

CITY OF DESTIN – COMMUNITY DEVELOPMENT



# AGENDA ITEM

**MEETING DATE:** March 2, 2026  
**BOARD/COMMITTEE:** City Council  
**TYPE OF AGENDA ITEM:** Public Hearing  
**OUTLINE NUMBER:** 5.D

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**TO:** City Council

**THRU:** Larry Jones, City Manager  
Kimberly Kopp, City Attorney  
Noell Bell, Chief Building Official

**FROM:** Daniel Butler, Principal Planner

**DATE:** February 24, 2026

**SUBJECT:** Article 2 — Administration of the Land Development Code to remove and replace the existing Article 2 in its entirety; deleting Article 4 — Public participation of the Land Development Code to remove and replace Article 4 in its entirety; providing for regulations relating to General Administration; Development Orders; guarantees sureties and future improvement payment; providing for review processes for planning applications and general review, land division applications; miscellaneous planning applications, planned unit developments; marine construction applications, conditional uses, certificate of appropriateness, change of uses, appeals, special exceptions, variances; providing for regulations relating to telecommunications and wireless facilities; providing for site development and building permit review; providing for public procedures and meetings; establishing city boards and committees; providing for procedures for addressing and providing for development fees.

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## **I. BACKGROUND:**

On April 5, 2021, City Council unanimously approved the scope of work and budget to completely rewrite the Land Development Code (LDC). Since then, Staff has diligently advanced the project through comprehensive review and drafting. Major activities included:

- **Review of Comprehensive Plan Policies**
- **Developing Planning Areas and their associated Intent Statements**
- **Review of the LDC text chapter by chapter**

Following extensive internal and public review since early 2023, the final staff drafts of Articles 1 and 2 were presented to the City Council at its workshop on September 23, 2024. Public comments and recommendations from the Local Planning Agency (LPA) and other boards have been incorporated. Staff used the discussion and guidance provided at the Council workshop and incorporated changes. Further refinements were made based on re-reviews by new incoming staff, that provide better organization and clarity. The specific changes are discussed below.

## **II. DISCUSSION:**

**What to expect in the New LDC:** Staff and 3TP Ventures have worked collaboratively to modernize and simplify the LDC. The updated code emphasizes clearer language, improved organization, and streamlined processes. The most notable improvements include revisions to language, format, organization, and consolidation.

Draft of *Article 2 – Administration* has now been available for public review since March 6, 2023. The draft has gone through several review iterations with community development staff, several other departments and the City’s land use attorney, and public review and discussion at several LPA meetings. Review criteria were based on the new LDC’s purpose and intent, feedback from the LPA and other boards or committees, and for compliance with the City’s adopted comprehensive plan and state statutes. Below is a brief synopsis of what to expect from the draft language of Article 2.

*Article 2 – Administration* has been reorganized, updated, and has consolidated all application or procedural review processes into one single article. It combines the current Article 2, elements of Articles 4 & 18, and other processes and procedures from the existing LDC. The draft of this article is drastically different from the existing code. First, it flows from enforcement responsibilities, the explanation of how to determine what each application is, to how it is processed, and then established the roles and responsibilities of each Board and Committee.

**Language:** The rewrite simplifies the LDC language for clarity, ideally allowing users to easily understand requirements without legal or staff interpretation.

**Format:** The revised LDC eliminates lengthy, dense paragraphs and introduces clearer headings, bookmarks, and hyperlinks for online navigation. Graphics are used where appropriate to visually represent regulations and minimum standards.

**Organization:** The new structure addresses one of the main challenges of the current LDC—difficulty locating specific regulations. Procedures are now grouped logically by application type, with dedicated sections for land development, land division, and planned unit developments (PUDs). Key additions include:

1. New **Planning Application Types Table** - previously known as the “**User’s Guide**.”
2. New **Annexation Process Procedures**
3. A new comprehensive **Planned Unit Development (PUD)** process and procedure which includes clear regulations as to what can be a PUD, community benefit requirements, and what a development must do if utilizing the PUD process.
4. New **special exceptions** process - *Section 2.12.03 - Special Exceptions*
5. New **addressing** regulations - *Section 2.17 - Procedures for Addressing*

## **Recent Updates/Changes to Organization**

Below is an overview of the organizational and language changes to Article 2 from the November 6 LPA meeting and those made since the council workshop in September 2024.

**Changes made since December 4, 2025 LPA Meeting**

- **Major Development Order criteria**
  - Require any project proposing to utilize a Shared Parking Analysis to submit a Major Development Order application.
- **Change of Use vesting language**
  - Allows any approved Change of Use two (2) years to become vested.
- **Minor Formatting changes**
  - Removed the word ‘whether’ from Conditional Use section.
  - Added ‘ad-hoc’ for the ex-officio member of military installations.

**Changes from LPA meeting on November 6, 2025:**

- 2.01.04.C.14 - Added "Amendments to the LDC, or comprehensive plan, including the zoning or future land use maps."
- 2.01.05.B.2.c - Fixed the formatting issue in the previous draft.
- 2.03.02.A.1.b - Added the "or easements" to provide clarity and specificity.
- 2.08.03.A - Removed the minimum areas by "Planning Area" and added language for a minimum of five (5) acres for a PUD across the city.
- 2.15.02.D.2. - Removed "Local Planning Agency" and added "Council, board, or committee" to the language.

**Changes made since the September 2024 Council Workshop:**

- **2.01 - General Administration**
  - 2.01.03 moved from 2.02.02
  - 2.01.04 moved from 2.02.03 - Renamed “Notice to the Public.”
    - B. Clarified which applications require notice to the public.
    - B.25 added specific exemptions
  - 2.01.05 moved from 2.02.05
  - *2.02.04 Staff Reports - removed and turned into a policy letter.*
- **2.02 - Development Orders**
  - 2.02.01. updated and includes more specific regulations.
  - 2.02.02. moved from 2.03.02
    - 2.02.02.A. more clearly defines a Development Orders and when they are required.
    - 2.02.02.B. moved from 2.03.02.A.
    - 2.02.02.C. moved from 2.03.02.B. and consolidated with B.1.
      - *2.03.02.B.1.b. “required elements of a development order” - removed and turned into a policy letter.*
    - 2.02.02.D., E., & F. moved from 2.03.02.D
- **2.03 - Guarantees, Sureties, and Future Improvement Payments**
  - 2.03.01 moved from 2.02.06.A.
    - *2.02.06.9.f. & g. - moved to Article 5, Section 5.02.01.E. & F.*
  - 2.03.02 moved from 2.02.06.B.

- **2.04 - Planning Application Types and General Review Processes** (previously Sec. 2.03)
  - 2.04.01 - moved from 2.03.01 Table 2-1 and updated to reflect the reorganization.
  - 2.04.02 - moved from 2.06.01.
    - 2.04.02.C.1.a. - includes specific exemptions for Pre-application meetings.
    - *2.06.01.C.3.a. - e. - removed and turned into a policy letter.*
  - 2.04.03 - moved from 2.06.02
  
- **2.05 - Land Division Applications and Review Process**
  - 2.05.01 & 2.05.02 are created out of the new language per Ordinance 25-17-LC.
  - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.05.
    - 2.05.03. moved from 2.06.05
    - 2.05.04. & 2.04.05. moved from 2.06.06.
    - 2.05.06. moved from 2.06.07.
    - 2.05.07. moved from 2.06.08.
    - *2.06.08. Final Plat Approval and Release of Plat - replaced with 2.05.01 & 02.*
  
- **2.06 - Land Development Applications and Review Process**
  - 2.06.01 is a combination of the previous 2.06.01 but also elements were consolidated here with redundant requirements for Land Development applications.
  - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.06.
    - 2.06.02. moved from 2.05.01 & 2.06.10.
    - 2.06.03. moved from 2.05.02 & 2.06.11.
    - 2.06.04. moved from 2.05.03 & 2.06.12.
    - 2.06.05. moved from 2.04.05. & 2.06.10., .11, & .12
    - 2.06.06. moved from 2.06.13.
  
- **2.07. - Miscellaneous Planning Application and Review Process**
  - 2.07.01. moved from 2.06.03.
  - 2.07.02. moved from 2.06.04.
  - 2.07.03. moved from 2.06.09.
  
- **2.08. - Planned Unit Development Application and Review Process** (*previously Sec 2.07*) - No Change
  
- **2.09. - Marine Construction Applications and Review Process** (*previously Sec 2.08*)
  - 2.09.03. moved from 2.02.03.A.1.c.
  
- **2.10. - Conditional Use and Certificate of Appropriateness Review Process** (*previously Sec 2.09*)
  
- **2.11. - Change of Use and Special Event Application and Review Process** (*previously Sec 2.10*)
  - 2.10.03. & .04. *“Special Events” will be moved to the Code of Ordinances*

- **2.12. - Appeals, Special Exception, and Variance Application and Review Process -**  
(previously Sec 2.11)
  - Section 2.12 was “Procedures for Right-of-Way Construction Review” and moved to Section 2.14.08. & 09.
- **2.13. - Telecommunications and Wireless Facilities - No Change**
- **2.14. - Site Development and Building Permit Review (previously Procedures for Construction and Building Permit Review)**
  - 2.14.01. was changed to “Site Development Permits and previous paragraphs A. & B. were reorganized into A., B., C., & D. to facilitate site development specificity
  - 2.14.08 moved from 2.12.01.
  - 2.14.09. moved from 2.12.02.
- **2.15. - Procedures for Public Hearings or Meetings - No Change**
- **2.16. - Establishment of City Boards and Advisory Committees -**
  - Added requirements for members to be City of Destin residents to all boards.
- **2.17. - Procedures for Addressing - No Change**
- **2.18. - Development Review Fees - No Change**

**Consolidation:** The revised Article 2 retains current provisions and incorporates the following:

**Article 2 - Administration**

- **Section 2.01 - General Administration**
  - Current Section 2.01, 2.03, 2.04, 2.17, & 2.18
- **Section 2.02 - Development Orders**
  - Current Sections 2.08 & 2.21
- **Section 2.03 - Guarantees, Sureties, & Future Improvement Payments**
  - Current Section 2.20
  - New Fee in Lieu regulations
- **Section 2.04 - Planning Applications and General Review Process**
  - Current Sections 2.05 and portions of 2.06 & 2.21
  - Inclusion of a user chart with hyperlinks to specific procedural sections
- **Section 2.05 - Land Division Applications and Review Process**
  - Portions of current Sections 2.05, 2.06, 2.09, & 2.19
- **Section 2.06 - Land Development Applications and Review Process**
  - Portions of current Sections 2.05, 2.06 2.07, 2.08, 2.09, & 2.24
- **Section 2.07 - Miscellaneous Planning Applications and Review Process**

- Current Sections 2.02 and 8.01.00
- New Annexation process
- **Section 2.08 - Planned Unit Developments**
  - New regulations for PUDs & portions of 7.14
- **Section 2.09 - Marine Construction Applications**
  - Portions of Current Section 11.05
- **Section 2.10 - Condition Use and Certificate of Appropriateness Review Process**
  - Portions of Current Sections 2.25
- **Section 2.11 - Change of Use application and Review Process**
  - Current Section 2.28, and Current Historic Overlays procedures in Section 7.12.06
- **Section 2.12 - Appeal, Special Exception, and Variance Applications and Review Process**
  - Current Section 2.25
  - New language on appeals of City Council and BOA
  - New process for Special Exceptions
- **Section 2.13 - Telecommunications and Wireless Facilities**
  - Current Section 7.19
- **Section 2.14 - Site Development and Building Permit Review**
  - Portions of previous Article 20 (moved Building Regulations from LDC to COO)
  - Portions of current Section 11.05
  - Portions of current Section 8.01.00
- **Section 2.15 - Procedures for Public Hearings or Meetings**
  - Portions of current Article 4
- **Section 2.16 - Establishment of City Boards and Advisory Committees**
  - Portions of current Article 4
- **Section 2.17 - Procedures for Addressing**
  - New addressing requirements and regulations
- **Section 2.18 - Development Review Fees**
  - Reference to the adopted Schedule of Fees

**September 2024 City Council Articles 1 & 2 Workshop Topics:**

Below is a brief overview of the major topics of discussion during the September 2024 City Council Workshop concerning Articles 1 & 2. The minutes from this workshop are also attached.

- PUDs

- Minimum lot size should be set to 5 acres across the board and increasing this minimum in certain commercial hubs. The purpose is to require the developer the ability to provide meaningful public benefits that provide the benefit they're supposed to.
  - *At the November 6, 2025 LPA meeting the LPA recommended a standard 5 acres across the city for all PUDs*

- **Special Events**

- Based on the discussion and internal review, the Special Event process is proposed to be removed and placed in the Code of Ordinances. This will allow for a broader review of the criteria and avoid complicating the LDC.

- **Plat/Subdivision Reviews**

- Due to SB 784, plats are now required to be administratively approved. However, the development plans that subdivisions will still be required to be reviewed under the same process as the Minor or Major Developments, as applicable.

**A. Link to Strategic Goals / Objectives:**

- #2. A green and sustainable environment,
- #3. Improve mobility and connectivity
- #4. Enhanced quality of life and safety for families
- #5. Economic development and revitalization
- #6. Effective, efficient, and aesthetically pleasing infrastructure

**B. Effect on Budget (EOB):** N/A

**C. Level of Service (LOS):** N/A

**D. Legislative Sponsor:**

**E. Business Impact Statement:**

**City of Destin Business Impact Statement – Ord 25-24-LC**

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance:

Ord. 25-24-LC repeals and replaces Article 2 - Administration of the current Land Development Code (LDC) for the City of Destin. It provides updates and clarity on the City's various applications and their associated review processes.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

There is no expected direct economic impact of the proposed ordinance on private, for-profit businesses within the City of Destin, as the City currently has an adopted LDC section that provides for administration of applications.

3. Estimate of direct compliance costs that businesses may reasonably incur:

There are no direct compliance costs associated with adopting this proposed ordinance.

4. Any new charge or fee imposed by the proposed ordinance:  
The adoption of this proposed ordinance imposes no new fees.
5. Estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs:  
There is no regulatory cost associated with adopting this proposed ordinance.
6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:  
Any business, existing or future, will be regulated by the proposed ordinance as well as any amendments to the Land Development Code in the future.

**III. CONCLUSION:**

Article 2 outlines the administration of the various City applications and the associated review process. Approval of Article 2 – Administration will establish a new, updated version in the Land Development Code, implemented at a date to be determined.

At the regularly scheduled Local Planning Agency (LPA) meeting on Thursday, February 19, 2026, the LPA unanimously voted to recommend City Council approve proposed Ordinance 25-24-LC.

**IV. RECOMMENDED MOTION:**

I move that the City Council approve Ordinance 25-24-LC on first reading.

**ALTERNATIVE MOTION:**

I move that the City Council approve Ordinance 25-24-LC with the following modifications:  
\_\_\_\_\_.

Attachments:

1. ORDINANCE 25-24-LC
2. EXHIBIT A TO ORD 25-24-LC - Article 2 Administration
3. Background Working Draft Article 2 Administration
4. City Council Minutes 09-23-2024 Workshop
5. Article 2 Ordinance Presentation



**ORDINANCE NO. 25-24-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 2, ADMINISTRATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE THE EXISTING ARTICLE 2 IN ITS ENTIRETY; DELETING ARTICLE 4, PUBLIC PARTICIPATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE ARTICLE 4 IN ITS ENTIRETY; PROVIDING FOR REGULATIONS RELATING TO GENERAL ADMINISTRATION; DEVELOPMENT ORDERS; GUARANTEES, SURETIES AND FUTURE IMPROVEMENT PAYMENTS; PROVIDING FOR REVIEW PROCESSES FOR PLANNING APPLICATIONS AND GENERAL REVIEW, LAND DIVISION APPLICATIONS; MISCELLANEOUS PLANNING APPLICATIONS, PLANNED UNIT DEVELOPMENTS, MARINE CONSTRUCTION APPLICATIONS, CONDITIONAL USES, CERTIFICATES OF APPROPRIATENESS, CHANGE OF USES, APPEALS, SPECIAL EXCEPTIONS, VARIANCES; PROVIDING FOR REGULATIONS RELATING TO TELECOMMUNICATIONS AND WIRELESS FACILITIES; PROVIDING FOR SITE DEVELOPMENT AND BUILDING PERMIT REVIEW; PROVIDING FOR PUBLIC PROCEDURES AND MEETINGS; ESTABLISHING CITY BOARDS AND COMMITTEES; PROVIDING FOR PROCEDURES FOR ADDRESSING AND PROVIDING FOR DEVELOPMENT FEES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 2, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, Chapter 163, Part II, of Florida Statutes, entitled the Community Planning Act ("Act"), empowers and requires the City Council to plan for the City's future development and growth and to adopt and amend its Land Development Code, or elements of portions thereof, to guide the future growth and development of the City; and

**WHEREAS**, a comprehensive review of the entire Land Development Code has not taken place in some time; and

**WHEREAS**, the City Council has a goal of updating the Land Development Code to promote consistency with the latest state and federal laws, as well as best practices for land development in Florida; and

**WHEREAS**, the City Council has undertaken an effort to rewrite portions of its Land Development Code (“LDC”) to improve usability, implement missing elements of the Comprehensive Plan, and modernize development standards; and

**WHEREAS**, the City Council desires to clean up items in the LDC related to inconsistencies in the existing code, problems identified in the course of everyday implementation, or items that were missing or outdated due to changes in the City’s practices or development typologies; and

**WHEREAS**, the City Council endeavors to modernize the LDC by addressing items that will result in structural improvements to the LDC or areas where best practices have changed significantly since the relevant regulations were last updated; and

**WHEREAS**, the City Council desires to improve areas of development and land use that are insufficiently addressed by the current code; and

**WHEREAS**, the City Council desires to maintain the quality of life for City residents by protecting environmental resources, protecting existing neighborhoods, and protecting wildlife areas and natural amenities; and

**WHEREAS**, the City Council seeks to discourage sprawl development and provide guidance for infill development; and

**WHEREAS**, the City Council retained 3TP Ventures as a consultant to assist City staff with a comprehensive rewrite of the Land Development Code (“LDC”); and

**WHEREAS**, City Staff has presented various versions of Article 2 of the LDC to the City’s Land Planning Agency and incorporated recommendations from the LPA into the proposed Article 2; and

**WHEREAS**, City Staff has held multiple workshops before the City Council and incorporated policies discussed at the City Council workshops into the proposed LDC; and

**WHEREAS**, the City Council desires to provide for the health, safety and welfare of its citizens by modernizing and simplifying the LDC; and

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

**WHEREAS**, this Ordinance 25-24-LC deletes and replaces in its entirety the existing Article 2 of the City Land Development Code entitled “ADMINISTRATION”; and

**WHEREAS**, this Ordinance 25-24-LC deletes and replaces in its entirety the existing

Article 4 of the City Land Development Code entitled “PUBLIC PARTICIPATION”; and

**WHEREAS**, the Local Planning Agency held a public hearing, with all required public notice on December 4, 2025, for the purpose of providing recommendations to the City Council with regard to this Ordinance 25-24-LC, and recommended that the City Council adopt the Ordinance amending the Land Development Code; and

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

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

**SECTION 3. Article 2 of the City of Destin Land Development Code, entitled “ADMINISTRATION” is deleted in its entirety and replaced with the new Article 2 set forth in Exhibit “A” to this Ordinance, attached hereto and fully incorporated herein by this reference. Exhibit “A” to this Ordinance constitutes ARTICLE 2 of the City of Destin’s Land Development Code as of the Effective Date of this Ordinance.**

**SECTION 4. Article 4 of the City of Destin Land Development Code, entitled “PUBLIC PARTICIPATION” is deleted in its entirety and replaced with the new Article 2 set forth in Exhibit “A” to this Ordinance, attached hereto and fully incorporated herein by this reference. Exhibit “A” to this Ordinance constitutes ARTICLE 2 of the City of Destin’s Land Development Code as of the Effective Date of this Ordinance.**

**SECTION 5. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

**SECTION 6. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 7. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**(Signature Page Follows)**

**SECTION 8. EFFECTIVE DATE.** This ordinance shall become effective on October 1, 2026, provided it is adopted by the City Council and signed by the Mayor prior to October 1, 2026.

**ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_,  
2026.**

By:

\_\_\_\_\_  
Bobby Wagner, Mayor

ATTEST:

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

\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Romano Kopp, City Attorney

First Reading:  
Second Reading:

# EXHIBIT "A"

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## ARTICLE 2 - ADMINISTRATION

### SECTION 2.01 GENERAL ADMINISTRATION

#### SECTION 2.01.01 ADMINISTRATOR

- A. The City Manager or designee shall administer and enforce this Code.
- B. All questions of interpretation and enforcement shall be presented to the City Manager or designee first, and any questions of interpretations of the City Manager or designee can be appealed to the Board of Adjustment.
- C. The City Manager or designee shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.

#### SECTION 2.01.02. PURPOSE AND INTENT

The purpose of this Code is to protect the health, safety, and the public welfare of the citizens of Destin. This Code was enacted to provide a consolidated reference source for land development regulations of the City of Destin. It implements those development related policies mandated by the Florida statutes and the City's policies outlined in the Comprehensive Plan. Where a conflict exists between the Land Development Code (LDC) and other city ordinances, the Land Development Code takes precedence. The LDC establishes site design criteria and provides review procedures for development and permit applications. Procedures for appealing decisions are provided in Section 2.12 of this article.

#### SECTION 2.01.03 SUBMITTALS

- A. Applications for development review shall be submitted through the Community Development Department.
- B. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan.
  1. In the case of corporate ownership, the authorized signature shall be accompanied by a letter showing proof of the authorized individual role or office in the corporation on the corporate letterhead.
  2. Signatures by other parties will be accepted with notarized proof of authorization by the owners.
- C. All preliminary and final development plans submitted shall conform to the standards outlined in the City of Destin's Development and Subdivision checklists and shall be submitted electronically.

#### SECTION 2.01.04 NOTICE TO THE PUBLIC

- A. Written notice shall be provided to owners of property within 300 feet of land subject to applications which require a public hearing, or for the following applications:
  1. Lot Split
  2. Replat
  3. Minor Subdivision
  4. Major Subdivision
  5. Simple Development
  6. Minor Development

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7. Major Development
  8. Technical Deviation
  9. Simple Deviation
  10. Minor Deviation
  11. Major Deviation
  12. Development Agreements
  13. Planned Unit Development
  14. Amendments to the LDC or comprehensive plan including the zoning or future land use maps
  15. ROW / Easement Vacation
  16. Conditional Use
  17. Special Exception
  18. Variance
  19. Marina Siting Exception
  20. Any application deemed by the City Manager or designee to have enough public impact that it warrants a notice to the public.
- B. The following applications do not require a notice to the public:
1. Change of Use
  2. Right-of-Way Construction
  3. Administrative Appeal
  4. Appeals of City Council
- C. The Okaloosa County Property Appraiser's address records will be utilized to identify addresses for notification purposes.
- D. Written notice shall be provided to owners of property within 300 feet of land subject development-related applications including but not limited to:
- E. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.
- F. Sign notice posted on property:
1. All applications shall post a sign on the property, meeting the criteria below:
    - a. The placement on the subject property shall be a maximum of five feet from the adjacent right-of-way, and clearly visible and legible from the right-of-way.
    - b. The minimum size of the sign shall be 24 inches by 36 inches.
    - c. The sign shall clearly indicate the following:
      1. Project Name or Number
      2. Applicant's or Agent's name
      3. Emergency contact phone number of the responsible party for said development site who is available 24 hours a day, seven days a week.
  2. The sign must be posted at least two (2) weeks prior to the public hearing and must remain on-site until final approval and shall be removed within five days of approval.
- G. Notice Procedures for Public Hearings
1. All public hearings and public meetings shall be held at regularly scheduled times and days, as indicated by the City.
  2. All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.
    - a. The advertisement shall include:
      1. An identification of who is holding the hearing or meeting.
      2. The date, time, and place.

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3. General subject of the hearing or meeting.
4. The location where copies of the proposed matter may be reviewed; and
5. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
- b. The first published notice of a public hearing or meeting shall appear ten (10) to twenty-one (21) days prior to the date of the hearing or meeting.
- c. The second published notice of public hearing shall appear five (5) to eight (8) days prior to the hearing or meeting.
3. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of this Section.
  - a. Emergency enactment procedures for land use plans adopted shall be pursuant to state statutes Part II, Ch. 163.
  - b. Exceptions: No emergency ordinance or resolution shall be enacted that:
    1. Establishes or amends any Future Land Use or Zoning map designation of a parcel or parcels of land.
    2. Changes the permitted, conditional, or prohibited uses within a zoning district.
4. Additional Noticing Requirements:
  - a. Amendments to the Comprehensive Plan, Land Development Code, or the official zoning map require the following additional noticing requirements:
    1. A written notice shall be sent at least 30 days prior to the first public hearing date and shall contain:
      - (i) How the proposed amendment affects property owners.
      - (ii) The time and place for one or more public hearings on such ordinance.
    2. For ordinances involving a parcel or parcels of land less than ten contiguous acres, the City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.
    3. For ordinances involving a parcel or parcels of land greater than ten contiguous acres.
      - (i) The City Council shall hold two advertised public hearings on the proposed ordinances.
      - (ii) The second public hearing shall be held at least ten days after the first public hearing.

### SECTION 2.01.05 WITHDRAWAL OF APPLICATIONS

- A. An application for development approval may be withdrawn at any time by the applicant or their representative.
- B. The City may declare an application withdrawn if resubmittal of materials is not received within thirty (30) calendar days from receipt of comments from the City.
  1. The City shall notify the applicant seven (7) calendar days before an application is declared withdrawn.
  2. An extension may be requested by the applicant for up to thirty (30) calendar days.
    - a. No more than two (2) extensions, for a maximum of sixty (60) calendar days, may be requested by the applicant during the application review process.
    - b. An extension request shall be submitted no later than seven (7) days prior to submittal deadline.
    - c. Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.

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- C. The withdrawal of any application for development review will result in the application losing its position in the Community Development Department's plan review queue.
- D. To restart review of a withdrawn application, the applicant must submit a new application with all required materials and repayment of all application or other required review fees.

### SECTION 2.02. DEVELOPMENT ORDERS

#### SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT ORDERS

- A. All development plans shall require a development order, ensuring that all proposed activities comply with this LDC and any applicable state and/or federal requirements.
  - 1. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin.
- B. Development activity is authorized through a development permit if the proposed development conforms to:
  - 1. The City of Destin's Land Development Code.
  - 2. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin.
  - 3. The Florida Building Code and fire codes as adopted and amended by the City of Destin.

#### SECTION 2.02.02 DEVELOPMENT ORDERS

- A. A development order is an order granting, denying, or granting with conditions an application for approval of development.
  - 1. Development orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.
  - 2. An approved development order is required prior to the city's issuance of any development permit(s). The development order is not a development permit.
- B. No property shall have more than one development order application under review by the City at any one time.
- C. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Code of Ordinances, the City shall issue a development order to the developer within ten (10) business days from the approval date of said development order application.
- D. An approved development order is required prior to the city's issuance of any required development permit(s). The development order is not a development permit.
- E. A development order is valid for a period of one year from the date of issuance.
- F. Development orders that require a permit for development:
  - 1. Any permit needed must be obtained by issuance from the city for either the construction of infrastructure or construction of the entire project.
  - 2. If a building permit is not issued within one year from the date of issuance of the development order, then the development order becomes null and void.
  - 3. Construction must commence within six (6) months after issuance of building permit or development permit.
  - 4. If construction activity ceases for a period of one-hundred and eighty (180) days after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void.

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### G. Exemptions from Development Orders:

1. A development permit may be issued without a development order (or deviation thereof) if any of the following conditions apply:
  - a. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site.
  - b. The construction or alteration of one attached or detached single family dwelling.
  - c. The resurfacing with the same material of a vehicle use area that conforms to all requirements of this Code.
  - d. The land, parcel or property of the proposed project is subject to a replat, or lot split granted pursuant to procedures in Sections 2.05 of this Article.
  - e. Determination by the City Manager or designee
    1. A determination shall not conflict with any requirement or provision of the LDC or the Comprehensive plan.

### H. Development Order Extension:

1. The applicant may request one extension to a development order, not to exceed 12 months from the date of original expiration.
  2. An applicant shall submit an application for extension no less than forty-five (45) calendar days prior to expiration of the original development order.
  3. The application shall include:
    - a. Proof of ownership and agent affidavit (if applicable).
    - b. A narrative describing why development has not commenced.
  4. Once an application is received, it will be forwarded to the Community Development Director for final determination.
  5. The fee for an extension is half (1/2) the cost of the original application.
- I. An approved development plan or permit must be issued prior to or in conjunction with a clearing permit before clearing of land. It is the intent of this paragraph to prohibit any clearing, grading, or demolition of land or structures without first having an approved development with a corresponding approved site plan conforming to all applicable city regulations and this Code.
1. A clearing Permit can only be issued if in conjunction with a building permit or development permit.
  2. If the building permit or development permit becomes null and void so does the clearing, grading, or demolition permit.
  3. If a clearing permit is issued and the lot, land, or parcel is cleared, but no construction occurs within one (1) month of completion of clearing, grading, or demolition, the site shall comply with Section 6.04.06. or 6.04.07. as applicable and be stabilized with:
    - a. Sod
    - b. Hydroseeding
    - c. Or other City Engineer approved alternative.

## **SECTION 2.03. GUARANTEES, SURETIES, AND FUTURE IMPROVEMENT PAYMENTS**

### SECTION 2.03.01 GUARANTEES AND SURETIES

#### A. Purpose

1. The purpose of this section is twofold. First to ensure that the infrastructure that will serve an approved development, whether public or private, will get installed, constructed, or built, in a

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- prompt and timely manner. Second it ensures that those elements required to support the approved development will be free and clear of defects for the life of the maintenance period.
2. Nothing in this Section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.
  3. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.
- B. Applicability
1. The provisions of this Section apply to all proposed developments in the city, including, but not limited to, subdivisions, PUD's, private road subdivisions, and private developments having any of the following conditions:
    - a. Requesting approval of final plat prior to completion of infrastructure.
    - b. Providing a roadway, multi-modal or pedestrian corridor as identified as a need by the city.
    - c. Providing or modifying public or private right-of-way (ROW) for single-family or multi-family subdivisions.
  2. The developer, after any development order is issued but before any construction permit is issued, shall provide the surety to ensure that all required infrastructure is satisfactorily constructed according to the approved development plan.
- C. Requirements
1. Signed agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code and approved plans.
  2. The projected total cost, to include materials and labor for installation, for each improvement proposed. This cost shall be prepared and provided by a Florida-licensed Professional Engineer and shall be signed, sealed, and dated.
    - a. Separate projected costs for:
      1. Private infrastructure elements
        - (i) Common areas
        - (ii) Regional retention/detention ponds
      2. Private ROW infrastructure improvements
      3. Public ROW infrastructure improvements
  3. The terms of the agreement shall indicate that all required improvements shall be satisfactorily constructed within the period stipulated.
    - a. The term shall not exceed the timelines identified in the development order.
    - b. Any extension to time must be in writing and must be approved by the City Engineer.
    - c. Failure to complete the work in the time allocated, the developer forfeits the surety, and the City shall use the funds to construct any infrastructure that is remaining.
  4. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officers, employees, and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
  5. Developers agree to provide property access to city employees and/or authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
- D. Surety Type & Amount:

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1. The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.
  2. All sureties shall be no less than one hundred twenty-five percent (125%) of the cost of construction identified in paragraph C.2 above.
    - a. The City Manager, on the recommendation of the City Engineer or designee, may require a higher contingency amount for any surety.
  3. Should the surety be utilized for any reason, and the funds from the surety are not sufficient to complete all required work, the developer shall be responsible for any fund amount above the original surety.
  4. Surety requirements may be met but are not limited to the following:
    - a. Deposit in the form of cash, certified check, cashier's check, money order (required for Certificate of Occupancy).
    - b. Irrevocable letter(s) of credit.
    - c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida
  5. The following conditions shall apply to the posting or reduction of any surety.
    - a. An administrative fee is added to the cost of surety. This amount may be found in accordance with the latest adopted Fee Resolution and shall be assessed at the time of application and post surety. The Administrative fee does not include any inspection fees.
    - b. A ten percent (10%) surety handling fee will be added to any surety in accordance with the latest adopted Fee Resolution.
  6. Upon approval of the City Manager or designee, the amount of security/surety may be reduced, not more than once during the term of the improvements, before the completion and final acceptance of required improvements. In no case, shall the amount of the security/surety be reduced by one of the following, whichever is higher:
    - a. Less than fifty percent (50%) of the original surety amount.
    - b. The amount necessary for completing the remaining infrastructure improvements plus twenty-five percent (25%).
  7. Surety documents must reflect:
    - a. The names of the subdivision or development
    - b. The developer and developer's authorized agents
- E. Acceptance of work.
1. Preliminary acceptance of public infrastructure improvements:
    - a. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the City Engineer shall make a recommendation to Council to preliminary approve said infrastructure at the next available meeting.
    - b. The City Council, at their discretion, will approve/disapprove the preliminary acceptance of the infrastructure subject to a warranty period.
    - c. Forty-five (45) calendar days after City Council approval, the developer and contractor shall provide a clean lien certificate from the county clerk's office. The developer may request release of original surety once all the following takes place:
      1. These certificates are received by the engineering department, and
      2. The developer obtains the maintenance surety as outlined in this section, and

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3. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
  - (i) A physical survey of locations and elevations shall be provided of all infrastructure.
  - (ii) Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.
- d. Developer agrees to warranty the public infrastructure for a period of one (1) year or whenever all warranty work is completed, whichever is longer.
- e. The one-year warranty period shall begin upon acceptance by the City Council above.
- f. Developer must post a new maintenance surety in an amount equal to twenty-five percent (25%) of the total construction cost of the improvements to ensure maintenance is completed.
2. Initial Acceptance of private infrastructure improvements:
  - a. The developer shall work with the Engineering Department to inspect milestones during construction.
  - b. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
    1. A physical survey of locations and elevations shall be provided of all infrastructure.
    2. Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.
    3. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting aspects during construction.
  - c. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the city shall issue an acceptance for release of surety.
  - d. Developer provides documentation that a legal entity has been established under Chapter 718, 719, or 720 of Florida Statutes to maintain the ROW and common areas. (Further discussion elsewhere in L.D.C.)
3. Maintenance (Warranty) Period Public Infrastructure
  - a. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.
4. Permanent Acceptance Public Infrastructure improvements
  - a. The below does not resolve the developer from the requirements of the warranty period above.
  - b. Responsibility for acquiring permanent acceptance shall be the developer's.
  - c. Sixty (60) calendar days before expiration of the warranty period, the developer shall contact the city's Engineering Department to walk through project to identify deficiencies.
  - d. Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.
  - e. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly

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- repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.
- f. Once developer has completed repairs, the City Engineer, or designee, shall perform a final walk-through of the project. Upon determination that the project is no longer has outstanding issues, the City Engineer shall make a recommendation to Council to permanently approve said infrastructure at the next available meeting.
  - g. The City Council, at their discretion, will approve/disapprove the permanent acceptance of the infrastructure.
  - h. After City Council approval, the developer may request release of maintenance surety.

### SECTION 2.03.02 FUTURE IMPROVEMENT PAYMENT (FEE IN-LIEU OF)

- A. Purpose
  - 1. The provisions of this section may apply to any proposed developments in the city adjacent to public ROW, public easements, or city owned property; when the required infrastructure cannot be installed or constructed, due to circumstances outside of the city or the developer's immediate control. Examples include, but not limited to:
    - a. Improvements to and along the U.S. 98 corridor.
    - b. Improvements required by this code on current unimproved public ROW or easement.
    - c. Improvements impacted by an upcoming public project.
    - d. Other circumstances deemed by the City Manager or City Engineer.
- B. Nothing herein shall be construed as relieving the developer or applicant of any requirement in the LDC.
- C. This Section does not modify any existing agreements between a developer and the City for development orders granted prior to the effective date of this Section.
- D. If a circumstance is granted in accordance with this section, the applicant shall provide the projected total cost for each improvement that is granted.
  - 1. Each Item shall have the cost for materials and labor (construction).
  - 2. The City Engineer shall determine if price is current with prevailing rates.
  - 3. The City Engineer reserves the right to require future improvement payments be provided by a licensed Florida Professional Engineer.
- E. Amount and type of future improvement payment:
  - 1. Payment requirements shall be the form of either cash, certified check, cashier's check, money order.
  - 2. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
  - 3. In addition to the future improvement payment, developers shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.
- F. Future improvement payment shall be made prior to the issuance of construction or development permits.
- G. Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property; the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.
  - 1. If the future improvement payment is not sufficient to pay for the improvements, developers shall pay any shortfall to the city.

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## SECTION 2.04. PLANNING APPLICATIONS AND GENERAL REVIEW PROCESSES

### SECTION 2.04.01 GENERAL REVIEW PROCEDURES FOR ALL APPLICATIONS

- A. All application types listed in Table 2.04-1 Planning Application Types Table shall follow the procedures in this section unless specifically identified elsewhere in this Article.
- B. All applications for development orders or deviations to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This entails prompt reviews and responses from both the applicant and the city.
  - 1. No property shall have more than one development order application under review by the city at any one time.
- C. Pre-application meeting: The purpose of the Pre-Application Meeting is to facilitate coordination of the proposed development, or other process, between city staff, applicable external agencies, and the applicant(s).
  - 1. A Pre-application meeting is required before submitting an application or development plan.
    - a. The following applications do not require a pre-application review:
      - 1. Building or any type of construction permit
      - 2. Appeal of City Council or the Board of Adjustment
      - 3. Final Plat
      - 4. Change of Use
      - 5. Certificate of Appropriateness
  - 2. City staff will direct the applicant to all appropriate Technical Review Committee agencies for a preliminary review prior to filing for formal city review, if necessary. This includes but is not limited to:
    - a. Destin Water Users
    - b. Destin Fire Control
    - c. Florida Power & Light
  - 3. A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days.
  - 4. The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.
  - 5. The City reserves the right to provide more comments at the time of formal application review.
  - 6. No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.
- D. Formal Application Submittal
  - 1. Submittal of all applications for review shall be submitted through the City's online application portal.
    - a. All materials required by city staff or in the application checklist shall be submitted for review.
    - b. Payment of the application is required at time of submittal.
      - 1. Fees for development applications can be found in the City's Schedule of Fees
- E. Completeness Review:
  - 1. Once an application is submitted, staff will conduct a completeness review to ensure all required materials were submitted as identified by staff and or in the development application checklist.

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2. If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.
  3. If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.
    - a. Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date for:
      1. Simple development or deviation
      2. Lot split
      3. Replat
  4. The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.
    - a. If the applicant does not submit within thirty (30) days, the application will be deemed withdrawn per Section 2.01.05.
- F. Substantive Application Review:
1. Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:
    - a. Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.
    - b. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending either approve, approve with conditions, approve with modifications, or deny the application.
  2. Technical Review Committee (TRC) Review:
    - a. Once an application is deemed complete Staff will forward the application to the appropriate TRC members.
      1. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their appointed role on the TRC.
    - b. The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.
    - c. The following application types are exempt from TRC review, unless determined necessary by the City Manager or designee.
      1. Annexation
      2. Zoning and FLUM Map Amendments
      3. LDC or Comprehensive Plan Amendments
      4. Lot Split or Lot Line Adjustment
      5. Simple Development Order
      6. Simple Deviation
      7. Change of Use, except as otherwise identified in this Code.
      8. Conditional Use
      9. Certificate of Appropriateness
      10. Harbor & Waterways Board applications
      11. Board of Adjustment Applications

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- d. The TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.
  - 1. If staff identifies the need for more review time, a request will be made to the applicant.
- e. TRC members shall provide comments to city staff pertaining to the specific professional expertise.
  - 1. If a TRC member does not provide comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.
- f. City staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).
- g. If the TRC approves the application, staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.
- h. If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.
- i. Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.
- j. If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.

### SECTION 2.04.02 APPLICATION DENIAL

- A. If, after the appropriate approval body review, an application is denied, no future application for the same or similar request or procedure may be processed within the time frame listed below:
  - 1. One (1) year for any application requiring City Council approval.
  - 2. Three (3) months for all other applications.

### SECTION 2.04.03 PLANNING APPLICATION TABLE

- A. Application type will be determined by the City Manager or designee after a preliminary review of the proposed planning application, development, or project.

<b>Table 2.04-1 Planning Application Types Table</b>			
<b><i>Land Division Applications</i></b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Plat Approval	Yes	<a href="#">2.05.02</a>	City Manager or designee
Lot Split	N/A	<a href="#">2.05.03</a>	City Manager or designee
Replat	N/A	<a href="#">2.05.04</a>	City Manager or designee
Minor Subdivision	N/A	<a href="#">2.05.05</a>	City Manager or designee
Major Subdivision	N/A	<a href="#">2.05.06</a>	City Council
<b><i>Land Development Applications</i></b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Simple Development	No	<a href="#">2.06.01</a>	City Manager or designee
Minor Development	No	<a href="#">2.06.02</a>	City Manager or designee
Major Development	No	<a href="#">2.06.03</a>	City Council
Technical Deviation	Yes	<a href="#">2.06.04.A</a>	City Manager or designee
Simple Deviation	Yes	<a href="#">2.06.04.B</a>	City Manager or designee
Minor Deviation	Yes	<a href="#">2.06.04.C</a>	City Manager or designee

## EXHIBIT “A”

Major Deviation	Yes	<a href="#">2.06.04.D</a>	City Council
Development Agreements	No	<a href="#">2.06.05</a>	City Council
Planned Unit Development	No	<a href="#">2.08</a>	City Council
<b>Miscellaneous Planning Applications</b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Amendments			
Zoning Map	N/A	<a href="#">2.07.01</a>	City Council
Future Land Use Map			
LDC Text			
Comp Plan Text			
Annexation	N/A	<a href="#">2.07.02</a>	City Council
ROW / Easement Vacation	N/A	<a href="#">2.07.03</a>	City Council
<b>Land Use Applications</b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Conditional Use	N/A	<a href="#">2.10.01</a>	City Council
Certificate of Appropriateness	N/A	<a href="#">2.10.02</a> ; <a href="#">2.10.03</a>	City Council
Change of Use	N/A	<a href="#">2.11.02</a>	City Manager or designee
<b>Special Construction Applications</b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Marine Construction / Harbor and Waterways Board	N/A	<a href="#">2.09</a>	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A		City Manager or designee
<b>Appeals, Exceptions, and Variances</b>			
<b>Type</b>	<b>Prior DO Issued</b>	<b>Application Details</b>	<b>Final Approval Authority</b>
Administrative Appeal	N/A	<a href="#">2.11.01</a>	Board of Adjustment
Appeals of City Council	N/A	<a href="#">2.11.02</a>	Circuit Court
Special Exception	N/A	<a href="#">2.11.03</a>	Board of Adjustment
Variance	N/A	<a href="#">2.11.04</a>	Board of Adjustment
Marina Siting Exception	N/A	<a href="#">2.11.04</a>	Board of Adjustment
Appeals of the BOA	N/A	<a href="#">2.11.05</a>	Circuit Court

### SECTION 2.05. LAND DIVISION APPLICATIONS AND REVIEW PROCESSES

The following application types involve rearranging established lot lines or dividing land into two or more parcels. Any development that requires a minor subdivision or major subdivision shall complete the Preliminary Plat prior to submitting development or building permits for the required infrastructural permits. The City Manager or designee may waive the requirement for a preliminary plat for a minor subdivision. Final Plat approval shall be completed prior to submitting any application for building permits.

#### SECTION 2.05.01 GENERAL PROCEDURES FOR SUBDIVISION OR RESUBDIVISION OF LAND

- A. The administrative authority to receive, review, and process plat or replat submittals shall be the City Manager or designee. The City Manager or designee is responsible for approving, approving with conditions, or denying the proposed plat or replat.
- B. Except as provided by Article 5 - Subdivision Regulations, no person shall divide any parcel of property into two or more parcels without complying with the provisions of this section.

## EXHIBIT "A"

- C. Final Approval of any corresponding plats for a subdivisions shall follow the requirements of Section 2.05.01. & 2.05.02.
- D. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.
- E. Right-of-way dedication, identified by the Community Development Director, may be required if any lot abuts a street right-of-way that does not conform to current City Standards.
  - 1. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

### SECTION 2.05.02 PLAT APPROVAL PROCESS

- A. The developer shall submit to the community development department one physical copy or other reproducible drawing of the plat as prescribed by F.S. § 177.071, size 24 inches by 36 inches, duly signed as required.
- B. Upon receipt of a plat application submittal, the City shall provide written notice in response to the submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes. Requirements of the plat approval process may include but are not limited to approvals by the Community Development Department, City Engineer, Destin Water Users, and the local fire control district.
- C. The City Manager or City Manager's designee must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. Denial must be accompanied by an explanation citing unmet requirements. The city may not request or require the applicant to file a written extension of time but may grant an extension of time requested by the applicant.
- D. A plat or replat submitted under this part must be administratively approved if the plat or replat complies with the requirements of section 177.091, Florida Statutes.
- E. Development Plans: The developer shall submit to the community development department, simultaneously with its plat application, a copy of the development plan conforming to the requirements set forth in Article 5 - Subdivision Regulations, Article 6 - General Development Regulations, and any other applicable requirements, ~~the Destin Design Manual~~ including specifications for drainage, streets and other improvements, and applicable laws and regulations. Final drawings and specifications shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida.
- F. Recording Plats: If approved, the plat will then be submitted by the developer to the office of the clerk of court for recording. After recording, one recorded digital copy (size 24 inches by 36 inches) and one copy of the recorded homeowner's association documents, if applicable, shall be filed with the community development department within ten days.
- G. Disapproval. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

### SECTION 2.05.03 LOT SPLIT

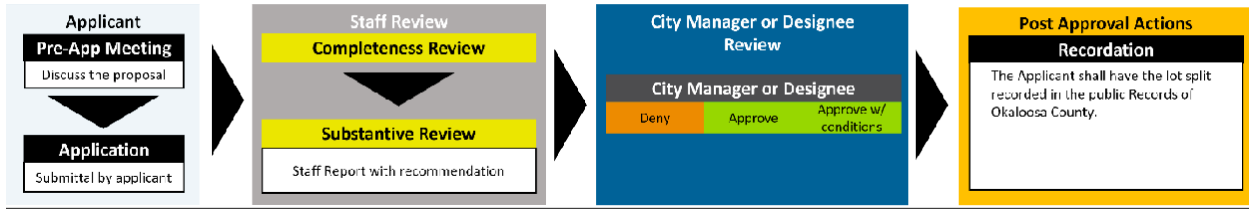
- A. A lot split is the division of a lot that results in either:
  - 1. A lot line adjustment between two platted lots or tracts of land

## EXHIBIT "A"

2. The creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
  - a. The lot to be split is platted or has a legal description of record; and
  - b. Each lot proposed either:
    1. Abuts a public or approved private street.
    2. Has a recorded perpetual cross-access easements existing on the lot to be split.
      - (i) If necessary, a recorded perpetual cross-access easement can be created by the lot split and shall be clearly shown on the recorded lot split.
  - c. The lot split shall meet the criteria in the City Land Development Code.
- B. A Lot Split may not require a development order as determined by the City Manager or designee.
- C. Lot Split Approval Process
  1. Formal application to the community development department, accompanied with the following:
    - a. Application fee
    - b. One digital copy of the proposed lot split
    - c. A statement that no new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land
    - d. Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division and all structures shall be prepared by a duly licensed land surveyor registered in the state
  2. Upon approval of the lot split by the City Manager or designee, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.
  3. No further division of any lot approved lot split is permitted under this Section, unless a plat is prepared and approved in accordance with this Code.
  4. All plats shall meet state statute and City standards.
  5. The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split.

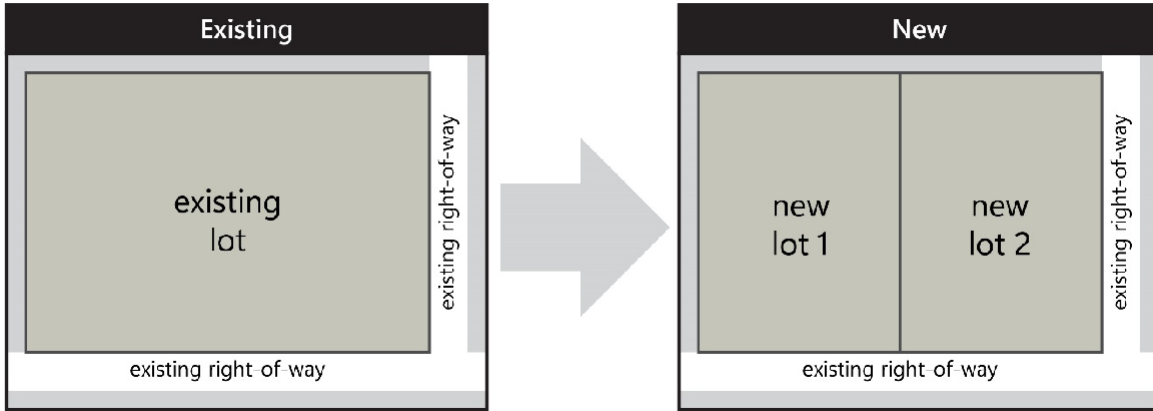
# EXHIBIT "A"

## Procedure for Lot Splits



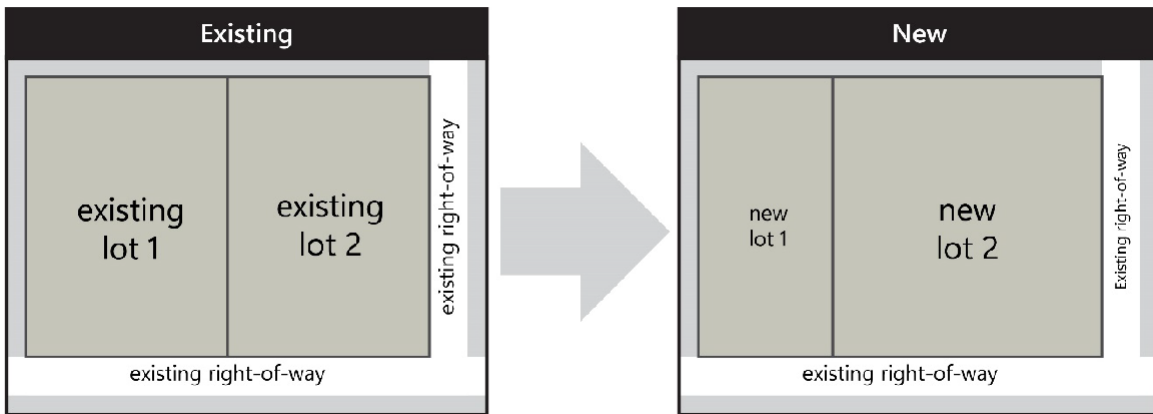
**Figure 2-1: Lot Split - One additional lot example**

### Lot Split - One Additional Lot



**Figure 2-2: Lot Split - Lot Line Adjustment example**

### Lot Split - Lot Line Adjustment



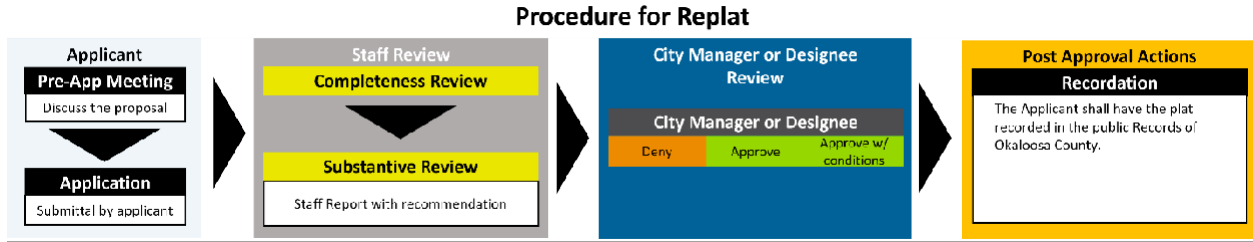
#### SECTION 2.05.04 REPLAT

- A. A replat is the subdivision of a platted parcel or platted parcels within the same platted subdivision, that complies with the following requirements:
  1. Reduces the number of lots involved.
  2. Increases the area of two or more adjacent lots or parcels of land.
  3. No roadway, drainage, or other improvements are required.
  4. The final lot configuration complies with the standards of this Code.
- B. A Replat may require a development order as determined by the City Manager or designee.

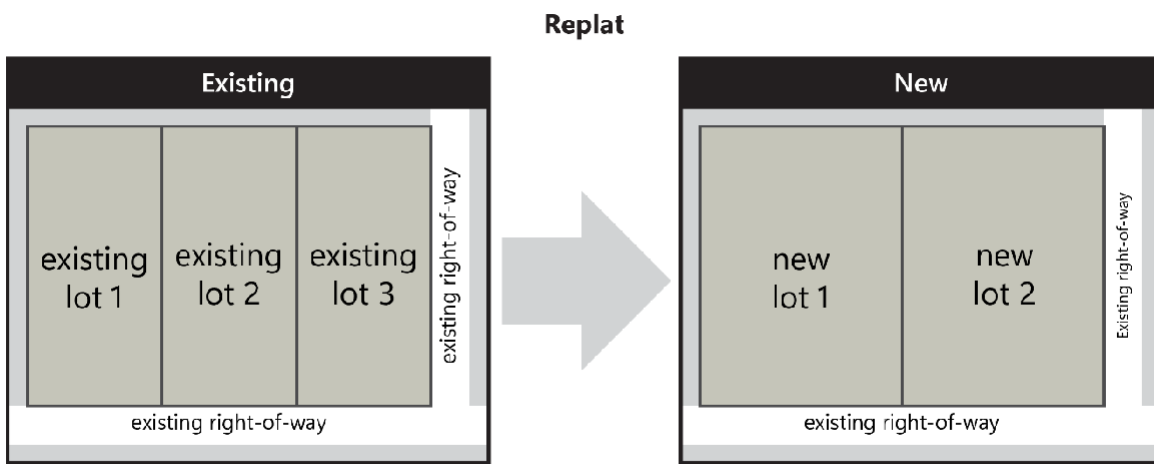
# EXHIBIT "A"

## C. Replat Approval Process

1. Replats require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
2. Replats shall follow the same approval process as a minor development per Section 2.06.03.

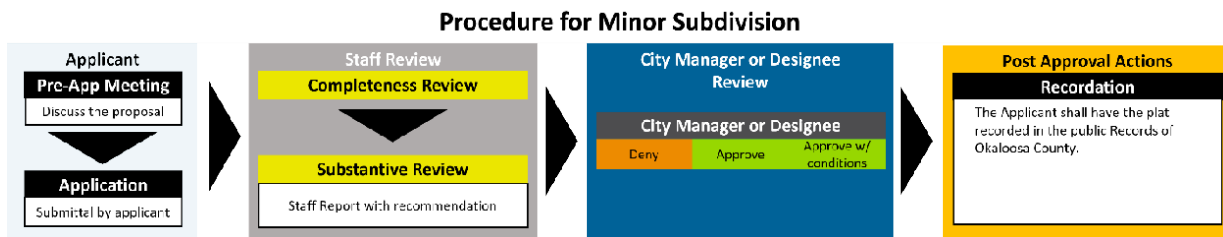


**Figure 2-3: Replat example**



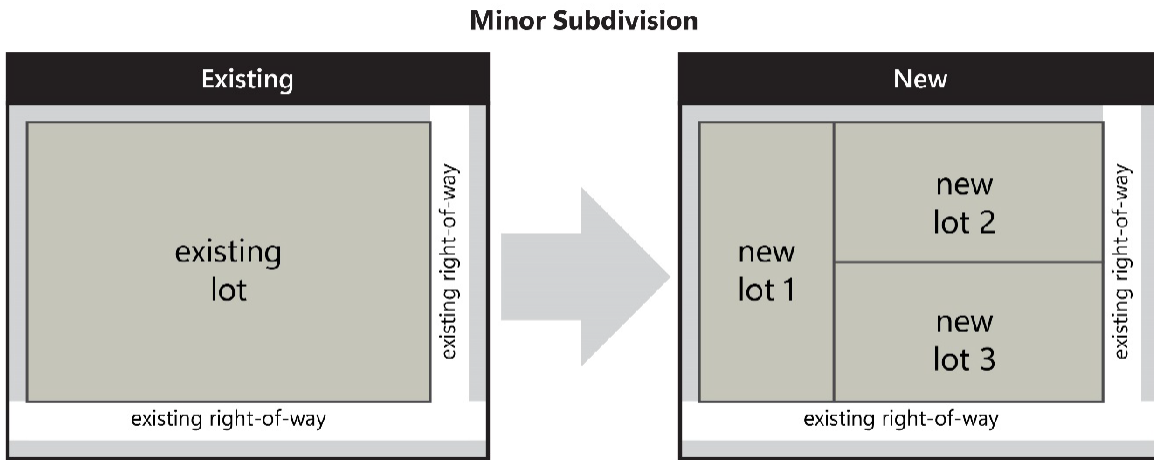
## SECTION 2.05.05 MINOR SUBDIVISION

- A. A minor subdivision is the division of land whether previously platted or not, that results in nine (9) or fewer lots; and
  1. All lots front on an existing public or private right-of-way; and
  2. There is no dedication of land to the city or an owners' association.
- B. Minor Subdivision Approval Process
  1. Minor subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
  2. Minor subdivisions shall follow the same approval process as a minor development per Section 2.06.03.



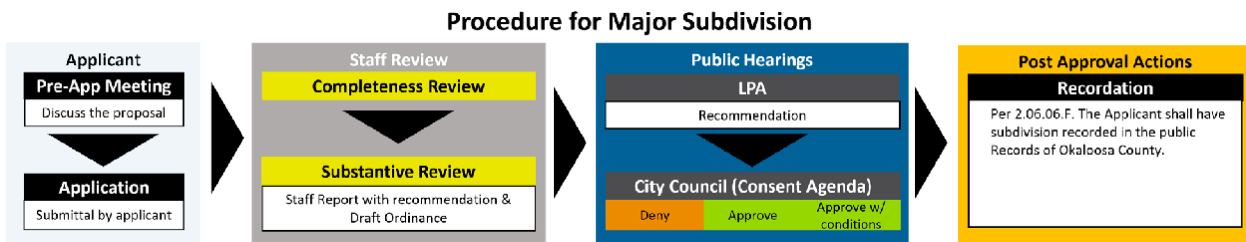
# EXHIBIT "A"

**Figure 2-4: Minor Subdivision example**



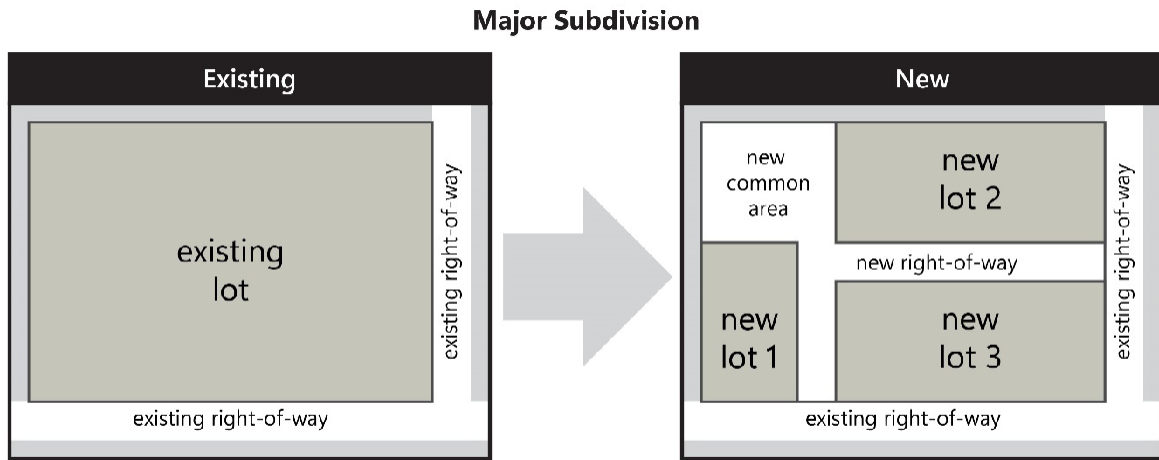
SECTION 2.05.06 MAJOR SUBDIVISION

- A. A major subdivision is the division of land resulting in either:
  1. Ten (10) or more new lots.
  2. The subdivision requires the dedication of future public or private right-of-way, to either the city or an owners' association.
- B. Major Subdivision Approval Process
  1. Major subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
  2. Major subdivisions shall follow the same approval process as a major development per Section 2.06.04.



## EXHIBIT "A"

**Figure 2-5: Major Subdivision example**



### **SECTION 2.06. LAND DEVELOPMENT APPLICATIONS AND REVIEW PROCESS**

The following are development application types that do not include the division of land.

#### SECTION 2.06.01 GENERAL REQUIREMENTS

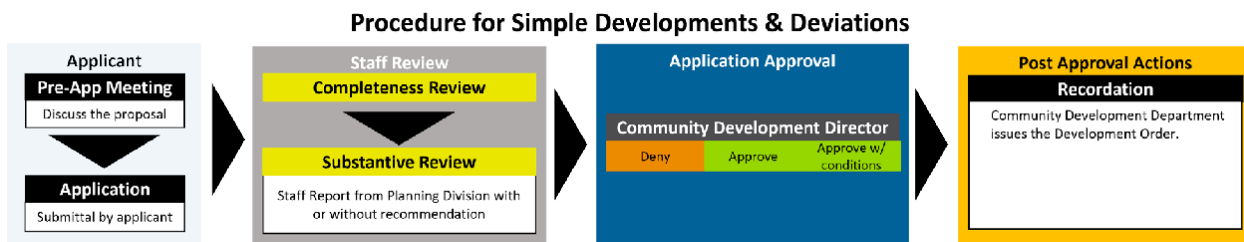
- A. All proposed developments shall meet current comprehensive plan and LDC requirements for site development.
- B. If development is proposed on a site that does not meet the Comprehensive Plan, then:
  1. All new proposed development on site shall meet current comprehensive plan and LDC requirements, and
  2. The site shall elements for access shall be brought up to current regulations, and
  3. No expansion of non-conforming or non-compliant elements shall be allowed.
- C. If the proposal is approved, approved with conditions, by the appropriate approval process, the City Manager shall authorize the issuance of a development order that complies with Section 2.02.
- D. If the proposal is approved with modifications, the City Manager shall authorize the issuance of a development order that complies with Section 2.02 once the required modifications have been completed and approved by the appropriate TRC members.
- E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, and the applicant will lose in-line priority consideration for concurrency.

#### SECTION 2.06.02 SIMPLE DEVELOPMENTS

- A. There is existing development on site, and it does not have a valid or vested development order on the property, lot(s), or parcel(s).
- B. The proposed changes do not require review by any external Technical Review Committee agency or entity.
- C. The proposed application meets one of the following criteria:
  1. Proposes a change to the use of any structure or land, and the proposed change of use does not require additional parking spaces beyond those already existing on the site.

## EXHIBIT “A”

2. Or a Any proposed changes to existing development will not increase impervious surface area beyond 750 square feet. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements.
  3. Does not meet any of the criteria of a minor development per Section 2.05.03 or major development per Section 2.05.04.
- D. Simple developments do not apply to the change of use of a single-family home to a Short-term rental.
- E. If a property has any previously approved simple development or deviation and the new proposed development after approval would exceed the thresholds established in this Section, it no longer qualifies as a simple development.
- F. Simple Development Approval Process
1. Simple developments require notification to adjacent property owners and a notice posted on the property per Section 2.01.04.
  2. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed application identified as simple developments.
  3. City staff shall make a recommendation to the City Manager or designee based upon the review of compliance with the City’s LDC, Comprehensive Plan, other city regulations, or any applicable development order.
  4. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with Section 2.02.
  5. If the proposal is denied based upon the applicant’s failure to meet the requirements of this Code, the application can:
    - a. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or
    - b. Become null and void.
      1. The applicant will lose in-line priority consideration for concurrency.

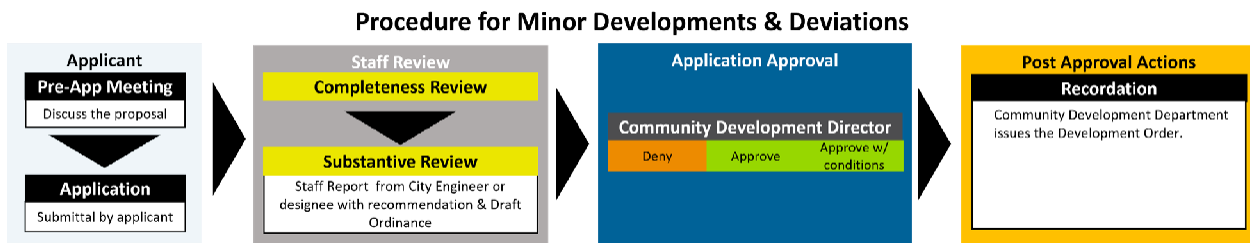


### SECTION 2.06.03 MINOR DEVELOPMENTS

- A. A development application shall be designated as a minor development if it satisfies one or more of the following criteria:
1. Commercial, industrial, or mixed-use development plans proposing development of 9,999 square feet or less of gross floor area.
  2. Development activity of 9,999 square feet or less, such as a park, active recreation, open air development, or similar development, which involves either:
    - a. Any change in land use
    - b. Any construction of buildings or structures
    - c. Any change in the use of any structure or land that generates vehicle trips.
  3. Residential development plans consisting of 9 or fewer dwelling units.

## EXHIBIT “A”

4. Minor subdivisions development plans
  5. Demolition of a multi-family or non-residential structure or building, unless determined as unsafe by the building official or other regulatory agency.
  6. Any application determined by the City Manager or designee needing higher level of review beyond the simple deviation due to:
    - a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
    - b. It is identified as being of significant interest to the general public.
- B. Minor Development Review Process
1. Minor developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
  2. Upon review and recommendation of approval by city staff and approval by the TRC, The Community Development Director may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as minor developments.
  3. City staff shall make a recommendation to the Community Development Director based upon the review of compliance with the City’s LDC, Comprehensive Plan, other city regulations, or any applicable development order.
    - a. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.
  4. If the proposal is approved or approved with conditions, the City Manager or designee shall authorize the issuance of a development order.
  5. If the proposal is approved with modifications, a development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
  6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
    - a. The applicant will lose in-line priority consideration for concurrency.

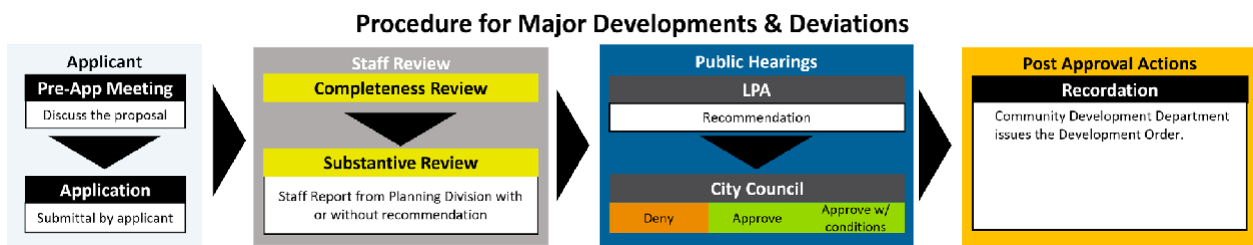


### SECTION 2.06.04 MAJOR DEVELOPMENTS

- A. A development application shall be deemed a major development if it satisfies one or more of the following criteria:
1. Non-residential and mixed-use proposing development equal to or greater than 10,000 square feet or more of gross floor area.
  2. 10,000 square feet or more of development activity such as a park, active recreation, open air development, or similar development, which involves either:
    - a. Any change in land use,
    - b. Any construction of buildings or structures, or
    - c. Any change in the use of any structure or land that generates vehicle trips.

## EXHIBIT “A”

3. Residential development plans consisting of ten or more dwelling units.
  4. Major subdivisions development plans
  5. All Planned Unit Developments (PUDs).
  6. New telecommunications towers.
  7. Any project proposing to utilize a Shared Parking Analysis.
  8. Any application submittal identified by the City Manager or designee as needing City Council review due to:
    - a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
    - b. It is identified as being of significant interest to the general public.
- B. Major Development Approval Process
1. Major developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
  2. Once the application has been reviewed and approved, approved with conditions, or approved with modifications by the TRC and city staff, staff shall prepare a staff report through the City Manager to the Local Planning Agency (LPA).
  3. The LPA, at a publicly noticed quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed development based on the,
    - a. Staff Report
    - b. The City’s Land Development Code,
    - c. The City’s Comprehensive Plan,
    - d. City Ordinances
    - e. Public testimony
    - f. Information given by the applicant
  4. The City Council, at a publicly noticed quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, table, or deny the proposed development after review and consideration of the proposed development based on the,
    - a. The LPA’s recommendation
    - b. Staff Report
    - c. The City’s Land Development Code
    - d. The City’s Comprehensive Plan,
    - e. City Ordinances
    - f. Public testimony
    - g. Information given by the applicant.



### [SECTION 2.06.05 DEVIATIONS TO DEVELOPMENT](#)

## EXHIBIT "A"

For those applications or properties with active or vested development orders, all changes shall be approved by the City through a deviation to the existing development order.

- A. Technical Deviation: Modifications or amendments that become necessary due to technical or engineering considerations, or unknown site conditions that are not in conflict with the criteria for a minor or major deviation listed in this Section.
  1. Technical deviations cannot propose any deviation from the intent and purpose of the approved development order
  2. Any technical deviation shall be the minimum modification to overcome the particular difficulty.
  3. Technical deviations shall not be approved if it conflicts with or cause a violation of any standard or requirement of the Comprehensive Plan, a CRA Master Plan, or the LDC.
  4. Such deviations shall be limited to modifying the following elements:
    - a. The distance shown on the approved development plan between any structure or group of structures, and any other structure or group of structures within the approved development.
      1. Deviations to reduce setbacks to the external property line or structure not within the development shall follow the appropriate deviation process as determined by the City Manager or designee.
    - b. Vehicular circulation elements
    - c. The relocation or increasing the size of any open space
    - d. Any stormwater element
    - e. Any final grade
    - f. The types of landscaping elements and their arrangement within the required landscaping buffer area
    - g. Relocation or construction of accessory structures
  5. Technical deviation applications shall follow the same procedures for a simple development as outlined in Section 2.06.02.
- B. Simple Deviations to a Development Order: A simple deviation to a development order is an application that requires review only by city staff members involved in the development review process.
  1. Simple deviations to a development order shall be determined by the City Manager or designee using the following criteria:
    - a. Proposed changes to the previously approved development do not require review by any external TRC member or entity.
    - b. The proposed changes to the development plan only include rearranging or reducing, any:
      1. driveways/accessways.
      2. number of parking spaces.
      3. impervious surface, or
      4. buildings on the subject property.
    - c. The proposed changes will bring the property into compliance with the existing stormwater regulations as described in the LDC without exceeding criteria for other deviations listed below.
  2. Simple deviations application shall follow the same procedures for a simple development as outlined in Section 2.06.02.
- C. Minor Deviation to a Development Order: A deviation to a development order shall be deemed minor if it satisfies one or more of the following criteria:
  1. A change from the development order that requires the review of external Technical Review Committee members.

## EXHIBIT "A"

2. The addition of floor area or impervious surface for Commercial, Industrial, or Mixed-use developments not to exceed 9,999 square feet total in combination with existing floor area or impervious surface.
  3. The addition of land development activity not to exceed 9,999 square feet or less in combination with existing development, of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
    - a. Any change in land use
    - b. Any construction of buildings or structures
    - c. Any change in the use of any structure
  4. Demolition of a non-residential or multi-family building, unless determined as unsafe by the building official or other regulatory agency.
  5. Minor deviation applications shall follow the same procedures for a minor development as outlined in Section 2.06.03.
- D. Major Deviations to a Development Order: A deviation to a development order shall be deemed major if it satisfies at least one of the following criteria:
1. The addition of gross floor area for Commercial, Industrial, or Mixed-use developments exceeding 10,000 square feet total in combination with existing floor area.
  2. The addition of land development activity exceeding 10,000 square feet of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
    - a. Any change in land use
    - b. Any construction of buildings or structures
    - c. Any change in the use of any structure
  3. Residential development plans proposing additional units that total ten or more dwelling units in combination with existing dwelling units.
  4. Any change to a condition in the development order that was expressly imposed by the City Council.
  5. Any proposed change that adversely affects the compatibility of the existing development.
  6. Any proposed change that the City Manager or designee, determines should be reviewed by the City Council due to the community impact.
  7. Major deviations application shall follow the same procedures for a major development as outlined in Section 2.06.04.

### SECTION 2.06.06 DEVELOPMENT AGREEMENTS

- A. Development agreements as specified in this Code are proposed developments that require negotiations between local, state, or federal governments, public utility providers, taxing districts and other related agencies, and not to be used for private development.
- B. Development agreements are processed by submission of an application by either the City or other entity involved in the development.
- C. Based on the proposed development, the Community Development Director shall identify if it is a simple, minor, or major development and the appropriate materials that will be required for application submittal.
  1. The corresponding fee shall also apply.

## EXHIBIT "A"

2. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.
- D. Negotiation of development agreements:
1. The City Manager or designee shall review the application package and negotiate such further terms and conditions as the City Manager or designee shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
  2. Once the parties agree on the terms and conditions of a development agreement, or if further negotiations are not anticipated, the City Manager or designee and staff shall draft a staff report, including:
    - a. Land use types
    - b. Density or intensity
    - c. Placement of proposed buildings, improvements, and impervious ground cover on the site.
    - d. Location, type, and method of maintenance of open space and public use areas, if any.
    - e. Preservation of natural features or protection of sensitive lands, if any.
    - f. Proposed parking areas and internal traffic circulation
    - g. Stormwater management
    - h. Water and sewage distribution, collection, and treatment systems.
  3. The existence of a tentative agreement, staff report, or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that,
    - a. Any further expenditures by either party would vest any right to continue development.
    - b. Nor shall such actions constitute partial performance entitling any party to a continuation or extension of the development agreement.
  4. The City Council, by majority vote, may act to adopt, amend, extend, modify, revoke, or cancel any proposed or existing development agreement at a publicly noticed hearing.
    - a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties doing so only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.
    - b. In the event state or federal laws are enacted after the execution of a development agreement that creates a non-conformity or non-compliance with the terms or conditions of the agreement, then the agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.
- E. Development Agreement Requirements:
1. All development agreements shall, at a minimum, include the following:
    - a. A legal description of the land subject to the agreement.
    - b. A statement identifying the legal and equitable interest of all parties having any interest in the property described in a. above.
      1. Such statements shall be certified by an attorney-at-law licensed to practice in the State of Florida.
    - c. The development uses permitted on the land,
    - d. Densities and intensities
    - e. Building height.
    - f. The land use designation under the City of Destin Comprehensive Plan for all property included within the terms of the proposed agreement.

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- g. The current zoning classification of the property.
- h. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
- i. The date any new facilities, if needed, will be constructed.
- j. A schedule to ensure public facilities will be available and sufficient to meet the development's impacts.
- k. A description of any reservations or dedications of land for public purposes.
- l. A description of all local development permits approved or needed to be approved for the development of the land.
- m. A finding that the development permitted or proposed is consistent with the City of Destin Comprehensive Plan and land development regulations, as required by F.S. § 163.3231.
- n. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens.
- o. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the parties from complying with the laws and regulations governing permitting requirements, conditions, terms, or restrictions.
- 2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.
- F. Recording the development agreement:
  - 1. Within 14 days after the city enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the official records of Okaloosa County.
- G. Periodic review:
  - 1. The city shall review the land and progress of development subject to the development agreement at least once every 12 months to determine compliance with the terms and conditions of the agreement.
  - 2. Fourteen (14) days Prior to the city's review of the status of a development agreement, the developer shall submit a progress report to the City indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.
  - 3. If during the periodic review the City finds based on substantial competent evidence a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Sections 2.01.04. and 2.15 may:
    - a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
    - b. Revoke the agreement to protect the public's interest, health, safety, or welfare.
- H. Legal status of development agreements:
  - 1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.
  - 2. The city's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.

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3. The city may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the city determines any one of the following:
  - a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
  - b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
  - c. That such laws and policies are essential to public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or
  - d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
  - e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.
- I. Enforcement:
  1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. § 163.3220—163.3242:
    - a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
    - b. The state land planning agency.

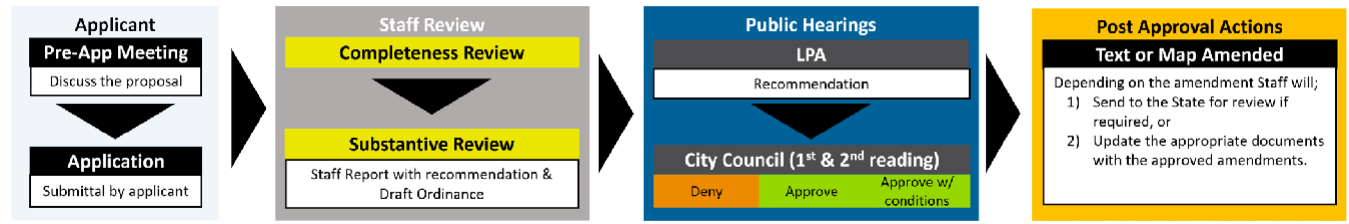
### **SECTION 2.07 MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW PROCESS**

#### SECTION 2.07.01 PROCEDURES FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, ZONING MAP, OR FUTURE LAND USE MAP

- A. The text of this Code, Comprehensive Plan and the official zoning district map or the Future Land Use Map boundaries may be amended or supplemented.
- B. Proposed changes may be suggested or recommended by:
  1. City Council
  2. City Manager
  3. Local Planning Agency
  4. Community Development Director
  5. By a property owner
  6. By petition of the owners of 51 percent or more of the area or properties involved in the proposed change.
- C. The Community Development Department will review and forward the application and a staff report and draft ordinance with or without a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review at a public hearing, along with a draft ordinance.
- D. The LPA will forward the staff report with its recommendation and a draft ordinance to the City Council for consideration at a public hearing.
- E. The City Council shall then approve, approve with conditions, table, or deny the application.
- F. If approved on first reading at city council, a second reading will be heard at the next available city council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
  1. If State review is required, then the second reading shall occur within thirty (30) days of receiving State approval.

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## Procedure for LDC text, Zoning or FLUM map, or Comprehensive Plan Amendment

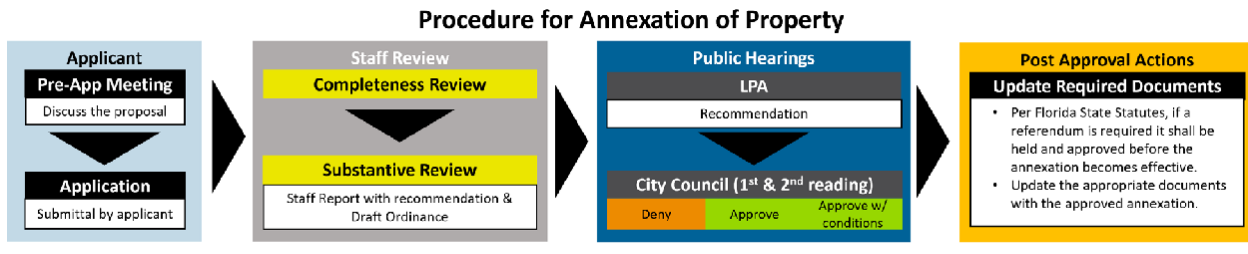


### SECTION 2.07.02 ANNEXATION OF PROPERTY

- A. Annexation into the city may be initiated by either the City of Destin or by individuals or groups of property owners.
  1. In any instance of annexation, the property proposed to be annexed shall be contiguous to the city limits.
- B. The City shall manage growth of the physical city limits without creating hardships and unnecessary costs for existing residents and business owners by properly assessing any city initiated or property owner-initiated request of annexation through:
  1. The promotion of orderly growth by facilitating long-range planning for the provision of municipal services to proposed development and redevelopment areas.
  2. The application of appropriate land use regulations, development and property maintenance standards, fire, and construction codes and environmental regulations.
  3. Ensuring that residents and businesses outside the corporate limits share the tax and maintenance for facilities, streets, and utilities necessary to meet the demand.
- C. Annexations may be initiated by:
  1. Any property owner may request annexation into the city if contiguous to the city limits.
  2. The city may initiate annexation of contiguous, compact, unincorporated land in the following ways:
    - a. The City may annex enclaves of 110 acres or less through an interlocal agreement with Okaloosa County; except for undeveloped or unimproved real property, pursuant to F.S. § 171.046.
    - b. The City may annex an enclave with fewer than 25 registered voters by city ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave, except for undeveloped or unimproved real property, pursuant to F.S. § 171.046.
    - c. The city may annex land by referendum election, pursuant to the procedures set forth in F.S. § 171.0413.
- D. Annexations Applications:
  1. Annexations whether property owner-initiated or city initiated, shall address in the application, the criteria listed in Section 2.07.02.B. above, and the following if applicable:
    - a. Elimination of enclaves. Enclaves are areas of county jurisdiction that are surrounded by the city.
    - b. Enhance the city economic and tax base: The request shall demonstrate how annexing the proposed area into the city will benefit the City's tax base and not create a deficit in the City's revenue, budget, or create any other financial burden on the City or residents.
    - c. Impacts on the city's infrastructure: The request shall demonstrate how annexing the proposed area will not create a negative impact upon the City's infrastructure, including but not limited to:
      1. Roads and streets

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2. Stormwater facilities
3. Other city services
2. The Community Development Department shall develop a staff report and ordinance for review by:
  1. The Local Planning Agency at a public hearing for a recommendation and consideration to City Council.
  2. City Council shall consider at a public hearing the recommendation and determine whether to approve, approve with conditions, table, or deny the request on First reading.
    - (i) If approved on first reading at city council, a second reading will be heard at the next available city council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
    - (ii) If the Annexation meets the criteria of Section 2.07.02.C.2.c. then the referendum per F.S. § 171.0413 shall be held and approved before the annexation becomes effective.

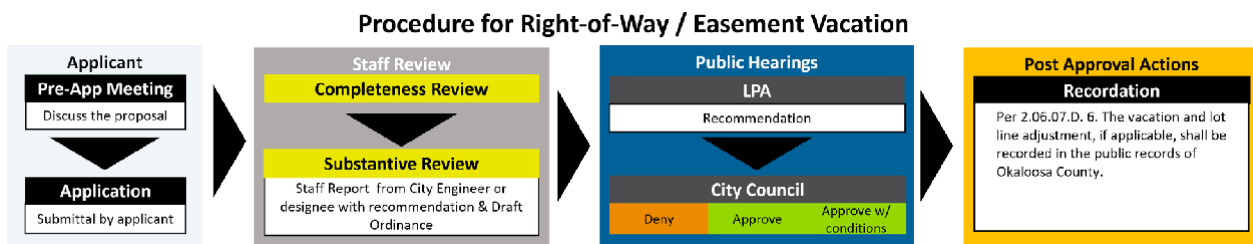


### SECTION 2.07.03 RIGHT-OF-WAY/EASEMENT VACATION

- A. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.
- B. A Right-of-Way (ROW) or easement vacation involves the abandonment of a Public or Private ROW or easement across or on a lot, parcel, property, or other land.
- C. The vacation of ROW results in the directly adjoining property owners of the subject ROW to gain property either:
  1. Fully across the ROW if there is no property subjected to the original plat across the ROW.
  2. To centerline of the ROW if there is a property subjected to the original plat across the ROW
- D. The vacation of an easement abandons the rights of the easement holder and releases the property owner of any encumbrances the easement held on or across the subject lot, parcel, property, or other land.
- E. Any vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division application type.
  1. If a plat is not applicable, then the most appropriate Land Division process shall be initiated in conjunction with the vacation application at the applicant's expense.
- F. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.
- G. Right-of-Way/Easement Vacation Approval Process

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1. Vacations require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
2. If vacated, the right-of-way is divided equally to adjacent property owners. It is the responsibility of the applicant(s) to complete all required applications and approvals which may result from such a vacation.
3. All applications for a right-of-way or easement vacation shall follow the following procedures:
  - a. If the request requires the reconfiguration of lot lines or the subdivision of a parcel or a lot of land, the appropriate application per Section 2.05. shall be applied for and run concurrently with the vacation application.
  - b. City staff shall contact all utility providers or various stakeholders for input on the proposed vacation.
  - c. The City Engineer or designee shall forward a staff report with a recommendation to the Local Planning Agency (LPA) at a public hearing.
  - d. The LPA shall forward a recommendation to approve, approve with conditions, or deny the request to the City Council.
  - e. City Council may, upon receiving the recommendation of the LPA, approve, approve with conditions, table, or deny the application to vacate a ROW/easement based upon the following criteria:
    1. The requested vacation is consistent with the Comprehensive Plan.
    2. The ROW does not provide sole access to any property.
    3. The vacation would not jeopardize the current or future location of any utility.
    4. The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.
    5. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.
    6. Any proposed vacation of Scenic Highway 98 shall require a voter approved ballot referendum.
  - f. If City Council approves or approves the application with conditions, the applicant shall record the new lot configuration in the public records of Okaloosa County.
  - g. If the City Council denies a vacation request, the applicant shall wait one (1) year before reapplying for reconsideration.



## SECTION 2.08 PLANNED UNIT DEVELOPMENT APPLICATION AND REVIEW PROCESS

### SECTION 2.08.01 PURPOSE AND INTENT

- A. The Purpose of a Planned Unit Development (PUD) is to implement the purpose statement of the zoning district and Planning Area in which the project is located, utilizing an alternative approach

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to the design of the property, and related physical facilities. A PUD incorporates special development characteristics, which help achieve city goals identified in the adopted Strategic Plan, Comprehensive Plan, and Master Plans of the Community Redevelopment Areas (CRA), if applicable, and provide an overall benefit to the community as determined by the PUD objectives.

- B. The intent of the proposed PUD shall:
1. Encourage efficient use of land and resources, promoting greater efficiency in public and utility services.
  2. Encourage innovative development through new planning and building practices or trends.
  3. Develop an enhanced product that exceeds the minimum requirements of the LDC compared to a development implementing the strict application of the LDC.
  4. Implement compatibility with adjacent and nearby land developments.

### SECTION 2.08.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

- A. The City Council may approve, approve with conditions, or deny a PUD based upon the following standards:
1. PUD Objectives: The PUD shall meet the purpose statement of the PUD, and
    - a. Shall achieve at least five (5) of the strategies from the objectives as outlined in Section 2.08.04.
      1. No more than two (2) strategies can be utilized per objective to meet the minimum of five (5) strategies.
      2. No strategy may be utilized more than once per PUD proposal.
    - b. Demonstrate why modifications to the zoning regulations are necessary to meet the purpose and intent for a PUD.
    - c. The City Council should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a PUD, and
  2. Compatibility and Design: The proposed PUD is appropriately designed, consistent, and compatible with:
    - a. Adopted policies set forth in the City of Destin Comprehensive Plan and appropriate Planning Area.
    - b. Adopted Community Redevelopment Area Master Plan applicable to the site where the PUD will be located.
    - c. The proposed PUD shall meet the purpose and intent of the Planning Area where the project is located.
  3. Design and Compatibility: The proposed PUD will be located and is designed to achieve a more enhanced product, design, and compatibility by demonstrating:
    - a. The project will result in a more enhanced product than would be achievable through strict application of the land use regulations.
    - b. The scale, mass, and intensity of the proposal is compatible with the neighborhood and Planning Area where the PUD will be located.
    - c. The proposal is compatible with the building and site design policies stated in an applicable Comprehensive Plan/Master Plan.
    - d. The building orientation in the proposal is compatible with the neighborhood where the PUD will be located and/or the policies stated in the Comprehensive Plan and/or applicable Master Plan related to building and site design.
    - e. The building setbacks along the perimeter of the development:
      1. Maintain the visual character of the neighborhood and the character described in the Comprehensive Plan and/or applicable Master Plan.
      2. Provide sufficient space for private amenities.

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3. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
4. Provide adequate sight lines to streets, driveways, and sidewalks.
5. Provide sufficient space for maintenance.
- f. The building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction.
- g. The lighting is designed for safety and visual interest while minimizing impacts on surrounding property.
- h. The dumpsters, loading docks and/or service areas are appropriately located and screened.
- i. The parking areas and internal vehicular networks are appropriately buffered from adjacent uses.
4. Landscaping: The proposed PUD preserves, maintains and/or provides native landscaping where appropriate by demonstrating:
  - a. That mature native trees located along the periphery of the property and along the street will be preserved and maintained.
  - b. That existing landscaping that provides additional buffering to the abutting properties will be maintained and preserved.
  - c. That proposed landscaping is designed to lessen potential impacts created by the proposed PUD.
  - d. Whether proposed landscaping is appropriate for the scale of the development.
5. Mobility: The proposed PUD supports citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood by demonstrating:
  - a. The drive access to local streets will not negatively impact the safety, purpose, and character of the street.
  - b. The site design considers safe circulation for a range of transportation options including:
    1. Safe and accommodating pedestrian environment and pedestrian-oriented design, and orientation to transit where available; and
    2. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
    3. Minimizing conflicts between different transportation modes.
  - c. The site design of the proposed development promotes or enables access to adjacent uses and amenities.
  - d. The proposed design provides adequate emergency vehicle access; and
  - e. The loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.
6. Existing Site Features: The proposed PUD preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.
7. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
8. Supplemental Standards:
  - a. Where a proposed PUD is directly adjacent to either the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, and bayous, or the property encompasses private beach, the proposed PUD shall include the following and will count towards two (2) of the five strategies required:
    1. A ten-foot (10') wide minimum public access easement(s) from publicly accessible land to the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach; and

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2. Dedication of land or beach property or a public easement to the city for the purposes of public use of Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach, at a minimum of:
    - (i) one-hundred feet (100') land ward from wet sand or shoreline; and
    - (ii) one-hundred feet (100') of beach front.
      - (a) If the project consists of less than one-hundred feet (100') of beach front, then the entire beach front access shall be dedicated or provided by a public access easement.
  3. A minimum of ten parking space per one-hundred feet of beach front and shall meet ADA standards.
  - b. Where a PUD is proposed in the Town Center CRA (TCCRA) Objective 3, Strategy 1 shall be utilized with 20% of the units set to 80% AMI and will satisfy all five (5) required points.
    1. The affordable housing shall also be maintained by deed restrictions or other documentation that holds the affordability in perpetuity.
  - c. If a PUD is proposed in the Town Center Commons Planning Area but outside of the TCCRA, affordable housing shall be implemented.
    1. Points will be awarded towards the required five (5) points based on the percentage of units offered at 80% AMI or below as shown in Table 2.08-2 of Section 2.08.04.
- B. When approving a PUD, City Council may change, alter, modify, or waive the following provisions of LDC:
1. Zoning And Subdivision Regulations: Any provisions of the city's zoning or subdivision regulations as they apply to the proposed PUD.
    - a. Exceptions: The following elements of the zoning or subdivision regulations shall not be changed, altered, modified, or waived by the PUD process
      1. Uses: City Council shall not approve any use that is not allowed in the zoning district in which the PUD is located.
      2. Parking: The parking facility must be located within the PUD area and can only be used for the uses within the PUD.
      3. Building Height: Building height shall not exceed the allowed maximum height of the underlying zoning district.
      4. Density: Residential PUDs shall not exceed the density limitation of the zoning district or Future Land Use Designation of the Comprehensive Plan where the PUD is proposed except as allowed below.
        - (i) The calculation of PUD density may include open space acreage that is provided as Community Benefit and public amenity, open to the public, whether privately owned or dedicated to the public.
    - b. Screening: Screening for solid waste, mechanical equipment, or other elements as required by the LDC or Design Manual.
    - c. Signs: Signs shall not be reviewed or approved through the PUD process. Additionally, requests to exceed any dimensional limitation of signage shall not be considered in any review of a PUD application.
    - d. Landscaping: Landscaping shall meet the minimum requirement of the underlying zoning district.

### SECTION 2.08.03 MINIMUM AREA

- A. A proposed PUD shall have a minimum net lot area of five (5) acres or more for any parcel or tract of land under single ownership or control.

### SECTION 2.08.04 COMMUNITY BENEFIT

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- A. A PUD shall apply and implement the following objectives per Section 2.08.02.A.1, through the PUD process. Each objective includes strategies that are intended to be used to determine if an objective has been accomplished through a specific proposal of the PUD:
1. Objective 1 - Open Space and Natural Lands: Preserving, protecting, or creating open space and natural lands:
    - a. Strategies:
      1. Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds, public beaches, or other similar types of facilities.
      2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
      3. Development of connected greenways and/or wildlife corridors.
      4. Daylighting, or exposing streams, creeks, drainage areas or other water bodies that have been covered, filled, or piped.
      5. Inclusion of local food production areas, such as community gardens.
      6. Clustering of development to preserve open spaces.
  2. Objective 2 - Historic Preservation: Preserving, protecting, or creating historic areas within the city.
    - a. Strategies:
      1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
      2. Preservation of, or enhancement of, historically significant landscapes that contributes to the character of the city and contributes to the general welfare of the city's residents.
  3. Objective 3 - Housing: Providing affordable housing or types of housing that helps achieve the city's housing goals and policies:
    - a. Strategies:
      1. Affordable housing developed for those with incomes that are at or below eighty percent (80%) of the Area Median Income (AMI).
      2. The proposal includes housing types, excluding detached single-family housing, which are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.
      3. The following points will be awarded, at the following rates, towards the required five (5) points based on percentage of units offered at 80% AMI or below.

<b>Table 2.08-2 Points awarded for Affordable Housing</b>	
a.	<u>2 points for 5% of units</u>
b.	<u>3 points for 10% of units</u>
c.	<u>4 points for 15% of units</u>
d.	<u>5 points for 20% of units</u>
  4. Objective 4 - Mobility: Enhances accessibility and mobility:
    - a. Strategies:
      1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
      2. Improvements that encourage transportation options other than just the automobile which excludes the required transportation infrastructure.
  5. Objective 5 - Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:

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- a. Strategies:
  1. Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
  2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.
  3. Site Planning: Design and inclusion of a mix of uses to encourage the reduction of resource consumption and impacts to public facilities or services.
6. Objective 6 - Comprehensive Plan/Master Plan Implementation: A project that implements a specific Goal, Objective, or Policy of the adopted Comprehensive Plan or Master Plan.
  - a. Strategies:
    1. A project that implements a specific goal, objective, or policy of the adopted Comprehensive Plan or Master Plan not related to compliance standards listed in Section 2.08.02.

### SECTION 2.08.05 PROCEDURES

- A. Application: The applicant must file a complete application for PUD review with the Community Development Department containing the following information. Certain information may be deemed unnecessary to adequately evaluate the application by the Community Development Director.
  1. A complete written description, with supporting graphics, of the proposed PUD including:
    - a. How the proposed PUD meets the purpose and Intent of these PUD regulations.
    - b. The zoning regulations being modified in the PUD.
    - c. The Comprehensive Plan or CRA Master Plan objectives, goals, and policies being met.
    - d. How the proposed PUD is compatible with other properties in the neighborhood(s).
    - e. What and how the proposed PUD provides and meets the community benefit requirement per Section 2.08.04.
  2. Existing conditions surveys
  3. Site plan depicting all proposed development
  4. Architectural graphics including elevations, profiles, conceptual floor plans and cross sections
  5. Preliminary subdivision plat or final plat, if applicable or required
  6. Traffic impact analysis
  7. A statement describing the care and maintenance of all open space or recreational facilities.
  8. Other information or documentation the Community Development Director may deem necessary for proper review and analysis of a particular application.
- B. Application Review
  1. Review of the application will follow the same procedures as the major development process per Section 2.06.03.
  2. Any other required supplemental applications for a proposed PUD, such as subdivision or plat of land, will follow the applicable process per this Article.
- C. Authority: The City Council, following a recommendation from the Local Planning Agency, may approve PUDs for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this Article and other regulations applicable to the district in which the property is located.
- D. City Council Decision:
  1. A request for a PUD does not constitute an assurance or presumption of approval.

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2. A proposed PUD shall be evaluated on an individual basis, in relation to its compliance with the following to determine whether the PUD is appropriate and compatible in the proposed location:
    - a. The standards of this Section
    - b. The standards for the zoning district in which it is located
    - c. Other standards and regulations within this Code
    - d. Comprehensive Plan and other city ordinances
  3. The City Council may approve or approve with conditions as necessary or appropriate for the PUD to comply with the standards and factors set forth in this Section.
  4. The City Council may approve any PUD with modifications, and the subsequent development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
  5. The City Council may deny an application for PUD if it finds that the proposal does not meet any of the criteria below:
    - a. Does not meet the intent of the base zoning district.
    - b. It is not appropriate or compatible with the Planning Area as outlined in the city's adopted Comprehensive Plan.
    - c. Does not meet the purpose and intent of this Article.
    - d. It is not consistent with the standards and factors set forth in this section.
    - e. Other criteria not listed here but linked to any Strategic or Comprehensive Plan goal, policy, or objective, or if it does not meet the minimum criteria of the LDC.
- E. Any person adversely affected by a final decision of the City Council may appeal per Section 2.12.02.

### SECTION 2.08.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT

- A. No PUD approval shall be valid for a period longer than one year unless:
  1. A building permit has been issued, or
  2. Complete building plans have been submitted to the Building Division of the Community Development Department and are under review.
- B. If a PUD expires, the applicant loses rights to all approvals pertaining to the proposed PUD.
- C. The City Manager or designee may grant one extension of a PUD for up to one additional year from previous approval date:
  1. The application materials required for an extension request shall meet the same requirements for a development order extension as outlined in Section 2.02.02.H.
  2. PUD Extension requests must be submitted 60 calendar days prior to the expiration of the PUD approval.
- D. If a PUD expires the applicant may request to reinstate the PUD for twelve (12) months, by requesting a public hearing before City Council, within six (6) months after expiration.
  1. The application materials required for an extension request shall meet the same requirements for a development order extension as outlined in Section 2.03.02.E.
  2. If a PUD expires and is reinstated, it shall not be allowed to request an extension or another reinstatement.

### SECTION 2.08.07 DEVIATIONS TO A PLANNED UNIT DEVELOPMENT

- A. Following PUD approval, the development plan approved by the City Council shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the PUD process.
- B. Deviations or amendments to the PUD may be allowed pursuant to this Section.
  1. No deviation shall be made in the construction, development, or use without a new application under the provisions of this Article.

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2. Any deviation to the approved development plan not authorized by the original approval or any subsequent approved modification or amendment of this section shall be considered a modification.
3. Major Deviations:
  - a. Major deviations are deviations from a final approved development plan, including any change; to
    1. A condition in the development order that was expressly imposed by the City Council;  
or
    2. Any change that adversely affects the compatibility of the proposed project; or
    3. Any change that the City Manager or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change; or
    4. Any characteristic of the approved PUD including but not limited to the following:
      - (i) Any increase of the total building footprint by 10% or more.
      - (ii) Any increase in density, not to exceed the underlying zoning district, or Future Land Use Designation in the city's comprehensive plan.
      - (iii) Any decrease in open space.
      - (iv) Any increase or decrease in parking spaces by 10% or more.
      - (v) Request for additional uses not previously considered in the original approval.
      - (vi) Any increase of an originally approved use by, square footage, parking requirements, slip count or increase of capacity of use.
      - (vii) Any reduction of external setbacks, not to exceed the minimum setbacks as required by the underlying zoning district.
      - (viii) Any reduction of approved landscaping or tree canopy cover by 10% or more, not to exceed the required minimum landscaping requirement.
      - (ix) Any alteration of the overall design theme or defining exterior or site architectural characteristics.
  - b. Such major deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to achieve the intent of the deviation and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
  - c. Major deviations applications shall follow the same procedures as a major development application outline in Section 2.06.04. of this Article.
- C. Minor Deviations:
  1. Minor deviations are deviations to an approved PUD that is not a major deviation nor a technical deviation as identified in Section 2.06.04.
  2. Such minor deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
  3. Minor deviation applications shall follow the same procedures for a minor development as outlined in Section 2.06.03.
- D. Technical Deviation: Deviations that appear necessary considering technical or engineering considerations and not in conflict with any minor deviation per Section 2.06.03 or a major deviation per Section 2.06.04.
  1. Such technical modifications shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.

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2. Such deviations shall be limited to modifying the following elements:
  - a. The distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures.
    1. Except, a modification that decreases the setback between a proposed building and an existing building or property line external to the proposed PUD.
  - b.  Vehicular circulation element
  - c. The location or increasing the size of any open space
  - d. Any stormwater element
  - e. Final grade
  - f. The types of landscaping elements and their arrangement within the required landscaping buffer area
  - g. Relocation or construction of accessory structures
- E. Technical modifications or amendments application shall follow the same procedures for a simple development as outlined in Section 2.06.02.

### SECTION 2.08.08 DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED UNIT DEVELOPMENTS

- A. PUDs, approved under this Article, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.
  1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer shall calculate initial cost estimates for maintenance and capital improvements of all infrastructure for the PUD for a period of fifty (50) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the PUD, whichever is later.
    - a. The initial disclosure estimates shall cover all private infrastructure items and shall be prepared for five (5) increments of ten (10) years each.
    - b. Infrastructure cost estimates shall include roads, sidewalks, curbs, gutters, water, and sewer pipes and related facilities, drainage systems, landscaped or paved common areas, and other similar facilities ("infrastructure")
  2. Initial Estimate Disclosure: The following measures shall be incorporated to ensure owners and future owners receive adequate disclosure of potential infrastructure maintenance and replacement costs:
    - a. The cost estimate shall be recorded with and referenced on the recorded plat for any PUD.
    - b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned, and the maintenance, repair, replacement, and operation of the infrastructure is the responsibility of the property owners or owner association and shall not and will not be assumed by the city.
    - c. If there is no plat associated with the PUD, then a notice shall be recorded in the public Records of Okaloosa County on all properties affected and involved in the PUD.
    - d. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, and upon all future purchases for the duration of the fifty (50) year period.
  3. Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the PUD of:
    - a. The estimated yearly expenditures for maintenance, repair, operation, or replacement of infrastructure
    - b. The actual expenditures incurred, for maintenance, repair, operation, or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the

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actual expenditures incurred and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

4. Maintenance Responsibilities: The property owners in a PUD shall be collectively and individually responsible, on a pro-rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the PUD is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

### **SECTION 2.09 MARINE CONSTRUCTION APPLICATIONS**

#### SECTION 2.09.01 PURPOSE AND INTENT

- A. Marine construction in Destin requires compliance with the Marina Siting in Section 7.02 and may require review by the Harbor and Waterways Board (HWB) and or City Council, to preserve and protect one of Destin's premier natural resources, the Destin Harbor and waterways that fall within the city's jurisdiction.
- B. The bodies of water and waterways under the jurisdiction of the City of Destin for the purposes of enforcement of this Code are:
  1. The Destin Harbor
  2. The canals of Holiday Isle
  3. Indian Bayou (If the upland property is within the city limits)
  4. Joe's Bayou
  5. Marler Bayou
  6. Choctawhatchee Bay (If the upland property is within the city limits)

#### SECTION 2.09.02 MARINE CONSTRUCTION PROJECT CATEGORY

- A. Marine Construction Classification: The following includes the three categories and category criteria:
  1. Category 1: Marine Construction projects shall be considered Category 1 if one of the following criteria applies:
    - a. Residential docks eligible for self-certification from Florida Department of Environmental Protection (FDEP)
    - b. Boat lifts in existing slips
    - c. Upland slips
    - d. Seawalls that are upland of the declared mean high-water line
    - e. Seawalls that are waterward of the declared mean high-water line that are exempt from Florida Department of Environmental Protection review.
  2. Category 2: Marine Construction projects shall be considered Category 2 if any of the following criteria applies:
    - a. Residential docks not qualifying for FDEP self-certification
    - b. Residential docks with 3-9 slips
    - c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval
    - d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties
    - e. Seawalls that are waterward of the declared mean high-water line that are not exempt from Florida Department of Environmental Protection review.

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3. Category 3: Marine Construction projects shall be considered Category 3 if any of the following criteria applies:
  - a. Residential docks with 10 or more slips
  - b. Commercial docks
  - c. Other non-residential docks
  - d. Oil abatement plans
  - e. Dredge and/or Fill requests
    1. Application Materials require proof of submittal to state and federal agencies as applicable.
    2. Proposed dredge and fill applications require a Marine Construction Permit review and shall have state and federal approvals at time of Marine Construction permit application submittal.

### SECTION 2.09.03 HARBOR AND WATERWAYS BOARD REVIEW

- A. Written notice for all Harbor and Waterways Board reviews shall be required by Certified mail and shall only be provided to:
  1. Adjacent property owners
  2. Owners of property on the opposing shore for water bodies less than 100 feet in width
- B. Category 1 Marine construction applications do not require Harbor and Waterways Board review and are reviewed through a building or marine construction permit application as outlined in Section 2.09.05.
- C. All marine construction applications deemed Category 2 shall require submittal of a Harbor and Waterways Board application.
  1. Category 2 and 3 applications are reviewed by the HWB during a public hearing for recommendation to City Council.
  2. A complete application must be received a minimum of 30 days prior to the Harbor and Waterways Board meeting.
    - a. Applications will not be scheduled for a meeting until all required materials have been received.
  3. All objections received before the meeting will be forwarded to the HWB prior to the public hearing.
  4. All objections heard during a public hearing of the HWB will be forwarded to City Council.
- D. All marine construction applications deemed Category 3 shall require review by the Harbor and Waterways Board for recommendation to City Council for review at a public hearing.

### SECTION 2.09.04 CITY COUNCIL REVIEW

- A. All marine construction applications deemed Categories 2 or 3 shall require review and approval by City Council prior to the issuance of any building permits and the start of construction.
  1. Category 2 applications shall be reviewed by City Council on the Consent Agenda during a publicly noticed meeting.
  2. Category 3 applications shall be reviewed by City Council at a publicly noticed meeting during a public hearing per Sections 2.01.04. and 2.15.
- B. The City Council shall approve, approve with conditions, or deny the application at the next available regularly scheduled City Council meeting.

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- C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

### SECTION 2.09.05 MARINE CONSTRUCTION PERMITS

- A. All marine construction permits must be obtained within one (1) year of final approval by the City.
  - 1. If construction permits are not obtained within one (1) year, the applicant may resubmit a new marine construction application.
  - 2. All marine construction permits must remain valid or be completed. If any permit becomes invalid, an applicant must follow any process and review required by Section 2.09 to reinstate construction.
- B. Approval of all applicable state or federal permits is required at the time of marine construction permit application submittal.
- C. The project will be subject to all current regulations of the city at the time of permit submittal.
- D. Marine Construction permits must be obtained in accordance with Section 2.14.03.

## SECTION 2.10 CONDITIONAL USE AND CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS

### SECTION 2.10.01 CONDITIONAL USES

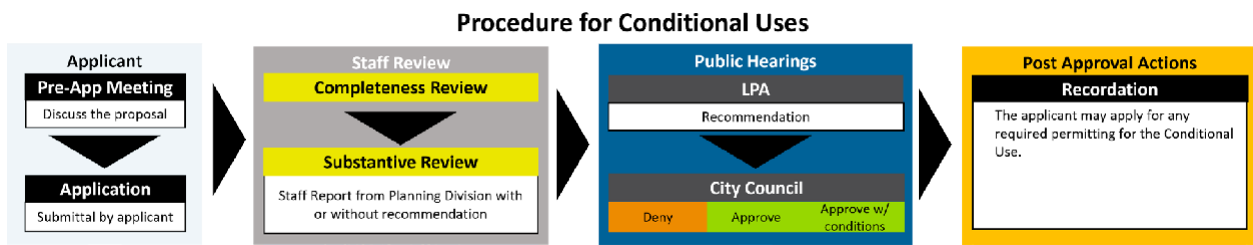
- A. The following shall apply to all applications for a conditional use in any zoning district:
  - 1. A complete application for any conditional use shall be filed and approved before any development permit or change of use can be approved.
  - 2. An application for a conditional use shall include:
    - a. A narrative describing how the proposed development meets the following criteria.
      - 1. Land use compatibility: The applicant shall demonstrate the conditional use is compatible and harmonious with adjacent land uses and the general character of the area. This includes but is not limited to:
        - (i) An analysis of the proposed scale, density or intensity, traffic-generating characteristics, and off-site impacts.
        - (ii) A statement and description of compatibility of the proposed use(s) with adjacent land uses and how the use(s) will not adversely impact land use activities in the immediate vicinity.
      - 2. Sufficient Size: The site shall meet the minimum standards required per the applicable zoning district and will be capable to accommodate urban design enhancements such as, but not limited to:
        - (i) Screening, buffers, landscaping, and open space
        - (ii) Off-street parking, efficient internal traffic circulation
        - (iii) Infrastructure needed to mitigate against potential adverse impacts of the proposed use.
      - 3. Mitigative Techniques: The applicant shall demonstrate that the conditional use and site plan are designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses.
        - (i) The design scheme shall address all off-site impacts to the immediate vicinity, including community infrastructure, to ensure the adverse impacts are not detrimental to the general public health, safety, and welfare.

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4. Hazardous Waste: No use generating hazardous waste or using hazardous materials shall be located in the city unless the location is consistent with the Comprehensive Plan and this Code.
  - (i) Any proposed use generating hazardous waste or that requires hazardous materials for its operations shall use city, state, or federally approved mitigative techniques to prevent all adverse impacts to the general health, safety, and welfare.
  - (ii) If hazardous waste or materials are generated or utilized, all applicable state and federal regulations shall be met.
  - (iii) The site plan shall identify all hazardous waste and hazardous material areas and shall utilize the best management principles and practices.
  - (iv) The use shall not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
5. Proliferation of Uses: Over-proliferation of similar uses within a zoning district shall not be permitted. The applicant shall demonstrate the use is not being overproliferated with their proposal.
  - (i) The City Council shall review the existing uses within the zoning district to determine whether a conditional use shall be approved or denied.
6. Compliance with applicable laws, regulations, and ordinances: The applicant shall demonstrate compliance with all applicable local, state, or federal laws, regulations, and ordinances.
  - (i) If 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 to protect the public health, safety, and welfare.
- b. The narrative shall also describe the following characteristics:
  1. Traffic generation
  2. Square feet of enclosed building for each specific use
  3. Proposed employment
  4. Proposed number and type of service vehicles
  5. Off-street parking needs
  6. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
  7. Include a description of any measures proposed to mitigate any possible adverse impacts on properties in the immediate vicinity
- c. A site plan that shows the nature of the proposed development identifying the following if applicable:
  1. Land use types
  2. Density or intensity
  3. Placement of proposed buildings, improvements, and impervious ground cover on the site
  4. Location, type, and method of maintenance of open space and public use areas if any
  5. Preservation of natural features or protection of sensitive lands if any
  6. Proposed parking areas and internal traffic circulation
  7. Stormwater management
  8. Water and sewage distribution, collection, and treatment systems.
  9. Open space

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10. Setbacks from adjacent properties
11. Screening and buffers
12. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites
- d. Off-site improvements required to mitigate impacts of the conditional use such as but not limited to:
  1. Utilities
  2. Public facilities, especially any improvements required to ensure compliance with concurrency management
  3. Roadway or signalization improvements, or other similar improvements
  4. Accessory structures or facilities
  5. Other unique facilities/structures proposed as part of site improvements
3. If any of the above-listed characteristics or on or off-site elements do not apply to the project, the applicant shall state in the narrative why it is not applicable.
- B. Approval for Conditional Uses:
  1. The LPA, at a quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed conditional use based upon the applicable criteria, this Code, the comprehensive plan, and city ordinances.
  2. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed development after review and consideration of the proposed development based on the LPA’s recommendation, applicable criteria, this Code, the comprehensive plan, and city ordinances.
  3. Conditional use shall be denied if the City Council determines the proposed conditional use does not meet the criteria provided in this section or the proposed conditional use is adverse to the public's interest.
- C. If the proposed conditional use requires a development order the appropriate development application type shall be identified per this Article and the appropriate application process shall be followed.
- D. If the proposed conditional use requires any development order, the conditional use and development order shall run concurrently, and one shall not be approved before the other.
- E. If an applicant desires to change the use of an existing structure on a site and the property is located within the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay, the applicant is required to apply for a certificate of appropriateness with the conditional use per Section 2.10.03.
- F. Appeals of the City Council on a conditional use application are by writ of certiorari to the circuit court.



### SECTION 2.10.02. CONDITIONAL USES IN OVERLAY DISTRICTS

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- A. In addition to the criteria and processes outlined in Section 2.10.01. Conditional uses proposed in the Harbor or Zerbe-Calhoun Historic Overlay Districts should meet the following intents and standards.
1. The Harbor District Overlay and the and the Zerbe-Calhoun Historic District Overlay intend 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 by providing significant examples of architectural styles of the past. To accomplish this the district may 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 in these overlay districts 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 harbor area, 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) and embody those distinguishing characteristics of an architectural type and contain elements of architectural design, detail, materials, or craftsmanship that represent a significant era in the history of the Destin Harbor area.
    - c. Environmental significance in the Harbor District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor 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 harbor boardwalk and charter fishing opportunities for the public.
    - d. Environmental significance in the Zerbe-Calhoun Historic District Overlay: 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 manmade environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the Bay.
    - e. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the overlay, the provisions of the underlying zoning district shall apply.

### SECTION 2.10.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS

- A. The certificate of appropriateness intends to allow the preservation of historically significant structures and/or property in the Harbor and Zerbe-Calhoun Overlay Districts.
- B. The City Council may grant a certificate of appropriateness to an applicant seeking to preserve an existing structure constructed prior to 1975 on a site which is deemed historically, architecturally, or environmentally significant.
- C. A certificate of appropriateness shall meet one or more of the criteria listed in Section 2.10.02.
- D. To further the intent and purpose of Harbor District Overlay and Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify the following requirements of this Code:

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1. Parking requirements
2. Requirements for lot area, width, depth
3. Building setbacks
4. Open space
- E. The City Manager or designee may determine there is a serious threat to public health, safety or welfare, and the waivers listed in paragraph D of this section shall not be granted.
- F. A property owner may apply to designate a structure or site as significant pursuant to this section. Such an application may include a request for a conditional use, if applicable.
- G. Applications for a certificate of appropriateness (with or without a conditional use) shall be submitted to the Community Development Department and shall include:
  1. A narrative detailing why the property or structure is historically, architecturally, or environmentally significant.
  2. A narrative demonstrating the property or structure meets the criteria listed in Section 2.10.02.
  3. A signed, sealed survey of the existing conditions of subject property, dated within six (6) months of the application date.
- H. City staff and the City Land Use Attorney shall review a certificate of appropriateness (with or without a conditional use) application for sufficiency and shall forward the request to the City Council through the City Manager.
- I. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed certificate of appropriateness after review and consideration of the applicable criteria, this Code, the comprehensive plan, and city ordinances.
- J. If the proposal is approved, the City Council shall issue a certificate of appropriateness by final order as evidence of the approval under the terms of the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay.
  1. The order shall include findings of fact and conclusions of law detailing:
    - a. The certificate of appropriateness (with or without a conditional use) approves the,
      1. Uses
      2. Structures
      3. Parking, (as applicable)
      4. Any other items depicted on the survey
      5. Any city code waivers authorized by approval of the survey submitted by the applicant.
      6. The change of use and development or re-development depicted on the survey has been made are approved by the City Council
      7. Any action by applicants following issuance of a certificate of appropriateness shall be in accord with the application and material approved and any conditions or modifications approved by the City Council.
    - b. The elements listed above may continue use as is until such time that the applicant abandons the uses for a period of at least 180 days.
- K. Nothing in this section releases the applicant from any requirement to obtain a Business Tax Receipt on the subject property, if applicable.
- L. Appeals:
  1. 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.

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2. The applicant is responsible for providing a verbatim transcript of the record of that hearing.
3. Such an appeal must be filed within 30 days after the date the city renders its order.

### **SECTION 2.11 CHANGE OF USE APPLICATION AND REVIEW PROCESS**

#### SECTION 2.11.01 CHANGE OF USE APPLICABILITY AND CRITERIA

- A. Existing developments are required to be consistent with existing development order(s) and city, state, or federal regulations as applicable when changes in the use or modifications to the site are proposed.
- B. A change of use permit shall be required for any property, lot, parcel of land, structure, or site for the following changes, which includes all permanent, temporary, and seasonal uses:
  1. A property, structure, or portion thereof is, or is proposed to be, a different land use than the approved use or existing use.
  2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to:
    - a. Additional required parking
    - b. Structure or site modifications
    - c. Impacts affecting the public welfare, as determined by the City Manager or designee.
  3. The addition of a use to a site with a single-use or multiple uses currently in operation.
  4. The addition of more of impervious surface or gross floor area to any structure.
  5. Any change of use upon the property affecting the current condition of the property, any structure, or any pervious or impervious surface.
  6. Any change of use/development of building/structure/parcel of land that generates vehicle trips above current levels at the property location.
- C. Proposed changes or expansions to a space may be permitted once reviewed and approved through the change of use process and:
  1. The property is compliant with applicable city, state, or federal regulations as applicable, or with an applicable development order.
- D. The City Manager or designee may determine whether a development order is necessary if the proposed change of use meets any of the land development application types criteria listed in Section 2.06.

#### SECTION 2.11.02 CHANGE OF USE APPLICATION REVIEW AND APPROVAL

- A. Any proposed change of use shall require an application to be submitted to the City for review of the existing conditions against the new proposed condition and impacts.
  1. Staff may require review by any TRC member if the change of use is identified as affecting their services.
    - a. If the TRC member charges a fee for their review or there is a 3<sup>rd</sup> party review required, the applicant will be required to pay for this extra cost.
- B. An application must include all information and supplemental items required in the City of Destin Checklist at a minimum.
  1. Additional materials may be requested and required by the City Manager or designee if determined that more information is required for City staff to fully assess the proposed scope of the change of use.

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- C. The City Manager or designee may require any additional applications to be submitted as part of the change of use permitting process, as necessary, pursuant to this Code or other city ordinance.
- D. Once an application is determined to comply with local, state, or federal codes, regulations, or conditions of applicable development orders, City staff may approve the change of use.
- E. Change of use approvals are tied to the property and remain valid if established within two years of date of approval and the site, use, or structure is not changed or modified from the approved condition of the approved change of use.
- F. Change of uses shall be established within two (2) years of approval date to remain valid. If the change of use is not established within two (2) years from date of approval, it becomes null and void and a new change of use must be applied for.
  - 1. Either event below establishes an approved change of use:
    - a. A building permit that is pulled within two years of the date of approval, for the use, and remains a valid permit or a certificate of completion or occupancy is issued for the building permit establishes or makes the change of use valid.
    - b. An issued use registration, such as but not limited to short-term rental registration, that does not require a building permit.
- G. A change of use approval may be revoked if the use or site conditions or elements are changed without city approval.
  - 1. The City may require a new change of use application or development or building permit at the property owner's expense, if the use or site conditions or elements are changed without city approval.
- H. An application for a change of use permit shall be denied if one (or more) of the following conditions exist:
  - 1. There is a pending code compliance violation on the subject property.
    - a. Unless a change of use is required to come into compliance.
  - 2. A recorded code compliance lien exists on the subject property.
  - 3. There is a development order on the property, and the City Manager or designee determines that the property is not currently in compliance with such existing development order.
  - 4. Any of the criteria or requirements for a change of use permit application is/are not met.

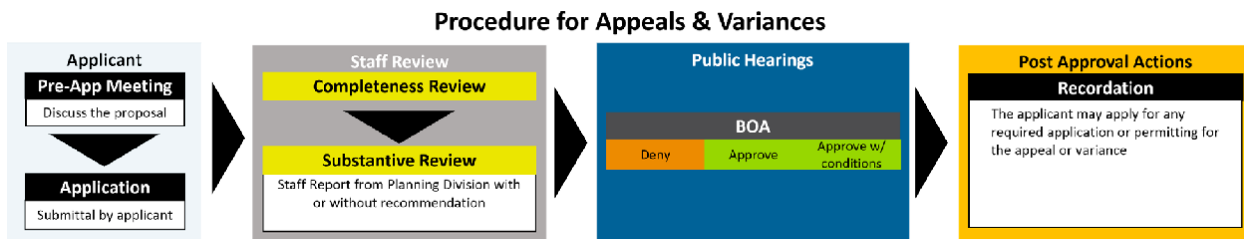
## **SECTION 2.12 APPEAL, SPECIAL EXCEPTION, AND VARIANCE APPLICATION AND REVIEW PROCESS**

### SECTION 2.12.01 APPEALS OF ADMINISTRATIVE OFFICIALS

- A. All appeals of any requirement, decision, or determination made by an administrative official or the Local Planning Agency enforcing the Code of Ordinances or this Code, shall be taken before the Board of Adjustment (BOA).
- B. The BOA may, upon appeal, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
- C. The BOA may hear any dispute including, but not limited to:
  - 1. A finding of concurrency deficiency
  - 2. Refusal on the part of the city to issue a development order
  - 3. An appeal by an affected person or party
  - 4. Determination or interpretation of this Code made by any city official or board.

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- D. Appeals by any affected person or party must be applied for within 30 calendar days of rendition of the order, requirement, decision, or determination in question.
- E. The appellant must include a narrative for the reason of an appeal in the application.
- F. The City Manager, or designee, shall arrange for an appeal hearing before the BOA and notify the appellant of the date, time, and place of the hearing.
- G. The appellant has the burden of demonstrating the decision in question was in error.
- H. The administrative official(s) involved, or the LPA, shall have the opportunity to present information and arguments to support their decision.
- I. A majority vote of all the members present of the board at the hearing shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.
- J. The BOA shall base its decision on the requirements of the City of Destin Comprehensive Plan and the Land Development Code or Code of Ordinances at the time of the appeal.
- K. The Board shall make its decision based upon its usual voting procedures.
- L. The decision shall be issued in writing stating the reasoning involved.
- M. The BOA order shall be rendered within 60 calendar days of the close of the hearing.
- N. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.
- O. Appeal Review Procedures:
  - 1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, administrative official, board, or bureau of the city affected by an interpretation of this Code.
    - a. The Community Development Department shall provide all the documents, plans, papers, or other materials from which the decision was made, to the BOA.
    - b. An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from.
      - 1. Except in situations where the appropriate official determines and certifies to the BOA that a stay would cause imminent peril to life or property.
      - 2. In such cases, proceedings or work shall not be stayed except by a restraining order, granted by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
  - 2. All appeals must have a complete application submitted thirty (30) calendar days prior to the next available scheduled Board of Adjustment hearing.
  - 3. City staff shall notify all parties when the appeal scheduled for presentation to the Board of Adjustment
  - 4. Any party may appear in person, by agent, or by attorney.
  - 5. All administrative appeals shall be quasi-judicial public hearings and be conducted in accordance with Section 2.15.



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### SECTION 2.12.02 APPEALS OF CITY COUNCIL

- A. A decision of the City Council may be appealed to the appropriate circuit court of the state within 30 days of rendition of the City Council's final order.
- B. During the pendency of any appeal, no further action shall be taken on the application except pursuant to an order of the court or after final determination by the court as to the merits of the appeal.
- C. If an application is denied by the City Council, it may not be resubmitted to the City or reconsidered by the City Council for one (1) calendar year, except pursuant to an order of a court of competent jurisdiction.

### SECTION 2.12.03 SPECIAL EXCEPTIONS

- A. A property owner may apply for a special exception as authorized by this Code in certain instances as identified.
- B. The procedures and fees for a special exception review shall follow the same as an appeal of administrative official per Section 2.12.01 above.
- C. The City Manager or designee shall require the criteria for a conditional use per Section 2.10 of this Article to be the basis of review for a special exception unless other criteria are identified to be more appropriate.

### SECTION 2.12.04 VARIANCES

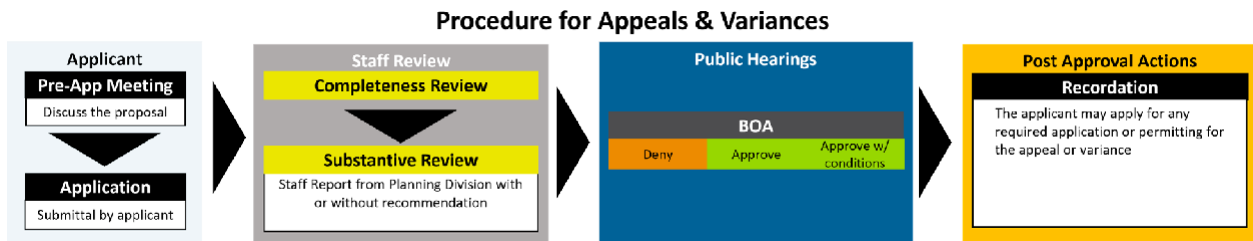
- A. A property owner or authorized agent may request a variance from the terms of any regulation in the Land Development Code not contrary to the public interest.
  1. Under no circumstances shall the BOA grant a variance to elements of the zoning or subdivision regulations listed below. Any application requesting a variance from the following will be rejected by the Community Development Department and all fees returned to the applicant.
    - a. Any provision or requirement of the Comprehensive Plan.
    - b. Building height
    - c. Density or intensity.
    - d. Dimensional limitation of signage.
    - e. Number of signs allowed per property.
    - f. Required landscaping.
    - g. Screening for solid waste, mechanical equipment, or other required screening elements.
    - h. Uses per the underlying zoning district of the property except as allowed in Article 3 – Nonconformities of this Code.
  2. The BOA may grant a variance to the items c. and f. listed in paragraph A.1. above on property that is subject to Article 3 – Nonconformities due to Public Agency Action, only if a variance would not have been required prior to the public agency action.
  3. Approval of a variance for any element in the same zoning district or in other zoning districts shall not be considered grounds for the authorization of a variance.
- B. To authorize any variance from the regulations of this Code as allowed per this section, the BOA shall find:
  1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  2. That the special conditions and circumstances do not result from the actions of the applicant.

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3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
  4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
  5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- C. Each request for a variance shall be the subject matter of a separate application.
- D. The BOA may approve an exception for docks and pilings to be extended beyond the maximum length limits and slip density, Per LDC Section 7.03. Marina Siting, provided that, in addition to the criteria listed in Section 2.12.04.B., the following criteria are also met:
1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
  2. That site specific environmental conditions exist prohibiting dredging.
  3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
  4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.
- E. It shall be the responsibility of the applicant for variances to the Land Development Code to demonstrate and each application shall contain statements of fact establishing the criteria prescribed above.
- F. Each request for a variance as allowed by Section 2.12.04 shall be originated by the filing of an application with the Community Development Department.
- G. The application must be supported by the appropriate materials to support the request. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application. The application at a minimum shall include the following:
1. Letter of request from the applicant which contains the request(s) for variance(s), or appeal(s) of an administrative decision.
  2. Statements of fact setting out compliance with the criteria established by Section 2.12.04.B when required.
  3. Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.
  4. A complete legal description of the parcel of land for which the request is sought.
  5. A current survey dated and stamped no less than 180 days illustrating the existing site conditions.
  6. A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements, and proposed improvements.
  7. Any other documents or requirements which are mandated by city regulation or deemed necessary by staff in reference to the specific request made. This may include but is not limited to the structure location or ancillary mechanical equipment location of the request.

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- H. The City Manager, or designee, shall have the discretion to refuse to accept an application which does not include supporting documents required by this section or other regulation.
- I. The application and any supporting materials must demonstrate the need and the requirements of Section 2.12.04.B.
- J. Findings: The Board of Adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in Section 2.12.04.B. are met.
  - 1. In granting any variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with any zoning ordinance.
    - a. Violation of any condition safeguard of an approved variance shall be deemed a violation of the zoning ordinance.
    - b. The BOA may approve a reasonable time limit for applicant action to vest the approved variance by either setting a start or completion date.
      - 1. Any approved timeline in conjunction with a building or other development permit shall follow the limits required per the building code.
- K. Action time limit: An action for which a variance is required shall begin no later than six months and completed no later than 12 months from the grant of variance, or time limit determined by the BOA.
- L. Public Hearing: All public hearings shall be quasi-judicial and conducted in accordance with Section 2.15.



### SECTION 2.12.05 APPEALS OF THE BOARD OF ADJUSTMENT

- A. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may apply to the Circuit Court for judicial relief within 30 days after rendition of the decision by the board of adjustment.
- B. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

## **SECTION 2.13 TELECOMMUNICATION AND WIRELESS FACILITIES**

The purpose and intent of this Article is to provide a uniform and comprehensive set of standards for the development, installation and/or replacement of commercial telecommunication towers, antennas, and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the City, while at the same time not unduly restricting the development of needed telecommunication facilities and encouraging managed development of telecommunication infrastructure.

### SECTION 2.13.01 NEW TELECOMMUNICATION FACILITIES (TOWERS) ON PUBLIC OR PRIVATE PROPERTY

- A. No new telecommunications tower facility shall be installed, erected, or constructed until:

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1. A development order has been issued pursuant to Section 2.02. of this Article.
2. A building permit has been issued.
- B. All plans for new commercial telecommunications towers shall be submitted to the Community Development Department.
  1. The review and approval procedure shall be consistent with the procedures outlined in Section 2.06.04. – Major Developments of the Land Development Code and the standards set forth herein.
- C. The City shall consider the following in the review and consideration of an application and imposition of reasonable approval conditions:
  1. Applications to place a telecommunications facility on public or private property shall contain all required submittal materials for a major development, and:
    - a. any additional information requested by the city that is found reasonably necessary to review the application.
  2. No new telecommunication tower shall be permitted unless the applicant demonstrates that no existing tower or alternative tower structure, regardless of whether it is located within the city, can accommodate the applicant's proposed antenna.
    - a. All evidence submitted shall be prepared by appropriately licensed professionals or qualified industry experts.
    - b. Evidence submitted shall demonstrate that no existing towers or approved, or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements, and shall consist of one or more of the following:
      1. That existing towers or alternative tower structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Florida professional engineer.
      2. The planned equipment would exceed the structural capacity of the existing or approved tower or alternative tower structures, as documented by a qualified and licensed Florida professional engineer, and
        - (i) The existing or approved tower, or alternative tower structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
    3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antennas on the existing towers or alternative tower structures, or the antennas on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
    4. That the cost or contractual provisions required by the tower owner to use an existing tower or structure or to adapt an existing tower or alternative tower structure for shared use are unreasonable.
      - (i) Costs exceeding new tower development are presumed to be unreasonable as demonstrated by a commercial real estate appraisal from a MAI certified appraiser.
    5. That other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved alternative tower structure.

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3. The following standards shall apply to approval of all telecommunications facilities:
  - a. The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location to serve its necessary function in the company's grid system.
    1. Part of the demonstration shall include a drawing showing the boundaries of the area around the proposed location which would also permit the antenna to function properly in the company's grid system. The area shall be considered the allowable zone.
  - b. The applicant shall demonstrate that the telecommunication tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.
    1. All towers shall be designed to accommodate the co-location of other telecommunication antennas as follows:
      - (i) For towers up to 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least two providers; and
      - (ii) For towers greater than 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least three providers.
  - c. Telecommunication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.
  - d. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
  - e. Screening per Article 6 of this Code shall be required around the telecommunication facility unless the antenna is mounted on an existing structure.
  - f. Adequate parking shall be required for users of the tower and such maintenance personnel as normal operations require. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.
  - g. The owner of property used as a telecommunication facility shall maintain such property and all structures in good condition and free of trash, outdoor storage, weeds, and other debris.
  - h. All telecommunications facilities shall comply with and abide by all applicable provisions of the state, federal, and city laws, regulations, and ordinances, in placing or maintaining a telecommunications facility on private property.

### SECTION 2.13.02 EXISTING OR COLLOCATED TELECOMMUNICATIONS FACILITIES

- A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Building Permit review.
  1. Application review shall follow Florida State Statutes and federal regulations.
    - a. Within fourteen (14) days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
    - b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
      1. If no decision is sent to the applicant within sixty (60) days, the application shall be deemed approved.
- B. Additional antennas shall be allowed in any zoning district if located on an existing tower or alternative tower structure and shall not be considered an expansion to an existing tower or alternative tower structure.
  1. The addition of an antenna to an existing tower or alternative tower structure shall require certification from a professional engineer that the design capacity of the tower or alternative

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tower structure will safely accommodate the additional antenna prior to the issuance of a building permit.

- C. City may deny a proposed collocation of a facility if the collocation:
1. Materially interferes with the safe operation of traffic control equipment.
  2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
  3. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  4. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
  5. Fails to comply with city's applicable codes.

### SECTION 2.13.03 TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

- A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Right-of-Way (ROW) Permit review.
1. Application review shall follow Florida State Statutes and federal regulations.
    - a. Within ten (10) business days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
    - b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
      1. If no decision is sent to the applicant within sixty (60) calendar days, the application shall be deemed approved.
  2. Within ten (10) business days after the date of submitting a complete application, the city may request the proposed location of a facility be moved to another location in the public rights-of-way, and placed on an alternative:
    - a. City pole
    - b. Existing structure
    - c. Wireless support structure
    - d. Place a new utility pole
  3. The City and applicant may negotiate the alternative location for thirty (30) calendar days after the date of the request.
    - a. At the end of the thirty (30) calendar day negotiation period, if the alternative location is agreed upon by the applicant, the applicant will notify the City of this acceptance.
    - b. The application is deemed granted for any new location where there is agreement, and all other locations in the application.
  4. If no agreement is reached, the applicant will notify the city of the nonagreement.
    - a. The City shall approve or deny the original application within ninety (90) calendar days after the date the application was filed.
  5. A request for an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
  6. The City and applicant may agree to extend the sixty (60) calendar day application review period.
- B. The City will notify the applicant of approval or denial.
1. The City shall specify, in writing, any basis for denial, including the specific code provisions on which the denial was based.
  2. Applicants may cure the deficiencies identified by the City and resubmit the application within thirty (30) calendar days after notice of the denial is sent to applicant.

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3. The City shall approve or deny the revised application within thirty (30) calendar days after receipt, or the application will be deemed approved.
4. City may deny a proposed telecommunications facility change, modification, or expansion in the ROW if the proposed change, modification, or expansion:
  - a. Materially interferes with the safe operation of traffic control equipment.
  - b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
  - c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
  - d. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
  - e. Fails to comply with city's applicable codes.
- C. Emergency: In the case of an emergency, an applicant may restore its damaged facilities in the public rights-of-way to their pre-emergency condition or replace its destroyed facilities in the public rights-of-way with facilities of the same size, character, and quality, all without first applying for or receiving a permit.
  1. The term "emergency" shall mean a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing service.
  2. Applicants shall provide prompt notice to the city of the repair or replacement of a wireless facility in the public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency.
- D. If the installation and/or the operation of any telecommunication facility is determined by the City Building Official, to be inherently dangerous, or a demonstrable health hazard, the facility shall be declared to be a nuisance, and all operation thereof shall cease.
  1. The telecommunication provider and/or owner of the facility shall be provided with a thirty (30) calendar day opportunity to cure.
    - a. Operation of the facility may continue unless there is imminent danger of the structure collapsing.
    - b. This provision shall be applicable to telecommunication facilities located in the city prior to adoption of this Land Development Code.

### **SECTION 2.14 SITE DEVELOPMENT AND BUILDING PERMIT REVIEW**

#### SECTION 2.14.01 SITE DEVELOPMENT PERMITS

- A. After a development order has been issued, the applicant may apply for the necessary site development permits.
- B. The site development permits may include, right-of-way, infrastructure, or site disturbance.
- C. The city shall issue the necessary site development permits if applied for within 12 months and they are consistent with the approved development order.
- D. If the application for a site development permit deviates from the development plan the city shall notify the applicant within the identified and appropriate review deadlines.

#### SECTION 2.14.02 BUILDING PERMITS

- A. A building permit application is required for review, approval, and issuance by the City Manager or designee for any structure that is:

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1. Erected
  2. Moved
  3. Modified
  4. Structurally altered
- B. All applications for building permits shall be accompanied by all items required per the City of Destin's applicable checklists and scaled and dimensioned:
1. Building plans, if applicable
  2. Site plans
  3. Site survey dated within one year and application date
  4. The issued building permit shall conform and comply with the provisions of this Code, unless the applicant is issued an order approving any special exception or variance from the Board of Adjustment.
- C. A 12-month construction trailer permit may be issued for a lot during active construction of a permanent structure on such lot.
1. The construction trailer shall be removed within two weeks following the issuance of a Certificate of Occupancy or Certificate of Completion.
  2. The renewal of a 12-month permit shall be at the discretion of the City Manager or designee.
- D. All construction involving the paving or increasing of impervious coverage of properties requires a building permit subject to approval by the City Engineer or designee.
- E. Marine Construction permits are required for docks, piers, boathouses, bulkheads and seawalls, and dredge and fill operations, which are allowed in all zoning districts and shall follow review procedures in Section 2.14.03.
1. Commercial docks are only allowed on properties that allow for commercial uses.
  2. Applications for marine construction shall follow the requirements and procedures outlined in Section 2.14.03.
  3. Approvals by other concerned agencies are required for all structures in or adjacent to the water.

### SECTION 2.14.03 MARINE CONSTRUCTION PERMITS

- A. Marine construction projects are required to be reviewed in accordance with Section 2.09 prior to obtaining a marine construction permit, if applicable.
- B. All categories of marine construction are required to obtain a building permit from the city.
1. Docks on private lakes are exempt from Harbor & Waterways Board review and do not require a marine construction permit.
- C. Any recommendation for approval or approval by the Harbor and Waterways Board or City Council does not exempt the applicant from the requirement of obtaining a building permit or other approvals or authorizations from the city and/or other state and federal agencies.
- D. All applicable state and federal approvals or authorizations shall be submitted with all marine construction permits.
1. Any application without these approvals will be incomplete and the City will hold off on reviewing the application until these approvals are submitted.
- E. The following procedures shall be adhered to by any applicant proposing to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock in the Harbor or waterways of Destin and shall require a permit from the city:

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1. Persons desiring to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock shall apply for, obtain a permit, and appropriate approvals as identified in Section 2.09 of this Article, from the city prior to construction.
2. Each application shall be complete and include all required supplemental items as indicated in the City of Destin's application checklists.
3. All marine construction permit applications shall contain all required documents, including state and federal approval as necessary or applicable. Permit applications for marine construction shall include, but are not limited to, the following:
  - a. A Boundary Survey or Plat, to include:
    1. Location of the mean high-water line (MHWL)
    2. Linear feet of water frontage
  - b. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock, in addition to:
    1. Linear feet and/or total square footage of the proposed project
    2. Boathouse height, if applicable
    3. Identification of environmentally sensitive areas, if applicable (i.e., sea grass)
  - c. Accurate location of applicant's shoreline, and the opposing shoreline with corresponding measurements, if applicable (i.e., Destin Harbor, Joe's Bayou, Indian Bayou)
  - d. Riparian setbacks from property lines.
  - e. Other site-specific information.
- F. Proposed projects located within the Destin Harbor and adjacent canals require a Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five percent (25%) of the cost of construction paid to the City of Destin by the applicant prior to issuance of a Marine Construction or Building Permit.
- G. Upon completion of a dock, or other structure requiring a permit, a final inspection shall be conducted by the city. After the final inspection is complete, a certificate of completion will be issued for such dock or structure.
- H. Joint ownership docks: Permits may be granted for joint ownership of a dock at the common riparian boundary for two adjacent property owners, subject to the following conditions:
  1. No permits shall be granted to persons other than the title of record owners of the abutting upland properties.
  2. The permit application must be signed by the owners of record of all abutting upland properties that have access to the facility.
  3. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this Code.
  4. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines or implied riparian line.
- I. The City may issue permits for maintenance or cosmetic improvement to existing and previously approved docks or marine facilities.
  1. No permit shall be issued for maintenance or cosmetic improvements to docks or marina facilities which propose to repair or replace more than 50% a non-conforming dock or marina facility.
  2. Any proposed repairs to a non-conforming dock or marine facility that exceeds 50% of the square footage of the dock or marine facility shall be brought into conformance.

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3. Any dock that is required to come into conformance shall follow the appropriate approval process identified in Section 2.09.
- J. All construction shall be inspected by the City for compliance with applicable building codes.
  1. The permittee shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.
- K. The city reserves full rights, power, and authority to revoke a permit at any time for good cause.
  1. If the permittee fails to remove said structure within the time specified upon revocation of the permit, the city shall have the right to immediately remove the structure or structures, at the cost and expense of the permittee.
  2. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.
- L. Dredging and filling requires recommendation by the Harbor and Waterways Board, and approvals by the City Council and concerned agencies are required.

### SECTION 2.14.04 SIGN PERMITS

- A. Review of permits for signs are required as identified in Article 8 of this code.
- B. Permit applications shall include:
  1. All applicants or owners contact information.
  2. Designer of record's contact and licensure information
  3. The name, address, telephone number and license number of the sign contractor and or manufacturer.
  4. The address and name of the business where the sign is to be erected.
  5. Zoning district
  6. Building façade square footage/frontage for building or attached signs of the tenant space and or the road frontage for ground or free-standing signs of the premises.
  7. Plans prepared by a Florida registered professional engineer or design professional and sealed by the same that include at a minimum:
    - a. The type of sign
    - b. Sign square footage of proposed and existing signage
    - c. Height and location of proposed and existing signage
    - d. A fully dimensioned and scaled site plan showing:
      - i. Lot frontage,
      - ii. Building frontage,
      - iii. Parking areas
      - iv. Location of all existing and proposed signs.
      - v. For ground signs, the site plan must show the distance of the leading edge and foundation to the property line/right-of-way line and edge of pavement.
      - vi. Structure, type of construction, sign supports.
      - vii. Wind load calculations and footer details as required by the City's adopted building code.
  8. Summary table listing location type and area of any existing and proposed signs.
  9. For building signs, provide an elevation of the building, showing placement of all proposed and existing signage.
  10. If the sign is to be electrically lit, additional information is to be provided regarding the testing laboratory or the ETL Number, and the name and address of the electrical contractor.

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- a. An electrical permit showing electrical details shall be submitted in addition to the sign permit.

### SECTION 2.14.05 INSPECTIONS AND CERTIFICATES OF OCCUPANCY

- A. All permits issued by the Community Development Department through the Building Division shall have inspections completed according to the specific requirements of the permit or as required by the Florida Building Code.
- B. Certificate of Occupancy and Certificate of Completion requirement:
  1. Builders and/or developers shall obtain a Certificate of Occupancy or Certificate of Completion as appropriate prior to using any building, structure, or infrastructure for business, residential or other uses in which the public health, safety and welfare are involved.
  2. A Certificate of Occupancy or Certificate of Completion shall be obtained from the Community Development Department for all buildings and structures for which utility service is required.
  3. No building or structure within the city for which utility service is required shall be occupied or used without first obtaining a certificate of occupancy or certificate of completion from the city.

### SECTION 2.14.06 SURVEYS FOR CERTAIN WORK

- A. A foundation survey shall be submitted to the Community Development Department after the foundation inspection has been completed and before vertical construction commences for structures involving habitable space, and either a:
  1. Poured foundation
  2. Pile foundation showing:
    - a. Location of all piles
    - b. Finished Floor Elevation
    - c. Placement of lowest structural member
    - d. Placement of all exterior decks
- B. The foundation survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
- C. All surveys shall utilize NAD83 Florida State Planes, North Zone, US Foot.
- D. Vertical construction shall not commence before review and approval of the foundation survey by the Community Development Department.
  1. Any work undertaken prior to submission and approval of the foundation survey shall be done at the builder's risk and remediated if the foundation survey is found to be out of compliance.
  2. A revised site plan may be submitted for review.
    - a. If the new plan meets the development standards of this Code, the Community Development Department may approve the plans.
    - b. If the new plans do not meet the development standards of this Code, the Community Development Department shall not approve the plans.
- E. Any work completed that was not permitted with the original approval shall require review by City staff.
  1. If found not in compliance with this Code all work shall be stopped and remediated.
- F. As-built survey: The following project types shall require an as-built survey to be submitted to the City Building Division prior to the issuance of a certificate of occupancy:
  1. All building projects which require a foundation survey,
  2. All projects proposing a swimming pool.

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- G. The as-built survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
- H. No certificate of occupancy shall be issued until the Community Development Department has received, reviewed, and approved the survey.
  - 1. If a violation is determined to exist,
    - a. No Certificate of Occupancy shall be issued.
    - b. No permanent electric power shall be connected.
    - c. The structure shall not be occupied until the violation has been remedied.

### SECTION 2.14.07 FIRE DISTRICT REVIEW

- A. Review of applications and projects located in the City of Destin by the local fire control district is required.
- B. All building permits for non-residential and multi-family projects shall be approved by the local fire control district.
- C. Approvals or disapprovals by the fire control district are required prior to the issuance of a certificate of completion or occupancy.

### SECTION 2.14.08 RIGHT-OF-WAY PERMITS

- A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and are an important amenity that is critical to the travel and transport of persons and property in the city.
- B. The public rights-of-way must be regulated, managed, and controlled in a manner that ensures minimal inconvenience to the public, and enhances the health, safety and general welfare of the city and its citizens.
- C. No unauthorized encroachment shall be permitted onto existing rights-of-way.
- D. Strict adherence to the building setback requirements described in Article 4 of this Code shall serve to protect rights-of-way from encroachment.
- E. All activities (e.g., paving, landscaping, etc.), in a public ROW is prohibited unless:
  - 1. A ROW permit is submitted to the Community Development Department and reviewed and approved by the City Engineer or designee.
  - 2. The following activities conducted in the right-of-way are not required to obtain a ROW permit:
    - a. The installation and repair of mailboxes
    - b. Installation of sod
    - c. Irrigation

### SECTION 2.14.09. UTILITIES IN THE RIGHT-OF-WAY

- A. No public utility shall commence any construction or maintenance project which involves work in a public place within the city without first obtaining a permit from the city.
- B. Application:
  - 1. Any public utility seeking a permit for a construction project shall submit a ROW permit to the Community Development Department for review and approved by the City Engineer or designee.
  - 2. The application shall include all required documentation as stated in the Design Manual, and any additional information that is deemed necessary for a particular project by the City Manager or designee.

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- C. The City Manager or designee may require the permit holder for projects, determined to have a community wide impact, to post a construction warranty or surety performance and indemnity bond, at the election of the utility provided.
  - 1. The Bond shall ensure restoration of public property and rights-of-way to the satisfaction of the City Manager, or his designee.
  - 2. Public utilities chartered by the state legislature are excluded from the requirements of this section.
- D. If the public utility elects to issue its construction warranty to the City as provided for in paragraph C. above, it shall be in the form prescribed by the City.
- E. Bond: If the public utility elects to file a bond as provided in paragraph C, it shall be in the form of a performance and indemnity bond.
  - 1. The required warranty or bond shall be filed with the city prior to start of the project by the public utility.

### **SECTION 2.15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS**

#### SECTION 2.15.01 PUBLIC HEARING PROCEDURES

- A. Pursuant to the provisions of Section 2-29 of the Code of Ordinances, the public hearing on any application shall be conducted in accordance with the most recent edition of Robert's Rules of Order.
- B. Regular hearing types at public meetings are general public hearings and quasi-judicial public hearings. The following includes the procedures for each type of public hearing.

#### SECTION 2.15.02 GENERAL PUBLIC HEARING

- A. Public hearings and meetings regarding any matter shall be conducted to encourage and afford members of the public a reasonable opportunity to present their views on any matter under consideration.
- B. The chairman may, at their discretion, rule out-of-order public comments deemed repetitious or not germane to the matter under discussion.
- C. An agenda for the meeting shall be posted in or near the meeting room and generally available to those in attendance.
- D. The sequence of activities at such meetings regarding the matters under consideration shall be as follows:
  - 1. The chairman or designee must announce the matter for consideration by reading any required public notice.
  - 2. Written staff reports, if prepared, shall be provided to the Council, board, or committee and made available to all concerned parties who request the report and published on the City's website at least three days prior to consideration.
  - 3. Receipt of comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards so that an accurate record of participants can be maintained.
  - 4. Close public input except for direct questions as may be initiated by the members of the board, committee, agency, or council.
  - 5. Board, committee, agency, or council member discussion, debate, and recommendation by majority vote prior to considering the next matter or adjournment.

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- E. The board, committee, agency, or council shall transmit its written recommendations on each matter decided to the City Council as soon as possible. Included in this recommendation shall be a response to the substantive public comments received during consideration of the matter.
- F. The board, committee, agency, or council shall conclude consideration of the agenda no later than 11:30 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote agrees to do so. Agenda items not considered on this date will be placed first on the agenda for the next available date that meets applicable notice requirements.
- G. A meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the state.

### SECTION 2.15.03 QUASI-JUDICIAL PUBLIC HEARING

- A. Quasi-judicial hearings are used to guarantee that the applicant, the City, and any interested party have due process.
- B. Order of proceeding with public hearing:
  - 1. The order of proceeding with the public hearing as specified hereinafter on an application before the board shall be followed, but may be varied from, in the exercise of discretion of the chairman or by majority vote of the board.
  - 2. The chairman, or his or her designee, shall read into the record the notice of the public hearing, unless waived in whole or in part by the interested parties present, and shall examine the proof of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.
  - 3. The chairman, or his or her designee, shall read into the record the application, and any additional information which the applicant has attached to the application, and shall announce the attachment of any supporting documents with a brief description of each.
  - 4. The chairman, or his or her designee, shall then read into the record any deficiencies which the staff has determined exist in the application.
    - a. If the deficiencies have been cured by the applicant, such should be noted on the record, and the public hearing should proceed.
    - b. If the deficiencies have not been cured, and the applicant is unable to cure them within the time of publication of the notice of public hearing, the chairman may ask if the applicant wishes to continue, postpone, or recess the public hearing.
    - c. If the deficiencies are a result of the board or staff, the board may continue, postpone, or recess the matter for a reasonable time sufficient to cure the deficiencies.
    - d. If, in the opinion of the legal advisor, the deficiencies are such that no action on the application would cure the deficiencies, then the board may deny the request, after giving the applicant an opportunity to be heard on curing the deficiencies, if applicable.
  - 5. The chairman shall then read into the record any and all comments of the staff.
  - 6. The chairman shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
  - 7. The chairman shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
  - 8. The chairman shall then call upon the public for any comments, testimony, information, and documents in support of granting the application.

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9. The chairman shall then call upon the public for any comments, testimony, information, and documents against granting the application.
10. The chairman shall then call upon the applicant for any rebuttal.
11. The chairman shall then call upon the staff for any rebuttal.
12. The chairman shall then call upon the public for any rebuttal.

### SECTION 2.15.04 BOARD DELIBERATION

- A. The board shall deliberate upon the application and testimony and other evidence of the applicant, staff, and members of the public.
- B. The board during deliberation may call upon the applicant, staff, or members of the public to answer questions which the board may have regarding the application.
- C. The board may postpone, continue, or recess deliberation on the application, until a time when the board believes that the matter may be disposed of in a prompt fashion. Such a situation may occur when the staff, legal advisor or the applicant are unable to answer questions from the board and require additional time to provide information.
- D. Deliberation may continue so long as the board has questions of the applicant, staff, or members of the public.
- E. Deliberation may be ended in the same manner as for closing debate, with the exception of only a majority vote needed or upon announcement by the chairman without objection from a member of the board.
- F. Evidence at the hearing:
  1. The burden of proof shall be upon the applicant to establish the standards per Section 2.12. of this Code for the granting of a variance.
  2. The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use per Section 2.10. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is not in the public interest.
  3. The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.
- G. Testimony commonly is not under oath; however, by filing the application, preparing the comments, or participating in the public hearing, the applicant, staff, and members of the public certify the testimony or evidence which they give, or proof is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.
- H. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- I. The members of the board, applicant, staff, or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.
- J. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
- K. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the chairman.
- L. Any member of the board may question any person presenting evidence or testimony to the board.

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- M. All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.
- N. Any ruling by the chairman may be challenged and overturned by a majority vote of the board.
- O. Motion to grant or deny:
  - 1. After deliberation on the application is closed, a motion may be made to grant or deny the application.
  - 2. The motion shall state the objective findings of fact upon which the board bases its decision.
  - 3. The motion shall briefly state what evidence was relied upon in making the findings of fact.
  - 4. The board may consult with the legal advisor to determine if any additional requirements must be met to grant or deny the application.
  - 5. The motion may contain other factors which the board considered in making its decision, such as, but are not limited to commencing construction without a permit, defective plans, etc.
  - 6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect public health, safety, and welfare.
  - 7. Pursuant to Section 2.12.04.K., the motion may also contain time frames within which any activity, pursuant to a variance, is commenced and completed.
  - 8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.
  - 9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested and commences the time for filing an appeal to such order.
  - 10. When the board passes a motion denying the application, the chairman or designee should advise the applicant of the appeal rights provided in Section 2.12 of this Article.
  - 11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the City Clerk shall compile the motion into written form and present the order to the chairman for execution.

## **SECTION 2.16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES**

### SECTION 2.16.01 TECHNICAL REVIEW COMMITTEE (TRC)

- A. The City shall establish and maintain a Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development applications.
- B. The TRC members may be provided items to review in relation to their areas of expertise and shall confine their review to the areas so designated.
- C. The TRC shall review applications for compliance with the provisions of this City Land Development Code, and all applicable federal, state, and local building codes.
- D. City staff may hold meetings with individual or multiple TRC members as needed.
- E. Membership:
  - 1. The membership shall include:
    - a. The City Attorney
    - b. An appropriate individual from the following city departments, as applicable:
      - 1. Community Development Department, Principal Planner, or designee
      - 2. Community Development Department, Chief Building Official, or designee
      - 3. Community Development Department, City Engineer, or designee

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4. Public Services Department
5. Parks and Recreation Department
- c. An appropriate individual from the following agencies:
  1. Destin Fire Control District (nominee must have experience as a firefighter)
  2. Okaloosa County School District (for new residential subdivisions and long-term multi-dwelling developments only)
- d. An appropriate individual from the following utilities:
  1. Water utility provider Users (nominees must have technical experience in the area of water utilities)
  2. Gas utility provider (nominee must have technical experience in the area of gas utilities)
  3. Local electrical utility provider (nominee must have technical experience in the area of electrical utilities)
  4. Wastewater utility servicer (nominee must have technical experience in the area of wastewater utilities)
- e. The City Manager or designee may appoint and remove the City staff representatives and include any additional TRC members that may be necessary for the review of a proposed development or application.
- F. Membership on the TRC shall be terminated if any conditions below applies to a TRC Member:
  1. Files a lawsuit against the city
  2. Is convicted of a felony, or a crime involving moral turpitude.
  3. Fails to review projects timely to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.
- G. Conduct of TRC meetings:
  1. The City Manager or designee will determine if a TRC meeting is required for an application.
  2. If a meeting is required:
    - a. The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.
    - b. The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. The attendance of the applicant or agent is not required but is encouraged.
    - c. On development applications to be reviewed by the TRC, the City Manager or designee, shall be responsible for the following:
      1. Agenda preparation and distribution
      2. Chairing the meeting
      3. Notification to applicants of the regularly scheduled date, time, and place for consideration of the application.
      4. Written summary to applicants of the TRC review.
    - d. The City Clerk shall be responsible for the recording of the minutes of each TRC meeting.

### SECTION 2.16.02 LOCAL PLANNING AGENCY (LPA)

- A. In accordance with the adopted City of Destin Comprehensive Plan and with the Community Planning Act, F.S. § 163.3161 et seq., and chapter 163, part II the Local Planning Agency (LPA) serves as the land development regulation commission.

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- B. The City shall establish and maintain the LPA consisting of seven members who shall be appointed by the City Council.
- C. The terms of members of the Local Planning Agency shall run concurrently with the appointees.
- D. All members shall reside in the City of Destin.
- E. The LPA shall also include an ad-hoc ex-officio member who is a representative of a military installation on behalf of all military installations located within the jurisdiction.
  - 1. The military installation representative shall serve as a non-voting member.
  - 2. The City Manager or designee will comply with the notice requirements, as required by F.S. § 163.3175, by providing the commanding officer of the local military installation with information relating to:
    - a. Proposed changes to the Comprehensive Plan, or plan amendments
    - b. Proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.
  - 3. The military installation shall have the opportunity to review and comment on the proposed changes.
- F. The Local Planning Agency shall elect a chairman and vice-chairman.
  - 1. Terms of the chairman and vice-chairman shall be for one year, with eligibility for re-election.
- G. The Local Planning Agency shall adopt rules necessary to conduct its affairs and in keeping with applicable laws and regulations.
- H. The Local Planning Agency shall perform the following functions, duties, and responsibilities:
  - 1. Perform the functions, duties, and responsibilities prescribed by F.S. § 163.3174(4).
  - 2. Perform any other functions, duties, and responsibilities assigned to it by the City Council or by general or special law.
- I. Proceedings and process:
  - 1. A quorum is necessary at any meeting for the LPA to take official action.
  - 2. The Local Planning Agency shall either recommend the City Council approve, approve with conditions, or deny, or table any item under consideration for its action.
    - a. The Local Planning Agency may continue, for future action, any item under consideration for its actions a maximum of 60 days from the date that the item was first heard.
  - 3. The Local Planning Agency's public hearing and public meetings regarding any matter shall be conducted in accordance with Section 2.15.02 or 2.15.03.
  - 4. After the Local Planning Agency makes a recommendation regarding any matter described, the City Council shall hold at least one public hearing to consider the recommendation.
    - a. The hearing may be continued to a date certain upon a majority vote.
  - 5. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.
  - 6. The City Council public hearings shall be conducted in accordance with Section 2.15.02 or 2.15.03.

### SECTION 2.16.03 BOARD OF ADJUSTMENT (BOA)

- A. The City shall establish and maintain a Board of Adjustment (BOA) consisting of seven members who shall be appointed by the City Council.
- B. The terms of members of the Board of Adjustment shall run concurrently with the appointees.
- C. All members shall reside in the City of Destin.

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- D. The Board of Adjustment shall have the following powers and duties:
  - 1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
  - 2. To authorize special exception requests as authorized in this Code per Section 2.12.03.
  - 3. To authorize variance requests from the LDC or zoning ordinance per Section 2.12.04.
  - 4. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed regarding dock length and slip density, provided that the criteria in Section 2.12.04.D is met.
- E. All public hearings before the Board of Adjustment shall be quasi-judicial hearings and conducted in accordance with Section 2.15.03 of this Article.

### SECTION 2.16.04 HARBOR AND WATERWAYS BOARD (HWB)

- A. The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.
- B. The City of Destin establishes and shall maintain the Destin Harbors and Waterways Board consisting of seven members who shall be appointed by the City Council.
  - 1. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified.
- C. All members shall reside in the City of Destin.
- D. The board membership shall include, to the extent possible,
  - 1. One (1) commercial fisherman
  - 2. One (1) pleasure boat owner
  - 3. One (1) environmentalist
  - 4. One (1) sports fisherman
  - 5. One (1) layman.
- E. Powers: The board is empowered to:
  - 1. Monitor the overall condition of the harbors and waterways of Destin including, but not limited to:
    - a. Water depths
    - b. Water quality
    - c. Dredging activities of public or private entities
    - d. Violations of litter laws
    - e. Sanitation requirements
    - f. Laws, ordinances, rules, or regulations affecting activities in the harbors and waters of Destin.
  - 2. Recommend to the City Manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.
  - 3. Discuss city issues related to the water quality and condition of the Destin Harbor and surrounding waterways and make recommendations to the City Council related to such issues.
  - 4. Make policy recommendations to the Comprehensive Plan and Land Development Code related to future development surrounding the Destin Harbor and restoration of the harbor and waterways of Destin.

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5. Review and make recommendations to City Council on proposed marine construction in the Destin Harbor and surrounding waterways.
- F. City Council Review
  1. The board shall submit to the City Council, during the month of November, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years.
  2. After the Harbor and Waterways Board makes a recommendation regarding any matter described, the City Council shall consider the recommendation by either:
    - a. A public hearing in the case of a Category 3 HWB review
    - b. On their consent agenda in the case of Category 2 HWB review
  3. The City Council public hearings shall be conducted in accordance with Section 2.15.

### SECTION 2.16.05 ADVISORY COMMITTEES

- A. The City Council may, from time to time, appoint advisory committees to participate in the matters subject to public meeting requirements outlined in Section 2.15.

## **SECTION 2.17 PROCEDURES FOR ADDRESSING**

### SECTION 2.17.01 NAMING OF STREETS

- A. All streets and private ways in the city shall be named.
- B. In new developments, the developer shall submit suggested street and private way names to the City as part of the subdivision or PUD application.
- C. Unnamed streets or private ways shall be named by the City Council, as shown on the approved subdivision or PUD plan, after recommendation by the Okaloosa County Department of Public Safety.

### SECTION 2.17.02 STREET NAME CHANGE REQUESTS

- A. All street name changes shall be processed according to the following procedures.
  1. Street name change requests as a matter of preference must be submitted to the Community Development Department.
  2. An application for a preference request street name change must include the following:
    - a. An explanation of how the requested street name will be compatible with adjacent street locations, historical character, or theme.
    - b. Written proof of notification to:
      1. All Utility providers
      2. Florida Department of Transportation
      3. County Address Coordinator with statement of simplicity for the emergency system
      4. United States Post Office
    - c. A non-refundable application fee for processing the request is due at the time of submission of application.
    - d. Notarized signatures of at least 75% of the abutting property owners.
    - e. The impact (cost) on public/private utilities, business, and property owners for undertaking change.
    - f. Compatibility with adjacent streets: location and historical character or theme.

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1. Consideration shall be given to commemorating local distinguished citizens, national heroes, typical fishes, animals, trees, shrubs, and flowers.
- g. Ease of locating the street for people new to or unfamiliar with the area.
3. Application review process. Once an application has been submitted to the Community Development Department and deemed complete, City staff shall take the following actions:
  - a. The Community Development Department will distribute the application to the following divisions, departments, and agencies:
    1. Planning Division, Principal Planner
    2. Building Division, Chief Building Official
    3. Engineering Department, City Engineer
    4. Code Compliance Division
    5. Public Services Department, Public Services Director
    6. Clerk's Office, City Clerk
    7. Destin Fire Department
    8. Okaloosa County Sheriff's Office
    9. Okaloosa County Emergency Response Department
    10. Okaloosa County Geographic Information Systems (GIS) Department
  - b. Once received, all representatives will review the application based on their specific technical criteria or regulations.
    1. Recommendations from all representatives regarding the application shall be returned to the Community Development Department within 30 calendar days.
  - c. The City Manager, or designee, shall review the recommendations and forward all petition information and recommendations through the City Manager's office to the City Council for final approval or denial.
  - d. The City Council shall then schedule a public hearing to review the application, which shall be conducted in accordance with Section 2.15. of this Article.
  - e. Upon approval of any preference request, the petitioner will be responsible for reimbursing the City of Destin for the actual cost of completing required changes including any cost of updating official documents and installation of all applicable street signs.

### SECTION 2.17.03 SYSTEM ESTABLISHED

- A. A uniform system of numbering buildings shall be established and maintained on file by the Community Development Department.
- B. The official property numbering maps maintaining the "numbering system" are hereby adopted, incorporated herein by reference, and made a part of this Article. The Planning Division shall administratively accomplish future amendments.

### SECTION 2.17.04 ADMINISTRATION AND NUMBER ASSIGNMENT.

- A. The City's GIS Division will be responsible for managing, coordinating, and maintaining the "numbering system." Administrative procedures for assigning numbers shall include as a minimum:
  1. The owner or occupant of any building to which a number has been assigned will be notified in writing of the number assigned.
  2. Should an existing property or building have, exhibit or be addressed by a number in conflict with the uniform "numbering system," notice shall be given to the owner or occupant whose building is in conflict.

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3. The city will take the appropriate steps to properly readdress the property or building not in compliance with the numbering system.
- B. Standards: All principal buildings, docks and piers in the city shall be assigned and have their assigned numbers displayed, whether or not mail is delivered to such locations.
  1. Numbers need not be displayed on accessory buildings.
  2. Docks and piers shall be assigned the same number as the principal building, or, for vacant lots, the same number as would be assigned a principal building if existing.
  3. Physical numbering shall conform to the following minimum standards:
    - a. Assigned numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts, with Arabic numerals not less than three inches in height and one-half inch in width.
    - b. Numbers must be in a color contrasting to the building or other background.
    - c. In the case of a principal building which has multiple entrances, the assigned number shall be displayed on each separate front entrance.
    - d. Any different numbers which might be mistaken for or confused with the number assigned in accordance with the "numbering system" shall be removed.
    - e. Assigned numbers for principal buildings which are not visible from the street or private way shall additionally be displayed at the intersection of the driveway and servicing street, and attached to a post, wall, fence, or mailbox at a level to ensure visibility.
    - f. Assigned numbers for all docks and piers shall be displayed in such a fashion so as not to be confused with channels or other marine markers at their waterward extremity, facing away from the dock or pier.
      1. Numbers shall be positioned to be constantly between five and eight feet above the mean high-water line.
- C. No building permit shall be issued for any principal building, dock or pier until the owner has procured the required number or numbers for the premises, building, dock, or pier.
- D. No certificate of occupancy shall be issued until the owner has displayed the required number or numbers in accordance with this Article.

## SECTION 2.18 DEVELOPMENT REVIEW FEES

### SECTION 2.18.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES

- A. Land Development Fees: There shall be fees established and collected for the review of all development activity in the city.
- B. These fees shall be established by the City Council by resolution and shall be reviewed no less than annually during the budget process.
- C. Review fees may include but are not limited to all procedures identified in Table 2-1
- D. There shall also be fees established for outside consultant cost recovery, mailing and advertising.
  1. The City shall pay the initial invoice from the consultant.
  2. The City will then invoice the applicant and add a 10% administration fee.
    - a. The invoice shall be paid before final approval by staff, any Board, or City Council.
- E. A comprehensive list of the fees is included in the City of Destin Fee Schedule.
- F. There shall be ROW permits fees established for the review of all development activity within the public ROW of the city.
  1. Review fees may include but are not limited to the following:

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- a. ROW permit processing
  - b. commercial (non-residential)
  - c. residential (single or two-family lots)
  - d. re-inspections (commercial and residential)
2. A comprehensive list of the fees is included in the City of Destin Fee Schedule.

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## ARTICLE 2 ADMINISTRATION<sup>1</sup>

### **2.01.00. Administrator.**

- A. — The City Manager or his or her designee shall administer and enforce this Code.
- B. — It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the City Manager or his or her designee, and that recourse from the decisions of the City Manager or his or her designee shall be to the Board of Adjustment.

(Ord. No. 04-23-LC, § 3, 8-16-04)

### **2.02.00. Procedures for ordinance or rezoning amendments.**

The regulations, restrictions, and zoning district boundaries set forth in the land development code may be amended, supplemented, or changed. Proposed changes may be suggested by the City Council, the City Manager or designee, by a single property owner, or by petition of the owners of 51 percent or more of an area involved in the proposed change. Applications for an ordinance or rezoning amendment must be submitted to the Community Development Department. The Community Development Department will then review and forward the application and a staff report with a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review. The LPA, after a public hearing and due public notice, will then forward its staff report and recommendation to the City Council for approval, approval with conditions, or denial. The City Council shall then approve, approve with conditions, or deny the application. If an application for an ordinance or rezoning amendment is disapproved by the City Council, the applicant shall not reapply for the same ordinance or rezoning amendment for a period of one year from the date of disapproval by the City Council.

(Ord. No. 04-23-LC, § 3, 8-16-04)

### **2.03.00. General administration procedures.**

This article sets forth application and review procedures required for obtaining development orders and permits as may be required. Procedures for appealing decisions also are provided.

(Ord. No. 04-23-LC, § 3, 8-16-04)

### **2.04.00. Withdrawal of applications.**

An application for development approval may be withdrawn at any time. Caution: The withdrawal of any application for development approval which occurs after the publication of any notices which may be required by this Code or other law will result in the application losing its relative position in priority for plan review and will require the applicant to resubmit its application at the initial step in the development review process required for the particular development. Such resubmittal will require payment of the necessary fees in order to activate the plan review process and reestablish relative position and priority for plan review.

*Note:* Nothing in this section shall be construed to prevent the Local Planning Agency (LPA) or the City Council from delaying action or decision on any application. In the event the LPA or City Council votes to delay review or decision on any application, said application will retain its relative position and priority for plan review purposes.

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<sup>1</sup>Editor's note(s)—Ord. No. 04-23-LC, § 3, adopted August 16, 2004, amended Art. 2, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. 2 pertained to similar subject matter. See also the Land Development Code Comparative Table.

**2.05.00. Authorization for development permit.**

No development activity may be commenced without a final development order.

2.05.01. *Prerequisites to issuance of a development permit.* No development order or permit shall be issued unless the proposed development activity:

- A. Is authorized by a development order issued pursuant to this Code; and
- B. Conforms to the Florida building codes and fire codes as adopted by the City; and
- C. Conforms to the engineering standards labeled "TECHNICAL CONSTRUCTION STANDARDS" and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Destin.

2.05.02. *Exceptions to the requirement for a development order.* A construction permit may be issued without a development order if any of the following conditions apply:

- A. Construction has begun or was approved prior to the adoption of this ordinance;
- B. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site;
- C. The construction or alteration of a one- or two-family dwelling on a lot in a valid recorded subdivision, approved prior to the adoption of this Code;
- D. The resurfacing of a vehicle use area that conforms to all requirements of this Code;
- E. A minor replat granted pursuant to procedures in Section 2.19.01 of this Code;
- F. Clearing and grading of land:

- 1. *Single family lots:* the clearing and grading is limited to the proposed development area. The applicant shall submit a site plan indicating the proposed development area prior to issuance of the clearing permit.
- 2. *All other lots:* the clearing and grading is limited to the proposed development area. The applicant shall submit:
  - a. A site plan indicating the proposed development area;
  - b. An existing tree survey with all trees of 12-inch diameter at breast height or greater;
  - c. A landscape plan, in accordance with Section 12.04.07, which identifies the trees and landscaping to be replanted (reforestation, front perimeter, common areas, and soil erosion control) after the clearing and grading is completed;
  - d. An erosion and sedimentation control plan; and
  - e. All applicable federal and state permits.

All items identified within the submitted landscape plan must be planted within 30 days after the completion of the clearing/grading. Clearing, grading, and replanting activities shall be completed within 90 days of the issuance of the permit. Failure to satisfy these requirements will result in a code violation and the doubling of the required tree counts for the site; and

- G. Minor alterations to existing improved properties, for which a development order has not been previously issued, that will alter gross floor area, use of structure or land, or change/add to the impervious surface of the site provided that:

1. The proposed change does not require additional parking spaces beyond those already existing on the site;
2. The proposed change cannot increase impervious surface area beyond 750 square feet. An increase in impervious surface up to 750 square feet must meet the requirements of Section 10.03.02.1.2.b.;
3. The proposed change does not exceed de minimis level of service standards for concurrency; and
4. Sufficient information (site plan drawn to scale, existing versus proposed development, existing conditions, etc.) generally in accordance with Section 2.18.02. General plan requirements must be provided at the time a building permit application is submitted to the City.

It is the intent of this subsection to exempt projects that adhere to the criteria listed in numbers 1, 2, and 3 above from the formal development order process, but not the requirements of the Land Development Code. This process moves the review of a project against the Land Development Code requirements from the Development Order stage to the Building Permit stage. A building permit cannot be issued for a project that does not meet the requirements of the Land Development Code.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-24-LC, § 2, 9-8-04; Ord. No. 04-26-LC, § 3, 9-8-04; Ord. No. 18-06-LC, § 2, 11-5-18)

## **2.06.00. Pre-application procedures.**

Prior to filing for a formal and scheduled review of proposed development plans, if required by this Code, by the Technical Review Committee, the applicant shall request the Community Development Director, or designee, to set a time for discussion of the proposed development. Checklists set forth in Article 17 appropriate to the proposed development shall be provided to the applicant by the Planning Director, or designee. In addition, the applicant shall be directed to the appropriate City departments or other agencies so that the applicant may obtain information from such department(s) and/or agency(s) prior to filing for formal review, if necessary, by the City Technical Review Committee.

*Note:* No comment made by any persons associated with the City during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development or development plans.

2.06.01. *Designation of plans as minor or major developments.* Before submitting a development plan for formal review, the applicant shall provide the City with sufficient information to make a determination as to whether or not the plan will be designated a major or minor development. For purposes of these procedures, all development plans shall be designated, in writing, by the City Manager, or his designee, as either exempt from the development order process (in accordance with Section 2.05.02), a minor development, or major development according to the criteria below.

A. *Major development.* A development order application shall be deemed a major development if it satisfies one or more of the following criteria:

1. Non-residential and mixed-use development plans consisting of more than 10,000 square feet of gross floor area.
2. Ten thousand square feet or more of "land development activity generating traffic." "Land development activity generating traffic" means (a) any change in land use, (b) any construction of buildings or structures, or (c) any change in the use of any structure, that generates vehicle trips.
3. Residential development plans consisting of ten or more dwelling units.

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4. Subdivisions.
  5. All planned unit developments (PUDs).

B. *Minor development.* A development plan shall be designated as a minor development if it is neither a major development nor a development exempt under Section 2.05.02 of this Code.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 05-13-LC, § 3, 8-22-05; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

## **2.07.00. Procedures for development review.**

All applications for a major or minor development order or a major or minor deviation to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This shall entail prompt review and responses from both the applicant and the City. No property shall have more than one development order application under review by the City at any one time. The applicant shall adhere to the following procedures when seeking approval for a major or minor development order or a major or minor deviation to a development order:

- A. A pre-application meeting is required prior to the submittal of a Development Order Application. The applicant for a proposed development order shall submit a complete application package (i.e. application, development plans, applicable fees, etc. ...) to the Community Development Department.
- B. Within 30 working days of receipt of the application package for review, the Community Development Department shall perform an application completeness review and either:
  1. Determine that the application package is incomplete and inform the developer, in writing, of the deficiencies. The applicant shall submit an amended application package for application completeness review by the Community Development Department within 30 days. If the applicant fails to submit an amended application package within 30 calendar days, the application is considered withdrawn; or
  2. Determine that the application package is complete as received, inform the developer, in writing of completeness, or of the TRC meeting date, if such a meeting is required in the discretion of the community development director.
  3. Within 120 days after the City has deemed the application complete or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the City must approve, approve with conditions, or deny the application. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application must include written findings supporting the City's decision, which shall be reviewed by the City Land Use Attorney prior to finalization.
- C. *TRC Procedures.* The Community Development Department shall make available to each TRC member a copy of the application package, which at a minimum shall contain all information which is pertinent to the member's functional area(s) and the TRC meeting date at which the application submittal comments will be reviewed. The TRC members shall review the proposed application package and submit comments, if any, in writing to the Community Development Department. Each TRC member shall limit their review to their area of expertise, which shall be

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defined at the time the TRC member's appointment is approved by the City Council. Staff shall either approve, approve with conditions, approve with modifications, or deny and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in subsection B. above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.
3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating a recommendation to either approve, approve with conditions, approve with modifications or deny the application.

2.07.01. *Major developments.* The following procedures, in addition to those listed in Section 2.07.00, shall apply to all major development order applications:

A. Once the application has been to the TRC meeting and each individual TRC member, as it pertains to their area of expertise, has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications or denied, the Community Development Department shall prepare and forward each TRC member's written recommendation, through the City Manager to the City Council. A list of all pending Major developments shall be provided by the Community Development Director to the City Council, each month, prior to the first regularly scheduled Council meeting, or the tenth day of the month, whichever occurs first. In addition to the written recommendations of each TRC member, information provided to the City Council in the technical staff report shall include, but not be limited to, the following:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site and surrounding land uses.
2. Impact on concurrency requirements and level of service standards (LOS).
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas, if any; the preservation of natural features or protection of sensitive lands, if any; proposed parking areas; internal traffic circulation systems, if any; the approximate total ground coverage of paved areas and structures; stormwater management, and water and sewage distribution, collection and treatment systems.
4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
5. Other applicable factors, rules, regulations or criteria prescribed by the Comprehensive Plan, this Code or other law.

B. Following the required public notice and hearing, the City Council shall either approve, approve with conditions, approve with modifications or deny the Community Development staff's recommendation and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in A. above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.

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3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.
  4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with Section 2.08.00
  5. If the proposal is approved with modifications, a development order may be authorized by the City Manager, or his designee, once the required modifications have been completed and approved by the appropriate TRT members.
  6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

*2.07.02. Minor developments.* The following procedures, in addition to those listed in Section 2.07.00, shall apply to all minor development order applications:

- A. Once the application has been reviewed and each individual TRC member, as it pertains to their area of expertise, has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications, or denied, the Community Development Department shall authorize the issuance of a development order that complies with Section 2.08.00. A list of all pending Minor developments shall be provided by the Community Development Director to the City Council, each month, prior to the first regularly scheduled Council meeting, or the tenth day of the month, whichever occurs first.
- B. If the proposal is approved with modifications, a development order may be authorized by the Community Development Director, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.
- C. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

*2.07.03. Major or minor deviations to a development order.* Deviations to a development order may constitute either a major deviation or a minor deviation, as defined within Article 3, Definitions of this Land Development Code. The following regulations establish the procedures for processing such deviations:

- A. Deviations which have been determined as a minor deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.02.
- B. Deviations which have been determined as a major deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the following requirements:

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1. Major deviations to an existing minor development order shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.02. However, should the deviation satisfy any of the criteria set forth in Section 2.06.01 A., when combined with the initial approval and any other authorized deviations, the deviation shall then be reviewed and processed pursuant to the requirements of Section 2.07.01.
  2. Major deviations to an existing major development order shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.01.

*2.07.04. Simple deviations to a development order.* A simple deviation to a development order is a project that does not require review by the Technical Review Team (TRT) members, but instead requires review only by City staff members involved in the development review process. Simple deviations to a final development order shall be determined by the Community Development Director or designee using the following criteria:

- A. Changes to the previously approved development plan cannot require approval by non-City staff members of the (TRT) (e.g. Destin Water Users, Destin Fire Control District, Okaloosa Gas Company, etc...). If a proposed change triggers this requirement then the application is required to be processed according to the procedures stated in Section 2.07.00 and either Section 2.07.01, 2.07.02 or 2.07.03; and
- B. The proposed changes to the development plan only include rearranging or reducing, in accordance with Code provisions, any driveways/accessways, parking, impervious surface, stormwater management facilities, or buildings on the subject property.

Vending, whether permanent, temporary, or mobile, on the exterior of a developed site shall be considered a change of use and shall be processed as a simple deviation unless it does not meet the criteria listed in Subsections A. and B. listed above.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04; Ord. No. 05-04-LC, § 3, 4-4-05; Ord. No. 07-32-LC, § 3, 5-7-07; Ord. No. 07-30-LC, § 3-7, 9-4-07; Ord. No. 11-14-LC, § 3, 1-17-12; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

## **2.08.00. Development order.**

Provided the development plan meets all requirements of the Land Development Code and Code of Ordinances the City shall issue a development order to the developer within seven calendar days from the approval date of said development order application. The development order is not a construction permit. An approved development order is required prior to the City's issuance of any construction permit(s). A development order shall, as a minimum, include the following:

- A. An approved final development plan with findings and conclusions;
- B. A listing of federal, state or regional permits, if any, which must be obtained prior to the issuance of any development permit;
- C. If modifications must be made to the development plan before a development order may be issued, a listing of those modifications and the time limit for submitting a modified plan (not more than 14 calendar days);
- D. Notification that development shall commence within a 12-month period and continue until completion in accordance with terms and conditions of approval;
- E. If necessary to maintain concurrency, a schedule of construction phasing consistent with the availability of capacity of one or more services and/or facilities;

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- F. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods;
  - G. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument;
  - H. A security in the amount of 120 percent of the cost of any public improvements required as a result of the anticipated impact of the development or as required by regulations in this Code or other law; and
  - I. Such other conditions as may be required to assure compliance with this Code, the comprehensive plan or other law.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

### **2.09.00. Procedures for the coordination of plat and development plan approval.**

This procedure applies to all projects that require plat and development plan approval. This procedure is established to ensure efficient processing of approved developments seeking building permits and will also eliminate piecemeal plat approvals.

1. Plats and development plans may be processed simultaneously through the required approval procedures identified in Sections 2.07.00. Procedures for development plan review and 2.19.00. Procedures for subdivision or resubdivision of land.
2. If the applicant wishes to process these items (plat and development plan) separately, approval of the plat will be required prior to the approval of the development plan.
3. At no time will the City approve a site plan, which requires plat, prior to the plat being approved by the appropriate approving body (e.g., City Manager or City Council).
4. Projects approved prior to the effective date of this code that, as a condition, require plat approval prior to issuance of building permits are not affected by this Code. However, any requests for amendments to active development orders will not be processed until the required plat has been approved.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

### **2.10.00—2.14.00. Reserved.**

Ord. No. 24-20-LC, § 3, adopted January 6, 2025, repealed §§ 2.10.00—2.14.00, which pertained to construction permits, post-permit changes; building permits; application for building permit; expiration of building permit and derived from Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04.

### **2.15.00. Certificates of zoning compliance for new, altered, or nonconforming uses.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the City Manager or his designee stating that the proposed use of the building or land conforms to the requirements of this article. Failure to obtain a certificate of zoning compliance shall be a violation of this article.

(Ord. No. 04-23-LC, § 3, 8-16-04)

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**2.16.00. Construction and use to be as provided in application, plans, permits, and certificates of zoning compliance.**

~~Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the City Manager or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article.~~

~~(Ord. No. 04-23-LC, § 3, 8-16-04)~~

**2.17.00. Notice.**

- A. ~~Written notice shall be provided to owners of property within 300 feet of land subject to all development related applications. Development related applications shall include all of the following types of applications: deed of gift, lot reconfigurations, minor replats, major and minor subdivisions, major and minor development orders, major and minor deviations to previously approved development orders, conditional uses, variances, right-of-way vacations, future land use map amendments and zoning map amendments. Notice for Harbor and Waterways Board applications need only be provided to adjacent property owners. The written notice shall include, at a minimum, the following: the name of the owner of the property, the name of the authorized agent (if applicable), the address of the subject property or tax parcel identification number if an address has not been issued for the property, project description, location map of the subject property, and a statement informing the public of the location where the proposed application package can be viewed, unless otherwise provided in Florida Statutes. Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this code shall be obtained from the records of the Okaloosa County Tax Collector. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.~~
- B. ~~Any development related application or applicant requiring a public meeting with the Local Planning Agency or Board of Adjustment shall post a sign, meeting the following requirements, on the property:~~
- ~~1. The sign must be prominently placed on the development site, shall be visible from the adjacent right-of-way and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way;~~
  - ~~2. Such sign shall be not larger than 24 inches by 36 inches and not smaller than 18 inches by 24 inches in size;~~
  - ~~3. The sign must clearly indicate the name of the project, name of the applicant, and 24 hours a day, seven days a week emergency contact phone number of the responsible party for said development site; and~~
  - ~~4. The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).~~

~~(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 09-14-LC, § 3, 8-17-09; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)~~

**2.18.00. Submittals.**

~~2.18.01. Applications. Applications for development review shall be available from the Community Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan. Signatures by other parties will be accepted with notarized proof of~~

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authorization by the owners. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

2.18.02. *General plan requirements.* All preliminary and final development plans submitted pursuant to this code shall conform to the following standards:

- A. All plans shall be drawn to a scale of one-inch equals 20 feet, unless the City Manager, or his designee, determines that a different scale is sufficient or necessary for proper review of the proposal.
- B. For all multifamily residential and all nonresidential development proposals, the trimline sheet size shall be 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.
- C. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
- D. The front cover sheet of each plan shall include:
  - 1. A general vicinity or location map drawn to scale showing the position of the proposed development in the section, township and range, together with the principal roads, City limits, and any other pertinent orientation information.
  - 2. A complete legal description of the property.
  - 3. The name(s), address(es) and telephone number(s) of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
  - 4. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
- E. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.
- F. The plan shall show the boundaries of the property with a metes and bounds description referenced to a section, township and range and tied to a section or quarter section or subdivision name and lot numbers.
- G. The area of the property shown in square feet and acres.
- H. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review.
- I. Applicants for all developments shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the developer (applicant) to submit sufficient information in a form that allows ready determination of whether the requirements of this code have been met.
- J. Unless otherwise noted, plans for all development projects shall contain:
  - 1. The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements.
  - 2. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.
  - 3. All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.

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4. The location of environmentally sensitive lands designated pursuant to article 11 of this code, if any.
  5. Existing land use, the zoning district of the subject site, and the land use category under the comprehensive plan.
  6. The location and intensity or density of the proposed development.
  7. A general parking and circulation plan.
  8. Points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.
  9. The existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater management systems.
  10. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development.
  11. Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.
  12. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
  13. A description of how the plan mitigates or avoids potential conflicts between land uses including a compatibility review (if required) as provided in Section 7.09.01.
  14. Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.
  15. A soils map of the site.
  16. A recent aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one inch equals 400 feet.
  17. A map of vegetative cover including the location and identity, by common name, of all protected trees.
  18. A topographic map of the site clearly showing the location, identification and elevation of benchmarks, including at least one benchmark for each major water control structure.
  19. A map showing the locations of any soil borings or percolation tests as may be required by this Code.
  20. The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.
  21. The 100-year flood elevation boundaries, the CCCL, CHHA, and shoreline protection zone, where appropriate.
  22. Total area calculation with percentage of total site to be covered by impervious surface(s) and landscaping.
  23. Grading plans specifically including perimeter grading.
  24. Construction phase lines.
  25. Building plans showing the location, dimensions, gross floor area, floor plan for multifamily residential structures including hotels and motels, and proposed use of buildings. For the purposes of this criteria, hotel and motel dwelling units are considered residential floor space.
  26. Building setback distances from property lines, abutting rights-of-way and all adjacent buildings and structures.
  27. Minimum floor elevations of buildings within the 100-year floodplain, if any.
  28. The location, dimensions, type, composition and intended use of all ancillary structures.
  29. The location and specifications of any proposed refuse dumpsters or containers.

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30. ~~Cross sections and specifications of all proposed pavement.~~
  31. ~~Typical and special roadway and drain sections and summaries of quantities.~~
  32. ~~Information sufficient to determine compliance with the landscape and tree protection regulations of this Code (reference article 12).~~
  33. ~~The location, accompanied by all necessary drawings, construction plans, wiring plans, etc., of all proposed signs.~~
  34. ~~The proposed number, minimum area and location of lots, if the development involves a subdivision of land.~~
  35. ~~All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.~~
  36. ~~All interior excluded parcels shall be indicated and labeled accordingly.~~
  37. ~~All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.~~
  38. ~~Total number and type of residential units categorized according to number of bedrooms. The total number of residential units per gross acre shall be given.~~
  39. ~~Location of on-site potable water wells, if any, and potable water wells within 200 feet of any property line, if any.~~
  40. ~~Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.~~
  41. ~~If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the City or any other public agency.~~
  42. ~~If the development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule indicating approximate development phasing, including the sequence for each phase, shall be included.~~
  43. ~~The manner in which historic and archeological sites on or near the site will be protected.~~

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

## **2.19.00. Procedures for subdivision or resubdivision of land.**

### *2.19.01. Generally.*

- A. ~~These regulations shall be administered by the community development and engineering departments. It is the responsibility of such community development and engineering departments to carry out the provisions of this section and make recommendations as to the suitability of proposed subdivisions.~~
- B. ~~Except as provided by Section 7.08.08, no person shall divide any parcel of property into two or more parcels without complying with the provisions of this section.~~

### *2.19.02. Preliminary approval.*

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- A. Preliminary approval is not required. However, the developer is encouraged to request preliminary approval whenever the developer is not certain that the proposed subdivision will meet all requirements of applicable laws and regulations. Preliminary submittals shall consist of three copies of drawings or other data indicating the concept of the proposed subdivision. The Community Development Director or designee will return comments, if any, from the Technical Review Committee to the developer.
  - B. The public hearing, after the due public notice requirement specified in Section 4.01.00 is fulfilled for any given project when advertised and held in the preliminary approval process and any later consideration on preliminary or final approval, may be considered without readvertising under old business.
  - C. Upon preliminary approval the developer may proceed with producing the required documents and request final approval.
  - D. If the proposed subdivision is disapproved upon consideration for preliminary approval, before further consideration the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

*2.19.03. Final approval.*

- A. *Final plat requirements.* The developer shall submit to the community development department three copies of the mylar or other reproducible drawing of the final plat as prescribed by F.S. § 177.071, size 24 inches by 36 inches, duly signed as required.
- B. *Construction drawings.* The developer shall submit to the community development department three copies of the final construction drawings conforming to the requirements set forth in Section 7.08.00 including specifications for drainage, streets and other improvements, and applicable laws and regulations. Final drawings and specifications shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida. One copy of the final drawings will be returned to the developer.
- C. *Other approvals.* Approvals by the City Engineer, Destin Water Users, Inc., and the Destin Fire Department are required. Approvals by other concerned agencies may be required.
- D. *Final action by City Council.* Where proposed major development includes the subdivision or resubdivision of land and the dedication of right-of-way, final approval of such subdivision or resubdivision shall be made by the City Council in accordance with this Code and general law. Upon receiving the recommendation of the technical review committee, the City Council will consider the subdivision for approval.
- E. *Recording plats.* The plat will then be submitted by the developer to the office of the clerk of court for recording. After recording, one recorded mylar copy (size 24 inches by 36 inches), two paper copies of the recorded copy (size 24 inches by 36 inches), two reduced paper copies of the recorded copy (size 11 inches by 17 inches) and one copy of the recorded homeowners association documents, if applicable, shall be filed with the community development department within ten days.
- F. *Disapproval.* If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

*2.19.04. Minor replats/minor subdivisions.* Where development involves a minor replat or minor subdivision as defined in Article 3, the City may issue a construction permit without requiring a final development order. However, City approval of the minor replat or minor subdivision is required prior to the issuance of a construction

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permit. Minor replats or minor subdivisions do not follow the procedures outlined in Sections 2.19.02 or 2.19.03, but rather follow the procedures outlined in this subsection only.

- A. Submittals consisting of an application and supporting documentation (agent affidavit, proof of ownership, etc...) three copies of drawings and other data indicating the concept of the proposed subdivision shall be delivered to the Community Development Department. The City Manager or designee will return comments, if any, to the developer.
- B. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:
  - 1. Each proposed lot must conform to the requirements of this Code, adopted ordinances of the City, and those standards specified by F.S. chapter 177.
  - 2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
- C. In the case of minor replats/minor subdivisions which involve a total of three or fewer lots, one single-family residential structure shall be permitted on each lot as a matter of right, provided the minimum lot size, dimension, and setback requirements of this Code are met.
- D. After receiving City approval, the developer is required to record the minor replat or minor subdivision in the official county records at no expense to the City. After recording, one recorded mylar copy (size 24 inches by 36 inches), two paper copies of the recorded copy (size 24 inches by 36 inches), two reduced paper copies of the recorded copy (size 11 inches by 17 inches) and one copy of the recorded homeowners association documents, if applicable, shall be filed with the Community Development Department within ten days.
- E. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

2.19.05. *Lot splits.* The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split:

- A. For purposes of this section, the term "lot split" shall mean a division of a tract of land or lot that will result in either a lot line adjustment between two platted lots or tracts of land or the creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
  - 1. The lot or tract of land to be split is a previously platted lot or legal description of record.
  - 2. Each lot or tract of land created hereunder shall abut a public or approved private street, unless perpetual cross-access easements already exist on the lot to be split or are determined not to be necessary, or, if necessary, are provided by separate instrument.
  - 3. The lot split shall in every respect meet the criteria established elsewhere in this chapter and the City Land Development Code for the category of zoning and other relevant Codes under which the property is zoned.
- B. Every lot split shall be processed in the following manner:
  - 1. An application form provided by the community development department shall be completed and filed with the department, accompanied with the following:

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- a) ~~An application fee approved by the city council by resolution;~~
  - b) ~~Three paper copies of the proposed lot split;~~
  - c) ~~A statement indicating whether new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land; and~~
  - d) ~~Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division shall be prepared by a duly licensed land surveyor registered in the state. If a lot or tract of land contains any principal or accessory structures, a survey showing the structures on the lot or tract of land shall accompany the application.~~

2. ~~Upon approval of the lot split by determination of the Community Development Director, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.~~

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

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 4, 5-7-07; Ord. No. 19-36-LC, § 3, 12-16-19; Ord. No. 20-03-LC, § 3, 2-18-20)

## **2.20.00. Guarantees and sureties.**

A. ~~*Applicability.* The provisions of this section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions and private developments.~~

1. ~~Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the comprehensive plan.~~
2. ~~Any item which may be deemed as a health, safety and welfare issue by the City Manager, or his or her designee, is not subject to the posting of security/surety.~~
3. ~~Infrastructure is the only items which are subject to the posting of a security/surety. No buildings or portions thereof shall be applicable for the posting of security/surety under this section. Securities/sureties may be posted for provisions of the landscape plan in accordance with Section 12.04.07.E.~~
4. ~~The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.~~

B. ~~*Improvements, agreements required.* The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, street lights, signage, striping, parking facilities, sidewalks, open space and recreation facilities shall be satisfactorily constructed according to the approved development plan. The following information shall be provided by applicant:~~

1. ~~Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.~~
2. ~~The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five years from the recording~~

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of the plat or 30 percent occupancy of the development, whichever comes first. NOTE: Nothing in this section shall be construed to relieve the applicant of meeting any concurrency requirements applicable to the project.

3. The projected total cost for each improvement. Cost for construction shall be proposed by an estimate prepared and provided by a Florida-registered Professional Engineer (signed, sealed and dated).
4. Specification of the improvements to be made together with the time table for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making said improvements, the City shall utilize the security/surety provided in connection with the agreement.
6. The amount and type of security/surety provided to insure performance.
7. Provisions that the amount of the security/surety may be reduced periodically as construction proceeds and improvements are made.
8. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officer, employees and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
9. Developers agree to provide property access to City employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
10. Prior to release of bond or security/surety, the City shall review the project account records for any unpaid invoices or fees due to the City. All developers and applicants agree and consent to the City recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.

C. *Amount and type of security/surety:*

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security or any other form of guarantee.
2. Security/Surety requirements may be met but are not limited to the following:
  - a. Deposit in the form of Cash, Certified Check, Cashier's Check or Money Order (required for Certificate of Occupancy);
  - b. Irrevocable letter(s) of credit (Commercial/Designated Places of Assembly/Multi-Family only);
  - c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida (Commercial/Designated Places of Assembly/Multi-Family, subdivision, P.U.D., Plat release only); or
  - d. Certificates of Deposit issued by State or Federally licensed banks provided that the Certificate of Deposit can be converted to cash (or any other asset) only with the prior approval of the City (for Commercial/Designated Places of Assembly/Multi-Family only).  
NOTE: Interest earned on the Certificate of Deposit shall be retained by the applicant if the applicant completes the required improvements secured by the Certificate of Deposit within

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the time limits established in the Final Development Order. The City shall retain all interest earnings on the Certificate of Deposit if, for any reason, the City is required to use the Certificate of Deposit, or any portion thereof, for completion of improvements required of the applicant. Use of this technique will require evidence of agreement between the applicant, the bank issuing the Certificate of Deposit, and the City.

3. The amount of security/surety for single family residential development shall be a minimum of \$1,500.00 or 120 percent, whichever is greater, of the total construction costs for the required improvements (public and private). The amount of security/surety for all other developments shall be a minimum of \$5,000.00 or 200 percent, whichever is greater, of the total construction costs for the required improvements (public and private). Upon approval of the City Manager, or his or her designee, the amount of security/surety may be reduced commensurate with the completion and final acceptance of required improvements not more than once during the term of the improvements. In no case, however, shall the amount of the security/surety be reduced to less than the designated minimum, necessary for completing the remaining required improvements. The following conditions also will apply to the posting of any security/surety:
  - a. Amount of security/surety which will be permitted shall not exceed 10% of the project cost provided on the building permit application.
  - b. Administrative fee of \$250.00 shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.
  - c. Security/surety handling fee of ten percent of the total amount of security/surety shall be assessed and paid prior to reduction or release of said security/surety.
  - d. Inspection fees are outlined in most current fee resolution and shall be assessed and paid prior to reduction or release of security/surety.
4. Security/surety documents must reflect the names of the subdivision or planned unit development and the developer and developer's authorized agents.
5. Security/surety shall be provided prior to the issuance of the final development order.
6. Expiration of surety may be extended in time, not more than two occasions for a total of 16 months, after which the security/surety shall be forfeited in accordance with this section. Extension of time shall be based on merits of completion of bonded items as inspected and determined by the City Manager or his or her designee.

*D.—Inspection of improvements.*

1. Inspection of the following phases of construction may be conducted by the City Engineer. These phases shall be inspected and certified by the developer's engineer:
  - a. Subgrade or stabilized subgrade;
  - b. Curbs and concrete work;
  - c. Roadway base;
  - d. Surface course;
  - e. Drainage structures and systems.
2. The developer's engineer shall provide certification(s) that all infrastructure, including potable water and wastewater systems, have been constructed in accordance with the approved development plan. Testing documentation shall be provided to the City Engineer, along with

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copies of DEP certification(s). Inspection by the developer's engineer will not preclude the City Engineer from inspecting any and all aspects of construction.

3. The City Engineer shall be given 48-hour advance notification of scheduled inspections.

4. The City Engineer shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.

5. If a developer does not schedule any inspections required by this section, the inspection fees for that unscheduled inspection shall be triple the usual inspection fee.

E. *Procedures for acceptance by the City.*

1. *Preliminary acceptance.* Preliminary acceptance of physical improvements is subject to:

a. Within two weeks prior to presentation to City Council for preliminary acceptance, the City Engineer shall inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.

b. The developer has posted the required security/surety as specified in section 2.20.00.F.1.c to insure maintenance for a period of one year from the date of preliminary acceptance by the City Council. The security/surety provided for the installation of physical improvements as specified in Section 2.20.00.B shall not expire until the installation of physical improvements has been preliminarily accepted by the City. Responsibility of acquiring preliminary acceptance shall be the developer's.

2. *Permanent acceptance.* The infrastructure will not be permanently accepted into the City's maintenance program until all defects are corrected by the developer within 60 days of notification of deficiencies by the City Engineer. In addition, failure to make required corrections specified by the City Engineer shall result in a forfeiture of securities/sureties. Responsibility for acquiring permanent acceptance shall be the developer's.

3. The City of Destin shall establish a administrative procedure for the acceptance of developments in the City. These developments shall include, but not be limited to subdivisions, planned unit developments (PUD's), private road subdivisions and private developments.

F. *Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments).*

1. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to roads, streets, stormwater drainage, sidewalks, street lights, open space and recreation areas.

a. There shall be a minimum maintenance period of one year.

b. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements. (section E. herein)

c. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer and a representative of the developer. These inspections shall be scheduled at mid-year and prior to permanent acceptance by the City Council. The City Engineer shall advise the developer, in writing, of any corrective measures to be made

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- during the maintenance period. It shall be the developer's responsibility to make required corrections prior to the expiration of the maintenance security/surety.
- d. The security/surety shall be in an amount equal to 25 percent of the construction cost of the improvements and will be held for a period of 18 months or upon permanent acceptance, which ever is greater.
2. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
- a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium association pursuant to that law.
- b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.
- c. When a development requires an owner's association, proof of the establishment of the association must be filed with the community development director prior to a development order being issued. A recorded copy of the documents must be provided to the City before preliminary acceptance.
- d. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer.
3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenant shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.
- G. *Penalty.* Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this article shall be punished as provided in Section 1-9 of Destin's Code of Ordinances.
- 2.20.01. *Future improvement payment.*
- A. *Applicability:* The provisions of this section apply to all proposed developments in the City of Destin or adjacent to public rights of way.
1. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.
2. This section does not modify existing agreements between a developer and the City for final development orders granted prior to the effective date of this section.
3. This section shall apply to situations when improvements can not be installed or constructed within a public right of way, easement, or City owned property within the City of Destin, due to circumstances outside of the City of Destin or the developer's immediate control. Examples of such situations include, but are not limited to improvements to and along the U.S. Highway 98 corridor, including Emerald Coast Parkway and unimproved public rights of way within the City of Destin and when a City improvement schedule coincides with an adjacent development.

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B. *Improvements required:* The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public ROW, easement, or City owned property, including, but not limited to, sidewalks, pedestrian tracks or pathways, signage other than traffic control, handrails and permanent striping will be constructed according to the approved development plan at an undisclosed later date by the City of Destin. The following information shall be provided by the developer:

1. The projected total cost for each improvement. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Florida Professional Engineer.
2. The amount and type of payment provided to assure construction.

C. *Amount and type of future improvement payment:*

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.
2. Payment requirements shall be one of the following:
  - a. Certified check;
  - b. Cashiers check;
  - c. Money order; or
  - d. Cash.
3. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
4. In addition to the future improvement payment, developer shall pay an administrative fee.

D. *Future improvement payment* shall be made prior to the to issuance of a development order for commercial projects or a building permit for residential projects.

E. *Future improvement payment.* At such time that the improvements can be made to the public right-of-way, easement, or City-owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 5, 5-7-07)

## **2.21.00. Final development order and extension of the commencement of construction deadline.**

A final development order is valid for a period of one year from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued and construction has not commenced within one year from the date of issuance of the final development order, then the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related

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to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 2.21.01.

*2.21.01. Criteria for a request to extend the 12-month deadline to obtain a building permit and commence construction.*

- A. An applicant who desires to extend the 12-month deadline shall submit a written request to the community development department, no less than 30 days, prior to the expiration of the 12-month deadline to obtain a building permit and commence construction.
- B. An applicant may receive only one extension, and such extension shall not exceed one year.
- C. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.
- D. *Special economic condition extension.* An applicant who desires to extend a previously approved active final development order shall submit a written request to the community development department, no later than April 30, 2014, which extension shall be deemed automatically granted. The extension shall commence from the current expiration date of the active final development order for a period of one year. Nothing herein shall be deemed to affect any other extension otherwise allowed by either this Code or general law, except that it is expressly intended the expiration date of a final development order that has been previously extended by operation of general law may be further extended by operation of this subsection.

*2.21.02. Determination regarding request for extension.* All applications for extensions, as identified in section 2.21.01, shall be reviewed by the community development director with input from the appropriate technical review committee members for approval, approval with conditions, or disapproval.

*2.21.03. Establishing an application fee.* The City reserves the right to establish, by resolution, an application fee, for processing and reviewing requests for extensions of time authorized by section 2.21.01.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 09-17-LC, § 3, 10-19-09; Ord. No. 14-01-LC, § 3, 3-3-14)

## **2.22.00. Appeals.**

When it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official or the local planning agency in the enforcement of any requirement of this code, the Code of Ordinances or Land Development Code, now existing or to be promulgated in the future by the City, the issue in dispute shall be taken before the Board of Adjustment. Such issue may include, but it not limited to, a finding of concurrency deficiency or refusal on the part of the City to issue a final development order.

2.22.01. Any appeal by any citizen must be filed in writing with the City Manager, or designee, within 30 calendar days of rendition of the decision in question, and the reasons for such appeal shall be set forth therein. The City Manager, or designee, shall arrange for an appeal hearing before the Board of Adjustment and notify the appellant in writing of the date, time and place of the hearing.

2.22.02. The appellant shall have the burden of affirmatively demonstrating that the decision in question was in error. The administrative official(s) involved, or chairman of the Planning Commission, shall have the opportunity to present information and argument to support their decision.

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2.22.03. The Board of Adjustment shall base its decision on the requirements of the City's Comprehensive Plan and this Code. The Board shall make its decision based upon its usual voting procedures, the decision shall be issued in writing stating the reasoning involved, and it shall be rendered within 60 days of the close of the hearing. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.

(Ord. No. 04-23-LC, § 3, 8-16-04)

## **2.23.00. Reserved.**

Editor's note(s)—Ord. No. 04-26-LC, § 3, adopted Sept. 8, 2004, repealed § 2.23.00, which pertained to deviations to a final development order. See also the Land Development Code Comparative Table.

## **2.24.00. Development agreements.**

A.—*Definitions.* For the purpose of this section, the definitions set forth in F.S. § 163.3221, are hereby adopted by reference and shall apply and control all development agreements entered into by the City of Destin.

B.—*Development agreement requirements.*

- 1.—All development agreements shall, at a minimum, include the following:
  - a.—A legal description of the land subject to the agreement.
  - b.—A statement identifying the legal and equitable interest of all persons having any interest in the property described in a. above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Florida.
  - c.—The duration of the agreement, which shall meet the terms set forth in subsection C. of this section.
  - d.—The development uses permitted on the land, including population densities, and building intensities and height.
  - e.—The land use designation under the City's Comprehensive Plan for all property included within the terms of the proposed agreement.
  - f.—The current zoning classification of the property.
  - g.—A description of public facilities that will service the development, including who shall provide and maintain such facilities.
  - h.—The date any new facilities, if needed, will be constructed.
  - i.—A schedule to assure public facilities are available concurrent with impacts of the development.
  - j.—A description of any reservations or dedications of land for public purposes.
  - k.—A description of all local development permits approved or needed to be approved for the development of the land.
  - l.—A finding that the development permitted or proposed is consistent with the City's comprehensive plan and land development regulations, as required by Section 163.3231 of the Act.
  - m.—A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens.

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- n.—A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the development of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.
- 2.—A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.
- C.—*Duration of development agreements.* The term of a development agreement shall not exceed five years. A development agreement may only be extended by mutual consent of the City Council and the developer, subject to public hearings in accordance with Section D. No extension shall exceed five years or such time as the Act may provide.
- D.—*General requirements for notices and hearings.*
- 1.—Before entering into, amending, modifying, canceling, or revoking a development agreement, the City shall conduct at least two public hearings, one of which shall be held by the local planning agency prior to a final public hearing before the City Council.
  - 2.—The day, time and place at which the next scheduled public hearing will be held shall be announced at the prior public hearing.
  - 3.—Notice of intent to consider a development agreement at a scheduled public hearing shall be provided:
    - a.—By advertising the required notice in a newspaper of general circulation and readership in Okaloosa County approximately seven days before each public hearing on the application;
    - b.—By mailing no sooner than 14 calendar days prior to the first public hearing to all property owners of record as listed in the Okaloosa County Property Appraiser's office records, whose property lies within 300 feet of the subject property;
    - c.—In writing, to adjacent or affected local governments or their agencies pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan; and
    - d.—By posting on the property to be developed.
  - 4.—Required notice of intent to consider a development agreement shall specify:
    - a.—The time, place, and location of the scheduled hearings (2);
    - b.—The location of the land subject to the development agreement;
    - c.—The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
    - d.—Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.
- E.—*Development agreement procedures.*
- 1.—*Submission of development agreement packages; fees.*
    - a.—Applications requesting consideration by the City of a developer's proposed or amended development agreement shall be submitted on such forms as may be provided by the City. In addition to the information required by Subsection B. of this section, the application shall contain such information as is reasonably necessary to process and fully consider the application.

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- b. Application packages shall be accompanied by such fees and charges as may be imposed by the City Council by resolution for proper filing and processing.
  - c. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

2. *Negotiation of development agreements.*

- a. The City Manager and City staff shall review the developer's application package and negotiate such further terms and conditions as the City Manager shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
- b. Once a tentative agreement has been reached as to the terms and conditions of a development agreement, or further negotiations are not anticipated or will not reach a consensus on the development agreements' terms or conditions, the City Manager and staff shall draft a report, including any recommendations, of the City Council consideration along with the tentative agreement.
- c. The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that further expenditures by a developer would vest any right to continue development; nor shall such actions constitute partial performance entitling the owner to a continuation or extension of the development agreement.

3. *Adoption, amendment, extension, modification, revocation and cancellation procedures:*

- a. Following such notice and public hearings as may be otherwise required, the City Council by majority vote, may act to adopt, amend, extend, modify, revoke or cancel any proposed or existing development agreement.
- b. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.

F. *Recording the development agreement.*

- 1. Within 14 days after the City enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the Official Records of Okaloosa County.
- 2. A copy of the recorded development agreement and any recorded action on the agreement shall be submitted to the Florida Department of Community Affairs within 14 days after the agreement is recorded.
- 3. Pursuant to F.S. § 163.3239, no development agreement shall be effective until 30 days after having been received by the Department of Community Affairs.
- 4. Prior to the City's review of the status of a development agreement, the developer or property owner shall, within 14 days of the City's annual review of the development agreement, submit to the City a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.

G. *Periodic review.*

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1. ~~The City may review the land and progress of development subject to the development agreement at least once every 12 months to determine if there has been compliance with the terms and conditions of the development agreement during the period under review. The agreement shall continue in force as is, pending the next review.~~
  2. ~~If as part of its review, the City makes a finding on the basis of substantial competent evidence that there has been a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Subsection D., may:~~
    - a. ~~Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or~~
    - b. ~~Revoke the agreement in order to protect the public's interest, health, safety or welfare.~~

H. ~~Amendment, modification, extension, revocations and cancellation of agreements.~~

1. ~~In addition to being extended pursuant to Subsection C. development agreements may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest upon proper notice and hearing set forth in Subsection D.~~
2. ~~In the event state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms or conditions of a development agreement, then such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws upon proper notice and hearing set forth in Subsection D.~~

I. ~~Legal status of development agreements.~~

1. ~~The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.~~
2. ~~The City's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.~~
3. ~~The City may only apply subsequently adopted laws and policies to then-existing development agreements if, after one duly noticed public hearing, the City determines any one of the following:~~
  - a. ~~That such laws and policies are specifically anticipated and provided for in a development agreement; or~~
  - b. ~~That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or~~
  - c. ~~That such laws and policies are essential to the public health, safety or welfare, and expressly state that they shall apply to existing development agreements; or~~
  - d. ~~That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or~~
  - e. ~~That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.~~

J. ~~Enforcement.~~

1. ~~The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. §§ 163.3220—163.3242:~~

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- a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
  - b. The state land planning agency.

2. Violations of this section or a development agreement shall be subject to penalties provided in Section 1-9 of the Code of Ordinances.

(Ord. No. 04-23-LC, § 3, 8-16-04)

## **2.25.00. Board of adjustment.**

2.25.01. *Establishment; appointment.* There is hereby established a board of adjustment consisting of seven members who shall be appointed by the City Council.

2.25.02. *Terms of members.* After the first seven appointments to the board, all succeeding appointments shall be for a term of three years, or until their successors are appointed and qualified.

2.25.03. *Functions, duties and responsibilities.* The board of adjustment shall have the following powers and duties:

- A. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
- B. To hear and decide such conditional uses as the board of adjustment is specifically authorized to pass on under the terms of any zoning ordinance, to decide such questions as are involved in the determination of when conditional uses should be granted, and to grant conditional uses with appropriate conditions and safeguards or to deny conditional uses when not in harmony with the purpose and intent of any zoning ordinance. When reviewing an application for a conditional use, the following criteria shall be considered. Any applicant for a proposed conditional use shall provide plans that demonstrate compliance with the following general criteria:
  1. *Size, Location, or Number of Conditional Uses.* Size, location, or number of conditional uses in an area shall be limited so as to maintain the overall character of the district in which said conditional uses are located. The proposed conditional use(s) shall be compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting, appearance, etc.
  2. *Hours of Operation.* Hours of operation may be limited by the board of adjustment to ensure compatibility with adjoining properties. For instance, hours of operation may be restricted to avoid potential adverse impacts on a conforming residential use or on an adjacent single-family residential zoning district.
  3. *Factors Impacting Scale and Intensity of Conditional Uses.* 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 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 potential adverse impacts of the proposed use, including its design, mass, height, and scale. The board of adjustment may impose conditions that require supplemental development standards to ensure compatibility with surrounding development.

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In granting any conditional use, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the zoning ordinance.

The board of adjustment may prescribe a reasonable time limit within which the action for which the conditional use is required shall be begun or completed or both.

- C. To authorize upon appeal such variance from the terms of any zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the conditions, the board of adjustment must find:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  2. That the special conditions and circumstances do not result from the actions of the applicant.
  3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
  4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
  5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance.

The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

- D. Under no circumstances, except as permitted above, shall the board of adjustment grant a variance to permit a use not generally or by conditional uses permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

2.25.04. *Applications.* It shall be the responsibility of the applicant for conditional uses or variances to ordinances to demonstrate and each application shall contain statements of fact establishing the criteria prescribed in Subsections 2.25.03(B) through (J), as applicable. Each request for conditional uses or variance, and each decision appealed, shall be the subject matter of a separate application.

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2.25.05. *Findings.* The board of adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in Subsections 2.25.03(B) through (J), as applicable, are met, and whether or not the request is consistent with the City's comprehensive plan, and no issuance of any conditional use or variance to any City ordinance shall issue unless the applicable criteria and plan compliance are met.

2.25.06. *Action time limit.* An action for which a variance or conditional use is required shall be begun no later than six months and completed no later than 12 months from the grant of variance or conditional use, or such other reasonable time limit as shall be determined for the grant of variance or conditional use by the board of adjustment.

2.25.07. *Review of administrative orders.* In exercising its powers, the board of adjustment may, upon appeal, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance, and may make any necessary order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

2.25.08. *Appeal from decision of administrative official.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board, or bureau of the City affected by any decision of an administrative official under any zoning ordinance. Such appeal shall be taken within 30 days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was taken.

2.25.09. *Stay of work and proceedings on appeal.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2.25.10. *Hearing of appeals.* The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. For procedural purposes, an application for a special exception shall be handled by the board of adjustment the same as for appeals.

2.25.11. *Judicial review of decisions.* Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board, commission, or bureau of the City, may apply to the circuit court for judicial relief within 30 days after rendition of the decision by the board of adjustment. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

2.25.12. *Rules of procedure for the board of adjustment.*

A. *Definitions.* For the purpose of this section the following terms, phrases, words, abbreviations and their derivations shall have the following meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in Section 1-2 of the codified ordinances of the City.

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1. ~~Applicant shall mean the person(s) filing the application, the representative of the person(s) filing the application, or the attorney representing the person(s) filing the application.~~
  2. ~~Application shall mean the application form and supporting documents and, where the context so requires, the variance requested by the application, or special exception required by the application, or the administrative action or interpretation being reviewed by the application.~~
  3. ~~Board shall mean the Board of Adjustment of the City of Destin.~~
  4. ~~Chairman shall mean the chairman of the Board of Adjustment of the City of Destin.~~
  5. ~~Code shall mean the codified ordinances of the City of Destin, Florida, unless otherwise designated.~~
  6. ~~Legal advisor shall mean the City Attorney or other attorney appointed by the City Council to serve in the capacity of legal advisor to the Board of Adjustment of the City of Destin.~~
  7. ~~Site plan shall mean a drawing, to scale, which accurately depicts the property and proposed improvements.~~
  8. ~~Survey shall mean a sketch or survey prepared by a registered land surveyor and certified within the last 90 days prior to the date of application.~~

B. ~~Application requirements.~~

1. ~~Each request for a variance, conditional use, or appeal of an administrative decision as allowed by Section 2.25.03 shall be originated by the filing of an application with the community development director or his or her designee.~~
2. ~~The form of the application shall be approved by the legal advisor and the board.~~
3. ~~The application must be supported by the following:~~
  - a. ~~Letter of request from the applicant which contains the request(s) for variance(s), conditional use(s), or appeal(s) of an administrative decision.~~
  - b. ~~Statements of fact setting out compliance with the criteria established by Section 2.25.03 of the Code when required.~~
  - c. ~~Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.~~
  - d. ~~A complete legal description of the parcel of land for which the request is sought.~~
  - e. ~~A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey (not older than 90 days) which provides the same information, in lieu of a site plan.~~
  - f. ~~Any other documents or requirements which are mandated by the Code or deemed necessary by staff in reference to the specific request made. By way of example and not of limitation, such requirements might be a drawing of the structure of a sign as required by the sign ordinance or, in the case of a swimming pool, a drawing of the location of the pump and filter equipment.~~
4. ~~The community development director, or designee, shall have the discretion to refuse to accept an application which does not include support documents required by this section or the Code.~~

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5. The application and any supporting materials must demonstrate the need and the requirements of Section 2.25.03(B) through (J) of the Code as applicable. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application.

*C. City staff responsibilities.*

1. The City staff, hereinafter referred to as "staff," has the responsibility for the everyday business of the City, and as regards matters that may come before the board, to insure compliance with ordinances of the City.
2. Staff shall provide assistance to the applicant of a technical nature regarding the requirements of the Code and identification of elements of plan noncompliance with the Code.
3. Staff must review all applications for technical completeness and report its opinion to the board.
4. Staff, as designated by the Community Development Director, must review the site plan or survey attached to the application and provide a statement that staff has viewed the property and finds that the site plan accurately depicts the property, to the best of the staff's knowledge. It is understood that staff should not act as a surveyor or in any way guarantee the site plan(s) attached to the application, but should provide the board with information that the site plan(s) does or does not accurately depict the property for the purposes of the specific request and disposition by the board.

*D. Public hearings generally.*

1. Pursuant to Section 2.25.10 of this Code, the board shall fix a reasonable time for hearing the specific request.
2. Pursuant to the provisions of Section 2-29 of the Code of Ordinances, the public hearing on any application shall be conducted in accordance with Robert's Rules of Order. However, as the hearings held by the board are quasi-judicial, certain additional rules and procedures are proper. These rules are to guarantee that the applicant, the City, and any interested party have due process. In addition, the rules will provide a forum for the hearing which is easy to follow, provides evidence in a logical progression, and provides the board an opportunity to dispose of applications in a reasonable time.
3. The agenda for each regular meeting shall be followed as prepared by the Community Development Director or his or her designee. The chairman may, in the exercise of his or her discretion, or upon majority vote of the board, alter the agenda to dispose of items in a prompt and efficient manner. The chairman may in the exercise of his or her discretion, or upon a consensus of the board, also request, but may not compel, an applicant to postpone, continue or recess a matter to a later time or date. The board may, for good cause, continue a matter to a later time or date.
4. The City Clerk or his or her designee is responsible to keep minutes of the public hearings and meetings of the board. These minutes shall include, but are not limited to: the evidence presented by the applicant, the staff and members of the public; deliberation of the board; and the decision of the board. The minutes are not verbatim transcripts of the proceedings.

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5. ~~The applicant is responsible for ensuring that a verbatim record of the proceeding is made if required for his or her purposes.~~

~~E.—*Order of proceeding with public hearing.*~~

1. ~~The order of proceeding with the public hearing as specified hereinafter on an application before the board shall be followed, but may be varied from, in the exercise of discretion of the chairman or by majority vote of the board.~~
2. ~~The chairman, or his or her designee, shall read into the record the notice of the public hearing, unless waived in whole or in part by the interested parties present, and shall examine the proof of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.~~
3. ~~The chairman, or his or her designee, shall read into the record the application, and any additional information which the applicant has attached to the application, and shall announce the attachment of any supporting documents with a brief description of each.~~
4. ~~The chairman, or his or her designee, shall then read into the record any deficiencies which the staff has determined exist in the application.~~
  - a. ~~If the deficiencies have been cured by the applicant, such should be noted on the record and the public hearing should proceed.~~
  - b. ~~If the deficiencies have not been cured, and the applicant is unable to cure them within the time of publication of the notice of public hearing, the chairman may ask if the applicant wishes to continue, postpone or recess the public hearing.~~
  - c. ~~If the deficiencies are a result of the board or staff, the board may continue, postpone, or recess the matter for a reasonable time sufficient to cure the deficiencies.~~
  - d. ~~If, in the opinion of the legal advisor, the deficiencies are such that no action on the application would cure the deficiencies, then the board may deny the request, after giving the applicant an opportunity to be heard on curing the deficiencies, if applicable.~~
5. ~~The chairman shall then read into the record any and all comments of the staff.~~
6. ~~The chairman shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.~~
7. ~~The chairman shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.~~
8. ~~The chairman shall then call upon the public for any comments, testimony, information and documents in support of granting the application.~~
9. ~~The chairman shall then call upon the public for any comments, testimony, information and documents against granting the application.~~
10. ~~The chairman shall then call upon the applicant for any rebuttal.~~
11. ~~The chairman shall then call upon the staff for any rebuttal.~~
12. ~~The chairman shall then call upon the public for any rebuttal.~~

~~F.—*Board deliberation.*~~

1. ~~The board shall deliberate upon the application and testimony and other evidence of the applicant, staff and members of the public.~~

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2. ~~The board during deliberation may call upon the applicant, staff or members of the public to answer questions which the board may have regarding the application.~~
  3. ~~The board may postpone, continue or recess deliberation on the application, until a time when the board believes that the matter may be disposed of in a prompt fashion. Such a case may occur when the staff, legal advisor or the applicant are unable to answer questions from the board and require additional time to provide information.~~
  4. ~~Deliberation may continue so long as the board has questions of the applicant, staff or members of the public.~~
  5. ~~Deliberation may be ended in the same manner as for closing debate, with the exception of only a majority vote needed or upon announcement by the chairman without objection from a member of the board.~~

G. ~~*Evidence at the hearing.*~~

1. ~~*Variance.* The burden of proof shall be upon the applicant to establish the standards required in Section 2.25.03 (G) of this Code for the granting of a variance.~~
2. ~~*Conditional uses.* The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is adverse to the public interest.~~
3. ~~*Administrative decision appeal.* The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.~~
4. ~~Testimony commonly is not under oath; however, by filing the application, preparing the comments or participating in the public hearing, the applicant, staff and members of the public certify the testimony or evidence which they give or proffer is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.~~
5. ~~Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.~~
6. ~~The members of the board, applicant, staff or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.~~
7. ~~All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.~~
8. ~~Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the chairman.~~
9. ~~Any member of the board may question any person presenting evidence or testimony to the board.~~
10. ~~All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.~~
11. ~~Any ruling by the chairman may be challenged and overturned by a majority vote of the board.~~

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H. ~~Motion to grant or deny.~~

- ~~1. After deliberation on the application is closed, a motion may be made to grant or deny the application.~~
- ~~2. The motion shall state the objective findings of fact, prescribed in Sections 2.25.03(B) through (J), as applicable, upon which the board bases its decision.~~
- ~~3. The motion shall briefly state what evidence was relied upon in making the findings of fact.~~
- ~~4. The board may consult with the legal advisor to determine if any additional requirements must be met in order to grant or deny the application.~~
- ~~5. The motion may contain other factors which the board considered in making its decision, such as, but not limited to: commencing construction without a permit, defective plans, etc.~~
- ~~6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect the public health, safety and welfare.~~
- ~~7. Pursuant to Section 2.25.06 of this Code, the motion may also contain time frames within which any activity, pursuant to a variance or special exception, are commenced and completed.~~
- ~~8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.~~
- ~~9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested, and commences the time for filing an appeal to such order.~~
- ~~10. When the board passes a motion denying the application, the chairman or his designee should advise the applicant of the appeal rights provided in Section 2.25.11, "Judicial review of decisions," of this Code.~~
- ~~11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the planning and zoning secretary shall compile the motion into written form and present the order to the chairman for execution.~~

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 06-01-LC, § 4, 12-18-06; Ord. No. 10-11-LC, § 3, 12-20-10)

## **2.26.00. Vested rights determinations.**

For purposes of this entire chapter on vested rights determinations, the term "and" is conjunctive, and the term "or" is disjunctive.

2.26.01. *Intent.* This chapter is intended to provide implementing land development regulations consistent with Policy 1-2.1.5 of the City's adopted Comprehensive Plan.

- ~~A. The intent of the procedure for vested rights determinations is to provide for a fair and equitable process for the determination of whether a property owner has vested rights as of April 2, 2018.~~
- ~~B. The purchase of property in reliance on then existing zoning, without more, shall not vest the purchaser's right to develop in accordance with said zoning.~~
- ~~C. The City does not deem there are any applicants eligible for Vested Rights within the City, wherein the claimed vested right would allow a property owner to not provide parking onsite of the proposed development, for 100 percent of the maximum allowed occupancy, whether commercial or residential, of the proposed project.~~

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- D. ~~The City deems that no applicants shall receive recognition of a Vested Right that impermissibly obligates the City to provide its credit for the benefit of the applicant.~~

~~2.26.02. Eligibility to apply for a vested rights determination.~~

- A. ~~This process is only available to property owners who personally, or through their predecessors in title, can provide written proof that prior to June 8, 2018, they applied to the City of Destin to build something on the property that was never built on a specific parcel of property, and that they are able to meet one of the four categories of applications set forth below in section 2.26.03.~~
- B. ~~The scope of any such request for a vested right shall be limited to what was applied for in the original application filed with the City prior to June 8, 2018, and shall be further limited to any written input or opinions provided by staff at the time of the denial or approval. Any application relied upon by the applicant, along with any input or opinions from staff, must be attached to any application submitted under this chapter.~~
- C. ~~One may not apply if they are seeking a determination as to anything that was subject to an unexpired development order, which was pending as of June 8, 2018, and any building heights, density, and/or intensity requirements in the unexpired development order shall continue to be legal after the date of the adoption of the Comprehensive Plan, and shall expire on the expiration date contained within the development order.~~
- D. ~~An applicant may only submit one application for a vested rights determination per parcel, which will require the applicant to indicate which category the applicant is applying under. The categories are mutually exclusive, and applicants shall only select one category for their application. If an applicant selects more than one category, then the application shall be summarily denied if not corrected within three months of the effective date of this chapter.~~

~~2.26.03. Application categories. A property owner may make application to the City Council for a vested rights determination if they fall within one of the four categories listed below:~~

~~A. Category One.~~

- i. ~~The applicant received a development order, which expired sometime in the five calendar years prior to April 2, 2018, and prior to expiration of the development order, the applicant conveyed and constructed a tangible public benefit, for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the development order, with the applicant incurring ascertainable monetary costs at the time of conveyance or construction.~~
- ii. ~~Any such written agreement evincing the development order must be attached to the application, and failure to do so will result in a summary denial of the application.~~
- iii. ~~This category of applicant shall be eligible for a one year revival of the expired development order subject to modifications of the design of the project within the development order, consistent with this section of the code.~~
- iv. ~~The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.~~
- v. ~~Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.~~
- vi. ~~An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.~~

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B. *Category Two.*

- i. ~~The applicant is party to, or is the assignee of a party named to a fully performed written annexation agreement, and is/was promised certain development rights within the annexation agreement, said development rights not having a defined expiration/termination date within the annexation agreement.~~
- ii. ~~Any applicant in this category shall be eligible to apply for an amendment to the annexation agreement that will provide a vesting recognition of the development rights within the annexation agreement, with a maximum five-year expiration/termination of the development rights conferred within the annexation agreement.~~
- iii. ~~If the annexation agreement contains express and identifiable parking specifications that contradict Section A.iv., above, then the contents of the annexation agreement shall control.~~
- iv. ~~Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.~~
- v. ~~An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.~~

C. *Category Three.*

- i. ~~The applicant previously applied for a development order, which was denied.~~
- ii. ~~Despite the denial, the applicant can produce an express written agreement that expressly sets forth, on the face of the document itself, an identifiable vested development right benefitting the applicant.~~
- iii. ~~Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.~~
- iv. ~~The applicant shall be required to prove the following:~~
  - a. ~~The applicant, prior to April 2, 2018, made a substantial change in position or has incurred extensive obligations or expenses.~~
  - b. ~~The following are not considered development expenditures or obligations:~~
    1. ~~Expenditures for legal and other professional services that are not related to the design or construction of improvements;~~
    2. ~~Any form of taxes paid, or incurred;~~
    3. ~~Expenditures for acquisition of the land, including purchase price and all closing costs.~~
    4. ~~Obligations to any third parties, including but not limited to investors or creditors of the applicant.~~
- v. ~~This category of applicant shall be eligible for a one year revival of the expired development order subject to modifications of the design of the project within the development order.~~
- vi. ~~The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, footprint, or square footage of the project.~~
- vii. ~~Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.~~
- viii. ~~An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.~~

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D. ~~Category Four.~~

- ~~i. The applicant duly applied for a development order prior to June 8, 2018, and did not receive a final decision for approval or denial prior to June 8, 2018. A formal written application and payment of appropriate applicable fees must have been received by the City prior to June 8, 2018.~~
- ~~ii. Category Four applications for vested rights determinations are subject to the following limitations:
  - ~~a. The application is for a minor development; and~~
  - ~~b. The gross floor area of the proposed structure is less than 4,000 square feet; and~~~~
- ~~iii. This category of applicant shall be required to submit an application for a vested rights determination by (insert date that is six months after effective date of this ordinance).~~

~~2.26.04. Procedure for applying and determining vested rights.~~

- ~~A. Applications for a vested rights determination shall be submitted to the city manager on a form to be provided by the City.~~
- ~~B. Such application must be filed within six months after the Council passes this ordinance on second reading.~~
- ~~C. Failure to file an application within the required period will constitute an abandonment of any claim to vested rights.~~
- ~~D. The owner of the subject property must either sign the application or give written authorization~~
- ~~E. Judicial relief will not be available unless administrative remedies set forth in this article are exhausted.~~
- ~~F. The City Manager, in consultation with the City Land Use Attorney, and City Attorney, and City Staff, shall review a vested rights determination application for sufficiency, shall forward the request to the City Council once it is deemed the application includes all required information.~~
- ~~G. The City Manager shall schedule a public hearing before the City Council, which hearing shall be held not later than 45 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.~~
- ~~H. Written notice of the date, time, place and purpose of the hearing shall be mailed by the City Clerk to all owners of property located within 150 feet of the boundaries of the property for which vested rights are sought, according to the latest certified tax roll. (For purposes of this article, such an owner is deemed a "party of record"). Said notice shall be mailed not later than 15 days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten days prior to the public hearing.~~
- ~~I. The applicant shall provide a proposed order to the City Council a minimum of ten days prior to the hearing on the application.~~
- ~~J. The City Council shall render an order to either issue or deny a vested rights determination on the application.~~
- ~~K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) what rights, if any, are vested; (ii) what laws or regulations those rights are vested against; and (iii) what limitations or requirements apply for the applicant to preserve those vested rights.~~

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~~2.26.05. Appeals.~~

- ~~A. Any appeal of a City Council decision on a vested rights determination 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 30 days after the date the City renders its order.~~

~~2.26.06. Prohibited clauses within proposed order. Any proposed Order provided to the City Council shall not include:~~

- ~~A. Any change to add a new land use or to change the vested mix of land uses that alters the basic character of the vested development; or~~
- ~~B. Any change in access to the project that would increase the development's transportation impacts.~~

~~2.26.07. Ultra vires revocation. A vested rights determination shall be revoked by operation of law if the applicant, the applicant's predecessor in interest, the applicant's principals or officers, or the applicant's predecessor in interest's principals or officers, are found to have engaged in criminal or fraudulent activities during the negotiation, execution, or performance of any agreements related to either the application submitted under this chapter, or within the actions that led to the formation of the proposed project as originally presented to the City prior to April 2, 2018.~~

~~2.26.08. Notice of this ordinance. Any individual or entity who has applied to the City of Destin for any Development Order within the last five years, whom (1) owns waterfront property within the SHMU, CMU, or NHMU, (2) owns any undeveloped property along Highway 98, or (3) owns any undeveloped property south of Highway 98, shall be provided a copy of this ordinance mailed by certified mail return receipt requested.~~

~~(Ord. No. 18-16-LC, § 2, 9-5-18; Ord. No. 18-26-LC, § 2, 12-17-18)~~

## **2.27.00. Technical Review Committee (TRC).**

~~2.27.01. Establishment. There is hereby created a committee to be known as the Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development order applications as specified under section 2.26.03 of this Code.~~

~~2.27.02. Membership.~~

- ~~A. The initial membership on the TRC shall be capped at nine members, and terms on the committee shall be for four years, unless the member resigns from the committee, is removed from the committee by a majority vote of the City Council, or has their membership terminated pursuant to subsection B.~~
- ~~B. Membership on the TRC shall be terminated if the member: (1) files a lawsuit against the City, (2) is convicted of a felony, or a crime involving moral turpitude, or (3) fails to timely review projects to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.~~
- ~~C. The membership shall include:~~

- ~~1. The City Land Use Attorney;~~

~~An appropriate individual from the following city departments, as applicable:~~

- 
2. ~~Community Development Department, Planning;~~
  3. ~~Public Services Department;~~
  4. ~~Parks and Recreation Department;~~
  5. ~~Community Development Department, Building Official or Building Official's designee;~~

~~An appropriate individual from following agencies:~~

6. ~~Destin Fire Control District (nominee must have experience as a firefighter);~~

~~An appropriate individual from following utilities:~~

7. ~~Destin Water Users (nominee must have technical experience in the area of water utilities);~~
8. ~~Okaloosa Gas District (nominee must have technical experience in the area of gas utilities);~~
9. ~~Gulf Power (nominee must have technical experience in the area of electrical utilities).~~

- D. ~~The City Manager may appoint and remove the City Staff representatives, under Section 2.06.02.C.2.—5. above, as the City Manager may deem appropriate.~~
- E. ~~Other than the City Land Use Attorney, the City Manager shall provide the names of the nominees for the other four positions to the City Council, for the City Council's approval by a majority vote. The consideration and vote by City Council shall not be part of the Consent Agenda.~~

~~2.27.03. Functions, duties and responsibilities of TRC. The TRC members may be provided items to review in relation to their areas of expertise, and shall confine their review to the areas so designated. Subject to these limitations, the TRC shall review the following applications for compliance with the provisions of this City Land Development Code, and all applicable building codes:~~

1. ~~Major/Minor development order;~~
2. ~~Major/Minor deviations to development orders;~~
3. ~~Major subdivisions; and~~
4. ~~Planned unit developments.~~

~~2.27.04. Conduct of TRC meetings.~~

- A. ~~The TRC staff shall hold regular monthly meetings at the established time and place unless cancelled due to lack of items to be discussed or acted upon.~~
- B. ~~The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.~~
- C. ~~The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. Attendance of the applicant or agent is not required but is encouraged.~~
- D. ~~On development applications to be reviewed by the TRC, the Community Development Director, or other person designated by the City Manager, shall be responsible for the following:~~
  1. ~~Agenda preparation and distribution;~~
  2. ~~Chairing the meeting;~~
  3. ~~Recording the minutes;~~
  4. ~~Notification to applicants of the regularly scheduled date, time and place for consideration of the application;~~
  5. ~~Written notification to applicants of the outcome of the TRC review.~~

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E. ~~At the second City Council meeting each month, the City Land Use Attorney shall provide a brief monthly update, under City Land Use Attorney's designated portion of the Agenda, summarizing the activities of the TRC.~~

(Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

# EXHIBIT "A"

## City of Destin, FL - Article 2 - Administration

### **2.28.00. Intent of process for change of use permits.**

When the use of a space changes, the risk factors and neighborhood impacts associated with the space can also change. Alterations to the existing building/space may be required to meet the requirements of the City Land Development Code, Comprehensive Plan, Code of Ordinances, and/or building or fire code requirements for the new use. Alterations to the existing building and/or site may therefore be required to meet the Land Development Code requirements for the new use. The change of use permit process is intended to help identify those requirements and protect the public health, safety and welfare.

Development and redevelopment opportunities exist within the City. Existing developments are required to be consistent with existing development order(s) and expansion or changes to a space should not be permitted if a property is not currently in compliance with applicable city or state codes, or with an applicable development order.

A change of use review process is intended to allow the City to address all allowable past, present and future uses, where changes have occurred or are proposed to occur on the property. This process is intended to allow the City to ensure compliance with all current land use regulations, and to allow the City to consider and address potential impacts related to access, fire protection, lighting, noise, parking, signage, traffic, traffic safety, and vehicular access, and other impacts affecting the public health, safety or welfare.

#### *2.28.01. Change of use permits.*

*A. Applicability and criteria.* A change of use permit shall be required for the following types of changes, which includes all permanent, temporary, and seasonal uses:

1. A property or structure (including portions of a property or structure) is, or is proposed to be, a different land use than the approved use or existing use. (Examples may include, but are not limited to, a new retail use where a warehouse use was previously approved or permitted, or an amenity proposed for a residential use has been changed to a commercial use.)
2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to additional required parking, structure or site modifications, or other impacts affecting the public welfare, as determined by the Community Development Director or designee (Examples may include, but are not limited to, a retail center allowing a mobile vendor to operate).
3. The addition of a use to a site with a number of different uses current in operation, resulting in multiple uses on one site. (Examples may include, but are not limited to, a commercial building with multiple suites that may include commercial, retail, or restaurant uses.)
4. Establishment of new or expanded home occupations. (Examples may include, but are not limited to, home offices for businesses or realtors, or computer software consultants that provide technical assistance to customers).

*B. Prima facie evidence of change of use.* The following shall be prima facie evidence of a change of use:

1. The addition of 750 square feet or more of gross floor area to any structure or impervious surface.
2. Any change of use upon the property affecting 750 square feet or more of the property, of any structure, or of any pervious or impervious surface.
3. Any change of use/development of building/structure/parcel of land that generates vehicle trips above the current concurrency levels at the property location.

# EXHIBIT "A"

## City of Destin, FL - Article 2 - Administration

- C. ~~Additional applications.~~ The City may require additional applications be submitted as part of the change of use permitting process, including but not limited to applications for a development order, development order exemption, major or minor amendment to a development order, conditional use, or any other application determined to be necessary by the Community Development Director or designee, pursuant to any city code or ordinance.
- D. ~~Eligibility.~~ An application for a change of use permit shall be denied if any one (or more) of the following conditions exist:
- a. ~~There is a pending code compliance violation on the subject property; or~~
  - b. ~~A recorded code compliance lien exists on the subject property; or~~
  - c. ~~There is a development order on the property and the Community Development Director or designee determines that the property is not currently in compliance with such existing development order; or~~
  - d. ~~The application submitted is not complete, is missing any information, and/or is missing any required fee; or~~
  - e. ~~Any of the criteria or requirements set forth in section 2.28.01(A) or (B) for a change of use permit application is/are not met.~~

### ~~2.28.02. Change of use permit application requirements.~~

- 1. ~~A complete application must include the following information, at a minimum, and the Community Development Director or designee may require additional information if the Community Development Director or designee determines that more information is needed based on the scope of the change of use:~~
  - a. ~~Identification of the type of change of use (i.e., properties and structures requesting a different land use; increases in density/intensity; addition of a use to a site with a different use current in operation resulting in multiple uses on one site; home occupations; and off-site businesses.~~
  - b. ~~Applicant information.~~
  - c. ~~Owner information.~~
  - d. ~~Subject property address and parcel ID.~~
  - e. ~~Detailed description of proposed change of use.~~
  - f. ~~Current and/or previous use of property.~~
  - g. ~~Duration of change of use (permanent, seasonal or temporary).~~
- 2. ~~Owner authorization.~~
- 3. ~~Proof of ownership.~~
- 4. ~~List of all shared parking agreements for subject property from property owner (if applicable).~~
- 5. ~~List of all uses on the property, as well as the gross floor area of each use.~~
- 6. ~~Floor plan (if applicable).~~
- 7. ~~Site plan, drawn to scale to include:~~
  - a. ~~Property lines.~~
  - b. ~~All existing structures.~~
  - c. ~~Parking space layout.~~

(Ord. No. >19-16-LC, § 2, 10-21-19)

Article 2 ADMINISTRATION0F

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**FINAL DRAFT**

# EXHIBIT "A"

## City of Destin, FL - Article 2 - Administration

### 4.00.00. Public participation.

4.00.01. Purpose. The purpose of this article is to delineate procedures for public participation in all matters relating to the city's comprehensive plan. These procedures apply to consideration of all draft documents required for preparation of the comprehensive plan, the formal adoption process of the comprehensive plan, amendments to the comprehensive plan, preparation and adoption of the evaluation and appraisal report, and any other matters deemed appropriate by the City Council. The notice procedures in section 4.01.00 below shall also apply to all other public hearings held in the City of Destin, and to any other noticed public meetings as deemed appropriate by the City Council.

4.00.02. Definitions. The terms "citizen participation" and "public participation" are synonymous and apply to affected persons, substantially affected persons and aggrieved or adversely affected parties as defined in F.S. §§ 163.3184(1), 163.3213(2)(a) and 163.3215(2), respectively.

(Ord. No. 03-06-LC, § 4, 7-7-03; Ord. No. 12-01-LC, § 3, 6-4-12)

### 4.01.00. Notice procedures.

A. All public hearings and public meetings shall be held after 5:00 p.m. Monday through Thursday. Workshops may be held at other times deemed appropriate.

B. The planning division will advertise in a newspaper of general paid circulation, interest and readership within the city, that a public hearing or public meeting, as the case may be, will be held to consider any of the matters described in section 4.00.01 above. The advertisement will include an identification of who is holding the hearing or meeting, as well as the date, time, place and general subject of the hearing or meeting and the location where copies of the proposed matter may be reviewed. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration. Workshops may be held without advertising.

C. The first publication of notice of public hearing shall appear not less than ten days prior to the date of the hearing or meeting and the second publication of notice of public hearing shall appear not less than five days prior to the hearing or meeting. Notice of all public hearings shall also be posted on the City of Destin internet website not less than ten days prior to the hearing or meeting.

D. A notice of all such public hearings or meetings will be posted in a conspicuous place in city hall at least seven days prior to the hearing or meeting. Notice will be given to the appropriate media representatives at least 24 hours before all public hearings, public meetings and workshops. Workshops may be held without the seven-day notice.

E. A notice will be provided of any public hearing, public meeting, or workshop, to any person, group, agency or government that registers with the city to receive such notice at least 14 days prior to the hearing or meeting. The group, agency or government receiving such notice shall be responsible to notify their membership of the particulars involved.

F. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph B. of this subsection. However, no emergency ordinance or resolution shall

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## City of Destin, FL - Article 2 - Administration

be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to F.S. pt. II, ch. 163 shall be pursuant to that part.

G. — Ordinances that amend the Comprehensive Plan, the Land Development Code, or the Official Zoning Map shall also satisfy the following additional public hearing notice requirements:

1. — In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than ten contiguous acres, the City shall notify by mail each real property owner whose land will be re-designated by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the first public hearing.

2. — The City Council shall hold two advertised public hearings on ordinances that amend the Comprehensive Plan, the Land Development Code or the Official Zoning Map. The second public hearing shall be held at least ten days after the first public hearing.

(Ord. No. 12-01-LC, § 4, 6-4-12)

### 4.02.00. Local planning agency procedures.

A. — The local planning agency's public hearing and public meeting regarding any matter shall be conducted so as to encourage and afford members of the public reasonable opportunity to present their views on any matter under consideration. The chairman may, at his or her discretion, rule out-of-order public comments deemed repetitious or not germane to the matter under discussion. An agenda for the meeting shall be posted in or near the meeting room and generally available to those in attendance.

1. — The sequence of activities at such planning agency's meeting regarding the matters under consideration shall be as follows:

a. — Announcement of the matter for consideration by the chairman, or designee, with the reading of any required public notice by the chairman or his designee.

b. — Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the local planning agency, applicable agencies, media, proponents and any group registered pursuant to section 4.01.E at least three days prior to consideration.

c. — Receipt of comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards so that an accurate record of participants can be maintained.

d. — Close public input except for direct questions as may be initiated by the members of the local planning agency.

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~~e. Local planning agency discussion, debate and recommendation by majority vote prior to considering the next matter or adjournment.~~

~~2. The local planning agency shall transmit its written recommendation on each matter decided to the City Council as soon as possible. Included in this recommendation shall be a response to the substantive public comments received during consideration of the matter.~~

~~3. The local planning agency shall conclude consideration of the agenda no later than 11:30 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote agrees to do so. Agenda items not considered at this date will be placed first on the agenda for the next available date that meets applicable notice requirements.~~

~~4. A meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the state.~~

### 4.03.00. City Council procedures.

~~A. After the local planning agency makes a recommendation regarding any matter described, the City Council shall hold at least one public hearing to consider the recommendation. The hearing may be continued to an announced time certain upon a majority vote. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.~~

~~B. The City Council public hearing shall encourage and afford members of the public reasonable opportunity to present their views on any matter under consideration. The chairman may, at his or her discretion, rule out of order public comments deemed repetitious or not germane to the matter under discussion.~~

~~C. The sequence of activities regarding matters under consideration shall be as follows:~~

~~1. Announcements of the matter for consideration by the chairman with the reading of any public notice by the chairman or his designee.~~

~~2. Presentation of staff reports/comments, if any, whether written or verbal. Written staff reports, if prepared, shall be provided to the City Council, applicable agencies, proponents and any group registered pursuant to section 4.01. The recommendation of the local planning agency shall also be presented in written form.~~

~~3. Receipt of comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards so that an accurate record of participants can be maintained.~~

~~4. Close public input except for direct questions as may be initiated by the members of the City Council.~~

~~5. City Council discussion, debate and approval, adoption or enactment, as appropriate for the specific matter, by majority vote prior to considering the next matter or adjournment.~~

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~~D. — The City Council shall conclude consideration of the agenda no later than 11:30 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote to do so. Agenda items not considered at this hearing will be placed first on the agenda of the next date available that meets applicable notice requirements.~~

~~E. — A meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the state.~~

### ~~4.04.00. Advisory committees.~~

~~A. — The City Council may, from time to time, appoint advisory committees to participate in the matters subject to public meeting requirements of the local planning agency.~~

### ~~4.05.00. Local planning agency.~~

~~In accordance with the adopted City of Destin comprehensive plan and with the Florida Local Government Comprehensive Planning and Land Development Regulation Act, F.S. § 163.3161 et seq., and chapter 163, part II the local planning agency (LPA) serves as the land development regulation commission.~~

~~4.05.01. Establishment; appointment. There is hereby established a local planning agency consisting of seven members who shall be appointed by the city council. In addition to the seven members appointed by the city council, the local planning agency shall include an ex officio member who is a representative of the Okaloosa County School District appointed by the Okaloosa County School Board as a nonvoting member. The school board representative shall attend those meetings at which the local planning agency considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. The school board representative is not counted in the quorum. The local planning agency shall also include an ex officio member who is a representative of a military installation on behalf of all military installations located within the jurisdiction. The military installation representative shall serve as a non-voting member. The city manager or his or her designee will comply with the notice requirements, as required by F.S. § 163.3175, by providing the commanding officer of the local military installation with information relating to the proposed changes to the comprehensive plan, plan amendments, and proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation. The military installation shall have the opportunity to review and comment on the proposed changes.~~

~~4.05.02. Terms of members. The terms of members of the local planning agency shall be four years.~~

~~4.05.03. Terms of officers and rules. The local planning agency shall elect a chairman and vice-chairman. The terms of the chairman and vice-chairman shall be for one year, with eligibility for re-election. The local planning agency shall adopt rules necessary to conduct of its affairs and in keeping with applicable laws and regulations.~~

~~4.05.04. Functions, duties, and responsibilities. The local planning agency shall perform the following functions, duties, and responsibilities:~~

~~A. — Perform the functions, duties, and responsibilities of prescribed by F.S. § 163.3174(4).~~

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~~B. — Perform any other functions, duties, and responsibilities assigned to it by the city council or be general or special law.~~

~~4.05.05. Proceedings. A quorum is necessary at any meeting in order for the agency to take official actions. The local planning agency shall either recommend the city council approve, approve with conditions, deny, an item under consideration for its action. The local planning agency may continue for future action any item under consideration for its actions a maximum of 60 days from the date that the item was first heard.~~

~~(Ord. No. 03-06-LC, § 4, 7-7-03; Ord. No. 05-01-LC, § 3, 2-7-05)~~

~~4.06.00. Harbors and waterways board.~~

~~4.06.01. Composition; appointment; terms of members. The Destin Harbors and Waterways Board continues and consists of seven members who shall be appointed by the City Council. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified. All members shall reside in the City. The board membership shall include, to the extent possible, one commercial fisherman, one pleasure boat owner, one environmentalist, one sports fisherman and one layman.~~

~~4.06.02. Jurisdiction. The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.~~

~~4.06.03. Powers. The board is empowered to:~~

~~A. — Inventory all existing and potential sources of pollution and to qualify their relative contributions to the water quality of the harbors and waterways of Destin.~~

~~B. — Monitor the overall condition of the harbors and waterways of Destin including, but not limited to, water depths, water quality, dredging activities of public or private entities, violations of litter laws, sanitation requirements or other laws, ordinances, rules or regulations affecting activities in the harbors and waters of Destin and to recommend to the city manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.~~

~~C. — Recommend a current comprehensive plan for future growth development and restoration of the harbors and waterways of Destin and amendments thereto, which will upon adoption by the City Council be incorporated in the city's comprehensive plan. Review of other public and private studies and recommendations of merit by the board are encouraged.~~

~~D. — Cooperate and consult with city boards and departments, the regional planning council and water management district for planning and performance purposes.~~

~~E. — Recommend to the City Council needed actions respecting compliance with assurance programs by any governmental agency.~~

~~F. — Recommend funding programs to the City Council including, but not limited to, securing grants or other public or private application funding, soliciting donations, establishing rents and assessing fees.~~

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## City of Destin, FL - Article 2 - Administration

G. — Recommend to the City Council the purchase, leasing or other acquisition of real or person personal property and disposal thereof.

4.06.04. Employment of experts. The board may, with the consent of the City Council, employ consulting technical experts as the need may arise.

4.06.05. Annual report to City Council's three-year program; cost estimates. The board shall submit to the City Council, during the month of August, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years. The annual report of the board shall also contain a program for improvements to the harbor plan, year by year, during the three years next ensuing, with cost estimates and recommendations as to how the costs should in the opinion of the board be met.

(Ord. No. 04-08-LC, § 3, 4-19-04)

**MINUTES  
WORKSHOP  
DESTIN CITY COUNCIL  
SEPTEMBER 23, 2024  
ANNEX COUNCIL CHAMBERS  
5:30 PM**

The Council of the City of Destin met in special session with the following members and staff present:

**Destin City Council**

Mayor Bobby Wagner  
Councilmember Jim Bagby  
Councilmember Kevin Schmidt

Councilmember Dewey Destin  
Councilmember Terésa Hebert

**City of Destin Staff**

Interim City Manager Larry Jones  
Community Development Director Tina Deater  
Projects/Grants/Contract Manager Jeffrey Cozadd  
Senior Planner Daniel Butler  
Planner Jesse Hernandez  
City Attorney Kyle Bauman

City Clerk Rey Bailey  
Finance Director Krystal Strickland  
Principal Planner Steve O'Connor  
Planner Sheri Burney  
Planner Ashley Dominguez

**PUBLIC COMMENTS:**

Ms. Monica Wallis, representing Destin Water Users, informed the council of a few minor issues related to utilities and Article II of the Land Development Code, specifically involving the right-of-way permit and the TRC (Technical Review Committee) process. She noted that these were likely minor errors, such as typographical mistakes, and overall, the document looked good.

**WORKSHOP**

**A. Article 1: General Provisions/Legal**

**B. Article 2: Administration**

The city's Principal Planner Steve O'Connor provided an overview of proposed updates to Articles 1 and 2 in the city's Land Development Code (LDC).

**Article 1** will retain most of its current provisions but will incorporate elements from the existing Article 2, specifically vested rights. Additionally, a new citation authority will be added, clarifying the city's power to cite and enforce the updated LDC.

**Article 2** will retain its core elements and integrate portions from the current Article 4, such as noticing requirements, public involvement protocols, and boards and committees' procedures. Two major changes in Article 2 include:

**Special Event Process:** A new formal process will address special events, an area currently lacking procedural guidelines. This change was spurred by recent challenges involving unregulated events, such as a church carnival, which had to be managed under a temporary "change of use" process.

**Certificate of Appropriateness:** Previously combined with conditional use and historical district provisions in Article 4, the certificate of appropriateness will now have a distinct process to streamline historic district regulations.

Additionally, Mr. O'Connor outlined a formalized process for special exceptions, particularly for dual-zoned properties. This process, reviewed by the Board of Adjustment, allows for boundary adjustments of up to 50 feet between zones as needed. Updates also include new PUD (Planned Unit Development) regulations and enhancements in address assignment practices.

**Language and Format Enhancements:** The revised LDC aims to be more accessible by reducing legal jargon, reformatting to improve readability, and ensuring clear references for each section and subsection. Unlike the previous code, which often lacked clarity, the new structure includes explicit section references to reduce confusion. Additionally, the updated LDC incorporates more graphics, like flowcharts, to visually represent procedural steps, enhancing overall user comprehension.

**Planned Unit Development (PUD) Regulation Changes:** Current PUD guidelines allow broad flexibility, permitting developers to request variances on any aspect of the LDC, subject only to City Council approval. This lack of restriction creates an environment where developers may bypass standard regulations with little oversight or criteria, leading to inconsistent applications of the code.

The proposed updates to the PUD regulations introduce stricter requirements, enhancing City Council's and staff's control over PUD applications. Key changes include:

- **Minimum Land Size:** A specified minimum land area is required to apply for a PUD.
- **Scope of Requests:** Clear limitations on the types of variances developers can request within a PUD.
- **Public Benefit Requirement:** Developers must fulfill a public benefit criterion based on a new point system. Each PUD must accumulate at least five points from predefined strategies and objectives in the updated regulations, ensuring each PUD contributes positively to the community.
- **Point System Rules:** Points are structured to prevent over-reliance on any single strategy within a specific objective, ensuring balanced and meaningful contributions.

## **DISCUSSION:**

A detailed discussion focused on updates to the PUD process, centering on proposed regulations in Section 207. Mr O'Connor highlighted that the updated section is designed to enhance the city's control over PUD applications, mandating minimum land sizes based on planning areas to restrict smaller parcels from applying for PUDs. He cited the need for

substantial land to ensure that PUDs deliver significant public benefits, pointing to newly established minimum land requirements that vary by area. For example, the Town Center and Gulf Resort areas require a minimum of five acres.

Councilmember Bagby expressed concerns about some minimum lot sizes, particularly in high-density areas like the Harbor planning area, where the minimum size is set at 0.5 acres. He emphasized that small parcels lack the capacity to offer meaningful public benefits, particularly given the PUD's aim to allow exceptions from standard zoning rules in exchange for substantial community benefits. Councilmember Destin also questioned the value of allowing PUDs for small lots, observing that such allowances could undermine the PUD process if exceptions are granted to developers without ample space to provide robust public benefits.

The council members discussed increasing minimum acreage requirements, suggesting a threshold of 5 acres across the board and proposing even higher minimums for specific commercial hubs. Councilmember Destin supported this adjustment, advocating for higher standards to ensure PUD projects make significant contributions to the city's infrastructure and recreational offerings, rather than allowing developers to avoid standard zoning rules on smaller parcels.

Regarding the public benefits required of PUD projects, Mr. O'Connor noted that developments in certain zones, such as Town Center Mixed-Use areas, must provide affordable housing, designating at least 20% of units at an affordability level of 80% of the Area Median Income (AMI). Councilmember Bagby inquired about the specificity of the AMI standard, suggesting it could be narrowed by ZIP code for greater relevance, to which the city attorney confirmed legality. Mr. O'Connor clarified that the PUD's objectives, particularly around open space and recreational amenities, are designed to demand larger lot sizes to meet goals for accessible community spaces, parking, and potentially community gardens or local food production areas.

Further discussion touched on the inclusion of public spaces as PUD benefits. Council members voiced concerns over the adequacy of such benefits in previous projects, referencing instances where proposed parks or gardens lacked general accessibility, particularly parking, making them less beneficial for the wider community. They emphasized that benefits should be clearly defined to ensure developers provide accessible and meaningful public amenities.

The city attorney reinforced the updates by noting that the new PUD standards are more objective, reducing subjectivity in approvals and ensuring legally defensible standards. Concluding, the council members agreed to pursue further refinement of the acreage requirements and public benefit standards to align with the community's long-term goals, reinforcing that the revised PUD process should prioritize significant, measurable public contributions rather than flexible zoning leniency alone.

**Special Event Approval Process:** The current code mentions special event approvals in various sections without defining a formal approval process. When applicants propose events that do not align with standard uses, they have typically applied under the temporary change of use process. However, this process often triggers stringent requirements, potentially making it challenging for temporary events to meet current development standards.

The revised code introduces a dedicated special event approval process focused on specific criteria:

- **Event Feasibility:** Evaluation criteria include parking availability, restroom facilities, and other event-specific needs.
- **Conditional Approvals:** The new process gives staff and city council the authority to set conditions on special event approvals when warranted to address site-specific concerns, ensuring events can be managed without imposing undue burdens.

## **DISCUSSION:**

Council members discussed regulations and exemptions for special event permits, focusing on events held by churches and schools, as well as defining thresholds for when special event permits are required. Key issues addressed included the need to balance community impact and regulatory oversight without unnecessarily encumbering routine gatherings at religious and educational institutions.

Mr. O'Connor explained that the current LDC lacked specific guidance for events such as church carnivals, which led staff to seek council review. This proposal aimed to codify a process for assessing special event permits, ensuring that community-impacting events are reviewed without burdening small gatherings.

Councilmember Destin raised concerns over the criteria for requiring special event permits, especially for routine activities like Vacation Bible School, which typically would not require extensive permitting. He suggested creating specific thresholds based on attendance numbers or other criteria, proposing that activities with under 100 attendees might not necessitate a permit.

Councilmember Schmidt echoed the need for clear thresholds, mentioning that large events with hundreds of attendees would likely need regulation due to their impact on traffic and surrounding communities.

The council explored whether certain institutions, like churches and schools, should be exempt from special event permits, unless events reached a size or impact level significant enough to warrant review. It was suggested that while small, routine church events should be exempt, larger-scale events impacting neighborhood traffic and parking should be regulated.

Mr. O'Connor clarified that under the proposed standards, institutions such as schools with large, recurring events (e.g., football games) would not typically trigger special event permitting, as such uses are already included in their development orders.

Councilmember Hebert noted the importance of addressing safety for large gatherings at schools or other high-traffic areas and ensuring coordination with local law enforcement as part of the permit review.

Councilmember Schmidt proposed that attendance numbers and operational hours could be used as criteria to determine when a permit is required. For instance, events expecting more than 100 people per day or continuing beyond 8 p.m. could be subject to special event permits to minimize neighborhood disruption. Council members agreed that these thresholds would allow for common sense in enforcement while preserving community safety and standards. Mr. O'Connor also emphasized that these thresholds would be flexible based on council feedback and could include specific exemptions for regular community activities.

The Council discussed the timing for special event permit applications, with a 90-day advance submission for large events and flexibility for smaller gatherings. Councilmember Bagby raised concerns about ensuring fair enforcement and consistency, especially to prevent applicants from underreporting attendance to bypass stricter review.

Mr. O'Connor assured the council that the current proposal includes mechanisms for enforcement, including citation authority for code violations and the ability to shut down events that exceed approved attendance numbers. He confirmed that enforcement responsibilities would primarily rest with property owners or event coordinators.

Councilmember Bagby questioned the designation of the City Manager's authority in permit approvals, emphasizing the need for a clear hierarchy and accountability in enforcement. Mr. O'Connor clarified that the City Manager could delegate approval authority to the Community Development Director, but significant or impactful decisions could still be referred to the council for final determination.

Mr. O'Connor suggested that organizations hosting regular, recurring events apply for a minor Development Order (DO) amendment rather than repeat special event permits. Examples included car shows at The Palms and weekly beach services, where a standing amendment could simplify compliance and reduce administrative overhead. Council members supported this approach as a practical solution for regular events, reducing the need for repetitive applications and permitting processes.

Addressing noise, Mr. O'Connor confirmed that noise ordinances under Chapter 14, Article 2, would remain in effect. This included restrictions on excessive noise and specific requirements for events involving amplified sound. Council members expressed confidence in this aspect, ensuring consistency in managing noise complaints and public safety.

In summary, the council aligned on the importance of creating clear, fair, and enforceable standards for special events while minimizing unnecessary regulation for routine or smaller gatherings. They emphasized striking a balance between flexibility for the community's regular events and protecting public safety and neighborhood tranquility. Staff committed to refining the criteria based on council guidance and ensuring that both the permitting process and enforcement actions are reasonable and effective.

Next, Mr. O'Connor provided an update on the review process for major subdivisions and related developmental projects. He presented that the Local Planning Agency (LPA) recommended major subdivisions undergo LPA review as a preliminary advisory step rather than proceeding directly to the city council. This would enable a structured pathway where the LPA acts as a recommending body, allowing the city council to make final approvals after an initial review by the LPA. Council members generally agreed, noting this structure would avoid potential delays if projects needed substantial revisions following council review.

### **Harbor and Waterways Board Review**

A comprehensive discussion unfolded regarding the Harbor and Waterways Board's review process for marine construction projects. Mr. O'Connor outlined three distinct project categories, each with varying requirements:

1. **Category 1:** Primarily residential dock projects that meet state-level self-certification. These would proceed directly to marine construction permitting without needing Harbor and Waterways Board review.

2. **Category 2:** Includes residential docks requiring more oversight (three to nine slips) or seawalls not qualifying for exemption, which would necessitate review by the Harbor and Waterways Board and would then proceed to the city council as part of the consent agenda.
3. **Category 3:** Covers non-residential and multifamily marine developments or residential slips with ten or more slips, requiring both Harbor and Waterways Board and city council public meetings.

Council members discussed potential complexities with seagrass and state permits, questioning how these environmental factors might impact projects under these categories. Mr. O'Connor noted that any non-self-certifiable project involving state-regulated marine areas would likely fall under Category 2, demanding Harbor and Waterways Board review.

### **Simplifying the Public Notice Process**

Several council members voiced support for standardizing public notice timeframes to simplify administration and enhance public accessibility. They noted inconsistencies in current notice requirements, which span from 24-hour to 21-day advance notices based on project type and medium (newspapers, websites, or physical postings).

Mr. O'Connor explained that the range in timing was partly to prevent excessively early notices (e.g., six months in advance), which may reduce public awareness by meeting only minimum notice standards close to a hearing date. The council members agreed that standardizing notice times—such as adopting a consistent 10-day minimum—could reduce confusion, streamline compliance, and improve transparency.

Councilmember Schmidt suggested leveraging additional digital platforms and online public notice postings, which may increase accessibility for residents. The City Attorney proposed implementing QR codes on public notice signs to allow residents easier access to detailed project information.

### **Addressing Quorum and Committee Attendance**

The council also engaged in a robust discussion about challenges in maintaining quorums for committee meetings. Ms. Sandy Trammell, current committee member and former councilmember, highlighted the issue of absentee members leading to frequent quorum issues, noting that some members seldom attend meetings, while others attend only briefly to be marked "present." She advocated for stronger council oversight to address attendance patterns and suggested mandatory workshops for more essential committee matters to ensure participation.

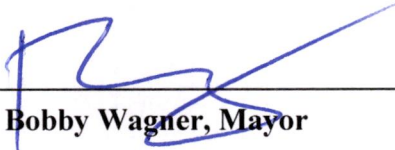
Councilmember Bagby supported enforcing attendance requirements by implementing a system where members are contacted after three absences, allowing them an opportunity to resign if they cannot consistently participate.

Councilmember Schmidt raised the possibility of reducing the number of committees or consolidating overlapping responsibilities to alleviate the administrative burden on staff. He noted that boards like the Harbor and Waterways Board have stringent requirements for diverse roles (e.g., sports fisherman, environmentalist) that may complicate the recruitment process.

Other members of the council expressed support for exploring simplification opportunities, especially given the strain on staff resources; noting that consolidating tasks and revisiting the roles of some committees could indeed make council actions more efficient.

**ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 7:00 PM.



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**Bobby Wagner, Mayor**

**ATTEST:**



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**Rey Bailey, City Clerk**

# Article 2 - Administration

Community Development  
Planning Division  
December 4, 2025





# Overview

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- What can be found in Article 2?
- Major Changes
  - Language
  - Format
  - Organization
    - Changes since CC workshop
    - Special Event (removed from Art. 2 and will be located in the CoO)
  - Consolidation
- September 23, 2024 City Council workshop



# What is in Article 1 & 2?

- Article 2 - contains all of Articles 2 & 4
  - Addition of procedures or processes mentioned in the LDC
    - Certificate of Appropriateness
    - Special Exceptions
    - Addressing
  - Revamped PUD Regulations



# Language

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- The current LDC is cumbersome to read
- Current language has allowed inconsistent interpretations and challenges in enforcement
- Written in a more readable manner (reduced “legalese”)
- Easier for users (residents, developers, staff) to read and understand the regulations



# Format

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- Significant deviation from the current LDC format
- Easier to read and better flowing document
- Reduced multi-sentence run-on paragraphs
- Sections are bookmarked and hyperlinked
- Charts replace paragraphs wherever appropriate
- Use of graphics was increased



# Organization

## • 2.01 - General Administration

- 2.01.03 moved from 2.02.02
- 2.01.04 moved from 2.02.03 - Renamed “Notice to the Public”
  - B. Clarified which applications require notice to the public.
  - B.25 added specific exemptions
- 2.01.05 moved from 2.02.05
- 2.02.04 *Staff Reports - removed and turned into a policy letter*

## • 2.02 - Development Orders

- 2.02.01. updated and includes more specific regulations.
- 2.02.02. moved from 2.03.02
  - 2.02.02.A. more clearly defines a development order and when they are required.
  - 2.02.02.B. moved from 2.03.02.A.
  - 2.02.02.C. moved from 2.03.02.B. and consolidated with B.1.
    - 2.03.02.B.1.b. “required elements of a development order” - removed and turned into a policy letter
  - 2.02.02.D., E., & F. moved from 2.03.02.D

## • 2.03 - Guarantees, Sureties, and Future Improvement Payments

- 2.03.01 moved from 2.02.06.A.
  - 2.02.06.9.f. & g. - moved to **Article 5, Section 5.02.01.E. & F.**
- 2.03.02 moved from 2.02.06.B.

## • 2.04 - Planning Application Types and General Review Processes (previously Sec. 2.03)

- 2.04.01 - moved from 2.03.01 Table 2-1 and updated to reflect the reorganization.
- 2.04.02 - moved from 2.06.01.
  - 2.04.02.C.1.a. - includes specific exemptions for Pre-application meetings.

- 2.06.01.C.3.a. - e. - removed and turned into a policy letter

- 2.04.03 - moved from 2.06.02

## • 2.05 - Land Division Applications and Review Process

- 2.05.01 & 2.05.02 are created out of the new language per Ordinance 25-17-LC.
- All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.05.
  - 2.05.03. moved from 2.06.05
  - 2.05.04. & 2.04.05. moved from 2.06.06.
  - 2.05.06. moved from 2.06.07.
  - 2.05.07. moved from 2.06.08.
  - 2.06.08. *Final Plat Approval and Release of Plat - replaced with 2.05.01 & 02.*

## • 2.06 - Land Development Applications and Review Process

- 2.06.01 is a combination of the previous 2.06.01 but also elements were consolidated here with redundant requirements for Land Development applications.
- All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.06.
  - 2.06.02. moved from 2.05.01 & 2.06.10.
  - 2.06.03. moved from 2.05.02 & 2.06.11.
  - 2.06.04. moved from 2.05.03 & 2.06.12.
  - 2.06.05. moved from 2.04.05. & 2.06.10., .11, & .12
  - 2.06.06. moved from 2.06.13.



# Organization, cont.

- **2.07. - Miscellaneous Planning Application and Review Process**
  - 2.07.01. moved from 2.06.03.
  - 2.07.02. moved from 2.06.04.
  - 2.07.03. moved from 2.06.09.
- **2.08. - Planned Unit Development Application and Review Process** (*previously Sec 2.07*) - set minimum size to 5 acres across the city.
- **2.09. - Marine Construction Applications and Review Process** (*previously Sec 2.08*)
  - 2.09.03. moved from 2.02.03.A.1.c.
- **2.10. - Conditional Use and Certificate of Appropriateness Review Process** (*previously Sec 2.09*)
  - *No Change*
- **2.11. - Change of Use and Special Event Application and Review Process** (*previously Sec 2.10*)
  - 2.10.03. & .04. "Special Events" will be moved to the Code of Ordinances
- **2.12. - Appeals, Special Exception, and Variance Application and Review Process** - (*previously Sec 2.11*)
  - Section 2.12 was "Procedures for Right-of-Way Construction Review" and moved to Section 2.14.08. & 09.
- **2.13. - Telecommunications and Wireless Facilities** - *No Change*
- **2.14. - Site Development and Building Permit Review** (*previously Procedures for Construction and Building Permit Review*)
  - 2.14.01. was changed to "Site Development Permits and previous paragraphs A. & B. were reorganized into A., B., C., & D. to facilitate site development specificity
  - 2.14.08 moved from 2.12.01.
  - 2.14.09. moved from 2.12.02.
- **2.15. - Procedures for Public Hearings or Meetings** - *No Change*
- **2.16. - Establishment of City Boards and Advisory Committees** -
  - Added requirements for members to be City of Destin residents to all boards.
- **2.17. - Procedures for Addressing** - *No Change*
- **2.18. - Development Review Fees** - *No Change*



# Consolidation

- **Article 2 - Administration**
  - **Section 2.01 - General Administration**
    - Current Section 2.01, 2.03, 2.04, 2.17, & 2.18
  - **Section 2.02 - Development Orders**
    - Current Sections 2.08 & 2.21
  - **Section 2.03 - Guarantees, Sureties, & Future Improvement Payments**
    - Current Section 2.20
    - New Fee in Lieu regulations
  - **Section 2.04 - Planning Applications and General Review Process**
    - Current Sections 2.05 and portions of 2.06 & 2.21
    - Inclusion of a user chart with hyperlinks to specific procedural sections
  - **Section 2.05 - Land Division Applications and Review Process**
    - Portions of current Sections 2.05, 2.06, 2.09, & 2.19
  - **Section 2.06 - Land Development Applications and Review Process**
    - Portions of current Sections 2.05, 2.06 2.07, 2.08, 2.09, & 2.24
  - **Section 2.07 - Miscellaneous Planning Applications and Review Process**
    - Current Sections 2.02 and 8.01.00
    - New Annexation process
  - **Section 2.08 - Planned Unit Developments**
    - New regulations for PUDs & portions of 7.14
  - **Section 2.09 - Marine Construction Applications**
    - Portions of Current Section 11.05
  - **Section 2.10 - Condition Use and Certificate of Appropriateness Review Process**
    - Portions of Current Sections 2.25
  - **Section 2.11 - Change of Use application and Review Process**
    - Current Section 2.28, and Current Historic Overlays procedures in Section 7.12.06
  - **Section 2.12 - Appeal, Special Exception, and Variance Applications and Review Process**
    - Current Section 2.25
    - New language on appeals of City Council and BOA
    - New process for Special Exceptions
  - **Section 2.13 - Telecommunications and Wireless Facilities**
    - Current Section 7.19.
  - **Section 2.14 - Site Development and Building Permit Review**
    - Portions of previous Article 20 (moved Building Regulations from LDC to COO)
    - Portions of current Section 11.05
    - Portions of current Section 8.01.00
  - **Section 2.15 - Procedures for Public Hearings or Meetings**
    - Portions of current Article 4
  - **Section 2.16 - Establishment of City Boards and Advisory Committees**
    - Portions of current Article 4
  - **Section 2.17 - Procedures for Addressing**
    - New addressing requirements and regulations
  - **Section 2.18 - Development Review Fees**
    - Reference to the adopted Schedule of Fees

# City of Destin LDC Rewrite Approval Timeline

