

**GULF BREEZE CITY COUNCIL
REGULAR MEETING AGENDA**

**MAY 4, 2015
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS**

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Approval of Minutes for March 21, 2015, Informal Workshop
Approval of Minutes for April 20, 2015, Special Workshop
Approval of Minutes for April 20, 2015, Regular Meeting
4. **ORDINANCE NO. 03-15** AN ORDINANCE AMENDING SECTIONS OF THE LAND USE AND ZONING CODE AND THE LAND DEVELOPMENT CODE RELATIVE TO MIXED USE DEVELOPMENT
(SECOND READING AND PUBLIC HEARING)

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
(SECOND READING AND PUBLIC HEARING)
5. **CONSENT AGENDA ITEMS*:**
 - A. Discussion and Action Regarding South Santa Rosa Utility System Recommendation:
 - 1) Redwood Lane 12" Gravity Sewer Slip Lining
 - 2) Wastewater Treatment Facility Fencing
 - B. Discussion and Action Regarding Drainage Easement from Santa Rosa County School District
 - C. Discussion and Action Regarding Bid Award of Christmas Decorations on Highway 98

***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 AN INFORMAL WORKSHOP OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

The Gulf Breeze City Council met in an informal workshop on Saturday, March 21, 2015, at 9:00 a.m., at Gulf Breeze City Hall.

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

Mayor Dannheisser started the meeting by explaining the purpose of the meeting was to give the Council a chance to discuss issues that are of concern to them outside of regularly scheduled City Council meetings. The following are some of the issues discussed:

- Designation of TDC representative. Councilwoman Bookout will attend the meetings when able. The City Manager and Deputy City Manager will attend the meetings as needed.
- CTA/GBFS Audits. Greg Story and David Lister with Saltmarsh Cleaveland and Gund attended to present and answer questions regarding the CTA and GBFS audit findings. The City Attorney was requested to research and report back to the Council on the following issues:
 1. If the City is entitled to recoup interest on the amount that Mr. Gray/MAS reimbursed to the City.
 2. If there is a contractual basis for cost of living adjustment “COLAS” under Mr. Gray’s Employment Agreement with GBFS.
- Pensacola Bay Bridge Mitigation letter from FDOT. The City Council is requesting FDOT concede to the following three mitigation items before signing the mitigation agreement letter.
 1. New boat launch at the NW corner
 2. Support reclamation of land lost on the east side of the Bay Bridge
 3. Bridge drainage interconnect with FDOT – McClure.The Council would like a good faith letter signed by all five (5) members of the delegate stating their intentions to help secure the three (3) mitigation requests. (*Mr. Ed Gray to contact Senator Gaetz office*) *Meeting with Senator Gaetz pending.*
- After School Program. The Council would like to create an after school program for elementary and middle school aged kids. The program would be held at the Community Center and staffed by paid staff and volunteers. The program would include: quiet place to do homework, tutoring, activity room, and organized activities. Council decided to create a task force to research the feasibility of an after school program. (cost, liability, city vs non-city residents) Renee and Cherry will head the task force and invite members to participate. (youth ministers, parents and school representatives) *This is underway.*

MINUTES OF AN INFORMAL WORKSHOP OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

Vision Items Discussed January workshop

- Ceiling fans added in gazebo at Shoreline Park South. *(Completed)*
- Exercise equipment location map and brochure added on the City website as well as a map of City parks. *(Completed)*
- Explore funding options for costs associated with placing utilities on Highway 98 underground. This would include possible funding from the CRA and certain transportation related fees. Council does not want to increase taxes or delay stormwater projects to fund this project.
- Consult with and/or retain a grant writer.
- Increase public awareness and recognition of contribution to City by Volunteer Firefighters. *(Working with Lisa Newell at Gulf Breeze News to feature the Hoffman's)*
- Maintenance of City park facilities – Woodlawn Park deck; Catawba beach access/steps; Navy Cove access point.
- Consolidate directional signs for commercial businesses/churches, survey non-compliant commercial signs, replace and/or repair defective street signs. *(Completed)*
- Consider a rate differential between City residents and non-residents for the use of the Community Center, boat ramps, and tennis courts. Explore the possibility of some form of City resident key card system.
- Analyze the possibility of charging a greater rate differential for utility customers outside of City limits.
- Reminder on the need for completing Ethics training.
- Evaluate the need to dredge the south end of Gilmore Bayou.

The following citizens attended the workshop and commented on various issues discussed during the meeting.

Ed Gray, 1 Oak Drive, Gulf Breeze; Robert Turpin, 2 Madrid Ave; Robert Price, 404 Kenilworth; Bruce DeMotts, 825 Baycliff Rd, and Doug Wood, 175 Russ Drive.

ADJOURNMENT: Mayor Dannheisser adjourned the meeting at 11:02 a.m.

Leslie A. Guyer, City Clerk

Matt E. Dannheisser, Mayor

MINUTES OF THE ANNUAL AUDIT PRESENTATION WORKSHOP
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

A Special Workshop by the Gulf Breeze City Council, Gulf Breeze, Florida, was convened at Gulf Breeze City Hall on Monday, April 20, 2015 at 6:00 p.m.

The following Councilmembers were present: Councilwoman Cherry Fitch, Councilwoman Bookout, and Mayor Matt Dannheisser. Councilman David G. Landfair arrived at 6:20 p.m. Mayor Pro Tem Joseph Henderson was not present.

**A. DISCUSSION AND ACTION REGARDING PRESENTATION OF ANNUAL
AUDIT BY SALTMARSH CLEVELAND AND GUND.**

David Lister and Greg Story with Saltmarsh Cleaveland and Gund appeared before the City Council and presented the City's Annual Audit results.

OPEN FORUM: None

ADJOURNMENT: Mayor Dannheisser adjourned the workshop meeting at 6:35 p.m.

Leslie A. Guyer, City Clerk

Matt E. Dannheisser, Mayor

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

The 1,270th Regular Meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at Gulf Breeze City Hall on Monday, April 20, 2015, at 6:35 p.m.

Upon call of the roll the following Councilmembers were present: Councilwoman Bookout, Councilwoman Cherry Fitch, Councilman David G. Landfair, and Mayor Matt Dannheisser. Mayor Pro Tem Joseph Henderson was not in attendance.

APPROVAL OF MINUTES:

Councilman Landfair moved for approval of the minutes for the Regular Meeting held on April 6, 2015. Councilwoman Fitch seconded. The vote for approval was unanimous.

Councilman Landfair moved for approval of the minutes for the Community Redevelopment Agency Board Meeting held on April 6, 2015. Councilwoman Fitch seconded. The vote for approval was unanimous.

**ORDINANCE NO. 03-15: AN ORDINANCE AMENDING SECTIONS OF THE
LAND USE AND ZONING CODE AND THE LAND
DEVELOPMENT CODE
(First Reading)**

The City Clerk read the Ordinance by title. The following individuals spoke regarding the Ordinance: John Mayes, 408 Kenilworth, Tim Burr, 604 Fairpoint Drive, Doug Wood, 175 Russ Drive, Scott Wheatley, 3 Futura Drive, Robert Price, 404 Kenilworth; and Robert Turpin, 2 Madrid.

Councilman Landfair moved for approval of Ordinance No. 03-15 and to hold Public Hearing and Second Reading on May 4, 2015. Councilwoman Fitch seconded. The vote for approval was unanimous

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

ORDINANCE NO. 04-15: **AN ORDINANCE AMENDING SECTION 3-4(B) OF THE CODE OF ORDINANCES PERTAINING TO THE REGULATION OF CERTAIN BUSINESSES THAT SELL OR SERVE ALCOHOLIC BEVERAGES.**
(First Reading)

The City Clerk read the Ordinance by title. The floor was opened for public comments. No comments were received.

Councilman Landfair moved for approval of Ordinance No. 04-15 and to hold Public Hearing and Second Reading on May 4, 2015. Councilwoman Fitch seconded. The vote for approval was unanimous

CONSENT AGENDA ITEM(S):

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”.

B. 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.

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

C. **SUBJECT: DISCUSSION AND ACTION REGARDING PURCHASE OF AED'S FOR SHORELINE PARK AND TIGERPOINT.**

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.

D. **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.

E. **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.

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

F. 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.

G. DISCUSSION AND ACTION REGARDING MITIGATION LETTER FROM DOT.

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.

Councilman Landfair moved for approval of Consent Agenda Items A through G. 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.*

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

ACTION AGENDA ITEMS: None

NEW BUSINESS: None

OPEN FORUM: None

The following residents commented on various issues during the open forum: John Mays, 408 Kenilworth, Tom Naile, 100 Daniel Street, Doug Woods 175 Russ Drive, and Kim Williams, 416 Williamsburg.

ADJOURNMENT: Mayor Dannheisser adjourned the meeting at 7:20 p.m.

Leslie A. Guyer, City Clerk

Matt E. Dannheisser, Mayor

Councilmembers Present: Councilwoman Renee Bookout, Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David Landfair, and Mayor Matt Dannheisser.

(Note: The City Council was scheduled to hold a Special Meeting upon commencement of the Executive Session. The Mayor, upon approval from the City Council, brought Action Agenda Item A regarding Ordinance 03-15 for consideration before the Special Meeting because of the residents who were in attendance to speak with regards to Ordinance 03-15. Following discussion and action regarding Action Item A, the City Council suspended the Executive Session to hold the Special Meeting – see "Special Meeting Minutes" for action taken. The Mayor then recommenced the Executive Session to consider the remaining Action Items on the Agenda.)

ACTION AGENDA ITEMS:

A. 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 24, 2015

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 MAY 4, 2015, AFTER A SECOND READING AND PUBLIC HEARING ON THAT DATE.

The following individuals spoke regarding Ordinance 03-15: John Mayes, 408 Kenilworth; Dan Kopack, 14 McLane Road; Robert Turpin, 2 Madrid; Vic Wallace, 5 McLane; Ed Gray, 1 Gray Oaks Lane; Frank Osborne, 413 Andrew Jackson Trail; Sue Wells, 408 Andrew Jackson Trail; Scott Wheatley, 3 Futura Drive; Tom Naile, 112 Windsor Place; Tammy Bohannon, HarbourTown; Ian Welsh, 1137 Crane Cove; Beverly Zimmern, 623 Bay Cliffs Road; Bobby Rice, 290 Plantation Hill Drive; Tim Burr, 604 Fairpoint Drive; Alex Bell, 6 San Carols; and Greg Smith, 424 Kenilworth.

Councilman Landfair made a motion to hold a Public Hearing and have a Second Reading of Ordinance 03-15 on May 4, 2015, and that the two revisions discussed be made to the Ordinance prior to adoption. Councilwoman Fitch seconded. The vote for approval was 4 – 1 with Mayor Pro Tem Henderson dissenting.

B. SUBJECT: DISCUSSION AND ACTION REGARDING ORDINANCE 04-15 AMENDING SECTION 3-4(b) OF THE CODE OF ORDINANCES – DISTANCE REQUIREMENT FROM CHURCHES AND SCHOOLS FOR RESTAURANTS.

Reference: Deputy City Manager memo dated April 23, 2015

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 RESTAURANTS WITHIN 150 FEET OF A SCHOOL OR CHURCH PROPERTY UNDER CERTAIN CONDITIONS AFTER THE SECOND READING AND PUBLIC HEARING ON MAY 4, 2015.

Councilman Landfair made a motion to place staff's recommendation on the May 4, 2015, Regular Council meeting agenda for public hearing and second reading. The motion was seconded by Mayor Pro Tem Henderson. The vote for approval was unanimous.

C. SUBJECT: DISCUSSION AND ACTION REGARDING SOUTH SANTA ROSA UTILITY SYSTEM RECOMMENDATIONS:

1) REDWOOD LANE 12" GRAVITY SEWER SLIP LINING

RECOMMENDATION:

THE SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE BROWN CONSTRUCTION TO SLIP-LINE THE 12" GRAVITY SEWER MAIN FROM U.S. HIGHWAY 98 TO REDWOOD LANE AT A COST OF \$25,450 FUNDED FROM RESERVES.

2) WASTEWATER TREATMENT FACILITY FENCING

RECOMMENDATION:

THE SOUTH SANTA ROSA UTILITY SYSTEM BOARD RECOMMENDS THAT THE CITY COUNCIL AUTHORIZE THE APPROVED CAPITAL BUDGET EXPENDITURE OF \$13,500 WITH A-1 HURRICANE FENCE FOR THE INSTALLATION OF A PERIMETER FENCE AT THE WASTEWATER TREAT FACILITY.

Reference: Assistant Director of Public Services memo dated April 24, 2015

Mayor Pro Tem Henderson made a motion to place staff's recommendations on the May 4, 2015, Regular Meeting agenda. The motion was seconded by Councilwoman Fitch. The vote for approval was unanimous.

D. SUBJECT: DISCUSSION AND ACTION REGARDING DRAINAGE EASEMENT FROM SANTA ROSA SCHOOL DISTRICT.

Reference: Assistant Director of Public Services memo dated April 24, 2015

Rick McLeod, 409 Dracena Way, addressed the City Council with regards to this item.

RECOMMENDATION:

THAT THE CITY COUNCIL AUTHORIZE THE MAYOR TO EXECUTIVE THE DRAINAGE EASEMENT WITH SANTA ROSA COUNTY SCHOOL DISTRICT FOR THE RUSS DRIVE AND DRACENA WAY DRAINAGE PROJECT.

Mayor Pro Tem Henderson made a motion to place staff's recommendation on the May 4, 2015, Regular Council meeting agenda. The motion was seconded by Councilman Landfair. The vote for approval was unanimous.

E. SUBJECT: DISCUSSION AND ACTION REGARDING BID AWARD FOR CHRISTMAS DECORATIONS ON HIGHWAY 98.

Reference: Director of Parks and Recreation memo dated April 23, 2015

RECOMMENDATION:

THAT THE CITY COUNCIL AWARD A CONTRACT TO LAWN MASTER, INC., IN THE AMOUNT OF \$10,780.00 ANNUALLY FOR THE PROVISION OF CHRISTMAS HOLIDAY DECORATIONS IN THE MEDIAN OF HIGHWAY 98 WITHIN THE BUSINESS DISTRICT OF THE CITY LIMITS. FURTHER, THAT THE COUNCIL AUTHORIZE PAYMENT USING CRA FUNDS AND AUTHORIZE ANNUAL RENEWAL PENDING SATISFACTORY CONTRACTOR PERFORMANCE.

Councilman Landfair made a suggestion that the budget for holiday decorations be increased by \$5,000 to assure that the City's holiday decorations are more substantial in appearance.

Mayor Pro Tem Henderson made a motion to place staff's recommendation on the May 4, 2015, Regular Council meeting agenda. The motion was seconded by Councilwoman Bookout. The vote for approval was unanimous.

NEW ITEMS: None

INFORMATION ITEMS: None

PUBLIC FORUM:

Rick McLeod, 409 Dracena Way, spoke with regards to the Santa Rosa County School District drainage easement and the Storm Water Task Force.

Robert Turpin, 2 Madrid, spoke to say he neglected to say "thank you" to the staff for their work and efforts with regards to Ordinance 03-15.

John Mayes, 408 Kenilworth, spoke with regards to Ordinance 03-15.

ADJOURNMENT: Mayor Dannheisser adjourned the meeting at 8:50 P.M.

City of Gulf Breeze

Memorandum

To: Edwin A. Eddy, City Manager

From: Curt Carver, Deputy City Manager

Date: 4/29/2015

Subject: Zoning and LDC Amendments

Enclosed is a copy of Ordinance 03-15 that has been modified to reflect revisions directed by the City Council at their meeting on April 29th. These revisions are highlighted in yellow for easy reference. Since there has been a great deal of discussion of the process used by the City, I thought it would be beneficial to review how the City got to this point. This process really is part of a continuous planning effort that goes back to 2008, when the City initiated the Vision 2020 project. At that time the City adopted a vision of becoming a “most livable city.”

After celebrating the City’s 50th birthday in 2011, the City started the second phase of this planning process. This was in response to changing economic conditions, transportation impacts expected from the reconstruction of the Pensacola Bay Bridge and a desire to diversify and strengthen the local economy. The City appointed a 10-member Steering Committee of local residents and City officials to create a Master Plan that was designed to:

1. create a long-term vision for economic development;
2. mitigate traffic impacts;
3. maintain and protect the quality of life for residents and businesses; and
4. create community consensus for future decisions.

Early on in this process, stakeholder interviews and 3 community workshops identified the following community issues:

- diversify housing choices;
- evaluate co-location of city hall and school recreational facilities;
- attract new businesses, jobs and restaurants;
- create a walkable and safe environment;
- plan for all age groups; and
- protect quality of life and schools.

After monthly public meetings, extensive public input and the evaluation of development alternatives, the Steering Committee presented the draft Master Plan at a public workshop in October 2012. The plan established several catalyst sites to diversify the business mix and

promote mixed use development, recommended the creation of parallel local routes to disperse traffic from US 98 to improve traffic movement and created new community gathering places. It also recommended that existing height limits for commercial and multi-family structures be increased to 60' with appropriate buffers. This Plan was approved by the City Council in July 2013 after a public hearing process.

The approved Master Plan identified several near term action items. Two of these involved an amendment to the Comprehensive Plan (Plan Amendment) and Land Development Code (LDC). Action on these action items began in April 2014 when the City authorized its planning consultant to begin work. As with the Master Plan process, a 10 member Steering Committee was appointed. From May to August, the Steering Committee held a number of public meetings/workshops to develop the Plan Amendment. Major components of the Plan Amendment included the creation of the new MXD (Mixed Use Development) land use category within the CRA, sub-area districts, identified transportation improvements and provided for more flexible building heights and F.A.Rs. to avoid sprawl. Fundamental to the plan amendment was that future development must meet concurrency standards for adopted levels of service. The Plan Amendment was finalized and presented to the City Council on August 4, 2014 and transmitted to State agencies for the required review. The City Council then held two public hearings, after which the Plan Amendment was approved on November 17, 2014.

As the above work was moving through the review and approval process, the Steering Committee picked up the task of revising the LDC in order to implement the approved Master Plan and Plan Amendment. The primary elements were adding the MXD zoning district to the LDC and create target height zones. Included in this were establishing revised setback requirements and buffering standards. While some of these concepts were discussed in the earlier stakeholder meetings, the Steering Committee held a number of public workshops from September thru November of 2014 in order to develop specific language to be incorporated into the LDC.

Of particular note is the Steering Committee's evaluation of target height zones. Considerable deliberation took place on whether the additional height should be by right (simply permitted in the Land Development Code) or require specific development approval. In the end, the Steering Committee recommended that any project in one of the target height zones that exceeded 35' would require a special exception approved by the City Council. The Steering Committee felt that this was a more effective way to achieve the community goals articulated in the Master Plan, while providing sufficient development controls. Beginning in January, our consultant and staff began preparing, revising and finalizing the actual ordinance for this round of consideration by the City Council. The proposed ordinance incorporates those recommendations regarding the special exception process, increased setbacks and buffering in the target height zone provisions.

As I have indicated in the past, Ordinance 03-15 is consistent with the recommendations of the Steering Committee, consistent with the approved Plan Amendment, implements portions of the Master Plan and is the product of a continuous multi-year public planning process (please see the attached schedule of meetings). It establishes: (1) the MXD zoning district; (2) five

limited target height zones; (3) substantial buffering and additional setback requirements for applicable projects in those target height zones abutting residential areas; and (4) enhanced City review and approval steps as part of a special exception process.

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 Master Plan after Second Reading and public hearing on May 4, 2015.

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.
- (~~5~~) Public lands: P.
- (~~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:

Section Title	Old Section	New Section
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.

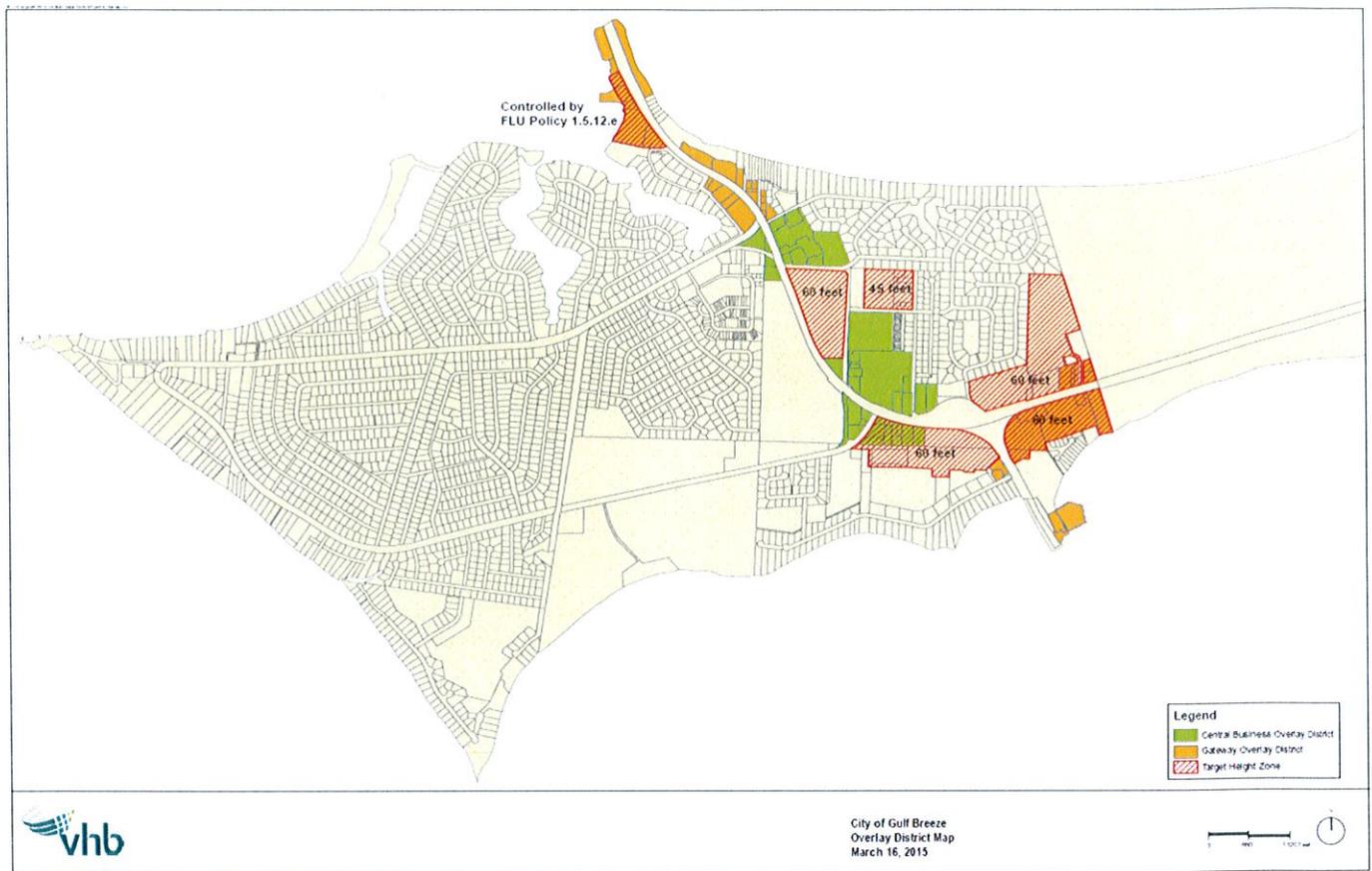
This Section is intended to provide design criteria and standards for the review and approval process to address impacts of increased building heights.

(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 at least 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 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>
(1) 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*
(2) 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*
(3) 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	Board of Adjustment <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 20th DAY OF APRIL, 2015.

ADVERTISED ON THE 23RD DAY OF APRIL, 2015.

PASSED ON THE SECOND READING ON THE 4th DAY OF MAY, 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: 4/29/2015
Subject: Ordinance 04-15

As you know, Ordinance 04-15 amends 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. It distinguishes 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 eliminates the 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. Ordinance 04-15 was passed unanimously by the City Council on a First Reading on April 20, 2015 and they directed that the ordinance be scheduled for a public hearing and Second Reading on May 4, 2015.

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 school or church property under certain conditions after the Second Reading and public hearing on May 4, 2015.

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

Page 2 of 2

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 20th DAY OF APRIL, 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