AGENDA
LOCA PLANNING AGENCY
THURSDAY, NOVEMBER 21, 2019
5:30 PM
DESTIN CITY HALL BOARDROOM

1. **CALL TO ORDER**
2. **ROLL CALL/PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MINUTES**
   - **A. October 17, 2019**
4. **NEW BUSINESS**
   - **A. Ordinance 19-34-LC**
   - **B. Ordinance 19-35-LC**
   - **C. Ordinance 19-36-LC**
   - **D. Ordinance 19-37-LC**
   - **E. Ordinance 19-38-LC**
5. **DIRECTOR'S REPORT**
   - **A. Civic Clerk Meeting Material Distribution**
   - **B. Upcoming Ordinances**
6. **NEXT MEETING DATE: TBD**
   - **A. December 12, 2019**
7. **ADJOURNMENT**

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)

MINUTES
LOCAL PLANNING AGENCY
OCTOBER 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, October 17, 2019 at 5:30 p.m., in the Destin City Hall Boardroom; followed by the Pledge of Allegiance.

2. ROLL CALL:

Members Present	***Member Absent***	***Staff Members Present***
James T. Wood, Jr.	Kevin Schmidt	Kim Montgomery, Deputy City Clerk
Darryl Shelton		Lauren Witt, Planning Manager
Corey Ledbetter		Samantha Brisolara, Planner
Jason Klosterman		Kyle Bauman, City Attorney
Don David		Kimberly Kopp, Land Use Attorney

3. APPROVAL OF MINUTES:

A. September 26, 2019

Agency member Shelton moved for approval of minutes of September 26, 2019 meeting; seconded by Agency member Ledbetter. Motion passed 5-0. Agency member Schmidt was absent.

4. NEW BUSINESS:

A. A public hearing regarding Ordinance No. 19-31-LC relating to changes to the Zoning Map, which changes the zoning district of one parcel to match the land use designation assigned in the Future Land Use Map of the Comprehensive Plan. The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 19-31-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

DRAFT

INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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.

According to the City Attorney, the ordinance is a quasi-judicial hearing and asked for those that would be providing testimony to please stand to be sworn in. The following were sworn in:

Trey Goodwin
Ken Metcalf

Mr. Goodwin, attorney for the property owner spoke of how they are in favor of the ordinance and they suggest the Agency members recommend its adoption to City Council. He provided Mr. Metcalf's resume for the record and suggested if there were any questions by the members; Mr. Metcalf may be able to provide insight. Chairman Wood accepted Mr. Metcalf's resume into the record.

Chairman Wood opened the public portion of the hearing. Having no one to approach the dais to speak, he proceeded to close the public portion of the hearing and asked the members if they had any questions, having none he called for the vote.

Agency member Shelton made the recommended motion to for City Council approve Ordinance 19-31-LC, with Agency member Ledbetter providing the second. A roll call vote of 5-0 was taken and the motion passed. Agency member Schmidt was absent.

B. A public hearing regarding Ordinance No. 19-32-LC relating to changes to the Zoning Map, which changes the zoning of two (2) parcels from Institutional (INST) and Medium Density Residential-Village (MDR-V) to Residential, Office Institutional-Village Residential (ROI-VR). The proposed Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 19-32-LC

DRAFT

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 THE PROPERTIES DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND MEDIUM DENSITY RESIDENTIAL-VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

According to Planner Samantha Brisolara, the reason for the ordinance is to align the Future Land Use Map with the Zoning Map and combine the two zoning designations into the one and staff recommends approval.

Chairman Wood opened the public portion of the hearing.

Project Manager, Mr. Rob Hensel of Destin Water Users asked if the water tower presently located on the property would be grandfathered in.

According to Mrs. Witt, the use of water and sewer systems is considered a Conditional Use and is allowable.

Mrs. Kopp added that if there is ever a need for changes to be made to it, then Destin Water Users would potentially have to go through the Conditional Use process, but as it is, it's allowed.

With no one else coming forward to speak the Chairman proceeded to close the public portion for comment.

Motion by Chairman Wood to recommend City Council approve Ordinance 19-32-LC with Agency member Shelton providing the second. A roll call vote of 5-0 was taken and the motion passed. Agency member Schmidt was absent.

C. A public hearing regarding Ordinance No. 19-33-LC relating to changes to the Zoning Map, which changes the zoning of one (1) parcel from Residential, Office, Institutional – General Development (ROI-GD) and Medium Density Residential- Village (MDR-V) to Residential, Office Institutional – Village Residential (ROI-VR). The proposed

DRAFT

Ordinance title is as follows:

The City Attorney read the ordinance by title into the record.

ORDINANCE NO. 19-33-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 THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) AND MEDIUM DENSITY RESIDENTIAL- VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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.

According to Mrs. Brisolara, the property in question is the Sugar Loaf Apartments and is a split zoned property. This ordinance will bring the entire property into one zone.

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

Agency member Shelton made the recommended motion to for City Council approve Ordinance 19-33-LC, with Agency member David providing the second. A roll call vote of 5-0 was taken and the motion passed. Agency member Schmidt was absent.

5. DIRECTOR'S REPORT: None

6. NEXT MEETING DATE: November 21, 2019 @ 5;30 p.m.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 5:15 p.m.

Adopted and approved this _____ day of _____ 2019.

_____ _____

James Wood, Jr. Chairman Rey Bailey, Destin City Clerk

DRAFT

ITEM # _____

COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: November 21, 2019
TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, City Land Use Attorney
Lauren Witt, Principal Planner

FROM: Sam Brisolara, Planner
Traci Goodhart, Planner

DATE: November 12, 2019

SUBJECT: Proposed Zoning Map Amendment - 19-34-LC: Remaining Area 15

BACKGROUND:

The proposed Zoning Map Amendment is a continuation of Ordinance 19-09-LC, which is a City initiated effort to align the current Zoning Map to the Future Land Use Map. Remaining Area 15 is currently zoned Residential, Office, Institutional – Tourist Development (ROI-TD). The Future Land Use designation is Commercial General (CG).

Additionally, proposed Ordinance 19-25-LC was created, under direction from City Council, which revises the Commercial General (CG) Zoning District requirements in Article 7 by (1) adding increased buffering for properties adjacent to existing residential uses or residential zoning districts and (2) changing select currently Permitted uses in the zoning district to Conditional uses, and (3) sets up a process and establish associated criteria for approval of such conditional uses.

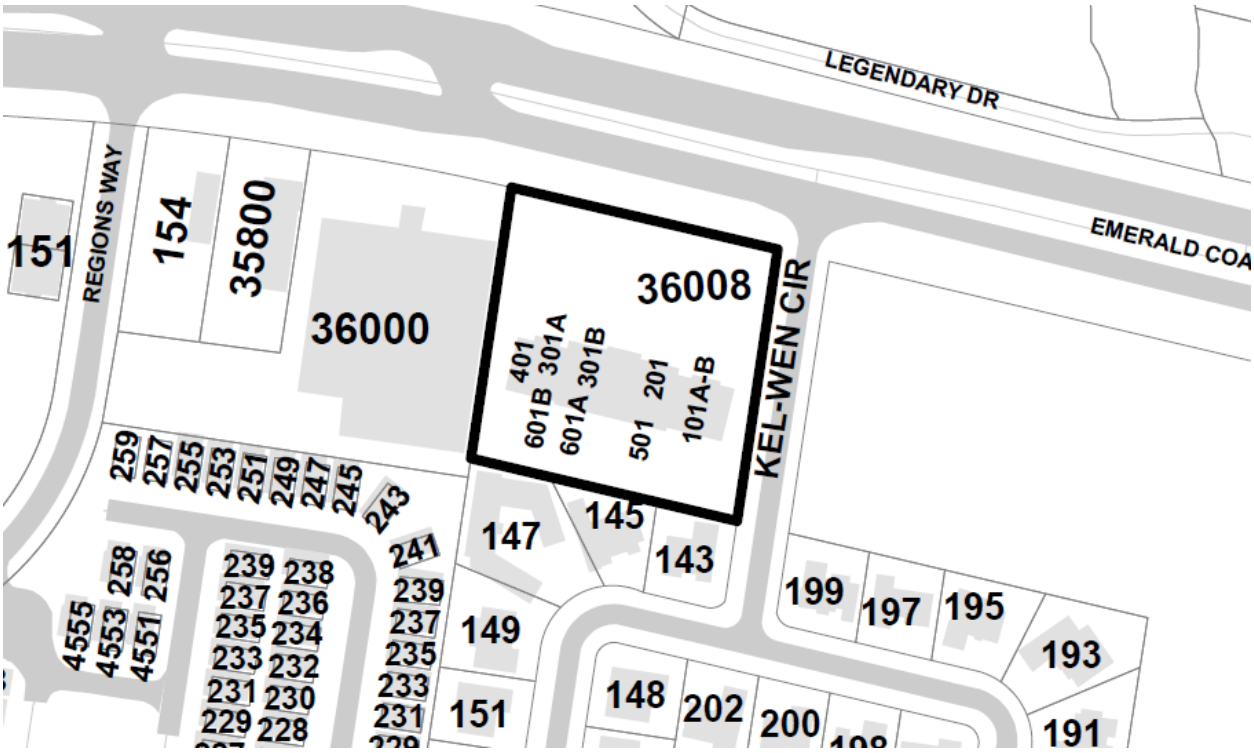
DISCUSSION:

The remaining Area 15 consists of one parcel (00-2S-22-1599-0000-00A0) owned by John Brown and H. French III also known as Mid-Bay Suites. The proposed Zoning Map Amendment will align the properties' zoning classification to the Future Land Use designation. If approved, the properties' zoning classification will be based on the amended Commercial General (CG) Zoning district set forth by Ordinance 19-25-LC.

CONCLUSION:

The Proposed Ordinance is the last remaining effort to realign the Zoning Map with the Future Land Use Map and is consistent with Comprehensive Plan Objective 1-2.1.

ITEM # _____



STAFF RECOMMENDATION:

Staff recommends that the LPA recommend City Council approve of proposed Ordinance 19-34-LC

RECOMMENDED MOTION:

I move the LPA recommend City Council approve of proposed ordinance 19-34-LC.

Attachments:

A. Ordinance 19-34-LC_Rezoning of Remaining Area 15
B. Ordinance 19-25-LC_Commercial General

ORDINANCE NO. 19-34-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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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, Future Land Use Element Objective 1-3.6 of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map; and

WHEREAS, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; 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

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 Residential Office and Institutional – Tourist Development (ROI-TD) to Commercial – General (C-G), for Okaloosa County Property Appraiser Parcel Identification Number **00-2S-22-1599-0000-00A0**, which parcel is generally depicted in Exhibit A, 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, for the City of Destin, only.

_____
Rey Bailey, City Clerk

_____
Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

ITEM # _____

COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LPA MEETING DATE: November 21, 2019
TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Kimberly Kopp, City Land Use Attorney
Louis Zunguze, Community Development Director
Lauren Witt, Planner

FROM: Samantha Brisolara, Planner
Traci Goodhart, Planner

DATE: November 15, 2019

SUBJECT: Proposed Ordinance No. 19-35-LC, Administrative Rezoning of 820 Beach Dr

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ISSUE: The City recently acquired a parcel of land, formerly a cement plant, located at 820 Beach Drive, adjacent to Joe's Bayou Boat Launch. It is currently zoned Bay Estates with a Future Land Use designation of Bay Estates. The future use of the parcel will include improvements and added amenities listed in the Mattie Kelly Park and Joe's Bayou Boat Launch Master Plan. However, parks are not currently a permitted use in the Bay Estates Zoning District. In order for the City to utilize the parcel located at 820 Beach Drive (00-2S-22-1360-0020-0070) for recreational purposes, the parcel must be rezoned to Recreation consistent with surrounding parcels.

DISCUSSION: The parcels to the East, West, and South are zoned Recreation due to the Mattie Kelly Park and Nature Walk and Joe's Bayou Boat Launch. Since the parcel located at 820 Beach Drive is an extension of the use of the Park, the parcel should be rezoned from Bay Estates to Recreation, so the use is in compliance with the zoning district.

Additionally, the Future Land Use Map will need to be amended to reflect the change from Bay Estates to Recreation. This amendment will be part of the update to the Comprehensive Plan during the Evaluation and Appraisal Report to the State.

CONCLUSION:

This proposed Ordinance will rezone the City acquired parcel located at 820 Beach Drive to Recreation and is consistent with Comprehensive Plan Policy 12-3.1.1.2: Orderly Development and Land Use Compatibility

STAFF RECOMMENDATION: Staff recommends the LPA recommend approval of Ordinance 19-35-LC to the City Council.

RECOMMENDED MOTION: I move that the LPA recommend that the City Council approve Ordinance 19-35-LC.

Exhibits:

A. Proposed Ordinance 19-35-LC

B. Map 820 Beach Dr

ORDINANCE NO. 19-35-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 THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM BAY ESTATES (BE) TO RECREATION (REC); 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, Future Land Use Element Objective 1-3.6 of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map; and

WHEREAS, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; 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

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 Bay Estates (BE) to Recreation (REC), for Okaloosa County Property Appraiser Parcel Identification Number **00-2S-22-1360-0020-0070**, which parcel is generally depicted in Exhibit A, 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

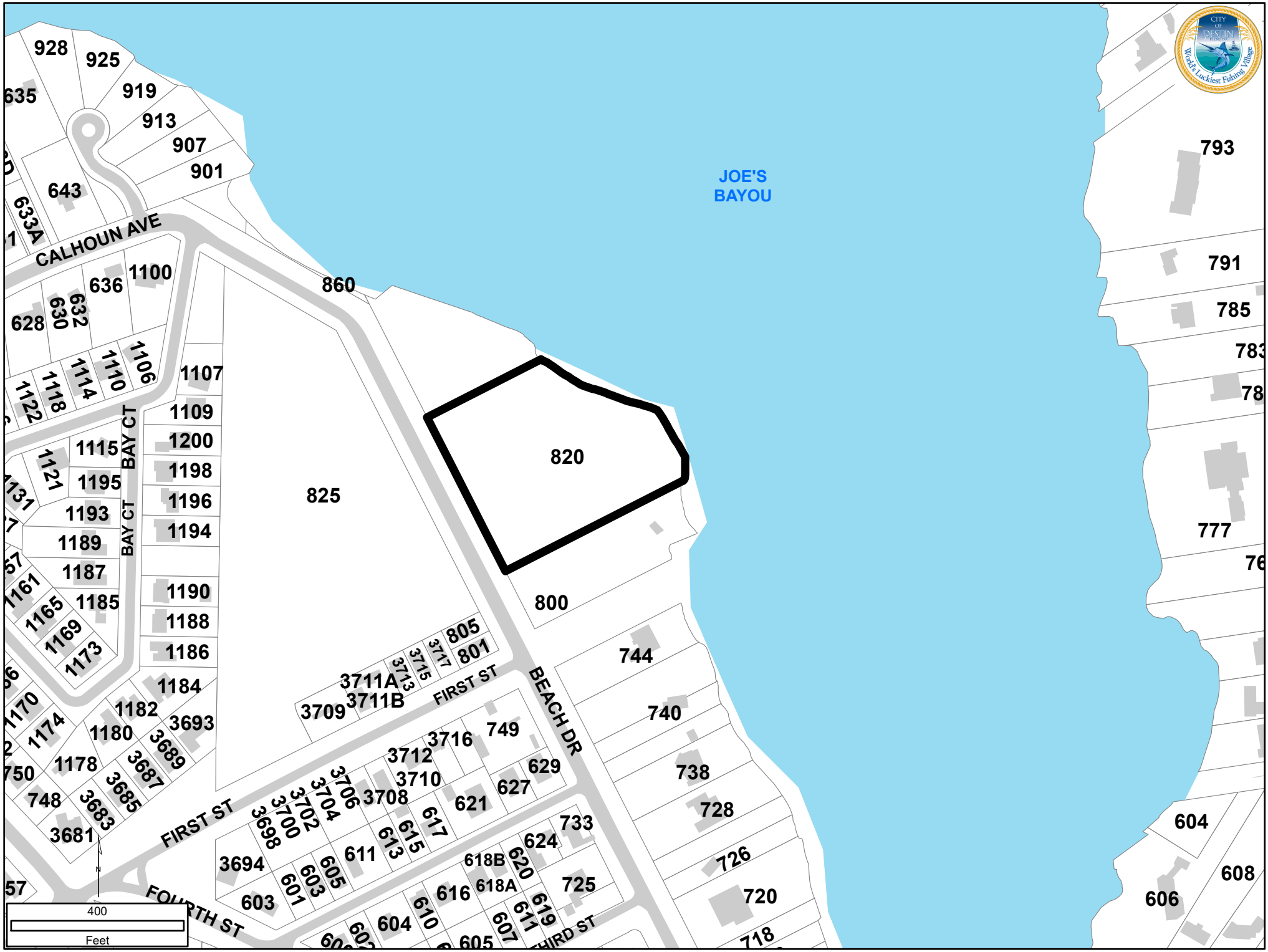
ATTEST:

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

_____
Rey Bailey, City Clerk

_____
Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____



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ITEM # _____

COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: November 21, 2019
TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Lauren Witt, Principal Planner
Kimberly Kopp, City Land Use Attorney

FROM: Samantha Brisolara, Planner
Traci Goodhart, Planner

DATE: November 15, 2019

SUBJECT: Proposed Ordinance 19-36-LC: Lot Split

BACKGROUND:

Currently, the only way to divide a single parcel into two new parcels is by way of a minor subdivision. Furthermore, minor subdivisions have additional requirements, such as supplying mylar copies, for the purpose of splitting one lot into two. As a result, the process of subdividing a single parcel of land into two parcels is cumbersome for applicants.

DISCUSSION:

Subdivisions that create three (3) to nine (9) parcels will be considered minor subdivisions. The proposed lot split Ordinance will provide streamlined procedures and provisions suited for the division of one parcel into two parcels. Therefore, simplifying the subdivision process for dividing a single parcel of land into two parcels.

CONCLUSION:

The proposed lot split ordinance is consistent with Comprehensive Plan Policy 10-2.2.3 which states the City shall continually evaluate all development permitting processes and procedures to evaluate the need for a more streamlined process.

STAFF RECOMMENDATION:

Staff recommends that the LPA recommend approval to City Council of proposed ordinance 19-36-LC.

ITEM # _____

RECOMMENDED MOTIONS:

I move the LPA recommend City Council approve of proposed ordinance 19-36-LC.

Attachments:

Ordinance 19-36-LC: Lot Split

ORDINANCE NO. 19-36-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; PROVIDING PROCEDURES FOR LOT SPLITS; 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 l.0l (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 procedures for the subdivision or resubdivision of land in order to provide procedures for lot splits; 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, <u>underline language</u> 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 2.19.00.

Section 2.19.00 of the Land Development Code is hereby amended as follows:

***

2.19.05. *Lot splits*. The city council may by resolution at a public hearing grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split:

A. For purposes of this section, the term "lot split" shall mean a division of a tract of land or lot that will result in the creation of exactly one (1) additional lot or tract of land provided the following conditions are met:

1. The lot or tract of land to be split is a previously platted lot or legal description of record.

2. Each lot or tract of land created hereunder shall abut a public or approved private street, unless perpetual cross-access easements already exist on the lot to be split or are determined not to be necessary, or, if necessary, are provided by separate instrument.

3. The lot split shall in every respect meet the criteria established elsewhere in this chapter and the City Land Development Code for the category of zoning and other relevant Codes under which the property is zoned.

B. Every lot split shall be processed in the following manner:

1. An application form provided by the community development department shall be completed and filed with the department, accompanied with the following:

a) An application fee approved by the city council by resolution;

b) Twelve (12) paper copies of the proposed lot split;

c) A statement indicating whether new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land; and

d) Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division shall be prepared by a duly licensed land surveyor registered in the state. If a lot or tract of land contains any principal or accessory structures, a survey showing the structures on the lot or tract of land shall accompany the application.

2. Upon approval of the lot split by resolution of the city council, the resolution shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.

C. No further division of an approved lot split is permitted under this section, unless a plat is prepared and approved in accordance with this chapter.

***

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.

By: _____
Gary Jarvis, Mayor

ATTEST:

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.

_____
Rey Bailey, City Clerk

_____
Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

ITEM # _____

COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: November 21, 2019
TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Lauren Witt, Principal Planner
Kimberly Kopp, City Land Use Attorney

FROM: Samantha Brisolara, Planner
Traci Goodhart, Planner

DATE: November 13, 2019

SUBJECT: Proposed Ordinance 19-37-LC: Revision to ROI-VR Table 7-3

BACKGROUND:

The proposed Ordinance is an amendment to Ordinance 19-28-LC which consolidated the Residential, Office, Institutional – General Development (ROI-GD) and Residential, Office, Institutional – Village Residential (ROI-VR) Zoning Districts. As a result, all parcels originally zoned ROI-GD are now zoned ROI-VR, and the ROI-GD zoning district was eliminated.

DISCUSSION:

Ordinance 19-28-LC amended Table 7-3: Schedule of Dimensional Requirements to remove all references of the ROI-GD zoning district. However, as a result of the consolidation, ROI-VR now permits nonresidential uses as conditional uses. The proposed Ordinance 19-37-LC further amends Table 7-3 to include dimensional requirements for non-residential uses in the ROI-VR zoning district.

CONCLUSION:

Proposed Ordinance 19-37-LC is a revision to Table 7-3 Schedule of Dimensional Requirements and is consistent with Comprehensive Plan Objective 1-2.2: Establish Residential Land Use Desingations

STAFF RECOMMENDATION:

Staff recommends that the LPA recommend approval to City Council of proposed ordinance 19-37-LC.

ITEM # _____

RECOMMENDED MOTION:

I move the LPA recommend City Council approve of proposed ordinance 19-37-LC.

ORDINANCE NO. 19-37-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO REVISE THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL ZONING DISTRICT; 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 l.0l (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 desires to align the Future Land Use Map set forth in the Comprehensive Plan with the Zoning Map set forth in the Land Development Code, consistent with Florida law, and;

WHEREAS, in an effort to reduce the total number of redundant and overlapping zoning districts in the City of Destin, the City Council directed staff to amend the Land Development code to consolidate the ROI-VR and ROI-GD zoning districts, and to amend the Zoning Map to change all parcels zoned ROI-GD to ROI-VR, because both of these zoning districts are focused on long-term residential development and supportive services; and

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the Residential, Office, and Institutional-General Development zoning district should be eliminated and the uses therein should be consolidated into the existing Residential, Office, and Institutional-Village Residential zoning district; 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 on November 21, 2019, 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, <u>underline language</u> 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 TABLE 7-3. Generally depicted in Exhibit A.

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.

By: _____
Gary Jarvis, Mayor

ATTEST:

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.

_____
Rey Bailey, City Clerk

_____
Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

ITEM # _____

COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: November 21, 2019
TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, City Land Use Attorney
Lauren Witt, Principal Planner

FROM: Samantha Brisolara, Planner
Traci Goodhart, Planner

DATE: November 12, 2019

SUBJECT: Ordinance 19-38-LC Wheeled Vehicles on the Beach

I. BACKGROUND:

Ordinance 18-15-LC regarding Wheeled Vehicles on the Beach was approved by City Council on the first reading held April 15, 2019 with the condition that each vendor shall be allowed additional vehicles, one per location with a maximum of three vehicles, at any time.
However, due to an inadvertent oversight, Ordinance 18-15-LC was approved on second reading May 6, 2019 without the added condition to the Ordinance.

II. DISCUSSION:

Proposed Ordinance 19-38-LC amends Ordinance 18-15-LC to include the added condition that each vendor shall be allowed additional vehicles, one per location with a maximum of three vehicles at any time.

III. CONCLUSION:

The proposed Ordinance is a revision to include the provision that beach vendors shall only have a maximum of three wheeled vehicles total at any time, one per location.

The proposed Ordinance is consistent with Comprehensive Plan Policy 6-1.5.3: Enforce Restrictions on Operation of Vehicles on Beaches.

IV. STAFF RECOMMENDATION:

Staff recommends LPA recommend City Council approve of Ordinance 19-38-LC.

V. RECOMMENDED MOTION:

I move the LPA recommend City Council approve Ordinance 19-38-LC.

Attachments:

A. Ordinance 19-38-LC

ORDINANCE 19-38-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 AMENDING SUBSECTION 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 l.0l (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 number 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 beachgoers 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) is it 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:

***

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 vendor is allowed no more than three (3) decals for the purposes of distributing and collecting beach chairs and umbrellas from the beach. Decals shall be affixed to either an ATV, or to a truck equal to, or smaller than a half ton pickup truck. Beach Vendors shall have no more than three (3) approved vehicles at three (3) different beach locations at any time. 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.

***

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