



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, FEBRUARY 19, 2026
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
- 4. CURRENT BUSINESS**
 - A. Proposed Ordinance 26-12-LC Allowing indoor recreation establishments as a permitted use in the Industrial Zoning District and associated parking requirements.**
 - B. Proposed Ordinance 25-24-LC - Land Development Code - Article 2 - Administration**
 - C. Proposed Ordinance 26-06-LC - Land Development Code - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: TBD**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 19, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
David Prichard, Community Development Director

FROM: Daniel Butler, Principal Planner
Jesse Hernandez, Planner

DATE: February 10, 2026

SUBJECT: Proposed Ordinance 26-12-LC Allowing indoor recreation establishments as a permitted use in the Industrial Zoning District and associated parking requirements.

I. BACKGROUND: On February 2, 2026, the City Council requested an amendment to the Land Development Code that would allow certain indoor recreation establishments as a permitted use within the Industrial zoning district. Council further directed that staff also address potential parking requirements/reductions appropriately given the nature of the use and unoccupied portions of the square footage for batting cages and similar such unoccupied space within the indoor recreational complex.

II. DISCUSSION: Currently, indoor recreation uses are prohibited in the Industrial zoning district. As noted above, this is a City Council-initiated text amendment that proposes to allow indoor recreation establishments as a permitted use in the Industrial zoning district. Specifically, the proposed ordinance (1) amends Table 7-2 to allow Indoor Recreation Establishments as permitted use, and (2) amends Table 8-6 to set forth the required parking for the indoor recreation establishments in the Industrial district.

With respect to parking, the City Council recognized that while current parking requirements are based on square footage, certain reductions may be appropriate where indoor recreational establishments utilize large portions of unpopulated space for recreational areas such as batting cages. Therefore, staff recommends that indoor recreational establishments are required to provide 1 parking space per 500 square feet, except that square footage occupied by batting cages shall be required to provide two (2) space(s) per batting cage.

The proposed Ordinance is a commercial use appropriate for the Industrial zoning district and is therefore consistent with the relevant provisions of the Comprehensive Plan. The Comprehensive Plan provides the following Objective and Policy with respect to the Industrial FLU designation:

OBJECTIVE 1-2.5: ESTABLISH INDUSTRIAL LAND USE DESIGNATION. The FLUM (Map 1-1), shall delineate land for existing and anticipated future industrial needs and requisite support services.

Policy 1-2.5.1: Industrial (IN). The Industrial (IN) designation is designed to accommodate arrangements of industrial and limited commercial development types, with the intent to promote natural resource enhancement and to promote open spaces around buildings. Density is not provided within this FLUM designation, and therefore, residential uses are prohibited, including short-term residential uses. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. The industrial land use designation shall be allocated to industrial sites accessible to Airport facilities, and/or major thoroughfares. The sites shall be buffered from residential neighborhoods. The allocation of land use designations should provide a high priority to industry's frequent need for strategically located lands which are accessible to air and highway transport facilities, as well as labor markets and necessary urban services. The industrial (IN) designation is intended to provide strategically located sites principally within the southeast quadrant of Main Street and Airport Road. The City shall work with industrial interest groups to pursue selective industrial expansion as set forth herein in Policy 1-1.4.3.

Industrial uses include: Manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities, and other similar land uses that shall be regulated through appropriate LDC procedures and substantive Policy. Potentially harmful environmental impacts shall be mitigated prior to development approval. These uses typically generate heavy truck traffic, require significant acreage, are difficult to screen and buffer from residential areas, and therefore, should be located in more sparsely developed unincorporated areas.

A. Link to Strategic Goals / Objectives: III. Economic development and revitalization

B. Effect on Budget (EOB): None.

C. Level of Service (LOS): None.

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION: Staff believes that the proposed Ordinance is consistent with the Council's directive as well as consistent with the Comprehensive Plan, and recommends that the LPA recommend approval to Council.

IV. RECOMMENDED MOTION: I move for the LPA to recommend City Council approval for proposed Ordinance 26-12-LC.

Attachments:

1. Ord. 26-12-LC - Indoor
Recreational Establishments -
2.12.26

ORDINANCE NO. 26-12-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS", OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES" TO ALLOW INDOOR RECREATION ESTABLISHMENTS AS A PERMITTED USE IN THE INDUSTRIAL ZONING DISTRICT; AMENDING ARTICLE 8 "TRANSPORTATION", TABLE 8-6 "NUMBER OF VEHICLE AND BICYCLE PARKING SPACES REQUIRED"; MODIFYING PARKING REQUIREMENTS FOR CERTAIN INDOOR RECREATION ESTABLISHMENTS AS SET FORTH HEREIN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, 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, the City Council desires to encourage the development of additional recreational facilities to serve residents, visitors, and their families in appropriately zoned areas of the City; and

WHEREAS, the City Council has determined it is appropriate and in the best interest of the public to allow indoor recreational establishments in the Industrial zoning district; and

WHEREAS, the City Council recognizes that while current parking requirements are based on square footage, certain reductions may be appropriate where indoor recreational establishments utilize large portions of open space for recreational areas such as batting cages; and

WHEREAS, the City Council desires to efficiently and effectively regulate parking standards for indoor recreational establishments in a manner that balances the public health safety and welfare with land owners' private property rights; and

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on February 19, 2026, for the purpose of providing recommendations to the City Council with regard to this Ordinance amending the Land development Code 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.

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

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

NOTE: Language in Sections 3 and 4 of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in ~~strike-thru~~ or underlined is not to be changed. The symbol * represents sections of the Land Development Code that have been skipped and remain unchanged.**

SECTION 3. Article 7 - LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS.

Table 7-2 Table of Allowable Uses

TABLE 7-2: TABLE OF ALLOWABLE USES																						
	BE	LDR-V	LDR-HI	LDR-H	MDR-V	MDR-HI	HDR	CBN	CL	CG	CTS	ROI-TD	ROI-VR	ROI-	CBR	TCMU	CMU	CMU-V	SHMU	NHMU	GRMU	HIMU
***	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Sector 71 Arts, Entertainment, and Recreation																						
713990 All other amusement and recreation industries										C		C	C			C	P	C	P	P	P	P
***	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Footnotes																						
P = Permitted Use, C = Conditional Use, and A = Accessory Use																						

SECTION 4. Article 8- TRANSPORTATION.

TABLE 8-6: NUMBER OF VEHICLE AND BICYCLE PARKING SPACES REQUIRED		
Uses	Maximum Vehicle Parking (within Old Destin MMTD); otherwise, Minimum Vehicle Parking	Minimum Bicycle Parking
***	***	***
713990 All other amusement and recreation industries	1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 square feet of gross floor area or ground area, whichever is applicable to the facility.	10%
a) Indoor shooting ranges	1 space for every shooting lane plus 1 space for every 250 square feet of retail sales gross floor area	10%
b) Skating rinks	1 space for every 200 square feet of gross floor area	10%
c) Stables	1 space for every 5 horses boarded on-site	0%
d) Tennis, handball, and racquetball facilities	2 spaces for every court, plus required parking for additional uses on-site	10%
e) Indoor recreation establishments (including batting cages)	2 spaces for every batting cage, plus 1 space for every 500 square feet of	10%

			<u>additional gross</u> <u>floor area</u>	

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. 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.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

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.

Kimberly Romano Kopp, City Attorney

Rey Bailey, City Clerk

First Reading: _____
Second Reading: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: February 19, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
David Prichard, Community Development Director

FROM: Daniel Butler, Principal Planner

DATE: February 12, 2026

SUBJECT: Proposed Ordinance 25-24-LC - Land Development Code - Article 2 - Administration

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 and consultants from 3TP Ventures, have 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 and December 4 LPA meetings.

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 (2.06.04.A.2.7)
- Change of Use vesting language: Allows any approved Change of Use two (2) years to become vested (2.11.02)
- Minor formatting changes including: Removing the word 'whether' from Conditional Use section; Adding 'ad-hoc' for the ex-officio member of a military installation;
- Added the phrase 'or deviation thereof' to the Development Order Exemption

- language (2.02.02.G.1)
- Removed all mention of the Destin Design Manual.

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.

Along with the most recent changes described above, Staff has taken feedback provided by the LPA, as well as City Council during the workshop held in September 2024, and made the applicable revisions/clarifications.

III. RECOMMENDATIONS: The purpose of tonight's action is to forward the LPA's formal recommendation for Article 2 - Administration, in the form of an ordinance. City Staff made the appropriate changes to the Final Draft of Article 2, per the LPA's motion to bring Article 2 back before making a formal recommendation to City Council.

IV. RECOMMENDED MOTION: I move that the LPA recommend approval of Ordinance 25-24-LC to City Council.

Attachments:

1. ORDINANCE 25-24-LC
2. EXHIBIT A TO ORD 25-24-LC - Article 2 Administration
3. Working Draft
4. Article 2 Ordinance Presentation
5. City Council Minutes 09-23-2024 Workshop
6. LDC Approval Timeline_2.12.26

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 and the supplemental City of Destin Design Manual (Design Manual) 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 in the Design Manual 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.

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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, the Destin Design Manual, 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 and design manual
 - 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.

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

EXHIBIT “A”

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

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 the Destin Design Manual 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”

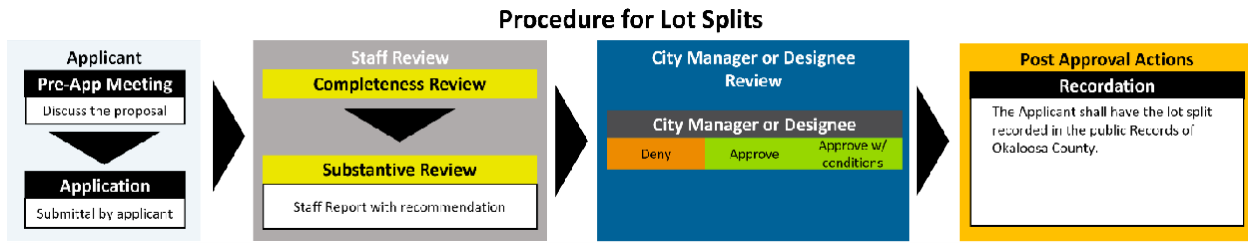


Figure 2-1: Lot Split - One additional lot example

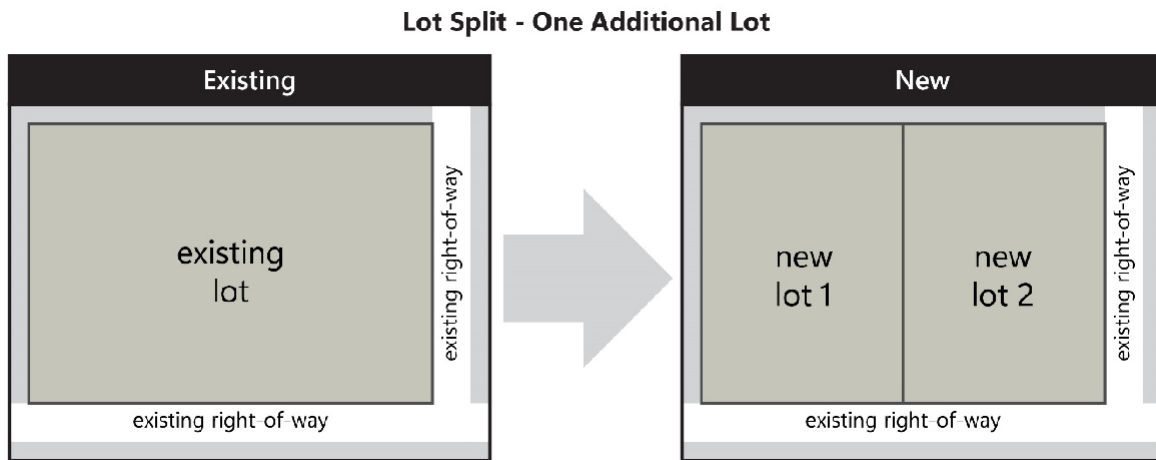
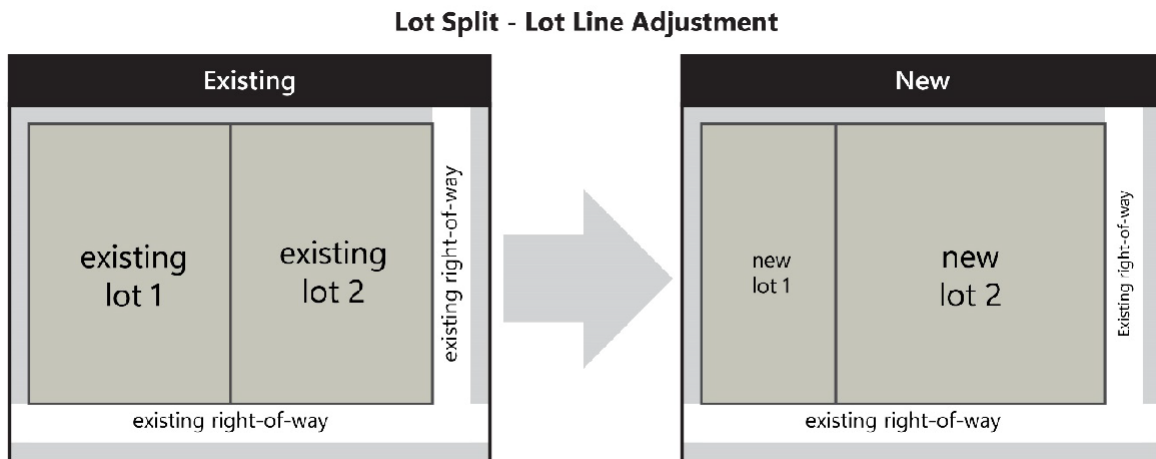


Figure 2-2: Lot Split - Lot Line Adjustment example



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.

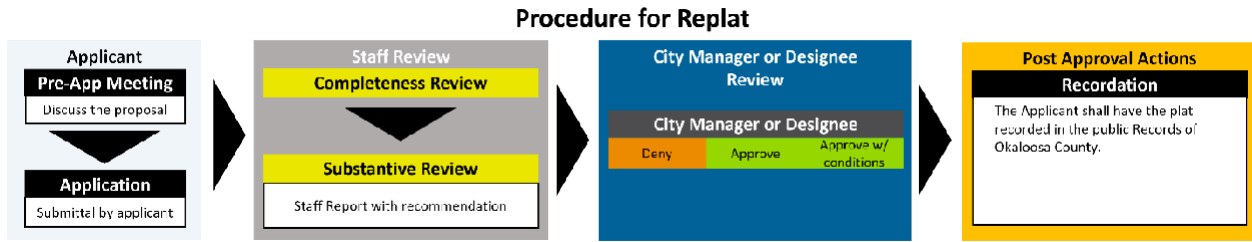
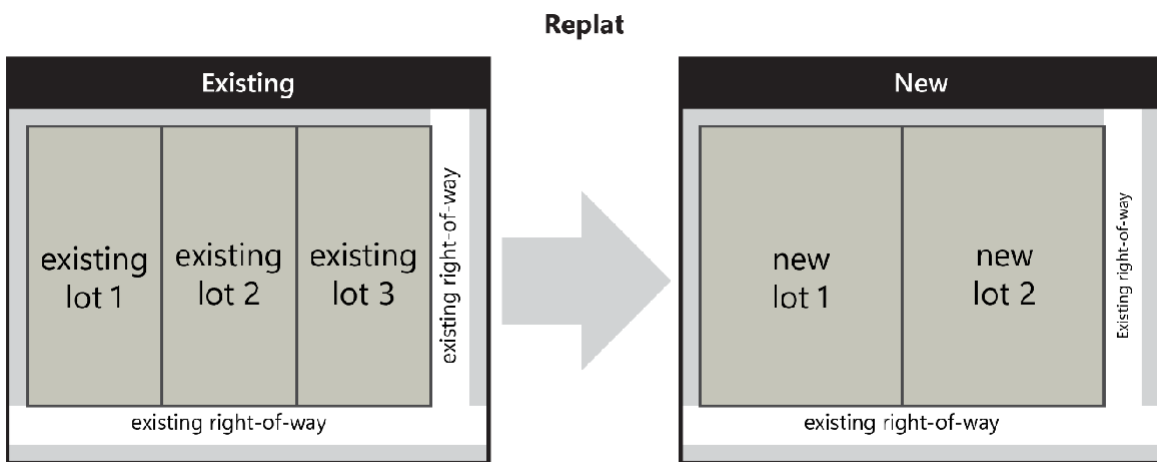


Figure 2-3: Replat example



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.

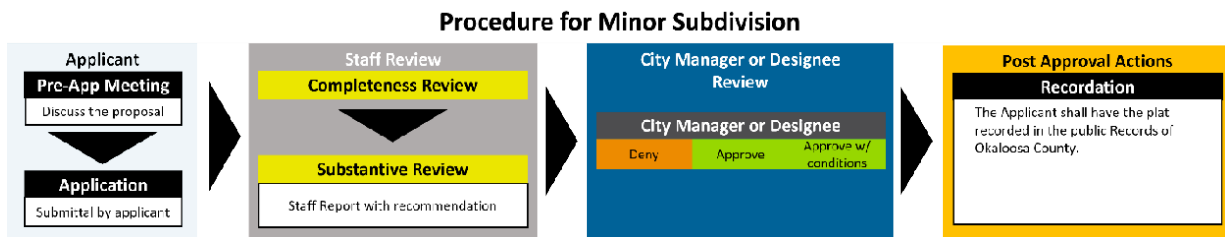
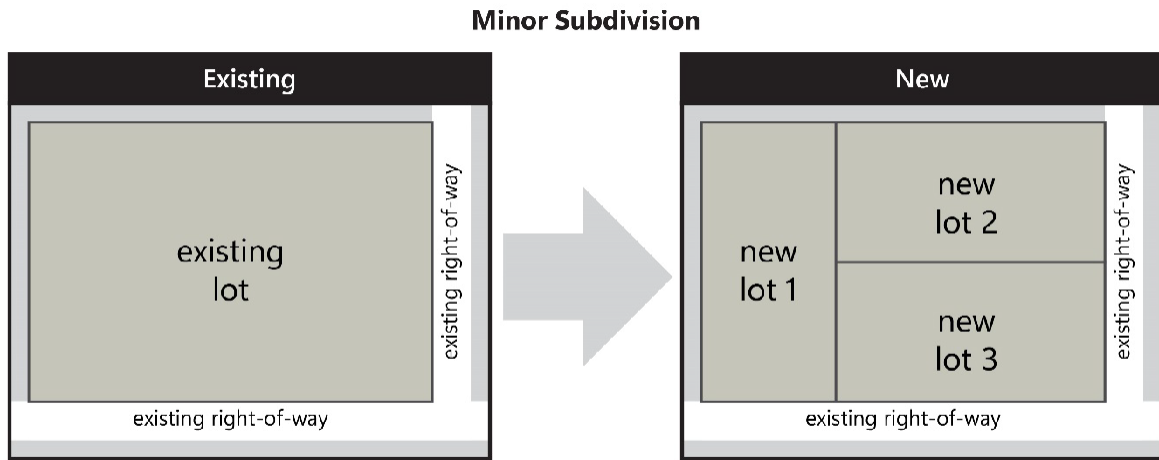


EXHIBIT “A”

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.

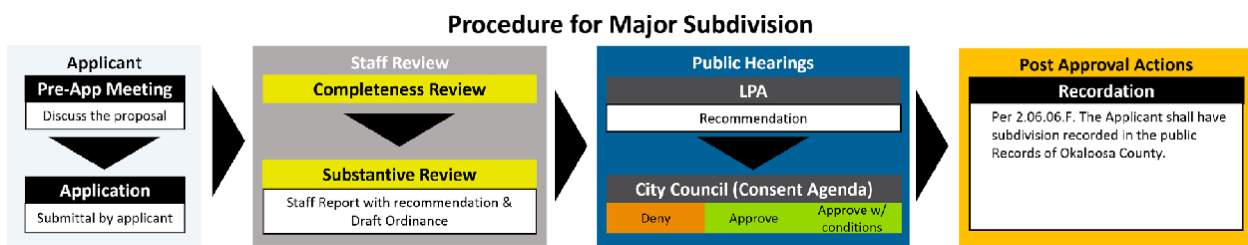
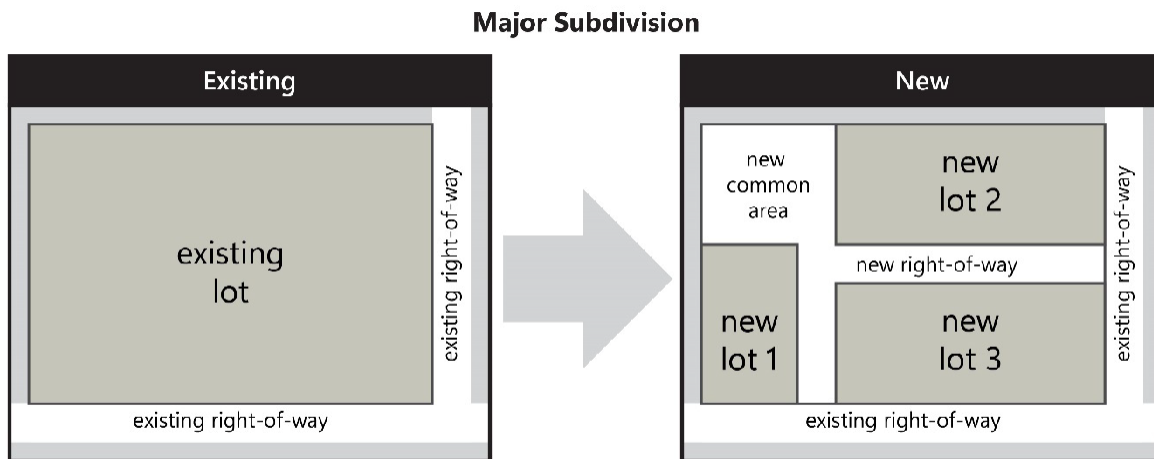


EXHIBIT “A”

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

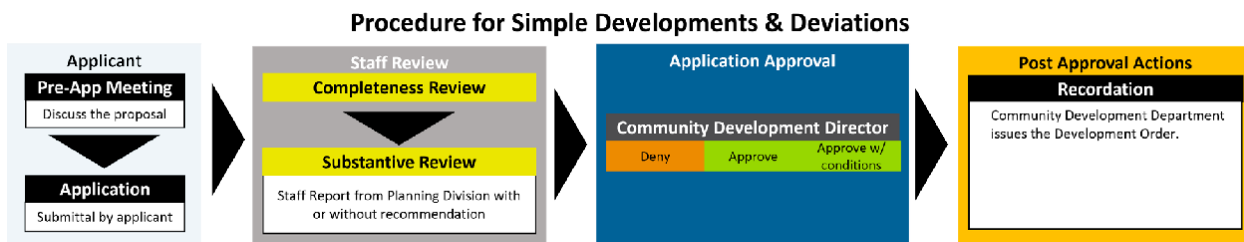
- A. All proposed developments shall meet current comprehensive plan and LDC requirements for site development.
- B. If development is proposed on a site that does not meet the Comprehensive Plan, then:
 - 1. All new proposed development on site shall meet current comprehensive plan and LDC requirements, 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 outlined in the City of Destin Design Manual.
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.

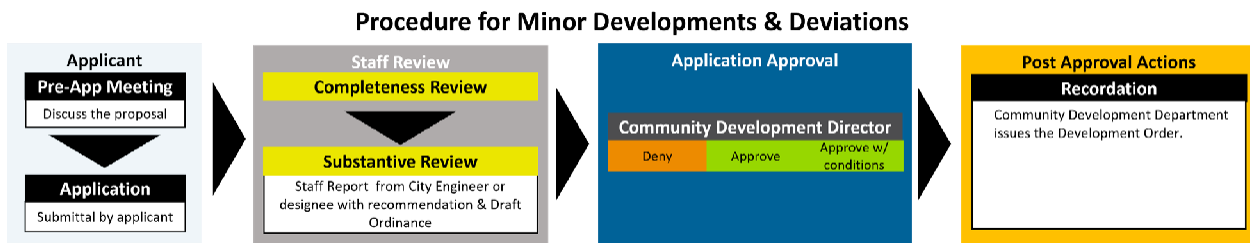


SECTION 2.06.03 MINOR DEVELOPMENTS

- 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.

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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.

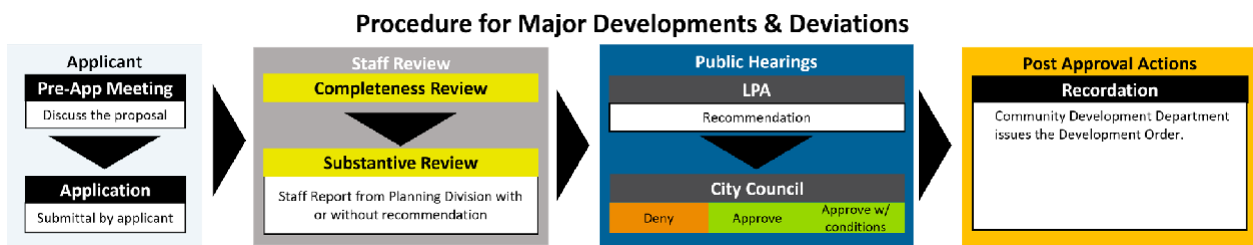


SECTION 2.06.04 MAJOR DEVELOPMENTS

- 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.

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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 and the City of Destin Design Manual, 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.

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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 per the development checklist in the City of Destin's Design Manual.
 1. The corresponding fee shall also apply.

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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.

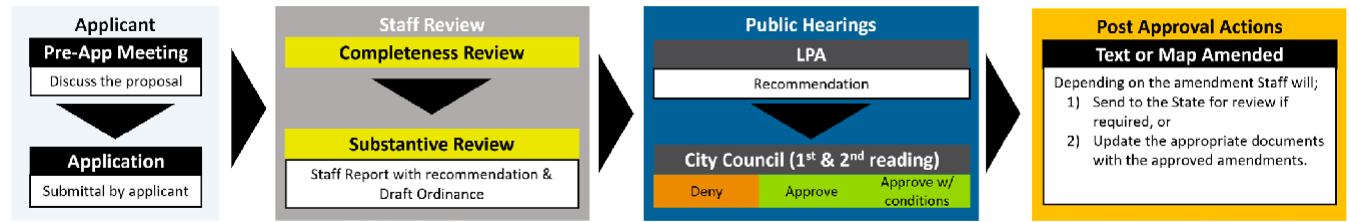
SECTION 2.07 MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW PROCESS

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

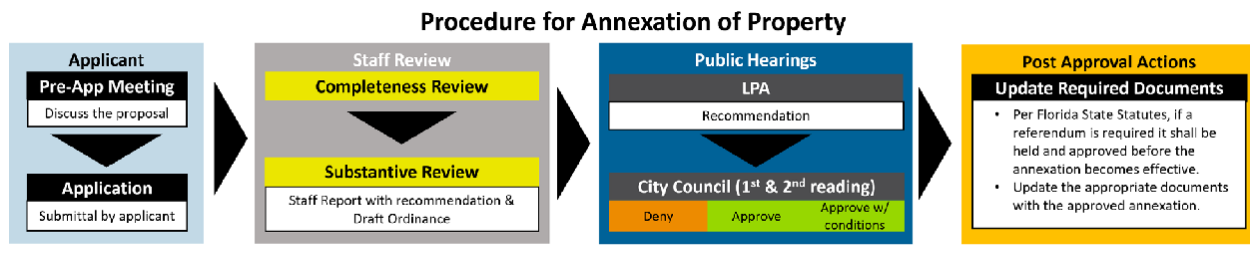


SECTION 2.07.02 ANNEXATION OF PROPERTY

- 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.

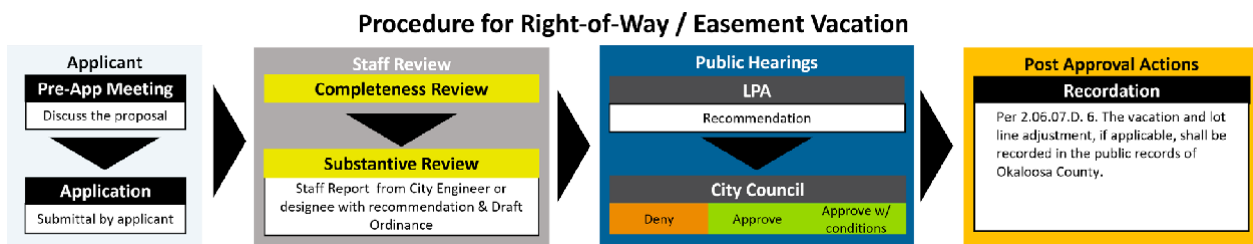


SECTION 2.07.03 RIGHT-OF-WAY/EASEMENT VACATION

- 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.

Table 2.08-2 Points awarded for Affordable Housing	
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

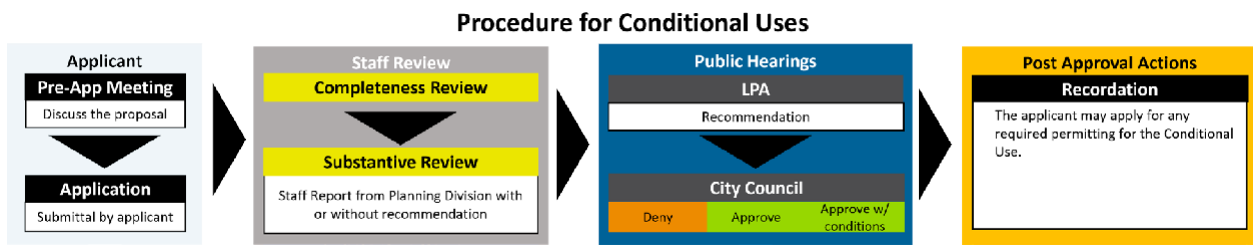
- A. The following shall apply to all applications for a conditional use in any zoning district:
 - 1. A complete application for any conditional use shall be filed and approved before any development permit or change of use can be approved.
 - 2. An application for a conditional use shall include:
 - 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 3rd 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.

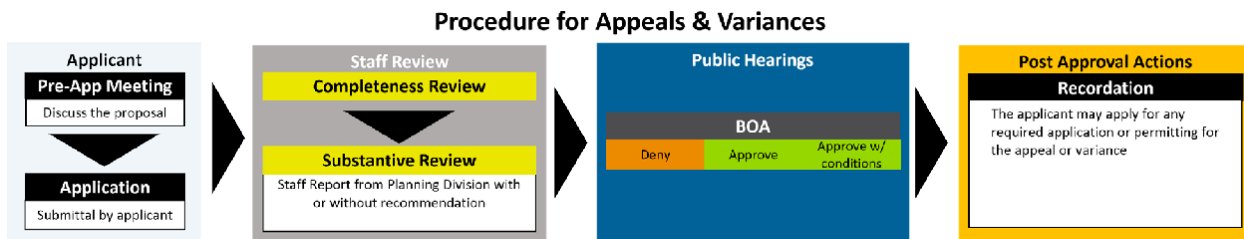


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SECTION 2.12.02 APPEALS OF CITY COUNCIL

- 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

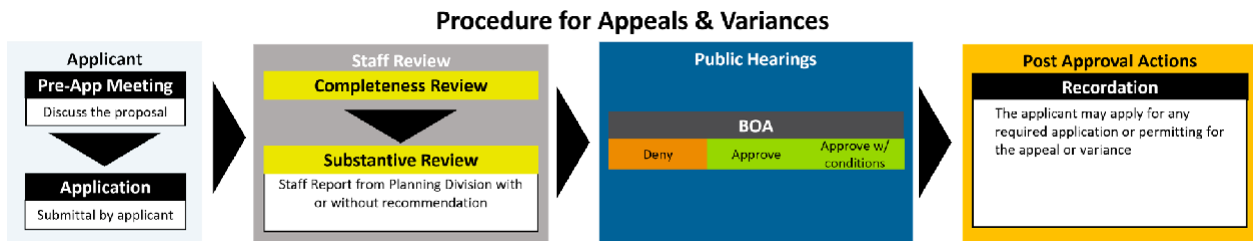
- A. A property owner or authorized agent may request a variance from the terms of any regulation in the Land Development Code not contrary to the public interest.
 - 1. Under no circumstances shall the BOA grant a variance to elements of the zoning or subdivision regulations listed below. Any application 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 7.02. 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 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.
- 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 identified by the title "Numbering System" in the City's Design Manual 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 ADMINISTRATION¹

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.

¹Editor'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

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)

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~~

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

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~~

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

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

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, whichever 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.

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

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.

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.~~

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.

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.~~

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.

~~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.~~

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.~~

~~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:~~

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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.~~

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)~~

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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.~~

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- 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)

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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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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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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)

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ARTICLE 2 - ADMINISTRATION

SECTION 2.01 GENERAL ADMINISTRATION

SECTION 2.01.01 ADMINISTRATOR

- A. The City Manager or ~~his/her~~~~their~~ designee shall administer and enforce this Code.
- B. All questions of interpretation and enforcement shall be presented to the City Manager or ~~his/her~~~~their~~ ~~designee~~ first, and any questions of interpretations of the City Manager or ~~his/her~~~~their~~ designee can be appealed to the Board of Adjustment.
- C. The City Manager or ~~his/her~~~~designee~~ 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 ~~S~~tatutes ~~related to development~~ and the City's policies outlined in the ~~CC~~omprehensive ~~PP~~lan. ~~Where a conflict exists between the Land Development Code (LDC) and other city ordinances, the Land Development Code takes precedence. Therefore, where a conflict exists between this Code and existing ordinances, the Land Development Code (this Code or LDC) shall take precedence.~~ The LDC ~~and the supplemental City of Destin Design Manual (Design Manual)~~ establishes site design criteria and provides review procedures for development ~~projects and~~ permit applications ~~required for development~~. Procedures ~~to for~~ appealing decisions are ~~also~~ 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 in the Design Manual 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

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5. Simple Development
6. Minor Development
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.

A.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:

B.

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- ~~1. Lot Split~~
- ~~2. Replat~~
- ~~3. Minor Subdivision~~
- ~~4. Major Subdivision~~
- ~~5. Simple Development~~
- ~~6. Minor Development~~
- ~~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.~~
- ~~E.21. The following applications do not require a notice to the public:~~
- ~~1.22. Change of Use~~
- ~~2.23. Right of Way Construction~~
- ~~3.24. Administrative Appeal~~
- ~~4.25. Appeals of City Council~~
- ~~F.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.~~
- ~~G.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.~~
- ~~H.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.~~

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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.
 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.

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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.
- 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. GENERAL ADMINISTRATION PROCEDURES DEVELOPMENT ORDERS

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT PERMITS AND ORDERS

- A. All development activity plans shall require a development order, ensuring that all proposed activities comply with this LDC, the Destin Design Manual, 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 and design manual
 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:

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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.
- 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.

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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.

A. ~~DEVELOPMENT ACTIVITY CAN BE AUTHORIZED THROUGH A DEVELOPMENT PERMIT OR DEVELOPMENT ORDER IF THE PROPOSED DEVELOPMENT:~~

- 1. ~~IS AUTHORIZED BY A DEVELOPMENT ORDER ISSUED PURSUANT TO THIS CODE; AND~~
- 2. ~~CONFORMS TO THE FLORIDA BUILDING CODES AND FIRE CODES AS ADOPTED BY THE CITY; AND~~
- 3. ~~CONFORMS TO THE ENGINEERING STANDARDS FOR STORMWATER, SEWAGE, WATER, STREETS, TRAFFIC, AND OTHER ENGINEERING CONCERNS AS MAY BE ADOPTED BY THE CITY OF DESTIN; AND~~
- 4. ~~CONFORMS TO THE CITY OF DESTIN DESIGN MANUAL.~~

B. ~~ANY DEVELOPMENT THAT REQUIRES A MINOR SUBDIVISION OR MAJOR SUBDIVISION SHALL COMPLETE THE FINAL PLAT BEFORE SUBMITTING ANY APPLICATION FOR CONSTRUCTION OR PERMITTING.~~

SECTION 2.02.02 SUBMITTALS

- A. ~~Applications for development review shall be submitted available 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. ~~Signatures by other parties will be accepted with notarized proof of authorization by the owners.~~
 - 2. ~~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.~~
- C. ~~All preliminary and final development plans submitted shall conform to the standards outlined in the City of Destin's Development and Subdivision checklists in the Design Manual and shall be submitted electronically.~~

SECTION 2.02.03 NOTICE

A. ~~Written notice:~~

- 1. ~~Written notice shall be provided to owners of property within 300 feet, or as specifically identified below, for of land subject to development-related applications or any applications which require a public hearing, that must be considered and approved by the:~~

Board of Adjustment,

- a. ~~Local Planning Agency,~~
- b. ~~Harbor and Waterways Board~~

- 1. ~~Written notice with Certified mail shall only be provided to:~~
 - (i) ~~Adjacent property owners~~

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- ~~(ii) Owners of property on the opposing shore for water bodies less than 100 feet in width~~
- ~~c. City Council~~
- ~~d. City Manager or designee~~
- ~~e. Community Development Director~~
 - ~~2. The written notice shall include, at a minimum, the following:~~
 - ~~a. The name of the owner of the property,~~
 - ~~b. The name of the authorized agent (if applicable),~~
 - ~~c. The address of the subject property or tax parcel identification number if an address has not been issued for the property,~~
 - ~~d. Project description,~~
 - ~~e. Location map of the subject property, and~~
 - ~~f. A statement informing the public of the location where the proposed application package can be viewed, unless otherwise provided in Florida Statutes.~~
 - ~~3. 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. Sign notice posted on property:~~
 - ~~1. All applicants of Major Development Order applications shall post a sign on the property, meeting the below criteria: applications which require a public hearing, or involve the development of land shall post a sign on the subject property with the following exceptions:~~
 - ~~a. Development Order Exemption~~
 - ~~b. Simple Development Order or Deviation~~
 - ~~c. Lot Split~~
 - ~~d. Change of Use~~
 - ~~e. Code Text Amendment~~
 - ~~2. The sign shall meet the following requirements:~~
 - ~~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.~~
 - ~~3. 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.~~
 - ~~4. A sign for Commercial, Industrial, or Multi-family developments shall be posted prior to construction until a Certificate of Occupancy or Certificate of Completion is issued and shall be removed within five days of issuance:~~
 - ~~a. This sign shall meet the requirements listed above in **Section 2.02.03.B.2**~~
- ~~C. 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. Workshops may be held at other times deemed appropriate.~~

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- a. ~~Workshops may be held without advertising.~~
- 3. ~~All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.~~
 - a. ~~The advertisement shall will include:~~
 - 1. ~~An identification of who is holding the hearing or meeting.~~
 - 2. ~~The date, time, and place.~~
 - 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.~~
- 4. ~~Notice of all public hearings shall also be posted on the City of Destin website not less than ten days prior to the hearing or meeting.~~
- 5. ~~All noticed public hearings or meetings will be posted in a conspicuous place in city hall at least seven days prior to the hearing or meeting.~~
- 6. ~~Notice will be given to the appropriate media representatives at least twenty-four (24) hours before all public hearings, public meetings, and workshops.~~
 - a. ~~Workshops may be held without the seven-day notice.~~
- 7. ~~A ten (10) day advance notice must be provided to any person, group, agency, or government that registers to receive notices for any public hearing or meeting, or workshop.~~
 - a. ~~The group, agency, or government receiving the advanced notice is responsible for notifying their members of the particulars involved.~~
- 8. ~~The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of Section 2.02.03.C~~
 - a. ~~Emergency enactment procedures for land use plans adopted shall be pursuant to F.S. pt. 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.~~
- 9. ~~Amendments to the Comprehensive Plan, Land Development Code, or the Official Zoning Map require the following additional noticing requirements:~~
 - a. ~~A written notice shall be sent at least 30 days prior to the first public hearing date and shall contain:~~
 - 1. ~~How the proposed amendment affects property owners.~~
 - 2. ~~The time and place for one or more public hearings on such ordinance.~~
 - b. ~~For ordinances involving a parcel or parcels of land less than ten contiguous acres.~~
 - 1. ~~The City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.~~
 - c. ~~For ordinances involving a parcel or parcels of land greater than ten contiguous acres.~~

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1. ~~The City Council shall hold two advertised public hearings on the proposed ordinances.~~
2. ~~The second public hearing shall be held at least ten days after the first public hearing.~~
- e. ~~The latest ad valorem tax records will be utilized for mailing addresses of affected property owners.~~

SECTION 2.02.04 STAFF REPORTS

- A. ~~ALL APPLICATIONS AND PROCESSES REGULATED BY THIS ARTICLE THAT MUST BE REVIEWED BY A CITY COMMITTEE, BOARD, OR CITY COUNCIL SHALL HAVE A STAFF REPORT DEVELOPED FOR CONSIDERATION.~~
- B. ~~THE STAFF REPORT SHALL INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING, IF APPLICABLE:~~
 1. ~~CHARACTERISTICS OF THE SITE AND SURROUNDING AREA:~~
 - a. ~~IMPORTANT NATURAL AND MANMADE FEATURES~~
 - b. ~~THE SIZE AND ACCESSIBILITY OF THE SITE AND~~
 - c. ~~SURROUNDING LAND USES~~
 2. ~~IMPACT ON LEVEL OF SERVICE STANDARDS (LOS)~~
 3. ~~THE NATURE OF THE PROPOSED DEVELOPMENT:~~
 - 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, AND~~
 - h. ~~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.~~
 6. ~~PROPER PUBLIC NOTICING COMPLIANCE SHALL BE ADDRESSED.~~

SECTION 2.02.05 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.~~

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- 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. ~~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.~~
- E. ~~Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.~~

SECTION 2.03.2.06 GUARANTEES, AND 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 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.

A. Guarantees and Sureties:

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.

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- 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.
- ~~1. 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 that either:
 - a. Request approval of Final Plat prior to construction of infrastructure.
 - b. Provide roadway, street, multi-modal or pedestrian corridor as identified as a need by the city.
 - c. Provide or modify Public or Private Right of way for Single-family or multi-family subdivisions.~~
- D. Surety Type & Amount:
 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.

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- 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
- ~~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.~~
- 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
 - 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.

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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 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.
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.~~

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- ~~4. The approval of any development plan shall be subject to the developer providing assurance that all required improvements shall be satisfactorily constructed according to the approved development plan, including, but not limited to:~~
 - ~~a. Storm drainage facilities,~~
 - ~~b. Streets and highways accessways,~~
 - ~~c. Water and sewer lines,~~
 - ~~d. Streetlights,~~
 - ~~e. Signage,~~
 - ~~f. Striping,~~
 - ~~g. Parking facilities,~~
 - ~~h. Sidewalks,~~
 - ~~i. Open space and recreation facilities.~~
- ~~5. Applicant shall provide the following information:~~
 - ~~a. 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.~~
 - ~~b. The projected total cost, to include materials and labor, for each improvement proposed, prepared, and provided by a Florida-registered Professional Engineer (signed, sealed, and dated).~~
 - ~~1. Separate projected costs for:~~
 - ~~(i) On-site, common area, or private infrastructure elements~~
 - ~~(ii) New Private ROW improvements required.~~
 - ~~(iii) New Public ROW or off-site infrastructure elements required.~~
 - ~~(iv) Existing Public ROW or off-site improvement required.~~
 - ~~c. The terms of the agreement indicate that all required improvements shall be satisfactorily constructed within the period stipulated.~~
 - ~~1. The term shall not exceed the timelines identified in the Development Order.~~
 - ~~(i) If the Development Order expires:~~
 - ~~(ii) The security/surety for on-site private improvements shall be released back to the developer. The security/surety identified for critical or existing public infrastructure will be retained by the City and shall be used to construct such infrastructure.~~
 - ~~d. 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.~~
 - ~~e. 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.~~
 - ~~f. Contingency: All securities/sureties shall be in the amount of no less than one hundred twenty-five percent (125%) of the cost of construction identified in Section 2.02.05.A.5.b. above.~~

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- (i) ~~Administrative fee can be found in accordance with the latest adopted Fee Resolution and shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.~~
- (a) ~~The handling fee shall be paid prior to reduction or release of said security/surety.~~
- 2. ~~The names of the subdivision or development~~

~~THE DEVELOPER AND DEVELOPER'S AUTHORIZED AGENTS~~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 ~~requests for~~ 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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~~(a) —~~

~~(b) — The security/surety identified for critical or existing public infrastructure will be retained by the City and shall be used to construct such infrastructure.~~

~~1. — If the final plat was approved and released, then only this subparagraph (b) applies, and the City will retain what is necessary to complete the infrastructure improvements.~~

~~4. — If the applicant fails to construct required improvements according to the schedule for constructing improvements, the city shall utilize the security/surety provided in connection with the agreement.~~

~~g. — 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.~~

~~h. — 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.~~

~~i. — 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.~~

~~6. — Amount and type of security/surety:~~

~~a. — The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.~~

~~b. — Contingency: All securities/sureties shall be in the amount of no less than one hundred twenty-five percent (125%) of the cost of construction identified in Section 2.02.06.A.5.b. above.~~

~~1. — The City Manager, at the recommendation from the Community Development Director or designee, may require a higher contingency amount for any security/surety.~~

~~c. — 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.~~

~~d. — Security/Surety requirements may be met but are not limited to the following:~~

~~1. — Deposit in the form of Cash, Certified Check, Cashier's Check, Money Order (required for Certificate of Occupancy) or online payment.~~

~~2. — Irrevocable letter(s) of credit.~~

~~3. — Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida~~

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e. 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, with the completion and final acceptance of required improvements.

1. In no case, shall the amount of the security/surety be reduced to less than the designated minimum, or not reduced to less than twenty-five percent (25%), necessary for completing the remaining required improvements.

2. The following conditions shall apply to the posting of any security/surety.

(i) Administrative fee can be found in accordance with the latest adopted Fee Resolution and shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.

(ii) A ten percent (10%) Security/surety handling fee will be added to any security/surety in accordance with the adopted and amended Fee Resolution.

(a) The handling fee shall be paid prior to reduction or release of said security/surety.

f. Security/surety documents must reflect:

1. The names of the subdivision or development

2. The developer and developer's authorized agents

g. Security/surety shall be provided prior to the issuance of the development order.

7. Inspection of improvements:

a. The City Engineer or designee shall be given 48-hour advance notification of scheduled inspections.

1. If an inspection is requested within 24 hours, that inspection shall be triple the usual inspection fee.

b. Inspection of the following phases of construction shall be inspected and certified by the developer's engineer:

1. Subgrade or stabilized subgrade

2. Curbs and concrete work

3. Roadway base

4. Surface course

5. Drainage structures and systems

c. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved development plan.

1. 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.

2. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting any and all aspects of construction.

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

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8. ~~Procedures for acceptance by the City.~~
 - a. ~~Preliminary acceptance of physical improvements is subject to:~~
 1. ~~Within two weeks prior to presentation to City Council for preliminary acceptance, the City Engineer or designee shall:~~
 - (i) ~~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.~~
 2. ~~The developer has posted the required security/surety in an amount equal to twenty-five percent (25%) of the construction cost of the improvements to ensure maintenance for a period of one year from the date of preliminary acceptance by the City Council.~~
 3. ~~The security/surety provided for the installation of physical improvements as specified in this Section shall not expire until the installation of physical improvements has been permanently accepted by the City.~~
 - (i) ~~Responsibility for acquiring permanent acceptance shall be the developer's.~~
 - b. ~~Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.~~
 1. ~~The developer shall have sixty (60) calendar days from notification of deficiencies by the City Engineer or designee.~~
 2. ~~Failure to make required corrections specified by the City Engineer shall result in a forfeiture of securities/sureties.~~
 3. ~~Responsibility for acquiring permanent acceptance shall be the developer's~~
 9. ~~Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments):~~
 - a. ~~A maintenance agreement and security/surety shall be provided for all infrastructure 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:~~
 1. ~~Roads or streets~~
 2. ~~Stormwater drainage~~
 3. ~~Sidewalks, pedestrian tracks, or pathways~~
 4. ~~Streetlights~~
 5. ~~Open space and recreation areas~~
 6. ~~traffic control devices on private property~~
 7. ~~Handrails~~
 8. ~~Permanent striping~~
 - b. ~~There shall be a minimum maintenance period of one year.~~
 - c. ~~The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.~~
 - d. ~~During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer or designee and a representative of the developer.~~
 1. ~~These inspections shall be scheduled at mid-year and thirty (30) days prior to permanent acceptance by the City Council.~~
 - e. ~~The City Engineer or designee shall advise the developer, in writing, of any corrective measures to be made during the maintenance period.~~

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- ~~1. It shall be the developer's responsibility to make required corrections prior to the release of the maintenance security/surety.~~
- ~~f. 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.~~
 - ~~1. 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.~~
 - ~~2. When no condominium is to be organized under Chapter 719, F.S., an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.~~
 - ~~(i) When a development requires an owner's association, a recorded copy of the documents must be provided to the City before preliminary acceptance.~~
 - ~~3. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer or designee.~~
- ~~g. 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.~~
 - ~~1. Such covenants shall be included with the request for final plat.~~
 - ~~2. 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.~~
- ~~B. Future improvement payment (fee in-lieu of):~~
 - ~~a. The provisions of this Section apply to all proposed developments in the City or adjacent to public rights-of-way when improvements cannot be installed or constructed, due to circumstances outside of the City or the developer's immediate control, within a:~~
 - ~~1. Public right of way~~
 - ~~2. Easement~~
 - ~~3. City-owned property within the city.~~
 - ~~4. 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.~~
 - ~~b. 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.~~
 - ~~c. This Section does not modify any existing or agreements between a developer and the City for development orders granted prior to the effective date of this Section.~~
 - ~~2. 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 will be constructed according to the approved development plan at an undisclosed later date by the City, including, but not limited to:~~
 - ~~a. Roads or streets~~

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- b. ~~Stormwater drainage~~
- c. ~~Sidewalks, pedestrian tracks, or pathways~~
- d. ~~Streetlights~~
- e. ~~Open space and recreation areas~~
- f. ~~Signage other than traffic control,~~
- g. ~~Handrails~~
- h. ~~Permanent striping~~
- 3. ~~The developer shall provide the projected total cost for each improvement:~~
- 4. ~~Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Florida Professional Engineer.~~
 - a. ~~The amount and type of payment provided to assure construction.~~
- 5. ~~Amount and type of future improvement payment:~~
 - a. ~~The City Manager, or designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.~~
 - 1. ~~Payment requirements shall be the form of either, certified check, cashier's check, money order, cash, or online payment.~~
 - b. ~~The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").~~
 - c. ~~In addition to the future improvement payment, developer shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.~~
- 6. ~~Future improvement payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.~~
- 7. ~~Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property:~~
 - a. ~~The City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.~~
 - b. ~~After completion of the improvements, any unused portion of the future improvement payment shall be returned to the developer.~~
 - c. ~~If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the city.~~

SECTION 2.0304. USER'S GUIDEPLANNING 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.

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- 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.
 - 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.

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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
 - 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.

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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 2.0304.031. PLANNING DEVELOPMENT PROJECT APPLICATION TYPE CLASSIFICATION TABLE

- A. The classification of development project types depends on multiple factors including, but not limited to, the scope, history, location, and community interest in the project.
- B. Application type will be determined by the City Manager or designee after a preliminary review of the proposed planning application, development, or project. able 2-1 Project Type Classification Table directs the user to the criteria and procedures for the applicable section of the Land Development Code for the proposed project.
 1. Final project classification type will be determined by the City Manager or their designee after a preliminary review of the project.
- C. The regulations in this code include the criteria established for a project to be classified as a specific Development Project type.
- D. Development in the City falls into two primary categories: Land Division and Land Development.
- E. A Development Order is an order granting, denying, or granting with conditions an application for approval of development.
 1. A Development Orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.

Table 2.04-1 Project Type ClassificationPlanning Application Types Table			
Map and Code Amendments			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Zoning Map Amendment	N/A	2.06.03	City Council

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Miscellaneous Projects			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Annexation	N/A	<u>2.06.04</u>	City Council
Land Division Applications			
Project ClassificationType	Prior DO Issued	Project — Application Details	Final Approval Authority
<u>Plat Approval</u>	<u>Yes</u>	<u>2.05.02</u>	<u>City Manager or designee</u>
Lot Split	N/A	<u>2.0405.031, 2.06.05</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Minor Replat	N/A	<u>2.0405.024, 2.06.06</u>	City Manager or designee
Minor Subdivision	N/A	<u>2.054.053, 2.06.06</u>	City Manager or designee
Major Subdivision	N/A	<u>2.054.064, 2.06.07</u>	City Council
ROW or Easement Vacation	<u>N/A</u>	<u>2.04.05, 2.06.08</u>	<u>City Council</u>
Land Development Applications			
Project ClassificationType	Prior DO Issued	Project — Application Details	Final Approval Authority
Simple Development Order	No	<u>2.065.01, 2.06.09</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Minor Development Order	No	<u>2.065.02, 2.06.10</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Major Development Order	No	<u>2.065.03, 2.06.11</u>	City Council
Technical Deviation	Yes	<u>2.065.04.A, 2.06.09</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Simple Deviation	Yes	<u>2.065.04.B, 2.06.09</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Minor Deviation	Yes	<u>2.065.04.C, 2.06.10</u>	<u>City _____ Manager _____ or designeeCommunity—Development Director</u>
Major Deviation	Yes	<u>2.065.04.D, 2.06.11</u>	City Council
Development Agreements	No	<u>2.06.052.06.12</u>	City Council
Planned Unit Development	No	<u>2.072.08</u>	City Council
Miscellaneous Planning Applications			
Type	Prior DO Issued	Application Details	Final Approval Authority
<u>Amendments</u>			
<u>Zoning Map</u>	<u>N/A</u>	<u>2.07.01</u>	<u>City Council</u>
<u>Future Land Use Map</u>			
<u>LDC Text</u>			
<u>Comp Plan Text</u>			
<u>Annexation</u>	<u>N/A</u>	<u>2.07.02</u>	<u>City Council</u>

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ROW / Easement Vacation	N/A	2.07.03	City Council
<u>Land Use Requests/Applications</u>			
Project Classification	Prior DO Issued	Project — Application Details	Final Approval Authority
Conditional Use	N/A	2.0910.01	City Council
Certificate of Appropriateness	N/A	2.0910.02 ; 2.0910.03	City Council
Change of Use	N/A	2.1011.02	City Manager or designee City Staff
<u>Special Construction Applications</u>			
Type	Prior DO Issued	Application Details	Final Approval Authority
Marine Construction / Harbor and Waterways Board	N/A	2.09 2.14.03	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A	2.14.08	City Manager or designee
<u>Appeals, Exceptions, and Variances</u>			
Type	Prior DO Issued	Application Details	Final Approval Authority
Administrative Appeal	N/A	2.11.01	Board of Adjustment
Appeals of City Council	N/A	2.11.02	Circuit Court
Special Exception	N/A	2.11.03	Board of Adjustment
Variance	N/A	2.11.04	Board of Adjustment
Marina Siting Exception	N/A	2.11.04	Board of Adjustment
Appeals of the BOA	N/A	2.11.05	Circuit Court
<u>Special Construction Permits</u>			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Marine Construction / Harbor and Waterways Board	N/A	2.08	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A	2.12	Community Development Director
<u>Board of Adjustment</u>			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Administrative Appeal	N/A	2.11.01	Board of Adjustment
Appeals of City Council	N/A	2.11.02	Circuit Court
Special Exception	N/A	2.11.03	Special Exception
Variance	N/A	2.11.04	Board of Adjustment
Marina Citing Exception	N/A	2.11.04	Board of Adjustment
Appeals of the BOA	N/A	2.11.05	Circuit Court

SECTION 2.06.01 GENERAL REVIEW PROCEDURES FOR ALL PROJECTS

All applications or project types listed in Table 2-1: Project Type Classification Table shall follow the following procedures unless specifically identified in the respective Development Project Review Procedures of this Section.

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 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.

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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).

A Pre-Application meeting is required before filing for a formal review of all proposed projects or development plans.

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:

Destin Water Users

Destin Fire Control

Florida Power & Light

A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days. The summary will include:

The appropriate review procedures and fees, if enough information on the project was provided prior to or during the Pre-Application meeting.

If the appropriate procedure is not determined with the first Pre-application meeting, City Staff may require a follow-on Pre-Application Meeting before formal submittal of any application.

Brief description of the proposed development, if provided.

Major Land Development Code sections of concern.

Development Checklists

Any comments from internal or external agencies or departments, if provided.

The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.

The City reserves the right to provide more comments at the time of formal application review.

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.

Formal Development Application Submittal

Submittal of all development applications for City review shall be submitted through the City's online application portal.

All materials required by City Staff or in the Development Application Checklist shall be submitted for review.

Payment of the application is required at time of submittal.

Fees for development applications can be found in the City's Schedule of Fees

Completeness Review:

Once an application is submitted City Staff will conduct a completeness review to ensure all required materials were submitted as identified by City Staff and or in the Development Application Checklist.

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.

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.

Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date.

Simple Development or Deviation

Lot Split

Minor Replat

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~~The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.~~

~~If the applicant does not submit within the thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.~~

~~Substantive Application Review:~~

~~Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:~~

~~Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.~~

~~Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending to either approve, approve with conditions, approve with modifications, or deny the application.~~

~~Technical Review Committee (TRC) Review:~~

~~Once an application is deemed complete Staff will forward the application to the appropriate TRC members. 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.~~

~~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.~~

~~The following Project Types are exempt from TRC review, unless determined necessary by the City Manager or their designee.~~

~~Annexation~~

~~Zoning and FLUM Map Amendments~~

~~LDC or Comprehensive Plan Amendments~~

~~Lot Split or Lot Line Adjustment~~

~~Development Order Exemption~~

~~Simple Development Order~~

~~Simple Deviation~~

~~Change of Use, except as otherwise identified in this Code.~~

~~Conditional Use~~

~~Certificate of Appropriateness~~

~~Harbor & Waterways Board applications~~

~~Board of Adjustment Applications~~

~~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.~~

~~If Staff identifies the need for more review time, a request will be made to the applicant.~~

~~TRC members shall provide comments to City Staff pertaining to the specific professional expertise.~~

~~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.~~

~~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).~~

~~If the TRC approves the application, Staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.~~

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~~If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.~~

~~Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.~~

~~If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05~~

~~SECTION 2.03.02 DEVELOPMENT ORDERS:~~

- ~~A. No property shall have more than one development order application under review by the City at any one time.~~
- ~~B. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Ordinances the City shall:~~
 - ~~1. Issue a development order to the developer within ten (10) business days from the approval date of said development order application.~~
 - ~~a. An approved development order is required prior to the city's issuance of any construction permit(s). The development order is not a construction permit.~~
 - ~~b. A development order shall include, but is not limited to, the following if applicable:~~
 - ~~1. An approved final development plan with findings and conclusions.~~
 - ~~2. A listing of federal, state, or regional permits, if any, which must be obtained prior to the issuance of certificate of occupancy.~~
 - ~~3. If modifications to the development plan are required, the development order shall not be issued prior to such modified plan is submitted and approved by the city.~~
 - ~~4. Notification that development shall commence within a 12-month period and continue until completion in accordance with terms and conditions of approval.~~
 - ~~5. A phasing plan and schedule of construction consistent with the availability of capacity of one or more services and/or facilities.~~
 - ~~6. 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.~~
 - ~~7. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.~~
 - ~~8. Any required guarantees or sureties for required public improvements as a result of the anticipated impact of the development or as required by regulations in this Code or other law.~~
 - ~~9. Such other conditions as may be required to assure compliance with this Code, the comprehensive plan or other law.~~
 - ~~10. Characteristics of the site and surrounding area.~~
 - ~~(i) Important natural and manmade features~~
 - ~~(ii) The size and accessibility of the site~~
 - ~~(iii) Surrounding land uses~~
 - ~~11. Impact on requirements for level of service standards (LOS).~~
 - ~~(i) The nature of the proposed development~~
 - ~~(ii) Land use types~~
 - ~~(iii) Density or intensity~~

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- (iv) ~~Placement of proposed buildings, improvements, and impervious ground cover on the site~~
- (v) ~~Location, type, and method of maintenance of open space and public use areas if any~~
- (vi) ~~Preservation of natural features or protection of sensitive lands if any~~
- (vii) ~~Proposed parking areas and internal traffic circulation~~
- (viii) ~~Stormwater management, and~~
- (ix) ~~Water and sewage distribution, collection, and treatment systems.~~
- 12. ~~Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.~~
- 13. ~~Other applicable factors, rules, regulations, or criteria prescribed by the Comprehensive Plan, this Code or other law.~~
- C. ~~Exemptions from Development Orders:~~
 - 1. ~~A construction permit may be issued without a development order 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 minor replat, or lot split granted pursuant to procedures in Section 2.06 of this Article.~~
 - e. ~~Determination by the City Manager or designee~~
 - 1. ~~A determination shall not conflict with any requirement or provision of this Article or the Comprehensive plan.~~
- D. ~~Development Orders:~~
 - 1. ~~A development order is valid for a period of one year from the date of issuance.~~
 - 2. ~~A building permit must be obtained by issuance from the City for either the construction of infrastructure or construction of the entire project.~~
 - 3. ~~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.~~
 - a. ~~Construction must commence within six (6) months after issuance of building or construction 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.~~
- E. ~~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);~~

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- 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 a final determination.~~
- 5. ~~The fee for an extension is half (1/2) the cost of the original application.~~
- F. ~~An approved Development Order or construction 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 construction permit.~~
 - 2. ~~If the building permit or construction 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 2.0405. LAND DIVISION PROJECT APPLICATIONS TYPES AND REVIEW PROCESSES

The following ~~project~~~~application~~ types involve rearranging established lot lines or dividing land into two or more parcels. Any development that requires a ~~m~~Minor ~~s~~Subdivision or ~~M~~major ~~S~~subdivision shall complete the Preliminary Plat prior to submitting ~~construction 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.~~
- 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.~~

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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 2.0405.01-03 LOT SPLIT:-

- A. A lot split is the division of a ~~tract of land or~~ lot that results in either:
 - 1. A lot line adjustment between two platted lots or tracts of land
 - 2. The creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
 - a. ~~The tract of land or~~ lot to be split is platted or has a legal description of record; and
 - b. Each lot ~~or tract of land~~ 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 ~~created~~be created by the lot split and shall be clearly shown on the recorded lot split.

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- c. The lot split shall meet ~~all relevant zoning~~the criteria ~~established in this code~~in the City Land Development Code.
- B. A Lot Split may not require a development order as determined by the City Manager or their 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 the Destin Design Manual 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.

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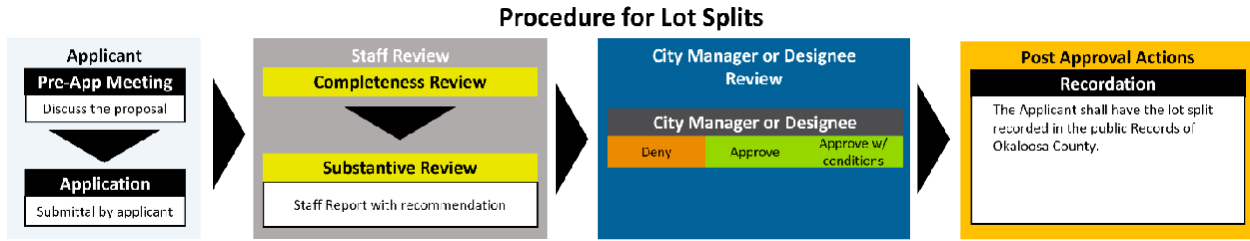


Figure 2-1: Lot Split - One additional lot example

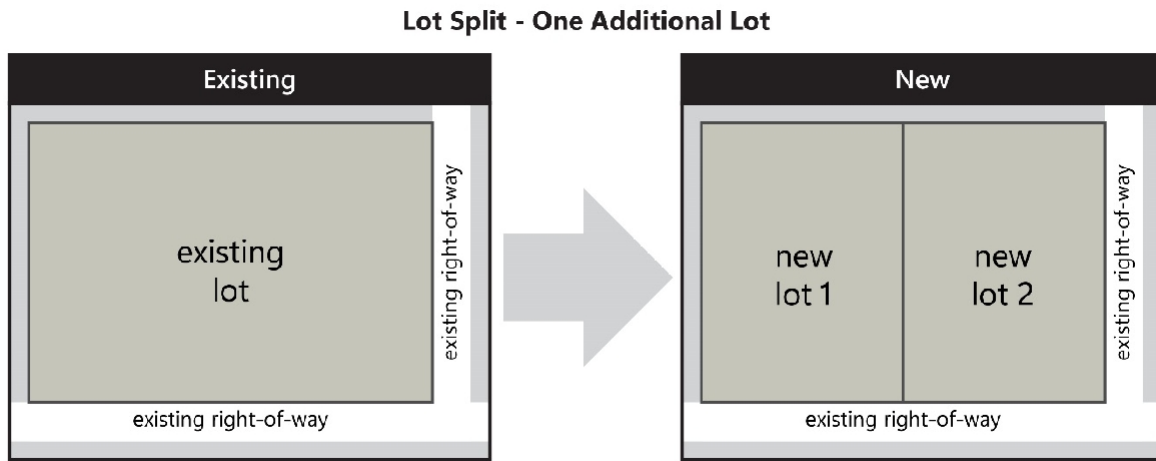


Figure 2-2: Lot Split - Lot Line Adjustment example

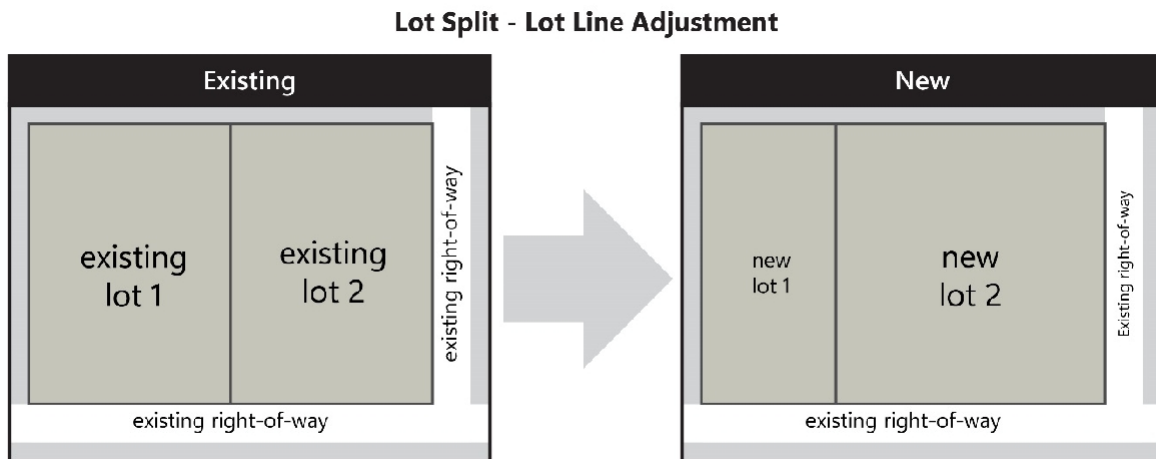
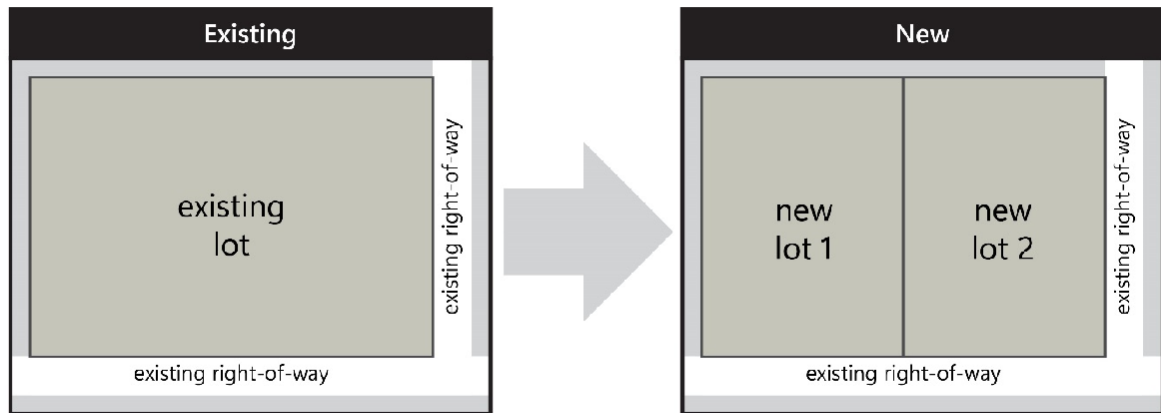


FIGURE 2-1: LOT SPLIT - ONE ADDITIONAL LOT EXAMPLE

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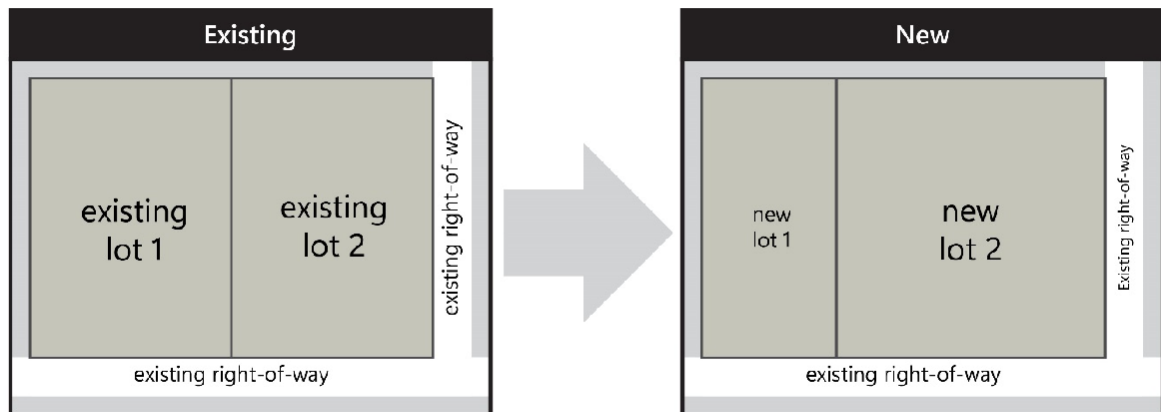
Lot Split - One Additional Lot



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FIGURE 2-2: LOT SPLIT - LOT LINE ADJUSTMENT EXAMPLE

Lot Split - Lot Line Adjustment



SECTION 2.06.05 LOT SPLITS OR LOT LINE ADJUSTMENTS

LOT SPLITS OR LOT LINE ADJUSTMENTS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03.

THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE PLATTING REQUIREMENTS OF THIS CODE FOR DIVISIONS OF LAND THAT CONSTITUTE A LOT SPLIT.

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~~TO WAIVE THE PLATTING REQUIREMENTS FOR A LOT SPLIT, THE PROPOSED LOT SPLIT SHALL MEET THE MINIMUM ZONING AND ACCESS REQUIREMENTS WITHOUT THE NEED FOR A VARIANCE.~~

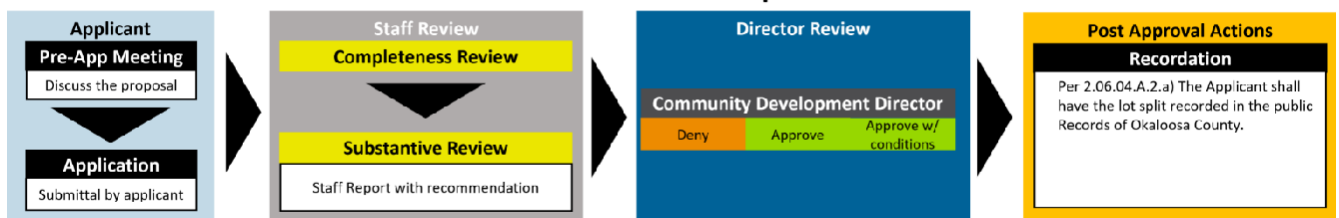
~~UPON REVIEW BY CITY STAFF AND RECOMMENDATION TO THE COMMUNITY DEVELOPMENT DIRECTOR, THE DIRECTOR MAY APPROVE THE LOT SPLIT OR LOT LINE ADJUSTMENT.~~

~~THE DIRECTOR'S APPROVAL AND MYLAR(S) SHALL BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY.~~

~~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.~~

~~ALL MYLARS SHALL MEET STATE STATUTE AND THE CITY OF DESTIN DESIGN MANUAL STANDARDS.~~

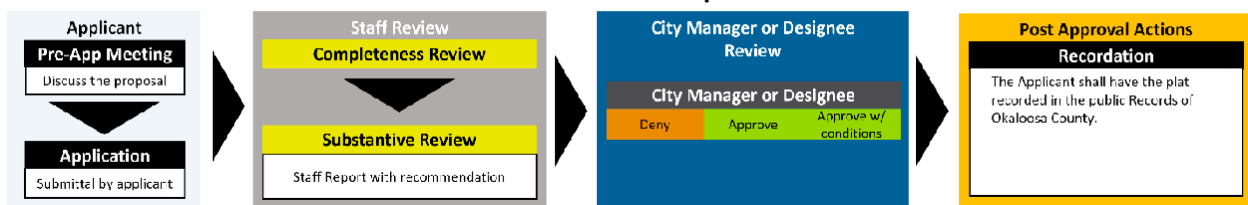
Procedure for Lot Splits



SECTION 2.0405.02-04 MINOR REPLAT:-

- A. A ~~minor~~ 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 ~~Minor~~ Replat may ~~not~~ require a development order as determined by the City Manager or ~~their~~ Designee.
- 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.

Procedure for Replat



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Figure 2-3: Replat example

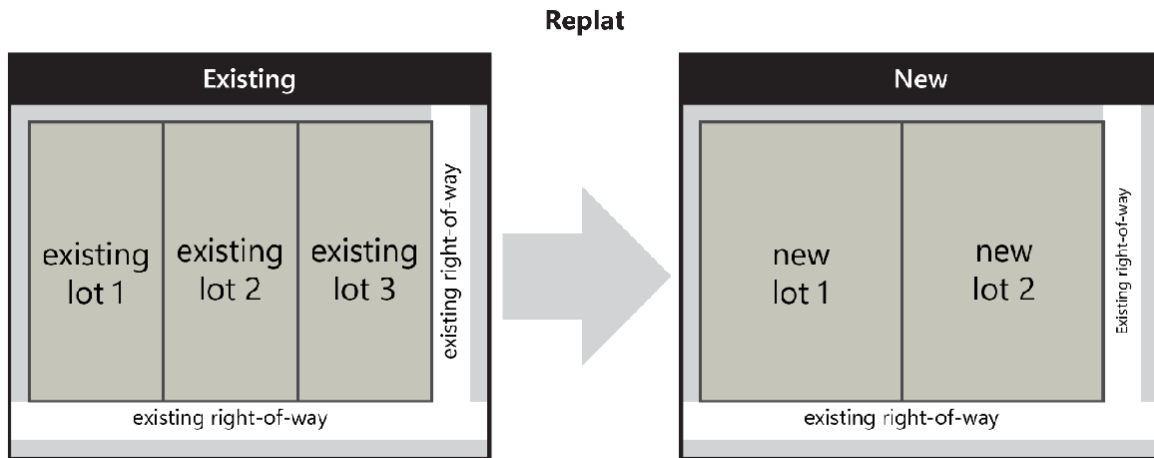
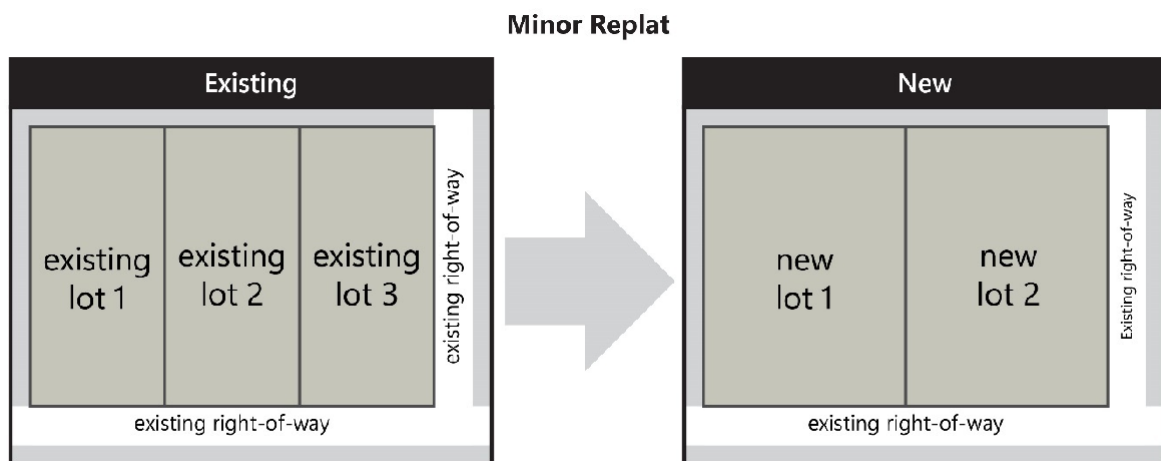


FIGURE 2-3: MINOR REPLAT EXAMPLE



SECTION 2.0405.03-05 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.

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2. Minor subdivisions shall follow the same approval process as a minor development per [Section 2.06.03](#).

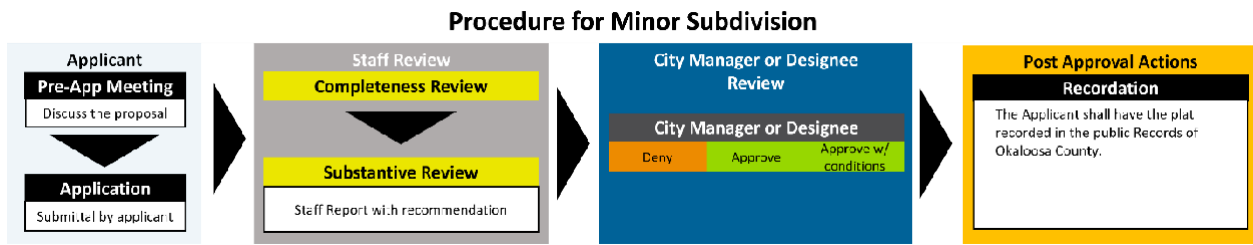


Figure 2-4: Minor Subdivision example

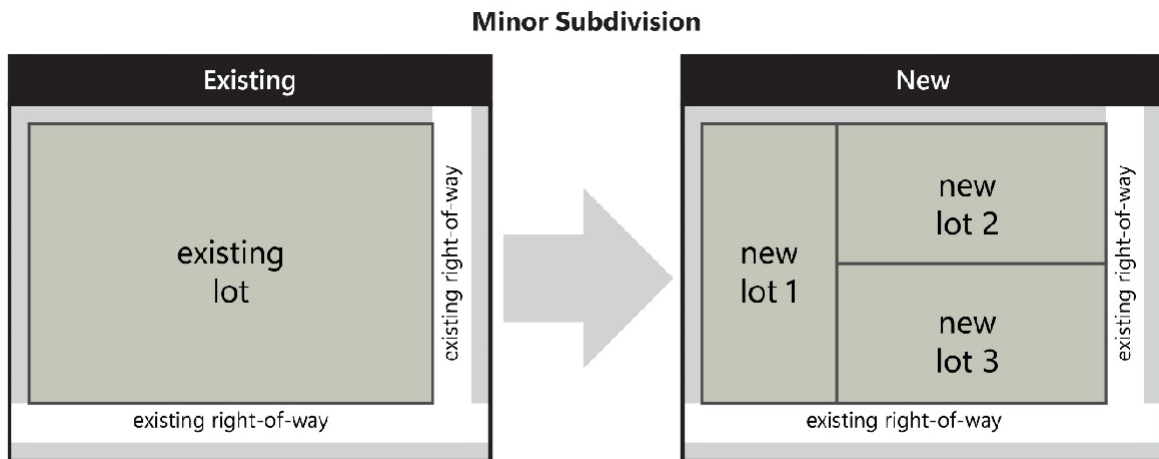
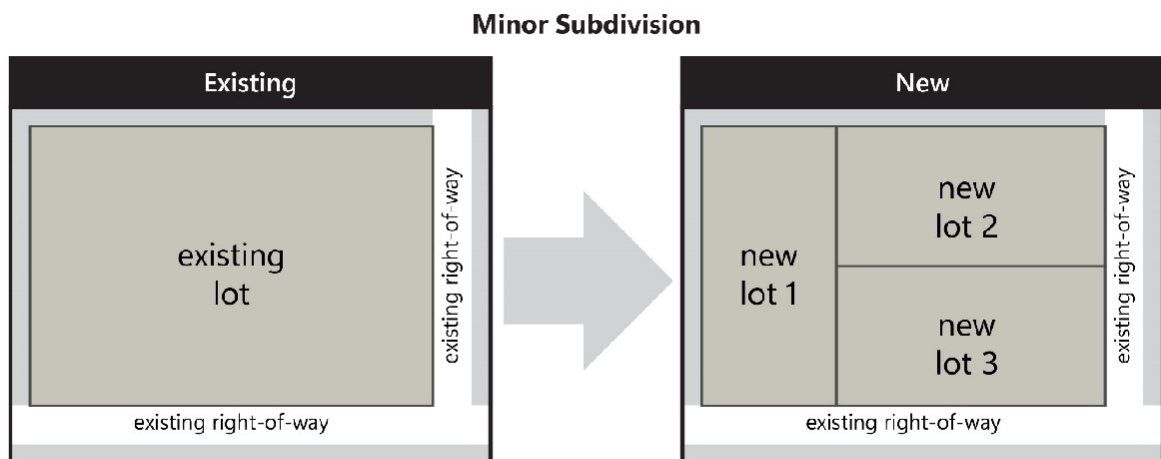


FIGURE 2-4: MINOR SUBDIVISION EXAMPLE

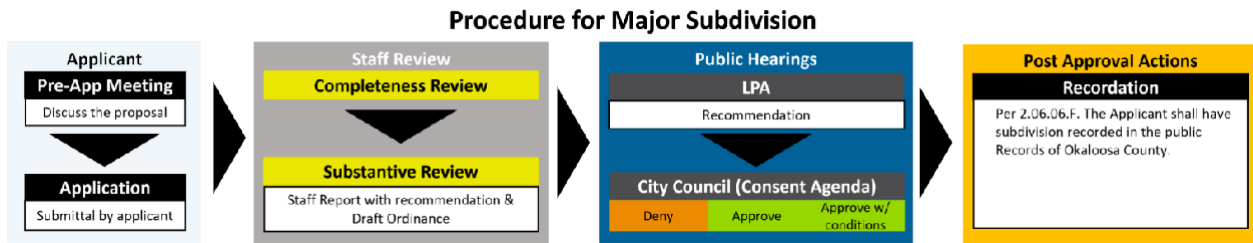


[SECTION 2.0405.04-06 MAJOR SUBDIVISION:-](#)

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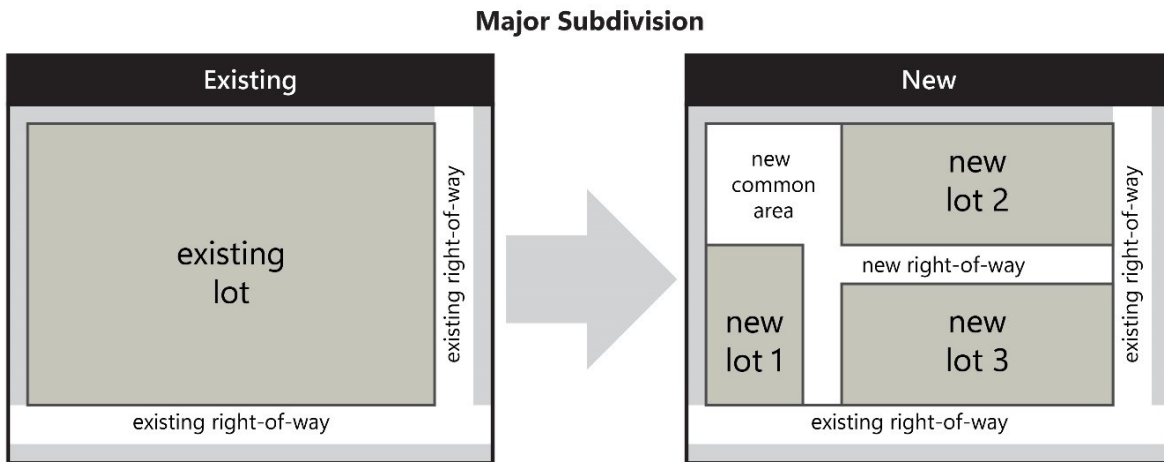
City of Destin, FL - Article 2 - Administration

- 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



2.

Figure 2-5: Major Subdivision example



SECTION 2.06.08 FINAL PLAT APPROVAL AND RELEASE OF PLAT

- A. ~~The applicant or developer shall submit a Release of Plat application to the Community Development Department and receive final approval before any lot can be sold or any building permit can be issued in a proposed subdivision.~~
- B. ~~The Release of Plat application shall include the following:~~
 1. ~~One mylar with all required signatures blocks signed:~~
 - a. ~~This does not include (County or City representative signatures)~~
 - b. ~~Proof that one of the following situations has been completed.~~

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1. ~~The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.~~
- c. ~~The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer.~~
 1. ~~Such a bond shall be released upon satisfactory installation of all improvements.~~
- C. ~~Once a Release of Plat application is deemed complete it shall be placed on the City Council Consent Agenda for final approval.~~
- D. ~~All mylars shall meet State Statute and The City of Destin Design Manual standards.~~
- E. ~~Mylar(s) shall be recorded in the public records of Okaloosa County.~~
- F. ~~Once final approval is received, the developer shall record the approved plat and submit to the Community Development department one (1) digital copy of the final recorded plat (as prescribed by F.S. § 177.091).~~
- G. ~~Any development that requires a Major Subdivision shall complete the Plat before submitting any application for non-infrastructure construction or permitting.~~

SECTION 2.04.05 RIGHT-OF-WAY OR EASEMENT VACATION:

- A. ~~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.~~
- B. ~~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~~
- C. ~~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.~~
- D. ~~Any vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division process.~~
 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.~~

SECTION 2.0506. LAND DEVELOPMENT PROJECT APPLICATIONS TYPES AND REVIEW PROCESS

The following are development project application types that do not include the division of land. However, this does not preclude any project in Sections 2.04 or 2.05 from following the appropriate procedures identified in this Article.

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

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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 2.0506.0102 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.
 2. AOr 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 outlined in the City of Destin Design Manual.
 3. Does not meet any of the criteria of a minor development per **Section 2.0503** or major development per **Section 2.0504**
- 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 2.0104**
 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

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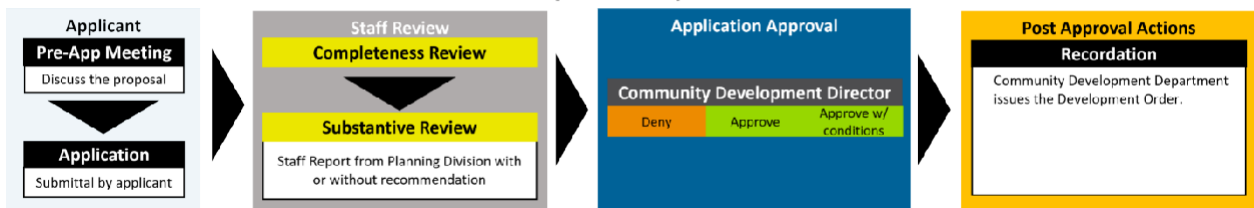
b. Become null and void.

The applicant will lose in-line priority consideration for concurrency.

A. A development project shall be designated as a Simple Development if the following criteria are met:

1. 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);
2. The proposed changes do not require review by any external Technical Review Committee agency or entity.
3. The proposed project meets one of the following criteria:
 - a. Proposes a change to the use of any structure or land, and
 1. The proposed change of use does not require additional parking spaces beyond those already existing on the site.
 - b. Or any proposed changes to existing development cannot will not increase impervious surface area beyond 750 square feet.
 1. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements outlined in the City of Design Manual.
 - c. Does not meet any of the criteria of a Minor Development per Section 2.05.02 or Major Development per Section 2.05.03.
4. Simple Development Orders do not apply to the Change of Use of a Single-Family Home to a Short-Term Rental.
- B. To qualify as a simple Development, developments the site shall currently meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.
 1. If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements.
- C. If the proposed development exceeds the thresholds established in this Section, then it shall be deemed a Minor or Major Development.
 1. 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.

Procedure for Simple Developments & Deviations



SECTION 2.0506.02-03 MINOR DEVELOPMENTS:-

- A. A development project application shall be designated as a mMinor Dd development if it satisfies one or more of the following criteria:
1. Commercial, iIndustrial, or mMixed-use development plans proposing developmentdevelopment of less than 10,0009,999 square feet or less of gross floor area.

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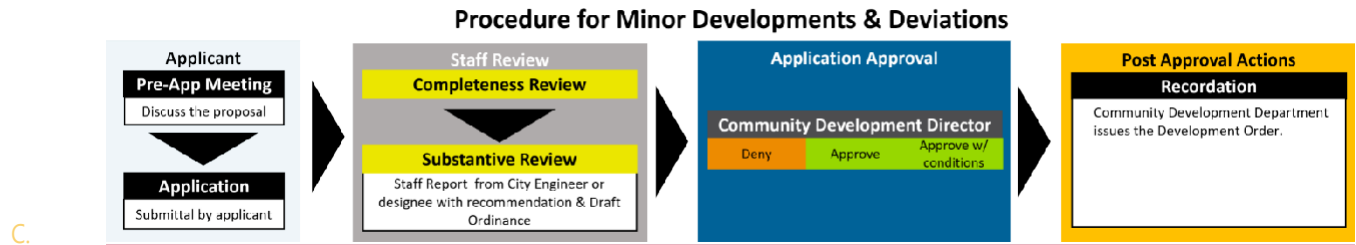
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- ~~a. —Any development that is equal to or greater than 10,000 square feet shall be deemed a Major Development. (see Section 2.05.03 below)~~
 2. Development ~~activity~~ activity of 9,999 square feet or less, less than 10,000 square feet such as 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.
 4. Minor ~~s~~Subdivisions development plans
 5. Demolition of a multi-family or non-residential structure or building, unless determined as unsafe by the ~~B~~building ~~O~~official or other regulatory agency.
 6. Any ~~project application submittal identified~~ determined by the ~~Community Development Director~~ City Manager or designee needing higher level of review beyond the ~~s~~Simple ~~D~~deviation due to:
 - a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
 - b. ~~Is it is~~ identified as being of significant interest to the general public.
- ~~B. —Minor Developments shall meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.~~
- ~~1. —If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements.~~
- ~~B. —If the proposed development exceeds the thresholds established in this Section, then it shall be deemed Major Development.~~ 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.

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SECTION 2.0506.03-04 MAJOR DEVELOPMENTS:-

- A. A development project 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.
 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.
 - 6.7. Any project proposing to utilize a Shared Parking Analysis.
 - 7.8. Any project 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. ~~Is it~~ is identified as being of significant interest to the general public.
- ~~B. Major Developments shall meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.~~
- ~~B. If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements. 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,

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d. City Ordinances

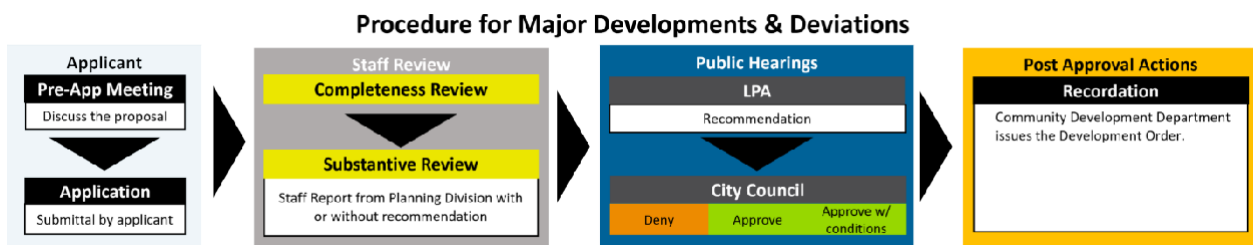
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Section 2.06. Land Development Applications and Review Process

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- 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.



1.

SECTION 2.0506.04-05 DEVIATIONS TO DEVELOPMENT:-

For those ~~projects-applications~~ or properties with active or vested ~~dDevelopment~~ ~~O~~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 ~~mMinor~~ or ~~mMajor~~ ~~dDeviation~~ listed in this Section.
 - 1. Technical ~~D~~deviations cannot propose any deviation from the intent and purpose of the approved ~~dDevelopment~~ ~~O~~order
 - 2. Any ~~t~~Technical ~~dDeviation~~ shall be the minimum modification to overcome the particular difficulty.
 - 3. Technical ~~dDeviation~~s 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.
 - a.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.
 - 1. Any modification that decreases any building setbacks to any external property line of the development will require a Simple, Minor, or Major deviation depending on the original approval process.
 - b. Vehicular circulation elements

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- 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 ~~d~~Deviations applications shall follow the same procedures for a ~~s~~Simple Deviation development as outlined in **Section 2.0606.0902**.
- B. Simple Deviations to a Development Order: A simple deviation to a development order is an ~~a~~ project 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. Changes to the previously approved development plan cannot require approval by non-city staff members of the TRC.~~
 - 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 ~~and the City of Destin Design Manual,~~ without exceeding criteria for other deviations listed below.
- ~~4.2.~~ 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.
 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 ~~nonresidentialnon-residential~~ or multi-family building, unless determined as unsafe by the ~~B~~building ~~o~~Official or other regulatory agency.
- ~~4.5.~~ Minor deviation applications shall follow the same procedures for a minor development as outlined in **Section 2.06.03**

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- 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 2.06.0613 DEVELOPMENT AGREEMENTS

- A. Development ~~a~~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 ~~a~~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 ~~s~~Simple, ~~M~~minor, or ~~M~~major ~~D~~development and the appropriate materials will be required for application submittal ~~per the dDevelopment Checklist in the City of Destin's Design Manual.~~
1. The corresponding fee shall also apply.
 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 and City Staff 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 ~~s~~Staff shall draft a ~~s~~Staff rReport, 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.

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- 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 ~~per Sections 2.02.03 and 2.15.~~
- a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties ~~doing so 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.
 - 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 ~~A~~agreement ~~R~~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.
 - 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.

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- a. 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.
 - e. 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 2.0201, 0304, 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.
 - 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~~public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or

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- 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.
- l. 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.

b.

6.

SECTION 2.06-07 DEVELOPMENT PROJECT MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW-REVIEW PROCEDURES PROCESS

SECTION 2.06.01 GENERAL REVIEW PROCEDURES FOR ALL PROJECTS

A. ALL APPLICATIONS OR PROJECT TYPES LISTED IN TABLE 2-1: PROJECT TYPE CLASSIFICATION TABLE SHALL FOLLOW THE FOLLOWING PROCEDURES UNLESS SPECIFICALLY IDENTIFIED IN THE RESPECTIVE DEVELOPMENT PROJECT REVIEW PROCEDURES OF THIS SECTION.

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 REVIEW 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 FILING FOR A FORMAL REVIEW OF ALL PROPOSED PROJECTS OR DEVELOPMENT PLANS.

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. THE SUMMARY WILL INCLUDE:

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- a. ~~THE APPROPRIATE REVIEW PROCEDURES AND FEES, IF ENOUGH INFORMATION ON THE PROJECT WAS PROVIDED PRIOR TO OR DURING THE PRE-APPLICATION MEETING.~~
- 1. ~~IF THE APPROPRIATE PROCEDURE IS NOT DETERMINED WITH THE FIRST PRE-APPLICATION MEETING, CITY STAFF MAY REQUIRE A FOLLOW-ON PRE-APPLICATION MEETING BEFORE FORMAL SUBMITTAL OF ANY APPLICATION.~~
- b. ~~BRIEF DESCRIPTION OF THE PROPOSED DEVELOPMENT, IF PROVIDED.~~
- c. ~~MAJOR LAND DEVELOPMENT CODE SECTIONS OF CONCERN.~~
- d. ~~DEVELOPMENT CHECKLISTS~~
- e. ~~ANY COMMENTS FROM INTERNAL OR EXTERNAL AGENCIES OR DEPARTMENTS, IF PROVIDED.~~
- 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 DEVELOPMENT APPLICATION SUBMITTAL~~
- 1. ~~SUBMITTAL OF ALL DEVELOPMENT APPLICATIONS FOR CITY REVIEW SHALL BE SUBMITTED THROUGH THE CITY'S ONLINE APPLICATION PORTAL.~~
- a. ~~ALL MATERIALS REQUIRED BY CITY STAFF OR IN THE DEVELOPMENT 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 CITY STAFF WILL CONDUCT A COMPLETENESS REVIEW TO ENSURE ALL REQUIRED MATERIALS WERE SUBMITTED AS IDENTIFIED BY CITY STAFF AND OR IN THE DEVELOPMENT APPLICATION CHECKLIST.~~
- 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.~~
- 1. ~~SIMPLE DEVELOPMENT OR DEVIATION~~

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2. LOT SPLIT
3. MINOR 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 THE THIRTY (30) DAYS, THE APPLICATION WILL BE DEEMED WITHDRAWN PER **SECTION 2.02.05.**
 - 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 TO 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 PROJECT TYPES ARE EXEMPT FROM TRC REVIEW, UNLESS DETERMINED NECESSARY BY THE CITY MANAGER OR THEIR DESIGNEE:
 1. ANNEXATION
 2. ZONING AND FLUM MAP AMENDMENTS
 3. LDC OR COMPREHENSIVE PLAN AMENDMENTS
 4. LOT SPLIT OR LOT LINE ADJUSTMENT
 5. DEVELOPMENT ORDER EXEMPTION
 6. SIMPLE DEVELOPMENT ORDER
 7. SIMPLE DEVIATION
 8. CHANGE OF USE, EXCEPT AS OTHERWISE IDENTIFIED IN THIS CODE.
 9. CONDITIONAL USE
 10. CERTIFICATE OF APPROPRIATENESS
 11. HARBOR & WATERWAYS BOARD APPLICATIONS
 12. 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 2.06.02 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. — SIX (6) MONTHS FOR ANY APPLICATION REQUIRING LOCAL PLANNING AGENCY APPROVAL.~~

~~3. — THREE (3) MONTHS FOR ALL OTHER APPLICATIONS.~~

SECTION 2.0607.03-01 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 ~~O~~official ~~Z~~zoning ~~D~~district ~~M~~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.

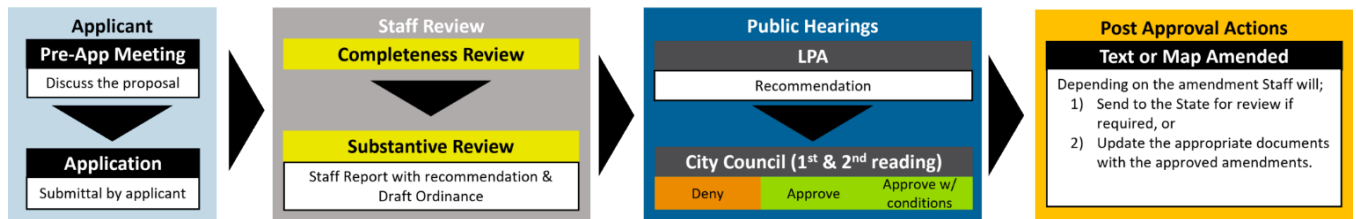
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- C. The Community Development Department will review and forward the application and a staff report and draft ordinance with or without a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review 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-first Reading-reading~~ at ~~City-city Councilcouncil~~, a ~~Second-second Reading-reading~~ will be heard at the next available ~~City-city Council-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.

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



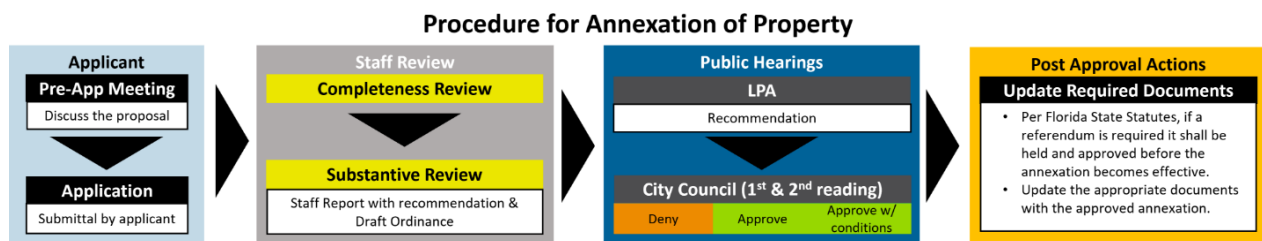
SECTION 2.0607.024 ANNEXATION OF PROPERTY

- 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 ~~c~~City ~~l~~imits.
- 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 ~~c~~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 ~~C~~city limits.
 - 2. The ~~Citycity~~ 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. § Section 171.046, Florida Statutes.~~
 - b. The City may annex an enclave with fewer than 25 registered voters by ~~c~~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. § Section-171.046, Florida Statutes.~~

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- c. The ~~City~~city may annex land by referendum election, pursuant to the procedures set forth in ~~F.S. § Section 171.0413, Florida Statutes.~~
- D. Annexations Applications:
 1. Annexations whether property owner-initiated or ~~c~~City initiated, shall address in the application, the criteria listed in ~~Section 2.0607.0402.B.~~ above, and the following if applicable:
 - a. Elimination of ~~e~~Enclaves: (Enclaves are areas of county jurisdiction that are surrounded by the ~~City~~city).
 - b. Enhance the ~~c~~City ~~E~~conomic and ~~T~~ax ~~b~~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 ~~c~~City's ~~i~~nfrastructure: 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
 2. Stormwater facilities
 3. Other ~~c~~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-first Reading-reading~~ at ~~City-city Council-council~~, a ~~Second-second Reading-reading~~ will be heard at the next available ~~City-city Council-council~~ meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
 - (ii) If the Annexation meets the criteria of Section ~~2.0607.0402.C.2.c.~~ then the referendum per ~~F.S. § Florida State Statutes 171.0413~~ shall be held and approved before the annexation becomes effective.



SECTION 2.06.05 LOT SPLITS OR LOT LINE ADJUSTMENTS

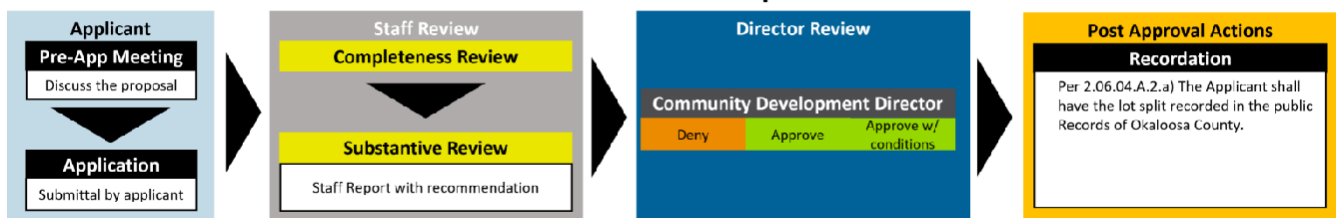
- A.— LOT SPLITS OR LOT LINE ADJUSTMENTS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03.
- B.— THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE PLATTING REQUIREMENTS OF THIS CODE FOR DIVISIONS OF LAND THAT CONSTITUTE A LOT SPLIT.

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1. ~~TO WAIVE THE PLATTING REQUIREMENTS FOR A LOT SPLIT, THE PROPOSED LOT SPLIT SHALL MEET THE MINIMUM ZONING AND ACCESS REQUIREMENTS WITHOUT THE NEED FOR A VARIANCE.~~
- C. ~~UPON REVIEW BY CITY STAFF AND RECOMMENDATION TO THE COMMUNITY DEVELOPMENT DIRECTOR, THE DIRECTOR MAY APPROVE THE LOT SPLIT OR LOT LINE ADJUSTMENT.~~
1. ~~THE DIRECTOR'S APPROVAL AND MYLAR(S) SHALL BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY.~~
- D. ~~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.~~
- E. ~~ALL MYLARS SHALL MEET STATE STATUTE AND THE CITY OF DESTIN DESIGN MANUAL STANDARDS.~~

Procedure for Lot Splits



SECTION 2.06.06 MINOR REPLATS/MINOR SUBDIVISIONS

- A. ~~MINOR REPLATS OR SUBDIVISIONS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03 ONCE APPROVED BY THE TRC.~~
- B. ~~PRELIMINARY APPROVAL~~
1. ~~PRIOR TO APPROVAL OF A MINOR REPLAT OR MINOR SUBDIVISION BY THE CITY MANAGER OR DESIGNEE, THE FOLLOWING STANDARDS SHALL BE MET:~~
 - a. ~~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.~~
 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.~~
 3. ~~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.~~
 - a. ~~IF RIGHT-OF-WAY IS DETERMINED TO BE REQUIRED, THE APPLICATION AUTOMATICALLY BECOMES A MAJOR SUBDIVISION AND SHALL FOLLOW THOSE PROCEDURES.~~
 - b. ~~THE APPLICANT IS STILL RESPONSIBLE FOR THE FEES FOR THE MAJOR SUBDIVISION APPLICATION, BUT THE FEES PAID FOR THE MINOR SUBDIVISION WILL BE CREDITED TOWARDS THE MAJOR SUBDIVISION.~~
 4. ~~ONCE REVIEWED AND APPROVED BY ALL APPLICABLE TRC MEMBERS, THE DEVELOPER SHALL SUBMIT TO THE COMMUNITY DEVELOPMENT DEPARTMENT:~~
 - a. ~~ONE DIGITAL AND ONE PAPER COPY OF THE PROPOSED FINAL PLAT (AS PRESCRIBED BY F.S. § 177.091)~~

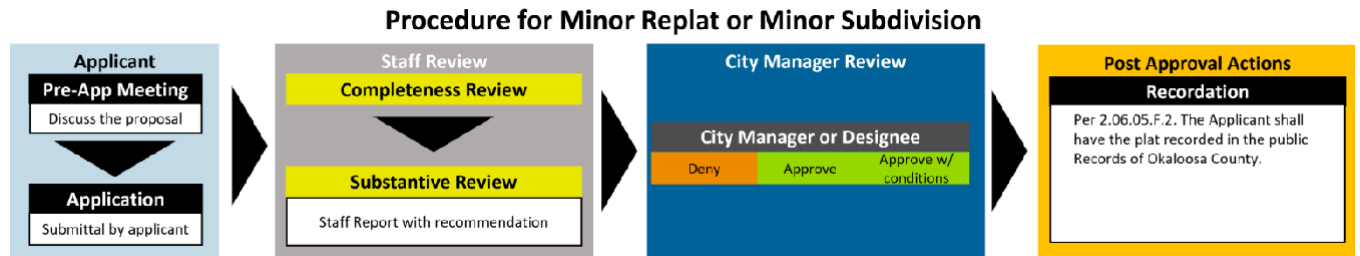
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5. ~~FINAL REVIEW AND APPROVAL OF MINOR REPLATS OR MINOR SUBDIVISIONS SHALL BE MADE BY THE CITY MANAGER OR DESIGNEE UPON RECEIVING THE RECOMMENDATION OF THE TRC.~~

6. ~~THE CITY MANAGER'S OR DESIGNEE'S DETERMINATION SHALL BE SENT TO THE APPLICANT VIA WRITTEN LETTER ON CITY OF DESTIN LETTER HEAD WITH THE CITY MANAGER DETERMINATION AND ANY CONDITIONS OF APPROVAL.~~

C. ~~FINAL APPROVAL OF ALL MINOR SUBDIVISIONS SHALL FOLLOW THE REQUIREMENTS OF SECTION 2.06.08.~~



SECTION 2.06.07 MAJOR SUBDIVISIONS

A. ~~MAJOR SUBDIVISIONS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03 ONCE APPROVED BY THE TRC.~~

B. ~~PRELIMINARY APPROVAL:~~

1. ~~PRIOR TO APPROVAL OF A MAJOR SUBDIVISION BY THE CITY THE FOLLOWING STANDARDS SHALL BE MET:~~

a. ~~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.~~

2. ~~ONCE A MAJOR SUBDIVISION IS REVIEWED FOR COMPLIANCE BY STAFF AND RECEIVES APPROVAL FROM THE TRC, STAFF WILL PREPARE A STAFF REPORT FOR REVIEW AND CONSIDERATION FOR RECOMMENDATION BY THE LOCAL PLANNING AGENCY (LPA) AT A PUBLIC HEARING.~~

3. ~~THE LPA WILL FORWARD THEIR RECOMMENDATION TO THE CITY COUNCIL FOR THEIR REVIEW AND CONSIDERATION OF PRELIMINARY APPROVAL AT A PUBLIC HEARING.~~

4. ~~THE APPLICANT MAY REQUEST PRELIMINARY AND FINAL APPROVAL UNDER TWO PUBLIC HEARINGS, ONE WITH THE LPA AND ONE WITH CITY COUNCIL~~

a. ~~THE APPLICANT SHALL SUBMIT A RELEASE OF PLAT APPLICATION THAT WILL BE PROCESSES AND REVIEWED BY CITY COUNCIL AT THE SAME TIME AS THE PRELIMINARY PLAT.~~

b. ~~IF THE APPLICANT RECEIVES PRELIMINARY PLAT APPROVAL, THE FINAL PLAT MAY BE APPROVED WITH THE PRELIMINARY APPROVAL AT THE CITY COUNCIL PUBLIC HEARING.~~

5. ~~IF THE PROPOSED SUBDIVISION IS DENIED UPON CONSIDERATION FOR PRELIMINARY APPROVAL THE DEVELOPER MUST RESUBMIT AS A NEW DESIGN INDICATING SUBSTANTIAL DIFFERENCES FROM THE PREVIOUS DESIGN.~~

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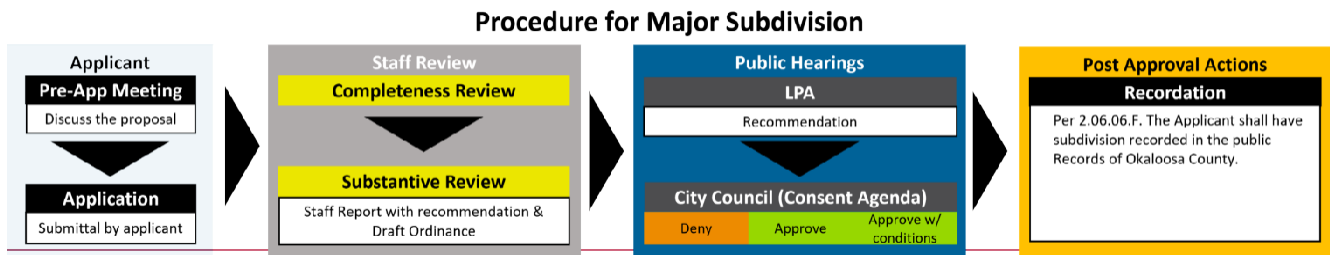
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~~6. CITY COUNCIL MAY, UPON RECEIVING THE RECOMMENDATION OF THE LPA, APPROVE, APPROVE WITH CONDITIONS, TABLE, OR DENY THE APPLICATION.~~

~~7. IF THE PROPOSED SUBDIVISION MEETS THE CRITERIA FOR ANY LAND DEVELOPMENT PROJECT OR DEVELOPMENT ORDERS AS IDENTIFIED IN SECTION 2.05, BOTH APPLICATIONS MAY BE PROCESSED SIMULTANEOUSLY BY THE APPROPRIATE PROCEDURES IDENTIFIED IN THIS ARTICLE.~~

~~a. ANY REQUESTS FOR AMENDMENTS TO ACTIVE DEVELOPMENT ORDERS WILL NOT BE PROCESSED UNTIL THE REQUIRED PLAT HAS BEEN APPROVED IF APPLICABLE.~~

~~8. FINAL APPROVAL OF ALL MAJOR SUBDIVISIONS SHALL FOLLOW THE REQUIREMENTS OF SECTION 2.06.08.~~



~~SECTION 2.06.08 FINAL PLAT APPROVAL AND RELEASE OF PLAT~~

~~H. THE APPLICANT OR DEVELOPER SHALL SUBMIT A RELEASE OF PLAT APPLICATION TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND RECEIVE FINAL APPROVAL BEFORE ANY LOT CAN BE SOLD OR ANY BUILDING PERMIT CAN BE ISSUED IN A PROPOSED SUBDIVISION.~~

~~I. THE RELEASE OF PLAT APPLICATION SHALL INCLUDE THE FOLLOWING:~~

~~1. ONE MYLAR WITH ALL REQUIRED SIGNATURES BLOCKS SIGNED.~~

~~a. THIS DOES NOT INCLUDE (COUNTY OR CITY REPRESENTATIVE SIGNATURES)~~

~~b. PROOF THAT ONE OF THE FOLLOWING SITUATIONS HAS BEEN COMPLETED:~~

~~1. THE DEVELOPER MAY SECURE ANY NECESSARY PERMITS AND INSTALL ALL IMPROVEMENTS AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS AND CERTIFIED BY THE DEVELOPER'S ENGINEER;~~

~~c. THE DEVELOPER MAY POST A PERFORMANCE BOND ACCOUNTABLE TO THE CITY COUNCIL TO COVER THE FULL COST OF IMPROVEMENTS AS ESTIMATED BY THE DEVELOPER'S ENGINEER AND APPROVED BY THE CITY ENGINEER;~~

~~1. SUCH A BOND SHALL BE RELEASED UPON SATISFACTORY INSTALLATION OF ALL IMPROVEMENTS;~~

~~J. ONCE A RELEASE OF PLAT APPLICATION IS DEEMED COMPLETE IT SHALL BE PLACED ON THE CITY COUNCIL CONSENT AGENDA FOR FINAL APPROVAL.~~

~~K. ALL MYLARS SHALL MEET STATE STATUTE AND THE CITY OF DESTIN DESIGN MANUAL STANDARDS.~~

~~L. MYLAR(S) SHALL BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY.~~

~~M. ONCE FINAL APPROVAL IS RECEIVED, THE DEVELOPER SHALL RECORD THE APPROVED PLAT AND SUBMIT TO THE COMMUNITY DEVELOPMENT DEPARTMENT ONE (1) DIGITAL COPY OF THE FINAL RECORDED PLAT (AS PRESCRIBED BY F.S. § 177.091).~~

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~~N. ANY DEVELOPMENT THAT REQUIRES A MAJOR SUBDIVISION SHALL COMPLETE THE PLAT BEFORE SUBMITTING ANY APPLICATION FOR NON-INFRASTRUCTURE CONSTRUCTION OR PERMITTING.~~

SECTION 2.0607.039 RIGHT-OF-WAY/EASEMENT VACATION

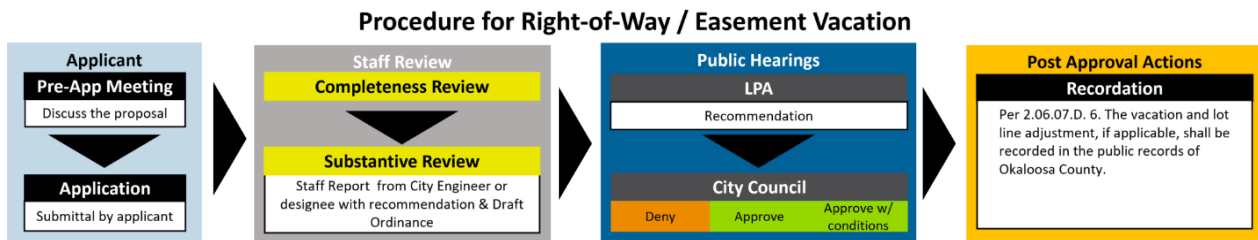
- A. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.
- B. ~~A Right-of-Way (ROW) or easement vacation involves the abandonment of 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.~~
- ~~B.~~ 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.
- F. ~~_____~~
- G. Right-of-Way/Easement Vacation Approval Process
 - ~~C.1.~~ Vacations require notification to adjacent property owners and a notice posted on the property per **Section 2.0204.03-04** once approved by the TRC.
 - ~~D.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.
 - ~~E.3.~~ All applications for a right-of-way or easement vacation shall follow the following procedures:
 - ~~1.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 2.0405** shall be applied for and run concurrently with the vacation application.
 - ~~2.b.~~ City ~~s~~Staff shall contact all utility providers or various stakeholders for input on the proposed vacation.
 - ~~3.c.~~ The City Engineer or designee shall forward a ~~s~~Staff ~~r~~Report with a recommendation to the Local Planning Agency (LPA) at a public hearing.
 - ~~4.d.~~ The LPA shall forward a recommendation to approve, approve with conditions, or deny the request to the City Council.

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- 5.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:
- a.1. The requested vacation is consistent with the Comprehensive Plan.
 - b.2. The ROW does not provide sole access to any property.
 - c.3. The vacation would not jeopardize the current or future location of any utility.
 - d.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.
 - e.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.
 - f.6. Any proposed vacation of Scenic Highway 98 shall require a voter approved ballot referendum.
- 6.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.
- 7.

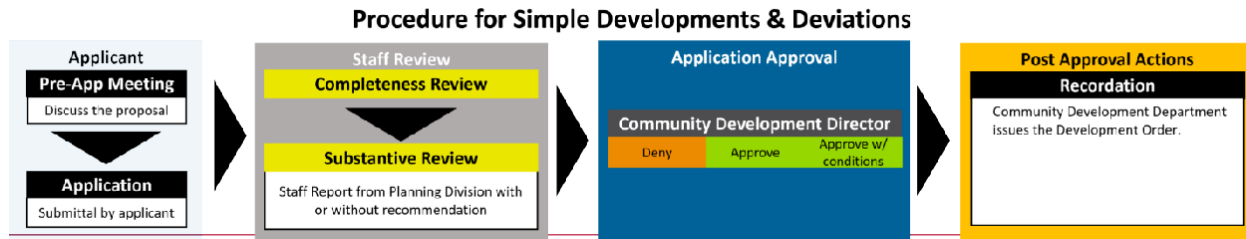


SECTION 2.06.10 SIMPLE DEVELOPMENTS AND DEVIATIONS

- ~~A. Simple Developments and Deviations require notification to adjacent property owners and a notice posted on the property per **Section 2.02.03**~~
- ~~B. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as Simple Developments.~~
- ~~C. 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 Ordinances, or any applicable Development Order.~~
- ~~D. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with **Section 2.03.02**~~
- ~~E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code, the application can:~~
- ~~1. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or~~
 - ~~2. Become null and void.~~
 - ~~a. The applicant will lose in-line priority consideration for concurrency.~~

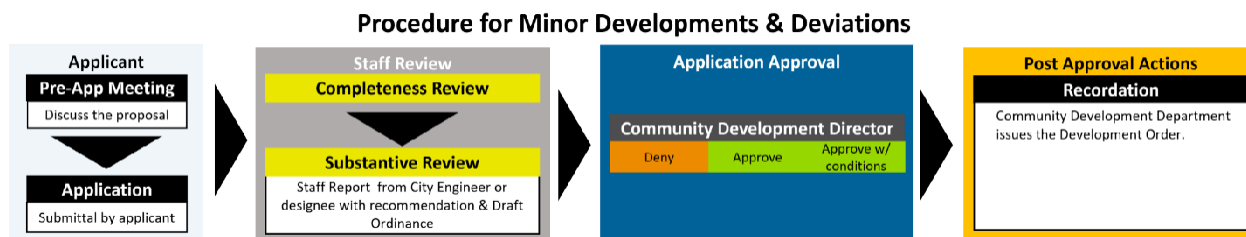
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SECTION 2.06.11 MINOR DEVELOPMENTS AND DEVIATIONS

- ~~A. Minor Developments and Deviations require notification to property owners and a notice posted on the property per **Section 2.02.03** once the project is sent to the TRC.~~
- ~~B. 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.~~
- ~~C. 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 Ordinances, or any applicable Development Order.~~
- ~~1. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.~~
- ~~D. If the proposal is approved, approved with conditions, the Community Development Director shall authorize the issuance of a development order that complies with **Section 2.03.02**.~~
- ~~E. If the proposal is approved with modifications, a development order may be authorized by the Community Development Director once the required modifications have been completed and approved by the appropriate TRC members.~~
- ~~F. 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,~~
- ~~1. The applicant will lose in-line priority consideration for concurrency.~~



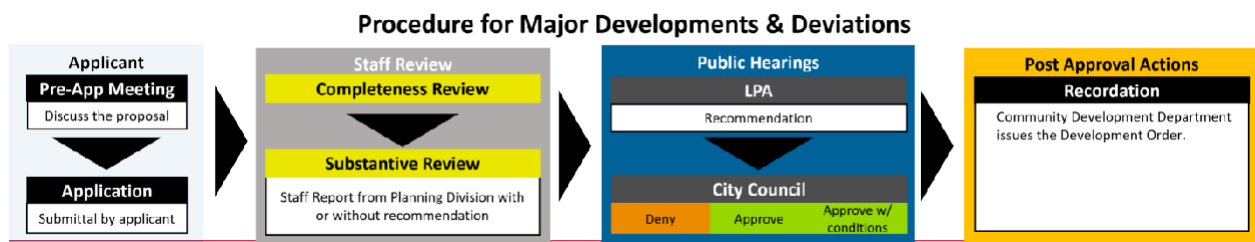
SECTION 2.06.12 MAJOR DEVELOPMENT AND DEVIATIONS

- ~~A. Major Developments and Deviations require notification to property owners and a notice posted on the property per **Section 2.02.03** once the project is sent to the TRC.~~
- ~~B. 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).~~
- ~~C. 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,~~

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1. Staff Report
 2. The City's Land Development Code,
 3. The City's Comprehensive Plan,
 4. City Ordinances
 5. Public testimony
 6. Information given by the applicant
- D. 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,
1. The LPA's recommendation
 2. Staff Report
 3. The City's Land Development Code
 4. The City's Comprehensive Plan,
 5. City Ordinances
 6. Public testimony
 7. Information given by the applicant.
- E. If the proposal is approved, approved with conditions, the City Council shall authorize the issuance of a development order that complies with **Section 2.03.02**.
- F. If the proposal is approved with modifications, a development order may be authorized once the required modifications have been completed and approved by the appropriate TRC members.
- G. 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,
1. the applicant will lose in-line priority consideration for concurrency.



SECTION 2.06.13 DEVELOPMENT AGREEMENTS

- J. 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.
- K. Development Agreements are processed by submission of an application by either the City or other entity involved in the development.
- L. Based on the proposed development, the Community Development Director shall identify if it is a Simple, Minor, or Major Development and the appropriate materials will be required for application submittal per the Development Checklist in the City of Destin's Design Manual.
1. The corresponding fee shall also apply.

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- 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.

M.—Negotiation of development agreements:

- 1.—The City Manager and City Staff 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 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 per Sections 2-02.03 and 2-15:
 - a.—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.
 - 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.

N.—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

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- 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.~~
- 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.~~
- O. ~~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.~~
- P. ~~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 2.02.03 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.~~
- Q. ~~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.~~

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- ~~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.~~
- ~~R.—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 2.07-08 PLANNED UNIT DEVELOPMENT APPLICATION REVIEW AND REVIEW PROCESS

SECTION 2.0708.01 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 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 ~~a~~ 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 2.0708.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

- A. The City Council may approve, approve with conditions, or deny a PUD based upon the following standards:

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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 2.0708.04**.
 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.
 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:

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- 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 following and will count towards two (2) of the five strategies required in Section 2.07.02.A.1.a:
 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
 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.

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1. The affordable housing shall also be maintained by deed ~~restriction~~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 ~~2-3.08-2~~ of Section 2.0708.04.A.3.
- 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 2.0708.03 MINIMUM AREA

- A. A proposed PUD shall have a minimum net lot area ~~as listed in Table 2.07-1 of five (5) acres or more for any parcel or tract of land under single ownership or control.~~ in certain Planning Areas.

Table 2.07-1: Minimum Area for a Planned Unit Development	
Planning Area	Minimum Acreage
Airport Planning Area	N/A
Crystal Beach Planning Area	.75 acre
Gulf Resort Planning Area	4 acres
Harbor Planning Area	.5 acre
Henderson Beach Planning Area	N/A
Holiday Isle Planning Area	2 acres
Town Center Commons Planning Area	2 acres
Village Planning Area	5 acres

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SECTION 2.0708.04 COMMUNITY BENEFIT

- A. A PUD shall apply and implement the following objectives per **Section 2.0708.02.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 **h**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.

Table 2.0708-2 Points awarded for Affordable Housing

a. 2 points for 5% of units
b. 3 points for 10% of units
c. 4 points for 15% of units
d. 5 points for 20% of units

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.

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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:
 - 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 2.0708.02**.

SECTION 2.0708.05 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 2.0708.04**.
 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 ~~m~~Major ~~D~~evelopment process per **Section 2.06.1103**.
 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.

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- 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.
 - 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 ~~c~~City ~~O~~rdinances
 - 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. ~~Is 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. ~~Is it is~~ not consistent with the standards and ~~factors as~~ 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 2.121.02**

SECTION 2.0708.06 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 ~~Community Development Director~~ 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 ~~d~~Development ~~O~~rder ~~E~~extension as outlined in **Section 2.0302.02.E.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, PUD~~ for twelve (12) months, by requesting a ~~p~~Public ~~H~~hearing before City Council, within six (6) months after expiration.

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1. The application materials required for an extension request shall meet the same requirements for a development order extension ~~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 2.0708.07 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.
 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 dDeviations:
 - 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 Pplan,~~ except as allowed by Section 2.07.02.B.1.a.4. of this Article.
 - (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 mMajor Deviation development application outline in Section 2.06.11 of 04. of this Article.
 5. ~~Noticing shall follow the requirements per Section 2.02.03 of this Article.~~

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- C. Minor Deviations:
1. Minor deviations are deviations to an approved PUD that is not a ~~m~~Major deviation ~~nor a technical deviation amendment as as~~ identified in ~~Section 2.0706.0704 A.2., nor a Technical modification as identified in Section 2.07.07.C~~
 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 ~~m~~Minor ~~Deviation development~~ as outlined in ~~Section 2.06.1003~~
- 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 m~~Major ~~D~~deviation ~~as Identified in per Section 2.0706.047.A.2 above.~~
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.
 2. Such deviations shall be limited to modifying the following elements:
 - ~~E.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.
 - ~~F.b.~~ Vehicular circulation element
 - ~~G.c.~~ The location or increasing the size of any open space
 - ~~H.d.~~ Any stormwater element
 - ~~I.e.~~ Final grade
 - ~~J.f.~~ The types of landscaping elements and their arrangement within the required landscaping buffer area
 - ~~K.g.~~ Relocation or construction of accessory structures
- ~~L.E.~~ Technical modifications or amendments application shall follow the same procedures for a ~~s~~Simple ~~Deviation development~~ as outlined in ~~Section 2.06.0902~~

SECTION 2.0708.08 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")

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2. Initial Estimate Disclosure: The following measures shall be incorporated to ~~assure~~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~~PUD, then a notice shall be recorded in the public Records of Okaloosa County on all properties affected and involved in the ~~PUD~~PUD.
 - d. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, ~~and also~~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 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 2.08 09 PROCEDURES FOR HARBOR AND WATERWAYS BOARD REVIEWMARINE CONSTRUCTION APPLICATIONS

SECTION 2.0809.01 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 ~~C~~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

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6. Choctawhatchee Bay (If the upland property is within the city limits)

SECTION 2.0809.02 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.
 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 ~~S~~state and ~~f~~eFederal agencies as applicable.
 2. Proposed dredge and fill applications require a Marine Construction Permit review and shall have ~~S~~state and ~~f~~eFederal approvals at time of Marine Construction permit application submittal.

SECTION 2.0809.03 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
- A.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 2.098.0505.

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- B. ~~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-hearing~~ of the HWB will be forwarded to City Council.
- C. ~~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 ~~P~~public ~~h~~Hearing.

SECTION 2.0809.04 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 ~~during-at~~ a publicly noticed meeting during a public hearing per Sections 2.012.043. 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.
- C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

SECTION 2.0809.05 MARINE CONSTRUCTION PERMITS

- A. All marine construction permits must be obtained within one (1) year of final approval by the City Council.
1. If construction permits are not obtained within one (1) year, ~~both the Harbor and Waterways Board and City Council must reconsider the proposed construction.~~the applicant may resubmit a new marine construction application.
 - 1.2. 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 ~~s~~State or ~~F~~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 2.09 10 CRITERIA AND PROCEDURES FOR CONDITIONAL USE AND CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS

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SECTION 2.0910.01 CONDITIONAL USES

- A. The following shall apply to all applications for a conditional use in any zoning ~~district~~ ~~district within the City of Destin~~:
1. A complete application for any ~~c~~Conditional ~~U~~use shall be filed and approved before any ~~construction-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 ~~capable~~ is 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.
 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 ~~c~~City, ~~S~~state, or ~~F~~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 ~~S~~state and ~~f~~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 ~~over proliferated~~ overproliferated with their proposal.

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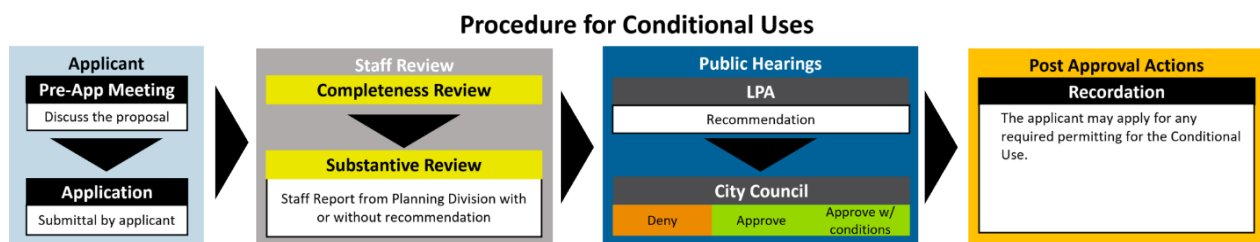
- (i) The City Council shall review the existing uses within the zoning district to determine whether a conditional use shall be approved or denied.
- 6. Compliance with applicable laws, regulations, and ordinances: The applicant shall demonstrate compliance with all applicable local, ~~S~~state, or ~~F~~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
 - 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 ~~c~~Conditional ~~u~~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.

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- B. ~~Approvals~~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 ~~C~~omprehensive ~~P~~lan, and ~~C~~ity ~~O~~rdinances.
 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 ~~c~~omprehensive ~~P~~lan, and ~~C~~ity ~~O~~rdinances.
 3. ~~C~~onditional 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 averse to the public's interest.
- C. If the proposed conditional use requires a ~~d~~evelopment ~~o~~Order the appropriate ~~d~~evelopment ~~P~~roject-application ~~t~~ype shall be identified per ~~Section 2.05~~this Article and the appropriate ~~procedure per Section 2.05~~application process shall be followed.
- D. If the proposed conditional use requires any ~~d~~evelopment ~~O~~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 ~~c~~ertificate of ~~A~~ppropriateness with the conditional use per ~~Section 2.1009.03~~.
- F. Appeals of the City Council on a conditional use application are by writ of certiorari to the circuit court.



SECTION 2.0910.02. CONDITIONAL USES IN HISTORIC OVERLAY DISTRICTS

- A. In addition to the criteria and processes outlined in ~~Section 2.1009.01~~. Conditional ~~u~~ses 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

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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~~-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 ~~Historic Overlay~~, the provisions of the underlying zoning district shall apply.

SECTION 2.0910.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS

- A. The ~~c~~Certificate of ~~a~~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 ~~c~~Certificate of ~~a~~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 ~~a~~Appropriateness shall meet one or more of the criteria listed in **Section 2.1009.02**.
- 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:
 1. Parking requirements
 2. Requirements for lot area, width, depth
 3. Building setbacks
 4. Open space
- E. The ~~Community Development Director, the Building Official, or the City Engineer~~City Manager or ~~designee~~ may determine there is a serious threat to ~~the public~~public health, safety or welfare, and the waivers listed in **pParagraph D** of this section shall not be granted.

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- 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 2.1009.02**
 - 3. A signed, sealed survey of the existing conditions of subject property, dated within six (6) months of the application date.
- H. City ~~s~~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~~ this Code, the comprehensive plan, and city ordinances.
- J. If the proposal is approved, the City Council shall issue a ~~c~~Certificate of ~~a~~Appropriateness by ~~f~~Final ~~o~~Order as evidence of the approval under the terms of the Harbor District ~~Historic~~ 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 ~~c~~City ~~c~~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.
 - 2. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

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3. Such an appeal must be filed within 30 days after the date the city renders its order.

3. _____

SECTION 2.10-11 PROCEDURES FOR CHANGE OF USE AND SPECIAL EVENT APPLICATION AND REVIEW PROCESS

SECTION 2.1011.01 CHANGE OF USE APPLICABILITY AND CRITERIA

- A. Existing developments are required to be consistent with existing development order(s) and ~~C~~city, ~~S~~state, or ~~F~~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.
- B. C. Proposed changes or expansions to a space may be permitted once reviewed and approved through the ~~c~~Change of ~~U~~se ~~P~~rocess and:
 1. The property is compliant with applicable ~~C~~city, ~~S~~state, or ~~F~~federal regulations as applicable, or with an applicable development order.
- C. D. The City Manager or designee may ~~determinedetermine whether~~ a ~~d~~Development ~~O~~order is necessary if the proposed change of use meets any of the ~~I~~Land ~~d~~Development Project application ~~T~~ypes criteria listed in Section 2.056 of this Article.
- D. ~~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.~~

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- ~~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.~~

SECTION 2.1011.02 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 ~~c~~Change of ~~U~~use is identified as affecting their services.
 - a. If the TRC member charges a fee for their review or there is a 3rd 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 ~~s~~Staff to fully assess the proposed scope of the ~~C~~change of ~~U~~use.
- 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 ~~c~~City ~~o~~Ordinance.
- D. Once an application is determined to comply with local, ~~S~~state, or ~~F~~federal codes, regulations, or conditions of applicable development orders, City ~~s~~Staff may approve the ~~C~~change of ~~U~~use.
- ~~E. Change of use approvals are tied to the property and remain valid if established within two (2) 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 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:~~
 - 1.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.~~
 - 1.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.~~
 - E.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.~~
- ~~F.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~~property.~~
 - 1.a. ~~Unless a change of use is required to come into compliance.~~
 2. A recorded code compliance lien exists on the subject ~~property~~property.

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3. There is a development order on the ~~property~~~~property~~, and the City Manager or designee determines that the property is not currently in compliance with such existing development ~~order~~~~order~~.
4. Any of the criteria or requirements for a change of use permit application is/are not met.

4. _____

SECTION 2.10.03 SPECIAL EVENT APPLICABILITY AND CRITERIA

- A. ~~This Section intends to allow the City to protect and promote the health, welfare, and safety of citizens and visitors during and in vicinity of the special event.~~
- B. ~~Special events often attract a large gathering of people and may impact public health and safety, requiring appropriate regulations and conditions of approval to ensure reasonable limits on noise and light pollution.~~
- C. ~~This section intends to ensure special event operators provide adequate sanitation or waste disposal facilities, public safety support, parking, traffic control, crowd control, sound mitigation, and other concerns in the interest of public safety and public health.~~

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- ~~D.—An application is required for any Special Event that would impact the surrounding properties or neighborhoods.~~
 - ~~1.—An application for a special event permit shall be filed not less than ninety (90) days prior to the proposed event with the Community Development Department.~~
- ~~E.—The Special Event process and application is not intended and shall not be used to approve regular or occasional uses that would normally not be permitted in the zoning district where the event is proposed.~~

SECTION 2.10.04 SPECIAL EVENT APPLICATION REVIEW AND APPROVAL

- ~~A.—Permits Required~~
 - ~~1.—All applications for a Special Event Permit shall be submitted:~~
 - ~~a.—Sixty (60) days prior to the event start date if not requesting to close any portion of Right-of-way.~~
 - ~~b.—Ninety (90) days prior to the event start date if requesting to close an portion of Right-of-way or if City Council approval is require per this Section.~~
 - ~~2.—Special events are subject to the permitting provisions of this Section.~~
 - ~~a.—No special event may be permitted for more than three (3) consecutive days, and no parcel of land may be permitted to have more than three (3) special events in any twelve-month period, unless otherwise authorized by the City Council.~~
 - ~~b.—At the end of the period for which the special event was permitted, the use of the approved location(s) must be discontinued, all temporary structures involved must be removed and all permanent structures may be used only as permitted under applicable pre-existing development approvals.~~
 - ~~c.—The sale of admission or seating tickets in excess of the approved attendance shall be prohibited.~~
 - ~~d.—In addition to the special event permit, the operator of a special event is responsible for obtaining all other required permits and authorizations from all applicable departments and agencies.~~
 - ~~e.—Any security measures required by the Okaloosa County Sheriff shall be implemented and paid for by the event operator or applicant.~~
 - ~~f.—Any public safety measures required by the Fire Marshal shall be implemented and paid for by the event operator or applicant.~~
- ~~B.—The following documents are required for a Special Event application.~~
 - ~~1.—The City reserves the right to request more documentation as deemed necessary by the City Manager or their designee based on information needed to fully evaluate the impacts of the proposed Special Event.~~
 - ~~2.—If any of the documents are not applicable to the Special event, the applicant shall provide a narrative detailing why the document or material are not applicable. This in no way alleviates the applicant from being required to provide the document or materials if deemed necessary by the City Manager or their designee.~~
 - ~~3.—Required materials~~
 - ~~a.—Application fee as may be established by the City Council.~~
 - ~~b.—Proof of ownership of the subject property.~~

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- c. Name, address and phone number of the contact person(s) for the event. This individual must be able to be contacted at the provided phone number by any City representative throughout the duration of the event. If this is different than the property owner, an Agent Affidavit to submit the application is required.
- d. The special event permit shall contain an appropriate indemnification provision to indemnify, defend, and hold the County harmless from certain acts and omissions of the Applicant or any incident resulting from the special event.
- e. If off-site parking is proposed, the property owners of the locations must provide an Agent Affidavit authorizing use of the parking depicted on the parking plan for the duration of the event.
- f. Proposed date(s) and hours of the special event.
- g. Anticipated attendance at the special event at any one time and total for the duration of the entire event.
- h. Descriptions of all performances at the event, including any activities involving noise production exceeding what is permitted by Chapter 14, Article 2 Noise of the City Code of Ordinances.
- i. Description of all sound amplification equipment, signs or other attention-getting devices which will be utilized in connection with the event.
- j. A plan for all signs to be placed on or off-site must be submitted with the application. The plan shall include the types, locations, and sizes of the proposed signs.
- k. Description of any proposed outdoor lighting that will be brought onsite for the event, including spotlights and/or laser lights.
- l. Description of how security and traffic control will be provided.
- m. Any necessary licenses for the serving of food and/or beverages.
- n. The following information must be provided on a scaled and dimensioned site plan. Any items that are not applicable to the proposed event can be listed in the application as Not Applicable:
 - i. Areas for the serving of food and/or beverages
 - ii. Location(s) of existing and proposed structure(s), including any temporary structures such as tents, stages and amusement rides or activities
 - iii. Points of ingress and egress to the site
 - iv. Location of music or other noise source(s) in relation to residential areas
 - v. Location of fireworks, including the staging area and the viewing area
 - vi. Location of proposed light sources
 - vii. Location of portable restrooms
 - viii. Location of dumpsters and trash receptacles
 - ix. Sanitation service plan showing how service vehicles can maneuver and turnaround onsite
 - x. Parking plan, including off-site parking and travel routes for any shuttle vehicles, demonstrating that traffic/parking areas are safely separated from pedestrians and shuttles can maneuver and turnaround on the event site
 - xi. Pedestrian circulation plan
 - xii. Location of medical facilities if required by the Fire Marshal

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- xiii. ~~Additional information as the Council or Community Development Director may require based upon the anticipated impacts of the event~~
- ~~o. Beach events must provide the following additional information:~~
 - i. ~~Dune system and vegetation area must be shown on the site plan.~~
 - ii. ~~Sea Turtle protection disclosure (required if the event takes place between April through September):~~
 - (a) ~~Acknowledgement of Florida State Statute 370.12 - Protection of Marine Turtles~~
 - (b) ~~An affidavit declaring the event organizer or property owner as the responsible party for any act prohibited in Florida State Statute 370.12.~~
 - iii. ~~Letter from Emerald Coast Turtle Patrol detailing:~~
 - (a) ~~Acknowledgement of the event~~
 - (b) ~~Staff or volunteer availability to survey the property for the two days leading up to the event~~
 - (c) ~~Ability to conduct a survey post event should a nest be identified prior to the event.~~
 - iv. ~~Signed acknowledgement of the Beach Rules and restrictions:~~
 - (a) ~~No activities of the event may occur or be set up within 100' of any identified or marked turtle nest, either in or out of season.~~
 - (b) ~~Glass, mirrors, ceramics, or other materials that can shatter are not allowed on the beach.~~
 - (c) ~~Restrictions on animals on the beach. It shall be unlawful for any person owning, or having under his or her control any animal, to permit such animal upon the beach, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons shall be allowed on the beach at all times.~~
 - (d) ~~No bonfires, fire pits, or grills.~~
 - (e) ~~No overnight camping on the beach.~~
 - (f) ~~No petroleum products or other toxic materials.~~
 - (g) ~~No staining materials on the beach.~~
 - (h) ~~Leave only your footprints. Clean up all items, including trash, before you leave.~~
 - (i) ~~No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct.~~
 - (j) ~~No motor vehicles permitted on the beach. The following are permitted: Baby strollers weighing less than 100 lbs; wagons/wheelbarrows/handcarts/pull-carts that are pushed/pulled by a human; wheelchairs weighing less than 300 lbs.~~
 - (k) ~~No generators.~~
 - (l) ~~Artificial petals and other similar items, as well as helium balloons, floating lanterns and other similar items are considered litter and are prohibited.~~

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- (m) ~~No Structures, stages, or other vertical items that require assembly or digging into the sand for stability. Pop-up beach tents are excluded from this restriction. See Sections 6-46 and 6-47, City Code of Ordinances.~~
- (n) ~~Events cannot be set up within the 15' emergency access corridor at the water's edge seaward.~~
- (o) ~~Events cannot be set up within 20' of the water's edge landward.~~
- (p) ~~Events cannot be set up in front of any beach access boardwalk.~~
- (q) ~~Start and End Times:~~
 - (i) ~~Set-up can only begin 1 hour before event time.~~
 - (ii) ~~Take down must be completed within 1 hour of the conclusion of the event.~~
 - (iii) ~~Permits will not be issued for events beginning prior to 8:00 AM Central Time.~~
 - (iv) ~~All events shall conclude by 10:00 PM Central Time~~
 - (v) ~~All items must be removed from the beach by midnight.~~
 - (vi) ~~During sea turtle nesting season, no lights other than flashlights are permitted and the event must adhere to any FDEP and FWC guidelines for sea turtle nesting season.~~

~~C. Standards of Approval~~

- ~~1. All standards in this section are used to determine compliance with the requirements for a special event for compliance as part of the permitting process. Any deviations to these standards may only be permitted by action of the City Council.~~
 - ~~a. Signs~~
 - ~~i. Signs may be used to announce, identify, or direct attendees to the location of an approved special event in compliance with the Sign regulations of Article 8 and subject to the following requirements:~~
 - ~~(a) A plan for all signs to be placed on or off-site, announcing or identifying the special event, must be submitted with the application.~~
 - ~~(b) The plan shall include:~~
 - ~~(c) types, locations, and sizes of the proposed signs. Evaluation of this plan will consider traffic visibility; visibility of adjacent business signs and/or traffic signs and signals; disturbance to adjacent properties; and other appropriate considerations as determined by the Community Development Director. In the circumstance when a special event application is not required, the property owner shall be mindful of the foregoing considerations, to not create a negative impact when placing on-site signs.~~
- ~~2. The site must be configured so that any proposed shuttles or required service vehicles can enter, exit, maneuver, and turnaround on the event property, without having to back-in to the right-of-way. Where service vehicles must enter event activity areas, such servicing must occur outside of the event hours of operations to protect pedestrians. Shuttle drop-off areas must be designated on-site and separated from the event activity areas by barricades to protect pedestrians.~~
- ~~3. Portable restrooms are permitted for temporary use during a City-authorized special event. The number and type of restrooms must meet Florida Building Code requirements and must have any required Okaloosa County Health Department permits.~~

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4. ~~Parking must be provided at a rate of one (1) space per 150 sq. ft. of gross ground area. ADA parking spaces must be provided as required by federal law. Off-site parking in non-residential zoning districts may be used to meet the minimum parking requirements, provided that all ADA parking spaces must be provided on the event site, the proposed off-site parking area must be approved and permitted for parking, and the parking spaces proposed for use must be above and beyond what is required for the primary use they are associated with or the hours of operation must not conflict with the special event hours of operation.~~
5. ~~Search lights and laser lights may be permitted for a special event so long as they do not create a potential distraction, flash blindness, vision impairment, or visual interference for aircraft pilots or navigators, and would not cause a potential unreasonable risk for flight safety or interfere with any public or military airport operation or with ground activities at a military installation. Additionally, the applicant must provide copies of the special event application and supporting documents to the Okaloosa County Airport Manager and to the Community Planner at the 96th Civil Engineer Group – 501 DeLeon Road Suite 120 – Eglin AFB, Florida 32542-5498 along with a request that the application be reviewed within five business days. If search lights and/or laser lights are proposed, the following information is required as part of the application:~~
 - a. ~~Type, wattage and lumen output of lamp(s)~~
 - b. ~~Type and shielding of proposed fixtures~~
 - c. ~~The hours of operation (not to occur between midnight CST and sunrise).~~
6. ~~In no case shall signage be located within the right-of-way.~~
7. ~~An application that includes a request to close a section of the public right-of-way to vehicular and/or pedestrian traffic must include letters of authorization from any property owners adjacent to the section proposed for closure.~~
- D. ~~Review and Approval Process.~~
 1. ~~Upon receiving a complete application, the application shall be disseminated for review to other appropriate reviewers and or agencies as deemed necessary including, but not limited to the:~~
 - a. ~~Building Official~~
 - b. ~~City Engineer~~
 - c. ~~Public Works Director~~
 - d. ~~Parks and Recreation Director~~
 - e. ~~Destin Fire Control District~~
 - f. ~~Okaloosa County Sheriff's Department.~~
 2. ~~Special events expected to draw less than one hundred (100) people as participants or spectators at any given time during the event may be administratively approved by the City Manager or their designee.~~
 - a. ~~The City Manager or their designee may refer any special event permit application to the City Council based on anticipated impacts.~~
 3. ~~In approving any special event permit, the City Manager or their designee shall make a determination that the proposed event:~~
 - a. ~~Is reasonably compatible with nearby existing development~~

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- ~~b. —Does not pose an unreasonable safety or health risk for patrons or neighbors.~~
- ~~4. —The City Manager or their designee may place conditions of approval for a special event permit as needed to maintain compatibility and promote the health, safety and welfare of citizens and visitors.~~
- ~~5. —Any special event exceeding one hundred (100) people as participants or spectators at any given time during the event, or any event requesting a deviation from the standards required in **Section 2.10.03** or **2.10.04**, shall require approval by the City Council.~~
- ~~6. —In approving any special event, the Council shall make a determination that the proposed event~~
 - ~~a. —Is reasonably compatible with nearby existing development~~
 - ~~b. —Does not pose an unreasonable safety or health risk for patrons or neighbors.~~
- ~~7. —The Council may place conditions on approval of a special event permit as needed to maintain compatibility and promote the health, safety and welfare of citizens and visitors.~~
- ~~8. —If the application is approved with conditions, the applicant shall be responsible for ensuring all conditions are complied with prior to the start of the event.~~
- ~~9. —The applicant shall retain responsibility for securing all other necessary Local, State, or Federal permits that may be required in addition to the Special Event Permit.~~

SECTION 2.11-12 PROCEDURES FOR APPEALS, SPECIAL EXCEPTIONS, AND VARIANCES APPLICATION AND REVIEW PROCESS

SECTION 2.112.01 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 ~~CC~~Code of ~~OO~~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 ~~C~~city ~~O~~official or ~~B~~board.
- 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

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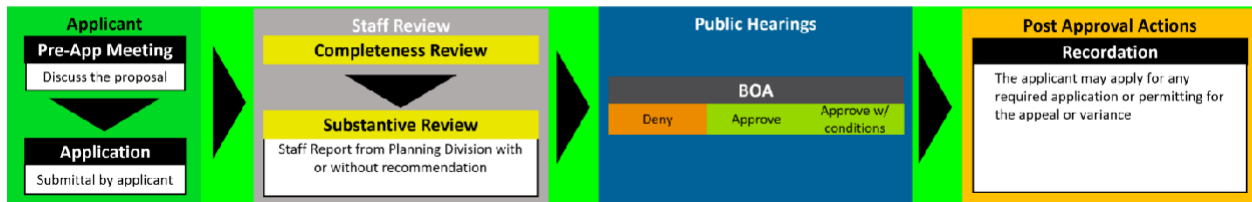
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in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

- 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 ~~o~~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 ~~s~~Staff shall notify all parties when the appeal ~~will be scheduled for presentation~~ to the Board of Adjustment
 - 4. ~~Upon the hearing, a~~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.**

Procedure for Appeals & Variances



SECTION 2.112.02 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.

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SECTION 2.112.03 SPECIAL EXCEPTIONS

- A. A property owner may apply for a ~~S~~special ~~E~~xception as authorized by this Code in certain instances as identified.
- B. The procedures and fees for a ~~s~~Special ~~E~~xception review shall follow the same as an ~~a~~Appeal of ~~a~~Administrative ~~O~~fficial per **Section 2.112.01** above.
- C. The City Manager or ~~their~~ designee shall require the criteria for a ~~c~~Conditional ~~u~~se per **Section 2.09-10** of this Article to be the basis of review for a ~~s~~Special ~~E~~xception unless other criteria are identified to be more appropriate.

SECTION 2.112.04 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 **pParagraph 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.
 - 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.

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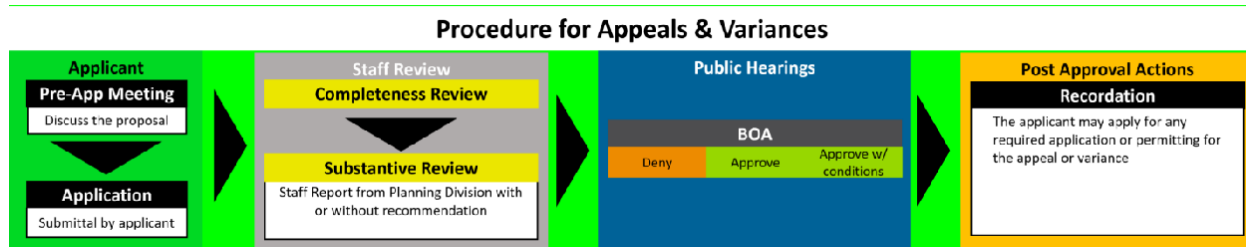
6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- C. Each request for a variance shall be the subject matter of a separate 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 7.02 Marina Siting, provided that, in addition to the criteria listed in Section 2.1112.0304.B., the following criteria ~~is~~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 2.1112.03-04 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 2.1112.0304.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~~the Code~~ 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.
- 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 ~~the Code~~other regulation.
- I. The application and any supporting materials must demonstrate the need and the requirements of Section 2.1112.0304.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 2.121.0304.B. are met.

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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 ~~V~~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 **construction development** permit shall follow the limits required per the **b**Building ~~C~~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 2.112.05 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.

B. _____

SECTION 2.12 PROCEDURES FOR RIGHT-OF-WAY CONSTRUCTION REVIEW

SECTION 2.12.01 RIGHT-OF-WAY CONSTRUCTION PERMITS

- A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and important amenity that are 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 activity (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.

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2. ~~The following activities conducted in the right-of-way are not required to obtain a ROW construction permit:~~
 - a. ~~The installation and repair of mailboxes~~
 - b. ~~Installation of sod~~
 - c. ~~Irrigation~~

SECTION 2.12.02. 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.~~
- C. ~~The Community Development Director 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 2.13 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 2.1313.01 NEW TELECOMMUNICATION FACILITIES (TOWERS) ON PUBLIC OR PRIVATE PROPERTY

- A. No new telecommunications tower facility shall be installed, erected, or constructed until:
 1. A development order has been issued pursuant to **Section 2.032** of the ~~is~~ Article.
 2. A building permit has been issued.
- B. All plans for new commercial telecommunications towers shall be submitted to the Community Development Department.

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1. The review and approval procedure shall be consistent with the procedures outlined in **Section 2.06.104.** – 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 ~~M~~major ~~D~~evelopment-~~Order~~, 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 ~~appropriate~~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.
3. The following standards shall apply to approval of all telecommunications facilities:

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- 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 ~~s~~State, ~~F~~federal, and ~~c~~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 ~~S~~State ~~S~~statutes and ~~F~~federal ~~R~~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 2.1313.03 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 ~~F~~ederal ~~R~~egulations.
 - 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~~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.

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2. ~~Applicant~~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.
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. ~~Applicant~~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~~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.

b. _____

SECTION 2.14-14 ~~PROCEDURES FOR CONSTRUCTION~~SITE DEVELOPMENT AND BUILDING PERMIT REVIEW

SECTION 2.1414.01 ~~CONSTRUCTION~~SITE DEVELOPMENT PERMITS

- A. After a development order has been issued, the applicant may apply for the necessary ~~construction~~site development permits.
- B. The ~~necessary construction~~site development permits may include, right-of-way, infrastructure, building permits, or site disturbance~~marine construction permits and engineering permits.~~

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B.

C. ~~—~~ The city shall issue the necessary construction-site development permits if:

1. ~~Applied for within 12 months and they are of the issuance of the development order, or approved extension.~~

2.C. ~~The proposed construction is~~ consistent with ~~and approved pursuant to~~ the approved development order.

3.D. If the application for a construction-site development permit deviates from the development plan the city shall notify the applicant within the identified and appropriate review deadlines.

SECTION 2.1414.02 BUILDING PERMITS

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

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 ~~their~~ 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 2.143.034.

1. Commercial docks are only allowed on properties that allow for commercial uses.

1.2. Applications for marine construction shall follow the requirements and procedures outlined in Section 2.143.043.

2.3. Approvals by other concerned agencies are required for all structures in or adjacent to the water.

SECTION 2.1414.03 MARINE CONSTRUCTION PERMITS

A. Marine construction projects are required to be reviewed in accordance with Section 2.098 prior to obtaining a marine construction permit, if applicable.

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- 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 ~~S~~state and ~~f~~federal approvals or authorizations shall be submitted with all ~~m~~Marine ~~c~~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. ~~Permitting Procedures:~~ 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:
 - 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 2.098** 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 ~~grasses~~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~~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.
 - 1. ~~—No permit will be issued until the required NPEB funds are paid, if applicable.~~
- G. Upon completion of a dock, or other structure requiring a ~~construction~~ 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:

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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 ~~exceed~~exceeds 50% of the square footage of the dock or marine facility shall be brought into conformance.
 3. Any dock that is required to come into conformance shall follow the appropriate approval process identified in Section 2.098.
- 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 ~~right~~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 2.1414.04 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 ~~applicant~~applicants or ~~owner~~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:

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

SECTION 2.1414.05 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 2.1414.06 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

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- 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 ~~the~~is Code all work shall be stopped and remediated.
- F. As-built survey: The following project types shall require an as-built survey ~~be 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 ~~containing~~proposing a swimming pool.
- 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 ~~such district~~the local fire control district is required.
- B. All building permits for non-residential and multi-family projects shall be approved by the local Destin-Fire control ~~D~~istrict.
- 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.

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- 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.
- 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.

C. _____

SECTION 2.15 15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS

SECTION 2.1515.01 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.

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SECTION 2.1515.02 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 ~~meeting~~meetings regarding the matters under consideration shall be as follows:
 - 1. The chairman or ~~their~~designee must announce the matter for consideration by reading any required public notice.
 - 2. Written staff reports, if prepared, shall be provided to the ~~local planning agency~~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.
- E. The board, committee, agency, or council shall transmit its written ~~recommendation~~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 2.1515.03 QUASI-JUDICIAL PUBLIC HEARING

- A. Quasi-judicial hearings are used to guarantee that the applicant, the ~~e~~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

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- 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~~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.

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 ~~case~~case-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.

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- 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 ~~required in~~ **per Section 2.10** 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 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.
- 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.
- 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 ~~not 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.

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7. Pursuant to ~~Section 2.121.034.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 2.121.04~~ 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 16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES

SECTION 2.1616.01 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 ~~S~~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
 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 (~~nomineenominees~~ 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)

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- e. The City Manager or designee may appoint and remove the City ~~s~~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 ~~condition~~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 ~~Community Development Director, or other person designated by the City Manager~~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 2.1616.02 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.
- B. The City shall establish and maintain the LPA consisting of seven members who shall be appointed by the City Council.
- ~~B.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.
- ~~C. —~~
- ~~D.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 ~~their~~ 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:

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- 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.

~~E. F. The terms of members of the Local Planning Agency shall run concurrently with the appointees.~~

F. G. 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. H. The Local Planning Agency shall adopt rules necessary to conduct its affairs and in keeping with applicable laws and regulations.

H. I. The Local Planning Agency shall perform the following functions, duties, and responsibilities:

1. Perform the functions, duties, and ~~responsibilities of 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.

H. J. 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. 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. All members shall reside in the City of Destin.~~

~~1. —~~

B. D. The Board of Adjustment shall have the following powers and duties:

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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.
- 2.3. To authorize variance requests from the LDC or zoning ordinance ~~as outlined in per~~ **Section 2.12.034.**
- 3.4. 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 2.12.043.D** is met.
- C. 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.

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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.
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 ~~August~~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, or~~
~~1.a. 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. 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.**

A.

SECTION 2.17.17 PROCEDURES FOR ADDRESSING

SECTION 2.17.01 NAMING OF STREETS

- A. All streets and private ways in the ~~c~~City of Destin 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 ~~Planned Unit Development~~PUD application.
- C. Unnamed streets or private ways shall be named by the City Council, as shown on the approved subdivision or ~~Planned Unit Development~~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

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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.
 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 ~~s~~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 ~~Division~~Department, City Engineer
 4. Code Compliance ~~Department, Code Compliance Director~~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 ~~identified by the title "Numbering System" in the City's Design Manual~~ shall be established and maintained on file by the Community Development Department.

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- 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 2.1717.04 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.
 - 2.3. 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 channelchannels 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 18 DEVELOPMENT REVIEW FEES

SECTION 2.1818.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES

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City of Destin, FL - Article 2 - Administration

- A. Land Development Fees: There shall be fees established and collected for the review of all development activity in the ~~Ccity-of-Destin~~.
- 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 ~~s~~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 ~~construction~~ permits fees established for the review of all development activity within the public ROW of the ~~Ccity-of-Destin~~.
 - 1. Review fees may include but are not limited to the following:
 - 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

Community Development
Planning Division
December 4, 2025





Overview

- 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

- 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

- 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

**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.

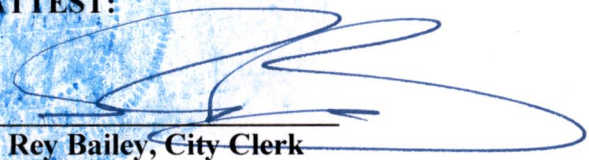
Councilmember Schmidt raised the possibility of reducing the number of committees or consolidating overlapping responsibilities to alleviate the administrative burden on staff. He noted that boards like the Harbor and Waterways Board have stringent requirements for diverse roles (e.g., sports fisherman,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

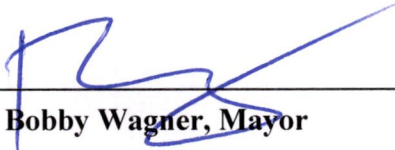
ADJOURNMENT

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

ATTEST:

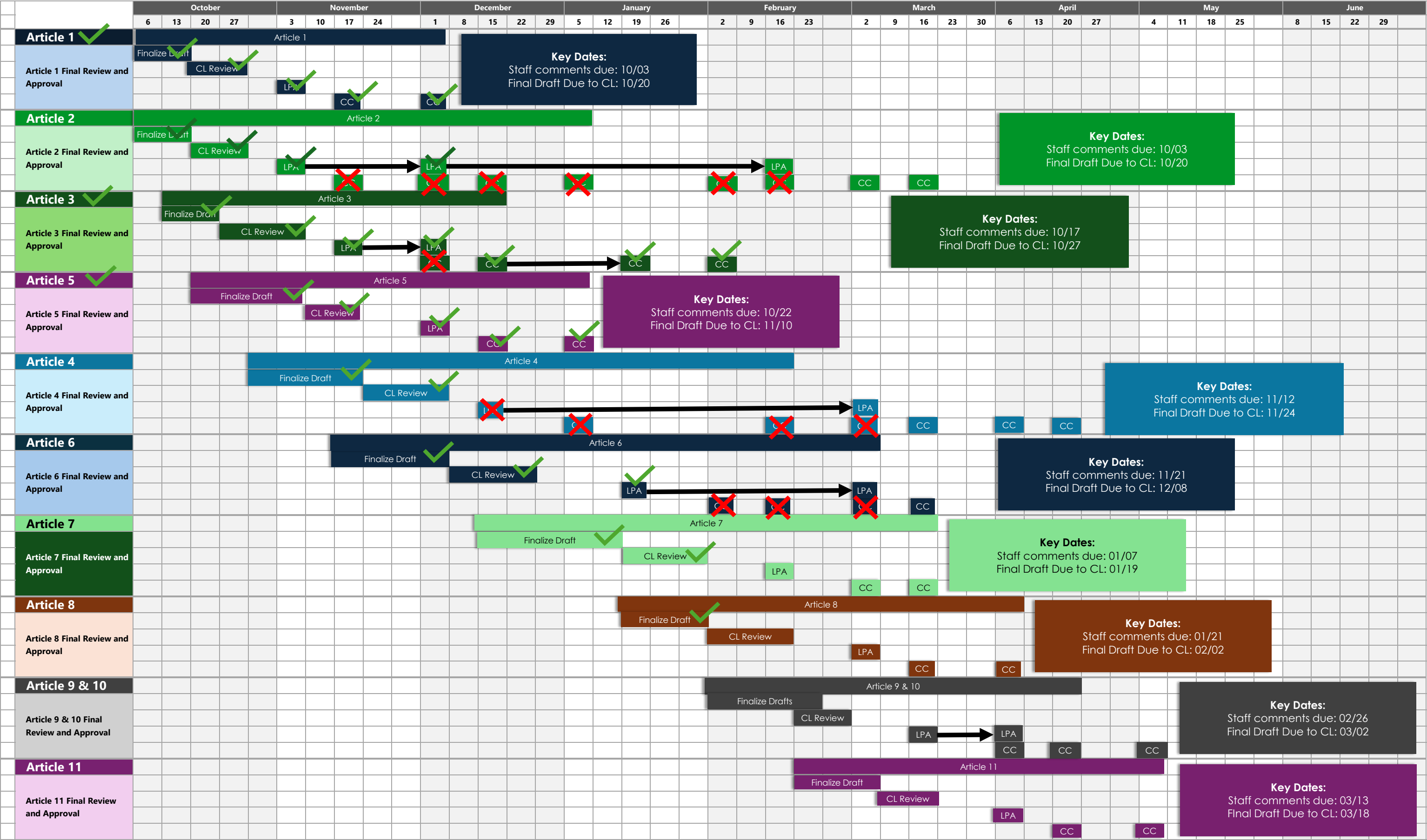


Rey Bailey, City Clerk



Bobby Wagner, Mayor

City of Destin LDC Rewrite Approval Timeline





COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: February 19, 2026

TYPE OF AGENDA ITEM: Action Item

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
David Prichard, Community Development Director

FROM: Daniel Butler, Principal Planner

DATE: February 12, 2026

SUBJECT: Draft Land Development Code Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

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 and consultants from 3TP Ventures, have 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 staff draft of Article 7 was presented to the City Council at its workshop on October 28, 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 have been working with the City's selected consultant, 3TP Ventures, LLC, to get this effort to the finish line. Efforts from both sides have been critical in getting this project to this point. As Councilmember's and other individuals review these draft articles there may be several instantly recognizable changes, compared to the current LDC and some that may not be readily apparent, but the main areas of change include Language, Format, Organization, and Consolidation

Drafts of *Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability* has now been for public review since April 2024. The drafts have 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 was 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 7.

Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability intends to establish regulations that are focused on protecting Destin's environmental and natural resources, especially the coastal resources, while balancing property rights. The Article focuses on flood mitigation, protections and restoration of wetlands, and enhance the quality of life and development.

Language: Currently, the main challenge with the LDC is that it is cumbersome to read, which has often led to inconsistent interpretations and challenges in enforcement. One of the main purposes of the LDC rewrite project was to make the LDC easier to read and interpret. Therefore, the proposed language of the new LDC has been rewritten in manner that allows ease of readability. This makes it easier for users to read and understand the regulations without having to ask Staff to interpret or have an attorney involved for a majority of questions and inquiries.

Format: At first glance you will notice a significant deviation from the current LDC format and in general an easier to read and flowing document. The multi-sentence run-on paragraphs have been eliminated to the extent possible while maintaining the integrity of the regulations. Further, when using the documents online, the sections are bookmarked and there are hyperlinks within the use charts that take you to the sections referenced for ease of reference. Also, newly included, is the use of graphics, as much as, possible and where appropriate, to reinforce the regulations and visually represent the minimum standards of the LDC.

Organization: Another major shift for the LDC is an overhaul of the organization. The current organization is not exactly the easiest to work with and takes quite some time for users, new staff and even seasoned staff to filter through and find specific regulations. Specifically concerning current Article 7, it is easier to discern what the Bay Shoreline, Gulf Shoreline, and other environmentally sensitive regulations are and where they are applicable. Further, the Marina Siting section has been updated and more focused on actual development rather than behavior. Many regulations that exist in the current Marina Siting section have to do with post development activities such as no dumping of waste or fish carcasses, not actual development standards. These portions of the Marina Siting are slated to be moved to the Code of Ordinances.

Further the reorganization places all natural and or historical resource protection regulations in one location. This further helps with the ease of finding regulations and applicable development requirements.

Article 7 includes the regulations from current Article 11 but also includes:

Article 7 - Zoning Regulatory Controls

- Section 7.05.00 - Protection of archeological and historic resources.
- Section 7.20.00. Small-scale alternative energy generation regulations.

Recent Updates/Changes to Organization

Below is an overview of the organizational and language changes to Article 7 from the October 28, 2024 City Council workshop.

- Added Natural Groundwater Aquifer, Sand, and Gravel Recharge (7.01.07)
- Added Floodplain Management (7.02.00)
- Added Potential NBEB Reductions via environmentally friendly materials (7.03.05.C)
- Added Discharge Monitoring (7.05.04)

A. Link to Strategic Goals /Objectives:

- I. Financially sound city providing service excellence
- II. Enhanced quality of life and safety for families
- III. Economic development and revitalization
- IV. Effective, efficient, and aesthetically pleasing infrastructure
- VI. A green and sustainable environment

B. Effect on Budget (EOB): N/A**C. Level of Service (LOS):** N/A**III. CONCLUSION:**

Staff is seeking feedback and a positive recommendation from LPA to the City Council regarding Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability.

IV. RECOMMENDED MOTION:

I move that the LPA recommend approval of Ordinance 26-06-LC to the City Council.

Attachments:

- 1) Ordinance 26-06-LC
- 2) Exhibit A to Ordinance 26-06-LC – Article 7
- 3) Article 7 WORKING DRAFT
- 4) City Council Workshop Minutes Article 7
- 5) LDC Approval Timeline_2.12.26

ORDINANCE NO. 26-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 11 COASTAL MANAGEMENT AND CONSERVATION, MOVING ARTICLE 7, SECTION 7.05.00 - PROTECTION AND PRESERVATION OF ARCHEOLOGICAL AND HISTORIC RESOURCES, SECTION 7.17.04 - OUTDOOR LIGHTING STANDARDS FOR THE MARINE TURTLE CONSERVATION ZONE, AND SECTION 7.20.00 - SMALL-SCALE ALTERNATIVE ENERGY GENERATION REGULATIONS, OF THE LAND DEVELOPMENT CODE AND CREATING A NEW ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, 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, on April 13, 2021, 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, from 2022 to 2024, City Staff held multiple workshops before the City's Land Planning Agency and incorporated recommendations from the LPA into the proposed LDC; and

WHEREAS, from 2022 to 2024, City Staff 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, the Local Planning Agency held a public hearing, with all required public notice on February 19, 2026, for the purpose of providing recommendations to the City Council with regard to this Ordinance amending the Land Development Code 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:

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

SECTION 3. Article 11 - Coastal Management and Conservation of the Land Development Code is hereby repealed in its entirety and replaced by Article 7 - Resource Conservation, resiliency, and Sustainability as shown in Exhibit A to this Ordinance.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 26-06-LC by the City Council and signature by the Mayor; AND (2) subsequent adoption of Ordinance 26-10-LC by the City Council and signature by the Mayor.

**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.

DRAFT

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

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EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY

SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

SECTION 7.01.01 PURPOSE

- A. The purpose of this Section is to provide regulations intended to protect the City's existing environmental and natural resources, especially the coastal resources. Therefore, this Section intends to establish regulations to mitigate the impacts of floods, protect and restore wetlands, limit the impact of development, and enhance the quality of life and property.
- B. It is also the purpose of this Section to ensure that publicly funded infrastructure shall not be built within any Coastal High Hazard Area (CHHA) unless the facility is for any of the following:
 - 1. Protection of public health and safety
 - 2. Creation of open space
 - 3. Implementation of beach restoration
 - 4. Shoreline erosion protection programs

SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE

- A. The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.
- B. The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:
 - 1. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.
 - 2. The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.
 - a. If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.
 - b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
 - c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. These improvements shall comply with Article 6 of this Code.
 - 3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves,
 - b. Minor maintenance or emergency repair to existing structures or improved areas, and

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

- c. Bulkheads and/or seawalls along or within property lines.

SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that commences at the mean high-water line, runs to, and includes ten feet (10') landward of the primary dune system.
 - 1. The 10' landward area of the dune system shall function as a buffer, and shall be planted with native plantings, excluding trees.
 - 2. Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Gulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of an FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting.
 - 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses,
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 - 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures
 - b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
 - c. Planting new vegetation, except for native, salt-resistant species suitable for beach and dune stabilization,
 - d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations.
 - e. Exceptions
 - i. Minor structures authorized by FDEP; albeit the minimum setback for construction within properties fronting the Gulf of Mexico shall not be less than 50 feet from the mean high-water line.
 - ii. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.
- C. Dune enhancement.
 - 1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.
- D. The following development standards shall apply to all developments located within the Gulf Shoreline Protection Zone:
 - 1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with Section 7.05 of this Article.

Commented [JH1]:

https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0166/Sections/0166.033.html per FSS 166.033.(6) and (7) we can only require proof for building permits. We cannot require for any other type of "development permit/ order"

EXHIBIT 'A'

City of Destin, FL - Article 7 - Resource Conservation, Protection, Resiliency, and Sustainability

2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

- A. The purpose of this Section is to prohibit and/or regulate the use of clays, sand-clay mixtures or any other material subject to wind and water transport that can be potentially discoloring to the natural white sands and to the waters of the City, and to regulate and require permitting for use of these materials in other areas of the City. The provisions of this Section shall apply to all types of construction.
- B. Approvable Materials
 1. Zone 1: White sand must be used as fill material in a White Sand Zone 1.
 2. Zone 2: White sand, sandy soil which is indigenous to Zone 2, or other sandy soil which is as light or lighter than the undisturbed indigenous soil on site may be used in Zone 2.
 3. Prior to any development or redevelopment on properties or portions thereof which are located within a White Sand Zone 1 or Zone 2, a sample of existing and proposed fill shall be provided to the Planning Division for final decision of approval / disapproval.
 4. Special purpose materials, as described below, may be used within a White Sand Zone 1 or 2:
 - a. Discoloring material used for horticulture and landscaping may be used if discoloration is limited to the planted area by containment safeguards. Any discoloration to public or other private property is unlawful. It shall be the responsibility of the permitted property owner to clean and restore any discolored public or other private property affected by landscaping or horticultural activity.
 - b. Beneath building foundations, parking lots, and roadbeds, limestone, dolomite, crushed lime rock, and other similar stabilizing materials containing no red clay, red sand, tan sand, or other adversely deeply tinted material, may be used if both of the following measures have been incorporated:
 - i. The material is contained by a concrete curb or solid concrete block wall extending not less than one foot below grade and as deep as necessary to provide containment.
 - ii. The material must be covered by a permanent cover such as asphalt, concrete or other appropriate material within five (5) calendar days (120 hours) of placement.
 - (a) If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.
 - c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.

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- i. Driveways and parking lots within White Sand Zone 1 shall contain these materials by utilizing concrete curbing that extends no less than one (1) foot below grade.
 - ii. Sections of driveways located within the right-of-way must be solid surfaced, in accordance with Article 6.
5. Reconstruction & Redevelopment
 - a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.
 - i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.
 - ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS

- A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.
 1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.
 2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information pertinent to the project.
 3. Development plans submitted to the City shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Areas. In all cases, the strictest of the applicable standards shall apply.
 - a. Such development plans shall include a Wetland Report, prepared by appropriately licensed engineers, biologists, landscape architects, or other similar design or land planning experts.
 4. Handling and storage of fuel, hazardous/toxic substances, and waste
 - a. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.
 - b. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.

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- c. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.
- B. Wetland Protection Zones
 - 1. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. Ch. 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.
 - c. Areas within the jurisdiction of the Northwest Florida Water Management District.
 - d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
 - 2. Development activities allowed within Wetland Protection Zones.
 - a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - b. The activities below may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails with no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.
 - vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
 - 3. The following special design standards apply to any development within Wetland Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NWFWMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.

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- c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns,
 - ii. Limiting the normal removal of vegetation to the minimum amount necessary to conduct the development activity,
 - iii. Expediently replanting disturbed areas,
 - iv. Stabilizing banks and other unvegetated areas by siltation and erosion control measures,
 - v. Minimizing the amount of fill used in the development activity,
 - vi. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage,
 - vii. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and allow revegetation of banks,
 - viii. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning and other cycles and activities of wildlife,
 - ix. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage,
 - x. Prohibiting septic tanks, or
 - xi. Requiring the developer and successor to record deed restrictions and other legal mechanisms to protect the environmentally sensitive areas and maintain the development.
- d. The City Council may require additional environmental protection measures to provide sufficient protection for Wetland Protection Zones.
- e. Clustering Development
 - i. In the case that any proposed development is located on property with wetlands, the allowable density and/or intensity of the total site shall be applied to the developable area outside of the wetlands.
 - ii. In no case shall the proposed density and/or intensity be greater than the allowable density of the total site.
 - iii. Clustering development allowances only apply if the developer does not build within the wetlands, and all protective measures, as identified above, are implemented to reduce adverse impacts to the wetlands.
- C. Coastal Marsh Vegetation Protection Zones
 - 1. This Section shall apply to any property that contains coastal marsh vegetation.
 - 2. Regulations for structures built over Coastal Marsh Vegetation Protection Zones
 - a. The structure shall be designed to have the smallest footprint practicable.
 - b. The elevation of the structure shall be a minimum of eight feet (8') above the coastal marsh vegetation area floor level.
 - c. The width of the structure shall be limited to a maximum of four feet (4').
 - d. The gaps between the boards for the structure shall comply with FDEP standards.
 - e. The structures shall be aligned in a north-south direction wherever practicable.

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3. Prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. No person shall remove, cut, or alter the natural growth of coastal marsh vegetation.
 - b. No herbicide or pesticide is to be used on coastal marsh vegetation.
 - c. No placement of riprap on coastal marsh vegetation or within five feet (5') of coastal marsh vegetation.
 - d. No placement or construction of seawalls in areas containing coastal marsh vegetation.
 - e. No storage of hazardous chemicals or materials.
4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.
5. The following standards apply to post-development activities taking place within any Coastal Marsh Vegetation Protection Zones.
 - a. Point source and non-point source discharges.
 - i. Absent an amendment to a development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.
 - b. Clearing
 - i. Absent an amendment to a development order, no person shall clear more vegetation than was permitted for the original development.
6. Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and government authorized mosquito control programs.
7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.
8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.

Commented [DB2]: I believe this can be removed, as illicit discharge is addressed elsewhere within this Code, covering the entire City (not just Coastal Marsh Vegetation Protection zones).

Commented [SO3R2]: @Dinah Kertz check other LDC language for point source discharge and deconflict or remove as appropriate.

Commented [DK4R2]: Opting to leave it in.

Commented [DB5]: Same as above.

Commented [SO6R5]: @Dinah Kertz same as above

SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

- A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect the habitat of rare, endangered or of special concern plant and animal species.
 1. Areas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.
- B. Habitat Management Plan
 1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.
 - a. If any of these species are present, the applicant shall submit and obtain a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the

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- United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.
- b. This habitat plan shall include a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency.
 - c. City Council may utilize this information to consider including conditions of approval as deemed appropriate.
2. The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
 3. The final development plans approved for development shall substantially conform to the recommendations in the Habitat Management Plan.
 4. Where land on a proposed development site is to be preserved as a habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
 - a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
 - b. A conservation easement shall be recorded by the applicant for all land, including wetlands, which are to be preserved as a condition or a requirement of development approval.
- C. Marine Turtle Conservation Zone.
1. These regulations are intended to accomplish the following:
 - a. Protect marine turtle hatchlings from the adverse effects of artificial lighting.
 - b. Provide overall improvement in nesting habitat degraded by light pollution.
 - c. Increase successful nesting activities and production of hatchlings on the beaches located within the City of Destin.
 2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in Article 6.
 3. Existing artificial light fixtures that are replaced for any reason shall comply with the marine turtle outdoor lighting standards provided in this Code.
 4. The following activities are prohibited within a Marine Turtle Conservation Zone:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising.
 - b. The operation of searchlights or beacons.
 - c. All other outside light sources shall comply with this Code.

SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE

- A. The Floridan Aquifer is not recharged within Okaloosa County. Protection of wells which draw potable water from the aquifer and their respective cones of influence is, however, a requirement of local government. Sand-and-gravel aquifers which overlie the impervious limestone strata covering the Floridan Aquifer yield water for irrigation purposes and is [are] also subject to conservation and protective measures of local government (policy 10.F.1).

Commented [DB7]: This section does not seem entirely applicable to the City of Destin. It seems that it is more so related to NWFWM. Remove or Revise, removing non-applicable text.

Commented [SO8R7]: @Dinah Kertz review with @Robert Tomasek to see if this is necessary.

Commented [DK9R7]: We will leave this in.

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- B. The Local Government Comprehensive Planning and Land Development Regulation Act (LGCPLDRA) requires that local governments "generally identify and depict existing and planned water wells and cones of influence where applicable," within the land use elements of comprehensive plans (F.S. § 163.3177).
 - 1. A cone of influence is defined in rule 9J-5 as an area around one or more major water wells the boundary of which is determined by the Northwest Florida Water Management District (NFWFMD) or any other government agency that has specific statutory authority to make such a determination based on groundwater travel or drawdown depth (9J-5.003(18) FAC).
 - 2. The term "water well" is defined by rule 9J-5 as wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption (9J-5.003(18) FAC).
- C. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In order to determine whether to allow the proposed withdrawal, NFWFMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:
 - 1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet.
 - 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet.
 - 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 - 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 - 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
- D. The location of potable wells within the City of Destin is depicted in figure 7-1, chapter 7, foundation document. To protect these sites, no land use or construction shall be permitted within a 200-foot radius of each well that is known to adversely affect the quality and quantity of water sources. Prohibited land uses within the 200-foot well site include, but are not limited to, the following: junkyards, landfills, septic tanks, storing of hazardous waste or regulated substances.
- E. With the adoption of this Code, the City shall require that all shallow wells which tap the sand-and-gravel aquifer obtain a permit from the City. Applications for a sand-and-gravel well permit shall include the location of the proposed well on lot plats (objective 10.F.1; policies 10.F.1.1 and 10.F.1.2).
 - 1. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
 - 2. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

SECTION 7.02 FLOOD PLAIN MANAGEMENT

SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY

- A. The provisions of these regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling,

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- enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- B. The purposes of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- C. These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- D. The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.
- E. Disclaimer of liability. These regulations shall not create liability on the part of the City Council of the City of Destin or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

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- F. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- G. Areas to which this applies. These regulations shall apply to all flood hazard areas within the City of Destin, as established in Section 7.02.01.H of these regulations.
- H. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida, and Incorporated Areas dated March 9, 2021 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida.
- I. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:
 - 1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
 - 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- J. Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.
- K. Abrogation and greater restrictions. These regulations supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including land development regulations, zoning ordinances, stormwater management regulations, and the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.
- L. Interpretation. In the interpretation and application of these regulations, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberal construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7.02.02 FLOODPLAIN ADMINISTRATOR

- A. The Floodplain Administrator shall be a position located in the Community Development Department or the Public Services Department or as assigned by the City Manager or their designee. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish

Commented [DP10]: Should this be administration or maybe administrator? Has he reviewed this?

Commented [DB11R10]: Corrected. When Steve sent out the article 7 for Staff review, he stated the following regarding the floodplain section: 'added since they were not included in the move to the Code of Ordinances as previously planned. These do not need much review, as they were recently updated to meet state statutory requirements. They are copy and pasted from the existing regulations in 11.04.00. DO NOT SPEND TOO MUCH TIME ON THESE SECTIONS. If there are any specific questions, please reach out to Michael Burgess.' I have reached out to Michael to confirm that he is okay with this section going forward, but I would assume he is since this was recently adopted.

Commented [DP12]: Isn't Michael Burgess the city's flood plain manager?

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policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to Section 7.02.06 of these regulations.

- C. The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
 - 1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 - 2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of Land Development Code Section 7.02, and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas;
 - 3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the interpretation shall have the opportunity to appeal the interpretation;
 - 4. Provide available flood elevation and flood hazard information;
 - 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by the applicant;
 - 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 - 7. Issue Floodplain Development Permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with Land Development Code Section 7.02 is demonstrated, or disapprove the same in the event of noncompliance; and
 - 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of Land Development Code Section 7.02 and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas.
- D. For applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
 - 1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 - 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 - 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement;" and

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4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the Florida Building Code and these regulations is required.
- E. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 7.02.06 of these regulations.
- F. The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with these regulations and the flood resistant construction requirements of the Florida Building Code.
- G. The Floodplain Administrator shall make the required inspections as specified in Section 7.02.05 of these regulations for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. For buildings and structures subject to the Florida Building Code, the Floodplain Administrator shall make the required inspections of structures specified in Section 7.02.05 of these regulations and Florida Building Code, Building Section 110. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. The Floodplain Administrator shall have other duties, including but not limited to:
 1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 7.02.01.D of these regulations;
 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code and these regulations to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Destin are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- I. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant

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construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida 32541.

SECTION 7.02.03 PERMITS

- A. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Community Development Department and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations have been satisfied.
- B. Floodplain Development Permits or approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, Building Section 102.2 and any further exemptions provided by law, are subject to the requirements of these regulations:
 - 1. Railroads and ancillary facilities associated with the railroad.
 - 2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - 3. Temporary buildings or sheds used exclusively for construction purposes.
 - 4. Mobile or modular structures used as temporary offices.
 - 5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, are directly involved in the generation, transmission, or distribution of electricity.
 - 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

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8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- D. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
 1. Identify and describe the development to be covered by the permit or approval.
 2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 7.02.04 of these regulations.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
 8. For projects proposing to enclose areas under elevated dwellings, include signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- E. The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- F. Expiration. If the work described in any permit has not been initiated within six months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new permit has been obtained. Additionally, if work described in the building permit issued was commenced within six months after the date of issuance thereof, then work must be substantially completed within two years from the date of issuance.
- G. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or is in violation of these regulations or any other City ordinance, regulation or requirement.
- H. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 1. The Northwest Florida Water Management District; F.S. § 373.036.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
 3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
 4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

Commented [DP13]: Should this read "community development department" or maybe "city"?

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5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS

- A. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, all provisions of section 2.18.02 and the following applicable to the proposed development:
 1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s).
 2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 7.02.04.C of these regulations.
 3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 7.02.04.C of these regulations.
 4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
 5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
 6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
 7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
 8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
 9. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. The City Manager upon request of the Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.
- C. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, approximate Zone A, the Floodplain Administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator do not reasonably reflect

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flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

- a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is not less than two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.
- D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:
1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 7.02.04.E of these regulations and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
 2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
 3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section Section 7.02.04.E of these regulations.
 4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.
- E. Submission of additional data to FEMA. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit

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such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Further, it shall be the responsibility of the applicant to notify the City of any response received from FEMA in connection with the requested letter of map change from FEMA.

SECTION 7.02.05 INSPECTIONS

- A. Development for which a permit or approval is required shall be subject to inspection by the Floodplain Administrator.
- B. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- C. The Floodplain Administrator shall inspect buildings and structures subject to the Florida Building Code to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the Florida Building Code.
- D. The Floodplain Administrator shall inspect buildings and structures exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- E. Buildings and structures exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 7.02.04.C.3.b of these regulations, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- F. Buildings and structures exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 7.02.05.E of these regulations.
- G. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 7.02.06 VARIANCES AND APPEALS

- A. The Board of Adjustment shall hear and decide on requests for appeals and requests for adjustments from the strict application of these regulations. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the

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- strict application of the flood resistant construction requirements of the Florida Building Code. The Board of Adjustment shall not have the power to issue variances to any requirement of the Florida Building Code, Building, Section 3109 applicable seaward of the coastal construction control line.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or the Building Official in the administration and enforcement of these regulations or the flood load and flood resistant construction requirements of the Florida Building Code. Any person aggrieved by the decision of Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.
- C. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 7.02.06.G of these regulations, the conditions of issuance set forth in Section 7.02.06.H of these regulations, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations. Pursuant to F.S. § 553.73(5), variances shall not be granted to the requirements of Section 3109 of the Florida Building Code applicable to structures seaward of the coastal construction control line.
- D. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 7.02.04.C. of these regulations.
- E. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these regulations, provided the variance meets the requirements of this Code, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;

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5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 7. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 8. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances. Variances shall be issued only upon:
1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render any provision of these regulations or the elevation standards of the Florida Building Code inappropriate;
 2. Determination by the Board of Adjustment that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the official records of Okaloosa County in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the elevation required by the Florida Building Code or required by these regulations, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 7.02.07 VIOLATIONS

- A. Any development in a flood hazard area that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided. Therefore, in such circumstances, the burden shall be on the alleged violator to provide evidence of compliance with these regulations.

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- B. For development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to chapter 14, City Code of Ordinances, and any other penalties as prescribed by law.

SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT

- A. Subdivisions
 - 1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - 2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in Section 7.02.04.C of these regulations; and
 - c. Compliance with the site improvement and utilities requirements of Section 7.02.08.A of these regulations.
- B. Site Improvements, Utilities, and Limitations
 - 1. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
 - 2. Minimum requirements sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE

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24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
 4. Limitations on sites in regulatory floodways. Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 7.02.04.D.1 of these regulations demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
 5. Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
 6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 7.02.04.D.4 of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 7.02.08.F.8.c of these regulations.
- C. Manufactured Homes
1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the requirements.
 2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations.
 - b. In floodways, are designed in accordance with ASCE 24.
 - c. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.
 3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

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4. Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).
5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.
6. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.
- D. Recreational Vehicles and Park Trailers
 1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
 2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 7.02.08.D.1 of these regulations for temporary placement shall meet the requirements of Section 7.02.08.C of these regulations for manufactured homes.
- E. Tanks
 1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
 2. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Section 7.02.08.E.3 of these regulations shall:
 - a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (Zone V).
 3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
 4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

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- a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- F. Other Development
1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Section 7.02.08.B.4 of these regulations if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
 2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.02.08.B.4 of these regulations.
 3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.02.08.B.4 of these regulations.
 4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 7.02.08.B of these regulations. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 7.02.04 of these regulations.
 5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;
 - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four inches.
 6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

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- a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
- b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to adjacent buildings and structures.
- c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
- d. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.
7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent elevated buildings and structures. Such other development activities include but are not limited to:
 - a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
 - c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:
 - a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
 - b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.
 - c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of

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the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 7.02.09 DEFINITIONS

A. General

1. Unless otherwise expressly stated, the following words and terms shall, for the purposes of these floodplain regulations, have the meanings shown in this section.
2. Where terms are not defined in these floodplain regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
3. Where terms are not defined in these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

B. Definitions

Accessory building. A building of not more than 100 square feet of gross floor area with a cost of not more than \$1,000.00 that is unfinished inside, constructed with flood-resistant materials, and used only for storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator interpretation of any provision of these regulations.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official. The officer or other designated authority charged with the administration and enforcement of the Florida Building Code, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

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Building permit. An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the Florida Building Code.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Declaration of Land Restriction (Nonconversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated dwellings.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

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Encroachment. The advancement or infringement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before July 6, 1988 [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of these regulations.

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

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Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic buildings/structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

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Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value of the building or structure adjusted to approximate market value by a factor provided by the County Property Appraiser.

New construction. For the purposes of administration of these regulations and the building code, structures for which the "start of construction" commenced on or after July 6, 1988 and includes any subsequent improvements to such structures.

Nonresidential. Any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Portable building. A structure fully licensed and ready for highway use and must be on wheels at all times, attached to a quick disconnect utility hook-up, and having no permanently attached additions. A quick disconnect utility hook-up means an electrical, water, sewer, gas, or other utility

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connection which can be disconnected by hand in less than five minutes. Portable buildings as defined herein are exempt from all provision of Section 7.02. Floodplain Management.

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the City of Destin or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of these regulations, or the flood load and flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 7.03 MARINA SITING

SECTION 7.03.01 PURPOSE

- A. This Section establishes and regulates standards by which the City controls and regulates development, construction, and activities within and contiguous to the Harbor and waterways of Destin.

SECTION 7.03.02 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with Article 2 of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when water circulation is deemed to be impacted negatively by the proposed facilities.
- F. Development classified as Class 3, per Article 2 of this Code, shall be denied if the City Council determines that the proposed development does not meet the criteria outlined in this Section. Listed below are the criteria for Class 3 Development:
 1. Land use compatibility
 - a. The applicant shall demonstrate that the proposed development, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
 2. Proper use of mitigative infrastructure

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- a. The applicant shall demonstrate the proposed development and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to surface waters.
3. Hazardous waste
 - a. The proposed development shall not generate hazardous waste or require the use of hazardous materials in its operation without the use of city-approved mitigative techniques designed to prevent any adverse impacts to adjacent surface waters. The development shall include best management principles and practices.
- G. Exemption:
 1. Any dock located on a private lake controlled by an active owner's association is exempt from the regulations of this Section.

SECTION 7.03.03 COMMERCIAL REGULATIONS

- A. Commercial marine businesses located within the city that rent or operate passenger vessels must provide designated docking facilities, whether privately owned or leased.
- B. All commercial docks shall be designed with at least one (1) sewage pump-out station for public use. Such sewage pump-out stations shall be operable and maintained.
- C. All commercial docks shall be designed with the necessary firefighting facilities, as specified by the City or Destin Fire Control.
- D. All nonresidential, mixed use and multifamily development that borders Destin Harbor, the East Pass or Choctawhatchee Bay that also build a pier, dock, marina, or other marine development shall also include a water taxi stop by providing a minimum of one loading/unloading area or slip, which shall be reserved for use by a water taxi.
 1. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi.
- E. Transient Slips
 1. Non-rental transient slips
 - a. If a non-rental transient slip is provided in any marine construction development, then a rental fee cannot be charged for use of the slip.
 - b. No vessel may occupy a non-rental transient slip for more than six (6) hours.
 2. Short-term transient slips
 - a. If a short-term transient slip is provided, a rental fee may be charged.
 - b. No vessel may occupy a short-term transient slip for longer than seven (7) days.

SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS

- A. Length
 1. The following table includes the maximum dock length allowed for any new dock construction or modifications. For the purposes of this subsection, lots may be combined with neighboring lots, however no dock may exceed the limitations outlined in this Section.

Table 7.02-1 Dock Length	
Dock Location	Maximum Length Allowed
Any waterfront property not adjacent to Choctawhatchee Bay or	The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.

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zoned South Harbor Mixed Use (SHMU)	
Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)	1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property adjacent to Choctawhatchee Bay.	1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.
Waterfront Property with less than 50 feet of waterfront shoreline.	No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section

2. Measurement of length shall start at the waterward most point of the Mean High-Water Line. See Figure 7.02-1: Dock Length below.
3. From the waterward most point identified per paragraph 2 above, a perpendicular line is drawn waterward the distance allowed per the Table 7.02-1 above.
4. At the maximum distance of length allowed, another perpendicular line is drawn from between the identified or implied riparian lines.

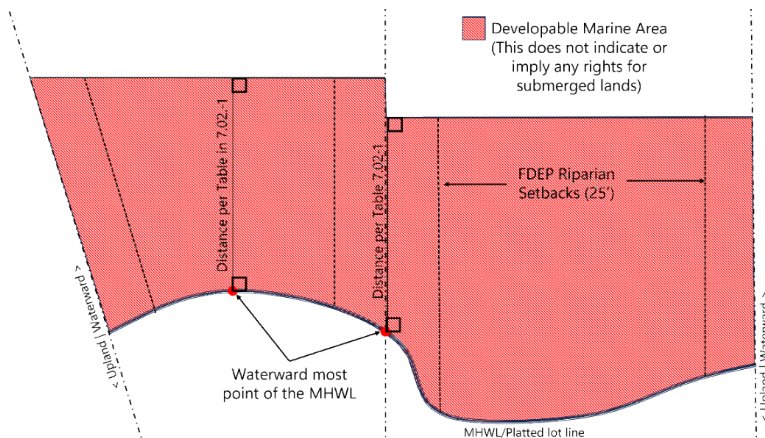


Figure 7.02-1: Dock Length

- B. No pier shall extend more than six (6) feet into a canal right-of-way.
- C. Density
 1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
 2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
 3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE

- A. A Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five percent (25%) of the cost of construction shall be made to the City of Destin by the applicant prior to issuance of a building

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permit for each construction project authorized by this Article, which is located within the Destin Harbor.

1. The twenty-five percent (25%) fee applies to the cost of materials and labor only (construction costs).
 2. The NPEB fee shall be assessed on all new marine construction projects or any portion of expansion to existing marine facilities or docks.
 3. The NPEB fee is applicable for all marine construction projects located waterward of the mean high-water line or platted lot line and are proposed along upland properties directly adjacent to the Destin Harbor or any canals that connect to the Destin Harbor.
- B. Maintenance, Repairs, and Replacement
1. Regular maintenance, repair, or replacement is allowed for decking only and not subject to the NPEB fee.
 2. Any replacement of piles or other structural element of the dock or marine facility shall be assessed the NPEB fee as applicable.
- C. Reduction of NPEB Fee
1. The NPEB fee can be reduced if the marine project uses eco-friendly salt water rated alternative materials for construction or the project utilizes a biological element that provides an ecological benefit proven to offset the impacts of marine based activities.
 2. The NPEB fee shall not be reduced to lower than ten percent (10%) of the cost of construction in any case.
 3. The material used to reduce the NPEB fee shall only be replaced or repaired with the same or similar material that meets the same benefit. If a dock or marine facility that received a reduction of the NPEB fee is replaced or repaired with a material that does not meet the allowance for a reduction, the full twenty-five percent (25%) NPEB fee shall be assessed based on the original cost of construction.
 4. The following elements may allow for a reduction of the assessed NPEB fee.
 - a. Composite piles and decking which are rated for salt water.
 - i. If the project uses only composite piles the total NPEB fee will be fifteen percent (15%).
 - ii. If the project uses only composite decking the total NPEB fee will be fifteen percent (15%).
 - iii. If the project uses composite materials for the whole project the total NPEB will be ten percent (10%).
 - b. Greenheart wood, or similar hardwood
 - i. If the project uses only Greenheart piles the total NPEB fee will be twenty percent (20%).
 - ii. If the project uses only Greenheart decking the total NPEB fee will be twenty percent (20%).
 - iii. If the project uses Greenheart wood for the whole project the total NPEB will be fifteen percent (15%).
 - c. An alternative construction material that evidence is submitted meets the same intent as composite or greenheart wood and approved by the City Manager or designee.

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- i. The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:
 - (a) The specific environmental benefit the alternative provides, and
 - (b) A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.
5. Biological elements such as living shorelines or non-commercial oyster aquaculture or gardening may be granted a reduction on the NPEB fee.
 - a. The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:
 - i. The specific environmental benefit the alternative provides, and
 - ii. A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.
- D. Exemptions
 1. The following marine construction activities are exempt from the NPEB fee:
 - a. Boat lifts (new piles will be assessed the NPEB fee)
 - b. Seawall upland of the mean high-water line or platted lot line
 - c. Upland slips or cuts
 - d. Board for board decking maintenance, repair, or replacement

SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 7.04.01 PURPOSE

- A. The protection and preservation of sites identified and documented as being significant either in American or local history, architecture, archaeology, engineering, or culture by the Florida Department of State, Division of Historic Resources or by the City of Destin is essential. They reflect the prehistoric occupation and historical development of the nation, state, and local community. .

SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

- A. Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.
 1. Historic structures shall be exempt from the provisions of the Florida Building Code if any modification, repair, or restoration activity would jeopardize their historical integrity.
 2. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.
 3. A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.
 4. For any proposed development activity on a historic site previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include an archeological and historic review summary, provided by the applicant. Such review summary

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shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.

5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.
 - a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.
6. The City shall prepare reports describing any developments that have discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.
7. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, see Article 4.

SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.05.01 PURPOSE

- A. The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of Destin through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- B. This Section also establishes minimum standards and methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to ensure compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

- A. Illicit discharge
 1. Aside from stormwater, no substances, materials, or effluent (chemical or physical) shall be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses.
 2. If a discharge is found, the City reserves the right to enforce this Section.
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this Section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.
- C. Suspension of access to a municipal storm sewer system.
 1. The City may suspend access to the MS4 if any of the following situations occur:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The City, without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which

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- presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
- ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
- b. Suspension due to the detection of illicit discharge.
- i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
- c. Industrial or construction activity discharges.
- i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
1. Direct or indirect non-stormwater contaminant or wastewater shall not leave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding environment or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.
- E. Industrial or construction activity discharges.
1. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Destin prior to allowing discharges to the MS4.
 2. Use of Best Management Practices (BMPs)
 - a. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other waste into the MS4 or watercourses through the use of these structural and nonstructural BMPs.
 - b. Any person responsible for a property or premises, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants into the MS4.
 - c. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

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- d. The identified BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 7.05.03 EXEMPTIONS

- A. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
 - 1. Water line flushing or other potable water sources,
 - 2. Landscape irrigation or lawn watering,
 - 3. Diverted stream flows,
 - 4. Rising ground water,
 - 5. Ground water infiltration to storm drains,
 - 6. Uncontaminated pumped ground water,
 - 7. Foundation or footing drains (not including active groundwater dewatering systems),
 - 8. Crawl space pumps,
 - 9. Air conditioning condensation,
 - 10. Springs,
 - 11. Non-commercial washing of vehicles,
 - 12. Natural riparian habitat or wet-land flows,
 - 13. Swimming pools (if dechlorinated less than one part per million chlorine),
 - 14. Firefighting activities,
 - 15. Other water source not containing pollutants,
 - 16. Discharges specified in writing by the City as being necessary to protect public health and safety, or
 - 17. Dye testing, given a written notification is provided to the City at least 48 hours prior to the time of the test.
- B. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA).
 - 1. The permitted discharger shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Such written approval shall be maintained on site.

SECTION 7.05.04 DISCHARGE MONITORING

- A. The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
 - 1. The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measure in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
 - 2. Facility operators shall allow the City access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

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3. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
4. The City shall have the right to monitor any permitted facility with devices as necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.
6. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
7. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT

SECTION 7.06.01 PURPOSE AND INTENT

- A. The purpose and intent of this section is to allow opportunities for certain alternative forms of energy generation with the installation and operation of small-scale alternative energy generating systems.
- B. This section intends to protect and promote public health, safety, community welfare and the aesthetic quality of the city while promoting and encouraging the use of small-scale alternative energy generating systems due to their positive environmental impact, cost savings, and sustainability benefits.

SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this Section shall apply to the following accessory uses as they are defined in Article 11 of this Code:
 1. Energy Conversion Systems, Small-scale Solar.
 2. Energy Conversion Systems, Small-scale Wind.
- B. General Provisions
 1. Small-scale solar and wind energy conversion systems shall be deemed, and are hereby declared to be, an accessory use allowed in all zoning districts, provided they comply with the standards set forth in Section 7.05.03 below.

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2. Approval of a small-scale solar or wind energy conversion system shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply any easement or right of access to wind or sunlight. The City of Destin expressly declares that it shall not be a party to any effort, negotiation or acquisition of any such access or right to wind and sunlight.
3. The allowance of small-scale solar or wind energy conversion systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, covenants, or other restrictions that may apply to a premise.
4. It shall be unlawful for a person to operate a small-scale solar or wind energy conversion system that does not conform to all provisions of the Land Development Code and conditions of approval of the City of Destin building permit.

SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION

- A. A building permit shall be required prior to the commencement of construction of a small-scale solar or wind energy conversion system.
- B. Small-scale solar and wind energy conversion systems shall comply with all building and construction codes and all other governmental regulations as amended.
- C. No portion of a small-scale solar and wind energy conversion systems shall be located between the principle building and front property line, along any street frontage, or within any required setback area.
- D. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- E. If a ground mounted small-scale solar or wind energy conversion system is removed, any earth disturbances as a result of the removal shall be returned to natural grade and provided with appropriate ground cover.
- F. A small-scale solar and wind energy conversion systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the system provided they comply with Land Development Code sign regulations.
- G. The following standards apply only to small-scale solar energy conversion systems and are in addition to those listed directly above in A through F.
 1. Ground mounted small-scale solar energy conversion systems may not encroach into any setback area when oriented at maximum design tilt.
 2. In addition to the building setback, the collector surface and mounting devices for roof-mounted small-scale solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 3. Small-scale solar energy conversion systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 4. Building, roof, pole or ground mounted small-scale solar energy conversion systems shall not exceed the height maximum allowed in the zoning district in which it is located.
 5. Whenever practical, all equipment must be attached to a building or located on an impervious surface.

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6. All on-site utility and transmission lines shall be placed underground.
- H. The following standards apply only to small-scale wind energy conversion systems and are in addition to those listed directly above in A through F.
 1. There shall be no more than one small-scale wind energy conversion system per property, and it shall be located on the same property as the principle building.
 2. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet will be required to obtain a determination from the Federal Aviation Administration of "No Hazard to Aviation" status.
 3. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet shall submit such application to the Eglin Air Force Base installation commander or his or her designee, and no determination of the application shall be made sooner than 30 days after receipt of such submittal by the Air Force. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
 4. The small-scale wind energy conversion system shall have a rated capacity not to exceed ten kilowatts (KW).
 5. Small-scale wind energy conversion systems shall be located a minimum distance of 20 feet from all property lines of the property upon which the small-scale wind energy conversion system is located. A small-scale wind energy conversion system may not be located in a dedicated easement or right-of-way.
 6. Small-scale wind energy conversion system shall comply, at all times, with the maximum allowable noise levels set forth in the City of Destin Code of Ordinances.
 7. Colors of all external surfaces of the small-scale wind energy conversion system must uniformly be matte grey or other neutral colors which best blend the small-scale wind energy conversion system into its surroundings.
 8. The small-scale wind energy conversion system shall be equipped with an automatic braking, governing, or feathering system to assure that over-rotation cannot occur.
 9. The small-scale wind energy conversion system shall be equipped with a manual override system to allow shutdown in case of an emergency.
 10. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 11. All on-site utility and transmission lines shall be placed underground.
 12. A building mounted small-scale wind energy conversion system shall be permanently attached to a permitted principle or accessory building on the property.
 13. When a building mounted small-scale wind energy conversion system is attached to the wall, gable or eave of a building, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished.
 14. The tower upon which the small-scale wind energy conversion system is attached shall be a self-supporting monopole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis the City Manager or designee may approve other types of towers based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided

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the tower plans are designed, signed, sealed and dated by a licensed professional engineer registered in the State of Florida.

15. The maximum total height of a building mounted small-scale wind energy conversion system which is attached directly to the roof of a building shall be ten feet above the highest point of the roof upon which the small-scale wind energy conversion system is attached. The maximum total height of a small-scale wind energy system which is attached to a building in any manner other than directly to the roof shall be ten feet (10') above the highest point of the roof to which it is most closely located. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.
16. The maximum total height of any freestanding small-scale wind energy conversion system shall be thirty-five feet (35') above the adjacent natural grade.
17. The distance between the bottom of rotor blades, at their lowest point of arc, to grade shall be a minimum of fifteen feet (15').
18. No permanently attached mechanism for access to or onto the tower, which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within 12 feet of the grade directly below.
19. Appropriate warning signage shall be placed on both the small-scale wind energy conversion system and tower in accordance with the manufacturer's recommendations.
20. The horizontal distance between the tower and all overhead public utility lines shall be 25 percent greater than the total height of the small-scale wind energy conversion system.
21. All small-scale wind energy conversion systems shall be maintained in good working order according to manufacturer recommendations. A small-scale wind energy conversion system shall be deemed to be abandoned if the use has been discontinued for a period of 180 consecutive days. Upon such abandonment, the owner of the small-scale wind energy conversion system shall have an additional ninety (90) days within which to reactivate the use of the small-scale wind energy conversion system or dismantle and remove the tower and wind generator.

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ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY

SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

SECTION 7.01.01 PURPOSE

- A. The purpose of this Section is to provide regulations intended to protect the City's existing environmental and natural resources, especially the coastal resources. Therefore, this Section intends to establish regulations to mitigate the impacts of floods, protect and restore wetlands, limit the impact of development, and enhance the quality of life and property.
- B. It is also the purpose of this Section to ensure that publicly funded infrastructure shall not be built within any Coastal High Hazard Area (CHHA) unless the facility is for any of the following:
 - 1. Protection of public health and safety
 - 2. Creation of open space
 - 3. Implementation of beach restoration
 - 4. Shoreline erosion protection programs

SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE

- A. The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.
- B. The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:
 - 1. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.
 - 2. The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.
 - a. If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.
 - b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
 - c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. These improvements shall comply with [Article 6](#) of this Code.
 - 3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves,
 - b. Minor maintenance or emergency repair to existing structures or improved areas, and

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- c. Bulkheads and/or seawalls along or within property lines.

SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that commences at the mean high-water line, runs to, and includes ten feet (10') landward of the primary dune system.
 - 1. The 10' landward area of the dune system shall function as a buffer, and shall be planted with native plantings, excluding trees.
 - 2. Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Gulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of an FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting.
 - 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses,
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 - 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures
 - b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
 - c. ~~Planting of~~Planting new vegetation except for native, salt-resistant species suitable for beach and dune stabilization,
 - d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations.
 - e. Exceptions
 - i. Minor structures authorized by FDEP; albeit the minimum setback for construction within properties fronting the Gulf of Mexico shall not be less than 50 feet from the mean high-water line.
 - ii. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.
 - iii. ~~Beach Boxes for beach recreational equipment are permitted on private beaches provided they meet the following regulations:~~
 - ~~(a) No excavation can occur to set or establish a beach box.~~
 - ~~(b) Beach boxes shall not exceed the following dimensions:~~
 - ~~(i) Height: four feet (4')~~
 - ~~(ii) Depth/Length: six feet (6')~~
 - ~~(iii) Width: eight feet (8')~~
 - ~~(c) Location:~~
 - ~~(i) Shall stay off any and all vegetation.~~

Commented [JH1]:

https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0166/Sections/0166.033.html per FSS 166.033.(6) and (7) we can only require proof for building permits. We cannot require for any other type of "development permit/ order"

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- ~~(ii) Primary dune setback: A beach box shall be located between five feet (5') and fifteen feet (15') from the waterward primary dune line.~~
 - ~~(iii) At no time shall a beach box be located in a way to obstruct the traversing of any individual or vehicle.~~
 - ~~(d) Number:~~
 - ~~(i) No more than one (1) box per fifty feet (50') of water frontage.~~
 - ~~(e) Color:~~
 - ~~(i) All beach boxes shall be painted white or off-white.~~
 - C. Dune enhancement.
 - 1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.
 - D. The following development standards shall apply to all developments located within the Gulf Shoreline Protection Zone:
 - 1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with Section 7.05. of this Article.
 - 2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

- A. The purpose of this Section is to prohibit and/or regulate the use of clays, sand-clay mixtures or any other material subject to wind and water transport that can be potentially discoloring to the natural white sands and to the waters of the City, and to regulate and require permitting for use of these materials in other areas of the City. The provisions of this Section shall apply to all types of construction.
- B. Approvable Materials
 - 1. Zone 1: White sand must be used as fill material in a White Sand Zone 1.
 - 2. Zone 2: White sand, sandy soil which is indigenous to Zone 2, or other sandy soil which is as light or lighter than the undisturbed indigenous soil on site may be used in Zone 2.
 - 2-3. Prior to any development or redevelopment on properties or portions thereof which are located within a White Sand Zone 1 or Zone 2, a sample of existing and proposed fill shall be provided to the Planning Division for final decision of approval / disapproval.
 - 3-4. Special purpose materials, as described below, may be used within a White Sand Zone 1 or 2:
 - a. Discoloring material used for horticulture and landscaping may be used if discoloration is limited to the planted area by containment safeguards. Any discoloration to public or other private property is unlawful. It shall be the responsibility of the permitted property owner to clean and restore any discolored public or other private property affected by landscaping or horticultural activity.
 - b. Beneath building foundations, parking lots, and roadbeds, limestone, dolomite, crushed lime rock, and other similar stabilizing materials containing no red clay, red sand, tan sand,

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or other adversely deeply tinted material, may be used if both of the following measures have been incorporated:

- i. The material is contained by a concrete curb or solid concrete block wall extending not less than one foot below grade and as deep as necessary to provide containment.
- ii. The material must be covered by a permanent cover such as asphalt, concrete or other appropriate material within five (5) calendar days (120 hours) of placement.
 - (a) If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.
- c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.

i. Driveways and parking lots within White Sand Zone 1 shall contain these materials by utilizing concrete curbing that extends no less than one (1) foot below grade.

i.ii. Sections of driveways located within the right-of-way must be solid-surfaced, in accordance with Article 6.

4.5. Reconstruction & Redevelopment

- a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.
 - i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.
 - ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS

- A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.
 1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.
 2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of

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the developer's right to ownership or control of the land, and other information pertinent to the project.

3. Development plans submitted to the City shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Areas. In all cases, the strictest of the applicable standards shall apply.

a. Such development plans shall include a Wetland Report, prepared by appropriately licensed engineers, biologists, landscape architects, or other similar design or land planning experts.

4. Handling and storage of fuel, hazardous/toxic substances, and waste

5.a. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.

6.b. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.

7.c. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.

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B. Wetland Protection Zones

1. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. Ch. 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.
 - c. Areas within the jurisdiction of the Northwest Florida Water Management District.
 - d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
2. Development activities allowed within Wetland Protection Zones.
 - a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - b. These activities below may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails with no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.

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- vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
- 3. The following special design standards apply to any development within Wetland Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NFWFMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.
 - c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns,
 - ii. Limiting the normal removal of vegetation to the minimum amount necessary to conduct the development activity,
 - iii. Expeditiously replanting disturbed areas,
 - iv. Stabilizing banks and other unvegetated areas by siltation and erosion control measures,
 - v. Minimizing the amount of fill used in the development activity,
 - vi. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage,
 - vii. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and allow revegetation of banks,
 - viii. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning and other cycles and activities of wildlife,
 - ix. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage,
 - x. Prohibiting septic tanks, or
 - xi. Requiring the developer and successor to record deed restrictions and other legal mechanisms to protect the environmentally sensitive areas and maintain the development.
 - d. The City Council may require additional environmental protection measures to provide sufficient protection for Wetland Protection Zones.
 - e. Clustering Development

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- i. In the case that any proposed development is located on property with wetlands, the allowable density and/or intensity of the total site shall be applied to the developable area outside of the wetlands.
 - ii. In no case shall the proposed density and/or intensity be greater than the allowable density of the total site.
 - iii. Clustering development allowances only apply if the developer does not build within the wetlands, and all protective measures, as identified above, are implemented to reduce adverse impacts to the wetlands.
- C. Coastal Marsh Vegetation Protection Zones
 1. This Section shall apply to any property that contains coastal marsh vegetation.
 2. Regulations for structures built over Coastal Marsh Vegetation Protection Zones
 - a. The structure shall be designed to have the smallest footprint practicable.
 - b. The elevation of the structure shall be a minimum of eight feet (8') above the coastal marsh vegetation area floor level.
 - c. The width of the structure shall be limited to a maximum of four feet (4').
 - ~~c.d. The gaps between the boards for the structure should be a minimum of one inch (1") wide shall comply with FDEP standards.~~
 - d.e. The structures shall be aligned in a north-south direction wherever practicable.
 3. Prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. No person shall remove, cut, or alter the natural growth of coastal marsh vegetation.
 - b. No herbicide or pesticide is to be used on coastal marsh vegetation.
 - c. No placement of riprap on coastal marsh vegetation or within five feet (5') of coastal marsh vegetation.
 - d. No placement or construction of seawalls in areas containing coastal marsh vegetation.
 - e. No storage of hazardous chemicals or materials.
 4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.
 5. The following standards apply to post-development activities taking place within any Coastal Marsh Vegetation Protection Zones.
 - a. Point source and non-point source discharges.
 - i. Absent an amendment to a development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.
 - b. Clearing
 - i. Absent an amendment to a development order, no person shall clear more vegetation than was permitted for the original development.
 - c. ~~Handling and storage of fuel, hazardous/toxic substances, and waste~~
 - ~~i. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the~~

Commented [DB2]: I believe this can be removed, as illicit discharge is addressed elsewhere within this Code, covering the entire City (not just Coastal Marsh Vegetation Protection zones).

Commented [S03R2]: @Dinah Kertz check other LDC language for point source discharge and deconflict or remove as appropriate.

Commented [DK4R2]: Opting to leave it in.

Commented [DB5]: Same as above.

Commented [S06R5]: @Dinah Kertz same as above

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~~water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.~~

~~ii. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.~~

~~iii. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.~~

6. Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and government authorized mosquito control programs.
7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.
8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.

SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

- A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect the habitat of rare, endangered or of special concern plant and animal species.
 1. Areas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.
- B. Habitat Management Plan
 1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.
 - a. If any of these species are present, the applicant shall submit and obtain a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.
 - b. This habitat plan shall include a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency.
 - c. City Council may utilize this information to consider including conditions of approval as deemed appropriate.
 2. The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
 3. The final development plans approved for development shall substantially conform to the recommendations in the Habitat Management Plan.

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4. Where land on a proposed development site is to be preserved as a habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
 - a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
 - b. A conservation easement shall be recorded by the applicant for all land, including wetlands, which are to be preserved as a condition or a requirement of development approval.
- C. Marine Turtle Conservation Zone.
 1. These regulations are intended to accomplish the following:
 - a. Protect marine turtle hatchlings from the adverse effects of artificial lighting.
 - b. Provide overall improvement in nesting habitat degraded by light pollution.
 - c. Increase successful nesting activities and production of hatchlings on the beaches located within the City of Destin.
 2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in [the City's Design Manual Article 6](#).
 3. Existing artificial light fixtures that are replaced for any reason shall comply with [the marine turtle outdoor lighting standards provided in this Code](#).~~this Section.~~
 4. The following activities are prohibited within a Marine Turtle Conservation Zone:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising.
 - b. The operation of searchlights or beacons.
 - c. All other outside light sources shall comply with this Code.

SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE

- A. The Floridan Aquifer is not recharged within Okaloosa County. Protection of wells which draw potable water from the aquifer and their respective cones of influence is, however, a requirement of local government. Sand-and-gravel aquifers which overlie the impervious limestone strata covering the Floridan Aquifer yield water for irrigation purposes and is [are] also subject to conservation and protective measures of local government (policy 10.F.1).
- B. The Local Government Comprehensive Planning and Land Development Regulation Act (LGCPLDRA) requires that local governments "generally identify and depict existing and planned water wells and cones of influence where applicable," within the land use elements of comprehensive plans (F.S. § 163.3177).
 1. A cone of influence is defined in rule 9J-5 as an area around one or more major water wells the boundary of which is determined by the Northwest Florida Water Management District (NFWFMD) or any other government agency that has specific statutory authority to make such a determination based on groundwater travel or drawdown depth (9J-5.003(18) FAC).
 2. The term "water well" is defined by rule 9J-5 as wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption (9J-5.003(18) FAC).
- C. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In

Commented [DB7]: This section does not seem entirely applicable to the City of Destin. It seems that it is more so related to NFWFMD. Remove or Revise, removing non-applicable text.

Commented [S08R7]: @Dinah Kertz review with @Robert Tomasek to see if this is necessary.

Commented [DK9R7]: We will leave this in.

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order to determine whether to allow the proposed withdrawal, NFWFMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:

1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet.
 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet.
 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
- D. The location of potable wells within the City of Destin is depicted in figure 7-1, chapter 7, foundation document. To protect these sites, no land use or construction shall be permitted within a 200-foot radius of each well that is known to adversely affect the quality and quantity of water sources. Prohibited land uses within the 200-foot well site include, but are not limited to, the following: junkyards, landfills, septic tanks, storing of hazardous waste or regulated substances.
- E. With the adoption of this Code, the City shall require that all shallow wells which tap the sand-and-gravel aquifer obtain a permit from the City. Applications for a sand-and-gravel well permit shall include the location of the proposed well on lot plats (objective 10.F.1; policies 10.F.1.1 and 10.F.1.2).
1. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
 2. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

SECTION 7.02: FLOOD PLAIN MANAGEMENT

SECTION 7.02.01 ADMINISTRATION AND APPLICABILITY

- A. The provisions of these regulations shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- B. The purposes of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

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3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
 4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- C. These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- D. The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.
- E. Disclaimer of liability. These regulations shall not create liability on the part of the City Council of the City of Destin or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.
- F. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- G. Areas to which this applies. These regulations shall apply to all flood hazard areas within the City of Destin, as established in ~~Section 7.02.01H~~ section 11.04.02.C of these regulations.
- H. Basis for establishing flood hazard areas. The Flood Insurance Study for Okaloosa County, Florida, and Incorporated Areas dated March 9, 2021 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM) and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida.
- I. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, ~~pursuant to Section 7.02.04~~ section 11.04.05 of these regulations the Floodplain Administrator may require submission of additional data. Where field surveyed

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topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
 2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.
- J. Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, state or federal law.
- K. Abrogation and greater restrictions. These regulations supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including land development regulations, zoning ordinances, stormwater management regulations, and the Florida Building Code. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by these regulations.
- L. Interpretation. In the interpretation and application of these regulations, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 7.02.02 FLOODPLAIN ADMINISTER

- A. The Floodplain Administrator shall be a position located in the Community Development Department or the Public Services Department or as assigned by the City Manager or their designee. The Floodplain Administrator may delegate performance of certain duties to other employees.
- B. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in these regulations without the granting of a variance pursuant to [Section 7.02.06](#) [section 11.04.07](#) of these regulations.
- C. The Floodplain Administrator, in coordination with other pertinent offices of the City, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modifications of any existing development in flood hazard areas for compliance with the requirements of Land Development Code [Section 7.02](#) [section 11.04.00](#) and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas;

Commented [DP10]: Should this be administration or maybe administrator? Has he reviewed this?

Commented [DP11]: Isn't Michael Burgess the city's flood plain manager?

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3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the interpretation shall have the opportunity to appeal the interpretation;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by the applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue Floodplain Development Permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with Land Development Code ~~Section 7.02~~ ~~section 11.04.00~~ is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of Land Development Code ~~Section 7.02~~ ~~section 11.04.00~~ and City of Destin administrative and technical amendments to the Florida Building Code pertaining to the design and construction of buildings and structures in flood hazard areas.
- D. For applications to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
 2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
 3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement;" and
 4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant provisions of the Florida Building Code and these regulations is required.
- E. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to ~~Section 7.02.06~~ ~~section 11.04.07~~ of these regulations.
- F. The Floodplain Administrator and the Building Official shall coordinate the issuance of all necessary notices or orders to ensure compliance with these regulations and the flood resistant construction requirements of the Florida Building Code.

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- G. The Floodplain Administrator shall make the required inspections as specified in ~~Section 7.02.05~~ ~~section 11.04.06~~ of these regulations for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. For buildings and structures subject to the Florida Building Code, the Floodplain Administrator shall make the required inspections of structures specified in ~~section 11.04.06~~ ~~Section 7.02.05~~ of these regulations and Florida Building Code, Building Section 110. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- H. The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to ~~section 11.04.03.D~~ ~~Section 7.02.01.H~~ of these regulations;
 2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;
 4. Review required design certifications and documentation of elevations specified by these regulations and the Florida Building Code and these regulations to determine that such certifications and documentations are complete;
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Destin are modified; and
 6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."
- I. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and these regulations; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available

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for public inspection at the City of Destin Annex located at 4100 Indian Bayou Trail, Destin, Florida 32541.

SECTION 7.02.03 PERMITS

- A. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Community Development Department and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of these regulations and all other applicable codes and regulations have been satisfied.
- B. Floodplain Development Permits or approvals shall be issued pursuant to these regulations for any development activities not subject to the requirements of the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.
- C. Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code, Building Section 102.2 and any further exemptions provided by law, are subject to the requirements of these regulations:
- D-1. Railroads and ancillary facilities associated with the railroad.
 - E-2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
 - F-3. Temporary buildings or sheds used exclusively for construction purposes.
 - G-4. Mobile or modular structures used as temporary offices.
 - H-5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, are directly involved in the generation, transmission, or distribution of electricity.
 - I-6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
 - J-7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - K-8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - L-9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.
- M-D. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:
- N-1. Identify and describe the development to be covered by the permit or approval.
 - O-2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

Commented [DP12]: Should this read "community development department" or maybe "city"?

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- P-3. Indicate the use and occupancy for which the proposed development is intended.
- Q-4. Be accompanied by a site plan or construction documents as specified in **Section 7.02.04** section 11.04.05 of these regulations.
- R-5. State the valuation of the proposed work.
- S-6. Be signed by the applicant or the applicant's authorized agent.
- T-7. Give such other data and information as required by the Floodplain Administrator.
- U-8. For projects proposing to enclose areas under elevated dwellings, include signed Declaration of Land Restriction (Non-conversion Agreement); the agreement shall be recorded on the property deed prior to issuance of the certificate of occupancy.
- V-E. The issuance of a floodplain development permit or approval pursuant to these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.
- W-F. Expiration. If the work described in any permit has not been initiated within six months after the date of issuance thereof, such permit shall expire. No further work as described in the expired permit shall proceed unless and until a new permit has been obtained. Additionally, if work described in the building permit issued was commenced within six months after the date of issuance thereof, then work must be substantially completed within two years from the date of issuance.
- X-G. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or is in violation of these regulations or any other City ordinance, regulation or requirement.
- Y-H. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:
 - Z-1. The Northwest Florida Water Management District; F.S. § 373.036.
 - AA-2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
 - BB-3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.
 - CC-4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
 - DD-5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
- 1-6. Federal permits and approvals.

SECTION 7.02.04 SITE PLANS AND CONSTRUCTION DOCUMENTS

- A. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, all provisions of section 2.18.02 and the following applicable to the proposed development:

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1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), and base flood elevation(s).
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 7.02.04.C of these regulations.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 7.02.04.C of these regulations.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.
- B. The City Manager upon request of the Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with these regulations.
- C. Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, approximate Zone A, the Floodplain Administrator shall:
 1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
 2. Obtain, review, and provide to applicants base flood elevation data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation data available from a federal or state agency or other source.
 3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator do not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is not less than two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.
 4. Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer

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in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

D. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses prepared and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 7.02.04.E of these regulations and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 7.02.04.E of these regulations.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

E. Submission of additional data to FEMA. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant. Further, it shall be the responsibility of the applicant to notify the City of any response received from FEMA in connection with the requested letter of map change from FEMA.

SECTION 7.02.05 INSPECTIONS

A. Development for which a permit or approval is required shall be subject to inspection by the Floodplain Administrator.

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- B. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- C. The Floodplain Administrator shall inspect buildings and structures subject to the Florida Building Code to determine compliance with the flood load and flood resistant construction requirements of issued building permits and the Florida Building Code.
- D. The Floodplain Administrator shall inspect buildings and structures exempt from the Florida Building Code to determine compliance with the requirements of these regulations and the conditions of issued floodplain development permits or approvals.
- E. Buildings and structures exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building or structure exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:
 - 1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
 - 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 7.02.04.C.3.b of these regulations, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.
- F. Buildings and structures exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 7.02.05.E of these regulations.
- G. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

SECTION 7.02.06 VARIANCES AND APPEALS

- A. The Board of Adjustment shall hear and decide on requests for appeals and requests for adjustments from the strict application of these regulations. Pursuant to F.S. § 553.73(5), the Board of Adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. The Board of Adjustment shall not have the power to issue variances to any requirement of the Florida Building Code, Building, Section 3109 applicable seaward of the coastal construction control line.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator or the Building Official in the administration and enforcement of these regulations or the flood load and flood resistant construction requirements of the Florida Building Code. Any person aggrieved by the decision of Board of Adjustment may appeal such decision to the circuit court, as provided by Florida Statutes.

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- C. The Board of Adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 7.02.06.G of these regulations, the conditions of issuance set forth in Section 7.02.06.H of these regulations, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of Adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations. Pursuant to F.S. § 553.73(5), variances shall not be granted to the requirements of Section 3109 of the Florida Building Code applicable to structures seaward of the coastal construction control line.
- D. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 7.02.04.C. of these regulations.
- E. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.
- F. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in these regulations, provided the variance meets the requirements of this Code, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.
- G. In reviewing requests for variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, these regulations, and the following:
 - 1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 - 2. The danger to life and property due to flooding or erosion damage;
 - 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 - 4. The importance of the services provided by the proposed development to the community;
 - 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 - 6. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 - 7. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 - 8. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

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9. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.
- H. Conditions for issuance of variances. Variances shall be issued only upon:
 1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site render any provision of these regulations or the elevation standards of the Florida Building Code inappropriate;
 2. Determination by the Board of Adjustment that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the official records of Okaloosa County in such a manner that it appears in the chain of title of the affected parcel of land; and
 4. If the request is for a variance to allow construction of the lowest floor of a building, or substantial improvement of a building, below the elevation required by the Florida Building Code or required by these regulations, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 7.02.07 VIOLATIONS

- A. Any development in a flood hazard area that is not within the scope of the Florida Building Code but that is regulated by these regulations that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by these regulations or the Florida Building Code is presumed to be a violation until such time as that documentation is provided. Therefore, in such circumstances, the burden shall be on the alleged violator to provide evidence of compliance with these regulations.
- B. For development that is not within the scope of the Florida Building Code but that is regulated by these regulations and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.
- C. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a

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violation or unsafe condition, shall be subject to chapter 14, City Code of Ordinances, and any other penalties as prescribed by law.

SECTION 7.02.08 FLOOD RESISTANT DEVELOPMENT

A. Subdivisions

1. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the information required in Section 7.02.04.C.4 of these regulations; and
 - c. Compliance with the site improvement and utilities requirements of Section 7.02.08 of these regulations.

B. Site Improvements, Utilities, and Limitations

1. Minimum requirements. All proposed new development shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 - b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.
2. Minimum requirements sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
3. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
4. Limitations on sites in regulatory floodways. Development, site improvements, and land disturbing activity involving fill or regrading shall not be authorized in the regulatory floodway

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unless the floodway encroachment analysis required in Section 7.02.04.D.1 of these regulations demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

5. Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.
6. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 7.02.04.D.4 of these regulations demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 7.02.08.F.8.c of these regulations.

C. Manufactured Homes

1. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the requirements.
2. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:
 - a. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance the foundation requirements of the Florida Building Code, Residential Section R322.2 and these regulations.
 - b. In floodways, are designed in accordance with ASCE 24.
 - c. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and these regulations.
3. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.
4. Elevation. All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).
5. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas, as applicable to the flood hazard area.

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6. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

D. Recreational Vehicles and Park Trailers

1. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.
2. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 7.02.08.D.1 of these regulations for temporary placement shall meet the requirements of Section 7.02.08.C of these regulations for manufactured homes.

E. Tanks

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. Above-ground tanks not elevated. Above-ground tanks that do not meet the elevation requirements of Section 7.02.08.E.3 of these regulations shall:
 - a. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
 - b. Not be permitted in coastal high hazard areas (Zone V).
3. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - a. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

F. Other Development

1. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:

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- a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Section 7.02.08.B.4 of these regulations if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
 - d. Be constructed of flood damage-resistant materials; and
 - e. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.
2. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.02.08.B.4 of these regulations.
3. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.02.08.B.4 of these regulations.
4. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 7.02.08.B –of these regulations. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 7.02.04 of these regulations.
5. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:
 - a. Structurally independent of the foundation system of the building or structure;
 - b. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
 - c. Have a maximum slab thickness of not more than four inches.
6. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:
 - a. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
 - b. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings and structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood

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conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to adjacent buildings and structures.

c. A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.

d. A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

7. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent elevated buildings and structures. Such other development activities include but are not limited to:

a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

b. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

c. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

8. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

a. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

b. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.

c. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

SECTION 7.02.09 DEFINITIONS

A. General

1. Unless otherwise expressly stated, the following words and terms shall, for the purposes of these floodplain regulations, have the meanings shown in this section.

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2. Where terms are not defined in these floodplain regulations and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

3. Where terms are not defined in these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

B. Definitions

Accessory building. A building of not more than 100 square feet of gross floor area with a cost of not more than \$1,000.00 that is unfinished inside, constructed with flood-resistant materials, and used only for storage.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator interpretation of any provision of these regulations.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Building Official. The officer or other designated authority charged with the administration and enforcement of the Florida Building Code, or a duly authorized representative. [Also defined in FBC, B, Section 1612.2.]

Building permit. An official document or certificate issued by the community which authorizes performance of specific activities that are determined to be compliant with the Florida Building Code.

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action

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from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Declaration of Land Restriction (Nonconversion Agreement). A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in Official Records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated dwellings.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The advancement or infringement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before July 6, 1988 [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

1. The overflow of inland or tidal waters.

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2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of these regulations.

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with these regulations.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

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Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic buildings/structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of map change include:

1. Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
2. Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
3. Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
4. Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

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Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value of the building or structure adjusted to approximate market value by a factor provided by the County Property Appraiser.

New construction. For the purposes of administration of these regulations and the building code, structures for which the "start of construction" commenced on or after July 6, 1988 and includes any subsequent improvements to such structures.

Nonresidential. Any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24. [Also see definition in ASCE 24.]

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Portable building. A structure fully licensed and ready for highway use and must be on wheels at all times, attached to a quick disconnect utility hook-up, and having no permanently attached additions. A quick disconnect utility hook-up means an electrical, water, sewer, gas, or other utility connection which can be disconnected by hand in less than five minutes. Portable buildings as defined herein are exempt from all provisions of Section 7.02. Floodplain Management.

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. The term also includes areas shown on other flood hazard maps, if

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such maps are adopted by the City of Destin or otherwise legally designated. [Also defined in FBC, B Section 1612.2.]

Start of construction. The date of issuance of permits for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 19, 2008. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of these regulations, or the flood load and flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

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SECTION 7.03 MARINA SITING

SECTION 7.03.01 PURPOSE

- A. This Section establishes and regulates standards by which the City controls and regulates development, construction, and activities within and contiguous to the Harbor and waterways of Destin.

SECTION 7.03.02 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with [Article 2](#) of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 - 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 - 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when water circulation is deemed to be impacted negatively by the proposed facilities.
- F. Development classified as Class 3, per [Article 2](#) of this Code, shall be denied if the City Council determines that the proposed development does not meet the criteria outlined in this Section, ~~and further, if the proposed development is averse to the public's interest.~~ Listed below are the criteria for Class 3 Development:
 - 1. Land use compatibility
 - a. The applicant shall demonstrate that the proposed development, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
 - 2. Proper use of mitigative infrastructure
 - a. The applicant shall demonstrate the proposed development and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to surface waters.
 - 3. Hazardous waste
 - a. The proposed development shall not generate hazardous waste or require the use of hazardous materials in its operation without the use of city-approved mitigative techniques designed to prevent any adverse impacts to adjacent surface waters. The development shall include best management principles and practices.
- G. Exemption:
 - 1. Any dock located on a private lake controlled by an active owner's association is exempt from the regulations of ~~this Section~~[Section 7.02 Marina Siting of this Article](#).

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SECTION 7.03.03 COMMERCIAL REGULATIONS

- A. Commercial marine businesses located within the city that rent or operate passenger vessels must provide designated docking facilities, whether privately owned or leased.
- B. All commercial docks shall be designed with at least one (1) sewage pump-out station for public use. Such sewage pump-out stations shall be operable and maintained.
- C. All commercial docks shall be designed with the necessary firefighting facilities, as specified by the City or Destin Fire Control.
- D. All nonresidential, mixed use and multifamily development that borders the Destin Harbor, the East Pass or Choctawhatchee Bay that also build a pier, dock, marina, or other marine development shall also include a water taxi stop by providing a minimum of one loading/unloading area or slip, which shall be reserved for use by a water taxi.
 - 1. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi.
- E. Transient Slips
 - 1. Non-rental transient slips
 - a. If a non-rental transient slip is provided in any marine construction development, then a rental fee cannot be charged for use of the slip.
 - b. No vessel may occupy a non-rental transient slip for more than six (6) hours.
 - 2. Short-term transient slips
 - a. If a short-term transient slip is provided, a rental fee may be charged.
 - b. No vessel may occupy a short-term transient slip for longer than seven (7) days.

SECTION 7.03.04 DIMENSIONAL AND DENSITY LIMITATIONS

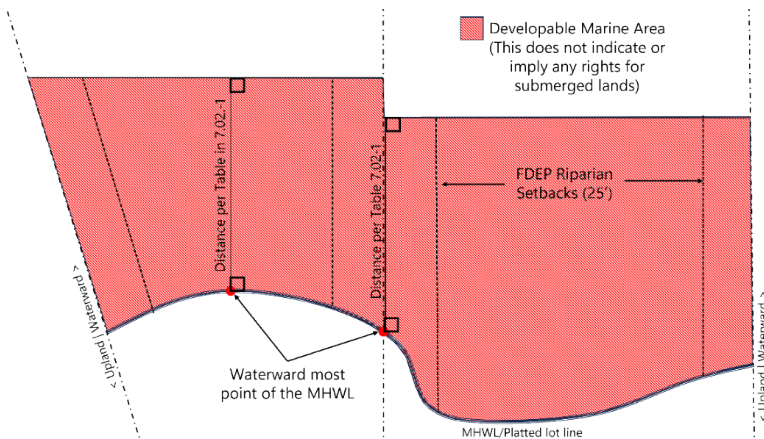
- A. Length
 - 1. The following table includes the maximum dock length allowed for any new dock construction or modifications. For the purposes of this subsection, lots may be combined with neighboring lots, however no dock may exceed the limitations outlined in this ~~Section~~Section.

Table 7.02-1 Dock Length	
Dock Location	Maximum Length Allowed
Any waterfront property not adjacent to Choctawhatchee Bay or zoned South Harbor Mixed Use (SHMU)	The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)	1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property adjacent to Choctawhatchee Bay.	1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.
Waterfront Property with less than 50 feet of waterfront shoreline.	No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section

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2. Measurement of length shall start at the waterward most point of the Mean High-Water Line. See Figure 7.02-1: Dock Length below.
3. From the waterward most point identified per paragraph 2 above, a perpendicular line ~~or perpendicular line~~ to the tangent for a curved MHWL is drawn waterward the distance allowed per the Table 7.02-1 above.
4. At the maximum distance of length allowed ~~above~~ another perpendicular line is drawn from between the identified or implied riparian lines.



- B. No pier shall extend more than six (6) feet into a canal right-of-way.
- C. Density
 1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
 2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
 3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

SECTION 7.03.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE

- A. A Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five percent (25%) of the cost of construction shall be made to the City of Destin by the applicant prior to issuance of a building permit for each construction project authorized by this Article, which is located within the Destin Harbor.
 1. The twenty-five percent (25%) fee applies to the cost of materials and labor only (construction costs).
 2. The NPEB fee shall be assessed on all new marine construction projects or any portion of expansion to existing marine facilities or docks.
 3. The NPEB fee is applicable for all marine construction projects located waterward of the mean high-water line or platted lot line and are proposed along upland properties directly adjacent to the Destin Harbor or any canals that connect to the Destin Harbor.
- B. Maintenance, Repairs, and Replacement

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1. Regular maintenance, repair, or replacement is allowed for decking only and not subject to the NPEB fee.
2. Any replacement of piles or other structural element of the dock or marine facility shall be assessed the NPEB fee as applicable.
- C. Reduction of NPEB Fee
 1. The NPEB fee can be reduced if the marine project uses eco-friendly salt water rated alternative materials for construction or the project utilizes a biological element that provides an ecological benefit proven to offset the impacts of marine based activities.
 2. The NPEB fee shall not be reduced to lower than ten percent (10%) of the cost of construction in any case.
 3. The material used to reduce the NPEB fee shall only be replaced or repaired with the same or similar material that meets the same benefit. If a dock or marine facility that received a reduction of the NPEB fee is replaced or repaired with a material that does not meet the allowance of for a reduction, the full twenty-five percent (25%) NPEB fee shall be assessed based on the original cost of construction.
 4. The following elements may allow for a reduction of the assessed NPEB fee.
 - a. Composite piles and decking which are rated for salt water.
 - i. If the project uses only composite piles the total NPEB fee will be fifteen percent (15%).
 - ii. If the project uses only composite decking the total NPEB fee will be fifteen percent (15%).
 - iii. If the project uses composite materials for the whole project the total NPEB will be ten percent (10%).
 - b. Greenheart wood, or similar hardwood
 - i. If the project uses only Greenheart piles the total NPEB fee will be twenty percent (20%).
 - ii. If the project uses only Greenheart decking the total NPEB fee will be twenty percent (20%).
 - iii. If the project uses Greenheart wood for the whole project the total NPEB will be fifteen percent (15%).
 - c. An alternative construction material that evidence is submitted meets the same intent as composite or greenheart wood and approved by the City Manager or designee.
 - i. The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:
 - (a) The specific environmental benefit the alternative provides, and
 - (b) A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.
 5. Biological elements such as living shorelines or non-commercial oyster aquaculture or gardening may be granted a reduction on the NPEB fee.
 - a. The applicant is responsible for providing a report or letter from a licensed marine expert detailing the following:
 - i. The specific environmental benefit the alternative provides, and

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- ii. A recommendation of the NPEB fee reduction amount, not to be lower than ten percent (10%) of the cost of construction.

D. Exemptions

- 1. The following marine construction activities are exempt from the NPEB fee:
 - a. Boat lifts (new piles will be assessed the NPEB fee)
 - b. Seawall upland of the mean high-water line or platted lot line
 - c. Upland slips or cuts
 - a-d. Board for board decking maintenance, repair, or replacement

SECTION 7.04 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 7.04.01 PURPOSE

- A. ~~The Florida Department of State, Division of Historic Resources has identified six sites within Destin of historic significance. Such s~~The protection and preservation of sites have been identified and documented as being significant either in American or local history, architecture, archaeology, engineering, or culture by the Florida Department of State, Division of Historic Resources or by the City of Destin is essential. They reflect the prehistoric occupation and historical development of the nation, state, and local community. ~~Their protection and preservation, therefore, is essential.~~

SECTION 7.04.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

- A. Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.
 - 1. Historic structures shall be exempt from the provisions of the Florida Building Code if any modification, repair, or restoration activity would jeopardize their historical integrity.
 - 2. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.
 - 3. A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.
 - 4. For any proposed development activity on a historic site previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include an archeological and historic review summary, provided by the applicant. Such review summary shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.
 - 5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.
 - a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.

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6. The City shall prepare reports describing any developments that ~~discovered~~have discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.
7. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, see [Article 4](#).

SECTION 7.05 ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.05.01 PURPOSE

- A. The purpose of this Section is to provide for the health, safety, and general welfare of the citizens of Destin through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- B. This Section also establishes minimum standards and methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) to ensure compliance with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

SECTION 7.05.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

- A. Illicit discharge
 1. Aside from stormwater, no substances, materials, or effluent (chemical or physical) shall be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses.
 2. If a discharge is found, the City reserves the right to enforce this Section.
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this Section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.
- C. Suspension of access to a municipal storm sewer system.
 1. The City may suspend access to the MS4 if any of the following situations occur:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The City, without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
 - ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
 - b. Suspension due to the detection of illicit discharge.

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- i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
 - c. Industrial or construction activity discharges.
 - i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
- 1. Direct or indirect non-stormwater contaminant or wastewater shall not leave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 - 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding environment or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 - 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.
- E. Industrial or construction activity discharges.
- 1. Any person subject to an industrial or construction activity NPDES stormwater discharge permit, shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Destin prior to allowing discharges to the MS4.
 - 2. Use of Best Management Practices (BMPs)
 - a. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other waste into the MS4 or watercourses through the use of these structural and nonstructural BMPs.
 - b. Any person responsible for a property or premises, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants into the MS4.
 - c. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
 - d. The identified BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 7.05.03 EXEMPTIONS

- A. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
- 1. Water line flushing or other potable water sources,
 - 2. Landscape irrigation or lawn watering,
 - 3. Diverted stream flows,
 - 4. Rising ground water,

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5. Ground water infiltration to storm drains,
 6. Uncontaminated pumped ground water,
 7. Foundation or footing drains (not including active groundwater dewatering systems),
 8. Crawl space pumps,
 9. Air conditioning condensation,
 10. Springs,
 11. Non-commercial washing of vehicles,
 12. Natural riparian habitat or wet-land flows,
 13. Swimming pools (if dechlorinated less than one part per million chlorine),
 14. Firefighting activities,
 15. Other water source not containing pollutants,
 16. Discharges specified in writing by the City as being necessary to protect public health and safety, or
 17. Dye testing, given a written notification is provided to the City at least 48 hours prior to the time of the test.
- B. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA).
1. The permitted discharger shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Such written approval shall be maintained on site.

SECTION 7.05.04 DISCHARGE MONITORING

- A. The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
1. The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section. If a discharger has security measure in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.
 2. Facility operators shall allow the City access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 3. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 4. The City shall have the right to monitor any permitted facility with devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.
 5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Commented [DK13]: Suggest omitting or rephrasing this. Dechlorination occurs from UV exposure (which will not happen if piped directly into a drain). This also does not account for alternative pool sanitation methods such as copper or salt.

Commented [SO14R13]: @Dinah Kertz get with @Robert Tomasek to discuss removing this.

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6. Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this section. An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the City reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.
7. If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 7.06 ALTERNATIVE ENERGY DEVELOPMENT

SECTION 7.06.01 PURPOSE AND INTENT

- A. The purpose and intent of this section is to allow opportunities for certain alternative forms of energy generation with the installation and operation of small-scale alternative energy generating systems.
- B. This section intends to protect and promote public health, safety, community welfare and the aesthetic quality of the City while promoting and encouraging the use of small-scale alternative energy generating systems due to their positive environmental impact, cost savings, and sustainability benefits.

SECTION 7.06.02 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this Section shall apply to the following accessory uses as they are defined in Article 11 of this Code:
 1. Energy Conversion Systems, Small-scale Solar.
 2. Energy Conversion Systems, Small-scale Wind.
- B. General Provisions
 1. Small-scale solar and wind energy conversion systems shall be deemed, and are hereby declared to be, an accessory use allowed in all zoning districts, provided they comply with the standards set forth in Section 7.05.03 below.
 2. Approval of a small-scale solar or wind energy conversion system shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply any easement or right of access to wind or sunlight. The City of Destin expressly declares that it shall not be a party to any effort, negotiation or acquisition of any such access or right to wind and sunlight.
 3. The allowance of small-scale solar or wind energy conversion systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, covenants, or other restrictions that may apply to a premise.
 4. It shall be unlawful for a person to operate a small-scale solar or wind energy conversion system that does not conform to all provisions of the Land Development Code and conditions of approval of the City of Destin building permit.

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SECTION 7.06.03 STANDARDS FOR REVIEW AND REGULATION

- A. A building permit shall be required prior to the commencement of construction of a small-scale solar or wind energy conversion system.
- B. Small-scale solar and wind energy conversion systems shall comply with all building and construction codes and all other governmental regulations as amended.
- C. No portion of a small-scale solar and wind energy conversion systems shall be located between the principle building and front property line, along any street frontage, or within any required setback area.
- D. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- E. If a ground mounted small-scale solar or wind energy conversion system is removed, any earth disturbances as a result of the removal shall be returned to natural grade and provided with appropriate ground cover.
- F. A small-scale solar and wind energy conversion systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the system provided they comply with Land Development Code sign regulations.
- G. The following standards apply only to small-scale solar energy conversion systems and are in addition to those listed directly above in A through F.
 - 1. Ground mounted small-scale solar energy conversion systems may not encroach into any setback area when oriented at maximum design tilt.
 - 2. In addition to the building setback, the collector surface and mounting devices for roof-mounted small-scale solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - 3. Small-scale solar energy conversion systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - 4. Building, roof, pole or ground mounted small-scale solar energy conversion systems shall not exceed the height maximum allowed in the zoning district in which it is located.
 - 5. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 - 6. All on-site utility and transmission lines shall be placed underground.
- H. The following standards apply only to small-scale wind energy conversion systems and are in addition to those listed directly above in A through F.
 - 1. There shall be no more than one small-scale wind energy conversion system per property, and it shall be located on the same property as the principle building.
 - 2. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet will be required to obtain a determination from the Federal Aviation Administration of "No Hazard to Aviation" status.
 - 3. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet shall submit such application to the Eglin Air Force Base installation commander or his or her designee, and no determination of the application shall

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be made sooner than 30 days after receipt of such submittal by the Air Force. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.

4. The small-scale wind energy conversion system shall have a rated capacity not to exceed ten kilowatts (KW).
5. Small-scale wind energy conversion systems shall be located a minimum distance of 20 feet from all property lines of the property upon which the small-scale wind energy conversion system is located. A small-scale wind energy conversion system may not be located in a dedicated easement or right-of-way.
6. Small-scale wind energy conversion system shall comply, at all times, with the maximum allowable noise levels set forth in the City of Destin Code of Ordinances.
7. Colors of all external surfaces of the small-scale wind energy conversion system must uniformly be matte grey or other neutral colors which best blend the small-scale wind energy conversion system into its surroundings.
8. The small-scale wind energy conversion system shall be equipped with an automatic braking, governing, or feathering system to assure that over-rotation cannot occur.
9. The small-scale wind energy conversion system shall be equipped with a manual override system to allow shutdown in case of an emergency.
10. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
11. All on-site utility and transmission lines shall be placed underground.
12. A building mounted small-scale wind energy conversion system shall be permanently attached to a permitted principle or accessory building on the property.
13. When a building mounted small-scale wind energy conversion system is attached to the wall, gable or eave of a building, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished.
14. The tower upon which the small-scale wind energy conversion system is attached shall be a self-supporting monopole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis the City Manager or designee may approve other types of towers based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided the tower plans are designed, signed, sealed and dated by a licensed professional engineer registered in the State of Florida.
15. The maximum total height of a building mounted small-scale wind energy conversion system which is attached directly to the roof of a building shall be ten feet above the highest point of the roof upon which the small-scale wind energy conversion system is attached. The maximum total height of a small-scale wind energy system which is attached to a building in any manner other than directly to the roof shall be ten feet (10') above the highest point of the roof to which it is most closely located. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of the Eglin Air Force Base Joint Land Use Study.

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16. The maximum total height of any freestanding small-scale wind energy conversion system shall be thirty-five feet (35') above the adjacent natural grade.
17. The distance between the bottom of rotor blades, at their lowest point of arc, to grade shall be a minimum of fifteen feet (15').
18. No permanently attached mechanism for access to or onto the tower, which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within 12 feet of the grade directly below.
19. Appropriate warning signage shall be placed on both the small-scale wind energy conversion system and tower in accordance with the manufacturer's recommendations.
20. The horizontal distance between the tower and all overhead public utility lines shall be 25 percent greater than the total height of the small-scale wind energy conversion system.
21. All small-scale wind energy conversion systems shall be maintained in good working order according to manufacturer recommendations. A small-scale wind energy conversion system shall be deemed to be abandoned if the use has been discontinued for a period of 180 consecutive days. Upon such abandonment, the owner of the small-scale wind energy conversion system shall have an additional ninety (90) days within which to reactivate the use of the small-scale wind energy conversion system or dismantle and remove the tower and wind generator.

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
OCTOBER 28, 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 John Stephens

Councilmember Dewey Destin
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

Interim City Manager Larry Jones
Projects/Grants/Contract Manager Jeffrey Cozadd
Senior Planner Daniel Butler
Planner Jesse Hernandez
Special Projects Counsel Kyle Bauman

City Clerk Rey Bailey
Principal Planner Steve O'Connor
Planner Sherry Burney
Planner Ashley Dominguez

PUBLIC COMMENTS: None

WORKSHOP

A. Draft Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

Principal Planner Steve O'Connor introduced the focus of the new article, which consolidates and restructures existing environmental regulations, particularly those from the current Article 11 related to beach and resource management. The updated article, renamed "Resource Conservation, Protection, Resiliency, and Sustainability," integrates sections on sustainability and resiliency scattered throughout the current code to streamline and clarify these issues in a single location.

Mr. O'Connor emphasized the town's reliance on its natural environment, asserting that the community's identity and existence depend heavily on preserving its natural beauty and resources. Due to this significance, considerable effort was devoted by staff to ensure the article reflects both community needs and modern regulatory practices. Staff sought to address longstanding confusion over existing regulations, incorporating updated policy guidance and best practices to offer clarity.

Mr. O'Connor then introduced the Senior Planner Daniel Butler noting that Mr. Butler and a former city employee Rachel Hoag, were instrumental in drafting the new article. Both

have educational and professional backgrounds in environmental fields—Mr. Butler in fishery management and Ms. Hoag in sustainability—which formed the basis for this critical regulatory framework.

Senior Planner Daniel Butler gave the following presentation:

Language

- **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:

- **Significant deviation from the current LDC format**
- **An easier to read and better flowing document**
- **Reduced multi-sentence run-on paragraphs**
- **The sections are bookmarked and hyperlinked**
- **Chart with graphic used rather than paragraphs for max. dock lengths**

Mr. Butler provided an overview of Article 7, focusing on resource conservation, protection, resiliency, and sustainability. He noted that the new article consolidates much of the material from Article 11 of the existing Land Development Code (LDC), along with specific portions of Article 7, particularly regarding alternative energy generation. He stated that the current LDC structure has proven cumbersome for staff, contractors, and citizens alike due to its complex language and format.

The revision aims to streamline and simplify this language, making the content clearer and more accessible. They have reduced the legalistic language to make it easier for all users to read, understand, and implement in their everyday practice. He emphasized that the updated format departs significantly from the existing LDC’s dense paragraphs and lengthy sentences. Instead, the revised version presents information in lists and concise, user-friendly formats.

One key improvement is the inclusion of a graphic-based chart for determining allowable dock lengths, which replaces a series of text-heavy descriptions. He explained that current regulations for marina siting, for example, are scattered across sentences and cross-referenced footnotes, making them difficult to follow. The new chart allows users to quickly locate their property’s zoning designation—such as Upland Zone, South Harbor Mixed Use, or Choctawhatchee Bay—then refer directly to the chart to identify the permitted dock length for that specific area. The update to Article 7 reflects a concerted effort to make the LDC more navigable and functional for all users.

Organization and Consolidation:

- **Section 7.01**
 - ❖ **Bay Shoreline Protection Zone – 11.01.10**
 - ❖ **Gulf Shoreline Protection Zone – 11.01.01, 11.03.01**

- ❖ White Sand Protection Zone – 11.07.00
- ❖ Environmentally Sensitive Areas – 11.01.03, 11.01.04, 11.01.06, 11.01.07, 11.01.09, 11.03.02
- ❖ Significant Environments and Wildlife Protection – 7.17.04
- Section 7.02
 - ❖ Marina Siting – 11.05.00
- Section 7.03
 - ❖ Archeological and Historical Resource Protection – 7.05.00
- Section 7.04
 - ❖ Illicit Discharge Detection and Elimination – 11.09.00
- Section 7.05
 - ❖ Alternative Energy Development – 7.20.00

Mr. Butler highlighted that the ordinances related to shoreline protection, Gulf shoreline preservation, and white sand areas are now consolidated in a single section, whereas previously they were dispersed throughout Article 11. He also noted that upcoming code sections will cover Marina Siting, including the recently debated Net Positive Environmental Benefit (NPEB) fee, a prominent topic for discussion in the city.

Public Workshops and LPA Meetings

- Staff conducted multiple public meetings discussing Article 7 and specific topics pertaining to Article 7
 - ❖ March 7, 2024 – LPA Meeting (NPEB)
 - ❖ March 28, 2024 – HWB (NPEB)
 - ❖ April 11, 2024 – LPA Meeting
 - ❖ May 16, 2024 – LPA Meeting (NPEB)
 - ❖ June 6, 2024 – LPA Meeting (NPEB)
 - ❖ July 18, 2024 – LPA Meeting
 - ❖ August 8, 2024 – LPA Meeting
- *Net Positive Environmental Benefit (NPEB): Section 7.02.05.*
 Staff has discussed the NPEB fee and how it should be collected with the HWB and LPA at multiple regularly scheduled meetings. At the April 25, 2024 HWB meeting, the HWB recommended altering the method of NPEB collection, with the LPA recommending a separate method of NPEB collection at the July 18, 2024 LPA meeting.
 - ❖ **HWB Recommendation:** *Chairman Green recommend to the City Council that the current NPEB fee be maintained and the liability of the funds for the NPEB not covered, come from the General Fund with Board member Jones providing the second. After additional discussion regarding the 25%, 10 % & 7% that Council did not approve of, Chairman Green amended his motion to Modify the existing fee structure so that tier one is 10%, tier two at 10% for the canals and commercial is tier three of 25% and anything that is not covered by that, the city would make up the difference from the General Fund for the cost of maintaining the harbor. The motion passed with a unanimous vote of 5-0.*

- ❖ **LPA Recommendation:** *Motion by Agency member Buhr to have a structure set up for nonresidential (430 docks) are charged \$100.00 per year (per slip), residential both multifamily and single family are charged \$50.00 per year (per slip), additionally he recommends two exemptions, one a homestead exemption that allows for 75% as well as an exemption for owners that have previously paid into the NPEB fee, however, it would be on the owner to provide staff with proof of payment towards their NPEB fee with documentation for the following:*
 - *Paid NPEB in 2024 - 10-year exemption per slip*
 - *Paid in 2023 – 9-year exemption*
 - *Paid in 2022 – 8-year exemption*
 - *Paid in 2021 – 7-year exemption*
 - *Paid in 2020 – 6-year exemption*
 - *Paid in 2019 – 5-year exemption*
 - *Paid in 2018 – 4-year exemption*
 - *Paid in 2017 – 3-year exemption*
 - *Paid in 2016 – 2-year exemption*
 - *Paid in 2015 – 1-year exemption*
- ❖ *Agency member Bell provided the second. In discussion, Agency member Buhr, he feels this would be an easy way for staff to regulate and enforce by working with the County and provide fund solvency.*
- ❖ *Agency member Bell questioned how the other impacts regarding the usage of the harbor, that are not generated by any of these slips, factor in the equation. According to Agency member Buhr, that is a great question, however, it is currently not written into the current regs for collection towards the fund. Adding that is on Council to make those changes. The motion passed 5-0.*

DISCUSSION:

Subsequent discussions focused on recommendations from the Harbor and Waterways Board and the Local Planning Agency (LPA) regarding the net positive environmental benefit (NPEB) fee structure for dock and marina projects within the city's harbor. The goal was to determine the preferred direction regarding fee structures to support harbor maintenance, environmental protections, and infrastructure. Senior Planner Daniel Butler presented the topic, explaining that the Harbor and Waterways Board proposed an NPEB fee structure based on a percentage of construction costs: 10% for small, self-certifiable residential projects (Tier 1), 10% for residential docks with 10 or more slips (Tier 2), and 25% for commercial marinas (Tier 3). Currently, the city charges a flat 25% fee on all applicable construction projects. The alternative LPA recommendation bases the fee on slip count, with a \$100 annual fee per slip and a 75% reduction for homesteaded slips. This slip-count structure could provide more stable revenue since it charges existing slips, not just new construction projects, which can vary from year to year.

Councilmember Schmidt questioned if there could be an environmental component to the fee, proposing potential reductions for high-quality, environmentally friendly materials that reduce contamination. He also suggested that dock owners could engage in environmental rehabilitation projects, like oyster reefs, which might qualify them for a fee reduction.

Councilmember Stephens stated that adding that fee variations could account for different vessel types and impacts, with higher fees for larger, commercial, or environmentally taxing boats, while recreational vessels might incur a lower fee.

Councilmember Hebert supported this view, emphasizing the need to distinguish fees for commercial versus residential slips, citing environmental concerns, especially from commercial activities like boat painting and maintenance in the harbor.

Mayor Wagner suggested further legal review of the proposed fee structures, given the complexities raised and the need to ensure all methods comply with city regulations.

Councilmember Bagby expressed concern over the stability of revenue under the existing construction-cost model, as it fluctuates depending on new projects. He supported the LPA's slip-count model for consistent funding. However, he asked for a thorough review by the city's legal team to ensure that both fee structures align with legal standards.

Principal Planner Steve O'Connor confirmed that the LPA model would increase revenue consistency, with an estimated \$43,000 annual intake from the proposed \$100-per-slip fee. In contrast, the Harbor and Waterways Board's tiered model would generate less due to the lower percentages proposed.

Councilmember Bagby requested a five-year comparative revenue analysis to evaluate the potential income under both fee structures, comparing historical data to estimate future stability. Staff confirmed that the average annual revenue since 2006 is around \$24,000, with occasional peaks when large marinas are renovated or constructed.

Councilmember Destin supported maintaining the construction-cost-based fee, proposing instead to increase the fee percentage if more revenue is needed. He argued this approach aligns more closely with environmental impact by incentivizing better materials and environmentally friendly construction methods.

There was a suggestion for a hybrid of the LPA's slip-count approach and the Harbor Board's construction-cost model, advocating for a tiered fee based on vessel size and usage. It was noted that the environmental impact of vessels varies, with larger vessels and commercial activities posing a greater risk than smaller, recreational boats.

Councilmember Bagby expressed concern about reliance on self-reported construction costs, as this could lead to underreporting. He proposed that the city retain the right to review contractors' cost estimates for accuracy but acknowledged that it might be invasive.

Councilmember Geile noted from his professional experience that municipalities struggle to enforce accurate reporting on contractor proposals, a significant challenge in managing fee assessments tied to construction costs.

The council discussed applying fee reductions for homesteaded properties, potentially reducing financial burdens for residents. Homestead properties would pay a reduced rate under the LPA model, while commercial and non-homesteaded properties would contribute more significantly.

Councilmember Destin supported a simpler percentage-based approach, tied to new construction and repair projects, that avoids complicating fee structures. He proposed increasing the percentage to ensure sufficient funds rather than adding more complexity. He also highlighted the importance of providing credits for environmentally friendly construction materials, like composite pilings, which help reduce environmental impact.

The council concluded by asking staff to conduct a five-year financial analysis comparing revenue under both models and to verify the legal standing of each approach. Additionally, they requested further consideration of environmental impact factors, particularly fees that correlate to slip size, vessel type, and material choice in construction projects. Staff will bring back the requested information and recommendations for Council review and decision-making.

❖ ***Dock Length:*** The current measurement of dock length has previously caused some confusion, as there is a maximum limit on docks in the Harbor to two-hundred feet (200'). This is generally measured much like a buffer is measured from the mean high-water line (MHWL) waterward to the maximum allowable length up to 200'.

- ***HWB & LPA Recommendation:*** *Measurement of dock length shall start at the waterward most point of the Mean-High Water Line (MHWL). From the waterward point, a perpendicular line (or perpendicular line to the tangent for a curved MHWL) is drawn the distance allowed waterward. At the maximum length allowed, another perpendicular line (parallel to the MHWL) is drawn between the identified or implied riparian lines. This area depicts the developable marine area (please see graphic in Staff Report for reference). There was no support to include shuttle parking reduction from the discussion at the April 11 meeting. Staff will not include any parking reduction provisions for shuttle parking.*

DISCUSSION

The discussion addressed updates to the regulations regarding dock lengths within various city waterways, specifically focusing on a proposal to simplify the measurement methodology. Currently, dock length requirements vary based on the property's location, whether on a harbor, bay, or bayou, with maximum allowable lengths stated directly in the LDC. The proposed change involves presenting these guidelines in a chart format, making them easier to interpret based on the property's specific location. Additionally, a new graphical illustration, included in meeting packets, was reviewed. This graphic was previously endorsed by both the Harbor Waterways Board and the LPA for its clarity and transparency.

The updated measurement methodology simplifies determining allowable dock length by establishing a defined "developable area" using clear spatial guidelines. Under this approach, property owners would identify the waterward-most point of their property, measure a perpendicular line outward to the maximum allowable dock length (e.g., 200 feet), and then draw a parallel line back to the shore, creating a "box" that marks the dock's permissible construction zone. This method, staff explained, helps avoid potential misinterpretations that could arise from varying property layouts, as seen in previous marina projects.

Staff expressed that this format is more transparent and easier to communicate to residents. The council was invited to provide feedback, raise concerns, or suggest alternative methods.

Councilmember Destin raised questions regarding the rationale behind dock length restrictions on bayfront properties in Destin, contrasting it with the harbor area where a shoreline limits encroachment. He noted that in the harbor, dock lengths were based on a formal study to maintain navigational safety due to the proximity of the shore, but no similar study had been conducted for bayfront properties where shoreline is further away, often miles distant.

Mr. Butler responded by explaining that, according to current code, dock lengths in bay areas are restricted to 1.5 times the lot width at the mean water line or 200 feet, whichever is shorter. However, he confirmed that to his knowledge, no study had been conducted to justify these particular restrictions in bay areas. He clarified that while no changes to these dock length restrictions were proposed, if an applicant needs a longer dock to reach sufficient water depth, they could seek a variance from the Board of Adjustment (BOA) to address site-specific environmental conditions.

Principal Planner Steve O'Connor acknowledged that the current bayfront dock length limitations were set in the city code without an accompanying study or clear justification. He added that the city limits extend only to the mean high-water line on Choctawhatchee Bay, further complicating the enforcement of these regulations. He concurred with Councilmember Destin's assessment that the dock length limits appear arbitrary, acknowledging they were likely adopted without a defined basis but stated there was no current plan to modify them.

- ❖ ***Comprehensive Plan Policy 6-1.11.3: Consider Scenic Views in Site Plans:*** Current policy in the Comprehensive Plan requires any waterfront development to include design measures that provide, enhance, and preserve scenic views of the water for the general public from public rights-of-way. Currently, there are no LDC requirements that would implement this policy. Staff discussed potential requirements or incentives with the LPA at both the July 18, 2024 and the August 8, 2024 meetings, with the below recommendation.

- **LPA Recommendation:** The LPA recommended that any proposed waterfront non-residential or multi-family development (or redevelopment) that provides a perpetual public access easement or dedication to the public from the public right-of-way to the Waterfront may reduce the required open space by 15 percent (15%), provided the Perpetual Public Access Easement or the plot of dedication to the public shall be a minimum of five foot wide (5'), and the development shall dedicate at least four (4) vehicle parking spaces for the public to use as parking, while meeting ADA parking standards.
- ***Motion by Agency member Bell, seconded by Agency member Purut to recommend approval to the City Council of the Draft Article 7 - Resource Conservation and Protection, as presented and discussed. The motion passed unanimous vote of 5-0.***

DISCUSSION:

City staff presented a proposed LDC amendment to implement Policy 6-1.11.3 from the city's comprehensive plan, which focuses on preserving scenic views in waterfront development. Senior Planner Daniel Butler outlined that currently, the comprehensive plan mandates design measures to enhance public scenic views of waterfront areas, but this has not yet been enacted in the LDC. The proposed amendment would require any non-residential or multifamily waterfront development or redevelopment to establish a minimum 5-foot-wide, perpetual public access easement from a public right-of-way to the waterfront. In exchange, developers would be allowed a 15% reduction in required open space if they provide this easement, along with four public parking spaces near the access point. The previously reviewed this proposal and gave it unanimous approval.

Councilmember Destin raised questions about the practical design of the easement, emphasizing its role as a public corridor that would also maintain scenic views. He likened it to a "view corridor" rather than solely a pathway to the beach, suggesting it should prevent the appearance of a continuous wall of buildings and instead provide gaps for scenery. Destin further inquired if the easement could be designed as a "meandering" path, which, though narrow, could still offer a clear line from the roadway to the waterfront.

Councilmember Bagby emphasized that while the 15% open space reduction might incentivize developers to provide public access, he preferred to cap the reduction at 15%. He shared concerns from prior experiences, where developers, even when required to provide view corridors, often landscaped these areas heavily, thereby limiting actual scenic views with dense vegetation. He pointed out that these concerns would need to be considered in the final language to avoid unintended outcomes.

Principal Planner Steve O'Connor provided additional context, clarifying the policy's application specifically to non-residential and multifamily development, which would primarily affect properties along the Gulf and, potentially, certain areas along Holiday Isle. He explained that the city's open space requirements, typically 25-30%, are fairly lenient as they include any area not occupied by buildings or vehicle use, such as pools and decks.

The council agreed that further internal discussion was needed to refine the proposal, with an emphasis on ensuring scenic views while allowing practical public access to waterfront areas.

❖ ***Definition of 'Beach'***

❖ ***Current Definition (Wheeled Vehicle – LDC Section 11.08.02.C.2)***

- The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. Also, the definition of beach includes: (1) any undeveloped property wherein a federal spoils easement exists for the placement of fill from a dredging operation; (2) any undeveloped sandy areas, including sea oats, within a 1,000-foot radius of the Army Corp of Engineers jetty located on the eastern shore of the East Pass; (3) any sandy areas, including sea oats, seaward of any home or condominium building, located between the Army Corp

of Engineers jetty located on the eastern shore of the East Pass, and the entrance of the Destin Harbor; or (4) any undeveloped sandy areas, including sea oats, located on Norriego Point, including the City park, and any sandy areas within 1,000 feet of the park and on Norriego Point.

❖ ***Proposed Rewritten Definition (also in Glossary currently)***

- The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to Gulf, ***East Pass***, and estuarine shorelines.

DISCUSSIONS:

The Senior Planner presented on the city's efforts to redefine "beach" within the LDC, specifically for clarity and enforcement. He highlighted two current definitions: one found in the "wheel vehicle vendors" section and a second, simpler definition in the glossary, which is proposed for the LDC rewrite. Both definitions contain complexities that make enforcement challenging, particularly with phrases like "physiographic form" and "line of permanent vegetation," which lack clear boundaries. To streamline this, he suggested using the state-established Coastal Construction Control Line (CCCL) as a simple, consistent demarcation of beach areas. This change would help enforce restrictions more effectively.

Councilmember Schmidt supported this simplified approach, advocating for an unambiguous definition. He emphasized that if an area is sandy and undeveloped, it should be classified as "beach" to avoid loopholes.

Councilmember Hebert agreed, stating that a clearer, "dumbed-down" version would prevent ambiguity. She suggested labeling all sandy, undeveloped areas as beach to simplify public understanding and staff enforcement.

Mayor Wagner also supported the CCCL proposal, acknowledging the importance of using a reliable, survey-based boundary that could be referenced citywide. He pointed out that using a defined line would reduce code enforcement complications.

The council discussed implementing a beach bonfire program similar to Walton County's, which generates revenue while allowing controlled, permitted beach bonfires.

Councilmember Schmidt expressed strong support, noting its potential for revenue and enhanced beach experiences. He shared his positive experiences with similar programs in other counties and suggested the city adopt a similar, well-regulated model.

Councilmember Bagby expressed caution, noting potential enforcement issues, such as unauthorized operators and the need for code enforcement to manage compliance, especially during events like weddings. He recommended a structured and enforceable framework to avoid conflicts and negative interactions.

Next, the council addressed concerns about remaining septic systems and the impact of seawalls versus living shorelines.

Councilmember Bagby highlighted the urgency of phasing out septic tanks to protect the Choctawhatchee Bay. He urged the city to enforce the one-year state requirement for connecting to the municipal sewer system where it's available. He asked for this issue to be formally addressed after the newly seated council is sworn-in suggesting potential state or federal grants as support.

Principal Planner Steve O'Connor confirmed that Destin Water Users has data on properties not connected to the sewer system and noted that past city actions were more lenient due to the financial burden on residents. He supported a clearer, enforceable timeline for conversions while considering assistance options for those with financial hardships.

Councilmember Stephens added that the city could pursue grants to offset costs for residents required to convert from septic systems. He suggested that the council looks into ways to make the process affordable for low-income residents.

On living shorelines, Councilmember Schmidt advocated for incentives over seawalls, as living shorelines offer a more sustainable solution for erosion control. He proposed a streamlined permitting process and potential incentives for residential properties willing to adopt this option, noting that seawalls often exacerbate shoreline erosion.

The council addressed concerns regarding marina signage and dock permitting, specifically related to consistency with Army Corps of Engineers and state guidelines.

Councilmember Stephens raised the issue of discrepancies between city and state dock plans, which have previously led to complications.

Mr. O'Connor clarified that recent policies have resolved these issues, requiring applicants to submit the same dock plans to both the city and state agencies to ensure alignment.

PUBLIC COMMENTS:

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:55 PM.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

City of Destin LDC Rewrite Approval Timeline

