



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, JANUARY 19, 2023
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. NOMINATION OF CHAIR & VICE CHAIR**
- 3. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - A. November 17, 2022 Minutes**
 - B. December 1, 2022 Minutes**
- 5. SUNSHINE LAW PRESENTATION**
 - A. Sunshine Law Presentation**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - A. Proposed Conditional Use 22-64-CU_Valiant Court Townhomes**
- 8. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 9. NEXT MEETING DATE: February 2, 2023**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**LOCAL PLANNING AGENCY
MEETING MINUTES
NOVEMBER 17, 2022 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, November 17, 2022, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Karen Hudson
Marcie Bell
Corey Ledbetter
Todd Buhr

Staff Members Present

Kim Montgomery City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Ryan Scott City Engineer
Kimberly Kopp, LUA - Zoom

3. MINUTES FOR APPROVAL:

- September 22, 2022
- October 13, 2022

Motion by Agency member Buhr, seconded by Agency member Hudson to approve both the minutes of the September 22, 2022 and the October 13, 2022 meetings as written. The motion passed 5-0.

4. NEW BUSINESS:

A. Ordinance 22-18-PC & 22-19-LC

The City Attorney read the title of the ordinances into the record. He then swore in staff, Lockwood Wernet and Monica Wallace with Destin Water Users (DWU).

Monica Wallace, Operations Manager explained DWU is requesting the rezoning of 24.98 acres they own located just east of the airport from Residential to Institutional for the purpose of reclaimed water disposal. Additionally, they have no intentions to build anything major on the property at this time but may install a storage tank and a pump station in the future, which would come through the Development Order process.

Chairman Wood opened the hearing to the public to speak.

Mrs. Karen Waterfield – 202 Mattie's Way in Kelly Plantation on behalf of Emanuel

Anglican Church spoke of how they are in the process of building a new building on their property and their only concern is that the acreage would not be turned into a sewer plant.

With no one else coming forward to speak, Chairman Wood closed the public portion of the hearing.

Motion by Agency member Ledbetter approve the proposed Ordinances 22-18-PC and 22-19-LC with Agency member Hudson providing the second, the motion passed 5-0.

B. Zoning District Consolidation

Mr. O'Connor explained this is a continuation of a previous conversation staff had back in October regarding zoning consolidation. Additionally, staff worked with Agency member Buhr to further discuss other areas for consolidation in Crystal Beach, and from those conversations, staff made some minor changes, as reflected. Additionally, the only other change is, staff is recommending a consolidation to bring the districts to 21 from 28. The following presentation was provided in the packet:

ZONING DISTRICTS Comparative Analysis

Community Development
Planning Division



Zoning Analysis: What and Why

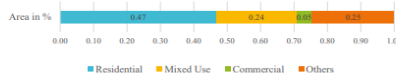
WHAT:

- Putting the existing zoning districts into concise and flexible districts.
- Categorizing the zoning districts with similar developments standards and land use in groups (if rationally possible).
- Aligning the zones to Planning Areas.



WHY:

- Land Development Code (1991) had 16 zoning districts.
- Currently, 28 zoning districts
- Several districts have redundant development standards and land uses.
- Current zoning structure is unnecessarily complex.





Zoning District Comparative Analysis: How



Analyzing the Zoning Districts

Comparative Zoning Analysis



Residential Zoning Districts

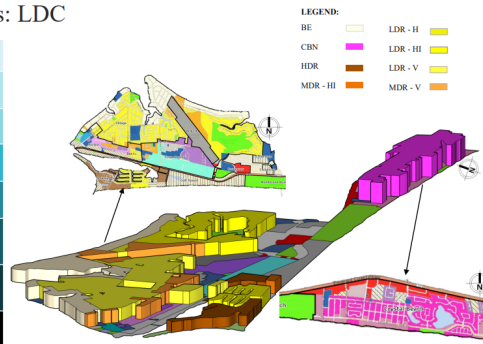
Comparative Zoning Analysis



Zoning Analysis: Residential

Existing Residential Zoning Districts: LDC

Bay estate (BE)
Crystal Beach Neighborhood (CBN)
High Density Residential (HDR)
Low Density Residential - Village (LDR-V)
Low Density Residential - Harbor (LDR-H)
Low Density Residential - Holiday Isle (LDR-HI)
Medium Density Residential - Village (MDR-V)
Medium Density Residential - Holiday Isle (MDR-HI)



Zoning Analysis: LDR-V, LDR-H, and LDR-HI

INTENTS:

LDR-V

Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-H

Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-HI

Allows **permanent and seasonal (STR) single-family** detached residential dwelling units and strictly prohibits multi-family uses, commercial living accommodation and all non-residential uses.

BE

Allows **permanent single-family** detached residential dwelling units and strictly prohibits multi-family uses, seasonal single-family detached or multi-family attached residential dwelling units, commercial living accommodation and all non-residential uses.



Zoning Analysis: LDR-V, LDR-H, and LDR-HI

Allowable uses

	LDR-V	LDR-HI	LDR-H	BE
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P		
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

Footnotes:

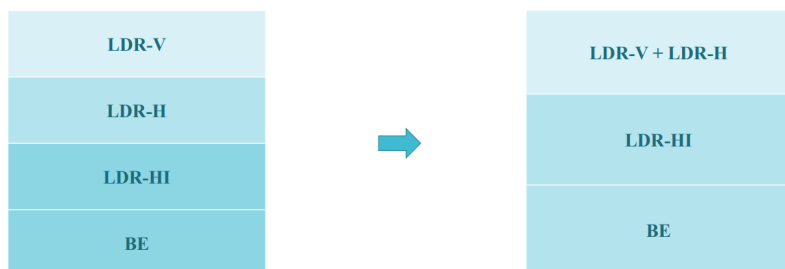
Dimensions (feet)

	LDR-V	LDR-HI	LDR-H	BE
Minimum Lot Area (sq.ft)	7500	7500	7500	15000
Width	70	70	70	80
Depth	100	100	100	150
Maximum Building Height	35/3 stories	30/3 stories	35/3 stories	35/3 stories
Setbacks				
Front	20	20	20	20
Side	7.5	7.5	7.5	10
Rear	10	10	10	10
Maximum Density (units per acre)	5.81	5.81	5.81	2.90
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A
Minimum Open Space (%)	25	30	25	25



Zoning Analysis: Recommendations

RECOMMENDED LOW DENSITY RESIDENTIAL ZONING DISTRICTS :



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

INTENTS:



Only allows **permanent single-family detached and multi-family attached residential uses** and prohibits STRs, commercial living accommodation and all non-residential uses.



Allows **permanent and seasonal (STR) single-family detached and multi-family attached uses** but prohibits commercial living accommodation and all non-residential uses.



Allows **permanent and seasonal (STR) single-family detached and multi-family attached uses** but prohibits commercial living accommodation and all non-residential uses.



Allows **permanent and seasonal (STR) single-family detached and multi-family attached uses** and very **limited non-residential uses** but prohibits commercial living accommodations.



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses

	MDR-V	MDR-HI	HDR	CBN
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Multi-family attached dwelling	P	P	P	C
Mobile home development			C	
Guest house (1)	P	P	P	P
Accessory dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P	P	P
Multi-family detached dwelling		P	P	C
Other residential uses				
Community residential home, small (1—6)	P	P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses (cont'd)

	MDR-V	MDR-HI	HDR	CBN
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Community residential home, large (7—14)	P	C	C	C
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Child day care services				C
Museums, historical sites, zoos, and parks (10)				P
Religious organizations				P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

Footnotes:

(16) Refer to Section [Section 7.09.02\(B\)12](#) for further information.

(10) Zoos are only allowed in the Industrial zoning district.



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Dimensions (feet)

	MDR-V		MDR-HI		HDR		CBN		
	1	2/more	1	2/more	1	2/more	1	2/more	non
Dwelling Units	1	2/more	1	2/more	1	2/more	1	2/more	non
Minimum Lot Area (sq.ft)	7500	None	7500	None	7500	None	7500	None	None
Width	70	None	70	None	70	None	70	None	None
Depth	100	None	100	None	100	None	100	None	None
Maximum Building Height	35/3	35 / 3	30 / 3	35 / 3	30 / 3	50 / 4	30 / 3	50 / 4	50 / 4
Setbacks									
Front	20	A/B	20	A/B	20	H	20	20	20
Side	7.5	A/B	7.5	A/B	7.5	H	7.5	A/B	A/B
Rear	10	A/B	10	A/B	10	H	10	A/B	A/B
Maximum Density (units per acre)	5.81	9.90	5.81	9.90	9.90	19.90	6.00	6.00	N/A
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.50
Minimum Open Space (%)	25	25	30	25	30	25	30	25	25



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Footnotes:

A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet. For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.

B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.

H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.

i. **Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.

ii. **Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.

iii. **Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee Bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.



Zoning Analysis: Recommendations

RECOMMENDED OTHER RESIDENTIAL ZONING DISTRICTS:



Zoning Analysis: Recommendations

- Consolidate LDR-V and LDR-H
- Consolidate MDR-HI and HDR
- Consider childcare, neighborhood parks, religious uses as permitted or conditional uses within Residential zoning districts.



Child Care



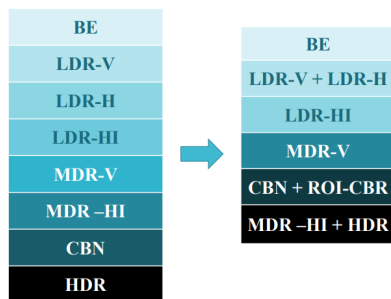
Neighborhood
Parks



Religious
Use

- Reconsider permitted and conditional usage in Residential zoning districts

RECOMMENDED RESIDENTIAL ZONING DISTRICTS:



Mixed-use Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: Mixed Use

Mixed-Use:

Different compatible land uses located within a single structure or in the proximity to each other.



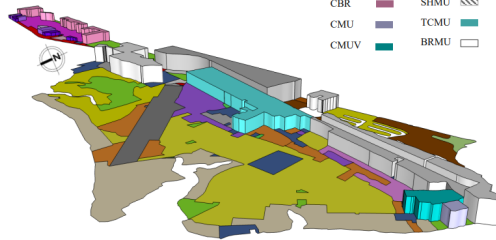
Live



Work



Leisure



LEGEND:

ROI-CBR	GRMU
ROI-TD	HIMU
ROI-VR	NHMU
CBR	SHMU
CMU	TCMU
CMUV	BRMU



Zoning Analysis: Mixed Use

Existing Mixed-Use and other zoning districts:

Residential, Office, and Institutional - Village Residential (ROI - VR)

Residential, Office, and Institutional - Tourist Development (ROI - TD).

Residential, Office, and Institutional – Crystal Beach Residential (ROI - CBR)

Town Center Mixed Use (TCMU)

Crystal Beach Resort (CBR)

Calhoun Mixed Use (CMU)

Calhoun Mixed Use – Village (CMU-V)

North Harbor Mixed Use (NHMU)

South Harbor Mixed Use (SHMU)

Gulf Resort Mixed Use (GRMU)

Holiday Isle Mixed Use (HIMU)

Bay Resort Mixed Use (BRMU)



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

INTENTS:



Intends to specifically **not allow permanent** single-family detached or multi-family attached residential dwelling units.



Intends to specifically **not allow seasonal** single-family detached residential dwelling units.



Intends to specifically allow **permanent or seasonal single-family detached** residential dwelling units. Single occupancy. (Residential uses only)



Intends to allow both **permanent and short-term** residential uses. Permits limited non-residential uses.





Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses

	ROI-TD	ROI-VR	ROI-CBR	CBR
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Multi-family attached dwelling		C		P
Guest house (1)	P	C		P
Accessory dwelling	P	C		P
Seasonal or short-term residential uses				
Single-family detached dwelling	P		P	P
Multi-family attached dwelling	P			P
Other residential uses				
Community residential home, large (7-14)		C		C
Family day care home		P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Printing and related support activities	P	C		
Clothing and clothing accessories stores	P	C		
Book, periodical, and music stores	P ³	C		P ⁴
Other general merchandise stores	P ³	C		P ⁴
Florists	P ³	C		P ⁴
Office supplies, stationery, and gift stores	P ³	C		P ⁴
Printing and related support activities	P	C		
Used merchandise stores	C ⁸	C		
Thrift stores	C ⁸	C		
Other miscellaneous store retailers	P ³	C		P ⁴
Interurban and rural bus transportation	P	C		
School and employee bus transportation	P	C		

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))
3. Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.
4. Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the Crystal Beach resort area.
8. Must meet minimum distance separation requirements, refer to the definition of the use in question in [article 2](#) of the Land Development Code.



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Postal service	P	C		P
Couriers and messengers	P	C		
Internet publishing and broadcasting	P	C		
ISPs, search portals, and data processing	P	C		
Other information services	P	C		
Finance and Insurance	P	C		P
Real Estate services	P	C		P
Consumer goods rental	P	C		P
Professional and technical services	P	C		P
Veterinary services	P	C		P
Management of companies and enterprises	P	C		P
Management of companies and enterprises	P	C		P

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Administrative and support services	P	C		P
Janitorial services	P	C		P
Waste management and remediation services	C	C		
Elementary and secondary schools	P	C		
Junior colleges	P	C		
Colleges and universities	P	C		
Business, computer and management training	P	C		
Technical and trade schools	P	C		
Other schools and instruction	P	C		
Educational support services	P	C		
Ambulatory health care services	P	C		P
Hospitals	P	C		



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)P

	ROI-TD	ROI-VR	ROI-CBR	CBR
Nursing care facilities	P	C		
Residential mental health facilities	C	C		
Community care facilities for the elderly		C		
Other residential care facilities		C		
Social assistance	P	C		
Child day care services	P	C		C
Performing arts and spectator sports		C		P
Museums, historical sites, zoos, and parks (10)	C	C		C
All other amusement and recreation industries	C	C		
Hotels and motels	P			P
Bed-and-breakfast inns	P			P
Other traveler accommodation, C.T.L.A. (12)	P			P

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Personal and laundry services	P	C		
Dry cleaning and laundry services	P	C		
Pet care (except veterinary) services	P	C		P
Membership associations and organizations	P	C		P
Religious organizations	P	C		P

Footnotes:

(10) Zoos are only allowed in the Industrial zoning district.

(12) Commercial transient living accommodations.



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Dimensions (feet)	ROI-TD		ROI-VR		ROI-CBR	CBR		
Dwelling Units	1	2+	1	2+	1	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	7,500	None	7,500	7,500	None	None
Width	70	None	70	None	70	70	None	None
Depth	100	None	100	None	100	100	None	None
Maximum Building Height	30/3 stories	30/3 stories/E	35/3 stories	35/3 stories/E	35/3 stories	30/3 stories	50/4 stories	50/4 stories
Setback								
Front	20	A/B	20	A/B	20	20	M	M
Side	7½	A/B	7½	A/B	7½	7½	M	M
Rear	10	A/B	10	A/B	10	10	M	M
Maximum Density (units per acre)	9.00	12.00	9.00	12.00	9.00	6.00	12.00	12.00
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Open Space (%)	30	25	25	25	25	30	25	25



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Footnotes:

A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet. For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.

B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.

E. For those properties that abut U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.

M. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:

1. Front setback.

- For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
- For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
- For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
- For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.

II. Side setbacks.

Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.

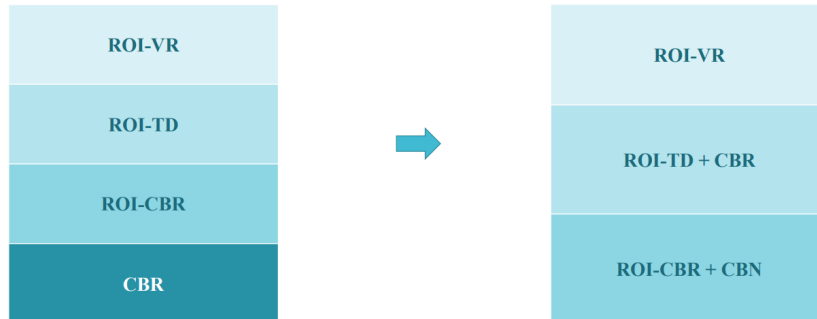
III. Rear setback.

For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.



Zoning Analysis: Recommendations

RECOMMENDED MIXED USE ZONING DISTRICTS:



Zoning Analysis: CMU and CMU-V

INTENTS:



Intends to provide a transition between high intensity south harbor and the low intensity ROI. This area shall be developed, redeveloped and/or maintained with permanent or seasonal residential and non-residential uses to serve adjacent Old Destin area.



Intends to preserve the character of the nearby "Old Destin" area, and to provide a transition between high intensity south harbor and the low intensity residential areas. This area shall have permanent or seasonal medium to high density residential, and non-residential uses to serve adjacent Old Destin area.



Zoning Analysis: CMU and CMU-V

Allowable uses

	CMU	CMU-V
Permanent or long-term residential uses		
Multi-family attached dwelling	P	C
Guest house (1)		C
Accessory dwelling		C
Seasonal or short-term residential uses		C
Single-family detached dwelling	P	
Multi-family attached dwelling	P	C
Other residential uses		
Community residential home, small (1—6)	P	C
Family day care home	P	C
Distribution electric substation (16)	P	
Beer, wine, and liquor stores		P

Footnotes:

(1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [7.12.04.M](#))

(16) Refer to Section [7.09.02\(B\)12](#) for further information



Zoning Analysis: CMU and CMU-V

Allowable uses (cont'd)

	CMU	CMU-V
Child day care services	P	C
Performing arts and spectator sports	P	C
Amusement arcades	C	P
Marinas	P	C
Fitness and recreational sports centers	P	C
Bowling centers	P	C
All other amusement and recreation industries	P	C
Hotels and motels	P	C
Bed-and-breakfast inns	P	C
Other traveler accommodation, C.T.L.A. (12)	P	C

Footnotes:

(12) Commercial transient living accommodations.

Allowable uses (cont'd)

	CMU	CMU-V
Health and personal care stores and medical marijuana treatment center dispensing facilities 20		P
Clothing and clothing accessories stores	P	
Other general merchandise stores	P	
Other miscellaneous store retailers	P	C
Urban transit systems	P	
Interurban and rural bus transportation	P	
Scenic and sightseeing transportation, land	P	C
Scenic and sightseeing transportation, water	P	C
Conference/convention center	P	C
Consumer goods rental	P	C
Other schools and instruction	P	C
Educational support services	P	C



Zoning Analysis: CMU and CMU-V

Dimensions (feet)

	CMU			CMU-V		
	1	2+	Non	1	2+	Non
Dwelling Units						
Minimum Lot Area (sq.ft)	7,500	None	None	5,000	None	None
Width	70	None	None	50	None	None
Depth	100	None	None	100	None	None
Maximum Building Height	35/3 stories	50/4 stories	50/4 Stories/F	35/3 stories	50/4 stories	F
Setback						
Front	20	H	H	20'	H	H
Side	7½	H	H	7½'	H	H
Rear	10	H	H	10'	H	H
Maximum Density (units per acre)	6.00	12.00	N/A	9.00	12.00	N/A
Maximum Floor Area Ratio	N/A	N/A	.50	N/A	N/A	0.50
Minimum Open Space (%)	25	25	25	25	25	25



Zoning Analysis: CMU and CMU-V

Footnotes:

F. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.

H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.

- Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
- Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
- Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.



Zoning Analysis: SHMU and NHMU

INTENTS:

SHMU

Intends to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space"

NHMu

Intends to allow permanent and seasonal single-family and multi-family attached / detached residential dwelling units commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; retail; service; restaurant; office; and similar commercial uses



Zoning Analysis: SHMU and NHMU

Allowable uses

	SHMU	NHMu
Automobile dealers		C
Kitchen cabinet stores		P
Grocery stores		P
Gasoline stations		P
Water transportation	P	
Amusement arcades	C	P
Marinas	P	
Automotive repair and maintenance		P
Boat and motorcycle repair		P
Parking lots and garages (public & private)		P
Religious organizations		P

Dimensions (feet)

	SHMU			NHMu		
Dwelling Units	1	2+	Non	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	None	7,500	None	None
Width	70	None	None	70	None	None
Depth	100	None	None	100	None	None
Maximum Building Height	30/3 stories /G	50/4 stories /G	35/3 stories /G	35/3 stories	50/4 stories	35/3 stories
Setbacks						
Front	20	N	N	20	K	K
Side	7½	N	N	7½	K	K
Rear	10	N	N	10	K	K
Maximum Density (units per acre)	9.00	24	N/A	9.00	24	N/A
Maximum Floor Area Ratio	N/A	N/A	0.60	N/A	N/A	0.60
Minimum Open Space (%)	30	25	25	25	25	25



Zoning Analysis: SHMU and NHMU

Footnotes:

G. Please refer to the footnotes 1 through 3 of Table 1-13: general development standards for "SHMU" designated land of Policy 1-2.4.3(3) of the comprehensive plan for information on maximum building height and measurement of building height.

N. The following setbacks shall apply to developments proposed in the SHMU zoning district:

- Front setback.** For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
- Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
- Rear setback.** Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor. Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay; rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.



Zoning Analysis: GRMU, HIMU, and BRMU

INTENTS:



Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.



Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.



Intends to accommodate a mixture of residential, hotel, office, commercial and recreational uses.



Zoning Analysis: GRMU, HIMU, and BRMU

Allowable uses

	GRMU	HIMU	BRMU
Permanent or long-term residential uses			
Single-family detached dwelling	P	C	P
Single room occupancy housing	P	P	
Seasonal or short-term residential uses			
Luxury motor home resort	P		P
Other residential uses			
Community residential home, small (1—6)	P	C	C
Family day care home	P	C	C
Fish and seafood merchant wholesalers			P
Specialty food stores	P		P
Beer, wine, and liquor stores			P
Health and personal care stores and medical marijuana treatment center dispensing facilities 20			P

Allowable uses (cont'd)

	GRMU	HIMU	BRMU
Gasoline stations	P		P
Sporting goods and musical instrument stores	P		P
Water transportation		P	
Mini-warehouse and self-storage leasing	C		
Boat, vehicle, equipment, etc., storage leasing			P
Janitorial services	P	P	
Performing arts and spectator sports	P		P
Marinas		P	
Bowling centers	P		P
Dry cleaning and laundry services	P	P	



Zoning Analysis: GRMU, HIMU, and BRMU

Footnotes:

H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts:

- Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
- Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
- Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.

M. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:

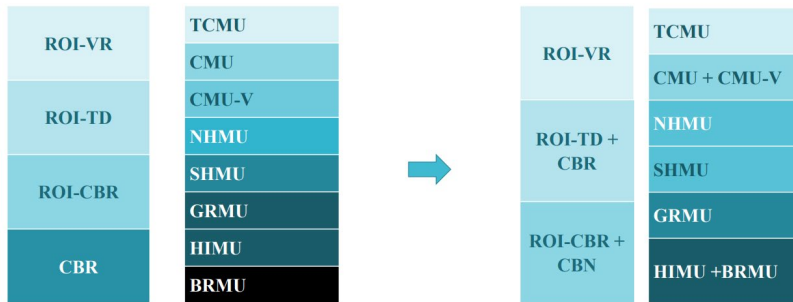
- Front setback.**
 - For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
 - For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
 - For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.
- Side setbacks.** Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
- Rear setback.** For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.

P. In the BRMU zoning district, the maximum height by right shall be 35 feet and three stories, excepting those properties that abut Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.



Zoning Analysis: Mixed Use

RECOMMENDATIONS:



Commercial Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: Commercial

INTENTS:



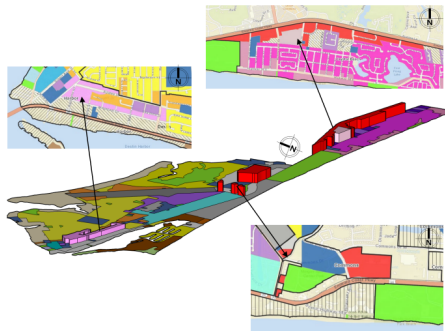
Allows to accommodate **general commercial needs** of the permanent and seasonal residents along Harbor Blvd/ Emerald Coast Pkwy



Allows similar **commercial trades and services** that are more intense in nature that those uses allowed the CG zoning district but are less intense in nature than those uses allowed in the Industrial (IN) zoning district.



It is intended to **accommodate a mixture of short-term and long-term residential and commercial uses** of a lesser intensity than is allowed in the various mixed use zoning districts.



42



Zoning Analysis: CL, CG, and CTS

Allowable uses

	CL	CG	CTS
Permanent or long-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	C	
Single room occupancy housing	P		
Seasonal or short-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	P	
Other residential uses			
Community residential home, small (1—6)	P		
Community residential home, large (7—14)	C		
Family day care home	P		

Allowable uses

	CL	CG	CTS
Construction			
Residential and non-residential contractors			P
Specialty trade contractors			P
Manufacturing			
Printing and related support activities	P	P	P
Wholesale			P
Fish and seafood merchant wholesalers	P		P
Retail trade			
Auto parts, accessories, and tire stores		C	P
Parts and Accessories Dealer—Automotive/marine		C	P
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	



Zoning Analysis: CL, CG, and CTS

Allowable uses

	CL	CG	CTS
Retail trade			
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	
Kitchen cabinet stores		C	P
Food and beverage stores			
Grocery stores	P	C	
Specialty food stores	P	C	
Beer, wine, and liquor stores	P	C	
Health and personal care, medical marijuana	P	C	
Clothing stores	P	P	
Sporting goods and musical instrument stores	P	P	
Book, periodical and music stores	P	P	

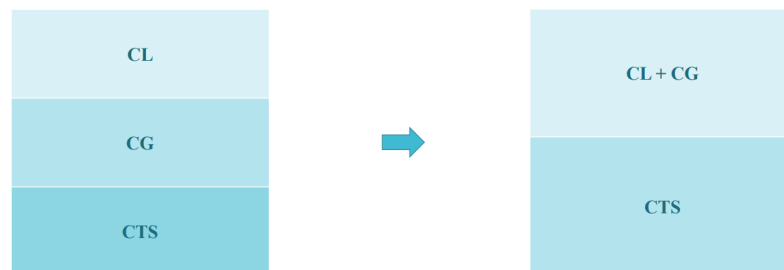
Allowable uses

	CL	CG	CTS
General merchandise stores			
Department stores	P	C	
Other general merchandise stores	P	P	
Miscellaneous store retailers			
Florist	P	P	
Office supplies, stationary, gift shop	P	C	
Transportation and warehousing			
Urban transit systems	P	C	P
Interurban and rural bus transportation	P	C	P
Information			
Art, Entertainment, and Recreation	P	C	
Accommodation and Food Services	P	C	



Zoning Analysis: Recommendations

RECOMMENDED COMMERCIAL ZONING DISTRICTS:



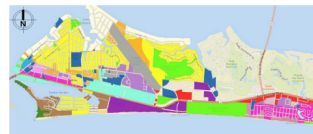
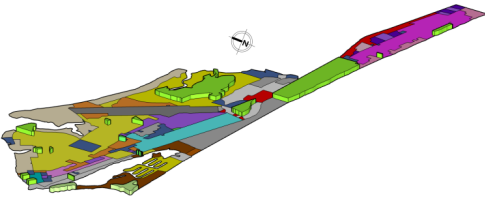


Other Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: REC and CON



REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.

Parks:

- Clement Taylor Park
- Captain Leonard Destin Park
- Captain Royal Melvin Park
- Dalton Threadgill Park
- Mattie M Kelly Park
- Dewey Destin Park
- Henderson Beach State Park
- Harborview Park
- Indian Bayou Golf Club
- Morgan Sports Center Park
- June White Decker Park
- James Lee Park

Conservation Areas:

- TIFF parcel south-west of Destin Pointe
- Norriego Point

Neighborhood Parks:

- 605 Main St
- 810 Kell-Aire Ct
- 880 Kell-Aire Dr
- 1999 Cordgrass Ct
- 1950 Scenic Hwy 98
- 2966 Scenic Hwy 98



Zoning Analysis: REC and CON

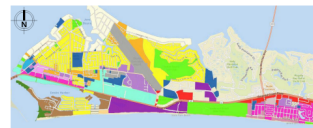
INTENTS:

REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.





Zoning Analysis: Other Zoning Districts

INTENTS:



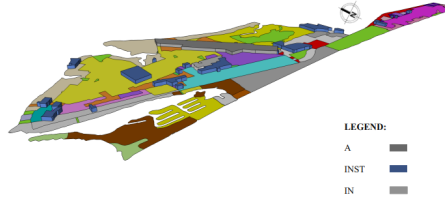
Intends to accommodate industrial and limited commercial developments. Does not allow permanent or seasonal residential uses.



Intends to accommodate public and semi-public facilities and services, promote natural resources and open space around building. Does not allow permanent or seasonal residential uses.



Comprises Destin-Fort Walton Beach Airport. It intends to accommodate airport facilities. Does not allow permanent or seasonal residential uses.



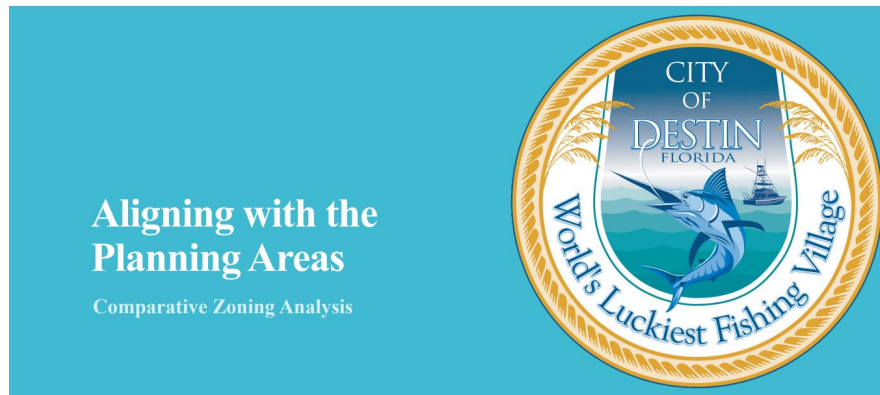
49



Zoning Analysis

RECOMMENDED ZONING DISTRICTS:

RECREATION	BE	CG + CL	TCMU
CONSERVATION	LDR-V + LDR-H	CTS	CMU + CMU-V
INST	LDR-HI	ROI-TD + CBR	GRMU
IN	MDR-V	ROI-VR	HIMU + BRMU
A	CBN + ROI-CBR		NHMU
	MDR -HI + HDR		SHMU



 Zoning Analysis: Planning Areas





Zoning Analysis: Village Planning Area

Village Planning Area Intent:

“Provide low-density, healthy, safe, family-friendly environment that promotes a high quality of life. Connected network of multi-modal streets. Dwelling density maximums. Encourage limited commercial uses that support the neighborhoods within the Village. Maintain, improve, and protect existing neighborhoods.”



Recommended Consolidated Zoning Districts:



Holiday Isle Planning Area

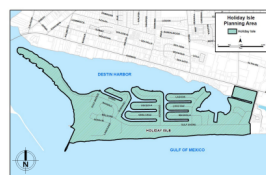
Comparative Zoning Analysis



Zoning Analysis: Holiday Isle Planning Area

Holiday Isle Planning Area Intent:

“Support and maintain a mix of residential accommodations for residents and visitors, with low density to high density residential and mixed uses. Safe and accessible Multi-modal transportation system. Protect, preserve, expand existing natural and recreational resources.”



Recommended Consolidated Zoning Districts:





Gulf Resort Planning Area

Comparative Zoning Analysis



Zoning Analysis: Gulf Resort Planning Area

Gulf Resort Planning Area Intent:

“Intends to be world-class resort district with uses ranging from small condominium complexes to resorts and supporting dining, commercial and retail services. Connected multi-modal network. Renowned Residential and Resort destination. Increase public beach and access.”



Recommended Consolidated Zoning Districts:



Crystal Beach Planning Area

Comparative Zoning Analysis



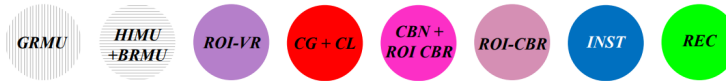
Zoning Analysis: Crystal Beach Planning Area

Crystal Beach Planning Area Intent:

“Intends to highlight quality commercial corridor , family-friendly vacation destination and single-family neighborhoods. Preserve and promote single-family character while providing the residents and visitors access to amenities. Ensure low intensity mixed use development support at intersections while commercial development adjacent to or accessible from highway 98. Protect long-term single family residential. Expand public beach access by encouraging low-intensity commercial, mixed-use developments, redevelopments of single or multi-family south of Scenic highway 98. Multimodal infrastructure.”



Recommended Consolidated Zoning Districts:



Harbor Planning Area

Comparative Zoning Analysis



Zoning Analysis: Harbor Planning Area

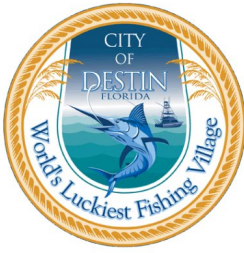
Harbor Planning Area Intent:

“Intends to support a marketplace implying to “World’s luckiest fishing village”. Appropriate commercial, mixed-use, residential uses supporting fishing and recreation industries, attract visitors. Plan public pedestrian shoreline and harbor boardwalk to promote and develop free flowing festive feel. Grow connected and safe multi-modal transportation network. Innovative transportation options and creative urban design.”



Recommended Consolidated Zoning Districts:





Town Center Commons Planning Area

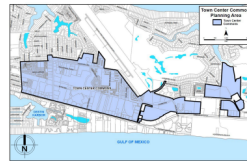
Comparative Zoning Analysis



Zoning Analysis: Town Center Commons Planning Area

Town Center Commons Planning Area Intent:

“Intends to be the city’s residential, cultural, institutional, and service center. Center of business, relaxation and recreation. Afford residents and visitors ability to attend cultural events and activities showcasing the local arts, culture, and community value. Higher density residential, mixed-use development gathering places for residents and visitors. Pedestrian friendly and accessible multimodal corridors. City shall collaborate with Okaloosa County to align future development in areas directly adjacent to city’s jurisdiction ”



Recommended Consolidated Zoning Districts:



Henderson Planning Area

Comparative Zoning Analysis



Zoning Analysis: Henderson Planning Area

Henderson Planning Area Intent:

“Intends to preserve and highlight natural ecosystem. To protect the largest public beach access. Mitigate external impacts on park. To protect flora and fauna. ”



Recommended Consolidated Zoning Districts:



Airport Planning Area

Comparative Zoning Analysis



Zoning Analysis: Airport Planning Area

Airport Planning Area Intent:

“Intends to provide and facilitate the continued use of general aviation at the Destin Executive Airport at current and projected use levels while planning for the future airport growth with the existing boundaries. Mitigate encroachment issues from development upon the airport and aviation uses upon surrounding neighborhood and other areas”



Recommended Consolidated Zoning Districts:





Currently there are similar zoning districts per uses and dimensional requirements constituting to total of 28 Zoning Districts



The zoning districts are consolidated to 21 Zoning districts based on their similarities in the uses and dimensional requirements



Aligned the Consolidated Zoning Districts with the Planning Areas Intents

Conclusion



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts

	CL	CG	CTS
Permanent or long-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	C	
Custodian or night-watchman dwelling			P
Single room occupancy housing	P		
Seasonal or short-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	P	
Other residential uses			
Community residential home, small (1—6)	P		
Community residential home, large (7—14)	C		
Family day care home	P		

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
236 Residential and non-residential contractors			P
237 Heavy and civil engineering contractors			
238 Specialty trade contractors			P
Sector 42 Wholesale Trade		C	P
424460 Fish and seafood merchant wholesalers			P
4413 Auto parts, accessories, and tire stores		C	P
441310 Parts and Accessories Dealer—Automotive/marine		C	P
442 Furniture and home furnishings stores	P	P	
443 Electronics and appliance stores	P	P	
444 Building material and garden equip. and supply dealer		C	P
444190 Kitchen cabinet stores		C	P
4451 Grocery stores	P	C	



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
4452 Specialty food stores	P	C	
4453 Beer, wine, and liquor stores	P	C	
446 Health and personal care stores and medical marijuana treatment center dispensing facilities 20	P	C	
447 Gasoline stations		C	
448 Clothing and clothing accessories stores	P	P	
4511 Sporting goods and musical instrument stores	P	P	
4512 Book, periodical, and music stores	P	P	
4521 Department stores	P	C	
4529 Other general merchandise stores	P	P	
4531 Florists	P	P	
4532 Office supplies, stationery, and gift stores	P	C	
4533 Used merchandise stores		C	

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
453310 Thrift stores		C	
4539 Other miscellaneous store retailers		C	
454 Non-store retailers			P
4851 Urban transit systems	P	C	P
4582 Interurban and rural bus transportation	P	C	P
4853 Taxi and limousine service			P
4854 School and employee bus transportation			P
4859 Other ground passenger transportation			P
48841 Motor vehicle towing		C	P
492 Couriers and messengers			P
493 Warehousing and storage		C	
4931 General warehousing and storage (9)		C	P
518 ISPs, search portals, and data processing		P	P



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts
(cont'd)

	CL	CG	CTS
519 Other information services		P	P
522298 Pawn shops		C	
531120 Conference/convention center		C	
531120 Commercial special event venue		P	
531130 Mini-warehouse and self-storage leasing		C	P
531190 Boat, vehicle, equipment, etc., storage leasing		C	P
532 Rental and leasing services			
5321 Automotive equipment rental and leasing		C	P
5322 Consumer goods rental	P	C	P
5323 General rental centers		P	P
5324 Machinery and equipment rental and leasing		C	P
541 Professional and technical services	P	P	
541940 Veterinary services		C	

Allowable uses within the zoning districts
(cont'd)

	CL	CG	CTS
561730 Landscaping services		C	P
6115 Technical and trade schools			P
6116 Other schools and instruction		P	
6117 Educational support services		P	
621 Ambulatory health care services	P	C	P
6244 Child day care services	C	P	
711 Performing arts and spectator sports	P	C	
712 Museums, historical sites, zoos, and parks (10)	P		
713110 Amusement and theme parks		C	
541940 Veterinary services		C	
713120 Amusement arcades		C	
713940 Fitness and recreational sports centers		C	
713950 Bowling centers		C	



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts
(cont'd)

	CL	CG	CTS
713990 Indoor Shooting Ranges			P
713990 All other amusement and recreation industries		C	
721110 Hotels and motels	P	C	
721191 Bed-and-breakfast inns	P	C	
721199 Other traveler accommodation, C.T.L.A. (12)	P	C	
7212 RV parks and recreational camps		C	
7213 Rooming and boarding houses	P	C	
722 Food services and drinking places	P	C	
722110 Full-service restaurants	P	C	
722111 Limited-service restaurants	P	C	
7224 Drinking places, alcoholic beverages	P	C	
811 Repair and maintenance		C	P
8111 Automotive repair and maintenance		C	P

Allowable uses within the zoning districts
(cont'd)

	CL	CG	CTS
811192 Car washes		C	P
81149 Other personal and household goods repair		P	P
811491 Boat and motorcycle repair		C	P
8122 Death care services			P
8123 Dry cleaning and laundry services	P	C	P
81233 Linen and uniform supply services		P	P
812910 Pet care (except veterinary) services		C	
813 Membership associations and organizations	P	P	
Tattoo parlors		C	

There was a discussion regarding the CMU and CMU-V districts in regards to short-term rentals ensuring that there would not be any take involved, where they are allowed and where they are considered a Conditional Use for approval. Mr. O'Connor explained to the members that since 2011 short-term rentals, if allowed in zoning districts, could never be changed to not be allowed once they are allowed.

Chairman Wood made the motion for the Local Planning Agency forward a positive recommendation of the recommended zoning district consolidations as presented and with any changes recommended by the Local Planning Agency, with Agency member Ledbetter providing the second. During discussion, Agency member Buhr stated that he wanted to make sure he understands that part of the proposal is to combine CMU and CMU-V, Mr. O'Connor answering affirmatively.

Agency member Buhr pointed out that on page 29 of the presentation, in the current list of allowable uses, seasonal short-term is permitted under CMU and conditional under multifamily attached dwellings and noted that if the two are combined, would that not account for an expansion

DRAFT

of short term rentals being allowed in what is now designated as CMU-V. Mr. O'Connor explained that there are only 7-lots in the CMU district that back up to the bay and only one of those has a residential use on it, the rest are commercial and the likelihood of that one having a single family short-term rental is in his opinion, is negatable. Agency member Buhr spoke of amending the current motion.

The City Attorney suggested for the Chairman to withdraw his motion, for which Chairman Wood withdrew his motion.

Motion by Agency member Buhr for staff to come back with a specific analysis on CMU and CMU-V focused on short term rental implications with Agency member Ledbetter providing the second. The motion passed 5-0.

5. OLD BUSINESS: None

6. DIRECTOR'S REPORT: None

7. ADJOURNMENT:

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

Adopted and approved this _____ day of _____ 2022.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

**LOCAL PLANNING AGENCY
MEETING MINUTES
DECEMBER 1, 2022 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, December 1, 2022, at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Karen Hudson
Marcie Bell
Corey Ledbetter
Todd Buhr

Staff Members Present

Kim Montgomery City Clerk
Steven O'Connor Principal Planner
Kimberly Kopp, LUA

3. OLD BUSINESS:

A. Zoning District Consolidation

Mr. O'Connor explained this is a continuation of their previous conversation at last month's meeting for the zoning consolidations and conversations of CMU and CMU-V zoning districts. He reminded the members that there was an issue that was raised by Agency member Buhr when consolidating the two zoning districts and how on slide 29 of staff's presentation, a correction needed to be made to an error in the table of uses in the LDC. The issue that the board had, was that with the consolidation of the two zones in the way it was presented, it looked as if staff was increasing the use of short-term seasonal rentals into CMUV, which is not the case, because seasonal short-term residential uses in single family, detached dwellings, is already a Conditional Use in the CMU-V zoning district and is not an expansion of that use, that is controversial, north of Highway 98. Therefore, staff's recommendations of all the consolidation of the zoning districts to include CMU and CMU-V stands. Additionally, when staff brings back this consolidated zoning district, it will be to recommend that single family detached seasonal, short-term rentals as a Conditional Use not permitted use.

Agency member Buhr asked if this would still constitute a taking for the two vacant parcels in CMU.

According to Mr. O'Connor, it would not. They are just adding in a process that can be considered a limitation, but we're not taking that right away, its just a new process.

The LUA added that if the use was permitted but gets denied, then that is considered a take.

Chairman Wood made the motion for the Local Planning Agency forward a positive recommendation of the recommended zoning district consolidations as presented and with any changes recommended by the Local Planning Agency, which there were none. Agency member Bell provided the second, the motion passed 5-0.

5. DIRECTOR'S REPORT:

- The Harbor CRA Master Plan and the Town Center CRA Master Plan are being updated by staff and 3TP Consultants and currently, it is in the evaluation and analysis stage, going through State Statutes and the current plan, looking for deficiencies and identifying the gaps thereof. Also looking at the needs and various other studies that may or may not be required for those Master Plan Updates, with the goal of having them completed by the end of next year.

- Mobility Plan: The aim is to update the Transportation Impact Fees, to allow for application across the entire city and not just specific areas, and through the plan itself, identify appropriate corridors for multimodal transportation to allow for an expansion of the network in order to reduce the number of cars on the network by allowing better pedestrian, bicycle and other modes of transportation on appropriate infrastructure. The plan will also identify a proposed mobility fee to help update and improve the Transportation Impact Fees for when new developments is created. The plan for 3TP is to provide City Council with the update in January.

Agency member Buhr asked about the error and how that would be handled. According to Mr. O'Connor, that would have to be done through the text amendment process.

Agency member Bell spoke of how on the map for Holiday Isle, in reference to Conservation area in green on page 47, which is the State Lands portion. There is a narrow strip that runs from the jetty eastward to the property line behind Jetty East Condos, noting that all the sand that lies along the Gulf front is State Land and should be reflected as so in green on the map.

6. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 5:45p.m.

Adopted and approved this _____ day of _____ 2022.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

VOTING CONFLICTS

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

Office #: (850) 863-4064
Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Voting Conflicts and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before the meeting at which the conflict will arise and we will respond to you as quickly as possible. ******

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS A VOTING CONFLICT?

§ 112.3143, Florida Statutes

- A voting conflict arises when you are prohibited from voting on a specific matter coming before your board. In instances in which you do not have a conflict, you must vote. § 286.012, Fla. Stat.
- Designed to avoid situation where a public officer is tempted to exercise the powers of his or her office to promote the interest of someone other than the public because of that someone's relationship to the officer.

Statutory Language:

- You cannot vote on any measure which would
 - inure to your "special private gain or loss,"
 - which you know would inure to the special private gain or loss of any "principal by whom you are retained" or to the parent organization or subsidiary of a corporate principal by which you are retained, or
 - which you know would inure to the special private gain or loss of your "relative" or business associate.

Definitions:

- **"Principal by whom retained"** – means an individual or entity that has permitted or directed another to act on behalf of the principal for compensation, salary, pay, or consideration. E.g., your client or employer. Also, the parent, subsidiary, or sibling organization of your client or employer.
- **"Relative"** – means your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

- **“Business associate”** – means any person or entity engaged in or carrying out a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. § 112.312(4), Fla. Stat.
- **“Special private gain or loss”** – means an economic benefit or harm that would inure to you, your relative, your business associate, or principal.

WHO IS PROHIBITED FROM BENEFITTING?

- Four classes of people are prohibited from benefiting from the public officer’s vote:
 - (1) The public officer;
 - (2) A relative;
 - (3) A business associate;
 - (4) A principal, subsidiary, or parent corporation of a principal.

WHAT KIND OF BENEFITS ARE PROHIBITED?

“Special Private Gain or Loss”

- This is the test by which voting conflicts are determined. There are four factors to look for:
 - (1) The size of the class affected by the vote;
 - (2) The nature of the interests involved;
 - (3) The degree to which the interests of all members of the class are affected by the vote;
 - (4) The degree to which the officer, relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.
- Standards – Depending on the type of special gain or loss, three different “standards” are considered:
 - *Special private gain or loss* – the gain or loss must be *special* and *private* to the officer, relative, business associate, or principal. Cannot be general.
 - *Size of the class test* – typically, the Commission on Ethics applies the “1% Rule” which means that if the special gain or loss of people prohibited from benefiting is less than 1% of the total class affected, then there is no voting conflict.
 - *Remote and speculative test* – generally, the special private gain or loss must be somewhat concrete and certain in order to rise to the level of a voting conflict.

WHAT TO DO WHEN YOU HAVE A CONFLICT

- Four steps are required:
 - (1) *Announce* the conflict at the meeting;
 - (2) *Abstain* from voting on the matter;
 - (3) *Disclose* the conflict on the Conflict Form provided to you by the City Clerk;
 - (4) *File* the completed version of the Conflict Form with the City Clerk, who will properly file it and include it in the minutes of the meeting.
- You are also prohibited from participating in discussion on the matter.

STANDARDS OF CONDUCT FOR PUBLIC OFFICERS

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

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Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

***** This Handout is intended to be used as a basic overview of the Standards of Conduct for Public Officials and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. *****

Laws can be found at:
<http://leg.state.fl.us/>

WHAT ARE THE STANDARDS OF CONDUCT FOR PUBLIC OFFICERS?

“A public office is a public trust.”
– Article II, Section 8, Florida Constitution

- **Chapter 112.313, Florida Statutes**, describes a series of “standards of conduct” public officers must adhere to. Essentially, the standards of conduct are the basic statutory principles of ethics public officials are legally obligated to adhere to.

GIFTS

- **Solicitation or Acceptance of Gifts (Bribery):** You are not allowed to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action, or judgment would be influenced by the gift or promise. § 112.313(2), *Fla. Stat.*
- **Unauthorized Compensation:** You cannot accept anything of value when you know or should know that the item is being given to influence your vote or other action. § 112.313(4), *Fla. Stat.*
 - Also applies to your spouse and minor children.
- You are always prohibited from soliciting any gift and from accepting any gift when the gift is intended to influence your actions as an elected official.

BUSINESS PROHIBITIONS

- **Doing Business with the City:** You are not allowed to purchase, rent, or lease any realty, goods, or services for the City from any business entity of which you are an officer, partner, director, or proprietor or in which the officer has a material interest. § 112.313(3), *Fla. Stat.*
 - Also applies to your spouse and children.
- **Conflicting Employment or Contractual Relationships:** You cannot hold any employment or contractual relationship with any entity which is subject to the regulation of or is doing business with the City. § 112.313(7), *Fla. Stat.*
 - Legal tests to determine whether there is a conflict:
 - Is the conflict frequently recurring?
 - Does the conflict impede the full and faithful discharge of public duties?

GENERAL PROHIBITIONS

- **Misuse of Public Position:** You cannot corruptly use or attempt to use your position or any property or resource within your trust to secure special privilege, benefit, or exemption for yourself. § 112.313(6), *Fla. Stat.*
- **Disclosure or Use of Certain Information:** You cannot disclose or use information not available to members of the general public and gained by reason of your official position for your personal gain or benefit or the personal gain or benefit of any other person or business entity. § 112.313(8), *Fla. Stat.*

REQUIRED ETHICS TRAINING & FINANCIAL DISCLOSURE

- All elected municipal officials must complete at least 4 hours of ethics training each year. § 112.3142, *Fla. Stat.*
- All elected municipal officials must file a financial disclosure with the Florida Commission on Ethics no later than July 1 each year. § 112.3144, *Fla. Stat.*

CONSEQUENCES

- Generally, this statute is policed by the Florida Commission on Ethics and violation of the statute can lead to punishments including impeachment, removal from office, suspension from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received because of the violation committed. § 112.317, *Fla. Stat.*
- Can also carry criminal penalties in some instances.

Sunshine Law Handout

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

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Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: November 2020

****** This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. ******

The 2020 Government in the Sunshine Manual can be found at:

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
 - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
 - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119
 - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
 - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. See Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
 - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
 - “Public Records” are very broad, essentially including *any* written document and most non-written material. For example:
 - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
 - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
 - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
 - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
 - **If the “public record” is located on my personal device is it exempted?**
 - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
 - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
 - “Non-knowing Violations” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and **do not** destroy it to ensure compliance with the Public Records Act.

GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
 - (1) “Meetings” of public boards or commissions must be open to the public;
 - (2) Reasonable notice of these meetings must be given to the public; and
 - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
 - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
 - The Sunshine Law defines “meeting” very broadly to include:
 - (a) informal meetings of two or more members; and
 - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
 - One member sends a text message to another board member saying he is “against agenda item 2(b).”
 - This is an obvious but important example of strictly forbidden actions.
 - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
 - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
 - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
 - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
 - One board members emails strictly factual information regarding item 2(b) to other board members.
 - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
 - Two board members carpool to a meeting.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
 - However, because of the possible appearance of impropriety, these types of actions are discouraged.
 - Two board members are at the same charity event.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
 - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
 - **Knowing Violations** can result in 2nd degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
 - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
 - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- **Rules of Thumb:** Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 19, 2023
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 7.A.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: January 10, 2023

SUBJECT: Proposed Conditional Use 22-64-CU_Valiant Court Townhomes

I. BACKGROUND: David Campbell of Civil Engineering, Inc., on behalf of Valiant Investment, LLC is requesting approval of Conditional Use 22-64-CU. This project includes the construction of an 8-unit long-term, multifamily attached (townhome) development and the associated site infrastructure. The subject project is located at 807 & 809 Airport Road (Parcel IDs: 00-2S-22-3091-000J-0150 & 00-2S-22-3091-000J-0140), totaling approximately 0.84 acres.

II. DISCUSSION:

The proposed use is located within the **Residential, Office & Institutional - Village Residential (ROI-VR)** zoning district. The proposed use of long-term, multi-family attached dwellings is a conditional use in the **Residential, Office & Institutional - Village Residential (ROI-VR)** zoning district. The following includes a review and analysis of the proposed use based on the **Future Land Use Element** of the **Comprehensive Plan** and criteria for conditional uses outlined in the **Land Development Code (LDC)**.

A. COMPREHENSIVE PLAN POLICY ELEMENTS:

As directed by the City's **Comprehensive Plan (Policy 1-2.4.1, the Residential, Office, and Institutional "ROI"** designation is *designed to accommodate business and professional offices; as well as single-family (SF) and multiple-family (MF) long-term residential uses; and institutional uses listed in Policy 1-2.7.1...* Furthermore, this Policy designation is intended for areas which:

1. Have access to a major thoroughfare and all required urban services.

2. Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity.

3. Accommodate limited residential uses as described herein as well as business and professional office buildings, including financial institutions, and medical facilities as regulated in the LDC.

The proposed use of long-term, multi-family attached dwellings is a conditional use in the **Residential, Office & Institutional- Village Residential (ROI-VR)** zoning district. As such, the applicant must demonstrate that the criteria for the conditional use are met in order to be approved.

B. LAND DEVELOPMENT CODE/ZONING ELEMENTS:

The following includes a review and analysis of the proposed conditional use based on the criteria outlined in ***LDC Section 7.12.10:***

C. CONDITIONAL USE ELEMENTS:

The proposed use of long-term, multi-family attached dwellings within the **ROI-VR** zoning district, as per ***Land Development Code (LDC) Section 7.12.06 Table 7-2***, is a conditional use. In accordance with ***LDC Section 7.12.10***, the applicant provided a conditional use request based upon the following:

- i. Scale and Intensity of the Proposed Conditional Use
- ii. On and Offsite Improvement Needs
- iii. On-site Amenities

Criteria for Conditional Use, per *LDC Section 7.12.10.C:*

1. LAND USE COMPATIBILITY

Staff Comments: The proposed use is a Conditional Use within ***Table 7-2, Article 7, Land Development Code (LDC)***.

Adjacent Land Uses. Long-term, multi-family attached dwellings are a conditional use in the **Residential, Office & Institutional- Village Residential (ROI-VR)** zoning district. The project is proposed on two 0.42-acre parcels, totaling 0.84 acres. The intent of the "ROI" designation is designed to accommodate business and professional offices; as well as single-family (SF) and multiple-family (MF) long-term residential uses; and institutional uses listed in Policy 1-2.7.1.

Offsite Impacts: This proposed residential use is similar in intensity and scale to the surrounding uses in the zoning district. Given the long-term nature of the use, the offsite impacts associated with this development would be similar to those associated with detached single-family dwellings. The applicant is also proposing a reduced density than the maximum density allowed.

2. SUFFICIENT SIZE, SITE SPECIFICATIONS, AND INFRASTRUCTURE

Staff Comments: The Technical Review Committee (TRC) has reviewed the project and approved it. As proposed, the project complies with the dimensional requirements listed in *LDC Article 7.12.08*, as well as *Table 7-3*.

Size: The applicant is proposing to construct an 8-unit, long-term multi-family (townhouse) development on two 0.42-acre parcels, totaling 0.84 acres. As designed, the development has incorporated all required trees and landscaping buffers to accommodate all required facilities and design requirements related to the proposed use.

Access and Internal Circulation: As proposed, the development has adequate access off of Airport Road and internal circulation without creating a safety hazard, and complies with all access requirements.

Urban Design Enhancement: Sidewalks, lighting, and street amenities have been designed and constructed in accordance with the multi-modal transportation district standards outlined in *LDC 8.09.03.A*. As previously stated, proper landscaping, screening, buffering, etc. has also been implemented as required by the *LDC*.

3. PROPER USE OF MITIGATIVE TECHNIQUES

Staff Comments: Mitigative techniques that have been incorporated include larger setbacks, reduced density, and increased open space. The development has also met the City's stormwater management requirements.

4. HAZARDOUS WASTE

Staff Comments: No hazardous waste is anticipated as a result of this proposed use.

5. OVER PROLIFRATION OF USE

Staff Comments: Long-term multi-family attached dwellings are a conditional use in the ROI-VR zoning district. There are a variety of residential uses in the zoning district including multi-family, duplex, single-family, and mixed-use. Based on Staff research, there are a total of ±458 multi-family (MF) dwellings in the ROI-VR zoning district, which encompasses a total of 171.94 acres, with approximately 76 acres of that being developed as multi-family. This represents ±44% of the development in the ROI District. (*For a better understanding of this information, see attached map*). Based on these numbers, the density of MF dwellings within the ROI-VR zoning district developed as such, is ±6.04 dwelling units/acre.

6. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

Staff Comments: The applicant must show that the project meets the intent of both the Comprehensive Plan and the criteria for a conditional use set forth above. Prior to obtaining any permits, the applicant shall provide Staff with any applicable State and Federal

approvals (NFWFMD, FDEP, etc.).

7. PUBLIC COMMENT

None received to date

- A. Link to Strategic Goals / Objectives:** Enhanced Quality of Life & Safety for Families 2) Economic Development and Revitalization
- B. Effect on Budget (EOB):** There is no anticipated impact on the budget.
- C. Level of Service (LOS):** Given that the project is anticipated to only generate four (4) PM peak hour trips, there is no anticipated effect on LOS.
- D. Legislative Sponsor:**

III. CONCLUSION:

The applicant is requesting Conditional Use (22-64-CU) approval for the construction of an 8-unit long-term, multifamily attached (townhome) development and the associated site infrastructure. The proposed use is a Conditional Use in **ROI-VR**, per **LDC Section 7.12.00**.

The applicant must establish that the project is consistent with the following:

- a. Comprehensive Plan ***Policy 1-2: Future Land Use Element***.
- b. Comprehensive Plan ***Policy 12-4.1.8: Multi-Modal Transportation District***.
- c. Land Development standards outlined in ***Article 7, Land Development Code***.

Based upon these findings, Staff recommends approval of Conditional Use 22-64-CU if the LPA determines that the criteria for a conditional use have been met based on competent substantial evidence from the applicant.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend the City Council approve Conditional Use 22-64-CU.
or

I move that the Local Planning Agency recommend the City Council deny Conditional Use 22-64-CU.

Attachments:

- 1. a. Conditional Use Application Package
- 2. b. MF Dwelling Location Map

CONDITIONAL USE APPLICATION

for

VALIANT COURT TOWNHOMES

807 & 809 AIRPORT ROAD

DESTIN, FLORIDA

NOVEMBER 2, 2022

PREPARED FOR:

Valiant Investments, LLC
34871 Emerald Coast Parkway
Destin, Florida 32541
Phone: 850-259-0339

PREPARED BY:

Civil Engineering, Inc.
David O. Campbell, PE
8729 North Lagoon Drive
Panama City Beach, Florida 32408
Dcampbell214@comcast.net



TABLE OF CONTENTS

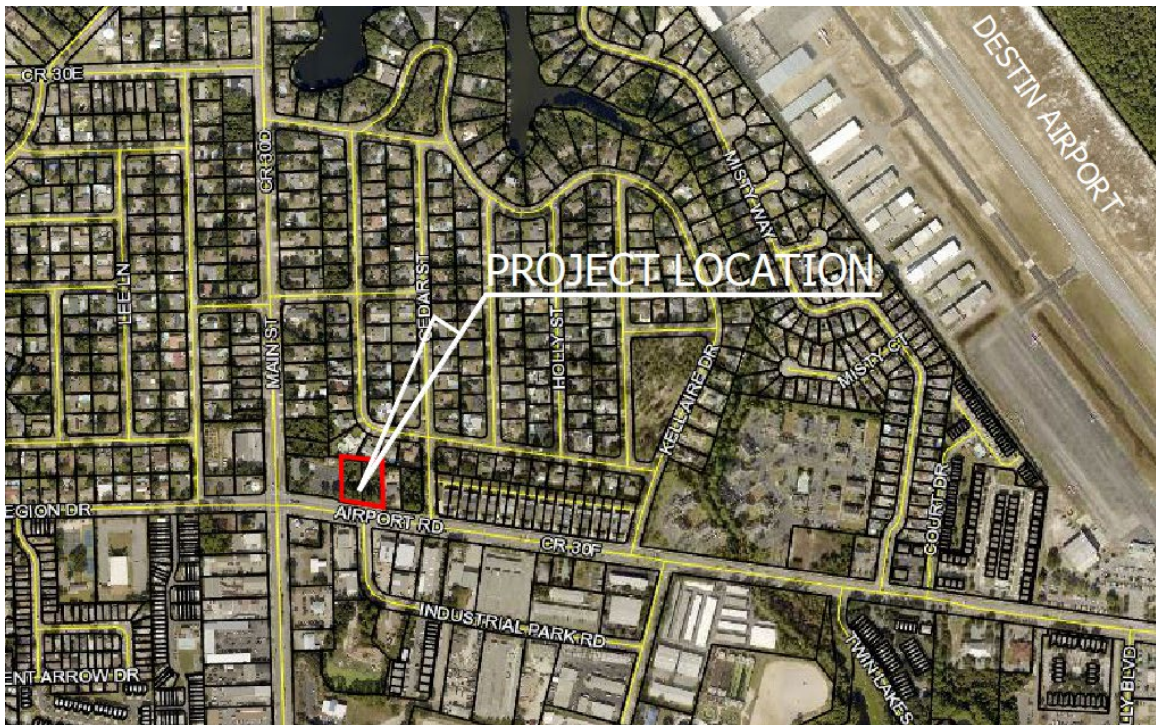
CONDITIONAL USE APPLICATION

VALIANT COURT TOWNHOMES
807 & 809 AIRPORT ROAD
DESTIN, FLORIDA

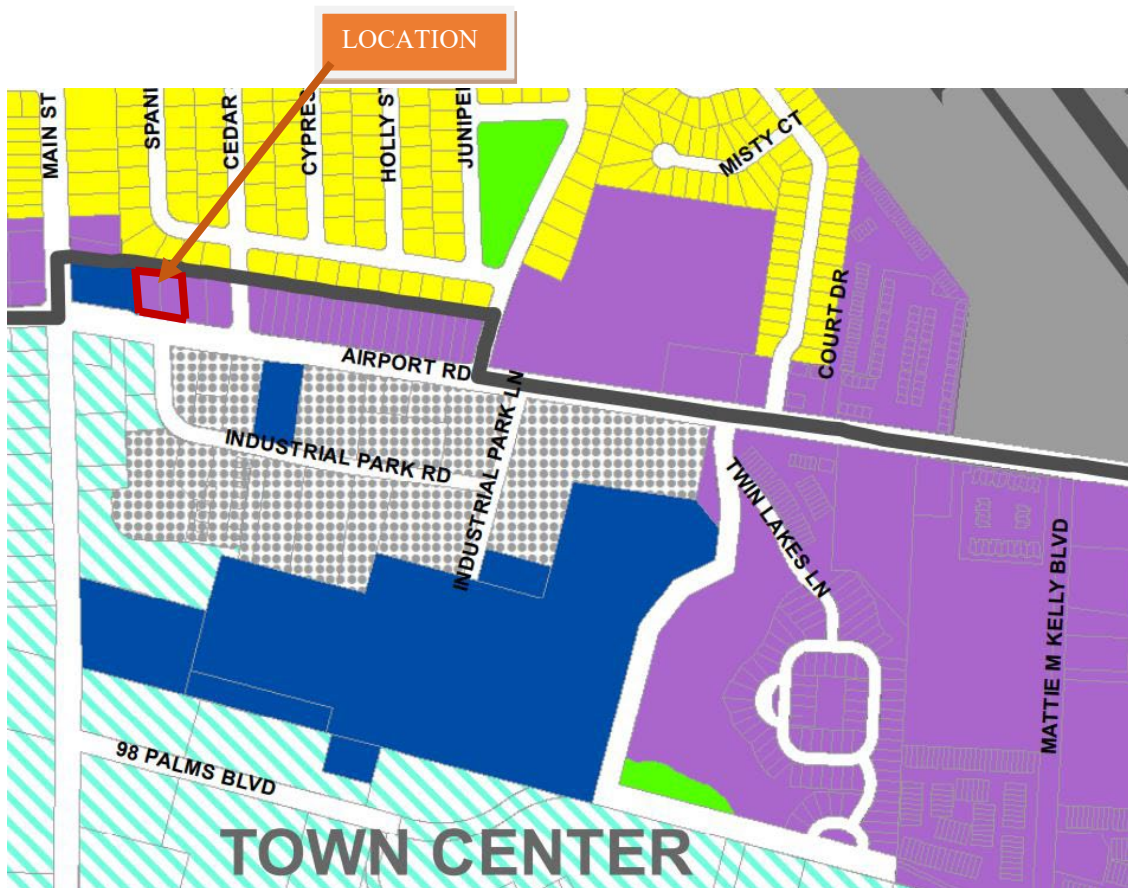
	Page
Vicinity Map & Location Map.....	1
Zoning Map.....	2
Conditional Use Request Letter.....	3
Proof of Ownership/Deed.....	4,5
Ownership and Agent Affidavit.....	6
Legal Description.....	7
Characteristics of Proposed Conditional Use.....	8,9
Site Plan.....	10
Landscape Plan.....	11
Copy of Application.....	12



VICINITY MAP



LOCATION MAP



ROI-VR - Residential, Office, & Institutional
- Village Residential

ZONING MAP



November 2, 2022

Mr. Daniel Butler, Senior Planner
City of Destin
4200 Indian Trail
Destin, FL 32541

Via portal

Re: Conditional Use Request
Valiant Court Townhomes
807 & 809 Airport Road
Destin, Florida

Dear Mr. Butler:

Mr. Andrew Vallianatos is requesting conditional use approval for a long-term rental 8-unit townhouse building he proposes to construct on two adjacent vacant lots located at 807 and 809 Airport Rd. The property is zoned Residential, Office & Institutional-Village Residential (ROI-VR). According to LDC 7.12.06.N and Table 7-2 –Long-term, multi-family attached dwellings are a Conditional Use in the ROI - VR zoning district.

Sincerely,

Civil Engineering, Inc.

David O. Campbell, PE
President

Prepared By and Return to:
Nautilus Title & Escrow
12273 Emerald Coast Parkway, Suite 201
Miramar Beach, Florida 32550

This document has been electronically
recorded in Okaloosa County,
on 4/1/22 at 1:17 PM,
in OR Book 3613 Page 4349

File No. 2022021467

Property Appraiser's Parcel I.D (folio) Number(s):
00-2S-22-3091-000J-0140

Warranty Deed

THIS WARRANTY DEED dated **April 1, 2022** by **Shiloh Developing, LLC, a Florida limited liability company**, whose address is: 5 Bay Drive, Fort Walton Beach, FL 32548 hereinafter called the grantor, to **Valiant Investments, LLC, a Florida limited liability company**, whose address is: 4743 Paypaya Park, Destin, FL 32541 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants bargains, sells aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in **OKALOOSA** County, Florida:

Lots 14 and 15, Block J, FIRST ADDITION TO KELL-AIRE GARDENS SUBDIVISION, according to the Plat thereof recorded in Plat Book 5, page 89, Public Records of Okaloosa County, Florida.

Subject to easements, restrictions, reservations and limitations recorded, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee Simple and Forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2021.

Signed, sealed and delivered in the presence of:

[Signature]
Witness Print Name: [Signature]

[Signature]
Witness Print Name: Jennifer L. Lee

Shiloh Developing, LLC, a Florida limited liability company

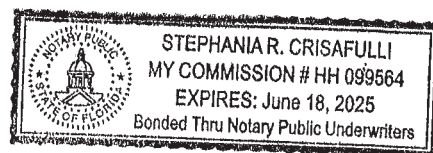
[Signature]
Shawn G. Mallin, as Managing Member

STATE OF FLORIDA
COUNTY OF Wcehn

The foregoing instrument was acknowledged before me by means of (x) physical presence or () online notarization, this 28th day of March, 2022 by Shawn G. Mallin, as Managing Member of Shiloh Developing, LLC, a Florida limited liability company, who is/are personally known to me or who has/have produced a driver's license as identification.

[Signature]
Notary Public
Print Name: [Signature]
My Commission Expires: 6/18/25

(seal)



**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Andrew Vallianatos am
presently the owner and/or leaseholder at 807 and 809 Airport Road, and desiring
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do
make, constitute and appoint David O. Campbell
whose address is 8729 North Lagoon Dr, PCB, County of Bay, State of FL,
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as
my agent in any and all matters pertaining to: Valiant Court Townhomes.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be
transacted in my name, and that all endorsements and instruments executed by the said attorney for the
purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney
and the designation "Attorney-in-Fact."

OWNER



Signature

Andrew Vallianatos

Printed Name

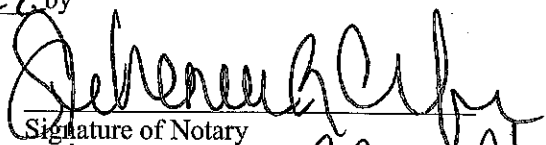
STATE OF Florida

COUNTY OF Wash

The foregoing instrument was acknowledged before me by means of physical presence or online

notarization, this 17th day of October, 2022, by

Andrew Vallianatos
(name of person acknowledging)



Signature of Notary

Stephanie R. Crisafulli

Printed Name of Notary or Seal

Personally known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Legal Description
Valiant Court Townhomes

**LOTS 14 AND 15 FIRST ADDITION TO KELL-AIRE GARDENS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 89,
OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.**

Characteristics of the Proposed Conditional Use

Valiant Court Townhomes

(1) Scale and intensity of the proposed conditional use as measured by the following:

- i. Floor area ratio** – 0.5, although FAR is not required for residential projects.
- ii. Traffic generation.** – 4 pm peak trips
- iii. Square feet of enclosed building for each specific use.** - 10,275 sf total. Although the maximum density allowed is 12 units per acre or 10 units, the applicant is proposing a density of 9.5 units per acre or 8 units.
- iv. Proposed employment.** - None
- v. Proposed number and type of service vehicles.** - None
- vi. Off-street parking needs.** – None required or proposed

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection including the following:

- i. Utilities.** - None
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management.** - None
- iii. Roadway or signalization improvements, or other similar improvements.** None
- iv. Accessory structures or facilities.** - None
- v. Other unique facilities/structures proposed as part of site improvements.** None

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

i. Open space.

Open space required (25%): 9,143 sf

Open space provided (38%): 13,801 sf

ii. Setbacks from adjacent properties.

Front required: 0	provided: 101.2'
West side required: 0	provided: 3.5'
East side required: 10'	provided: 10'
Rear required: 10'	provided: 26.1'

iii. Screening and buffers: Each back patio and yard area will be screened with a 6' privacy fence

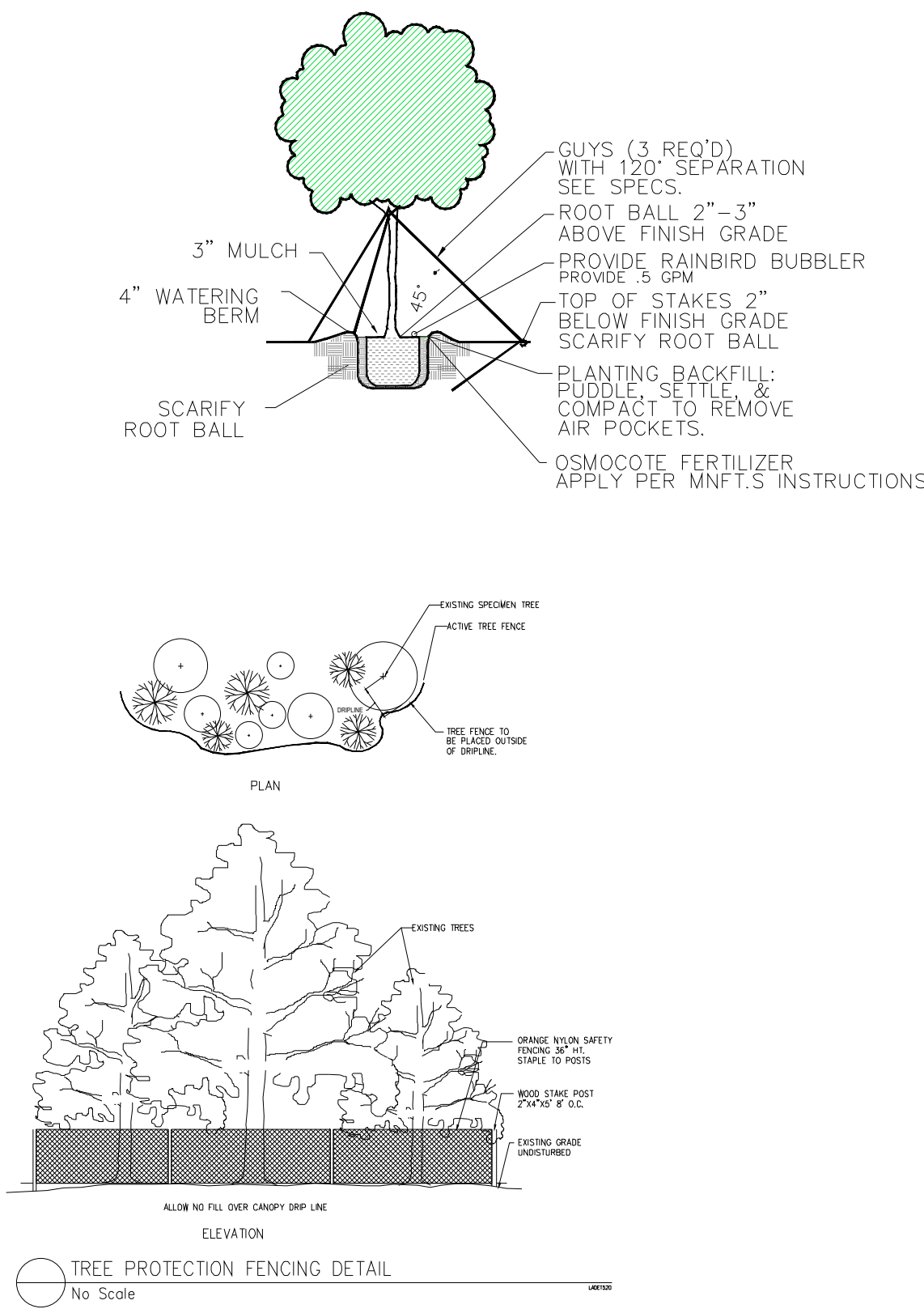
iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites;
None

v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.
None

TREE REQUIREMENTS

CREDITS FOR EXISTING TREES (2" TO 6" DIAMETER) ON SITE	(0 TREES X 2 CREDITS PER TREE):	0
CREDITS FOR EXISTING TREES (7" TO 12" DIAMETER) ON SITE	(0 TREES X 3 CREDITS PER TREE):	0
CREDITS FOR EXISTING TREES (13" TO 19" DIAMETER) ON SITE	(0 TREES X 4 CREDITS PER TREE):	0
CREDITS FOR EXISTING TREES (20" TO 24" DIAMETER) ON SITE	(1 TREES X 5 CREDITS PER TREE):	5
TOTAL REFORESTATION CREDITS FOR EXISTING, PROTECTED OR PRESERVED TREES:		5
REFORESTATION TREES (1 PER ACRE, .83 X 10 = 9) REQUIRED ON SITE:		9
REPLACEMENT TREES (REMOVAL OF TREES OVER 12" D.B.H.) REQUIRED ON SITE:		17
REFORESTATION TREE REQUIRED ON SITE:		26
TOTAL REFORESTATION CREDITS FOR EXISTING, PROTECTED OR PRESERVED TREES:		5
TOTAL REFORESTATION AND REPLACEMENTS FOR, PROTECTED OR PRESERVED TREES:		21
PERIMETER TREES, (1 PER 40'), REQUIRED ON SITE:		4
PARKING LOT TREES (1 PER END ROW LANDSCAPE ISLAND) REQUIRED ON SITE:		0
PROTECTED TREES TO BE REPLACED		0
TOTAL TREES REQUIRED:		25
TOTAL TREES PROVIDED:		25

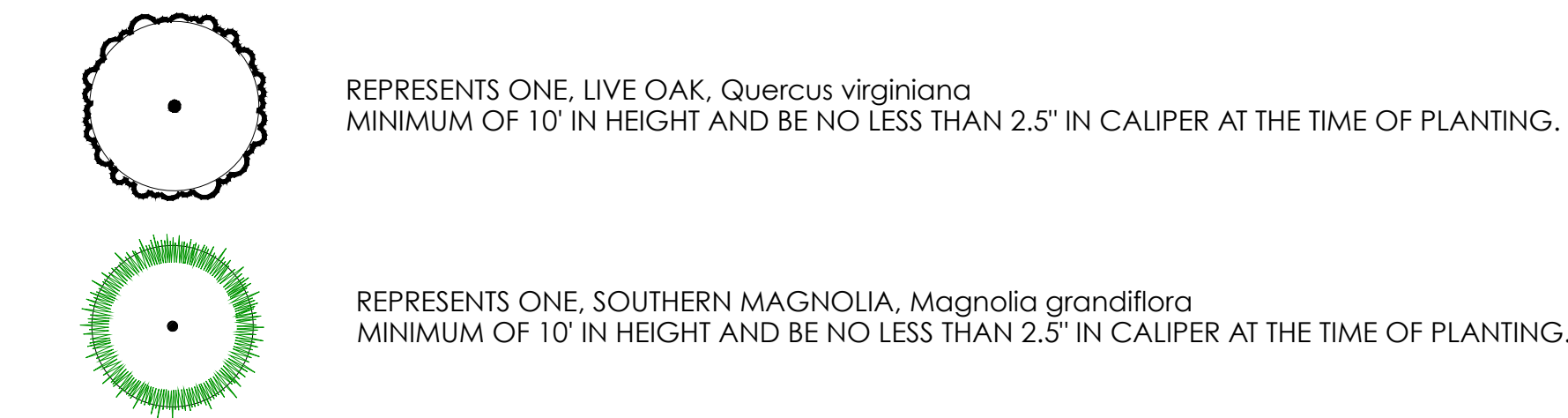
TREE PLANTING DETAIL



LANDSCAPE NOTES:

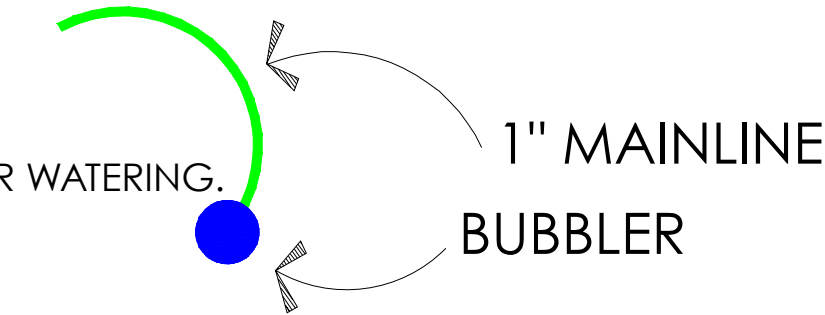
ALL 3:1 SWALE SIDESLOPES ARE TO BE STABILIZED WITH EROSION CONTROL FABRIC TO PREVENT EROSION.
 ALL PLANT MATERIAL TO BE WATERED WITH AN AN AUTOMATIC IRRIGATION SYSTEM.
 IRRIGATION SYSTEM SHALL BE DESIGNED TO AVOID WATER COVERAGE ON SIDEWALKS AND PARKING AREAS.
 ALL LANDSCAPING WITHIN THE VISION TRIANGLE SHALL COMPLY WITH DESTIN LDC CHAPTER 8.03.06.
 NO TREE PLANTING SHALL OCCUR WITHIN 10' OF ANY EXFILTRATION COMPONENT.
 ALL AREAS NOT LANDSCAPED TO BE STABILIZED.
 A MINIMUM OF 75 PERCENT OF ALL PLANT MATERIAL USED MUST BE NATIVE TO NORTHWEST FLORIDA. [12.04.05(E)(2)]
 ALL TREES TO BE A MINIMUM OF 10' IN HEIGHT AND BE NO LESS THAN 2.5" IN CALIPER AT THE TIME OF PLANTING.
 ALL SHRUBS TO BE A MINIMUM OF 12" AT THE TIME OF PLANTING, REQUIRED PARKING LOT HEDGE TO BE 36" TALL AT TIME OF PLANTING
 75% OF ALL PLANT MATERIAL SHALL BE NATIVE TO NORTHWEST FLORIDA.
 ****ALL AREAS DESIGNATED AS OPEN SPACE TO BE STABILIZED WITH BERMUDA GRASS.

PLANTING SCHEDULE

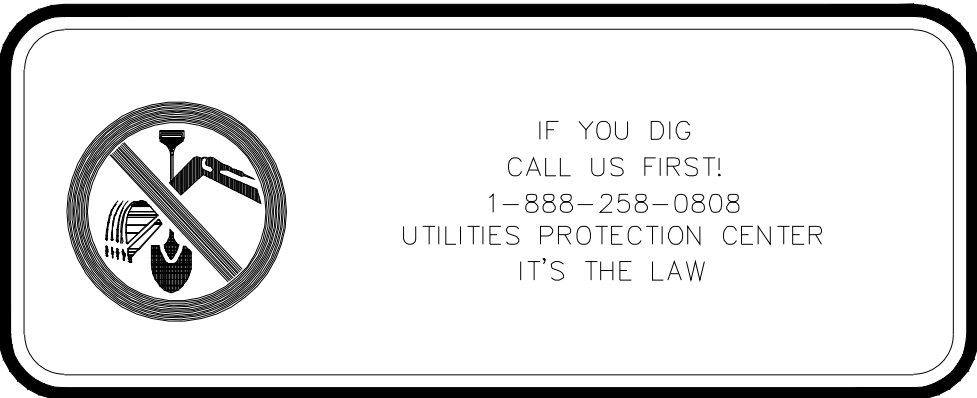
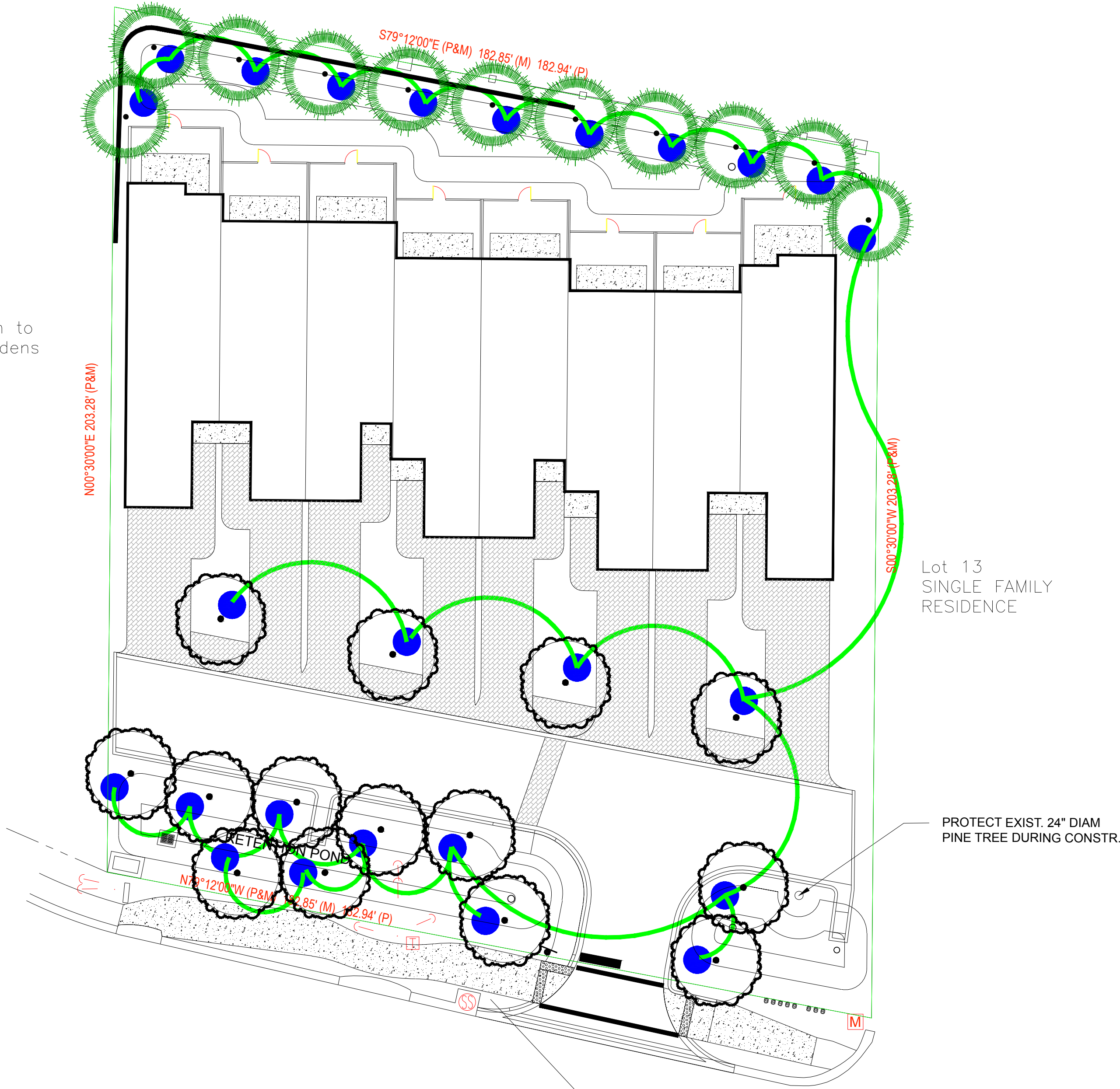


IRRIGATION

**PROVIDE 1" SCHEDULE 40 PVC MAINLINE, PROVIDE A PRESSURE COMPENSATING BUBBLER TO EACH TREE TO PROVIDE 3-4.5 GALLONS PER WATERING.
 PROVIDE WELL OR GRAY WATER TAP, CONNECT TO TIMER AND BACK FLOW PREVENTER AS REQUIRED.



Lot 16
 First Addition to
 Kell–Aire Gardens
 CHURCH

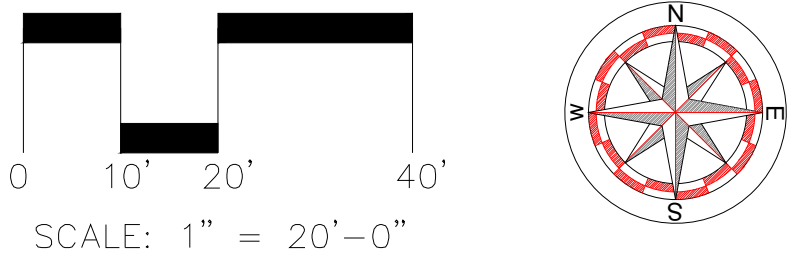


bradford robert davis
 LANDSCAPE ARCHITECT
 340 oak avenue
 santa rosa beach, fl 32459
 telephone 850.974.0616
 bradfordrdavis@gmail.com
 www.brda.com
 fl 0001739
 lc260000474

date	revision
10/21/22	revised tree chart
12/5/22	added street trees

VALIANT COURT TOWNHOMES
 807 & 809 AIRPORT ROAD
 DESTIN, FLORIDA

SHEET NUMBER	L-1	OF	1
9/22/22			





City of Destin

Community Development Department

Planning Division

City of Destin Annex

4100 Indian Bayou Trail

Destin, Florida 32541

Phone (850) 654-1119 • Fax (850) 460-2171

www.cityofdestin.com

REQUEST FOR LOCAL PLANNING AGENCY PUBLIC HEARING CONDITIONAL USE APPLICATION

_____ – _____ – CU
(project number assigned by planning staff)

All applications must be emailed or shared with planning@cityofdestin.com.

A pre-application meeting is required prior to submitting this application. If a pre-application meeting has not been held, the application is considered incomplete and will not be processed. Completed applications shall be submitted to the Community Development Department – Planning Division, City of Destin Annex, 4100 Indian Bayou Trail, Destin, Florida 32541 or emailed to planning@cityofdestin.com.

You are fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the any decision on your application request. The City assumes no responsibility or liability relating to your failure to research and know all applicable laws including, but not limited to, state, federal and city laws, codes, land development regulations and comprehensive plan.

1. AGENT/APPLICANT: David O. Campbell

Mailing Address: 8729 North Lagoon Drive

City: Panama City Beach State: FL Zip Code: 32408

Business Phone number: 850-685-3603 Fax number: _____

Email: dcampbell214@comcast.net

2. PROPERTY OWNER: Valiant Investment, LLC

Mailing Address: 34871 EMERALD COAST PARKWAY

City: Destin State: FL Zip Code: 32541

Business Phone number: (850) 259-0339 Fax number: _____

3. PROPERTY INFORMATION:

Street Address: 807 & 809 Airport Road

Current Zoning: ROI-VR Future Land Use: ROI

Request Cover Letter attached

5. IN ORDER TO SECURE A CONDITIONAL USE, THE LOCAL PLANNING AGENCY THAT YOUR CONDITIONAL USE REQUEST SATISFIES THE FOLLOWING CRITERIA OF THE CITY'S LAND DEVELOPMENT CODE (PLEASE PROVIDE A WRITTEN RESPONSE ALONG WITH ANY OTHER SUPPORTING DOCUMENTATION):

- A. *Land Use Compatibility.* The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

This proposed residential use is similar in intensity and scale to the surrounding uses
in the zoning district. the traffic-generating characteristics and off-site impacts are
also similar to the surrounding uses. The applicant is also proposing a reduced
density that the density allowed.

- B. *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

The size and shape of the site, the access and internal circulation are adequate
to accommodate the proposed use. Sidewalks, lighting, and street amenities will
be designed and constructed in accordance with the multi-modal transportation district standards.

Proper landscaping, screening, buffering ,etc. will be utilized. See Site plan and Landscape plan attached.

- C. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

The project will have no adverse impacts to adjacent land uses.
Mitigative techniques will include larger setbacks, reduced density from
the density allowed and increased open space to the open space allowed

- D. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to

prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

same as C. above

- E. *Hazardous waste.* The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

The project does not generate Hazardous waste

- F. *Avoid over-proliferation of uses.* An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.

There are a variety of residential uses in the zoning district including multi-family, duplex, single family, and mixed use

- G. *Compliance with applicable laws and ordinances.* A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.

NWFWMD Stormwater Permit, FDEP Potable Water Permit

6. THE FOLLOWING ITEMS ARE REQUIRED FOR A COMPLETE APPLICATION:

- X 1. Completed Application - The applicant must fill out all applicable areas of the application. The application must be submitted to the Planning Division of the Community Development Department, City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida 32541 or emailed to planning@cityofdestin.com.
- X 2. Letter of Request - The applicant must submit a letter of request that clearly states what they are requesting.
- X 3. Proof of Ownership - The affidavit of ownership must be executed, notarized, and submitted. A letter of authorization is required if the applicant is other than the owner.
- X 4. Agent Affidavit / Special Power of Attorney (if applicable) - If the applicant is other than the owner of the property under consideration for review.
- X 5. Legal Description - A complete legal description of the subject property must be submitted for use in the legal advertisement.
- X 6. Characteristics of the Proposed Conditional Use -
- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - i. Floor area ratio.
 - ii. Traffic generation.
 - iii. Square feet of enclosed building for each specific use.
 - iv. Proposed employment.
 - v. Proposed number and type of service vehicles: and
 - vi. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection including the following:
 - i. Utilities.
 - ii. Public facilities, especially any improvements required to ensure compliance with concurrency management.
 - iii. Roadway or signalization improvements, or other similar improvements.
 - iv. Accessory structures or facilities; and
 - v. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - i. Open space.
 - ii. Setbacks from adjacent properties.
 - iii. Screening and buffers:

- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

X

7. Application Fee: [Fee Schedule](#)
(FY2019 Schedule of Fees, Resolution 19-11, adopted 08/05/19, effective 08/06/19)

Application fee includes Initial Submittal Reviews only. Subsequent Submittal Reviews and all mailing costs will be invoiced to the Applicant; invoices must be paid prior to submittal of additional Submittal Review Packages.

Accepted Payments are Cash, Check, MasterCard or Visa. Checks shall be made payable to the City of Destin and submitted to the Planning Division, Community Development Department, City Hall Annex, 4100 Indian Bayou Trail, Destin, Florida 32541

X

7. Site Plan - Submit a **DIGITAL** site plan (PDF's via SharePoint, Dropbox, or other document sharing site), to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey (not older than ninety (90) days), which provides the same information, in lieu of a site plan. Digital plans shall be emailed or shared with planning@cityofdestin.com

X

8. Additional Information – Any other documents or requirements, which are mandated by the Code or deemed necessary by staff in reference to the specific request, made may be required.

NOTE:

1. In granting any conditional use, the Local Planning Agency may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the zoning ordinance.
2. The Local Planning Agency may prescribe a reasonable time limit within which the action for which the conditional use is required shall be begun or completed or both.
3. The City of Destin Planning Division will notify in writing abutting property owners of record within three hundred (300) feet of the subject property in accordance with LDC 2.17.00. The cost of this notification will be the responsibility of the applicant.
4. This application must be filled out completely and must be signed by the owner or his designated agent. If the applicant is different than the owner of the subject property, then an agent affidavit is required from the owner of the property that is under consideration for the Local Planning Agency hearing. The agent affidavit must be completely filled out and submitted with this application. If the property is in multiple ownership, then all of the owners or their designated agent(s) must sign this application.
5. A request for postponement must be submitted to the Community Development Department at least 10 working days prior to the originally scheduled meeting date. Costs for re-advertisements, public notice mailings, and all applicable fees will be the responsibility of the applicant.

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

APPLICANT:

SIGNATURE:



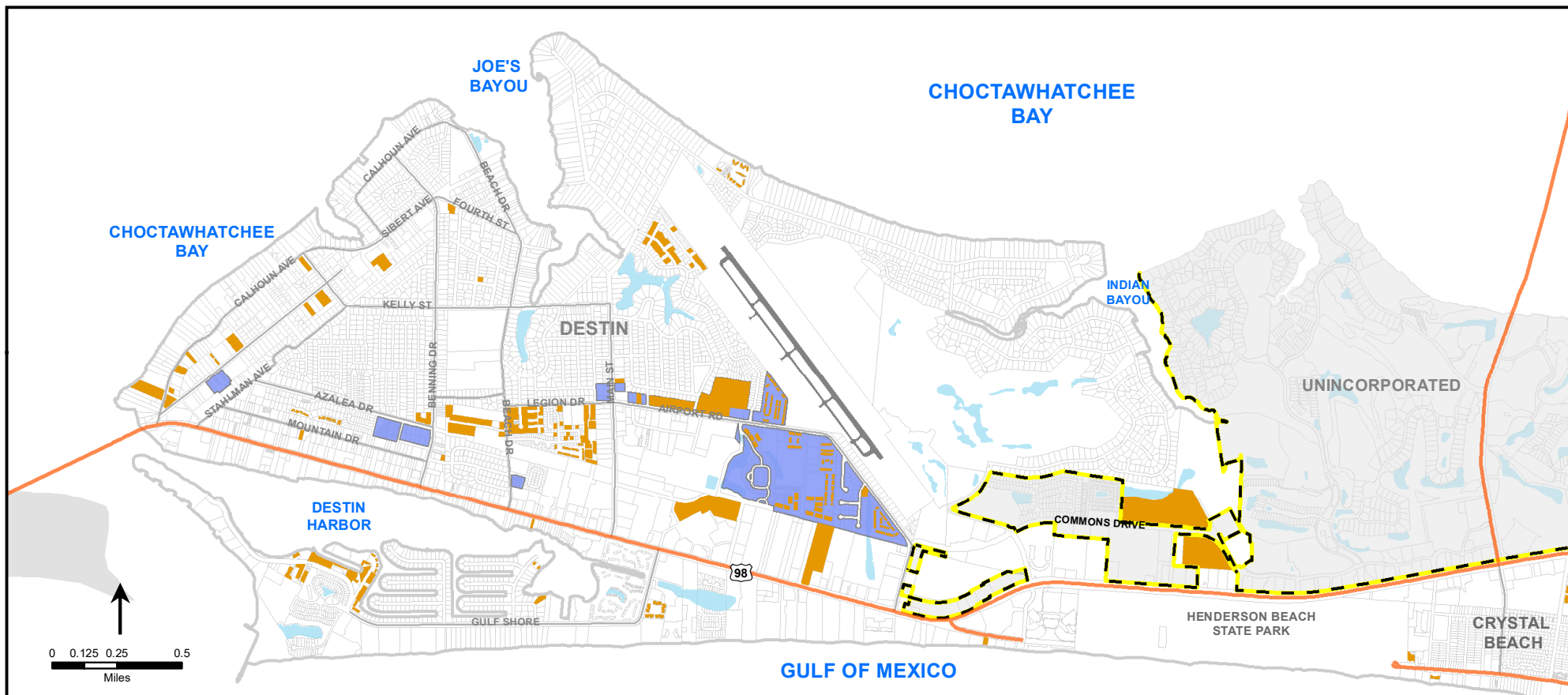
DATE: 11-3-22

PRINTED NAME:

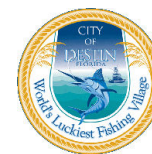
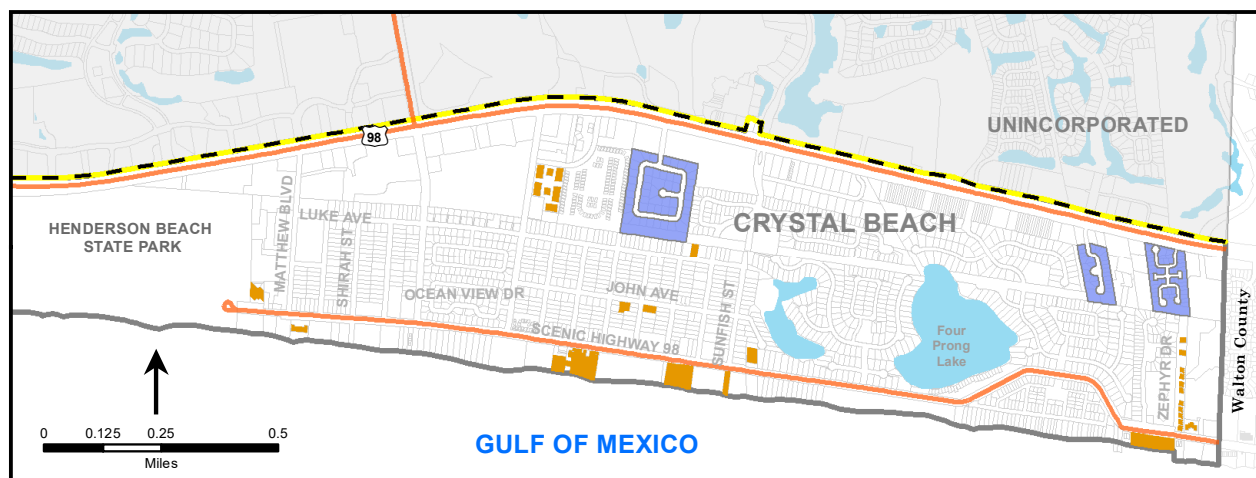
Andrew Vallianatos

David O. Campbell Attorney-in -Fact

January 2023 Multi-Family Attached Dwellings



▲ West Destin
▼ East Destin



LEGEND

- City Limit (4821.73 acres)
- Multi-Family Dwellings
- ROI-VR Zoning District (171.94 acres)

**1,473 Multi-Family (MF) Dwellings Total,
458 (MF) Dwellings in the ROI-VR Zoning District.**