



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, APRIL 15, 2021
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. March 18, 2021 Minutes**
- 4. NEW BUSINESS**
 - A. Proposed Ordinance 21-09-LC – Regulation of Breweries, Distilleries, and Restaurants**
 - B. Proposed Ordinance 21-10-CC - Regulation of Drones**
- 5. DIRECTOR'S REPORT**
 - A. Land Development Code- Update**
- 6. MEMBER COMMENTS/SUGGESTIONS**
 - A. Jim Wood**
 - B. Darryl Shelton**
 - C. Karen Drexler**
 - D. Marcie Bell**
 - E. Jason Klosterman**
 - F. Donald David**
 - G. Corey Ledbetter**
- 7. NEXT MEETING DATE: May 6, 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
MARCH 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, March 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.
Marcie Bell
Jason Klosterman
Don David
Karen Drexler
Corey Ledbetter

Members Absent

Darryl Shelton

Staff Members Present

Kim Montgomery Deputy City Clerk
Lauren Witt Senior Planner
Daniel Butler Planner
Don Smith Engineer
Joe Bodi Engineering Asst. II
Kimberly Kopp Land Use Attorney
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

February 18, 2021

Motion by Agency member Klosterman, seconded by Agency member David to approve the February 18, 2021 minutes as written. The motion passed 6-0.

4. OLD BUSINESS:

None

5. NEW BUSINESS:

Motion to set aside the order of the day and move Item E into the A position was made by Agency member Bell with Agency member Ledbetter providing the second. The motion passed 6-0.

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

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

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.

The Land Use Attorney informed the members that this was a Council directed ordinance for staff to create this ordinance. And the two things that this ordinance does is, it mirrors what has been done in the Harbor with the historic harbor overlay. Which allows and encourages preservation in the Comprehensive Plan. Which helps keep the Festive Market Place alive and well and it allows, through an application process, for staff and Council to review them prior to the approval process. Regarding the map, she brought to everyone’s attention that the Destin Fishing Museum was inadvertently left off and will be corrected prior to this being taken before City Council.

Mrs. Witt added that the ordinance also includes language for the criteria of any other historical structures that are significant to the area to be processed and deemed appropriate.

The Chairman opened the hearing to the public.

Mrs. Jan Best of 504 Norriego Street and serves on the Harbor CRA-AC. Spoke of being the one who introduces this concept to the Harbor CRA and then to City Council. She provided additional information on how she discovered two of the founding families of Destin, the Zerbe’s and the Calhoun’s got together and agreed a meeting place was needed. And how Mr. Taylor Calhoun donated the property where the Community Center is located to the citizens of Destin for a meeting place.

The Chairman mentioned he does not like the term “Certificate Appropriateness.” And asked if it could be changed to “Certificate of Historical Significance” instead of “Appropriateness.” According to the Land Use Attorney, that is the term that was used in the Ordinance for the Harbor Area and chose it, to stay consistent.

Mr. Zunguze added that the term is what, as a community, is deemed appropriate. And it’s an industry term that is used very often with these types of ordinances.

Agency member Ledbetter made the recommended motion that the Local Planning Agency recommends City Council approve proposed Ordinance 21-07-LC, with Agency member Bell

providing the second. With no further discussion, the Chairman called for the vote and the motion passed 6-0.

B. Proposed Ordinance 20-24-LC relating to Low Speed Vehicles

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

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.

Engineering Assistant, Joe Bodi informed the members that the ordinance has previously come before them last year. However, when it went before Council, they directed staff to not allow LSV's on Main Street, Airport Road, portions of Indian Bayou Trail and a section of Gulfshore Drive from La Paz to the intersection of Highway 98.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public and turned the discussion over to the Agency members.

The members discussed moving the restrictions on Gulfshore Drive from La Paz to the intersection at Moreno Point Road because of the speeding that takes place along the area where the roadway turns into a 4-lane road up to the traffic light.

Motion by Klosterman to recommend City Council amend allowing LSV's access on Gulfshore Drive from La Paz back to Moreno & Gulfshore Drive, with Bell providing the second. Motion Failed with a 3-3 vote.

Agency member Drexler asked if there are any plans to have signage up along the routes so people will know where they are allowed and where they are not allowed. According to Mr. Bodi, staff does intend to erect signage informing the public of LSV friendly roadways.

There was a discussion regarding how the tourist are going to know what roads they will be allowed on and how there are so many rental homes that provide just plain golf carts. How are they to know they're not allowed on the roads. Also, concern was raised how is the information going to get out. According to Mr. Forgione, he will make sure to get the information is distributed to all of his the short term rental contacts.

Agency member Bell asked if LSV's count as a parking space at a rental home. According to Mr. Forgione, they do.

The Chairman spoke of how this ordinance can always be amended later after this has been in effect. And if Council feels its necessary to make additional changes to the roads where they are allowed, it can be amended.

Motion by David to recommend City Council to approve proposed ordinance 20-24-LC, with Agency member Drexler providing the second passed 6-0

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

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

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.

The Land Use Attorney informed the members that back in November of 2020 the citizens voted to put the current maximum building height in the Comprehensive Plan in the Charter. And, to add a Variance process for those that want something higher than the six-story maximum currently allowed in the city. Additionally, the process would require that it go to public referendum vote and then back to city council for a final decision, if first approved by the voters.

The Chairman opened the hearing to the public, with no one coming forward to speak, he closed the public hearing and turned the discussion over to the Agency members.

Agency member David asked if a developer is applying for a project that will call for this Variance and a referendum has to be held, does the developer bear the cost?

According to Ms. Kopp, yes the developer will be responsible and the fees will be provided in the application process and will be based on if the developer wants it on the General Election or a Special Election.

Motion by Agency member Bell with Agency member Ledbetter providing the second, to recommend City Council approve ordinance 21-04-LC and direct staff to submit the proposed ordinance to the State Department of Economic Opportunity for review. A roll call vote of 6-0 was taken and the motion passed.

At this time, the City Attorney realized that he skipped Ordinance 21-03-LC and asked the chairman to call for a motion to change the order of the day.

Motion by Agency member Bell, seconded by Agency member Ledbetter to change the order of the day so that Ordinance 21-03-LC could be heard next. The motion passed unanimously.

D. Proposed Ordinance 21-03-LC relating to the regulation of building height in the Comprehensive Plan.

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

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.

According to Mr. Butler, this ordinance addresses the inconsistencies between Chapter 1, Future Land Use Element and the LDC, Table 7-3, scheduled dimensional requirements. Noting, that the last time the Comprehensive Plan was amended to amend the building height requirements, there are still some inconsistencies with the Density and the FAR between those amended items and Table 7-3 in the LDC. So, this would clean up those inconsistencies.

Agency member David made the motion to recommend City Council approve ordinance 21-03-LC with Agency member Bell providing the second. With no further questions or comments, the motion passed 6-0

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

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

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.

Mrs. Witt explained currently, in the Comprehensive Plan there is a requirement that 60% of the roof on all buildings are required to be pitched, with a specific slope between a minimum pitch of 5:12 and a maximum pitch of 12:12 is required for the fully pitched roofs above the cornice line. Which certain projects are not eligible for a Variance through the Board of Adjustment process because, it is a Comprehensive Plan requirement. Additionally, staff sees this as a future problem based on the requirements of mechanical equipment required on the roofs. Which causes a hardship to meet both the requirement for the pitch roof and the spacing requirements from the Florida Building Code for mechanical equipment. It also forces the layout issues for the inside of the building, based on where their rooftop mechanical equipment is located. So, the goal of this ordinance is not to remove those requirements, but to keep the intent of the design, and remove the specific technical requirement of 60%. Which would then be housed in the Land Development Code and the Comprehensive Plan. She then provided the members with an example of this problem with the Conditional Use they approved recently for the Panda Express.

Agency member David asked why the clause is in the ordinance regarding the City Manager or his designee and why it doesn't just state the Community Development Director. The Land Use Attorney explained that ultimately the City Manager has the power to direct staff and is why the clause reads as it does.

Agency member David made the motion to recommend City Council approve proposed Ordinance 21-05-PC and direct staff to submit the proposed ordinance to the Florida Department of Economic Opportunity, with Agency member Drexler providing the second. The motion passed 6-0.

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

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

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.

City Planner Daniel Butler explained currently there is a use in table 7-2 in the Land Development Code labeled as Justice Public Order and Safety Activities which entails Fire and Police protection under the North American Industry Classification System (NAICS) code. However, this use is only permitted in two zoning districts and as a Conditional Use in one zoning district. With these being some of the city's smallest zoning districts, what this ordinance would do is it would add a NAICS code for specifically Police and Fire Protection and make them a Conditional Use in all zoning districts in the city.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public portion of the hearing and asked the Agency members for comments or a motion.

Motion by Agency member Ledbetter to recommend City Council approve Ordinance 21-06-LC, with Agency member David providing the second. A roll call vote of 6-0 was taken and the motion passed.

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.

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

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.

Mr. Butler explained that Ordinance 21-08-LC would amend the LDC to prohibit long-term residential uses without a commercial component of at least 45% of publicly leasable commercial space. And currently, long-term residential uses are already conditional within the CG Zoning District. However, staff wants to add a minimum of 45% to keep the intent of the Commercial Zoning District.

Agency member Ledbetter asked for an example of one already built.

Mr. Butler explained that if somebody was to propose a long-term residential multicomplex units of ten units or more, at least 45% of that space would have to be publicly leasable to a commercial tenant. And explained further that if the sites 5,000 square feet then just under twenty-five hundred square foot would have to be available for public lease.

Mrs. Witt added an example of the Vintage Destin apartments near Target explaining those would not be able to be built, if this provision were already passed or, 45% of that development would be required to be commercial to keep the intent of the Commercial General District.

Agency member Bell made the recommended motion for the Local Planning Agency to recommend City Council approve proposed Ordinance 21-08-LC, with Agency member Ledbetter providing the second. A roll call vote of 6-0 was taken and the motion passed.

H. Cross Town Connector Update

The City Engineer provided the Agency members with an update of the status of the Crosstown Connector (CTC). He provided a short Power Point Presentation of the background of the project and how currently it is at a 30% status, the following goals that have been met:

- 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.



CTC Design Element:

- Boulevard Style Roadway with a large, landscaped median.
- Benning Intersection Proposed All Way Stop, as directed by City Council.
- Beach Intersection Proposed Roundabout.
- Open Space –Possible Linear Park.



According to the Chairman, he checked with FDOT's 5- year work plan, prior to the meeting and they are showing in 2021 of \$5.865M in 2022 of 1.7 million and Okaloosa County has given us 1.6 million per year for three years for construction.

The City Attorney explained that the amount from the TDC was lowered to \$3.3 total and because they had to shift some funds around so that the city council complete the beach acquisition project.

6. **DIRECTOR'S REPORT:**

According to Mr. Zunguze, the long-awaited Harbor Capacity Study began last month, and the Steering Committee appointed by Council to oversee the study, has started to meet as well. The study should take about a year to establish the environmental health of the harbor, the overall safety for our visitors and workers, and the viability of the businesses on the harbor in order for City Council to be able to create potential guidelines.

Mr. Zunguze also informed the Agency members that staff has started the undertaking of the Land Development Code Update. They will be presenting the proposed budget and contract for approval at the April 5th City Council Meeting. After which staff will be bringing it before them to outline how they are going to proceed.

7. **NEXT MEETING: April 19, 2020**

8. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 7:30 p.m.

Adopted and approved this _____ day of _____ 2021.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 15, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 4.A.

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: April 14, 2021

SUBJECT: **Proposed Ordinance 21-09-LC** – Regulation of Breweries, Distilleries, and Restaurants

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 breweries, microbreweries, brewpubs, distilleries, and craft distilleries.

II. DISCUSSION: Proposed **Ordinance 21-09-LC** would amend Article 7 – Table 7-2 to include breweries, microbreweries, brewpubs, distilleries, and craft distilleries as permitted, conditional, or non-permitted uses within the City of Destin. Additionally, the proposed ordinance amends Article 3 to provide definitions for those uses.

Firstly, proposed **Ordinance 21-09-LC** would allow breweries, microbreweries, distilleries, and craft distilleries as permitted uses within the Industrial (IN) zoning district, and as a conditional use within the Commercial Trades & Services (CTS) zoning district. These uses and the proposed zoning districts are compatible due to the light industrial and commercial trade aspects of these uses and the intent of the Comprehensive Plan.

Secondly, proposed **Ordinance 21-09-LC** would allow brewpubs as a permitted use within the South Harbor Mixed Use (SHMU), North Harbor Mixed Use (NHMU), and Commercial General (CG) zoning districts, while allowing brewpubs as a conditional use within the Town Center Mixed Use (TCMU) and Commercial Trades & Services (CTS) zoning districts. These proposed zoning districts’ intents are to accommodate

retail, restaurant, and commercial uses; therefore, brewpubs would be compatible within these zoning districts.

Finally, proposed **Ordinance 21-09-LC** would allow restaurants as permitted uses within the Commercial Trades & Services (CTS) zoning district. This would give more compatible uses to a zoning district in which Staff feels that redevelopment is crucial, and could serve the residents in the surrounding area.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Proposed **Ordinance 21-09-LC** provides consistency with the City's Comprehensive Plan Future Land Use Elements & provides incorporation into the Land Development Code.

RECOMMENDATION: Staff recommends that the Local Planning Agency recommend City Council approval for proposed **Ordinance 21-09-LC**.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approval for proposed **Ordinance 21-09-LC**.

Attachments:

1. Ordinance 21-09-LC Breweries

ORDINANCE NO. 21-09-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” RELATING TO BREWERIES, MICROBREWERIES, BREWPUBS, DISTILLERIES, CRAFT DISTILLERIES, AND RESTAURANTS; 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 finds that the City should amend Article 7 and table 7-2 of the Land Development Code in order to provide regulations and allow for and define microbreweries, breweries, distilleries, craft distilleries and restaurants in CTS zoning districts; and

WHEREAS, breweries, microbreweries, brewpubs, distilleries, and craft distilleries have become effective economic redevelopment tools and local-business incubators in many municipalities and the City Council anticipates that breweries, microbreweries, brewpubs, distilleries and craft distilleries will increase in popularity in the future; and

WHEREAS, the City Council has determined that breweries, microbreweries, brewpub, distilleries, craft distilleries, and restaurant operations can be reasonably permitted in the CTS zoning district of the City of Destin; and

WHEREAS, the boundaries of existing zoning districts were drawn to minimize the impacts of concentrated alcohol service establishments on residential neighborhoods. As such, these areas have an established resiliency to the potential impacts of deliveries, distribution, and manufacturing functions associated with brewery, microbrewery, brewpub, distillery, craft distillery, and restaurant operations; and

WHEREAS, the City Council has determined that independently defining breweries, microbreweries, distilleries and brewpubs and limiting those establishments to appropriate zoning districts will provide a balance between the quiet enjoyment of residents and visitors in residential neighborhoods

with the opportunity for economic growth through the creation of new breweries, microbreweries, distilleries, craft distilleries, and brewpubs; and

WHEREAS, the City Council has determined, based on the recommendation of the Local Planning Agency, 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 ARTICLE 7 AND TABLE 7-2 OF THE LAND DEVELOPMENT CODE.

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

7.00.02 Definitions.

Brewery is an establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a production volume of greater than 3,000 barrels of beer per year. A brewery may include accessory uses such as tours of the brewery and retail sales.

Brew pub is an establishment that sells the majority of its product on-site in combination with food services. At a brewpub, the beer/liquor is primarily brewed/distilled for sale inside the restaurant or bar or any eating establishment in which alcoholic beverages are served and none of the beer/liquor may be sold to a distributor. Any product leaving the premises must be in a sealed, unopened can or container.

Distillery/Craft distillery is a licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the division in writing of its decision to qualify as a craft distillery. A distillery is a manufacturer of distilled spirits.

Microbrewery is an establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a maximum production of 3,000 barrels of beer per year. A microbrewery may include accessory uses such as tours of the microbrewery and retail sales.

Table 7-2 of the Land Development Code is hereby amended as follows:

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 dwelling					P	P	P	C	P	C			C		P	C	P	C	P	P	P	P	P						
Mobile home dwelling	C																												
Mobile home development							C																						
Guest house ⁽¹⁾	P				P	P	P	P				P	C		P			C											
Accessory dwelling	P				P	P	P	P				P	C		P			C											

[illegible]

Sector 22 Utilities																											
2211 Electric power generation, transmission, and distribution																											
221111 Hydroelectric power generation																											
221112 Fossil fuel electric power generation																											
221113 Nuclear electric power generation																											
221119 Solar electric power generation																					P	P	P				
221119 Wind electric power generation																						P	P				
221122 Distribution electric substation (16)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
2212 Natural gas distribution												P	C											P			
2213 Water,												P	C											P			

[illegible]

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 stores									P (2)	P						P			P	P					
444 Building material and garden equip. and supply dealer											C	P													
444190 Kitchen											C	P							P						

[illegible]

																			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 systems								P	C	P	P	C			P	P		P	P	P	P	P	P
4582 Interurban and rural bus transportation								P	C	P	P	C			P	P		P	P	P	P	P	P

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, except internet																				
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		
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	
531120 Conference/							C						P	P	C	P	P	P	P	

[illegible]

Sector 54 Professional and Technical Services																									
541 Professional and technical services									P	P		P	C			P	P	P	P	P	P	P	P	P	
541940 Veterinary services										C		P ⁽³⁾	C			P	P	P	P	P	P	P	P	P	C
Sector 55 Management of Companies and Enterprises																									
551 Managemen t of companies and enterprises									P	P	P	P	C			P	P	P	P	P	P	P	P	P	
Sector 56 Administrative and Waste Services																									
561 Administrati ve and support services									P	P	P	P	C			P	P	P	P	P	P	P	P	P	
561720 Janitorial services									P	P	P	P	C			P	P	P	P	P	P	P	P	P	
561730 Landscaping services										C	P												P		
562 Waste managemen t and remediation services												C	C										C	C	
Sector 61 Educational Services																									

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alcoholic beverages								7)												7)				
<u>Brewpubs</u>								<u>P</u>	<u>C</u>			<u>C</u>			<u>P</u>	<u>P</u>								
Sector 81 Other Services, Except Public Administration																								
811 Repair and maintenance								C	P											P				
8111 Automotive repair and maintenance								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				
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				
8122 Death care services									P											P				
8123 Dry cleaning and laundry services								P	C	P	P	C			P	P	P	P	P	P		P		
81233 Linen and uniform								P	P											P				

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City of Destin
Ordinance No. 21-09-LC
Page 23 of 36

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 or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located. Cultivating or processing medical marijuana shall be prohibited within the City.
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).

7.12.07. Zoning Overlay Districts. The following zoning overlay districts are hereby established for the City:

- A. ***Town Center Mixed Use - Central Business District (TCMU-CBD).*** The Town Center Mixed Use - Central Business District zoning overlay district implements a maximum height cap and restricts certain types of residential and commercial uses that are incompatible with the adjoining residential area.
 - 1. ***Purpose and intent.*** The Town Center Mixed Use - Central Business district zoning overlay district is intended to apply to those properties that: a) have a Town Center Mixed Use zoning district designation; and b) are located north of the post office/Gulf Power Station, south of Legion Drive/Airport Road, east of Sun Cay Townhomes and west of Industrial Park Road, east of Sun Cay Townhomes, and west of Industrial Park Road. The TCMU-CBD zoning overlay district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses. It is the intent of the TCMU-CBD zoning overlay district to specifically not allow: permanent or seasonal single-family detached residential dwelling units; seasonal multi-family attached residential dwelling

units; and commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations.

2. *Principal, accessory and conditional uses.* Permitted, accessory and conditional uses shall be the same as those allowed for the TCMU zoning district as listed in Table 7-2, Table of Allowable Uses.
3. *Performance standards.* Lot area, lot width, lot depth, setback, density, floor area ratio, and open space standards, shall be governed by the performance standards of the underlying Town Center Mixed Use zoning district. The maximum height for this district is restricted to four stories/45 feet.

B. *Crystal Beach Neighborhood-Traditional Development District (CBN-TDD).* The Crystal Beach Neighborhood-Traditional Development District zoning overlay district recognizes, as conforming lots within the CBN and portions of the CBR zoning districts, the lot dimensions and configurations of the 1937 Crystal Beach Subdivision Plat.

1. *Purpose and intent.* The purpose of the Crystal Beach Neighborhood-Traditional Development District zoning overlay is to allow the restoration of the original lots configured as fifty feet in width by one hundred fifty feet in depth (50' × 150') as shown in the 1937 Crystal Beach Subdivision Plat. This section allows those original lots to be treated as conforming lots. This section is intended to apply only to those lots depicted in the 1937 Crystal Beach Subdivision plat that are within the boundaries of the Crystal Beach Neighborhood Zoning District and the Crystal Beach Resort Zoning District.
2. *Principal, accessory, and conditional uses.* Permitted, accessory and conditional uses shall be the same as those allowed for the CBN zoning district as listed in Table 7-2, Table of Allowable Uses.
3. *Performance standards.* The allowable lot width shall be 50 feet. The allowable lot depth shall be 150 feet. Lot area, setback, building height, density, floor area ratio, and open space standards, shall be governed by the performance standards of the underlying CBN zoning district.

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	N/A	30
ROI-TD - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/ R	N/A	30
ROI-VR/ROI-CBR - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00/R	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)	Y	50	150	Y	Y	Y	Y	Y	Y	Y
CBR - one d.u.	7,500	70	100	30/3 stories	20	7½	10	12.00/Q	N/A	30
CMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	12.00	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 d.u.	None	None	None	50/4 stories	J	J	J	12.00	N/A	25
CMU-V - non d.u.	None	None	None	H	J	J	J	N/A	.50	25
SHMU - one d.u.	7,500	70	100	30/3 stories	20	7½	10	19.90/S	N/A	30
NHMu - one d.u.	7,500	70	100	35/3 stories	20	7½	10	19.90/T	N/A	25
GRMU - one d.u.	7,500	70	100	50/4 stories	20	7½	10	19.90/S	N/A	30
HIMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	19.90/S	N/A	30
BRMU - one d.u.	7,500	70	100	35/3 stories	20	7½	10	20.00	N/A	25

MDR-V/MDR-HI - two or more d.u.	None	None	None	35/3 stories	C/D	C/D	C/D	9.99	N/A	25
HDR - two or more d.u.	None	None	None	80/7 stories	J	J	J	19.90	N/A	25
CBN - two or more d.u.	None	None	None	50/4 stories	20	C/D	C/D	6.00	N/A	25
CBN - non d.u.	None	None	None	50/4 stories	20	C/D	C/D	N/A	.50	25
CL - two or more d.u.	None	None	None	50/4 stories	20	C/D	C/D	12.00/Q	N/A	25
CL - non d.u.	None	None	None	E	10	C/D	C/D	N/A	.50	25
CG - two or more d.u.	None	None	None	50/4 stories	M	M	M	40.00	N/A	25
CG - non d.u.	None	None	None	50/4 stories/F	M	M	M	N/A	1.30	25
CTS	None	None	None	35/3 stories	N	N	N	U	1.30	25
ROI-VR/ROI-TD two or more d.u.	None	None	None	35/3 stories/G	C/D	C/D	C/D	12.01 O/R	N/A	25
ROI-GD/ROI-TD non d.u.	None	None	None	35/3 stories G	C/D	C/D	C/D	N/A	.50	25
CBR - two or more d.u.	None	None	None	50/4 stories	O	O	O	12.00/Q	N/A	25
CBR - non d.u.	None	None	None	50/4 stories	O	O	O	N/A	.50	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	M	M	24.00	N/A	25
TCMU - none d.u.	None	None	None	75/6 stories	M	M	M	N/A	1.5	25

CMU - two or more d.u.	None	None	None	35/3 stories	J	J	J	12.00	N/A	25
CMU - non d.u.	None	None	None	H	J	J	J	N/A	.50	25
SHMU - two or more d.u. (short-term)	None	None	None	35/3 stories/l	P	P	P	19.90/S	N/A	25
SHMU - two or more d.u. (long-term)	None	None	None	35/3 stories/l	P	P	P	19.90/S	N/A	25
SHMU - non d.u.	None	None	None	35/3 stories/l	P	P	P	N/A	.60	25
NHMu - two or more d.u.	None	None	None	35/3 stories	M	M	M	19.90/T	N/A	25
NHMu - non d.u.	None	None	None	35/3 stories	M	M	M	N/A	.60	25
GRMu - two or more d.u.	None	None	None	50/4 stories	O	O	O	19.00/S	N/A	25
GRMu - non d.u.	None	None	None	50/4 stories	O	O	O	N/A	1.30	25
HIMU - two or more d.u.	None	None	None	50/4 stories	J	J	J	19.90/S	N/A	25
HIMU - non d.u.	None	None	None	50/4 stories	J	J	J	N/A	1.30	25
BRMu - two or more d.u.	None	None	None	35/3 stories	O	O	O	20.00	N/A	25
BRMu - non d.u.	None	None	None	35/3 stories/W	O	O	O	N/A	.75/X	25
IN	None	None	None	35/3 stories	N	N	N	N/A	1.30	25
A	None	None	None	35/3 stories/ K	L	L	L	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.
- S. No residential uses allowed, except for one custodian or night-watchman residence per development.
- T. To reduce open space to these percentages, the applicant must comply with the regulations stated in Section 12.04.02 and 12.04.03.
- U. 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.
- V. Crystal Beach Neighborhood-Traditional Development District (CBN-TDD) overlay applies only to minimum lot width and depth.

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

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

7.12.10. *Conditional Uses.* The following shall apply to all applications for a conditional use in any zoning district within the City of Destin:

- A. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing, that the proposed use, application and, if applicable, site plan, comply with

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

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

- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - i. Floor area ratio;
 - ii. Traffic generation;
 - iii. Square feet of enclosed building for each specific use;
 - iv. Proposed employment;
 - v. Proposed number and type of service vehicles; and
 - vi. Off-street parking needs.
- (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection including the following:
 - i. Utilities;
 - ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
 - iii. Roadway or signalization improvements, or other similar improvements;
 - iv. Accessory structures or facilities; and
 - v. Other unique facilities/structures proposed as part of site improvements.
- (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - i. Open space;
 - ii. Setbacks from adjacent properties;
 - iii. Screening and buffers;
 - iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

C. *Criteria for Conditional Uses.*

1. *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.
2. *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.

3. *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.
 4. *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.
 5. *Avoid over-proliferation of uses.* An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.
 6. *Compliance with applicable laws and ordinances.* A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.
- D. *LPA recommendation required.* All applications for a conditional use must first be considered by the City's Land Planning Agency (LPA) for consistency with the Comprehensive Plan, prior to being considered by the City Council for a final decision. The City Council shall not be bound by the recommendation of the LPA.
- E. The Board of Adjustment shall not be required to review conditional use applications.
- F. *Appeals.* Appeals of the city council on a conditional use application are by writ of certiorari to the circuit court.

(Ord. No. 152.1, § 3, 4-1-91; Ord. No. 231, § IV, 1-19-93; Ord. No. 152.11, § 2, 5-2-94; Ord. No. 152.17, §§ 3, 4, 10-17-94; Ord. No. 152.34, §§ 2, 3, 7-7-97; Ord. No. 152.43, § 1, 11-6-00; Ord. No. 152.44, § 3, 4-2-01; Ord. No. 152.45, § 3, 4-6-01; Ord. No. 385, § 3, 9-16-02; Ord. No. 390, § 4, 9-16-02; Ord. No. 391, § 4, 9-16-02; Ord. No. 392, § 4, 9-16-02; Ord. No. 04-18-LC, § 4, 8-2-04; Ord. No. 04-22-LC, § 3, 8-16-04; Ord. No. 04-27-LC, § 2, 9-8-04; Ord. No. 04-41-LC, § 3, 12-20-04; Ord. No. 05-02-LC, § 5, 2-7-05; Ord. No. 06-01-LC, § 8, 12-18-06; Ord. No. 07-01-LC, § 5, 3-6-07; Ord. No. 08-08-LC, § 5, 4-21-08; Ord. No. 08-14-LC, § 10, 1-20-09; Ord. No. 08-23-LC, § 4, 12-15-08; Ord. No. 08-25-LC, § 4, 9-2-08; Ord. No. 09-04-LC, § 4, 1-20-09; Ord. No. 09-06-LC, § 4, 3-30-09; Ord. No. 09-07-LC, § 3, 4-20-09; Ord. No. 09-08-LC, § 3, 4-20-09; Ord. No. 09-24-LC, § 3, 11-16-09; Ord. No. 10-02-LC, § 3, 3-15-10; Ord. No. 10-08-LC, § 3, 6-21-10; Ord. No. 10-19-LC, § 4, 11-15-10; Ord. No. 10-09-LC, § 5, 1-18-11; Ord. No. 11-08-LC, §§ 5, 6, 5-2-11; Ord. No. 11-11-LC, § 4, 6-20-11; Ord. No. 11-07-LC, § 4, 10-17-11; Ord. No. 10-05-LC, § 5, 2-6-12; Ord. No. 12-02-LC, § 3, 6-4-12; Ord. No. 14-10-LC, § 3, 10-20-14; Ord. No. 14-11-LC, § 3, 10-20-14; Ord. No. 15-02-LC, § 4, 3-2-15; Ord. No. 16-01-LC, §§

4—7, 2-16-16; Ord. No. 16-13-LC, § 3, 7-5-16; Ord. No. 16-14-LC, § 3, 10-17-16; Ord. No. 16-18-LC, § 3, 12-5-16; Ord. No. 16-30-LC, § 4, 11-21-16; Ord. No. 17-28-LC, § 3, 1-2-18; Ord. No. [18-30-LC](#), § 4, 5-6-19; Ord. No. [19-05-LC](#), § 3, 4-15-19; Ord. No. [19-06-LC](#), § 3, 4-15-19; Ord. [19-07-LC](#), § 3, 4-15-19; Ord. No. [19-19-LC](#), § 2, 10-21-19; Ord. No. [19-25-LC](#), § 4(Exh. A), 10-21-19; Ord. No. [19-28-LC](#), §§ 3, 4(Exh. A), 10-21-19; Ord. No. [19-37-LC](#), § 3(Exh. A), 12-16-19; [Ord. No. 20-02-LC](#), § 3, 2-18-20)

SECTION 4: INCORPORATION INTO THE 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, phrase, sentence, provision 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 take effect immediately upon its adoption by the City Council and the signature of the Mayor.

ADOPTED THIS ____ DAY OF _____ 2021.

BY: _____
Gary Jarvis, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 15, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Public Hearing
OUTLINE NUMBER: 4.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: April 14, 2021

SUBJECT: Proposed Ordinance 21-10-CC - Regulation of Drones

I. BACKGROUND: Currently, the Land Development Code nor the Code of Ordinances contain any language regulating the usage of drones or unmanned aerial vehicles (UAVs) within the City of Destin.

II. DISCUSSION: Proposed **Ordinance 21-10-CC** would require operators of unmanned aerial vehicles to familiarize themselves with all applicable regulations relating to the use of an unmanned aerial vehicle (UAVs), including the Federal Aviation Administration (FAA) requirements regarding notification of an airport operator and control tower, where applicable, prior to operating an unmanned aerial vehicle within five (5) miles of an airport, including but not limited to the Destin Executive Airport. The proposed ordinance additionally provides restrictions and exceptions and enforcement regarding the use of UAVs within the City of Destin.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Proposed **Ordinance 21-10-CC** provides consistency with the FAA's requirements regarding the usage of UAVs, and promotes the safety and welfare of the citizens of Destin. Staff recommends that the Local Planning Agency recommend City Council approval for proposed **Ordinance 21-10-CC**.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend

City Council approval for proposed **Ordinance 21-10-CC**.

Attachments:

1. Ordinance 21-10-CC Drone FAA

ORDINANCE NO. 21-10-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE OPERATION OF UNMANNED AERIAL VEHICLES COMMONLY REFERRED TO AS “DRONES”; PROVIDING FOR DEFINITIONS, PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should amend the Land Development Code to create regulations relating to the operation of unmanned aerial vehicles (UAV), also known as drones, and to provide for definitions and conflicting provisions; and

WHEREAS, since the increase in popularity and technology surrounding UAV usage, the City of Destin does not have a current code section applicable to unmanned aircrafts; and

WHEREAS, the City Council recognizes that UAVs can pose unique safety, nuisance, and privacy invasion risks; thus regulating the operation of unmanned aerial vehicles within the City of Destin is needed to promote the public safety and welfare of the City, its residents and visitors; and

WHEREAS, the regulations in this ordinance are to be read in harmony with all other regulations regarding the use of unmanned aerial vehicles, specifically including any rules promulgated by the Federal Aviation Administration; and

WHEREAS, nothing in this article shall be construed to authorize the operation of any UAV in the City Limits airspace in violation of any Federal statutes or rules promulgated thereunder; and

WHEREAS, the City Council recognizes the right of hobbyists to enjoy UAVs and that the current popularity of drones can positively stimulate growth and increase economic efficiency for a diverse and expanding array of businesses; and

WHEREAS, current UAV capabilities enable them to travel at speeds of over 100 miles per hour, carry payloads, and fly more than a mile away from the operator at heights of over 3,000 feet, which has increased the potential for them to compromise the safety and well-being of the citizens of the City of Destin; and

WHEREAS, UAVs also have the capacity to be equipped with video cameras and other recording devices which have the potential to conduct unlawful or unwanted surveillance or violate the privacy interests of the citizens of the City of Destin; and

WHEREAS, the City Council desires to balance the ability of UAV users to operate their unmanned aircrafts and to promote hobbyists and commercial interests relating to drones within the City of Destin while protecting the safety and privacy of citizens and visitors to 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 _____ OF THE LAND DEVELOPMENT CODE.

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

Sec. _____ . - Purpose; harmony with other governmental regulations.

The city council hereby recognizes that unmanned aerial vehicles (UAV), also known as drones, can pose unique safety, nuisance, and privacy invasion risks; thus regulating the operation of unmanned aerial vehicles within the city is needed to promote the public safety and welfare of the city and its residents. These regulations are to be read in harmony with all other regulations regarding the use of unmanned aerial vehicles, specifically including any rules promulgated by the Federal Aviation Administration. Further, compliance with these regulations should not be interpreted as express, implied or tacit approval to operate an unmanned aerial vehicle in violation of any other governmental regulations or in a manner, which jeopardizes the health, safety, or welfare of the public. Nothing in this article shall be construed to authorize the operation of any UAV in the city limits airspace in violation of any federal statute or rules promulgated thereunder. Operators of unmanned aerial vehicles should familiarize themselves with all applicable regulations relating to the use of an unmanned aerial vehicle, including the Federal Aviation Administration requirements regarding notification of an airport operator and control tower, where applicable, prior to operating an unmanned aerial vehicle within five (5) miles of an airport, including but not limited to the Destin Executive Airport.

Sec. _____. - Definitions.

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial use means the use of an unmanned aerial vehicle within the city limits for a commercial purpose, including aerial photography, aerial mapping, or geospatial imaging.

Commercial user means any company, entity or person who is in the business of flying an unmanned aerial vehicle for a commercial use.

OCSO means Okaloosa County Sheriff's Office

CM means city manager.

FAA means the Federal Aviation Administration.

Private property means all parcels of land within the city limits that are not public property, including, but not limited to, residences, schools, churches, resorts, utility substations, golf course, or lakes.

Public property means streets, rights-of-way, parks, lakes, and other parcels of land owned by the city.

Recreational use means the use of an UAV within one's own property so long as such use is at a height of less than five hundred (500) feet and not in violation of the additional violations set forth in subsection (e) below

Unmanned aerial vehicle or UAV (aka "drone") means an aircraft that maybe flown without a pilot or operator in or touching the aircraft.

Sec. _____. - Restrictions; exceptions.

(a) Private property. It is unlawful for a person to use a UAV over private property at a level between zero (0) feet and five hundred (500) feet above the ground level of the private property without the express written permission of the owner of the private property over which the UAV is flying.

(b) Public property. The use of a UAV/drone over public property within the city limits is unlawful unless the use has been authorized by the issuance of a special event permit approved by city council.

(c) Commercial use on private or public property. The commercial use of UAV within the city limits is unlawful unless the commercial user has met the requirements provided in subsection (a) and (b) above with respect to operation of a UAV on either private property or public property and the following additional requirements:

(1) Registered as a commercial user with the DFSP, said registration to include proof of having obtained the appropriate certifications or registrations required from the FAA for the type of commercial use(s) to be conducted within the city limits by the commercial user; provided a list of the types and number of UAVs that the commercial user plans to use within the city limits, as well as the brand and model of each UAV; any registration number, license number or other identifying information for each such UAV, specifically including registration numbers supplied by the FAA; and photos of each UAV, at least one (1) such photo to show the particular registration or license number for each UAV; and

(2) At least four (4) hours prior to each commercial use of a UAV, the commercial user shall provide notification to the DFSP and the DFS-ACM or his/her designee of the planned date, time, location

of the commercial use, contact information for the commercial user, and other information required by the police department.

(d) *Exceptions.* In addition to the uses allowed above, the use of a UAV is allowed within the city limits for:

(1) Recreational use of an UAV within one's own property so long as such use is at a height of less than five hundred (500) feet and not in violation of the additional violations set forth in subsection (e) below

(e) *Additional violations.* In addition to those violations enumerated above, the following are violations of this article, even under an otherwise authorized use or exception. No person or entity shall operate a UAV within the city limits:

(1) In a careless or reckless manner that poses an apparent or actual threat of harm, or actual harm to persons or property; or

(2) Without the express permission of a person, owner, or authorized representative, to capture, view, record or transmit any visual image or audio recording of such person or their private real property, located in the city limits, under circumstances in which the subject person or owner of the private property has a reasonable expectation of privacy (including, but not limited to, inside a private residence, school room, resort room, office, or inside an enclosed yard); or

(3) In such a manner as to intentionally harass, annoy, or assault a person or persons or to cause a public nuisance.

Sec. _____ . - Enforcement.

Violation of any part of this article shall be grounds for penalty, adjudging fines, and imprisonment in accordance with section 1-9 of the Code of Ordinances of the City of Destin.

SECTION 4: INCORPORATION INTO THE 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, phrase, sentence, provision 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 take effect immediately upon its adoption by the City Council and the signature of the Mayor.

ADOPTED THIS _____ DAY OF _____, 2021.

By: _____
Gary Jarvis, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____



Land Development Code (LDC)

Revise, Reorganize and Update

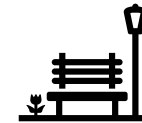
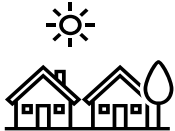
CONTEXT AND GOAL



Now that the Future Land Use Map and Zoning Map are aligned, our next step is to revise, reorganize and update the Land Development Code (LDC).



The goal of this endeavor is to align the LDC with the policies of the Comprehensive Plan, the Future Land Use Map and Zoning Map.



COMMUNITY DEVELOPMENT

- SOUND INFRASTRUCTURE
- LIVEABLE NEIGHBORHOODS
- VIBRANT ECONOMIC DEVELOPMENT



What is the LDC?

It is the document that:

- Contains regulations, rules and standards for development in communities.

Challenges of the current LDC format

- Out of Date
- Conflicting code language
- Similar requirements in different locations within the LDC and Code of Ordinances
- Policies outlined in the Comprehensive Plan are not adequately implemented through the Land Development Code

Guiding Principles



Simplicity



Easy to Navigate



Enhance Livability Elements of City's Planning Areas



Implement the City's Comprehensive Plan development policies

Benefits of the Land Development Code Update

- 1.) Deliver customer-oriented development review service to residents and the development community.
- 2.) Enhance quality of life and showcase investment opportunities in the city.
- 3.) Enable Council and Administration to guide current and future development towards the City's vision.



QUESTIONS

