



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, APRIL 17, 2025
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
- 4. CURRENT BUSINESS**
 - A. Ordinance 25-09-LC - Amending Section 7.16.00 *Alcoholic Beverage Dispensing* of the Land Development Code; Creating an exception to the separation requirement from churches for certain tax-exempt organizations that specifically benefit veterans of the U.S. Armed Forces.**
- 5. MEMBER DISCUSSION/QUESTIONS**
 - A.**
 - Jim Wood- Chair
 - Todd Buhr- Vice Chair
 - Marcie Bell
 - Tammy Weidenhamer
 - Jay Purut
 - Ken Wampler
 - Breana Uptigrove
- 6. PUBLIC COMMENTS**
- 7. NEXT MEETING DATE: May 1, 2025**

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

includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 17, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Deputy Community Development Director

DATE: April 10, 2025

SUBJECT: Ordinance 25-09-LC - Amending Section 7.16.00 *Alcoholic Beverage Dispensing* of the Land Development Code; Creating an exception to the separation requirement from churches for certain tax-exempt organizations that specifically benefit veterans of the U.S. Armed Forces.

I. BACKGROUND: The Land Development Code currently contains separation requirements between churches and businesses that derive 50 percent of their gross revenue from the sale or dispensing of alcohol. The proposed ordinance would create an exception for 501(c)(19) organizations, which are tax-exempt organizations that specifically benefit veterans of the U.S. Armed Forces, to locate near churches notwithstanding whether or not such businesses derive revenue from the sale or dispensing of alcohol.

II. DISCUSSION: The language below is the current language set forth in the LDC, with the new, proposed language underlined for Council consideration:

7.16.00. - Alcoholic beverage dispensing.

7.16.01. *Purpose.* The purpose of this section is to regulate where businesses principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises can be located in the City. The phrase "principally engaged" shall mean a business that derives more than 50 percent of its gross revenue from the sale or dispensing of alcohol. Notwithstanding the foregoing, under no circumstances shall a 501(c)(19) tax-exempt organization that specifically benefits veterans of the U.S. Armed Forces be considered to be "principally engaged" in the dispensing of alcoholic beverages by the drink for consumption on or off the premises.

7.16.02. *Minimum separation distance.* Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is not permitted to be located within 500 feet from a church, similar place of worship, school, preschool, or cemetery. The measurement of the minimum separation distance line shall be from the nearest point of the property line of the church, similar place of worship, school, preschool, or cemetery to the front door of the building containing the liquor licensee. If the applicant feels that the City's determination of the distance requirement is in error, the applicant has the right to provide to the City a survey indicating the distance from the boundary line of the church, similar place of worship, school, preschool, or cemetery in question to the front door of the building in question. The survey must be prepared, signed, dated, and sealed by a professional surveyor registered in the State of Florida.

7.16.03. *Exceptions to the minimum separation distance.* The following are exceptions to the requirements of section 7.16.01:

1. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is permitted to be located within 500 feet from a church, similar place of worship, school, preschool, or cemetery provided such business (1) is located in the North Harbor Mixed Use Zoning District, or the South Harbor Mixed Use Zoning District; (2) is located at an address where a business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises was licensed by the State to engage in such business either on or before the effective date of this ordinance; or (3) is located at an address where a business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises was licensed by the State to engage in such business before the church, or similar place of worship, school, preschool, or cemetery was established at the location in question.
2. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is permitted to be located within 500 feet of a church, similar place of worship, school, preschool, or cemetery if such church, similar place of worship, school, preschool, or cemetery was established after a business principally engaged in the dispensing of alcoholic beverages was established at that location.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB): None

C. Level of Service (LOS):

D. Legislative Sponsor: Council Member Rodney Braden

E. Business Impact Statement:

III. CONCLUSION: The proposed ordinance would provide a limited exception for 501(c)(19) organizations, as explained above.

IV. RECOMMENDED MOTION: I recommend the City Council approve Ordinance 25-09-LC.

Attachments:

1. 25-09-LC Separation
501c19

ORDINANCE NO. 25-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING SECTION 7.16.00 “ALCOHOLIC BEVERAGE DISPENSING”, OF THE LAND DEVELOPMENT CODE; CREATING AN EXCEPTION TO THE SEPARATION REQUIREMENT FROM CHURCHES FOR CERTAIN TAX-EXEMPT ORGANIZATIONS THAT SPECIFICALLY BENEFIT VETERANS OF THE U.S. ARMED FORCES; PROVIDING FOR AUTHORITY; 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, Chapter 163, Part II, of Florida Statutes, entitled the Community Planning Act ("Act"), empowers and requires the City Council to plan for the City's future development and growth and to adopt and amend its Land Development Code, or elements of portions thereof, to guide the future growth and development of the City; and

WHEREAS, the Land Development Code currently contains separation requirements between churches and businesses that derive 50 percent of their gross revenue from the sale or dispensing of alcohol; and

WHEREAS, the City Council desires to allow 501c(19) organizations, which are tax-exempt organizations that specifically benefit veterans of the U.S. Armed Forces, to locate near churches notwithstanding whether or not such businesses derive revenue from the sale or dispensing of alcohol; and

WHEREAS, the City Council desires to provide for the health, safety and welfare of its citizens by modernizing and simplifying the LDC; 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, the Local Planning Agency held a public hearing, with all required public notice on for the purpose of providing recommendations to the City Council with regard to this Ordinance amending the Land development Code and recommended that the City Council adopt the Ordinance amending the Land Development Code; 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. 7.16.00. - Alcoholic beverage dispensing.

7.16.01. *Purpose.* The purpose of this section is to regulate where businesses principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises can be located in the City. The phrase "principally engaged" shall mean a business that derives more than 50 percent of its gross revenue from the sale or dispensing of alcohol. Notwithstanding the foregoing, under no circumstances shall a 501(c)(19) tax-exempt organization that specifically benefits veterans of the U.S. Armed Forces be considered to be "principally engaged" in the dispensing of alcoholic beverages by the drink for consumption on or off the premises.

7.16.02. *Minimum separation distance.* Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is not permitted to be located within 500 feet from a church, similar place of worship, school, preschool, or cemetery. The measurement of the minimum separation distance line shall be from the nearest point of the property line of the church, similar place of worship, school, preschool, or cemetery to the front door of the building containing the liquor licensee. If the applicant feels that the City's determination of the distance requirement is in error, the applicant has the right to provide to the City a survey indicating the distance from the boundary line of the church, similar place of worship, school, preschool, or cemetery in question to the front door of the building in question. The survey must be prepared, signed, dated, and sealed by a professional surveyor registered in the State of Florida.

7.16.03. *Exceptions to the minimum separation distance.* The following are exceptions to the requirements of section 7.16.01:

- A. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is permitted to be located within 500 feet from a church, similar place of worship, school, preschool, or cemetery provided such business (1) is located in the North Harbor Mixed Use Zoning District, or the South Harbor Mixed Use Zoning District; (2) is located at an address where a business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises was licensed by the State to engage in such business either on or before the effective date of this ordinance; or (3) is located at an address where a business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises was licensed by the State to engage in such business before the church, or similar place of worship, school, preschool, or cemetery was established at the location in question.
- B. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is permitted to be located within 500 feet from a church,

similar place of worship, school, preschool, or cemetery if such church, similar place of worship, school, preschool, or cemetery was established after a business principally engaged in the dispensing of alcoholic beverages was established at that location.

SECTION 4. BUSINESS IMPACT ESTIMATE. Prior to enactment of this Ordinance, a business impact estimate was prepared and posted in accordance with section 166.041, Florida Statutes.

SECTION 5. 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 6. 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 7. 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 THIS ____ DAY OF _____, 2025.

By: _____
Bobby Wagner, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: April 7, 2025
Second Reading: _____