

**LOCAL PLANNING AGENCY MEETING MINUTES
DECEMBER 4, 2025 - 5:30 P.M.
DESTIN CITY HALL ANNEX CHAMBERS**

1. CALL TO ORDER & PLEDGE OF ALLEGIENCE:

Chairman Wood called the Local Planning Agency meeting to order on Thursday, December 4, 2025, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

| <u>Members Present</u> | <u>Members Absent</u> | <u>Staff Members Present</u> |
|------------------------|-----------------------|-----------------------------------|
| James T. Wood, Jr. | Tammy Weidenhamer | Kim Montgomery Deputy City Clerk |
| Todd Buhr | | Steve O'Connor Deputy CD Director |
| Jay Purut | | Jesse Hernandez Senior Planner |
| Marcie Bell | | Sherry Burney Planner |
| Ken Wampler | | David Prichard, CD Director |
| Bree Uptigrove | | Kim Kopp City Attorney |

3. AGENDA APPROVAL:

Motion by Agency member Wampler, seconded by Agency member Bell, to approve the agenda passed unanimously, 6-0.

4. APPROVAL OF MINUTES: October 6, 2025

Agency member Buhr stated for the record that the minutes were not a part of the packet they received via email from staff.

Motion to approve the minutes of the October 6, 2025 meeting as written was made by Agency member Bell, with Agency member Wampler providing the second. The motion passed 5-1, with Agency member Buhr casting the dissenting vote.

5. CURRENT BUSINESS:

A. Proposed Ordinance 25-26-LC Land Development Code Article 3 – Nonconformities

ORDINANCE NO. 25-26-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING SECTION 7.13.00. "NONCONFORMING USES AND STRUCTURES" AND SECTION 16.08.00. "NONCONFORMING SIGNS", OF THE LAND DEVELOPMENT CODE AND

CREATING A NEW ARTICLE 3 “NONCONFORMITIES”; 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 3.04.03 – Repairs and Maintenance (formerly 9-4B, Section 308)

Mr. o’Connor reminded the board that on November 6, 2025 meeting there was a lengthy discussion about Section 308 of the LDC, focused on repairs and maintenance of nonconforming structures. Additionally, based on the LPA’s recommendations, staff initially proposed changes but upon post-meeting review, reorganized and restructured the section for better clarity.

Additionally, after that meeting, staff came up with Section 308, ‘Repairs and Maintenance,’ and moved it to section 3.04.03, under ‘Nonconforming Structures, with the following changes:

- 25% Threshold Removed: Staff acknowledged that the 25% threshold (which previously triggered required conformance) was ambiguous and caused confusion.
- Exception for Single-Family/Duplex Dwellings Removed: The removal promotes consistency in treatment of structure types.
- Permit Language Removed: Clarified the City’s intent to regulate land use, not enforce building permit requirements related to Florida Building Code.

There was a question regarding the distinction between primary and accessory structures and why repair limits were stricter for the latter. According to staff, primary structures can be repaired structurally, but accessory structures can only have non-structural elements fixed. The reasoning being, that the intention was to allow livable spaces such as ADUs/guest houses to be maintained, but limit maintenance of non-livable accessory structures, such as sheds, to prevent prolonging outdated or unsafe uses.

Agency member Buhr raised the concern that eliminating the 25% threshold could lead to property owners circumventing compliance by disguising large-scale redevelopment as "repairs." Pointing out that if someone spends \$400,000 to repair a \$500,000 home, they’re essentially rebuilding it but avoiding conformance.

Mr. o’Connor acknowledged the concern and proposed creating a clear definition of “destroyed” to be tied to cost or structural loss.

After much debate, the members agreed to defining "destroyed" to include both voluntary and involuntary destruction, e.g., hurricanes, fire, or deliberate demolition. Additionally, the

members agreed that “Destruction” should mean by any means, if it’s more than 50%, they should be required to conform, and to add all terms in the code, e.g. demolished, modified, removed, etc. The members also agreed to replacing “more than 50%” with “50% or more” to remove any ambiguity about the threshold.

There was additional discussion about how replacement cost is calculated. The members agreed that replacement cost should be tied to the structure, not land by using the property appraiser’s building value.

Staff agreed and proposed adding this as a definition in Article 11, so it can be applied across the LDC consistently.

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

Motion by Agency Member Buhr, seconded by Agency member Bell for the Local Planning Agency to recommend approval of Ordinance 25-26-LC to the City Council, with the changes or additions discussed for the definition of destroyed, demolished, modified, the 50% language, and replacement cost definition. The motion passed with a 6-0 vote.

B. Proposed Ordinance 25-24-LC Land Development Code Article 2 – Administration

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.

❖ **Article 2 – Revisions to General LDC Sections**

➤ **Summary of Changes by Staff**

Staff reviewed five updates made in response to the previous meeting discussions:

- Minimum acreage for PUDs set to 5 acres citywide.
- Improved notification language in public hearings.
- Formatting fixes.
- Updated language around LPA references throughout.
- Added provisions for sureties and guarantees.

On Page 47, a sentence in Section 2.10.01(B)(3) was flagged as being unclear.

The language states that if the City Council determines whether the proposed use and the word “*whether*” should be removed. Staff and other board members agreed, and the change was approved.

- **Military Representation (Ex Officio)**

Agency member Buhr spoke of how in the current LDC language it speaks of requiring an ex officio military member on the LPA, though no such representative has attended in recent memory.

According to Mr. Prichard, it should be clarified that this is an ad hoc role only, and they are only needed to provide input when military interests are involved. The consensus was to revise the language to reflect that the military member is included, on an as needed basis, and not a permanent member.

- **Committee Membership Limits**

Agency member Buhr noted a lack of the language that limits members from serving on multiple boards, as required in the City Code, and questioned if shouldn't it reference that you can't be on more than two boards? Staff confirmed that this rule exists in the Code of Ordinances, not the LDC. No change needed.

➤ **Change of Use – Expiration Period and Impact Fee Discussion**

- Short-Term Rentals (STRs) in residential neighborhoods:
 - Before applying for an STR license, property owners must submit a Change of Use (COU) application.
 - In past years, the impact fee was low (nominal).
 - As of September 1, current impact fee is \$43,000, depending on house size.

❖ Main Concerns Raised

- Does a Change of Use expire?
 - No expiration or “recency” language exists in the current code.
 - What happens if a COU is approved but not used for several years?
- Examples raised:
 - STR owner who only rents during summers, if they skip a year or two, do they lose COU status?
 - A property with COU approved in 2022, but STR use begins in 2026 would that trigger new fees?
- Concern over fairness:
 - Concern was expressed of the unfairness of being penalized for not renting for a short period due to personal reasons.

➤ Staff clarified the following:

- If a short-term rental registration lapses for a year, the property is treated as if starting over.
- For new construction permitted as STR, a COU isn’t needed—but the permit itself expires if unused for 2 years.
- The impact fee applies based on whether the change in use causes a greater impact on city systems, not just whether a form was filed.

❖ Proposal Introduced: Add Expiration for Change of Use

Staff proposed adding expiration language:

- If the approved use isn’t established within a certain time (e.g., occupancy, permit, or operations), the COU becomes null and void.
- **Justification:**
 - Avoids confusion and unexpected fee assessments.
 - Sets clear expectations for applicants.

❖ Suggested Timeframes & Debate

- Options debated: 1 year vs. 2 years vs. 3 years.
- Arguments for 1 year:
 - Aligns with development order and building permit timeframes.
 - Reflects high turnover of investment properties.
- Arguments for 2–3 years:
 - Allows flexibility for homeowners dealing with life events (e.g., family crises, delayed plans).
 - Avoids penalizing owners for non-use during personal use or transitional periods.
- Final Consensus:

- 2 years was selected as a reasonable compromise.

❖ Policy Additions

- Expiration Clause:
 - A Change of Use approval will expire after 2 years if the use is not established.
 - "Established" means initiating the approved use, such as:
 - Occupying as STR
 - Operating the approved business
 - Pulling and acting on a permit
- Vesting Provision:
 - Once the COU is established, it is vested.
 - Later lapses or temporary non-use (e.g., not renting for a year) do not trigger new COU or new fees.
- Applies Universally:
 - Rule applies to all changes of use, not just STRs.
 - Covers residential and commercial transitions (e.g., office to restaurant).

❖ Additional Clarifications

- Impact fee already paid stays with the property, not the owner:
 - Example: If Owner A pays impact fee for STR use, then sells the property, Owner B does not repay the fee if STR use resumes.
- Site condition matters:
 - Example: A site previously used as a restaurant maintains required parking for any future restaurant use, and may not require a new COU.

Consensus Points

- Change of Use = 2-year validity period, starting at date of approval.
- No need to reapply if:
 - The use is already established.
 - There's dormancy, but no change in site conditions or structure.
- Property owner protections:
 - Vesting language ensures fairness during life changes or STR cycles.
- City benefits:
 - Avoids misuse of old COUs under new fee structures.
 - Ensures uses align with the most current LDC provisions.

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

Motion by Agency member Purut, seconded by Agency member Wampler to bring back Article Two with the addressed changes for further review by the LPA. The motion passed 6-0.

**C. Proposed Ordinance 26-03-LC Land Development Code Article 5,
Subdivision Regulations:**

ORDINANCE NO. 26-03-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING SECTION 7.08.00, REGULATION OF THE SUBDIVISION OF LAND, OF THE LAND DEVELOPMENT CODE; REPLACING SECTION 7.08.00 BY CREATING A NEW ARTICLE 5, SUBDIVISION REGULATIONS, OF THE LAND DEVELOPMENT CODE; 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.

❖ Article 5 – Subdivision Regulations

Mr. o'Connor introduced Article 5, a new standalone section of the LDC created by reorganizing and relocating content previously buried within Article 7 and 8. The intent is to give subdivisions proper attention and clarity, improving guidance for development of streets, utilities, stormwater systems, and overall layout.

➤ Content Migration:

- Section 708 from Article 7.
- Portions of Article 8 related to right-of-way dedications.
- Utilities guidance from Article 10.

➤ Discussion Points:

- **Preservation Language:** A previously included sentence *“the developer should take steps to ensure the preservation of the land”* was removed. While some felt it expressed positive intent, the group ultimately agreed the language was too vague and potentially redundant.
- **Readability Edit:**
 - In Section 5.02.04(1), the sentence was revised for clarity to read: ***“No block shall exceed 800 feet in length, unless otherwise required by FDOT.”***

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

Motion by Agency member Buhr, seconded by Agency member Bell, the members voted 6-0 to recommend City Council approve Article Ordinance 26-03-LC, Article 5, with the readability of Section 5.02.04(1) language added, as discussed.

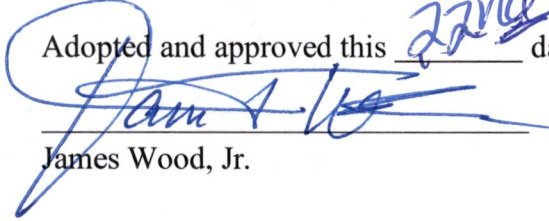
➤ **Staff Comments:**

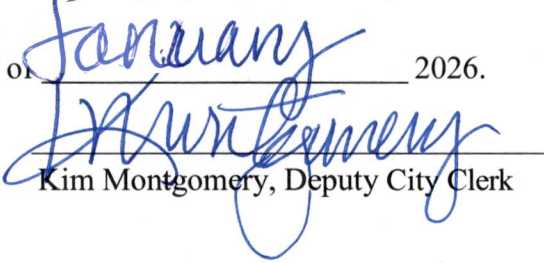
Mr. o'Connor noted that Article 2 will return for further review with the updated change-of-use language and other agreed revisions.

6. **PUBLIC COMMENTS:** None

7. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 6:40 p.m.

Adopted and approved this 22nd day of January 2026.


 James Wood, Jr.
 

 Kim Montgomery, Deputy City Clerk