



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, AUGUST 25, 2022
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
- 4. NEW BUSINESS**
 - A. Mobility Plan Update**
 - B. Impact Fee Study Update**
 - C. Draft Planned Unit Development Regulations**
- 5. DIRECTOR'S REPORT**
- 6. NEXT MEETING DATE: September 1, 2022**

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: August 25, 2022
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Steve O'Connor, Principal Planner

DATE: August 16, 2022

SUBJECT: Mobility Plan Update

I.

BACKGROUND: At the City Council Meeting on March 1, 2021, the motion to replace transportation concurrency (MMTD) with a Mobility Fee-Based Plan passed 7-0.

II. DISCUSSION: The Community Development Department is continuing work on the Mobility Plan to address transportation needs through 2050. The overall goal of the project is to compile a comprehensive list of projects the City can undertake and fund with mobility fees and other sources of funding. After completing an assessment of existing conditions, issues and potential needs, the project is moving on to identify projects to include in the plan.

The purpose of this agenda item is to brief the Local Planning Agency on the status of the project and introduce the list of transportation projects that are being recommended for the Mobility Plan. The following projects, categories of projects, and policy priorities have already been identified based on the existing conditions assessment, review of City plans and previously identified project priorities, and stakeholder feedback received on the plan.

1. Continuous multimodal facilities and a cohesive design strategy for the Cross Town Connector from US Highway 98 and Stahlman Avenue to Commons Drive and Indian Bayou Trail.
2. Intersection improvements that address safety and connectivity, which currently include 13 intersections of local and collector roads.

3. US Highway 98 strategy west of Airport Road includes priorities the City of Destin can emphasize in its coordination with the Florida Department of Transportation (FDOT) during the ongoing PD&E Study.
4. Gulf Shore Drive reconfiguration to convert the four travel lanes to two travel lanes to reduce speed, improve safety, better accommodate all modes of transportation, and create a pleasing gateway into the neighborhood.
5. Small project initiatives on local streets that create new connections and improve traffic flow.
6. Main Street streetscape improvements on the section south of Airport Road to include multimodal facilities, lighting, landscape, and signage.
7. Coordinated transit and park and ride strategy that incorporates transit strategy from the Transit Development Plan.
8. Parking strategy for Harbor District that details improvements to existing City-owned parking lots.
9. Gulf Power Linear Park and Trail implementation plan that stages sections based on opportunities and some of the constraints related to right-of-way.
10. Emphasizing the need for sidewalks on both sides of the street for City- initiated roadway and sidewalk gap infill projects.
11. Coordinate street requirements, capacity improvements, and Mobility Plan projects with new development and the Mobility Fee that is being developed.

A. Link to Strategic Goals / Objectives: Improvement to livable environment and connectivity

B. Effect on Budget (EOB): This project is already approved in the budget.

C. Level of Service (LOS): Improved Level of Service

D. Legislative Sponsor:

III. CONCLUSION: Staff is bringing this information to the LPA to update the members on the progress that has been made on the Mobility Plan. The presentation highlights some early decisions and commitments that need to be made to shape the scope of projects, complete the assessment of feasibility for projects, and confirm the project priority list is complete.

IV. RECOMMENDED MOTION:

Attachments:

1. CouncilMobilityPlanUpdate_0822 (1)

The background image shows a street intersection with a blue overlay. A street sign for "Emerald Coast 34800 Pkwy" is visible. Several cars are parked or moving at the intersection. The sky is cloudy.

City of Destin Mobility Plan

City Council Briefing

August 2022

Agenda

- Project status
- Public Feedback on Mobility Plan topics
- Major projects
- Intersection and small network improvements
- Other project and policy initiatives
- Next Steps

Overall Mobility Plan Goal

Compile a comprehensive list of projects the City can undertake and fund with mobility fees and other sources of funding.

Current Status



Completed

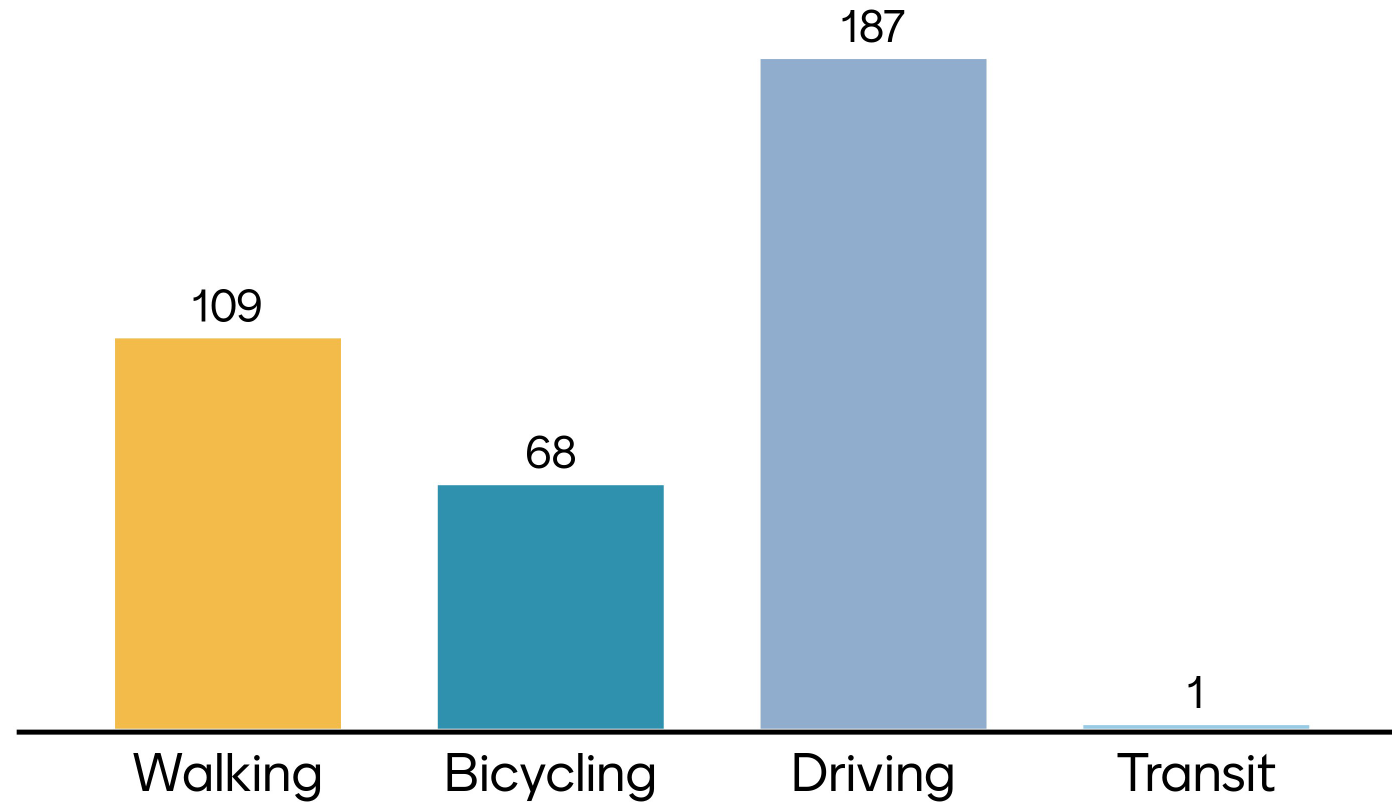
- Needs assessment and trends and conditions analysis
- Initial feedback on transportation issues and needs
- Identified primary roadway projects and intersection improvements

In Progress

- Mobility Plan and Fee Study documentation
- Evaluating and vetting projects



What modes of transportation do you use to get around Destin (not including exercise)?

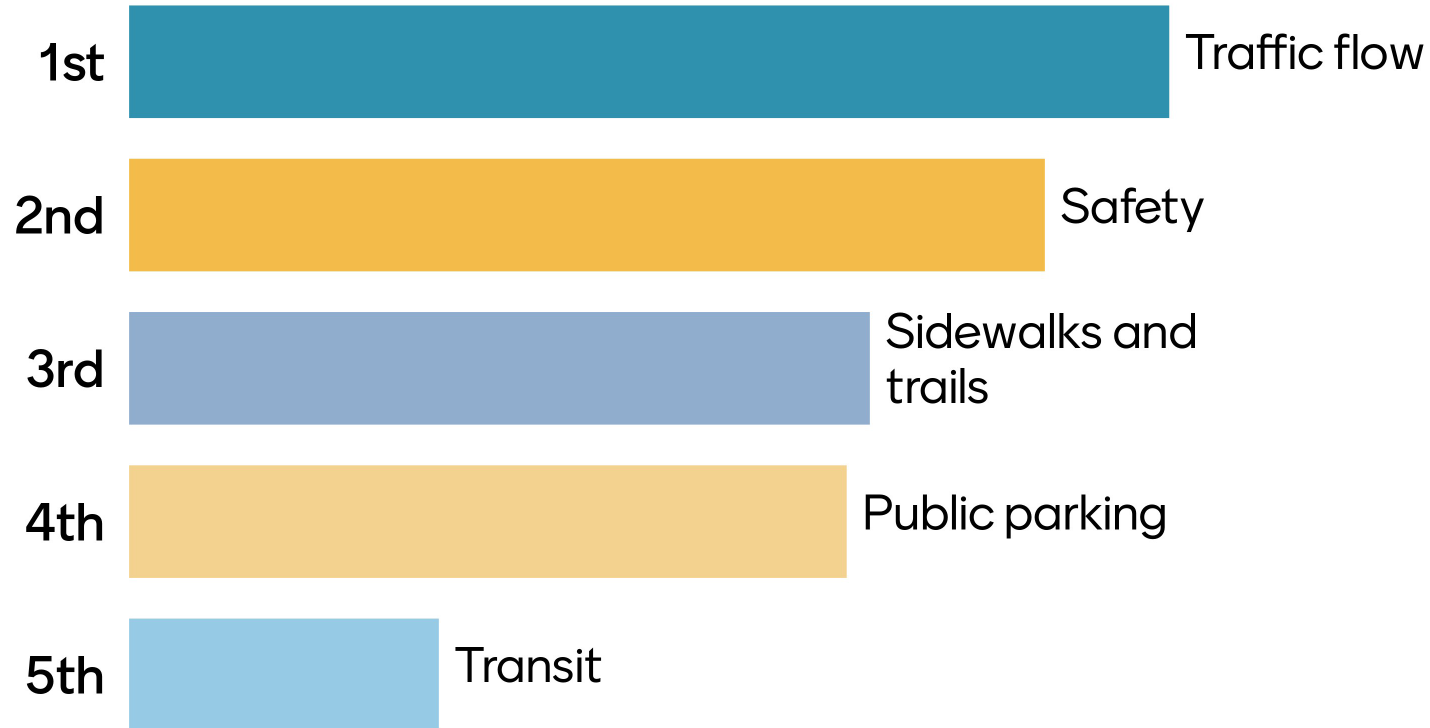


QUALITY OF LIFE



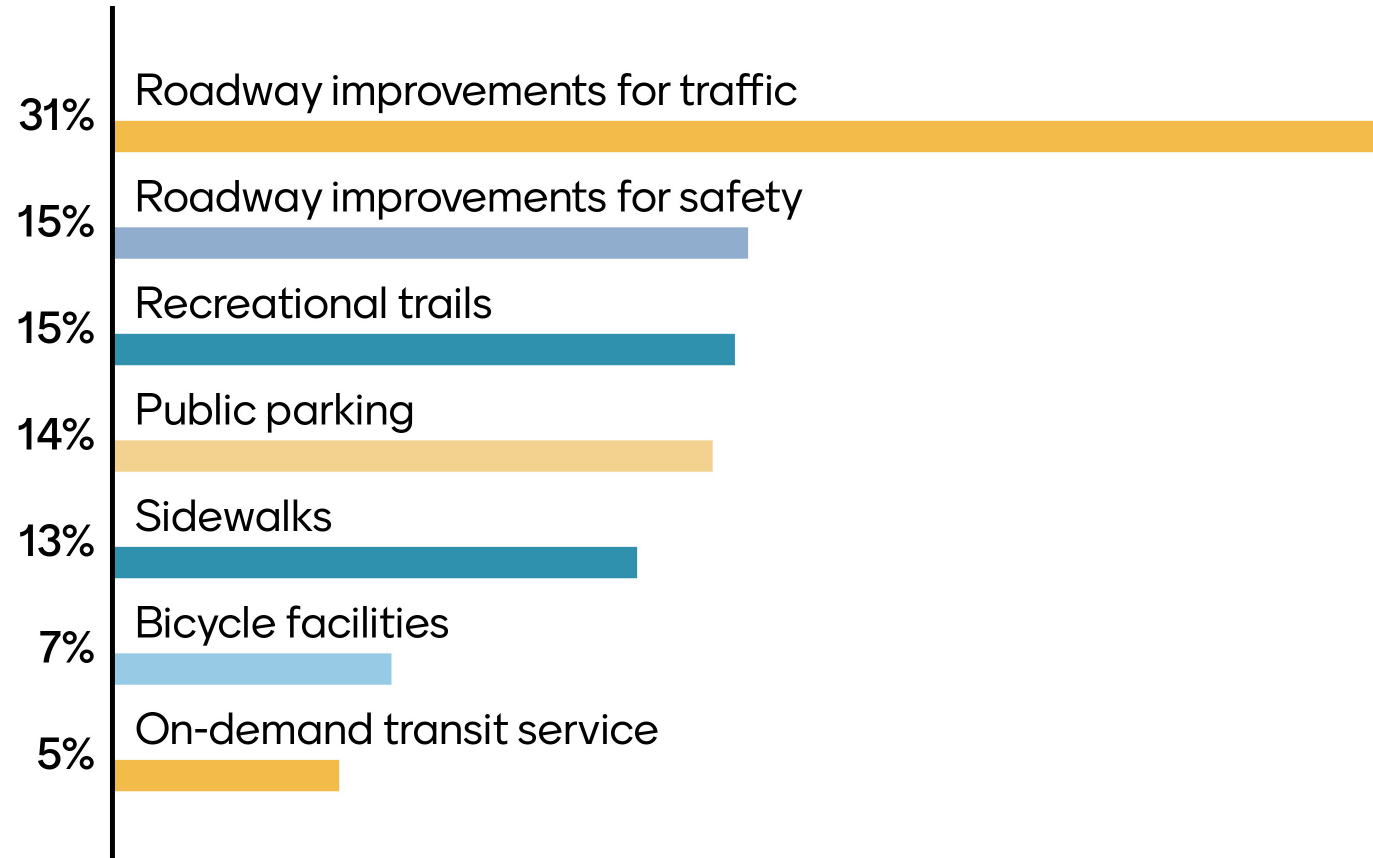


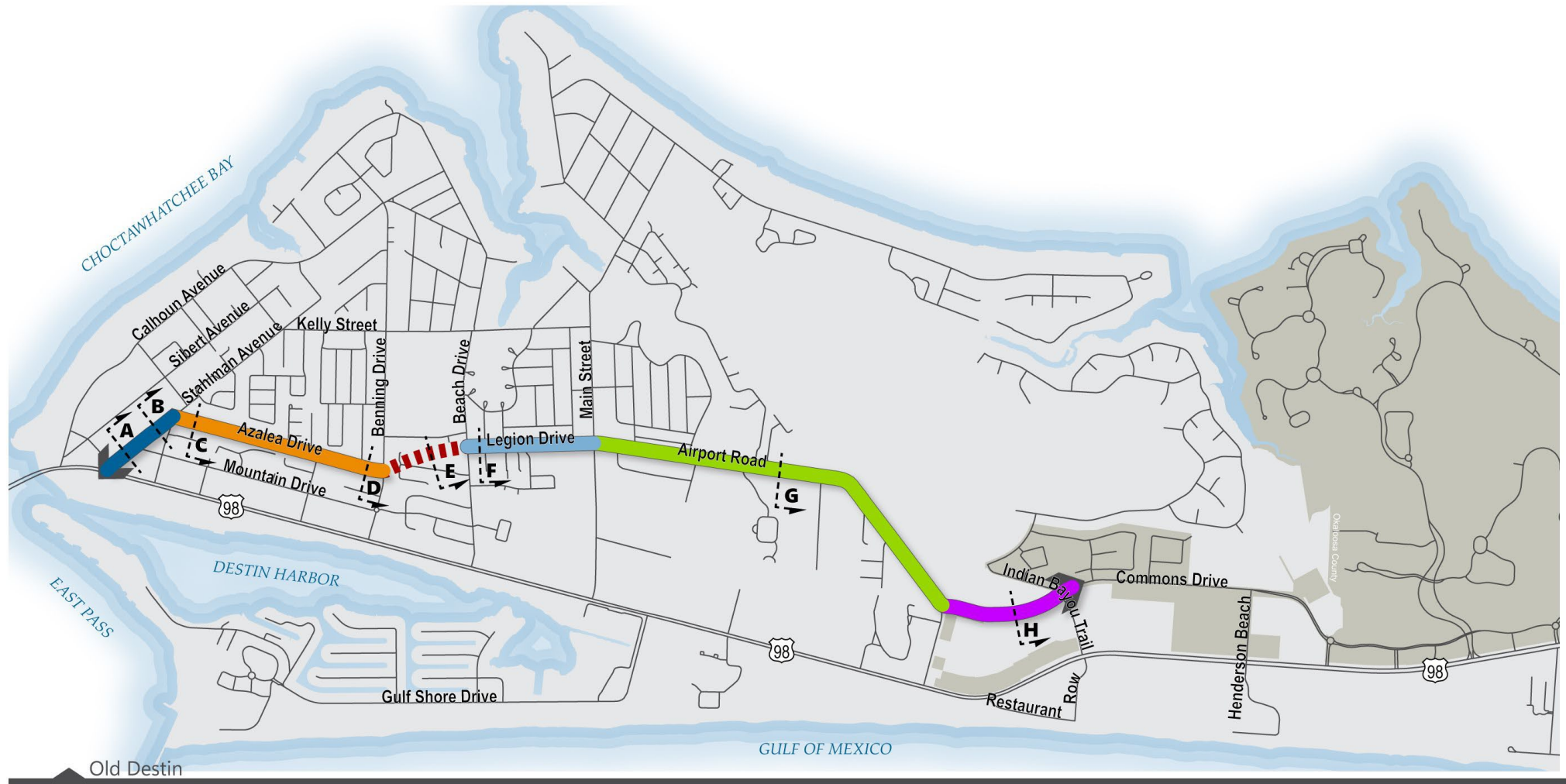
Rank the following transportation emphasis areas in order of importance to you





If you had \$100, what percentage would you spend on the following?



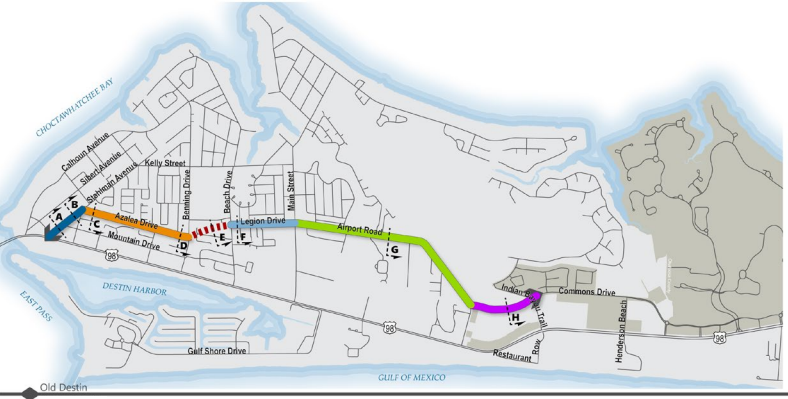


MOBILITY PLAN | Cross Town Connector

- | | |
|------------------------|---------------|
| Stahlman Avenue | Legion Drive |
| Azalea Drive | Airport Road |
| Azalea Drive Extension | Commons Drive |

Section A





Crosstown Connector Sections

A Stahlman Avenue north of Zerbe Street

B Stahlman Avenue north of Mountain Drive

C Azalea Drive east of Stahlman Avenue

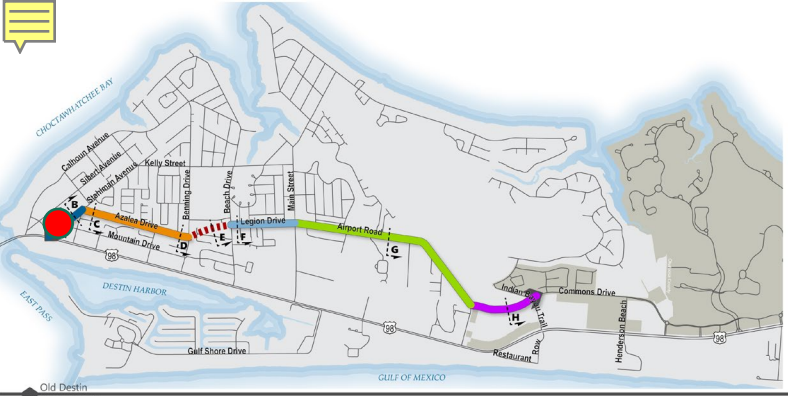
D Azalea Drive west of Benning Drive

E Azalea Drive Extension east of Benning Drive

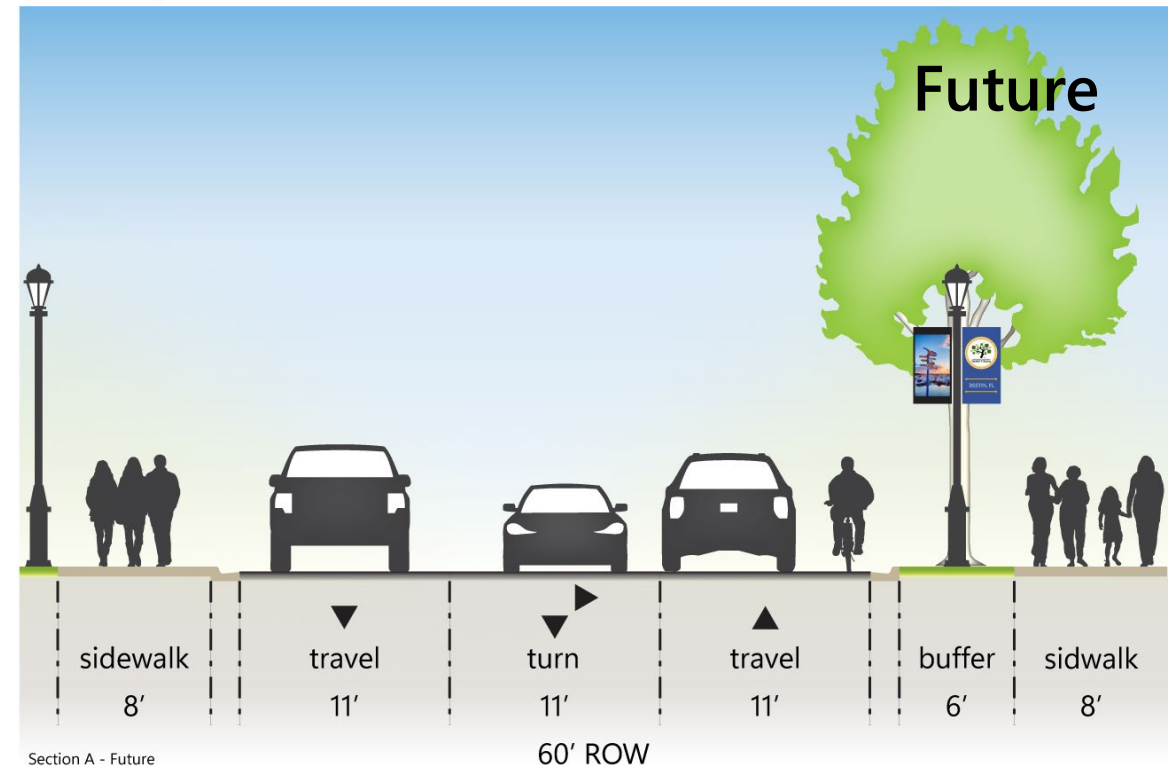
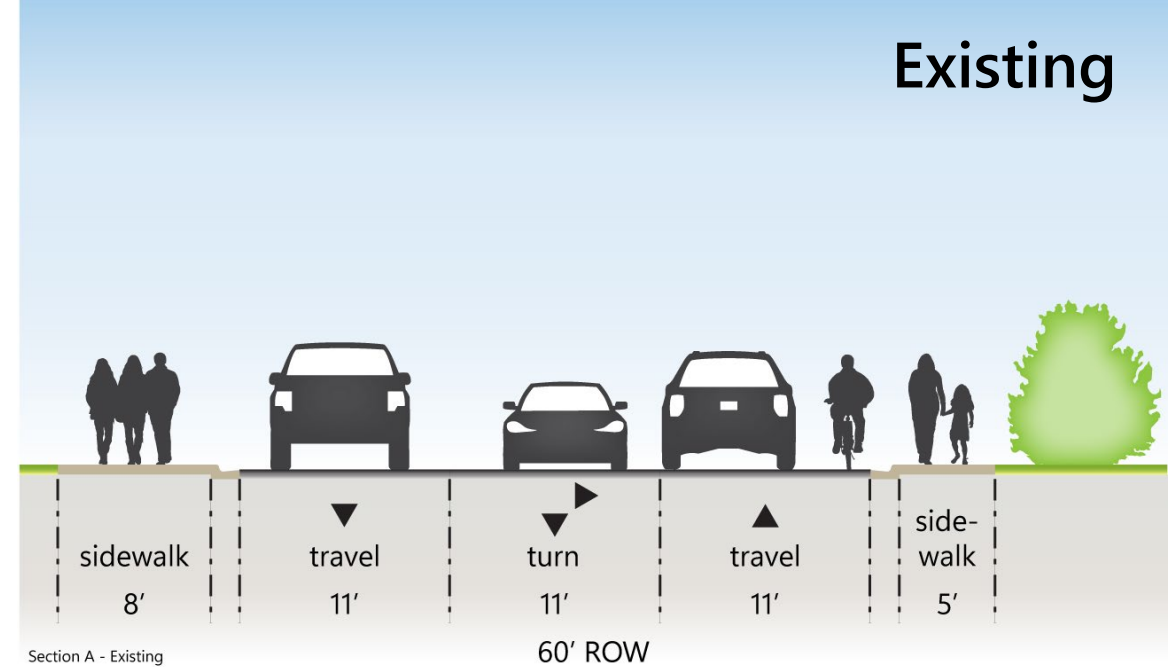
F Legion Drive west of Benning Drive

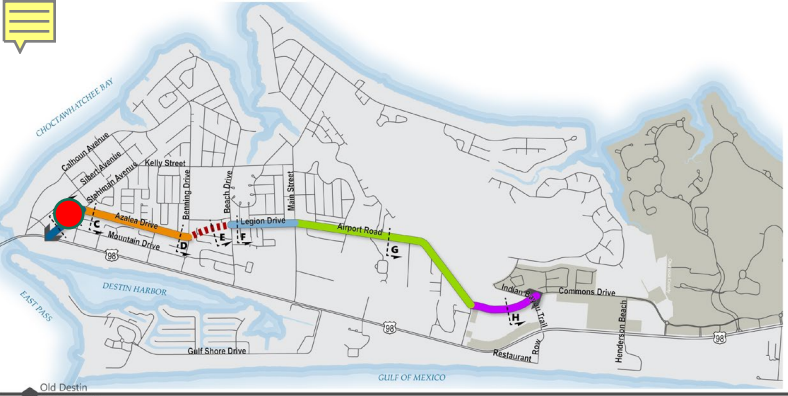
G Airport Road east of Main Street

H Commons Drive east of Airport Road

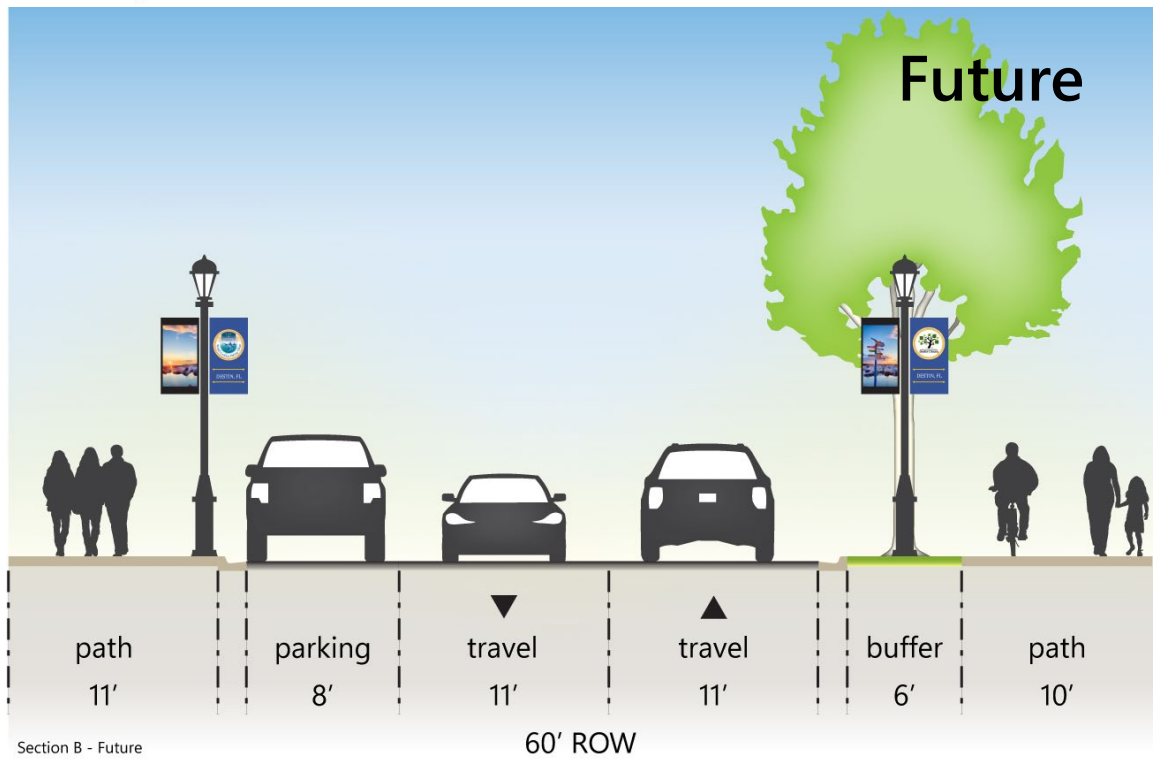
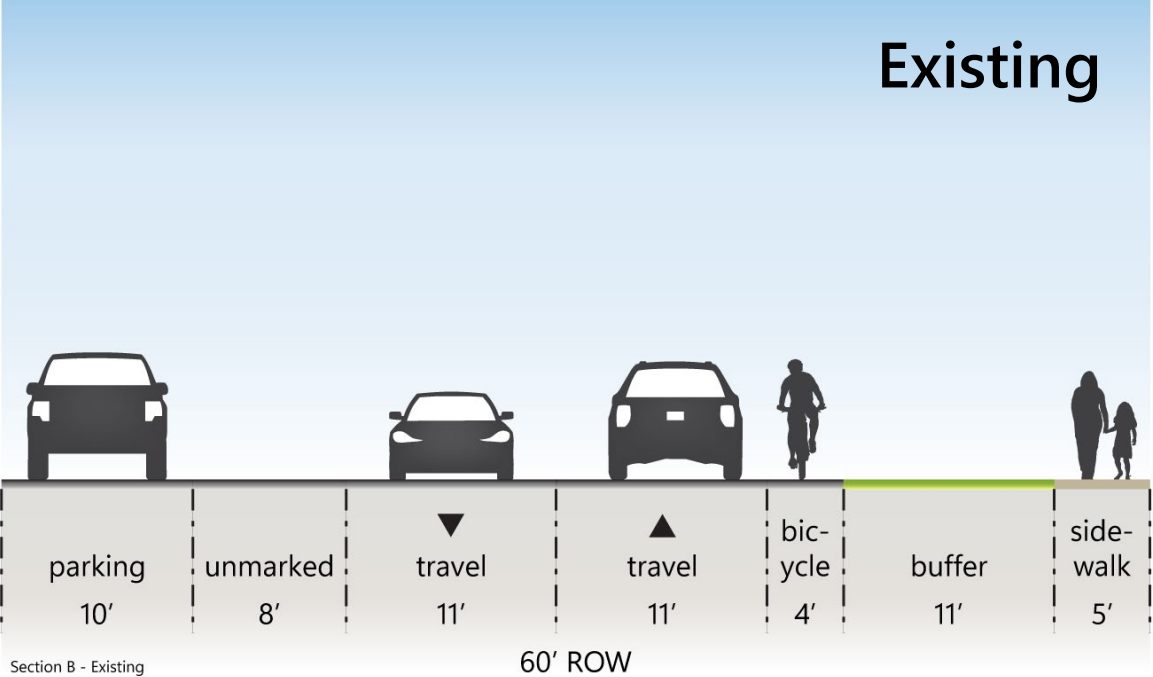


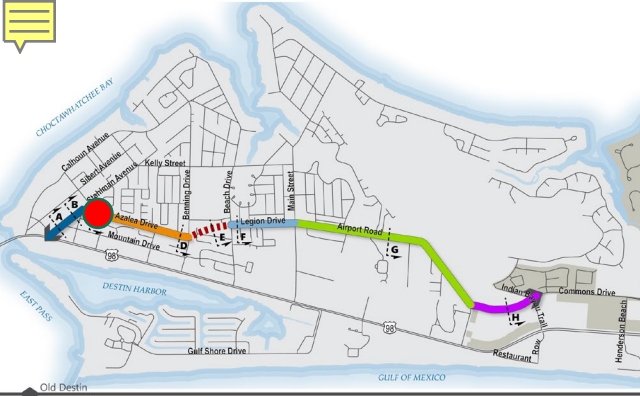
Stahlman Avenue north of Zerbe Street Section A





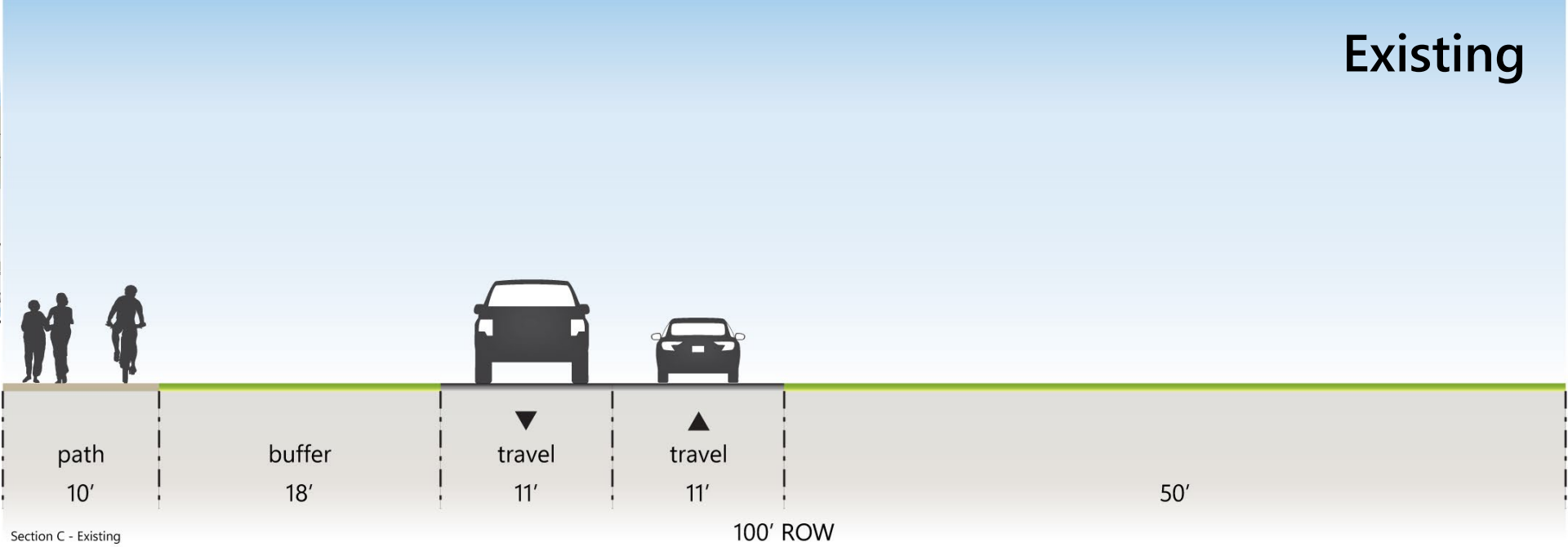
Stahlman Avenue north of Mountain Drive Section B



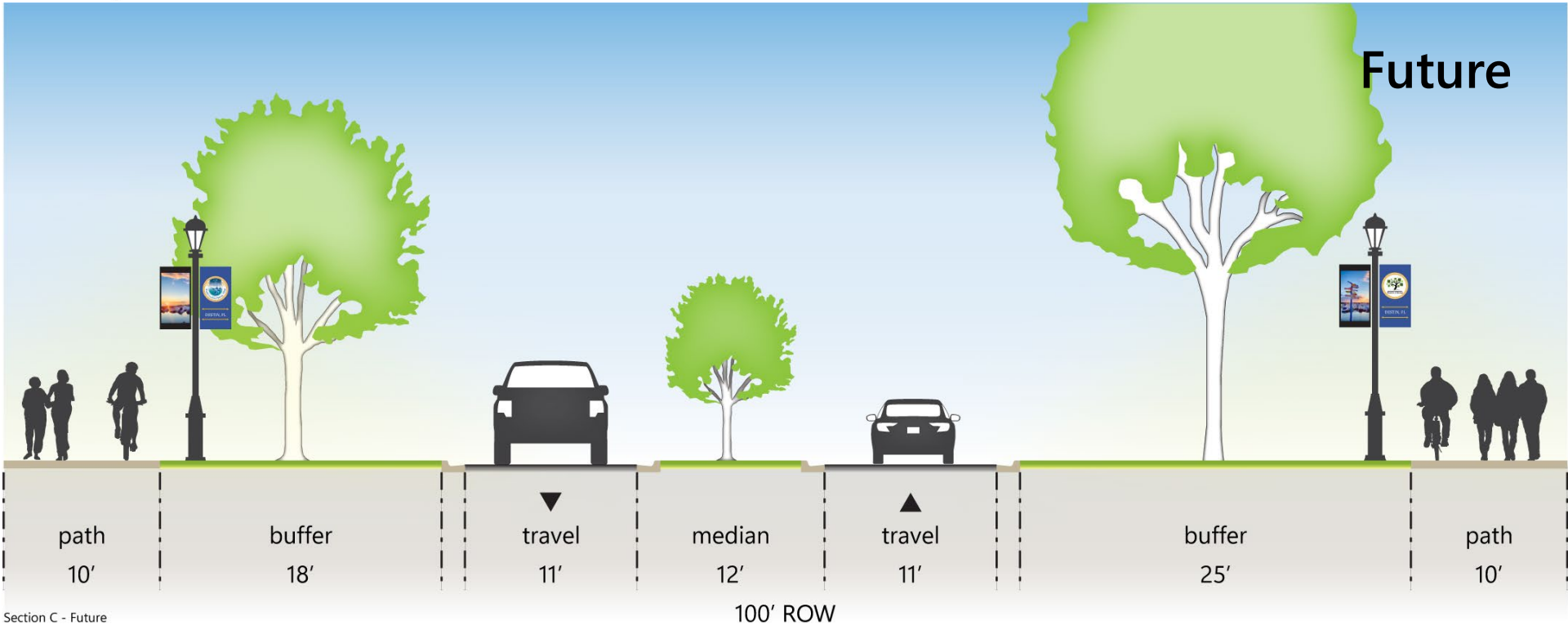


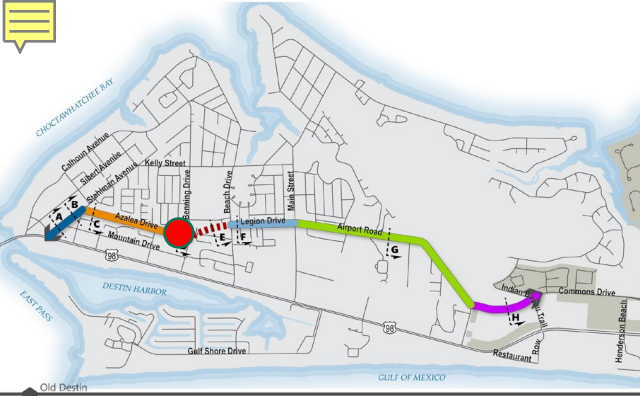
Azalea Drive east of Stahlman Avenue Section C

Existing



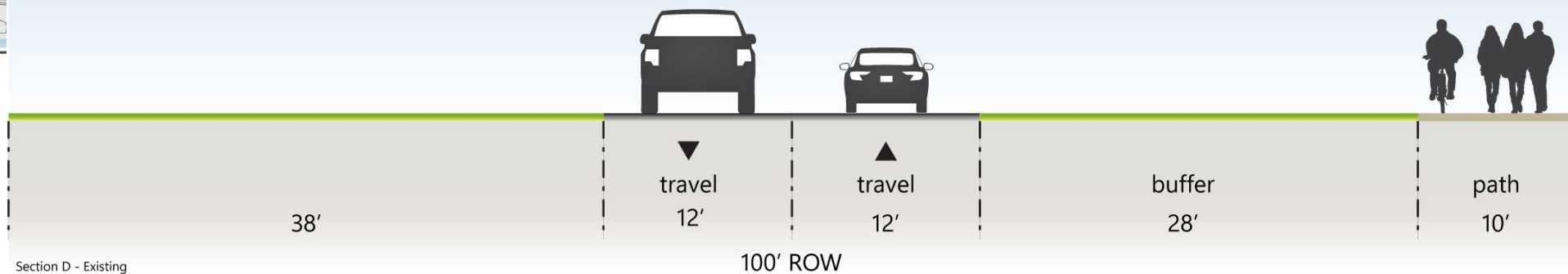
Future





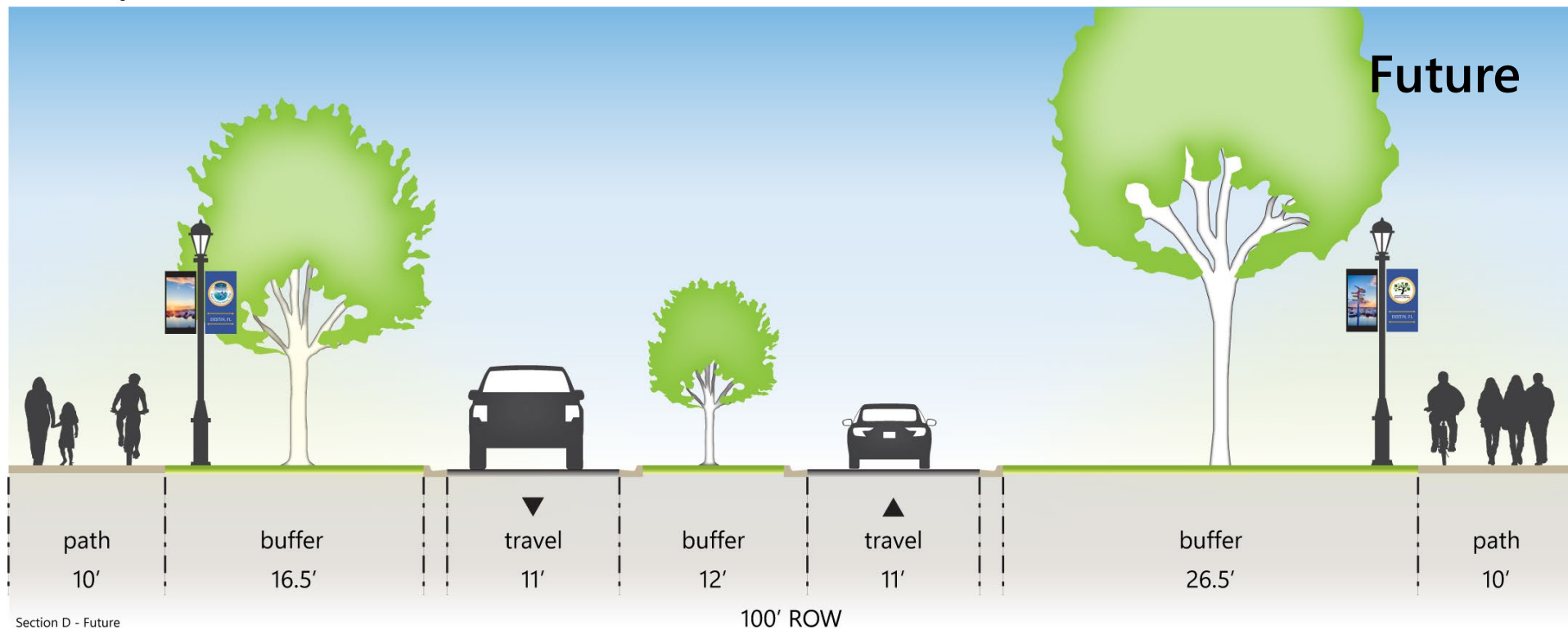
Azalea Drive west of Benning Drive Section D

Existing

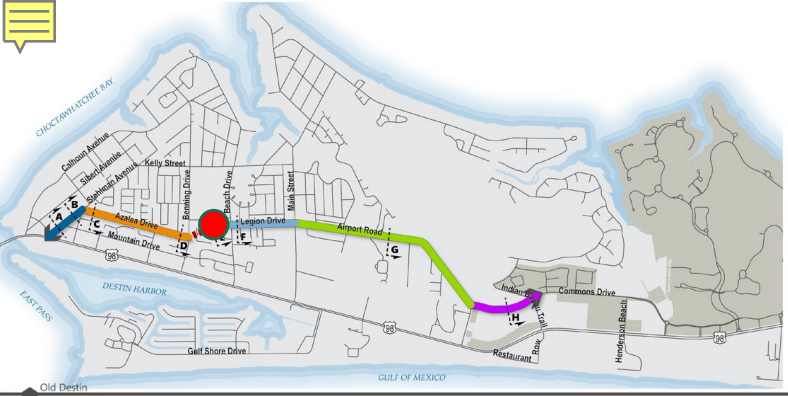


Section D - Existing

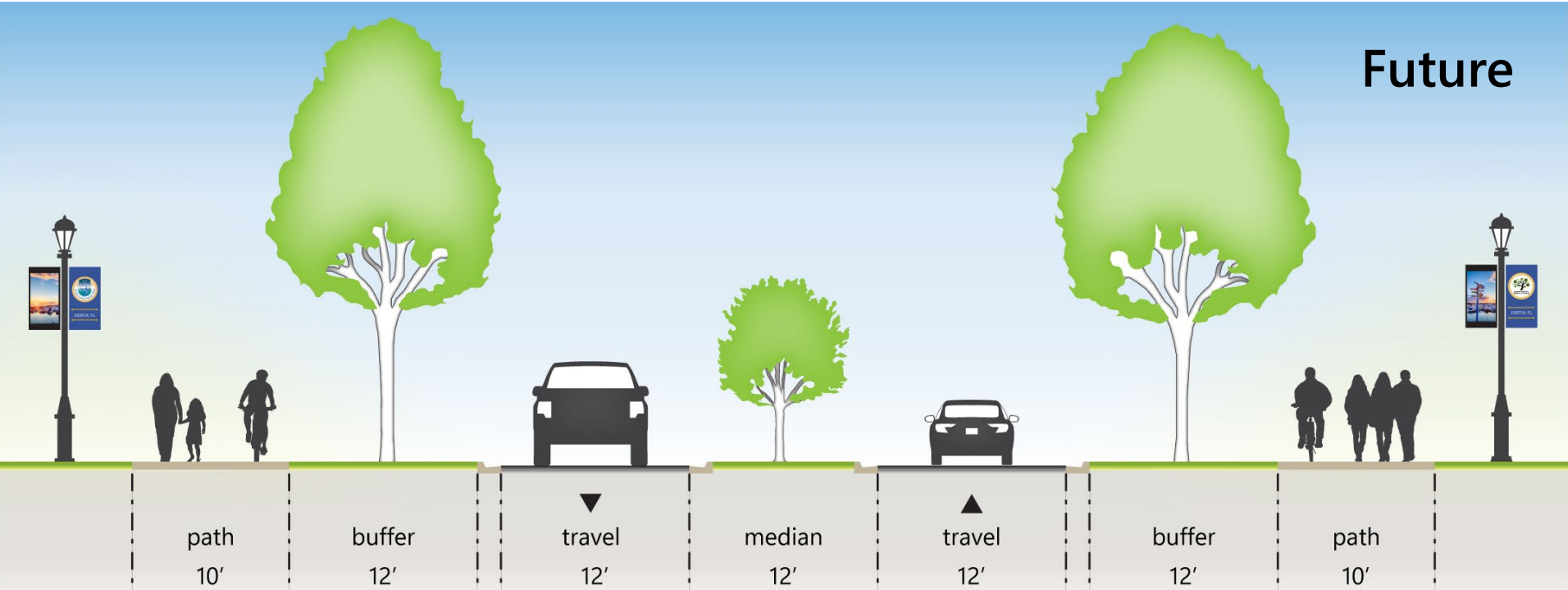
Future



Section D - Future



Azalea Drive Extension east of Benning Drive Section E

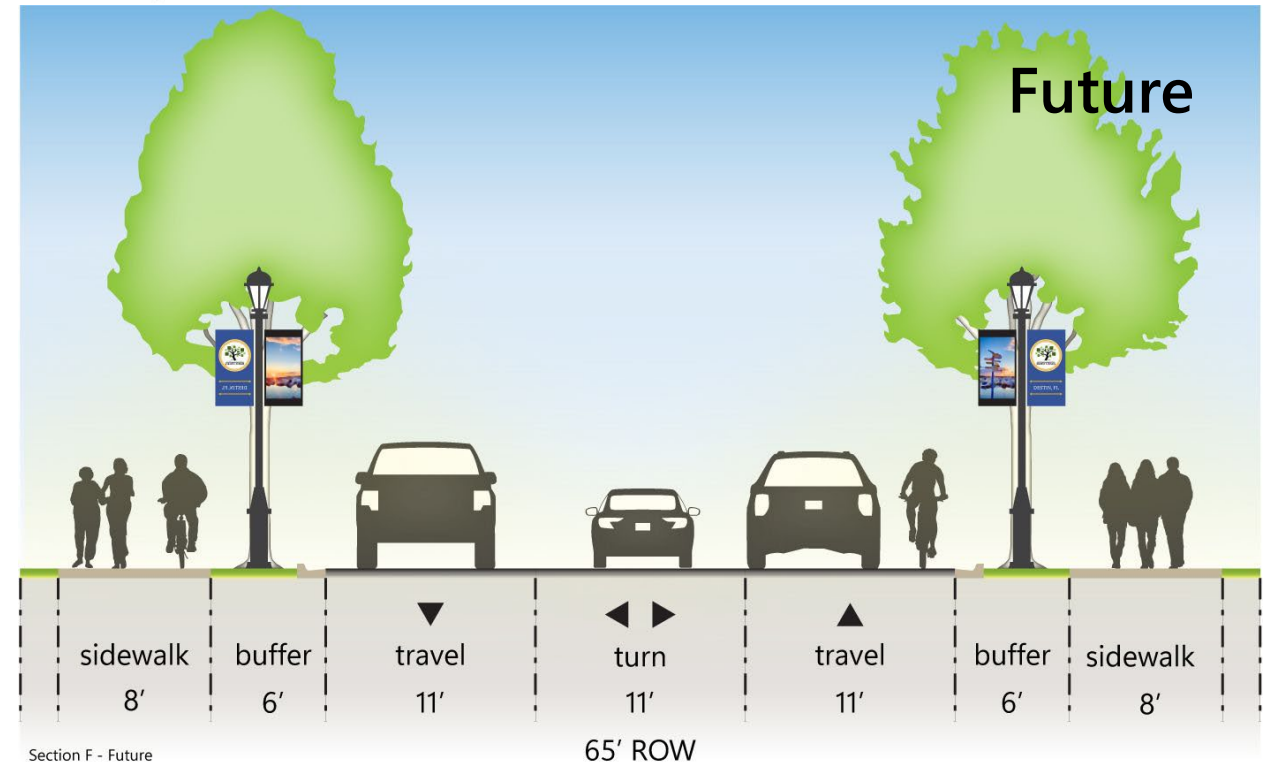
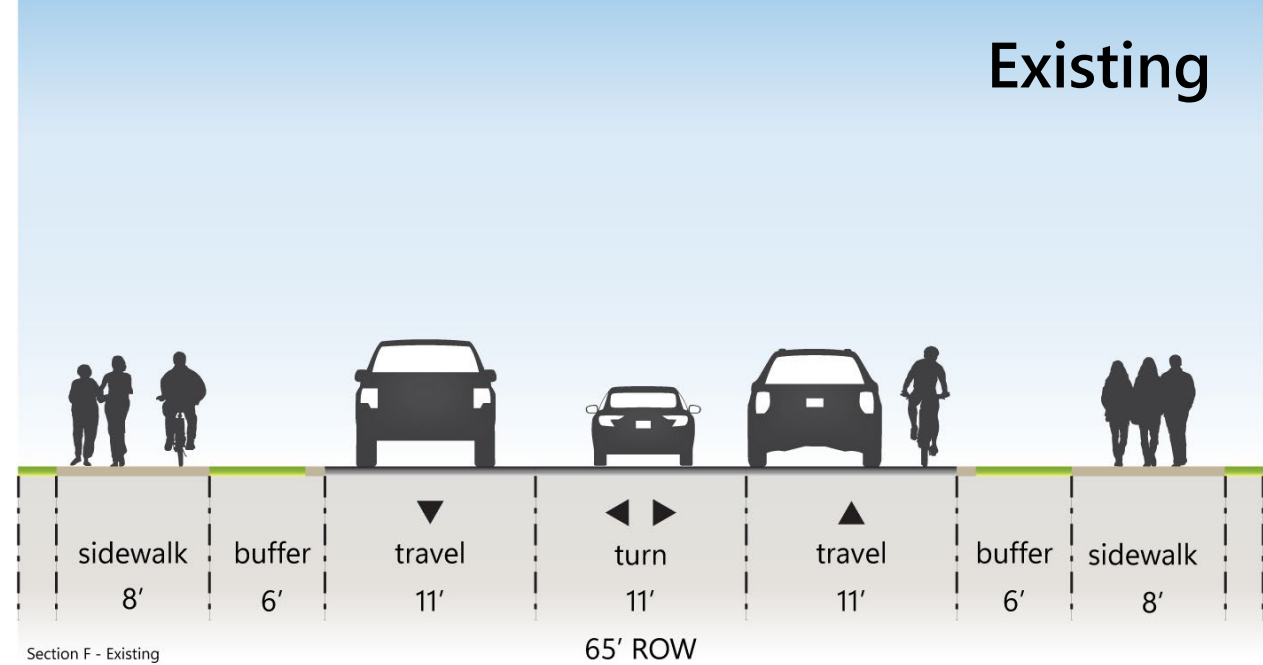


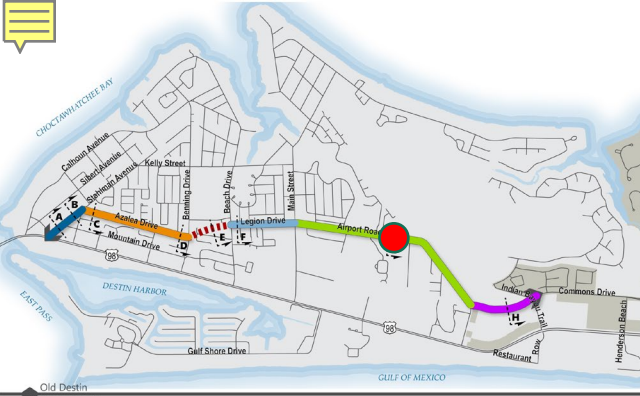
Section E - Future

ROW varies



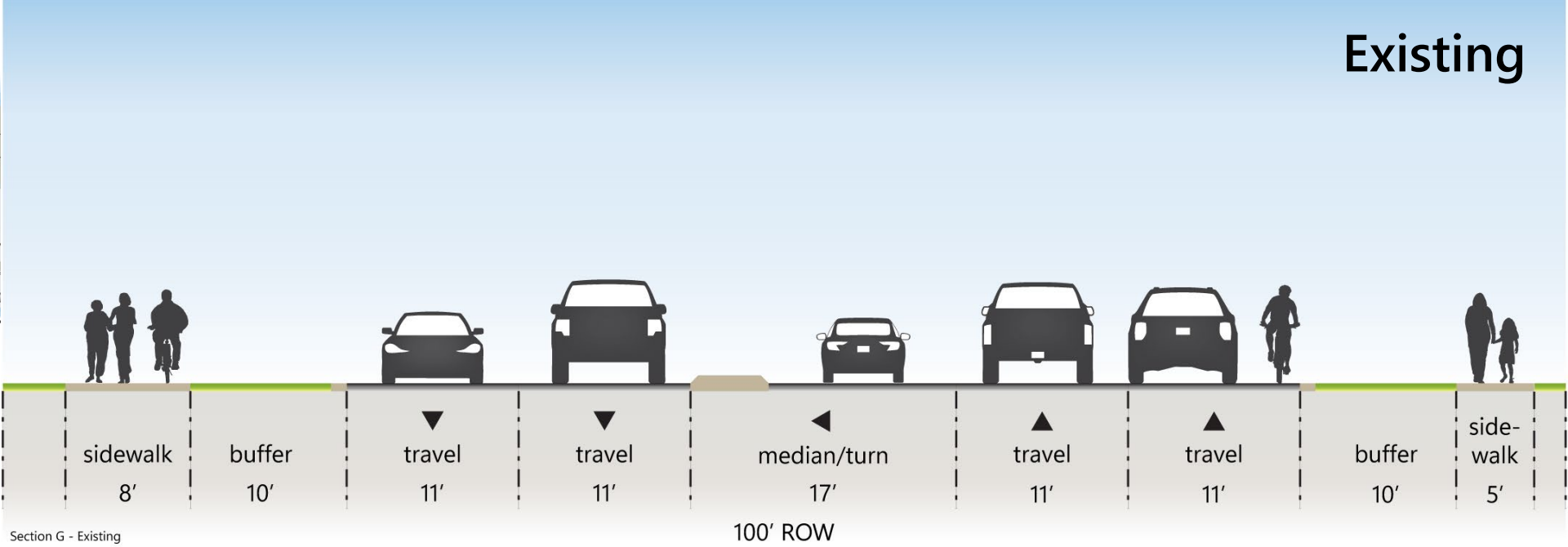
Legion Drive west of Benning Drive Section F



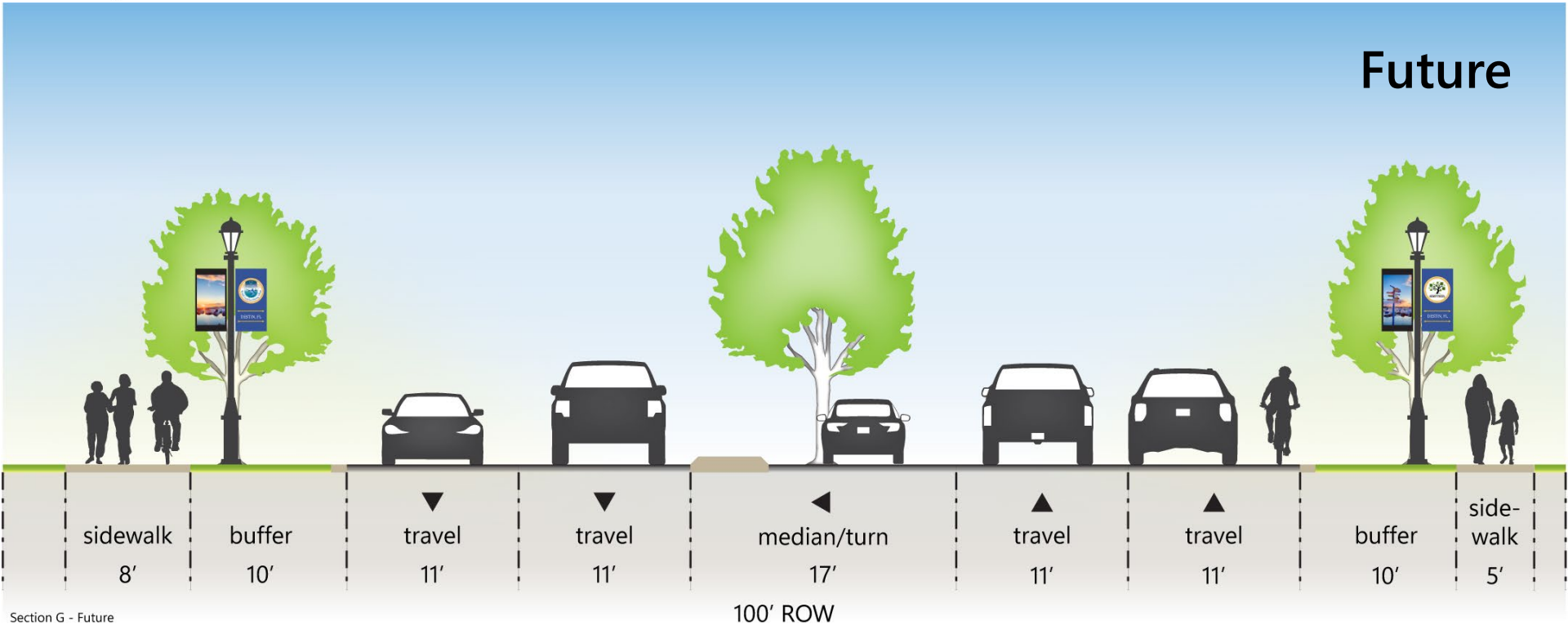


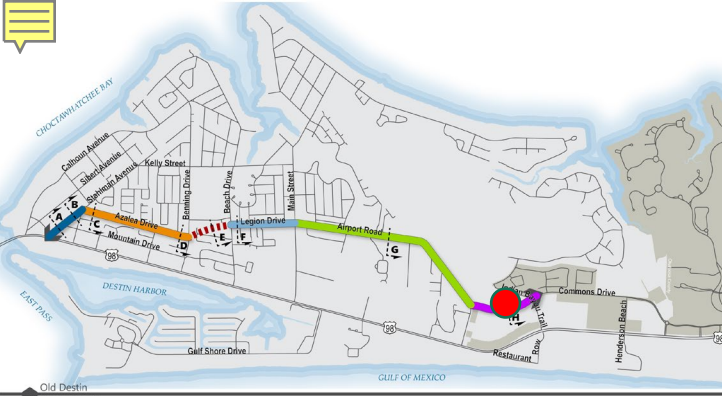
Airport Road east of Main Street Section G

Existing

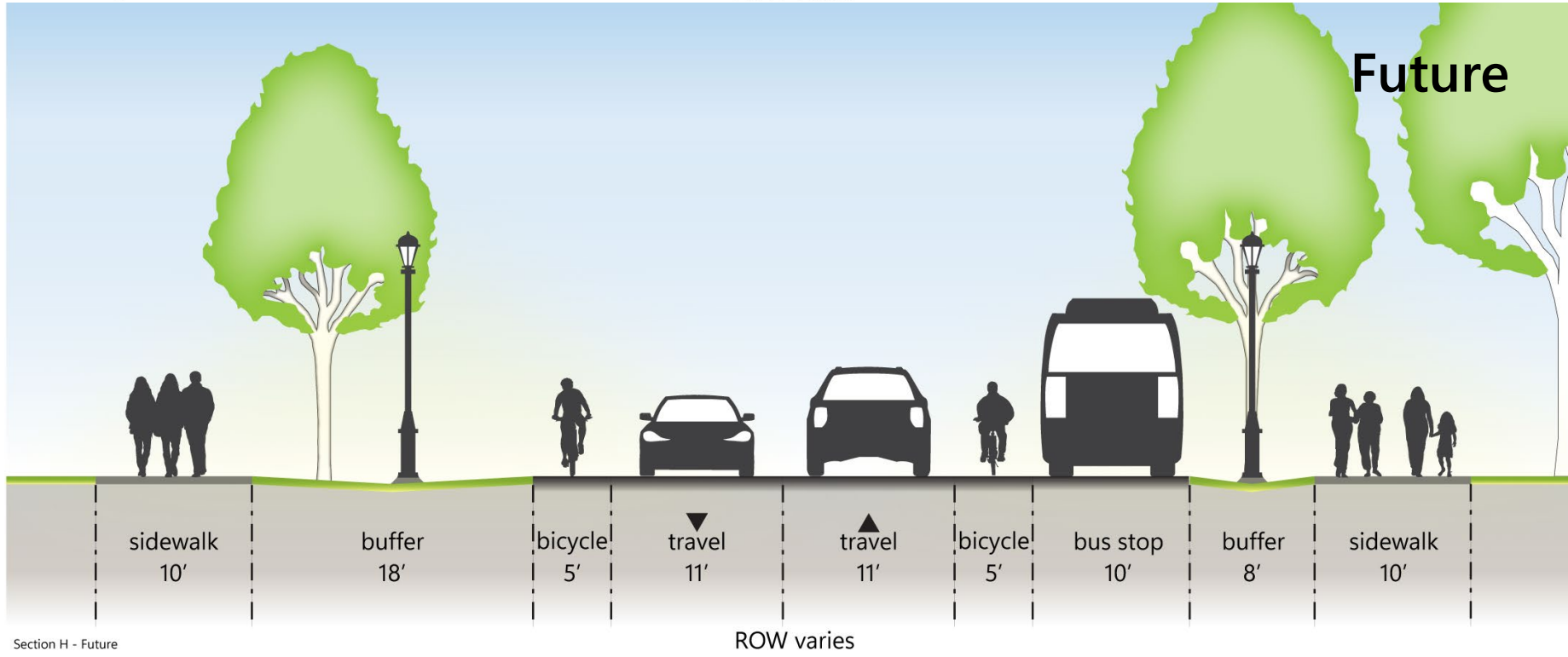
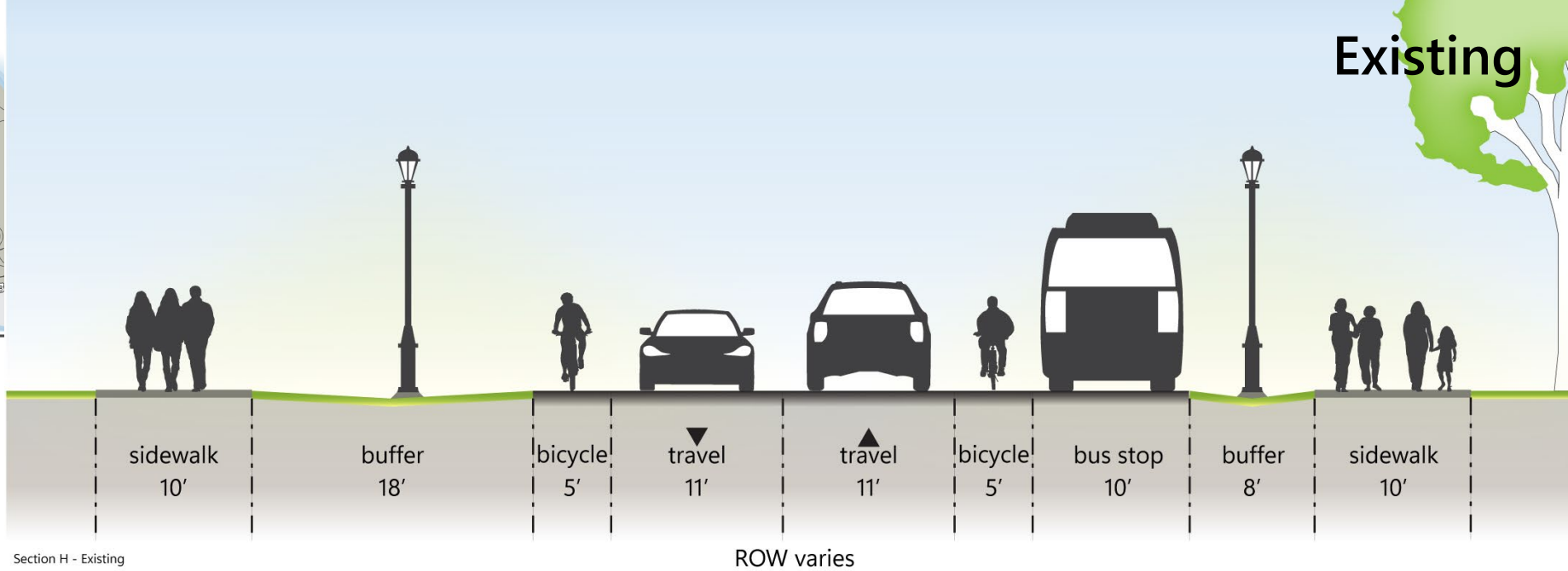


Future





Commons Drive east of Airport Road Section H

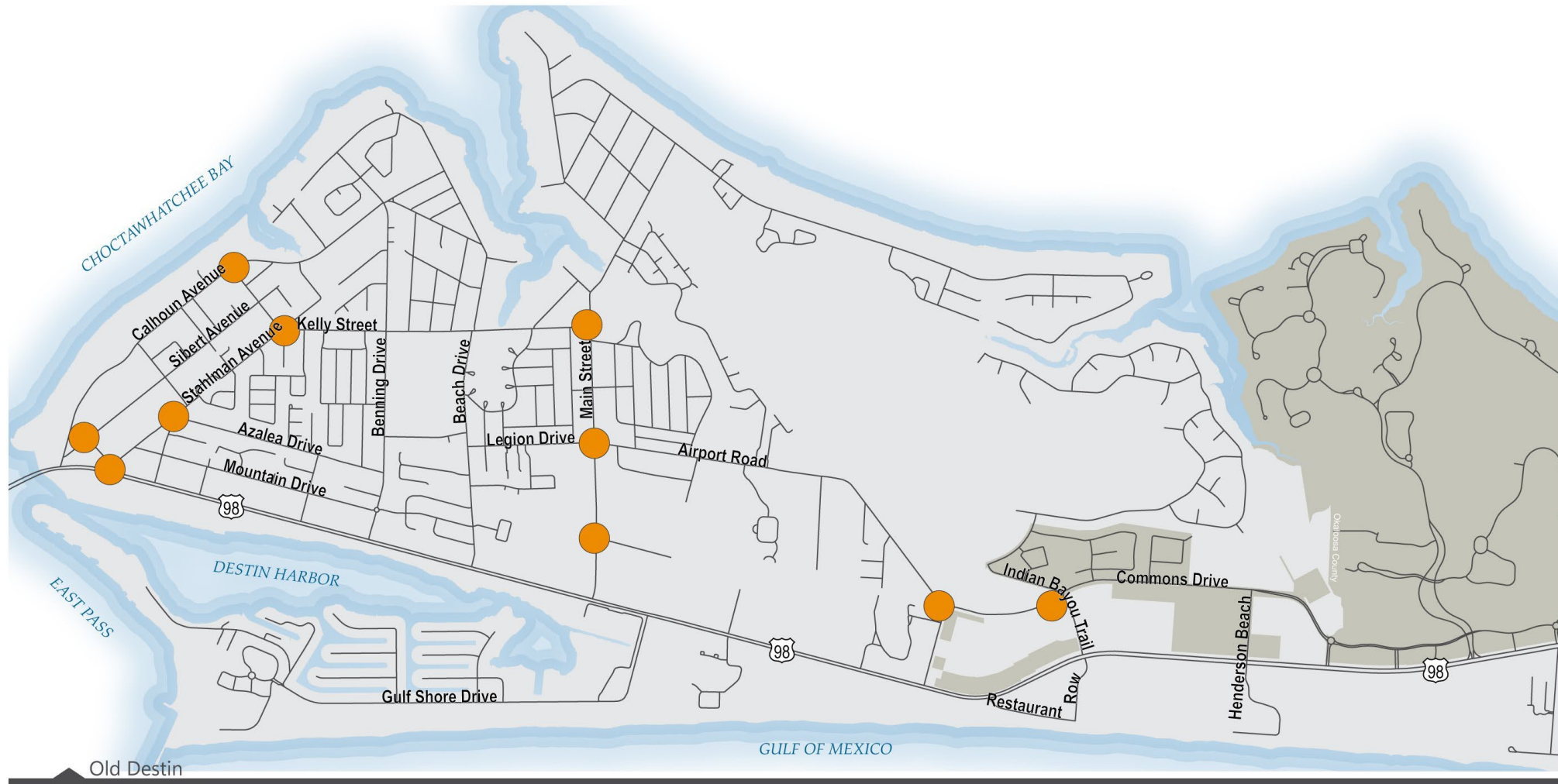


US 98 West of Airport Road

- Coordination issues with FDOT during current PD&E study
 - Status of Marler Bridge replacement
 - Operational improvements at intersections (US 98 and Stahlman Avenue)
 - Pedestrian pathway under the bridge
 - Intersection design – safety for all users
 - Ultimate design condition back of curb for sidewalks and buffer zone
 - Utilities relocation
 - Lighting and landscape
 - Location of transit stops and transit operations
 - Wayfinding

Gulf Shore Drive

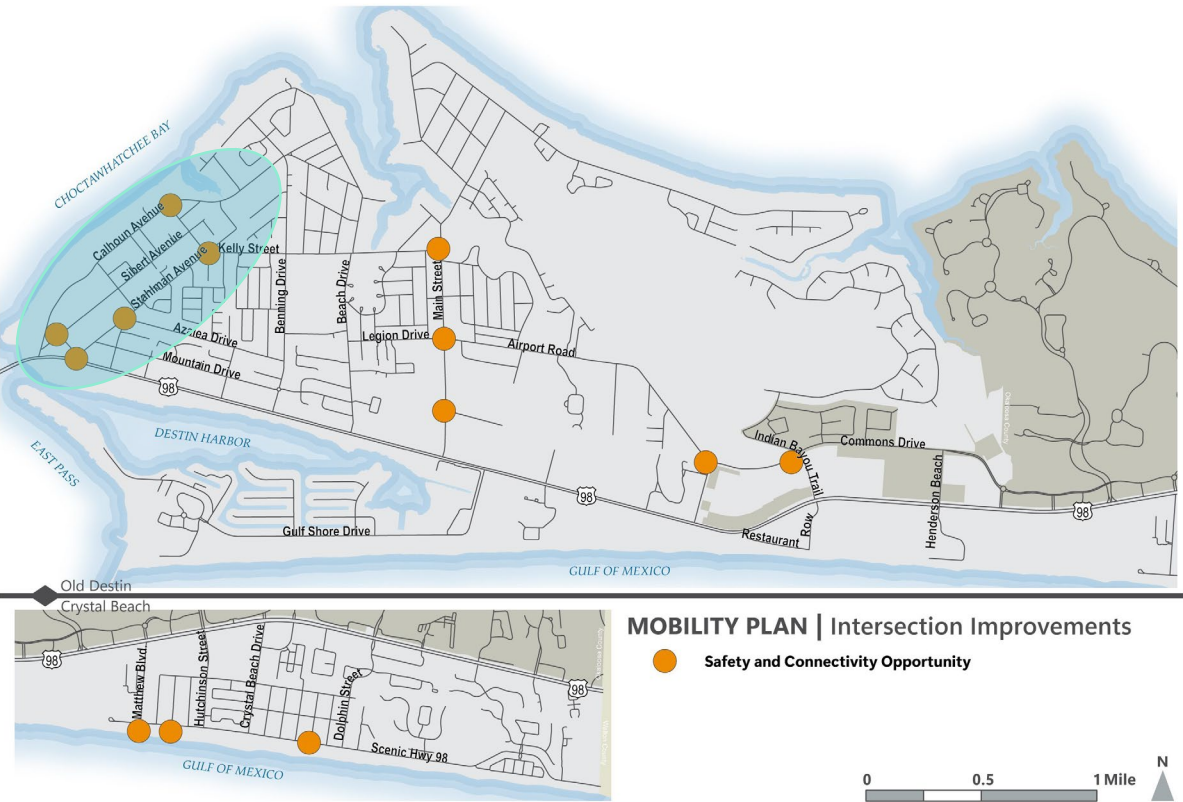
- Better utilization of ROW (lane reassignment) for the four travel lanes and continuous turn lane
- Increase safety for drivers and others
- Pedestrian and bicycle facilities
- Bus stop location and design
- Gateway to Holiday Isle
 - Lighting and landscape



MOBILITY PLAN | Intersection Improvements

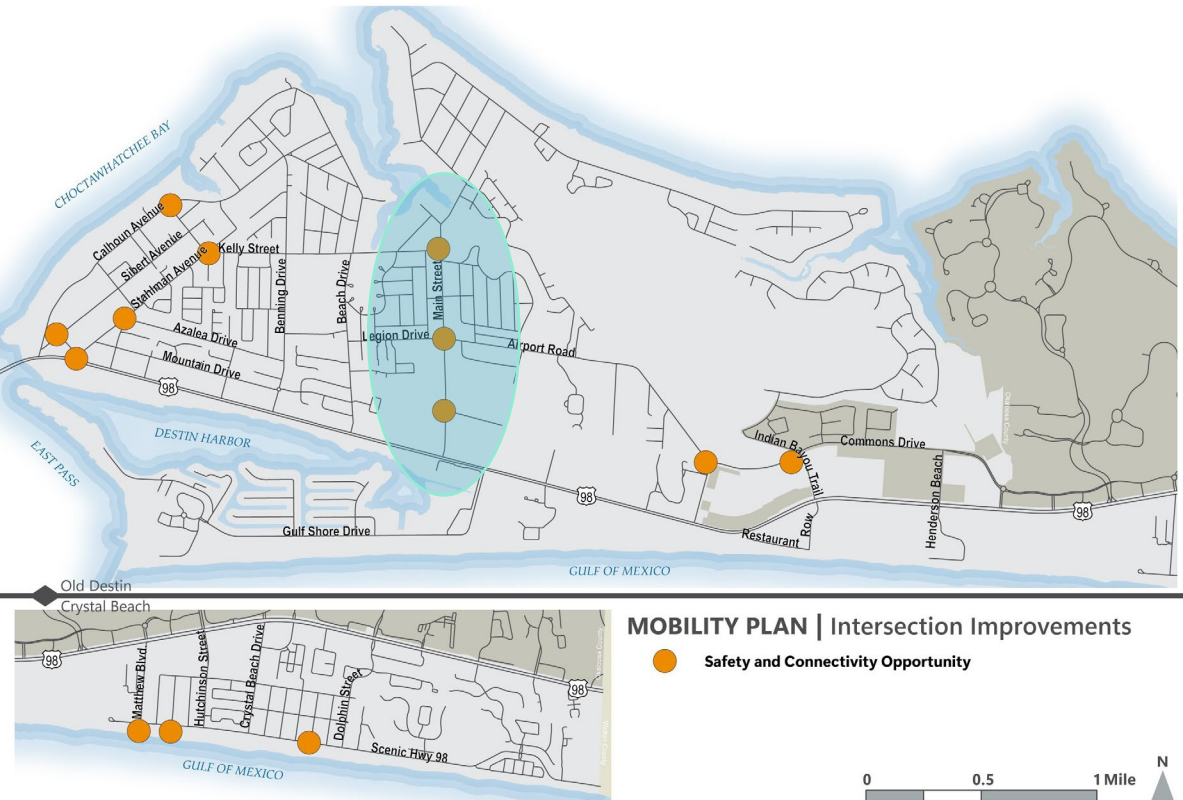
● Safety and Connectivity Opportunity





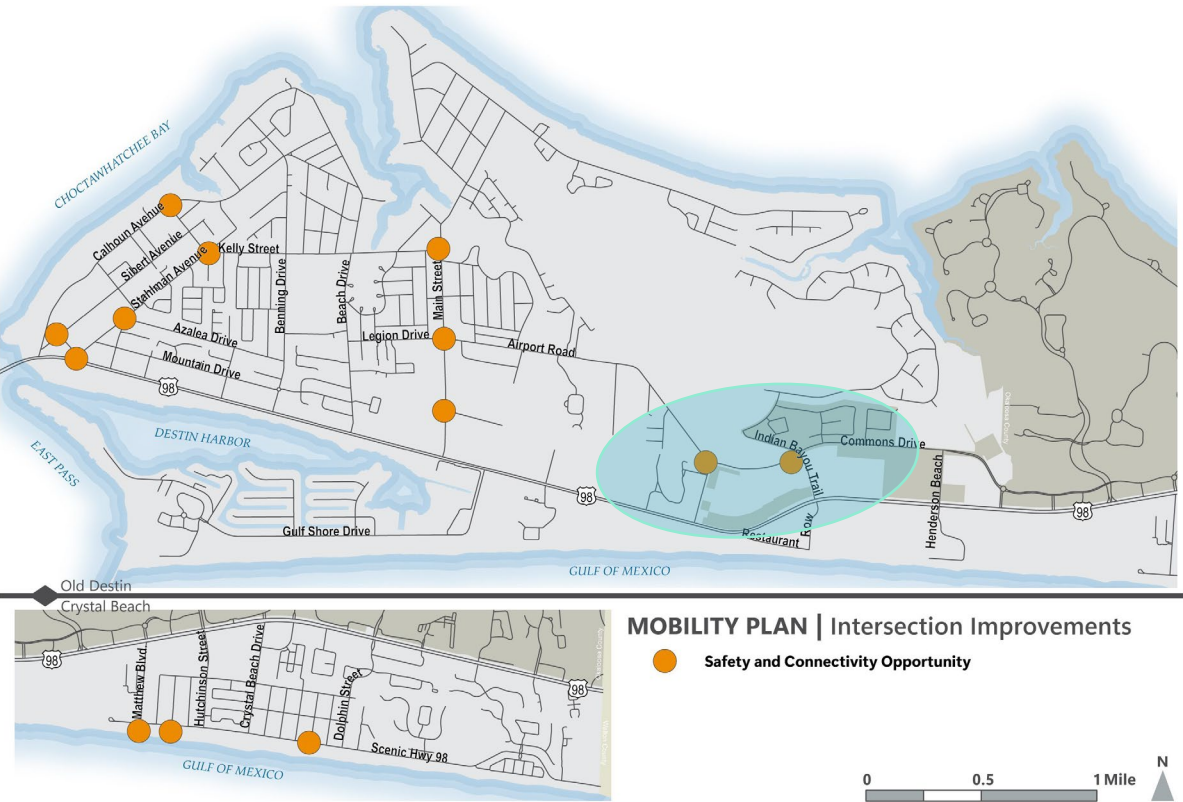
Intersection Improvements West

- Stahlman Avenue/Zerbe Street @ US 98 – Cross Town Connector – Pedestrian facilities linking public parking and Harbor
- Stahlman Avenue @ Azalea Drive – Cross Town Connector – Skew angles and lack of pedestrian crossing
- Stahlman Avenue @ Kelly Street
- Calhoun Avenue @ Sibert Avenue – Pedestrian facilities linking public parking and Harbor
- Calhoun Avenue @ Kelly Street – Traffic calming, east-west bicycle connection



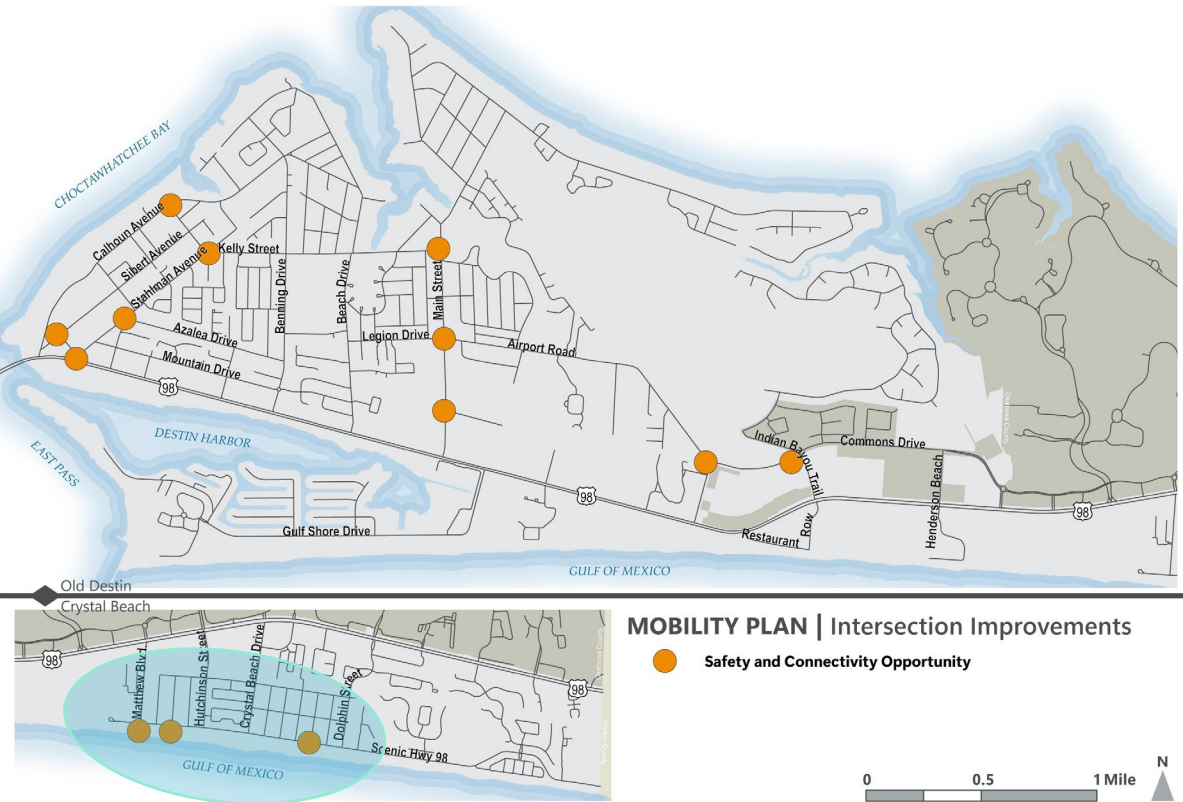
Intersection Improvements Main Street

- Main Street @ Legion Drive/Airport Road – Cross Town Connector, transition between 2 and 4 lane
- Main Street @ 98 Palms Boulevard
- Main Street @ Kelly Street – Pedestrian safety, traffic calming, east-west bicycle connection



Intersection Improvements Commons Drive

- Commons Drive @ Airport Road – Cross Town Connector, connection to Gulf Power Linear Park
- Commons Drive @ Indian Bayou Trail – Cross Town Connector – Bike ramp connection to sidewalk, complete sidewalks and crossings



Intersection Improvements Scenic 98

- Scenic 98 @ Matthew Boulevard – Bicycle and pedestrian connection between US 98 and Scenic 98
- Scenic 98 @ Shirah Street – Mid-block crossing links to beach access
- Scenic 98 @ Pompano Street – Mid-block crossing links to beach access

SMALL PROJECT INITIATIVES

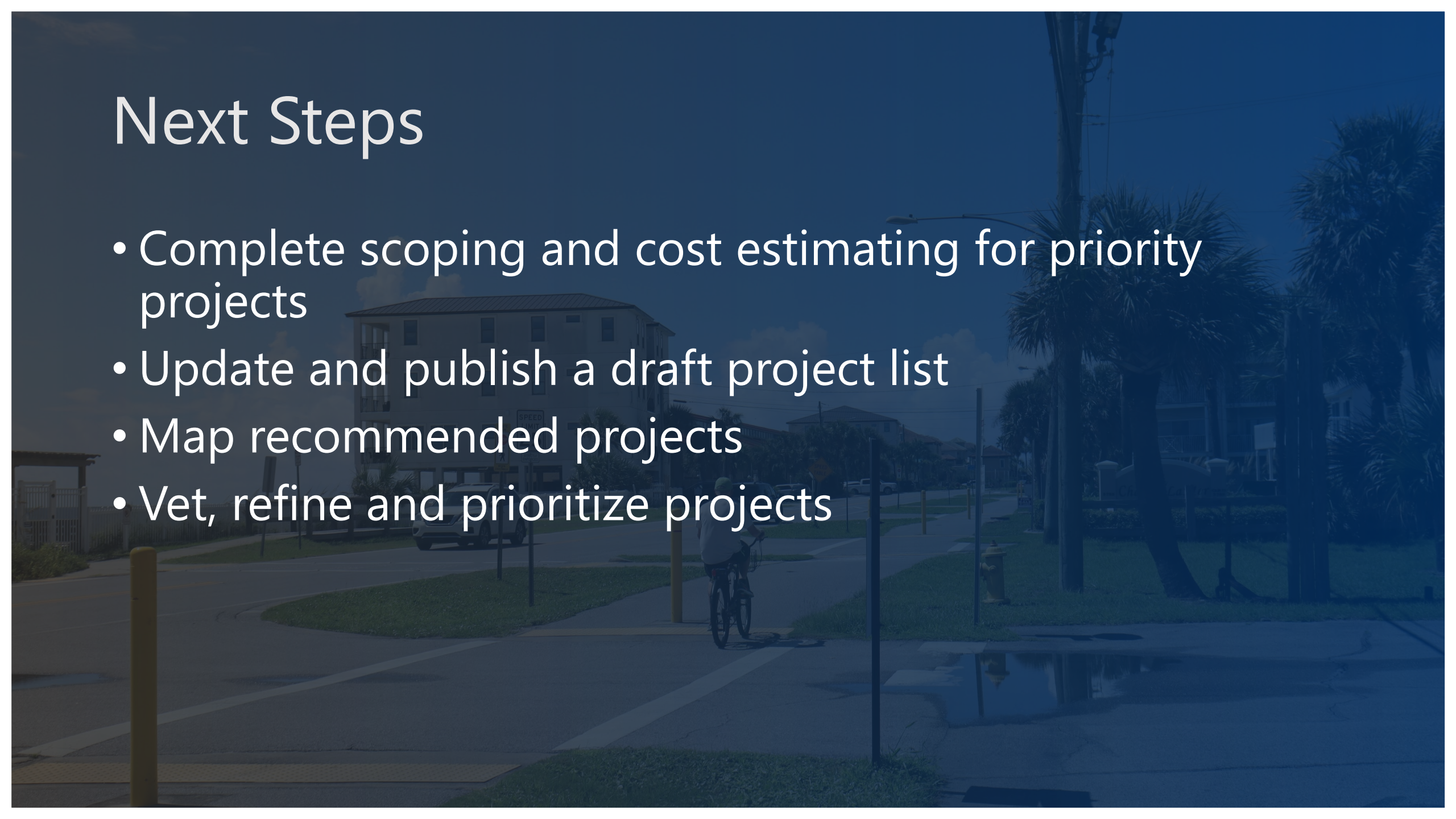
- Construct John Avenue between Dolphin and Sunfish Streets
- Construct Pine Street between Blue Marlin Court and Sibert
- Construct Sailfish Drive between Sailfish Circle and Azalea Drive
- Acquire ROW and construct roadway between Indian Trail and Indian Bayou North
- Roundabout at First and 4th Streets @ Benning Drive
- Provide 6' sidewalks on all local streets in Crystal Beach, prioritize streets with beach accesses to the Gulf
- Transportation infrastructure linked to stormwater improvements

POLICY AND PROJECT INITIATIVES

- Continuous multimodal facilities for east to west connection/Cross Town
- Intersection improvements that address safety and connectivity
- US 98 strategy west of Airport Road
- Gulf Shore Drive reconfiguration
- Improvements at local intersections
- Main Street streetscape improvements
- Coordinated transit and park and ride strategy
- Parking strategy for harbor district
- Gulf Power Linear Park and Trail
- Sidewalks on both sides of street
- Implement sidewalk and other street requirements for new development

Next Steps

- Complete scoping and cost estimating for priority projects
- Update and publish a draft project list
- Map recommended projects
- Vet, refine and prioritize projects



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: August 25, 2022
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Steve O'Connor, Principal Planner

DATE: August 16, 2022

SUBJECT: Impact Fee Study Update

I. BACKGROUND: Pursuant to City Council's direction, the administration is updating the City's Impact Fee Program.

II. DISCUSSION: The Community Development Department is in the process of updating the impact fees for the City. This effort includes creating a new impact fee study for parks, library, public safety and transportation. The overall goal of the project is to have a new study that institutes a fee structure that captures current costs and has a useful life of at least ten years.

The **parks, library and public safety fees** are being based on methodology where the fee is calculated based on the replacement cost of facilities and equipment. The transportation fee is a mobility fee that is going to be calculated based on the projects in the Mobility Plan that are currently under development. Even though these methods are different, many of the base assumptions are shared and the required documentation of all the new fees will be done in one Impact Fee Study. Work on the Impact Fee Study has commenced, including the forecasting required for the Mobility Fee, the inventory of facilities for **parks, library and public safety**, and the documentation of study assumptions.

The agenda item includes a presentation of the project status and the early decisions that need to be made about targeting a fee amount in the context of impact fee legislation that was passed in 2021 that regulates the conditions under which impact fees can be increased. The following is a brief summary of the fee legislation and the new statutes that apply.

The **Florida Impact Fee Act (F.S. 163.31801)** provides requirements for all jurisdictions in Florida utilizing impact fees. Originally adopted in 2006, this Act has been amended several times, most recently in 2021. This act provides definitions for infrastructure and public facilities, as well as the following minimum requirements for local governments:

- Impact fee calculation must be based on the most recent and localized data,
- Accounting and reporting of impact fee collections and expenditures shall be provided in a separate accounting fund, and administrative charges for impact fee collection shall be limited to actual costs,
- A 90-day notice shall be provided before an increase in impact fees,
- The collection of impact fees shall not be required earlier than the issuance of a building permit,
- The impact fee is proportional and reasonably connected to, or has a rational nexus with the expenditure of the funds collected, and the benefits to the new construction,
- Specifically, earmark funds collected for use in acquiring, constructing or improving capital facilities to benefit new users,
- Ensure fees are not used to pay existing debt or previously approved projects, unless reasonably connected to, or has a rational nexus with, the increased impact generated by the new development.

The **Florida Impact Fee Act** also specifies methodology for the calculation of impact fees, considering other forms of contributions, how fees may be implemented if increased, required public participation, and financial reporting requirements.

In 2021, The **Florida Impact Fee Act** was amended (**HB 337**) to include the following major revisions:

- Specific definitions for “infrastructure” and “public facilities”,
- Limitations on how much an existing impact fee may be increased and the speed at which it is increased without the following:
- Demonstrated needs study,
- Demonstration of extraordinary circumstances;
- Minimum of two publicly noticed workshops, and
- Two-thirds vote of approval from the governing body.

Without the above conditions, local governments are limited to the following:

- Impact Fees may not be increased by more than 50% over 4 years
- Rates cannot be increased by more than 12.5% a year;
 - o 25% or less – two annual increments
 - o 25%-50% - 4 annual increments

A. Link to Strategic Goals / Objectives: Improvement to livable environment and connectivity, and quality of life

B. Effect on Budget (EOB): No effect on budget, unless and until such time that the Impact Fees are increased based on the Study’s findings and recommendations.

C. **Level of Service (LOS):** Improved Level of Service

D. **Legislative Sponsor:**

III. CONCLUSION: Staff is bringing this information to the LPA to update the members on the progress that has been made on the Impact Fee Study. The presentation highlights the key benchmark data points and compares Destin's impact fees to surrounding Municipalities.

IV. RECOMMENDED MOTION: Informational Only

Attachments:

1. CouncilImpactFeesUpdate_0822

The background image is a photograph of an indoor basketball court. Several children are visible on the court, some in motion. The gymnasium has a high ceiling with exposed structural beams and basketball hoops. Along the back wall, there are numerous championship banners. The scene is dimly lit, with a blue tint overlaid on the entire image.

City of Destin Impact Fees

City Council Briefing

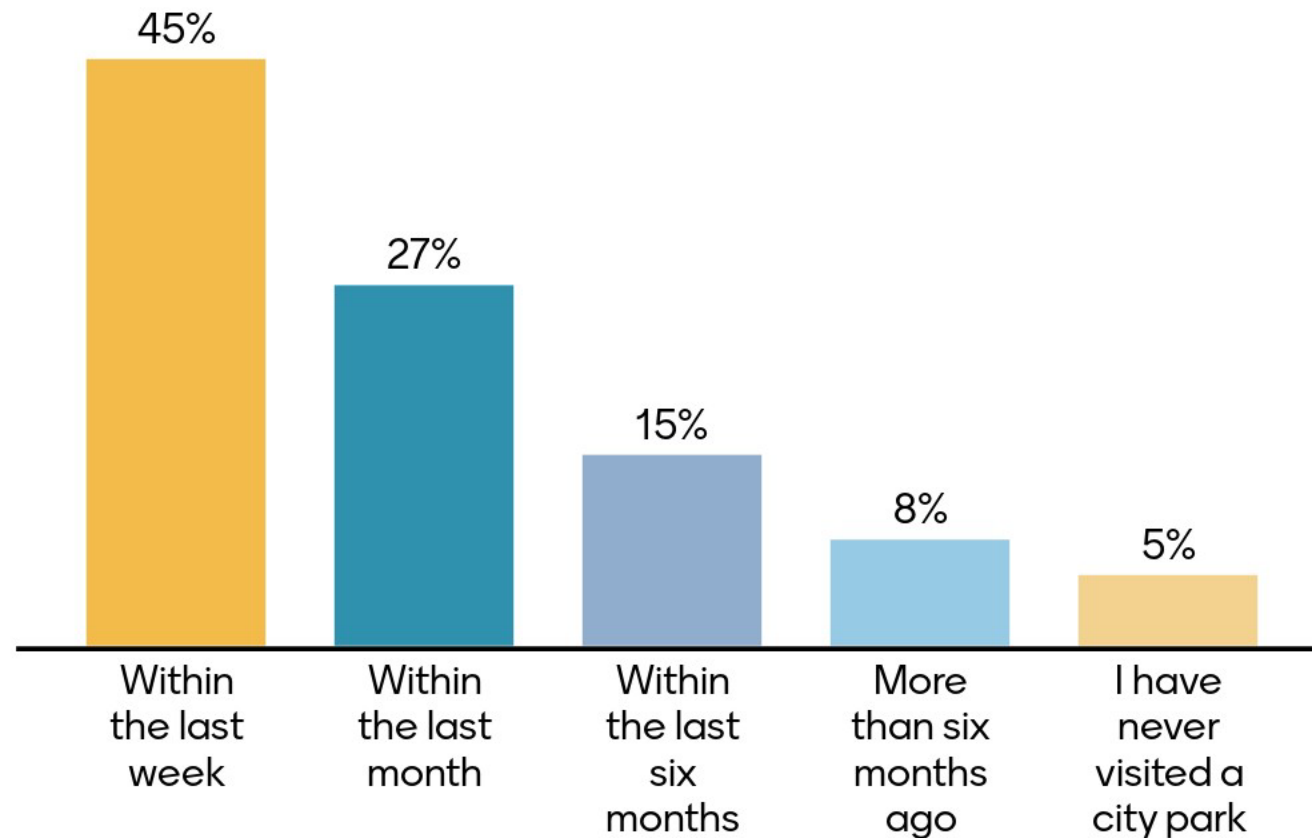
August 2022

Agenda

- Public Feedback on Impact Fee Topics – Parks and Library
- Florida Statutory Requirements and Increase Limitations
- Methods of Fee Calculation
- Fee Comparison for Area Governments
- Next Steps

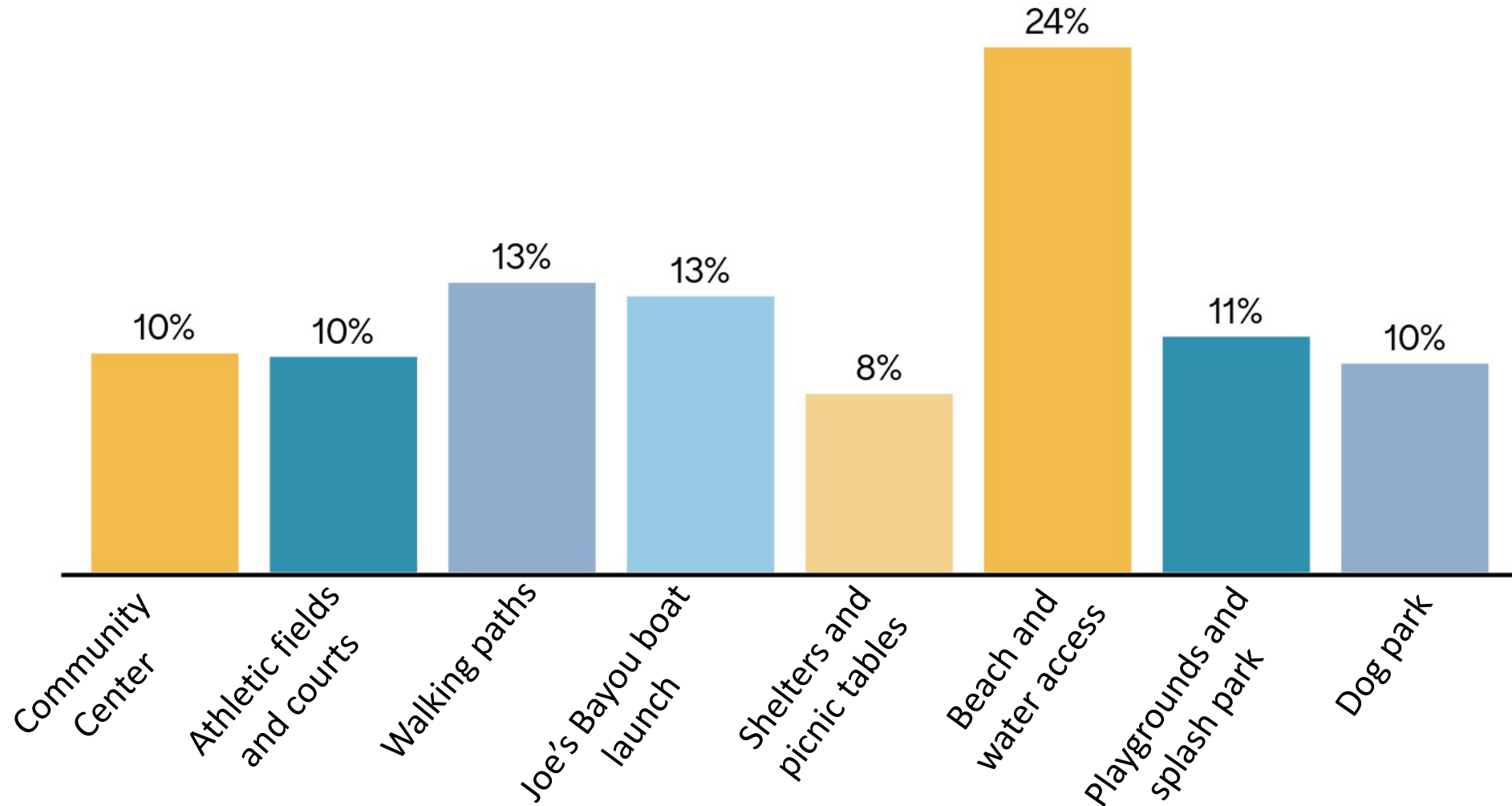


When was the last time you visited a City of Destin park?



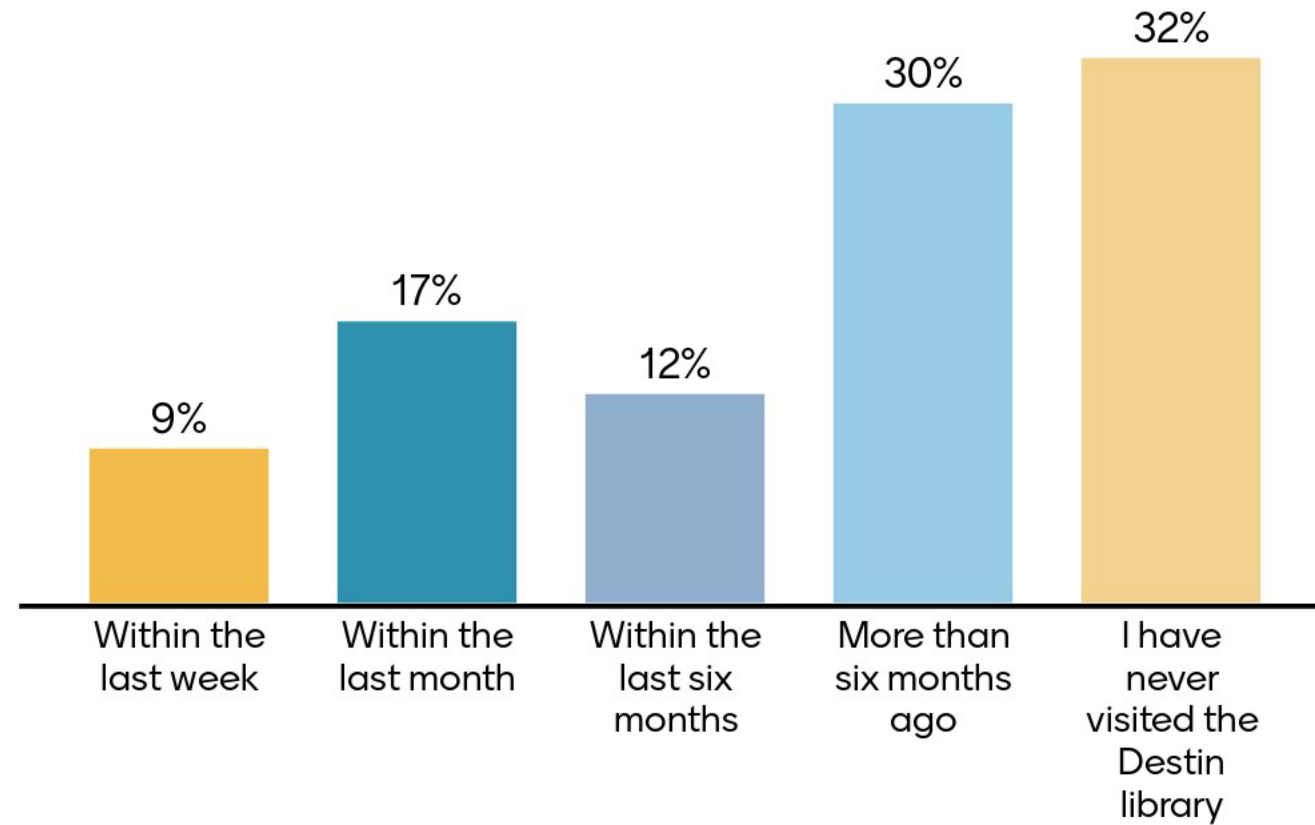


What parks or facilities do you or members of your household use when visiting a City of Destin park?



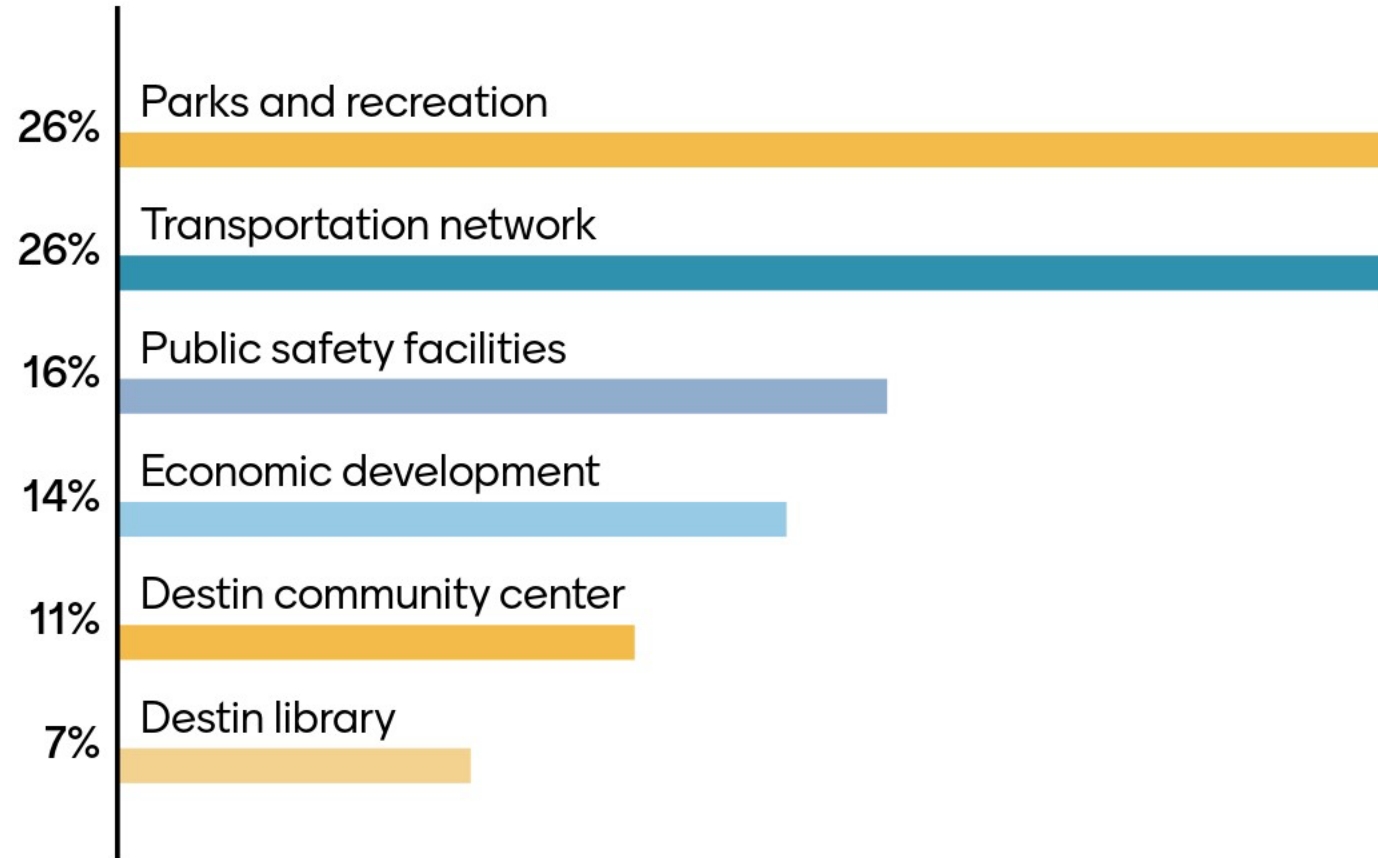


When was the last time you visited the Destin library?





If you had \$100, what percentage would you spend on the following?



Legal Parameters for Local Governments

- Impact fees collected must be spent on infrastructure and facilities.
 - Funds cannot be used for maintenance.
 - Projects must be capacity improvements.
- Impact fees cannot cure deficiencies relative to existing level of service.
 - Future users only have to pay for their anticipated share of the expansion.
- Local governments must have a plan for how and when the money will be spent, or it could be considered an exaction.

Florida Statutory Requirements for Increasing Fees

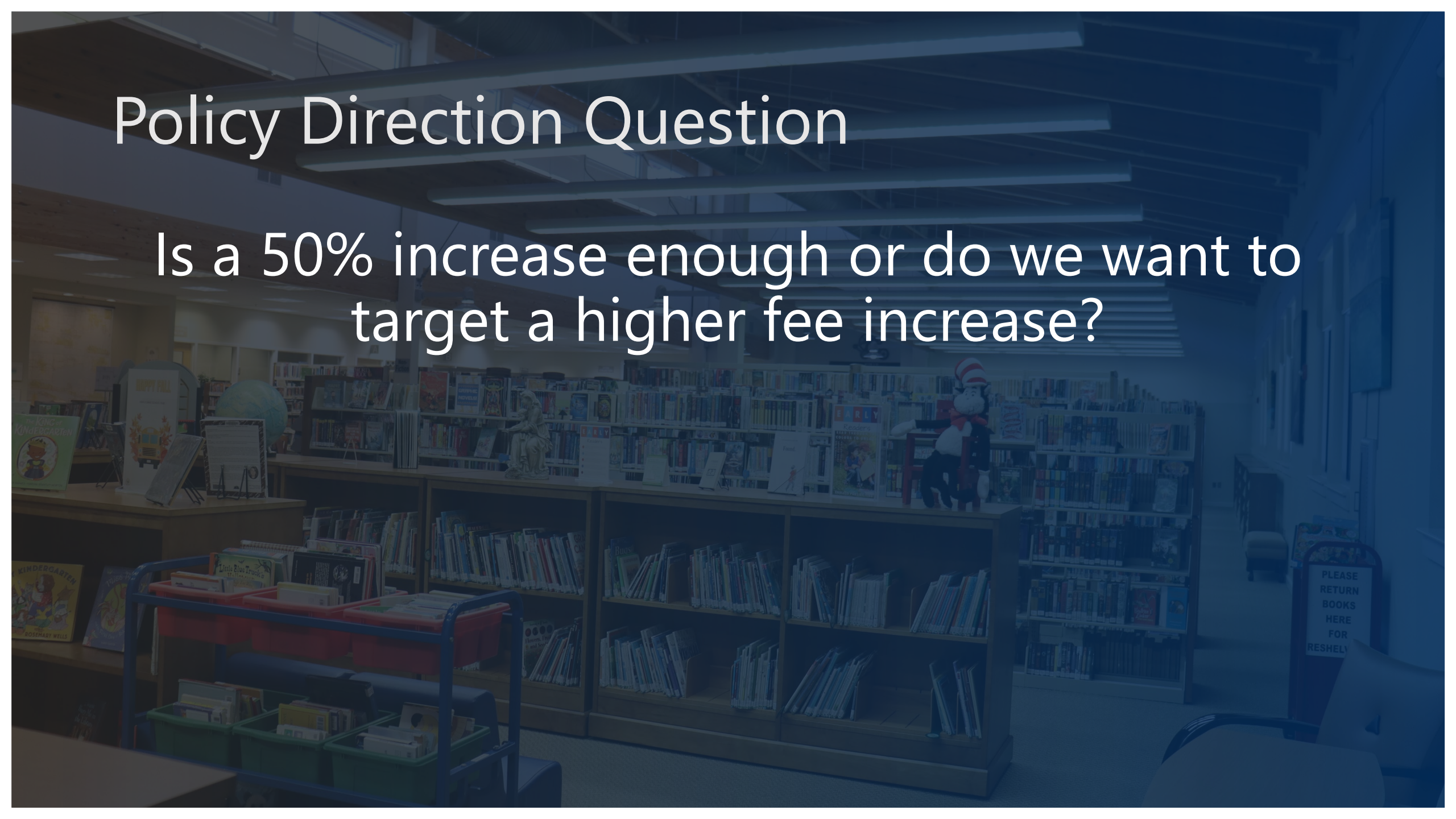
- Base fees on recent and localized data
- Provide notice of increase at least 90 days prior to effective date of ordinance
- Impact Fees may not be increased by more than 50% over 4 years
- Rates cannot be increased by more than 12.5% a year
 - 25% or less – two annual increments
 - 25%-50% - 4 annual increments

Florida Statutory Requirements for Increasing Fees

- A local government may exceed the 50% limitation if
 - The local government completes a demonstrated need study that justifies the increase
 - Demonstrates the extraordinary circumstances necessitating the need to exceed the phase-in limitations
 - Holds at least two publicly noticed workshops
 - Adopts the impact fee increase by at least a two-thirds vote

Policy Direction Question

Is a 50% increase enough or do we want to target a higher fee increase?



Types of Fees

- Consumption based
 - Fees determined by calculating the value of improvements as “consumed” by different land uses
 - Level of service = existing value of the system divided by and allocated to existing users of the system
 - Fee = cost per unit of maintaining existing level of service
- Improvement based
 - Fees determined by calculating the value of planned improvements
 - Level of service = policy based standard for each element of the system
 - Fee = proportionate share of planned improvements as limited by existing level of service

Fee Types for Destin

- Parks and Recreation - consumption based
- Library – consumption based
- Public safety – consumption based
- Mobility Fee - improvement based



History and Method of Calculation - Parks

- This fee is based on the existing level of service from 2006
 - Existing LOS calculated by determining total value of property and infrastructure dedicated to Park use
- Level of Service Model
 - Impact fee is based on providing the existing Level of Service for Parks to future residents
 - Formula
 - Impact Fee = Total existing Park Cost (land value and infrastructure costs)/existing EDUs (equivalent dwelling units)
 - Credits are provided for existing debt and other funding sources (State/Federal grants)

Maximum Fee Increases - Parks

Land Use	2007 Recommended Fee	Current Adopted Fee	Maximum Fee Increase Allowed (12.5%/50%)
Typical dwelling unit	\$1,944.00	\$399.00	\$448.88/\$598.50

History and Method of Calculation - Library

- This fee is based on the existing level of service from 2006
 - Existing LOS calculated by determining total value of property and infrastructure for the Destin Library
- Level of Service Model
 - Impact fee is based on providing the existing Level of Service for library services to future residents
 - Formula
 - Impact Fee = Total existing Library Cost (land value, building, materials and equipment costs)/existing peak population
 - Cost assessed per dwelling based on average household size
 - Credits are provided for existing debt and other funding sources (State/Federal grants)

Maximum Fee Increases - Library

Land Use	2007 Recommended Fee	Current Adopted Fee	Maximum Fee Increase Allowed (12.5%/50%)
Typical dwelling unit	\$344.00	\$133.00	\$149.63/\$199.50

History and Method of Calculation – Police

- This fee utilizes the “functional population” methodology, which assumes that demand for this service is generally proportional to the presence of people.
 - Functional population represents the number of “full-time equivalent” people at the site of a land use.
- Level of Service Model
 - Impact fee is based on providing the existing Level of Service for police services to future residents
 - Formula
 - Impact Fee = Total existing Police Cost (land value and infrastructure costs)/existing functional population
 - Fee assessed per dwelling or 1,000 sq. ft. of nonresidential use

Maximum Fee Increases – Police

Land Use	2007 Recommended Fee	Current Adopted Fee	Maximum Fee Increase Allowed (12.5%/50%)
Typical dwelling unit	\$33.00	\$19.00	\$21.38/\$28.50

History and Method of Calculation - Transportation

- In 2008, this fee was changed from “roads only” to a multimodal fee.
 - Includes capacity, physical improvement and funding needs of both motorized and nonmotorized transportation.
- Improvements Driven Model
 - Formula
 - $\text{Impact Fee} = \frac{\text{Cost of growth-related improvements through 2030 (Roadway capacity projects, bike projects and pedestrian projects)}}{\text{\# of projected EDUs (equivalent dwelling units)}}$

Methods of Calculation – Future Fees

- Transportation
 - Improvement Based Method – Mobility Fee
 - Every need in the Mobility Plan
 - Formula: Roadway capacity projects, bike projects and pedestrian projects, transit, parking
 - Areawide level of service

Impact Fee: Persons per Dwelling Unit Long Term Units Current Policy

Dwelling Size Category	Approximate Midpoint	Average Household Size
Less than 500 SQFT	400	1.028
500-749 SQFT	625	1.294
750-999 SQFT	875	1.539
1,000-1,499 SQFT	1,250	1.850
1,500-1,999 SQFT	1,750	2.201
2,000-2,999 SQFT	2,500	2.646
3,000-3,990 SQFT	3,500	3.148
4,000 or more SQFT	4,500	3.584

Table is from the impact fee study that was the basis for the current fee structure.

Impact Fee: Persons per Dwelling Unit

Long Term Units

Housing Type/Bedrooms	Rooms	Avg Sq Ft (parcel)	Avg Destin PP/HH
0-1 Bedroom	1.00	813	1.00
2 Bedrooms	2.00	1,255	1.49
3 Bedrooms	3.00	1,830	2.23
4 Bedrooms	4.00	2,649	2.97
5 Bedrooms	5.00	3,550	3.72
6 + Bedrooms	6.00	4,387	4.46

2.23 persons per household is derived from 2022 population estimates (14,436) divided by Occupied Dwelling Units (6,486). Three bedrooms houses comprise 54% of the non-condo Single Family and SF/Townhouse housing stock in Destin (Parcel data, assessors office, May 2022).

Impact Fee: Persons per Dwelling Unit Short Term Rentals

Short Term Rental/Bedrooms	Rooms	Max occupancy allowed by code	80% Max	Long Term Units Comparison
0-1 Bedroom	1	6	4.8	1.00
2 Bedrooms	2	8	6.4	1.49
3 Bedrooms	3	10	8	2.23
4 Bedrooms	4	12	9.6	2.97
5 Bedrooms	5	14	11.2	3.72
6 + Bedrooms	6	16	12.8	4.46

Code allows a maximum occupancy of 2 persons per bedroom, plus 4 more. The table shows the maximum, and recommends the impact fees be based on 80% of maximum

Residential Impact Fees for Jurisdictions Surrounding Destin – Okaloosa, Santa Rosa, and Walton										
Jurisdiction	Impact Fees Collected	Water	Sewer	Fire Protection	Law Enforcement	Transportation	Parks and Recreation	Stormwater	Library	TOTAL
Destin	YES				\$23	\$1,425	\$479		\$160	\$2,087
Okaloosa County	NO									
Fort Walton Beach	YES	\$1,880	\$600							\$2,480
Niceville	YES	\$4,550	\$2830	\$200				\$269.57		\$7,849.57
Shalimar	NO									
Crestview	YES	\$1,400	\$3,200							\$4,600
Mary Esther	YES	\$200 per bedroom		\$337	\$323	\$1,500	\$150	\$300		\$3,210
Valparaiso	YES			\$295						\$295
Laurel Hill	YES	\$900		.20 per sq. ft.						\$1,300
Cinco Bayou	NO									
Walton County	NO									
Defuniak Springs	YES - Updating	\$3,747.38	\$6,423.75	\$374.22	\$188.14					\$10,733.49
Paxton	YES - Updating	\$400	\$500							\$900
Freeport	NO									
Santa Rosa County	NO									
Gulf Breeze	YES	\$891	\$4,314							\$5,205
Milton	YES	\$1383.28	\$3867.86							\$5,251.14
Jay	NO									
Impact Fees for Regional Waterfront Jurisdictions (Escambia, Bay, and Gulf)										
Jurisdiction	Impact Fees Collected	Water	Sewer	Fire Protection	Law Enforcement	Transportation	Parks and Recreation	Stormwater	Library	TOTAL
Escambia County	NO RESPONSE									
Pensacola	NO									
Bay County	YES			\$187.44			\$329.87		\$82.75	\$600.06
Panama City Beach	YES	\$727	\$4,628	\$249	\$144		\$867		\$72	\$6,687
Mexico Beach	YES	\$1,225	\$2,125	\$202	\$103		\$900			\$4,555
Gulf County	NO									
Port St. Joe	YES	\$6,913								\$6,913

Residential Impact Fees Comparing Destin Fee Categories

Average Fees for Residential Dwelling Unit

JURISDICTION	Law Enforcement	Transportation	Parks and Recreation	Library	TOTAL (for all fee categories)
DESTIN	\$23	\$1,425	\$479	\$160	\$2,087
MARY ESTHER	\$323	\$1,500	\$150		\$3,210
DEFUNIAK SPRINGS	\$188				\$10,733
BAY COUNTY			\$329	\$82	\$600
PANAMA CITY BEACH	\$144		\$867	\$72	\$6,687
MEXICO BEACH	\$103		\$900		\$4,555

Project Status

- Complete
 - Policy framework, inventory of assets, population projections
- In progress
 - Baseline assumptions, impact by land use, cost estimating, mobility fee project identification
- Next Steps
 - Calculate fees, recommend new fee structure, prepare study report



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: August 25, 2022
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Steve O'Connor, Principal Planner

DATE: August 17, 2022

SUBJECT: Draft Planned Unit Development Regulations

I. BACKGROUND: Over the past three (3) years, the City has diligently and judiciously undertaken the task of updating and aligning the City's Comprehensive Plan with the Future Land Use Map and the Zoning Map. That task is now complete. The City now needs to update and align the City's Land Development Code (LDC) with the recent changes to the Comprehensive Plan.

In January and February of this year, Staff brought the Draft Annotated Article 2 before the LPA to discuss Staff's recommendation and to get further direction from the LPA on policy for the development of a Full Draft of the new Article 2 – Administration. During that review and discussion, Staff mentioned the need to set minimum standards for a Planned Unit Development (PUD), increase the Community Benefit aspect, and allow PUDs to be as creative as possible. The LPA was supportive of the general recommendation but had an issue with the "creative" aspect of the Staff's recommendation.

II. DISCUSSION: The staff took the LPA's direction to heart and proceeded to develop a new PUD process in-house based on experience and what other municipalities were doing.

To review the original Discussion points below is an excerpt from the February 3, 2022, LPA meeting Staff Report regarding the PUD Discussion.

- *2.05.04 - There are several revisions to the Planned Unit Development section needed in order to be consistent with the Comprehensive Plan. Will there be a PUD design manual or chapter within the manual? The following requirements are*

needed in order for the LDC to be consistent with the Comprehensive Plan:

LPA Recommendation: *No, there will not be a PUD Design Manual. However, the regulations for a PUD need to clarify what can and cannot be a PUD and beefed up to require more public benefits. Additionally, it is recommended that certain requirements be unable to be deviated from, such as lot size minimums, and landscaping requirements. The PUD process should be a creative process. The values of the community and the Comprehensive Plan should be reviewed to set a minimum of what can and cannot be deviated from, and then develop detailed PUD minimum requirements.*

With the guidance and direction received from the LPA and City Council, Staff has developed complete PUD regulations and process that addresses the issues of minimum standards, and community benefit and alleviates the perceived “carte blanche” creativity that previously was an issue with the LPA. Listed below are key components that Staff developed for the Draft PUD Regulations:

1. Purpose and Intent for PUDs
2. Minimum Standards for what can become a PUD to include the minimum area required
3. What is required of an applicant to request a PUD
4. Community Benefit standards
5. Clear review procedures and approval process

A. Link to Strategic Goals / Objectives: #2. A green and sustainable environment
#4. Enhanced quality of life and safety for families
#5. Economic development and revitalization

B. Effect on Budget (EOB): No effect on the budget and any changes that affect the LDC will be covered under the approved LDC Rewrite Project Budget.

C. Level of Service (LOS): Develop and implement processes for consistent and streamlined application of codes and procedures.

D. Legislative Sponsor:

III. CONCLUSION: The staff has created a highly collaborative and transparent procedure for developers to use if a PUD is requested. There is greater clarity on what can be requested, deviated from, or is required to develop a PUD. Specifically, there are now clear and simple Community Benefit standards and requirements that are sorely lacking in the current PUD regulations. Staff seeks discussion on the proposed PUD language and whether this is the right direction given previous discussions and guidance for the PUD regulations from the LPA.

IV. RECOMMENDED MOTION: None- Discussion Only

Attachments:

1. Draft PUD Regulations

2.XX PLANNED UNIT DEVELOPMENT

2.XX.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, that 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) A PUD is intended to;
- 1) Encourage efficient use of land and resources, promoting greater efficiency in public and utility services, and
 - 2) Encourage innovative development through new planning and building practices or trends, and
 - 3) Develop an enhanced product compared to a development implementing the strict application of the Land Development Code (LDC), and
 - 4) Implement compatibility with adjacent and nearby land developments.

2.XX.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS:

- A) The City Council may approve, approve with conditions, or deny a PUD based upon written findings of fact according to each of 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.XX.04 Community Benefit.
 - (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 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 wide 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 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;

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- 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 or 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 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 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

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- 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 in Section 2.XX.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 provides by a public access easement.
 - 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.
 - c) Where a PUD is proposed in the Town Center Commons Planning Area but outside of the TCCRA, affordable housing shall be implemented, and 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;
 - (1) 2 points for 5% of units
 - (2) 3 points for 10% of units
 - (3) 4 points for 15% of units
 - (4) 5 points for 20% of units
- B) In 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.

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- (2) **Parking:** The parking 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 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.
- (5) **Screening:** Screening for solid waste, mechanical equipment, or other elements as required by Section X.XX.XX of the LDC
- (6) **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.
- (7) **Landscaping:** Landscaping shall meet the minimum requirement of the underlying zoning district.

2.XX.03 MINIMUM AREA:

- A) A proposed PUD shall have a minimum net lot area as listed in table 2-XX for any parcel or tract of land under single ownership or control in certain Planning Areas.

Table 2-XX 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

2.XX.04 COMMUNITY BENEFIT:

- A) A PUD shall apply and implement the following objectives per section 2.XX.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.

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- (3) Development of connected greenways and/or wildlife corridors.
- (4) Daylighting of water bodies.
- (5) Inclusion of local food production areas, such as community gardens.
- (6) Clustering of development to preserve open spaces.
- 2) **Objective 2 - Historic Preservation:**
 - 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 to, historically significant landscapes that contribute to the character of the City and contribute 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.
 - (i) 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;
 - (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
 - (2) The proposal includes housing types, excluding detached single-family housing, that are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.
- 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:**
 - 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.

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- (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 implement a specific Goal, Objective, or Policy of the adopted Comprehensive Plan or Master Plan not related to compliance standards listed in Section 2.XX.02.

2.XX.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 will by the Community Development Director.
 - 1) A complete written description, with supporting graphics, of the proposed PUD including;
 - a) the zoning regulations being modified in the PUD, and
 - b) the Comprehensive Plan or CRA Master Plan objectives, goals, and policies being met;
 - c) how the proposed PUD is compatible with other property in the neighborhood(s);
 - d) what and how the proposed PUD provides and meets the community benefit requirement per section 2.XX.04;
 - 2) Site Plans, surveys, as required pursuant to sections XX.XX.XX and XX.XX.XX of the LDC;
 - 3) Architectural graphics including elevations, profiles, conceptual floor plans and cross sections;
 - 4) preliminary subdivision plat or final plat, if applicable or required;
 - 5) Traffic impact analysis;
 - 6) A statement describing the care and maintenance of all open space or recreational facilities; and
 - 7) 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.XX.XX of this Article
 - 2) Any other required supplemental applications for a proposed PUD, such as subdivision or platting 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:**

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- 1) **No Presumption Of Approval:** A request for a PUD does not constitute an assurance or presumption of approval. A proposed PUD shall be evaluated on an individual basis, in relation to its compliance with the standards of this Section, with the standards for the zoning district in which it is located, and other standards and regulations within the LDC, to determine whether the PUD is appropriate and compatible in the proposed location.
- 2) **Approval:** The City Council may approve a PUD as proposed or may impose conditions necessary or appropriate for the PUD to comply with the standards and factors set forth in this Section.
- 3) **Denial:** The City Council may deny an application for a PUD if it finds that the proposal;
 - a) does not meet the intent of the base zoning district, or;
 - b) is not appropriate or compatible with the Planning Area as outlined in the City's adopted Comprehensive Plan, or;
 - c) does not meet the purpose and intent of this article, or;
 - d) is not consistent with the standards and factors as set forth in this section.
- 4) **Appeal of City Council Decision:** Any person adversely affected by a final decision of the City Council on an application for a PUD may appeal to the District Court within thirty (30) days **CONFIRM WITH KIM.**

2.XX.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 may grant one extension of a PUD for up to one additional year from previous approval date;
 - 1) The material required for an extension request shall meet the same requirements for a Development Order Extension as outlined in Section 2.XX.XX
 - 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 by requesting a Public Hearing before City Council, within six (6) months after expiration.
 - 1) The material required for an extension request shall meet the same requirements for a Development Order Extension as outlined in Section 2.XX.XX
 - 2) If a PUD expires and is reinstated, it shall not be allowed to request an extension or another reinstatement.

2.XX.07 DEVIATIONS OR AMENDMENTS TO A PLANNED UNIT DEVELOPMENT PLAN:

- 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

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modifications through the PUD process. Deviations or amendments to the PUD may be allowed pursuant to this Section.

1) **New Application Required For Deviations and Amendments:** No deviation or amendment shall be made in the construction, development, or use without a new application under the provisions of this Article.

a) Any deviation or amendment 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.

2) **Major Deviation or Amendment:**

a) Major deviations or amendments are deviations from a final development plan, including any change; to

(1) a condition in the final 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, except as allowed by Section 2.XX.05.C.2.a.1.iii of this Article;

(iii) Any decrease in open space;

(iv) Any increase or decrease in parking spaces on or off-site 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.

(5) Such major deviations or amendments 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.

(6) Major deviations or amendment applications shall follow the same procedures as a Major Deviation application outline in Section XX of this Article



(7) Noticing: shall follow the requirements per section XX.XX.XX of the LDC

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3) **Minor Deviations or Amendments:**

- a) Minor deviations or amendments are deviations to an approved PUD that is not a Major deviation or amendment as identified in Section 2.XX.07.A.2., nor a Technical modification as identified in Section 2.XX.07.A.4.
- b) Such minor deviations or amendments 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.
- c) Minor deviations or amendments applications shall follow the same procedures for a Minor Deviation as outlined in Section 2.XX.XX.

4) **Technical Modifications:** Modifications or amendments that appear necessary considering technical or engineering considerations and not in conflict with any Major Deviation as Identified in Section XXX above.

- a) 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.
- b) Such modifications shall be limited to modifying the following elements:
 - (1) 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.
 - (i) Except, a modification that decreases the setback between a proposed building and an existing building or property line external of the proposed PUD.
 - (2) vehicular circulation element
 - (3) the location or increasing the size of any open space
 - (4) any stormwater element
 - (5) final grade
 - (6) the types of landscaping elements and their arrangement within the required landscaping buffer area
 - (7) Relocation or construction of accessory structures
- c) Technical modifications or amendments application shall follow the same procedures for a Simple Deviation as outlined in Section 2.XX.XX.

2.XX.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 placement 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

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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 assure 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) The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, and also 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.

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