



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, MARCH 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. February 18, 2021**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. Proposed Ordinance 20-24-LC relating to Low Speed Vehicles**
 - B. Proposed Ordinance 21-03-LC relating to amendments to the schedule of Dimensional Requirements in Article 7 of the Land Development Code.**
 - C. Proposed Ordinance 21-04-PC relating to the regulation of building height in the Comprehensive Plan.**
 - D. Proposed Ordinance 21-05-PC relating to the requirement for pitched roofs in the City of Destin.**
 - E. Proposed Ordinance 21-06-LC relating to the regulation of police and fire protection within the City of Destin.**
 - F. Proposed Ordinance 21-07-LC relating to the creation of a historic district in the City of Destin**
 - G. Proposed Ordinance 21-08-LC relating to amendments to the multi-family long term uses in the Commercial General zoning district in Article 7 of the Land Development Code**
 - H. Cross Town Connector Update**
- 6. DIRECTOR'S REPORT**
 - A. Land Development Code Update**
- 7. NEXT MEETING DATE: April 1, 2021**

8. 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
FEBRUARY 18, 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, February 18, 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
Karen Drexler

Members Absent

Marcie Bell

Staff Members Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Stormwater Specialist/Planner
Daniel Butler, Planner
Kimberly Kopp, Land Use Attorney

3. APPROVAL OF MINUTES:

January 21, 2021

Motion by Agency member Shelton, seconded by Agency member David to approve the January 21, 2021 minutes as written. The motion passed 5-0.

NEW BUSINESS:

A. Ordinance 20-01-LC

The Land Use Attorney read the ordinance by title into the record.

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 PREDATING 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.

Mr. Butler explained to the members that Policy 1-2.4.3 of the Comprehensive Plan requires long-term residential uses in the South Harbor Mixed Use Zoning District to have a minimum of 4,500 sq. feet of publicly leasable commercial space. And this proposed ordinance would exempt structures built prior

to the City's incorporation from this specific requirement regarding the publicly leased full space. He also explained that due to the non-conforming nature of the structures, any structures built after 1984 shall be required to provide the 4,500 square feet of the publicly leasable space will cut down on non-conformities within this zoning district and not to create any more non-conformities. And Staff recommends adoption of ordinance 21-01-LC by City Council.

The Chairman opened the hearing to the public, with no one coming forward he closed the public portion of the hearing and called on the members for comments or a motion.

Agency member Shelton made the motion for the Local Planning Agency to recommend City Council's approval Ordinance 21-01-LC, with Agency member David providing the second. A roll call vote of 5-0 was taken and the motion passed.

B. ORDINANCE NO. 21-02-LC

The Land Use Attorney read the ordinance by title into the record.

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)

Mr. Butler explained to the Agency members that City Council directed staff to eliminate the inconsistencies between the Zoning Map and the Future Land Use Map adding the zoning designation between these two subject parcels are not consistent which currently, these parcels are zoned Low Density Residential Village. And the Future Land Use Map has these designated as Residential Office Institutional, which is for just commercial supportive uses. If approved, the zoning of these parcels would be consistent with the Future Land Use Map and staff recommends approval Ordinance 21-02-LC for these two parcels.

The Chairman opened the hearing to the public, with no one coming forward he closed the public portion of the hearing and called on the members for comment or a motion.

Chairman Wood asked staff if this was the last of the changes to correct the maps. According to Mr. Butler that is correct.

Agency member Shelton made the motion for the Local Planning Agency to recommend City Council's approval of Ordinance 21-02-LC, with Agency member Drexler providing the second. The

motion passed with a 5-0 vote for approval.

C. ORDINANCE NO. 20-16-LC

The Land Use Attorney read the ordinance by title into the record.

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.

According to Mrs. Goodhart, this ordinance better defines short-term, long-term and special events. And that both ordinances, this one and the next, have previously come before them and were approved at their level. However, when they went before the Harbor and Town Center CRA, at the Harbor CRA recommended removing the May through September timeframe seeing that Destin’s season no longer has a definitive boundary.

The Chairman asked for clarification on what changes were made from the last time they reviewed and recommended this ordinance. According to Mrs. Goodhart, just the May to September timeframe for “seasonal” was omitted.

With no more comments, the Chairman opened the hearing to the public, with no one coming forward he closed the public portion of the hearing and called on the members for a motion.

Agency member Shelton made the motion for the Local Planning Agency to recommend City Council’s approval proposed Ordinance 20-16-LC with the following changes, the definition between the Code of Ordinance and the Land Development Code are clarified and the length of the season from May to September is removed. Agency member Drexler providing the second. The motion passed with a 5-0 vote for approval.

The Land Use Attorney clarified for the member that this ordinance amends the Code of Ordinance and the previous ordinance amends the Land Development Code. She then read the ordinance by title into the record.

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.

Mrs. Goodhart explained to the LPA members that this Ordinance is bringing the city in line with the Florida State Statute where instead of the Mobile Vendors submitting a Mobile Vending Permit Application, they will now submit a Mobile Vending Zoning Verification. Explaining further that is just for staff to make sure that the Mobile Vendor has the authority to operate on the property in which they are operating and, to make sure that they're in the correct zoning districts. And staff recommends approval of this ordinance.

Chairman Wood opened the hearing to the public, with no one coming forward he closed the public portion of the hearing and called on the members for comments or a motion.

Agency member David made the recommended motion for the Local Planning Agency to recommend approval of Ordinance 20-17-CC by City Council. With Agency member Shelton providing the second. A roll call vote of 5-0 was taken and the motion passed.

6. DIRECTOR'S REPORT:

A. Harbor Capacity Study Update

The Land Use Attorney explained that the City has received the funds from the Federal Government for the study and the study is about to commence next month. There will be a meeting of the steering committee on February 24th at 5:30 at that time the committee will be introduced to their role and their scope of the project. They will also be meeting with the representative from the Army Corps of Engineers, Meredith Ledart and will be reviewing surveys and getting acquainted with the project as a whole.

B. Land Development Code Update

The Land Use Attorney explained to the members that at their last meeting they had asked how the Land Development Code revisions would be coming to them and staff will be bringing the chapters in increments and not all of it at once.

The Chairman asked when the final adoption comes up would they be recommending it in its entirety? According to the Land Use Attorney, it may not need to be done that way and may also be in sections. Adding that the city is hiring 3TP as a consultant to assist with most of the rewrite as well as working with staff.

The Chairman also asked if they would be reviewing One Gulf project request in the next few months. According to the Land Use Attorney that should be coming before them soon.

7. NEXT MEETING: March 18, 2020

8. ADJOURNMENT:

DRAFT

Having no further discussion at this time, the meeting adjourned at 5:50 p.m.

Adopted and approved this _____ day of _____ 2021.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

DRAFT

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.A.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner
Traci Goodhart, Planner/Stormwater Manager

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 20-24-LC relating to Low Speed Vehicles

I. BACKGROUND: The following includes a timeline regarding **Proposed Ordinance 20-24-LC:**

- **August 20, 2020** – proposed Ordinance 20-24-LC went before the Local Planning Agency (LPA) for recommendation to City Council.
- **September 21, 2020** – Ordinance 20-24-LC went before City Council.
 - Council directed staff to remove **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98** and to have the Ordinance brought back to LPA for recommendation.
- **January 12, 2021** – Mr. Burgess, Public Services Director updated the PW/S Committee on Council's direction.
- **March 18, 2021** – Revised Ordinance 20-24-LC scheduled for public hearing before the LPA

II. DISCUSSION: For clarification, the following terms are defined:

Standard Golf Cart is not considered to be a Low-Speed Vehicle (LSV).

Low Speed Vehicle (LSV) is a properly modified golf cart that complies with the conditions set forth in Florida Statute 316.2122 and can operate legally on streets that meet designated LSV standards.

Florida Statute 316.2122 permits LSV operation on roadways with a posted speed limit of 35 MPH or less. City staff revised the map in accordance with F.S. 316.2122 for Council consideration. Council directed staff to revise the map NOT to include **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98.**

The **REVISED** map in the agenda packet depicts the following:

1. Roadways where LSVs are currently allowed (blue)
2. Roadways where LSVs are proposed (green)
3. Roadways where LSV use is prohibited (red)

-

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The LSV map complies with the City's Comprehensive Plan for connectivity and Multi-modal Transportation District requirements. In addition, the proposed amendments are consistent with Council's directive to remove **Main Street, Airport Road, portion of Indian Bayou Trail, and the section of Gulf Shore Drive from La Paz to the intersection of Highway 98** from the LSV map.

-

RECOMMENDATION: Staff recommends that the LPA recommend City Council approval for proposed **Ordinance 20-24-LC**.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approval for proposed **Ordinance 20-24-LC**.

Attachments:

1. 20-24-LC LSV Ordinance Feb 2 2021
2. Golf Cart Policy 2007
3. LSV Roads January 2021

ORDINANCE NO. 20-24-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII “TRANSPORTATION” AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION"; DEFINING “LOW SPEED VEHICLES”; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should amend Article VIII of the Code of Ordinances to regulate low speed vehicles on city roadways; and

WHEREAS, the City Council recognizes that regulation of low speed vehicles throughout the City benefits the City, it’s residents and the public; and

WHEREAS, failure to prohibit low speed vehicles on certain roadways within the City is a hazard to the public health, welfare, safety and the quality of life of the residents and visitors of the City; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; 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 ARTICLE VIII OF THE LAND DEVELOPMENT CODE.

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

Article VIII- TRANSPORTATION

Sec. 8.09.04.

A. Purpose and intent. The purpose of this Article is to authorize and regulate the use low-speed vehicles upon certain designated streets of the City of Destin, Florida, and establish requirements for the operation of low-speed vehicles that are more restrictive than those enumerated in §316.212 and §316.2122, Florida Statutes.

B. Limited Operation of Low Speed Vehicles on Designated Streets Within the City of Destin

A Low Speed Vehicle, as defined in Section F.S. § 320.01(41) operating in accordance with F.S. § 316.2122 and other applicable State Statutes may operate on all city-owned

streets, except as provided herein. The operation of Low Speed Vehicles is prohibited on the following roadways within the City of Destin: U.S. Highway 98, Airport Road, those portions of Main Street and Gulf Shore Drive, as depicted on the attached “Exhibit A”, attached hereto and incorporated herein by this reference.

“Unsafe” shall mean the operator of the Low Speed Vehicle has reasonably determined that operation of the Low Speed Vehicle would expose any person or property to unreasonable danger or risk. For purposes of enforcement, whether this definition of “unsafe” is met shall ultimately be determined by law enforcement or code compliance staff.

C. Enforcement. of this section 8.09.04 shall constitute a non-criminal infraction punishable pursuant to the provisions of §316.212(9), Florida Statutes. The use of a Low-Speed Vehicle resulting in violations of the Florida "Uniform Traffic Control" statute and the Florida "Uniform Disposition of Traffic Infractions Act" are punishable pursuant to chapters 316, 318, and 319, Florida Statutes, as applicable. All other city ordinances pertaining to the use of motor vehicles within the city, including, but not limited to Article VIII in its entirety, shall also apply to this article.

SECTION 4. INCORPORATION INTO THE 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:

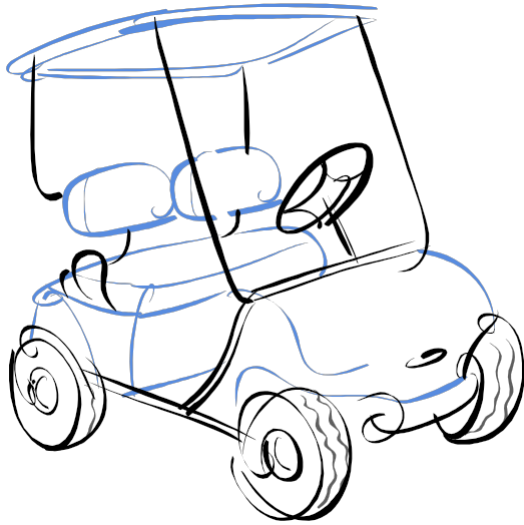
The form and legal sufficiency of the foregoing has
been reviewed and approved by the City Land Use
Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____



Golf Cart Policy Clarification

PLEASE NOTE:

It is still illegal to drive golf carts on Destin streets and sidewalks.

Updated:
January 2, 2007

The Destin Golf Cart Policy was adopted by City Council contains nine policies. A complete copy can be made available upon request. The following information is provided as a public service.

I. Policies 1 – 2 are directly from Florida Statutes. The City will not set policy that conflicts with State Law.

- **Policy 1** Golf carts shall not be operated on any pedestrian facility.
Reference F.S. 316.1995 "Driving upon sidewalk or Bicycle path"
- **Policy 2** Golf carts shall not be operated on any public road.
Reference F.S. 316.212 "Operation of golf carts on certain roadways"

II. Policies 3 – 5 are statements only. They provide points of clarification and require no specific action. The two-year phase in period will have no impact on these policies.

- **Policy 3** A standard golf cart **IS NOT** a Low Speed Vehicle (LSV)
- **Policy 4** City Council shall designate certain roadways as Low Speed Vehicle Accessible (all roads in the city limits except U.S. Hwy 98/S.R. 30, Airport Road, Main Street – south of Airport Road, Mountain Drive, Palmetto Drive,

Golf Cart Policy Clarification
January 2, 2007

Marler Drive, Melvin Drive, Azalea Drive, Beach Drive – south of Mountain Drive, Benning Drive – south of Azalea Drive, Stahlman Avenue – south of Azalea Drive, Gulf Shore Drive – north of Shoreline Towers entry, Indian Bayou Trail – south of Commons Drive)

- **Policy 5** A properly modified golf cart that complies with the conditions set forth in F.S. 316.2122 “Operation of a Low Speed Vehicle on certain roadways” becomes an LSV. These may be driven on streets designated as Low Speed Vehicle Accessible.

III. Policies 6 – 9 are policies which will require funding and time to coordinate with the State, adjacent counties, and provide training to implement. The 2 year phase in period will be necessary for the proper implementation of these policies and will not conflict with any existing State laws.

- **Policy 6** Provide for public education & information campaign to promote public awareness for the City’s current policy. Erect signage around the City stating that motorized vehicles on pedestrian ways are prohibited under F.S. 316.1995. Erect signage around the City showing the designated LSV friendly roads.
- **Policy 7** Provide for regulatory enforcement by the City’s Code Enforcement Department as well as all federal, state & local law enforcement officials.
- **Policy 8** Provide for an inter-local agreement with Okaloosa & Walton Counties to evaluate and designate LSV friendly roadways contiguous with the city boundaries.
- **Policy 9** Recommend that City Council direct City staff to coordinate with the Division of Motor Vehicles (DMV) to provide a location in the city for the purposes of registration, inspection and licensing the LSV’s.

IV. Registration: Division of Motor Vehicles (DMV)

<u>LSV Conversions only</u>	Pensacola DMV 185c West Airport Blvd Pensacola FL 32503	(850) 475-5415
	Panama City DMV 6030 County Road 2321 Panama City FL 32404	(850) 872-4158
<u>Manufactured LSV’s</u>	Registration shall be at your local County Tax Collector Office	



Roads Allowed for Low Speed Vehicles (LSV)

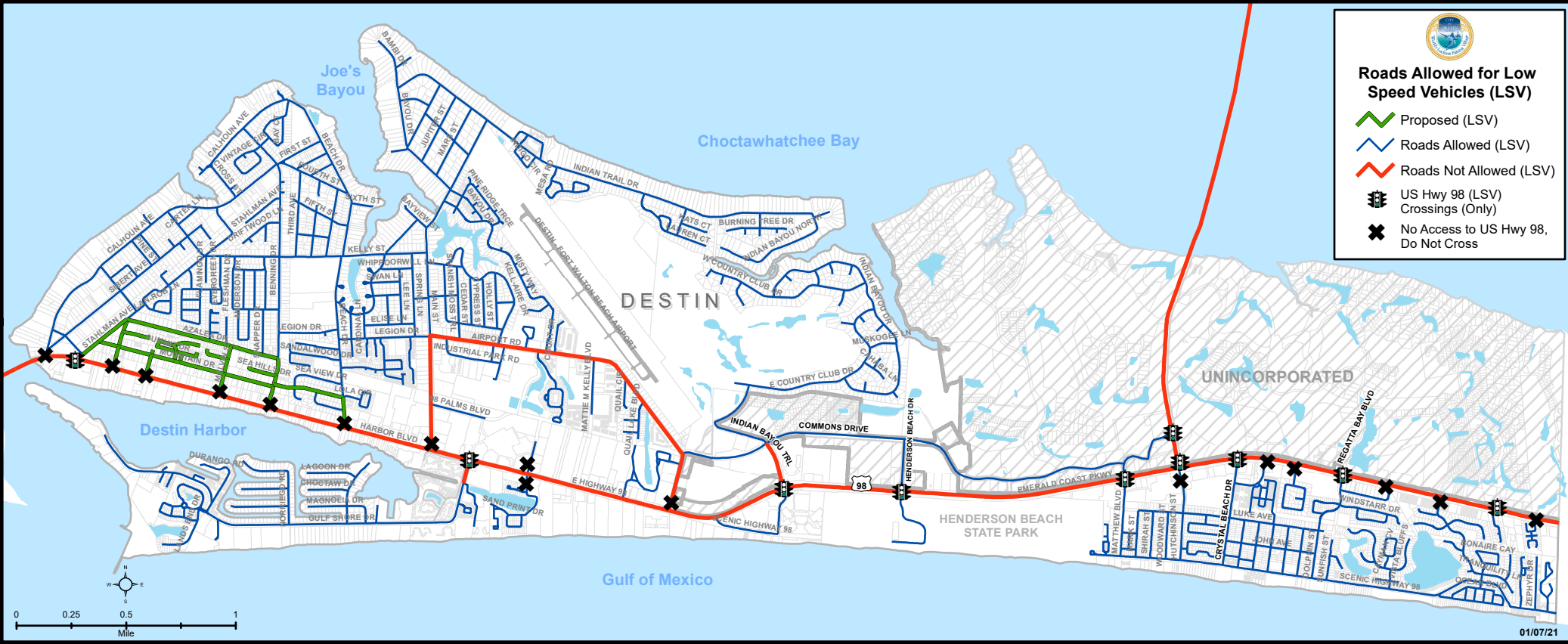
Proposed (LSV)

Roads Allowed (LSV)

Roads Not Allowed (LSV)

US Hwy 98 (LSV)
Crossings (Only)

No Access to US Hwy 98,
Do Not Cross



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.B.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-03-LC relating to amendments to the schedule of Dimensional Requirements in Article 7 of the Land Development Code.

I. BACKGROUND: There are currently inconsistencies between the City's **Comprehensive Plan and Land Development Code (LDC) Table 7-3 'Schedule of Dimensional Requirements in Zoning Districts'**, which is located in **Article 7, Section 7.12.08 'Dimensional Requirements'**.

II. DISCUSSION: **Proposed Ordinance 21-03-LC** is designed to align the dimensional requirements in **LDC Table 7-3 'Schedule of Dimensional Requirements in Zoning Districts'** with the dimensional requirements detailed within the **Future Land Use Element (Chapter 1)** of the City's Comprehensive Plan.

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

III. CONCLUSION: **Proposed Ordinance 21-03-LC** would eliminate the inconsistencies that are present between the dimensional requirements in **LDC Table 7-3 'Schedule of Dimensional Requirements in Zoning Districts'** and the dimensional requirements detailed within the **Future Land Use Element (Chapter 1)** of the City's Comprehensive Plan.

RECOMMENDATION: Staff recommends the LPA recommend City Council approval of proposed **Ordinance 21-03-LC**.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed **Ordinance 21-03-LC**.

Attachments:

1. 21-03-LC Comp Plan Consistency
Table 7-3

ORDINANCE NO. 21-03-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 “DIMENSIONAL REQUIREMENTS”; AMENDING TABLE 7-3 “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; 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 desires to amend the City’s Land Development Code for consistency with the City’s adopted Comprehensive Plan; and

WHEREAS, section 163.3201, Florida Statutes provides that adopted comprehensive plans shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area; and

WHEREAS, section 163.3201, Florida Statutes further provides that the adoption and enforcement of land development regulations for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan; and

WHEREAS, section 163.3202(1), Florida Statutes, requires that the City adopt land development regulations that are consistent with and implement their adopted comprehensive plan.

WHEREAS, section 163.3202(2), Florida Statutes requires that local land development regulations contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan; and

WHEREAS, Florida law prohibits inconsistencies between local government land development regulations and local government Comprehensive Plans; and

WHEREAS, the Future Land Use Element of the City of Destin’s adopted Comprehensive Plan sets forth maximum building heights and densities for development within the City; and

WHEREAS, Table 7-3 of the City’s Land Development Code, entitled, “*Schedule of Dimensional Requirements in Zoning Districts*” currently contains building heights, setbacks, and maximum densities that are inconsistent with the City’s adopted Comprehensive Plan; and

WHEREAS, Table 7-3 of the City’s Land Development Code, entitled, “*Schedule of Dimensional Requirements in Zoning Districts*” must be updated and amended for consistency with the City’s Comprehensive Plan, as required by Florida law; 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 March 18, 2021, and its recommendations reported to the City Council; and

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

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

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

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.08.

Section 7.12.08 of the Land Development Code is hereby amended as follows:

(Continued on next page)

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

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

(Dimensions are in feet)

Zoning Districts	Minimum Lot Area (sq. ft.)	Minimum Lot Size		Maximum Building Height	Setbacks			Maximum Density (units per acre)	Maximum Floor Area Ratio	Minimum Open Space (%)
		Width	Depth		Front	Side	Rear			
BE - one d.u.	15,000	80	150	35/3 stories	20	10	10	2.90	N/A	25
LDR-V/LDR-H/MDR-V - one d.u.	7,500	70	100	35/3 stories	20	7½	10	5.81	N/A	25
LDR-HI/MDR-HI - one d.u.	7,500	70	100	30/3 stories	20	7½	10	5.81	N/A	30
HDR - one d.u.	7,500	70	100	30/3 stories	20	7½	10	9.90	N/A	30
CL - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/Q 9.00	N/A	30
ROI-TD - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/R 9.00	N/A	30
ROI-VR/ROI-CBR - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00/R 9.00	N/A	25
CBN - one d.u.	7,500	70	100	30/3 stories	20	7½	10	6.00	N/A	30
CBN-TDD - one d.u. (Y)	¥ Q	50	150	¥ Q	¥ Q	¥ Q	¥ Q	¥ Q	¥ Q	¥ Q
CBR - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/Q	N/A	30

								<u>6.00</u>		
CMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00 <u>6.00</u>	N/A	25
CMU-V – one d.u.	5,000	50	100	35/3 stories	20	7½	10	9.00	N/A	25
CMU-V – two or more d.u.	None	None	None	50/4 stories	↓ <u>H</u>	↓ <u>H</u>	↓ <u>H</u>	12.00	N/A	25
CMU-V – non d.u.	None	None	None	H <u>E</u>	↓ <u>H</u>	↓ <u>H</u>	↓ <u>H</u>	N/A	.50	25
SHMU - one d.u.	7,500	70	100	30/3 stories	20	7½	10	19.90 <u>9.00</u>	N/A	30
NHMu - one d.u.	7,500	70	100	35/3 stories	20	7½	10	19.90 <u>9.00</u>	N/A	25
GRMU – one d.u.	7,500	70	100	50/4 stories	20	7½	10	19.90 <u>9.00</u>	N/A	30
HIMU - one d.u.	7,500	70	100	35/3 <u>50 / 4</u> stories	20	7½	10	19.90 <u>9.00</u>	N/A	30
BRMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	20.00 <u>9.00</u>	N/A	25
MDR-V - two or more d.u.	None	None	None	35/3 stories	C/D <u>A/B</u>	C/D <u>A/B</u>	C/D <u>A/B</u>	9.99 <u>9.90</u>	N/A	25
HDR - two or more d.u.	None	None	None	30/3 <u>50 / 4</u> stories	↓ <u>H</u>	↓ <u>H</u>	↓ <u>H</u>	19.90	N/A	25
CBN - two or more d.u.	None	None	None	50/4 stories	20	C/D <u>A/B</u>	C/D <u>A/B</u>	6.00	N/A	25
CBN - non d.u.	None	None	None	50/4 stories	20	C/D <u>A/B</u>	C/D <u>A/B</u>	N/A	.50	25
CL - two or more d.u.	None	None	None	50/4 stories	20	C/D <u>A/B</u>	C/D <u>A/B</u>	12.00/ <u>Q</u>	N/A	25
CL - non d.u.	None	None	None	E <u>C</u>	10	C/D <u>A/B</u>	C/D <u>A/B</u>	N/A	.50	25

CG - two or more d.u.	None	None	None	50/4 stories	M <u>K</u>	M <u>K</u>	M <u>K</u>	40.00 <u>16.90</u>	N/A	25
CG - non d.u.	None	None	None	50/4 stories/F	M <u>K</u>	M <u>K</u>	M <u>K</u>	N/A	1.30	25
CTS	None	None	None	35/3 stories	N <u>L</u>	N <u>L</u>	N <u>L</u>	U <u>O</u>	1.30	25
ROI-VR / ROI-TD - two or more d.u.	None	None	None	35/3 stories/ G <u>E</u>	C/D <u>A/B</u>	C/D <u>A/B</u>	C/D <u>A/B</u>	12.01 O/R <u>12.00</u>	N/A	25
<u>ROI-TD – two or more d.u.</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>30/3 stories/G <u>E</u></u>	C/D <u>A/B</u>	C/D <u>A/B</u>	C/D <u>A/B</u>	12.01 O/R <u>12.00</u>	<u>N/A</u>	<u>25</u>
ROI-GD/ROI-TD – non d.u.	None	None	None	35/3 stories / <u>G</u>	C/D	C/D	C/D	N/A	.50	25
CBR - two or more d.u.	None	None	None	50/4 stories	Ø <u>M</u>	Ø <u>M</u>	Ø <u>M</u>	12.00/<u>Q</u>	N/A	25
CBR - non d.u.	None	None	None	50/4 stories	Ø <u>M</u>	Ø <u>M</u>	Ø <u>M</u>	N/A	.50 <u>0.7</u>	25
TCMU - one d.u.	5,000	50	100	35/3 stories	20	5	10	9.00	N/A	25
TCMU - two or more d.u.	None	None	None	50/4 stories	M <u>K</u>	M <u>K</u>	M <u>K</u>	24.00	N/A	25
TCMU - none d.u.	None	None	None	75/6 stories	M <u>K</u>	M <u>K</u>	M <u>K</u>	N/A	1.5	25
CMU - two or more d.u.	None	None	None	35/3 <u>50 / 4</u> stories	‡ <u>H</u>	‡ <u>H</u>	‡ <u>H</u>	12.00	N/A	25
CMU – non d.u.	None	None	None	‡ <u>50 / 4 stories / <u>F</u></u>	‡ <u>H</u>	‡ <u>H</u>	‡ <u>H</u>	N/A	.50	25
SHMU - two or more d.u. (short-term)	None	None	None	35/3 stories / <u>I</u> <u>50 / 4 stories / <u>G</u></u>	P <u>N</u>	P <u>N</u>	P <u>N</u>	19.90/<u>S</u> <u>24</u>	N/A	25
SHMU – two or more d.u. (long-	None	None	None	35/3 stories / <u>I</u> <u>50 / 4</u>	P <u>N</u>	P <u>N</u>	P <u>N</u>	19.90/<u>S</u> <u>24</u>	N/A	25

term)				stories / G						
SHMU - non d.u.	None	None	None	35/3 stories / 75 / 6 stories / G	P N	P N	P N	N/A	.60	25
NHMu - two or more d.u.	None	None	None	35/3 stories 50 / 4 stories	M K	M K	M K	19.90/T 24.00	N/A	25
NHMu - non d.u.	None	None	None	35/3 stories	M K	M K	M K	N/A	.60	25
GRMu - two or more d.u.	None	None	None	50/4 stories	Ø M	Ø M	Ø M	19.90/S 24.00	N/A	25
GRMu - non d.u.	None	None	None	50/4 65/5 stories	Ø M	Ø M	Ø M	N/A	1.30	25
HIMU - two or more d.u.	None	None	None	50/4 stories	‡ H	‡ H	‡ H	19.90/S 16.90	N/A	25
HIMU - non d.u.	None	None	None	50/4 stories	‡ H	‡ H	‡ H	N/A	1.30	25
BRMu - two or more d.u. I	None	None	None	35/3 stories 50/4 stories / P	Ø M	Ø M	Ø M	20.00 16.90	N/A	25
BRMu - non d.u.	None	None	None	35/3 stories/W 50/4 stories / P	Ø M	Ø M	Ø M	N/A	.75/X	25
IN	None	None	None	35/3 stories	N L	N L	N L	N/A	1.30	25
A	None	None	None	35/3 stories/ K J	£ J	£ J	£ J	N/A	1.30	25
INST	None	None	None	35/3 stories	None	None	None	N/A	.50	25
REC	None	None	None	35/3 stories	None	None	None	N/A	.20	25
CON	None	None	None	15/1 story	None	None	None	N/A	.05	80

Footnotes defining requirements:

- A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet.

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

Within the Old Destin MMTD, no minimum front, side or rear setbacks are required, except where the property line is contiguous with a BE or LDR residential district boundary; then ten-foot side and rear yards, maintained as open space, shall be provided.

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

- B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.
- C. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories. Medical, office, hotel, motel, bed and breakfast, and other commercial transient living accommodations have a maximum height of 50 feet/four stories.
- D. Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/three stories.
- E. For those properties that abut U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.
- F. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.
- G. Please refer to the footnotes 1 through 3 of Table 1-13: general development standards for "SHMU" designated land of Policy 1-2.4.3(3) of the comprehensive plan for information on maximum building height and measurement of building height.
- H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.
- i. *Front setback.* For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - ii. *Side setbacks.* Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
 - iii. *Rear setback.* For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all

lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.

- I. Aircraft communication towers are exempt from the height limitations of this district, but continue to be subject to the remaining standards set forth in City of Destin Commercial Communications Tower Regulations, as now or hereafter amended.

- J. The setback requirements for the A district are as follows:

Setbacks from taxiway pursuant to adopted FAA construction standards.

Setbacks from property lines minimum of 15 feet.

Building separation requirements minimum of ten feet or 20 feet if designated a fire lane.

- K. The following setbacks shall apply to developments proposed in the CG, NHMU and TCMU zoning districts:

- i. *Front setback.* For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
- ii. *Side setbacks.* Zero feet for any portion of a building having a height of 40 feet or less. For any portion of a building having a height greater than 40 feet, the side setback shall be increased by two feet on each side for each ten feet or fraction thereof exceeding 40 feet in height. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.F.1.f.1.
- iii. *Rear setback.* Zero feet. Those portions of a development that abut single-family, duplex or townhome uses shall meet the supplemental setbacks requirements set forth in Section 7.09.03.D.

- L. The following setbacks shall apply to developments proposed in the CTS and IN zoning districts:

- i. *Front setback.* For those properties within the Old Destin MMTD, zero feet minimum to ten feet maximum setback is required. For those properties outside of the Old Destin MMTD, a front setback of ten feet is required.
- ii. *Side setbacks.* For all structures three stories or less in height no side yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.
- iii. *Rear setback.* For all structures three stories or less in height no rear yard is required except where the property line is contiguous with a residential district boundary; then a ten-foot yard, maintained as open space, shall be provided.

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

- i. *Front setback.*

- a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
- b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below

40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.

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

- P. In the BRMU zoning, district, the maximum height by right shall be 35 feet and three stories, excepting those properties that abut Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.
- Q. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.

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 _____, 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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.C.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-04-PC relating to the regulation of building height in the Comprehensive Plan.

I. BACKGROUND: On November 3, 2020, the citizens of Destin voted to pass a City-wide Building Height Limit in the **City Charter (Section 7.06)**, prohibiting any structure, or part of a structure, to be erected at a height of greater than six stories, or 75 feet, above the crown of the abutting road unless approved by at least sixty percent (60%) of the City voters at a general election.

ISSUE:
Currently, there are building height requirements for each zoning district within the City's Comprehensive Plan. The proposed amendment to **Chapter 1 – Future Land Use Element of the Comprehensive Plan** clarifies that the maximum building height in the City is subject to **Section 7.06** of the City Charter. This will provide consistency between the City's Comprehensive Plan and the City Charter.

II. DISCUSSION: Proposed Ordinance 21-04-PC is designed to provide consistency between the City Charter and the City's Comprehensive Plan, prohibiting any structure, or part of a structure, to be erected at a height of greater than six stories, or 75 feet, above the crown of the abutting road unless approved by at least sixty percent (60%) of the City voters at a general election.

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

III. CONCLUSION: Proposed Ordinance 21-04-PC would provide consistency regarding building height requirements between the City's Comprehensive Plan and the City Charter.

RECOMMENDATION:

Staff recommends that the LPA recommend City Council approval of proposed Ordinance 21-04-PC, and direct staff to submit the proposed Ordinance to the State Department of Economic Opportunity for review.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed Ordinance 21-04-PC, and direct staff to submit the proposed Ordinance to the State Department of Economic Opportunity for review

Attachments:

1. 21-04-PC Charter Building Heights in Comp Plan

ORDINANCE NO. 21-04-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT RELATED TO BUILDING HEIGHTS TO PROVIDE FOR CONSISTENCY WITH THE CITY CHARTER; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING 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, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, Florida Statutes Section 166.031(1) provides, in part, that “[t]he governing body of a municipality may, by ordinance,..., submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality”; and,

WHEREAS, Article VII of the Charter of the City of Destin holds that the City Council may, by ordinance, propose amendments to any part or all of the City’s Charter; and,

WHEREAS, as required by Article VII of the City Charter, the City Council placed proposed amendments to the City Charter to a vote of the electors at the November 3, 2020 general election, including a proposed amendment to restrict maximum building heights City-wide; and,

WHEREAS, the following question was posed to the voters of the City of Destin on November 3, 2020:

SHALL THE CITY OF DESTIN’S CHARTER BE AMENDED TO
PROVIDE THAT NO BUILDING HEIGHT IN THE CITY
SHALL EXCEED SIX STORIES (75 FEET) UNLESS
APPROVED BY AT LEAST SIXTY PERCENT OF THE CITY
VOTERS AT A GENERAL ELECTION?

WHEREAS, 82.62 percent of voters in the November 3, 2020 municipal election voted to pass a City-wide Building Height Limit in the City Charter (“**Charter Amendment**”); and,

WHEREAS, pursuant to the November 3, 2020 election results approving the building height amendment, the City’s Charter has been amended to provide:

“No structure, no part of any structure, and no attachment to any structure shall be erected to a height greater than six stories (75 feet) above the crown of the abutting road. Structures, if demolished, shall be replaced only by structures which conform to the height limits of this section. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to demolish and rebuild to the same height as the building that was destroyed or substantially in the same location. For purposes of this section, “structure” does not include water towers, flagpoles, air traffic control towers, and radio and other communication towers.

WHEREAS, the Charter Amendment further provided that any member of the public or the City could petition to exceed such height limit but such petition would require at least 60% approval of the Destin electorate at a future referendum election, followed by a vote of the City Council as the final decision maker on development orders pursuant to state law; and

WHEREAS, the City Charter, as amended, specifically states:

The City or any member of the public may petition for a variance to erect a structure, part of a structure, or attachment to a structure above the six story (75 feet) building height maximum only after an initial approval of the variance petition by at least sixty percent (60%) of the City electorate voting in a general referendum election. If sixty percent (60%) or more of the City electorate voting in the general referendum election approves such variance at a general referendum election, the City Council shall consider the requested variance. In considering a variance request initiated by the City or any member of the public, the City Council must make findings of fact that the petitioner has met the legal standards for a variance as set forth in the City of Destin’s Land Development Code, and the variance must be approved by a majority vote of the City Council after due notice and public hearing. Notice and hearing requirements for such variance shall be in accordance with the provisions for variance set forth in the City of Destin’s Land Development Code and the general requirements of law; and

WHEREAS, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter “Community Planning Act”) the City of Destin has adopted and has in effect a Comprehensive Plan; and

WHEREAS, the City Council, to ensure the City’s orderly growth and development, and for compliance with Florida law, finds it necessary to amend its Comprehensive Plan for consistency with the City’s Charter, as amended; and

WHEREAS, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

WHEREAS, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

WHEREAS, the City Council of the City of Destin has determined that the proposed amendment to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

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

SECTION 3. TITLE. For convenience, this Ordinance may be referred to as the “Charter Consistency Amendment”.

SECTION 4: JURISDICTION. The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5. INCORPORATION OF RECITALS AND INTENT. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof. It is the intent of the City Council to maintain consistency between the City Charter and City Comprehensive Plan.

SECTION 6. COMPREHENSIVE PLAN AMENDMENT.

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 Comprehensive plan that have been skipped and remain unchanged.

CHAPTER 1: FUTURE LAND USE ELEMENT

Policy 1-2.1.11: All maximum building height requirements set forth in this Comprehensive Plan are subject to Section 7.06 of the City Charter.

If any section, phase, sentence, or portion of the City Charter 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, nor shall such holding affect the validity of any portion of this Comprehensive Plan.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. The City Manager or her designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN. Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 9: CONFLICTING PROVISIONS. All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 10: 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 11: EFFECTIVE DATE. The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan

amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS _____ DAY OF _____, 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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.D.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-05-PC relating to the requirement for pitched roofs in the City of Destin.

I. BACKGROUND: Currently, the Comprehensive Plan requires that fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 5:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.

ISSUE:

This requirement hinders potential economic development within the City, due to architectural restraints experienced by certain uses, such as restaurants and their rooftop equipment that needs requires certain spacing distances for safety.

II. DISCUSSION: Proposed Ordinance 21-05-PC amends **Policy 1-2.1.4 Method of Measuring Building Height**, to allow the requirement for pitched roofs to be reduced or waived by the City Manager or the City Manager's designee. This requirement could be reduced or waived if it was determined that such ratios for roof pitch are unduly burdensome on the applicant for a particular project, provided that the decision be consistent with the intent of the Comprehensive Plan and the City Charter relating to maximum building heights.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The proposed **Ordinance 21-05-PC** would amend the

Comprehensive Plan to allow the City Manager or the City Manager's designee to waive the requirement of a development to have not less than 60% of the roof surface to be fully pitched, provided that the requirement is unduly burdensome on the applicant for a particular project.

RECOMMENDATION:

Staff recommends that the LPA recommend City Council approval of proposed **Ordinance 21-05-PC**, and direct Staff to submit the proposed ordinance to the Florida Department of Economic Opportunity for review.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed **Ordinance 21-05-PC**, and direct Staff to submit the proposed ordinance to the Florida Department of Economic Opportunity for review.

Attachments:

1. 21-05-PC Roof Pitch in Comp Plan

ORDINANCE NO. 21-05-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT, POLICY 1-2.1.4 RELATING TO ROOFING AND ROOF PITCH; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING 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, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter “Community Planning Act”) the City of Destin has adopted and has in effect a Comprehensive Plan; and

WHEREAS, the City Council, to ensure the City’s orderly growth and development, and for compliance with Florida law, finds it necessary to amend its Comprehensive; and

WHEREAS, it is the intent of the City Council to provide some flexibility in the otherwise stringent requirements for roof pitch, provided however, that such flexibility shall not be used to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan; and

WHEREAS, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

WHEREAS, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

WHEREAS, the City Council of the City of Destin has determined that the proposed amendment to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

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

SECTION 3. TITLE. For convenience, this Ordinance may be referred to as the “2021 Roof Pitch Amendment.”

SECTION 4: JURISDICTION. The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5. INCORPORATION OF RECITALS AND INTENT. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

It is the intent of the City Council to provide some flexibility in the otherwise stringent requirements for roof pitch, provided however, that such flexibility shall not be used to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan.

SECTION 6. COMPREHENSIVE PLAN AMENDMENT.

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 Comprehensive plan that have been skipped and remain unchanged.**

CHAPTER 1: FUTURE LAND USE ELEMENT

Policy 1-2.1.4: Method of Measuring Building Height

Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 5:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line, unless the City Manager or City Manager’s designee determines that such ratios for pitch are unduly burdensome on the applicant for a particular project. If the City Manager or City Manager’s designee determines that a ratio between 5:12 and 12:12 are unduly burdensome on the applicant for a particular project, the ratio may be waived pursuant to all applicable land development regulations, provided however, that such decision of the City Manager or City Manager’s designee shall be consistent with the intent of

the Comprehensive Plan and City Charter relating to maximum building heights. No waiver of roof pitch ratio requirements shall be utilized to circumvent or evade provisions for maximum building heights or any other requirement of the Comprehensive Plan.

CHAPTER 13

Building height:

~~Fully pitched roofs are required to cover not less than 60 percent of the roof surface on all buildings. A minimum pitch of 5:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.~~

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. The City Manager or her designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN. Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 9: CONFLICTING PROVISIONS. All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 10: 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 11: EFFECTIVE DATE. The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the

State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS _____ DAY OF _____, 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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.E.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner
Traci Goodhart, Planner/Stormwater Manager

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-06-LC relating to the regulation of police and fire protection within the City of Destin.

I. BACKGROUND: The Table of Allowable Uses (**Article 7.12.00 – Table 7-2**) in the City’s Land Development Code lists the allowed uses within the City and which zoning districts those uses are either permitted or conditional. Currently, Table 7-2 does not include a use specific to police and fire protection. The use of “Justice, Public Order, and safety activities” is permitted in Residential, Office, Institutional – Tourist Development (ROI-TD) and Institutional (INST), and a conditional use in Residential, Office, Institutional – Village Residential (ROI-VR).

II. DISCUSSION: In order to allow emergency services such as police and fire protection throughout the City, Staff is proposing **Ordinance 21-06-LC**, which amends Article 7 – Table 7-2 to include police and fire protection as a conditional use in all zoning districts.

- 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 City’s Comprehensive Plan and provides incorporation into the Land Development Code.

RECOMMENDATION: Staff recommends that the LPA recommend City Council approval for proposed **Ordinance 21-06-LC**.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approval for proposed **Ordinance 21-06-LC**.

Attachments:

1. 21-06-LC Emergency Services Table
7-2

ORDINANCE NO. 21-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; 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 of the City of Destin deems it crucial to the public health, safety, and welfare to provide flexibility in its land development regulations for future emergency services throughout the City, subject to all other applicable city regulations, the Comprehensive Plan, and the City Charter; and

WHEREAS, Table 7-2 of the City’s Land Development Code, entitled, “*Table of Allowable Uses*” does not currently allow the City Council to consider permitting police and fire protection services in all zoning districts; and

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens desires to amend the City’s Land Development Code to allow police and fire protection services as a conditional use in all zoning districts, subject to all other applicable city regulations, the Comprehensive Plan, and the City Charter; 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 March 18, 2021, 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”

Table 7-2: Table of Allowable Uses contains all of the allowed uses within the City and in what zoning districts those uses are allowed. Uses not listed as permitted, conditional, or accessory uses in Table 7-2 are prohibited uses. The North American Industry Classification System (NAICS), 2002 Edition shall be used to provide definitions of each use or use groupings listed in Table 7-2. All sub-uses listed under a use in the NAICS, which use is permitted in the zoning designation in question, shall be considered as a permitted use.

TABLE 7-2: TABLE OF ALLOWABLE USES																													
	B E	LD R- V	LD R- HI	LD R- H	M DR -V	M DR -HI	H D R	C B N	C L	C G	C T S	R OI - T D	R OI - V R	R OI - C B R	C B R	TC M U	C M U	C M U- V	SH M U	NH MU	GR M U	HI M U	BR M U	I N	A	IN ST	R E C	C O N	
Permanent or long-term residential uses																													
Single- family detached dwelling	P	P	P	P	P	P	P	P	P				P	P	P		P	P	C	C	P	C	P						
Multi- family attached					P	P	P	C	P	C			C		P	C	P	C	P	P	P	P	P	P					

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City of Destin
Ordinance No. 21-06-LC
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Sector 42 Wholesale Trade								C	P											P			
424460 Fish and seafood merchant wholesalers									P						P	P			P				
Sector 44-45 Retail trade																							
441 Motor vehicle and parts dealers																							
4411 Automobile dealers											C					C				P			
4412 Other motor vehicle dealers											C				P	P				P			
4413 Auto parts, accessories, and tire stores									C	P		C											
441310 Parts and Accessories Dealer—Automotive/marine									C	P		C			P	P				P			
442 Furniture and home furnishings stores								P (2)	P			P			P	P							
443 Electronics and appliance								P (2)	P			P			P	P							

[illegible]

[illegible]

stores							)															
4533 Used merchandise stores							C	P(8)	C		C		P(8)	P(8)				P(8)	P(8)(13)			
453310 Thrift stores							C	P(8)	C		C		P(8)	P(8)				P(8)				
453310 Thrift stores, large										C												
4539 Other miscellaneous store retailers							C	P(3)	C		P(4)	C	P	C	P	P	P	P				
454 Non-store retailers								P										P				
Sector 48-49 Transportation and Warehousing																						
481 Air transportation																			P			
483 Water transportation													P			P						
484 Truck transportation																		P				
485 Transit and ground passenger transportation																						
4851 Urban transit							P	C	P	P	C		P	P		P	P	P	P	P	P	P

[illegible]

512131 Motion picture theaters									P	P				P			P	P	P	P	P						
515 Broadcasting , except internet									P	P				P													
516 Internet publishing and broadcasting									P	P	P	C		P			P	P	P	P	P						
517 Telecommunications									P	C												P					
5172 Wireless telecommunications carriers (except satellite)									P ₁₅	P ₁₅				P ₁₅								P ₁₅		P ₁₅	P ₁₅		
518 ISPs, search portals, and data processing									P	P	P	C		P			P	P	P	P	P						
519 Other information services									P	P	P	C		P			P	P	P	P	P						
Sector 52 Finance and Insurance									P	P	P	P	C		P	P	P	P	P	P	P						
522298 Pawn shops									C														P (8)				
Sector 53 Real Estate and Rental and Leasing																											

531 Real Estate services									P	P	P	P	C			P	P	P	P	P	P	P	P	P						
531120 Conference/convention center									C							P	P	C	P	P	P	P	P							
531120 Commercial special event venue									P							P	P	P	P	P	P	P	P	P						
531130 Mini-warehouse and self-storage leasing									C	P											C				P					
531190 Boat, vehicle, equipment, etc., storage leasing									C	P							P	P					P	P						
532 Rental and leasing services																														
5321 Automotive equipment rental and leasing									C	P																P	P			
5322 Consumer goods rental									P	C	P	P	C			P	C	P	C	P	P	P	P	P	P	P				
5323 General rental centers									P	P						P			P	P					P					
5324 Machinery									C	P						P			P	P					P					

Sector 61 Educational Services																									
611 Educational services																									
6111 Elementary and secondary schools										P	C												P		
6112 Junior colleges										P	C												P		
6113 Colleges and universities										P	C												P		
6114 Business, computer and management training								P	P	P	P	C		P	P	P	P	P	P	P	P	P	P	P	
6115 Technical and trade schools										P	P	C										P	P	P	
6116 Other schools and instruction								P		P	C		P	P	C	P	P	P	P	P		P	P		
6117 Educational support services								P		P	C		P	P	C	P	P	P	P	P			P		
Sector 62 Health Care and Social Assistance																									
621 Ambulatory health care services								P	C	P	P	C	P	P	P	P	P	P	P	P			C ⁽¹⁴⁾		

622 Hospitals								P	C										P	
623 Nursing and residential care facilities																				
6231 Nursing care facilities								P	C										P	
6232 Residential mental health facilities								C	C										P	
6233 Community care facilities for the elderly									C		P								P	
6239 Other residential care facilities									C		P								P	
624 Social assistance								P	C										P	
6244 Child day care services							C	C	P	P	C		C	P	P	C	P	P	P	
Sector 71 Arts, Entertainment, and Recreation																				
711 Performing arts and spectator sports								P	C		C		P	P	P	C	P	P	P	
712 Museums, historical							P	P		C	C		C	C	C	C	C	C	C	P

[illegible]

Sector 72 Accommodation and Food Services																										
721 Accommoda- tion																										
721110 Hotels and motels								P	C		P			P	P (5)	P	C	P	P	P	P	P				
721191 Bed-and- breakfast inns								P	C		P			P	P (5)	P	C	P	P	P	P	P				
721199 Other traveler accommoda- tion, C.T.L.A. (12)								P	C		P			P	P (5)	P	C	P	P	P	P	P				
7212 RV parks and recreational camps									C																	
7213 Rooming and boarding houses								P	C		P			P	P (5)	P	P	P	P	P	P	P				
722 Food services and drinking places								P	C					P	P	C	C	P	P	P	P	P		P		
722110 Full-service restaurants								P	C					P	P	C	C	P	P	P	P	P				
722111 Limited- service restaurants								P	C					P	P	C	C	P	P	P	P	P		P		

7224 Drinking places, alcoholic beverages									P (7)	C									P (7)	P (7)	C	C	P (7)	P (7)	P (7)	P (7)	P (7)	P (7)				
Sector 81 Other Services, Except Public Administration																																
811 Repair and maintenanc e										C	P																		P			
8111 Automotive repair and maintenanc e										C	P												P						P			
811192 Car washes										C	P							C														
81149 Other personal and household goods repair										P	P							C	P	P	P	P	P	P	P	P	P	P				
811491 Boat and motorcycle repair										C	P												P						P			
812 Personal and laundry services										P	P	P	P	C				P	P	P	P	P	P	P	P	P	P					
8122 Death care services											P																		P			
8123 Dry cleaning and laundry services										P	C	P	P	C				P	P	P	P	P	P	P	P			P				
81233 Linen and uniform										P	P																		P			

[illegible]

[illegible]

City of Destin
Ordinance No. 21-06-LC
Page 22 of 24

⁹ Office space associated with this use shall not exceed 25 percent of the total square footage of the building.
¹⁰ Zoos are only allowed in the Industrial zoning district.
¹¹ Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.
¹² Commercial transient living accommodations.
¹³ Used merchandise stores are restricted to only those that are classified as a nonprofit business.
¹⁴ Can only provide said services free of charge, refer to Section 7.09.02B(11) for further information.
¹⁵ Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.
¹⁶ Refer to Section 7.09.02(B)12 for further information.
¹⁷ Reserved.
¹⁸ Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.
¹⁹ No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.
²⁰ No medical marijuana dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330 feet south of the southern right-of-way boundary of Airport Road or within 330 feet east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located. Cultivating or processing medical marijuana shall be prohibited within the City.
NOTE: Any change of use within the Harbor District Overlay that is part of an application for a certificate of appropriateness shall require conditional use approval pursuant to Section 7.12.06(DD).

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 _____,
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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.F.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-07-LC relating to the creation of a historic district in the City of Destin

I. BACKGROUND: Staff has been directed to create a Zerbe-Calhoun Historic Overlay District. This district would encompass all land that is located in the area depicted on the attached “Exhibit A”, Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin’s history, and will continue to play an important role in the City’s future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the “Old Destin Area” to the northeast, and Clement Taylor Park to the north.

II. DISCUSSION: The intent of the Zerbe-Calhoun Historic District Overlay is to achieve the following objectives:

1. encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas
2. ensure a smooth transition from the Historic Harbor Area and its significance, derived from the Harbor’s historic role in the City’s formation as a world-class fishing village
3. preserve the area’s historic sense of place
4. support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and
5. preserve structures and sites of historic and recreational significance, inclusive of

the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat; existing parks and historic cemeteries.

Proposed Ordinance 21-07-LC also designates certain properties within this district that shall be preserved and collectively be considered as the “Zerbe-Calhoun Historic Park” (also depicted in Exhibit A), deemed devoted to active or passive recreation. It was suggested to include Dalton Threadgill Park in the Zerbe-Calhoun Historic Park as well, however due to its location and the additional protection provided to City parks through the recent Charter amendment, it is not included in the Zerbe-Calhoun Historic Overlay. Additionally, the proposed ordinance also outlines the process and criteria for the designation of structures and sites to be deemed significant to the History of the Zerbe-Calhoun Area, beginning on page 5 of the Proposed Ordinance.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Proposed Ordinance 21-07-LC would create a Zerbe-Calhoun Historic Overlay District, hereby preserving and protecting the developments and character of the Zerbe and Calhoun areas.

RECOMMENDATION:

Staff recommends that the LPA recommend City Council approval for proposed **Ordinance 21-07-LC**.

IV. RECOMMENDED MOTION: I move that the LPA recommend City Council approval for proposed **Ordinance 21-07-LC**.

Attachments:

1. Calhoun Zerbe Historic Overlay
2. Exhibit A

ORDINANCE NO. 21-07-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC ZERBE-CALHOUN AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO CREATE A ZERBE-CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Zerbe-Calhoun Historic District Overlay to preserve the historic character of the area; and

WHEREAS, Fred Zerbe and his wife, Donaldda, moved to Destin in 1936 and proposed the idea of building a “community house” as well as a library and athletic field; and

WHEREAS, in 1940, Fred Zerbe opened a library in a room of the Presbyterian Church on Calhoun Ave and his wife served as a chairman of the board; and

WHEREAS, in 1943, Tyler Calhoun and his wife, Ida, donated approximately four acres to Zerbe, as trustee, “for the benefit and use of the people of Destin,” and subsequently donated approximately two more acres for these purposes; and

WHEREAS, the original community house building was completed in 1947 and became the center of government, since Destin wasn’t incorporated until 1984; and

WHEREAS, in 1947, the library relocated to the second floor of the old Destin Community Center before moving to its own building on Stahlman Avenue in 1966; and

WHEREAS, in 2001, the groundbreaking for the current library building on Sibert Avenue kicked off construction and the old building on Stahlman Avenue became the Destin History and Fishing Museum in 2005; and

WHEREAS, in a November 1981 article in The Destin Log, reporter Karen MacGrogan said of the Destin Community Center, “within its doors and grounds, thousands of villagers have danced, laughed, dined, argued, planned, raised money and struggled to solve Destin’s problems, large and small;” and

WHEREAS, the original Community Center, or as it was first known Community House, came about when the folks of Destin wanted a place to meet, hold social events and youth activities; and

WHEREAS, for more than four decades the old Destin Community House was the hub, the gathering place, the place where people voted, the place where Santa handed out candy on Christmas Eve; and

WHEREAS, over thirty years ago (in 1990), the old Destin Community House, which later became known as the Destin Community Center, was torn down to make room for the Destin Community Center that now stands at the corner of Stahlman Avenue and Zerbe Street in Destin; and

WHEREAS, The Destin History & Fishing Museum is a tourist destination and key historical repository for the Destin area, with exhibits that present the history of Destin and journey from a small fishing village to a major tourist attraction; and

WHEREAS, the Destin History & Fishing Museum covers the time of early Indians through development and growth of the fishing village; and

WHEREAS, exhibits at the Destin History & Fishing Museum in the outdoor Museum Historic Park Complex include the historic seine boat "Primrose", mullet boat "Lil Jimmy", seine net reel, and the original 1934 Post Office as well as the "Footprints in the Sand" memorial walkway; and

WHEREAS, the Destin History & Fishing Museum holds over 75 mounts of locally caught fish; historic photographs, artifacts, fishing equipment and documents of early Destin and the Fishing industry; an exhibit on the science of "Why Destin Sand is White"; historic and genealogical data on the founding families and those that shaped the growth of early Destin; and Destin Fishing Rodeo Gallery featuring "all things" Rodeo in videos, photos and artifacts; and

WHEREAS, it is the intent of the Zerbe-Calhoun Historic District Overlay is to preserve the Destin Community Center, the Destin Fishing Museum, the 1934 Post Office, and existing

parks and cemeteries within the Zerbe-Calhoun historic area; and

WHEREAS, the City Council of the City of Destin has determined that the Zerbe-Calhoun area is significant, and has been crucial, to the history of the City of Destin; and

WHEREAS, much of the area's historic significance is derived from its role in the City's formation as a world-class fishing village as well as the area's quasi-governmental functions prior to official incorporation as a city in 1984; and

WHEREAS, the intent of the Zerbe-Calhoun Historic District Overlay is to preserve the history of the City of Destin; and

WHEREAS, it is also the intent of the Zerbe-Calhoun Historic District Overlay to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the area, as well as in the historic neighboring areas of the harbor; and

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

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

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

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

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

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

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

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.

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

EE. Zerbe-Calhoun Historic District Overlay. The Zerbe-Calhoun Historic District Overlay implements Future Land Use Element Policy 1-2.4.3, which recognizes this general area as a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north. Further, the Zerbe-Calhoun Historic District Overlay implements Policy 1-3.7.8: Urban Design and Community Appearance, which encourages procedures that enhance general community appearance as well as to preserve and enhance open space and landscape, and encourages protecting major natural and manmade resources within the City, including such scenic natural resources as Choctawhatchee Bay, natural drainage corridors, as well as developing residential neighborhoods and centers of commercial or institutional activity. Additional policies implemented include but are not limited to, Policy 1-1.1.4: Scenic Vistas and Waterfront Views, encourages protection of views of Choctawhatchee Bay, and Policy 1-1.2.4: Orderly Transition in Land Use encourages smooth transitions in land use.

1. **Purpose and intent.** The Zerbe-Calhoun Historic District Overlay encompasses all land that is located in the area depicted on the attached Exhibit "A", Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin's history, and will continue to play an important role in the City's future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north.
2. The intent of the Zerbe-Calhoun Historic District Overlay is to (1) encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas and (2) to ensure a smooth transition from the Historic Harbor Area and its significance, derived from the harbor's historic role in the City's formation as a world-class fishing village; (3) to preserve the area's historic sense of place; this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and (4) to preserve structures and sites of historic and recreational significance, inclusive of the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat; existing parks and historic cemeteries.
3. **Preservation of Existing Historic Structures within the Zerbe-Calhoun Historic Overlay District.**
 - (i) The following properties owned by the City of Destin are deemed Structures and Sites Significant to the History of the City of Destin, and additionally shall be considered collectively as the "Zerbe-Calhoun Historic Park", deemed devoted to active or passive recreation, and shall be subject to all provisions of the City Charter related to City parks:
 - a. Destin Memorial Cemetery located at 120 Sibert Ave.
 - b. Destin Memorial Cemetery located at 111 Stahlman Ave and 122 Sibert Avenue.
 - c. Clement Taylor Park located at 131 Calhoun Ave.
 - d. Capt. Leonard Destin Park located at 101 Calhoun Ave.
 - e. Destin Library located at 150 Sibert Ave.

- f. Destin History & Fishing Museum located at 108 Stahlman Ave.
 - g. Destin Community Center located at 101 Stahlman Ave.
- (ii) The following may not occur upon any structure or property within the Zerbe-Calhoun Historic Park without a super-majority vote of the City Council:
- a. Change of use to any structure, portion of a structure, real property, or portion of real property
 - b. Alteration of any real property boundary
 - c. Relocation of any structure
 - d. Modification of building footprint
4. **Process for Designation of Structures and Sites Significant to the History of the Zerbe-Calhoun Area.** In addition to the set Zerbe-Calhoun Historic Park set forth in subsection 3, a property owner or authorized agent of a property owner may apply to designate a structure or site as significant to the history of the City of Destin within the Zerbe-Calhoun Historic Overlay Area pursuant to this section. Such application may include a request for a conditional use, if applicable.
- A. Applications for a Certificate of Appropriateness (with or without a Conditional Use) shall be submitted to the city manager on a form to be provided by the city, along with a signed, sealed survey of the subject property, which survey is dated within at least one year of the application date.
 - B. The owner of the subject property must either sign the application or give written authorization.
 - C. The city manager, in consultation with the city land use attorney and city staff, shall review a Certificate of Appropriateness (with or without a Conditional Use) application for sufficiency, and shall forward the request to the city council once the city manager has determined that the application includes all required information.
 - D. The city manager shall schedule a public hearing on the Certificate of Appropriateness (with or without a Conditional Use) before the city council, which hearing shall be held not later than sixty (60) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause. A separate hearing before the Board of Adjustment shall not be required if a Certificate of Appropriateness application is submitted with a Conditional Use.
 - E. Notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
 - F. The city council shall render an order to either issue or deny the application for a Certificate of Appropriateness (with or without a Conditional Use).
 - G. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) that the Certificate of Appropriateness (with or without a Conditional Use) vests the uses, structures,

driveways, accessways, parking, (as applicable) and any other items depicted on the survey, as well as any City code waivers authorized by approval of the survey submitted by the applicant; all until such time that the applicant abandons the uses for a period of at least 180 days; and (ii) that no further permits shall be required from the City of Destin with respect to any uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, all until such time that the applicant abandons the uses for a period of at least 180 days, and subject to any limitation that may exist, to the extent that the Building Official has determined a serious threat to the public health or safety exists without such limitations. Nothing in this section releases the Applicant from any requirement to obtain a business tax receipt on the subject property, if applicable.

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

A. Historical Significance

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

B. Architectural Significance

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

C. Environmental Significance

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

6. **Conditional uses.** If an applicant desires to change the use of an existing structure on the site, the applicant is required to apply for a Certificate of Appropriateness with

Conditional Use. Conditional uses in the Zerbe-Calhoun Historic Area Overlay shall include those listed in Table 7-2, Table of Allowable Uses. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the Zerbe-Calhoun Historic Area Overlay, the provisions of the underlying zoning district shall apply, unless an application for a Certificate of Appropriateness has been submitted. The following shall apply to all applications for a Certificate of Appropriateness with Conditional Use within the Zerbe-Calhoun Historic Area Overlay:

- a. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing on the Certificate of Appropriateness with a Conditional Use, that the proposed use, application and, if applicable, survey or site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity. The City Council is authorized to grant any waivers to the Land Development Code pursuant to subsection 7.12.06(DD)(6), in order to further the purposes of the Zerbe-Calhoun Historic District Overlay.
- b. *Characteristics of use described.* The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
 - (1) Scale and intensity of the proposed conditional use as measured by the following:
 - i. Floor area ratio;
 - ii. Traffic generation;
 - iii. Square feet of enclosed building for each specific use;
 - iv. Proposed employment;
 - v. Proposed number and type of service vehicles; and
 - vi. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:

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

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

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

c. Criteria for Conditional Uses in the Zerbe-Calhoun Historic District Overlay:

- i. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- ii. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- iii. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the

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

- iv. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- v. Preservation of "Old Destin". The Zerbe-Calhoun Historic District Overlay is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses should meet one or more of the following criteria:

A. Historical Significance

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

B. Architectural Significance

Proposed changes of use, developments or redevelopments

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

C. Environmental Significance

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

- vi. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances except that the City Council may grant waivers or variances to the City Land Development Code pursuant to section 7.12.06(DD)(6) of this Code. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
7. **Certificate of Appropriateness.** Evidence of the approval required under the terms of the Zerbe-Calhoun Historic District Overlay shall be a Certificate of Appropriateness issued by the City Council, stating that the change of use and development or re-development depicted on the survey has been made are approved by the City Council. The City Council may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. Any action by applicants following issuance of a Certificate of Appropriateness shall be in accord with the application and material approved and any conditions appended thereto.
8. **Code Waivers.** To further the intent and purpose of Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify requirements of the Land Development Code pursuant to this section 7.12.06(DD)(6), including but not limited to parking requirements, driveway requirements, stormwater requirements, any performance standards, requirements for lot area, lot width, lot depth, setback, and open space standards set forth in Table 7-3, Table of Dimensional Regulations, provided however, that if the Building Official determines there is a serious threat to the public health, safety

or welfare, such waivers may not be granted. Further, alternative stormwater requirements may be imposed to prevent flooding on the subject property.

9. Appeals:

A. Any appeal of a city council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.

B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.

10. **Penalties:** The code compliance department may enforce the terms of this section by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes. Additionally, the code compliance department, or other duly authorized officer or authority, may enforce the terms of this section through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

Table 7-2 Table of Allowable Uses

NOTE: Any change of use within the Zerbe-Calhoun Historic District Overlay that is part of an application for a Certificate of Appropriateness shall require conditional use approval pursuant to section 7.12.06(DD).

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 _____,
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.

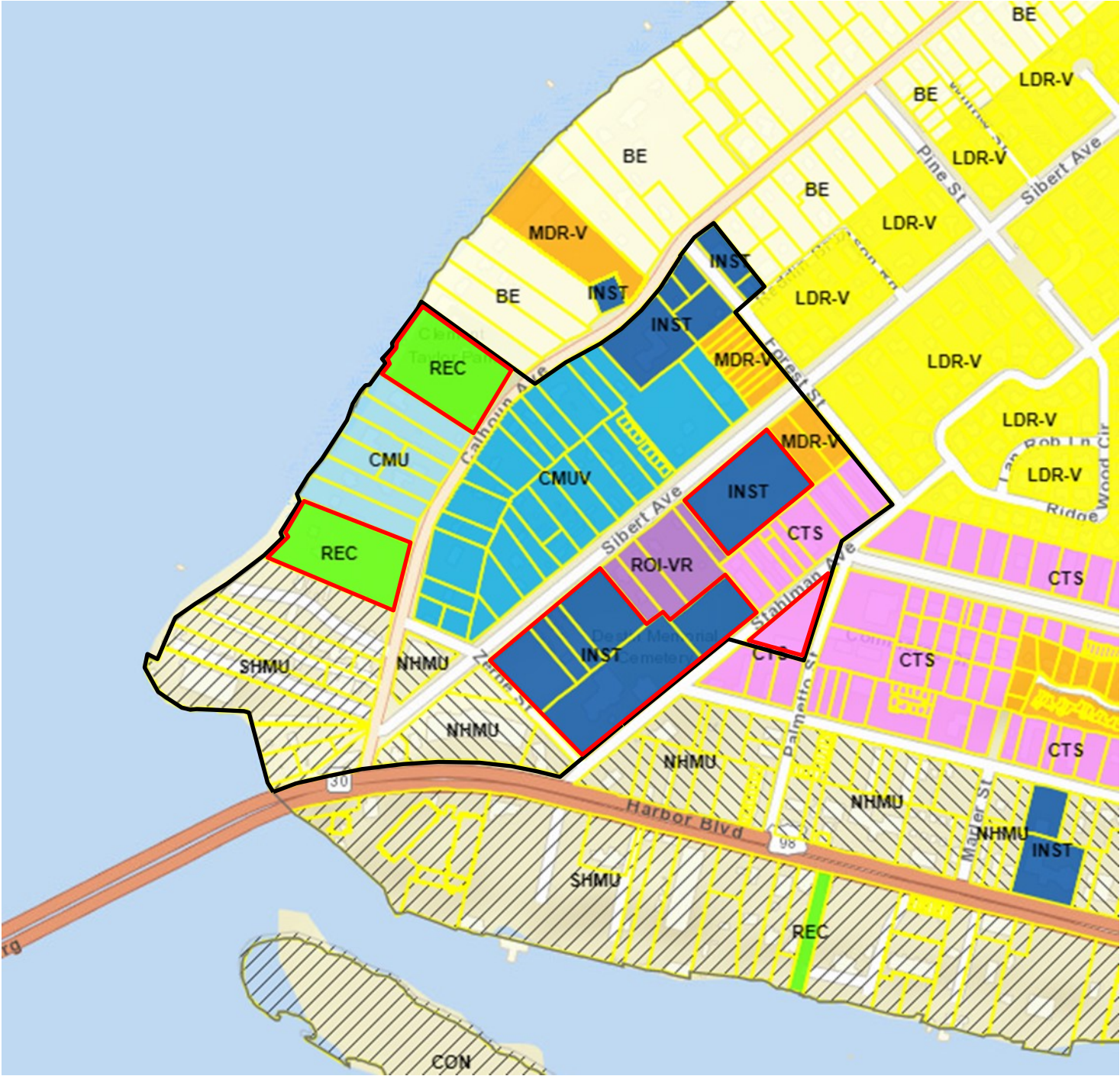
Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____

Exhibit A



- Zerbe-Calhoun Historic Overlay
- Zerbe-Calhoun Historic Park

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 5.G.

TO: Local Planning Agency

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

FROM: Daniel Butler, City Planner

DATE: March 16, 2021

SUBJECT: Proposed Ordinance 21-08-LC relating to amendments to the multi-family long term uses in the Commercial General zoning district in Article 7 of the Land Development Code

I. BACKGROUND: The Future Land Use designation of Commercial General (CG) is intended to service the general commercial needs of permanent and seasonal residents specifically along Harbor Boulevard/Emerald Coast Parkway. Currently, long-term residential uses are conditional within the CG zoning district.

II. DISCUSSION: Proposed Ordinance 21-08-LC amends the Land Development Code to prohibit long-term residential uses without a commercial component in order to provide for the intent of the CG future land use designation. Additionally, the proposed ordinance requires long-term residential uses to provide a minimum of 45% of the development area as “publicly leasable commercial space” when located in the CG zoning district. This would allow some flexibility regarding potential residential uses within this zoning district, while maintaining the integrity and intent of the commercial district.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Proposed Ordinance 21-08-LC would allow long-term residential uses to be conditional within the CG zoning district, provided that the proposed residential development maintain a commercial component. This would maintain the integrity and intent of the zoning district, while allowing some flexibility regarding potential residential uses.

RECOMMENDATION:

Staff recommends the LPA recommend City Council approval of proposed **Ordinance 21-08-LC**.

IV. RECOMMENDED MOTION: I move the LPA recommend City Council approval of proposed **Ordinance 21-08-LC**.

Attachments:

1. 21-08-LC CG Commercial Component

ORDINANCE NO. 21-08-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; 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, Policy 1-2.3.2, “Commercial General (CG)” of the City’s Comprehensive Plan provides that the "CG" future land use designation is intended to service the general commercial needs of permanent and seasonal residents; and

WHEREAS, section 7.12.06 (J) of the Land Development Code specifies that the Commercial General zoning district shall apply to areas generally located along Harbor Boulevard/Emerald Coast Parkway and is intended to accommodate the general commercial needs of the permanent and seasonal residents; and

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should require a commercial component to long-term residential uses located within the Commercial General (C-G) zoning district for consistency with the City’s Comprehensive Plan and for compliance with the overall intent of the Commercial General (C-G) 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 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 SECTION 7.12.06 OF THE LAND DEVELOPMENT CODE:

J. *Commercial General (CG).* The Commercial General zoning district implements Future Land Use Element Policy 1-2.3.2, Commercial General of the Comprehensive Plan.

1. Purpose and intent. The Commercial General zoning district shall apply to areas generally located along Harbor Boulevard/Emerald Coast Parkway and is intended to accommodate the general commercial needs of the permanent and seasonal residents. The general commercial needs of the permanent and seasonal residents are provided generally by the following uses: general retail sales and services; highway oriented sales and services; offices; commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations; and seasonal multi-family attached residential dwelling units. It is the intent of the CG zoning district to specifically not allow the following uses to be located in the district: permanent single-family detached uses; ~~or permanent~~ multi-family attached residential dwelling units without a commercial component; manufacturing of goods; other activities that may generate nuisance impacts, including glare, smoke or other air pollutants, noise, vibration, major fire hazards or other impacts generally associated with more intensive industrial uses. Long-term/permanent residential uses shall be prohibited within the Commercial General (C-G) zoning district, unless such residential developments incorporate a minimum of 45% of the development area as "publicly leasable commercial space" (e.g. retail, office, restaurant, etc....). 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. Additionally, it is the intent of the zoning district to encourage a variety of uses to address general commercial needs, and not to allow the over-proliferation of any particular use(s).

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 _____, 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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 18, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 5.H.

TO: Local Planning Agency

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

FROM: Traci Goodhart, Planner/Stormwater Manager
Joe Bodi, Engineering Asst. II
Donald Smith, City Engineer

DATE: March 16, 2021

SUBJECT: Cross Town Connector Update

I. BACKGROUND: On November 3, 2020, Atkins was given Notice to Proceed with the redesign of the Cross-Town Connector (CTC) between Benning and Beach Drive.

II. DISCUSSION: Atkins has provided the CTC 30 percent plans for review and comment.

Project design elements include:

- Boulevard Style Roadway
- Benning Drive – All Way Stop
- Beach Drive – Roundabout
- Open Space/ Park Area

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The CTC 30% percent design include a boulevard style roadway that **could** include a future park area, an all-way stop at Benning Drive, and a roundabout at the intersection of Beach and Legion Drive. City Council reviewed and approved the plans at City Council meeting February 1, 2021.

IV. RECOMMENDED MOTION: This is an informational item.

Attachments:

1. Destin CTC_CRA Update_TG
2. Harbor CRA CTC Staff Report

Cross Town Connector Redesign Update

Community Development
Engineering Division



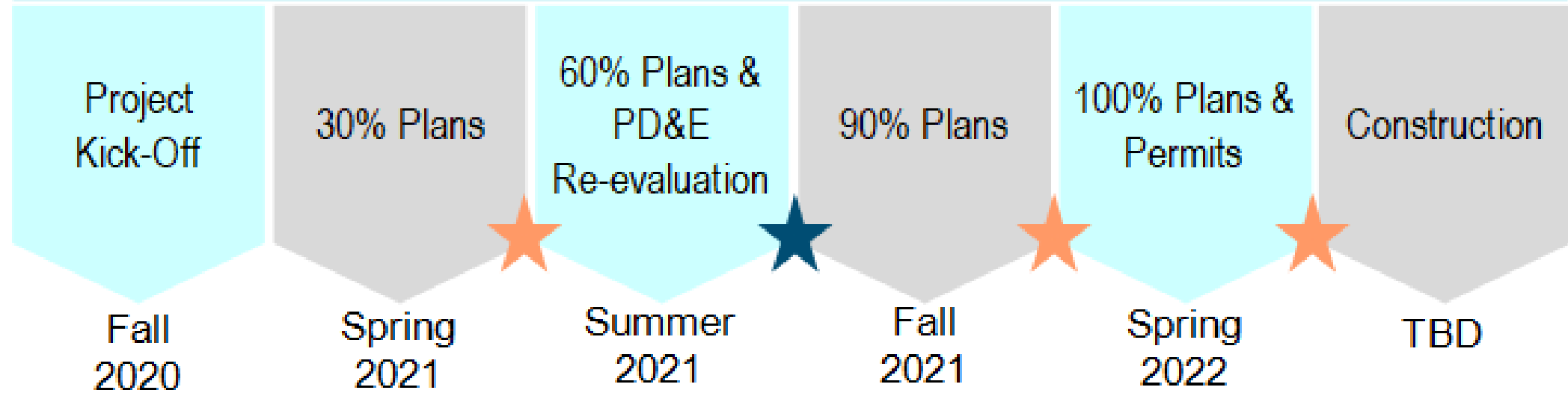
Background

- **June 1, 2020** – City Council approved the redesign of the CTC from a 4-lane to a 2-lane roadway
- **October 19, 2020** – City entered a contract with Atkins for redesign
- **February 2021** – Atkins provided 30% plans for review and comment



We are here

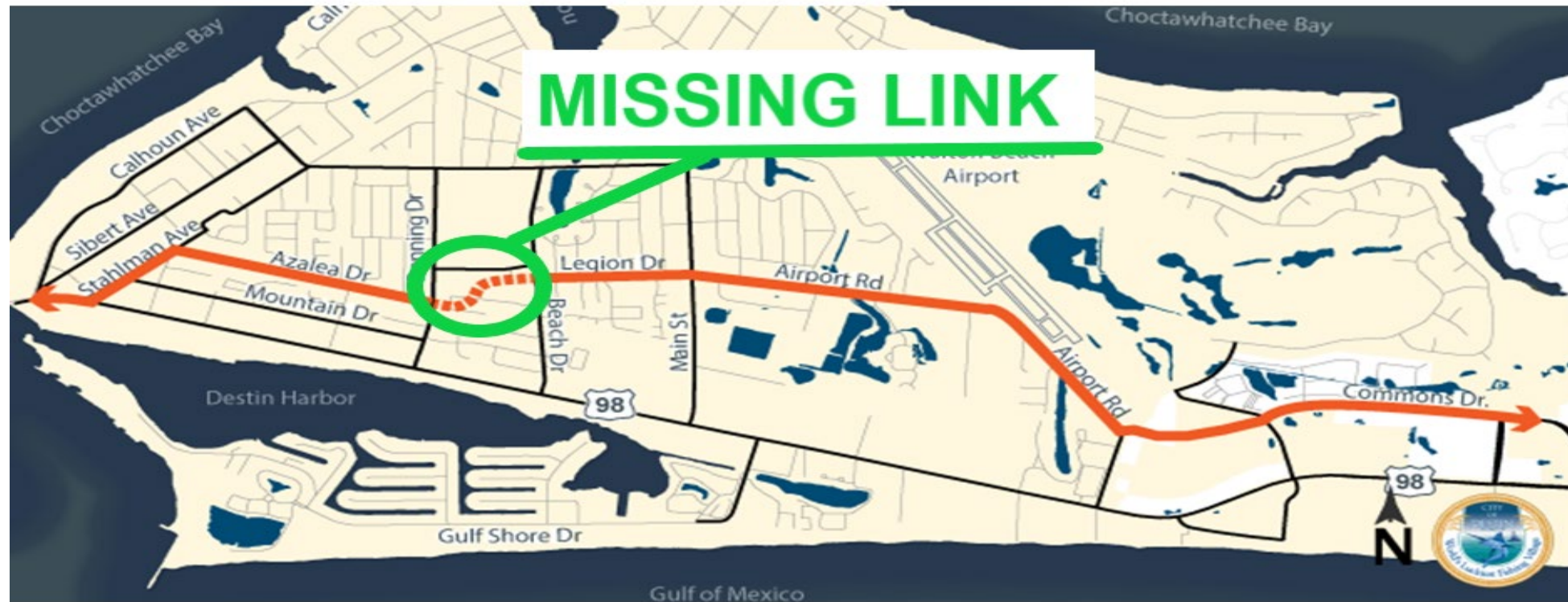
PROJECT SCHEDULE



Right-of-Way Acquisition through Spring 2023

★ Project Update

★ Public Workshop



Benning and Beach Drive

The missing link for a continuous alternative to US 98

CTC Design Elements

- Boulevard Style Roadway
- Benning Intersection
 - Proposed All Way Stop
- Beach Intersection
 - Proposed Roundabout
- Open Space – Possible Park





Roadway Design Concept

Questions?





COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: March 18, 2021

TYPE OF AGENDA ITEM: Staff Report

TO: Local Planning Agency

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

FROM: Don Smith, City Engineer
Joe Bodi, Engineering Assistant II
Traci Goodhart, Stormwater Specialist/Floodplain

DATE: March 16, 2021

SUBJECT: Cross Town Connector (CTC) - 30% Plans

BACKGROUND:

On November 3, 2020, Atkins was given Notice to Proceed with the redesign of the Cross-Town Connector (CTC) between Benning and Beach Drive.

DISCUSSION:

Atkins has provided the CTC 30 percent plans for review and comment.

Project design elements include:

- Boulevard Style Roadway
- Benning Drive – All Way Stop
- Beach Drive – Roundabout
- Open Space/ Park Area

CONCLUSION:

The CTC 30% percent design include a boulevard style roadway that **could** include a future park area, an all-way stop at Benning Drive, and a roundabout at the intersection of Beach and Legion Drive. City Council reviewed and approved the plans at City Council meeting February 1, 2021.

STAFF RECOMMENDATION:

This is an informational item.