

# **March 21, 2019 Local Planning Agency Meeting**

**THURSDAY, MARCH 21, 2019**

**5:30 PM**

*\*\*Core Value of the Month - <INSERT> \*\**

**Please turn off all Cell Phones and like devices prior to the start of the meeting.**

## **CALL TO ORDER**

## **ROLL CALL**

**AGENDA APPROVAL** - (Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)

A. Main Agenda

**APPROVAL OF MINUTES** January 17, 2019

A. January 17, 2019

## **NEW BUSINESS**

- A. Proposed Ordinance 19-02-LC & 19-03-PC, Zoning Map Amendments & Future Land Use Map Amendment
- B. Ordinance 18-15-LC - Wheeled Vehicles on the Beach
- C. Proposed Ordinance 18-30-LC - Special Events in Residential Areas
- D. Ordinance 19-04-LC - Regulating Pay-to-Park Facilities
- E. Proposed Ordinance 19-05-LC - Harbor District Overlay
- F. Proposed Ordinance 19-06-LC - Establishment of the Calhoun Mixed Use-Village (CMU-V) Zoning District
- G. Proposed Ordinance 19-07-LC - Amendment to the Town Center Mixed Use (TCMU) Zoning District

## **DIRECTOR'S REPORT**

A. Future Land Use Map/Zoning Map Alignment

**NEXT MEETING DATE: TBD**

## **ADJOURNMENT**

considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will may need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based. "Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's Office 850.837.4242 at least 48 hours in advance".

**AGENDA  
LOCAL PLANNING AGENCY  
THURSDAY, MARCH 21, 2019  
DESTIN CITY HALL BOARDROOM  
5:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
  - A. January 17, 2019
- 4. NEW BUSINESS**

- A. A public hearing regarding Ordinance No. 19-02-LC relating to a change to the Zoning Map, which changes a parcel of land from Recreation (REC) to Low Density Residential - Village (LDR-V). The proposed Ordinance title is as follows:

**ORDINANCE NO. 19-02-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- B. A public hearing regarding Ordinance No. 19-03-PC relating to a change to the Future Land Use Map, which changes a parcel of land from Recreation (REC) to Low Density Residential (LDR). The proposed Ordinance title is as follows:

**ORDINANCE NO. 19-03-PC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE**

**DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

- C. A public hearing regarding Ordinance No. 18-15-LC relating to the use of wheeled vehicles on public and private areas of the beach, which amends Section 11.08.02 of the Land Development Code. The proposed Ordinance title is as follows:

**ORDINANCE NO. 18-15-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- D. A public hearing regarding Ordinance No. 18-30-LC relating to commercial activity in residential areas, which amends Articles 3, 7, and 9 of the Land Development Code. The proposed Ordinance title is as follows:

**ORDINANCE NO. 18-30-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; LIMITING THE NUMBER OF SPECIAL EVENTS PERMITTED AT RESIDENCES ANNUALLY IN RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- E. A public hearing regarding Ordinance No. 19-04-LC, relating to pay-to-park facilities, which creates Section 8.10.00, of the Land Development Code. The proposed Ordinance title is as follows:

## **ORDINANCE 19-04-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- F. A public hearing regarding Ordinance No. 19-05-LC, relating to preserving the historic Destin Harbor area, which amends Article 7 of the Land Development Code. The proposed Ordinance title is as follows:

## **ORDINANCE NO. 19-05-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- G. A public hearing regarding Ordinance No. 19-06-LC, relating to establishing the Calhoun Mixed Use-Village Zoning District, which amends Article 7 of the Land Development Code. The proposed Ordinance title is as follows:

## **ORDINANCE NO. 19-06-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN MIXED USE-VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

- H. A public hearing regarding Ordinance No. 19-07-LC, relating to the Town Center Mixed Use Zoning District, which amends Article 7 of the Land Development Code. The proposed Ordinance title is as follows:

**ORDINANCE NO. 19-07-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**5. DIRECTOR'S REPORT**

- Future Land Use Map/Zoning Map Alignment

**6. NEXT MEETING DATE: April 18, 2019**

**7. ADJOURNMENT**

Copies of the above-mentioned matters may be reviewed at the Destin City Hall, Community Development Department. The public is encouraged to provide written and/or verbal comments on the above referenced matters.

All persons are advised that, if any person decides to appeal any decision made at any of these meetings, he/she will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Florida Statutes* 286.0105.

Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's office at (850) 837-4242 at least 48 hours in advance.

**MINUTES  
LOCAL PLANNING AGENCY  
THURSDAY, JANUARY 17, 2019 - 5:30 P.M.  
DESTIN CITY HALL BOARDROOM**

**1. CALL TO ORDER:**

Chairman Wood called the Local Planning Agency meeting to order on Thursday, January 17, 2019 at 5:30 p.m., in the Destin City Hall Boardroom, which the Pledge of Allegiance immediately followed.

**2. ROLL CALL:**

**Members Present**

James T. Wood, Jr.  
Darryl Shelton  
Don David  
Corey Ledbetter  
Jason Klosterman

**Member Absent**

Andrew McDowell

**Staff**

Kim Montgomery, Deputy City Clerk  
Lauren Witt, Planner  
Louis Zunguze, Community Dev. Director  
Joey Forgione, Code Compliance Manager  
Kimberly Kopp, Land Use Attorney  
Kyle Bauman, City Attorney Associate

**3. APPROVAL OF MINUTES: November 15, 2018**

Motion to approve the November 15, 2018 minutes as written was made by Agency member Shelton with the second provided by Agency member Ledbetter. The motion passed 5-0.

**4. NEW BUSINESS:**

- A. A public hearing regarding Ordinance No. 18-30-LC relating to commercial activity in residential areas, which amends Articles 3, 7, and 9 of the Land Development Code. The proposed Ordinance title is as follows:

**ORDINANCE NO. 18-30-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Attorney read the ordinance by title into the record and explained to the members the ordinance is a Quasi-Legislative hearing.

The Land Use Attorney explained the purpose of this ordinance is to prevent rental homes from being used for commercial events in residential zoned districts for wedding venues. Adding that it does not mean that weddings cannot take place at a residential home; it just means that the residential zoned home cannot be used for additional commercial gains.

Mrs. Whitt explained to the members which zoning districts allow commercial events as well as providing the definition of Commercial Special Events. Additionally, any short term rental home located in a residential neighborhood holding two or more commercial/special events at the same location quantifies as a prima facie evidence that the property is used as a commercial/special event venue; which can be enforced by taking the property owner before the Special Magistrate. She also explained that any commercial/special events that exists on the day this proposed ordinances is adopted, will be honored for up to a year. And any and all advertising has 100-days from adoption to come into compliance. And lastly she explained that any fines associated with a violation for commercial/special events venues would be decided by City Council through a resolution and included in the City's fee schedule. Staff recommends this ordinance be sent to Council for consideration and adoption.

Agency member Shelton inquired as to why this ordinance went to the City Council level for first reading before coming before this board. According to the Land Use Attorney, the ordinance first went before council so they could provide input and discussion and it will go back to Council for another first and second reading with this board's recommendation prior to adoption.

Chairman Wood opened the public portion of the hearing for comment. The following people provided comment:

Mr. John Pikes 614 Magnolia Drive, spoke of how passionate he is about this ordinance. Expounding how common sense applies when tent and commercial vehicles continue to show up at the same residence time and again; then there is commercial activity taking place.

Mr. Chuck Lawson 732 Vintage Circle spoke how he is a full time musician by profession and provides his services for a lot of special events in the City. He feels there is an enforcement issue for the ordinances that are already in place to address parking problems and noise disturbance.

Marcie Bell, 3 Gulf Breeze Court spoke of how other cities in the state also have these type of ordinances to prevent property owners from buying up residential homes for financial security and turning them into money making rentals for commercial events such as weddings and family reunions. She spoke of how she feels they should be regulated by the SCC and implored the members to make the recommendation for approval of the ordinance.

Mr. Bill Reddington, 722 Vintage Circle spoke of how he feels the current laws need to be enforced instead of making new ones. And pointed out how the communities that Ms. Bell spoke of are now in litigation because of the Bert Harris Act.

Mrs. Karen Shelton spoke of how residential neighborhoods are meant for residents not commercial activities and that is the bottom line is they need to be protected from these commercial activities.

The Chairman closed the public portion of the hearing and asked the members for comments.

Agency member David asked staff if this would preclude a rental property from being rented by a family that wanted to have a wedding or family reunion in the house.

According to the Land Use Attorney the purpose of the ordinance is to regulate and stop commercial advertising and the additional collection of fees for those type of events. She clarified that it does not stop property owners from renting their homes but assists the city to have a definition in the Code. Adding that the Code Compliance staff is aware of the residential home locations in the city where these problems continue to exist.

Mr. Forgione informed the members that he knows exactly which rental houses continue have these type of commercial events and the various businesses that support them. Additionally, this ordinance gives him the authority to cite the homeowners that continue to rent their homes for these type of commercial events in residential neighborhoods.

Agency member Shelton spoke of witnessing those type of events and the days that lead up to the events with numerous people either being bussed in or parking all over the immediate area. And he agrees that they need to be regulated in residential neighborhoods.

**Motion by Agency member Shelton, seconded by Agency member Ledbetter; the Local Planning Agency voted 5-0 to find that Ordinance 18-30-LC is consistent with the Comprehensive Plan and recommends that City Council approve the ordinance.**

- B. A public hearing regarding Ordinance No. 19-01-LC, relating to the location of swimming pools, which amends the language of Section 9.06.04, of the Land Development Code. The proposed Ordinance title is as follows:

#### **ORDINANCE 19-01-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE LOCATION OF SWIMMING POOLS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 9.06.04; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Attorney read the ordinance by title into the record and explained to the members that this ordinance is also a Quasi-Legislative hearing.

Mrs. Whitt explained that the currently the Land Development Code (LDC) has a minimum four feet distance requirement to the nearest property line and a 3-feet minimum distance from the nearest structure and therefore does not allow for innovative pool designs for both an indoor/outdoor design feature. With the adoption of the proposed ordinance, it would remove the minimum 3-foot requirement from the language. Explaining further that the current regulations are not necessary; as the goal of the LDC is to regulate how land, and properties, and their uses interact together and the Building Code regulates the construction of primary structures and accessory uses.

Agency member Shelton asked if the city gets a lot of requests for pools to be built part inside and part outside.

According to the Building Official, Noel Bell; they have had a few recently and this helps alleviate the current design restrictions.

The Chairman opened the public portion of the meeting. With no one coming forward; he closed the public hearing.

**Chairman Wood made the motion that the Local Planning Agency find Ordinance 19-01-LC to be consistent with the Comprehensive Plan, and recommends the City Council approve Ordinance 19-01-LC with Agency member Shelton providing the second. A roll call vote of 5-0 was taken and the motion passed unanimously.**

**6. DIRECTORS REPORT:**

Mr. Zunguze explained to the members that he has placed all the future meeting dates on their agenda and explained that sometime in the near future if they don't have anything to present, they could schedule a workshop for training purposes.

**7. ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 6:10 p.m.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
James T. Wood, Jr., Chairman

\_\_\_\_\_  
Kim Montgomery, Deputy City Clerk



## COMMUNITY DEVELOPMENT DEPARTMENT

# AGENDA ITEM

**LPA MEETING DATE:** March 21, 2019

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

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**TO:** Local Planning Agency  
**THRU:** Kimberly Kopp, City Land Use Attorney, and Louis Zunguze, Community Development Director  
**FROM:** Lauren Witt/Planner  
**DATE:** March 12, 2019  
**SUBJECT:** Proposed Ordinance No. 19-02-LC & 19-03-PC, Zoning Map Amendment & Future Land Use Map Amendment

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**ISSUE:** The applicant, Indian Bayou Properties, is requesting 75.08 acres be rezoned from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the Future Land Use changed from Recreation (REC) to Low-Density Residential (LDR). The subject property was previously used as a 9-hole golf course.

**BACKGROUND:**

**Applicant:** Indian Bayou Properties

**Location:** The subject property was previously a 9-hole golf course located in the southwest corner of the site, directly east of the Destin Airport. The address of the property is 1 Country Club Drive East.

**Size of Property:** 75.08 acres

**Parcel ID Number:** 00-2S-22-0000-0046-0000

**Current Zoning:** Recreation (REC)

**Future Land Use Map Classification:** Recreation (REC)

**Legal Notice:** Abutter notices were sent to all property owners within a 300' radius on February 26, 2019. The request was submitted for publication in the Destin Log and Northwest Florida Daily News on March 6, 2019 with publication dates of March 9, 2019 and March 16, 2019.

**REQUEST:** The applicant is requesting a Zoning Map designation of **Low-Density Residential-Village (LDR-V)** and a Future Land Use Map Classification of **Low-Density Residential (LDR)** for the purpose of creating a single-family residential development consisting of 90 estate sized lots.

**DISCUSSION:**

The evaluation of the map requests is based on the following land use and performance criteria:

**LAND USE:**

**COMPREHENSIVE PLAN CONSISTENCY:** Proposed Ordinances No. 19-02-LC and 19-03-PC is consistent with Policy 1-1.1.1: Urban Design Standards and Design Criteria. Both of the proposed ordinances must be adopted in order for the Zoning Map to remain consistent with the Comprehensive Plan's Future Land Use Map.

**LAND COMPATIBILITY:**

Generally, the applicant's request is compatible with the neighboring mix of uses and zoning districts in the area with the exception of the Airport. Located to the north, the remainder of the property is zoned REC which contains an 18-hole golf course, with surrounding LDR-V zoning around the north and west portions. Directly south of the subject property, there is Institutional zoning and Okaloosa County – owned commercial property. Additionally, the addition of a development of this magnitude would provide more connectivity in central Destin. If approved, the applicant will be required to meet all dimensional and performance criteria outlined in the Land Development Code and Comprehensive Plan for the Low-Density Residential – Village Zoning District.

**PUBLIC COMMENTS:**

To date, Planning staff has not received any comments other than general inquiries relating to the proposed map change requests.

**PERFORMANCE CRITERIA:**

The following performance criteria has been noted to ensure that there is a clear understanding of the expectations that the proposed development would have going forward if the request is approved.

**ENVIRONMENTAL IMPACTS**

Due to environmentally sensitive areas (wetlands) being located in and around the proposed subject property, the applicant will be required to provide FDEP and U.S. Army Corps of Engineers wetlands delineations. Any development or construction activity located in either jurisdictional areas will be subject to the appropriate permits and requirements from the respective agency. This may also require additional permits from the Northwest Florida Water Management District (NFWFMD) and the City of Destin.

**TRAFFIC ANALYSIS:**

The traffic impact analysis provides sufficient documentation that all impacted roadway segments have sufficient capacity to handle the project trips to be generated by the proposed development. Staff's initial review of the traffic report indicates that the traffic analysis is incomplete in the following manner:

- a) There is no trip distribution included for Commons Drive-Eastbound
- b) No distribution on Mid-Bay Bridge-Northbound and Southbound

c) The level of service standard (LOS) for Commons Drive, between Airport Road and Henderson Beach Drive, indicates insufficient capacity for this road segment, based on the September 2018 City traffic counts.

While this analysis is not particularly germane to the rezoning, staff wants to be on record that these traffic impacts are issues that will be raised during the development review process should the rezoning be approved.

## AIRPORT

Generally speaking, residential uses tend to be incompatible when located directly adjacent to airport property because of the noise and air pollutants that are created by aircraft departures, landings and maintenance. As outlined in Article 7.15.00, there are several constructional restrictions and requirements associated with residential buildings located in Airport Noise Zone C, which a portion of the zoning request is located in. Additionally, per LDC 7.15.22(B), notification of potential noise impact in this area shall be made to all potential residents. In order to both protect and promote the Destin Airport, in line with Comprehensive Plan Policy 2-1.4.4, the applicant will be required to provide the following items in order to reduce potential conflicts between the Airport use and a single-family development, based on recommendations by the Okaloosa County Airports System:

- Conserve property abutting DTS including the DTS departure surface, Zone C and 65 DNL Noise Zones within an aviation easement that describes the rights and benefits for the unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above surface. The Airport may use the airspace above the easement property for any and all activities that are inherent in the operation of all types of aircraft, to include fixed wing and rotor wing aircraft. Said operation of aircraft includes landing at, taking off from, overflying at low altitude, or operating on or near the Airport. In addition, the aviation easement would require the land owner to:
  - Keep the airspace above the heights described and depicted on Exhibit B clear and free from any and all fences, crops, trees, poles, buildings and other obstructions of any kind or nature which now extend, or which may at any time in the future extend, above those heights.
  - Remove any ground level or all natural growths which extend on the easement property above the heights described and depicted on the attached drawing to the extent such action is reasonably necessary in furtherance of the purpose of this easement. (i.e., growth of natural objects that would constitute an obstruction to air navigation). Any removal or trimming of trees or other natural growth on the easement property shall be conducted by the owner.
  - Remove obstructions from the easement property as identified in Exhibit B, with the exception of Obstruction Number 2401.
  - Not construct upon the easement property any structure that extends above the heights described and depicted on the attached drawing.
  - Not promote any activity on the easement property that is incompatible with the purpose of this easement. (prohibits any activity on the land that would interfere with, or be a hazard to, the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport).
  - Not cause any device that will create electrical interference with radio communication between the installation upon the airport and aircraft, or impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking-off or maneuvering of aircraft to be located in the easement property.
  - Not use the easement property for any use that would be incompatible with the operation of the airport including the following: landfills, open dumps, waste disposal sites, storm water retention ponds, creation of new wetlands, planting of crops that would attract or

sustain hazardous bird movements, or any use that would be incompatible with the operation of the airport.

- Allow Okaloosa County Airports System access to the property within the Airport's critical zones as described in Exhibit B.
- New development within noise zones should ensure that sound insulation be consistent with best management practices for noise attenuation as may be established by the FAA or the Standard Building Code in accordance to the City of Destin Comprehensive Plan Future Land Use Element Objective 1-2.6. As provided in the Destin Land Development Code Section 7.15.22, all purchasers of residential property shall be informed of the adjacent airport operations and the high potential for noise impacts.
- In addition, any proposed development within the subject property that meets any of the following conditions shall require review and approval by Airport and the Aviation Advisory Committee on Tall Structures:
  - Greater than 200 feet in height above ground level
  - Greater in height than an imaginary trapezoidal shape, beginning at the end of a runway of a public use airport, at an initial width of 50 feet, and extending outward and upward at a slope of 34:1 or 40:1 for a distance of 20,000 feet, to a width of 3,000 feet at its ending point
  - Located within the runway approach area of DTS

**A. Link to Strategic Goals /Objectives:** Enhance Quality of Life.

**B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.

**C. Level of Service (LOS):** The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

**CONCLUSION:** The proposed Zoning Map Amendment and Future Land Use Map Amendment are compatible requests with the surrounding zoning designations and future land use classifications. However, it is important to note that through the development review process, both the existing wetlands and proximity to the Airport will need to be addressed.

**STAFF RECOMMENDATION:** Due to the proposed Ordinances 19-02-LC and 19-03- PC being consistent with the Comprehensive Plan and compatible with the surrounding zoning and future land uses, Staff recommends approval of Ordinance 19-02-LC, Zoning Map Amendment, and 19-03-PC, Future Land Use Map Amendment.

**RECOMMENDED MOTION:**

I move that the LPA finds Ordinances 19-02-LC and 19-03-PC to be consistent with the Comprehensive Plan, and approves Ordinances 19-02-LC and 19-03-PC.

**Exhibits:**

- A. Metes & Bounds Description**
- A.2 Location Maps**
- B. 19-02-LC\_Ordinance**
- C. 19-03-PC\_FLUM Amendment**
- D. 19-02-LC\_HOA Meeting**
- E. 19-02-LC\_Traffic Analysis**
- F. 19-02-LC\_Warranty Deed**

**ITEM # \_\_\_\_\_**

- G. Okaloosa County Airport Response to Indian Bayou Rezoning Application**
- H. 19-02-LC\_Application**
- I. 19-03-PC\_Application**



RECEIVED

FEB 11 2019

Community  
Development







**RECEIVED**

FEB 11 2019

Community  
Development



**ORDINANCE NO. 19-02-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

**WHEREAS**, after due public notice, a public hearing has been conducted by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, after due public notice, a public hearing has been conducted by the City Council.

**SECTION 3. ZONING MAP AMENDMENT.** The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2 zoning maps, is hereby amended to include a change of zoning map designation from Recreation (REC) to Low-Density Residential - Village (LDR-V) for the specific area of land located east of the Destin Airport which is legally described in Exhibit A, attached hereto and incorporated herein by this reference, and depicted on the property location map in Exhibit "A.2", attached hereto and incorporated herein by this reference.

**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in

conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

BY: \_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Kopp, City Land Use Attorney

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

**ORDINANCE NO. 19-03-PC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

WHEREAS, this amendment involves changing the future land use designation from Recreation (REC) Land Use Category to the Low Density Residential (LDR) Future Land Use Category on a parcel of land containing 75.08 acres, more or less, lying within the corporate limits of the City; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

WHEREAS, after due public notice, a public hearing has been conducted by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

**SECTION 3. ADOPTION OF THE AMENDMENT TO THE FUTURE LAND USE MAP:**

The City of Destin's Future Land Use Map is hereby amended by changing the future land use category of a parcel containing approximately 75.08 acres of land, more or less, from Recreation (REC) to Low-Density Residential (LDR) for the specific area of land that is legally described on Exhibit A, attached hereto and made a part hereof by this reference, and depicted on the map attached hereto as Exhibit A.2, and made a part hereof by this reference.

**SECTION 4: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.**

The City Manager or her designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

**SECTION 5: INCORPORATION INTO COMPREHENSIVE PLAN.**

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**SECTION 6: SEVERABILITY.**

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7: EFFECTIVE DATE.**

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2019.

BY: \_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Kopp, City Land Use Attorney

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_



# Indian Bayou

INDIAN BAYOU OWNER'S  
ASSOCIATION, INC.

February 8, 2019

Dear Fellow Homeowner,

On behalf of the Board of Directors, you are invited to attend a special meeting of all Indian Bayou owners to be held on Monday, February 25, 2019, at 7 PM, in the main dining room of the Indian Bayou clubhouse. The purpose of the meeting is to provide you with an overview of the plans to develop a portion of the now-closed Creek 9-hole golf course into lots for single family homes, similar to the lots in Indian Bayou. Mr. Curtis Gwin will be making a presentation on the planning. There will be an opportunity for owners to ask questions. This is an informational, non-voting meeting and no other topics will be discussed. Please direct any questions regarding the meeting to the undersigned at 598-3629 or e-mail [szczurjl@cox.net](mailto:szczurjl@cox.net). We encourage you to attend and look forward to seeing you at the meeting.

Cordially,

LARRY SZCZUR  
President

**RECEIVED**

FEB 11 2019

**Community  
Development**

# TRAFFIC IMPACT ANALYSIS

## Indian Bayou West

Indian Bayou Trail  
Destin, Florida

Prepared for:  
Indian Bayou Properties  
Curtis Gwin  
1 Country Club Drive  
Destin, FL 32541

Submitted by:



Joe Poole, P.E.  
2943 Golden Eagle Drive  
Tallahassee, FL 32312  
(850) 449-0807

FL License No.: 00007809

**RECEIVED**

FEB 11 2019

**Community  
Development**



Joe P. Poole, P.E.  
FL Professional Engineer No. 42038  
December 14, 2018

## I. Introduction:

Indian Bayou West is a planned development at the Indian Bayou Golf & Country Club in Destin, Florida. The current land use on this property is a 9 hole golf course. The proposed development plan is to redevelop this site into a single-family residential development consisting of 90 estate size lots. The purpose of this study is to determine the impact that proposed change in development trips will have on the surrounding roadway network.

## II. Trip Generation and Distribution:

PM peak hour project trip generation and distribution were developed for the proposed development using the ITE Trip Generation Manual (10<sup>th</sup> Edition). Land Use Codes 430 (Golf Course) was used to determine trips generated by the existing development and 210 (Single-Family Detached Housing) was used to determine trips generated by the proposed development. The total estimated new PM peak hour trips are as follows:

### Existing Development

| ITE Code     | # of Holes | Rate or Equation | Total Trips | Pass-By Trips (%) | Total Net New Trips | Net New Enter Trips | Net New Exit Trips |
|--------------|------------|------------------|-------------|-------------------|---------------------|---------------------|--------------------|
| 430          | 9          | 2.91             | 26          | (0%) 0            | 26                  | 14 (53%)            | 12 (47%)           |
| <b>Total</b> |            |                  |             |                   | 26                  | 14                  | 12                 |

### Proposed Development

| ITE Code     | Dwelling Units | Rate or Equation                         | Total Trips | Pass-By Trips (%) | Total Net New Trips | Net New Enter Trips | Net New Exit Trips |
|--------------|----------------|------------------------------------------|-------------|-------------------|---------------------|---------------------|--------------------|
| 210          | 90             | $\text{Ln}(T) = 0.96\text{Ln}(X) + 0.20$ | 92          | (0%) 0            | 92                  | 58 (63%)            | 34 (37%)           |
| <b>Total</b> |                |                                          |             |                   | 92                  | 58                  | 34                 |

### Net Change in Project Trips

| Total Net New Trips | Net New Enter Trips | Net New Exit Trips |
|---------------------|---------------------|--------------------|
| 66                  | 44                  | 22                 |

No pass-by trips were used in this analysis.

An Area of Influence was determined based on LDC, Section 6.05.02:

*The project area of influence shall include all major transportation facilities (urban collectors and arterials), as identified in the comprehensive plan, where project traffic is equivalent to five percent of the new trips generated*

*by that project. This determination will be based on the trip generation, distribution and assignment methodology described above in section 6.05.01.*

Project trips were distributed along impacted segments to a point where project traffic is equivalent to five percent (5%) of new trips generated by the proposed development. A trip distribution diagram is provided in the **Appendix**.

### **III. Traffic Impact Analysis:**

This project is not located within any Multi-Modal Transportation District (MMTD) and was evaluated with the US 98 Capacity Using RAC Inter-local Agreement/Unified Transportation Concurrency Methodology. Data obtained from the latest MMTD Capacity Table was used in the evaluation (**See Appendix**). The project would impact a few segments and links included in the City Transportation Concurrency Systems. A Concurrency Evaluation Certification Form (Trip Generation Impact Analysis Reporting Form Pages) is provided in the **Appendix**.

### **IV. Conclusion:**

Results show sufficient capacity is available on all impacted segments to handle the project trips to be generated by the proposed development.

## APPENDIX

US 98 Capacity Using RAC Interlocal Agreement /  
Unified Transportation Concurrency Methodology

Multimodal Transportation District Capacity Table - US Highway 98

| Destin Segment | U.S. Highway 98 East Links |                      | Max Bi-directional Link Volume <sup>1</sup> | 115% Max Bi-directional Link Volume <sup>2</sup> | Existing Background directional Volume <sup>2</sup> | Committed City Trips | Committed County Trips | Existing Background Volume Plus Committed Trips | Remaining Capacity Less Committed Trips | Tentative Project Trips | Remaining Capacity Less Committed & Tentative Trips |
|----------------|----------------------------|----------------------|---------------------------------------------|--------------------------------------------------|-----------------------------------------------------|----------------------|------------------------|-------------------------------------------------|-----------------------------------------|-------------------------|-----------------------------------------------------|
|                | From                       | To                   |                                             |                                                  |                                                     |                      |                        |                                                 |                                         |                         |                                                     |
| A              | East Pass Bridge           | Stahlman Avenue      | 4,816                                       | 5,538                                            | 2,944                                               | 112                  | -                      | 3,056                                           | 2,482                                   | -                       | 2,482                                               |
|                | Stahlman Avenue            | Benning Drive        | 5,033                                       | 5,788                                            | 2,842                                               | 135                  | -                      | 2,977                                           | 2,811                                   | -                       | 2,811                                               |
|                | Benning Drive              | Beach Drive          | 4,238                                       | 4,874                                            | 2,995                                               | 155                  | -                      | 3,150                                           | 1,723                                   | -                       | 1,723                                               |
|                | Beach Drive                | Main Street          | 4,608                                       | 5,299                                            | 3,055                                               | 201                  | -                      | 3,256                                           | 2,044                                   | -                       | 2,044                                               |
|                | Main Street                | Gulf Shore Drive     | 4,654                                       | 5,352                                            | 3,411                                               | 165                  | -                      | 3,576                                           | 1,776                                   | -                       | 1,776                                               |
| B              | Gulf Shore Drive           | Airport Road         | 4,834                                       | 5,559                                            | 3,241                                               | 226                  | -                      | 3,467                                           | 2,092                                   | -                       | 2,092                                               |
|                | Airport Road               | Scenic Highway 98    | 5,023                                       | 5,776                                            | 3,087                                               | 141                  | -                      | 3,228                                           | 2,549                                   | -                       | 2,549                                               |
| C              | Scenic Highway 98          | Henderson Bch. Blvd. | 4,433                                       | 5,098                                            | 3,370                                               | 166                  | 469                    | 4,005                                           | 1,093                                   | -                       | 1,093                                               |
|                | Henderson Bch. Blvd.       | Triumph Drive        | 5,802                                       | 6,672                                            | 3,354                                               | 146                  | 492                    | 3,992                                           | 2,680                                   | -                       | 2,680                                               |
|                | Triumph Drive              | Matthew Blvd.        | 5,595                                       | 6,434                                            | 3,529                                               | 177                  | 530                    | 4,236                                           | 2,199                                   | -                       | 2,199                                               |
|                | Matthew Blvd.              | Danny Wuerfel Way    | 6,168                                       | 7,093                                            | 3,519                                               | 156                  | 650                    | 4,325                                           | 2,768                                   | -                       | 2,768                                               |
|                | Danny Wuerfel Way          | Crystal Beach Drive  | 6,292                                       | 7,236                                            | 3,704                                               | 116                  | 693                    | 4,513                                           | 2,723                                   | -                       | 2,723                                               |
|                | Crystal Beach Drive        | Regatta Bay Blvd.    | 5,814                                       | 6,686                                            | 3,837                                               | 61                   | 237                    | 4,135                                           | 2,551                                   | -                       | 2,551                                               |
|                | Regatta Bay Blvd.          | Tequesta Drive       | 4,335                                       | 4,985                                            | 3,619                                               | 35                   | 232                    | 3,886                                           | 1,100                                   | -                       | 1,100                                               |
|                | Tequesta Drive             | Walton County Line   | 4,624                                       | 5,318                                            | 3,389                                               | 21                   | 218                    | 3,628                                           | 1,689                                   | -                       | 1,689                                               |
|                |                            |                      |                                             |                                                  |                                                     |                      |                        |                                                 |                                         |                         | 9/31/18                                             |

<sup>1</sup> Maximum link volume based on UTCMS Interlocal Agreement methodology

<sup>2</sup> Based on traffic data collected July 2017

<sup>3</sup> The intent of the 115% threshold is to serve as a basis for demonstrating that the LOS will be maintained by providing appropriate multimodal mitigation measures. This is a monitoring point for the City, DEO and DOT, not a higher available capacity.

US 98 Capacity Using RAC Interlocal Agreement /  
Unified Transportation Concurrency Methodology

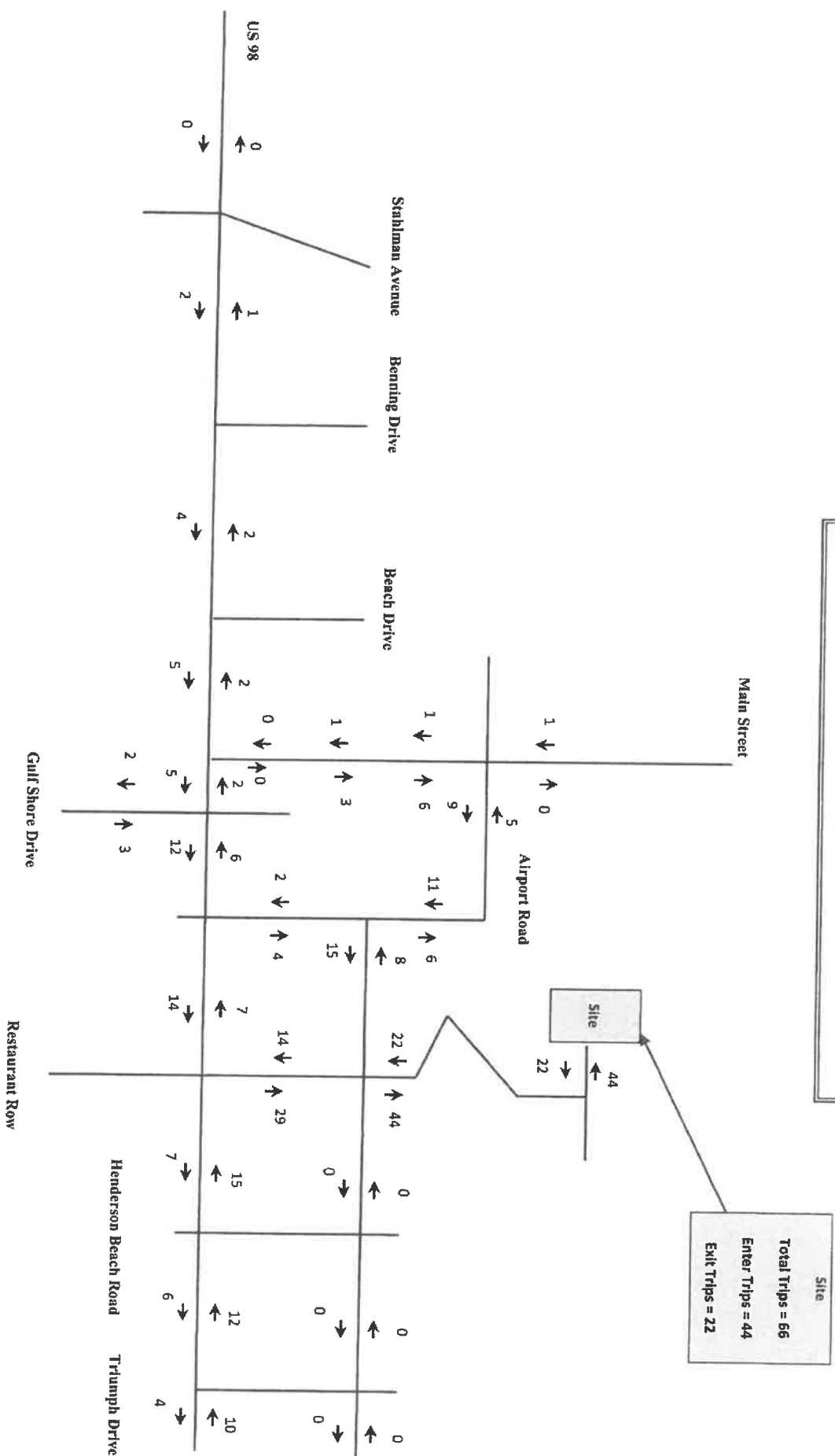
Multimodal Transportation District Capacity Table - Collector Roadways

|                                                                    | Bi-directional Capacity at Adopted LOS (D) | Existing Background Bi-directional Volume <sup>2</sup> | Remaining Capacity | Committed City Trips | Committed County Trips | Existing Plus Committed Trips | Remaining Capacity Less City Committed Trips | Tentative City Trips | Remaining Capacity Less City Tentative Trips |
|--------------------------------------------------------------------|--------------------------------------------|--------------------------------------------------------|--------------------|----------------------|------------------------|-------------------------------|----------------------------------------------|----------------------|----------------------------------------------|
| <b>Urban Collector Roadways</b>                                    |                                            |                                                        |                    |                      |                        |                               |                                              |                      |                                              |
| Airport Road between US Hwy 98 and Commons Drive                   | 2,920                                      | 524                                                    | 2,396              | 50                   | 0                      | 574                           | 2,346                                        | 0                    | 2,346                                        |
| Airport Road between Commons Drive and Main Street                 | 2,920                                      | 1,709                                                  | 1,211              | 83                   | 0                      | 1,792                         | 1,128                                        | 0                    | 1,128                                        |
| Azalea Drive between Stahlman Avenue and Benning Drive             | 931                                        | 404                                                    | 527                | 10                   | 0                      | 414                           | 517                                          | 0                    | 517                                          |
| Beach Drive between US Hwy 98 and Kelly Street                     | 998                                        | 289                                                    | 708                | 64                   | 0                      | 353                           | 644                                          | 0                    | 644                                          |
| Benning Drive between US Hwy 98 and Kelly Street                   | 998                                        | 267                                                    | 730                | 29                   | 0                      | 296                           | 701                                          | 0                    | 701                                          |
| Calhoun Avenue between US Hwy 98 and Kelly Street                  | 931                                        | 257                                                    | 674                | 62                   | 0                      | 319                           | 612                                          | 0                    | 612                                          |
| Commons Drive between Airport Road and Indian Bayou Trail          | 1,330                                      | 1,185                                                  | 145                | 27                   | 0                      | 1,212                         | 118                                          | 0                    | 118                                          |
| Commons Drive between Indian Bayou Trail and Diamond Cove*         | 1,330                                      | 1,248                                                  | 82                 | 38                   | 112                    | 1,398                         | -68                                          | 0                    | -68                                          |
| Commons Drive between Diamond Cove and Henderson Beach Road        | 1,330                                      | 1,348                                                  | -18                | 37                   | 112                    | 1,497                         | -167                                         | 0                    | -167                                         |
| Commons Drive between Henderson Beach Road and Triumph Drive       | 1,397                                      | 1,357                                                  | 39                 | 129                  | 112                    | 1,598                         | -202                                         | 0                    | -202                                         |
| Commons Drive between Triumph Drive and Kelly Plantation Drive*    | 1,397                                      | 1,240                                                  | 157                | 73                   | 112                    | 1,425                         | -28                                          | 0                    | -28                                          |
| Commons Drive between Kelly Plantation Drive and Matthew Boulevard | 1,330                                      | 1,047                                                  | 283                | 69                   | 142                    | 1,258                         | 72                                           | 0                    | 72                                           |
| Crystal Beach Drive between Scenic Hwy 98 and US Hwy 98            | 1,264                                      | 499                                                    | 765                | 106                  | 0                      | 805                           | 659                                          | 0                    | 659                                          |
| Gulf Shore Drive between US Hwy 98 and Curve                       | 2,628                                      | 888                                                    | 1,740              | 91                   | 0                      | 979                           | 1,649                                        | 0                    | 1,649                                        |
| Henderson Beach Road between US Hwy 98 and Commons Drive*          | 1,330                                      | 686                                                    | 644                | 62                   | 0                      | 748                           | 582                                          | 0                    | 582                                          |
| Hutchinson Street between US Hwy 98 and Scenic Hwy 98              | 1,330                                      | 915                                                    | 415                | 47                   | 0                      | 962                           | 368                                          | 0                    | 368                                          |
| Indian Bayou Trail between Commons Drive and Country Club Drive    | 931                                        | 184                                                    | 747                | 5                    | 0                      | 189                           | 742                                          | 0                    | 742                                          |
| Indian Bayou Trail between US Hwy 98 and Commons Drive             | 998                                        | 555                                                    | 442                | 4                    | 0                      | 559                           | 438                                          | 0                    | 438                                          |
| Kelly Street between Calhoun Avenue and Main Street                | 931                                        | 695                                                    | 236                | 67                   | 0                      | 762                           | 169                                          | 0                    | 169                                          |
|                                                                    |                                            |                                                        |                    |                      |                        |                               |                                              |                      |                                              |
| Legion Drive between Benning Drive and Beach Drive                 | 931                                        | 338                                                    | 593                | 24                   | 0                      | 362                           | 569                                          | 0                    | 569                                          |
| Legion Drive between Beach Drive and Main Street                   | 1,264                                      | 1,308                                                  | -44                | 39                   | 0                      | 1,347                         | -83                                          | 0                    | -83                                          |
| Main Street between US Hwy 98 and 98 Palms Blvd.                   | 2,774                                      | 762                                                    | 2,012              | 97                   | 0                      | 859                           | 1,915                                        | 0                    | 1,915                                        |
| Main Street between 98 Palms Blvd. and Airport Road                | 2,774                                      | 1,169                                                  | 1,605              | 0                    | 0                      | 1,169                         | 1,605                                        | 0                    | 1,605                                        |
| Main Street between Airport Road and Kelly Street                  | 1,264                                      | 970                                                    | 294                | 52                   | 0                      | 1,022                         | 242                                          | 0                    | 242                                          |
| Matthew Boulevard between Scenic Hwy 98 and US Hwy 98              | 1,264                                      | 559                                                    | 704                | 223                  | 0                      | 782                           | 481                                          | 0                    | 481                                          |
| Mountain Drive between Stahlman Avenue and Benning Drive           | 931                                        | 595                                                    | 336                | 8                    | 0                      | 603                           | 328                                          | 0                    | 328                                          |
| Mountain Drive between Benning Drive and Beach Drive               | 931                                        | 638                                                    | 293                | 0                    | 0                      | 638                           | 293                                          | 0                    | 293                                          |
| Regatta Bay Boulevard between Scenic Hwy 98 and US Hwy 98          | 1,264                                      | 272                                                    | 991                | 11                   | 0                      | 283                           | 980                                          | 0                    | 980                                          |
| Restaurant Row between US Hwy 98 and Emerald Coast Parkway         | 931                                        | 174                                                    | 757                | 60                   | 0                      | 234                           | 697                                          | 0                    | 697                                          |
| Scenic Hwy 98 between and Restaurant Row and US Highway 98         | 1,264                                      | 740                                                    | 523                | 122                  | 0                      | 862                           | 401                                          | 0                    | 401                                          |
| Scenic Hwy 98 between Matthew Boulevard and Walton County Line     | 1,330                                      | 914                                                    | 416                | 23                   | 0                      | 937                           | 393                                          | 0                    | 393                                          |
| Sibert Avenue between Calhoun Avenue and Kelly Street              | 931                                        | 283                                                    | 648                | 0                    | 0                      | 283                           | 648                                          | 0                    | 648                                          |
| Stahlman Avenue between US Hwy 98 and Kelly Street                 | 998                                        | 668                                                    | 330                | 40                   | 0                      | 708                           | 290                                          | 0                    | 290                                          |

\* Not a City of Destin maintained road. Maintained by Okaloosa County.

9/31/18

Page 1 of 2  
Destin 13, 2018



PM Peak Hour

Net New Project Trip Distribution

Indian Bayou West

Destin, Florida

Page 2 of 2

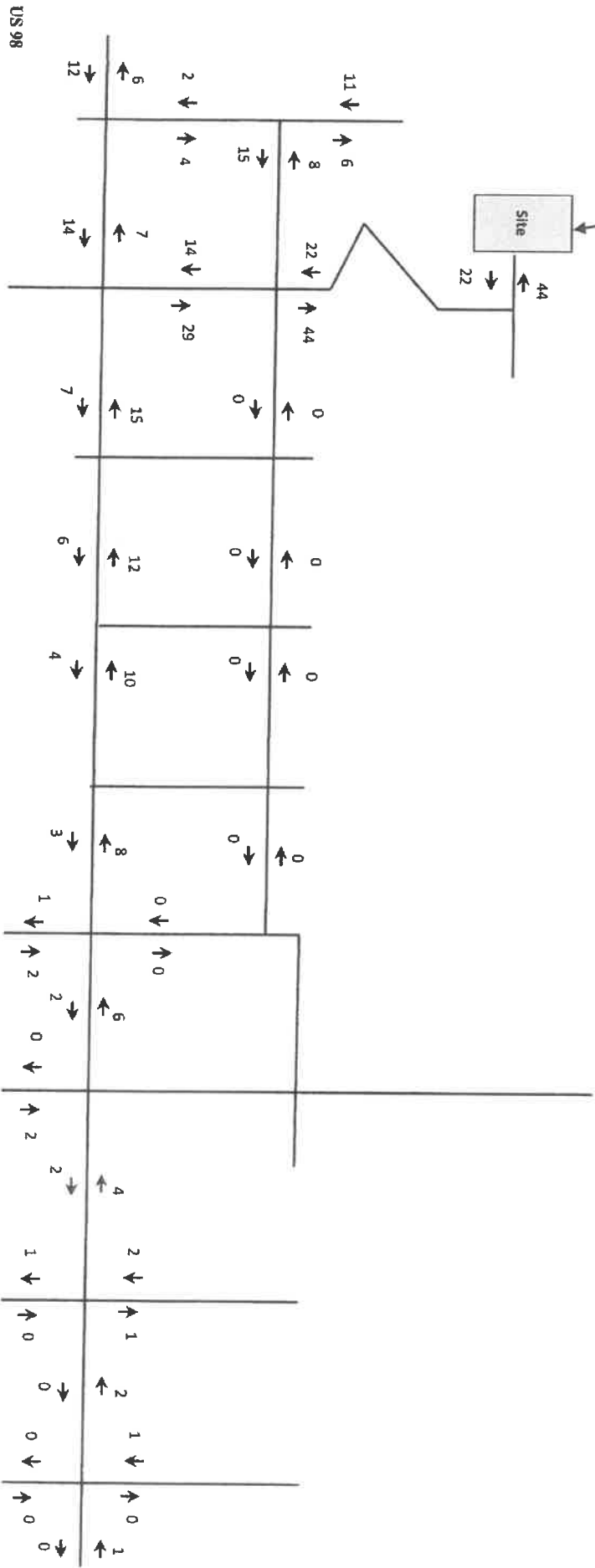
Destin 13, 2018

Site

Total Trips = 66

Enter Trips = 44

Exit Trips = 22



Airport Road

Restaurant Row

Henderson Beach Road

Triumph Drive

Kelly Plantation Drive

Matthew Blvd.

Hutchinson Blvd.

Crystal Beh. Drive

Regatta Bay Blvd.

US 98

**CITY OF DESTIN  
CONCURRENCY EVALUATION CERTIFICATION (CEC)  
TRAFFIC – NON-MULTIMODAL SUBDISTRICT**

The following certificate, in conjunction with a trip generation and distribution analysis, must be completed in full and certified by the following any Professional Consulting Firm employing methodology approved by the Florida Department of Transportation and the City of Destin.

This section is to be completed in full by the project representative (i.e. Engineer/Consultant of record).  
If more space is needed to complete, please attach separate sheet with additional information.

|                                                                     |                                                 |
|---------------------------------------------------------------------|-------------------------------------------------|
| <b>Project Name:</b>                                                | Indian Bayou West                               |
| <b>Type of Development:</b>                                         | Single-Family Residential Units                 |
| <b>Project Location:</b>                                            | Indian Bayou Trail                              |
| <b>Parcel ID#:</b>                                                  |                                                 |
| <b>Project Representative:</b>                                      | Joe P. Poole                                    |
| <b>Phone &amp; Email Address:</b>                                   | 850-449-0807/jpoole@southerntrafficservices.com |
| <b>City of Destin public road(s) with direct access to project:</b> |                                                 |
| Road "A":                                                           | Indian Bayou Trail                              |
| Road "B":                                                           |                                                 |
| Road "C":                                                           |                                                 |

**REMINDER:** The types of uses and number of units, if applicable, contained in the trip generation and distribution analysis must match the information contained in the development order application and accompanying site plan.

Project trips on adjacent roads must be distributed out from the project site on all adjacent roads, including U.S. Highway 98, until they reach 5 % of total trips generated. Additionally, you must fill out trip distribution table below and attach a map depicting the trips generated and in which direction they are headed.

### Trip Generation Impact Analysis Reporting Form

| Link              | Description of Link                             | Remaining Capacity Less<br>Committed City Trips |                           | Tentative Project Trips   |                           | Remaining Capacity Less<br>Committed & Tentative<br>Trips |                           |
|-------------------|-------------------------------------------------|-------------------------------------------------|---------------------------|---------------------------|---------------------------|-----------------------------------------------------------|---------------------------|
| Segment A         |                                                 | Eastbound /<br>Northbound                       | Westbound /<br>Southbound | Eastbound /<br>Northbound | Westbound /<br>Southbound | Eastbound /<br>Northbound                                 | Westbound /<br>Southbound |
| 1-2               | Between East Pass Bridge and Stahlman Ave.      | 2482                                            |                           | 0                         | 0                         | 2482                                                      |                           |
| 2-3               | Between Stahlman Ave. and Benning Dr.           | 2811                                            |                           | 2                         | 1                         | 2808                                                      |                           |
| 3-4               | Between Benning Dr. and Beach Dr.               | 1723                                            |                           | 4                         | 2                         | 1717                                                      |                           |
| 4-5               | Between Beach Dr. and Main St.                  | 2044                                            |                           | 5                         | 2                         | 2037                                                      |                           |
| 5-6               | Between Main St. and Gulf Shore Dr.             | 1776                                            |                           | 5                         | 2                         | 1769                                                      |                           |
| Segment B         |                                                 |                                                 |                           |                           |                           |                                                           |                           |
| 1-2               | Between Gulf Shore Dr. and Airport Rd.          | 2092                                            |                           | 12                        | 6                         | 2074                                                      |                           |
| 2-3               | Between Airport Rd. and Scenic Hwy. 98          | 2549                                            |                           | 14                        | 7                         | 2528                                                      |                           |
| Segment C         |                                                 |                                                 |                           |                           |                           |                                                           |                           |
| 1-2               | Between Scenic Hwy. 98 and Henderson Beach Dr.  | 1093                                            |                           | 5                         | 13                        | 1075                                                      |                           |
| 2-3               | Between Henderson Beach Dr. and Triumph Dr.     | 2660                                            |                           | 4                         | 10                        | 2666                                                      |                           |
| 3-4               | Between Triumph Dr. and Matthew Blvd.           | 2189                                            |                           | 2                         | 8                         | 2189                                                      |                           |
| 4-5               | Between Matthew Blvd. and Danny Wuerffel Way    | 2768                                            |                           | 1                         | 4                         | 2763                                                      |                           |
| 5-6               | Between Danny Wuerffel Way & Crystal Beach Dr.  | 2723                                            |                           | 1                         | 2                         | 2720                                                      |                           |
| 6-7               | Between Crystal Beach Dr. and Regatta Bay Blvd. | 2551                                            |                           | 0                         | 0                         | 2551                                                      |                           |
| 7-8               | Between Regatta Bay Blvd. and Tequesta Dr.      | 1100                                            |                           | 0                         | 0                         | 1100                                                      |                           |
| 8-9               | Between Tequesta Dr. and Walton Co. Line        | 1689                                            |                           | 0                         | 0                         | 1689                                                      |                           |
| Airport Rd. A     | Between US Hwy. 98 and Indian Bayou Tr.         | 2346                                            |                           | 4                         | 2                         | 2340                                                      |                           |
| Airport Rd. B     | Between Indian Bayou Tr. and Main St.           | 1128                                            |                           | 6                         | 11                        | 1111                                                      |                           |
| Azalea Dr.        | Between Stahlman Ave. and Benning Dr.           | 517                                             |                           | 0                         | 0                         | 517                                                       |                           |
| Beach Dr.         | Between US Hwy. 98 and Kelly St.                | 644                                             |                           | 0                         | 0                         | 644                                                       |                           |
| Benning Dr.       | Between US Hwy. 98 and Kelly St.                | 701                                             |                           | 0                         | 0                         | 701                                                       |                           |
| Calhoun Ave.      | Between US Hwy. 98 and Kelly St.                | 612                                             |                           | 0                         | 0                         | 612                                                       |                           |
| Commons Dr. A     | Between Airport Rd. and Indian Bayou Trail      | 118                                             |                           | 15                        | 8                         | 95                                                        |                           |
| Commons Dr. B     | Between Indian Bayou Trail and Diamond Cove     | -66                                             |                           | 0                         | 0                         | -68                                                       |                           |
| Commons Dr. C     | Between Diamond Cove and Henderson Beach Rd.    | -167                                            |                           | 0                         | 0                         | -167                                                      |                           |
| Commons Dr. D     | Between Henderson Beach Rd. and Triumph Dr.     | -202                                            |                           | 0                         | 0                         | -202                                                      |                           |
| Commons Dr. E     | Between Triumph Dr. and Kelly Plantation Dr.    | -28                                             |                           | 0                         | 0                         | -28                                                       |                           |
| Commons Dr. F     | Between Kelly Plantation Dr. and Matthew Blvd.  | 72                                              |                           | 0                         | 0                         | 72                                                        |                           |
| Crystal Beach Dr. | Between US Hwy. 98 and Scenic Hwy 98 East       | 659                                             |                           | 0                         | 0                         | 659                                                       |                           |
| Gulf Shore Dr.    | Between US Hwy. 98 and the Curve                | 1649                                            |                           | 3                         | 2                         | 1644                                                      |                           |
| Henderson Beh Rd. | Between US Hwy. 98 and Commons Dr.              | 582                                             |                           | 0                         | 0                         | 582                                                       |                           |

|                      |                                         |      |    |    |      |  |
|----------------------|-----------------------------------------|------|----|----|------|--|
| Hutchinson St.       | Between US Hwy. 98 and Scenic Hwy. 98   | 368  | 2  | 0  | 366  |  |
| Indian Bayou Tr. A   | Between US Hwy. 98 and Commons Dr.      | 438  | 29 | 14 | 395  |  |
| Indian Bayou Tr. B   | Between Commons Dr. and Country Club Dr | 742  | 44 | 22 | 676  |  |
| Kelly St.            | Between Stahlman Ave and Main St.       | 169  | 0  | 0  | 169  |  |
| Legion Dr. A         | Between Benning Dr. and Beach Dr.       | 569  | 0  | 0  | 569  |  |
| Legion Dr. B         | Between Beach Dr. and Main St.          | -83  | 0  | 0  | -83  |  |
| Main St. A           | Between US Hwy. 98 and 98 Palms Blvd.   | 1915 | 3  | 1  | 1911 |  |
| Main St. B           | Between 98 Palms Blvd and Airport Rd.   | 1605 | 6  | 1  | 1598 |  |
| Main St. C           | Between Airport Rd. and Kelly St.       | 242  | 0  | 1  | 241  |  |
| Matthew Blvd.        | Between Scenic Hwy. 98 and US Hwy. 98   | 481  | 2  | 1  | 478  |  |
| Mountain Dr. A       | Between Stahlman Ave. and Benning Dr.   | 328  | 0  | 0  | 328  |  |
| Mountain Dr. B       | Between Benning Dr. and Beach Dr.       | 293  | 0  | 0  | 293  |  |
| Regatta Bay Blvd.    | Between US Hwy. 98 and Scenic Hwy. 98   | 980  | 0  | 0  | 980  |  |
| Scenic Hwy 98 West   | Between US Hwy. 98 and Restaurant Row   | 401  | 2  | 2  | 567  |  |
| Scenic Hwy 98 East A | Between Matthew Blvd. and Dolphin St.   | 393  | 1  | 1  | 391  |  |
| Scenic Hwy 98 East B | Between Dolphin St. and Walton Co. Line | 393  | 0  | 0  | 393  |  |
| Sibert Ave.          | Between Calhoun Ave. and Kelly St.      | 648  | 0  | 0  | 648  |  |
| Stahlman Ave.        | Between US Hwy. 98 and Kelly St.        | 290  | 0  | 0  | 290  |  |

I, **Joe P. Poole**, hereby certify that the information contained in this is Concurrency Evaluation Certification and the attached supporting trip generation and distribution analysis is true and correct.

Signature 

Title **Traffic Engineer**

Date **12-14-18**

Title

Date

This section to be completed by the City Staff:

I certify that the traffic analysis and information provided herein is accurate and the project, as presented, meets all City of Destin requirements for determination of traffic concurrency.

Signature

Title

Date

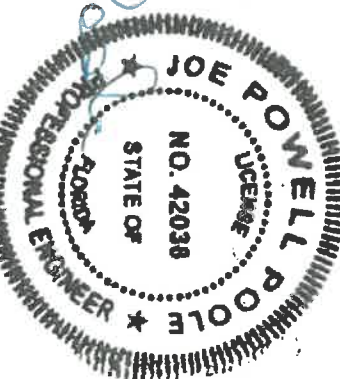
Joe P. Poole, P.E.

FL P.E. # 42038

Southern Traffic Services, Inc. FL

License No.: 00007809

12/14/18



This instrument prepared by:  
C. Roger Vinson  
of: BEGGS & LANE  
700 Brent Building  
Pensacola, Florida

BOOK 956 PAGE 130

OFFICIAL RECORDS

2025.00  
13.00  
7,598.00

SPECIAL WARRANTY DEED

STATE OF FLORIDA  
COUNTY OF OKALOOSA

KNOW ALL MEN BY THESE PRESENTS, that we, MATTIE KELLY SIMS, M. W. LUCAS, and A. L. NABORS, as successor trustees of the trust established by Coleman L. Kelly and Mattie M. Kelly on June 25, 1971 and approved on that same date by decree of the Circuit Court of Okaloosa County, Florida, for and in consideration of the sum of One Hundred and No/100 Dollars (\$100.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, do bargain, sell, convey, and grant unto INDIAN BAYOU PROPERTIES, a general partnership under the laws of the State of Florida, whose address is Post Office Box 1447, Fort Walton Beach, Florida 32548, its successors, heirs and assigns, forever, the following described real property located in Okaloosa County, Florida, to-wit:

(SEE EXHIBIT "A" ATTACHED HERETO AND  
BY REFERENCE MADE A PART HEREOF.)

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise, appertaining, free from all exemptions and right of homestead.

Grantors, as trustees aforesaid, expressly reserve and retain all oil, gas, and minerals on, in, or under the above-described real property, but the rights so retained and reserved by grantors shall not include the right of ingress and egress thereon for exploration or production, nor shall grantors have any right to disturb the surface of the soil or to interfere with the reasonable utilization of the surface by the owners thereof.

Grantors, as trustees aforesaid, covenant that they have a good right to execute this deed and to convey the above-described real property; that the said property is free from lien or encumbrance created or suffered by the grantors, except to the extent shown by any recorded plats, restrictions, easements, and the lien of ad-valorem real property taxes for 1978 and subsequent years, and that the grantors and their successors, as trustees aforesaid, hereby warrant the title to said property and the peaceable possession thereof against all persons or parties lawfully claiming any lien upon, or right, title, or interest therein, except as herein noted, by, through, or under the said grantors.

IN WITNESS WHEREOF, the grantors, as trustees aforesaid, have executed these presents by causing their names to be signed and their seals affixed this 16th day of February, 1978.

Signed, sealed, and delivered in the presence of:

*James A. Lee*  
*William L. Marshall*

*Mattie Kelly Sims*  
Mattie Kelly Sims

*M. W. Lucas*  
M. W. Lucas

*A. L. Nabors*  
A. L. Nabors

As Successor Trustees of the Kelly Trust established by Coleman L. Kelly and Mattie M. Kelly on June 25, 1971

STATE OF FLORIDA  
COUNTY OF OKALOOSA

Before me, the undersigned notary public, this day personally appeared MATTIE KELLY SIMS, M. W. LUCAS, and A. L. NABORS,

RECEIVED

FEB 11 2019

Community  
Development

## OFFICIAL RECORDS

to me well known and known to me to be the individuals described by said names in and who executed the foregoing instrument as successor trustees of the Kelly Trust and who acknowledged that they executed the same as such trustees for the uses and purposes therein set forth.

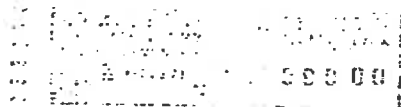
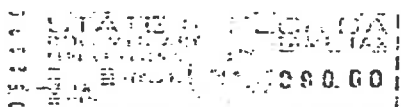
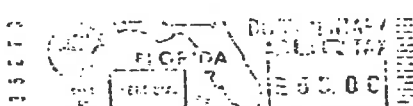
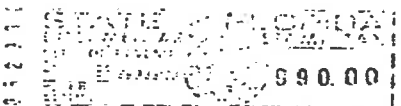
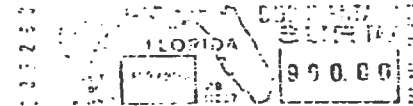
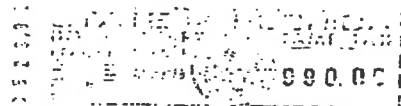
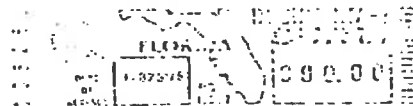
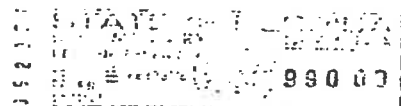
GIVEN under my hand and official seal this 16th day of February, 1978.



*Joan Adell Lee*  
Notary Public

My Commission Expires:

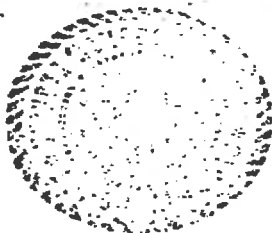
MY COMMISSION EXPIRES OCT. 3, 1978



## ATTACHMENT "A"

Commence at the point of beginning of the description of the Destin Airport property as described in that certain warranty deed dated January 22, 1964, and recorded in Official Records Book 297 at page 395 of the public records of Okaloosa County, which point is on the southeast boundary of said airport property at its intersection with a southeasterly extension of the runway centerline; thence go North 52°00'51" East along the aforesaid southeast boundary a distance of 250.00 feet to an existing concrete monument; thence go North 37°59'09" West along the northeast boundary of the aforesaid airport property a distance of 2000.00 feet to an existing concrete monument and the POINT OF BEGINNING: thence go South 37°59'09" East, retracing line last run a distance of 2000.00 feet; thence go South 52°00'51" West a distance of 222.90 feet to an existing concrete monument; thence go South 13°31'00" West a distance of 687.43 feet to an existing concrete monument and the curved easterly right-of-way line of State Road No. S-30F (Airport Road, 100' R/W); thence go southeasterly along the aforesaid curved right-of-way line, being concave southwesterly and having a radius of 237.42 feet, an arc distance of 43.30 feet (CH: 43.24', CH. BRG: S 16°37'34" E); thence go South 76°17'19" East a distance of 682.94 feet; thence go North 00°00'00" East a distance of 863.71 feet; thence go North 66°23'25" East a distance of 305.65 feet to a point of curvature; thence go along a curve to the left, having a radius of 1075.15 feet, an arc distance of 926.28 feet (CH: 897.90', CH. BRG: N 41°42'33" E); thence go South 82°36'35" East a distance of 715.17 feet; thence go North 87°49'17" East a distance of 333.53 feet; thence go North 72°52'44" East a distance of 444.84 feet; thence go South 82°36'35" East a distance of 2295.16 feet to an existing concrete monument; thence go North 03°23'19" East a distance of 1695 feet, more or less, to the mean high-water line of Indian Bayou; thence meander northwesterly, westerly and southwesterly along the aforesaid mean high-water line a distance of 4500 feet, more or less, to the centerline of an existing earthen dam; thence meander southwesterly and northwesterly along the centerline of an existing freshwater lake a distance of 1700 feet, more or less, to the centerline of an existing sand road and dam; thence meander northwesterly along the centerline of a freshwater stream a distance of 1450 feet, more or less, to the point of intersection with a line passed through the Point of Beginning and having a bearing of North 04°11'31" East; thence go South 04°11'31" West a distance of 2877 feet, more or less, to the Point of Beginning. LESS AND EXCEPT: Commence at the point of beginning of the description of the Destin Airport property as described in that certain warranty deed dated January 22, 1964, and recorded in Official Records Book 297 at page 395 of the public records of Okaloosa County, which point is on the southeast boundary of said airport property at its intersection with a southeasterly extension of the runway centerline; thence go North 52°00'51" East along the aforesaid southeast boundary a distance of 27.10 feet to an existing concrete monument; thence go South 13°31'00" West a distance of 687.43 feet to an existing concrete monument and the curved easterly right-of-way line of State Road No. S-30F (Airport Road, 100' R/W); thence go southeasterly along the aforesaid curved right-of-way line, being concave southwesterly and having a radius of 237.42 feet, an arc distance of 43.30 feet (CH: 43.24', CH. BRG: 16°37'34" E); thence go South 76°17'19" East a distance of 682.94 feet; thence go North 00°00'00" East a distance of 972.85 feet to the Point of Beginning; thence go North 66°23'25" East a distance of 261.94 feet to a point of curvature; thence go along a curve to the left, having a radius of 975.15 feet an arc distance of 823.12 feet (CH: 798.90', CH. BRG: N 42°12'32" E); thence go North 82°36'35" West a distance of 783.24 feet; thence go South 00°00'00" West a distance of 797.40 feet to the Point of Beginning. The above-described parcel being in Township 2 South, Range 22 West, Okaloosa County, Florida.

BOOK 956 PAGE 133  
OFFICIAL RECORDS



FILED  
NEWMAN & SPACKIN  
CLERK CIRCUIT COURT  
DUVAL COUNTY, FLA  
78 FEB 22 PM 3 38

514298

# TECHNICAL RESPONSE MEMORANDUM



## Indian Bayou Property Rezoning RS&H Project No. 201-0251-008

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|               |                                                                                     |
|---------------|-------------------------------------------------------------------------------------|
| Date:         | March 1, 2019                                                                       |
| Subject:      | Indian Bayou Land Use Amendment (19-03-PC) & Rezoning (19-02-LC)                    |
| Prepared For: | Okaloosa County Airports System/City of Destin Community and Development Department |
| Prepared By:  | Ken Ibold and Rosario Souto, RS&H                                                   |

---

RS&H is an aviation architecture, engineering and planning consulting firm under contract with Okaloosa County and acting on behalf of the Okaloosa County Airport System. This memorandum has been drafted in response to a rezoning request for certain portions of the Indian Bayou Golf Course from Recreational to Low Density Residential. Its goal is to outline potential impacts to the interests of Okaloosa County Airports System and operations at Destin Executive Airport. In addition, it illustrates the statutory framework under which Okaloosa County and the City of Destin regulate properties near the airport and the potential impacts to residents who choose to live adjacent a busy general aviation airport.

According to the City of Destin Comprehensive Plan Future Land Use Element Policy 1-2.6.1, the City will coordinate land use issues that impact the Airport with the Federal Aviation Administration (FAA) and Okaloosa County, as appropriate, in order to foster the use of Destin Executive Airport (DTS or the Airport) in a manner that contributes to the development of the City's economic base and promote the safe operation of aircraft and surrounding land use.

The proposed 75.08 acre subject property described in the 19-02-LC and 19-03-PC applications is located east just east of the Runway 32 end at Destin Executive Airport. The applicant proposes a large scale future land use amendment from Recreation to Low Density Residential and a rezoning from Recreation to Low Density Residential— Village (LDR-V) to allow for single family residential development. DTS is located within the Airport land use category and is surrounded by residential and mixed uses.

Due to the unique location of DTS, it is important for future development and land use to be compatible with the Airport's unique environment. The proposed development is located in part within several of the Airport's critical surfaces including:

- City of Destin Zone C Noise Zone
- DTS Departure Surface
- DTS Transitional Surface

### NOISE

Land uses adjacent to an airport are generally considered to be not compatible with residential development. The effects of noise on communities adjacent to airports presents a serious challenge and may generate a quality of life concern, as is the case with

residential development in close proximity of Destin Executive Airport. In 2008, the Okaloosa County Airports System conducted a Federal Aviation Regulation (FAR) Part 150 Study in order to define noise exposure within the community and develop a noise compatibility program in cooperation with all stakeholders. A FAR Part 150 Study includes applying standardized methodology for measuring airport noise, estimating cumulative noise exposure, identifying compatible land uses to the exposure of airport generated noise, and submitting documentation to the FAA. The FAR Part 150 Study was conducted in response to concerns raised by the community surrounding DTS regarding noise disturbances and pollution created by aircraft operations. The study identified several measures to achieve noise compatibility, including voluntary land acquisition for parcels within a contour defined by a noise exposure of 65 DNL (day/night average sound level), which is an FAA determination of cumulative noise impacts.

In addition to the FAR Part 150 Study, noise zones were adopted in the City of Destin Land Development Code to establish standards for land uses and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at Destin Executive Airport. There are three land use noise zones established by the City, which are further described in the section below and in section 7.15.09 of the City of Destin Land Development Code. The 2013 Official Noise Exposure Map (Figure 7.15.08A of the City of Destin Land Development Code) is attached as Exhibit A. Zone A, Zone B, and Zone C are described below.

- Zone A (75 DNL and above): A land use noise zone is hereby established and designated as zone A, being that area commencing at the outermost boundary of the airport and extending outward there from to a boundary indicated on the noise zone map as "B" and as described in section 7.15.09. The outer boundary of noise zone A approximates a noise level of 75 DNL (day/night average sound line). Noise zone A applies to an area of 75 DNL entirely within the Destin Executive Airport and surrounding Runway 14-32 at various depths as per the 2013 Official Noise Exposure Map.
- Zone B (70 DNL to 75 DNL): A land use noise zone is hereby established and designated as zone B, being that area commencing at a boundary indicated on the noise zone A and extending outward there from to a boundary indicated on the noise zone map as "C" and as described in section 7.15.09. The outer contour of noise zone B approximates a noise level of 70 DNL. Noise zone B applies to an area of 70 DNL surrounding the Destin Executive Airport, as per the 2013 Official Noise Exposure Map.
- Zone C (65 DNL to 70 DNL): A land use noise zone is hereby established and designated as zone C, being that area commencing at a boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the furthestmost boundary indicated on the noise zone map and as described in section 7.15.09. The outer contour of noise zone C approximates a noise level of 65 DNL. Noise zone C applies to an area of 65 DNL surrounding the Destin Executive Airport, as per the 2013 Official Noise Exposure Map.

According to the Land Development Code section 7.15.16, Table 1, residential development in Zone C requires a sound level requirement of Sound Level Requirement (SLR)-25. Noise Sensitive land uses such as residences or schools are considered incompatible with noise levels of 65 DNL or greater in accordance with FAR Part 150 guidelines. A preliminary plat of the proposed development shows multiple homes being developed along the Airport property line near Runway End 32. As proposed, several

homes will be within Zone C noise zone as defined by the 2013 Official Noise Exposure Map.

### **FAA IMAGINARY AIRPORT SURFACES**

Under Title 14 of the Code of Federal Regulations, FAR Part 77, Safe and Efficient Use, and Preservation of Navigable Airspace, the FAA has created 3-dimensional imaginary surfaces within airport airspace to guide Airport's in compatible land use development, as well as the removal of objects that pose a hazard to airspace. To ensure appropriate airspace protection and obstacle clearance, the FAA deems it a hazard for an obstacle to penetrate any imaginary surface including the departure surface. Departure surfaces allow pilots to follow standard departure procedures and typically have a trapezoidal shape that begins at the departure end runway and extends along the extended runway center line. All runway ends have a departure surface slope of 1 foot vertically for every 40 feet horizontally (40:1). Part 77 approach surfaces at DTS are 34:1 and are longitudinally centered on the extended runway centerline and extend outward and upward from each end of the primary surface. Within the Airport Layout Plan (ALP) set developed for the Destin Executive Airport ALP Update, an airport airspace sheet illustrates the various obstructions and objects within the Part 77 areas. The obstructions can be found in Exhibit B (and Sheet 6 of the DTS ALP Update).

The applicant is proposing the development of single family homes directly abutting Airport property just north of the Runway 32 End. A preliminary plat of the proposed development revealed multiple homes being within the Airport's departure surface. In addition, the access road for the proposed development may possibly affect runway approach minimums and departure procedures at DTS.

### **RECOMMENDATIONS**

As proposed, the requested land use amendment and rezoning do not appear to provide a transition of uses compatible with the existing Airport use as recommended by the City of Destin Comprehensive Plan. In order to reduce the potential impacts from the airport's daily operations and minimize an incompatible land use, it is strongly recommended the proposed development be subject to the following restrictions and acknowledgements:

- Conserve property abutting DTS including the DTS departure surface, Zone C and 65 DNL Noise Zones within an aviation easement that describes the rights and benefits for the unobstructed use and passage of all types of aircraft in and through the airspace at any height or altitude above surface. The Airport may use the airspace above the easement property for any and all activities that are inherent in the operation of all types of aircraft, to include fixed wing and rotor wing aircraft. Said operation of aircraft includes landing at, taking off from, overflying at low altitude, or operating on or near the Airport. In addition, the aviation easement would require the land owner to:
  - Keep the airspace above the heights described and depicted on Exhibit B clear and free from any and all fences, crops, trees, poles, buildings and other obstructions of any kind or nature which now extend, or which may at any time in the future extend, above those heights.
  - Remove any ground level or all natural growths which extend on the easement property above the heights described and depicted on the attached drawing to the extent such action is reasonably necessary in furtherance of the purpose of this easement. (i.e., growth of natural objects that would constitute an obstruction to air navigation). Any removal or trimming of trees or other natural growth on the easement property shall be conducted by the owner.

- Remove obstructions from the easement property as identified in Exhibit B, with the exception of Obstruction Number 2401.
- Not construct upon the easement property any structure that extends above the heights described and depicted on the attached drawing.
- Not promote any activity on the easement property that is incompatible with the purpose of this easement. (prohibits any activity on the land that would interfere with, or be a hazard to, the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport).
- Not cause any device that will create electrical interference with radio communication between the installation upon the airport and aircraft, or impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking-off or maneuvering of aircraft to be located in the easement property.
- Not use the easement property for any use that would be incompatible with the operation of the airport including the following: landfills, open dumps, waste disposal sites, storm water retention ponds, creation of new wetlands, planting of crops that would attract or sustain hazardous bird movements, or any use that would be incompatible with the operation of the airport.
- Allow Okaloosa County Airports System access to the property within the Airport's critical zones as described in Exhibit B.
- New development within noise zones should ensure that sound insulation be consistent with best management practices for noise attenuation as may be established by the FAA or the Standard Building Code in accordance to the City of Destin Comprehensive Plan Future Land Use Element Objective 1-2.6. As provided in the Destin Land Development Code Section 7.15.22, all purchasers of residential property shall be informed of the adjacent airport operations and the high potential for noise impacts.

In addition, any proposed development within the subject property that meets any of the following conditions shall require review and approval by Airport and the Aviation Advisory Committee on Tall Structures:

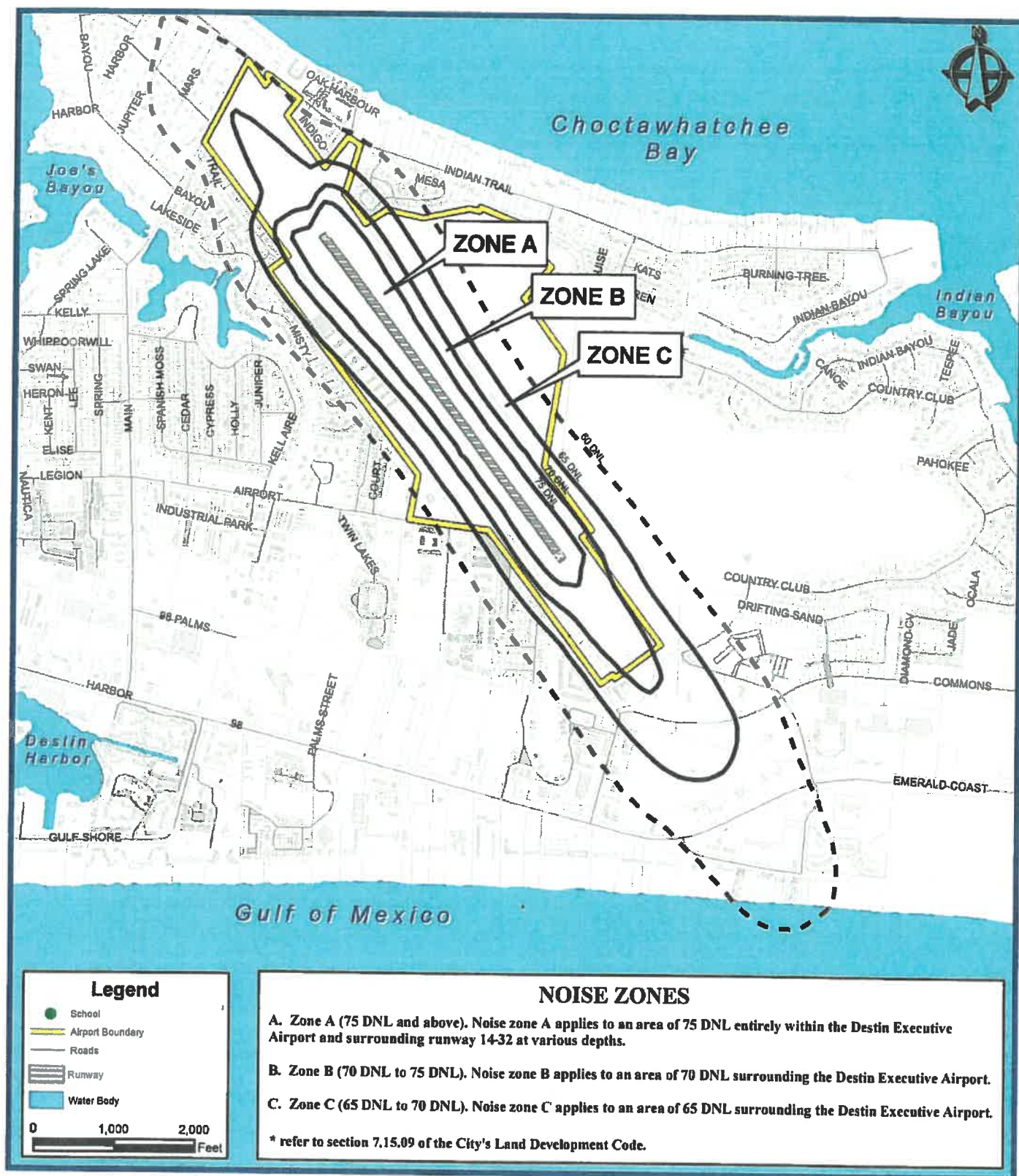
- Greater than 200 feet in height above ground level
- Greater in height than an imaginary trapezoidal shape, beginning at the end of a runway of a public use airport, at an initial width of 50 feet, and extending outward and upward at a slope of 34:1 or 40:1 for a distance of 20,000 feet, to a width of 3,000 feet at its ending point
- Located within the runway approach area of DTS

DTS is essential to the community's economic impact growth. In order for the Airport to coexist within competing land uses, it is important to consider the future and long term challenges that exist over the development of land uses not compatible with airports and aircraft operations. The objective is to promote and protect the public health, safety, and general welfare in the vicinity of the Destin Executive Airport within Okaloosa County and the long-term viability of the Airport. As currently proposed, the Okaloosa County Airports System finds applications 19-03-PC and 19-02-LC incompatible to the Airport's environs and recommends further planning and collaboration with the affected parties to achieve a more compatible residential use of the subject property.

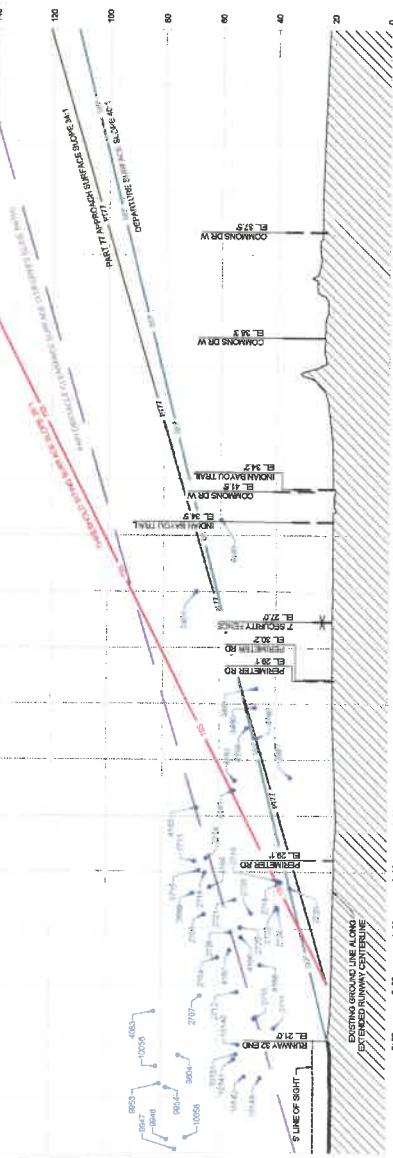
## EXHIBIT A

# 2013 Official Noise Exposure Map

Figure 7.15.08A



## EXHIBIT B



| DESCRIPTION                   | EXIST'G | PROPOSED | REMARKS |
|-------------------------------|---------|----------|---------|
| PROPERTY LINE                 |         | NA       |         |
| RUNWAY SAFETY AREA            |         | NA       |         |
| RUNWAY OBJECT FREE AREA       |         | NA       |         |
| RUNWAY OBSTACLE FREE ZONE     |         | NA       |         |
| PROTECTION ROW                |         | NA       |         |
| TARGET PAVEMENT AREA          |         | NA       |         |
| TARGET OBJECT FREE AREA       |         | NA       |         |
| 30' BUILDING RESTRICTION LINE |         | NA       |         |
| PAINT 7' SURFACES             |         | NA       |         |
| THRESHOLD SITING SURFACE      |         | NA       |         |
| DEPARTURE SURFACE             |         | NA       |         |
| PAVEMENT SURFACE              |         | NA       |         |
| PAVEMENT PAYMENT              |         | NA       |         |
| PAVEMENT TO BE REMOVED        |         | NA       |         |

## GENERAL NOTES

1. OBSTRUCTION SURVEY COMPLETED BY GPI GEOSPATIAL, INC. DECEMBER 2017.
2. NO PENETRATION TO THE PAVEMENT SURFACE.
3. ALL TRANSVERSE ELEVATIONS INCLUDE RECOMMENDED AIRSPACE CLEARANCE. 17' HIGHWAY | 15' PUBLIC ROADS | 10' PRIVATE ROADS.

During: T:\P\2010251\004 DTS ALP Update\CMO\ALP\CD1019\_00\_App32.doc Printed on: 2/13/2019 12:07PM by: Mcdonada, Lerrynna.g



**City of Destin**  
Community Development Department  
**Planning Division**  
City of Destin Annex  
4100 Indian Bayou Trail  
Destin, Florida 32541  
Phone (850) 837-4242 • Fax (850) 460-2171  
[www.cityofdestin.com/index.aspx?nid=91](http://www.cityofdestin.com/index.aspx?nid=91)

**LAND DEVELOPMENT CODE  
ZONING MAP AMENDMENT**

**19-02-LC**

**Does Your Property Meet the Criteria for this Application?**

The subject property of the proposed amendment must have a Future Land Use Map Designation consistent with the proposed zoning; if not, then a Future Land Use Map amendment will be required prior to proceeding with amending the Official Zoning Map.

**1. CONTACT INFORMATION:**

**A. Applicant:** Indian Bayou Properties  
**Mailing Address:** 1 Country Club Drive East, P.O. Box 788, Destin, FL 32541  
**Business Phone:** 850-585-4811 **Cell:** 850-585-4811  
**Email:** cgwin@coastaldev.net

**B. Property Owner:** Indian Bayou Properties  
**Mailing Address:** 1 Country Club Drive East, Destin, FL 32541  
**Business Phone:** 850-585-4811 **Cell:** 850-585-4811  
**Email:** \_\_\_\_\_

**C. Authorized Agent (if applicable):** Curtis Gwin  
**Mailing Address:** 4 Weekewachee Circle, Destin, FL 32541  
**Business Phone:** 850-585-4811 **Cell:** 850-585-4811  
**Email:** cgwin@coastaldev.net

**RECEIVED**

*Note: Owner must complete the attached Agent Affidavit.  
If there is more than one owner, each owner must complete an Agent Affidavit.*

**FEB 11 2019**

2. PROPERTY INFORMATION:

A. Existing Street Address: 1 Country Club Drive East, Destin, FL 32541

Parcel ID (s): 00-2S-22-0000-0046-0000

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

Subdivision: Indian Bayou

B. Existing Zoning District Classification: \_\_\_\_\_ (To be completed by the City)

Proposed Zoning District Classification: LDR-V

Future Land Use Map Designation: \_\_\_\_\_ (To be completed by the City)

C. Existing use of subject property: Vacant

3. AMENDMENT REQUEST

A. Explain the basis for your request. Give solid and convincing reason(s) as to why the current zoning district is not appropriate for the property, and why the requested zoning district is more suitable. Indicate the proposed specific use(s) expected to be developed if the proposed zoning district change is granted by City Council.

See attached sheet.

B. Date of pre-application meeting: 9/5/2018 - 10:30 am

C. Total acreage of the property in the proposed amendment: 75.08 acres

D. Has the property received any waivers, special exceptions or variances? YES ☐ NO ☒

If you answered "yes" to the above question, please explain – including when approved.

### 3. Amendment Request

A. The present REC Zoning is not accurate, the property was used as a Nine Hole Golf Course until August of this year, which is a commercial operation, not recreation. The property was zoned MLDR – medium low density residential on the 2000 Comp Plan FLUM and at some point, was changed/rezoned to REC without the Owners knowledge. This was done in error, as this is the only REC Zoning on non-public (private) property within the City of Destin. All other REC Zoned land within the City and Okaloosa Co. is public land. We, therefore, state that this rezoning is necessary, appropriate, and suitable.

The proposed specific use of the property is to be low density residential.

- E. If you are seeking an Official Zoning Map designation of LDR-V, LDR-HI, LDR-H, MDR-V, MDR-HI, ROI-VR, ROI-GD, or ROI-TD, please explain how this designation is consistent with the underlying Future Land Use Map designation.

N/A, REC zoning on both maps at present, however once the FLUM designation has been changed, the re-zoning request will be consistent with the the FLUM.

- F. Please explain how the proposed Official Zoning Map designation supports and is consistent with the purpose and intent of the City of Destin Zoning Districts as described in Section 7.12.06. *Zoning Districts* of the Land Development Code.

The proposed LDR-V Low Density Residential - Village Zoning Map designation is consistent with the LDR-V Zone described in Section 7.12.06. B.

- G. Please identify any allowable uses as listed in Table 7-2: Table of Allowable Uses for the proposed zoning district that should not be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).

None

- H. Please identify any allowable uses not listed in Table 7-2: Table of Allowable Uses for the proposed zoning district that should be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).

None

- I. Please explain the fiscal impact of the proposed amendment upon the finances of the City, if any.

There will be no fiscal impact upon the finances of the City, to the contrary the added tax base will be a positive impact on the finances of the City.

- J. Please explain the impact of the proposed amendment upon all public facilities, if any.

The low density of the proposed development will have little to no impact on public facilities. Per conversations with DWU, the water and sewer facilities have adequate capacity to service the proposed development.

The development will utilize the existing road system to Hwy 98 and not exceed the allowed capacity. See attached Traffic Impact Analysis.

The development plans to re-open a connector roadway to Commons Drive, via the commercial property on Commons Drive adjacent to the City's Public Works property.

- K.** Please explain the impact of the proposed amendment upon the environment, natural and/or historical resources, if any.

There will be no adverse affect or impact upon the environment, natural and or historical resources. All water and waste water services will be provided by DWU. Storm Water Management will be implemented on-site with no adverse impact to the environment.

- L.** Please explain the degree of consistency of the proposed amendment with the Comprehensive Plan for the City. (*Applicant may need to refer to the Comprehensive Plan.*)

As stated before, in the 2000 Comp Plan the property was zoned property as MLDR - medium low density residential, which has the same unit per acre as the proposed LDR-V - low density residential village. Therefore, it will be consistent with the surrounding existing Indian Bayou Subdivision which is zoned LDR-V.

- M.** Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan, if the proposed amendment is granted.

There is no impact upon the ability of the City to provide adequate public facilities and maintain existing level of service.

- N.** Please explain the compatibility of the proposed amendment upon the surrounding neighborhoods and land uses.

The surrounding neighbor hoods and land uses are compatible with the proposed change. They are A - Airport; Inst. - Institutional; MDR-V - Medium Density Residential - Village; REC - Recreation; LDR-V - Low Density Residential - Village; IN - Industrial; and Okaloosa County property zoned MU - Mixed Use.

4. **SUBMITTAL REQUIREMENTS FOR AN OFFICIAL ZONING MAP AMENDMENT:**

1. X **Completed application** - All applicable areas of the application shall be filled in and submitted to the Community Development Department Planning Division at the City of Destin Annex, 4100 Indian Bayou Trail, Destin, Florida 32541.
2. X **Application Fee: \$1,200.00 – Ordinance Amendment Applications**  
(FY2017 Schedule of Fees, Resolution 17-05, adopted 02/22/17, effective 02/23/17)  
  
**Application fee includes First 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**
3. X **Proof of Ownership** - A copy of the last recorded deed for the property. The name on the deed must correspond to "Current Owner" of the property. Agent Affidavit/Special Power of Attorney is required if the applicant is someone other than the owner.
4. X **Agent affidavit/Special Power of Attorney (if applicable)** - If the applicant is other than the owner of the property under construction for review.

---

**NOTE: 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. The agent affidavit must be completely filled out and submitted with this application. If the property has multiple owners, then all owners or their designated agents must sign this application.**

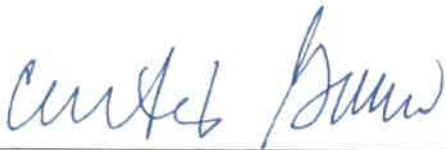
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**I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.**

---

**APPLICANT:**

**SIGNATURE:**



**DATE:**

2/5/19

**PRINTED NAME:**

Curtis Gwin

**AGENT AFFIDAVIT  
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Robert E. Lee  
am presently the owner and/or leaseholder at 1 Country Club Drive East, Destin, FL; Parcel No. 22-2S-0000-0046-0000

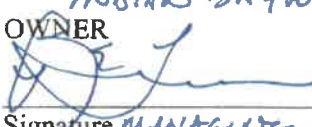
and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents  
do make, constitute and appoint Curtis Gwin

whose address is 4 Weekewachee Circle, Destin, County of Okaloosa, State of Florida,

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: the Land Development Code Zoning Map Amendment

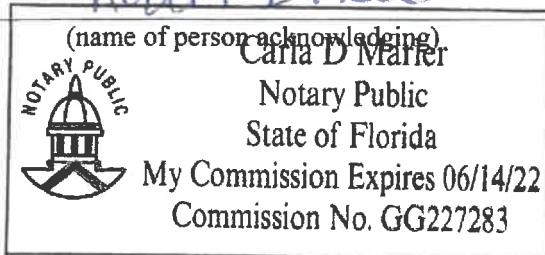
FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the  
aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully  
done hereunder by the said attorney shall be binding on myself and my heirs,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

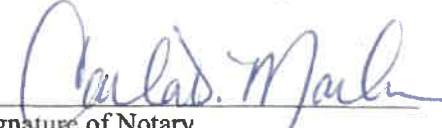
PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be  
transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of  
caring out the foregoing powers shall contain my name, followed by that of my said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

INDIAN BAYW PROPERTIES  
OWNER  
  
Signature MANAGING PARTNER  
ROBERT E. LEE  
Printed Name

STATE OF Florida  
COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me this 5 day of February, 20 19,  
by Robert E. Lee



  
Signature of Notary  
Carla D. Marler  
Printed Name of Notary or Seal

Personally known X OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**DO NOT SUBMIT INFORMATION BELOW WITH APPLICATION**

**APPLICATION AND HEARING INFORMATION**

**Official Zoning Map Amendment**

The regulations, restrictions, and zoning district boundaries set forth in the land development code may be amended, supplemented, or changed. Proposed changes may be suggested by the City Council, the City Manager or designee, by a single property owner, or by petition of the owners of 51 percent or more of an area involved in the proposed change. Applications for an ordinance or rezoning amendment must be submitted to the Community Development Department. The Community Development Department will then review and forward the application and a staff report with a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review. The LPA, after a public hearing and due public notice, will then forward its staff report and recommendation to the City Council for approval, approval with conditions, or denial. The City Council shall then approve, approve with conditions, or deny the application. If an application for an ordinance or rezoning amendment is disapproved by the City Council, the applicant shall not reapply for the same ordinance or rezoning amendment for a period of one year from the date of disapproval by the City Council.  
(Ord. No. 04-23-LC, § 3, 8-16-04)

**A. What Information Do I Need to Submit with My Application?**

The following items **must** be submitted with your application packet:

1. Must have had scheduled and completed a pre-application meeting with the Community Development Director or Comprehensive Planning Manager prior to submitting your application;
2. A complete Official Zoning Map Amendment application;
3. **Application Fee: \$1,200.00 – Ordinance Amendment Applications**  
(FY2013 Schedule of Fees, Resolution 13-01, adopted 02/19/13, effective 03/01/13)

**This is a one-time, all-inclusive fee. It includes: initial application and resubmittals; and all costs associated with administration, outside consultant reviews, legal notices and mailings.**

4. A complete and notarized Agent Affidavit (if the applicant is not the owner). Agent Affidavit's must be provided from all owners of the subject property;
5. A signed and sealed survey of the subject property, which includes the legal description and the exact acreage of the proposed amendment (not dated older than 9 months);
6. A copy of the warranty deed, previous year's tax receipt, or property record card for the subject property; and
7. A general location map of the subject property in relation to the City limits.

#### **A. Hearing and Application Submittal Dates**

Official Zoning Map Amendment Applications are reviewed ~~only twice a year~~ by the Local Planning Agency:

1. ~~First Thursday in March (Spring Cycle)~~

2. ~~First Thursday in August (Fall Cycle)~~

Submittal deadlines are 60 calendar days prior to hearing date. Failure to provide a complete application and all required items in a timely manner will delay your hearing date. Submit applications to the Community Development Department at the City of Destin Annex, 4100 Indian Bayou Trail, Destin FL 32541.

#### **B. Preparing for Your Public Hearing**

A public hearing before the Local Planning Agency is required for any proposed amendment to the City's Land Development Code. The Local Planning Agency will forward the proposed amendment to the Destin City Council with a recommendation of approval or denial for a first reading.

Upon reaching the Council, the amendment must be approved on first reading in order for it to be heard on second reading. The Council may 1) officially adopt the amendment on second reading; 2) require changes, or 3) deny approval of the amendment. You will be advised of the date and time of the all hearings by mail. If the Council denies the amendment, then you have thirty (30) days to file an appeal with Circuit Court of Okaloosa County.

You must appear at the public hearings or be represented by an authorized agent or attorney in order for action to take place on your application. Any representative you designate must have completed Agent Affidavit form, which is available at the Community Development Department. If the owner or representative fails to appear at the hearing(s), without first providing a written notice to the City, the application will be tabled until the next available hearing date.

It is your responsibility to fully research and know any and all laws that may be applicable and affect the outcome of 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 including the city code, land development regulations, and the comprehensive plan. The City recommends that all applicants consider consulting an attorney regarding their application. Furthermore, you are encouraged to review, or copy, the Quasi-Judicial rules and procedures used by the Land Planning Agency prior to the public hearing.

#### **C. Additional Information**

Applicants are encouraged to seek a pre-application conference with the Community Development Director to discuss the content and format of the Official Zoning Map Amendment application. Acceptance of the application for amendment to the Official Zoning Map should not be construed as staff support for the amendment request. Please contact the Planning Manager at the phone number listed on the front page to schedule an appointment.

Approval of an Official Zoning Map Amendment does not guarantee and/or entitle the applicant/owner to any type of development permit.



**City of Destin**  
Community Development Department  
**Planning Division**  
City of Destin Annex  
4100 Indian Bayou Trail  
Destin, Florida 32541  
Phone (850) 837-4242 • Fax (850) 460-2171  
[www.cityofdestin.com/index.aspx?nid=91](http://www.cityofdestin.com/index.aspx?nid=91)

**COMPREHENSIVE PLAN AMENDMENT - LARGE-SCALE**  
Sites greater than 10 acres

Note: Application will be voided if changes to this application are found.

19-03-PC

1. **CONTACT INFORMATION:**

**A. Applicant:** Indian Bayou Properties  
**Mailing Address:** 1 Country Club Drive East, P. O. Box 788, Destin, FL 32541  
**Business Phone:** 850-585-4811 **Cell:** 850-585-4811  
**Email:** cgwin@coastaldev.net

**B. Property Owner:** Indian Bayou Properties  
**Mailing Address:** P. O. Box 788, Destin, FL 32541  
**Business Phone:**  **Cell:** 850-585-4811  
**Email:**

**C. Authorized Agent (if applicable):** Curtis Gwin  
**Mailing Address:** 4 Weekewachee Circle, Destin, FL 32541  
**Business Phone:**  **Cell:** 850-585-4811  
**Email:** cgwin@coastaldev.net

*Note: Owner must complete the attached Agent Affidavit.  
If there is more than one owner, each owner must complete an Agent Affidavit.*

**RECEIVED**

FEB 11 2019

2. **PROPERTY INFORMATION:**

A. Existing Street Address: 1 Country Club Drive East, Destin, FL 32541

Parcel ID (s): 00-2S-22-0000-0046-0000

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plat Book: \_\_\_\_\_ Page Number: \_\_\_\_\_

Subdivision: Indian Bayou

B. Existing Future Land Use Category: \_\_\_\_\_ (To be completed by the City)

Proposed Future Land Use Category: LDR-V - low density residential - village

Zoning District Classification: \_\_\_\_\_ (To be completed by the City)

Is a zoning change requested? YES ☒ NO ☐

If you answered "yes" to the above question, what zoning classification is desired for the subject property? LDR-V - Low Density Residential - Village

C. Existing use of subject property: Vacant

3. **AMENDMENT REQUEST**

A. Please provide a general description of the proposed amendment, explaining why it is necessary and/or appropriate.

see attached sheet.

B. Date of pre-application: 9/5/ 2018 at 10:30 am

C. Total acreage of the property in the proposed amendment: 75.08 acres

D. Has the property received any waivers, special exceptions or variances? YES ☐ NO ☒

If you answered "yes" to the above question, please explain – including when approved.

### 3. Amendment Request

A. The present REC Zoning is not accurate, the property was used as a Nine Hole Golf Course until August of this year, which is a commercial operation, not recreation. The property was zoned MLDR – medium low density residential on the 2000 Comp Plan FLUM and at some point, was changed/rezoned to REC without the Owners knowledge. This was done in error, as this is the only REC Zoning on non-public (private) property within the City of Destin. All other REC Zoned land within the City and Okaloosa Co. is public land. We, therefore, state that this rezoning is necessary, appropriate, and suitable.

The proposed specific use of the property is to be low density residential.

**Criteria for Reviewing Proposed Map Amendments.** Any decision regarding a Comprehensive Plan Future Land Use Map amendment shall be based on the following:

- E. Orderly Development and Land Use Compatibility.** Whether, and the extent to which, the proposal would maintain a compatible land use pattern, a smooth transition in the land use, considering the type and location of uses involved, the density, and intensity. Approval of a Comprehensive Plan amendment must be supported by evidence that the change will be consistent with Comprehensive Plan land use policies. Please explain the impact of the proposed amendment upon the surrounding neighborhoods and land uses and list any supporting policies.

The surrounding neighborhoods and land uses will not be impacted.

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The adjoining properties are the airport, a golf course, the city and a church.

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- F. Adequate Public Facilities.** Approval of a Comprehensive Plan amendment must be supported by evidence that the amendment will not result in public facilities and services exceeding the capacity for such services and facilities existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services. Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan, if the proposed amendment is granted.

The amendment will not result in exceeding capacity for any City services.

---

- G. Natural Environment.** Whether, and the extent to which, the proposal would result in significantly adverse impacts on the natural environment. An amendment of the Future Land Use Map shall not violate policies within the Comprehensive Plan that protect the natural environment. Please explain the impact of the proposed amendment upon the natural environment, if any.

There will be no adverse affect on the natural environment with the proposed amendment.

---

- H. Economic Effects.** Whether, and the extent to which, the proposal would adversely impact private property rights, the general health, safety, and welfare and adversely impact the financial resources of the City. Please describe any potential adverse impacts on private property rights, the general health, safety, and welfare and the financial resources of the City.

There will be no adverse impact on private property rights, the general health, safety, and welfare and adverse impact

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on the City's financial resources. To the contrary, the added tax base will have a positive impact on the financial resources of the City.

---

- I. Public Interest Enabling Act.** Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and intent of the Comprehensive Plan and its enabling legislation. Amendments shall be consistent with the Comprehensive Plan and enabling legislation. Please explain any potential conflicts with the public interest. Also explain how the proposed amendment is in harmony with the purpose and intent of the Comprehensive Plan and its enabling legislation.

The proposed amendment will not be in conflict with the public interest and is in harmony with the purpose and intent of the Comp Plan

and its enabling legislation. The amendment is consistent with the Comp Plan and enabling legislation. There are no conflicts with the public interest.

This amendment is in harmony with the Comp Plan due to the fact that there is a process by which the Comp Plan can be amended and this amendment meets or exceeds all requirements.

- J. Special Privileges.** Whether proposed amendment would constitute a grant of special privilege to an individual owner as contrasted with the public welfare. Please explain whether proposed amendment would constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

No special privilege to the land owner is granted with this amendment.

- K. Other Matters.** Other matters related to the Comprehensive Plan and conditions since adoption of the plan, which the City may deem appropriate in considering the amendment. Please identify and explain any other matters which the City may deem appropriate in considering the amendment.

The City should deem the granting of this amendment appropriate due to the public benefit of

re-opening the connector road to Commons Drive for health, safety and welfare for emergency access,

for the added tax base to the City's revenue and the enhanced quality of life for the public and existing residents of Indian Bayou.

**4. SUBMITTAL REQUIREMENTS FOR A FUTURE LAND USE MAP AMENDMENT:**

1.   X   **Completed application** - All applicable areas of the application shall be filled in and submitted to the Community Development Department Planning Division at the City of Destin Annex, 4100 Indian Bayou Trail, Destin, Florida 32541.

2.   X   **Application Fee: \$1,200.00 – Ordinance Amendment Applications**  
(FY2017 Schedule of Fees, Resolution 17-05, adopted 02/22/17, effective 02/23/17)

**Application fee includes First 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**

3.   X   **Proof of Ownership** - A copy of the last recorded deed of the property. Owner on deed must correspond to "Current Owner" identified on page 1.

**see attached Special Warranty Deed.**

---

**NOTE: 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. The agent affidavit must be completely filled out and submitted with this application. If the property has multiple owners, then all owners or their designated agents must sign this application.**

---

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

**APPLICANT:**

**SIGNATURE:**



**DATE:**

2/5/19

**PRINTED NAME:**

Curtis Gwin

**AGENT AFFIDAVIT  
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Robert E. Lee  
am presently the owner and/or leaseholder at 1 Country Club Drive East, Destin, FL; Parcel No. 22-2S-0000-0046-0000  
and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents  
do make, constitute and appoint Curtis Gwin  
whose address is 4 Weekewachee Circle, Destin, County of Okaloosa, State of Florida,  
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: the Comprehensive Plan Amendment - Large-Scale

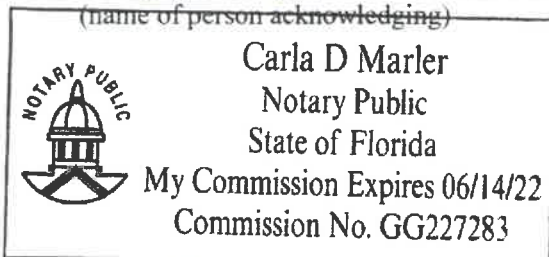
FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the  
aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully  
done hereunder by the said attorney shall be binding on myself and my heirs,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

INDIAN BAY PROPERTIES  
OWNER  
[Signature]  
Signature MANAGING PARTNER  
ROBERT E. LEE  
Printed Name

STATE OF Florida  
COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me this 5 day of February, 20 19,  
by Robert E. Lee  
(name of person acknowledging)



[Signature]  
Signature of Notary  
Carla D Marler  
Printed Name of Notary or Seal

Personally known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_

**DO NOT SUBMIT INFORMATION BELOW WITH APPLICATION**

**APPLICATION AND HEARING INFORMATION**

**Large-Scale Comprehensive Plan Amendment**

**A. Does Your Property Meet the Criteria for this Application?**

As required by Chapter 163.3187 of the Florida Statutes, certain criteria must be met in order to request a Large-Scale Comprehensive Plan Amendment. The subject property of the proposed amendment:

1. Must involve any land use in excess of ten (10) acres;
2. If a residential use is involved, the property must have a density of greater than ten (ten) units per acre; and
3. May only be amended in such a way as to preserve the internal consistency of the plan.

If your application does not meet the above-mentioned requirements (for example, the subject site must be in excess of 10 acres), you should apply for a Small-Scale Comprehensive Plan Amendment. A member of the Community Development Department staff can assist you with this determination.

Furthermore, no text change of the comprehensive plan may be requested for a single site within a land use category, rather, then entire category has to be amended.

**B. What Information Do I Need to Submit with My Application?**

The following items **must** be submitted with your application packet:

1. Must have had scheduled and completed a pre-application meeting with the Community Development Director or Comprehensive Planning Manager prior to submitting your application;
2. A complete Large-Scale Comprehensive Plan Amendment application;
3. **Application Fee: \$1,200.00 – Ordinance Amendment Applications**  
(FY2013 Schedule of Fees, Resolution 13-01, adopted 02/19/13, effective 03/01/13)

**This is a one-time, all-inclusive fee. It includes: initial application and resubmittals; and all costs associated with administration, outside consultant reviews, legal notices and mailings.**

4. A complete and notarized Agent Affidavit (if the applicant is not the owner). Agent Affidavit's must be provided from all owners of the subject property;
5. A signed and sealed survey of the subject property, which includes the legal description and the exact acreage of the proposed amendment (not dated older than 9 months);
6. A copy of the warranty deed, previous year's tax receipt, or property record card for the subject property; and
7. A general location map of the subject property in relation to the City limits.

### **C. Hearing and Application Submittal Dates**

Large-Scale Amendment Applications are reviewed **only twice a year** by the Local Planning Agency:

1. First Thursday in March (Spring Cycle)
2. First Thursday in August (Fall Cycle)

Submittal deadlines are 60 calendar days prior to hearing date. Failure to provide a complete application and all required items in a timely manner will delay your hearing date. Submit applications to the Community Development Department at the City of Destin Annex, 4100 Indian Bayou Trail, Destin FL 32541.

### **D. Preparing for Your Public Hearing**

A public hearing before the Local Planning Agency is required for any proposed amendment to the City's Comprehensive Plan. The Local Planning Agency will forward the proposed amendment to the Destin City Council with a recommendation of approval or denial for a first reading.

Upon reaching the Council, the amendment must be approved in order for it to be transmitted to the Florida Department of Economic Opportunity (DEO). DEO will review the Comprehensive Plan Amendment and may 1) accept the amendment without changes; 2) require changes, or 3) deny approval of the amendment. If the amendment is approved by DEO with or without changes, the City Council must adopt the amendment by ordinance at a second reading. You will be advised of the date and time of the all hearings by mail. If the Council denies the amendment, then you have thirty (30) days to file an appeal with Circuit Court of Okaloosa County.

You must appear at the public hearings or be represented by an authorized agent or attorney in order for action to take place on your application. Any representative you designate must have completed Agent Affidavit form, which is available at the Community Development Department. If the owner or representative fails to appear at the hearing(s), without first providing a written notice to the City, the application will be tabled until the next available hearing date.

It is your responsibility to fully research and know any and all laws that may be applicable and affect the outcome of 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 including the city code, land development regulations, and the comprehensive plan. The City recommends that all applicants consider consulting an attorney regarding their application. Furthermore, you are encouraged to review, or copy, the Quasi-Judicial rules and procedures used by the Land Planning Agency prior to the public hearing.

### **E. Additional Information**

Applicants are encouraged to seek a pre-application conference with the Community Development Director to discuss the content and format of the Large-Scale Comprehensive Plan Amendment application. Acceptance of the application for amendment to the Comprehensive Plan should not be construed as staff support for the amendment request. Please contact the Comprehensive Planning Manager at the phone number listed on the front page to schedule an appointment.

Approval of a Large-Scale Comprehensive Plan Amendment does not guarantee and/or entitle the applicant/owner to any type of development permit.

**CITY OF DESTIN**



# AGENDA ITEM

**COUNCIL MEETING DATE:** August 6, 2018

**TYPE OF AGENDA ITEM:** Ordinance

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**TO:** LPA

**THRU:** Community Development Director/ Louis Zunguze  
City Land Use Attorney/Kimberly Kopp

**FROM:** Planner/Sam Brisolara

**DATE:** March 17, 2019

**SUBJECT:** Ordinance 18-15-LC Wheeled Vehicles on the Beach

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## **I. BACKGROUND:**

1. Consistent with the Comprehensive Plan 2020 Goals, Objectives and Policies, it is a strategic objective of the City Council to periodically amend the Land Development Code to strengthen and improve regulatory efficiency.

This ordinance is related to the use of wheeled vehicles on public and private areas of the City's Beaches. Recently, the City of Destin has seen an increase in the amount of wheeled vehicles driving on privately owned beach property. Driving on the beach is not only aesthetically displeasing, it is also dangerous for beachgoers. Additionally, driving wheeled vehicles on the beach can be damaging to the ecosystem, including the beach fauna and flora. It is widely recognized that beach driving can cause serious ecological impacts by potentially destroying nesting areas for sea turtles and birds. Pristine beaches, clear of vehicle tracks, allow the recovery of all coastal organisms that benefit from the lack of disturbance and compacting of the substrate by the heavy vehicles.

The City's Land Development Code Section 11.08.02 bans the use of wheeled vehicles on the beach but is not clear as to whether driving vehicles on private beaches is prohibited. Therefore, the purpose of this ordinance is to amend the Land Development Code to clearly and unequivocally prohibit the use of all wheeled vehicles on all beaches in the Destin City limits, regardless of property ownership status.

On July 19, 2018, the Local Planning Agency found Ordinance No. 18-15-LC consistent with Comprehensive Plan: 2020, and recommended the adoption of said Ordinance by City Council by a vote of 5-0. (Motion- Shelton, 2nd - McDowell). Since that time, the City Council directed staff to make changes to the ordinance, and the revised ordinance is back before the LPA for additional review and recommendation. The sections on permitting and decals are newly added.

## **II. DISCUSSION:**

1. The purpose of this ordinance is to balance the comfort and convenience of tourists and local beach-goers with the need to protect the health, safety and welfare of those on the beach, as well as, prevent negative environmental impacts stemming from the use of wheeled vehicles on the beach. The City's intent is to not interfere with the enjoyment and comfort of beach goers and this Ordinance will not prohibit or hinder the level of beach access currently enjoyed by both locals and tourists.

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

1. Goal 4 High quality of life and safety for families.

### **B. Comprehensive Plan Consistency;**

Proposed Ordinance No. 18-15-LC is consistent with:

- Policy 1-1.1: Urban Design Standards and Design Criteria.
- Policy 7-1.1.4 Maintain Existing Recreation Land and Facilities

### **B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.

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

Enhancement of the City's recreational Level of Service standards anticipated.

**III. CONCLUSION:** The amended language of the Land Development Code clearly and unequivocally prohibit the use of all wheeled vehicles on all beaches in the Destin City limits, regardless of property ownership status.

### **Attachments:**

1. 8.06.18 Ord. 18-15-LC - Beach Driving Ordinance - Exhibit A

## **ORDINANCE 18-15-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

### **SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City of Destin has seen an increase in the amount of vehicles driving on privately owned beach property; and

**WHEREAS**, Driving on beach is aesthetically displeasing and dangerous for beach strollers as well as damaging to the ecosystem and large-scale prohibition of driving may bring back the beach fauna and flora; and

**WHEREAS**, Land Development Code Section 11.08.02 bans the use of wheeled vehicles on the beach but is not clear as to whether driving vehicles on private beaches is prohibited; and

**WHEREAS**, the City Council has deemed it necessary to amend the existing Land Development Code to clearly and unequivocally prohibit the use of all wheeled vehicles on all beaches regardless of who owns the beach; and

**WHEREAS**, the City Council desires to balance the comfort and convenience of tourists and local beach-goers with the need to protect the health, safety and welfare of those on the beach as well as prevent negative environmental impacts stemming from the use of wheeled vehicles on the beach; and

**WHEREAS**, the City of Destin promotes tourism, including appreciation and enjoyment of the City's abundant preserved natural areas, pristine beaches, and walking and bicycling paths that make the City of Destin unique among Florida's coastal municipalities; and

**WHEREAS**, many coastal jurisdictions in the State of Florida, and across the nation, have standards in place to minimize the negative impacts caused by vehicular activity on both public and private beaches; and

**WHEREAS**, pristine beaches, clear of vehicle tracks, allow the recovery of all coastal organisms that benefit from the lack of disturbance and compacting of the substrate by the heavy vehicles; and

**WHEREAS**, it is widely recognized that beach driving can cause serious ecological impacts by potentially destroying nesting areas for sea turtles and birds; and

**WHEREAS**, in *Proposed Rule - Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Northwest Atlantic Ocean Distinct Population Segment of the Loggerhead Sea Turtle* (Federal Register, March 25, 2013) it is stated that, "Beach driving has been found to reduce the quality of loggerhead nesting habitat in several ways. In the southeastern United States, vehicle ruts on the beach have been found to prevent or impede hatchlings from reaching the ocean following emergence from the nest (Hosier et al. 1981, p. 160; Cox et al. 1994, p. 27; Hughes and Caine 1994, p. 237). Sand compaction by vehicles has been found to hinder nest construction and hatchling emergence from nests (Mann 1977, p. 96). Vehicle lights and vehicle movement on the beach after dark results in reduced habitat suitability, which can deter females from nesting and disorient hatchlings. If driving occurs at night, sea turtles could be run over and injured. Additionally, vehicle traffic on nesting beaches contributes to erosion, especially during high tides or on narrow beaches where driving is concentrated on the high beach and foredune."; and

**WHEREAS**, shore erosion can be caused by careless beach driving; and

**WHEREAS**, beach driving can pose a serious safety hazard to beach goers and there have been injuries and deaths to beach goers caused by vehicles in coastal areas where beach driving is allowed; and

**WHEREAS**, the City Council does not wish to interfere with the enjoyment and comfort of beach goers and this Ordinance will not prohibit or hinder the level of beach access currently enjoyed by both locals and tourists; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, a public hearing has been conducted by the City Council after due public notice.

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

**NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language**

proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

### SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 11.08.02.

Section 11.08.02 of the Land Development Code is hereby amended as follows:

\*\*\*

~~C. Wheeled vehicles. The use of wheeled vehicles, other than emergency and public safety vehicles, turtle nest monitoring, baby strollers, or equipment for mobility impaired persons, is prohibited except by special permit.~~

C. Wheeled vehicles. This clause is applicable regardless of whether the beach is privately owned or open to the public. Violations of this clause shall subject the violator to code enforcement proceedings, criminal prosecution, or both.

(i) **Definition of Wheeled vehicle.** Anything that moves on wheels, sleds, or treads, and is able to transport/carry things or people, and which utilizes a form of propulsion such as: (1) a motor that is gas powered, wind powered, coal powered, wood powered, solar powered, kinetically powered, or battery powered; (2) an internal combustion engine; or (3) pedals, chains, springs, or hydraulics for manual propulsion. Additionally, anything that is pulled by a horse, mule, camel, or donkey, and which transports things or people, is also a Wheeled vehicle for purposes of this section.

a. **Express Exceptions:** Baby strollers weighing less than 100lbs; wagons/wheelbarrows/hand-carts/pull-carts that are pushed/pulled by a human; wheelchairs weighing less than 300lbs.

(ii) **Definition of Beach.** The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Also, the definition of beach includes: (1) any undeveloped property wherein a federal spoils easement exists for the placement of fill from a dredging operation; (2) any undeveloped sandy areas, including sea oats, within a 1,000 foot radius of the Army Corp of Engineers jetty located on the eastern shore of the East Pass; (3) any sandy areas, including sea oats, seaward of any home or condominium building, located between the Army Corp of Engineers jetty located on the eastern shore of the East Pass, and the entrance of the Destin Harbor; or (4) any undeveloped sandy areas, including sea oats, located on Norriego Point, including the City park, and any sandy areas within 1,000 feet of the park and on Norriego Point.

(iii) **Permit Required.** Any wheeled vehicle on a beach within the Destin City Limits shall have a permit decal displayed prominently on the front windshield of the vehicle. The permit decals shall be issued annually by the City Manager, or City Manager's designee. Permit decals shall be free of charge, and shall be issued within a reasonable time of request.

(iv) **Permit Eligibility.** The following wheeled vehicles shall be the only wheeled vehicles eligible to receive permit decals: (1) Any governmental vehicle that is operated by any law enforcement agency with jurisdiction over the beaches within the Destin City Limits, (2) Any governmental vehicle operated by the Destin Fire District, or any lifeguards officially sanctioned by the Destin Fire District, the Okaloosa County TDC, or the City of Destin, (3) Any wheeled vehicle owned or operated by a state or federal agency that requires the use of a vehicle on the beaches within the Destin City Limits, (4) Any vehicle that is utilized by a life safety entity, or organization, to perform life safety or rescue operations, (5) Any vehicle owned or operated by a non-profit entity that is licensed by the state or federal government to rescue or monitor endangered wildlife, injured native wildlife, turtles, manatees, or dolphins, (6) Any vehicle necessary for beach cleaning, or raking, which is owned or operated by an individual or entity that is contracted by a governmental entity or agency, or (7) Any Beach Vendor whom meets the requirements of subsection (a), below.

a. **Beach Vendor Permit:** If a vendor possesses a Business Tax Receipt that permits the vendor to operate a business that rents beach chairs and beach umbrellas for profit within the Destin City limits, or which permits the vendor to provide beach chairs and beach umbrellas as an amenity provided to the guests of any condominium or hotel, and the vendor can provide written proof that it has a legal right to provide beach chairs and beach umbrellas on a beach within the Destin City limits, then the vendor shall be entitled to one (1) permit for the entire business, and any affiliated businesses. If a vendor receives such a permit, then the permit shall be affixed to either an ATV, or to a truck equal to, or smaller than a half ton pickup truck. Unless enforcement of City Ordinances is suspended by the City Manager due to a pending natural disaster, then a Beach Vendor Permit shall only permit the operation of a wheeled vehicle between the hours of 5:01 p.m., CST to 9:00 a.m. CST.

b. **Construction Beach Permits:** If the City issues any permit in connection with construction activities, or design activities associated with permitted construction activities, that might occur on any beach, then the permittee shall be eligible to receive a reasonable number of wheeled vehicle Construction Beach Permits to allow the construction or design activities to be completed. The number of reasonable Construction Beach Permits shall be determined by the City Manager on a case by case basis.

(v) **Decals.** For each Permit issued under this section, a decal will be issued, which shall be affixed to the permitted wheeled vehicle. New decals with different color codings shall be issued each calendar year, and it is the duty of Permit holder to obtain a new decal each calendar year. Beach Vendor permit decals, and Construction Beach Permits shall be color coded differently from the other six categories listed in section (iv) above, in order to assist law enforcement with enforcing this ordinance.

(vi) **Criminal Penalty.** It shall be unlawful for any person to place, leave, drive, or cause to be driven, an unpermitted wheeled vehicle on any beach within the Destin City Limits. Anyone in violation of this clause shall be guilty of a second degree misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both, as

provided by law, and in addition shall pay all costs and expenses incurred in the prosecution of such violation.

\*\*\*

**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Rey Bailey, City Clerk

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

\_\_\_\_\_  
Kimberly Romano Kopp, Land Use Attorney

CITY OF DESTIN



# AGENDA ITEM

TYPE OF AGENDA ITEM: Ordinance

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**TO:** LPA

**THRU:** Community Development Director/ Louis Zunguze  
City Land Use Attorney/Kimberly Kopp

**FROM:** Planner/ Sam Brisolara

**DATE:** March 21, 2019

**SUBJECT:** Special events in residential areas

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**I. BACKGROUND:** Currently, section 7.12.04 of the Land Development Code prohibits buildings, structures and land from being used except in conformity with zoning district regulations. While the City's residential zoning districts currently prohibit nonresidential activities, and therefore, the Code already prohibits commercial special events from being held in residential areas, the City Council has directed staff to clarify the Code on these points due to the increase in commercial activities in residential districts within the City and in order to clarify existing City codes.

**II. DISCUSSION:**

The proposed Ordinance 18-30-LC prohibits advertising or marketing for a special event in a residential zoning district. It further provides that such code violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

Additionally, the proposed ordinance, in current form, provides for the following new definitions:

*Commercial special events:* Any wedding or wedding reception, bachelor party, family reunion, class reunion, company banquet, retreat and/or picnic, or other similar event or celebration for which a property owner or occupant of the property obtains a profit, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

1. The holding of two or more weddings or wedding receptions at the premises within any given twelve (12) month period is prima facie evidence that the event is a commercial special event.
2. The holding of two or more company banquets, retreats, and/or picnics at the premises within any given twelve (12) month period is prima facie evidence that such events are commercial special events.

*Commercial special event venue:* Any building, structure or land that is used or occupied for one or more commercial special events per year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure or land is a commercial special event venue.

*Commercial uses:* Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, or other commercial gain by the property's owner's (or property owner's authorized occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. Home occupations permitted pursuant to section 9.06.06 of this code are specifically excluded from this definition.

The ordinance will also specifically prohibit commercial special event venues in residential areas via inclusion in Table 7-2, which contains permitted and prohibited uses for each zoning district. A one year amortization clause is included to cover events for which property owners may already be under contract.

Additionally, the ordinance has been revised to prohibit any residence from holding more than 5 special events per year in a residential area, whether for profit or not. This has been done to prevent commercial gains from being wrapped into rental payments or other fees to avoid city code enforcement. Staff finds that the holding of more than 5 special events at the same property address within one calendar year is not a typical residential use and is not consistent with, or compatible with, residential zoning districts.

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

**III. CONCLUSION:** While the City's residential zoning districts currently prohibit nonresidential activities, and therefore, the Code already prohibits commercial special events from being held in residential areas, the City Council has directed staff to clarify the Code on these points due to the increase in special events and commercial activities in residential districts within the City and in order to clarify existing City codes.

Attachments:

**ORDINANCE NO. 18-30-LC**

**ORDINANCE NO. 18-30-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1. AUTHORITY.** The authority for enactment of this Ordinance is Article I, Section I .01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Pan II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, there has been an over-proliferation of special events, including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, and other similar events or celebrations) in residential zoning districts within the City of Destin, beyond which can reasonably and typically be expected to occur in residential areas; and

**WHEREAS**, the City has received complaints from citizens in residential areas regarding the over-proliferation of such special events in residential areas; and

**WHEREAS**, the City Council desires to amend its City Codes by limiting the number of special events that may occur on a single property annually within the City of Destin; and

**WHEREAS**, the conducting of commercial activity in residential areas has become a topic of concern within the City of Destin; and

**WHEREAS**, the City Council desires to obtain compliance with existing City codes by clarifying the existing code with respect to specified commercial activities; and

**WHEREAS**, Section 7.12.04(A) of the City's Land Development Code prohibits the use or occupation of buildings, structures, or land except in conformance with all of the regulations of the zoning district within which it is located; and

**WHEREAS**, each of the residential zoning districts within the City specifically prohibit commercial activities; and

**WHEREAS**, the presence of commercial activities within established residential neighborhoods can create negative compatibility impacts, among which include, but are not limited to, excessive noise, on-street parking, accumulation of trash and diminished public safety; and

**WHEREAS**, advertising for special events in residential areas encourages events and activities that are not consistent with, or compatible with, residential uses, and as such, such advertising should be prohibited in all residential zoning districts; and

**WHEREAS**, the City Council has determined that the holding of more than five special events within a calendar year at the same property in a residential neighborhood is not consistent with the character of residential areas and should be prohibited, even if it is not shown that a profit, monetary compensation, event fee, or other commercial gain was obtained by the property owner or property owner's agent, and the City Council recognizes that such profits or compensation may be included in general rental payments and other fees to avoid enforcement of City Codes; and

**WHEREAS**, the provisions of this Ordinance will serve to further address the concerns of the City and its residents related to illegal commercial activities in residential zoning districts, to preserve the quality of life in all City neighborhoods, and to provide clarification to residents of the City's intent in enforcement of its existing ordinances; and

**WHEREAS**, the City Council has deemed it in the best interest of its citizens and residents to adopt additional regulations for short-term rental units; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City and its citizens; and

**WHEREAS**, public hearings have been conducted by the City Council after due public notice; and

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

NOTE: Language in sections three (3), four (4) and five (5) of this ordinance that is ~~strike thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike- thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

**SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 3:** Article 3 of the Land Development Code is hereby amended as follows:

\* \* \*

#### **Article 3 Definitions.**

\* \* \*

#### **3.00.01 DEFINITIONS.**

For the purpose of this Code, the following terms, phrases, words and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.

\* \* \*

Commercial special events: Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.

- a. The holding of two or more weddings or wedding receptions at the premises within any given twelve (12) month period is prima facie evidence that the events are commercial special events.
- b. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given twelve (12) month period is prima facie evidence that such events are commercial special events.

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, or other commercial gain by the property owner's (or property owner's authorized occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. Home occupations permitted pursuant to section 9.06.06 of this code are specifically excluded from this definition.

\* \* \*

#### **SECTION 4. AMENDMENT OF LAND DEVELOPMENT CODE ARTICLE 7:**

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

\* \* \*

#### **Article 7 - LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS**

\* \* \*

**7.12.04. Compliance with Zoning District Regulations.** The regulations set forth in this section within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- A. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

\* \* \*

#### **N. Prohibition on Advertising for Special Events in Residential Zoning Districts. Advertising**

for special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar event or celebration) in a residential area and/or residential zoning district is prohibited. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional-Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

**O. Commercial Special Events Prohibited in Residential Zoning Districts.** Commercial special events are prohibited in all residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional-Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

**P. Limit on Number of Other Special Events In Residential Zoning Districts.** Special events (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that are not “commercial special events”, as defined in this Code, shall be limited to five or fewer in any twelve (12) month period in residential zoning districts. Residential zoning districts include Bay Estates (BE); Low Density Residential- Village (LDR-V); Low Density Residential – Holiday Isle (LDR-HI); Low Density Residential – Harbor (LDR-H); Medium Density Residential – Village (MDR-V); Medium Density Residential- Holiday Isle (MDR-HI); High Density Residential (HDR); Crystal Beach Neighborhood (CBN); Residential, Office and Institutional – General Development (ROI -GD); Residential, Office and Institutional – Tourist Development (ROI-TD); Residential, Office and Institutional-Village Residential (ROI-VR); and Residential, Office and Institutional – Crystal Beach Residential (ROI-CBR). Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

**Q. Pre-existing Contracts.** Notwithstanding any other provision of this ordinance, contracts for a commercial special event or other special event (including but not limited to weddings or wedding receptions, spring break parties, bachelor parties, family reunions, class reunions, company banquets, company retreats and/or company picnics, or other similar events or celebrations) that were pre-existing as of the enactment of this Ordinance 18-30-LC, ( hereinafter “Pre-existing Contracts”) are exempt from the provisions of this ordinance for a period of one (1) year. All bookings made subsequent to the enactment of this ordinance

are subject to the provisions of this ordinance.

Any defense under this subsection shall be determined based upon the following information, and upon any additional information supplied by the property owner or otherwise determined by the fact finder:

- i. Copy of deposit or payment information evidencing that the agreement was a Pre-existing Contract.
- ii. Copy of e-mail or other communication evidencing a binding Pre-existing Contract.
- iii. Information from the property owner confirming that there was a binding agreement in a time frame to make the agreement as Pre-existing Contract under this section.

If it is reasonably determined by the City staff, and confirmed by the City's Special Magistrate, that any information supplied to the City of Destin in support of an application for exemption, or in support of a defense based upon Pre-existing Contract, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the City Council by resolution.

\* \* \*

| TABLE 7-2: TABLE OF ALLOWABLE USES           |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|----------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
|                                              | B | D | L | L | M | M | H | C | C | C | C | R | R | R | R | T | C | C | S | N | G | H | B | I |
|                                              | E | R | D | D | D | D | D | B | L | G | T | O | O | O | O | C | C | M | H | H | R | I | R | I |
|                                              | V | I | H | H | V | I | R | N |   |   | S | D | D | R | B | U | U | U | U | U | U | U | A | S |
|                                              |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Sector 53 Real Estate and Rental and Leasing |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| 531 Real Estate services                     |   |   |   |   |   |   |   | P | P | P | P | P |   |   |   | P | P | P | P | P | P | P |   |   |
| 531120 Commercial Special Event Venue        |   |   |   |   |   |   |   | P |   |   |   |   |   |   |   |   | P | P | P | P | P | P | P |   |

\*  
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SECTION 5.  
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ARTICLE

AME

## E 9. HOUSING.

\*\*\*

### 9.06.06. Home Occupations -Standards.

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#### C. Prohibited home occupations.

The following uses are specifically prohibited in residential zones and are not, by definition, permitted home occupations:

- (1) Beauty/barber shops.
- (2) Appliance and motor repair.
- (3) Automotive/vehicle repairs/paint and body work.
- (4) Florist.
- (5) Veterinary clinic.
- (6) Radio/television repair.
- (7) Work involving hazardous materials.
- (8) Restaurants, bars, lounges or bottle clubs.
- (9) Fortunetellers or similar occupations.
- (10) Wholesale sales.
- (11) Retail sales.
- (12) Commercial special event venues.

(13) Any other occupation which does not meet the standards set forth herein.

**SECTION 6. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 7. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 8. SEVERABILITY.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 9. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

**ADOPTED THIS \_\_\_\_ DAY OF MARCH, 2019 .**

---

**By: Gary Jarvis, Mayor**

ATTEST:

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Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only:

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Kimberly Romano Kopp, Land Use Attorney

TABLE 7-2: TABLE OF ALLOWABLE USES

| Residential Use Designations             | BE | LDR-V | LDR-HI | LDR-H | LDR-IV | MDR-IV | MDR-HI | HDR | CBN | CL | CG | CTS | ROI-GD | ROI-TD | ROI-VR | ROI-CBR | CBR | TCMU | CMU | SHMU | NHMU | GRMU | HIMU | BRMU | IN | A | INST | REC | CON |  |
|------------------------------------------|----|-------|--------|-------|--------|--------|--------|-----|-----|----|----|-----|--------|--------|--------|---------|-----|------|-----|------|------|------|------|------|----|---|------|-----|-----|--|
|                                          |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Permanent or long-term residential uses  |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Single-family detached dwelling          | P  | P     | P      | P     | P      | P      | P      | P   | P   | P  | P  | P   | P      | P      | P      | P       | P   | P    | P   | C    | C    | P    | C    | P    |    |   |      |     |     |  |
| Multi-family attached dwelling           |    |       |        |       | P      | P      | P      | C   | P   |    |    |     | P      |        |        |         | P   | P    | P   | P    | P    | P    | P    | P    |    |   |      |     |     |  |
| Mobile home dwelling                     | C  |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Mobile home development                  |    |       |        |       |        |        |        | C   |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Guest house <sup>(1)</sup>               | P  |       |        |       | P      | P      | P      | P   | P   |    |    |     | P      | P      |        |         | P   |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Accessory dwelling                       | P  |       |        |       | P      | P      | P      | P   | P   |    |    |     | P      | P      |        |         | P   |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Custodian or night-watchman dwelling     |    |       |        |       |        |        |        |     |     |    |    |     | P      |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Single room occupancy housing            | P  | P     | P      | P     | P      | P      | P      | P   | P   | P  | P  | P   | P      | P      | P      | P       | P   | P    | P   | P    | P    | P    | P    | P    |    |   |      |     |     |  |
| Seasonal or short-term residential uses  |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Single-family detached dwelling          |    |       | P      |       |        |        | P      | P   | P   | P  |    |     |        | P      |        | P       | P   | P    | P   | C    | C    | P    | P    | P    |    |   |      |     |     |  |
| Luxury motor home resort                 |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      | P    |      | P  |   |      |     |     |  |
| Multi-family attached dwelling           |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Other residential uses                   |    |       |        |       |        |        |        |     |     |    |    |     |        |        |        |         |     |      |     |      |      |      |      |      |    |   |      |     |     |  |
| Community residential home, small (1—6)  | P  | P     | P      | P     | P      | P      | P      | P   | P   | P  | P  | P   | P      | P      | P      | P       | P   | P    | P   | C    | C    | P    | C    | C    |    |   |      |     |     |  |
| Community residential home, large (7—14) |    |       |        |       | P      | C      | C      | C   | C   | C  | C  | C   | C      | C      | C      | C       | C   | C    | C   | C    | C    | C    | C    | C    |    |   |      |     |     |  |

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| Sector 44-45 Retail trade                                 |  |  |  |       |   |  |       |   |   |
|-----------------------------------------------------------|--|--|--|-------|---|--|-------|---|---|
| 441 Motor vehicle and parts dealers                       |  |  |  |       |   |  |       |   |   |
| 4411 Automobile dealers                                   |  |  |  |       |   |  |       | C | P |
| 4412 Other motor vehicle dealers                          |  |  |  |       |   |  |       | C | P |
| 4413 Auto parts, accessories, and tire stores             |  |  |  | P     | P |  |       |   |   |
| 441310 Parts and Accessories Dealer—Automotive/marine     |  |  |  | P     | P |  |       | P | P |
| 442 Furniture and home furnishings stores                 |  |  |  | P (2) | P |  |       | P |   |
| 443 Electronics and appliance stores                      |  |  |  | P (2) | P |  |       | P |   |
| 444 Building material and garden equip. and supply dealer |  |  |  | P     | P |  |       |   |   |
| 444190 Kitchen cabinet stores                             |  |  |  | P     | P |  |       | P |   |
| 445 Food and beverage stores                              |  |  |  |       |   |  |       |   |   |
| 4451 Grocery stores                                       |  |  |  | P (2) | P |  |       | P |   |
| 4452 Specialty food stores                                |  |  |  | P (2) | P |  | P (4) | P | P |
| 4453 Beer, wine, and liquor stores                        |  |  |  | P (2) | P |  |       | P | P |
| 446 Health and personal care stores                       |  |  |  | P (2) | P |  | P (4) | P | P |
| 446110 Medical marijuana dispensary                       |  |  |  |       |   |  |       |   | C |
| 447 Gasoline stations                                     |  |  |  | P     |   |  | P     | P | P |

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|                                                           |  |  |  |  |  |          |   |  |                  |   |   |   |   |  |  |   |   |
|-----------------------------------------------------------|--|--|--|--|--|----------|---|--|------------------|---|---|---|---|--|--|---|---|
| 442 Furniture and home furnishings stores                 |  |  |  |  |  | P<br>(2) | P |  |                  | P | P | P |   |  |  |   |   |
| 443 Electronics and appliance stores                      |  |  |  |  |  | P<br>(2) | P |  |                  | P | P | P |   |  |  |   |   |
| 444 Building material and garden equip. and supply dealer |  |  |  |  |  |          | P |  |                  |   |   |   |   |  |  |   |   |
| 444190 Kitchen cabinet stores                             |  |  |  |  |  | P        | P |  |                  |   |   |   |   |  |  |   |   |
| 445 Food and beverage stores                              |  |  |  |  |  |          |   |  |                  |   |   | P |   |  |  |   |   |
| 4451 Grocery stores                                       |  |  |  |  |  | P<br>(2) | P |  |                  | P | P | P |   |  |  |   |   |
| 4452 Specialty food stores                                |  |  |  |  |  | P<br>(2) | P |  | p <sup>(4)</sup> | P | P | P | P |  |  |   | P |
| 4453 Beer, wine, and liquor stores                        |  |  |  |  |  | P<br>(2) | P |  |                  | P | P | P | P |  |  |   | P |
| 446 Health and personal care stores                       |  |  |  |  |  | P<br>(2) | P |  | p <sup>(4)</sup> | P | P | P | P |  |  |   | P |
| 446110 Medical marijuana dispensary                       |  |  |  |  |  |          |   |  |                  |   |   |   |   |  |  | C |   |
| 447 Gasoline stations                                     |  |  |  |  |  |          | P |  | P                | P | P | P | P |  |  |   | P |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <sup>11</sup> Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |  |
| <sup>12</sup> Commercial transient living accommodations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| <sup>13</sup> Used merchandise stores are restricted to only those that are classified as a nonprofit business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| <sup>14</sup> Can only provide said services free of charge, refer to section 7.09.02B(11) for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| <sup>15</sup> Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <sup>16</sup> Refer to Section 7.09.02(B)12 for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| <sup>17</sup> Reserved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
| <sup>18</sup> Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |
| <sup>19</sup> No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.                                                                                      |  |
| <sup>20</sup> No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City. |  |

CITY OF DESTIN



# AGENDA ITEM

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**TO:** LPA

**THRU:** Community Development Director/ Louis Zunguze  
City Land Use Attorney/ Kimberly Kopp

**FROM:** Planner/ Sam Brisolara

**DATE:** March 21, 2019

**SUBJECT:** Ordinance 19-04-LC regulating Pay-to-Park Facilities

---

**I. BACKGROUND:** Based on concerns expressed by members of the City Council at the regular City Council meeting held on January 21, 2019, staff prepared a draft ordinance for discussion purposes only. The City Council discussed the first draft ordinance related to pay-for-park facilities at its regular meeting held on February 4, 2019. Based on comments made at the February 4th meeting, staff revised the draft ordinance for City Council consideration on February 19, 2019. On February 19, 2019, the City Council directed staff to move the attached proposed Ordinance 19-04-LC to the LPA for review and a recommendation.

**II. DISCUSSION:** Ordinance 19-04-LC is proposed to be applicable to all pay-to-park facilities within the City, whether such facilities are publicly- or privately-owned.

The Ordinance requires that pay-to-park facilities have patrons pay for parking upon exiting the facility, or within a designated parking spot within the facility, but prohibits payments from being made at the entrance or in any drive area within the facility other than the exit lane.

Additionally, the draft ordinance prohibits a pay-to-park facility from obstructing the entrance and exit lane(s) of the facility with pooling traffic that may spill out onto roadways located within the City, creating safety concerns and congestion.

The ordinance contains civil and criminal penalties for noncompliance to the

extent authorized by Florida law.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

**III. CONCLUSION:** Staff is seeking review and a recommendation to City Council at this time.

Attachments:

1. Ordinance 19-04-LC

## **ORDINANCE 19-04-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes, and Section 162.22, Florida Statutes.

### **SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council desires that all pay-to-park parking facilities within the City provide a safe and convenient area for payment of parking fees;

**WHEREAS**, the City Council further desires to alleviate or prevent the back-up of vehicles at the entrance to pay-to-park facilities which may cause spillover and congestion of traffic on the roads, streets and highways;

**WHEREAS**, the City Council desires to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles and pedestrians, and between vehicles on line to pay fees to pay-to-park facilities; and

**WHEREAS**, the City Council has deemed it necessary to amend the existing Land Development Code to clearly and unequivocally prohibit the collection of parking fees at entrances to pay-to-park facilities; and

**WHEREAS**, the City Council desires to balance the comfort and convenience of residents, tourists and business-owners with the need to protect the health, safety and welfare of those on the roads, streets and highways; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

### SECTION 3. CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00.

Section 8.10.00 of the Land Development Code is hereby created as follows:

\*\*\*

#### Section 8.10.00. Pay-to-park facilities.

A. Purpose and Intent. The City seeks to clearly and unequivocally prohibit the collection of parking fees at entrances to pay-to-park facilities in order to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles and pedestrians, and between vehicles in line to pay fees to parking facilities. Further, the intent of this section is to alleviate or prevent the back-up of vehicles at the entrance to pay-to-park facilities, and to further prevent spillover and congestion of traffic onto the roads, streets and highways. The City's purpose is to balance the comfort and convenience of residents, tourists and business-owners with the need to protect the health, safety and welfare of those on the roads, streets and highways.

B. Application. This section applies to all parking facilities, including but not limited to all parking structures and parking lots.

C. Payment to be collected in designated parking spaces or at exit of parking facility. Pay-to park facilities shall require patrons to pay for parking either (1) after the vehicle is parked in a designated parking spot or (2) upon exiting the parking facility, when the vehicle is in the exit lane of the parking facility. In no case shall payments for parking be permitted to be made at the entrance to the parking facility, or within any accessway or drive area in the parking facility, other than the exit lane as specified herein. Any pay-to-park facility in violation of this subsection is subject to the civil and criminal penalties set forth herein.

D. Backup and spillover of vehicles. The entrance or exit lane(s) of a pay-to-park facility may not be obstructed such that congestion of vehicles spills over onto any city, state or federal highway, road or street. A pay-to-park facility that causes or allows vehicles to back-up and spillover on to any city, state or federal highway, road or street is subject to the civil and criminal penalties set forth herein.

E. Enforcement.

1. **Code Compliance.** The code compliance department may enforce the terms of this section 8.10.00 by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes.
2. **Civil Citation:** The code compliance department, or other duly authorized officer or authority, may enforce the terms of this section 8.10.00 through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.
3. **Criminal Penalties:** A violation of this section 8.10.00 shall be punishable as a misdemeanor by a fine of up to five hundred (\$500.00) dollars per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22.
4. **Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with this section 8.10.00, including but not limited to: (a). Pursuit of injunctive and/or declaratory relief in a court of law; and (b). Utilizing any other action or enforcement method allowable by law.**

\*\*\*

**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Rey Bailey, City Clerk

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

\_\_\_\_\_  
Kimberly Romano Kopp, Land Use Attorney



## COMMUNITY DEVELOPMENT DEPARTMENT

# AGENDA ITEM

**LPA MEETING DATE:** March 21, 2019

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

---

**TO:** Local Planning Agency  
**THRU:** City Land Use Attorney/Kimberly Kopp & Community Development Director, Louis Zunguze  
**FROM:** Planner/Lauren Witt  
**DATE:** March 13, 2019  
**SUBJECT:** Proposed Ordinance No. 19-05-LC, Harbor District Overlay

---

**ISSUE:** There is currently nothing in the Land Development Code which encourages Staff to require architectural compatibility and preservation of historic structures in a portion of the Harbor Planning Area of Destin, as outlined in Policy 1-1.3.3(1) of the Comprehensive Plan.

**BACKGROUND:** The Land Development Code contains no specific design requirements other than what is included in the Multi-Modal Transportation District (MMTD). The Destin Harbor is a vital part of Destin's history, and the proposed Ordinance aims to preserve the character of the Destin Harbor and encourage uses and activities which contribute to tourist commercial development while maintaining the historic value of the Destin Harbor.

**REQUEST:** The proposed ordinance applies to uses in those zoning districts within the Harbor Overlay District, and a conditional use process for designated projects, structures and sites of significance to the History of the Destin Harbor, based on the outlined criteria.

**DISCUSSION:** The purpose of the proposed ordinance is to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98 and to encourage the reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace.

The proposed ordinance includes a conditional use process in those zoning districts in the Harbor Overlay. The conditional use process will review projects based on specific criteria, such as: scale and intensity, on or off site improvement needs, and on-site amenities proposed. The conditional use shall be approved or denied by City Council, based on a recommendation from the Local Planning Agency.

The proposed ordinance also includes both the process for designation of structures and sites significant to the History of the Destin Harbor, as well as the criteria for that designation. The City Council may grant a Certificate of Appropriateness, if there is an existing structure on this site, which the applicant seeks to preserve, and which was constructed prior to 1975, and at least one of the following is met:

1. HISTORICAL SIGNIFICANCE

The proposed changes of use, developments or redevelopments should show character, interest or value as a part of the development, heritage, or cultural characteristics of the Harbor area, be the site of historic or prehistoric events that had an effect upon the City, or exemplify the cultural, political, economic, or social heritage of Destin.

2. ARCHITECTURAL SIGNIFICANCE

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural periods/styles, embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

3. ENVIRONMENTAL SIGNIFICANCE

Proposed changes of use, developments or redevelopments should enhance variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

In addition, the proposed process outlines Code Waivers required to further the intent of the Harbor District Overlay, and the Appeals and Penalties processes with the City of Destin.

A. Link to Strategic Goals /Objectives: Enhance Quality of Life.

B. Effect on Budget (EOB): There is not any anticipated effect on the budget.

C. Level of Service (LOS): The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

**COMPREHENSIVE PLAN CONSISTENCY:** The Harbor District Overlay implements Future Land Use Element Policies 1-2.4.3(3) South Harbor Mixed Use (SHMU), 1-2.4.3 (4) North Harbor Mixed Use (NHMU), and 1-1.3.3(1) Harbor Planning Area, of the Comprehensive Plan.

**CONCLUSION:** The proposed Ordinance 19-05-LC, creates adequate guidelines and requirements necessary to preserve the historic character of the Destin Harbor, and well as outlining the new criteria and process for designation of historical significance and Certificate of Appropriateness.

**RECOMMENDATION:** Staff recommends approval of Ordinance 19-05-LC, which creates a Harbor District Overlay.

**RECOMMENDED MOTION:**

I move that the LPA find Ordinance 19-05-LC to be consistent with the Comprehensive Plan, and recommend that the City Council approve Ordinance 19-05-LC.

**Exhibits:**

A. **Proposed Ordinance 19-05-LC**

B. **Proposed Table of Uses 7-2**

## **ORDINANCE NO. 19-05-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

### **SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Harbor District Overlay to preserve the historic character of the Harbor area as a fishing village and a festive market place, consistent with the City's Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan "OBJECTIVE 1-3.4: ENCOURAGE REDEVELOPMENT AND RENEWAL" provides that "[i]n addition to Community Redevelopment Agency effort identified in Objective 1-3.3 and in the Policies that implement Objective 1-3.3, the City of Destin shall pursue redevelopment in other areas, such as the North and South Harbor Planning Areas that have a unique history, style, and look that the City seeks to preserve. The City shall maximize the use of what already exists by protecting, restoring and enhancing the existing assets, including the North and South Harbor Planning Areas ..."; and

**WHEREAS**, it is the intent of the Harbor District Overlay is to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the historic neighboring areas north of U.S. Highway 98; and

**WHEREAS**, much of the Harbor area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village; and

**WHEREAS**, in addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place and growth over time into a world-class fishing village; and

**WHEREAS**, this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area and foster knowledge of the city's living heritage; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, a public hearing has been conducted by the City Council after due public notice.

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

**NOTE:** Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

**SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.**

Section 7.12.06 of the Land Development Code is hereby amended as follows:

\*\*\*

DD. Harbor District Overlay. The Harbor District Overlay implements Future Land Use Element Policies 1-2.4.3(3) South Harbor Mixed Use (SHMU) and 1-2.4.3 (4) North Harbor Mixed Use (NHMU), and Objective 1-3.4 Encourage Redevelopment and Renewal, of the Comprehensive Plan.

1. Purpose and intent. The Destin Harbor is a vital part of the City of Destin's history as a world-class fishing village and festive marketplace, and will continue to play an important role in the City's future. The intent of the Harbor District Overlay is to (1) encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98 and (2) to encourage the reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace, such as restaurants, bars, bed and breakfasts, and other uses that encourage tourist commercial development by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public. Much of the Harbor Area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village. In addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place. This overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area, a world-class fishing village and festive marketplace.
2. Conditional uses. Conditional uses in the Harbor Area Overlay shall include those listed in Table 7-2, Table of Allowable Uses. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the Harbor Area Overlay, the provisions of the Harbor Area Overlay district shall apply. The following shall apply to all applications for a conditional use within the Destin Harbor Area:
  - a. Findings. A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

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

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

- i. Floor area ratio;
- ii. Traffic generation;
- iii. Square feet of enclosed building for each specific use;
- iv. Proposed employment;
- v. Proposed number and type of service vehicles; and
- vi. Off-street parking needs.

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

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

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

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the Harbor District Overlay:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.
- v. Preservation of "Old Destin". The Harbor District Overlay is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and

areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses should meet one or more of the following criteria:

A. Historical Significance

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Harbor area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

B. Architectural Significance

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

- vi. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance

City of Destin

Ordinance No. 19-06-LC

Page 6 of 10

with all applicable federal, state, county, and city laws and ordinances except that the City Council may grant waivers or variances to the City Land Development Code pursuant to section 7.12.06(6) of this Code. 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 any approval of a conditional use in order to protect the public health, safety, and welfare.

3. Process for Designation of Structures and Sites Significant to the History of the Destin Harbor.
  - A. Applications for a Certificate of Appropriateness shall be submitted to the city manager on a form to be provided by the city, along with a signed, sealed survey of the subject property, which survey is dated within at least one year of the application date.
  - B. The owner of the subject property must either sign the application or give written authorization.
  - C. The city manager, in consultation with the city land use attorney and city staff, shall review a Certificate of Appropriateness application for sufficiency, and shall forward the request to the city council once the city manager has determined that the application includes all required information.
  - D. The city manager shall schedule a public hearing before the city council, which hearing shall be held not later than sixty (60) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause.
  - E. Notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
  - F. The city council shall render an order to either issue or deny the application for a Certificate of Appropriateness.
  - K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) that the Certificate of Appropriateness vests the uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, as well as any City code waivers authorized by approval of the survey submitted by the applicant; all until such time that the applicant abandons the uses for a period of at least 180 days; and (ii) that no further permits shall be required from the City of Destin with respect to any uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, all until such time that the applicant abandons the uses for a period of at least 180 days, and subject to any limitation that may exist, to the extent that the Building Official has determined a serious threat to the public

health or safety exists without such limitations. Nothing in this section releases the Applicant from any requirement to obtain a business tax receipt on the subject property, if applicable.

4. Criteria for Designation of Structures and Sites Significant to the History of the Destin Harbor. The City Council may grant a Certificate of Appropriateness if there is an existing structure on the site, which the applicant seeks to preserve, and which was constructed prior to 1975 ( according to records of the Property Appraiser and/or the City of Destin) and at least one of the following additional criteria are met:

A. Historical Significance

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Harbor area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

B. Architectural Significance

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Harbor area.

C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

5. Certificate of Appropriateness. Evidence of the approval required under the terms of the Harbor District Overlay shall be a Certificate of Appropriateness issued by the City Council, stating that the change of use, development or re-development depicted on the survey has been made are approved by the City Council. The City Council may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. Any action by applicants following issuance of a Certificate of Appropriateness shall be in accord with the application and material approved and any conditions appended thereto.

6. Code Waivers. To further the intent and purpose of Harbor District Overlay, the City Council may waive any requirement of the Land Development Code, including but not limited to parking requirements, driveway requirements, stormwater requirements, any performance standards, requirements for lot area, lot width, lot depth, height, setback, density, floor area ratio, and open space standards set forth in Table 7-3, Table of Dimensional Regulations, provided however, that if the Building Official determines there is a serious threat to the public health, safety or welfare, such waivers may not be granted.
7. Appeals:
  - A. Any appeal of a city council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.
  - B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.
  - C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.
8. Penalties: The code compliance department may enforce the terms of this section by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes. Additionally, the code compliance department, or other duly authorized officer or authority, may enforce the terms of this section through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

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**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED \_\_\_\_\_

Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Kimberly Romano Kopp, Land Use Attorney



[illegible]



[illegible]

[illegible]



[illegible]





[illegible]

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[illegible]





|                                                          |                                         |  |  |  |   |          |          |   |   |   |                   |   |   |   |
|----------------------------------------------------------|-----------------------------------------|--|--|--|---|----------|----------|---|---|---|-------------------|---|---|---|
| 541940                                                   | Veterinary services                     |  |  |  | P | P<br>(3) | P<br>(3) | P | P | P | p <sup>(21)</sup> | P | P | C |
| <b>Sector 55 Management of Companies and Enterprises</b> |                                         |  |  |  |   |          |          |   |   |   |                   |   |   |   |
| 551                                                      | Management of companies and enterprises |  |  |  | P | P        | P        | P | P | P | p <sup>(21)</sup> | P | P | P |
| <b>Sector 56 Administrative and Waste Services</b>       |                                         |  |  |  |   |          |          |   |   |   |                   |   |   |   |
| 561                                                      | Administrative and support services     |  |  |  | P | P        | P        | P | P | P | p <sup>(21)</sup> | P | P | P |
| 561720                                                   | Janitorial services                     |  |  |  | P | P        | P        | P | P | P | p <sup>(21)</sup> | P | P | P |
| 561730                                                   | Landscaping services                    |  |  |  | P | P        |          |   |   |   |                   |   | P |   |
| 562                                                      | Waste management and remediation        |  |  |  |   |          | C        | C |   |   |                   |   | C | C |

[illegible]

[illegible]

[illegible]







[illegible]

[illegible]

[illegible]



including home  
occupations and  
off-site  
businesses.

#### Footnotes

P = Permitted Use, C = Conditional Use, and A = Accessory Use

<sup>1</sup> 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).

<sup>2</sup> May accommodate shopping centers with grocery stores, drug store/pharmacy, specialty shops, and similar tenants with no single business entity having more than 60,000 sq. ft.

<sup>3</sup> Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.

<sup>4</sup> 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.

<sup>5</sup> Only allowed on properties that have direct or secondary access to Harbor Boulevard.

<sup>6</sup> Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the adjacent "Old Destin" area.

<sup>7</sup> Must meet minimum distance separation requirements, see section 7.16.00 of the Land Development Code.

<sup>8</sup> Must meet minimum distance separation requirements, refer to the definition of the use in question in article 3 of the Land Development

| Code. |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|       | <sup>9</sup> Office space associated with this use shall not exceed 25 percent of the total square footage of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|       | <sup>10</sup> Zoos are only allowed in the Industrial zoning district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|       | <sup>11</sup> Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.                                                                                                                                                                                                                                                                                                                                                                                                               |
|       | <sup>12</sup> Commercial transient living accommodations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|       | <sup>13</sup> Used merchandise stores are restricted to only those that are classified as a nonprofit business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|       | <sup>14</sup> Can only provide said services free of charge, refer to section 7.09.02B(11) for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|       | <sup>15</sup> Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|       | <sup>16</sup> Refer to Section 7.09.02(B)12 for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|       | <sup>17</sup> Reserved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|       | <sup>18</sup> Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|       | <sup>19</sup> No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located. |
|       | <sup>20</sup> No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within                                                                                                                                                                                                                                                                                                                                                                                                                             |

330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City.

<sup>21</sup> Any business in a location claimed to have historical significance shall be a Conditional Use.



## COMMUNITY DEVELOPMENT DEPARTMENT

# AGENDA ITEM

**LPA MEETING DATE:** March 21, 2019

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

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**TO:** Local Planning Agency

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

**FROM:** Planner, Dawn McDonald

**DATE:** March 15, 2019

**SUBJECT:** Proposed Ordinance No. 19-06-LC, Establishment of the Calhoun Mixed Use-Village (CMU-V) Zoning District

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**ISSUE:** Ordinance 15-17-PC updated the City's Comprehensive Plan to include the Calhoun Mixed Use Village Future Land Use category. Ordinance 19-06-LC seeks to create consistency between the City's FLUM and the Land Development Code, by creating the Calhoun Mixed Use-Village Zoning District.

**BACKGROUND:** Future Land Use Element Policy 1-2.4.3.2.b., of the City's Comprehensive Plan establishes the Calhoun Mixed-Use Village Future Land Use Map category. This category allows multi-family and single-family residential uses, as well as all of the non-residential uses established for all Calhoun Mixed Use categories in Future Land Use Element Policy 1-2.4.3.2., of the City's Comprehensive Plan. These uses include village-level hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations; neighborhood retail commercial goods and services not exceeding 5,500 square feet; offices; water-dependent activities; restaurants, and appropriately-scaled institutional uses.

**REQUEST:** The City Council has directed staff to create a new zoning category to be compatible and consistent with the Calhoun Mixed Use-Village Future Land Use Map category. Ordinance No. 19-06-LC will establish the Calhoun Mixed Use-Village Zoning District.

**DISCUSSION:** This new zoning category is intended to encourage a mix of village and neighborhood-level uses and to provide a transitional area between the higher intensities of the South Harbor Mixed Use Zoning District to the south and the surrounding low-density residential zoning districts located within the "Old Destin" area. The uses of the Calhoun Mixed Use-Village (CMU-V) Zoning District are derived from the Calhoun Area Future Land Use Category in the City's Comprehensive Plan. The CMU-V Zoning District includes single-family at a maximum density of 9.0 dwelling units/acre as a permitted use.

Multi-family residential uses, including appropriate non-residential uses, are considered conditional uses as outlined in Table 7-2 (Article 7.12.08, Land Development Code). To incorporate the new CMU-V district into the City's Land Development Code, Table 7-3. Schedule of Dimensional Requirements in Zoning Districts (Article 7.12.08., Land Development Code) was updated as follows to include performance standards consistent with the City's Comprehensive Plan:

- Setbacks within the CMU-V Zoning District are 20-foot front, 7.5-foot side, and 10-foot rear for parcels with one dwelling unit.
- Parcels with two or more dwelling units or non-residential uses require a front setback of 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 is minimum of 30 feet. Side setbacks are zero for buildings with a height of 35 feet or less and 15 feet for any portion of a building having a height above 35 feet.
- The maximum height in the CMU-V district is 35 feet/3 stories for one dwelling unit and 50 feet/4 stories for two or more dwelling units and non-residential uses.
- Parcels contiguous to a residential zoning district boundary in the CMU-V district will require 10-foot side yards maintained as open space.

The CMU-V zoning designation will encourage compatibility between commercial, mixed-use development, and residential uses and ensure the integrity of residential uses by increasing buffering requirements.

**A. Link to Strategic Goals /Objectives:** Enhance Quality of Life.

**B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.

**C. Level of Service (LOS):** The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

**COMPREHENSIVE PLAN CONSISTENCY:** Proposed Ordinance No. 19-06-LC creates a zoning district that is consistent with Future Land Use Element Policy 1-2.4.3.2.b., of the City's Comprehensive Plan.

**CONCLUSION:** Proposed Ordinance No. 19-06-LC creates a zoning district that implements Future Land Use Element Policy 1-2.4.3.2.b., of the City's Comprehensive Plan.

**RECOMMENDATION:** Proposed Ordinance No. 19-06-LC creates a zoning district that implements Future Land Use Element Policy 1-2.4.3.2.b., of the City's Comprehensive Plan.

**RECOMMENDED MOTION:** I move that the LPA recommend that the City Council approve Ordinance 19-07-LC.

**Exhibits:**

**A. Proposed Ordinance 19-06-LC**

**B. Table 7-2, Table of Allowable Uses (with proposed changes)**

**C. Table 7-3, Schedule of Dimensional Requirements in Zoning Districts**

**ORDINANCE NO. 19-06-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Calhoun Mixed Use- Village in order to obtain consistency with the City's Comprehensive Plan; and

**WHEREAS**, the purpose of the Calhoun Mixed Use – Village zoning district is to provide a mixed-use transitional area between the higher intensity south harbor mixed use zoning district and the less intense surrounding low density residential zoning districts; and

**WHEREAS**, it is the intent of the CMU-V to encourage lower density residential developments and mixed-use developments by specifically not allowing stand-alone multi-family residential uses, but rather, to require multi-family uses to include nonresidential uses as components of the development.

**WHEREAS**, the CMU-V is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past; and

**WHEREAS**, it is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the area east of the Choctawhatchee Bay and Calhoun Avenue, promote the tourist trade and interest, and foster knowledge of the city's living heritage; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the

adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS,** a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS,** a public hearing has been conducted by the City Council after due public notice.

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

**NOTE:** Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

**SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.**

Section 7.12.06 of the Land Development Code is hereby amended as follows:

\*\*\*

CC. Calhoun Mixed Use - Village(CMU-V). The Calhoun Mixed Use - Village zoning district implements Future Land Use Element Policy 1-2.4.3(2), Calhoun Mixed Use - Village of the Comprehensive Plan.

1. Purpose and intent. The "CMUV" area is depicted on the FLUM (Map 1-1) and is generally located east of Calhoun Avenue, west of Sibert Avenue, south of Forest Street, and north of the South Harbor Mixed Use area. The intent of this zoning district is to preserve the character of the nearby "Old Destin" area, and to provide a mixed use transitional area between the higher intensity south harbor mixed use zoning district and the less intense surrounding low density residential zoning areas. This area shall be developed, redeveloped and/or maintained with permanent or seasonal single-family detached dwelling units, commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations; and non-residential uses. Non-residential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 square feet designed primarily to serve the needs of the adjacent "Old Destin" area, offices; water dependent activities, restaurants, and similar uses (refer to table 7-2). It is the intent of the CMU-V zoning district to specifically not allow each general retail commercial goods and services uses to exceed 5,500 heated and cooled square feet. Additionally, it is the intent of the CMU-V to encourage lower density residential developments and mixed use developments by specifically not allowing stand-alone multi-family residential uses, but rather, to require multi-family uses to include appropriate nonresidential uses as components of the development.

2. Principal, accessory and conditional uses. Permitted, accessory and conditional uses shall include those listed in Table 7-2, Table of Allowable Uses. The following shall apply to all applications for a conditional use in the CMU-V zoning district:
- a. Findings. A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
  - b. Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
    - (1) Scale and intensity of the proposed conditional use as measured by the following:
      - i. Floor area ratio;
      - ii. Traffic generation;
      - iii. Square feet of enclosed building for each specific use;
      - iv. Proposed employment;
      - v. Proposed number and type of service vehicles; and
      - vi. Off-street parking needs.
    - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:
      - i. Utilities;
      - ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;

- iii. Roadway or signalization improvements, or other similar improvements;
  - iv. Accessory structures or facilities; and
  - v. Other unique facilities/structures proposed as part of site improvements.
- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
- i. Open space;
  - ii. Setbacks from adjacent properties;
  - iii. Screening and buffers;
  - iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
  - v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.
- c. Criteria for Conditional Uses in the CMU-V:

- i. 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.
- ii. 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.
- iii. 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.
- iv. *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.
- v. *Preservation of "Old Destin".* The CMU-V is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the area east of the Choctawhatchee Bay and Calhoun Avenue, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses should meet one or more of the following criteria:
1. *Historical Significance:* Proposed development in the CMU-V district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the area east of the Choctawhatchee Bay and Calhoun Avenue; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.
  2. *Architectural Significance:* Proposed development should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that

represent a significant era in the history of the area east of the Choctawhatchee Bay and Calhoun Avenue.

3. Environmental Significance: Proposed development should enhance the variety, interest, and sense of identity of the area east of the Choctawhatchee Bay and Calhoun Avenue by protecting the unique natural and man-made environments.

- vi. 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 any approval of a conditional use in order to protect the public health, safety, and welfare.

- d. Appeals: Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.

3. Performance standards. For lot area, lot width, lot depth, height, setback, density, floor area ratio, and open space standards, please refer to Table 7-3, Table of Dimensional Regulations.

\*\*\*

**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED \_\_\_\_\_

Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Kimberly Romano Kopp, Land Use Attorney

### TABLE 7-2: TABLE OF ALLOWABLE USES

[illegible]

[illegible]

[illegible]

[illegible]

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|  | Footnotes                                                                                                                                                                                                                                                     |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | P = Permitted Use, C = Conditional Use, and A = Accessory Use                                                                                                                                                                                                 |
|  | <sup>1</sup> 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). |
|  | <sup>2</sup> May accommodate shopping centers with grocery stores, drug store/pharmacy, specialty shops, and similar tenants with no single business entity having more than 60,000 sq. ft.                                                                   |
|  | <sup>3</sup> Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.                                                                                                                   |
|  | <sup>4</sup> 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.                                                                        |
|  | <sup>5</sup> Only allowed on properties that have direct or secondary access to Harbor Boulevard.                                                                                                                                                             |
|  | <sup>6</sup> Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the adjacent "Old Destin" area.                                                                       |
|  | <sup>7</sup> Must meet minimum distance separation requirements, see section 7.16.00 of the Land Development Code.                                                                                                                                            |
|  | <sup>8</sup> Must meet minimum distance separation requirements, refer to the definition of the use in question in article 3 of the Land Development Code.                                                                                                    |
|  | <sup>9</sup> Office space associated with this use shall not exceed 25 percent of the total square footage of the building.                                                                                                                                   |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <sup>10</sup> Zoos are only allowed in the Industrial zoning district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|  | <sup>11</sup> Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.                                                                                                                                                                                                                                                                                                                                                                                                               |
|  | <sup>12</sup> Commercial transient living accommodations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|  | <sup>13</sup> Used merchandise stores are restricted to only those that are classified as a nonprofit business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|  | <sup>14</sup> Can only provide said services free of charge, refer to section 7.09.02B(11) for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|  | <sup>15</sup> Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|  | <sup>16</sup> Refer to Section 7.09.02(B)12 for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|  | <sup>17</sup> Reserved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|  | <sup>18</sup> Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|  | <sup>19</sup> No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located. |
|  | <sup>20</sup> No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-                                                                                                                                                                                    |

of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City.

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

(Dimensions are in feet)

| Zoning Districts             | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|------------------------------|----------------------------|------------------|-------|-------------------------|--------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                              |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| BE - one d.u.                | 15,000                     | 80               | 150   | 35/3 stories            | N/A    | N/A    | 20       | 10   | 10   | 2.90                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| LDR-V/LDR-H/MDR-V - one d.u. | 7,500                      | 70               | 100   | 35/3 stories            | N/A    | N/A    | 20       | 7½   | 10   | 5.81                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| LDR-HI/MDR-HI -              | 7,500                      | 70               | 100   | 30/3 stories            | N/A    | N/A    | 20       | 7½   | 10   | 5.81                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 30                     | N/A    | N/A    |

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|                                   |       |      |      |              |               |                      |     |     |     |         |         |         |     |     |     |    |      |      |
|-----------------------------------|-------|------|------|--------------|---------------|----------------------|-----|-----|-----|---------|---------|---------|-----|-----|-----|----|------|------|
| CMU - one d.u.                    | 7,500 | 70   | 100  | 35/3 stories | N/A           | N/A                  | 20  | 7½  | 10  | 12.00   | N/A     | 16.00   | N/A | N/A | N/A | 25 | N/A  | 30   |
| SHMU - one d.u.                   | 7,500 | 70   | 100  | 30/3 stories | N/A           | N/A                  | 20  | 7½  | 10  | 19.90/S | 26.00/S | 36.00   | N/A | N/A | N/A | 30 | 18/V | 12/V |
| NHMU - one d.u.                   | 7,500 | 70   | 100  | 35/3 stories | N/A           | N/A                  | 20  | 7½  | 10  | 19.90/T | 26.00/T | 36.00/T | N/A | N/A | N/A | 25 | 18/V | 12/V |
| GRMU - one d.u.                   | 7,500 | 70   | 100  | 50/4 stories | N/A           | N/A                  | 20  | 7½  | 10  | 19.90/S | 25.00/S | 30.00   | N/A | N/A | N/A | 30 | 30   | N/A  |
| HIMU - one d.u.                   | 7,500 | 70   | 100  | 35/3 stories | N/A           | N/A                  | 20  | 7½  | 10  | 19.90/S | 24.00/S | N/A     | N/A | N/A | N/A | 30 | 30   | N/A  |
| BRMU - one d.u.                   | 7,500 | 70   | 100  | 35/3 stories | N/A           | N/A                  | 20  | 7½  | 10  | 20.00   | N/A     | N/A     | N/A | N/A | N/A | 25 | 30   | 30   |
| MDR- V/MDR- HI - two or more d.u. | None  | None | None | 35/3 stories | N/A           | N/A                  | C/D | C/D | C/D | 9.99    | N/A     | N/A     | N/A | N/A | N/A | 25 | N/A  | N/A  |
| HDR - two or more d.u.            | None  | None | None | 80/7 stories | 100/9 stories | 170/16 stories/<br>B | J   | J   | J   | 19.90   | N/A     | N/A     | N/A | N/A | N/A | 25 | 30   | 30   |

|                                 |      |      |      |                   |                         |     |     |     |     |             |     |     |      |     |     |    |     |     |
|---------------------------------|------|------|------|-------------------|-------------------------|-----|-----|-----|-----|-------------|-----|-----|------|-----|-----|----|-----|-----|
| CBN -<br>two or<br>more<br>d.u. | None | None | None | 50/4<br>stories   | N/A                     | N/A | 20  | C/D | C/D | 6.00        | N/A | N/A | N/A  | N/A | N/A | 25 | N/A | N/A |
| CBN -<br>non d.u.               | None | None | None | 50/4<br>stories   | N/A                     | N/A | 20  | C/D | C/D | N/A         | N/A | N/A | .50  | N/A | N/A | 25 | N/A | N/A |
| CL - two<br>or more<br>d.u.     | None | None | None | 50/4<br>stories   | N/A                     | N/A | 20  | C/D | C/D | 12.00/<br>Q | N/A | N/A | N/A  | N/A | N/A | 25 | N/A | N/A |
| CL - non<br>d.u.                | None | None | None | E                 | N/A                     | N/A | 10  | C/D | C/D | N/A         | N/A | N/A | .50  | N/A | N/A | 25 | N/A | N/A |
| CG -<br>two or<br>more<br>d.u.  | None | None | None | 50/4<br>stories   | 130/12<br>stories       | N/A | M   | M   | M   | 40.00       | N/A | N/A | N/A  | N/A | N/A | 25 | 30  | N/A |
| CG -<br>non d.u.                | None | None | None | 50/4<br>stories/F | 130/12<br>stories/<br>F | N/A | M   | M   | M   | N/A         | N/A | N/A | 1.30 | N/A | N/A | 25 | 30  | N/A |
| CTS                             | None | None | None | 35/3<br>stories   | N/A                     | N/A | N   | N   | N   | U           | N/A | N/A | 1.30 | N/A | N/A | 25 | N/A | N/A |
| ROI-<br>GD/ROI-                 | None | None | None | 35/3<br>stories   | N/A                     | N/A | C/D | C/D | C/D | 12.00/      | N/A | N/A | N/A  | N/A | N/A | 25 | N/A | N/A |



[illegible]





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

- D. 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. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.
- F. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories. Tier 2 is not available for retail, service, restaurant, and similar commercial uses. Tier 2 is available for office, hotel, motel, bed and breakfast, other commercial transient living accommodations, and short-term multi-family residential uses.
- G. For those properties that abut U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.
- H. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Tier 2 is not available for office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses. Hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories. Tier 2 height of 70 feet/six stories is available for hotel, motel, bed and breakfast, and other commercial transient living accommodations.
- I. 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.
- J. 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.

- K. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.
- L. The setback requirements for the A district are as follows:
- Setbacks from taxiway pursuant to adopted FAA construction standards.
  - Setbacks from property lines minimum of 15 feet.
  - Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.
- M. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
  - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.F.1.f.1.
  - iii. *Rear setback.* Zero feet. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.D.
- N. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:
- i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.
  - ii. *Side setbacks.* For all structures three stories or less in height no side yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
  - iii. *Rear setback.* For all structures three stories or less in height no rear yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
- O. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:
- i. *Front setback.*
    - a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
    - b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.

- c. For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
  - d. For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.
  - ii. *Side setbacks.* Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
  - iii. *Rear setback.* For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.
- P. The following setbacks shall apply to developments proposed in the SHMU zoning district:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
  - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
  - iii. *Rear setback.* Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor. Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.
- Q. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre.
  - R. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that about U.S. Highway 98 may be extended up to a maximum of 24.00 units per acre.
  - S. One bedroom short-term residential units shall have a maximum density of 30.00 units per acre.
  - T. One bedroom short-term residential units shall have a maximum density of 40.00 units per acre.
  - U. No residential uses allowed, except for one custodian or night-watchman residence per development.
  - V. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
  - W. In the BRMU zoning, district, the maximum height by right shall be 35 feet and three stories, excepting those properties that about Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.

- X. In the BRMU zoning district, the recreation use is limited to Tier 1 height and a maximum floor area ratio of .20 per Comprehensive Plan: 2010.
- Y. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.
- Z. For those single family residences intended for long term use in zoning districts where short term residential uses are allowed, a deed restriction, recorded in the official records of Okaloosa County must be provided to Community Development staff prior to a certificate of occupancy being issued. Otherwise, the maximum height and minimum open space standards mentioned above for short term residential will apply. The standards mentioned above are not applicable in any zoning district where short term single family residential uses are not permitted.

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

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

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

Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§ 4—7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16)

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

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

(Dimensions are in feet)

| Zoning Districts             | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|------------------------------|----------------------------|------------------|-------|-------------------------|--------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                              |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| BE - one d.u.                | 15,000                     | 80               | 150   | 35/3 stories            | N/A    | N/A    | 20       | 10   | 10   | 2.90                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| LDR-V/LDR-H/MDR-V - one d.u. | 7,500                      | 70               | 100   | 35/3 stories            | N/A    | N/A    | 20       | 7½   | 10   | 5.81                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| LDR-HI/MDR-HI - one d.u.     | 7,500                      | 70               | 100   | 30/3 stories            | N/A    | N/A    | 20       | 7½   | 10   | 5.81                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 30                     | N/A    | N/A    |
| HDR - one d.u.               | 7,500                      | 70               | 100   | 30/3 stories            | N/A    | N/A    | 20       | 7½   | 10   | 9.90                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 30                     | N/A    | N/A    |

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| Zoning Districts           | Minimum Lot Area (sq. ft.) | Minimum Lot Size |                | Maximum Building Height |                |                | Setbacks      |               |               | Maximum Density (units per acre) |                |                | Maximum Floor Area Ratio |                |                | Minimum Open Space (%) |                |                |
|----------------------------|----------------------------|------------------|----------------|-------------------------|----------------|----------------|---------------|---------------|---------------|----------------------------------|----------------|----------------|--------------------------|----------------|----------------|------------------------|----------------|----------------|
|                            |                            | Width            | Depth          | Tier 1A                 | Tier 2         | Tier 3         | Front         | Side          | Rear          | Tier 1                           | Tier 2         | Tier 3         | Tier 1                   | Tier 2         | Tier 3         | Tier 1                 | Tier 2         | Tier 3         |
| CBR - one d.u.             | 7,500                      | 70               | 100            | 30/3 stories            | N/A            | N/A            | 20            | 7½            | 10            | 12.00/Q                          | N/A            | N/A            | N/A                      | N/A            | N/A            | 30                     | N/A            | N/A            |
| CMU - one d.u.             | 7,500                      | 70               | 100            | 35/3 stories            | N/A            | N/A            | 20            | 7½            | 10            | 12.00                            | N/A            | 16.00          | N/A                      | N/A            | N/A            | 25                     | N/A            | 30             |
| <del>CMUV - one d.u.</del> | <del>5,000</del>           | <del>50</del>    | <del>100</del> | <del>35/3 stories</del> | <del>N/A</del> | <del>N/A</del> | <del>20</del> | <del>7½</del> | <del>10</del> | <del>9.00</del>                  | <del>N/A</del> | <del>N/A</del> | <del>N/A</del>           | <del>N/A</del> | <del>N/A</del> | <del>25</del>          | <del>N/A</del> | <del>N/A</del> |
| SHMU - one d.u.            | 7,500                      | 70               | 100            | 30/3 stories            | N/A            | N/A            | 20            | 7½            | 10            | 19.90/S                          | 26.00/S        | 36.00          | N/A                      | N/A            | N/A            | 30                     | 18/V           | 12/V           |
| NHMU - one d.u.            | 7,500                      | 70               | 100            | 35/3 stories            | N/A            | N/A            | 20            | 7½            | 10            | 19.90/T                          | 26.00/T        | 36.00/T        | N/A                      | N/A            | N/A            | 25                     | 18/V           | 12/V           |
| GRMU - one d.u.            | 7,500                      | 70               | 100            | 50/4 stories            | N/A            | N/A            | 20            | 7½            | 10            | 19.90/S                          | 25.00/S        | 30.00          | N/A                      | N/A            | N/A            | 30                     | 30             | N/A            |
| HIMU - one d.u.            | 7,500                      | 70               | 100            | 35/3 stories            | N/A            | N/A            | 20            | 7½            | 10            | 19.90/S                          | 24.00/S        | N/A            | N/A                      | N/A            | N/A            | 30                     | 30             | N/A            |

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| Zoning Districts                | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |               |                      | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|---------------------------------|----------------------------|------------------|-------|-------------------------|---------------|----------------------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                                 |                            | Width            | Depth | Tier 1A                 | Tier 2        | Tier 3               | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| BRMU - one d.u.                 | 7,500                      | 70               | 100   | 35/3 stories            | N/A           | N/A                  | 20       | 7½   | 10   | 20.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| MDR-V/MDR-HI - two or more d.u. | None                       | None             | None  | 35/3 stories            | N/A           | N/A                  | C/D      | C/D  | C/D  | 9.99                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| HDR - two or more d.u.          | None                       | None             | None  | 80/7 stories            | 100/9 stories | 170/16 stories/<br>B | J        | J    | J    | 19.90                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| CBN - two or more d.u.          | None                       | None             | None  | 50/4 stories            | N/A           | N/A                  | 20       | C/D  | C/D  | 6.00                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CBN - non d.u.                  | None                       | None             | None  | 50/4 stories            | N/A           | N/A                  | 20       | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts      | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                  |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-----------------------|----------------------------|------------------|-------|-------------------------|------------------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                       |                            | Width            | Depth | Tier 1A                 | Tier 2           | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| CL - two or more d.u. | None                       | None             | None  | 50/4 stories            | N/A              | N/A    | 20       | C/D  | C/D  | 12.00/Q                          | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CL - non d.u.         | None                       | None             | None  | E                       | N/A              | N/A    | 10       | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CG - two or more d.u. | None                       | None             | None  | 50/4 stories            | 130/12 stories   | N/A    | M        | M    | M    | 40.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | N/A    |
| CG - non d.u.         | None                       | None             | None  | 50/4 stories/F          | 130/12 stories/F | N/A    | M        | M    | M    | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | 30     | N/A    |
| CTS                   | None                       | None             | None  | 35/3 stories            | N/A              | N/A    | N        | N    | N    | U                                | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts               | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |              | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|--------------------------------|----------------------------|------------------|-------|-------------------------|--------|--------------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                                |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3       | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| ROI-GD/ROI-TD two or more d.u. | None                       | None             | None  | 35/3 stories<br>G       | N/A    | N/A          | C/D      | C/D  | C/D  | 12.00/<br>R                      | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| ROI-GD/ROI-TD non d.u.         | None                       | None             | None  | 35/3 stories<br>G       | N/A    | N/A          | C/D      | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CBR - two or more d.u.         | None                       | None             | None  | 50/4 stories            | N/A    | 60/5 stories | 0        | 0    | 0    | 12.00/<br>Q                      | N/A    | 24.00  | N/A                      | N/A    | N/A    | 25                     | N/A    | 30     |
| CBR - non d.u.                 | None                       | None             | None  | 50/4 stories            | N/A    | 60/5 stories | 0        | 0    | 0    | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | 30     |

| Zoning Districts          | Minimum Lot Area (sq. ft.) | Minimum Lot Size |             | Maximum Building Height |               |                | Setbacks |          |          | Maximum Density (units per acre) |            |            | Maximum Floor Area Ratio |            |            | Minimum Open Space (%) |            |            |
|---------------------------|----------------------------|------------------|-------------|-------------------------|---------------|----------------|----------|----------|----------|----------------------------------|------------|------------|--------------------------|------------|------------|------------------------|------------|------------|
|                           |                            | Width            | Depth       | Tier 1A                 | Tier 2        | Tier 3         | Front    | Side     | Rear     | Tier 1                           | Tier 2     | Tier 3     | Tier 1                   | Tier 2     | Tier 3     | Tier 1                 | Tier 2     | Tier 3     |
| TCMU - two or more d.u.   | None                       | None             | None        | 35/3 stories/<br>G      | 100/9 stories | 160/15 stories | M        | M        | M        | 19.90/T                          | 26.00/T    | 36.00/T    | N/A                      | N/A        | N/A        | 25                     | 18/V       | 12/V       |
| TCMU - non d.u.           | None                       | None             | None        | 35/3 stories/<br>G      | 100/9 stories | 160/15 stories | M        | M        | M        | N/A                              | N/A        | N/A        | .40                      | 1.25       | 2.00       | 25                     | 18/V       | 12/V       |
| CMU - two or more d.u.    | None                       | None             | None        | 35/3 stories            | N/A           | 70/6 stories   | J        | J        | J        | 12.00                            | N/A        | 16.00      | N/A                      | N/A        | N/A        | 25                     | N/A        | 30         |
| CMU - non d.u.            | None                       | None             | None        | H                       | N/A           | H              | J        | J        | J        | N/A                              | N/A        | N/A        | .50                      | N/A        | N/A        | 25                     | N/A        | 30         |
| <u>CMUV - two or d.u.</u> | <u>None</u>                | <u>None</u>      | <u>None</u> | <u>50/4 stories</u>     | <u>N/A</u>    | <u>N/A</u>     | <u>J</u> | <u>J</u> | <u>J</u> | <u>12.00</u>                     | <u>N/A</u> | <u>N/A</u> | <u>N/A</u>               | <u>N/A</u> | <u>N/A</u> | <u>25</u>              | <u>N/A</u> | <u>N/A</u> |

| Zoning Districts                     | Minimum Lot Area (sq. ft.) | Minimum Lot Size |             | Maximum Building Height |               |                | Setbacks |          |          | Maximum Density (units per acre) |            |            | Maximum Floor Area Ratio |            |            | Minimum Open Space (%) |            |            |
|--------------------------------------|----------------------------|------------------|-------------|-------------------------|---------------|----------------|----------|----------|----------|----------------------------------|------------|------------|--------------------------|------------|------------|------------------------|------------|------------|
|                                      |                            | Width            | Depth       | Tier 1A                 | Tier 2        | Tier 3         | Front    | Side     | Rear     | Tier 1                           | Tier 2     | Tier 3     | Tier 1                   | Tier 2     | Tier 3     | Tier 1                 | Tier 2     | Tier 3     |
| <u>CMUV - non d.u.</u>               | <u>None</u>                | <u>None</u>      | <u>None</u> | <u>H</u>                | <u>N/A</u>    | <u>N/A</u>     | <u>J</u> | <u>J</u> | <u>J</u> | <u>N/A</u>                       | <u>N/A</u> | <u>N/A</u> | <u>.50</u>               | <u>N/A</u> | <u>N/A</u> | <u>25</u>              | <u>N/A</u> | <u>N/A</u> |
| SHMU - two or more d.u. (short-term) | None                       | None             | None        | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P        | P        | 19.90/S                          | 26.00/S    | 36.00      | N/A                      | N/A        | N/A        | 25                     | 18/V       | 12/V       |
| SHMU - two or more d.u. (long-term)  | None                       | None             | None        | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P        | P        | 19.90/S                          | N/A        | N/A        | N/A                      | N/A        | N/A        | 25                     | 18/V       | 12/V       |
| SHMU - non d.u.                      | None                       | None             | None        | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P        | P        | N/A                              | N/A        | N/A        | .60                      | 1.75       | 2.50       | 25                     | 18/V       | 12/V       |

| Zoning Districts        | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                |                | Setbacks |      |      | Maximum Density (units per acre) |         |         | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-------------------------|----------------------------|------------------|-------|-------------------------|----------------|----------------|----------|------|------|----------------------------------|---------|---------|--------------------------|--------|--------|------------------------|--------|--------|
|                         |                            | Width            | Depth | Tier 1A                 | Tier 2         | Tier 3         | Front    | Side | Rear | Tier 1                           | Tier 2  | Tier 3  | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| NHMU - two or more d.u. | None                       | None             | None  | 35/3 stories            | 100/9 stories  | 160/15 stories | M        | M    | M    | 19.90/T                          | 26.00/T | 36.00/T | N/A                      | N/A    | N/A    | 25                     | 18/V   | 12/V   |
| NHMU - non d.u.         | None                       | None             | None  | 35/3 stories            | 100/9 stories  | 160/15 stories | M        | M    | M    | N/A                              | N/A     | N/A     | .60                      | 1.75   | 2.50   | 25                     | 18/V   | 12/V   |
| GRMU - two or more d.u. | None                       | None             | None  | 50/4 stories            | 130/12 stories | 200/19 stories | O        | O    | O    | 19.00/S                          | 25.00/S | 30.00   | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| GRMU - non d.u.         | None                       | None             | None  | 50/4 stories            | 130/12 stories | 200/19 stories | O        | O    | O    | N/A                              | N/A     | N/A     | 1.30                     | N/A    | N/A    | 25                     | 30     | 30     |
| HIMU - two or more d.u. | None                       | None             | None  | 50/4 stories            | 110/10 stories | 140/13 stories | J        | J    | J    | 19.90/S                          | 24.00/S | N/A     | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |

| Zoning Districts        | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                     |                      | Setbacks |       |       | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-------------------------|----------------------------|------------------|-------|-------------------------|---------------------|----------------------|----------|-------|-------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                         |                            | Width            | Depth | Tier 1A                 | Tier 2              | Tier 3               | Front    | Side  | Rear  | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| HIMU - non d.u.         | None                       | None             | None  | 50/4 stories            | 110/10 stories      | 140/13 stories       | J        | J     | J     | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | 30     | 30     |
| BRMU - two or more d.u. | None                       | None             | None  | 35/3 stories            | 100/9 stories       | 180/17 stories       | O        | O     | O     | 20.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| BRMU - non d.u.         | None                       | None             | None  | 35/3 stories/<br>W      | 100/9 stories/<br>X | 180/17 stories/<br>X | O        | O     | O     | N/A                              | N/A    | N/A    | .75/<br>X                | N/A    | N/A    | 25                     | 30     | 30     |
| IN                      | None                       | None             | None  | 35/3 stories            | N/A                 | N/A                  | N        | N     | N     | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |
| A                       | None                       | None             | None  | 35/3 stories/<br>K      | N/A                 | N/A                  | L        | L     | L     | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |
| INST                    | None                       | None             | None  | 35/3 stories            | N/A                 | N/A                  | Non e    | Non e | Non e | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|------------------|----------------------------|------------------|-------|-------------------------|--------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                  |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
|                  |                            |                  |       |                         |        |        |          |      |      |                                  |        |        |                          |        |        |                        |        |        |
| REC              | None                       | None             | None  | 35/3 stories            | N/A    | N/A    | None     | None | None | N/A                              | N/A    | N/A    | .20                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CON              | None                       | None             | None  | 15/1 story              | N/A    | N/A    | None     | None | None | N/A                              | N/A    | N/A    | .05                      | N/A    | N/A    | 80                     | N/A    | N/A    |

Footnotes defining requirements:

- A. Heights listed under the Tier 1 heading are the maximum height that may be achieved by adherence to the standard site development criteria of the land development code such as, but not limited to, setbacks, open space, parking, access and circulation, landscaping and minimum required buffers, including those to help assure smooth transition between distinctly different land uses.
- B. The height and stories listed under the Tier 3 heading can only be achieved by properties that are located in the East Harbor Planning Area, as depicted on the future land use map (map 1-1) of the comprehensive plan.
- C. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet.  
For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.  
Within the Old Destin MMTD, no minimum front, side or rear setbacks are required, except where the property line is contiguous with a BE or LDR residential district boundary; then ten-foot side and rear yards, maintained as open space, shall be provided.  
Buildings or structures three stories or less utilized for residential or multifamily purposes on the same lot shall be a minimum of ten feet apart. All buildings exceeding three stories in height, the distance apart on the same lot shall be increased by two feet for each story

exceeding three stories with a maximum of 50 feet between buildings being required. There are no minimum spacing requirements between residential, nonresidential, mixed-use or multifamily buildings located on the same lot in the Old Destin MMTD.

D. 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. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.

F. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories. Tier 2 is not available for retail, service, restaurant, and similar commercial uses. Tier 2 is available for office, hotel, motel, bed and breakfast, other commercial transient living accommodations, and short-term multi-family residential uses.

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

H. ~~Permitted non-residential and mixes of Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35-50 feet/four two stories. Tier 2 is not available for office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses. Hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories. Tier 2 height of 70 feet/six stories is available for hotel, motel, bed and breakfast, and other commercial transient living accommodations.~~

I. 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.

J. The following setbacks shall apply to developments proposed in the HDR, CMU, CMUV 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, ~~except where the property line is contiguous with a residential zoning district boundary; then ten-foot side yards, maintained as open space, shall be provided. Fifteen feet for any portion of a building having a height above 35 feet, but below 60 feet. For each ten-foot 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-foot or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.~~

- K. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.
- L. The setback requirements for the A district are as follows:
- Setbacks from taxiway pursuant to adopted FAA construction standards.
- Setbacks from property lines minimum of 15 feet.
- Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.
- M. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
  - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.F.1.f.1.
  - iii. *Rear setback.* Zero feet. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.D.
- N. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:
- i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.
  - ii. *Side setbacks.* For all structures three stories or less in height no side yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
  - iii. *Rear setback.* For all structures three stories or less in height no rear yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
- O. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:
- i. *Front setback.*
    - a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
    - b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.

- c. For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
  - d. For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.
    - ii. *Side setbacks.* Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
    - iii. *Rear setback.* For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.
- P. The following setbacks shall apply to developments proposed in the SHMU zoning district:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
  - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
  - iii. *Rear setback.* Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor. Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.
- Q. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre.
  - R. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that abut U.S. Highway 98 may be extended up to a maximum of 24.00 units per acre.
  - S. One bedroom short-term residential units shall have a maximum density of 30.00 units per acre.
  - T. One bedroom short-term residential units shall have a maximum density of 40.00 units per acre.
  - U. No residential uses allowed, except for one custodian or night-watchman residence per development.
  - V. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
  - W. 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.

X. In the BRMU zoning district, the recreation use is limited to Tier 1 height and a maximum floor area ratio of .20 per Comprehensive Plan: 2010.

Y. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.

Z. For those single family residences intended for long term use in zoning districts where short term residential uses are allowed, a deed restriction, recorded in the official records of Okaloosa County must be provided to Community Development staff prior to a certificate of occupancy being issued. Otherwise, the maximum height and minimum open space standards mentioned above for short term residential will apply. The standards mentioned above are not applicable in any zoning district where short term single family residential uses are not permitted.

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

A. All development shall comply with the dimensional requirements set forth in section 7.12.08.

B. In the event that a property owner inadvertently fails to comply with the minimum dimensional requirements by three inches or less, the actual measurement shall be deemed to be in compliance with the applicable minimum dimensional requirements, provided that no adverse health, safety, or welfare impacts result from the inadvertent failure to comply with the minimum dimensional requirements.

C. Rear property line setback requirements do not apply to boat docks, piers, bulkheads (seawalls) or boathouses. For waterfront lots the rear property line setbacks do not apply.

D. Two or more freestanding principal structures located on the same lot shall be a minimum ten feet apart.

E. The footprint for all structures shall meet all setback requirements; however, cornices, eaves, garden windows, exterior stairways or other architectural features may extend 24 inches into the required setback provided the extension does not interfere with access to the property. Bay windows, balconies, and portions or projections from a building or structure that add to the gross floor area are not allowed to extend into the required setback.

F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

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

Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§ 4—7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16; Ord. No. 17-28-LC, § 3, 1-2-18)



## COMMUNITY DEVELOPMENT DEPARTMENT

# AGENDA ITEM

**LPA MEETING DATE:** March 21, 2019

**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

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**TO:** Local Planning Agency  
**THRU:** City Land Use Attorney/Kimberly Kopp  
**FROM:** Community Development Director, Louis Zunguze  
**DATE:** March 13, 2019  
**SUBJECT:** Proposed Ordinance No. 19-07-LC, Amendments to the Town Center Mixed Use (TCMU) Zoning District

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**ISSUE:** The Town Center Mixed Use (TCMU) Zoning District encourages commercial and residential uses, however, additional criteria and design guidelines are necessary to ensure that the appropriate non-residential uses and residential uses are compatible and further the intent of the TCMU zoning district and the City's vision to encourage that multi-family residential developments within the TCMU include non-residential components.

**BACKGROUND:** Article 7.12.06.Q., Land Development Code, implements Future Land Use Element Policy 1-2.4.3(1) of the City's Comprehensive Plan. Currently, the TCMU District allows permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. The TCMU zoning district specifically does not allow permanent or seasonal single-family residential uses. However, commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations and seasonal multi-family attached residential dwelling units are only allowed on properties that have direct or secondary access to Harbor Boulevard/U.S. Highway 98.

**REQUEST:** The City Council has directed staff to modify the language of the Land Development Code, specifically the Town Center Mixed Use (TCMU) Zoning District, to encourage nonresidential components be incorporated into multi-family residential development or redevelopment projects. The proposed Land Development Code amendment provides for increased buffering and setbacks from nearby residential and mixed use developments. Additionally, the amendment to the existing code incorporates planning review criteria for conditional uses in the TCMU to ensure that development or development and proposed uses are compatible with surrounding uses and do no adversely impact land use activities in the immediate vicinity.

**DISCUSSION:** The proposed Ordinance 19-07-LC proposes incorporating appropriate non-residential components into multi-family developments, which would encourage multi-use projects that would further the mixed-use nature of the TCMU Zoning District. The proposed

ordinance also considers the compatibility of uses within the TCMU Zoning District to require increased buffering and setbacks from nearby residential and mixed-use developments that are greater than the existing buffering requirements... The ordinance also revises Table 7-2, Table of Allowable Uses. (Article 7.12.06, Land Development Code, re-categorizes multi-family attached dwellings (both permanent and short-term residential uses); printing and related support activities; auto parts, accessories, and tire stores; parts and accessories dealer-automotive/marine; used merchandise stores; thrift stores; other miscellaneous store retailers; scenic and sightseeing transportation (land); scenic and sightseeing transportation (water); consumer goods rental; amusements arcades; car washes; and other personal and household goods repair from Permitted Uses to Conditional Uses.

As part of the Conditional Use review for proposed developments, the City must address compatibility, and ensure that the development site size is adequate to accommodate the proposed use (or uses). Thus, the City will continue to follow Table 7-3, Table of Dimensional Regulations, (Article 7.12.08., Land Development Code). The Conditional Use review must encourage a variety of uses along Highway 98. However, the City must ensure that development or redevelopment does not create an over-proliferation of similar uses within the TCMU Zoning District.

**A. Link to Strategic Goals /Objectives:** Enhance Quality of Life.

**B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.

**C. Level of Service (LOS):** The City of Destin shall not incur any expense or revenue as a result of this Ordinance.

**COMPREHENSIVE PLAN CONSISTENCY:** Proposed Ordinance No. 19-07-LC is consistent with Policy 1-1.1.1: Urban Design Standards and Design Criteria.

**CONCLUSION:** The proposed Ordinance 19-07-LC modifies the Land Development Code so it provides additional review criteria for conditional uses within the TCMU Zoning District.

**RECOMMENDATION:** Due to the proposed Ordinance 19-07-LC being consistent with the Comprehensive Plan, Staff recommends approval of Ordinance 19-07-LC, Amending the Town Center Mixed Use Zoning District to include .

**RECOMMENDED MOTION:**

I move that the LPA find Ordinance 19-07-LC to be consistent with the Comprehensive Plan, and recommend that the City Council approve Ordinance 19-07-LC.

**Exhibits:**

**A. Proposed Ordinance 19-07-LC**

**B. Table 7-2, Table of Allowable Uses (with proposed changes)**

**ORDINANCE NO. 19-07-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the Town Center Mixed Use zoning district in order to allow the City Council to consider specified criteria for conditional uses within the zoning district; and

**WHEREAS**, the purpose of the Town Center Mixed Use zoning district is to provide a mixed-use area that encourages commercial uses along U.S. Highway 98; and

**WHEREAS**, the City Council desires to encourage that multi-family residential development in the zoning district include nonresidential components; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

**WHEREAS**, a public hearing has been conducted by the City Council after due public notice.

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

**NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in**

strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.

### SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.

Section 7.12.06 of the Land Development Code is hereby amended as follows:

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Q. *Town Center Mixed Use (TCMU).* The Town Center Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(1), Town Center Mixed Use of the Comprehensive Plan.

1. Purpose and intent. The Town Center Mixed Use zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. It is the intent of the TCMU zoning district to specifically not allow permanent or seasonal single-family residential uses. It is also the intent of the TCMU zoning district to encourage multi-family developments to include appropriate non-residential components in furtherance of the mixed-use nature of the zoning district. Commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations and seasonal multi-family attached residential dwelling units are only allowed on properties that have direct or secondary access to Harbor Boulevard/U.S. Highway 98. It is intended that the TCMU zoning district provide for increased buffering and setbacks from nearby residential and mixed use developments.

2. Principal, accessory and conditional uses. Permitted, accessory and conditional uses shall include those listed in Table 7-2, Table of Allowable Uses. The following shall apply to all applications for a conditional use in the TCMU zoning district:

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

possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.

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

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

- i. Floor area ratio;
- ii. Traffic generation;
- iii. Square feet of enclosed building for each specific use;
- iv. Proposed employment;
- v. Proposed number and type of service vehicles; and
- vi. Off-street parking needs.

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

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

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

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the TCMU:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

- v. Avoid Over-Proliferation of Uses. The TCMU is intended to provide a variety of uses along U.S. Highway 98, and an over-proliferation of similar uses within the zoning district shall not be permitted. The City Council shall review the existing uses within the TCMU zoning district in determining whether a conditional use shall be approved or denied.
  - vi. 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 any approval of a conditional use in order to protect the public health, safety, and welfare.
- d. Appeals: Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.
1. Performance standards. For lot area, lot width, lot depth, height, setback, density, floor area ratio, and open space standards, please refer to Table 7-3, Table of Dimensional Regulations.

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**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED \_\_\_\_\_

Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Kimberly Romano Kopp, Land Use Attorney



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

(Dimensions are in feet)

| Zoning Districts | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|------------------|----------------------------|------------------|-------|-------------------------|--------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                  |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |

|                                                 |        |    |     |                 |     |     |    |    |    |             |     |     |     |     |     |    |     |     |
|-------------------------------------------------|--------|----|-----|-----------------|-----|-----|----|----|----|-------------|-----|-----|-----|-----|-----|----|-----|-----|
| BE - one<br>d.u.                                | 15,000 | 80 | 150 | 35/3<br>stories | N/A | N/A | 20 | 10 | 10 | 2.90        | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A |
| LDR-<br>V/LDR-<br>H/MDR-<br>V - one<br>d.u.     | 7,500  | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 5.81        | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A |
| LDR-<br>HI/MDR<br>-HI -<br>one d.u.             | 7,500  | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 5.81        | N/A | N/A | N/A | N/A | N/A | 30 | N/A | N/A |
| HDR -<br>one d.u.                               | 7,500  | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 9.90        | N/A | N/A | N/A | N/A | N/A | 30 | N/A | N/A |
| CL - one<br>d.u.                                | 7,500  | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 12.00/<br>Q | N/A | N/A | N/A | N/A | N/A | 30 | N/A | N/A |
| ROI-TD -<br>one d.u.                            | 7,500  | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 12.00/<br>R | N/A | N/A | N/A | N/A | N/A | 30 | N/A | N/A |
| ROI-<br>GD/ROI-<br>VR/ROI-<br>CBR -<br>one d.u. | 7,500  | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 12.00/<br>R | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A |

|                                  |       |    |     |                 |     |     |    |    |    |             |             |             |     |     |     |    |          |          |
|----------------------------------|-------|----|-----|-----------------|-----|-----|----|----|----|-------------|-------------|-------------|-----|-----|-----|----|----------|----------|
| CBN -<br>one d.u.                | 7,500 | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 6.00        | N/A         | 24.00       | N/A | N/A | N/A | 30 | N/A      | N/A      |
| CBN-<br>TDD -<br>one d.u.<br>(Y) | Y     | 50 | 150 | Y               | Y   | Y   | Y  | Y  | Y  | Y           | Y           | Y           | Y   | Y   | Y   | Y  | Y        | Y        |
| CBR -<br>one d.u.                | 7,500 | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 12.00/<br>Q | N/A         | N/A         | N/A | N/A | N/A | 30 | N/A      | N/A      |
| CMU -<br>one d.u.                | 7,500 | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 12.00       | N/A         | 16.00       | N/A | N/A | N/A | 25 | N/A      | 30       |
| SHMU -<br>one d.u.               | 7,500 | 70 | 100 | 30/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 19.90/S     | 26.00/<br>S | 36.00       | N/A | N/A | N/A | 30 | 18/<br>V | 12/<br>V |
| NHMu -<br>one d.u.               | 7,500 | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 19.90/T     | 26.00/<br>T | 36.00/<br>T | N/A | N/A | N/A | 25 | 18/<br>V | 12/<br>V |
| GRMU -<br>one d.u.               | 7,500 | 70 | 100 | 50/4<br>stories | N/A | N/A | 20 | 7½ | 10 | 19.90/S     | 25.00/<br>S | 30.00       | N/A | N/A | N/A | 30 | 30       | N/A      |
| HIMU -<br>one d.u.               | 7,500 | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 19.90/S     | 24.00/<br>S | N/A         | N/A | N/A | N/A | 30 | 30       | N/A      |
| BRMU -<br>one d.u.               | 7,500 | 70 | 100 | 35/3<br>stories | N/A | N/A | 20 | 7½ | 10 | 20.00       | N/A         | N/A         | N/A | N/A | N/A | 25 | 30       | 30       |

|                                               |      |      |      |                 |                   |                         |     |     |     |             |     |     |     |     |     |    |     |     |     |
|-----------------------------------------------|------|------|------|-----------------|-------------------|-------------------------|-----|-----|-----|-------------|-----|-----|-----|-----|-----|----|-----|-----|-----|
| MDR-<br>V/MDR-<br>HI - two<br>or more<br>d.u. | None | None | None | 35/3<br>stories | N/A               | N/A                     | C/D | C/D | C/D | 9.99        | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A | N/A |
| HDR -<br>two or<br>more<br>d.u.               | None | None | None | 80/7<br>stories | 100/9<br>stories  | 170/16<br>stories/<br>B | J   | J   | J   | 19.90       | N/A | N/A | N/A | N/A | N/A | 25 | 30  | 30  |     |
| CBN -<br>two or<br>more<br>d.u.               | None | None | None | 50/4<br>stories | N/A               | N/A                     | 20  | C/D | C/D | 6.00        | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A | N/A |
| CBN -<br>non d.u.                             | None | None | None | 50/4<br>stories | N/A               | N/A                     | 20  | C/D | C/D | N/A         | N/A | N/A | .50 | N/A | N/A | 25 | N/A | N/A | N/A |
| CL - two<br>or more<br>d.u.                   | None | None | None | 50/4<br>stories | N/A               | N/A                     | 20  | C/D | C/D | 12.00/<br>Q | N/A | N/A | N/A | N/A | N/A | 25 | N/A | N/A | N/A |
| CL - non<br>d.u.                              | None | None | None | E               | N/A               | N/A                     | 10  | C/D | C/D | N/A         | N/A | N/A | .50 | N/A | N/A | 25 | N/A | N/A | N/A |
| CG -<br>two or<br>more                        | None | None | None | 50/4<br>stories | 130/12<br>stories | N/A                     | M   | M   | M   | 40.00       | N/A | N/A | N/A | N/A | N/A | 25 | 30  | N/A | N/A |

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|                                                      |      |      |      |                       |                  |                   |   |   |   |         |             |             |     |          |          |    |          |          |
|------------------------------------------------------|------|------|------|-----------------------|------------------|-------------------|---|---|---|---------|-------------|-------------|-----|----------|----------|----|----------|----------|
| TCMU -<br>two or<br>more<br>d.u.                     | None | None | None | 35/3<br>stories/<br>G | 100/9<br>stories | 160/15<br>stories | M | M | M | 19.90/T | 26.00/<br>T | 36.00/<br>T | N/A | N/A      | N/A      | 25 | 18/<br>V | 12/<br>V |
| TCMU -<br>non d.u.                                   | None | None | None | 35/3<br>stories/<br>G | 100/9<br>stories | 160/15<br>stories | M | M | M | N/A     | N/A         | N/A         | .40 | 1.2<br>5 | 2.0<br>0 | 25 | 18/<br>V | 12/<br>V |
| CMU -<br>two or<br>more<br>d.u.                      | None | None | None | 35/3<br>stories       | N/A              | 70/6<br>stories   | J | J | J | 12.00   | N/A         | 16.00       | N/A | N/A      | N/A      | 25 | N/A      | 30       |
| CMU -<br>non d.u.                                    | None | None | None | H                     | N/A              | H                 | J | J | J | N/A     | N/A         | N/A         | .50 | N/A      | N/A      | 25 | N/A      | 30       |
| SHMU -<br>two or<br>more<br>d.u.<br>(short-<br>term) | None | None | None | 35/3<br>stories/l     | 100/9<br>stories | 160/15<br>stories | P | P | P | 19.90/S | 26.00/<br>S | 36.00       | N/A | N/A      | N/A      | 25 | 18/<br>V | 12/<br>V |
| SHMU -<br>two or<br>more<br>d.u.<br>(long-<br>term)  | None | None | None | 35/3<br>stories/l     | 100/9<br>stories | 160/15<br>stories | P | P | P | 19.90/S | N/A         | N/A         | N/A | N/A      | N/A      | 25 | 18/<br>V | 12/<br>V |

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|                                  |      |      |      |                       |                        |                         |          |          |          |       |     |           |     |     |    |     |     |
|----------------------------------|------|------|------|-----------------------|------------------------|-------------------------|----------|----------|----------|-------|-----|-----------|-----|-----|----|-----|-----|
| BRMU -<br>two or<br>more<br>d.u. | None | None | None | 35/3<br>stories       | 100/9<br>stories       | 180/17<br>stories       | O        | O        | O        | 20.00 | N/A | N/A       | N/A | N/A | 25 | 30  | 30  |
| BRMU -<br>non d.u.               | None | None | None | 35/3<br>stories/<br>W | 100/9<br>stories/<br>X | 180/17<br>stories/<br>X | O        | O        | O        | N/A   | N/A | .75/<br>X | N/A | N/A | 25 | 30  | 30  |
| IN                               | None | None | None | 35/3<br>stories       | N/A                    | N/A                     | N        | N        | N        | N/A   | N/A | 1.30      | N/A | N/A | 25 | N/A | N/A |
| A                                | None | None | None | 35/3<br>stories/<br>K | N/A                    | N/A                     | L        | L        | L        | N/A   | N/A | 1.30      | N/A | N/A | 25 | N/A | N/A |
| INST                             | None | None | None | 35/3<br>stories       | N/A                    | N/A                     | Non<br>e | Non<br>e | Non<br>e | N/A   | N/A | .50       | N/A | N/A | 25 | N/A | N/A |
| REC                              | None | None | None | 35/3<br>stories       | N/A                    | N/A                     | Non<br>e | Non<br>e | Non<br>e | N/A   | N/A | .20       | N/A | N/A | 25 | N/A | N/A |
| CON                              | None | None | None | 15/1<br>story         | N/A                    | N/A                     | Non<br>e | Non<br>e | Non<br>e | N/A   | N/A | .05       | N/A | N/A | 80 | N/A | N/A |

Footnotes defining requirements:

- A. Heights listed under the Tier 1 heading are the maximum height that may be achieved by adherence to the standard site development criteria of the land development code such as, but not limited to, setbacks, open space, parking, access and circulation, landscaping and minimum required buffers, including those to help assure smooth transition between distinctly different land uses.
- B. The height and stories listed under the Tier 3 heading can only be achieved by properties that are located in the East Harbor Planning Area, as depicted on the future land use map (map 1-1) of the comprehensive plan.
- C. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet.
- For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.
- Within the Old Destin MMTD, no minimum front, side or rear setbacks are required, except where the property line is contiguous with a BE or LDR residential district boundary; then ten-foot side and rear yards, maintained as open space, shall be provided.
- Buildings or structures three stories or less utilized for residential or multifamily purposes on the same lot shall be a minimum of ten feet apart. All buildings exceeding three stories in height, the distance apart on the same lot shall be increased by two feet for each story exceeding three stories with a maximum of 50 feet between buildings being required. There are no minimum spacing requirements between residential, nonresidential, mixed-use or multifamily buildings located on the same lot in the Old Destin MMTD.
- D. 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. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.
- F. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories. Tier 2 is not available for retail, service, restaurant, and similar commercial uses. Tier 2 is available for office, hotel, motel, bed and breakfast, other commercial transient living accommodations, and short-term multi-family residential uses.
- G. For those properties that about U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.
- H. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Tier 2 is not available for office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses. Hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories. Tier 2 height of 70 feet/six stories is available for hotel, motel, bed and breakfast, and other commercial transient living accommodations.
- I. 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.
- J. 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.
- K. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.
- L. The setback requirements for the A district are as follows:  
Setbacks from taxiway pursuant to adopted FAA construction standards.  
Setbacks from property lines minimum of 15 feet.  
Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.
- M. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:
- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
  - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.F.1.f.1.
  - iii. *Rear setback.* Zero feet. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.D.
- N. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:

i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.

ii. *Side setbacks.* For all structures three stories or less in height no side yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.

iii. *Rear setback.* For all structures three stories or less in height no rear yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.

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

i. *Front setback.*

a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.

b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.

c. For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.

d. For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.

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

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

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

i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.

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

iii. *Rear setback.* Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor.

Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.

- Q. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.
- R. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.
- S. One bedroom short-term residential units shall have a maximum density of 30.00 units per acre.
- T. One bedroom short-term residential units shall have a maximum density of 40.00 units per acre.
- U. No residential uses allowed, except for one custodian or night-watchman residence per development.
- V. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
- W. In the BRMU zoning, district, the maximum height by right shall be 35 feet and three stories, excepting those properties that about Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.
- X. In the BRMU zoning district, the recreation use is limited to Tier 1 height and a maximum floor area ratio of .20 per Comprehensive Plan: 2010.
- Y. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.
- Z. For those single family residences intended for long term use in zoning districts where short term residential uses are allowed, a deed restriction, recorded in the official records of Okaloosa County must be provided to Community Development staff prior to a certificate of occupancy being issued. Otherwise, the maximum height and minimum open space standards mentioned above for short term residential will apply. The standards mentioned above are not applicable in any zoning district where short term single family residential uses are not permitted.

uses are not permitted.

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

- A. All development shall comply with the dimensional requirements set forth in section 7.12.08.
- B. In the event that a property owner inadvertently fails to comply with the minimum dimensional requirements, provided that no actual measurement shall be deemed to be in compliance with the applicable minimum dimensional requirements.
- C. Rear property line setbacks requirements do not apply to boat docks, piers, bulkheads (seawalls) or boathouses. For waterfront lots the rear property line setbacks do not apply.
- D. Two or more freestanding principal structures located on the same lot shall be a minimum ten feet apart.
- E. The footprint for all structures shall meet all setback requirements; however, cornices, canopies, eaves, garden windows, exterior stairways or other architectural features may extend 24 inches into the required setback provided the extension does not interfere with access to the property. Bay windows, balconies, and portions or projections from a building or structure that add to the gross floor area are not allowed to extend into the required setback.

F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

(Ord. No. 152.1, § 3, 4-1-91; Ord. No. 231, § IV, 1-19-93; Ord. No. 152.11, § 2, 5-2-94; Ord. No. 152.17, §§ 3, 4, 10-17-94; Ord. No. 152.34, §§ 2, 3, 7-7-97; Ord. No. 152.43, § 1, 11-6-00; Ord. No. 152.44, § 3, 4-2-01; Ord. No. 152.45, § 3, 4-6-01; Ord. No. 385, § 3, 9-16-02; Ord. No. 390, § 4, 9-16-02; Ord. No. 391, § 4, 9-16-02; Ord. No. 392, § 4, 9-16-02; Ord. No. 04-18-LC, § 4, 8-2-04; Ord. No. 04-22-LC, § 3, 8-16-04; Ord. No. 04-27-LC, § 2, 9-8-04; Ord. No. 04-41-LC, § 3, 12-20-04; Ord. No. 05-02-LC, § 5, 2-7-05; Ord. No. 06-01-LC, § 8, 12-18-06; Ord. No. 07-01-LC, § 5, 3-6-07; Ord. No. 08-08-LC, § 5, 4-21-08; Ord. No. 08-14-LC, § 10, 1-20-09; Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§ 4-7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16)



[illegible]

| Zoning Districts       | Minimum Lot Area (sq. ft.) | Minimum Lot Size |            | Maximum Building Height |            |            | Setbacks  |          |           | Maximum Density (units per acre) |            |            | Maximum Floor Area Ratio |            |           | Minimum Open Space (%) |            |            |
|------------------------|----------------------------|------------------|------------|-------------------------|------------|------------|-----------|----------|-----------|----------------------------------|------------|------------|--------------------------|------------|-----------|------------------------|------------|------------|
|                        |                            | Width            | Depth      | Tier 1A                 | Tier 2     | Tier 3     | Front     | Side     | Rear      | Tier 1                           | Tier 2     | Tier 3     | Tier 1                   | Tier 2     | Tier 3    | Tier 1                 | Tier 2     | Tier 3     |
| CBR - one d.u.         | 7,500                      | 70               | 100        | 30/3 stories            | N/A        | N/A        | 20        | 7½       | 10        | 12.00/Q                          | N/A        | N/A        | N/A                      | N/A        | N/A       | N/A                    | N/A        | N/A        |
| <u>ICMU - one d.u.</u> | <u>5,000</u>               | <u>50</u>        | <u>100</u> | <u>35/3 stories</u>     | <u>N/A</u> | <u>N/A</u> | <u>20</u> | <u>5</u> | <u>10</u> | <u>9.00</u>                      | <u>N/A</u> | <u>N/A</u> | <u>N/A</u>               | <u>N/A</u> | <u>25</u> | <u>N/A</u>             | <u>N/A</u> | <u>N/A</u> |
| CMU - one d.u.         | 7,500                      | 70               | 100        | 35/3 stories            | N/A        | N/A        | 20        | 7½       | 10        | 12.00                            | N/A        | 16.00      | N/A                      | N/A        | N/A       | N/A                    | N/A        | 30         |
| SHMU - one d.u.        | 7,500                      | 70               | 100        | 30/3 stories            | N/A        | N/A        | 20        | 7½       | 10        | 19.90/S                          | 26.00/S    | 36.00      | N/A                      | N/A        | N/A       | N/A                    | 18/V       | 12/V       |
| NHMU - one d.u.        | 7,500                      | 70               | 100        | 35/3 stories            | N/A        | N/A        | 20        | 7½       | 10        | 19.90/T                          | 26.00/T    | 36.00/T    | N/A                      | N/A        | N/A       | N/A                    | 18/V       | 12/V       |
| GRMU - one d.u.        | 7,500                      | 70               | 100        | 50/4 stories            | N/A        | N/A        | 20        | 7½       | 10        | 19.90/S                          | 25.00/S    | 30.00      | N/A                      | N/A        | N/A       | N/A                    | 30         | N/A        |
| HIMU - one d.u.        | 7,500                      | 70               | 100        | 35/3 stories            | N/A        | N/A        | 20        | 7½       | 10        | 19.90/S                          | 24.00/S    | N/A        | N/A                      | N/A        | N/A       | N/A                    | 30         | N/A        |

| Zoning Districts                  | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |               |                      | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-----------------------------------|----------------------------|------------------|-------|-------------------------|---------------|----------------------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                                   |                            | Width            | Depth | Tier 1A                 | Tier 2        | Tier 3               | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| BRMU - one d.u.                   | 7,500                      | 70               | 100   | 35/3 stories            | N/A           | N/A                  | 20       | 7½   | 10   | 20.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| MDR- V/MDR- HI - two or more d.u. | None                       | None             | None  | 35/3 stories            | N/A           | N/A                  | C/D      | C/D  | C/D  | 9.99                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| HDR - two or more d.u.            | None                       | None             | None  | 80/7 stories            | 100/9 stories | 170/16 stories/<br>B | J        | J    | J    | 19.90                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| CBN - two or more d.u.            | None                       | None             | None  | 50/4 stories            | N/A           | N/A                  | 20       | C/D  | C/D  | 6.00                             | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CBN - non d.u.                    | None                       | None             | None  | 50/4 stories            | N/A           | N/A                  | 20       | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts      | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                  |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-----------------------|----------------------------|------------------|-------|-------------------------|------------------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                       |                            | Width            | Depth | Tier 1A                 | Tier 2           | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| CL - two or more d.u. | None                       | None             | None  | 50/4 stories            | N/A              | N/A    | 20       | C/D  | C/D  | 12.00/Q                          | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CL - non d.u.         | None                       | None             | None  | E                       | N/A              | N/A    | 10       | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CG - two or more d.u. | None                       | None             | None  | 50/4 stories            | 130/12 stories   | N/A    | M        | M    | M    | 40.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | N/A    |
| CG - non d.u.         | None                       | None             | None  | 50/4 stories/F          | 130/12 stories/F | N/A    | M        | M    | M    | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | 30     | N/A    |
| CTS                   | None                       | None             | None  | 35/3 stories            | N/A              | N/A    | N        | N    | N    | U                                | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts               | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |              | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|--------------------------------|----------------------------|------------------|-------|-------------------------|--------|--------------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                                |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3       | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| ROI-GD/ROI-TD two or more d.u. | None                       | None             | None  | 35/3 stories<br>G       | N/A    | N/A          | C/D      | C/D  | C/D  | 12.00/<br>R                      | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| ROI-GD/ROI-TD non d.u.         | None                       | None             | None  | 35/3 stories<br>G       | N/A    | N/A          | C/D      | C/D  | C/D  | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| CBR - two or more d.u.         | None                       | None             | None  | 50/4 stories            | N/A    | 60/5 stories | O        | O    | O    | 12.00/<br>Q                      | N/A    | 24.00  | N/A                      | N/A    | N/A    | 25                     | N/A    | 30     |
| CBR - non d.u.                 | None                       | None             | None  | 50/4 stories            | N/A    | 60/5 stories | O        | O    | O    | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | 30     |

| Zoning Districts        | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height            |                                    |                                     | Setbacks |      |      | Maximum Density (units per acre) |                                |                                | Maximum Floor Area Ratio |                            |                            | Minimum Open Space (%)      |                             |                             |
|-------------------------|----------------------------|------------------|-------|------------------------------------|------------------------------------|-------------------------------------|----------|------|------|----------------------------------|--------------------------------|--------------------------------|--------------------------|----------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|
|                         |                            | Width            | Depth | Tier 1A                            | Tier 2                             | Tier 3                              | Front    | Side | Rear | Tier 1                           | Tier 2                         | Tier 3                         | Tier 1                   | Tier 2                     | Tier 3                     | Tier 1                      | Tier 2                      | Tier 3                      |
| TCMU - two or more d.u. | None                       | None             | None  | <del>5035/43</del><br>stories<br>6 | <del>N/A</del><br>100/9<br>stories | <del>N/A</del><br>160/15<br>stories | M        | M    | M    | <del>24.00</del><br>19.90/7      | <del>N/A</del><br>26.00/7<br>7 | <del>N/A</del><br>36.00/7<br>7 | N/A                      | N/A                        | 25                         | <del>N/A</del><br>18/7<br>7 | <del>N/A</del><br>12/7<br>7 | <del>N/A</del>              |
| TCMU - non d.u.         | None                       | None             | None  | <del>7535/63</del><br>stories<br>6 | <del>N/A</del><br>100/9<br>stories | <del>N/A</del><br>160/15<br>stories | M        | M    | M    | N/A                              | N/A                            | N/A                            | <del>1.5-4</del><br>0    | <del>N/A</del><br>1-2<br>5 | <del>N/A</del><br>2-0<br>0 | <del>N/A</del><br>25        | <del>N/A</del><br>18/7<br>7 | <del>N/A</del><br>12/7<br>7 |
| CMU - two or more d.u.  | None                       | None             | None  | 35/3<br>stories                    | N/A                                | 70/6<br>stories                     | J        | J    | J    | 12.00                            | N/A                            | 16.00                          | N/A                      | N/A                        | 25                         | N/A                         | N/A                         | 30                          |
| CMU - non d.u.          | None                       | None             | None  | H                                  | N/A                                | H                                   | J        | J    | J    | N/A                              | N/A                            | N/A                            | .50                      | N/A                        | 25                         | N/A                         | N/A                         | 30                          |

| Zoning Districts                     | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |               |                | Setbacks |      |      | Maximum Density (units per acre) |         |         | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|--------------------------------------|----------------------------|------------------|-------|-------------------------|---------------|----------------|----------|------|------|----------------------------------|---------|---------|--------------------------|--------|--------|------------------------|--------|--------|
|                                      |                            | Width            | Depth | Tier 1A                 | Tier 2        | Tier 3         | Front    | Side | Rear | Tier 1                           | Tier 2  | Tier 3  | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| SHMU - two or more d.u. (short-term) | None                       | None             | None  | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P    | P    | 19.90/S                          | 26.00/S | 36.00   | N/A                      | N/A    | N/A    | 18/V                   | 18/V   | 12/V   |
| SHMU - two or more d.u. (long-term)  | None                       | None             | None  | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P    | P    | 19.90/S                          | N/A     | N/A     | N/A                      | N/A    | N/A    | 18/V                   | 18/V   | 12/V   |
| SHMU - non d.u.                      | None                       | None             | None  | 35/3 stories/l          | 100/9 stories | 160/15 stories | P        | P    | P    | N/A                              | N/A     | N/A     | .60                      | 1.75   | 2.50   | 18/V                   | 18/V   | 12/V   |
| NHMU - two or more d.u.              | None                       | None             | None  | 35/3 stories            | 100/9 stories | 160/15 stories | M        | M    | M    | 19.90/T                          | 26.00/T | 36.00/T | N/A                      | N/A    | N/A    | 18/V                   | 18/V   | 12/V   |

| Zoning Districts        | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                |                | Setbacks |      |      | Maximum Density (units per acre) |         |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-------------------------|----------------------------|------------------|-------|-------------------------|----------------|----------------|----------|------|------|----------------------------------|---------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                         |                            | Width            | Depth | Tier 1A                 | Tier 2         | Tier 3         | Front    | Side | Rear | Tier 1                           | Tier 2  | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| NHMU - non d.u.         | None                       | None             | None  | 35/3 stories            | 100/9 stories  | 160/15 stories | M        | M    | M    | N/A                              | N/A     | N/A    | .60                      | 1.75   | 2.50   | 25                     | 18/V   | 12/V   |
| GRMU - two or more d.u. | None                       | None             | None  | 50/4 stories            | 130/12 stories | 200/19 stories | O        | O    | O    | 19.00/S                          | 25.00/S | 30.00  | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| GRMU - non d.u.         | None                       | None             | None  | 50/4 stories            | 130/12 stories | 200/19 stories | O        | O    | O    | N/A                              | N/A     | N/A    | 1.30                     | N/A    | N/A    | 25                     | 30     | 30     |
| HIMU - two or more d.u. | None                       | None             | None  | 50/4 stories            | 110/10 stories | 140/13 stories | J        | J    | J    | 19.90/S                          | 24.00/S | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| HIMU - non d.u.         | None                       | None             | None  | 50/4 stories            | 110/10 stories | 140/13 stories | J        | J    | J    | N/A                              | N/A     | N/A    | 1.30                     | N/A    | N/A    | 25                     | 30     | 30     |

| Zoning Districts        | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |                     |                      | Setbacks |       |       | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |        |        |
|-------------------------|----------------------------|------------------|-------|-------------------------|---------------------|----------------------|----------|-------|-------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|--------|--------|
|                         |                            | Width            | Depth | Tier 1A                 | Tier 2              | Tier 3               | Front    | Side  | Rear  | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 | Tier 1                 | Tier 2 | Tier 3 |
| BRMU - two or more d.u. | None                       | None             | None  | 35/3 stories            | 100/9 stories       | 180/17 stories       | O        | O     | O     | 20.00                            | N/A    | N/A    | N/A                      | N/A    | N/A    | 25                     | 30     | 30     |
| BRMU - non d.u.         | None                       | None             | None  | 35/3 stories/<br>W      | 100/9 stories/<br>X | 180/17 stories/<br>X | O        | O     | O     | N/A                              | N/A    | N/A    | .75/X                    | N/A    | N/A    | 25                     | 30     | 30     |
| IN                      | None                       | None             | None  | 35/3 stories            | N/A                 | N/A                  | N        | N     | N     | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |
| A                       | None                       | None             | None  | 35/3 stories/<br>K      | N/A                 | N/A                  | L        | L     | L     | N/A                              | N/A    | N/A    | 1.30                     | N/A    | N/A    | 25                     | N/A    | N/A    |
| INST                    | None                       | None             | None  | 35/3 stories            | N/A                 | N/A                  | Non e    | Non e | Non e | N/A                              | N/A    | N/A    | .50                      | N/A    | N/A    | 25                     | N/A    | N/A    |
| REC                     | None                       | None             | None  | 35/3 stories            | N/A                 | N/A                  | Non e    | Non e | Non e | N/A                              | N/A    | N/A    | .20                      | N/A    | N/A    | 25                     | N/A    | N/A    |

| Zoning Districts | Minimum Lot Area (sq. ft.) | Minimum Lot Size |       | Maximum Building Height |        |        | Setbacks |      |      | Maximum Density (units per acre) |        |        | Maximum Floor Area Ratio |        |        | Minimum Open Space (%) |     |     |
|------------------|----------------------------|------------------|-------|-------------------------|--------|--------|----------|------|------|----------------------------------|--------|--------|--------------------------|--------|--------|------------------------|-----|-----|
|                  |                            | Width            | Depth | Tier 1A                 | Tier 2 | Tier 3 | Front    | Side | Rear | Tier 1                           | Tier 2 | Tier 3 | Tier 1                   | Tier 2 | Tier 3 |                        |     |     |
| CON              | None                       | None             | None  | 15/1 story              | N/A    | N/A    | None     | None | None | N/A                              | N/A    | N/A    | .05                      | N/A    | N/A    | 80                     | N/A | N/A |

Footnotes defining requirements:

- A. Heights listed under the Tier 1 heading are the maximum height that may be achieved by adherence to the standard site development criteria of the land development code such as, but not limited to, setbacks, open space, parking, access and circulation, landscaping and minimum required buffers, including those to help assure smooth transition between distinctly different land uses.
- B. The height and stories listed under the Tier 3 heading can only be achieved by properties that are located in the East Harbor Planning Area, as depicted on the future land use map (map 1-1) of the comprehensive plan.
- C.

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

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

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

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

- D. 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. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.
- F. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories. Tier 2 is not available for retail, service, restaurant, and similar commercial uses. Tier 2 is available for office, hotel, motel, bed and breakfast, other commercial transient living accommodations, and short-term multi-family residential uses.
- ~~G. For these properties that about U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.~~
- H. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Tier 2 is not available for office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses. Hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories. Tier 2 height of 70 feet/six stories is available for hotel, motel, bed and breakfast, and other commercial transient living accommodations.
- I. 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.
- J. 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.
- K. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.
- L. The setback requirements for the A district are as follows:

Setbacks from taxiway pursuant to adopted FAA construction standards.

Setbacks from property lines minimum of 15 feet.

Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.

M. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:

i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.

ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development ~~that where the property line is contiguous with a residential zoning district boundary~~ residential zoning district boundary shall ~~about single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09-03.F.1.f.1.~~ provide a setback from those uses that is the greater of one foot for every foot in height (e.g. 160-foot tall project will have an 160-foot setback), or the distance required so as not to cast a shadow on such residential uses, as measured to the property line of the residential use, between 9:00 a.m. and 4:00 p.m. central time. The date used in the shadow study shall be the autumnal equinox for the year that the study is performed. The autumnal equinox (the day of the year when night and day are nearly of the same length and the first day of autumn) is typically the date between the summer solstice (longest day of the year and the first day of summer) and the winter solstice (shortest day of the year and the first day of winter). Applicants that prefer to use the shadow option may be required to submit a shadow study to demonstrate that a project provides adequate setbacks.

iii. *Rear setback. Zero feet.* ~~Those portions of a development where the property line is contiguous with a residential zoning district boundary residential zoning district boundary shall that about single-family, duplex or townhome uses shall provide a setback from those uses that is the greater of one foot for every foot in height (e.g. 160-foot tall project will have an 160-foot setback), or the distance required so as not to cast a shadow on such residential uses, as measured to the property line of the residential use, between 9:00 a.m. and 4:00 p.m. central time. The date used in the shadow study shall be the autumnal equinox for the year that the study is performed. The autumnal equinox (the day of the year when night and day are nearly of the same length and the first day of autumn) is typically the date between the summer solstice (longest day of the year and the first day of summer) and the winter solstice (shortest day of the year and the first day of winter). Applicants that prefer to use the shadow option may be required to submit a shadow study to demonstrate that a project provides adequate setbacks.~~ meet the supplemental setbacks requirements set forth in Section 7.09-03.D.

N. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:

i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.

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

Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.

- Q. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre.
- R. One bedroom short-term residential units shall have a maximum density of 24.00 units per acre. The maximum density for those properties that abut U.S. Highway 98 may be extended up to a maximum of 24.00 units per acre.
- S. One bedroom short-term residential units shall have a maximum density of 30.00 units per acre.
- ~~T. One bedroom short-term residential units shall have a maximum density of 40.00 units per acre.~~
- U. No residential uses allowed, except for one custodian or night-watchman residence per development.
- V. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
- W. 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.
- X. In the BRMU zoning district, the recreation use is limited to Tier 1 height and a maximum floor area ratio of .20 per Comprehensive Plan: 2010.
- Y. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.
- Z. For those single family residences intended for long term use in zoning districts where short term residential uses are allowed, a deed restriction, recorded in the official records of Okaloosa County must be provided to Community Development staff prior to a certificate of occupancy being issued. Otherwise, the maximum height and minimum open space standards mentioned above for short term residential will apply. The standards mentioned above are not applicable in any zoning district where short term single family residential uses are not permitted.

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

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

- F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.
- G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replatted after March 8, 1983, must meet the full front setback along all street frontages.

(Ord. No. 152.1, § 3, 4-1-91; Ord. No. 231, § IV, 1-19-93; Ord. No. 152.11, § 2, 5-2-94; Ord. No. 152.17, §§ 3, 4, 10-17-94; Ord. No. 152.34, §§ 2, 3, 7-7-97; Ord. No. 152.43, § 1, 11-6-00; Ord. No. 152.44, § 3, 4-2-01; Ord. No. 152.45, § 3, 4-6-01; Ord. No. 385, § 3, 9-16-02; Ord. No. 390, § 4, 9-16-02; Ord. No. 391, § 4, 9-16-02; Ord. No. 392, § 4, 9-16-02; Ord. No. 04-18-LC, § 4, 8-2-04; Ord. No. 04-22-LC, § 3, 8-16-04; Ord. No. 04-27-LC, § 2, 9-8-04; Ord. No. 04-41-LC, § 3, 12-20-04; Ord. No. 05-02-LC, § 5, 2-7-05; Ord. No. 06-01-LC, § 8, 12-18-06; Ord. No. 07-01-LC, § 5, 3-6-07; Ord. No. 08-08-LC, § 5, 4-21-08; Ord. No. 08-14-LC, § 10, 1-20-09; Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§ 4—7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16; Ord. No. 17-28-LC, § 3, 1-2-18)



# NORTH



Okaloosa County (Not in City Limits)

## Residential

- BE - Bay Estates  
LDR-V - Low Density Residential - Village  
LDR-H - Low Density Residential - Holiday Isle  
LDR-HI - Low Density Residential - Harbor  
MDR-V - Medium Density Residential - Village  
MDR-HI - Med. Density Resid. - Holiday Isle  
HDR - High Density Residential  
CBN - Crystal Beach Neighborhood

## Commercial

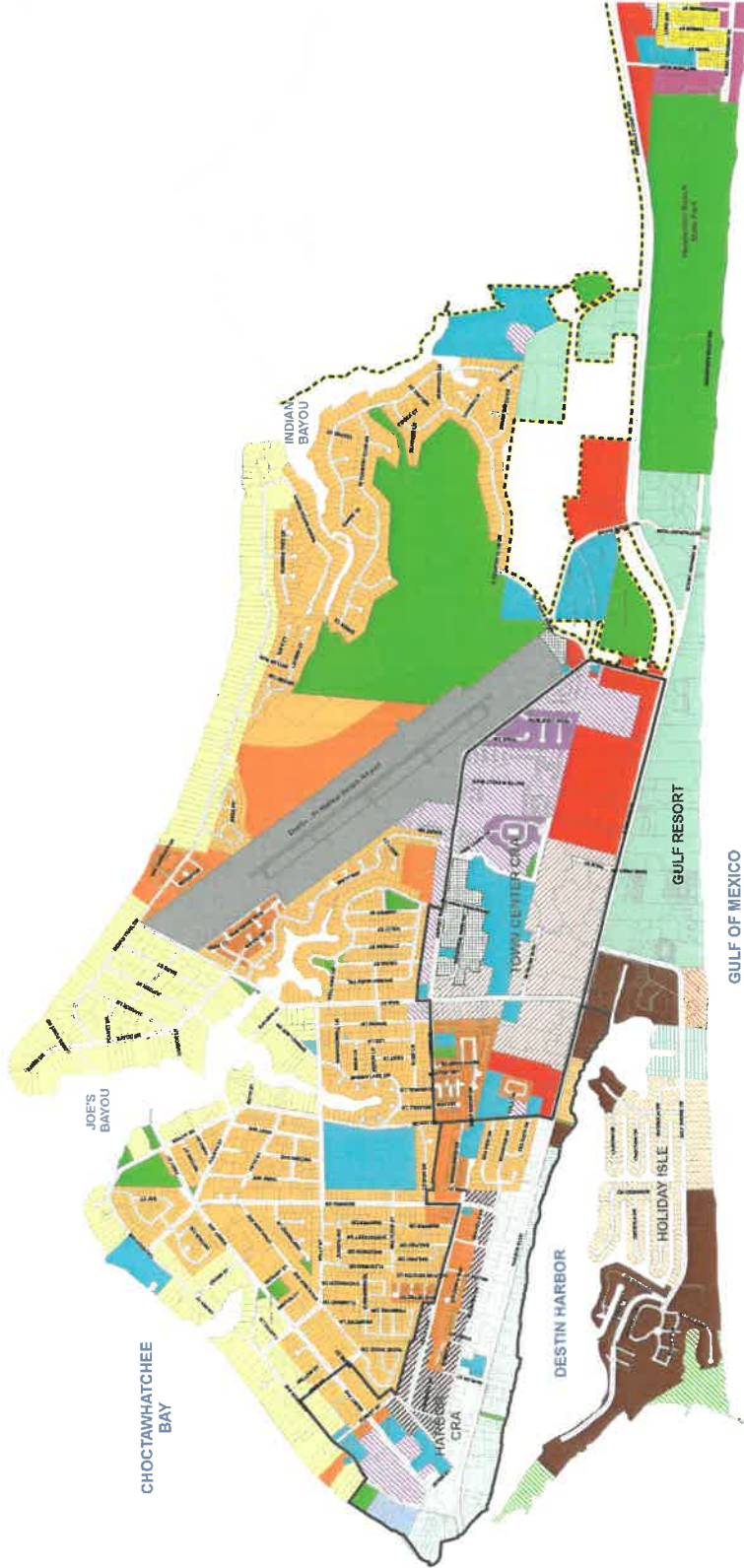
- CL - Commercial Limited  
CG - Commercial General  
CTS - Commercial Trades and Service

## Mixed Use

- |                                                                                     |                                                                               |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
|    | CBR - Crystal Beach Resort                                                    |
|    | ROI-CBR - Residential, Office, & Institutional<br>- Crystal Beach Residential |
|    | ROI-GBD - Residential, Office, & Institutional<br>- General Development       |
|    | ROI-TD - Residential, Office, & Institutional<br>- Tourist Development        |
|  | ROI-VR - Residential, Office, & Institutional<br>- Village Residential        |
|  | CMU - Calhoun Mixed Use                                                       |
|  | TCMU - Town Center Mixed Use                                                  |
|  | HIMU - Holiday Isle Mixed Use                                                 |
|  | GRMU - Gulf Resort Mixed Use                                                  |
|  | NHMU - North Harbor Mixed Use                                                 |
|  | SHMU - South Harbor Mixed Use                                                 |
|  | PRMU - Raw River Mixed Use                                                    |

- CON - Conservation  
REC - Recreation  
INST - Institutional  
IN - Industrial  
A - Airport

- ORD-08-06-LC  
• ORD-08-06-LC  
• ORD-08-07-LC  
• ORD-08-09-LC  
• ORD-08-10-LC  
• ORD-09-03-LC  
• ORD-10-13-LC  
• ORD-10-01-LC  
• ORD-10-01-LC
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