

## ARTICLE 1 - GENERAL PROVISIONS/LEGAL

### SECTION 1.01 CONSISTENCY WITH STATE LAW

The Florida Legislature has enacted the "Community Planning Act," (section 163.3161, Fla. Stat., et seq.), which mandates that cities and counties adopt comprehensive plans and land development regulations to guide and manage future development.

The City Council of the City of Destin adopted a Comprehensive Plan pursuant to State law, which plan has been amended from time to time in accordance with State law.

The City Council of the City of Destin adopted land development regulations, as required by State law to implement the comprehensive plan.

Section 163.3194(1)(b), Fla. Stat. requires that land development regulations be consistent with the comprehensive plan and F.S. § 163.3202 details the minimum requirements for content of the city's land development regulations.

The City Council of the City of Destin, determined that the adopted land development regulations contained within this Code are necessary to protect the public health, safety, general welfare, natural environment and economic vitality of the city.

The code (LDC) is developed pursuant to Chapter 163, Florida Statutes, and are consistent with the City's Comprehensive Plan, the City Charter and the general powers provided local government in Chapter 166, Florida Statutes.

### SECTION 1.02. TITLE

This Code shall be known as the "Destin Land Development Code" and may be referred to also as the "Code" or "LDC" and cited as such.

### SECTION 1.03. JURISDICTION

The lands subject to this Code shall include all areas within the corporate limits of the City of Destin (and, as applicable, any areas to which the City provides municipal services).

### SECTION 1.04. INTENT

This Code provides public policy mechanisms and regulations for growth management (development and redevelopment) in order to serve the residents and property owners of Destin and maintain and improve the quality of life for all citizens of the city. This Code is intended to implement the Destin comprehensive plan and, toward that end, is to be construed liberally in favor of the goals, objectives and policies of the plan.

### SECTION 1.05. APPLICABILITY

The provisions of this Code apply to all development in Destin. All development undertaken, and all actions taken in regard to development orders must be consistent with the City's adopted Comprehensive Plan and these land development regulations. Provided these regulations remain consistent with the City's Comprehensive Plan, these regulations take precedence over any other ordinance, resolution or procedure

## City of Destin, FL - Land Development Code

affecting land use and no development may be undertaken without prior authorization pursuant to this Code.

### SECTION 1.05.01 EXCEPTION FOR VESTED RIGHTS

- A. Presumptive Vested Rights Permit: Possession by a property owner of a valid unexpired final plat or final engineering plans approved by the city shall presumptively vest the development approved if:
  - 1. Such plat or plans were approved prior to the plan adoption date; and
  - 2. Physical development pursuant to the plat or plans has commenced and is continuing in good faith.
  - 3. Verification of the above requirements shall be made by the City Council and a written statement of verification shall be included in a written order approved by the City Council and signed by the Mayor, if it approves a presumptive vested rights special use permit in reliance thereon.
- B. Common law vested rights.
  - 1. Applicants who do not qualify for a presumptive vested rights special use permit shall be entitled to a common law vested rights special use permit if they can prove the following:
    - a. Prior to the plan adoption date, there was a valid, unexpired act or omission of a government agency upon which the applicant relied; and
    - b. The applicant's reliance was reasonable and in good faith; and
    - c. The applicant, in reliance upon the valid, unexpired act of government, has made a substantial change in position or has incurred extensive obligations or expenses; and
    - d. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant by means of the government's act or omission.
  - 2. 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.
  - 3. The following are not considered development expenditures or obligations in and of themselves, without more, unless the applicant was unable to obtain further approvals because of extraordinary delays beyond the applicant's control.
    - a. Expenditures for legal and other professional services that are not related to the design or construction of improvements;
    - b. Taxes paid;
    - c. Expenditures for initial acquisition of the land.

### SECTION 1.06. GENERAL PENALTY; CONTINUING VIOLATIONS; VIOLATION AS PUBLIC NUISANCE; ATTORNEYS' FEES AND COSTS

- A. Whenever in this code, or in any ordinance or resolution of the city, or rule, regulation or order promulgated by any officer or agency of the city under authority duly vested in him or it, any act is prohibited or is declared to be unlawful, or the doing of any act is required or the failure to do any act is declared unlawful, and no specific penalty is provided for the violation thereof, the violation of any such provision of this code or any such ordinance, resolution, rule, regulation or order shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day any violation of any of the provisions of this code or any such ordinance, resolution, rule, regulation or order shall continue, and shall constitute a separate offense.
- B. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or

## City of Destin, FL - Land Development Code

order shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

- C. In addition to and supplemental to any other provision of this Code, the city shall be entitled, as a prevailing party, to recover reasonable attorneys' fees and costs incurred in any legal proceeding brought by the city to enforce any provision of this Code through all appellate proceedings.

### **SECTION 1.07 CONFLICTING ORDINANCES, PLANS, REGULATIONS, OR OTHER LANGUAGE**

Should the requirements of this Code conflict with those of any other regulation or ordinance of the city, the regulation or ordinance requiring the higher standard shall prevail. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements. Nothing in this section shall be construed to authorize development that is inconsistent with the City's Comprehensive Plan.

### **SECTION 1.08 ABROGATION**

This Code is not intended to repeal, abrogate or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of the City or Okaloosa County.

### **SECTION 1.09 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.