

**GULF BREEZE CITY COUNCIL  
REGULAR MEETING AGENDA**

**APRIL 20, 2015  
MONDAY, 6:30 P.M.  
COUNCIL CHAMBERS**

*There will be an Audit Presentation by  
Saltmarsh Cleaveland & Gund at 6:00 p.m. prior to the Council meeting.*

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes for April 6, 2015, Regular Meeting  
Approval of Minutes for April 6, 2015, Community Redevelopment Agency Board Meeting
4. **ORDINANCE NO. 03-15** AN ORDINANCE AMENDING SECTIONS OF THE LAND USE AND ZONING CODE AND THE LAND DEVELOPMENT CODE.  
*(FIRST READING)*  
  
**ORDINANCE NO. 04-15** AN ORDINANCE AMENDING SECTION 3-4(B) OF THE CODE OF ORDINANCES; PERTAINING TO THE REGULATIONS OF CERTAIN BUSINESSES THAT SELL OR SERVE ALCOHOLIC BEVERAGES  
*(FIRST READING)*
5. **CONSENT AGENDA ITEMS\*:**
  - A. Discussion and Action Regarding Special Event Application for “Grillin in the Breeze” to be held on Saturday, May 16, 2015.
  - B. Discussion and Action Regarding Operational Services for Water System at Gulf Island National Seashore.
  - C. Discussion and Action Regarding Purchase of AED’s for Shoreline Park and Tiger Point.
  - D. Discussion and Action Regarding Endorsement of Maintenance of Traffic Working Group Report.
  - E. Discussion and Action Regarding Declaration of Surplus Property – 2001 Dodge Truck.
  - F. Discussion and Action Regarding 1997 B Loan Program
  - G. Discussion and Action Regarding Mitigation Letter

**\*These are items considered routine in nature and will be considered by one motion. If any citizen wishes to voice an opinion on one of the items, you should advise the Council immediately.**

6. Action Items – None
7. New Items
8. Information Items
9. Public Forum
10. Adjournment

*If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based. The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair. If you are a person with a disability who needs accommodation in order to participate in a public hearing you are entitled to the provision of certain assistance. Please contact the City Clerk's office at (850) 934-5115 or at 1070 Shoreline Drive, Gulf Breeze at least one (1) week prior to the date of the public hearing.*

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

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The 1,269<sup>th</sup> Regular Meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at Gulf Breeze City Hall on Monday, April 6, 2015, at 6:30 p.m.

Upon call of the roll the following Councilmembers were present: Councilwoman Bookout, Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David G. Landfair, and Mayor Matt Dannheisser.

**APPROVAL OF MINUTES:**

Councilwoman Fitch moved for approval of the minutes from the Land Development Code Workshop held on March 11, 2015, with correction to reflect Councilwoman Bookout was in attendance. Mayor Pro Tem Henderson second. The vote for approval was unanimous.

Councilman Landfair moved for approval of the minutes for the Community Redevelopment Agency Board Meeting held on March 16, 2015. Councilwoman Fitch seconded. The vote for approval was unanimous.

Councilwoman Fitch moved for approval of the minutes for the Regular Meeting held on March 16, 2015. Councilman Landfair seconded. The vote for approval was unanimous.

Presentation by Jacob Tutt of his Eagle Scout project. Mr. Tutt addressed the Council and explained his Eagle Scout project was to repair and replace damaged blue bird boxes. He answered questions from the Council. Mayor Pro Tem Henderson made a motion to approve the Eagle Scout Project. Councilwoman Fitch second. The vote for approval was unanimous.

**PROCLAMATION:**

**PROCLAIMING APRIL 11, 2015, THROUGH APRIL  
24, 2015, "PAINT THIS TOWN PURPLE" WEEK**

Mayor Dannheisser read and presented representatives from the American Cancer Society with the Proclamation.

**ORDINANCE NO. 03-15:**

**AN ORDINANCE AMENDING SECTIONS OF THE  
LAND USE AND ZONING CODE AND THE LAND  
DEVELOPMENT CODE  
(First Reading)**

MINUTES OF THE REGULAR MEETING OF THE  
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The City Clerk read the Ordinance by title. The following individuals spoke regarding the Ordinance: Robert Price, 404 Kenilworth; Robert Turpin, 2 Madrid; and Tim Burr, 604 Fairpoint Drive.

Councilwoman Fitch moved for approval of Ordinance No. 03-15 and to hold a Second Reading and Public Hearing on April 20, 2015. Councilwoman Bookout seconded. The vote for approval was 4 – 1 with Mayor Pro Tem Henderson dissenting.

**CONSENT AGENDA ITEM(S):**

- A. **SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT APPLICATION FOR CAPTAIN FUN 5K RUN ON SATURDAY, AUGUST 1, 2015.**

Reference: Deputy Chief of Police memo dated March 18, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE APPLICATION.**

- B. **SUBJECT: DISCUSSION AND ACTION REGARDING WATER MAIN REPAIR AT INTERSECTION OF DRACENA WAY AND 505 SILVERTHORN ROAD.**

Reference: Director of Public Services memo dated March 26, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE WARRINGTON UTILITY TO REPLACE WATER SYSTEM COMPONENTS AND SUBSEQUENT CURB AND ASPHALT REPAIR, AT THE INTERSECTION OF DRACENA AND 505 SILVERTHORN ROAD FOR \$7,780.**

- C. **SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF E35 BOBCAT EXCAVATOR.**

Reference: Director of Public Services memo dated March 19, 2015

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**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF ONE (1) BOBCAT E35 T4 ZTS VIA FLORIDA STATE CONTRACT #760-000-10-1 FROM BOBCAT OF PENSACOLA FOR \$41,456 WITH FUNDING FROM NATURAL GAS.**

**D. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF USED BACKHOE/LOADER FOR TRANSFER STATION.**

Reference: Director of Public Services memo dated March 6, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL FOREGO THE NORMAL BID PROCESS AND AUTHORIZE AN AMOUNT NOT TO EXCEED \$35,000 FOR STAFF TO PURCHASE A USED BACKHOE/LOADER FOR THE TRANSFER STATION AND AUTHORIZE THE DISPOSAL OF THE 28 YEAR OLD JCB BACKHOE/LOADER.**

**E. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF FORD SUPER DUTY F-250 TRUCK WITH DEDICATED CNG.**

Reference: Director of Public Services memo dated March 16, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF ONE (1) FORD SUPER DUTY F-250 DEDICATED CNG TRUCK FROM HUB CITY FORD VIA CITY OF PENSACOLA BID.**

**F. SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF 17' EQUIPMENT TILT TRAILER.**

Reference: Director of Public Services memo dated March 19, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF ONE (1) 17' EQUIPMENT TILT TRAILER FROM BOBCAT OF PENSACOLA FOR \$5,900.00.**

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

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**G. SUBJECT: DISCUSSION AND ACTION REGARDING DECLARATION OF SURPLUS PROPERTY – CHEVY TAHOE SEATS.**

Reference: Assistant Director of Public Services memo dated March 25, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL DECLARE SURPLUS THE TWO THIRD ROW SEATS FROM THE 2014 CHEVY TAHOE AND PLACED FOR AUCTION ON GOVBIDS.**

**H. DISCUSSION AND ACTION REGARDING PAYMENT OF INVOICE 306859 TO GALLOWAY / JOHNSON TOMPKINS/ BURR AND SMITH (GJTBS).**

Reference: City Clerk memo dated March 3, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE PAYMENT OF INVOICE NO 306859 IN THE AMOUNT OF \$4,955.50 TO GJTBS.**

**I. DISCUSSION AND ACTION REGARDING APPOINTMENT OF TASK FORCE TO DEVELOP AFTER SCHOOL PROGRAM.**

Reference: City Manager memo dated March 27, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPOINT A TASK FORCE TO DEVELOP A PROGRAM TO PROVIDE AFTER SCHOOL ACTIVITIES FOR MIDDLE SCHOOL AGED STUDENTS AT THE COMMUNITY CENTER.**

**J. DISCUSSION AND ACTION REGARDING APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE TOURIST DEVELOPMENT COUNCIL; AND APPOINTMENT OF AN ALTERNATE TO THE FLORIDA/ALABAMA TRANSPORTATION ORGANIZATION AND THE NORTH WEST FLORIDA TRANSPORTATION ORGANIZATION.**

Reference: City Manager memo dated March 27, 2015

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**RECOMMENDATION:**

**1. THAT THE CITY COUNCIL APPOINT A REPRESENTATIVE TO THE  
TOURIST DEVELOPMENT COUNCIL.**

Councilwoman Fitch suggested that City Manager Buz Eddy be appointed to the Tourist Development Council and Deputy City Manager Curt Carver serve as an alternate and place staff's recommendation on the April 6, 2015, Regular Council meeting consent agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**2. THAT THE CITY COUNCIL APPOINT AN ALTERNATE TO THE  
FLORIDA/ALABAMA TPO AND NORTHWEST FLORIDA TPO.**

Mayor Pro Tem Henderson suggested that Councilwoman Bookout be appointed as an alternate to the Florida/Alabama TPO and Northwest Florida TPO and to place staff's recommendation on the April 6, 2015, Regular Council meeting consent agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**K. DISCUSSION AND ACTION REGARDING CLOSURE BY FLORIDA  
DEPARTMENT OF TRANSPORTATION OF MEDIAN OPENING AT ANDREW  
JACKSON TRAIL.**

Reference: City Manager memo dated March 27, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL CONSIDER ENDORSING THE FDOT PLAN  
REGARDING THE MEDIAN CLOSURE OF ANDREW JACKSON TRAIL.**

Councilman Landfair moved for approval of Consent Agenda Items A through K. Mayor Pro Tem Henderson seconded. The vote for approval was unanimous.

*\*These are items considered routine in nature and will be considered by one motion. If any citizen wishes to voice an opinion on one of the items, you should advise the Council immediately.*

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**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING PAYMENT OF FAIRPOINT REGIONAL UTILITY SYSTEM OPERATING DEBT.**

Reference: Assistant Director of Public Services memo dated March 27, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE IMMEDIATE PAYMENT OF \$174,890 TO FAIRPOINT REGIONAL UTILITY SYSTEM TO PAY FOR COSTS INCURRED DURING THE WATER SUPPLY OUTAGE.**

Mayor Dannheisser inform the Council that the South Santa Rosa Utility Board held a Special Meeting preceding the City Council meeting. Mayor Dannheisser asked Tom Naile, Co-Chair of the SSRUS Board, to advise the Council of the recommendation that the Board made during its Meeting. Mr. Naile advised that the following recommendation was made:

*That the South Santa Rosa Utility Board endorse a loan to the Fairpoint Regional Utility System in the amount of \$174,890 with \$94,441 being funded by South Santa Rosa Utility System and \$80,449 funded by the City. The loan shall be evidenced by a Promissory Note from Fairpoint Regional Utility System to the City of Gulf Breeze with the following provisions: (1) amount due and owing shall be \$374,890 (initial loan of \$200,000 as well as current loan of \$174,890); (2) no interest; (3) repayment to begin within the next six months; and (4) repayment of loan not to exceed ten years.*

Mayor Pro Tem Henderson made a motion to approve the South Santa Rosa Utility Board's recommendation. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**B. DISCUSSION AND ACTION REGARDING PEYTON OFFICE BUILDING**

Reference: Deputy City Manager memo dated February 17, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL MAKE A DETERMINATION ON THE CNG STATION USE IN THE GATEWAY OVERLAY DISTRICT AND AUTHORIZE STAFF TO SOLICIT PROPOSALS FOR THE DEMOLITION OF THE PEYTON**

MINUTES OF THE REGULAR MEETING OF THE  
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**OFFICE BUILDING AND PROCEED WITH THE DESIGN FOR THE CNG  
STATION ON THIS SITE.**

Councilwoman Fitch made a motion to approve staff's recommendation. The motion was seconded by Councilwoman Bookout. The vote for approval was unanimous

**C. DISCUSSION AND ACTION REGARDING NEW CONTRACTS – GULF  
BREEZE FINANCIAL SERVICES AND CAPITAL TRUST AGENCY – ED  
GRAY**

Reference: City Manager memo dated March 27, 2015

A revised draft of the employment agreement was provided to the Council prior to the meeting.

Councilman Landfair made a motion to approve the Employment Agreement between Ed Gray and the City of Gulf Breeze for services to be rendered to Capital Trust Agency and Gulf Breeze Financial Services. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**D. DISCUSSION AND ACTION REGARDING SPECIAL EVENT APPLICATION  
FROM GULF BREEZE ELEMENTARY SCHOOL FOR ANNUAL  
ELEMENTARY SCHOOL FUN RUN ON APRIL 15, 2015**

Reference: Deputy Chief of Police memo dated March 31, 2015

**RECOMMENDATION:**  
**THAT THE CITY COUNCIL APPROVE THE ELEMENTARY SCHOOL  
APPLICATION.**

Mayor Pro Tem Henderson made a motion to approve staff's recommendation. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**E. DISCUSSION AND ACTION REGARDING AMENDING SECTION 3-4 OF THE  
CODE OF ORDINANCES WITH RESPECT TO DISTANCE REQUIREMENTS  
FROM CHURCHES AND SCHOOLS FOR SALE OF ALCOHOL.**

MINUTES OF THE REGULAR MEETING OF THE  
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City Manager advised that Staff will prepare a proposed Ordinance and place it for consideration on the next Executive Session agenda. Council agreed. No action was taken.

**NEW BUSINESS:** None

**OPEN FORUM:**

Jackie Price, 404 Kenliworth, spoke about the increase in traffic on Kenliworth.

Mayor Dannheisser suspended the Regular Council meeting at 7:17 p.m. for the City Council to meet as the Community Redevelopment Agency Board of Directors. The Regular meeting resumed at 7:18 p.m.

**ADJOURNMENT:** Mayor Dannheisser adjourned the meeting at 7:21 p.m.

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Stephanie D. Lucas, City Clerk

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Matt E. Dannheisser, Mayor

**MINUTES OF A MEETING OF THE BOARD OF DIRECTORS FOR THE  
COMMUNITY REDEVELOPMENT AGENCY**

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A meeting of the Board of Directors for the Community Redevelopment Agency, Gulf Breeze, Florida, was convened at the Gulf Breeze City Hall Council Chambers on Monday, April 6, 2015, at 7:17 p.m.

The following members were present: Councilwoman Bookout, Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David G. Landfair, and Mayor Matt Dannheisser.

The purpose of the meeting was for the Board of Directors of the Community Redevelopment Agency to consider the following:

**CONSENT AGENDA ITEM\*:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING AMENDED SCOPE OF  
WORK FOR VANASSE HANGEN BRUSTLIN, INC .**

Reference: City Manager memo dated March 25, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL MEET AS THE BOARD OF DIRECTORS OF THE  
COMMUNITY REDEVELOPMENT AGENCY ON MONDAY, APRIL 6, 2015,  
AND APPROVE A CHANGE OF THE SCOPE OF WORK WITH VHB BY AN  
AMOUNT NOT TO EXCEED \$20,000. (THIS CHANGE IN SCOPE WILL  
ALLOW VHB TO ASSIST IN PREPARATION OF THE MAINTENANCE OF  
TRAFFIC PLAN)**

Mayor Pro Tem Henderson moved for approval of Consent Agenda Item A. Councilwoman Fitch seconded. The vote for approval was unanimous.

**\*These are items considered routine in nature and will be considered by one motion.  
If any citizen wishes to voice an opinion on one of the items, you should advise the  
Council immediately.**

**INFORMATIONAL ITEMS:** None

**PUBLIC FORUM:** None

**ADJOURNMENT:** Mayor Dannheisser adjourned the meeting at 7:18 p.m.

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Stephanie D. Lucas, City Clerk

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Matt E. Dannheisser, Mayor

Councilmembers Present: Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David Landfair, and Mayor Matt Dannheisser. Councilwoman Renee Bookout was not present.

**ACTION AGENDA ITEMS:**

**A. SUBJECT: DISCUSSION AND ACTION REGARDING SPECIAL EVENT APPLICATION FOR “GRILLIN IN THE BREEZE” TO BE HELD ON SATURDAY, MAY 16, 2015.**

Reference: Deputy Chief memo dated April 7, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE THE SPECIAL EVENT APPLICATION FOR “GRILLIN IN THE BREEZE”.**

Mayor Pro Tem Henderson made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE 03-15 AMENDING SECTIONS OF THE LAND USE AND ZONING CODE AND LAND DEVELOPMENT CODE.**

Reference: Deputy City Manager memo dated April 8, 2015 and draft Ordinance

The City Clerk read Ordinance 03-15 by title. The Mayor opened the floor was opened for public comments.

Public Comments:

- Russ Johnson, 335 James River Road and Cheryl Saiter, 345 James River Road spoke regarding concerns about the proposed height changes in Ordinance 03-15.
- Robert Turpin, 2 Madrid, spoke regarding concerns over the line of sight criteria and the plant size provisions. Questioned the setback criteria of 250 feet established for Chanteclair versus the set back of 75 feet proposed for Planation Hill on building heights exceeding 35 feet.
- Tom Naile, 100 Daniel Drive, spoke in regards to the work that has been done in the last three years by the Steering Committee.

**RECOMMENDATION:**

**THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 03-15 ADOPTING AMENDMENTS TO CHAPTER 20 AND 21 OF THE CODE OF ORDINANCES IN ORDER TO IMPLEMENT PROVISIONS OF THE COMPREHENSIVE PLAN ON A FIRST READING ON APRIL 20, 2015, AND HOLD A PUBLIC HEARING ON SAID ORDINANCE ON MAY 4, 2015, AND APPROVE IT ON A SECOND READING ON THAT DATE**

Councilwoman Fitch made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda for first reading. The motion was seconded by Councilman Landfair. The vote for approval was 3-1 with Councilman Henderson dissenting.

**C. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE AMENDING SECTION 3-4 OF THE MUNICIPAL CODE OF ORDINANCES – DISTANCE REQUIREMENT FROM CHURCHES AND SCHOOLS FOR RESTAURANTS.**

Reference: City Manager memo dated April 8, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL DIRECT STAFF TO PREPARE AN ORDINANCE TO AMEND SECTION 3-4 OF THE CODE, DISTANCE REQUIREMENTS FROM CHURCHES AND SCHOOLS TO ESTABLISH AN EXEMPTION IN THE CODE WITH REQUIREMENTS TO BE MET FOR THE EXEMPTION AND HAVE THE ORDINANCE READY FOR THE APRIL 20<sup>TH</sup> REGULAR MEETING FOR FIRST READING.**

Councilwoman Fitch made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda for first reading. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**D. SUBJECT: DISCUSSION AND ACTION REGARDING OPERATIONAL SERVICES FOR WATER SYSTEM AT GULF ISLAND NATIONAL SEASHORE.**

Reference: Director of Public Services memo dated March 16, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE STAFF TO PROCEED WITH DEVELOPING CONTRACTUAL AGREEMENT FOR WATER SYSTEM OPERATIONS WITH GINS AS DESCRIBED IN MEMO.**

Mayor Pro Tem Henderson made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

Mayor Dannheisser requested an analysis be provided of the estimated profit to be realized through this agreement. In addition, Mayor Dannheisser would like a 30 day "out" clause to be included in the contract.

**E. SUBJECT: DISCUSSION AND ACTION REGARDING AED'S FOR SHORELINE PARK AND TIGER POINT.**

Reference: Director of Community Services memo dated April 1, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL AUTHORIZE THE PURCHASE OF FOUR (4) AED'S TO BE PLACED AT FOUR LOCATIONS (BOTH CONCESSION STANDS AT SHORELINE PARK, ONE AT THE COMMUNITY CENTER AND ONE IN THE LOBBY AT TIGER POINT) AT A COST OF \$1,400.00 PER LOCATION TO BE PAID FROM CAPITAL RESERVE FUNDS.**

Councilwoman Fitch made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Mayor Pro Tem Henderson. The vote for approval was unanimous.

**F. SUBJECT: DISCUSSION AND ACTION REGARDING ENDORSEMENT OF MAINTENANCE OF TRAFFIC WORKING GROUP REPORT.**

Reference: City Manager memo dated April 8, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ENDORSE THE REPORT OF THE MAINTENANCE OF TRAFFIC WORKING GROUP RELATIVE TO THE MOT PLAN FOR THE PENSACOLA BAY BRIDGE REPLACEMENT PROJECT.**

Councilman Landfair made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

**G. SUBJECT: DISCUSSION AND ACTION REGARDING DECLARATION OF SURPLUS PROPERTY – 2001 DODGE TRUCK.**

Reference: City Manager memo dated April 8, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL DECLARE THE 2001 DODGE TRUCK (VIN#3B7KC26Z91M246237) AS SURPLUS AND DIRECT STAFF TO DISPOSE OF THE VEHICLE IN ACCORDANCE WITH CITY POLICY.**

Mayor Pro Tem Henderson made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**H. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENT OF COMMITTEE FOR AFTER SCHOOL PROGRAM.**

Reference: City Manager memo dated April 8, 2015

*Informational Item. No Action Taken.*

**I. SUBJECT: DISCUSSION AND ACTION REGARDING APPOINTMENT OF "AUTHORIZED OFFICER" FOR THE 1997-B LOAN PROGRAM.**

Reference: City Manager memo dated April 8, 2015

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ACTING AS THE BOARD OF GULF BREEZE FINANCIAL SERVICES DESIGNATE CITY MANAGER EDWIN A. EDDY AS THE AUTHORIZED OFFICER FOR THE 1997-B LOAN PROGRAM AND DIRECT HIM TO APPROVE THE INVOICE FROM U.S. BANK IN THE AMOUNT OF \$18,011.00 FOR ANNUAL TRUSTEE SERVICES.**

Councilwoman Fitch made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**J. SUBJECT: DISCUSSION AND ACTION REGARDING PRESENTATION OF ANNUAL AUDIT BY SALTMARSH CLEVELAND AND GUND.**

Reference: City Manager memo dated April 8, 2015

Representatives from Saltmarsh Cleveland and Gund will present the City's annual audit at 6:00 p.m. on Monday, April 20<sup>th</sup> prior to the Regular Council meeting.

**NEW ITEMS****A. SUBJECT: DISCUSSION AND ACTION REGARDING MITIGATION LETTER FROM FDOT.**

Reference: City Manager memo dated April 15, 2015 and verbal report

**RECOMMENDATION:****THAT THE CITY COUNCIL APPROVE THE CONCEPT TO SIGN THE MITIGATION LETTER SUBJECT TO THE THREE ITEMS LISTED:**

1. Improvements of the planned new parking area underneath and adjoining the new bridge would include the addition of a new, double berth boat launch.
2. FDOT grant permission, contingent on the City obtaining the necessary permitting, for connection to the existing storm sewer system serving Highway 98 and adjoining McClure Drive.
3. Include in the design-build criteria for construction of the new bridge the opportunity to establish 4(f) park property lost from the current park site as a result of construction of the new bridge.

Councilwoman Fitch made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

**B. SUBJECT: DISCUSSION AND ACTION REGARDING CONTRIBUTION TO TAKE STOCK IN CHILDREN.**

Reference: City Manager memo dated April 15, 2015 and verbal report

**RECOMMENDATION:**

**THAT THE CITY COUNCIL ISSUE AN APPEAL FOR DONATIONS TO TAKE STOCK IN CHILDREN TO BE MADE BY APRIL 30<sup>TH</sup> SO TAKE STOCK IN CAN FULLY UTILIZE THE FLORIDA PREPAID AMOUNT SET ASIDE FOR SANTA ROSA COUNTY.**

Councilwoman Fitch advised the Council of a conflict of interest due to her service on the Santa Rosa County Education Board.

Councilman Landfair made a motion to place staff's recommendation on the April 20, 2015, Regular Council meeting agenda. The motion failed due to lack of a second.

**INFORMATION ITEMS:****PUBLIC FORUM:**

Doug Wood, 175 Russ Drive, spoke in opposition of alcohol being served at the "Films at the Fields" events.

**ADJOURNMENT:** Mayor Dannheisser adjourned the meeting at 7:45 P.M.

# City of Gulf Breeze

## Memorandum

**To:** Edwin A. Eddy, City Manager

**From:** Curt Carver, Deputy City Manager

**Date:** 4/17/2015

**Subject:** Zoning and LDC Amendments

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Enclosed is a "clean" copy of Ordinance 03-15 that incorporates the "red-lined" revisions in the copy distributed at the Executive Meeting on April 15<sup>th</sup>. The one exception to that is Section 10 of the ordinance. Please refer to page 15 of the ordinance. Subsection (3) (i.) has been revised to reflect that the required canopy tree shall be "no less" than the tree specified and that said canopy trees "will create a continuous overlapping canopy within five years". At the meeting, there was discussion regarding establishing the same 90% opacity standard for canopy trees as the shrub screen. In consultation with VHB's landscape architect, this standard may be difficult to achieve. VHB suggested an overlapping canopy standard, which is achievable in 4 to 6 years.

In my discussions with VHB, they have also suggested that two species of trees would not be without leaves for any length of time. These are Live Oaks and Southern Magnolias. They also suggested that groupings of three Sabal Palms and/or Red Cedars could be used to replace one canopy tree as an alternative. This level of specificity was not added to the ordinance, but could be used during the special exception review process.

As I have indicated in the past, this ordinance is consistent with the recently approved amendment to the Comprehensive Plan and the recommendations from the Steering Committee. Should you have any questions, please do not hesitate to contact me.

**Recommendation:** That the City Council approve Ordinance 03-15 adopting amendments to Chapters 20 and 21 of the Code of Ordinances in order to implement provisions of the Comprehensive Plan on a First Reading on April 6, 2015 and schedule a public hearing on said ordinance on April 20, 2015 and approve it on a Second Reading on that date.

Enclosure

**ORDINANCE 03-15**

**AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING SECTIONS OF THE LAND USE AND ZONING CODE AND THE LAND DEVELOPMENT CODE TO PROVIDE CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN 2035, DESIGNED TO IMPLEMENT THE CITY'S MOST LIVABLE CITY PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 2(b), Article VIII of the State Constitution provides that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Council adopted an amendment to the Comprehensive Plan, entitled "Comprehensive Plan 2035" by Ordinance No. 08-14 on November 17, 2014, in order to implement the City's Most Livable City Plan; and

**WHEREAS**, said amendment provides for a new land use category for mixed use development and recognizes the need to increase building heights in certain target areas; and

**WHEREAS**, said amendment recognized that certain revisions to the City's Land Use and Zoning Code and Land Development Code (Codes) would be necessary to ensure consistency with the goals and objectives of the Comprehensive Plan; and

**WHEREAS**, the Steering Committee has reviewed and recommended certain amendments to the Codes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Section 21-1 is hereby amended as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense, words used in the singular number include the plural, and words used in the plural include the singular. The word "person" includes a firm, association, organization, partnership or corporation as well as an individual.

*Accessory building or structure* means a structure which is on the same parcel of property as a legally existing primary structure or principle use and the use of which is incidental to the use of the primary structure or principle use and contributes to the comfort,

convenience or necessity of the occupants. An accessory building or structure shall include, but not be limited to, a garage, storage shed, gazebo, picnic pavilion and similar buildings or structures. The term also includes accessory buildings or structures that are temporary or portable in nature.

*Accessory use* means a use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

*Alteration of building* means any change in the supporting members of a building (such as bearing walls, columns, girders) except such change as may be required for its safety; any addition to a building; any change in use from that of one district classification to another; and any change of a building from one location to another.

*Building* includes the word "structure" and means any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

*Condominium* means a residential unit located within a multifamily building; such unit is individually owned without individual having title to the land on which the building is located.

*Dwelling* means a building, or a portion thereof, designed, arranged or used exclusively as the permanent living quarters for one or more persons as a single housekeeping unit.

*Family* means one or more persons occupying a dwelling unit and living as a single housekeeping unit.

*Fence* means a structure of any kind, except vegetation or plant life, erected for the purpose of enclosing a portion of land, or to divide a piece of land into distinct portions, or to separate two contiguous estates. A fence as defined above shall not include a structure erected along the exterior boundaries of any R-ES, R-1-AA, R-1-A or R-1 zoning district where those exterior boundaries border on a C-1 district or U.S. Highway 98 or Florida State Highway 399, so long as the structure does not exceed eight feet in height and is constructed of brick and/or cedar, juniper, cypress or redwood boards, is not electrified in any manner whatsoever, and is otherwise compatible aesthetically with the local environment and is approved by the designated development approval authority. If the structure does not conform to the above description, the structure shall be considered a fence and shall be subject to all of the ordinances and regulations regarding the constructions of fences.

*Gasoline service station* means a building or lot where gasoline or other flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed, approved dispensing equipment into the fuel tanks or motor vehicles by either service station attendants or by the owners of the motor vehicles or by persons other than the service station attendants. A gasoline service station shall also include a building or lot

where gasoline, oil and greases are supplied and dispensed to the motor vehicular trade and where battery, tire, vehicular repair or other similar services are supplied.

*Grade* means a reference plane representing the average of finished ground level adjoining the building at all exterior walls.

*Group development* means two or more principal buildings devoted to a common or similar use constructed on a single plot of ground which constitute an integrated industrial, commercial or apartment project.

*Height* as applied to a building or structure, means the vertical distance from grade or minimum base floor elevation as defined by the National Flood Insurance Program to the highest point of the finished roof surface or top of structure; height of a building in stories does not include basements and cellars, except as specifically provided otherwise.

*Height*, as applied to a story, means the vertical distance from top to top of two successive finished floor surfaces.

*Height*, as applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder or other intermediate support of such wall.

*Home occupation* means any occupation or profession carried on by a member of a family residing on the premises.

*Lot* includes the words "plot" or "parcel" and means a portion or parcel of land devoted to a common use or occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

*Lot, through* means interior lot having frontage on two streets other than a corner lot.

*Lot, width* means the distance between side lot lines measured at the setback line.

*Map* means the official zoning map.

*Mobile home* means any vehicle or similar portable structure designed for occupancy. This term shall include trailers.

*Multifamily dwellings* means a building or portion thereof used or designed as residences for two or more families having independent living facilities for each family.

*Nonconforming use* means a nonconformity that occurs when property, including buildings, structures and/or site improvements thereupon, is used for a purpose or in a manner that is in violation of and/or not in conformity with this Land Development Code.

*Off-street parking* means privately owned parking or standing space for motor vehicles lying outside the public right-of-way.

*Open space* means vegetated nonuse areas in public parks and other areas, including landscaped buffer zones.

*Peddler* means any individual, corporation, partnership, joint venture, sole proprietorship, business or person who shall sell, or offer for sale, or attempt to sell, to the general public, any manufactured or natural products, food, plants or any other items within the City limits from a motor vehicle, trailer, open air display or any structure not permanently attached to the ground. Excluded from this definition is ~~a city-licensed, franchised vendor who operates solely on the Gulf Breeze Fishing Pier~~; any school or civic groups which hold special event sales when same are done on a temporary basis; or any businesses which display a portion of their merchandise outside of a wholly enclosed building when that building is used for most business transactions.

*Portable storage unit* means any container designed for the storage of personal property that is typically rented to owners or occupants of property for their temporary use, and which customarily is delivered and removed by truck.

*Setback* means the clearance from the property line to the nearest projection of a structure, including roof overhangs.

*Sign, business* means an attached or freestanding structure on which is announced the business use of a structure or the name of the operator of a business, located upon the same lot as the business.

*Sign, outdoor advertising* means an attached or freestanding structure for the purpose of conveying information, knowledge or ideas to the public.

*Story* means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

*Street* means a public or private thoroughfare which affords the principal means of access to abutting property.

*Street, arterial* means a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed and high mobility importance. In addition, all United States numbered highways shall be arterials.

*Street, collector* means a route providing service which is of relatively moderate traffic volume, moderately average trip length, and moderately average operating speed. These routes also collect and distribute traffic between local roads or arterial roads and serve as linkage between land and mobility access needs.

*Street, local* means a route providing service which is of relatively low average traffic volume, low average trip length or minimal through traffic movements, and high land access for abutting property.

*Structural value* means the present-day value of the building, structure and/or site improvement. The value of the building, structure and/or site improvement as reflected in the most recent Santa Rosa County Property Appraiser valuation shall be deemed to be its present-day value. Where the value of a building, structure or site improvement was not determined by the most recent Santa Rosa County Property Appraiser valuation, or it cannot be derived therefrom, the present-day cost of replacing the building, structure or site improvement shall be deemed to be its structural value.

*Structure* means anything constructed, located or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground.

*Swimming pool* means any constructed pool structure over 18 inches in depth used for swimming or bathing.

*Temporary structure* means any form of shelter or covering, including a tent, pavilion, canopy or awning, that is for the shelter, housing or enclosure of persons, animals or chattels and which is used or to be used on a temporary basis in that it does not require more or less permanent location on the ground, or attachment to something having more or less permanent location on the ground.

*Townhouse* means a one-family, typically multistory dwelling within a minimum group of three attached units and a maximum of eight attached units, each having individual lot ownership.

*Target height zone* means an overlay district in which a special exception for building heights greater than 35 feet may be considered if specified design criteria and standards are met.

*Used or occupied*, as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied."

*Yard, front* means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street and the front line of the building projected to the side lot lines.

*Yard, rear* means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lot lines.

*Yard, side* means an open, unoccupied space on the same lot with a principal building, situated between the building and the side lines of the lot and extending from the rear line of the front yard to the front line of the rear yard.

*Zoning district (land use district)* means a district, as identified on the official zoning map that has specific requirements regarding the use of land and the location of structures.

**SECTION 2.** Section 21-26 of the Code of Ordinances is hereby amended as follows:

**Sec. 21-26. - Districts enumerated.**

For the purpose of this Land Development Code, the City is divided into ~~44~~ 12 land use districts designated as follows:

R-ES	Environmentally Sensitive Residential District
R-1-AA	Single-Family Residential District
R-1-A	Single-Family Residential District
R-1	Single-Family and Multifamily Residential District
R-C	Residential Condominium District
TH	Townhouse District
C-1	Commercial District
C-2	Limited Commercial District
M	Medical District
P	Public Lands District (Parks, Playgrounds, Schools)
CNS	Conservation District
<u>MXD-1</u>	<u>Mixed Use District</u>

**SECTION 3.** Section 21-29 of the Code of Ordinances is hereby amended as follows:

**Sec. 21-29. - Use requirements by district.**

The allowable uses of land and requirements for structures within each of the land use districts are contained within divisions 2-12 of this article and include:

- (1) Residential: R-ES, R-1-AA, R-1-A, R-1, R-C, TH.
- (2) Commercial: C-1, C-2.
- (3) Medical: M.
- (4) Mixed Use: MXD-1.
- (~~4~~5) Public lands: P.
- (~~5~~6) Conservation: CNS.

**SECTION 4.** Section 21-72 (b) (6) of the Code of Ordinances is hereby amended as follows:

(6) Any fence that utilizes a gate or similar device to restrict access to the driveway shall be equipped with a rapid entry system as specified in Section ~~21-265~~ 21-278.

**SECTION 5.** Section 21-162 of the Code of Ordinances is hereby amended as follows:

**Sec. 21-162. – Height of buildings.**

In the C-1 district, building height shall not exceed a total height of 35 feet, unless provided for in Section 21-273 - Target height zones.

**SECTION 6.** Section 21-194 of the Code of Ordinances is hereby amended as follows:

**Sec. 21-194. – Height of buildings.**

In the M district, building height shall not exceed a total height of 35 feet, unless provided for in Section 21-273 – Target Height zones.

**SECTION 7.** Article II. DISTRICT REGULATIONS of Chapter 21 of the Code of Ordinances is hereby amended by adding the following:

**DIVISION 15 MXD-1 MIXED USE DISTRICT**

**Sec. 21-246. – Intent.**

The MXD-1 district is intended to implement the City’s *Most Livable City Plan* and Comprehensive Plan 2035, by providing for medium to high-density development with a mix of uses within an appropriate area. These uses will be mixed throughout the district, as well as in individual developments. Residential, retail and office uses may be mixed either vertically or horizontally in a building within the MXD-1 district.

**Sec. 21-247 – Permitted, prohibited uses.**

- (a) Permitted Uses. Land and buildings within the MXD-1 mixed use district shall be used only for the following purposes:
- (1) Restaurants, cafes, and other food and beverage providers.
  - (2) Business and professional offices, and any other uses allowed in the C-2 district.
  - (3) Hotels, motels and other lodging facilities.
  - (4) Educational uses.
  - (5) Medical clinics (including nursing homes as defined in section 21-191).
  - (6) Churches, religious institutions, private or parochial schools and fraternal organizations.
  - (7) Municipal, county, state, federal and public buildings.

- (8) Retail shops.
- (9) Multi-family residential, including townhouses, condominiums and apartments, and accessory uses.
- (b) Prohibited Uses. Any use that is prohibited in the CDB Overlay district, Section 21-243(b), shall be prohibited in any MXD-1 district.
- (c) Uses allowed as a special exception. A single use development on a parcel of 2½ or fewer acres shall require a special exception, as described in Sections 20-41 through 20-146 of this code.

**Sec. 21-248. - Height of buildings.**

In the MXD-1 district building height shall not exceed a total height of 35 feet, unless provided for in Section 21-273 – Target height zones.

**Sec. 21-249. - Setback requirements.**

- (a) Front setbacks shall be consistent with the applicable criteria of Chapter 26, Community Redevelopment Area Design Standards, as amended.
- (b) When abutting land is zoned R-ES, R-1, R-1-A, R-1-AA, P, M or TH, unless otherwise specified by special exception:
  - (1) The building setbacks shall be not less than 30 feet.
  - (2) A landscaped buffer of not less than 15 feet in width or masonry wall of not less than 8 feet in height shall be established and/or installed along the entire length of and contiguous to the property line.

**Sec. 21-250. - Parking.**

The total required parking for a mixed-use development shall be the total of the required parking for each separate use in such a development, according to the requirements in Chapter 24, Division 3 of this Code, unless the developer provides a shared parking study during the development review process that demonstrates that the adjacent land uses have significantly different peak parking characteristics that vary by time of day. The applicant must demonstrate that the parking occupancy for adjacent uses does not exceed 100% of the total spaces within the parking lot during the weekday daytime, weekday evening, weekend daytime and weekend evening time periods.

**Sec. 21-251. - Density.**

- (a) The minimum density for residential uses in the MXD-1 district shall be 11 dwelling units per acre. The maximum density for residential uses in the MXD-1 district shall be 40 dwelling units per acre. No more than 75% of the total floor area of development within the MXD-1 district may be used for residential use, unless the parcel is located within a Subarea District as

designated on the Future Land Use Map, consistent with Future Land Use Element Policy 1.10.4 of the Gulf Breeze Comprehensive Plan.

- (b) The minimum intensity for non-residential uses in the MXD-1 district shall be 0.25 F.A.R. The maximum intensity for non-residential uses in the MXD-1 district shall be 3.0 F.A.R. No more than 75% of the total floor area of development within the MXD-1 district may be used for residential use, unless the parcel is located within a Subarea District as designated on the Future Land Use Map, consistent with Future Land Use Element Policy 1.10.4 of the Gulf Breeze Comprehensive Plan.
- (c) The development yield for residential and non-residential uses shall be determined by multiplying the maximum allowable density or F.A.R. by the acreage of land identified for either residential or non-residential uses.

**Sec. 21-252. – Areas of dwelling units.**

The minimum floor area of any individual dwelling unit in the MXD-1 district shall be 800 square feet. The overall average floor area for a dwelling unit, for the entire development, shall not be less than 1000 square feet, except for licensed assisted living facilities. All dwelling units located at a licensed assisted living facility are exempt from these minimum area requirements.

**Sec. 21-253. – Design review process.**

Developments in the MXD-1 district shall adhere to the review process specified in Section 21-244 of this Code.

**Sec. 21-254. – Design guidelines.**

Developments in the MXD-1 district shall adhere to the design guidelines specified in Section 21-245 of this Code.

**Sec. 21-255 – Sec. 21-259. Reserved.**

**SECTION 8.** Section 21-257 of the Code of Ordinances is hereby amended by deleting it in its entirety.

**SECTION 9.** Chapter 21 of the Code of Ordinances is hereby amended by renumbering the following Sections as outlined in the following table:

<b>Section Title</b>	<b>Old Section</b>	<b>New Section</b>
Manufactured home, mobile homes and modular homes.	21-246	21-260
Location of group homes and foster care facilities.	21-247	21-261
Cumulative residential provisions.	21-248	21-262
Exceptions to height limits.	21-249	21-263
Reduction of lot area.	21-250	21-264

Street Frontage.	21-251	21-265
Front yard exceptions.	21-252	21-266
Minimum yards and open spaces.	21-253	21-267
Yard, parking, open space to service one building.	21-254	21-268
Electrified and barbed wire fences prohibited.	21-255	21-269
Setback, fencing requirements for swimming pools.	21-256	21-270
Satellite dishes-Requirements and restrictions.	21-258	21-271
Same-Permit, plans required.	21-259	21-272
Height restrictions. (New- Target height zones.)	21-260	21-273
Restricted uses in residential districts.	21-261	21-274
Exterior lighting.	21-262	21-275
Underground utility requirements.	21-263	21-276
Use of temporary structures for nonresidential purposes.	21-264	21-277
Rapid entry system.	21-265	21-278
Portable storage units.	21-266	21-279
Reserved.	21-267	21-280
Vacant lot and construction site maintenance.	21-268	21-281
Reserved.	21-269:21-280	21-282:21-294
Intent.	21-281	21-295
Review Process.	21-282	21-296
Planned unit development types.	21-283	21-297
Minimum area requirements.	21-284	21-298
Reserved.	21-285:21-290	21-299:21-304
Intent and purpose.	21-291	21-305
Definitions.	21-292	21-306
Registration for placing or maintaining....	21-293	21-307
Notice of transfer, sale or assignment in public rights....	21-294	21-308
Placement or maintenance of a communications.....	21-295	21-309
Suspension of permits.	21-296	21-310
Appeals.	21-297	21-311
Involuntary termination of registration.	21-298	21-312
Existing communications facilities in public right....	21-299	21-313
Insurance.	21-300	21-314
Indemnification.	21-301	21-315
Construction bond.	21-302	21-316
Security fund.	21-303	21-317
Enforcement remedies.	21-304	21-318
Abandonment of a communications facility.	21-305	21-319
Force majeure.	21-306	21-320
Reservation of rights and remedies.	21-307	21-321
Reserved.	21-308:21-349	21-322:21-349

**SECTION 10.** The newly renumbered Section 21-273 (formerly Section 21-260) of the Code of Ordinances is hereby amended by deleting it in its entirety and inserting the following in place of said deletion:

**Sec. 21-273. - Target height zones.**

Except as otherwise provided herein, the maximum height limit within the City of Gulf Breeze shall be 35 feet. Such height shall be measured from grade.

*(a) Purpose and Intent.*

The purpose of target height zones is to allow increased height in designated areas of the City of Gulf Breeze in order to promote redevelopment and revitalization in the CRA.

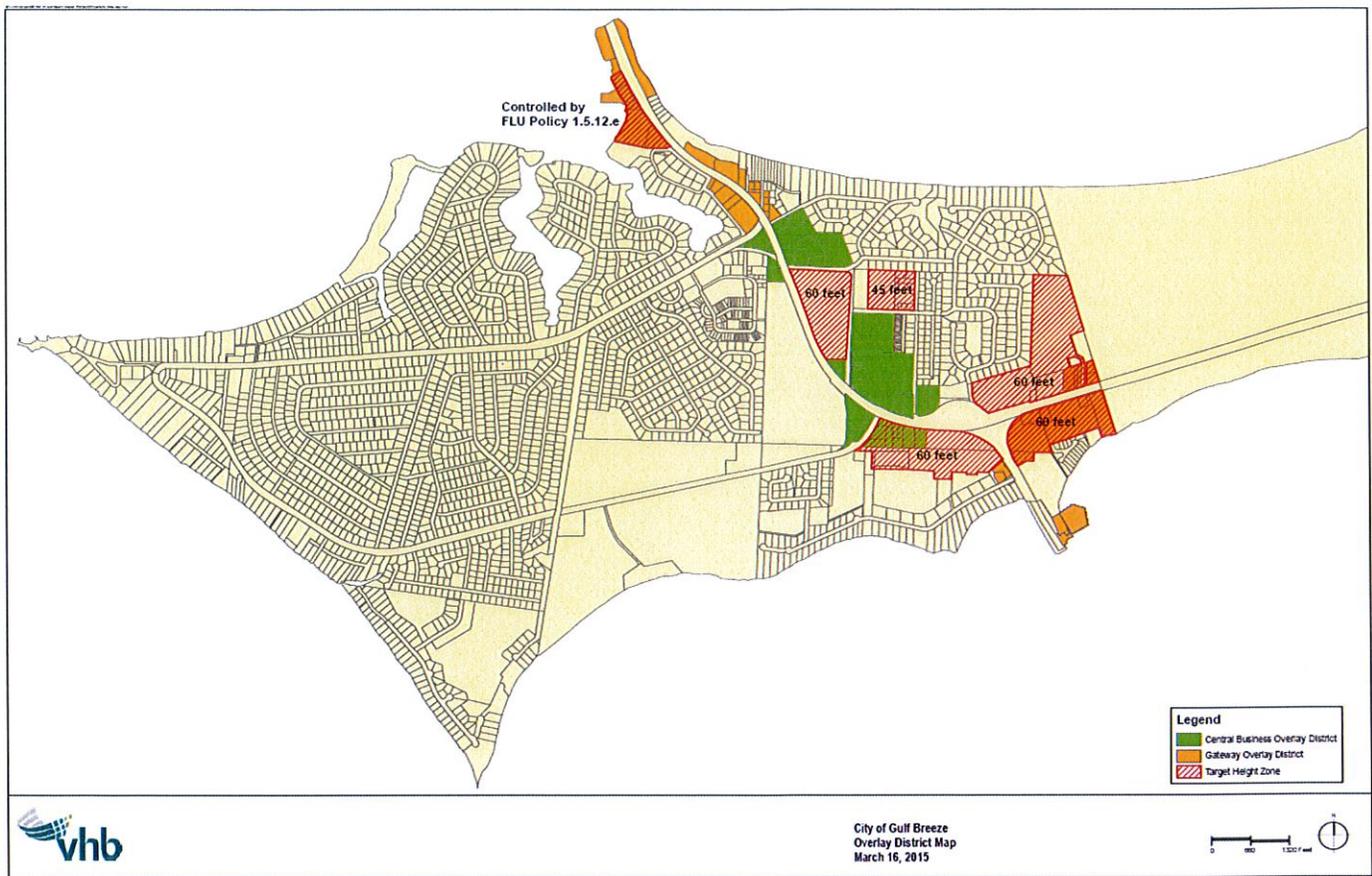
This Section is intended to provide design criteria and standards for the review and approval process to address impacts of increased building heights.

*(b) Applicability.*

The provisions of this Section apply only where a building height of greater than 35 feet is proposed upon a parcel.

Target height zones are depicted on the City's Overlay District Map. The City's Overlay District Map indicates the maximum building height for each of the aforementioned target height zones. Target height zone standards establish a process by which additional building heights may be considered by special exception in established target height zones. The underlying zoning district standards shall continue to apply, unless provided for in this section.

## Overlay District Map



### (c) Application Review and Approval Procedure.

Any proposed development where a building height of greater than 35 feet is requested shall be considered a special exception, and a level three development, and shall adhere to the level three development process described in Sections 20-41 through 20-80 of this Code, with the additional review and approval procedure described herein.

- (1) Pre-Application Meeting. No application for a special exception for buildings greater than 35 feet shall be determined to be complete by the City Manager or designee, as indicated in Section 20-43, until the applicant has attended a pre-application meeting, described in Section 20-167 of this Code.
  - a. The purpose of the pre-application meeting is for the applicant to meet with City staff to review the proposed special exception

and discuss potential issues, concerns and questions to be addressed by the applicant.

- b. Upon request for a pre-application meeting, the City Manager, or designee, shall schedule a pre-application meeting with the applicant and appropriate City staff.

(d) Setback requirements.

For any parcel in a target height zone upon which a building is proposed to exceed 35 feet in height and which parcel abuts or is within 50 feet of property zoned R-1, R-1A or R-1AA, the following setback standards shall apply:

- (1) Any portion of a building that is greater than 35 feet must provide additional setback from any residential property outside the target height zone, in the amount of 1¼ feet of setback for every 1 foot of total building height.
  - a. The additional setback required by subsection (d) (1) above, may contain landscaping, parking, stormwater retention areas or buildings or sections of buildings that do not exceed 35 feet in height.
- (2) Buildings in target height zones that do not abut residential property, are not required to provide the additional setback described in subsection (d) (1) above, and shall adhere to the underlying zoning district setback requirements.
- (3) Buildings, or portions of buildings, that are 35 feet in height or less, shall provide setbacks as required by the underlying zoning district.
- (4) Buildings in the Harbourtown target height zone shall not be required to adhere to the additional setbacks for adjacent residential property.

(e) Design criteria.

- (1) Proposed development located within a target height zone where a building height of greater than 35 feet is requested shall adhere to the City's adopted Community Redevelopment Plan and urban design guidelines described in chapter 26 of this Code.
- (2) For all proposed development where a building of greater than 35 feet in height is requested, City staff, the Architectural Review Board and City Council shall require design criteria to mitigate the visual impact. The special exception will not be granted unless it is demonstrated to the satisfaction of the City Council that adverse visual impacts of the proposed development will be substantially

mitigated through implementation of the required design criteria. These design criteria include, but are not limited to:

- a. Enhanced landscape buffering that exceed minimum standards described in subsection (g) below;
  - b. Variable buffers, combining land and landscaping to achieve adequate separation of uses, appropriate open space, reduction of potential noise, light and glare, and screening of physical features of a proposed development;
  - c. Variable setbacks, based upon degree of difference in proposed scale, mass or height, as described in subsection (d) (1) above;
  - d. Transitions of building scale, massing or height to reduce monotonous design; and
  - e. Other innovative site design features that strive to achieve compatibility and mitigate potential negative impacts.
- (f) City staff, the Architectural Review Board, and/or City Council may request that the applicant provide visual studies, elevations, renderings, other studies deemed appropriate, that demonstrate the proposed methods of mitigation described in this section and elsewhere in this Code.
- (g) Buffering. For proposed development where a building height of greater than 35 feet is requested and which parcel abuts or is within 50 feet of property zoned R-1, R-1A or R-1AA, the following buffering standards shall apply in addition to the landscaping and buffering standards in the CRA district standards, Section 26-13. Where there is a conflict between the two sections, the more restrictive standards shall apply.
- (1) Location of Buffer: The buffer shall be located at the perimeter of the zoning lot where required. Buffer shall extend to the zoning lot line or the right-of-way line, except where easements, covenants, or natural features may require the buffer to be set back from the property line. Buffer areas shall be served by automatic irrigation systems to promote growth.
  - (2) Required Buffer: No less than a 15 foot vegetated buffer or 8 foot high masonry wall shall be provided for proposed mixed use multi-story development adjacent to existing single family residential development. The required vegetation shall consist of a minimum 33 shrubs/100 linear feet planted within the first 5 feet of the required

buffer, and 4 canopy trees/100 linear feet planted within the second 5 feet of the required buffer.

(3) Plant Sizes at installation

- i. Canopy Trees: No less than 3.5" DBH, 14' overall height with 8' spread, 65 gallon container that will create a continuous overlapping leafy canopy within five years of planting.
- ii. Shrub/Evergreen Screen: 30" minimum at installation to create 42"- 60" high by 36" wide hedge or continuous screen with 90 percent opacity at the height of the screen within one year of planting. 3 gallon container.
- iii. The applicant shall submit a landscape maintenance plan that establishes a program for ongoing landscape maintenance and irrigation to prevent the visual screen from degrading over time and thereby ensuring that the required 90 percent opacity and overlapping canopy is maintained for the life of the project. The plan will identify periodic inspection dates for code enforcement and compliance review.

**SECTION 11.** The newly renumbered Section 21-297 (formerly Section 21-283) of the Code of Ordinances is hereby amended as follows:

**Sec. 21-297. - Planned unit development types.**

Planned unit developments may be classified either as residential, commercial or mixed use PUD. A residential PUD is a development exclusively devoted to residential uses. These uses may occur as single-family and/or multifamily uses. A commercial PUD is a development exclusively devoted to a variety of commercial activities, including public and medical uses. A mixed use PUD is a development that incorporates both residential and commercial (including public and/or medical) uses. Districts in which PUD's may be approved are listed below:

Type	Districts in which permitted
Residential	R-1-AA, R-1-A, R-ES, R-1, TH, R-C
Commercial	C-1, C-2, M, P
Mixed use	R-1-A, R-1, R-C, TH, C-1, C-2, M, P, <u>MXD-1</u>

**SECTION 12.** Section 20-42 of the Code of Ordinances is hereby amended as follows:

**Sec. 20-42. - Approval authority for various development levels.**

The authority for approval of the various development levels is established as follows:

<i>Type of development</i>	<i>Approval authority</i>
<b>(1)</b> Level one development:	
a. Development Order	City Manager or designee
b. Special Exception	Board of Adjustment
c. Variance	Board of Adjustment
d. Development Order Appeal	Development Review Board*
<b>(2)</b> Level two development:	
a. Development Order	Development Review Board
b. Special Exception	Board of Adjustment
c. Variance	Board of Adjustment
d. Development Order Appeal	City Council*
<b>(3)</b> Level three (3) development:	
a. Development Order	City Council
b. Variances for Level Three Developments set forth in subsections 20-41 (c)(2)-(4)	City Council
c. All Other Variances	Board of Adjustment
d. Special exceptions	<del>Board of Adjustment</del> <u>City Council</u>
e. Development Order Appeal	Circuit court

\**Note*—Decisions regarding appeals shall be final. Further action shall be filed with the circuit court of the county.

**SECTION 13.** Section 20-67 of the Code of Ordinances is hereby amended as follows:

**Sec. 20-67. - Duties.**

The Architectural Review Board for the City shall have the following duties related to application and administration of the applicable sections of the Land Development Code and the design guidelines:

- (1) Receive presentations by owners/developers and City staff of projects which meet the applicability requirements found in chapter 26 of the Municipal Code of Ordinances and the City's adopted design guidelines. Make recommendations regarding these projects to the Development Review Board and the City Council.
- (2) Make recommendations to the City Council regarding changes to the City's urban design guidelines as well as the Municipal Code of Ordinances which are deemed by the Architectural Review Board to have an impact on or facilitate the process for development or redevelopment projects in the community redevelopment area.
- (3) The Architectural Review Board may also make recommendations to the City Council relative to public improvement projects within the community redevelopment area.
- (4) The chair of the Architectural Review Board will serve as a nonvoting ex officio member of the development Review Board for the purpose of presenting findings of the Architectural Review Board to the Development Review Board (DRB). The chair of the Development Review Board shall also serve as nonvoting ex officio member of the Architectural Review Board.
- (5) Receive staff recommendations regarding approval or denial of applications for special exceptions for increased building height in target height zones.
- (6) Review all proposed special exceptions for increased building height in target height zones.
- (7) Refer special exceptions for increased building height in target height zones to the City Council with recommendation for approval or denial.

**SECTION 14. – SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this ordinance.

**SECTION 15. – CODIFICATION**

The provisions of this ordinance shall become and be made a part of the Code of Laws and ordinances of the City of Gulf Breeze. The sections of this ordinance may be renumbered or re-

lettered to accomplish such, and the word "Ordinances" may be changed to "Section", "Article", or any other appropriate word.

**SECTION 16. - CONFLICT**

The provisions of this ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

**SECTION 17. - EFFECTIVE DATE**

This ordinance shall become effective upon its adoption by the City Council.

PASSED ON THE FIRST READING ON THE \_\_\_\_ DAY OF APRIL, 2015.

ADVERTISED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

PASSED ON THE SECOND READING ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015

BY: \_\_\_\_\_  
MATT DANNHEISSER, MAYOR

ATTEST:

\_\_\_\_\_  
LESLIE GUYER, CITY CLERK

# City of Gulf Breeze

## Memorandum

**To:** Edwin A. Eddy, City Manager

**From:** Curt Carver, Deputy City Manager

**Date:** 4/17/2015

**Subject:** Amendments to Section 3-4 of the Code

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At the last Executive Committee meeting, staff presented a recommendation to amend Section 3-4(b) of the City Code as it relates to the prohibition for a restaurant to sell liquor drinks within 150' of a church or school property. The proposed amendment modified this prohibition by recognizing the nature of restaurants that are located in shopping centers and the practicality of the prohibition when you consider the area and relative distance of these type of retail facilities to adjoining properties. The proposal essentially eliminated the property line to property line measurement if the restaurant is:

1. located in a unified group of stores, such as a named shopping center complex;
2. the parcel or the sum of the parcels on which the unified group of stores are located exceeds 2.5 acres; and
3. the footprint and/or exterior serving areas of the restaurant are located more than 150' from the property line of a church or school.

If these conditions are present, then the restaurant would be allowed to serve liquor drinks in addition to beer and wine. The City Council authorized staff to prepare an ordinance whereby this relief was granted in the Code and not on a case-by-case variation process. The enclosed ordinance implements this recommendation and is consistent with the City Council's direction.

Should you have any questions, please do not hesitate to contact me.

**Recommendation: That the City Council approve Ordinance 04-15 adopting an amendment to Section 3-4 (b) of the Code of Ordinances to permit the sale of liquor drinks by restaurant within 150 feet of a schools or church property under certain conditions on a First Reading on April 20, 2015 and schedule a public hearing on said ordinance for May 4, 2015 and approve it on a Second Reading on that date.**

Enclosures

**ORDINANCE NO. 04-15**

**AN ORDINANCE OF THE CITY OF GULF BREEZE, FLORIDA, PERTAINING TO THE REGULATIONS OF CERTAIN BUSINESSES THAT SELL OR SERVE ALCOHOLIC BEVERAGES; AMENDING SECTION 3-4(B) OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gulf Breeze desires to promote and protect the health, safety, morals and welfare of its citizens through the regulation of the location and operation of certain business engaged in the selling or serving of alcoholic beverages; and,

**WHEREAS**, the City of Gulf Breeze finds that certain location, separation and operational requirements for businesses that sell or serve alcoholic beverages may minimize adverse secondary effects associated with such business operations.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Gulf Breeze, Florida, as follows:

**SECTION 1** - Section 3-4(b) is hereby amended as follows:

(b) The following businesses or establishments shall be exempt from the requirements of subsection (a) to the extent set forth below:

- (1) A business or establishment which has a restaurant license authorized under F.S. (2005) § 561.20(2)(a)4, shall be exempt from the distance requirements of subsection (a) and shall be allowed to sell liquor, beer, and wine for on-premises consumption to the extent permitted in its license; provided, however, no such business or establishment shall sell or serve liquor if it is located within 150 feet of a church or public school. Notwithstanding the foregoing, any such business or establishment that is: (a) located in a unified group of stores, such as a named shopping center complex; and, (b) the parcel or the sum of the parcels on which the unified group of stores are located exceeds 2.5 acres; and, (c) the footprint and/or exterior serving areas of the business or establishment are located more than 150 feet from the property line of a church or school shall be considered in compliance;
- (2) A business or establishment which has a license authorized under F.S. (2005) § 563.02(1)(a), shall be exempt from the distance requirements of subsection (a) and shall be allowed to sell beer and wine, but not liquor, for off-premises consumption only;
- (3) A restaurant does not hold a license authorized pursuant to F.S. (2005) § 561.20(2)(a)4, but which is equipped to serve at least 35 persons full-course

**ORDINANCE 04-15**

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meals at tables at one time and which derives at least 51 percent of its gross revenues from the sale of food and nonalcoholic beverages shall be exempt from the separation requirements set forth in subsection (a) and shall be allowed to sell beer and wine, but not liquor, for on-premises consumption; and

- (4) A bona fide nonprofit civic organization which has a license authorized under F.S. (2005) § 561.422, shall be exempt from the distance requirements of subsection (a) and shall be allowed to sell alcoholic beverages to the extent permitted in its license.

**SECTION 2 - SEVERABILITY**

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this Ordinance.

**SECTION 3 - CONFLICT**

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

**SECTION 4 - EFFECTIVE DATE**

This Ordinance shall become effective upon its adoption by the City Council.

PASSED ON THE FIRST READING ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

ADVERTISED ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

PASSED ON THE SECOND READING ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Matt E. Dannheisser, Mayor

ATTESTED TO BY:

\_\_\_\_\_  
Leslie Guyer, City Clerk