, explained it is a community education and leadership class. The class has to complete projects that benefits the City of Destin. He stated that the present class has completed several projects for the Destin History and Fishing Museum. They created the memorial sign for Capt. Leonard Destin Heritage Park. They have also just purchased the Oak Tree that will be donated to the City for planting during the upcoming Arbor Day. He added that attendance at this class by City staff or elected officials serves to continue to build the partnership between the Chambers and the City.

Councilmember Destin moved for approval of Consent Agenda items 6B; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Schmidt, King, Overdier, Destin, Ramswell, and Braden voted “yes”; Councilmember Hebert abstained from voting).

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

A. Councilmember Braden

B. Councilmember Ramswell

1) Utility box art project

Councilmember Ramswell gave a slide presentation that explained the project and provided some examples of the project.

➤ Background

❖ Started in New Orleans by Community Visions Unlimited as a plan to revitalize neighborhoods with an art focus

❖ Goals:

▪ Create beauty and economic development through works of art

- Revitalize neighborhoods while assisting the local art community to rebuild
- ❖ Discovered that painted boxes are no longer “tagged” – only 3 boxes in 10 years were tagged
- ❖ The boxes really help eliminate litter and graffiti making the neighborhood feel safer
- ❖ This in turn makes people want to invest in business opportunities as well
- ❖ Now expanded beyond the Metro New Orleans Area and including phone, gas, cable, and other boxes

Why Destin?

- A few of the potential benefits:
 - ❖ Beautification
 - ❖ Creating beauty from traditional eyesores
 - ❖ Revitalization of neighborhoods
 - ❖ Sense of pride in the community
 - ❖ Civic engagement
 - ❖ Increased community awareness
 - ❖ Community and economic development
- Partnerships and fundraising opportunities
 - ❖ Sponsorships
 - ❖ Donations
 - ❖ Mini-box auctions
- Potential Partnerships
 - ❖ Mattie Kelly Arts Foundation
 - ❖ Garden Club
 - ❖ Destin Elementary
 - ❖ Destin Middle School
 - ❖ Destin High School
 - ❖ Churches
 - ❖ Main Street Business Alliance
 - ❖ Destin Chamber
 - ❖ Fishing Museum
 - ❖ Fishing Fleet
 - ❖ First Responders
 - ❖ Hotels
 - ❖ Restaurants
 - ❖ TDD
 - ❖ Homeowners Associations

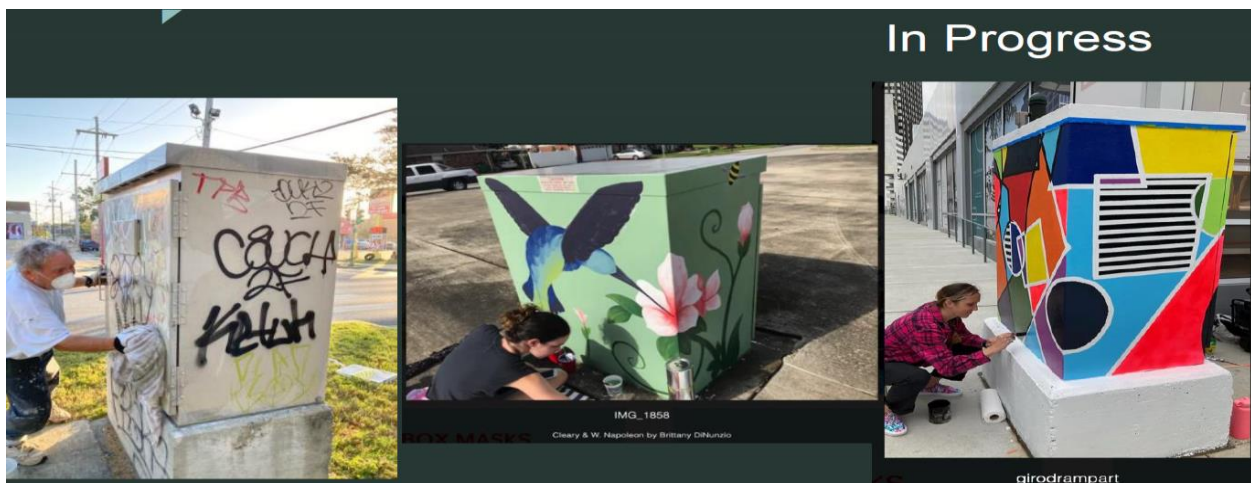
Special Notes

- Special paint is used. Lasts for over 10 years in southern sun/coastal conditions
- No damage to boxes/containers. They remain accessible. Only change is in appearance

- Buy-in/permissions needed from utility owners/providers
 - ❖ Gulf Power
 - ❖ DWU
 - ❖ Waste Management (dumpsters)
 - ❖ Okaloosa Gas

How Would It Work?

- Identification of Project Coordinator/Manager
 - ❖ Councilmember Ramswell volunteers to spearhead/assist (as desired)
 - ❖ Community Development Director Louis Zunguze on-board
- Locate boxes of interest and their owners
- Work with Gulf Power and other utility providers for permissions (initial contact with Gulf Power already made)
- Decide whether specific partners/sponsors will provide all materials for all boxes and/or individual community organizations reach out to find their own sponsors
- Depending on this decision, City can reach out to groups/organizations and assign (similar to Adopt-A-Street)
- Determine acquisition and disbursement of proper materials
- Establish parameters (no vulgarity, etc.) expectations of box decoration



Councilmember Ramswell volunteers to spearhead the effort of moving forward with the project; adding it is a perfect opportunity for people to work together to beautify the community.

Several Councilmembers spoke in support of the initiative. Councilmember Destin recommends following the Adopt-A-Street Program concept and managing this arts project similar to the way they manage that program.

Mr. Burgess noted that many of the boxes shown on the slides were traffic control boxes, and that there are several similar boxes in the City. He offered to reach out to the FDOT permitting representative and get him in touch with Councilmember Ramswell.

2) Gulf Shore Drive extension - update

The City Attorney stated that this is an ongoing concern to the City because they want to provide access to the park that they are building on Norriego Point. As previously discussed, there is a development application on the properties adjacent to this right-of-way, and there is an ongoing issue related to the location of the right-of-way and payment for construction of the right-of-way. This issue will come to the Council for resolution as a quasi-judicial matter prior to the opening of the park. Because of the quasi-judicial future proceeding, it is advisable to avoid any further discussion of this issue at this time.

Councilmember Ramswell asked how they could open the park if they do not have the road going into it.

According to the City Attorney, people could park at the end of the currently constructed walk and use that walk in the interim until the right-of-way is fully constructed; and there would also be an approximately 25-foot construction road leading into the park when construction on the final phase of the park begins. He also anticipates the road being fully constructed, or at least in the process of being constructed, by the time the park is opened.

Councilmember Ramswell asked that Council be kept apprised on the progress of the ongoing access issue.

Next, Councilmember Ramswell stated that she has received a complaint about a 5G cell tower that was put in on Indian Trail. She asked if that tower was erected on the City right-of-way or on a private property.

According to the Building Official Noelle Bell, most of the 5G poles that have been placed around town had to obtain both a right-of-way permit and building permit from the City of Destin because of their electrical systems.

The Mayor mentioned that two years ago the Florida Legislature passed a law that prevents municipalities from regulating placement of 5G towers in their community.

Councilmember Ramswell requested a map showing locations in Destin where these cell towers are being placed.

Next, Councilmember Ramswell asked staff to investigate the closure of the west side entrance to the Emerald Grande. There have been some complaints it is causing traffic back-up over the Marler Bridge.

The City Engineer Donald Smith explained that the Emerald Grande replaced some of their air conditioning units. It required a crane and so the street was blocked for the placement of those units. The street has since reopened. They were assured it was a one-time event, but they will investigate and report back to Council.

Councilmember Braden asked staff to also investigate complaints from several people about Oak Trees planted in the same area that are blocking their view of the red traffic light around the curve as they come off the Marler Bridge.

3) Memorial Plaque for Kohltan Ward

Councilmember Ramswell stated that members of the community have come together and have been very supportive ever since the accident happened involving Kohltan Ward. A lot of ideas about how they could show love and respect for him and his family have been discussed; one of which was to erect a “Kohltan Korner” memorial plaque where the accident occurred. Kohltan’s family is completely on board with this idea and can assist in wording that would be meaningful to them.

Councilmember Ramswell moved to use Council funds to erect a “Kohltan Korner” memorial plaque at the intersection of Main Street and Kelly Street; seconded by Councilmember Braden.

Councilmember Schmidt pointed out there is a utility box at that location which they could probably consider as the initial project as they implement Councilmember Ramswell’s utility box art project idea.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

Councilmember Ramswell requested that the following items be placed on the next Council meeting agenda:

- Determining the Harbor CRA Boundary Line
- Having the Capacity Study identify the total number of boat slips in the harbor

Councilmember Ramswell asked staff to investigate 4 derelict vessels that are out in the middle of the harbor and determine what action the City can take and when in order to get rid of the vessels.

- C. Councilmember Destin
- D. Councilmember Overdier
- E. Councilmember Hebert

- 1) Nomination/Appointment of Ms. Daniella Piper to the Board of Adjustment

Councilmember Hebert moved to appoint Ms. Daniella Piper to the Board of Adjustment; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

- 2) Recommend boardwalk in front of Tailfins be delayed until November and any immediate boards that are damaged be replaced but not a full replacement until end of season

Councilmember Hebert moved to delay repair of the boardwalk in front of Tailfins until November, and any immediate boards that are damaged be replaced immediately, but no full replacement be made until end of season. Councilmember Ramswell provided a second to the motion.

According to Councilmember Hebert, she has already spoken to City staff and Parks and Recreation Committee about the possibility of delaying this project until the end of the season as there is no chance to complete it within 6 weeks and they are already nearing the 100 days of summer.

Councilmember Destin asked if by doing so whether they could still maintain the safety of the people and the integrity of the boardwalk.

According to the Deputy City Manager, staff’s goal is to expedite this project as much as possible examining the integrity of the structure while preserving the safety of the public.

Motion failed 3-4 (Council members King, Hebert, and Ramswell voted “yes”; Council members Schmidt, Overdier, Destin, and Braden voted “no”).

Councilmember Ramswell stated if there are safety concerns underneath the boardwalk, Tailfins should be willing to lose some income rather than having someone sustain some injuries and risk litigation.

Councilmember Hebert offered another motion to skip Tailfins, repairing only boards that are damaged, and continuing on to the next section of the boardwalk; and then coming back to do a full repair by August. Councilmember Ramswell provided a second for discussion.

Councilmember Hebert stated this would allow Tailfins to operate without disruption for part of the season.

The City Attorney recommends changing the motion to a motion to reconsider the previous action since it is closed enough to the motion that failed; and then have staff look into this issue a little bit more and address it again at the next meeting.

Councilmember Hebert moved to continue this item to the next meeting, seconded by Councilmember Schmidt. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

Councilmember Hebert reported receiving several complaints over the weekend regarding helicopters flying a lot lower than 500 feet above the residential areas and that she had asked the Code Compliance Manager Joey Forgione to address this issue.

According to Mr. Forgione, the helicopters are required to fly at least 1000 feet to the south of the beach and maintain at least 500 feet clearance above the residential areas; adding that the airport tower and the FAA will be monitoring their flight pattern.

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt requested that staff provides an update on the Airport Road curve at the next meeting.

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

8. PUBLIC COMMENTS

Ms. Sandy Trammell reported there are 5G black poles which have been in the City of Destin for many years. They are collector poles that feed to a main tower. No company has improved or added to their main towers. These poles are still collecting cell phone information which are not going anywhere. Recommend the City urge cell phone companies to erect more of the larger towers to intake all the smaller towers.

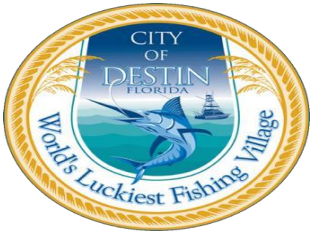
Councilmember Ramswell asked staff to investigate the issue Ms. Trammell brought forth and find out if there is any way to differentiate among 3G, 4G, and 5G towers and collect any information available.

Having no further business at this time, the meeting was adjourned at 8:45 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk



City of Destin

Proclamation

Code Enforcement Officers' Appreciation Week

WHEREAS, Code Enforcement Officers provide for the safety, health, and welfare of the citizens in this community through the enforcement of building, zoning, housing, animal control, fire safety, environmental and other codes, and ordinances; and

WHEREAS, Code Enforcement Officers are often not credited for the jobs that they do in saving lives and improving neighborhoods; and

WHEREAS, every day, assisted by support and program staff, they attempt to provide quality customer service to the public for the betterment of the community; and

WHEREAS too many times their efforts go unnoticed even after code compliance has been accomplished due to their efforts and expertise; and

WHEREAS, Code Enforcement Officers are dedicated, well trained, and highly responsible individuals who take their jobs seriously and are proud of their department and the local government within which they serve; and

WHEREAS, the Florida Association of Code Enforcement (F.A.C.E.) has declared the first week of June be set aside by local government to honor and recognize their Code Enforcement Officers.

NOW, THEREFORE I, Mayor Gary Jarvis, on behalf of the Destin City Council, do hereby proclaim the week of **June 7 - 11, 2021** as

CODE ENFORCEMENT OFFICERS' APPRECIATION WEEK

in Destin, Florida, in accordance with the statewide observance of the same and encourage the citizens of Destin, Florida to join in expressing appreciation for the dedication and outstanding service provided by the individuals who serve as our Code Enforcement Officers.

SO DONE THIS 7TH DAY OF JUNE 2021

By:

Gary Jarvis, Mayor

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Presentation

AGENDA OUTLINE NUMBER: 2.B.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Tourist Development Department Update - Jennifer Adams

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Destin Council Mtg

A full-page photograph of two young boys playing in the ocean surf. The boy on the left is in the foreground, partially submerged, wearing dark swim trunks. The boy on the right is standing in the surf, wearing colorful striped swim trunks, with his arms raised and a large splash of water around him. The background shows a bright, cloudy sky and the ocean horizon. The text 'DESTIN FORT WALTON BEACH FLORIDA' is centered in the middle of the image.

**DESTIN
FORT
WALTON
BEACH**
FLORIDA



Summer Atlanta Initiative

What's the problem?

More Atlanta families vacation here.

They come more often.

But spend and adventure much less
so they aren't connected to the place.



Strategy:

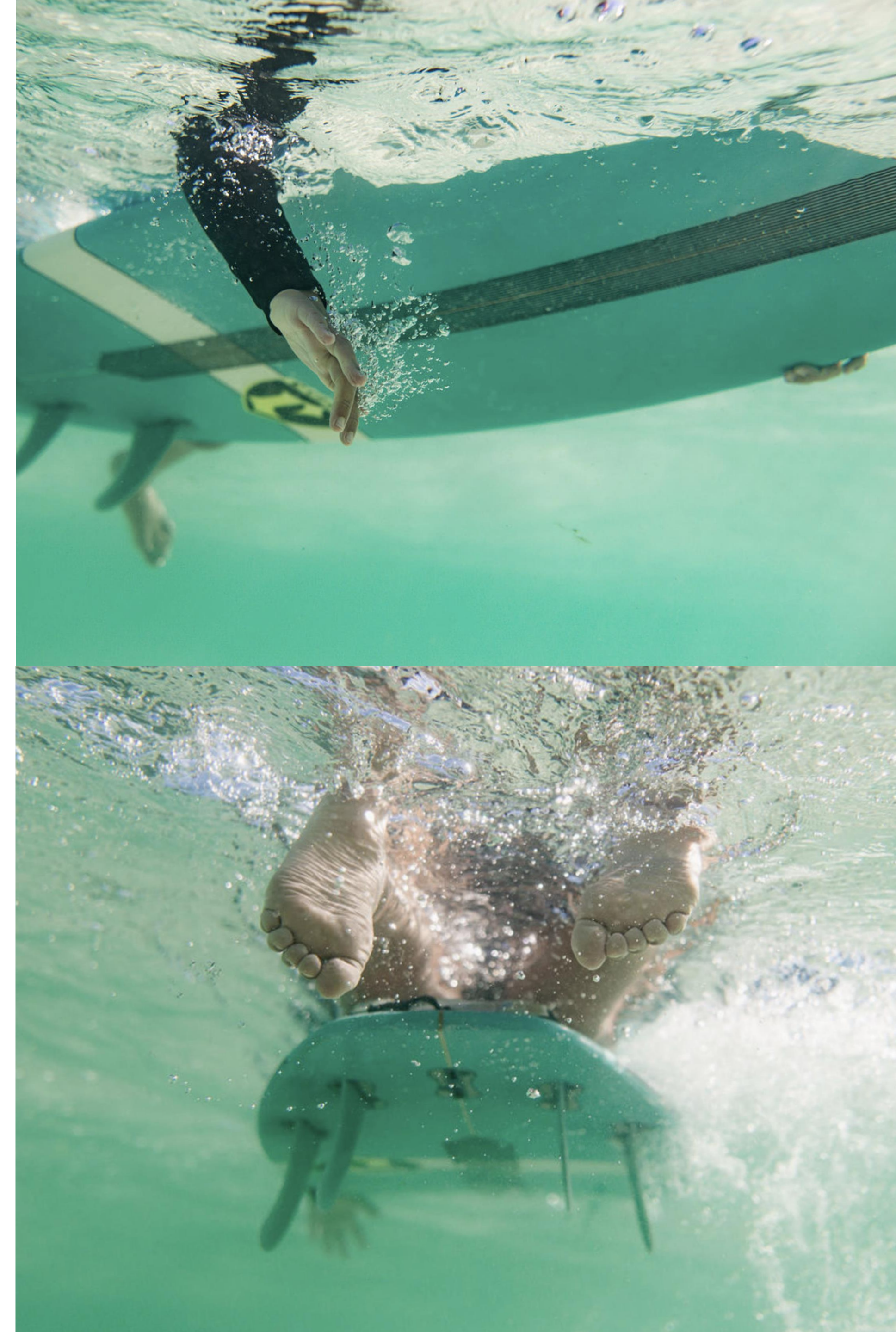
Talk to Atlanta families already in DFWB on vacation.

What do we want Atlanta families to do?

Break the routine. Try one new Little Adventure after they've relaxed on the beach for a few days. Increase what they spend on their trip by 7.6%.

How will we get them to try something new?

By meeting them where they are through unexpected activations and strategic media targeting and messaging.



Connecting with
Mom in her
downtime



Through Paid Social

**Visit Destin-Fort Walton Beach**
Sponsored · 🌐

Looking for something to do before dinner? Norriego Point is only a few minutes away—head there and let your kids search for hermit crabs along the rocks.



[DESTINFWB.COM](#)
Explore our Little Adventures
Try something new today!
[Learn More](#)

 Like  Comment  Share

**Visit Destin-Fort Walton Beach**
Sponsored · 🌐

Morning is the perfect time to grab a snorkel and explore Henderson Beach State Park's artificial reef. You may even spot a sea turtle!

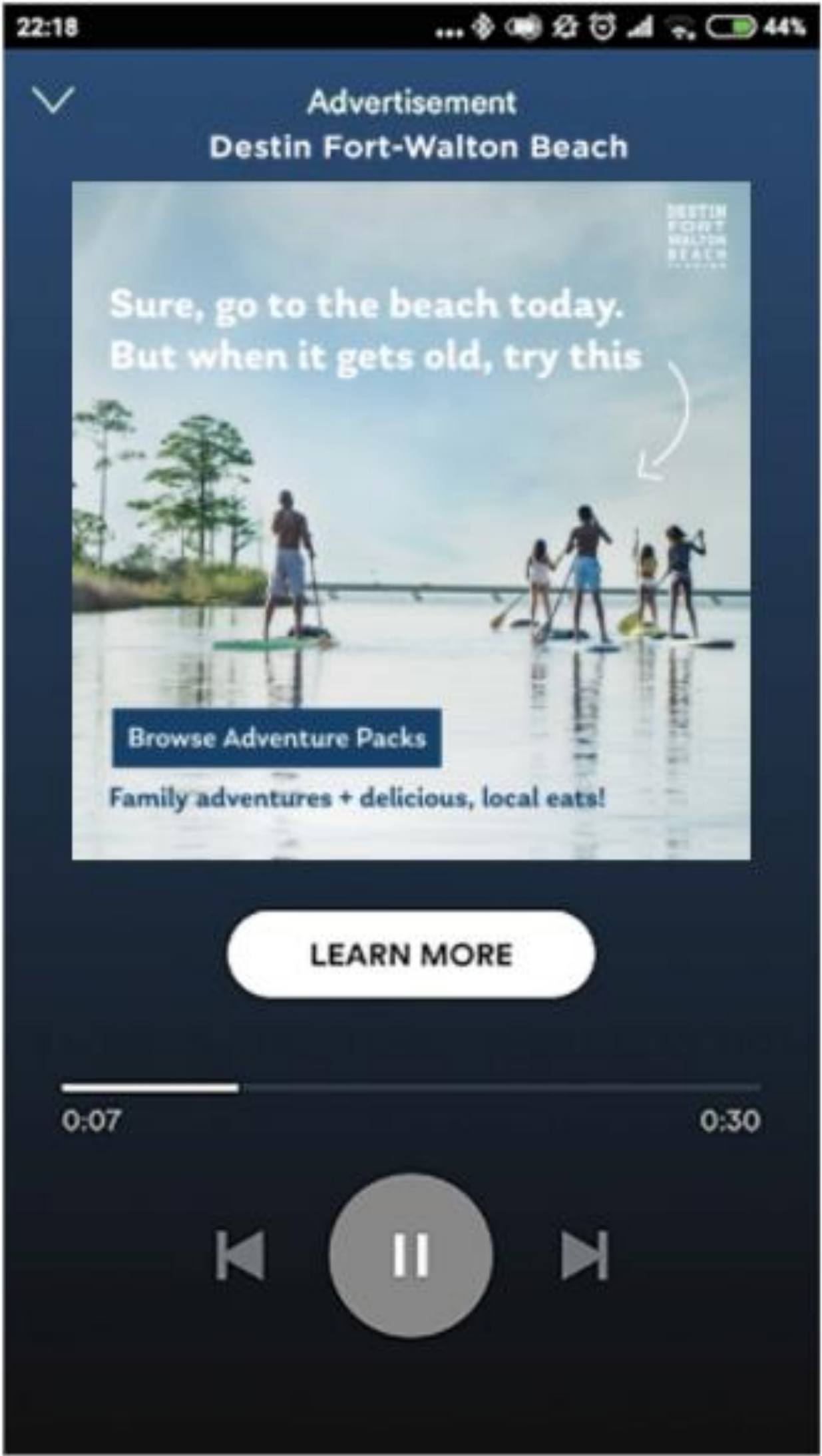


[DESTINFWB.COM](#)
Explore our Little Adventures
Try something new today!
[Learn More](#)

 Like  Comment  Share



Through Music Apps and Podcasts



Through Screens

DESTIN
FORT
WALTON
BEACH
FLORIDA



COX
MEDIA

Bally
SPORTS

Partner Activations



Experiential Activations



A photograph of four people on a beach at sunset. The sun is low on the horizon, creating a warm, golden glow. The people are silhouetted against the bright sky. From left to right: a woman with long dark hair, a man with curly hair, a person with short hair, and another person with short hair. They are all looking towards the right, towards the sunset. The text "Wayfinder Network" is overlaid in the center in a white, sans-serif font.

Wayfinder Network

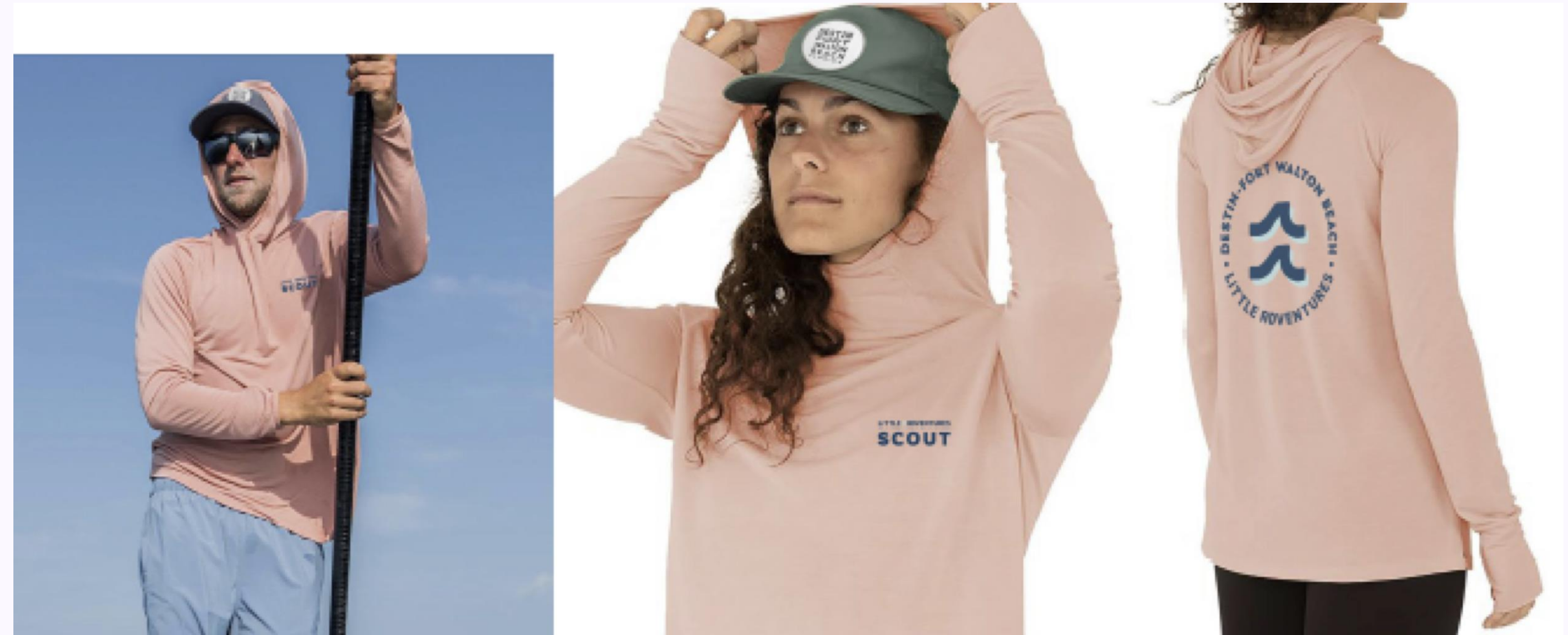
A wide-angle photograph of a beach at sunset. The sky is a mix of orange, yellow, and blue, with some clouds. The ocean is dark blue, and the sand is light-colored. In the distance, three people are standing in the shallow water. The title 'Wayfinder Network' is overlaid in white text on the left side of the image.

Wayfinder Network

Introduce families to Little Adventures as a way to get them to explore beyond the typical and connect with local experts.

LITTLE 
ADVENTURES
SCOUT

LITTLE 
ADVENTURES
EXPERT





Pop-Ups

Snorkel & See Creatures.

30-45 minute intro

Novice level, Kids 5-10, 10 to a group

Two instructors

Join The Pinfish Patrol.

60-minute intro to bait fishing

Novice level, Kids 5-10, 10 to a group

Two instructors

Try The Net Fling Thing.

60-minute intro to cast netting

Intermediate, Pre-teen

Morning class, Instructor

5-7 to a group

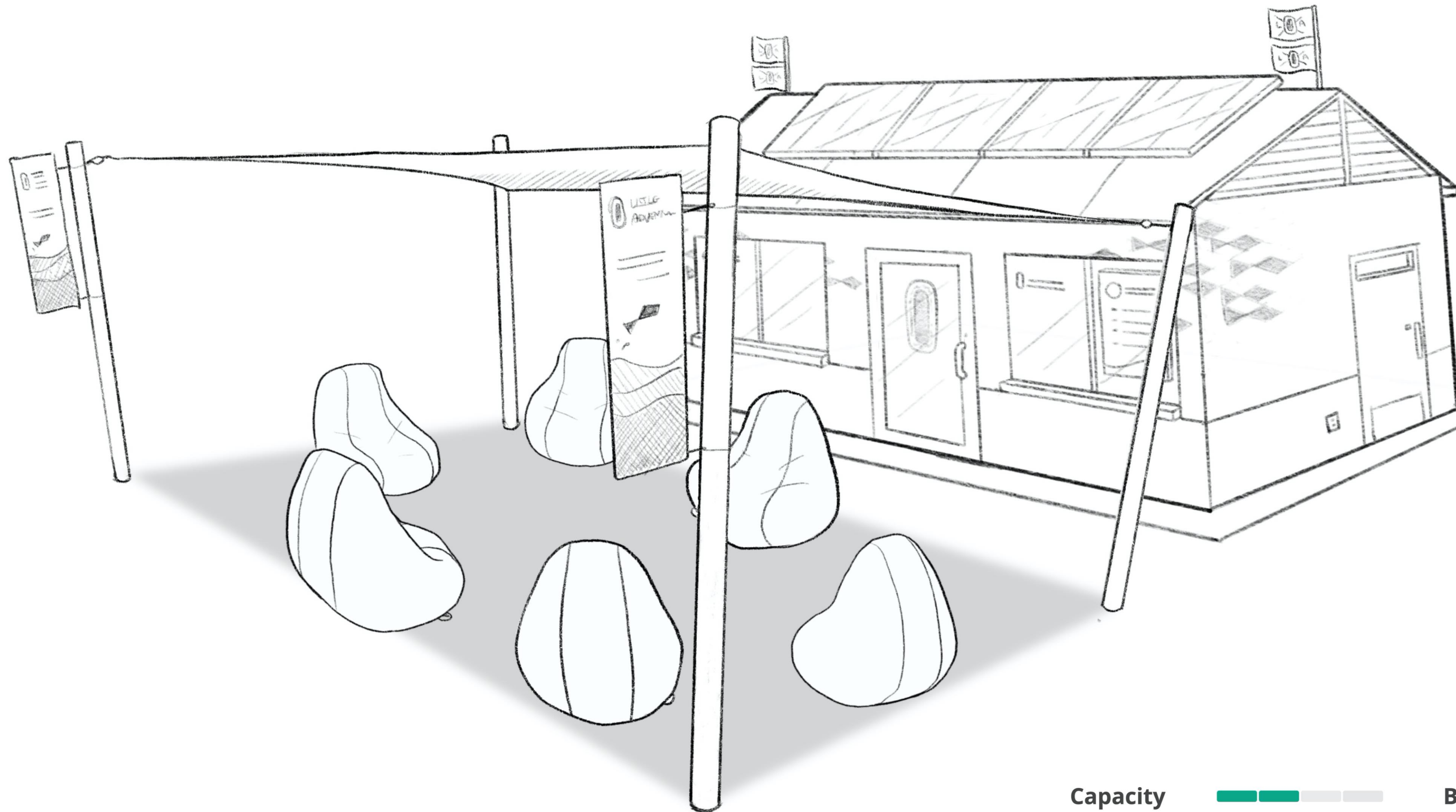
Get Yourself Onboard.

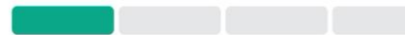
60-minute intro

Novice, Pre-teen

Two instructors - maybe a guide

5-7 to a group



Capacity 
Openness 
Security 
Eco-friendly 

Branding 
Mobility 
Accessibilty 
Cost 

A full-page photograph of two young boys playing in the ocean surf. The boy on the left is in the foreground, partially obscured by a large splash of water. The boy on the right is standing in the surf, with his arms raised and a joyful expression. The water is splashing high into the air, creating a misty effect. The background shows a calm sea and a sky with soft, white clouds. The overall mood is bright, happy, and summery.

**DESTIN
FORT
WALTON
BEACH**
FLORIDA

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Presentation

AGENDA OUTLINE NUMBER: 4.A.

TO: City Council

THRU: Lance Johnson, City Manager
Webb Warren, Deputy City Manager
Louis Zunguze, Community Development Director
Donald Smith, City Engineer

FROM: Michael Burgess, Public Services Director

DATE: 05/24/2021

SUBJECT: US98 Westbound to Airport Road, turn lane update

I. BACKGROUND: City Council requested that additional signage be placed in advance of the dedicated right hand turn lane onto Airport Rd from westbound 98.

II. DISCUSSION: FDOT staff has responded to the City's request for additional signage with a Work Order to attach three signs on the mast arm next to The Track. Additions will include two "thru-only" signs and one "right turn only" sign. A mock-up of the new signs is attached as ATT1.

A. Link to Strategic Goals / Objectives: Public Safety and Improved Traffic Management

B. Effect on Budget (EOB): None

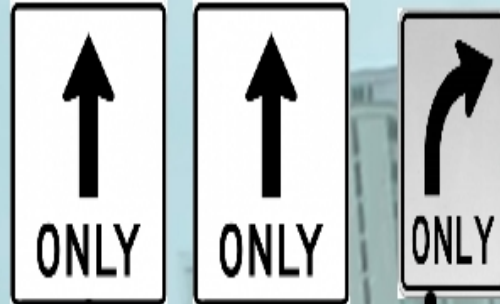
C. Level of Service (LOS): Advanced Warning of a Thru-Lane drop condition

III. CONCLUSION: This is an informational item.

IV. RECOMMENDED MOTION: None required.

Attachments:

1. ATT1: Airport Rd Turn Lane Signage Improvements



Signs to be mounted on mast arm to the right of each straight through (R3-5a) signals and the (R3-5P) right turn only signal heads.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021
TYPE OF AGENDA ITEM: Action Item
AGENDA OUTLINE NUMBER: 4.B.

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: June 1, 2021

SUBJECT: Proposed City of Destin Planning Areas

I. BACKGROUND: The City is in the process of updating its Land Development Code (LDC). The LDC is designed to implement the City's Comprehensive Plan Policies. Map 1-1a of the Comprehensive Plan provides the Planning areas which guide the implementation of the Comprehensive Plan Policies.

II. DISCUSSION:

Goal of the Planning Areas:

To organize the City into community content areas to establish an effective mechanism for guiding and implementing the Comprehensive Plan Policies and Land Development Code provisions.

Current Situation:

Current Comprehensive Plan Map 1-1a illustrates the current planning and sub-areas. However, it is incomplete.

For our Comprehensive Plan Policies and new Land Development Code to be effective we need Planning Areas that cover the whole City.

Criteria to Establish New Planning Areas:

The Criteria is laid out in the Future Land Use Element of the Comprehensive Plan.

- Land Use (Future Land Use)
- Urban Form
- Consolidate & Simplify Areas

New Planning Areas:

Using the above noted criteria, we will have the following Planning Areas:

1. **Harbor Planning Area**

- **Include**-Harbor Residential Sub-Area
- **Include** -East Harbor Planning Area
- Only shown on Map 1-1a
- No policies
- Allow Future Land Use and Zoning to provide development parameters.
- **Implement the Harbor Community Redevelopment Agency (CRA) Plan**

2. **Town Center Planning Area**

- **Add** the Residential, Office and Institutional (ROI) Future Land Use Areas north of Airport Road
- Allow Future Land Use and Zoning to provide development parameters.
- **Implement the Town Center CRA Plan**

3. **Holiday Isle Planning Area**

- **Include** Height Overlay Sub-area
- Only shown on Map 1-1a
- No policies
- Allow Future Land Use and Zoning to provide development parameters.

4. **Crystal Beach Planning Area**

- No change in boundary
- **Establish framework to address balance between long-term residential and short-term rentals.**
- **Transition between Commercial and Residential**
 - *Landscape buffering
 - *Height set back requirement from Residential.

5. **Village Planning Area**

- **Extend** boundary east to include residential north of Country Club Drive

6. Commons Planning Area (new)

- Area east of Airport Road, south of Village Planning Area and north of Highway 98.
- Mix of City and Okaloosa County areas where a joint planning effort is needed

7. Henderson Beach Planning Area (new)

- Henderson Beach State Park

8. Airport Planning Area (new)

- Airport Future Land Use

A. Link to Strategic Goals / Objectives: Update the City's Land Development Code

B. Effect on Budget (EOB): None

C. Level of Service (LOS): Effectively implement the Comprehensive Plan Policies.

III. CONCLUSION: Staff recommends adoption of the Planning Areas to effectively implement the City's Comprehensive Plan Policies.

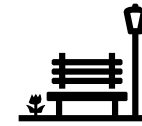
IV. RECOMMENDED MOTION: I move that the City Council approve the proposed Planning Areas and amend the Comprehensive Plan accordingly.

Attachments:

1. New Planning Areas- Power Point

City of Destin Proposed Planning Areas





COMMUNITY DEVELOPMENT

- **SOUND INFRASTRUCTURE**
- **LIVEABLE NEIGHBORHOODS**
- **VIBRANT ECONOMIC DEVELOPMENT**



GOALS of the PLANNING AREAS

To organize the City into community content areas.

To establish a mechanism for guiding and implementing the Comprehensive Plan Policies and Land Development Code provisions.

CURRENT SITUATION



- Current Comprehensive Plan Map 1-1a illustrates the current planning and sub-areas. However, it is incomplete.

CURRENT SITUATION

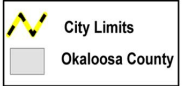


Comprehensive Plan: 2020 Map 1-1a Planning Areas and Sub-areas



NORTH

Scale 1" = 2000'



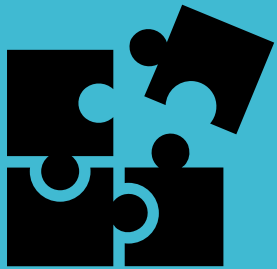
- Destin Planning Areas**
- Crystal Beach Area (CBA)
 - East Harbor Planning Area (EHPA)
 - Gulf Resort Planning Area (GRPA)
 - Harbor Planning Area (HPA)
 - Harbor Residential Sub-Area (HRSA)
 - Holiday Isle Planning Area (HIPA)
 - HIPA - Height Overlay Sub-Area
 - Town Center Planning Area (TCPA)
 - Village Planning Area (VPA)

CURRENT SITUATION



- For our Comprehensive Plan policies and new Land Development Code to be effective, we need to complete the task.

CRITERIA



The Criteria used to establish new Planning Areas is laid out in the Future Land Use Element of the Comprehensive Plan.

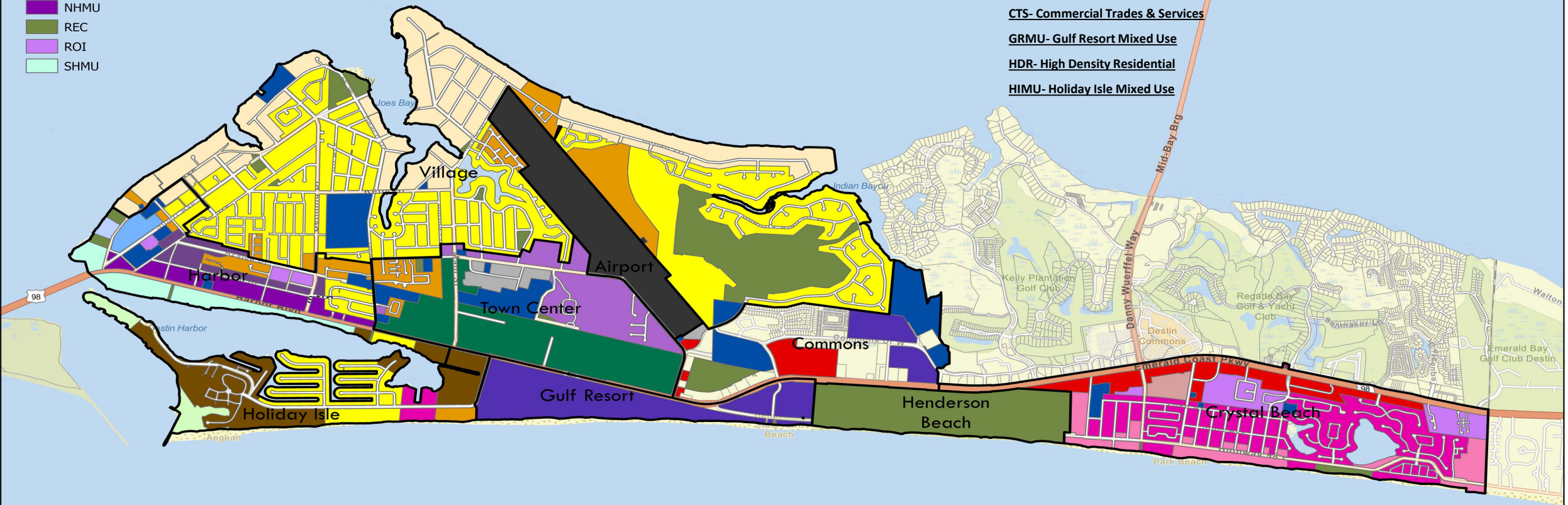
1. Land Use (Future Land Use)
2. Urban Form
3. Consolidate & Simplify Areas

NEW PLANNING AREAS

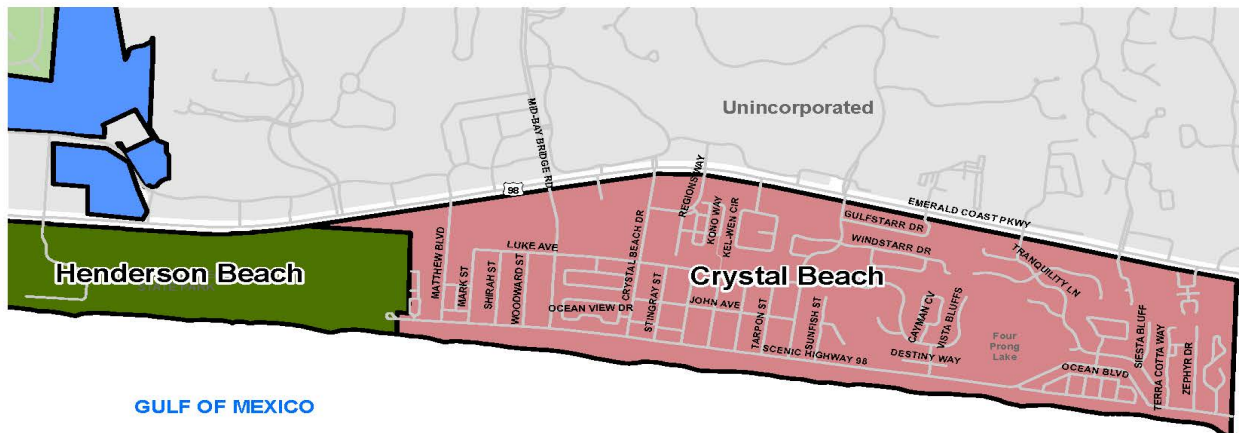
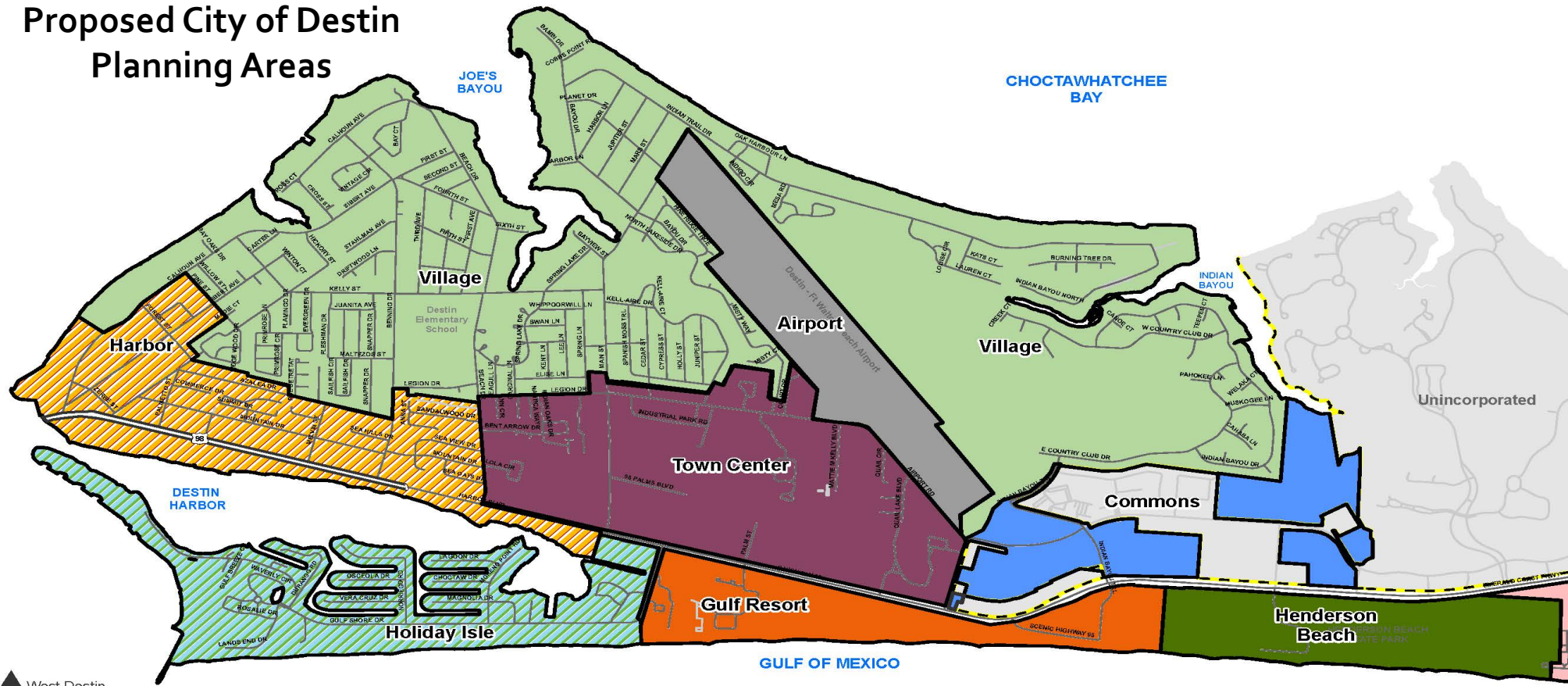
Proposed City Of Destin Planning Areas

Harbor	Town Center	Crystal Beach	Holiday Isle	Gulf Resort	Village	Commons	Airport	Henderson Beach
BE	IN	BRMU	CON	GRMU	BE	CG	A	REC
CMU	INST	CBN	HDR	REC	INST	GRMU		
CMUV	MDR	CBR	HIMU		LDR	IN		
CTS	REC	CG	LDR		MDR	INST		
HDR	ROI	CL	MDR		REC	REC		
INST	TCMU	INST						
LDR		REC						
MDR		ROI						
NHMU								
REC								
ROI								
SHMU								

<u>A- Airport</u>	<u>IN- Industrial</u>
<u>BE- Bay Estates</u>	<u>INST- Institutional</u>
<u>BRMU- Bay Resort Mixed Use</u>	<u>LDR- Low Density Residential</u>
<u>CBN- Crystal Beach Neighborhood</u>	<u>MDR- Medium Density Residential</u>
<u>CBR- Crystal Beach Resort</u>	<u>NHMU- North Harbor Mixed Use</u>
<u>CG- Commercial General</u>	<u>REC- Recreation</u>
<u>CL- Commercial Limited</u>	<u>ROI- Residential, Office, and Institutional</u>
<u>CMU- Calhoun Mixed Use</u>	<u>SHMU- South Harbor Mixed Use</u>
<u>CMUV- Calhoun Mixed Use Village</u>	<u>TCMU- Town Center Mixed Use</u>
<u>CON- Conservation</u>	
<u>CTS- Commercial Trades & Services</u>	
<u>GRMU- Gulf Resort Mixed Use</u>	
<u>HDR- High Density Residential</u>	
<u>HIMU- Holiday Isle Mixed Use</u>	



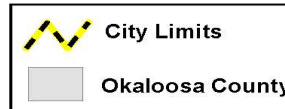
Proposed City of Destin Planning Areas



Proposed City of Destin Planning Areas



NORTH
Scale 1" = 2000'



Proposed Planning Areas

- Airport
- Commons
- Crystal Beach
- Gulf Resort
- Harbor
- Henderson
- Holiday Isle
- Town Center
- Village

Harbor Planning Area

- ***Include-*** Harbor Residential sub-area
- ***Include-*** East Harbor Planning Area
- Only shown on Map 1-1a
- No Policies
- Allow Future Land Use (FLU) and Zoning to provide development parameters
- Implement the Harbor Community Redevelopment Agency (CRA) Plan

Town Center Planning Area

- **Add** the Residential, Office and Industrial (ROI) Future Land Use areas North of Airport Road
- Implement the Town Center Community Redevelopment Agency (CRA) Plan

Holiday Isle Planning Area

- ***Include-*** Height Overlay sub-area
- Only shown on Map 1-1a
- No policies
- Allow Future Land Use (FLU) and Zoning to provide development parameters

Crystal Beach Planning Area

- No change in boundary
- **Establish framework** to address balance between long-term residential and short-term rentals
- **Transition** between Commercial and Residential
 - Landscape buffering
 - Height set back requirement from residential

Village Planning Area (New)

- **Extend** boundary East to include residential North of Country Club Drive

Commons Planning Area (New)

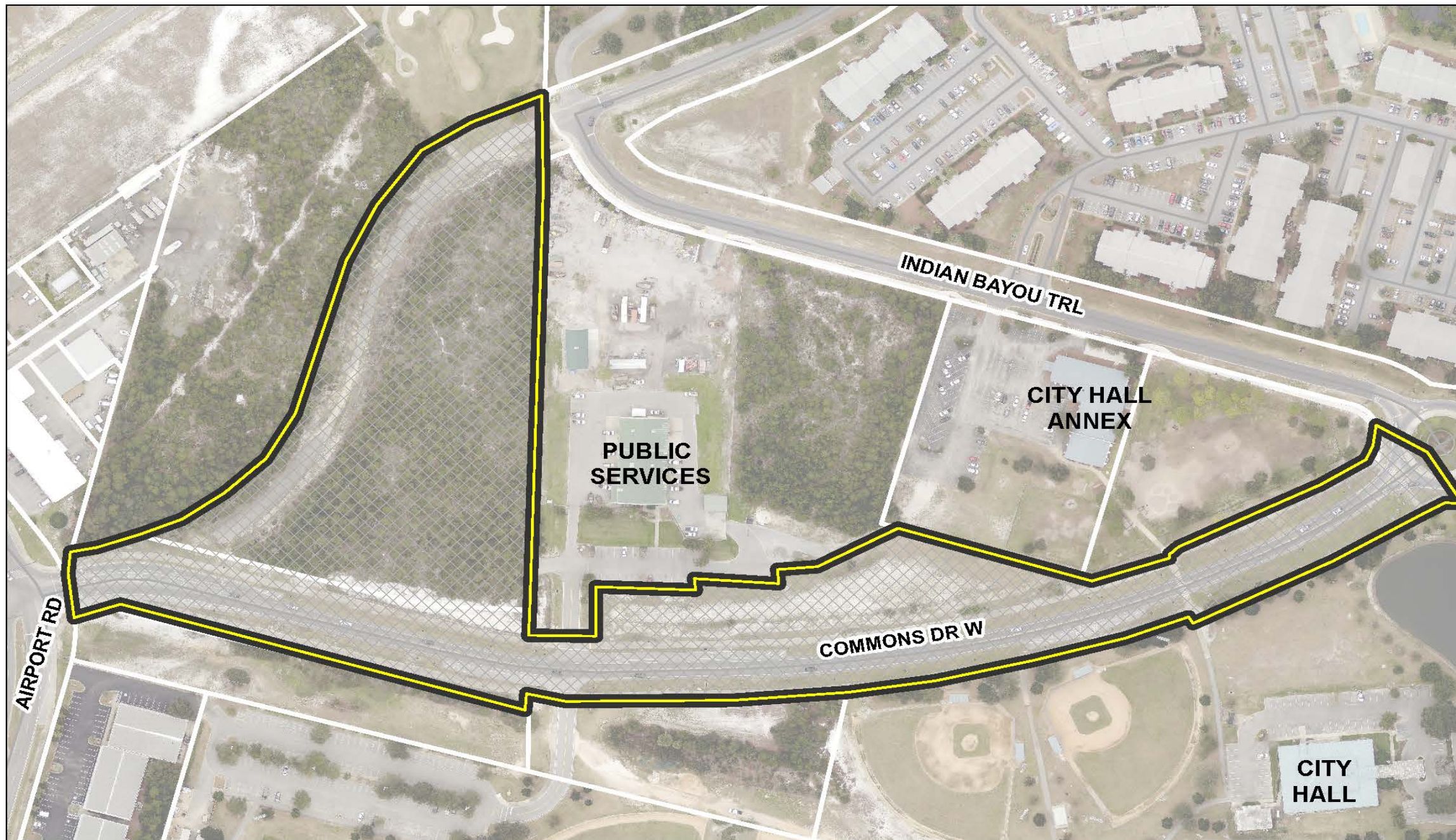
- Area East of Airport Road, South of Village Planning Area and North of Highway 98
- Mix of City and Okaloosa County areas where a joint planning effort is needed

Henderson Beach Planning Area (New)

- Henderson Beach State Park

Airport Planning Area (New)

- Airport Future Land Use





CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Action Item

AGENDA OUTLINE NUMBER: 4.C.

TO: City Council

THRU: Lance Johnson, City Manager
Krystal Strickland, Finance Director
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Donald Smith, City Engineer

DATE: June 1, 2021

SUBJECT: Consultant Selection for Zerbe/Calhoun Pedestrian Improvements Phase II

I. BACKGROUND: On April 5, 2021, City Council directed staff to obtain proposals from all three continuing services consultants – Dewberry, Baskerville-Donovan and Volkert. Council requested staff bring back their recommendation for Council's consideration.

II. DISCUSSION:

This project is an extension of the Zerbe/Calhoun Pedestrian Improvements Phase I that is currently under construction. Funding for the design of Zerbe/Calhoun Pedestrian Improvements Phase II was appropriated by Council and the remaining funding can be allocated for the design of the Zerbe/Calhoun Pedestrian Improvements Phase II.

The services for engineering design for Zerbe/Calhoun Pedestrian Improvements Phase II include:

- Pre-Design Services
- Engineering Services
- Public Involvement
- Environmental/Permitting

- Post Design Services

The Consultant's Competitive Negotiation Act that governs qualification-based selection of professional services stipulates that consulting firms providing professional services under continuing contracts shall not be required to bid against each other. The City cannot legally ask consultants for proposals to use as a basis for choosing or selecting a firm unless we procure the consultant through the Request for Proposal process. To utilize the continuing service contracts, the City should simply select qualified candidate from our list of providers. It is acceptable, however, to ask the consultant their availability.

Since the City obtained continuing service contracts based on qualifications, Dewberry, Baskerville-Donavan, and Volkert are all qualified. The City did reach out to each consultant to see if they were interested and to find out their availability.

Dewberry: declined.

Baskerville-Donavan: will perform the work if selected and can start within a month and can be complete by the end of the year.

Volkert: will perform the work if selected and can start within a month and be complete by the end of the year.

A. Link to Strategic Goals / Objectives: As listed in the Council Objectives; Calhoun Avenue Multi-use Trail – Phase II Design and construction (pathway under Marler Bridge)

B. Effect on Budget (EOB): The scope of work not-to-exceed amount of \$181,704 is available and the impact on budget is as follows:

	30558500	31554100	31554500	
	GF CIP	ROAD IMPACT	MULTI-MODAL	TOTAL
565000-TR618				
Zerbe-Calhoun Pedestrian Path	\$ 230,920	\$ 350,000	\$ 247,500	\$ 828,420
FY21 Adopted Budget*	230,920	350,000	247,500	828,420
Previous Expenses/Encumbrances	41,177	350,000	247,500	638,677
Available Program Budget	189,743	-	-	189,743
This Agreement +(-)	(181,704)	-	-	(181,704)
FY21 Remaining Program Budget	\$ 8,039	\$ -	\$ -	\$ 8,039

*Includes Encumbrances rolled forward

C. Level of Service (LOS): Increase the quality of life for Destin Residents and Visitors by improving the efficiency and safety of Highway 98 by reducing pedestrian movements from the US 98 /Stahlman Avenue Intersection.

III. CONCLUSION: Baskerville-Donavan and Volkert are both qualified, can start within a month, and can be complete by the end of the year.

IV. RECOMMENDED MOTION: I move that City Council approve Baskerville-

Donavan or Volkert (choose one) for the Zerbe/Calhoun Pedestrian Improvements Phase II.

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Action Item

AGENDA OUTLINE NUMBER: 4.D.

TO: City Council

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Donald Smith, City Engineer

DATE: June 1, 2021

SUBJECT: Cross Town Connector Multimodal Design Update

I. BACKGROUND: At the June 1, 2021 City Council Meeting, Council approved the redesign of the Cross Town Connector from a 4-lane to a 2-lane roadway.

At the April 5, 2021 City Council Meeting, Council directed;

- City Manager to schedule a workshop within the next 30 days,
 - o To discuss issues relating to the Cross Town Connector
 - o To discuss multimodal alternatives, and
- Delay design until after the workshop

On May 10, 2021, City Council convened a public work session to discuss the Cross Town Connector.

II. DISCUSSION: The purpose of the discussion is to:

1. Confirm key points discussed at May 10, 2021 workshop
2. Select Right-of-Way (ROW) width
3. Select multimodal concepts and elements

1. Confirm key points discussed at May 10, 2021 workshop.

- At the May 10, 2021 Workshop, Council discussed the following issues;
 - o We need to look at options to control speed along the entire route
 - o The roadway should be designed to optimize park space
 - o The design should incorporate a multi-modal pathway like you see at 30A
 - o Look at removing bike lanes and the additional space could be utilized to make way for the multimodal path(s)

- o The design should consider a buffer along the boundary of the private property.
- o We should consider Grant possibilities for Park funding
- o The idea that the Park would supply needed greenspace in this area was discussed positively by the council
- o Several members of the public spoke in support of the project with an emphasis on getting it done
- o The chamber of Commerce representative was in support and reminded the Council of the Counties commitment to fund improvements at Stahlman Avenue with the ½ cent sales tax
- o The intersection at Beach was discussed as to the possibility of a 4 way stop
- o The possibility of a Low Speed Vehicle lane was discussed

2. Select Right-of-Way width

- 30' right-of-way without median or
- 40' right-of-way with median

3. Select Multimodal Elements

- Option No. 1 (without median) or
- Option No.2 (with median)
 - A. **Link to Strategic Goals / Objectives:** Complete 2-lane section of Cross town Connector
 - B. **Effect on Budget (EOB):** TBD
 - C. **Level of Service (LOS):** Completing the Cross Town Connector will improve the City's multimodal transportation system.

III. CONCLUSION: Based on discussion at the May 10, 2021 Workshop, staff has prepared options and concepts for consideration by council including:

- Confirmation of Key points
- Selected Right-of-Way width
 - o 30' - With median, or
 - o 40' - Without median
- Selection of multimodal elements
 - o With median or
 - o Without median

Staff requests Council to confirm the key points from the May 10, 2021 workshop, select a Right-of-Way width, and select the multimodal elements.

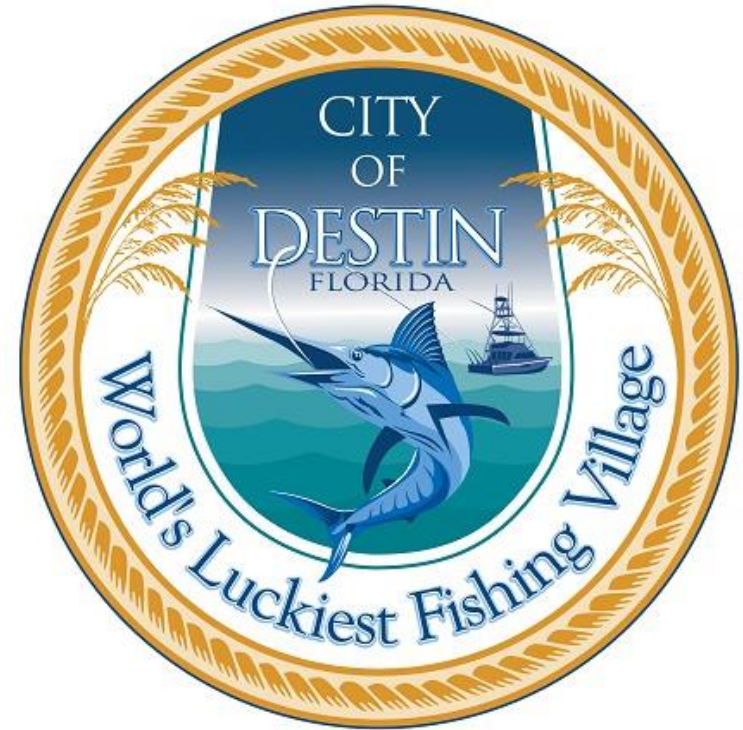
IV. RECOMMENDED MOTION: I move that City Council direct City Manager to implement the selected Right-of-Way width and multimodal elements into the project design.

Attachments:

1. Destin CTC multimodal options revised-Power Point

Cross Town Connector Multimodal Design Update

Community Development



Background



June 1, 2020 –City Council approved the redesign of the Cross Town Connector (CTC) from a 4-lane to a 2-lane roadway.



Approved Re-Design from a 4-lane to 2-lane section
Two Lane, Median, 71' Right of Way (ROW) Width

Background (continued)

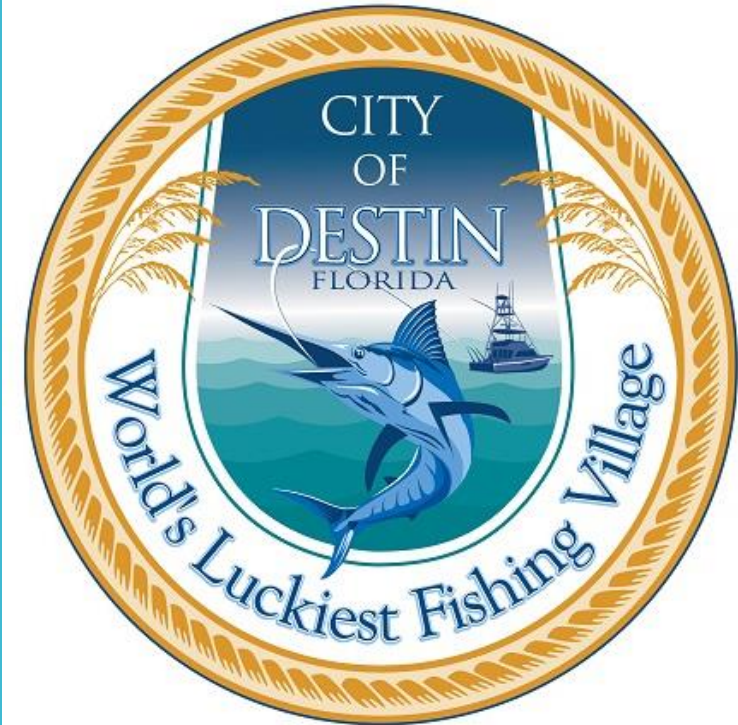


At the April 5, 2021 City Council Meeting, Council directed;

- City Manager to schedule a workshop within the next 30 days,
 - To discuss issues relating to the Cross Town Connector
 - To discuss multimodal alternatives, and
- Delay design until after the workshop

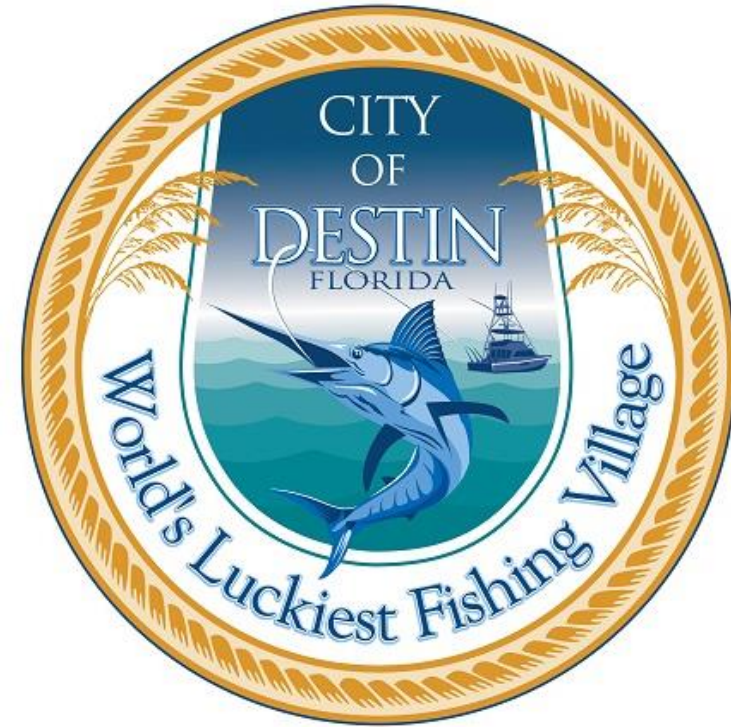
Purpose of Discussion

1. Confirm key points of discussion from May 10, 2021 Workshop
2. Select Right-of-Way width
3. Select Multimodal elements

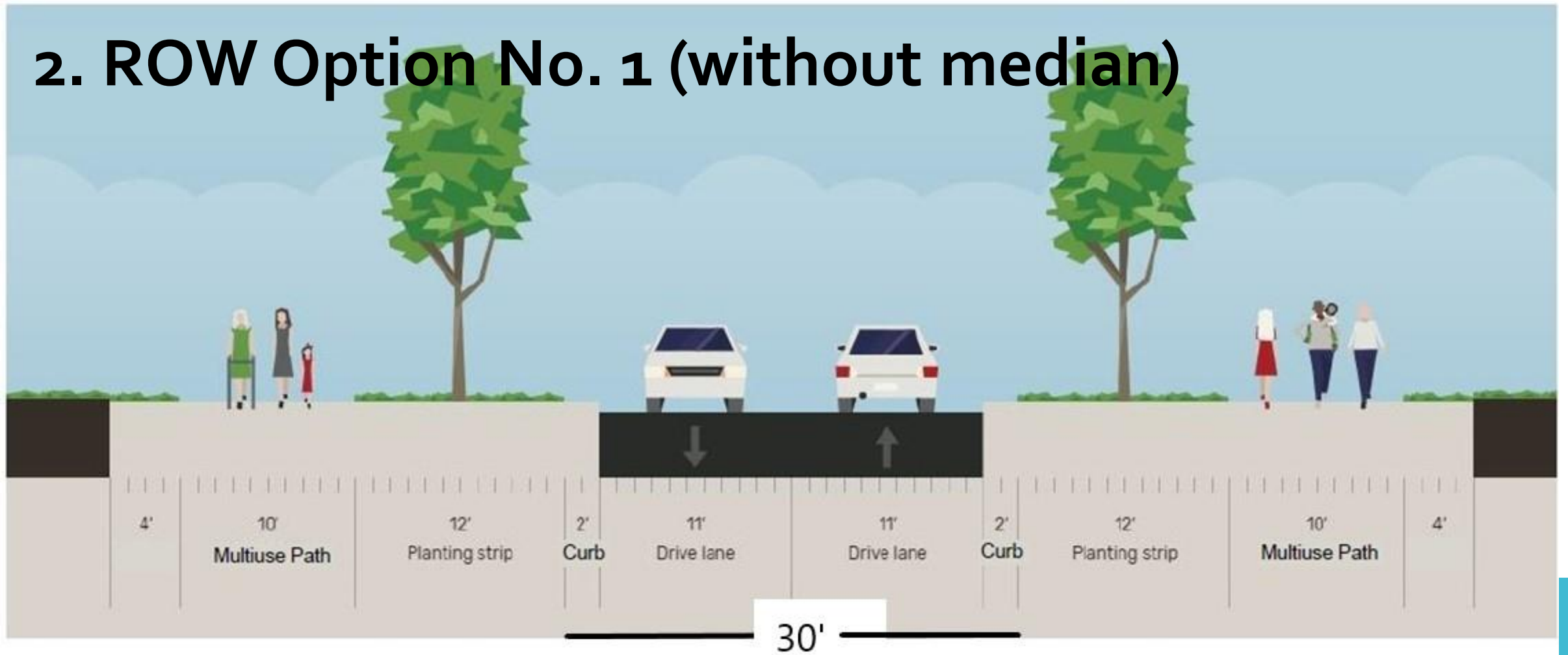


1. Confirm Key Points from May 10, 2021 Workshop

- Optimize park/green space
- Incorporate a multi-modal pathway like you see on 30A
- Look at removing bike lanes
- Speed control on the entire corridor (*staff will return to Council with options in the near future*)
- Provide buffer along property boundary (*will be part of park design*)
- Low Speed Vehicles (*will drive in lane per state law*)

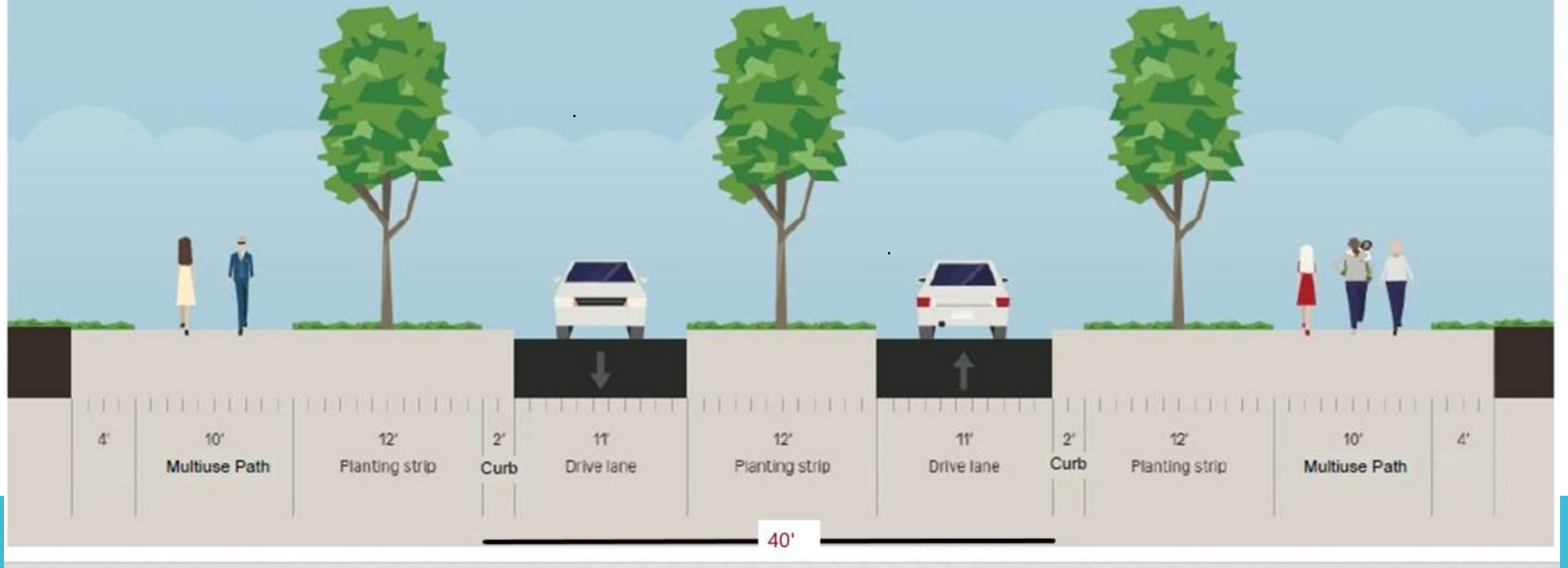


2. ROW Option No. 1 (without median)



Without median 30' R/W (approximate)

2. ROW Option No. 2 (with median)



With Median **40' Right-of-Way** (approximate)

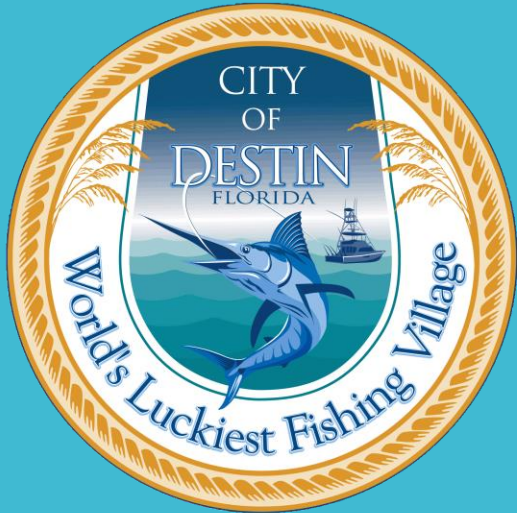
30 A Roadway
Concept No. 1
(no median) with
Multiuse Trail



30A Roadway Concept No. 2 (no median) with Park and Multiuse Trail



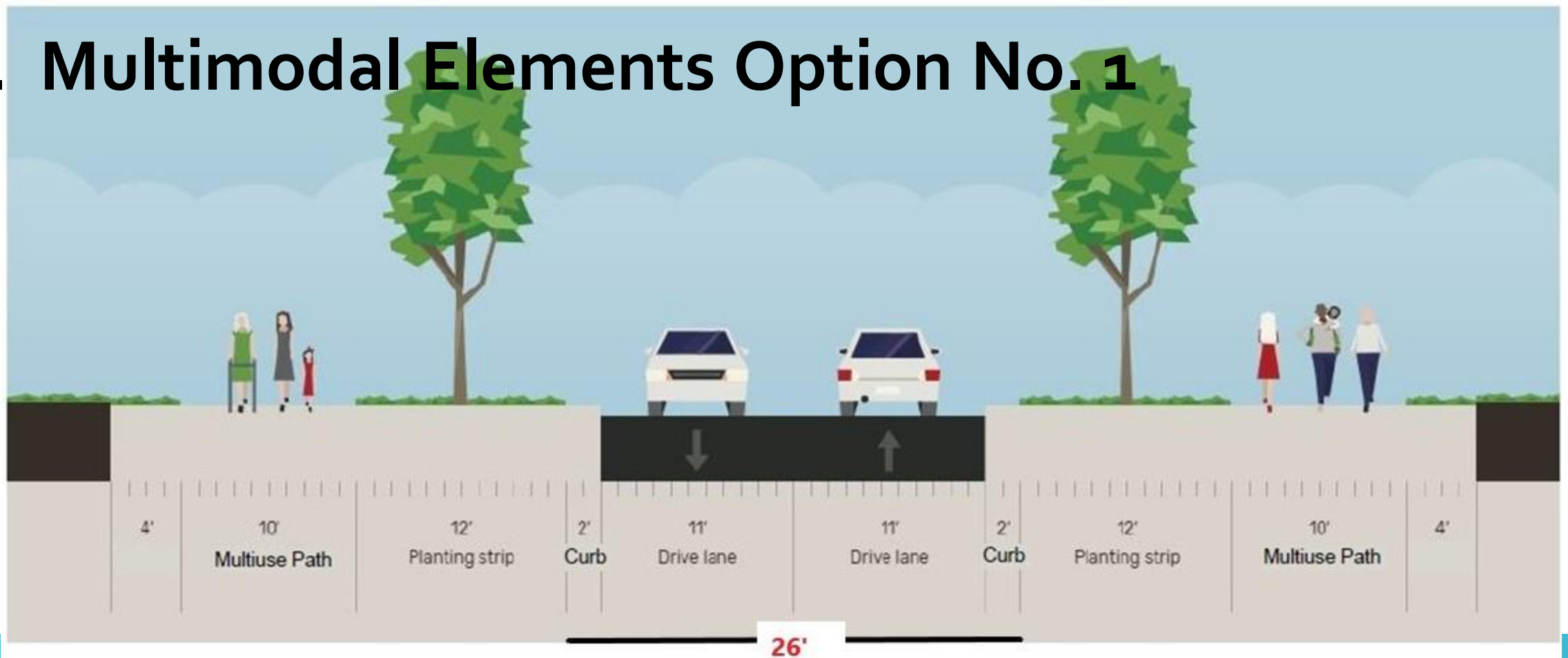
30A Roadway Concept No. 2 (no median) with Park and Multiuse Trail (continued)



30A Concept No. 3 (with median) Roadway with Sidewalks



3. Multimodal Elements Option No. 1



Revised Design based on 30A Concept

No Center Median with 12' Buffer Between Roadway and Multiuse Path

3. Select Multimodal Elements Option No. 2



Revised Design based on 30A Concept

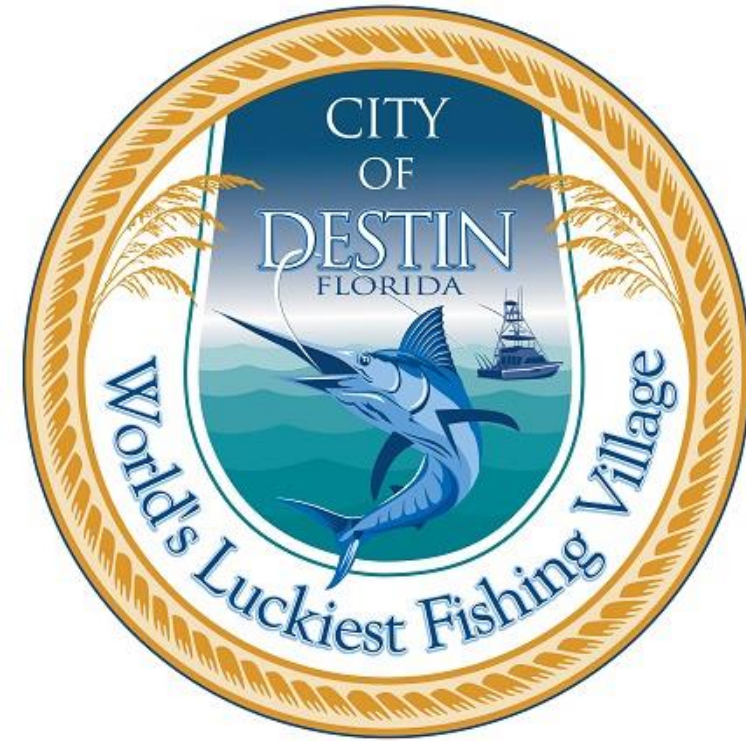
Center Median with 12' Buffer between Roadway and Multiuse Path

Conclusion



1. Summarize Discussion
 - Confirmed Key Points
 - Selected Right-of-Way width
 - With median, or
 - Without median
 - Selected multimodal elements

Decisions and Questions?



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Special Presentation

AGENDA OUTLINE NUMBER: 4.E.

TO: City Council

THRU: Catherine Card, Public Information Manager
Michael Burgess, Public Services Director
Lisa Firth, Parks & Rec Director
Joey Forgione, Code Compliance Manager

FROM: Webb Warren, Deputy City Manager

DATE:

SUBJECT: Memorial Day Weekend - After Action Report

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: Informational Only

Attachments:

1. 2021 Memorial Day Update

A close-up, high-resolution image of the United States flag, showing the stars and stripes in detail. The flag is waving, creating a sense of movement and texture. The colors are vibrant, with deep reds, bright whites, and a rich blue.

City of Destin

MEMORIAL DAY WEEKEND UPDATE 2021

Code Compliance Activities

- **Shift operations**
 - **69 Written Parking Citations**
 - **3 Handicap Parking Citations**
 - **147 Paid Parking Citations**
 - **2 Trailer Violations**
 - **6 Noise Violations**
 - **2 Snipe Sign Violations**
 - **2 Code Citation (STR Parking)**
 - **1 Zoning Violation (Commercial Activity in Residential Area)**
 - **7 STR Registrations**
 - **1 LTR Registration**

Code Compliance Activities

- Harbor and Waterways Compliance
 - 415 Idle Speed Zone Violations
 - 219 Livery Vessel Citations Sec. 13-145(5) (Vessels not Marked)
 - 4 Warnings Vessel in Swimming Areas
 - 8 BTR Citations
 - 38 Livery Inspections
 - 19 Livery Review Letters issued



Code Compliance Activities

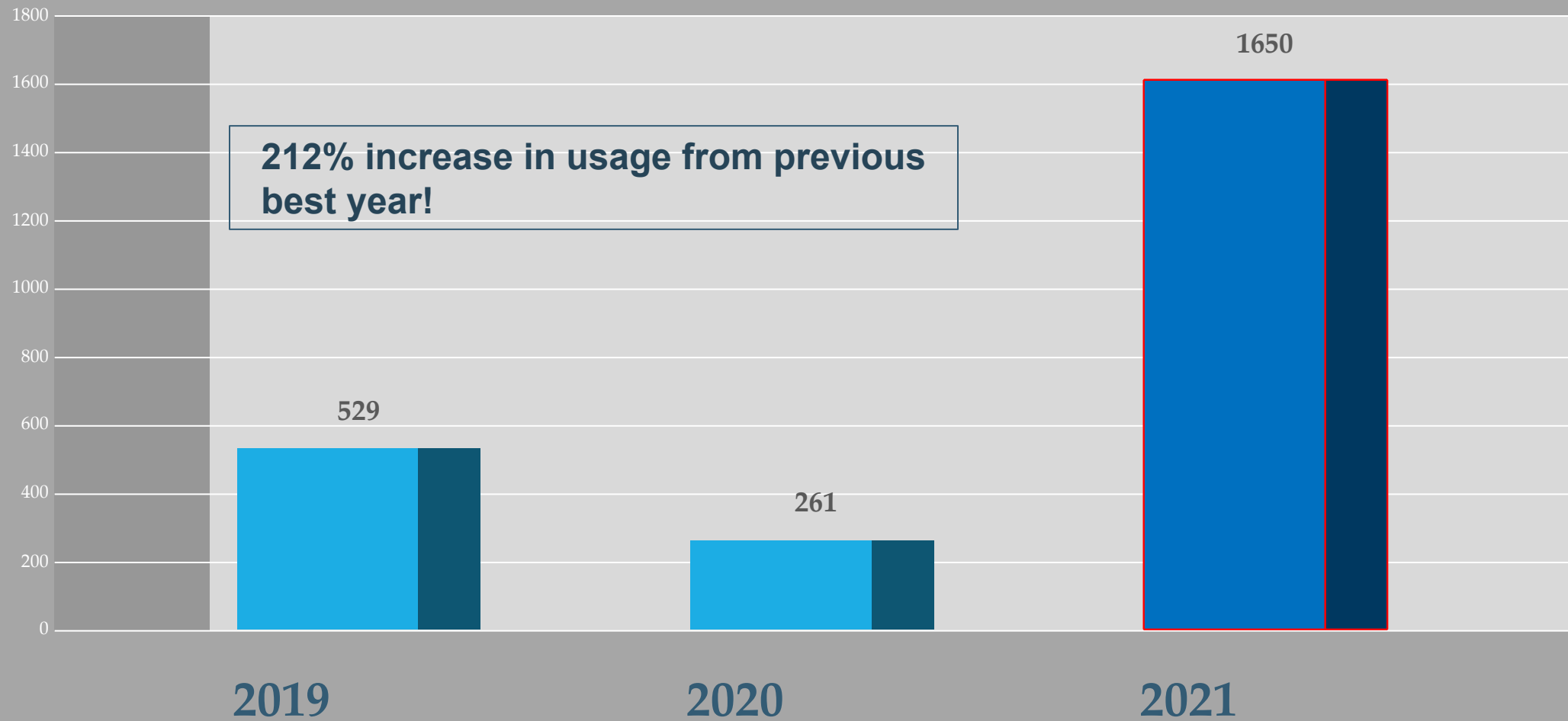
- **Beach Compliance**
- **4 Beach Vendor Violations**
- **10 Glass on Beach Violations**
- **9 Animals on Beach Violations**
- **1 Fire on Beach Violation (Grill)**
- **2 Wedding on Beach (STR)**
- **6 Noise Violations**
- **9 Beach Citizen Assist (2 were missing children)**



Marler Parking Lot



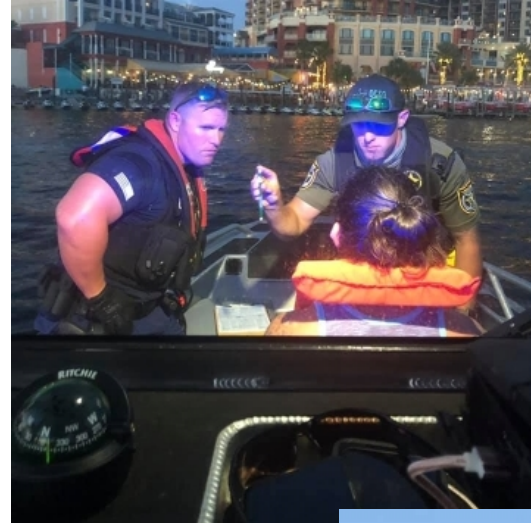
May Transactions for Marler Parking Lot



Okaloosa County Sheriff's Office Activities

□ OCSO

- **701 Total Calls for Service**
 - 407 Day Shift
 - 294 Night Shift
- **105 Priority 1 Calls**
- **8 Property Crimes**
- **35 Traffic Violations – Stops**
- **6 Marine Violations**
- **13 Traffic Crashes**



Destin Beach Safety Activities

- Beach Safety Division
- 98,050 Attendees
- 7 Minor 1st Aid
- 2 Major 1st Aid
- 20,784 Public Contacts
- 5,775 Preventative Measures
- 3 Missing Persons
- 6 Lost Persons
- 5 Persons Rescued
- 3 Assists
- 53 Boat Infractions
- 42 PWC Infractions
- 137 Education Pamphlets



Leave No Trace

- Strategic partners and area businesses are leading the effort along with the City to promote the initiative.



SEA TURTLE NESTING SEASON
MAY 1ST - OCTOBER 31ST



Sea Turtles nest in dark, quiet areas of the beach.
Please avoid flash photography and using
flashlights at night.

Be alert of signage posted around nesting areas.

Fill in holes.

Please take belongings with you...Leave No



City of Destin Government
Published by Catherine Dokey Card · May 25 at 4:27 PM ·

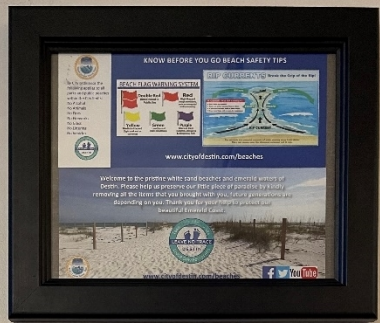
Thank you Okaloosa Gas for sharing the Leave No Trace initiative!



Okaloosa Gas
May 24 at 3:10 PM ·

Who else loves our pristine white sand beaches?!

City of Destin Government's Leave No Trace campaign aims to preserve our piece of paradise by encouraging locals and tourists alike to leave the beach with all the items you brought with you.



Leave No Trace

- The City and Okaloosa County work hand in hand to keep our beach trash bins available for public use and to ensure our beaches are clean.



Memorial Day Ceremony American Legion Post 296

75 people in attendance.



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.F.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Captain Royal Melvin Heritage Park Update

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: June 7, 2021
TYPE OF AGENDA ITEM: Action Item
AGENDA OUTLINE NUMBER: 4.G.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kyle Bauman, City Attorney

DATE: June 1, 2021

SUBJECT: Transfer of ERU Water and Sewer Credits to Destin High School, Inc.

I. BACKGROUND: Development of the Destin High School ("DHS") is ongoing and will ultimately result in an increased impact on the water and sewer systems run by Destin Water Users, Inc. ("DWU"). To mitigate this increased impact, DWU will require the payment of impact fees. Impact fees are charged and calculated based upon an Equivalent Residential Unit ("ERU"). Through acquisition of various parcels over the preceding years, the City has acquired a number of ERU "credits." These credits may be used in lieu of impact fee payment. These credits may be transferred from one entity to another such that the transferee entity pays a correspondingly reduced amount of impact fees. **The impact fees or credits must be paid by the time DHS is issued a certificate of occupancy, with an estimated date of July 2021.**

II. DISCUSSION: This proposal was first presented as an informational item in April 2021 by DHS board members Myra Williams and Jimmy Neilsen. Specifically, DHS is requesting that the City transfer 14 water ERUs and 14 sewer ERUs. The present-day value of 1 water ERU is \$2,041.00 and the present-day value of 1 sewer ERU is \$2,168.00. These values can fluctuate.

Due to the City's purchases of real property serviced by DWU resulting in less intensive water and sewer needs, the City currently possesses a total of 79 ERU water credits and 73 ERU sewer credits. The City's recent purchases of beach-front property in Crystal Beach will likely result in additional credits. Various City projects will likely require use of some water and sewer ERU credits; however, the City does not appear to have any immediate projects resulting in the need to use a significant number of credits.

The City Council can elect to transfer the water and sewer credits to DHS. If the City Council elects to make this transfer, then City staff and the City Attorney recommend it does so conditioned upon DHS's execution of the attached Agreement Transferring City of

Destin Equivalent Residential Unit Credits (the "Agreement"). The proposed Agreement is between the City and DHS. While the Agreement does transfer the requested credits to DHS, it does so on the condition that DHS maintain its current purpose and mission: establishing and running a charter high school serving high school aged students in and around the City's incorporated municipal limits. If DHS fails to maintain its current purpose and mission, then the credits will either revert back to the City or DHS will be required to reimburse the City for the present-day value of the credits it transferred to DHS.

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

B. **Effect on Budget (EOB):** None

C. **Level of Service (LOS):**

III. CONCLUSION: The City Council is under no obligation to transfer these credits, but doing so would aid DHS by abrogating its need to pay water and sewer impact fees to DWU. If it desires to make this transfer, the City Council should do so conditioned upon the terms in the attached Agreement, which ensures that the credits will be used in furtherance of DHS's currently stated purpose and mission.

IV. RECOMMENDED MOTION: I move to authorize and direct the Mayor to execute the attached Agreement with Destin High School, Inc.

Attachments:

1. Agreement re Transfer of ERU Water and Sewer Credits

**AGREEMENT TRANSFERRING CITY OF DESTIN
EQUIVALENT RESIDENTIAL UNIT CREDITS**

This Agreement Transferring City of Destin Equivalent Residential Unit Credits (“Agreement”) is entered into by and between the City of Destin, Florida, (the “City”) and Destin High School, Inc. (“DHS”), on this ___ day of June, 2021, and the parties state:

WHEREAS, DHS is a Florida Not for Profit Corporation with IRS designated tax-exempt status and completely unaffiliated with the City; and

WHEREAS, DHS’s purpose and mission is to establish a charter high school serving high school aged students in and around the City’s incorporated municipal limits; and

WHEREAS, in furtherance of its purpose and mission, DHS purchased real property located in a geographical enclave surrounded by the City’s incorporated limits and is in the process of renovating the property’s existing building into DHS’s campus; and

WHEREAS, Destin Water Users, Inc. (“DWU”), has calculated the increase of the intensity of the use of the property by DHS will impact DWU’s water system by 14 equivalent residential unit (“ERU”) and the sewer system by 14 ERUs; and

WHEREAS, these water and sewer ERUs must be paid by the time DHS is issued its certificate of occupancy, which DHS estimates to by July 2021; and

WHEREAS, due to the City’s purchases of real property served by DWU resulting in less intensive water and sewer needs, the City currently possesses a total of 79 unused ERU water credits and 73 unused ERU sewer credits; and

WHEREAS, DWU has agreed to the City transferring some of its water and sewer ERU credits to DHS to mitigate DHS’s need to pay water and sewer impact fees; and

WHEREAS, the City has agreed to transfer and DHS has agreed to accept 14 water and 14 sewer ERU credits in consideration of the terms and condition set forth below (the 14 water ERU credits and 14 sewer ERU credits will heretofore be collectively referred to as the “Credits.”); and

NOW, THEREFORE, IN CONSIDERATION OF the premises and the mutual promises hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Recitals.** The above recitals are incorporated herein by reference and are made a part of this Agreement.

2. **Transfer of ERU Credits.** The City hereby transfers to DHS the Credits. The City hereby authorizes its City Manager and Mayor to execute this Agreement and all other documentation reasonably necessary to effectuate this transfer of Credits.

3. **Reversion of ERU Credits or Repayment to the City.** DHS acknowledges that the City is transferring the Credits so that DHS may further its purpose and mission as that purpose and mission is recited above. In the event DHS is substantially impaired or inhibited from furthering its purpose and mission at any point in the future or if DHS breaches any of the terms, conditions, or provisions of this Agreement, then DHS shall either transfer the Credits back to the City or, if such transfer is impractical or impossible, pay to the City the equivalent monetary value of the Credits as they were valued on the date of the original transfer. This amount is \$58,926.00.¹ DHS shall execute any documentation reasonably necessary to effectuate the transfer of Credits back to the City. The City shall have no obligation to subordinate its rights hereunder to any pledge, mortgage, or encumbrance of any of the Credits or any beneficial use thereof.

4. **No Conveyance or Encumbrance of Credits.** DHS shall not sell, convey, assign, pledge, mortgage or encumber to or in favor of any third party any of the Credits or any beneficial use of the Credits without first receiving the City's prior written consent thereto, which the City may withhold or give in its sole and absolute discretion. Any sale, conveyance, assignment, pledge, mortgage, or encumbrance made of any of the Credits without the City's prior written consent shall be null and void ab initio.

5. **Non-inclusive List of Events Triggering Application of Paragraph 3.** The following is a non-inclusive list of events that the parties agree would substantially impair or inhibit DHS from furthering its purpose and mission and automatically trigger application of Paragraph 3 upon the City giving DHS written notice of any such triggering event:

- a. Voluntary or involuntary bankruptcy;
- b. Failure to maintain IRS tax exempt status;
- c. Failure to maintain its status as a Florida not-for-profit corporation;
- d. Failure to maintain its Charter;
- e. Failure to maintain any of the requirements instituted by the federal government, the State of Florida, or Okaloosa County School District or School Board;
- f. Default pursuant to the terms of any mortgage, promissory note, or other financing obligation;
- g. Failure to open DHS for the education of its students within a reasonable amount of time following execution of this Agreement or closure of DHS such that students can no longer attend DHS; or
- h. Any other event which the City, in its sole and absolute discretion, deems to substantially impair or inhibit DHS from furthering its purpose and mission as recited above.

6. **Governing Law, Severability, and Interpretation.** This Agreement shall be governed and construed in accordance with the laws of the State of Florida. If any provision of this Agreement is declared illegal or unenforceable and if it cannot be modified to be enforceable, such provision shall immediately become null and void, leaving the remainder of this Agreement in full force and effect.

¹ The present-day value of 1 water ERU is \$2,041.00 and the present-day value of 1 sewer ERU is \$2,168.00.

Notwithstanding the foregoing, if any of the terms, covenants, or conditions contained in Section 3, 4, or 5 above are determined to be illegal or unenforceable, then, at the City's option and in its sole and absolute discretion, the City may declare this entire Agreement to be void and, in such event, DHS shall immediately take all reasonable and necessary actions to recover all of the Credits back to the City, at no cost to the City.

7. **Choice of Forum.** The exclusive venue and jurisdiction for any litigation, dispute or controversy arising under, out of, or in connection with this Agreement shall be the state courts, in and for Okaloosa County, Florida.

8. **Binding Agreement.** This Agreement shall be binding upon and inure to the benefit of the parties to the Agreement, their successors, assigns, agents, attorneys, employees, representatives, heirs, executors, legal representatives, and administrators.

9. **Sovereign Immunity.** The parties agree that nothing contained herein is intended to nor shall be construed as a waiver of the City's rights and immunities under the common law or section 768.28, Florida Statutes, as amended from time to time.

10. **Third Party Beneficiary.** Neither the City nor DHS intend for this Agreement to create any right or benefit in favor of any person, firm, corporation, or other entity not a party to this Agreement.

11. **Attorney's Fees.** If litigation is instituted seeking to enforce the terms of this Agreement, or in any way related to this Agreement, then the prevailing party shall be entitled to recover from the non-prevailing party, the prevailing party's reasonable attorney's fees and costs incurred in the litigation, including fees and costs incurred in any resulting appeal, and any fees and costs incurred litigating entitlement to and the reasonableness of any attorney's fees and costs.

12. **Construction.** The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

13. **WAIVER OF RIGHT TO JURY TRIAL. THE PARTIES HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE THE RIGHT THEY MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY LITIGATION BASED ON THIS AGREEMENT OR ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT AND ANY AGREEMENTS CONTEMPLATED TO BE EXECUTED IN CONJUNCTION THEREWITH, AND ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER VERBAL OR WRITTEN) OR ACTION OF ANY PARTY HERETO.**

14. **Notice.** If written notice to a party is required under this Agreement, such notice shall be given by hand delivery, recognized overnight delivery service, or by first class mail, registered and return receipt required.

As to the City as follows:

City Manager
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

With a copy to:
Anchors Smith Grimsley, PLC
Attn: Kyle S. Bauman, City Attorney
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, FL 32547

As to DHS:

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement on the day and year first above written:

DESTIN HIGH SCHOOL, INC

CITY OF DESTIN, FLORIDA

By: _____

By: Gary Jarvis, Mayor

Date: _____

Date: _____

ATTEST:

Rey Bailey, Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Public Hearing

AGENDA OUTLINE NUMBER: 5.A.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney
Lauren Witt, Principal Planner

DATE: May 11, 2021

SUBJECT: Second reading of Ordinance 21-09-LC - Providing for amendments to Article 7 of the Land Development Code "Land Use, Type, Density, Intensity, Zoning and Regulatory Controls"; amending Table 7-2 "Table of Allowable Uses" relating to breweries, micro-breweries, brewpubs, distilleries, craft distilleries, and restaurants

I. BACKGROUND: The Table of Allowable Uses (Article 7.12.00 – Table 7-2) in the City's Land Development Code lists the allowed uses within the City and which zoning districts those uses are either permitted or conditional. Currently, Table 7-2 does not include a use specific to breweries, microbreweries, brewpubs, distilleries, and craft distilleries.

II. DISCUSSION: Proposed Ordinance 21-09-LC would amend Article 7 – Table 7-2 to include breweries, microbreweries, brewpubs, distilleries, and craft distilleries as permitted, conditional, or non-permitted uses within the City of Destin. Additionally, the proposed ordinance amends Article 3 to provide definitions for those uses.

First, proposed Ordinance 21-09-LC would establish breweries, microbreweries, distilleries, and craft distilleries as permitted uses within the Industrial (IN) zoning district, and as a conditional use within the Commercial Trades & Services (CTS) zoning district. These uses are compatible with the proposed zoning districts due to the light industrial and commercial trade nature of these uses and the intent of the Comprehensive Plan.

Second, proposed Ordinance 21-09-LC would allow brewpubs as a permitted use within the South Harbor Mixed Use (SHMU), North Harbor Mixed Use (NHMU), and Commercial General (CG) zoning districts. Further, brewpubs would be a conditional use within the Town Center Mixed Use (TCMU) and Commercial Trades & Services (CTS) zoning

districts. These proposed zoning districts' intents are to accommodate retail, restaurant, and commercial uses; therefore, brewpubs would be compatible within these zoning districts.

Third, and consistent with the above, proposed Ordinance 21-09-LC would allow restaurants as permitted uses within the Commercial Trades & Services (CTS) zoning district. This would allow more compatible uses in a zoning district where Staff finds redevelopment is crucial, and could serve the residents in the surrounding area.

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

B. **Effect on Budget (EOB):**

C. **Level of Service (LOS):**

III. CONCLUSION: Proposed Ordinance 21-09-LC provides consistency with the City's Comprehensive Plan Future Land Use Elements & provides incorporation into the Land Development Code. At a public hearing held at the regularly scheduled Local Planning Agency (LPA) meeting on April 15, 2021, the Local Planning Agency recommended City Council approve proposed **Ordinance 21-09-LC**.

IV. RECOMMENDED MOTION: I move to approve proposed Ordinance 21-09-LC on second reading.

Attachments:

1. Ordinance 21-09-LC Breweries

ORDINANCE NO. 21-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” RELATING TO BREWERIES, MICROBREWERIES, BREWPUBS, DISTILLERIES, CRAFT DISTILLERIES, AND RESTAURANTS; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND 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 Article 7 and table 7-2 of the Land Development Code in order to provide regulations and allow for and define microbreweries, breweries, distilleries, craft distilleries and restaurants in CTS zoning districts; and

WHEREAS, breweries, microbreweries, brewpubs, distilleries, and craft distilleries have become effective economic redevelopment tools and local-business incubators in many municipalities and the City Council anticipates that breweries, microbreweries, brewpubs, distilleries and craft distilleries will increase in popularity in the future; and

WHEREAS, the City Council has determined that breweries, microbreweries, brewpub, distilleries, craft distilleries, and restaurant operations can be reasonably permitted in the CTS zoning district of the City of Destin; and

WHEREAS, the boundaries of existing zoning districts were drawn to minimize the impacts of concentrated alcohol service establishments on residential neighborhoods. As such, these areas have an established resiliency to the potential impacts of deliveries, distribution, and manufacturing functions associated with brewery, microbrewery, brewpub, distillery, craft distillery, and restaurant operations; and

WHEREAS, the City Council has determined that independently defining breweries, microbreweries, distilleries and brewpubs and limiting those establishments to appropriate zoning districts will provide a balance between the quiet enjoyment of residents and visitors in residential neighborhoods

with the opportunity for economic growth through the creation of new breweries, microbreweries, distilleries, craft distilleries, and brewpubs; and

WHEREAS, the City Council has determined, based on the recommendation of the Local Planning Agency, 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 TO ARTICLE 7 AND TABLE 7-2 OF THE LAND DEVELOPMENT CODE.

Article 7 of the Land Development Code is hereby amended as follows:

7.00.02 Definitions.

Brewery is an establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a production volume of greater than 3,000 barrels of beer per year. A brewery may include accessory uses such as tours of the brewery and retail sales.

Brew pub is an establishment that sells the majority of its product on-site in combination with food services. At a brewpub, the beer/liquor is primarily brewed/distilled for sale inside the restaurant or bar or any eating establishment in which alcoholic beverages are served and none of the beer/liquor may be sold to a distributor. Any product leaving the premises must be in a sealed, unopened can or container.

Distillery/Craft distillery is a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the division in writing of its decision to qualify as a craft distillery. A distillery is a manufacturer of distilled spirits.

Microbrewery is an establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a maximum production of 3,000 barrels of beer per year. A microbrewery may include accessory uses such as tours of the microbrewery and retail sales.

Table 7-2 of the Land Development Code is hereby amended as follows:

Table 7-2: Table of Allowable Uses contains all of the allowed uses within the City and in what zoning districts those uses are allowed. Uses not listed as permitted, conditional, or accessory uses in Table 7-2 are prohibited uses. The North American Industry Classification System (NAICS), 2002 Edition shall be used to provide definitions of each use or use groupings listed in Table 7-2. All sub-uses listed under a use in the NAICS, which use is permitted in the zoning designation in question, shall be considered as a permitted use.

TABLE 7-2: TABLE OF ALLOWABLE USES																												
	B E	LD R- V	LD R- HI	LD R- H	M DR -V	M DR -HI	H D R	C B N	C L	C G	C T S	R OI - T D	R OI - V R	R OI - C B R	C B R	TC M U	C M U	C M U- V	SH M U	NH MU	GR M U	HI M U	BR M U	I N	A IN ST	R E C	C O N	
Permanent or long-term residential uses																												
Single-family detached dwelling	P	P	P	P	P	P	P	P	P				P	P	P		P	P	C	C	P	C	P					
Multi-family attached dwelling					P	P	P	C	P	C			C		P	C	P	C	P	P	P	P	P					
Mobile home dwelling	C																											
Mobile home development							C																					
Guest house ⁽¹⁾	P				P	P	P	P				P	C		P			C										
Accessory dwelling	P				P	P	P	P				P	C		P			C										

Sector 22 Utilities																											
2211 Electric power generation, transmission, and distribution																											
221111 Hydroelectric power generation																											
221112 Fossil fuel electric power generation																											
221113 Nuclear electric power generation																											
221119 Solar electric power generation																					P	P	P				
221119 Wind electric power generation																						P	P				
221122 Distribution electric substation (16)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2212 Natural gas distribution												P	C											P			
2213 Water,												P	C											P			

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Sector 44-45 Retail trade																									
441 Motor vehicle and parts dealers																									
4411 Automobile dealers												C				C					P				
4412 Other motor vehicle dealers												C			P	P					P				
4413 Auto parts, accessories, and tire stores											C	P				C									
441310 Parts and Accessories Dealer—Automotive/marine											C	P				C			P	P			P		
442 Furniture and home furnishings stores										P (2)	P					P			P	P					
443 Electronics and appliance stores										P (2)	P					P			P	P					
444 Building material and garden equip. and supply dealer											C	P													
444190 Kitchen											C	P							P						

[illegible]

																			8)				
453310 Thrift stores, large												C											
4539 Other miscellaneous store retailers								C		P (3)	C		P (4)	C	P	C	P	P	P	P			
454 Non- store retailers									P											P			
Sector 48-49 Transportation and Warehousing																							
481 Air transportation																				P			
483 Water transportation															P				P				
484 Truck transportation																				P			
485 Transit and ground passenger transportation																							
4851 Urban transit systems								P	C	P	P	C			P	P		P	P	P	P	P	P
4582 Interurban and rural bus transportation								P	C	P	P	C			P	P		P	P	P	P	P	P

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convention center																				
531120 Commercial special event venue							P			P	P	P	P	P	P	P	P			
531130 Mini-warehouse and self-storage leasing							C	P						C			P			
531190 Boat, vehicle, equipment, etc., storage leasing							C	P					P	P			P	P		
532 Rental and leasing services																				
5321 Automotive equipment rental and leasing							C	P										P	P	
5322 Consumer goods rental							P	C	P	P	C		P	C	P	C	P	P	P	
5323 General rental centers							P	P			P			P	P			P		
5324 Machinery and equipment rental and leasing							C	P			P			P	P			P		

Sector 54 Professional and Technical Services																								
541 Professional and technical services									P	P		P	C		P	P	P	P	P	P	P	P	P	
541940 Veterinary services									C		P ⁽³⁾	C		P	P	P	P	P	P	P	P	P	C	
Sector 55 Management of Companies and Enterprises																								
551 Managemen t of companies and enterprises									P	P	P	P	C		P	P	P	P	P	P	P	P		
Sector 56 Administrative and Waste Services																								
561 Administrati ve and support services									P	P	P	P	C		P	P	P	P	P	P	P	P		
561720 Janitorial services									P	P	P	P	C		P	P	P	P	P	P	P	P		
561730 Landscaping services									C	P											P			
562 Waste managemen t and remediation services												C	C									C	C	
Sector 61 Educational Services																								

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alcoholic beverages								7)												7)				
<u>Brewpubs</u>								<u>P</u>	<u>C</u>			<u>C</u>			<u>P</u>	<u>P</u>								
Sector 81 Other Services, Except Public Administration																								
811 Repair and maintenance								C	P											P				
8111 Automotive repair and maintenance								C	P							P				P				
811192 Car washes								C	P			C												
81149 Other personal and household goods repair								P	P			C	P	P	P	P	P	P	P	P				
811491 Boat and motorcycle repair								C	P							P				P				
812 Personal and laundry services								P	P	P	P	C			P	P	P	P	P	P				
8122 Death care services									P											P				
8123 Dry cleaning and laundry services								P	C	P	P	C			P	P	P	P	P	P		P		
81233 Linen and uniform								P	P											P				

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City of Destin
Ordinance No. 21-09-LC
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¹² Commercial transient living accommodations.
¹³ Used merchandise stores are restricted to only those that are classified as a nonprofit business.
¹⁴ Can only provide said services free of charge, refer to Section 7.09.02B(11) for further information.
¹⁵ Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.
¹⁶ Refer to Section 7.09.02(B)12 for further information.
¹⁷ Reserved.
¹⁸ Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.
¹⁹ No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.
²⁰ No medical marijuana dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330 feet south of the southern right-of-way boundary of Airport Road or within 330 feet east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located. Cultivating or processing medical marijuana shall be prohibited within the City.
NOTE: Any change of use within the Harbor District Overlay that is part of an application for a certificate of appropriateness shall require conditional use approval pursuant to Section 7.12.06(DD).

7.12.07. Zoning Overlay Districts. The following zoning overlay districts are hereby established for the City:

- A. ***Town Center Mixed Use - Central Business District (TCMU-CBD).*** The Town Center Mixed Use - Central Business District zoning overlay district implements a maximum height cap and restricts certain types of residential and commercial uses that are incompatible with the adjoining residential area.
 - 1. ***Purpose and intent.*** The Town Center Mixed Use - Central Business district zoning overlay district is intended to apply to those properties that: a) have a Town Center Mixed Use zoning district designation; and b) are located north of the post office/Gulf Power Station, south of Legion Drive/Airport Road, east of Sun Cay Townhomes and west of Industrial Park Road, east of Sun Cay Townhomes, and west of Industrial Park Road. The TCMU-CBD zoning overlay district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. It is the intent of the TCMU-CBD zoning overlay district to specifically not allow: permanent or seasonal single-family detached residential dwelling units; seasonal multi-family attached residential dwelling

units; and commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations.

2. *Principal, accessory and conditional uses.* Permitted, accessory and conditional uses shall be the same as those allowed for the TCMU zoning district as listed in Table 7-2, Table of Allowable Uses.
3. *Performance standards.* Lot area, lot width, lot depth, setback, density, floor area ratio, and open space standards, shall be governed by the performance standards of the underlying Town Center Mixed Use zoning district. The maximum height for this district is restricted to four stories/45 feet.

B. *Crystal Beach Neighborhood-Traditional Development District (CBN-TDD).* The Crystal Beach Neighborhood-Traditional Development District zoning overlay district recognizes, as conforming lots within the CBN and portions of the CBR zoning districts, the lot dimensions and configurations of the 1937 Crystal Beach Subdivision Plat.

1. *Purpose and intent.* The purpose of the Crystal Beach Neighborhood-Traditional Development District zoning overlay is to allow the restoration of the original lots configured as fifty feet in width by one hundred fifty feet in depth (50' × 150') as shown in the 1937 Crystal Beach Subdivision Plat. This section allows those original lots to be treated as conforming lots. This section is intended to apply only to those lots depicted in the 1937 Crystal Beach Subdivision plat that are within the boundaries of the Crystal Beach Neighborhood Zoning District and the Crystal Beach Resort Zoning District.
2. *Principal, accessory, and conditional uses.* Permitted, accessory and conditional uses shall be the same as those allowed for the CBN zoning district as listed in Table 7-2, Table of Allowable Uses.
3. *Performance standards.* The allowable lot width shall be 50 feet. The allowable lot depth shall be 150 feet. Lot area, setback, building height, density, floor area ratio, and open space standards, shall be governed by the performance standards of the underlying CBN zoning district.

7.12.08. *Dimensional requirements.* The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS

(Dimensions are in feet)

Zoning Districts	Minimum Lot Area (sq. ft.)	Minimum Lot Size		Maximum Building Height	Setbacks			Maximum Density (units per acre)	Maximum Floor Area Ratio	Minimum Open Space (%)
		Width	Depth		Front	Side	Rear			
BE - one d.u.	15,000	80	150	35/3 stories	20	10	10	2.90	N/A	25
LDR-V/LDR-H/MDR-V - one d.u.	7,500	70	100	35/3 stories	20	7½	10	5.81	N/A	25

LDR-HI/MDR-HI - one d.u.	7,500	70	100	30/3 stories	20	7½	10	5.81	N/A	30
HDR - one d.u.	7,500	70	100	30/3 stories	20	7½	10	9.90	N/A	30
CL - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/Q	N/A	30
ROI-TD - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/ R	N/A	30
ROI-VR/ROI-CBR - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00/R	N/A	25
CBN - one d.u.	7,500	70	100	30/3 stories	20	7½	10	6.00	N/A	30
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	20	7½	10	12.00/Q	N/A	30
CMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00	N/A	25
CMU-V - one d.u.	5,000	50	100	35/3 stories	20	7½	10	9.00	N/A	25
CMU-V - two or d.u.	None	None	None	50/4 stories	J	J	J	12.00	N/A	25
CMU-V - non d.u.	None	None	None	H	J	J	J	N/A	.50	25
SHMU - one d.u.	7,500	70	100	30/3 stories	20	7½	10	19.90/S	N/A	30
NHMu - one d.u.	7,500	70	100	35/3 stories	20	7½	10	19.90/T	N/A	25
GRMU - one d.u.	7,500	70	100	50/4 stories	20	7½	10	19.90/S	N/A	30
HIMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	19.90/S	N/A	30
BRMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	20.00	N/A	25

MDR-V/MDR-HI - two or more d.u.	None	None	None	35/3 stories	C/D	C/D	C/D	9.99	N/A	25
HDR - two or more d.u.	None	None	None	80/7 stories	J	J	J	19.90	N/A	25
CBN - two or more d.u.	None	None	None	50/4 stories	20	C/D	C/D	6.00	N/A	25
CBN - non d.u.	None	None	None	50/4 stories	20	C/D	C/D	N/A	.50	25
CL - two or more d.u.	None	None	None	50/4 stories	20	C/D	C/D	12.00/Q	N/A	25
CL - non d.u.	None	None	None	E	10	C/D	C/D	N/A	.50	25
CG - two or more d.u.	None	None	None	50/4 stories	M	M	M	40.00	N/A	25
CG - non d.u.	None	None	None	50/4 stories/F	M	M	M	N/A	1.30	25
CTS	None	None	None	35/3 stories	N	N	N	U	1.30	25
ROI-VR/ROI-TD two or more d.u.	None	None	None	35/3 stories/G	C/D	C/D	C/D	12.01 O/R	N/A	25
ROI-GD/ROI-TD non d.u.	None	None	None	35/3 stories G	C/D	C/D	C/D	N/A	.50	25
CBR - two or more d.u.	None	None	None	50/4 stories	O	O	O	12.00/Q	N/A	25
CBR - non d.u.	None	None	None	50/4 stories	O	O	O	N/A	.50	25
TCMU - one d.u.	5,000	50	100	35/3 stories	20	5	10	9.00	N/A	25
TCMU - two or more d.u.	None	None	None	50/4 stories	M	M	M	24.00	N/A	25
TCMU - none d.u.	None	None	None	75/6 stories	M	M	M	N/A	1.5	25

CMU - two or more d.u.	None	None	None	35/3 stories	J	J	J	12.00	N/A	25
CMU - non d.u.	None	None	None	H	J	J	J	N/A	.50	25
SHMU - two or more d.u. (short-term)	None	None	None	35/3 stories/l	P	P	P	19.90/S	N/A	25
SHMU - two or more d.u. (long-term)	None	None	None	35/3 stories/l	P	P	P	19.90/S	N/A	25
SHMU - non d.u.	None	None	None	35/3 stories/l	P	P	P	N/A	.60	25
NHMu - two or more d.u.	None	None	None	35/3 stories	M	M	M	19.90/T	N/A	25
NHMu - non d.u.	None	None	None	35/3 stories	M	M	M	N/A	.60	25
GRMu - two or more d.u.	None	None	None	50/4 stories	O	O	O	19.00/S	N/A	25
GRMu - non d.u.	None	None	None	50/4 stories	O	O	O	N/A	1.30	25
HIMU - two or more d.u.	None	None	None	50/4 stories	J	J	J	19.90/S	N/A	25
HIMU - non d.u.	None	None	None	50/4 stories	J	J	J	N/A	1.30	25
BRMu - two or more d.u.	None	None	None	35/3 stories	O	O	O	20.00	N/A	25
BRMu - non d.u.	None	None	None	35/3 stories/W	O	O	O	N/A	.75/X	25
IN	None	None	None	35/3 stories	N	N	N	N/A	1.30	25
A	None	None	None	35/3 stories/ K	L	L	L	N/A	1.30	25

INST	None	None	None	35/3 stories	None	None	None	N/A	.50	25
REC	None	None	None	35/3 stories	None	None	None	N/A	.20	25
CON	None	None	None	15/1 story	None	None	None	N/A	.05	80

Footnotes defining requirements:

- A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet.

For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.

Within the Old Destin MMTD, no minimum front, side or rear setbacks are required, except where the property line is contiguous with a BE or LDR residential district boundary; then ten-foot side and rear yards, maintained as open space, shall be provided.

Buildings or structures three stories or less utilized for residential or multifamily purposes on the same lot shall be a minimum of ten feet apart. All buildings exceeding three stories in height, the distance apart on the same lot shall be increased by two feet for each story exceeding three stories with a maximum of 50 feet between buildings being required. There are no minimum spacing requirements between residential, nonresidential, mixed-use or multifamily buildings located on the same lot in the Old Destin MMTD.

- B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.
- C. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.
- D. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories.
- E. For those properties that abut U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.
- F. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.
- G. Please refer to the footnotes 1 through 3 of Table 1-13: general development standards for "SHMU" designated land of Policy 1-2.4.3(3) of the comprehensive plan for information on maximum building height and measurement of building height.
- H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.

- i. *Front setback.* For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
 - iii. *Rear setback.* For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.
- I. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.
- J. The setback requirements for the A district are as follows:

Setbacks from taxiway pursuant to adopted FAA construction standards.

Setbacks from property lines minimum of 15 feet.

Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.
- K. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:
 - i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.F.1.f.1.
 - iii. *Rear setback.* Zero feet. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.D.
- L. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:
 - i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.

- ii. *Side setbacks.* For all structures three stories or less in height no side yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
 - iii. *Rear setback.* For all structures three stories or less in height no rear yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
- M. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:
- i. *Front setback.*
 - a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
 - b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
 - c. For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - d. For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.
 - ii. *Side setbacks.* Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
 - iii. *Rear setback.* For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.
- N. The following setbacks shall apply to developments proposed in the SHMU zoning district:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
 - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
 - iii. *Rear setback.* Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor. Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.

- O. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre.
- P. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that abut U.S. Highway 98 may be extended up to a maximum of 24.00 units per acre.
- Q. One bedroom short-term residential units shall have a maximum density of 30.00 units per acre.
- R. One bedroom short-term residential units shall have a maximum density of 40.00 units per acre.
- S. No residential uses allowed, except for one custodian or night-watchman residence per development.
- T. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
- U. In the BRMU zoning, district, the maximum height by right shall be 35 feet and three stories, excepting those properties that abut Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.
- V. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.

7.12.09. *Compliance with dimensional requirements.* Development in all zoning districts shall comply with the following requirements:

- A. All development shall comply with the dimensional requirements set forth in section 7.12.08.
- B. In the event that a property owner inadvertently fails to comply with the minimum dimensional requirements by three inches or less, the actual measurement shall be deemed to be in compliance with the applicable minimum dimensional requirements, provided that no adverse health, safety, or welfare impacts result from the inadvertent failure to comply with the minimum dimensional requirements.
- C. Rear property line setback requirements do not apply to boat docks, piers, bulkheads (seawalls) or boathouses. For waterfront lots the rear property line setbacks do not apply.
- D. Two or more freestanding principal structures located on the same lot shall be a minimum ten feet apart.
- E. The footprint for all structures shall meet all setback requirements; however, cornices, canopies, eaves, garden windows, exterior stairways or other architectural features may extend 24 inches into the required setback provided the extension does not interfere with access to the property. Bay windows, balconies, and portions or projections from a building or structure that add to the gross floor area are not allowed to extend into the required setback.
- F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.
- G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

7.12.10. *Conditional Uses.* The following shall apply to all applications for a conditional use in any zoning district within the City of Destin:

- A. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with

the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

B. *Characteristics of use described.* The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:

- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - i. Floor area ratio;
 - ii. Traffic generation;
 - iii. Square feet of enclosed building for each specific use;
 - iv. Proposed employment;
 - v. Proposed number and type of service vehicles; and
 - vi. Off-street parking needs.
- (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection including the following:
 - i. Utilities;
 - ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
 - iii. Roadway or signalization improvements, or other similar improvements;
 - iv. Accessory structures or facilities; and
 - v. Other unique facilities/structures proposed as part of site improvements.
- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - i. Open space;
 - ii. Setbacks from adjacent properties;
 - iii. Screening and buffers;
 - iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

C. *Criteria for Conditional Uses.*

1. *Land use compatibility.* The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic- generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
2. *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to

accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

3. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
 4. *Hazardous waste.* The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
 5. *Avoid over-proliferation of uses.* An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.
 6. *Compliance with applicable laws and ordinances.* A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.
- D. *LPA recommendation required.* All applications for a conditional use must first be considered by the City's Land Planning Agency (LPA) for consistency with the Comprehensive Plan, prior to being considered by the City Council for a final decision. The City Council shall not be bound by the recommendation of the LPA.
- E. The Board of Adjustment shall not be required to review conditional use applications.
- F. *Appeals.* Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.

(Ord. No. 152.1, § 3, 4-1-91; Ord. No. 231, § IV, 1-19-93; Ord. No. 152.11, § 2, 5-2-94; Ord. No. 152.17, §§ 3, 4, 10-17-94; Ord. No. 152.34, §§ 2, 3, 7-7-97; Ord. No. 152.43, § 1, 11-6-00; Ord. No. 152.44, § 3, 4-2-01; Ord. No. 152.45, § 3, 4-6-01; Ord. No. 385, § 3, 9-16-02; Ord. No. 390, § 4, 9-16-02; Ord. No. 391, § 4, 9-16-02; Ord. No. 392, § 4, 9-16-02; Ord. No. 04-18-LC, § 4, 8-2-04; Ord. No. 04-22-LC, § 3, 8-16-04; Ord. No. 04-27-LC, § 2, 9-8-04; Ord. No. 04-41-LC, § 3, 12-20-04; Ord. No. 05-02-LC, § 5, 2-7-05; Ord. No. 06-01-LC, § 8, 12-18-06; Ord. No. 07-01-LC, § 5, 3-6-07; Ord. No. 08-08-LC, § 5, 4-21-08; Ord. No. 08-14-LC, § 10, 1-20-09; Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§

4—7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16; Ord. No. 17-28-LC, § 3, 1-2-18; Ord. No. [18-30-LC](#), § 4, 5-6-19; Ord. No. [19-05-LC](#), § 3, 4-15-19; Ord. No. [19-06-LC](#), § 3, 4-15-19; Ord. [19-07-LC](#), § 3, 4-15-19; Ord. No. [19-19-LC](#), § 2, 10-21-19; Ord. No. [19-25-LC](#), § 4(Exh. A), 10-21-19; Ord. No. [19-28-LC](#), §§ 3, 4(Exh. A), 10-21-19; Ord. No. [19-37-LC](#), § 3(Exh. A), 12-16-19; [Ord. No. 20-02-LC](#), § 3, 2-18-20)

SECTION 4: INCORPORATION INTO THE 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, phrase, sentence, provision 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 take effect immediately upon its adoption by the City Council and the signature of the Mayor.

ADOPTED THIS ____ DAY OF _____ 2021.

BY: _____
Gary Jarvis, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Public Hearing

AGENDA OUTLINE NUMBER: 5.B.

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: May 25, 2021

SUBJECT: Second reading of Ordinance 21-04-PC - Amending Comprehensive Plan: 2020, Chapter 1 - Future Land Use Element related to building heights to provide for consistency with the City Charter

I. BACKGROUND: On November 3, 2020, the citizens of Destin voted to pass a **City-wide Building Height Limit in the City Charter (Section 7.06)**, prohibiting any structure, or part of a structure, to be erected at a height of greater than six stories, or 75 feet, above the crown of the abutting road unless approved by at least sixty percent (60%) of the City voters at a general election.

Currently, there are building height requirements for each zoning district within the City's Comprehensive Plan. The proposed amendment to **Chapter 1 – Future Land Use Element of the Comprehensive Plan** clarifies that the maximum building height in the City is subject to **Section 7.06** of the City Charter. This will provide consistency between the City's Comprehensive Plan and the City Charter.

II. DISCUSSION: **Proposed Ordinance 21-04-PC** is designed to provide consistency between the City Charter and the City's Comprehensive Plan, prohibiting any structure, or part of a structure, to be erected at a height of greater than six stories, or 75 feet, above the crown of the abutting road unless approved by at least sixty percent (60%) of the City voters at a general election.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: **Proposed Ordinance 21-04-PC** would provide consistency regarding building height requirements between the City's Comprehensive Plan and the

City Charter.

At a public hearing held at the regularly scheduled City Council meeting on April 5, 2021, the Council approved proposed **Ordinance 21-04-PC at first reading.**

Staff submitted the proposed Ordinance to the State Department of Economic Opportunity for review. The State Department of Economic Opportunity responded with no comment in a letter dated May 14, 2021.

IV. RECOMMENDED MOTION: I move to adopt proposed **Ordinance 21-04-PC at second reading** and direct staff to submit the Ordinance to the State Department of Economic Opportunity for final approval.

Attachments:

1. 21-04-PC Charter Building Heights in Comp Plan
2. DEO Response 21-04-PC

ORDINANCE NO. 21-04-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 RELATED TO BUILDING HEIGHTS TO PROVIDE FOR CONSISTENCY WITH THE CITY CHARTER; 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 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, 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, Florida Statutes Section 166.031(1) provides, in part, that “[t]he governing body of a municipality may, by ordinance,..., submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality”; and,

WHEREAS, Article VII of the Charter of the City of Destin holds that the City Council may, by ordinance, propose amendments to any part or all of the City’s Charter; and,

WHEREAS, as required by Article VII of the City Charter, the City Council placed proposed amendments to the City Charter to a vote of the electors at the November 3, 2020 general election, including a proposed amendment to restrict maximum building heights City-wide; and,

WHEREAS, the following question was posed to the voters of the City of Destin on November 3, 2020:

SHALL THE CITY OF DESTIN’S CHARTER BE AMENDED TO
PROVIDE THAT NO BUILDING HEIGHT IN THE CITY
SHALL EXCEED SIX STORIES (75 FEET) UNLESS
APPROVED BY AT LEAST SIXTY PERCENT OF THE CITY
VOTERS AT A GENERAL ELECTION?

WHEREAS, 82.62 percent of voters in the November 3, 2020 municipal election voted to pass a City-wide Building Height Limit in the City Charter (“**Charter Amendment**”); and,

WHEREAS, pursuant to the November 3, 2020 election results approving the building height amendment, the City’s Charter has been amended to provide:

“No structure, no part of any structure, and no attachment to any structure shall be erected to a height greater than six stories (75 feet) above the crown of the abutting road. Structures, if demolished, shall be replaced only by structures which conform to the height limits of this section. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to demolish and rebuild to the same height as the building that was destroyed or substantially in the same location. For purposes of this section, “structure” does not include water towers, flagpoles, air traffic control towers, and radio and other communication towers.

WHEREAS, the Charter Amendment further provided that any member of the public or the City could petition to exceed such height limit but such petition would require at least 60% approval of the Destin electorate at a future referendum election, followed by a vote of the City Council as the final decision maker on development orders pursuant to state law; and

WHEREAS, the City Charter, as amended, specifically states:

The City or any member of the public may petition for a variance to erect a structure, part of a structure, or attachment to a structure above the six story (75 feet) building height maximum only after an initial approval of the variance petition by at least sixty percent (60%) of the City electorate voting in a general referendum election. If sixty percent (60%) or more of the City electorate voting in the general referendum election approves such variance at a general referendum election, the City Council shall consider the requested variance. In considering a variance request initiated by the City or any member of the public, the City Council must make findings of fact that the petitioner has met the legal standards for a variance as set forth in the City of Destin’s Land Development Code, and the variance must be approved by a majority vote of the City Council after due notice and public hearing. Notice and hearing requirements for such variance shall be in accordance with the provisions for variance set forth in the City of Destin’s Land Development Code and the general requirements of law; 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, to ensure the City’s orderly growth and development, and for compliance with Florida law, finds it necessary to amend its Comprehensive Plan for consistency with the City’s Charter, as amended; 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 amendment 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, AS FOLLOWS:

SECTION 3. TITLE. For convenience, this Ordinance may be referred to as the “Charter Consistency Amendment”.

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. INCORPORATION OF RECITALS AND INTENT. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof. It is the intent of the City Council to maintain consistency between the City Charter and City Comprehensive Plan.

SECTION 6. COMPREHENSIVE PLAN AMENDMENT.

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 Comprehensive plan that have been skipped and remain unchanged.**

CHAPTER 1: FUTURE LAND USE ELEMENT

Policy 1-2.1.11: All maximum building height requirements set forth in this Comprehensive Plan are subject to Section 7.06 of the City Charter.

If any section, phase, sentence, or portion of the City Charter 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, nor shall such holding affect the validity of any portion of this Comprehensive Plan.

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.

SECTION 9: CONFLICTING PROVISIONS. 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 10: 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 11: 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 _____ DAY OF _____, 2021.

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: _____

May 14, 2021

The Honorable Gary Jarvis
Mayor, City of Destin
4200 Indian Bayou
Destin, Florida 32541

Dear Mayor Jarvis:

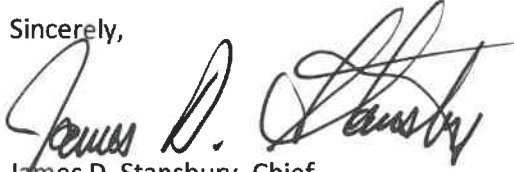
The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Destin (Amendment No. 21-01ESR) received on May 6, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Lauren Witt, Principle Planner, Destin Community Development Department
Austin Mount, Executive Director, Emerald Coast Regional Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridajobs.secure.force.com/cp/>) or submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021
TYPE OF AGENDA ITEM: Public Hearing
AGENDA OUTLINE NUMBER: 5.C.

TO: City Council

THRU: Lance Johnson, City Manager

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

DATE: May 25, 2021

SUBJECT: Second reading of Ordinance 21-05-PC - Amending Comprehensive Plan: 2020 Chapter 1 - Future Land Use Element, Policy 1-2.1.4 relating to roofing and roof pitch

I. BACKGROUND: Currently, the Comprehensive Plan requires that 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.

This requirement hinders potential economic development within the City, due to architectural restraints experienced by certain uses, such as restaurants and their rooftop equipment that needs requires certain spacing distances for safety.

II. DISCUSSION: Proposed Ordinance 21-05-PC amends **Policy 1-2.1.4 Method of Measuring Building Height**, to allow the requirement for pitched roofs to be reduced or waived by the City Manager or the City Manager's designee. This requirement could be reduced or waived if it was determined that such ratios for roof pitch are unduly burdensome on the applicant for a particular project, provided that the decision be consistent with the intent of the Comprehensive Plan and the City Charter relating to maximum building heights. The proposed waiver is intended to alleviate burdensome situations only, and not to circumvent building height requirements nor provide additional habitable space.

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

III. CONCLUSION: The proposed Ordinance 21-05-PC would amend the

Comprehensive Plan to allow the City Manager or the City Manager's designee to waive the requirement of a development to have not less than 60% of the roof surface to be fully pitched, provided that the requirement is unduly burdensome on the applicant for a particular project.

At a public hearing held at the regularly scheduled City Council meeting on April 5, 2021, the Council approved proposed **Ordinance 21-05-PC at first reading**. Staff submitted the proposed Ordinance to the State Department of Economic Opportunity for review. The State Department of Economic Opportunity responded with no comment in a letter dated May 14, 2021.

IV. RECOMMENDED MOTION: I move to adopt proposed **Ordinance 21-05-PC at second reading** and direct staff to submit the Ordinance to the State Department of Economic Opportunity for final approval.

Attachments:

1. 21-05-PC Roof Pitch in Comp Plan
2. DEO Response 21-05-PC

ORDINANCE NO. 21-05-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, POLICY 1-2.1.4 RELATING TO ROOFING AND ROOF PITCH; 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 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, 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, to ensure the City’s orderly growth and development, and for compliance with Florida law, finds it necessary to amend its Comprehensive; and

WHEREAS, it is the intent of the City Council to provide some flexibility in the otherwise stringent requirements for roof pitch, provided however, that such flexibility shall not be used to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan; 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 amendment 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, AS FOLLOWS:

SECTION 3. TITLE. For convenience, this Ordinance may be referred to as the “2021 Roof Pitch Amendment.”

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. INCORPORATION OF RECITALS AND INTENT. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

It is the intent of the City Council to provide some flexibility in the otherwise stringent requirements for roof pitch, provided however, that such flexibility shall not be used to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan.

SECTION 6. COMPREHENSIVE PLAN AMENDMENT.

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 Comprehensive plan that have been skipped and remain unchanged.**

CHAPTER 1: FUTURE LAND USE ELEMENT

Policy 1-2.1.4: Method of Measuring Building Height

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, unless the City Manager or City Manager’s designee determines that such ratios for pitch are unduly burdensome on the applicant for a particular project. If the City Manager or City Manager’s designee determines that a ratio between 5:12 and 12:12 are unduly burdensome on the applicant for a particular project, the ratio may be waived pursuant to all applicable land development regulations, provided however, that such decision of the City Manager or City Manager’s designee shall be consistent with the intent of

the Comprehensive Plan and City Charter relating to maximum building heights. No waiver of roof pitch ratio requirements shall be utilized to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan.

CHAPTER 13

Building height:

~~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.~~

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.

SECTION 9: CONFLICTING PROVISIONS. 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 10: 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 11: 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 _____ DAY OF _____, 2021.

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: _____

May 14, 2021

The Honorable Gary Jarvis
Mayor, City of Destin
4200 Indian Bayou
Destin, Florida 32541

Dear Mayor Jarvis:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Destin (Amendment No. 21-02ESR) received on May 6, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

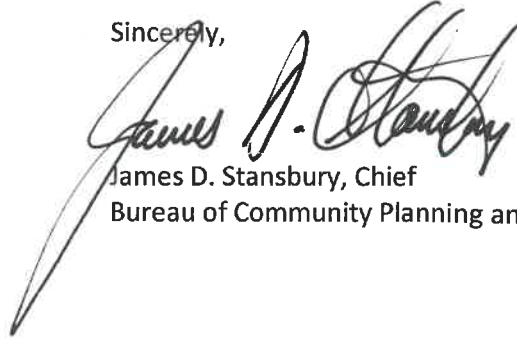
The Honorable Gary Jarvis

May 14, 2021

Page 2 of 2

If you have any questions concerning this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large initial "J" and "S".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosure(s): Procedures for Adoption

cc: Lauren Witt, Principle Planner, Destin Community Development Department
Austin Mount, Executive Director, Emerald Coast Regional Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**"

(<https://floridajobs.secure.force.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities.
(Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

**MINUTES OF THE
PARKS & RECREATION COMMITTEE
MEETING DESTIN CITY HALL BOARDROOM
APRIL 27, 2021 MEETING - 4:00 PM**

1. CALL TO ORDER:

Chairwoman Trammell called the meeting to order at 4:00 p.m. on Tuesday, April 27, 2021 in the Destin City Hall Annex Chambers with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Member Absent</u>	<u>Staff Present</u>
Sandy Trammell	Leslie Schmidt	Rey Bailey City Clerk
Matthew Sweetser	Brian Liesveld	Lisa Firth Recreation Director
Barbara Telford		Ryan Reed Recreation Dept. Supervisor
Nikki Johnson		
Danielle Piper		

3. CHANGE THE ORDER OF THE DAY:

Motion to amend the agenda was made by Committee member Johnson and seconded by Committee member Telford to add the Welcome to Destin Sign under Nikki Johnson's name and to add two work plan discussions under Chairwoman Trammell's name. The motion passed with a unanimous vote of 5-0.

4. APPROVAL OF MINUTES:

- **March 23, 2021**

Motion to approve the March 23, 2021 minutes as written was made by Chairwoman Trammell with Committee member Piper providing the second. The motion passed 5-0.

5. PRESENTATIONS:

- Trees on the Coast Presentation – This item was pulled.
- Cemetery – This item was pulled.

6. OLD BUSINESS:

- **Arbor Day Celebration**

Mrs. Firth reminded the members the Arbor Day Celebration has been changed to Thursday at 10:00 a.m. at the Nancy Weidenhamer Dog Park.

7. NEW BUSINESS:

Motion to add to the agenda Beach/Mattie Kelly Park Clean up and Dogs on a park beach was made by Chairwoman Trammell and seconded by Committee member Johnson. The motion passed 5-0.

➤ **Dogs on Beaches –**

Committee member Telford briefly discussed how there is a group of citizens that are wanting a place to legally take their dogs to a water access, regardless of if it's at the property that used to be the Concrete Plant or a beach property. And spoke of how she thinks it should be first discussed at this committee's level.

Chairwoman Trammell suggested to the members to gather the information that they feel needs to be discussed and the subject will be placed on the May agenda for further discussion.

The members briefly discussed the need to come up with pros and cons for the idea. Also, how important it is for anyone on this committee to not make any comments or likes on any social media platforms since it will possibly be discussed further and voted on.

➤ **Beach/Mattie Kelly Park Cleanup**

The decision was made for this item to be added to staff comments on the next month's agenda.

8. COMMITTEE MEMBER/STAFF COMMENTS:

- **Committee member Johnson**
 - **Destin Welcome Sign**

Committee member Johnson asked how the fence that is being constructed will impact the Welcome to Destin sign. According to Mrs. Firth, the city does have a contract with the Air Force for the sign. And said that she has put a call into her contact and will provide them an update at their next meeting.

• **Committee member Sweetser** – Spoke of the Linear Park and how the easement just happens to run right through one of the owners of the Palm's backyard and if or what does the city intend to do at that area since where there are privacy fences and pools in the easement. He also pointed out how the costliest portion of the park is the boardwalk over the wetlands and how he doesn't think it's a good idea not to mention how people litter and doesn't want the wetlands to get trashed. He also mentioned that the Town Center CRA has tabled this discussion and asked for the City Engineer to provide them with more information.

Chairwoman Trammell suggested inviting both the Chairman of the Town Center CRA and the City Engineer to their next meeting to discuss the Linear Park further. She also spoke of Clement Taylor Park sidewalk that was originally planned to be wooden boardwalk over the swell,

but the decision was made to have the sidewalk brought closer into the park property, in the general area where the Fire Department was proposed to be.

The members also discussed:

- Zerbe Street Calhoun Avenue Pedestrian Pathway
- Clement Taylor Park Renovations timeline and funding
- Broken bench at Main Street Park
- Possible updates to the Buck Destin Park
- Harbor Lane ROW Improvements this was discussed again with recommendations.

Motion by Committee member Trammell to address the platform or the pilings and add some form of a path that is hard enough surface for strollers and wheelchairs. With Committee member Sweetser providing the second. Motion passed 5-0.

- Harborview Park – Chairwoman mentioned that one cannot see harbor for the trees.
 - Discussed the possibility of adding another parking space if both are made parallel or, make it a pedestrian only park.
- **Chairwoman Trammell –**
 - **Arbor Day/Tree City USA –**
 - Report to Council in October
 - Plant at least 5 trees
 - Hold Public Arbor Day Ceremony
 - ❖ List of locations where trees are needed was discussed and dedicated to whom.
 - **Park Inspections**
 - Discussed the timeframe of when they would start them next year. Will discuss further at their next meeting.
- **Staff Comments:**
 - Boardwalk Location Repairs
 - Capt. Royal Melvin Heritage Park Construction – Setback due to footers needing to be repoured.
 - Leonard Destin Park Ribbon Cutting - May 13, 2021, 10:00 a.m.
 - Norriego Point - Permits are still in the Building Dept for review and approval and will not commence until after Labor Day.
- **Public Comment:** None

ADJOURNMENT:

Having no further discussions, the meeting adjourned at 6:00 PM.

Adopted and approved this ____ day of _____ 2021.

Sandy Trammell, Chairwoman

Kim Montgomery, Deputy City Clerk

DRAFT

**LOCAL PLANNING AGENCY
MEETING MINUTES
MAY 6, 2021 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, May 6, 2021 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Members Present</u>
James T. Wood, Jr.		Kim Montgomery City Clerk
Marcie Bell		Lauren Witt Senior Planner
Karen Drexler		Daniel Butler Planner
Corey Ledbetter		Sae More
Darryl Shelton		Louis Zunguze CD Director
Jason Klosterman		Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

April 15, 2021

Motion by Agency member Bell, seconded by Agency member Ledbetter to approve the April 15, 2021 minutes as written. The motion passed 5-0.

4. OLD BUSINESS:

None

5. NEW BUSINESS:

A. Presentation on Approach to LDC Update

Mrs. Witt presented a Power Point Presentation for the upcoming steps to be taken for the Land Development Code revision.

~ CONTINUED ON NEXT PAGE ~



Land Development Code

Revise, Reorganize and Update

TOPICS

- CONTEXT and GOALS
- ITEMS TO BE ADDRESSED
- POLICIES FOR DISCUSSION
- EXISTING AND PROPOSED LDC STRUCTURE

CONTEXT AND GOAL



Now that the Future Land Use Map and Zoning Map are aligned, our next step is to revise, reorganize and update the Land Development Code (LDC).



The goal of this endeavor is to align the LDC with the policies of the Comprehensive Plan, the Future Land Use Map and Zoning Map.

City Departments were asked to submit their requested changes for the LDC.

The following is a list of the requested changes.

City Manager's Office

- Require recycling facilities to be shown on plans at the time of development

Code Compliance Department

- Consolidated Citation Authority
- Revise types of allowable Signs
- Solicitation on the Beach

Public Services Department

- Low Speed Vehicles
- Street Classifications
- ROW Protections
- Clear visibility triangle

Community Development Department

- **Engineering Division**
 - Stormwater Requirements
 - Refuse Collection in ROW
 - Add change of use requirements for residential uses (STRs)
 - Allowed surfaces for parking lots
 - Hold Harmless agreements for residential driveways
- **Building Division**
 - Redefine Building Height
 - Clarify Public Lodging Facility requirements
 - Require Code Compliance Inspections for Short Term Rentals
 - Revise Building related definitions
 - Revise requirements of pool enclosures
 - Add exemption for Foundation and "As-Built" surveys
 - Add Special Events Section and criteria
 - Revise Floodplain Section

- **Planning Division**

- Clarify Accessory Use requirements
- Clarify Noticing/Sign Requirements for Development Projects
- Update Use Table to current NAICS manual
- Street Classifications – Restrict accessways of specific uses on certain roadways
- Strengthen criteria for PUDs
- Clarify Mobile Home definitions
- Clarify residential uses: single family attached/detached vs. Multifamily
- Incorporate standards based on Planning Areas
- Outdoor Dining/Seating Parking Standards
- Specify requirements for nonconforming uses
- Parking Agreement/Analysis criteria
- Common Boundary Buffer

**POLICIES
NEEDING
FURTHER
DISCUSSION**

The following policies will need to be discussed with City Council prior to update of the LDC.

- **Planning Areas-** There are areas of the City that are not included in a planning area at all.
- **Multi-Modal Transportation District-** There are several policies within the Comprehensive Plan which outline City initiatives to provide facilities related to the MMTD, and support community parking initiatives, etc. Is this still the intended direction for these areas? ***Staff has received direction from City Council.**
- **Impact Fees-** Now that the City's Future Land Use Map and Zoning Map are consistent, the City's Impact Fee Schedule needs to be revised based on the impact of future development. ***Staff has received direction from City Council.**

POLICIES NEEDING FURTHER DISCUSSION

The following policies will need to be discussed with City Council prior to update of the LDC.

- **Building Height-** Currently, there is an inconsistency between the method of measuring building height per the Florida Building Code, and the City's Comprehensive Plan.

Current LDC - Linear Format

1. Legal
2. Administration
3. Definitions
4. Public Participation
5. General Provisions
6. Concurrency Management System
7. Land Use, Type, Density, Intensity, Zoning and Regulatory Controls
8. Transportation
9. Housing
10. Infrastructure
11. Coastal Management and Conservation
12. Recreation and Landscape Development
13. Intergovernmental Coordination Element
14. Capital Improvements
15. Levels of Service
16. Signs
17. Checklists
18. Schedule of Fees
19. Impact Fees
20. Building Regulations

Challenges of the current LDC format

- * Conflicting code language
- * Similar requirements in different locations within the LDC and Code of Ordinances
- * Policies outlined in the Comprehensive Plan that are not adequately implemented through the Land Development Code

PROPOSED LDC FORMAT

- **General Provisions/Legal**
- **Planning Area**
 - Zoning District(s)
 - Permissions: Permitted/Conditional Uses
 - Lot Dimensional Requirements
 - Transportation
 - Corridors
 - Access Management
 - Capital Improvement Projects
 - Site Development Conditions
 - Parking Requirements
 - Landscape Requirements
 - Signs
 - Building Standards
 - Special Design Criteria – Uses/Structures
 - Infrastructure/Stormwater Management
 - Coastal Management
- **Natural Resources**
 - Recreation
 - Conservation
- **Conflicting Ordinances**
- **Concurrency Management System/Levels of Service**
- **Glossary**
- **Administration**
 - Checklists
 - Schedule of Fees
 - Impact Fees
 - Public Participation
 - Intergovernmental Coordination
- **Building Regulations**
- **Citation Authority**

NEXT STEPS

We are requesting any further input regarding the items potentially to be revised or included in the LDC and the proposed layout of the new Code.

Chairman Wood asked staff if they are planning to place all the general information in one area and then break out all the differences of each individual zoning requirements and other information that is similar so that there is not so much repetition.

According to Mr. Zunguze, if they did, they would be back in the same issues they are now encountering, and in this case, redundancy is important. Adding that for a particular zoning district, all the information will be in there so anyone looking for information will not have to flip throughout the code for information.

Agency member Bell asked if the facts sheets were going to be put back on the website. According to Mrs. Witt, they will be after staff updates them with the latest information.

Mrs. Witt asked the members to be sure and contact staff with any additional input they feel is important and should be considered.

Agency member Bell asked if these changes could address the current issue of a single family home on Holiday Isle where internal renovations are being done to change from a 4-bedroom home to a 10-bedroom home. Adding that it is now being advertised as a short term rental home that will sleep up to 40+ people.

According to Mr. Zunguze, the Land Development Code is a road map of how to do business in the city and would not tell you how to resolve conflicts such as that. Adding this is something that staff would have to look at on a case-by-case basis. And this particular concern would be addressed through the Building Code. He also mentioned that as long as the building remains a single-family home and meets the land use dimensions, staff can't touch it. But when the owner decides to rent it, they are now in

a different use category, and that's when staff gets involved. Because they are now in a change of use process from a single-family home to a short-term rental. Especially if they are already advertising which, is a sign of a potential violation.

There was also a discussion about the parking requirements that would have be met and how they were changed for just these types of situations. Mr. Zunguze also spoke of the limitations that were adopted by City Council that would prevent any new short-term rentals to sleep over 24 people and how that would also come into play in the review process for such a type of use trying to get approval.

6. DIRECTOR'S REPORT:

- Announced Lauren's last meeting - Her husband, who is in the military, has been relocated.
- Two new staff members have been hired.
- Announced the Impact Fee Concurrency is being replaced with a Mobility Plan and staff will have more information at their next meeting.

7. NEXT MEETING: May 27, 2020

8. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:05 p.m.

Adopted and approved this _____ day of _____ 2021.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 6.B.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney

DATE: June 3, 2021

SUBJECT: Proposed Bert Harris Settlement Agreement for 4478 Ocean View Drive

I. BACKGROUND: Proposed Bert Harris Settlement Agreement for 4478 Ocean View Drive

II. DISCUSSION: This proposed settlement proposes a maximum occupancy of 24, and is recommended for approval by staff. The structure has 6 bedrooms and 7.5 bathrooms, and is 4,784 heated square feet, which per Council directives results in a maximum occupancy of 24.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends approval of the proposed Bert Harris settlement agreement for 4478 Ocean View Drive.

IV. RECOMMENDED MOTION:

Attachments:

1. 6721 _4478 Ocean View Dr (Boyd) -
JUNE 7 2021

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Kimberly Romano Kopp, Esq.
Romano Kopp Law, P.A.
P.O. Box 445
Destin, Florida 32541

For Recording Purposes Only

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this ____ day of _____, 2021, ("Effective Date") by and between, Michael and Karen Boyd. ("Owner") and the City of Destin ("City"), collectively referred to as the "Parties."

RECITALS

WHEREAS, on January 22, 2019, the City enacted Ordinance 18-29-CC, the Short-Term Rental Occupancy Ordinance ("Ordinance"), which limits the occupancy of short-term rental homes to two (2) people per bedroom plus an additional four (4) persons; and

WHEREAS, Owner owns the real property and improvements located at 4478 Ocean View Drive, Destin, FL 32541, as more particularly described in the attached Exhibit "A" (the "Property"); and

WHEREAS, on January 21, 2020, Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim"); and

WHEREAS, the Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property; and

WHEREAS, the City has determined that the modifications to the effect of the Ordinance effected by this Agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property; and

WHEREAS, the Parties now desire to settle and finally resolve all disputes between and among them concerning the Claim.

NOW, THEREFORE, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.

2. **Occupancy Allowable Under Ordinance.** Owner is hereby granted a variance from the provisions of the Ordinance so that the Owner shall have the right to apply under the Ordinance for a maximum occupancy of twenty four (24) overnight guests at the four (4) bedroom vacation rental property noted above and the City shall grant such occupancy. The right shall continue in perpetuity, regardless of any future changes in ownership, provided that this right shall expire permanently if the Property were to be voluntarily remodeled or voluntarily rebuilt in such a manner as to diminish the number of bedrooms that existed at the date of the Claim.

3. **Development in Accordance with Code.** Notwithstanding any provisions contained herein, the Owner shall at any time have the right and option to remodel, develop, or use the Property in accordance with the applicable ordinances of the City of Destin in effect at the time of application therefor, and this variance shall not be construed as making the Property in any way non-conforming.

4. **Entire Agreement.** The Parties acknowledge that this Agreement constitutes the entire agreement between them regarding the settlement of their dispute and any prior statements, whether oral or written, are merged herein. This Agreement may not be modified or amended without a written instrument signed by the party against whom enforcement is sought.

5. **Duration of Agreement.** This Agreement shall be perpetual and deemed to run with the land, and shall be binding upon and the benefits shall inure to the parties hereto and their respective heirs, devisees, personal representatives, successors and assigns.

6. **Authority.** The signatories to this Agreement are expressly authorized to resolve their dispute as set forth herein and by their signatures here represent and affirm their authority to execute this Agreement.

7. **Governing Law.** The law of the State of Florida shall apply to this Agreement. Any dispute regarding this Agreement shall be litigated exclusively in the courts of Okaloosa County, Florida. The parties expressly consent to such agreed jurisdiction and venue, and waive any objections thereto.

8. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be (i) delivered by hand, (ii) delivered by reputable national or local courier (such as United Parcel Service or Federal Express), (iii) mailed by United States registered or certified mail, return receipt requested and postage prepaid, or (iv) sent by facsimile transmission provided a confirmation of such facsimile transmission is sent the same day by one of the methods of delivery in (i), (ii), or (iii) above. Any

notice shall be addressed to each party at its address as set forth below. Any such notice shall be considered given on the date of such hand delivery, deposit with such courier for same day or next business day delivery, upon receipt of return receipt of certified mail, or receipt of facsimile transmissions, as the case may be, and the time period (if any is provided herein) in which to respond to such notice shall commence on the date of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice. By giving to the other party at least ten (10) days' notice thereof, any party shall have the right from time to time to change the addresses thereof and to specify up to two (2) additional addresses within the United States of America to which copies of notices to it shall be sent. Notice may be given on behalf of any party by such party's counsel. In the event the subject property owner changes, notices shall be addressed to the current owner as indicated in the records of the Okaloosa County Property Appraiser. Otherwise, notices shall be sent as follows:

Each notice shall be addressed as follows:

To City: City of Destin, Florida
 Attn:
 4200 Indian Bayou Trail
 Destin, Florida 32541

With a copy to: City Land Use Attorney
 Romano Kopp Law, PA
 PO Box 445
 Destin, Florida 32541

Michael and Karen Boyd: Michael and Karen Boyd
 1063 Maryhill Court NW
 Kennesaw, GA 30152

With a copy to: Matthews & Jones, LLP
 Attn: C. Stephen Tatum
 4475 Legendary Drive
 Destin, Florida 32541

9. **Attorney's Fees**. In the event of any action, whether pre-suit, mediation, litigation or appellate proceeding to enforce the terms and conditions of this Agreement, each party to the action shall pay its own attorney's fees and costs incurred therein.

10. **Venue**. Venue over any action to enforce the terms and conditions of this Agreement, including mediation, shall lie solely in Okaloosa County, Florida.

OWNERS:

Signature of Witness #1

Michael Boyd

Print or type name

Karen Boyd

Signature of Witness # 2

Print or type name

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of ____ physical presence or ____ online notarization, appeared _____, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing _____ and he/she acknowledged before me that he/she executed same.

Signature of Notary

(NOTARY SEAL)

Print or type name

CITY OF DESTIN

By: _____
Gary Jarvis, Mayor

Date: _____

ATTEST:

Rey Bailey, City Clerk

Date: _____

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of ____ physical presence or ____ online notarization, appeared _____, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing _____ and he/she acknowledged before me that he/she executed same.

Signature of Notary

(NOTARY SEAL)

Print or Type Name

Approved as to form and legality for use and reliance
by the City of Destin, Florida, only.

Kimberly Romano Kopp, Esq.
City Land Use Attorney

Exhibit "A"

Legal Description of Property

Lot 41, CRYSTAL SHORES, a Planned Unit Development in Township 2 South, Range 22 West, a Resubdivision of Block 9, Crystal Beach Subdivision, as per plat thereof, recorded in Plat Book 13, Page 59, of the Public records of Okaloosa County, Florida.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 7, 2021
TYPE OF AGENDA ITEM: Council Discussion Item
AGENDA OUTLINE NUMBER: 7.A.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: 1) Livery Vessel Fees

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: June 7, 2021
TYPE OF AGENDA ITEM: Presentation
AGENDA OUTLINE NUMBER: 7.E.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Councilmember Hebert

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

RESOLUTION 2021-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, ENCOURAGING AND SUPPORTING OKALOOSA COUNTY AND ITS EFFORTS TO SEEK CHANGES FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) TO DIRECT AIR AND HELICOPTER TOURS AWAY FROM RESIDENTIAL AREAS AND CONGESTED BEACHES; PROVIDING DIRECTION TO CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the flights paths of scenic helicopter and air tours traverse the airways over the incorporated residential areas and beaches located within the City of Destin; and

WHEREAS, the City of Destin receives numerous complaints from residents regarding excessive noise from low-flying helicopters over residential areas and beaches located within the City of Destin; and

WHEREAS, the number of complaints received by the City of Destin regarding helicopter and air tours continues to increase significantly each year and has become one of the City's most frequently received complaint; and

WHEREAS, it is the opinion of the City Council of the City of Destin that scenic helicopter and air tours are a commercial use that is incompatible with residential uses within the City of Destin and surrounding beaches; and

WHEREAS, scenic helicopter and air tours have created documented negative impacts over residential areas of the City, and adjacent beaches that include noise, wildlife disturbances, scenic intrusions in viewsheds, apparent safety hazards, interference with County and City water rescue operations and diminished quality of life for residents and experiences for visitors of the City; and

WHEREAS, the City of Destin seeks to preserve the residential land and beaches located within the City of Destin, and specifically the enjoyment, education and inspiration of this and future generations; 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, the City desires to encourage helicopter and air tour flight paths 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, scenic helicopter tours over congested beaches and residential areas cannot safely

land upon congested beaches or homes in an emergency situation and pose a significant and unjustified public safety risk; 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, residents within established residential neighborhoods deserve the right to tranquility and peaceful enjoyment of their home without excessive noise and safety risks; and

WHEREAS, directing helicopter and air tour flight paths away from homes and beaches and increasing required minimum altitudes would decrease the excessive noise and visual disturbances endured by residents and tourists of the City of Destin; and

WHEREAS, commercial helicopter and air tours operate under Federal Aviation Administration (FAA) rules and regulations regarding authorized operations and aeronautical activities; and

WHEREAS, those activities include daily flight operations that are for scenic purposes only; and

WHEREAS, multiple daily scenic tours originate from outside the boundaries of the City of Destin; and

WHEREAS, the City of Destin cannot further restrict flight paths because of federal preemption; and

WHEREAS, Congressional legislation directing the FAA to craft rules and guidance restricting flights for scenic purposes from operating out of Okaloosa County is the most effective method to protect the mission and values of Okaloosa County and the City of Destin; and

WHEREAS, the City supports the County's efforts to preserve established residential neighborhoods through the County's efforts to seek change from the FAA and Florida Department of Transportation (FDOT); 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. Support for Okaloosa County's Efforts to Seek Change to Helicopter Tour Flight Paths. The City Council of the City of Destin supports and encourages Okaloosa County's efforts to seek changes from the Federal Aviation Administration directing helicopter flight paths away from residential areas and congested beaches within the City of Destin.

Section 3. Directions to City Clerk. This Resolution shall be forwarded to Okaloosa County Board of County Commissioners, the Governor of Florida, the Okaloosa County Legislative

Delegation, to Casey Cook, Senior Legislative Advocate at the Florida League of Cities, to the Florida Department of Transportation (FDOT), and to the Federal Aviation Administration (FAA).

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

PASSED AND ADOPTED BY THE CITY OF DESTIN, FLORIDA THIS 7TH DAY OF JUNE, 2021.

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: June 7, 2021

TYPE OF AGENDA ITEM: Action Item

AGENDA OUTLINE NUMBER: 7.I.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: 1) Invocation of pending ordinance doctrine for floodplain ordinance

I. BACKGROUND: On April 19, 2021, the City Council reviewed the following information from staff regarding floodplain regulations, and directed staff to proceed with an ordinance. At this time, staff would like to invoke the pending ordinance doctrine so that new applications will be brought under the pending regulations directed by Council on April 19th.

II. DISCUSSION: CURRENT DESIGN STANDARDS:

Design Standards for AE zones (See Attachment):

- Building or structures in flood hazard areas (AE zone) shall have the lowest floors elevated to or above the BFE plus 2 feet, or Design Flood Elevation (DFE), whichever is highest.
- Enclosed areas below DFE shall be used solely for parking, building access, and storage.
- Areas below DFE are provided with flood openings (i.e., 1 square inch opening for each square foot of enclosed area).
- If enclosed area is used for parking shall be enclosed with lattice, screening, or material that permits unobstructed flow of flood waters.
- Non-conversion agreement is required.
- Building access and storage can be no more than 200 square feet and only 70 square feet can be used for storage.

Design standards for VE zones (High Coastal Hazard Areas) are the same as AE zones, except (See Attachment):

- Building or structures in coastal high hazard areas (VE zone) shall be elevated so that the bottom of the lowest horizontal member shall be above the BFE plus 2 feet, or DFE, whichever is highest.
- Use of fill material for structural support is prohibited.

CHALLENGES OF CURRENT DESIGN STANDARDS:

1. Flood regulations and design standards are located in two different locations – the LDC and Code of Ordinances. This causes confusion for the public.
2. The City's current flood design standards:
 - a. Similar for both VE and AE flood zones. It is a one size fits all approach to floodplain management. However, it is important to note, these areas are drastically different areas and should not share the same design characteristics.
 - b. Allow fill material in the AE zones. This increases the chance of flooding for existing adjacent properties that are in low lying areas.
 - c. The current design standard is the most restrictive. Can drastically change the physical and visual characteristics of a neighborhood. Although it may create the most protective environment possible for our residents, it can be restrictive and burdensome to development and/or redevelopment based on the level of risk. Furthermore, the standards are not based on a risk analysis feasibility study.

PROPOSED SOLUTIONS TO CHALLENGES:

1. Flood regulations and design standards located in the LDC ONLY
 - o Revise Ordinance 18-05-LC to include the revised technical amendments that support the City's Community Rating System (CRS) design standards. This will allow for all flood regulations and design requirements to be found in Article 11.04.00 – Floodplain Management, Land Development Code.
2. Define and designate our Coastal A zones, versus the Non-Coastal A Zones, Eliminate the use of fill material in AE zones, and Revise Non-Coastal A design requirements:
 - a. Define and designate the Coastal A Zone per the City's Comprehensive Plan. Under the CRS program, these areas are subject to higher regulatory standards due to potential storm surge. The flood elevations were lowered on Holiday Isle when the new maps became effective. However, this area is more susceptible to storm surge. Staff proposes designating Holiday Isle, and those areas already defined by the limited area of minimum wave action (LiMWA) as Coastal A on the new flood maps.
 - b. Eliminate the use of fill material in AE zones or designated low-lying areas. This will reduce flooding impacts to nearby property.
 - c. Revise the 2-foot freeboard requirement for structures in the Non-Coastal A zone and use the flood design standards from the Florida Building Code, which requires a 1-foot free board or Design Flood Elevation (DFE), whichever is higher. Note: will require amending Ordinance 20-01-PC, which established the higher design standards in the Comprehensive Plan. (i.e., 2-foot free board)

ADVANTAGES OF THE PROPOSED CHANGES:

- Flood regulations will be located in the LDC ONLY
- Higher regulatory construction standards will be maintained in the designated High Coastal Hazard Areas (i.e., Holiday Isle)
- Coastal A Zones will be designated, and the design standards defined for Coastal and Non-Coastal A or AE Zones.
- Utilize regulatory design standards based upon 1-foot freeboard requirement established by the Florida Building Code. This will help establish clear development and redevelopment standards, and will allow for enclosed spaces (i.e., garage) to be designed below base flood elevation in designated Non-Coastal AE Zones.
- Eliminate the use of fill material in AE Zone or identified low-lying areas to reduce the

potential risk of elevating the parcel allowing water to displace onto adjacent parcels.

- No decrease in CRS rating

In summary, proposed changes will allow staff to evaluate risk and apply sound engineering and floodplain practices in designated SFHA.

DISADVANTAGES OF THE PROPOSED CHANGES:

- Perception of lowering standards in AE zones. However, the design standard in AE zones will meet the Florida Building Code 1-foot free board requirement for development or redevelopment in designated SFHA.
- Requirements of no fill material may increase construction and maintenance cost.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None