



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, FEBRUARY 18, 2021
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. January 21, 2021**
- 4. NEW BUSINESS**
 - A. Proposed Ordinance No. 20-16-LC and 20-17-CC relating to proposed amendments regarding Mobile Vending.**
 - B. Ordinance No. 21-02-LC relating to a change to the City's Zoning Map (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190). The proposed ordinance changes the zoning designation from Low Density Residential – Village to Residential, Office, Institutional – Village Residential.**
 - C. Proposed Ordinance 21-01-LC: South Harbor Mixed Use**
- 5. DIRECTOR'S REPORT**
 - A. Harbor Capacity Study Update**
 - B. Land Development Code Update**
- 6. NEXT MEETING DATE: Thursday March 18, 2021**
- 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)

**LOCAL PLANNING AGENCY
MEETING MINUTES
JANUARY 21, 2021 - 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 21, 2021 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Jason Klosterman
Don David
Marcie Bell
Karen Drexler

Staff Members Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Stormwater Specialist/Planner
Daniel Butler, Planner
Himangi Mutha, Planner
Don Smith, City Engineer
Kimberly Kopp, Land Use Attorney
Kyle Bauman, City Attorney

Mrs. Goodhart introduced the new planning staff members to everyone. And Chairman Wood introduced the two new LPA members to everyone as well.

3. CHAIRMAN/VICE CHAIRMAN NOMINATIONS:

Chairman:

Motion to nominate Jim Wood as Chairman was made by Agency member Shelton, with Agency member Bell providing the second. A roll call vote of 6-0 was taken and the motion passed.

Vice Chairman:

Motion to nominate Don David as Vice Chairman was made by Agency member Bell with Agency member Shelton providing the second. A roll call vote of 6-0 was taken and the motion passed.

4. Sunshine Law/Public Records Presentation – Kyle Bauman

The City Attorney presented the members with the City's Public Records Policy, Resolution 19-27 which was modeled after the City of Tallahassee's and adopted by Council. As well as a short Power Point Presentation and a Sunshine Law Handout and touched briefly on each important item. Noting that they all should be using their City of Destin email addresses for all city business. And explained how if they do get an email to their personal email account, to just forward it to their city email address so that it can be captured and searchable. He also covered social media comments and likes and how now that they are a public official, they are responsible to keep those Under the Sunshine as well.

5. APPROVAL OF MINUTES:

October 15, 2020

Motion by Agency member David, seconded by Agency member Shelton to approve the October 15, 2020 minutes as written. The motion passed 6-0.

NEW BUSINESS:

A. Proposed Conditional Use 21-01-CU – Panda Express

The City Attorney swore the following individuals for testimony:

- Nobert Kovacs
- Eric Houston
- Jeremy Beckett
- Cain Lester
- Traci Goodhart

Mrs. Goodhart explained the proposed project request location, being in the old Edwin Watts Golf Shop. The zoning district is Commercial General, and the request is compatible with the surrounding businesses. The applicant is proposing a fast-food restaurant with a drive-though and a 400-square foot outdoor patio and how the land use designation, in the zoning district, requires a conditional use application. And their role is to look at it from a Future Land Use Component as outlined in the Land Development Code.

Regarding the seven Conditional Use Requirements Mrs. Goodhart explained that the proposed project meets them all and explained each to the members.

- **Land Use Compatibility** – There are no off-site impacts anticipated with this project.
- **Sufficient Size** – The proposed project is 2,381 ft restaurant and a 400-square foot outdoor patio.
- **Proper Use of Mitigative Techniques** – The proposed project will have all the necessary screening, buffers, landscaping, and setbacks. It has an existing access off Emerald Coast Parkway, as required, and is providing cross-access to the property to the east for a safe alternative form of circulation of vehicles.
- **Hazardous Waste** – The project request does not produce any hazardous waste.
- **Over Proliferation of Uses** - This area of Destin is established commercial corridor with the nearest drive through be 1/3 of a mile to the east.

According to Mrs. Goodhart, with meeting all the requirements of the Conditional Use, staff feels the proposed restaurant is compatible with the surroundings and in compliance with applicable Laws and Ordinances. Staff recommends approval of the Conditional Use, noting that at this time, there is not an active Development Order (D.O.) Application because the applicant wanted to make sure that the

Conditional Use is first approved prior to submitting his D.O., which needs to be reflected in the motion for approval.

Chairman Wood opened the public portion of the hearing, with no one in attendance or attending virtually, the Chairman closed the public and asked the Agency members for any additional comments or a motion.

Motion by Agency member Klosterman, seconded by Agency member Shelton to recommend City Council approve Proposed Conditional Use 21-01-CU – Panda Express, pending submittal of their Development Order Application. A roll call vote of 6-0 was taken and the motion passed.

6. DIRECTOR’S REPORT:

Mr. Zunguze informed the Agency members that the complete rewrite of the Land Development Code is upcoming. Additionally, there is a City Council Visioning Session scheduled for January 25, 2021 in this room at 8:30 a.m. and they are welcome to attend.

7. NEXT MEETING: February 18, 2020

8. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:15 p.m.

Adopted and approved this _____ day of _____ 2021.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner
Himangi Mutha, Planner

DATE: February 16, 2021

SUBJECT: Proposed Ordinance No. 20-16-LC and 20-17-CC relating to proposed amendments regarding Mobile Vending.

I. BACKGROUND: Currently, the Land Development Code does not address the duration of “short-term,” “long-term,” and “special event” mobile vendors. **Ordinance 20-16-LC** defines the duration and outlines the mixed-use zoning districts where mobile vendors are permitted to operate.

City staff is updating **Chapter 13, Article IX Mobile Vendor, Code of Ordinances per Florida State Statute, Section 509.102** which excludes municipalities from requiring additional permitting for mobile vendors. Ordinance 20-17-CC removes mobile vendor permitting requirements and includes a revised definition for food truck and trailers to match the State of Florida Division of Hotels and Restaurant definition for Mobile food dispensing vehicle.

II. DISCUSSION: The current definition for Mobile Vendors is not inclusive of both, motorized and non-motorized Food truck and/or Food trailers that wish to operate within the City limits. Additionally, the Land Development Code is not clear regarding the frequency of “**short-term**” mobile vending operations. The proposed ordinance amends **Chapter 13, Section 13-160, Code of Ordinances, Article 3.00.01 – Definitions, and Article 7.21.00 – Mobile Vendors, Land Development Code** to include:

- Removed permitting requirements for Mobile Vendors per **Section 509.102, F.S.**
- Add language of motorized and non-motorized vehicles

- Include State of Florida Division of Hotels and Restaurants definition for Mobile food dispensing vehicle (Rule 61C-4.0161)
- Include explicit language for both Food Truck and Food Trailers
- Clarification regarding “**long-term**” and “**short-term**” mobile vending operations. The proposed categories are:
 - o Short-term Operations (less than 72 hours)
 - Special Events (Requires a temporary Change of Use)
 - o Long-term Operations (more than 72 hours)
 - seasonal operations (more than 72 hours and/or recurring anytime from May thru September).
 - Seasonal Marine Vendor Operation (more than 72 hours and/or recurring anytime from May thru September).
 - o Enforcement – Class II Violation in accordance with Section 14-401 of the City’s Code of Ordinances
 - A. Link to Strategic Goals / Objectives:
 - B. Effect on Budget (EOB):
 - C. Level of Service (LOS):

III. CONCLUSION: The proposed ordinance provides consistency with the State definition of a “mobile vendor” which includes food trailers. Additionally, there is clarification regarding the duration and frequency of “mobile vending” operations within the City of Destin and removed the permitting requirement for Mobile Vendors per **Section 509.102 F.S.**

At the regularly scheduled public meeting on November 18, 2020, the **Town Center CRA Committee** recommended City Council approval of proposed **Ordinances 20-16-LC and 20-17-CC** with caveat the definitions between the Code of Ordinances and Land Development Code be clarified.

At the regularly scheduled public meeting on January 13, 2021, the **Harbor CRA Committee** recommended City Council approval of proposed **Ordinances 20-16-LC and 20-17-CC** with the change of removing the length of a season from May to September.

IV. RECOMMENDED MOTION: I move the Local Planning Agency recommend City Council approval of proposed **Ordinances 20-16-LC and 20-17-CC** with the following changes:

1. The definitions between the Code of Ordinances and Land Development Code are clarified, and
2. The length of season from May through September is removed.

Attachments:

1. Ordinance 20-16-LC Mobile Vending
LDC
2. Ordinance 20-17-CC Mobile Vending

ORDINANCE NO. 20-16-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING ARTICLE 3, “DEFINITIONS”; AMENDING ARTICLE 7, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” RELATING TO MOBILE VENDING REGULATIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND 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 amend Article 3 of the Land Development Code to amend definitions, and Article 7 of the Land Development Code, relating to mobile vending regulations, regulating long term seasonal operations, and relating to special event operations; 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 ARTICLES 3 AND 7 OF THE LAND DEVELOPMENT CODE.

Articles 3 and 7 of the Land Development Code is hereby amended as follows:

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.

Mobile Vendor: A person who is in the business of selling food, beverages, flowers or other merchandise or services from a motorized or non-motorized vehicle. For the purpose of this section, Mobile Food Dispensing Vehicle, includes both Food Trucks and Food Trailers and is defined by the State of Florida Divisions of Hotels and Restaurants Rule 61C-4.0161.

~~Vending, mobile: A transportable retail or food service business that does not have a permanent/fixed location.~~

7.21.00. - Mobile vendors.

7.21.02. *Zoning districts.* The location of any mobile vendor shall be entirely within an approved zoning district.

- A. Long term operations (more than 72 hours). Mobile vendors may operate within the following zoning district: South Harbor Mixed Use (SHMU) and Calhoun Mixed Use (CMU).
- B. Short term operations (72 hours or less). Mobile vendors may operate within the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), North Harbor Mixed Use (NHMU), ~~Commercial Trades and Services (CTS), Industrial (IN), Institutional (INST), Residential, Office and Institutional General Development (ROI-GD),~~ Town Center Mixed Use (TCMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR).
- C. Long term seasonal operations (more than 72 hours and/or recurring anytime from May thru September). Mobile vendors with long term seasonal operations may operate within the following zoning district: South Harbor Mixed Use (SHMU) and Calhoun Mixed Use (CMU).
- D. Special event operations (72 hours or less). Mobile vendors with special event operations may operate within the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), North Harbor Mixed Use (NHMU), Town Center Mixed Use (TCMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR). A temporary Change of Use application is required to be submitted to the City for review prior to conducting any special event operations.
- E. Seasonal marine operations (more than 72 hours and/or recurring anytime from May thru September). Marine mobile vendors may operate from the surface waters adjacent to the following zoning districts: South Harbor Mixed Use (SHMU), Calhoun Mixed Use (CMU), Gulf Resort Mixed Use (GRMU), and Crystal Beach Resort (CBR).

7.21.12. *Enforcement.* Failure to comply with the provisions of this section is a Class II Violation, in accordance with Section 14-401 of the City Code of Ordinances and shall be grounds for denial or revocation of a mobile vendor permit in accordance with section 13-162 of the City Code, denial of a business tax receipt, revocation an existing business tax receipt or may result in code enforcement or civil action against the mobile vendor or the owner of the subject property, or both.

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 _____, 2020.

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: _____

ORDINANCE NO. 20-17-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO MOBILE VENDING; AMENDING CHAPTER 13, ARTICLE IX OF THE CODE OF ORDINANCES TO EXCLUDE “MOBILE FOOD DISPENSING VEHICLES” FROM PERMITTING REQUIREMENTS FOR MOBILE VENDORS, DUE TO PREEMPTION BY THE STATE PURSUANT TO SECTION 509.102, FLORIDA STATUTES (2020); PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND 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, on July 1, 2020, House Bill 1193 became effective, and created section 509.102, Florida Statutes; and

WHEREAS, section 509.102 Florida Statutes preempted to the state the licensure, registration, and permitting of mobile food dispensing vendors and disallowed local governments from prohibiting mobile food dispensing vendors from operating within their jurisdictions; and

WHEREAS, section 509.102, Florida Statutes defines the term "mobile food dispensing vehicle" to mean any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal; and

WHEREAS, the City may no longer require licenses, registration or permitting of mobile food dispensing vendors except for permitting in the context of land use regulations; and

WHEREAS, the City Council has determined that its existing permitting requirements in Chapter 13, Article IX of the Code of Ordinances have become obsolete with respect to “mobile food dispensing vehicles” due to the newly enacted state law, 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. DELETION OF CHAPTER 13 ARTICLE IX OF THE CODE OF ORDINANCES.

Chapter 13 Article IX of the Code of Ordinances is hereby amended as follows:

ARTICLE IX. - MOBILE VENDING PERMITS

Sec. 13-160. - Mobile vendor, defined.

Mobile vendor: A person who is in the business of selling ~~food, beverages, flowers or other~~ merchandise or services from any vehicle, including a motorized or non-motorized vehicle, except, however, that the provisions of this ordinance shall not apply to any “mobile food dispensing vehicle”, which is eaterers, generally defined as any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. ~~a person engaged in the business of transporting, in motor vehicles, food, beverages, or service equipment to residential, business and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles the items or services at retail, for the convenience of the personnel of such establishments.~~

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. 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 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 _____, 2020.

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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 18, 2021

BOARD/COMMITTEE: Local Planning Agency

TYPE OF AGENDA ITEM: Public Hearing

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner
Himangi Mutha, Planner

DATE: February 16, 2021

SUBJECT: Ordinance No. 21-02-LC relating to a change to the City's Zoning Map (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190). The proposed ordinance changes the zoning designation from Low Density Residential – Village to Residential, Office, Institutional – Village Residential.

I. BACKGROUND: Under City Council direction, Staff has been working to eliminate inconsistencies between the City's Zoning Map and Future Land Use Map. The zoning designation of the two subject parcels along Main Street is not consistent with the future land use of this area as identified in the City's Comprehensive Plan.

ISSUE: The current Zoning Map has the abovementioned parcels zoned as 'Low Density Residential – Village'; however, the Future Land Use Map designates these properties as 'Residential, Office, & Institutional'. Therefore, a rezoning of the subject parcels is needed to eliminate the inconsistencies.

II. DISCUSSION: The parcels requiring a zoning amendment are as follows:

Parcel ID: 00-2S-22-3091-000J-0200



CURRENT ZONING	CURRENT FUTURE LAND USE	PROPOSED ZONING
Low Density Residential-Village	Residential, Office, Institutional (ROI)	Residential, Office, Institutional - Village Residential (ROI-VR)

• Parcel ID: 00-2S-22-3091-000J-0190



CURRENT ZONING	CURRENT FUTURE LAND USE	PROPOSED ZONING
Low Density Residential-Village	Residential, Office, Institutional (ROI)	Residential, Office, Institutional-Village Residential (ROI-VR)

The intent of the Residential, Office, and Institutional - Village Residential (ROI-VR) zoning district is to maintain and conserve the area as permanent single-family detached residential dwelling units, with or without limited and supportive commercial uses. It is the intent of the ROI - VR zoning district to specifically not allow the following uses to be located in the district: seasonal single-family detached residential dwelling units; commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations.

If approved, the zoning of these parcels will be consistent with the Future Land Use Map.

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

III. CONCLUSION: The proposed amendments are consistent with Council's directive to align the Future Land Use and Zoning Maps.

STAFF RECOMMENDATION: Staff recommends that the LPA recommend City Council approval for proposed **Ordinance 21-02-LC**

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approval for proposed **Ordinance 21-02-LC**.

Attachments:

1. Admin Rezone Ordinance (LDR-V to ROI VR)

ORDINANCE NO. 21-02-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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM LOW DENSITY RESIDENTIAL - VILLAGE (LDR-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. (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190)

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 and 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 various parcels of property within the City of Destin are not currently within zoning categories that are consistent with the current Future Land Use designations in place for such properties; and

WHEREAS, the City Council desires to administratively rezone the parcels depicted in Exhibit A, from Low Density Residential - Village (LDR) to Residential, Office & Institutional-Village Residential (ROI-VR); 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 was conducted by the Local Planning Agency on February 18, 2021, 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 Low Density Residential (LDR-V) to Residential, Office and Institutional – Village Residential (ROI-VR), for the parcels with Okaloosa County Parcel ID numbers 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190, which are generally depicted and described 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 _____ 2021.

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

EXHIBIT A



Northern Parcel ID: 00-2S-22-3091-000J-0200

Kell-Aire Gardens 1st Addition Lot 20 Block J

Southern Parcel ID: 00-2S-22-3091-000J-0190

Kell-Aire Gardens 1st Addition Lot 19 Block J

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner
Himangi Mutha, Planner

DATE: February 16, 2021

SUBJECT: Proposed Ordinance 21-01-LC: South Harbor Mixed Use

I. BACKGROUND: Policy 1-2.4.3(3) of the City's Comprehensive Plan, identifies the South Harbor Mixed Use future land use as designed to **accommodate a festive marketplace, and encourage tourist commercial development designed to preserve waterfront views and water dependent activities. Additionally, long-term residential uses shall be prohibited within this area unless a minimum of 4,500 sq. ft. of "publicly leasable commercial space" is incorporated.**

Furthermore, the Land Development Code shall implement urban design principles that achieve a harmonious general appearance.

II. DISCUSSION: The Land Development Code implements the intent of the **Comprehensive Plan Policy 1-2.4.3(3)** and includes additional design requirements to provide for a harmonious appearance and the health, safety and welfare of its citizens. Proposed **Ordinance 21-01-LC** exempts structures, built prior to the City's incorporation (1984), from this specific requirement regarding publicly leasable space due to the nonconforming nature of those properties, and potential compatibility issues with established long-term residential uses. However, any structures built after 1984 shall be required to provide 4,500 sq. ft. of publicly leasable space.

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

III. CONCLUSION: Proposed **Ordinance 21-01-LC** exempts structures built prior to the City of Destin's incorporation (1984) located in the South Harbor Mixed Use zoning district, from providing a minimum of 4,500 sq. ft. of publicly leasable commercial space. The proposed change to the ordinance is consistent with **Policy 1-2.4.3(3)** of the City's Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends the LPA recommend City Council approval of proposed **Ordinance 21-01-LC**.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed **Ordinance 21-01-LC**.

Attachments:

1. SHMU Commercial Component 2021

ORDINANCE NO. 21-01-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, ZONING AND REGULATORY CONTROLS , OF THE LAND DEVELOPMENT CODE; PERMITTING RESIDENTIAL USES IN THE SOUTH HARBOR MIXED USE ZONING DISTRICT IN STRUCTURES PRE-DATING INCORPORATION OF THE CITY OF DESTIN (1984); 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, the South Harbor Mixed Use zoning district is intended to preserve the area as a world-class fishing village that is open to the public and accommodates a mixed use festive market place; and

WHEREAS, the SHMU is intended to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses; and

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

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should allow residential uses without a commercial component in structures built before incorporation of the City in 1984, only; 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 TO TABLE 7-2 “TABLE OF ALLOWABLE USES”

S. *South Harbor Mixed Use (SHMU)*. The South Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(3), South Harbor Mixed Use of the Comprehensive Plan.

1. Purpose and intent. The South Harbor Mixed Use zoning district is intended to preserve SHMU area as a world-class fishing village that is open to the public and accommodates a mixed use festive market place. The SHMU zoning district accomplishes these goals by encouraging tourist commercial development designed to preserve waterfront views, preserve water dependent activity, foster a pedestrian-oriented environment, and promote convenient public access to the harbor boardwalk and charter fishing opportunities for the public. It is the intent of the this zoning district to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space" (e.g. retail, office, restaurant, etc....). However, residential uses shall be permitted within structures constructed prior to 1984 (incorporation of the City of Destin) and shall be exempt from this requirement for 4,500 square feet of “publicly leasable commercial space.” The term "publicly leasable commercial space" shall mean: a space that is open to the public to lease and use; not a space or use that is exclusively for the owners or guest of the residential development in question; shall be heated and cooled square footage; and shall not constitute that portion of the harbor boardwalk that is reserved for ingress and egress for public use. The purpose of requiring this minimum publicly leasable commercial space is to foster and encourage access by the public to the development and the harbor boardwalk. Additionally, parcels⁴ having frontage on the Harbor shall provide in their development a commercial storefront equal to a minimum of 50% of the width of the property along the harbor front. Such commercial storefront may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the Harbor side of the development.

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 MARCH, 2021.

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: _____