



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, MARCH 7, 2024
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. Minutes- February 1, 2024**
- 4. NEW BUSINESS**
 - A. Ordinance 24-01-LC & 24-02-CC (ROW Protection During Construction Development)**
 - B. Draft Article 4- Zoning Districts, Overlays, and On-Site Regulations**
 - C. Draft Article 5- Subdivision Regulations**
 - D. Net Positive Environmental Benefit (NPEB) Fee- LDC 11.02.N**
- 5. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 6. NEXT MEETING DATE: March 21, 2024**

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)

**LOCAL PLANNING AGENCY
MEETING MINUTES
FEBRUARY 1, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, February 1, 2024, at 5:30 p.m., in the Destin City Hall Boardroom; 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.	Jay Purut	Kim Montgomery City Clerk
Todd Buhr		Steven O'Connor Principal Planner
Marcie Bell		Daniel Butler, Senior Planner
Corey Ledbetter		Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES: October 19, 2023

Motion by Agency member Bell, seconded by Agency member Buhr to approve the October 19, 2023, minutes as written, the motion passed unanimously with a 4-0 vote.

4. NEW BUSINESS:

A. Draft Article 4 – Zoning Districts, Overlays, and On-Site Regulations

Mr. O'Connor explained to the members that the total amount of zoning districts have been reduced from 28 to 21, with some new uses added to some of the zones. Explaining further, that if in the consolidated zone, if the use is more restrictive in one of the zones, it becomes a Conditional, regardless of if it was permitted in the older zone. Additionally, there are also some reduction in uses because there of redundancy.

➤ **USES**

Staff is doing away with uses that are in conflict with the Comprehensive Plan and/or planning areas in certain zones.

- Airport Zone, mainly because there is a lot of uses within that zone that are in conflict with the Comprehensive Plan and Future Land Use and Planning areas, which is still a work in progress therefore it is not in there at this time.
- Auto Repair Shops had several different uses that staff is working on to reduce to help with any confusion. As well as the definition of Shopping Centers were reduced too, and now is based on their parking requirements of one per 250 square feet.

- Junk yards are not allowed in any of the districts, but they were in Special Criteria, so that has been removed.
- Public safety, and utility distributions: These uses were called out in the current LDC as permitted in every single zoning district. So, if they're permitted and every single zoning district, they don't need to call it out as a use.

➤ ORGANIZATION

Mr. O'Connor explained this part has had big changes in order to make it easier for staff and customers to determine what they want and if it's allowed, per the zoning district, as well as the required amount of parking spaces for the particular use.

The first major shift is how the users of the LDC interact with the zoning districts. He explained how staff reorganized all districts into their own section dedicated to all aspects of development that are specific to that district. Each district includes the following items:

1. Use Table list only the permitted or conditionally allowed uses
2. The required amount of parking for each use
3. The NAICS Code as applicable
4. Dimensional Limitations Table
5. Graphics depicting the dimensional limitations (except the Special Districts Section 4.06)

The Use table is also organized in a different manner than the current table. Instead of grouping uses by their NAICS code, Staff organized the uses into Residential, Commercial, Institutional, Industrial, and Recreational use. Within each use category they have been alphabetized for ease of navigation.

Consolidation: Based on the LPA's recommendation at the December 1, 2022, meeting, Staff consolidated seven (7) districts of the twenty-eight (28) districts we currently have. The consolidation and twenty-one (21) districts are listed below.

Residential Districts

- Low-Density Districts
 - Bay Estates (BE)
 - Low Density Residential (LDR) [Consolidated LDR-V and LDR-H]
 - Low Density Residential - Holiday Isle (LDR-HI)
- Medium & High-Density Districts
 - Medium-Density Residential - Village (MDR-V)
 - High-Density Residential (HDR) [Consolidated MDR-HI and HDR]

- Crystal Beach Neighborhood (CBN) [Consolidated CBN and ROI-CBR]
- Mixed-Use Districts
 - Crystal Beach Resort (CBR) [Consolidated CBR and ROI-TD]
 - Residential, Office, Institutional - Village Residential
 - Calhoun Mixed Use (CMU) [Consolidated CMU and CMU-V]
 - North Harbor Mixed Use (NHMU)
 - South Harbor Mixed Use (SHMU)
 - Town Center Mixed Use (TCMU)
 - Gulf Resort Mixed Use (GRMU)
 - Holiday Isle Mixed Use (HIMU) [Consolidated HIMU and BRMU]
- Commercial Districts
 - Commercial General (CG) [Consolidated CG and CL]
 - Commercial Trades and Services
- Other Zoning Districts (will remain)
 - Recreational
 - Conservation
 - Institutional
 - Industrial
 - Airport

Supplemental Design Standards: has been organized into Residential standards and Non-Residential Standards. This helps with navigation and provides clarity about what specific uses have extra design standards they must meet.

1. Water Taxis: Water taxis are a use listed in several use charts of various zoning districts. In all but one of those districts they are Permitted Use. However, Water Taxis are a Conditional Use in Calhoun Mixed Use (CMU) Zone. Staff does not see why specifically in the CMU Zone, Water Taxis were listed as Conditional Use, and recommends changing this by making Water Taxis a Permitted Use in the CMU Zone because, it will expand the ability for people to move around the Harbor and other destinations across Destin without having to drive a vehicle and therefore reducing traffic congestion on Harbor Blvd.

Agency member Buhr made the motion for water taxis to be permitted uses in all of the zoning districts identified by staff to include CMU. Agency member Bell provided the second for discussion. She then spoke of all the water taxi stops that are currently along the harbor and adjacent waterways and how there is a residential property she is aware of that houses a water taxi.

Mr. O'Connor explained water taxis are similar bus stops in the city, and where the bus goes at the end of the day, at the bus depot, is similar, where the water taxis dock at the end of the

day or, moor their vessels, in this case. Mr. O'Connor also explained, there are not any water taxi businesses operating in the harbor, that staff is aware of. Agency member Bell stated that she knows there is one on one of the canals, at a private residential home, where they moor.

Mr. O'Connor clarified that that commercial vessels are not required to be registered and a commercial vessel operation can moor their vessel at their private dock at their home, as part of their home occupation, as long as their customers are not picked up and dropped off at that location.

With no further discussion, Chairman Wood called for the vote and **the motion passed unanimously with a 3-1 vote.**

2. Building Height in CMU: 4.05.02 in the CMU Zone, the Dimensional Limitations table lists the max height of a non-dwelling use as 50'4 Stories. However, the footnote limits all non-residential uses to 35'2 stories. Staff recommends changing to 35'3 stories to be consistent with the LDC.

Mr. O'Connor explained how there are conflicting information in LDC that needs to be consistent. In the current dimensional limitations table for CMU, the table states that the building can be built to 50 feet, four stories. However, the footnotes actually limits all non-residential uses to 35 feet and two stories. Residential Uses are 35-feet and three stories. Staff is recommending 35'3 stories for nonresidential and residential.

Motion to change the height requirements 35-feet and three stories to be consistent with the Land Development Code was made by Agency member Bell, with Agency member Ledbetter providing the second. Agency member Buhr asked staff if they were aware of how many vacant lots there were left in the CMU zone. Mr. O'Connor stated determined there are about 7 or 8 parcels, maybe a few more. **The motion passed unanimously with a 4-0 vote.**

3. ECHO Housing: 4.08.02.A.5. Currently in Section there is a provision for Elderly Cottage Housing Opportunity (ECHO). This language currently exists in LDC Section 9.02.01.D. At a base level it allows for any property owner, regardless of zoning district, to construct an Accessory Dwelling Unit, so long as it is specifically for use by the "elderly" and they meet the setbacks, it currently states that is shall be permitted. It is Staff's general view that this regulation may be difficult to control in zoning districts such as LDR where ADUs are not allowed. Furthermore, it may also open the door for expansion of STRs in zoning districts where they are not permitted.

Motion by Agency member Buhr to remove all reference to ECHO Housing from the new draft. Agency member Bell provided the second. In discussion, Agency member Buhr asked staff, if someone wants to build something similar, wouldn't it fall under the existing accessory dwelling unit or would they need to apply for a Variance. Mr. O'Connor explained it could essentially be an Accessory Dwelling because with a Variance, those have to be tied to

special condition of either the building, the site, or environmental conditions. **With no further discussion, the Chairman called for the vote and the motion passed 4-0.**

4. ADUs Accessory Dwelling Units and Guest Houses: 4.08.03.B. Many municipalities have a max percentage and a total max sq ft for ADUs and Guest Houses. For example, an ADU may not be larger than 50% of the primary Dwelling on the property, but in no case shall an ADU exceed 1,200 sq. ft. Currently ADUs can be as large as 1,200 sq. ft. maximum, so long as they do not exceed the size of the primary dwelling. Staff is asking the Agency members if they want to limit ADU's, based on the percentage of the existing home, or keep it as it currently is.

Agency member Buhr made the motion to recommend staff add language for ADU's to not be any greater than 1,000 square feet and 50 percent. Agency member Bell provided the second. In discussion, Agency member Buhr spoke of concern about if they change the requirements from 1,200 to 1,000 and 50%, could that possibly be too drastic of a cut.

Mr. O'Connor asked the city attorney if this change could possibly trigger a Bert Harris. The City Attorney explained, since it's not getting adopted in the near future, there is time for further investigating, adding that currently, they are on a property-by-property basis.

Agency member Buhr withdrew his original motion and moved to have staff research to find out what would be the impacts and bring back analysis of how reducing a ADU to 1,000 and 50 percent affect Bert Harris. Bring their findings back for further discussion, and then also a general idea of the percentage of impacts to permits. Agency member Bell provided the second.

There was a discussion regarding the different lot sizes in the city and wanting to ensure that the people that have the larger lots are not being penalized on what they can or cannot build on their lots, if they want to add an accessory building for their family members. Mr. O'Connor explained the open space minimum requirements would also come into play. **With no further discussion, the Chairman called for the vote and the motion passed 4-0.**

5. Parking for Outdoor Seating: 4.09.01.B. Currently there is no consideration of outdoor seats in the City's Parking Requirements. At a joint workshop with the City Council and the LPA, it was recommended that staff include provisions for outdoor seating in the draft of Article 4. Staff is proposing to include a new provision that all proposed outdoor seating shall provide the same minimum required parking required for indoor seating.

Agency member Buhr stated that he is hesitant to the one-for-one because of the restaurants that are on the beach that have the walk up patronage that sit outside. As well as those businesses that don't have parking for their employees.

Motion by Agency member Buhr that for outdoor seating, the parking gets calculated at 50 percent of what is required for indoor seating. Agency member Ledbetter provided the second.

Agency member Bell spoke of how her concern is, that she doesn't even think 50% of patrons even come by cars anymore. Pointing out that so many people now come by Ubers and feels that percentage is just too high and suggested maybe 25% would be better percentage. With no further discussion, **Chairman Wood called for the vote and the motion passed 3-1 with Agency member Bell voting no.**

Agency member Buhr spoke of how he has previously discussed with Mr. O'Connor the 20-foot front setback rule and how he feels a 10-foot front setback would work just as well especially for the smaller 50'x100' feet lots and may benefit from a 10-foot setback and the owners would still have a well-designed lot and asked the LPA member for their thoughts.

Mr. O'Connor mentioned in other municipalities across the country many do have lesser setbacks. Explaining further that staff would ensure that one car can fit in the driveway and the garages would have to be set back to the 20-foot setback to allow for one vehicle to park in the driveway and have garage access if the garage faced the street.

Agency member Bell mentioned would a shorter setback make a neighborhood look out of place with all of the other houses set at 20-feet. Mr. O'Connor agreed but pointed out that with eventual redevelopment, it would even out.

Motion by Agency member Buhr to recommend staff change all residential neighbors, front setbacks from the existing 20 feet to 10 feet with Agency member Ledbetter providing the second. The motion passed 3-1 with Agency member Bell dissenting.

Agency member Buhr spoke attended this month's Board of Adjustment Hearing since he lives in the neighborhood and spoke of how the property owners were requesting a Variance from the current code requirements in order to be able to have their driveway along the side of the property instead of the front, as the code currently requires. He feels that the code needs to be changed to allow for a common boundary buffer as many of the adjacent homes currently have. He provided pictures on the screens of several homes built with the common boundary buffer and the parking on one side of the property. There was a brief discussion regarding the flare requirements for driveways.

Motion to have staff develop language for how property owners could develop their property with the common boundary buffer along the side to allow driveways in a traditional way and have a restriction in place for the landscaping in the front. Additionally, provide options to remove tandem parking as a requirement in the future right of the code, explore options that minimize the bend as much as possible, more to the current historic flavor of

driveways that are as close to the line as possible, if going into the common boundary buffer, keep as straight as possible, in a more of a historical context. Agency member Bell provided the second. In discussion, regarding tandem parking, Agency member Bell asked what happens to the tandem requirements, if the property has a larger frontage in terms of feet such as 300-500 feet for the large parcels.

Agency member Bell substituted the motion to not remove tandem but to provide options. The substitute failed without a second. Chairman Wood called for a vote for the original motion, and the motion passed 3-1 with Agency member Bell dissenting.

B. Draft Article 5 – Subdivision Regulations

Mr. O'Connor explained this Article now combines all subdivision regulations and provides for new regulations that are not currently in the Code, as well as providing more clarity for minimum standards for new subdivisions, and the final approval requirements for lots that can be sold.

Agency member Buhr spoke of how he feels that a number six should be added for waiver language that a waiver is in the best interest of the city.

Motion by Agency member Buhr for staff to add language to add to Section 502.02, B2, A1 of Article 5 draft, A sixth criteria, “Approval of a waiver is in the best interest of the city of Destin.” With Agency member Bell providing the second, the motion passed 4-0.

5. PUBLIC COMMENTS: None

6. DIRECTOR’S REPORT: None

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:30 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 7, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Louis Zunguze, Interim City Manager
Kimberly Kopp, City Attorney

FROM: Noell Bell, Chief Building Official

DATE: February 27, 2024

SUBJECT: Ordinance 24-01-LC & 24-02-CC (ROW Protection During Construction Development)

I. BACKGROUND: During the July 17, 2023, City Council meeting, Council directed Staff to bring back suggestions dealing with construction parking plans for residential developments. This is a result of some citizen concerns about recent construction sites regarding the storage of materials, equipment, and parking of vehicles in and around these sites, which spill onto to the Rights-of-Ways (ROW), blocking sidewalks and roadways.

To address these concerns, the Public Works and Safety Committee was presented with 3 recommended Options, which included **Construction Parking Exhibit Plans** for revisions to the **Land Development Code, Article 8.01.00, A – Protection of Right-of-Way**. The options were:

OPTION 1: (Refer to Attachment 1)

- Maintain and uphold the current LDC code as written for ROW protection. (Refer to Exhibit Option 1)

OPTION 2: (Refer to Attachment 2)

- Use of part of the ROW is acceptable but must maintain 5' off roadway.
- Do not block any sidewalk.
- No overnight storage in ROW.
- Allow loading and unloading only in the roadway part of the ROW at the project

site but must provide proper FDOT traffic standards.

OPTION 3: (Refer to Attachment 3)

- Allow loading and unloading only in the roadway part of the ROW at the project site but must provide proper FDOT traffic standards.
- No public access is allowed between the roadway and the upland project site. Clearly mark the area as “Construction Zone Ahead” on each end of the ROW construction site.
- Close any adjacent sidewalks within the ROW of the project site and re-route according to FDOT standards.
- Maintain 5’ clearance off of the roadway at all times at the project site, for any materials, equipment, parking, etc.

Their recommendation to the Council was Option 3 and to include the **Construction Parking Exhibit Plan**.

On October 2, 2023, Staff brought forth to City Council the recommended changes to the **Land Development Code (LDC)** pertaining to protection of Rights-of-Ways and Construction Projects, as presented to the **Public Works and Public Safety Committee** and their recommendation of Option 3.

Council moved to approve Option 3 as recommended by the **Publics Works and Safety Committee** and directed Staff to amend the LDC accordingly.

II. DISCUSSION: Option 3 contained the following recommended revisions to the **LDC, Section 8.01.00 A, 3. Right-of -Way (ROW) protection**:

- Allow active loading and unloading only in the roadway part of the ROW at the project site but must provide proper FDOT traffic standards.
- No public access is allowed between the roadway and the upland project site. Clearly mark the area as “**Construction Zone Ahead**” on each end of the ROW construction site.
- Close any adjacent sidewalks within the ROW of the project site and re-route according to FDOT standards.
- Maintain 5’ clearance off of the roadway at all times at the project site, for any materials, equipment, parking, etc.
- A parking/staging plan is required upon submittal of any permit for construction activity.

An exhibit plan (Exhibit A) has been incorporated into the changes proposed which clearly defines the boundaries as stated above and as recommended by the Public Work and Public Safety Committee and approved by City Council.

The LDC Section 8.01.00 A, 3. Right-of -Way (ROW) protection is slated to be removed

from the LDC during the current rewrite and therefore, staff is modifying the current language under **Section 8.01.00 A, 3** slightly and all the above bullet points will be incorporated into the Code of Ordinance under proposed **Ordinance 24-02-CC** and the LDC will be updated to reflect language modification to **Section A, 3** and removal of subsection a.- d. under this proposed **Ordinance 24-01-LC**.

- A. Link to Strategic Goals / Objectives:** II. Enhanced Quality of life and safety for families
- B. Effect on Budget (EOB):** n/a
- C. Level of Service (LOS):** n/a
- D. Legislative Sponsor:**

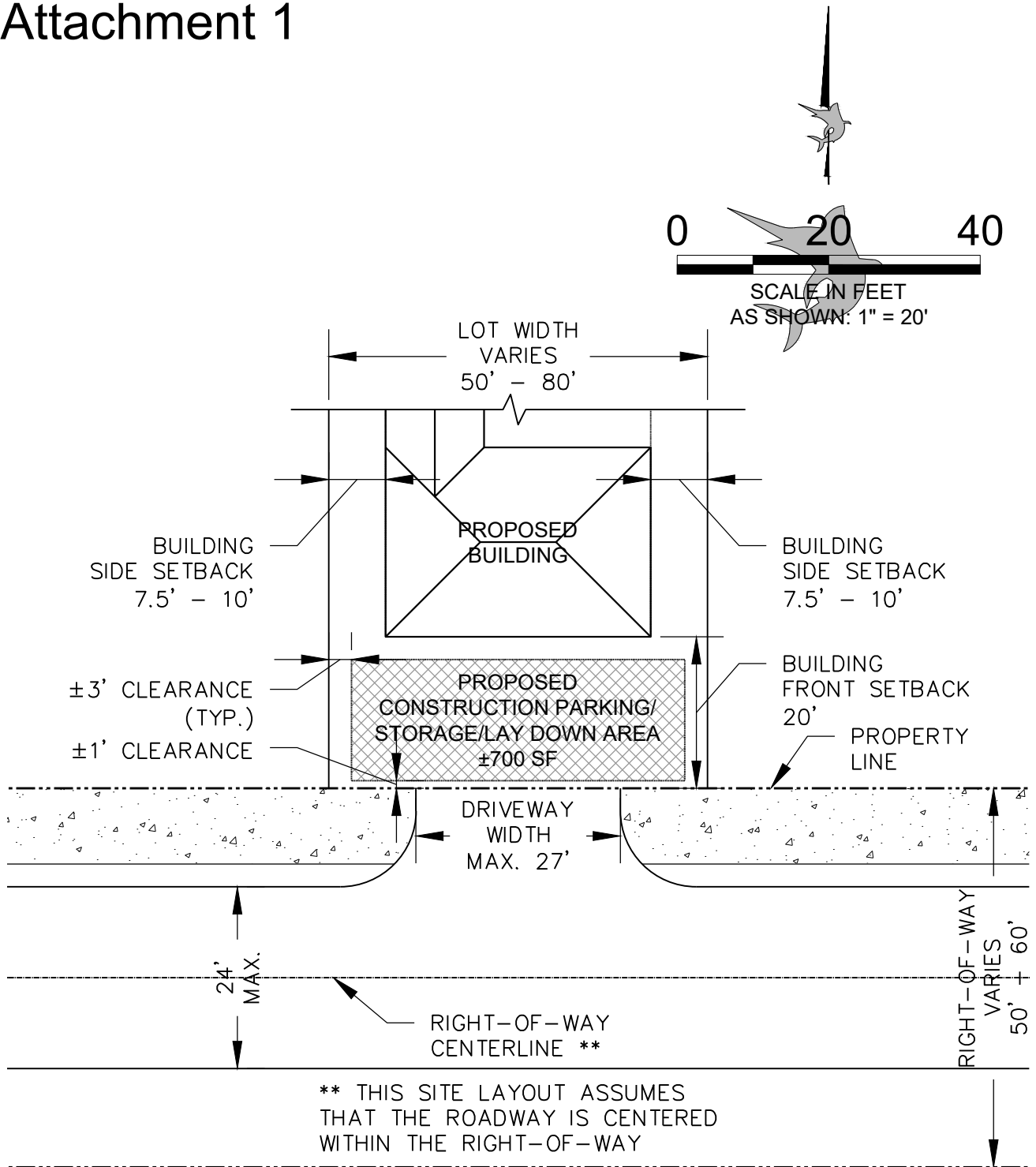
III. CONCLUSION: The proposed changes are intended to provide a clear understanding of allowable or non-allowable use of the ROW during construction, and regulatory criteria that can be easily enforced by the **Code Compliance Department**. It is the intent that these standards, which outline the parameters of the ROW use during construction and requiring a parking/staging plan for Staff review for compliance, will serve the Community better for the Construction Industry and protection of Public Health and Welfare.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approval of the revision to **Land Development Code (LDC) 8.01.00 Right of Way Protection** as presented in **Ordinance 24-01-LC** and the revision to the City **Code of Ordinances, Chapter 18, Article II, Rights-of-Way, Ordinance 24-02-CC**.

Attachments:

1. Construction Parking Exhibits 1
2. Construction Parking Exhibits 2
3. Construction Parking Exhibits 3
4. Ordinance 24-01-LC ROW Protection
. Final
5. Ordinance 24-02-CC Construction
Parking.Final

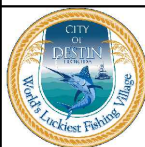
Attachment 1



OPTION 1

NOTES:

1. NO PARKING, LOADING, UNLOADING, OR STORAGE WITHIN THE RIGHT-OF-WAY.
2. AT THE END OF THE PROJECT THE RIGHT-OF-WAY IS TO BE RESTORED TO IT'S ORIGINAL OR BETTER CONDITION.



CITY OF DESTIN
ENGINEERING DIVISION
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DESTIN, FL 32541
PHONE: (850) 654-1119

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CONSTRUCTION PARKING
CITY OF DESTIN, FL

REV

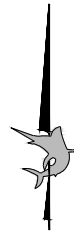
SHEET TITLE

OPTION 1

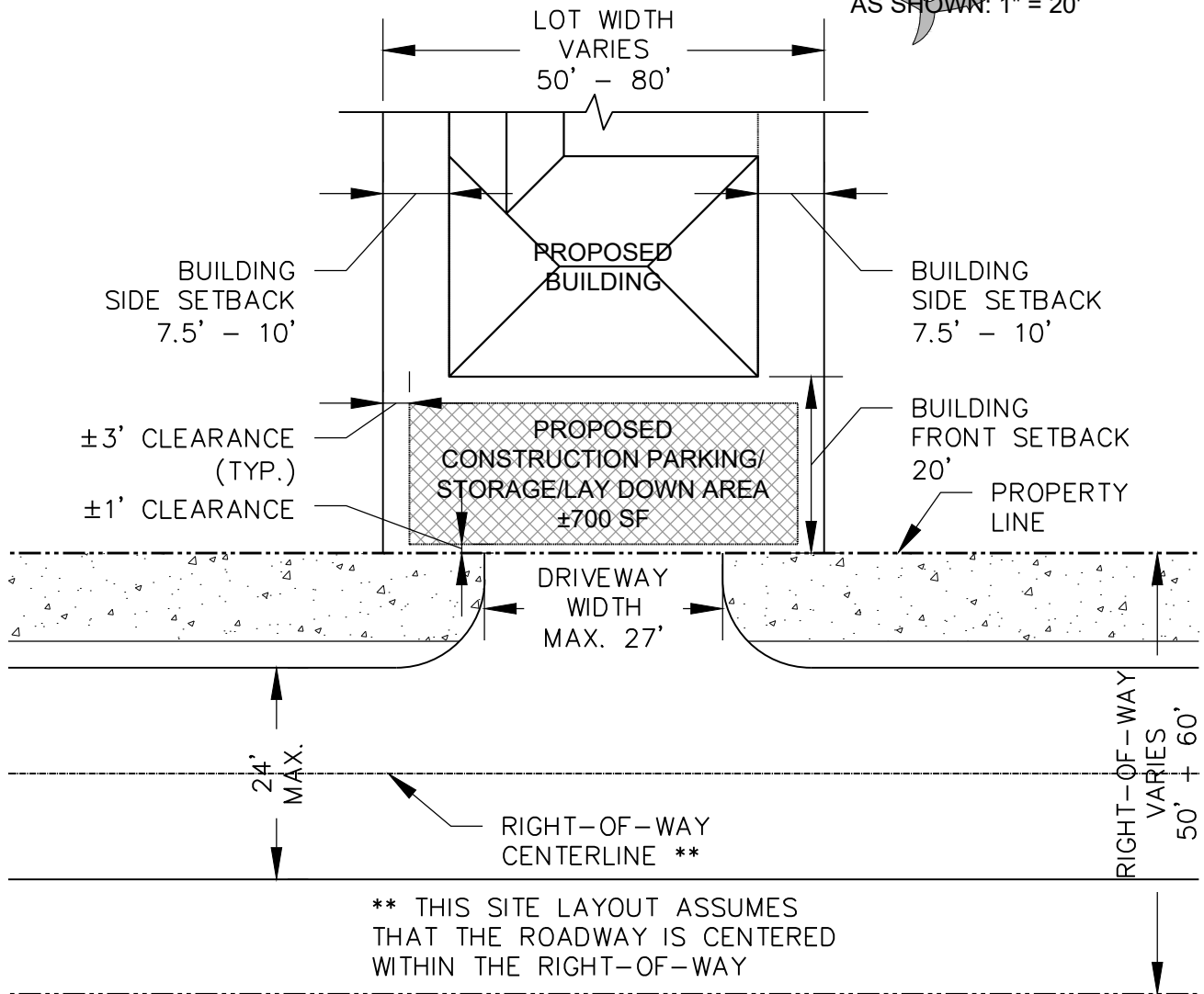
DATE: SEPT. 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: 1" = 20'	1 OF 3

Attachment 2

THIS OPTION IS NOT
FEASIBLE IN THE
DEPICTED SCENARIO



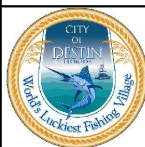
0 20 40
SCALE IN FEET
AS SHOWN: 1" = 20'



OPTION 2

NOTES:

1. WHERE POSSIBLE, ALL USE WITHIN THE RIGHT-OF-WAY TO BE MAINTAINED 5' OFF THE ROADWAY, NO BLOCKING THE SIDEWALK, NO OVERNIGHT STORAGE, LOADING AND UNLOADING IS ALLOWED WITH PROPER FDOT MOT STANDARDS BEING FOLLOWED.
2. AT THE END OF THE PROJECT THE RIGHT-OF-WAY IS TO BE RESTORED TO IT'S ORIGINAL OR BETTER CONDITION.



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CONSTRUCTION
PARKING
CITY OF DESTIN, FL

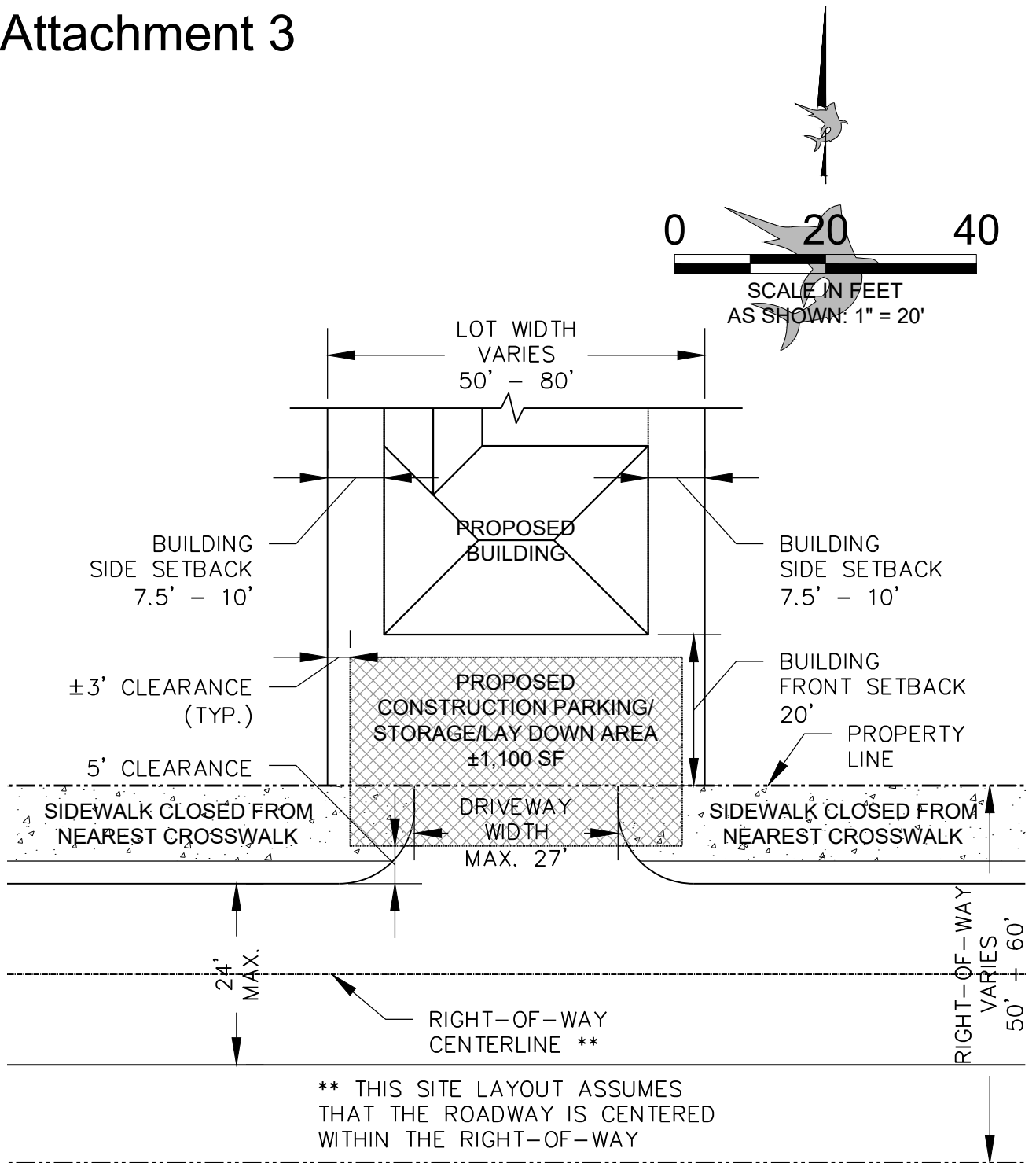
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SHEET TITLE

OPTION 2

DATE: SEPT. 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: 1" = 20'	2 OF 3

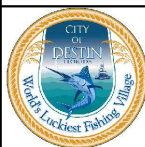
Attachment 3



OPTION 3

NOTES:

1. LOADING AND UNLOADING IS ALLOWED WITH PROPER FDOT MOT STANDARDS BEING FOLLOWED.
2. SIDEWALK IS CLOSED ON EITHER SIDE OF THE PROJECT WITH PROPER FDOT MOT STANDARDS BEING FOLLOWED.
3. ALL USE WITHIN THE RIGHT-OF-WAY TO BE MAINTAINED 5' OFF THE ROADWAY.
4. AT THE END OF THE PROJECT THE RIGHT-OF-WAY IS TO BE RESTORED TO IT'S ORIGINAL OR BETTER CONDITION.



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CONSTRUCTION PARKING
CITY OF DESTIN, FL

REV

SHEET TITLE

OPTION 3

DATE: SEPT. 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: 1" = 20'	3 OF 3

ORDINANCE NO. 24-01-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; AMENDING SECTION 8.01.00 OF THE LAND DEVELOPMENT CODE “RIGHT-OF-WAY (ROW) PROTECTION”; 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 and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the regulations for protection of right-of-way; and

WHEREAS, the City Council desires to simplify and clarify provisions of the existing Code relating to right-of-way protection; and

WHEREAS, 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, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; 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. AMENDMENTS TO LAND DEVELOPMENT CODE ARTICLE 11.

Section 8.01.00 of the Land Development Code is hereby amended as follows:

8.01.00. - Right-of-way (ROW) protection.

A. No unauthorized encroachment shall be permitted onto existing rights-of-way. Further, strict adherence to the building setback requirements described in Article 7 of this Code shall serve to protect rights-of-way from encroachment. All activity (e.g. paving, landscaping,

sprinkler system installation, etc.), with the exception of the installation and repair of mailboxes, installation of sod, or installation of streets trees and other streetscape features in compliance with the design standards for the Multimodal Transportation District located in Section 8.09.03 in a public ROW is prohibited unless the applicant submits a plan detailing the proposed activity to the City Engineer's office and obtains a ROW and/or building construction permit, prior to the undertaking of said activity. A copy of said permit shall be available on-site for the duration of the project.

2. The minimum width of the clear zone shall be in accordance with Table 3-12, Minimum width of clear zone of the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" (a.k.a. Florida Green Book – Latest Edition) and shall be measured from the outside edge of each side of all streets (including curb, if any) and shall be located within a public or private ROW.

3. The developer and/or owner of a property abutting a ROW doing work on the ROW shall adhere to all applicable safety standards outlined by the FDOT and shall restore the right-of-way to original or better condition. ~~comply with the following additional requirements:~~

a. ~~Restore the ROW to original or better condition.~~

b. ~~Prohibit unloading, loading, parking, or storing construction equipment or vehicles on the ROW. Adequate provisions for such activities shall be made on the project property.~~

c. ~~Construct the accessways in such a way to minimize sediment tracked or discharged onto the roadways.~~

d. ~~Replace existing infrastructure, including, but not limited to, concrete curbing, driveways or sidewalks in the ROW, which are damaged during construction. Such replacement shall be replaced to the nearest joint within ten working days or prior to the completion of construction in the area, whichever is earlier. Damage to road paving or stormwater facilities shall be repaired within five working days of such damage. No pedestrian or vehicle hazard shall be allowed. Maintain open handicapped accessible pedestrian way during construction at all times.~~

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. 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 its adoption by the City Council and signature by the Mayor.

ADOPTED THIS _____ DAY OF _____, 2024.

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: _____

ORDINANCE NO. 24-02-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; CREATING SECTION 18-21 OF THE CODE OF ORDINANCES “PROTECTION OF PUBLIC RIGHT OF WAY DURING CONSTRUCTION ACTIVITY”, PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CITY CODE OF ORDINANCES; 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 and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the regulations for protection of right-of-way; and

WHEREAS, the City Council desires amend the Code of Ordinances relating to right-of-way protection, to require parking and staging plans, and to ensure the health and safety of the public during construction activity; and

WHEREAS, 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, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; 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 Code of Ordinances that have been skipped and remain unchanged.**

SECTION 3. AMENDMENTS TO CHAPTER 18, CITY CODE OF ORDINANCES.

Chapter 18 of the Code of Ordinances is hereby amended as follows:

Chapter 18 - UTILITIES, STREETS AND PUBLIC PLACES

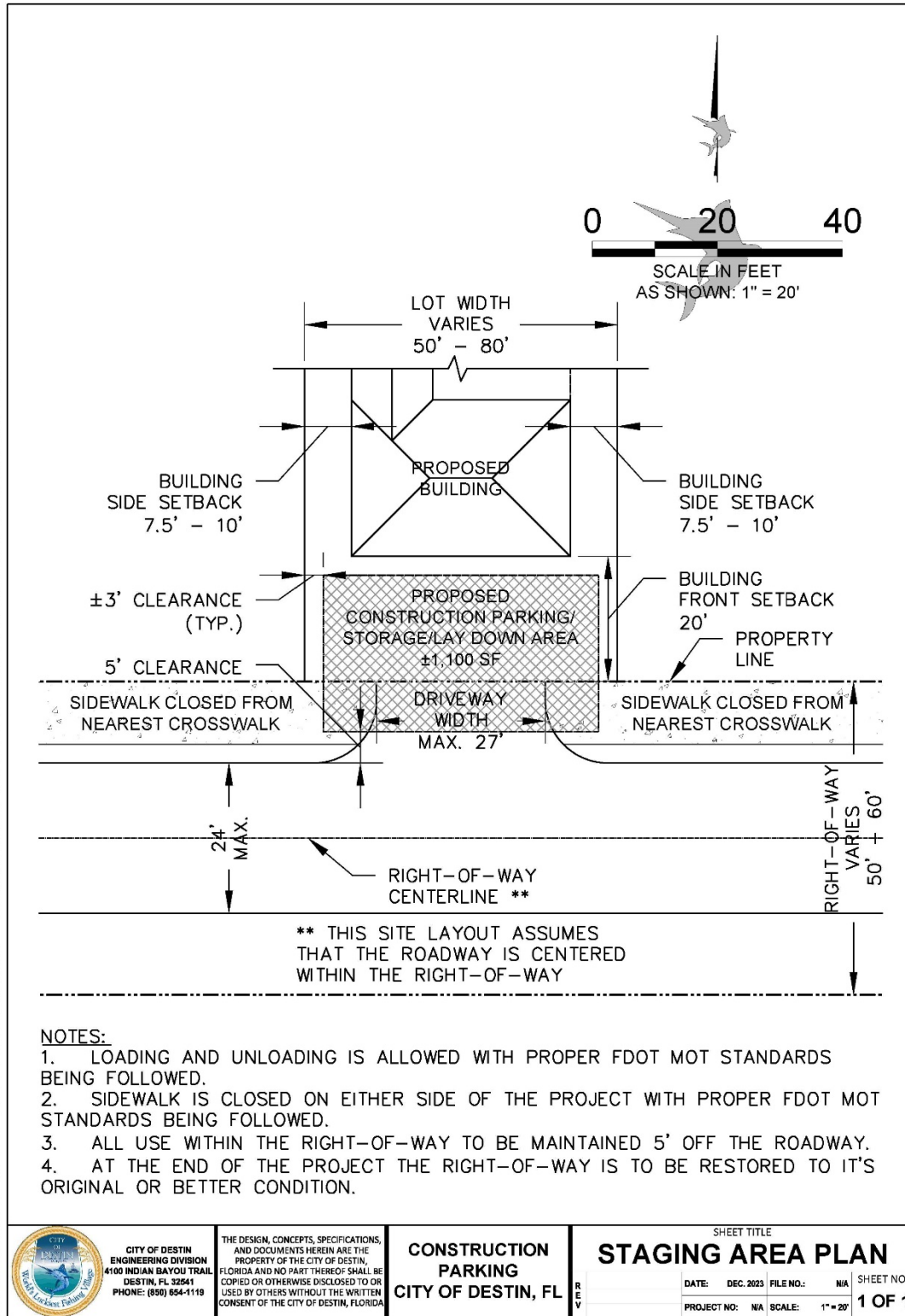
ARTICLE II. RIGHTS-OF-WAY (~~RESERVED~~)

Sec. 18-21 – Protection of Public Right of Way during construction activity.

Any person or entity performing construction activity upon any parcel of real property abutting a Public right of way or doing work within the Public right of way shall provide a general parking and staging plan upon submittal of any permit applications for construction activity. Such parking and construction plan shall provide sufficient evidence that the construction project adheres to all applicable safety standards outlined by the Florida Department of Transportation and complies with the following additional requirements:

- a. Active loading and unloading is permitted within a roadway or City right of way that is immediately adjacent to a construction project site if sufficient evidence of adherence to FDOT traffic standards is provided to the City.
- b. Sidewalks within the right of way adjacent to the construction project site must be safely rerouted according to FDOT standards.
- c. A five-foot (5') clearance off of the roadway shall be maintained at all times at the construction project site.
- d. The right of way area must be clearly marked "Construction Zone Ahead" on each linear end of the ROW construction site and must prohibit public access through or between the roadway and construction project.
- e. Accessways must be constructed in such a way as to minimize sediment tracked or discharged onto the roadways.
- f. Existing infrastructure, including, but not limited to, concrete curbing, driveways or sidewalks in the right of way, which were damaged during construction must be replaced within ten working days or prior to the completion of construction in the area, whichever is earlier, except that damage to road paving or stormwater facilities shall be repaired within five working days of such damage. Such replacement shall be made to the nearest joint. No pedestrian or vehicle hazard shall be allowed.
- g. Right of way must be restored to its original or better condition.

EXHIBIT



SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances 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. 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 its adoption by the City Council and signature by the Mayor.

ADOPTED THIS _____ DAY OF _____, 2024.

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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 7, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Louis Zunguze, Interim City Manager
Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: February 26, 2024

SUBJECT: Draft Article 4- Zoning Districts, Overlays, and On-Site Regulations

I. BACKGROUND: On April 5, 2021, Staff brought the Scope of Work and Budget to completely rewrite the Land Development Code for approval to the City Council, both of which were approved unanimously. Since that time, Staff has worked with the consultants of 3TP to diligently and systematically move forward with drafting the new LDC. This work to date has involved the following:

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

II. DISCUSSION: Based on the discussion from the February 1, 2024 LPA meeting, the following items were discussed and asked to be brought back for further discussion and consideration. Staff updated the draft of Article 4 – Zoning District, Overlays, and On-Site Regulations (Article 4) to meet the recommended language. Below is a review of the LPA's recommendation and the updated language. Please note that the items the LPA agreed with Staff's recommendation are identified as such and are not part of this discussion tonight.

From the February 1, 2024 Local Planning Agency Meeting

Beyond the above discussion points, Staff also provided the Board with a memo on January 3, 2024, detailing specific policy direction, so the members could formulate their thoughts surrounding the items in the memo and provide informed guidance and recommendations concerning the topics. Those topics are:

1. Water Taxes: Water taxes are a use listed in several use charts of various zoning districts.

In all but one of those districts, they are a **Permitted Use**. Water Taxis are a **Conditional Use** in **CMU Zone**. Staff does not see why specifically in the **CMU Zone**, Water Taxis were listed as **Conditional Use**. Staff recommends changing this by making Water Taxis a **Permitted Use** in the **CMU Zone**. We recommend this as it will expand the ability for people to move around the Harbor and other destinations across Destin without having to drive a vehicle and reduce traffic congestion on Harbor Blvd. Do you agree that this use should be a Permitted Use in CMUs?

- **LPA Recommendation:** The LPA agreed with Staff's recommendation to allow Water Taxis as a permitted use in the CMU zoning District.

2. Building Height in CMU: 4.05.02 In the **CMU Zone**, the Dimensional Limitations table lists the max height of a non-dwelling use as 50'4 Stories. But the footnote limits all non-residential uses to 35'2 stories. Staff recommends changing to 35'3 stories to be consistent with the rest of the LDC. Does the LPA agree?

- **LPA Recommendation:** The LPA agreed with Staff's recommendation to simplify the regulations concerning building height in the CMU zoning district.

3. ECHO Housing: 4.08.02.A.5. Currently in Section there is a provision for **Elderly Cottage Housing Opportunity (ECHO)**. This language currently exists in LDC Section 9.02.01.D. At a base level it allows for any property owner, regardless of zoning district, to construct an **Accessory Dwelling Unit**, so long as it is specifically for use by the "elderly." It is Staff's general view that this regulation may be difficult to control in zoning districts such as **LDR** where ADUs are not allowed. Furthermore, it may also open the door for expansion of STRs in zoning districts where they are not permitted. Does the LPA agree?

- **LPA Recommendation:** The LPA recommended removing this from the draft LDC Article 4.

4. ADUs and Guest Houses: 4.08.03.B. Many municipalities have a max percentage and a total max sq ft for ADUs and Guest Houses. For example, an **ADU** may not be larger than 50 % of the primary dwelling on the property, but in no case shall an **ADU** exceed 1,200 sq. ft. Currently, **ADUs** can be as large as 1,200 sq. ft. so long as it does not exceed the size of the primary dwelling. So we want to limit ADUs based on a percentage of the existing home, or keep it as we currently have it?

- The LPA requested more analysis on this topic, specifically the number of recent ADU building permits, the square footage, and the zoning districts. Below is the result of the research from the COMPASS System.
 - Number of ADUs approved – 8
 - Average Sq. Ft. of ADUs – 870 sq.ft.
 - Largest ADU – 1,154 sq. ft.
 - Smallest ADU – 574
 - 5 in CBN
 - 3 in BE

5. Parking for Outdoor Seating: 4.09.01.B. Currently, there is no consideration of outdoor seats in the City's Parking Requirements. At the joint workshop with City Council and the LPA, it was recommended that Staff include provisions for outdoor seating in the draft of Article 4. Staff is proposing to include a new provision that all proposed outdoor seating shall provide the same minimum required parking required for indoor seating.

- **LPA Recommendation:** The LPA recommended a 50% ratio for the parking requirement for outdoor seating.

Additional Topics the LPA discussed and recommended

6. Front Yard Setbacks: The LPA discussed the purpose of the twenty foot (20') front yard setback for residential districts. Staff explained that for the most part, the twenty feet came about due to the reliance upon vehicles for daily modes of transportation. Older neighborhoods allowed houses to be much closer to the street, which achieves two things:

- 1. It brings more people/eyes to the street, making them safer, and**
- 2 It reduces the perceived corridor for vehicle driving and can help reduce speeds of vehicles.**

The LPA discussed this further and recommended to Staff to reduce the front yard setbacks in all residential zoning districts to ten feet (10') for the habitable and livable space. While any area dedicated to vehicular use shall be setback twenty feet (20') to maintain the ability to park a vehicle off the public or private right of way. All zoning districts have been updated to reflect this, and we are in the process of updating the graphics.

- **LPA Recommendation:** The LPA recommended a 50% ratio for the parking requirement for outdoor seating.

7. Common Boundary Buffer: The LPA discussed the purpose and intent of the **Common Boundary Buffer (CBB)** as well as the unintended consequences of this regulation seen with the "mini parking lots" in front of many STR properties. Based on this discussion, the LPA asked Staff to develop language to allow property owners to develop their property with either the **CBB** along the side or to allow a driveway along one side of a property which allows for the more traditional neighborhood character. Staff will bring this redrafted language when *Article 6 – General Development Standards* is ready for the LPA's review.

- **LPA Recommendation:** Develop an alternative option to the **CBB** that allows for a more traditional development character.

8. Tandem Parking: The LPA further discussed the issue of tandem parking in light of the recommendation to develop an alternative option for the **CBB** above. If tandem parking is required under the current regulation, residential properties cannot park more than two (2) cars deep. As such, the alternate option to the CBB would not be effective in achieving the LPA's goal. Therefore, the LPA recommended to remove Tandem Parking requirements for

residential parking.

- **LPA Recommendation:** Remove all tandem parking requirements for residential development.

A. Link to Strategic Goals / Objectives: #2. A green and sustainable environment
#3. Improve mobility and connectivity
#4. Enhanced quality of life and safety for families
#5. Economic development and revitalization
#6. Effective, efficient, and aesthetically pleasing infrastructure

B. Effect on Budget (EOB): Budget for this work is already approved.

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

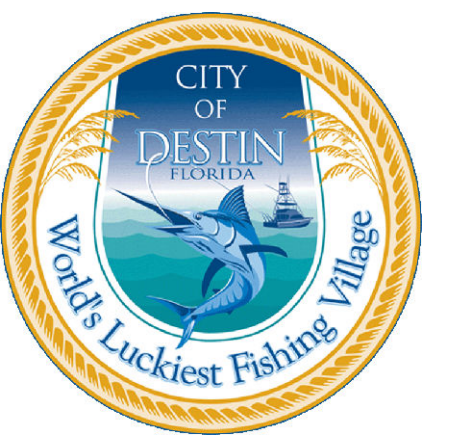
D. Legislative Sponsor:

III. CONCLUSION: Article 4 is the largest section of the proposed reorganized and rewritten Land Development Code. Further it is one of the more impactful articles as it regulates uses within the City and implements many of the City's Comprehensive Plan goals, policies, and objectives. Staff will incorporate the guidance and recommendations of the LPA into the Draft Article 4 and bring it back for final recommendation to City Council at a later date.

IV. RECOMMENDED MOTION: No motion is required as this is informational only.

Attachments:

1. 1 - Current Zoning Map
2. 2 - Proposed Zoning Map
3. 3 - Zoning District Comparative Analysis Presentation
4. 4 - January 3, 2024 Memo
5. 5 - DRAFT Article 4



City of Destin Official Zoning Map



NORTH

Scale 1" = 1000'

- City Limits
- CRA Boundaries
- Ocalaosa County (Not in City Limits)

Residential

- BE - Bay Estates
- CBN - Crystal Beach Neighborhood
- HDR - High Density Residential
- LDR-H - Low Density Residential - Harbor
- LDR-HI - Low Density Residential - Holiday Isle
- LDR-V - Low Density Residential - Village
- MDR-HI - Med. Density Residential - Holiday Isle
- MDR-V - Medium Density Residential - Village

Commercial

- CL - Commercial Limited
- CG - Commercial General
- CTS - Commercial Trades and Services

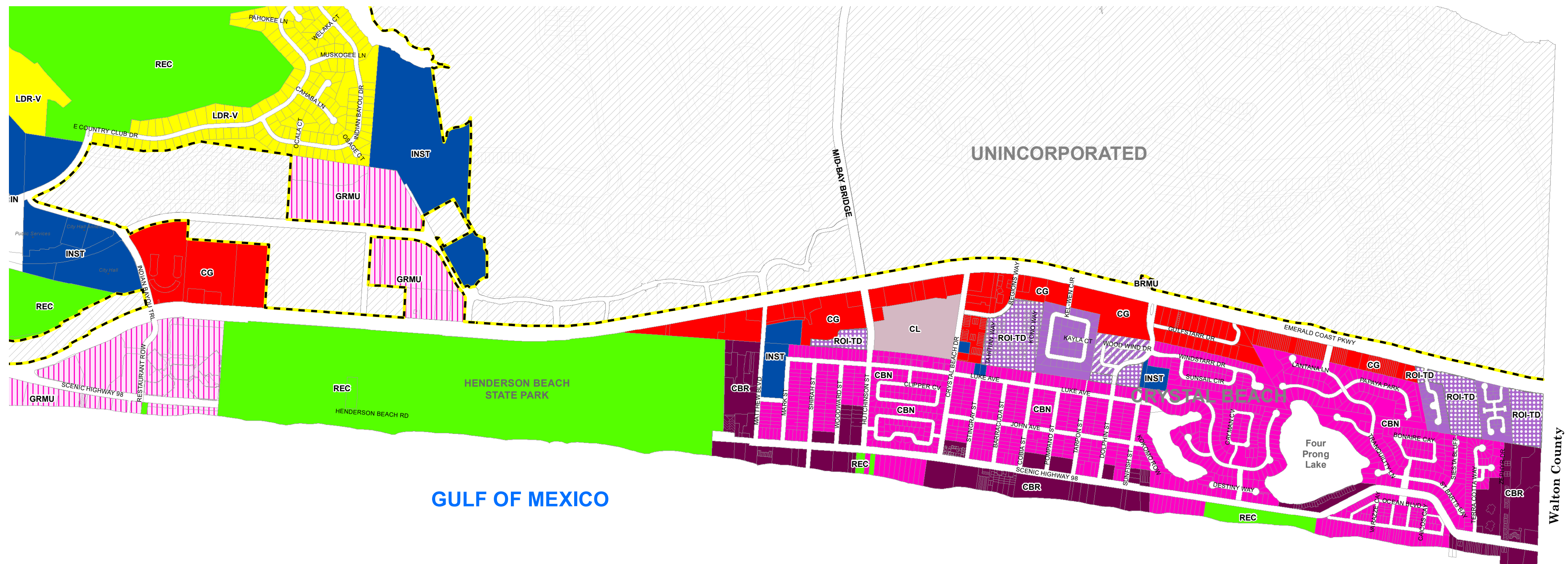
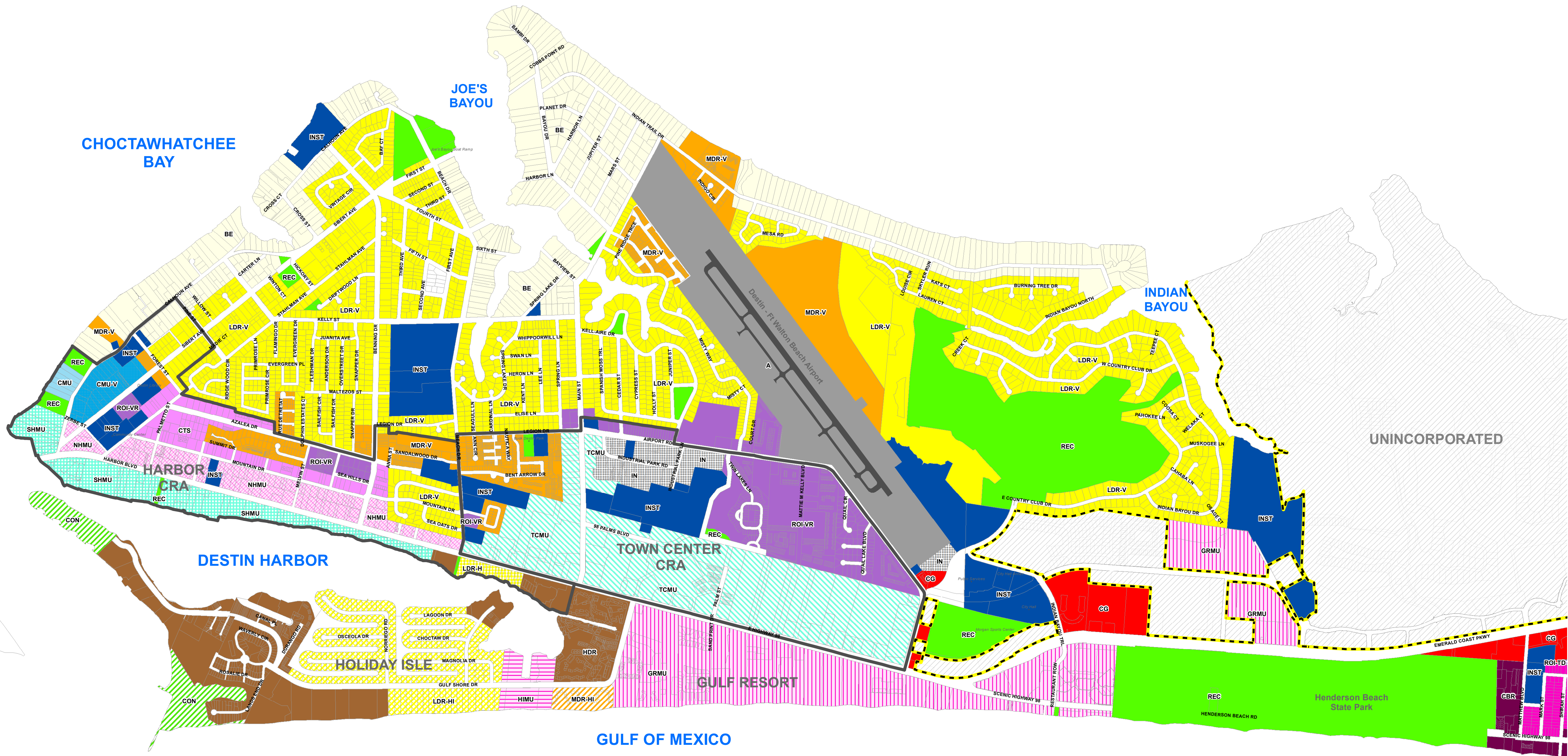
Mixed Use

- BRMU - Bay Resort Mixed Use
- CBR - Crystal Beach Resort
- CMU - Calhoun Mixed Use
- CMUV - Calhoun Mixed Use Village
- GRMU - Gulf Resort Mixed Use
- HIMU - Holiday Isle Mixed Use
- NHMU - North Harbor Mixed Use
- ROI-CBR - Residential, Office, & Institutional - Crystal Beach Residential
- ROI-TD - Residential, Office, & Institutional - Tourist Development
- ROI-VR - Residential, Office, & Institutional - Village Residential
- SHMU - South Harbor Mixed Use
- TCMU - Town Center Mixed Use

- A - Airport
- CON - Conservation
- IN - Industrial
- INST - Institutional
- REC - Recreation

Last amended by Ordinance
21-25-LC on March 21, 2022

The City of Destin assumes no responsibility and/or
liability for the information contained herein.





City of Destin Official Zoning Map



NORTH

Scale 1" = 1000'

- City Limits
- CRA Boundaries
- Ocalaosa County (Not in City Limits)

Residential

- BE - Bay Estates
- CBN - Crystal Beach Neighborhood
- HDR - High Density Residential
- LDR - Low Density Residential
- LDR-HI - Low Density Residential - Holiday Isle
- MDR-V - Medium Density Residential - Village

Commercial

- CG - Commercial General
- CTS - Commercial Trades and Services

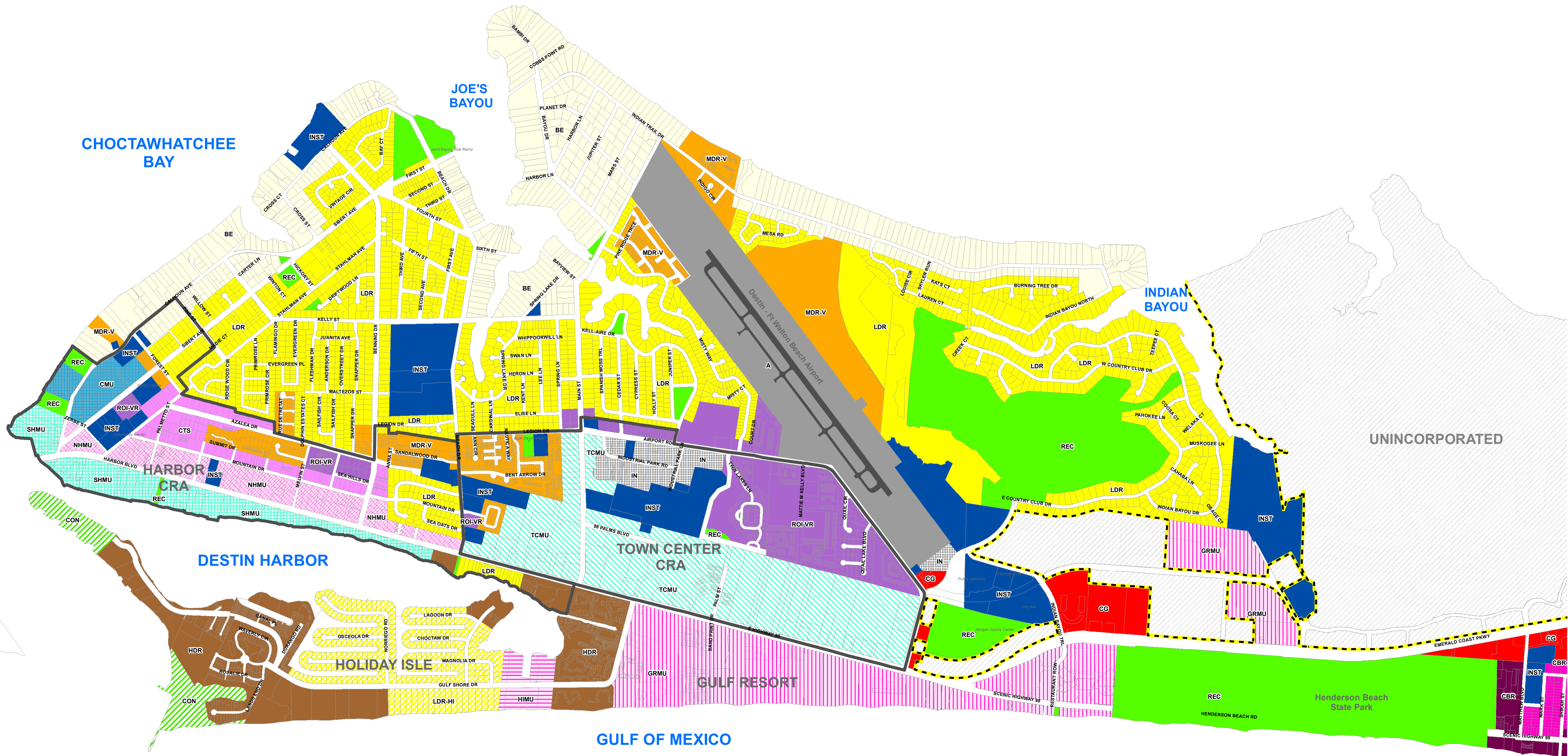
Mixed Use

- CBR - Crystal Beach Resort
- CMU - Calhoun Mixed Use
- GRMU - Gulf Resort Mixed Use
- HIMU - Holiday Isle Mixed Use
- NHMU - North Harbor Mixed Use
- ROI-VR - Residential, Office, & Institutional - Village Residential
- SHMU - South Harbor Mixed Use
- TCMU - Town Center Mixed Use

- A - Airport
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- REC - Recreation

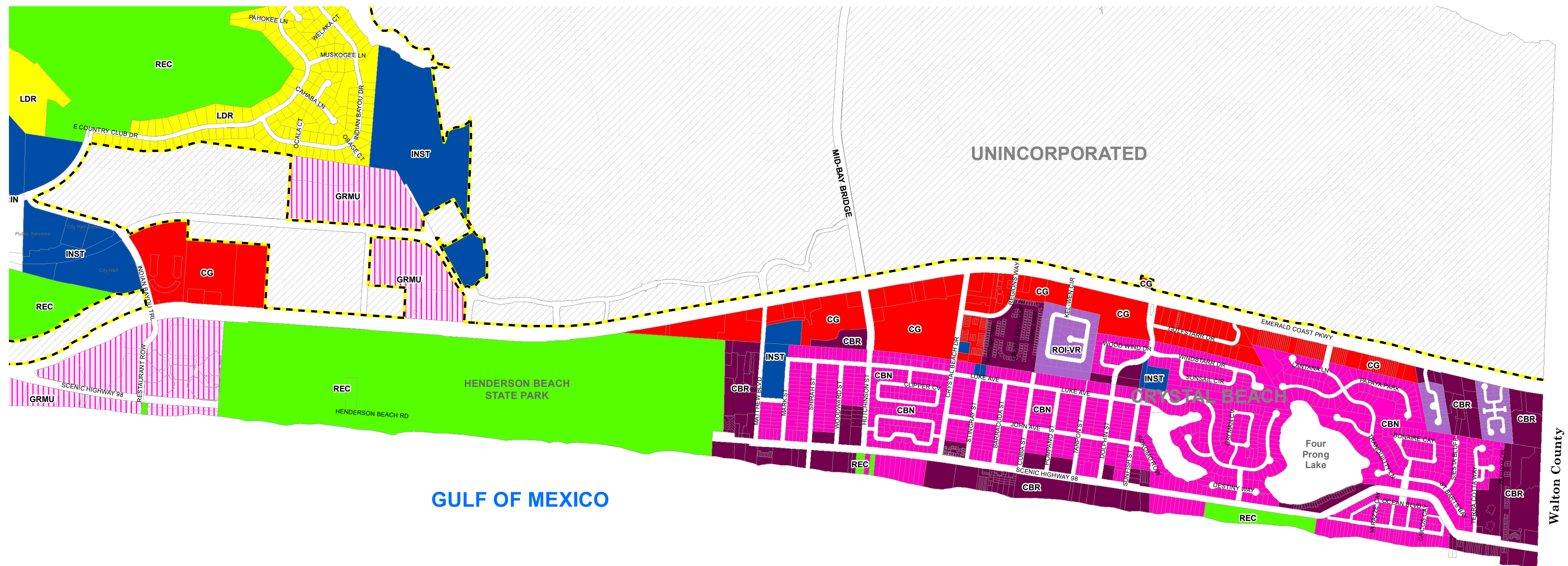
(CONSOLIDATED)

The City of Destin assumes no responsibility and/or liability for the information contained herein.



West Destin

East Destin



ZONING DISTRICTS

Comparative Analysis

Community Development

Planning Division





Zoning Analysis: What and Why

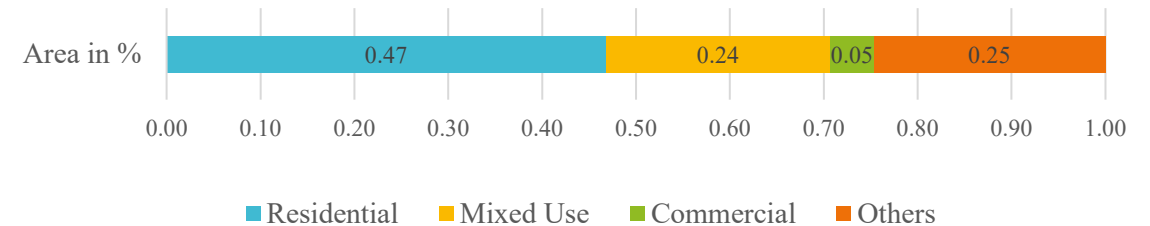
WHAT:

- Putting the existing zoning districts into concise and flexible districts.
- Categorizing the zoning districts with similar developments standards and land use in groups (if rationally possible).
- Aligning the zones to Planning Areas.



WHY:

- Land Development Code (1991) had 16 zoning districts.
- Currently, 28 zoning districts
- Several districts have redundant development standards and land uses.
- Current zoning structure is unnecessarily complex.





Zoning District Comparative Analysis: How



Analyzing the Zoning Districts

Comparative Zoning Analysis





Residential Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: Residential

Existing Residential Zoning Districts: LDC

Bay estate (BE)

Crystal Beach Neighborhood (CBN)

High Density Residential (HDR)

Low Density Residential - Village (LDR-V)

Low Density Residential - Harbor (LDR-H)

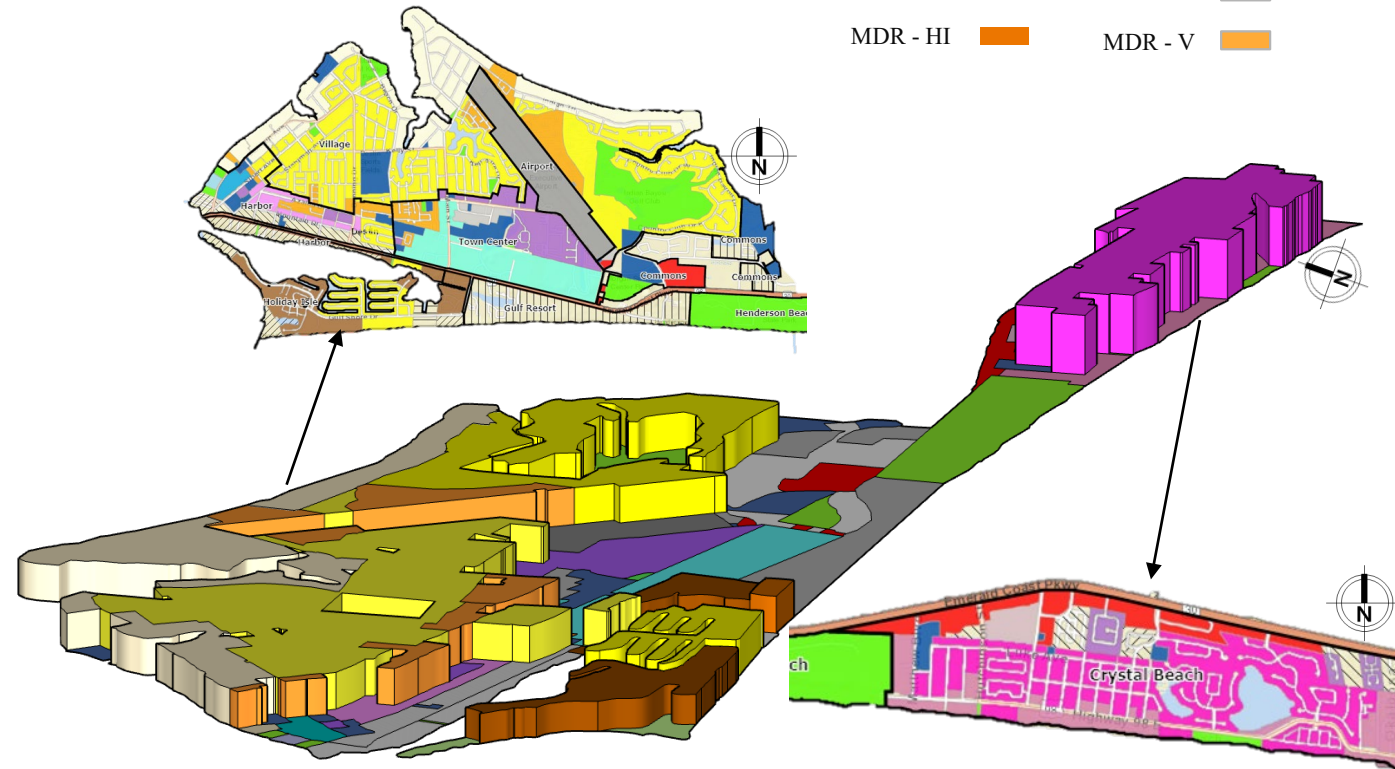
Low Density Residential - Holiday Isle (LDR-HI)

Medium Density Residential - Village (MDR-V)

Medium Density Residential - Holiday Isle (MDR-HI)

LEGEND:

BE		LDR - H	
CBN		LDR - HI	
HDR		LDR - V	
MDR - HI		MDR - V	





Zoning Analysis: LDR-V, LDR-H, and LDR-HI

INTENTS:

LDR-V

Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-H

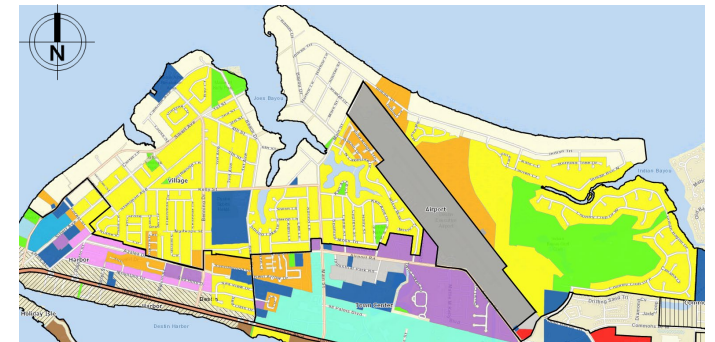
Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-HI

Allows **permanent and seasonal (STR) single-family** detached residential dwelling units and strictly prohibits multi-family uses, commercial living accommodation and all non-residential uses.

BE

Allows **permanent single-family** detached residential dwelling units and strictly prohibits multi-family uses, seasonal single-family detached or multi-family attached residential dwelling units, commercial living accommodation and all non-residential uses.





Zoning Analysis: LDR-V, LDR-H, and LDR-HI

Allowable uses

	LDR-V	LDR-HI	LDR-H	BE
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P		
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

Dimensions (feet)

	LDR-V	LDR-HI	LDR-H	BE
Minimum Lot Area (sq.ft)	7500	7500	7500	15000
Width	70	70	70	80
Depth	100	100	100	150
Maximum Building Height	35/3 stories	30/3 stories	35/3 stories	35/3 stories
Setbacks				
Front	20	20	20	20
Side	7.5	7.5	7.5	10
Rear	10	10	10	10
Maximum Density (units per acre)	5.81	5.81	5.81	2.90
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A
Minimum Open Space (%)	25	30	25	25

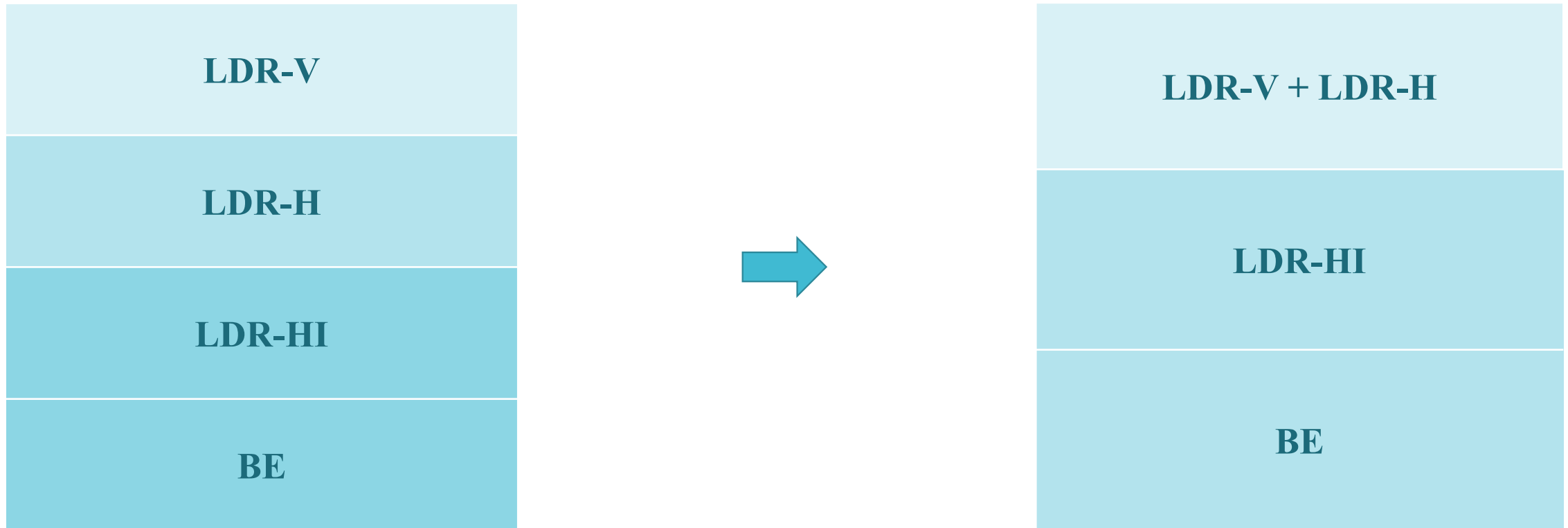
Footnotes:

(16) Refer to Section [Section 7.09.02\(B\)12](#) for further information.



Zoning Analysis: Recommendations

RECOMMENDED LOW DENSITY RESIDENTIAL ZONING DISTRICTS :





Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

INTENTS:

MDR-V

Only allows **permanent single-family detached and multi-family attached residential uses** and prohibits STRs, commercial living accommodation and all non-residential uses.

MDR-HI

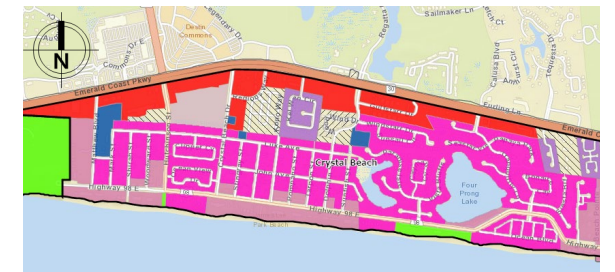
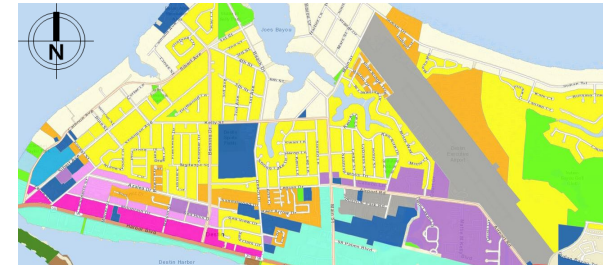
Allows **permanent and seasonal (STR) single-family detached and multi-family attached** uses but prohibits commercial living accommodation and all non-residential uses.

HDR

Allows **permanent and seasonal (STR) single-family detached and multi-family attached** uses but prohibits commercial living accommodation and all non-residential uses.

CBN

Allows **permanent and seasonal (STR) single-family detached and multi-family attached** uses and very **limited non-residential** uses but prohibits commercial living accommodations.





Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses

	MDR-V	MDR-HI	HDR	CBN
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Multi-family attached dwelling	P	P	P	C
Mobile home development			C	
Guest house (1)	P	P	P	P
Accessory dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P	P	P
Multi-family detached dwelling		P	P	C
Other residential uses				
Community residential home, small (1—6)	P	P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses (cont'd)

	MDR-V	MDR-HI	HDR	CBN
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Community residential home, large (7—14)	P	C	C	C
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Child day care services				C
Museums, historical sites, zoos, and parks (10)				P
Religious organizations				P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

Footnotes:

(16) Refer to Section [Section 7.09.02\(B\)12](#) for further information.

(10) Zoos are only allowed in the Industrial zoning district.



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Dimensions (feet)

	MDR-V		MDR-HI		HDR		CBN		
	1	2/more	1	2/more	1	2/more	1	2/more	non
Dwelling Units									
Minimum Lot Area (sq.ft)	7500	None	7500	None	7500	None	7500	None	None
Width	70	None	70	None	70	None	70	None	None
Depth	100	None	100	None	100	None	100	None	None
Maximum Building Height	35/3	35 / 3	30 / 3	35 / 3	30 / 3	50 / 4	30 / 3	50 / 4	50 / 4
Setbacks									
Front	20	A/B	20	A/B	20	H	20	20	20
Side	7.5	A/B	7.5	A/B	7.5	H	7.5	A/B	A/B
Rear	10	A/B	10	A/B	10	H	10	A/B	A/B
Maximum Density (units per acre)	5.81	9.90	5.81	9.90	9.90	19.90	6.00	6.00	N/A
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.50
Minimum Open Space (%)	25	25	30	25	30	25	30	25	25



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

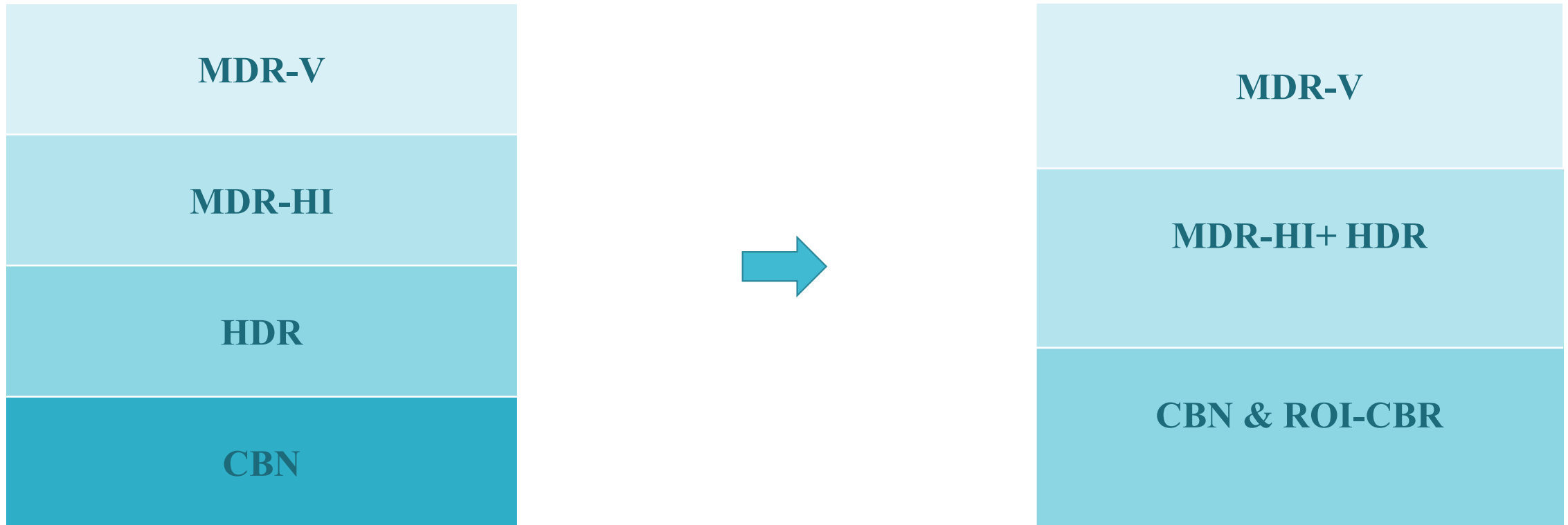
Footnotes:

- A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet. For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.
- B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.
- H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.
- i. **Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - ii. **Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
 - iii. **Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.



Zoning Analysis: Recommendations

RECOMMENDED OTHER RESIDENTIAL ZONING DISTRICTS:





Zoning Analysis: Recommendations

- Consolidate LDR-V and LDR-H
- Consolidate MDR-HI and HDR
- Consider childcare, neighborhood parks, religious uses as permitted or conditional uses within Residential zoning districts.



Child Care



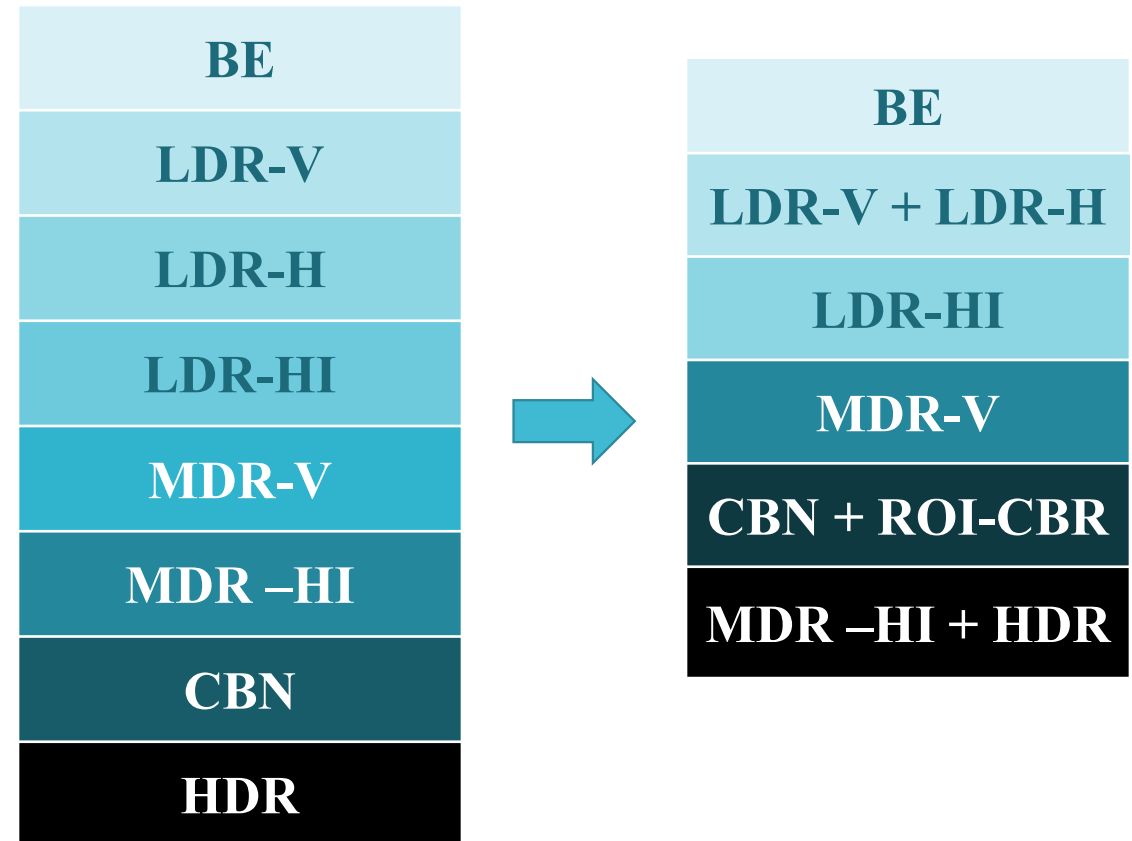
Neighborhood
Parks



Religious
Use

- Reconsider permitted and conditional usage in Residential zoning districts

RECOMMENDED RESIDENTIAL ZONING DISTRICTS:





Mixed-use Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: Mixed Use

Mixed-Use:

Different compatible land uses located within a single structure or in the proximity to each other.



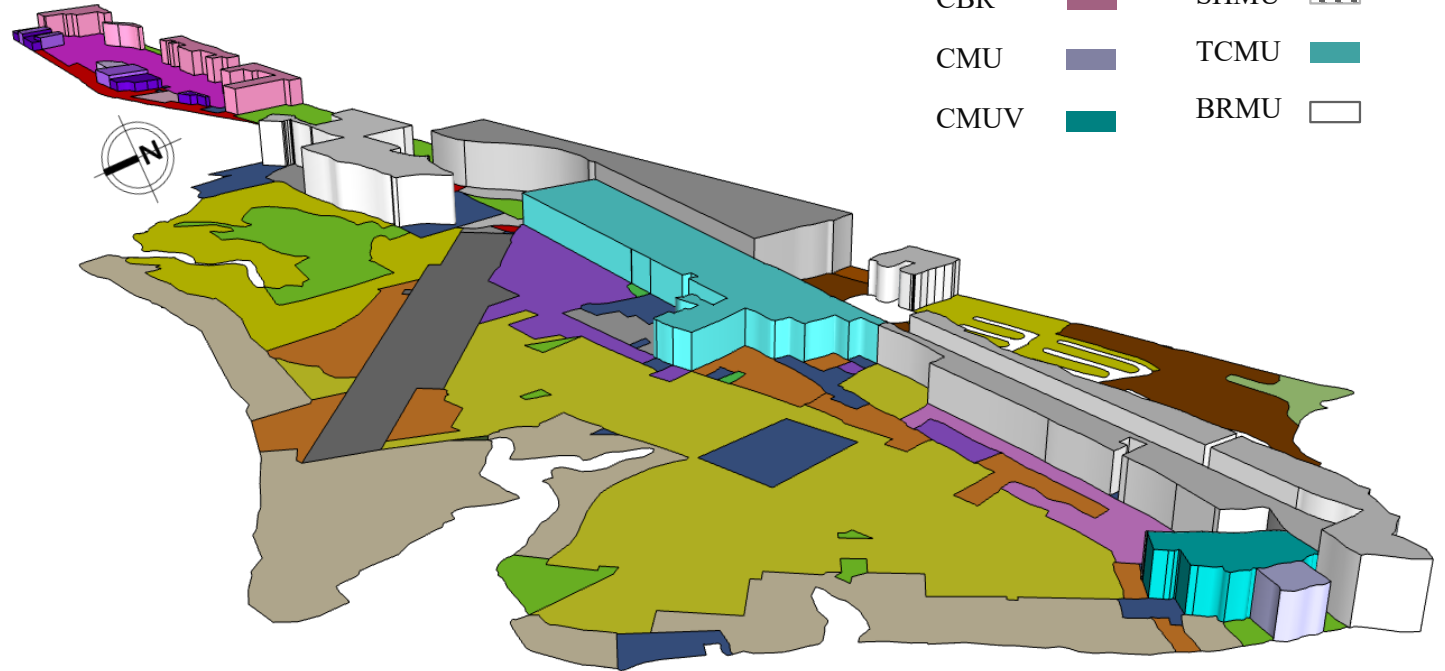
Live



Work



Leisure



LEGEND:

ROI-CBR	GRMU
ROI-TD	HIMU
ROI-VR	NHMU
CBR	SHMU
CMU	TCMU
CMUV	BRMU



Zoning Analysis: Mixed Use

Existing Mixed-Use and other zoning districts:

**Residential, Office, and Institutional -
Village Residential (ROI - VR)**

**Residential, Office, and Institutional -
Tourist Development (ROI - TD).**

**Residential, Office, and Institutional – Crystal
Beach Residential (ROI - CBR)**

Town Center Mixed Use (TCMU)

Crystal Beach Resort (CBR)

Calhoun Mixed Use (CMU)

Calhoun Mixed Use – Village (CMU-V)

North Harbor Mixed Use (NHMU)

South Harbor Mixed Use (SHMU)

Gulf Resort Mixed Use (GRMU)

Holiday Isle Mixed Use (HIMU)

Bay Resort Mixed Use (BRMU)



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

INTENTS:

ROI-TD

Intends to specifically **not allow permanent** single-family detached or multi-family attached residential dwelling units.

ROI-VR

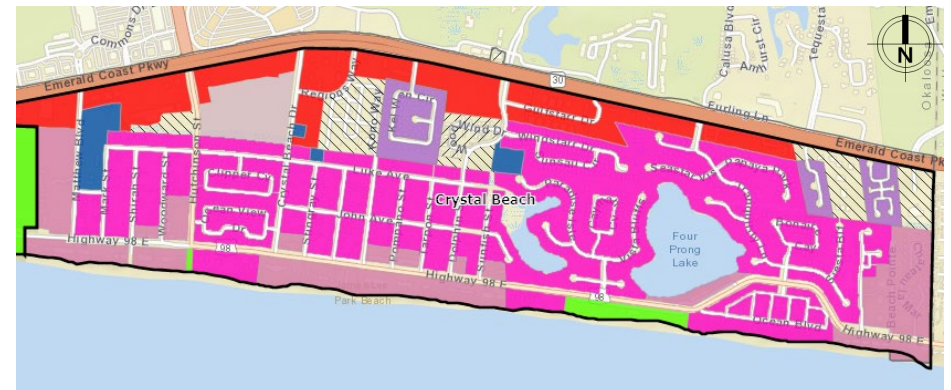
Intends to specifically **not allow seasonal** single-family detached residential dwelling units.

ROI-CBR

Intends to specifically allow **permanent or seasonal single-family detached** residential dwelling units. Single occupancy. (Residential uses only)

CBR

Intends to allow both **permanent and short-term** residential uses. Permits limited non-residential uses.





Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses

	ROI-TD	ROI-VR	ROI-CBR	CBR
Permanent or long-term residential uses				
Single-family detached dwelling		P	P	P
Multi-family attached dwelling		C		P
Guest house (1)	P	C		P
Accessory dwelling	P	C		P
Seasonal or short-term residential uses				
Single-family detached dwelling	P		P	P
Multi-family attached dwelling	P			P
Other residential uses				
Community residential home, large (7-14)		C		C
Family day care home		P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Printing and related support activities	P	C		
Clothing and clothing accessories stores	P	C		
Book, periodical, and music stores	P ³	C		P ⁴
Other general merchandise stores	P ³	C		P ⁴
Florists	P ³	C		P ⁴
Office supplies, stationery, and gift stores	P ³	C		P ⁴
Printing and related support activities	P	C		
Used merchandise stores	C ⁸	C		
Thrift stores	C ⁸	C		
Other miscellaneous store retailers	P ³	C		P ⁴
Interurban and rural bus transportation	P	C		
School and employee bus transportation	P	C		

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))
3. Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.
4. Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the Crystal Beach resort area.
8. Must meet minimum distance separation requirements, refer to the definition of the use in question in [article 3](#) of the Land Development Code.



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Postal service	P	C		P
Couriers and messengers	P	C		
Internet publishing and broadcasting	P	C		
ISPs, search portals, and data processing	P	C		
Other information services	P	C		
Finance and Insurance	P	C		P
Real Estate services	P	C		P
Consumer goods rental	P	C		P
Professional and technical services	P	C		P
Veterinary services	P	C		P
Management of companies and enterprises	P	C		P
Management of companies and enterprises	P	C		P

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Administrative and support services	P	C		P
Janitorial services	P	C		P
Waste management and remediation services	C	C		
Elementary and secondary schools	P	C		
Junior colleges	P	C		
Colleges and universities	P	C		
Business, computer and management training	P	C		
Technical and trade schools	P	C		
Other schools and instruction	P	C		
Educational support services	P	C		
Ambulatory health care services	P	C		P
Hospitals	P	C		



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)P

	ROI-TD	ROI-VR	ROI-CBR	CBR
Nursing care facilities	P	C		
Residential mental health facilities	C	C		
Community care facilities for the elderly		C		
Other residential care facilities		C		
Social assistance	P	C		
Child day care services	P	C		C
Performing arts and spectator sports		C		P
Museums, historical sites, zoos, and parks (10)	C	C		C
All other amusement and recreation industries	C	C		
Hotels and motels	P			P
Bed-and-breakfast inns	P			P
Other traveler accommodation, C.T.L.A. (12)	P			P

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Personal and laundry services	P	C		
Dry cleaning and laundry services	P	C		
Pet care (except veterinary) services	P	C		P
Membership associations and organizations	P	C		P
Religious organizations	P	C		P

Footnotes:

(10) Zoos are only allowed in the Industrial zoning district.

(12) Commercial transient living accommodations.



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

<i>Dimensions (feet)</i>	ROI-TD		ROI-VR		ROI-CBR	CBR		
Dwelling Units	1	2+	1	2+	1	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	7,500	None	7,500	7,500	None	None
Width	70	None	70	None	70	70	None	None
Depth	100	None	100	None	100	100	None	None
Maximum Building Height	30/3 stories	30/3 stories/E	35/3 stories	35/3 stories/E	35/3 stories	30/3 stories	50/4 stories	50/4 stories
Setback								
Front	20	A/B	20	A/B	20	20	M	M
Side	7½	A/B	7½	A/B	7½	7½	M	M
Rear	10	A/B	10	A/B	10	10	M	M
Maximum Density (units per acre)	9.00	12.00	9.00	12.00	9.00	6.00	12.00	12.00
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Open Space (%)	30	25	25	25	25	30	25	25



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

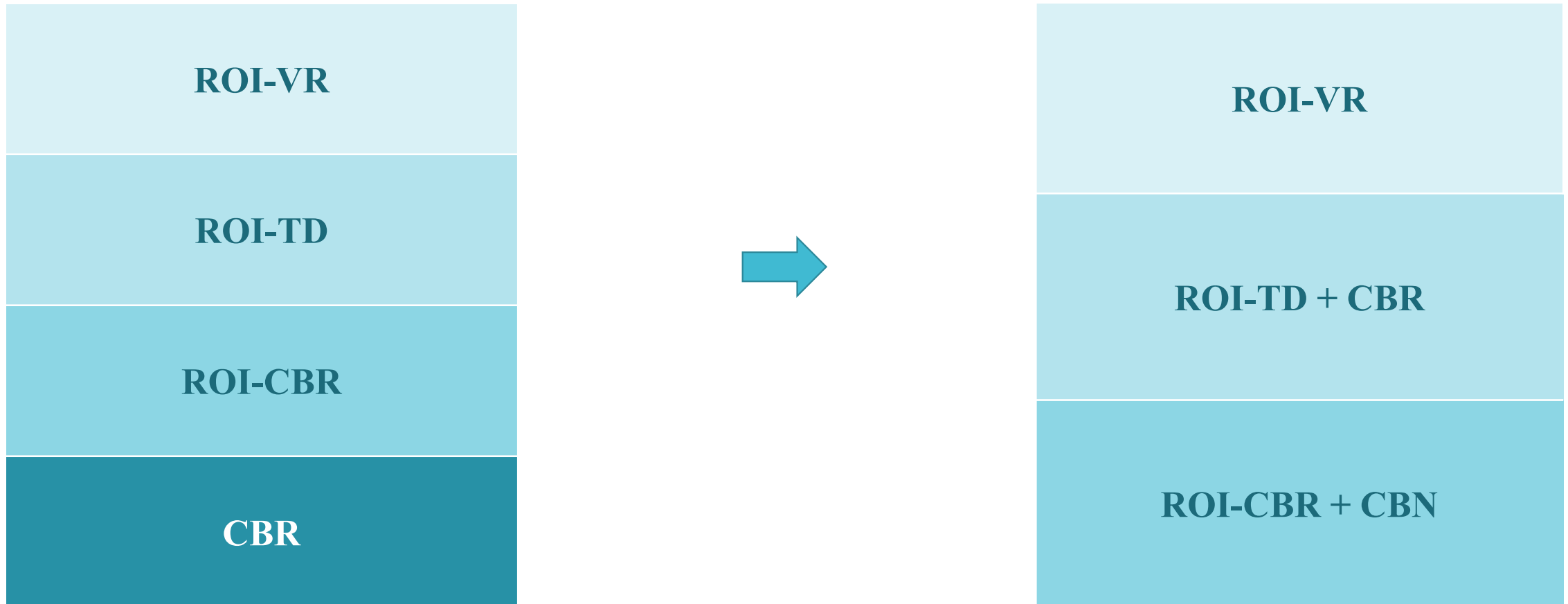
Footnotes:

- A. For all structures three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 15 feet on each side and the minimum rear setback shall be 20 feet. For all buildings exceeding three stories in height, the minimum front setback shall be 20 feet, the minimum side setback shall be 20 feet and increased by two feet on each side for each story exceeding four stories, and a minimum 25-foot rear yard setback shall be required.
- B. For all structures two stories or less in height, the minimum front setback shall be 20 feet, and no side or rear yards are required except where property line is contiguous with residential district boundary; then a ten-foot yard, maintained as open space, shall be provided. Within the Old Destin MMTD, no minimum front setback is required.
- E. For those properties that abut U.S. Highway 98, the height may be extended to a maximum of 50 feet and four stories.
- M. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:
- I. Front setback.**
- For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.
 - For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.
 - For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.
 - For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.
- II. Side setbacks.**
- Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.
- III. Rear setback.**
- For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.



Zoning Analysis: Recommendations

RECOMMENDED MIXED USE ZONING DISTRICTS:





Zoning Analysis: CMU and CMU-V

INTENTS:

CMU

Intends to provide a transition between high intensity south harbor and the low intensity ROI. This area shall be developed, redeveloped and/or maintained with permanent or seasonal residential and non-residential uses to serve adjacent Old Destin area.

CMU-V

Intends to preserve the character of the nearby "Old Destin" area, and to provide a transition between high intensity south harbor and the low intensity residential areas. This area shall have permanent or seasonal medium to high density residential, and non-residential uses to serve adjacent Old Destin area.





Zoning Analysis: CMU and CMU-V

Allowable uses

	CMU	CMU-V
Permanent or long-term residential uses		
Multi-family attached dwelling	P	C
Guest house (1)		C
Accessory dwelling		C
Seasonal or short-term residential uses		
Single-family detached dwelling	P	C
Multi-family attached dwelling	P	C
Other residential uses		C
Community residential home, small (1—6)	P	C
Family day care home	P	C
Distribution electric substation (16)	P	
Beer, wine, and liquor stores		P

Footnotes:

(1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))

(16) Refer to Section [Section 7.09.02\(B\)12](#) for further information



Zoning Analysis: CMU and CMU-V

<i>Allowable uses (cont'd)</i>	CMU	CMU-V
Child day care services	P	C
Performing arts and spectator sports	P	C
Amusement arcades	C	P
Marinas	P	C
Fitness and recreational sports centers	P	C
Bowling centers	P	C
All other amusement and recreation industries	P	C
Hotels and motels	P	C
Bed-and-breakfast inns	P	C
Other traveler accommodation, C.T.L.A. (12)	P	C

<i>Allowable uses (cont'd)</i>	CMU	CMU-V
Health and personal care stores and medical marijuana treatment center dispensing facilities 20		P
Clothing and clothing accessories stores	P	
Other general merchandise stores	P	
Other miscellaneous store retailers	P	C
Urban transit systems	P	
Interurban and rural bus transportation	P	
Scenic and sightseeing transportation, land	P	C
Scenic and sightseeing transportation, water	P	C
Conference/convention center	P	C
Consumer goods rental	P	C
Other schools and instruction	P	C
Educational support services	P	C

Footnotes:

(12) Commercial transient living accommodations.



Zoning Analysis: CMU and CMU-V

Dimensions (feet)

	CMU			CMU-V		
	1	2+	Non	1	2+	Non
Dwelling Units						
Minimum Lot Area (sq.ft)	7,500	None	None	5,000	None	None
Width	70	None	None	50	None	None
Depth	100	None	None	100	None	None
Maximum Building Height	35/3 stories	50/4 stories	50/4 Stories/F	35/3 stories	50/4 stories	F
Setback						
Front	20	H	H	20'	H	H
Side	7½	H	H	7½'	H	H
Rear	10	H	H	10'	H	H
Maximum Density (units per acre)	6.00	12.00	N/A	9.00	12.00	N/A
Maximum Floor Area Ratio	N/A	N/A	.50	N/A	N/A	0.50
Minimum Open Space (%)	25	25	25	25	25	25



Zoning Analysis: CMU and CMU-V

Footnotes:

F. Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.

H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.

- i. **Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.*
- ii. **Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.*
- iii. **Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.*



Zoning Analysis: SHMU and NHMU

INTENTS:

SHMU

Intends to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space"

NHMU

Intends to allow permanent and seasonal single-family and multi-family attached / detached residential dwelling units commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; retail; service; restaurant; office; and similar commercial uses





Zoning Analysis: SHMU and NHMU

Allowable uses

	SHMU	NHMU
Automobile dealers		C
Kitchen cabinet stores		P
Grocery stores		P
Gasoline stations		P
Water transportation	P	
Amusement arcades	C	P
Marinas	P	
Automotive repair and maintenance		P
Boat and motorcycle repair		P
Parking lots and garages (public & private)		P
Religious organizations		P

Dimensions (feet)

	SHMU			NHMU		
Dwelling Units	1	2+	Non	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	None	7,500	None	None
Width	70	None	None	70	None	None
Depth	100	None	None	100	None	None
Maximum Building Height	30/3 stories	50/4 stories /G	35/3 stories /G	35/3 stories	50/4 stories	35/3 stories
Setbacks						
Front	20	N	N	20	K	K
Side	7½	N	N	7½	K	K
Rear	10	N	N	10	K	K
Maximum Density (units per acre)	9.00	24	N/A	9.00	24	N/A
Maximum Floor Area Ratio	N/A	N/A	0.60	N/A	N/A	0.60
Minimum Open Space (%)	30	25	25	25	25	25



Zoning Analysis: SHMU and NHMU

Footnotes:

G. Please refer to the footnotes 1 through 3 of Table 1-13: general development standards for "SHMU" designated land of Policy 1-2.4.3(3) of the comprehensive plan for information on maximum building height and measurement of building height.

N. The following setbacks shall apply to developments proposed in the SHMU zoning district:

- i. **Front setback.** For those properties that front U.S. Highway 98, 16 feet minimum to 26 feet maximum for any portion of a building having a height below 40 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.*
- ii. **Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.*
- iii. **Rear setback.** Note: For lots that have a rear lot line on the harbor, a minimum setback of 15 feet shall apply in order to have enough space for the Harbor Boardwalk to be constructed when said boardwalk cannot be constructed over the Destin Harbor. Properties must still provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9). For lots that have a rear lot line on Choctawhatchee Bay: rear setback must meet the requirements set forth in Section 11.01.10, Bay shoreline protection zone. For all lots that do not have a rear lot line on the harbor or the bay, but instead have a rear property line: Zero feet.*



Zoning Analysis: GRMU, HIMU, and BRMU

INTENTS:



Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.



Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.



Intends to accommodate a mixture of residential, hotel, office, commercial and recreational uses.





Zoning Analysis: GRMU, HIMU, and BRMU

Allowable uses

	GRMU	HIMU	BRMU
Permanent or long-term residential uses			
Single-family detached dwelling	P	C	P
Single room occupancy housing	P	P	
Seasonal or short-term residential uses			
Luxury motor home resort	P		P
Other residential uses			
Community residential home, small (1—6)	P	C	C
Family day care home	P	C	C
Fish and seafood merchant wholesalers			P
Specialty food stores	P		P
Beer, wine, and liquor stores			P
Health and personal care stores and medical marijuana treatment center dispensing facilities 20			P

Allowable uses (cont'd)

	GRMU	HIMU	BRMU
Gasoline stations	P		P
Sporting goods and musical instrument stores	P		P
Water transportation		P	
Mini-warehouse and self-storage leasing	C		
Boat, vehicle, equipment, etc., storage leasing			P
Janitorial services	P	P	
Performing arts and spectator sports	P		P
Marinas		P	
Bowling centers	P		P
Dry cleaning and laundry services	P	P	



Zoning Analysis: GRMU, HIMU, and BRMU

Dimensions (feet)

	GRMU			HIMU			BRMU		
Dwelling Units	1	2+	Non	1	2+	Non	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	None	7,500	None	None	7,500	None	None
Width	70	None	None	70	None	None	70	None	None
Depth	100	None	None	100	None	None	100	None	None
Maximum Building Height	50/4 stories	50/4 stories	65/5 stories	50/4 stories	50/4 stories	50/4 stories	35/3 stories	50/4 stories/P	50/4 stories/P
Setback									
Front	20	M	M	20	H	H	20	M	M
Side	7½	M	M	7½	H	H	7½	M	M
Rear	10	M	M	10	H	H	10	M	M
Maximum Density (units per acre)	9.00	24.00	N/A	9.00	16.90	N/A	9.00	16.90	N/A
Maximum Floor Area Ratio	N/A	N/A	1.30	N/A	N/A	1.30	N/A	N/A	.75
Minimum Open Space (%)	30	25	25	30	25	25	25	25	25



Zoning Analysis: GRMU, HIMU, and BRMU

Footnotes:

H. The following setbacks shall apply to developments proposed in the HDR, CMU and HIMU zoning districts.

- i. **Front setback.** For those properties that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet. For those properties that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.*
- ii. **Side setbacks.** Zero feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.*
- iii. **Rear setback.** For lots fronting the harbor: Zero feet. For lots fronting the Choctawhatchee bay: rear setback must meet the requirements set forth in section 11.01.10 Bay shoreline protection zone. For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the harbor, bay or the gulf, but instead have a rear property line, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet on each side.*

M. The following setbacks shall apply to developments proposed in the CBR, BRMU and GRMU zoning districts:

*I. **Front setback.***

- a. For those properties located in the CBR and BRMU zoning districts, ten feet minimum and no maximum.*
- b. For those properties in the GRMU zoning district and that front U.S. Highway 98, 15 feet minimum to 25 feet maximum for any portion of a building having a height below 40 feet. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 45 feet.*
- c. For those properties in the GRMU zoning district that do not have frontage on U.S. Highway 98, ten feet minimum to 20 feet maximum for any portion of a building having a height of 40 feet or less. For any portion of a building having a height above 40 feet, the front setback shall be a minimum of 30 feet.*
- d. For those properties in the GRMU zoning district that have frontage on that portion of Scenic Highway 98 lying west of Henderson Beach State Park, zero feet minimum to ten feet maximum.*

*II. **Side setbacks.** Ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the side setback shall be increased by two feet on each side.*

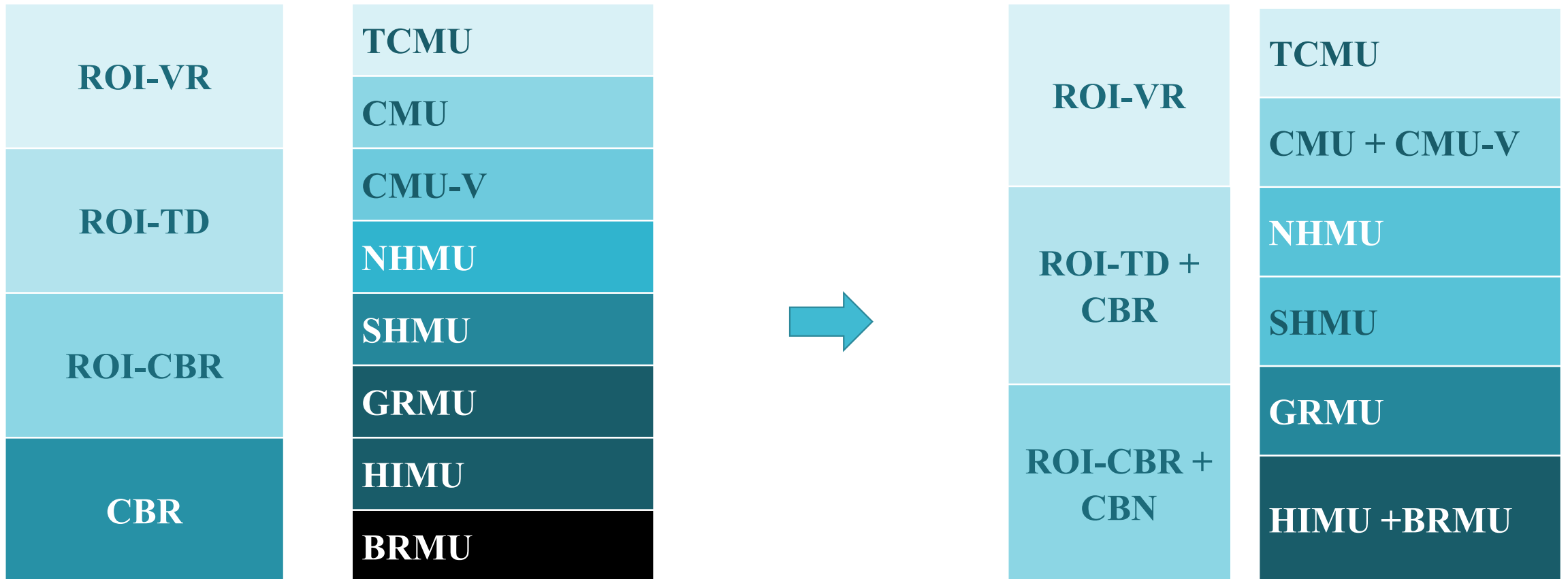
*III. **Rear setback.** For lots fronting the gulf the rear setback will be established by DEP. For all lots that do not front the gulf, ten feet for any portion of a building having a height of 35 feet or less. Fifteen feet for any portion of a building having a height above 35 feet but below 50 feet. For each ten feet or fraction thereof exceeding 50 feet in height, the rear setback shall be increased by two feet.*

P. In the BRMU zoning, district, the maximum height by right shall be 35 feet and three stories, excepting those properties that abut Emerald Coast Parkway, in which case height may be extended to a maximum of 50 feet and four stories.



Zoning Analysis: Mixed Use

RECOMMENDATIONS:





Commercial Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: Commercial

INTENTS:

CG

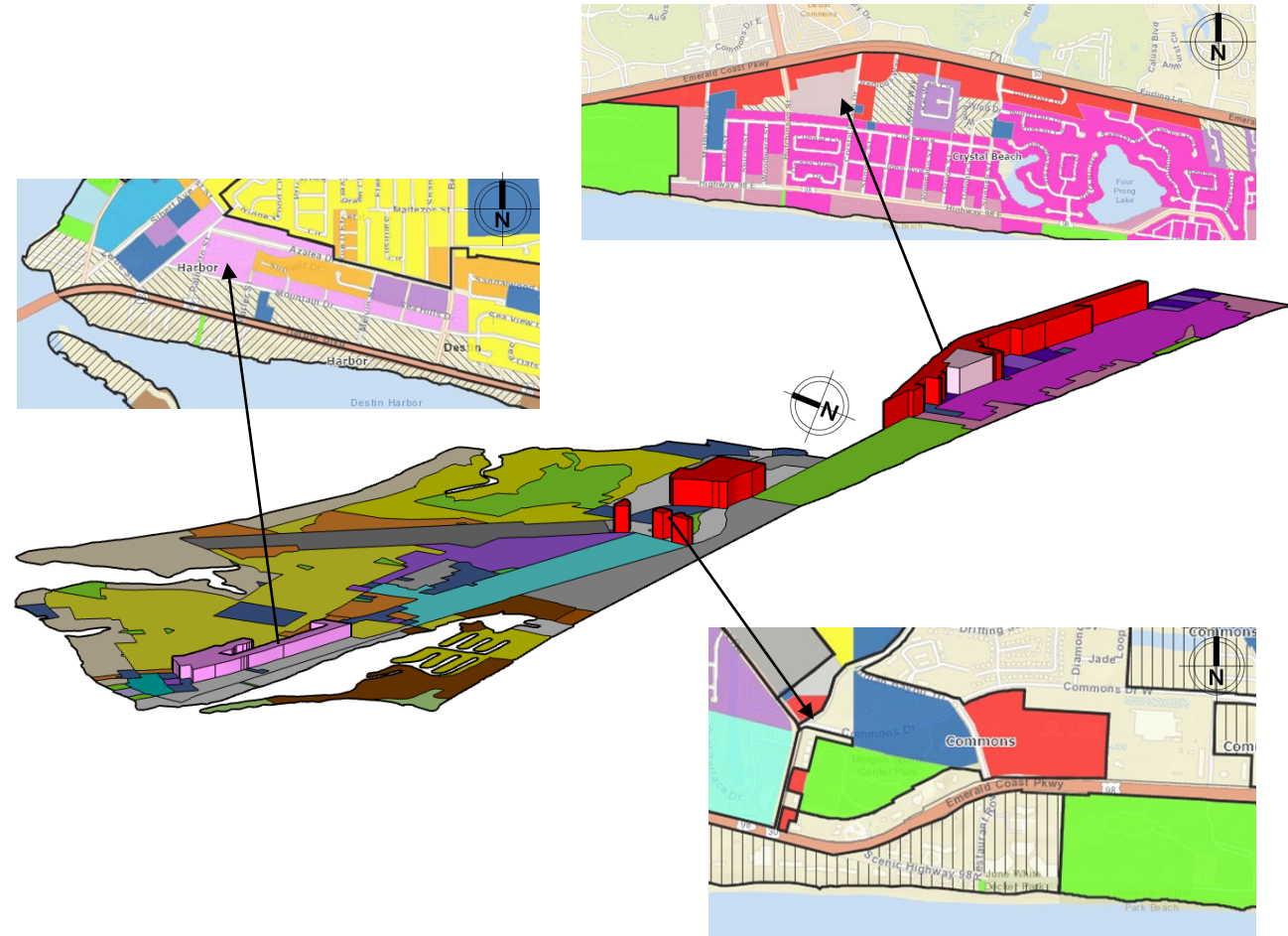
Allows to accommodate **general commercial needs** of the permanent and seasonal residents along Harbor Blvd/ Emerald Coast Pkwy

CTS

Allows similar **commercial trades and services** that are more intense in nature than those uses allowed in the CG zoning district but are less intense in nature than those uses allowed in the Industrial (IN) zoning district.

CL

It is intended to **accommodate a mixture of short-term and long-term residential and commercial uses** of a lesser intensity than is allowed in the various mixed use zoning districts.





Zoning Analysis: CL, CG, and CTS

Allowable uses

	CL	CG	CTS
Permanent or long-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	C	
Single room occupancy housing	P		
Seasonal or short-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	P	
Other residential uses			
Community residential home, small (1—6)	P		
Community residential home, large (7—14)	C		
Family day care home	P		

Allowable uses

	CL	CG	CTS
Construction			
Residential and non-residential contractors			P
Specialty trade contractors			P
Manufacturing			
Printing and related support activities	P	P	P
Wholesale			P
Fish and seafood merchant wholesalers	P		P
Retail trade			
Auto parts, accessories, and tire stores		C	P
Parts and Accessories Dealer—Automotive/marine		C	P
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	



Zoning Analysis: CL, CG, and CTS

Allowable uses

	CL	CG	CTS
Retail trade			
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	
Kitchen cabinet stores		C	P
Food and beverage stores			
Grocery stores	P	C	
Specialty food stores	P	C	
Beer, wine, and liquor stores	P	C	
Health and personal care, medical marijuana	P	C	
Clothing stores	P	P	
Sporting goods and musical instrument stores	P	P	
Book, periodical and music stores	P	P	

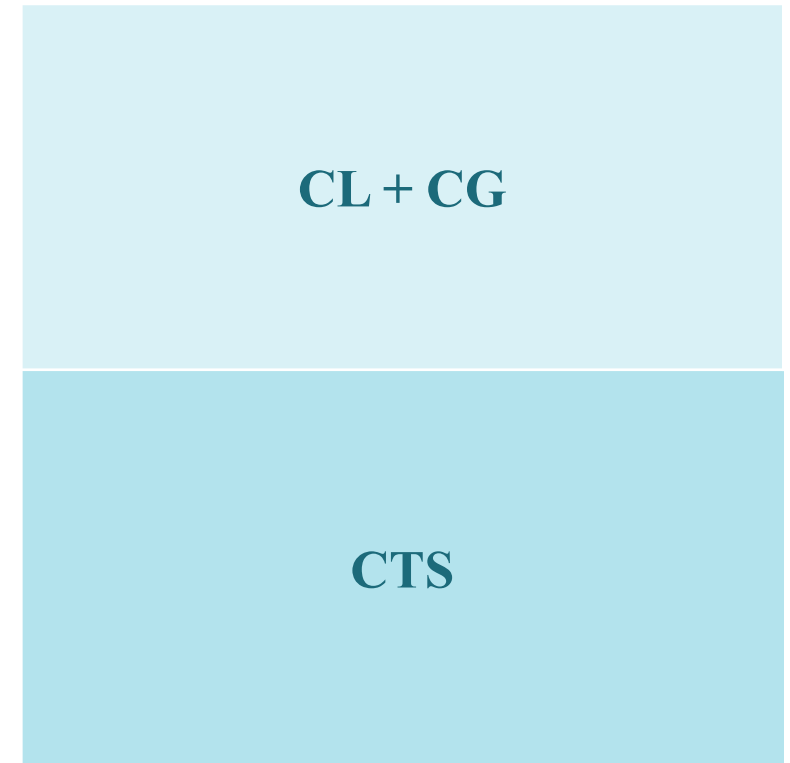
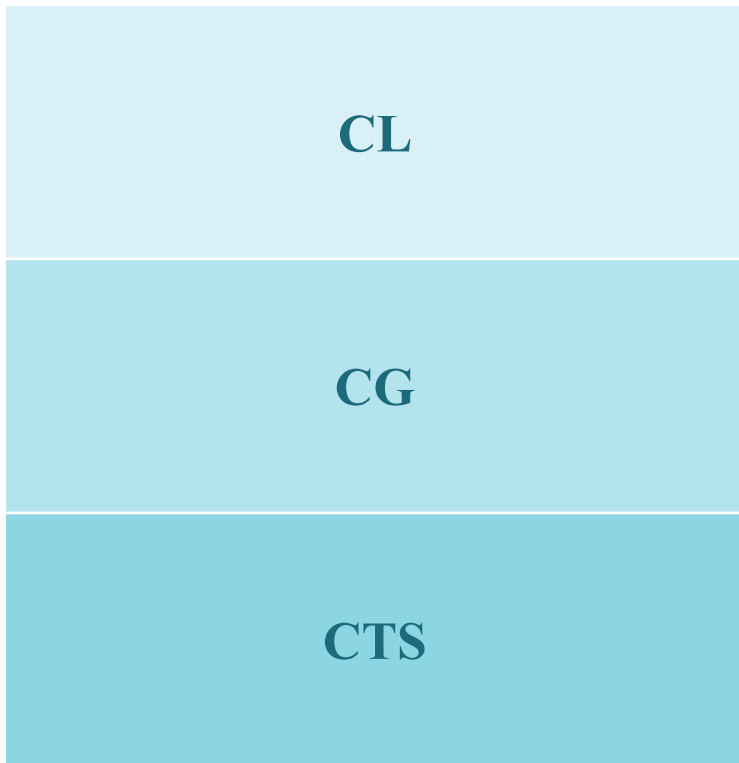
Allowable uses

	CL	CG	CTS
General merchandise stores			
Department stores	P	C	
Other general merchandise stores	P	P	
Miscellaneous store retailers			
Florist	P	P	
Office supplies, stationary, gift shop	P	C	
Transportation and warehousing			
Urban transit systems	P	C	P
Interurban and rural bus transportation	P	C	P
Information		P	P
Art, Entertainment, and Recreation	P	C	
Accommodation and Food Services	P	C	



Zoning Analysis: Recommendations

RECOMMENDED COMMERCIAL ZONING DISTRICTS:



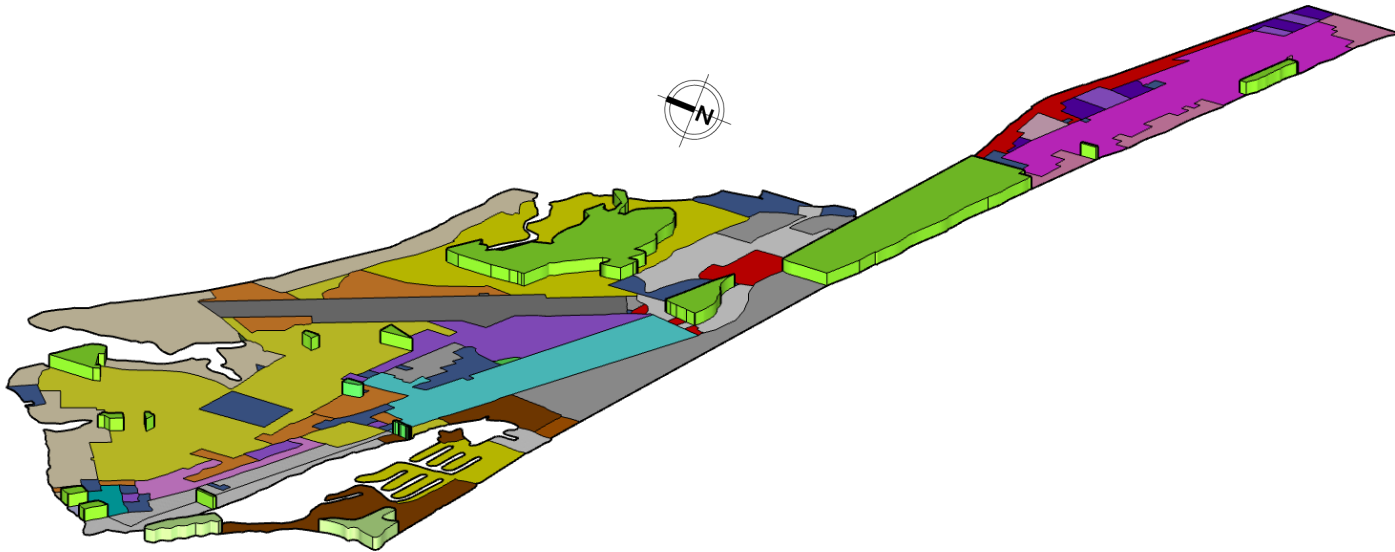


Other Zoning Districts

Comparative Zoning Analysis



Zoning Analysis: REC and CON

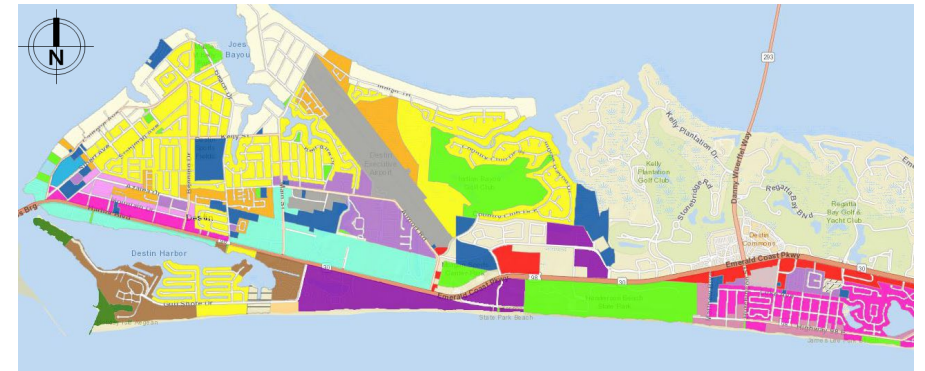


REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.



Parks:

- Clement Taylor Park
- Captain Leonard Destin Park
- Captain Royal Melvin Park
- Dalton Threadgill Park
- Mattie M Kelly Park
- Dewey Destin Park
- Henderson Beach State Park
- Harborview Park
- Indian Bayou Golf Club
- Morgan Sports Center Park
- June White Decker Park
- James Lee Park

Conservation Areas:

- TIFFF parcel south-west of Destin Pointe
- Norriego Point

Neighborhood Parks:

- 605 Main St
- 810 Kell-Aire Ct
- 880 Kell-Aire Dr
- 1999 Cordgrass Ct
- 1950 Scenic Hwy 98
- 2966 Scenic Hwy 98



Zoning Analysis: REC and CON

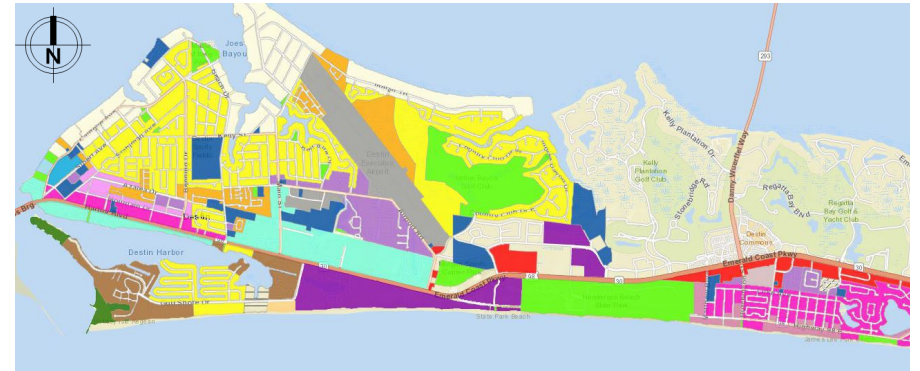
INTENTS:

REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.





Zoning Analysis: Other Zoning Districts

INTENTS:



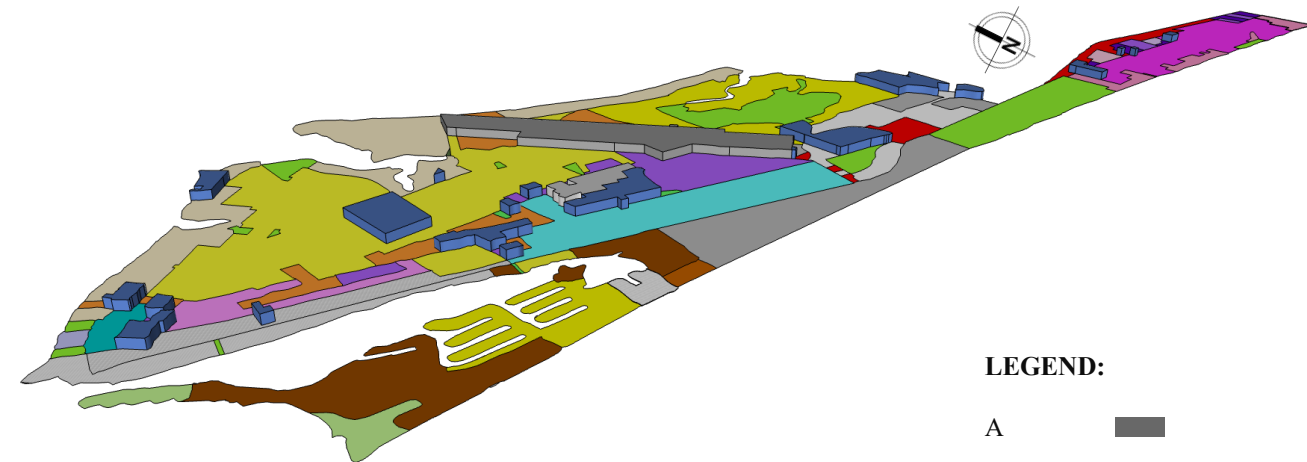
Intends to accommodate industrial and limited commercial developments. Does not allow permanent or seasonal residential uses.



Intends to accommodate public and semi-public facilities and services, promote natural resources and open space around building. Does not allow permanent or seasonal residential uses.



Comprises Destin-Fort Walton Beach Airport. It intends to accommodate airport facilities. Does not allow permanent or seasonal residential uses.



LEGEND:

A	Gray
INST	Dark Blue
IN	Light Gray

Consolidating the Zoning Districts

Comparative Zoning Analysis





Zoning Analysis

RECOMMENDED ZONING DISTRICTS:

RECREATION	BE	CG + CL	TCMU
CONSERVATION	LDR-V + LDR-H		CMU + CMU-V
INST	LDR-HI	CTS	GRMU
IN	MDR-V	ROI-TD + CBR	HIMU + BRMU
A	CBN + ROI-CBR	ROI-VR	NHMU
	MDR -HI + HDR		SHMU

Aligning with the Planning Areas

Comparative Zoning Analysis







Village Planning Area

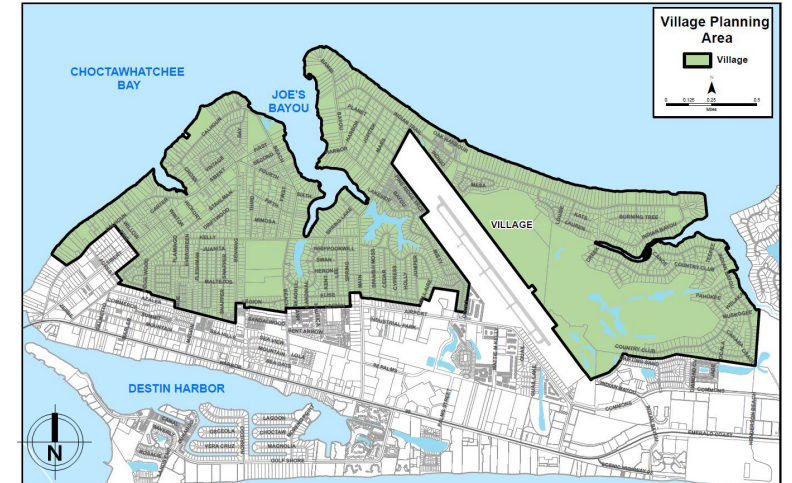
Comparative Zoning Analysis



Zoning Analysis: Village Planning Area

Village Planning Area Intent:

“Provide low-density, healthy, safe, family-friendly environment that promotes a high quality of life. Connected network of multi-modal streets. Dwelling density maximums. Encourage limited commercial uses that support the neighborhoods within the Village. Maintain, improve, and protect existing neighborhoods.”



Recommended Consolidated Zoning Districts:

BE

*LDR-V +
LDR-H*

MDR-V

REC

ROI-VR

INST



Holiday Isle Planning Area

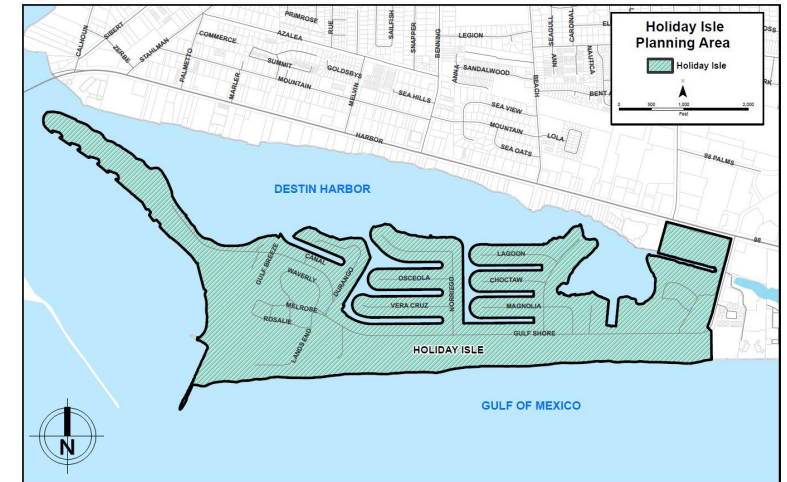
Comparative Zoning Analysis



Zoning Analysis: Holiday Isle Planning Area

Holiday Isle Planning Area Intent:

“Support and maintain a mix of residential accommodations for residents and visitors, with low density to high density residential and mixed uses. Safe and accessible Multi-modal transportation system. Protect, preserve, expand existing natural and recreational resources ”



Recommended Consolidated Zoning Districts:





Gulf Resort Planning Area

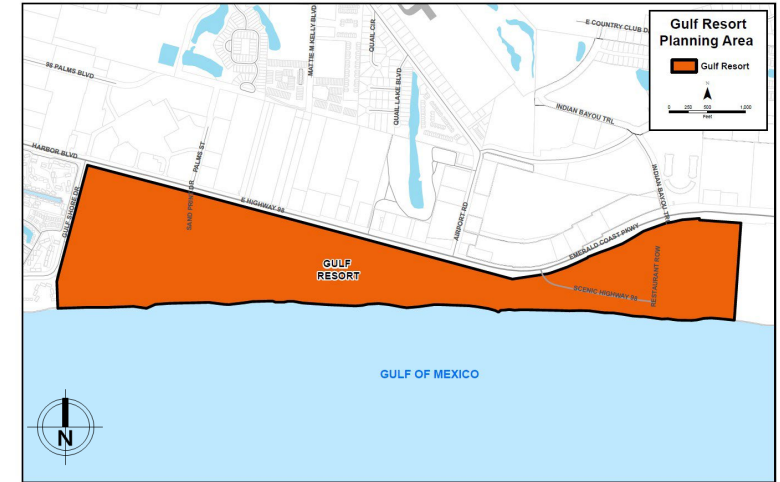
Comparative Zoning Analysis



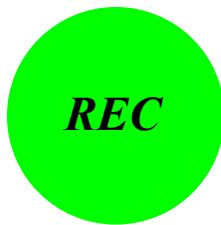
Zoning Analysis: Gulf Resort Planning Area

Gulf Resort Planning Area Intent:

“Intends to be world-class resort district with uses ranging from small condominium complexes to resorts and supporting dining, commercial and retail services. Connected multi-modal network. Renowned Residential and Resort destination. Increase public beach and access.”



Recommended Consolidated Zoning Districts:





Crystal Beach Planning Area

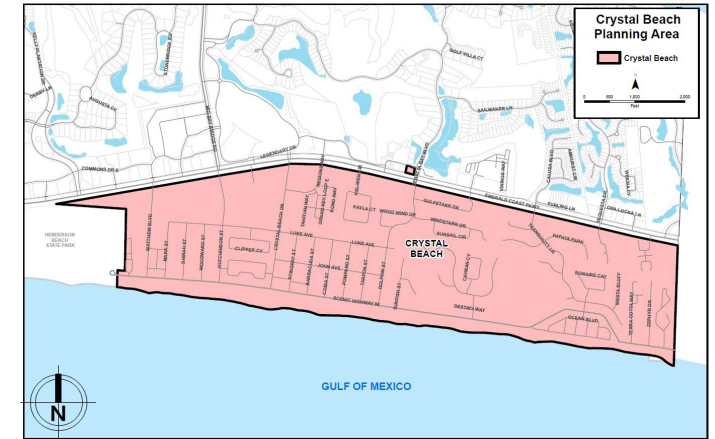
Comparative Zoning Analysis



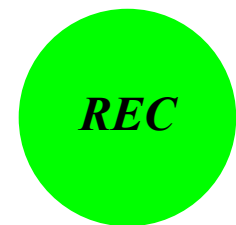
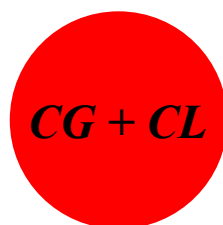
Zoning Analysis: Crystal Beach Planning Area

Crystal Beach Planning Area Intent:

“Intends to highlight quality commercial corridor , family-friendly vacation destination and single-family neighborhoods. Preserve and promote single-family character while providing the residents and visitors access to amenities. Ensure low intensity mixed use development support at intersections while commercial development adjacent to or accessible from highway 98. Protect long-term single family residential. Expand public beach access by encouraging low-intensity commercial, mixed-use developments, redevelopments of single or multi-family south of Scenic highway 98. Multimodal infrastructure. ”



Recommended Consolidated Zoning Districts:





Harbor Planning Area

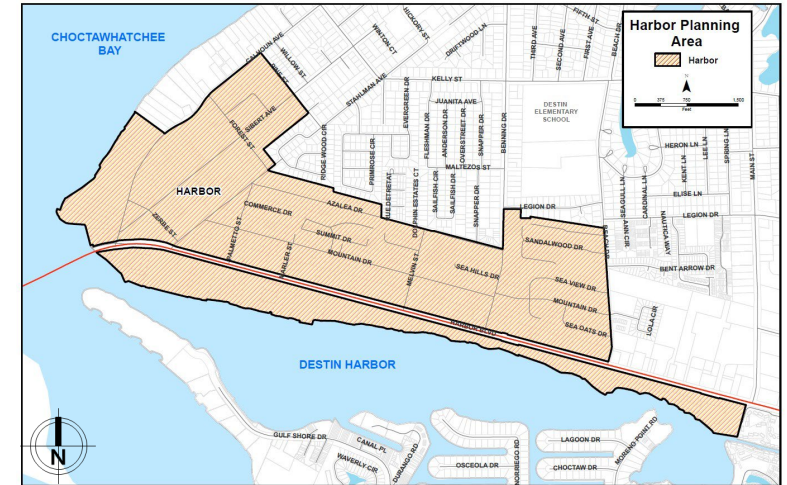
Comparative Zoning Analysis



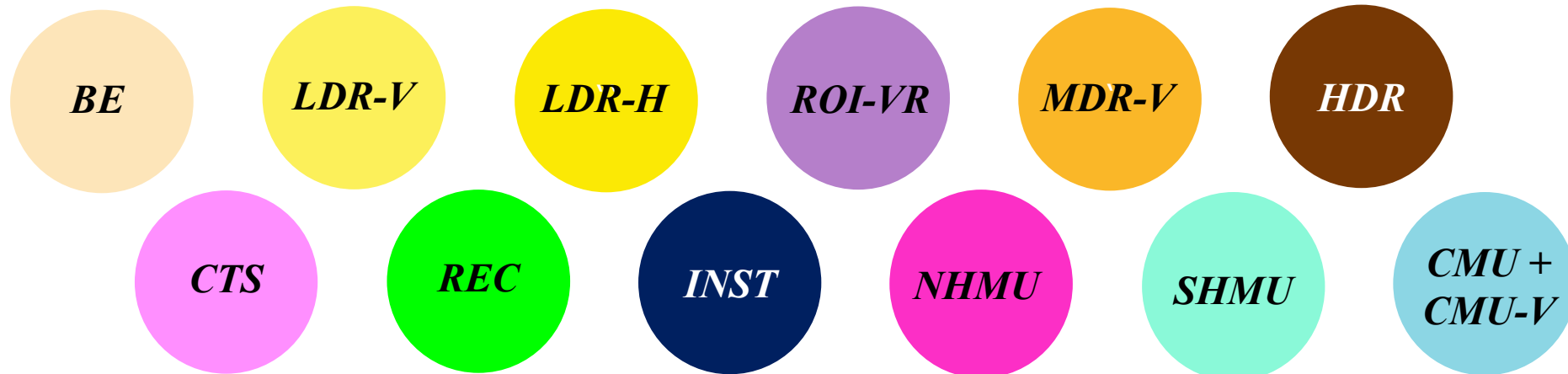
Zoning Analysis: Harbor Planning Area

Harbor Planning Area Intent:

“Intends to support a marketplace implying to “World’s luckiest fishing village”. Appropriate commercial, mixed-use, residential uses supporting fishing and recreation industries, attract visitors. Plan public pedestrian shoreline and harbor boardwalk to promote and develop free flowing festive feel. Grow connected and safe multi-modal transportation network. Innovative transportation options and creative urban design.”



Recommended Consolidated Zoning Districts:





Town Center Commons Planning Area

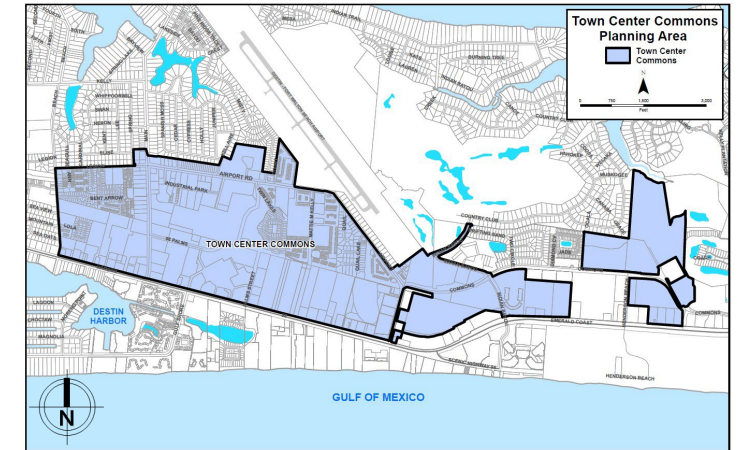
Comparative Zoning Analysis



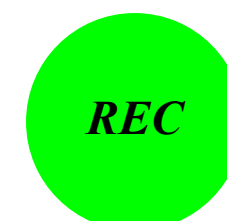
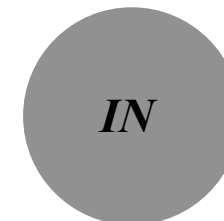
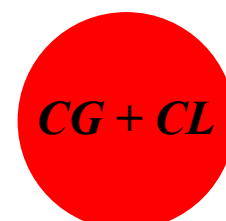
Zoning Analysis: Town Center Commons Planning Area

Town Center Commons Planning Area Intent:

“Intends to be the city’s residential, cultural, institutional, and service center. Center of business, relaxation and recreation. Afford residents and visitors ability to attend cultural events and activities showcasing the local arts, culture, and community value. Higher density residential, mixed-use development gathering places for residents and visitors. Pedestrian friendly and accessible multimodal corridors. City shall collaborate with Okaloosa County to align future development in areas directly adjacent to city’s jurisdiction ”



Recommended Consolidated Zoning Districts:





Henderson Planning Area

Comparative Zoning Analysis

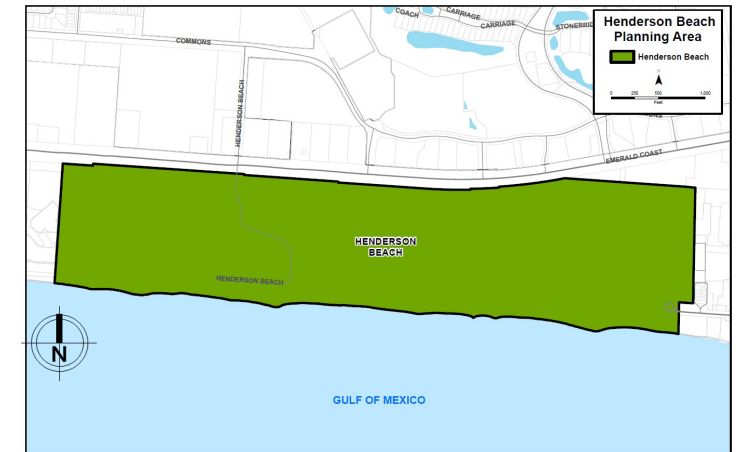


Zoning Analysis: Henderson Planning Area

Henderson Planning Area Intent:

“Intends to preserve and highlight natural ecosystem. To protect the largest public beach access. Mitigate external impacts on park. To protect flora and fauna. ”

Recommended Consolidated Zoning Districts:



REC



Airport Planning Area

Comparative Zoning Analysis

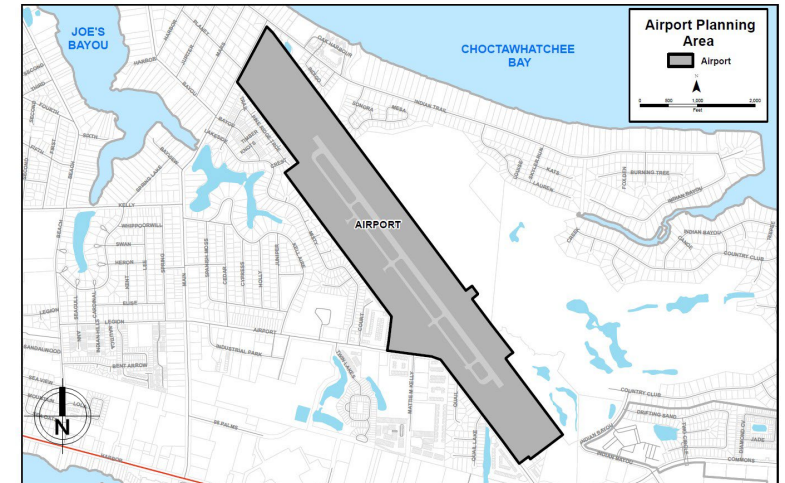


Zoning Analysis: Airport Planning Area

Airport Planning Area Intent:

“Intends to provide and facilitate the continued use of general aviation at the Destin Executive Airport at current and projected use levels while planning for the future airport growth with the existing boundaries. Mitigate encroachment issues from development upon the airport and aviation uses upon surrounding neighborhood and other areas”

Recommended Consolidated Zoning Districts:



A



Currently there are similar zoning districts per uses and dimensional requirements constituting to total of 28 Zoning Districts



The zoning districts are consolidated to 21 Zoning districts based on their similarities in the uses and dimensional requirements



Aligned the Consolidated Zoning Districts with the Planning Areas Intents

Conclusion





Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts

	CL	CG	CTS
Permanent or long-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	C	
Custodian or night-watchman dwelling			P
Single room occupancy housing	P		
Seasonal or short-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	P	
Other residential uses			
Community residential home, small (1—6)	P		
Community residential home, large (7—14)	C		
Family day care home	P		

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
236 Residential and non-residential contractors			P
237 Heavy and civil engineering contractors			
238 Specialty trade contractors			P
Sector 42 Wholesale Trade		C	P
424460 Fish and seafood merchant wholesalers			P
4413 Auto parts, accessories, and tire stores		C	P
441310 Parts and Accessories Dealer— Automotive/marine		C	P
442 Furniture and home furnishings stores	P	P	
443 Electronics and appliance stores	P	P	
444 Building material and garden equip. and supply dealer		C	P
444190 Kitchen cabinet stores		C	P
4451 Grocery stores	P	C	



Zoning Analysis: CL, CG, and CTS

*Allowable uses within the zoning districts
(cont'd)*

	CL	CG	CTS
4452 Specialty food stores	P	C	
4453 Beer, wine, and liquor stores	P	C	
446 Health and personal care stores and medical marijuana treatment center dispensing facilities 20	P	C	
447 Gasoline stations		C	
448 Clothing and clothing accessories stores	P	P	
4511 Sporting goods and musical instrument stores	P	P	
4512 Book, periodical, and music stores	P	P	
4521 Department stores	P	C	
4529 Other general merchandise stores	P	P	
4531 Florists	P	P	
4532 Office supplies, stationery, and gift stores	P	C	
4533 Used merchandise stores		C	

*Allowable uses within the zoning districts
(cont'd)*

	CL	CG	CTS
453310 Thrift stores		C	
4539 Other miscellaneous store retailers		C	
454 Non-store retailers			P
4851 Urban transit systems	P	C	P
4582 Interurban and rural bus transportation	P	C	P
4853 Taxi and limousine service			P
4854 School and employee bus transportation			P
4859 Other ground passenger transportation			P
48841 Motor vehicle towing		C	P
492 Couriers and messengers			P
493 Warehousing and storage		C	
4931 General warehousing and storage (9)		C	P
518 ISPs, search portals, and data processing		P	P



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
519 Other information services		P	P
522298 Pawn shops		C	
531120 Conference/convention center		C	
531120 Commercial special event venue		P	
531130 Mini-warehouse and self-storage leasing		C	P
531190 Boat, vehicle, equipment, etc., storage leasing		C	P
532 Rental and leasing services			
5321 Automotive equipment rental and leasing		C	P
5322 Consumer goods rental	P	C	P
5323 General rental centers		P	P
5324 Machinery and equipment rental and leasing		C	P
541 Professional and technical services	P	P	
541940 Veterinary services		C	

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
561730 Landscaping services		C	P
6115 Technical and trade schools			P
6116 Other schools and instruction		P	
6117 Educational support services		P	
621 Ambulatory health care services	P	C	P
6244 Child day care services	C	P	
711 Performing arts and spectator sports	P	C	
712 Museums, historical sites, zoos, and parks (10)	P		
713110 Amusement and theme parks		C	
541940 Veterinary services		C	
713120 Amusement arcades		C	
713940 Fitness and recreational sports centers		C	
713950 Bowling centers		C	



Zoning Analysis: CL, CG, and CTS

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
713990 Indoor Shooting Ranges			P
713990 All other amusement and recreation industries		C	
721110 Hotels and motels	P	C	
721191 Bed-and-breakfast inns	P	C	
721199 Other traveler accommodation, C.T.L.A. (12)	P	C	
7212 RV parks and recreational camps		C	
7213 Rooming and boarding houses	P	C	
722 Food services and drinking places	P	C	
722110 Full-service restaurants	P	C	
722111 Limited-service restaurants	P	C	
7224 Drinking places, alcoholic beverages	P	C	
811 Repair and maintenance		C	P
8111 Automotive repair and maintenance		C	P

Allowable uses within the zoning districts (cont'd)

	CL	CG	CTS
811192 Car washes		C	P
81149 Other personal and household goods repair		P	P
811491 Boat and motorcycle repair		C	P
8122 Death care services			P
8123 Dry cleaning and laundry services	P	C	P
81233 Linen and uniform supply services		P	P
812910 Pet care (except veterinary) services		C	
813 Membership associations and organizations	P	P	
Tattoo parlors		C	



Community Development

Phone: 850-654-1119
Planning@cityofdestin.com

MEMORANDUM

DATE: January 3, 2024

TO: Local Planning Agency

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, City Attorney
Steve O'Connor, Principal Planner

SUBJECT: Policy Guidance and Questions for Draft Article 4

The Draft Article 4 – Zoning District, Overlays, and On-site Regulations Policy has recently been updated to include the new graphics for a majority of the Zoning Districts, policy updates from previous discussions with the Local Planning Agency (LPA), as well as many smaller updates to various references among other minor grammatical errors and organizational changes. Staff, however, is in need of further guidance on a number of key items based on our continued review of the draft language. The below topics will be discussed at the next meeting of the LPA. Staff is providing them ahead of time so that the LPA members have a chance to review and formulate their thoughts ahead of the meeting. Staff will incorporate any recommendation provided by the LPA into the draft Article 4 when forwarded to City Council.

1. **Water Taxis:** Water taxis are a use listed in several use charts of various zoning districts. In all but one of those districts they are a **Permitted Use**. Water Taxis are a **Conditional Use** in **CMU Zone**. Staff does not see why specifically in the **CMU Zone**, Water Taxis were listed as **Conditional Use**. Staff recommends changing this by making Water Taxis a **Permitted Use** in the **CMU Zone**. We recommend this as it will expand the ability for people to move around the Harbor and other destinations across Destin without having to drive a vehicle and reducing traffic congestion on Harbor Blvd. Do you agree that this use should be a Permitted Use in CMU?
2. **Building Height in CMU: 4.05.02** In the **CMU Zone**, the Dimensional Limitations table lists the max height of a non-dwelling use as 50'4 Stories. But the footnote limits all non-residential uses to 35'2 stories. Staff recommends changing to 35'3 stories to be consistent with the rest of the LDC. Does the LPA Agree?
3. **ECHO Housing: 4.08.02.A.5.** Currently in Section there is a provision for **Elderly Cottage Housing Opportunity (ECHO)**. This language currently exists in LDC Section 9.02.01.D. At a base level it allows for any property owner, regardless of zoning district, to construct an **Accessory Dwelling Unit**, so long as it is specifically for use by the “elderly.” It is Staff’s general view that this regulation may be difficult to control in zoning districts such as **LDR** where ADUs are not allowed. Furthermore, it may also open the door for expansion of STRs in zoning districts where they are not permitted. Does the LPA agree?

4. **ADUs and Guest Houses: 4.08.03.B.** Many municipalities have a max percentage and a total max sq ft for ADUs and Guest Houses. For example, an **ADU** may not be larger than 50 % of the primary Dwelling on the property, but in no case shall an **ADU** exceed 1,200 sq. ft. Currently **ADUs** can be as large as 1,200 sq. ft. so long as it does not exceed the size of the primary dwelling. So we want to limit ADU's based on a percentage of the existing home, or keep it as we currently have it?
5. **Parking for Outdoor Seating: 4.09.01.B.** Currently there is no consideration of outdoor seats in the City's Parking Requirements. At the joint workshop with City Council and the LPA, it was recommended that Staff include provisions for outdoor seating in the draft of Article 4. Staff is proposing to include a new provision that all proposed outdoor seating shall provide same minimum required parking required for indoor seating. Does the LPA agree?

Cc: Building Division
Engineering Division
Planning Division

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ARTICLE 4 - ZONING DISTRICTS, OVERLAYS, AND ON-SITE REGULATIONS

SECTION 4.01 PURPOSE, APPLICABILITY, AND INTENT

SECTION 4.01.01 GENERAL

This article implements the goals, objectives, and policies set forth in the City's Comprehensive Plan relating to land use in the City of Destin. Provisions set forth as to the type of land use, density, and intensity permitted are correlated with the districts shown on the future land use map.

SECTION 4.01.02 PURPOSE AND INTENT OF ZONING DISTRICTS

The purpose and intent of establishing zoning districts is to ensure that all development is consistent with the Comprehensive Plan's goals, objectives, and policies by establishing a series of zoning districts that indicate what uses are allowed and site development regulations that control the use of land in each district. All development within each zoning district shall be consistent with the purposes stated for each district.

SECTION 4.02 ZONING REGULATORY CONTROLS

This section establishes zoning districts and the Official Zoning Map designed to assist in implementing the goals, objectives, and policies of the adopted comprehensive plan, especially those policies addressing specific areas designated on the Future Land Use Map (Map 1-1). This section also includes regulations for interpreting district boundaries and compliance with zoning district regulations.

SECTION 4.02.01 ZONING MAP

- A. The Official Zoning Map is adopted consistent with the City of Destin Comprehensive Plan Future Land Use Element Map as amended from time to time.
 1. The following maps are by reference made a part of this Code, including all future amendments, revisions, and updates:
 - a. Map entitled "Zoning Map" prepared by the City of Destin on **MONTH, DAY, YEAR.**
 - b. Map entitled "Destin Airport—Noise Level Descriptions" prepared by Barrett-Daffin and Carlan, Inc., and dated July 1982.
- B. Interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the zoning maps, the following rules shall apply:
 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as approximately following city limits shall be construed as following such City limits.
 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shorelines are changed, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

DRAFT

6. Boundaries indicated as parallel to, or extensions of features indicated in subsections (1.) through (5.) of this section shall be so construed. The map's scale shall determine the distances not specifically indicated on the zoning maps.
7. Where physical or cultural features existing on the ground are at variance with those shown on the zoning maps or in other circumstances not covered by this section, the Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot that was in single ownership at the time of passage of this article, the Board of Adjustment may permit, as a special exception, the extension of the regulations for the less intensive district to be zoned across the property.
 - a. If the property owner wishes to extend the more intensive district across the entire property, then the owner shall submit an application for a Zoning Map Amendment per Article 2. of this code.
- C. Zoning Map Amendments. Amendments to the Official Zoning Map shall be made in compliance and consistent with the procedures set forth in Article 2. of this Code and the City of Destin Comprehensive Plan and its Future Land Use Map. Amendments to the district boundaries or other features of the Official Zoning Map shall be recorded on the Official Zoning Map after the City Council has adopted the amendment affecting such changes and has become effective.

SECTION 4.02.02. COMPLIANCE WITH ZONING DISTRICT REGULATIONS

- A. Uses The latest edition of the North American Industry Classification System (NAICS) shall be used to provide definitions of each use or use groupings listed in the use tables of the zoning districts of this Article.
 1. All sub-uses listed under a use in the NAICS, which use is permitted, shall be considered as a permitted use.
- B. Buildings, Structures, or other land improvements
 1. The regulations outlined in this Article within each district shall be minimum regulations and apply uniformly to any structure or land, including but not limited to:
 - a. No building or structure shall be used, occupied, erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations specified in the applicable zoning district where located unless approved through a permit.
 - b. No lot, land, parcel, or property shall be used, occupied, constructed upon, altered, graded, filled, or landscaped except in conformity with the regulations specified in the applicable zoning district where located unless approved through a permit.
 - c. All accessory buildings shall meet the minimum yard setback requirements for the district in which they are located.
 - d. The height limitations contained in the schedule of dimensional requirements do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and are not intended for human occupancy.
 - e. Every building or structure hereafter erected or moved shall be on a lot adjacent to a street or easement with adequate access and compliant for servicing, fire protection, and required off-street parking.
 - f. Nonhabitable utility structures, such as, but not limited to, power poles, electrical transformers, telephone junction boxes, cable junction boxes, sewer lift stations, etc., may be in all zoning districts.
- C. Public Safety

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1. Police, Fire Protection, or other Public Safety agencies shall be Conditional Uses in all zoning districts.
 - a. Parking:
 1. 1 space for every 300 sq. ft. of gross floor area.
 2. If public assembly is provided on-site, 1 space for every 4 individuals of the maximum occupancy of the Public Assembly area.
- D. Utility distribution and conveyance
 1. All underground or open-air utility distribution elements meant to serve land development shall be Permitted Uses in all districts, this includes:
 - a. Electrical
 - b. Gas
 - c. Sewer
 - d. Stormwater
 - e. Telecommunications (excludes non-residential satellite dish equipment)
 - f. Water
 - g. Other utility as deemed by the Community Development Director
 2. See 4.08.01.B.16 for Special Design Criteria
- E. Advertising for special events in a residential area and/or residential zoning district is prohibited.
 - a. Special events include but not limited to:
 1. Weddings or wedding receptions
 2. Spring break parties
 3. Bachelor parties
 4. Family reunions
 5. Class reunions
 6. Company banquets, retreats, and/or company picnics
 7. Or other similar event or celebration
 - b. Residential zoning districts include:
 1. Bay Estates (BE)
 2. Low Density Residential- Village (LDR-V)
 3. Low Density Residential - Holiday Isle (LDR-HI)
 4. Low Density Residential - Harbor (LDR-H)
 5. Medium Density Residential - Village (MDR-V)
 6. High Density Residential (HDR)
 7. Crystal Beach Neighborhood (CBN)
 8. Residential. Office and Institutional — Tourist Development (ROI-TD)
 9. Residential, Office and Institutional-Village Residential (ROI-VR)
 - c. Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.

SECTION 4.02.03 COMPLIANCE WITH DIMENSIONAL STANDARDS

- A. All development shall comply with the appropriate Zoning District dimensional requirements table set forth in the applicable Zoning Districts of this Article.
- B. In the event that a property owner fails to comply with the minimum dimensional requirements by three inches or less, the actual measurement shall be deemed to be in compliance with the applicable minimum dimensional requirements, provided that no adverse health, safety, or welfare impacts result from the failure to comply with the minimum dimensional requirements.
- C. For waterfront lots the rear property line setbacks do not apply.

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- D. Rear property line setback requirements do not apply to boat docks, piers, bulkheads (seawalls) or boathouses.
- E. The footprint for all structures shall meet all setback requirements; however, cornices, canopies, eaves, garden windows, exterior stairways or other architectural features may extend 24 inches into the required setback provided the extension does not interfere with access to the property.
 - a. Portions or projections from a building or structure that add to the gross floor area are not allowed to extend into the required setback.
- F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replated after March 8, 1983, must meet the full front setback along all street frontages.
- G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements this Article and applicable zoning district of the Land Development Code, shall provide:
 - a. The full front setback along the street frontage to which the structure is oriented, and
 - b. A minimum of a ten-foot setback along the other street frontage.
- H. All lots platted or replated after March 8, 1983, must meet the full front setback along all street frontages.

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SECTION 4.03 RESIDENTIAL DISTRICTS

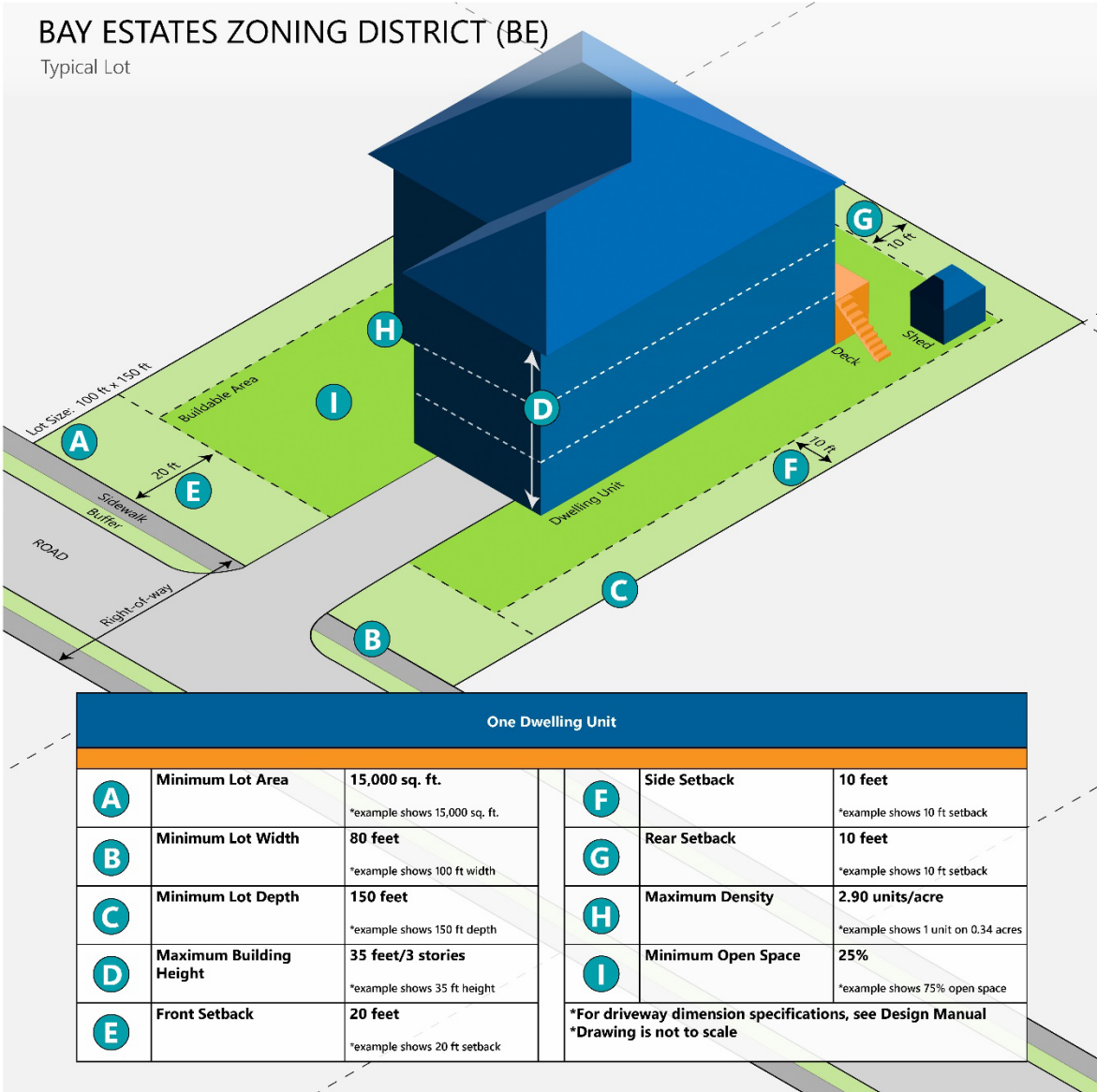
SECTION 4.03.01 BAY ESTATES (BE)

- A. Zoning District Intent. The Bay Estates zoning district implements Future Land Use Element Policy 1-2.2.1, Bay Estates of the Comprehensive Plan.
- B. The Bay Estates zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached residential estate dwelling units.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
<u>Accessory Dwelling</u>	P	<u>4.08.03</u>	1 space per Dwelling Unit	N/A
<u>Guest House</u>	P	<u>4.08.03</u>	1 space per Dwelling Unit	N/A
<u>Mobile/Manufactured Home dwelling</u>	C	<u>4.08.02</u>	2.25 spaces per Dwelling Unit	N/A
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Other Residential Uses</i>				
<u>Community Residential Home, Small (1-6)</u>	P	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Bay Estate (BE)		
Residential Uses		
Dwelling Units		1
Minimum Lot Area (square feet)		15,000
Minimum Lot Size	Width	80'
	Depth	150'
Maximum Building Height / Stories		35'/3 stories
Setbacks	Front	20'
	Side	10'
	Rear	10'
Maximum Density (Units per acre)		2.9
Minimum Open Space (%)		25%
Institutional Uses FAR/Intensity		.25 FAR



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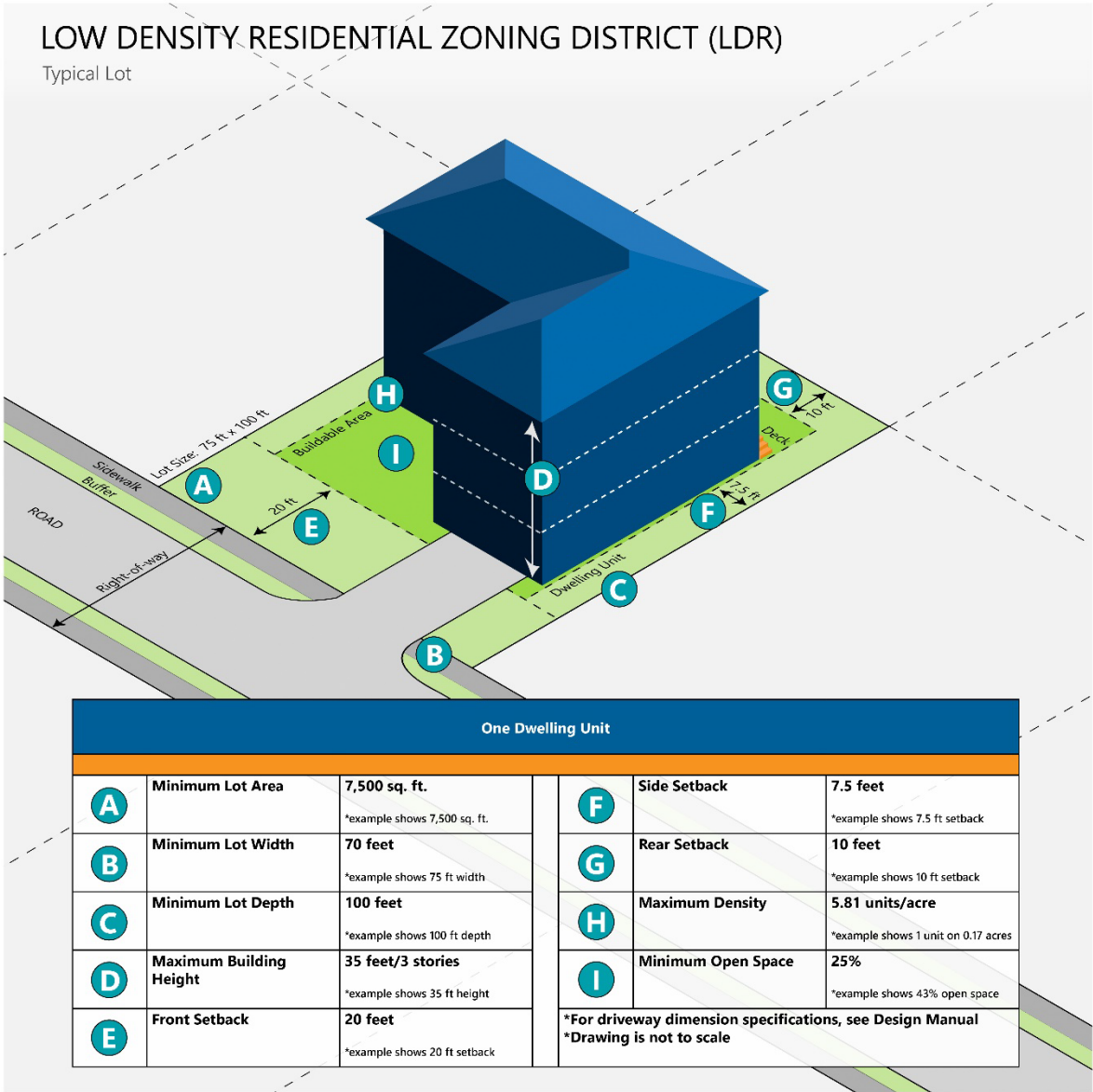
SECTION 4.03.02 LOW DENSITY RESIDENTIAL –(LDR)

- A. Zoning District Intent. The Low Density Residential zoning district implements Future Land Use Element Policy 1-2.2.2, Low Density Residential of the Comprehensive Plan within the Village Planning Area.
- B. The Low Density Residential - Village District shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached residential dwelling units.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Small (1-6)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Low Density Residential - Village (LDR-V)		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	70'
	Depth	100'
Maximum Building Height / Stories		35'/3 stories
Setbacks	Front	20'
	Side	7½'
	Rear	10'
Maximum Density (units per acre)		5.81
Minimum Open Space (%)		25%
Institutional Uses FAR/Intensity		.25 FAR



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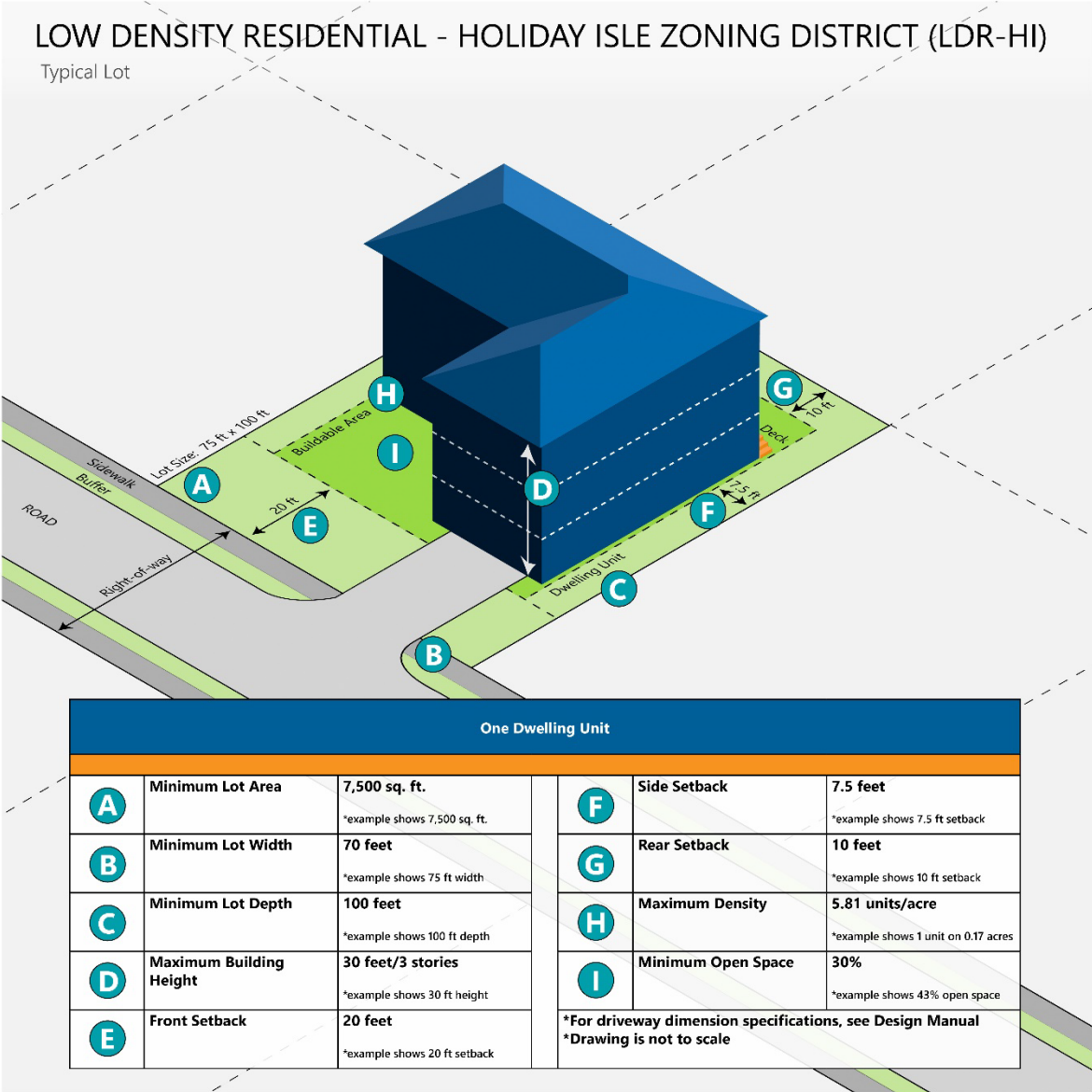
SECTION 4.03.03 LOW DENSITY RESIDENTIAL – HOLIDAY ISLE (LDR-HI)

- A. Zoning District Intent. The Low Density Residential - Holiday Isle zoning district implements Future Land Use Element Policy 1-2.2.2, Low Density Residential of the Comprehensive Plan within the Holiday Isle Planning Area.
- B. The Low Density Residential - Holiday Isle zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached residential dwelling units.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Single-family detached dwelling	P		1 space per bedroom (minimum of 2 spaces)	N/A
<i>Other Residential Uses</i>				
<u>Community Residential Home, Small (1-6)</u>	P	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Low Density Residential – Holiday Isle (LDR-HI)		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	70
	Depth	100
Maximum Building Height / Stories		30/3 stories
Setbacks	Front	20
	Side	7½
	Rear	10
Maximum Density (units per acre)		5.81
Minimum Open Space (%)		30%
Institutional Uses FAR/Intensity		.25 FAR



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SECTION 4.03.04 MEDIUM DENSITY RESIDENTIAL – VILLAGE (MDR-V)

- A. Zoning District Intent. The Medium Density Residential - Village zoning district implements Future Land Use Element Policy 1-2.2.3, Medium Density Residential of the Comprehensive Plan within the Village, Town Center CRA and Harbor CRA Planning Areas.
- B. The Medium Density Residential - Village zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached or multi-family attached residential dwelling units.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Accessory Dwelling	P	4.08.03	1 space per Dwelling Unit	N/A
Guest House	P	4.08.03	1 space per Dwelling Unit	N/A
Multi-family attached dwelling	P		1.5 spaces per 1 bedroom dwelling unit + 10% for visitors	N/A
			2.25 spaces per 2-bedroom dwelling unit + 10% for visitors	
			2.5 spaces per 3+ bedroom dwelling unit + 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
<i>Other Residential Uses</i>				
Single-Room Occupancy Housing	P		1 space per rental room	N/A
Community Residential Home, Large (7-14)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Community Residential Home, Small (1-6)	P	4.08.02		N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

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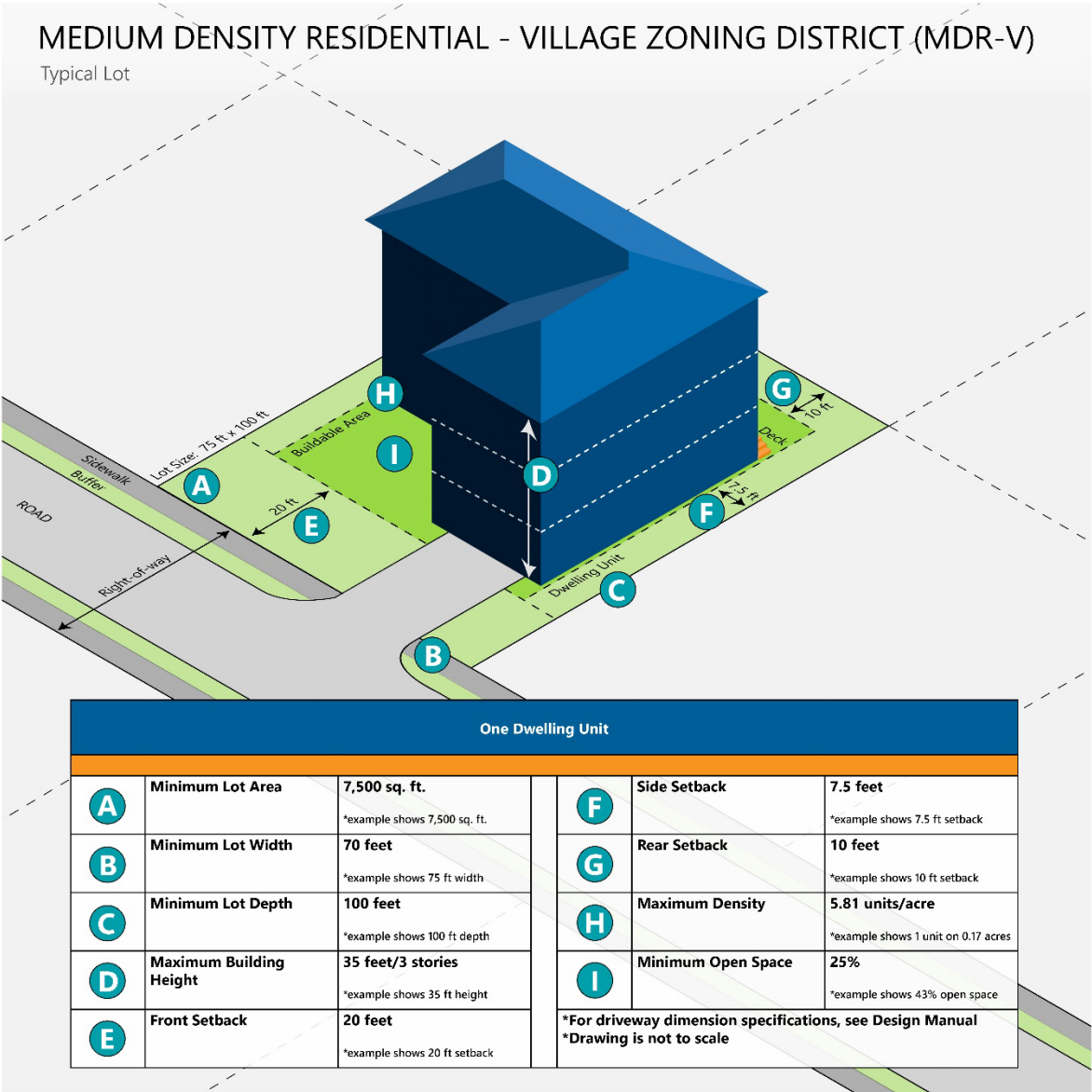
- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Medium Density Residential - Village (MDR-V)			
Dwelling Units		1	2+
Minimum Lot Area (square feet)		7,500	None
Minimum Lot Size	Width	70'	None
	Depth	100'	None
Maximum Building Height / Stories		35/3 stories	35'/3 stories
Setbacks	Front	20'	Footnote 1
	Side	7½'	
	Rear	10'	
Maximum Density (units per acre)		5.81	9.90
Maximum Floor Area Ratio		N/A	N/A
Minimum Open Space (%)		25%	25%
Institutional Uses FAR/Intensity		.25 FAR	

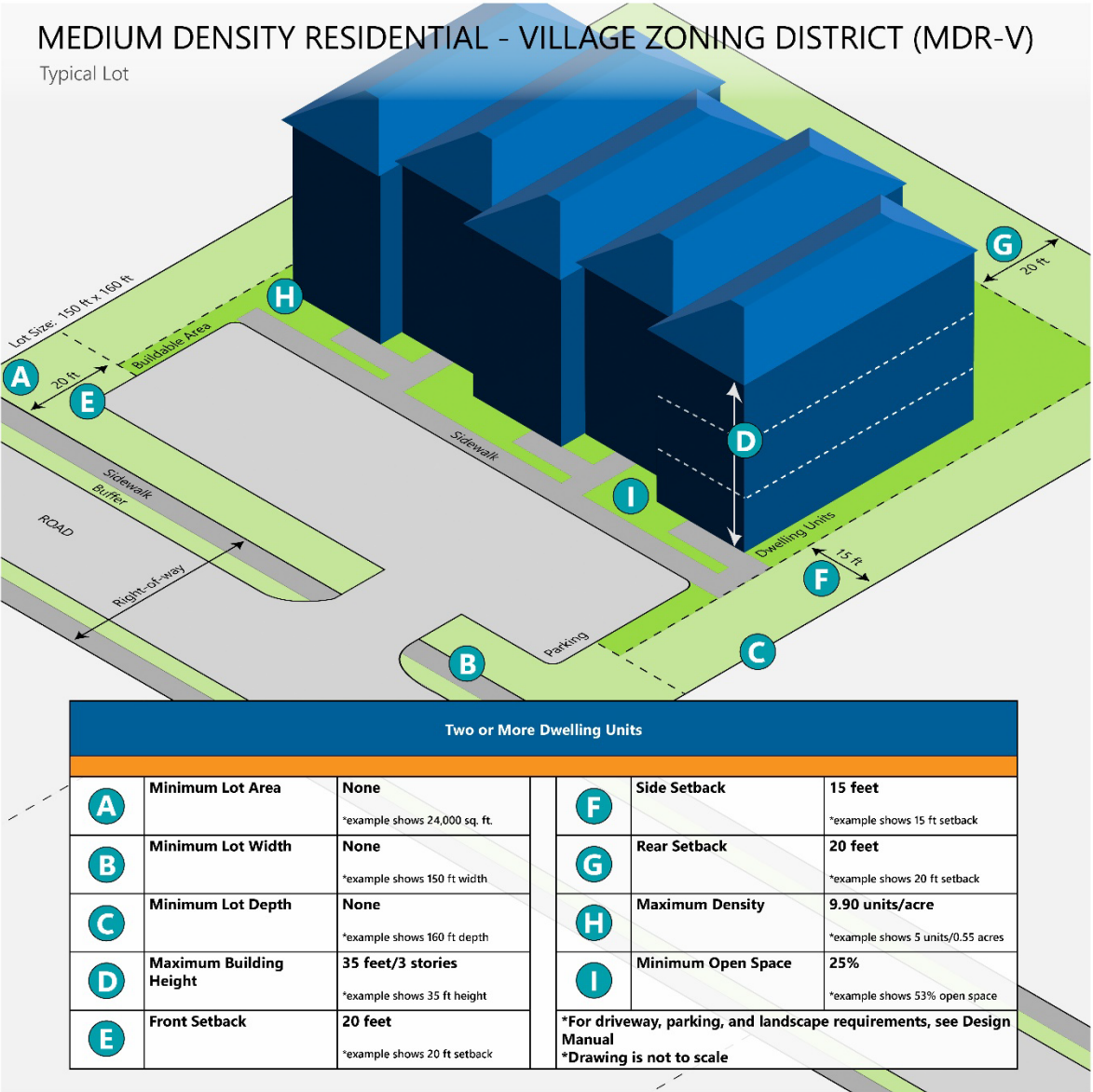
1. Footnote 1: The following setbacks shall apply to developments proposed in the MDR-V zoning district:

Building Height	Setbacks		
	Front	Side	Rear
2-Stories or less	20'	No side or rear yards are required except where development is contiguous with any residential district boundary; then a 10' setback shall be required and maintained as open space.	
3-Stories	20'	15'	20'
4-Stories	20'	20'	25'
5-Stories or more	20'	20' + 2' feet on each side for each story exceeding four stories	25'

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SECTION 4.03.05 CRYSTAL BEACH NEIGHBORHOOD (CBN)

- A. Zoning District Intent. The Crystal Beach Neighborhood zoning district implements Future Land Use Element Policy 1-2.2.5, Crystal Beach Neighborhood of the Comprehensive Plan.
- B. The Crystal Beach Neighborhood zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached or multi-family attached residential dwelling units.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	P	4.08.03	1 space per Dwelling Unit	N/A
Guest House	P	4.08.03	1 space per Dwelling Unit	N/A
Multi-family attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit + 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit + 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit + 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	C		1 space per bedroom	N/A
Single-Family Detached Dwelling	P		1 space per bedroom (minimum of 2 spaces)	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Community Residential Home, Small (1-6)	P	4.08.02		N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A
COMMERCIAL USES				
Child day care services	C	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Religious organizations	C		1 space for every 4 persons allowed within the maximum occupancy	8131

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RECREATIONAL USES				
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Crystal Beach Neighborhood (CBN)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		30'/3 stories	50'/4 stories	50'/4 stories
Setbacks	Front	20'	20'	20'
	Side	7½'	Footnote 1	
	Rear	10'		
Maximum Density (units per acre)		6.00	6.00	N/A
Maximum Floor Area Ratio		N/A	N/A	.50
Minimum Open Space (%)		30%	25%	25%

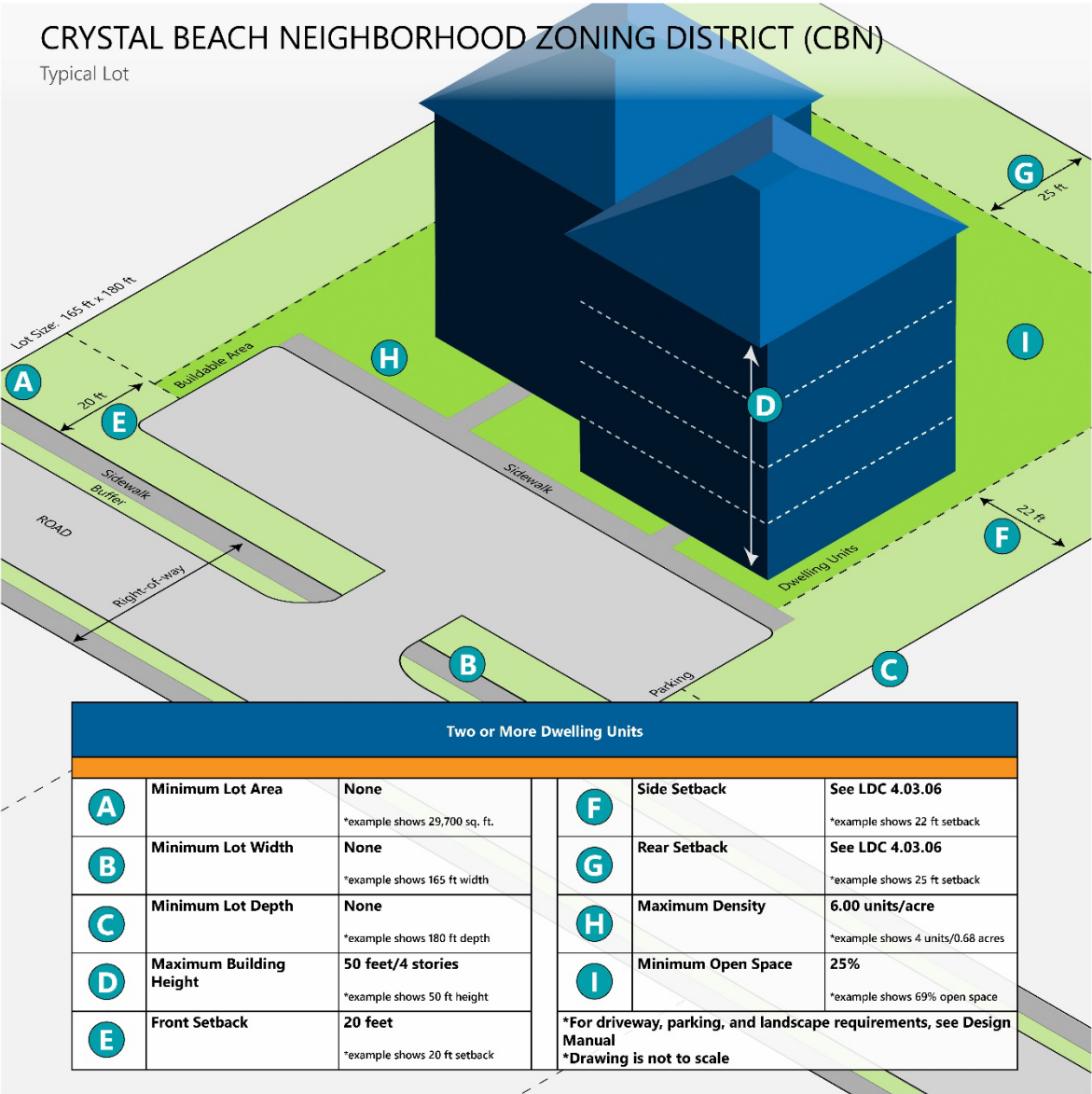
1. Footnote 1: The following setbacks shall apply to developments proposed in the CBN zoning district:

Building Height	Setbacks		
	Front	Side	Rear
2-Stories or less	20'	10'	10'
3-Stories	20'	15'	20'
4-Stories	20'	20'	25'
5-Stories or more	20'	20' + 2' on each side for each story exceeding four stories	25'

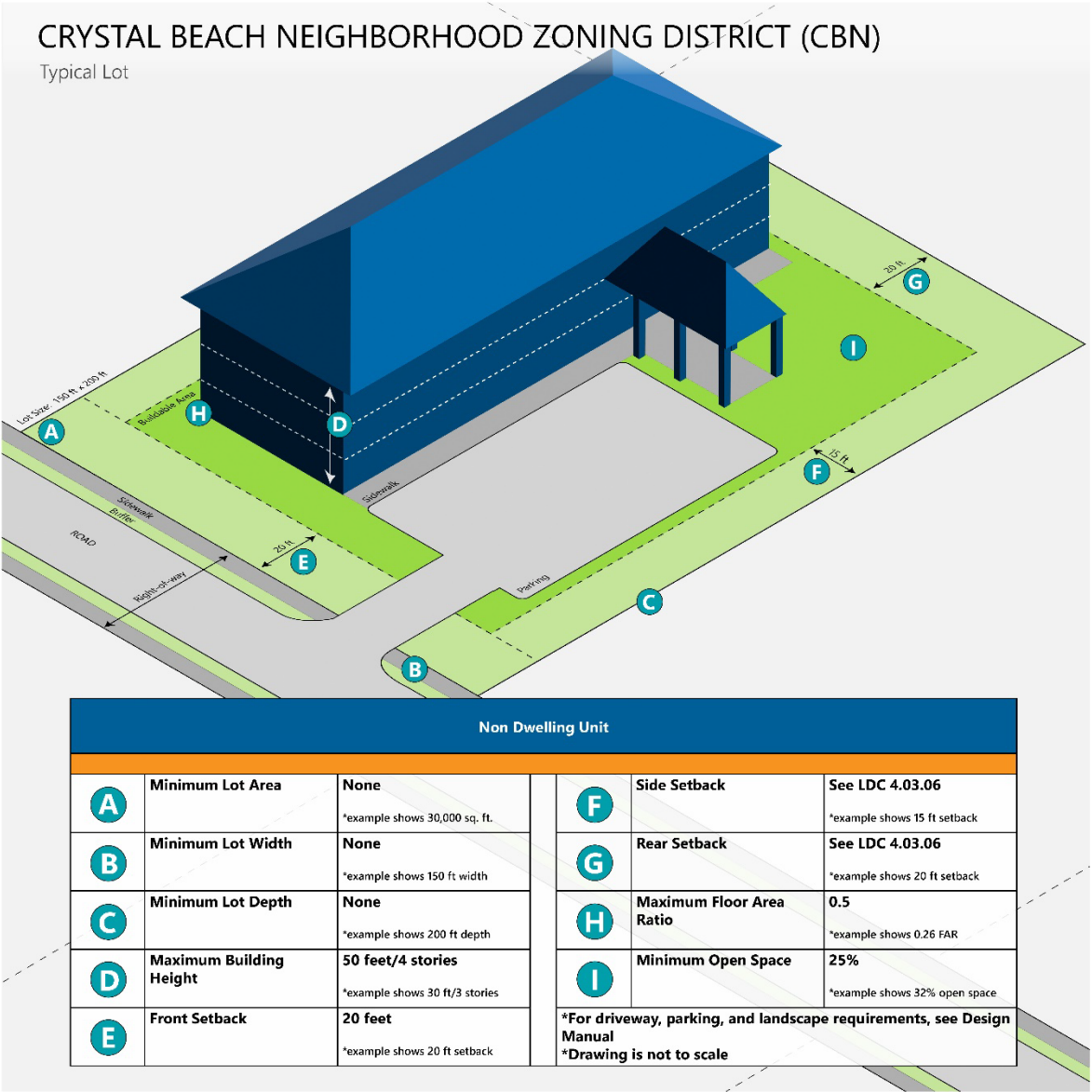
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SECTION 4.03.06 HIGH DENSITY RESIDENTIAL – (HDR)

- B. Zoning District Intent. The High-Density Residential zoning district implements Future Land Use Element Policy 1-2.2.4, High-Density Residential of the Comprehensive Plan within the Holiday Isle Planning Area.
- C. The HDR zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached or multi-family attached residential dwelling units.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
<u>Accessory Dwelling</u>	P	<u>4.08.03</u>	1 space per Dwelling Unit	N/A
<u>Guest House</u>	P	<u>4.08.03</u>	1 space per Dwelling Unit	N/A
Mobile Home Development	C	<u>4.08.02</u>	2.25 spaces per Dwelling Unit	N/A
Multi-family attached dwelling	P		1 bedroom - 1.50 spaces per Dwelling Unit + 10% for visitors	N/A
			2 bedrooms - 2.25 spaces per Dwelling Unit + 10% for visitors	
			3+ bedrooms - 2.5 spaces per Dwelling Unit + 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	P		1 space per bedroom	N/A
Single-Family Detached Dwelling	P		1 space per bedroom (minimum of 2 spaces)	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>		N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

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- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

High Density Residential (HDR)			
Dwelling Units		1	2+
Minimum Lot Area (square feet)		7,500	None
Minimum Lot Size	Width	70	None
	Depth	100	None
Maximum Building Height / Stories		30/3 stories	50/4 stories
Setbacks	Front	20	Footnote 1
	Side	7½	Footnote 1
	Rear	10	Footnote 1
Maximum Density (units per acre)		9.90	19.90
Maximum Floor Area Ratio		N/A	N/A
Minimum Open Space (%)		30%	

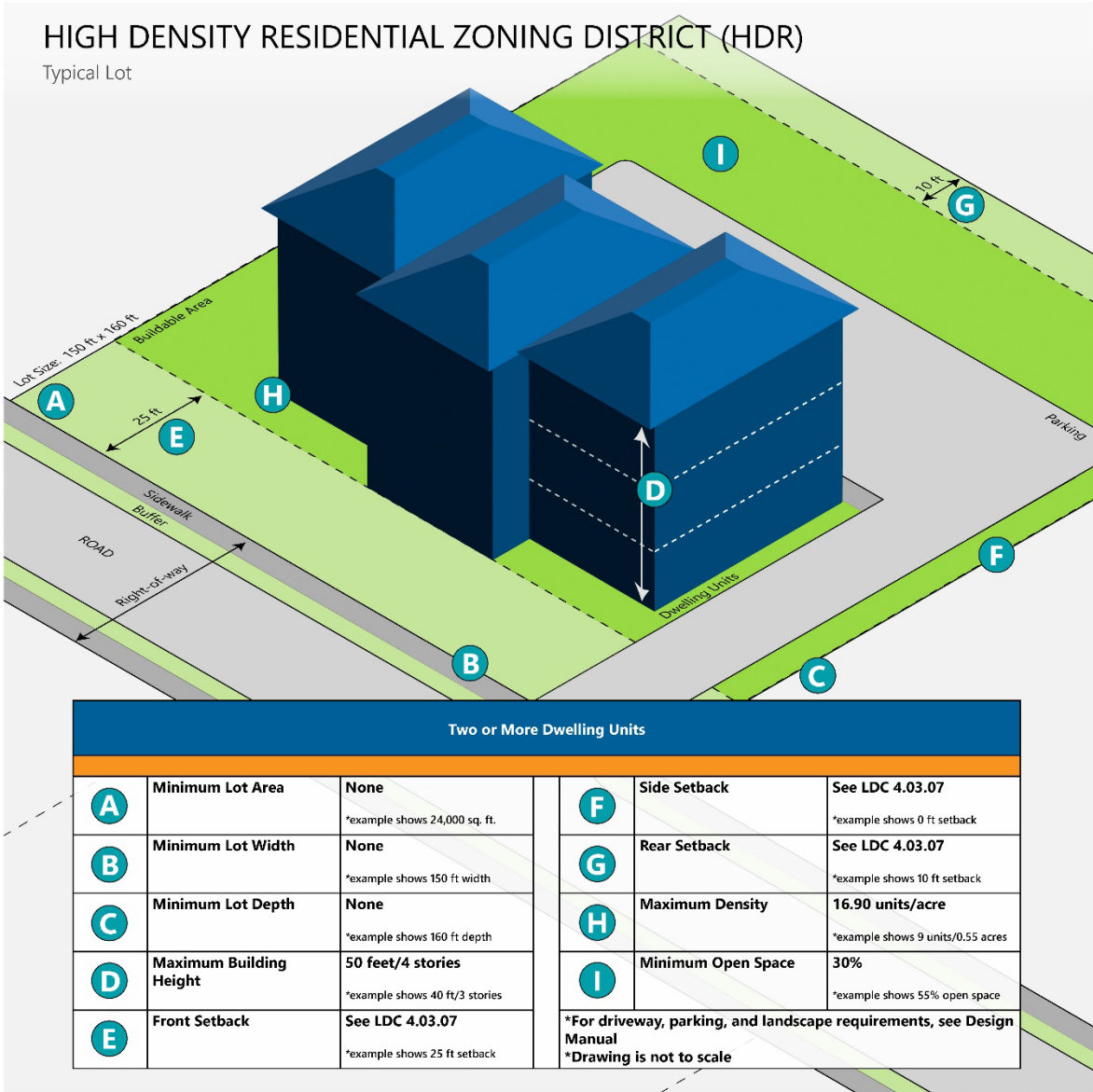
1. Footnote 1: The following setbacks shall apply to developments proposed in the HDR zoning district:

Front Setbacks			
Building Height	Less than 40'	Properties on U.S. Highway 98	15 – 25
		Properties not on U.S. Highway 98	10 – 20
	More than 40'	Properties on U.S. Highway 98	Min. 45
		Properties not on U.S. Highway 98	Min. 30
Side Setbacks			
Building Height	35' or less	0	
	35' to 50'	15	
	50' or more	Increased by 2' on each side for each 10' or fraction thereof exceeding 50'	
Rear Setbacks			
Building Height	35' or less	10	
	35' to 50'	15	
	50' or more	Increased by 2' on each side for each fraction thereof exceeding 50'	
Lots on the Gulf		Established by DEP	
Lots on the Harbor		0'	
Lots on the Choctawhatchee Bay		Must meet the requirements set forth in Section 7.XX.XX Bay shoreline protection zone	

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SECTION 4.04 COMMERCIAL/INDUSTRIAL DISTRICTS

SECTION 4.04.01 COMMERCIAL GENERAL (CG)

- A. Zoning District Intent. The Commercial General zoning district implements Future Land Use Element Policy 1-2.3.2, Commercial General of the Comprehensive Plan.
- B. The Commercial General zoning district shall apply to areas generally located along Harbor Boulevard/Emerald Coast Parkway and is intended to accommodate and encourage a variety of uses to address general commercial needs of the permanent and seasonal residents.
- C. Special Design criteria
 - 1. Long-term/permanent residential uses shall be prohibited within the Commercial General (CG) zoning district.
 - a. Exception: Any proposed Long-term/permanent residential developments shall incorporate a minimum of forty-five percent (45%) of the development area as "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.).
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
Permanent/Long-Term Residential Uses				
Multi-family attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit +10 % for visitors	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit = 10% for visitors	
			3+ bedrooms: 2.50 spaces per Dwelling Unit + 10% for visitors	
Seasonal/Short-Term Residential Uses				
Multifamily attached dwelling	P		1 space per bedroom	N/A
Other Residential Uses				
Community Residential Home, Large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	C		2 spaces per Dwelling Unit	N/A
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Auto parts, accessories, and tire stores (retail)	C		1 space for every 250 sq. ft. of gross floor area	4413
Automotive equipment rental and leasing	C		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	C	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	C	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	
Bed-and-breakfast inns	C		1 space for every room for rent	721191
Beer, wine, and liquor stores	C		1 space for every 250 sq. ft. of gross floor area	4453
Boat and motorcycle repair	C	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	C		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	C		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Broadcasting, except internet	C		1 space for every 300 sq. ft. of gross floor area	515
Building material and garden equipment and supply dealer	C	<u>4.08.01</u>	1 space for every 500 sq. ft. of gross floor area	444
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	C		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	C		2.5 spaces for every washing stall	811192
Child day care services	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Commercial special event venue or Conference/convention center	C		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	C		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	C		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	C		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
Gasoline station (with convenience store)	C		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline Stations (without convenience store)	C		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
General rental centers	C		1 space for every 400 sq. ft. of gross floor area	5323

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
General warehousing and storage	C	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing; 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.; plus 1 space for every 300 sq. ft. of office area more than the 25% allowance	4931
Grocery stores	C		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	C		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff)	721110
Internet publishing and broadcasting	C		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	C		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	C		1 space for every 500 sq. ft. of gross floor area	444190
Landscaping services	C		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area	561730
Laundromat (coin operated)	P		1 space for every 2 washing machines	
Limited-service restaurants (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	C		1 space for every 75 sq. ft. of gross floor area	722110
Linen and uniform supply services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233
Machinery and equipment rental and leasing	C		1 space for every 400 sq. ft. of gross floor area	5324

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mini-warehouse and self-storage leasing (drive-up)	C		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	C		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Motion picture theaters	C		1 space for every 4 seats, plus 5 spaces for employees	512131
Nurseries	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area plus 1 space for each acre of growing area	
Office supplies, stationery, and gift stores	C		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Other information services	C		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	C		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other traveler accommodation, C.T.L.A.	C		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Parts and Accessories Dealer – Automotive/marine	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Pawn shops	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	522298
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	C		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Publishing industries, except internet	C		1 space for every 250 sq. ft. of gross floor area	511
Real Estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Repair and maintenance (non-automotive)	C		1 space for every 400 sq. ft. of gross floor area	811
Rooming and boarding houses	C		1 space for every room for rent, plus 2 spaces	7213
RV parks and recreational camps	C		1 space for every lot or campsite	7212
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	C		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Stables	C		1 space for every 5 horses boarded on-site	
Tattoo Parlors	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Telecommunications	C		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	
Theater, Single screen	C		1 space for every 3 seats, plus 5 spaces for employees	
Theater, multi-screen	C		1 space for every 4 seats, plus 5 spaces for employees	
Thrift Stores	C		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	C		1 space for every 250 sq. ft. of gross floor area	541940
General warehousing and storage	C	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	493
INSTITUTIONAL USES				
Interurban and rural bus transportation	C		1 space for each employee on maximum shift	4852
Libraries	C		1 space for every 300 sq. ft. of gross floor area	
Urban transit systems	C		1 space for each employee on maximum shift	4851
INDUSTRIAL USES				
Lumberyards	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 1,000 sq. ft. of outdoor ground storage/display area	
Motor vehicle towing	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841

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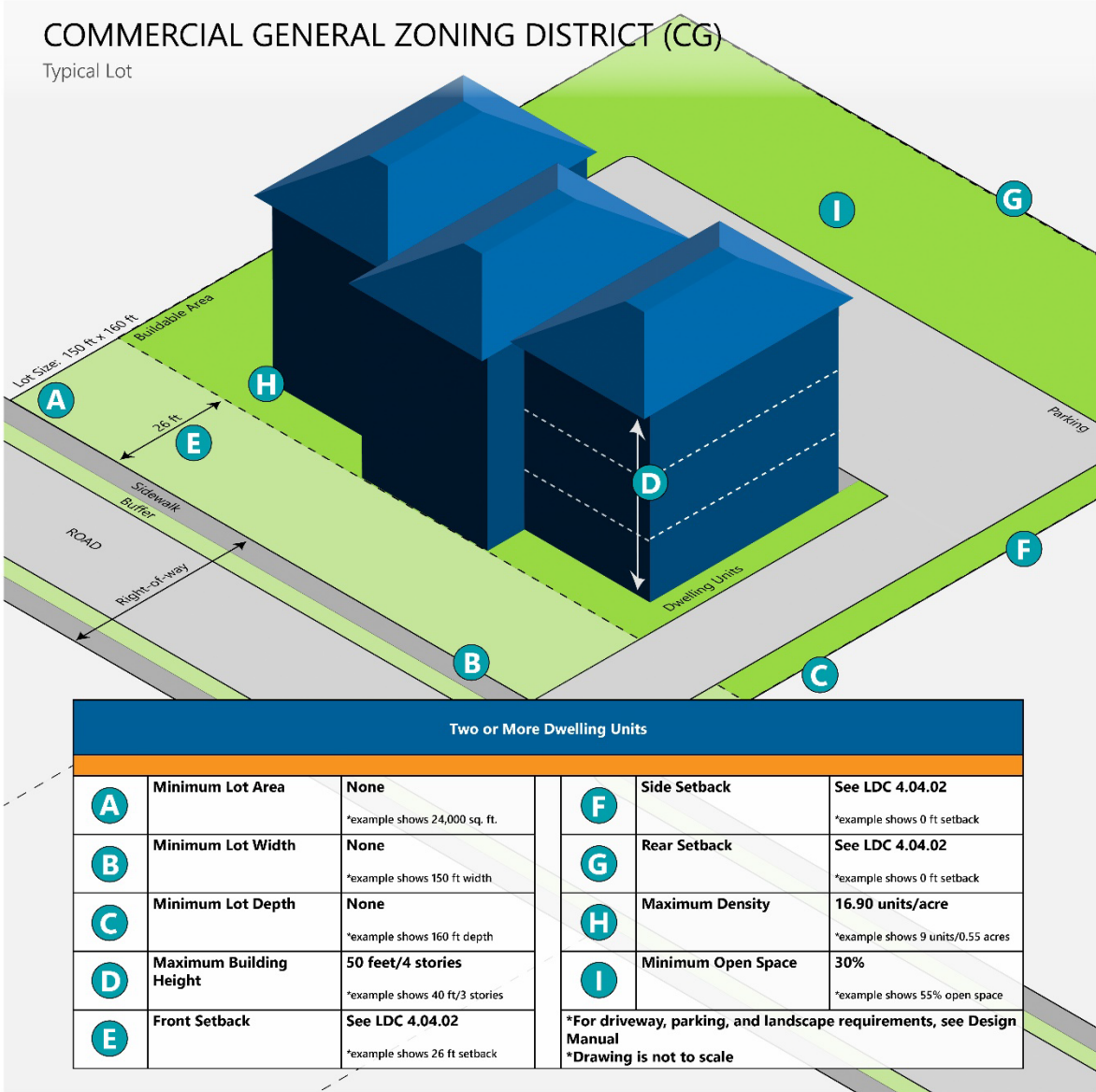
USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Wholesale Trade (except motor vehicles)	C		1 space for every 1,000 square feet of gross floor area	42
RECREATIONAL USES				
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Commercial General (CG)			
Dwelling Units		2+	Non
Minimum Lot Area (square feet)		None	None
Minimum Lot Size	Width	None	None
	Depth	None	None
Maximum Building Height / Stories		50/4 stories	50/4 stories/Footnote 1
Setbacks	Front	Footnote 2/3	
	Side		
	Rear		
Maximum Density (units per acre)		16.90	N/A
Maximum Floor Area Ratio		N/A	1.30
Minimum Open Space (%)		30%	

- Footnote 1: Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.
- Footnote 2: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
- Footnote 3: The following setbacks shall apply to developments proposed in the CG zoning district:

Building Height	Location	Setbacks		
		Front	Side	Rear
Less than 40'	Properties on U.S. Highway 98	16 – 26	0	0
	Properties not on U.S. Highway 98	10 – 20		
More than 40'	Properties on U.S. Highway 98	Min. 45	2' + 2' for each 10' or fraction exceeding 40'	0
	Properties not on U.S. Highway 98	Min. 30		



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SECTION 4.04.02 COMMERCIAL TRADES AND SERVICES (CTS)

- A. Zoning District Intent. The Commercial Trades and Services zoning district implements Future Land Use Element Policy 1-2.3.3, Commercial Trades and Services of the Comprehensive Plan.
- B. The Commercial Trades and Services zoning district is intended to accommodate commercial trades and services that are more intense in nature than those uses allowed in the CG zoning district, but which are less intense in nature than those uses allowed in the IN zoning district.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Custodian or night-watchman dwelling	P		1 space per dwelling unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Auto parts, accessories, and tire stores (retail)	P		1 space for every 250 sq. ft. of gross floor area	4413
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors/salon	P		1 space for every 150 sq. ft. of gross floor area	812
Boat and motorcycle repair	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Brewpubs	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Broadcasting, except internet	P		1 space for every 300 sq. ft. of gross floor area	515
Building material and garden equipment and supply dealer	P	<u>4.08.01</u>	1 space for every 500 sq. ft. of gross floor area	444
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	P		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	P		2.5 spaces for every washing stall	811192
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Death care services	P		1 space for every 50 sq. ft. plus 1 space for every 2 employees	8122
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
General warehousing and storage	P	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of	4931

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	P		1 space for every 500 sq. ft. of gross floor area	444190
Landscaping services	P		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area	561730
Laundromat (coin operated)	P		1 space for every 2 washing machines	
Limited-service restaurants (delivery/carry- out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast- food)	P		1 space for every 75 sq. ft. of gross floor area	722110
Linen and uniform supply services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Mini-warehouse and self-storage leasing (drive-up)	P		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	P		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Motion picture theaters – Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Motion picture theaters – Multi screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Non-store retailers	P		1 space for every 750 sq. ft. of gross floor area	454
Nurseries	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area plus 1 space for each acre of growing area	
Other ground passenger transportation	P		1 space for each employee on maximum shift	4859
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Parts and Accessories Dealer – Automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Publishing industries, except internet	P		1 space per 200 sq. ft. of gross floor area	511
Real Estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Repair and maintenance (non-automotive)	P		1 space for every 400 sq. ft. of gross floor area	811

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Taxi and limousine service	P		1 space for every 750 sq. ft. of gross floor area	4853
Telecommunications	C		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
INSTITUTIONAL USES				
Interurban and rural bus transportation	P		1 space for each employee on maximum shift	4852
School and employee bus transportation	P		1 space for each employee on maximum shift	4854
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
Urban transit systems	P		1 space for each employee on maximum shift	4851
INDUSTRIAL USES				
Breweries and microbreweries	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312120
Distilleries and craft distilleries	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312140
<u>Indoor Shooting Ranges</u>	P	<u>4.08.01</u>	1 space for every shooting lane plus 1 space for every 250 sq. ft. of retail sales gross floor area	713990
Lumberyards	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 1,000 sq. ft. of outdoor ground storage/display area	
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Motor vehicle towing	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Residential and non-residential contractors	P		1 space for every 400 sq. ft. of gross floor area	236
Specialty trade contractors	P		1 space for every 400 sq. ft. of gross floor area	238

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Wholesale Trade (except motor vehicles)	P		1 space for every 1,000 square feet of gross floor area	42
Fish and seafood merchant wholesalers	P		1 space for every 1,000 sq. ft. of gross floor area	424460

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Commercial Trades & Services (CTS)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35' or 3-stories
Setbacks	Front	0' minimum – 10' maximum
	Side	No side or rear yards are required unless the development shares a property line with a residential district boundary. Then a ten-foot setback maintained as open shall be required.
	Rear	
Maximum Density (units per acre)		No residential uses allowed, except for one custodian or night- watchman residence per development.
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

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SECTION 4.04.03 INDUSTRIAL (IN)

- A. Zoning District Intent. The Industrial zoning district implements Future Land Use Element Policy 1-2.5.1, Industrial of the Comprehensive Plan.
- B. The Industrial zoning district is intended to provide the city with strategically located sites, principally within the southeast quadrant of main street and airport road, designed to accommodate arrangements of industrial and limited commercial development types.
- C. It is the intent of the IN zoning district to specifically not allow permanent or seasonal residential uses, except for residences for night watchmen or custodians whose presence on industrial sites is necessary for security.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Automobile dealers	P		1 space for every 400 sq. ft. of gross floor area	4411
Auto parts, accessories, and tire stores (retail)	P		1 space for every 250 sq. ft. of gross floor area	4413
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Boat and motorcycle repair	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Death care services	P		1 space for every 50 sq. ft. plus 1 space for every 2 employees	8122

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
General warehousing and storage	P	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	4931
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Landscaping services	P		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area	561730
Linen and uniform supply services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233
Mini-warehouse and self-storage leasing (drive-up)	P		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	P		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Non-store retailers	P		1 space for every 750 sq. ft. of gross floor area	454
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Auto/Marine Parts and Accessories Dealer – Automotive/marine	P		1 space for every 250 sq. ft. of gross floor area	441310
Repair and maintenance (non-automotive)	P		1 space for every 400 sq. ft. of gross floor area	811
Tattoo Parlors	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Telecommunications	P		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
Thrift stores	P		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary Services	C		1 space for every 250 sq. ft. of gross floor area	541940
SEXUALLY ORIENTED BUSINESSES				
Adult stores	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Adult cabaret	P	<u>4.08.01</u>	1 space for every 150 sq. ft. of gross floor area	
Adult motel	P	<u>4.08.01</u>	1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections	
Adult motion picture theater	P	<u>4.08.01</u>	1 space for every 3 seats, plus 5 spaces for employees	
Escort service	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Sexual-encounter center	P	<u>4.08.01</u>	1 space for every 150 sq. ft. of gross floor area	
INSTITUTIONAL USES				
Interurban and rural bus transportation	P		1 space for each employee on maximum shift	4852
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
Urban transit systems	P		1 space for each employee on maximum shift	4851
INDUSTRIAL USES				
Breweries and microbreweries	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312120

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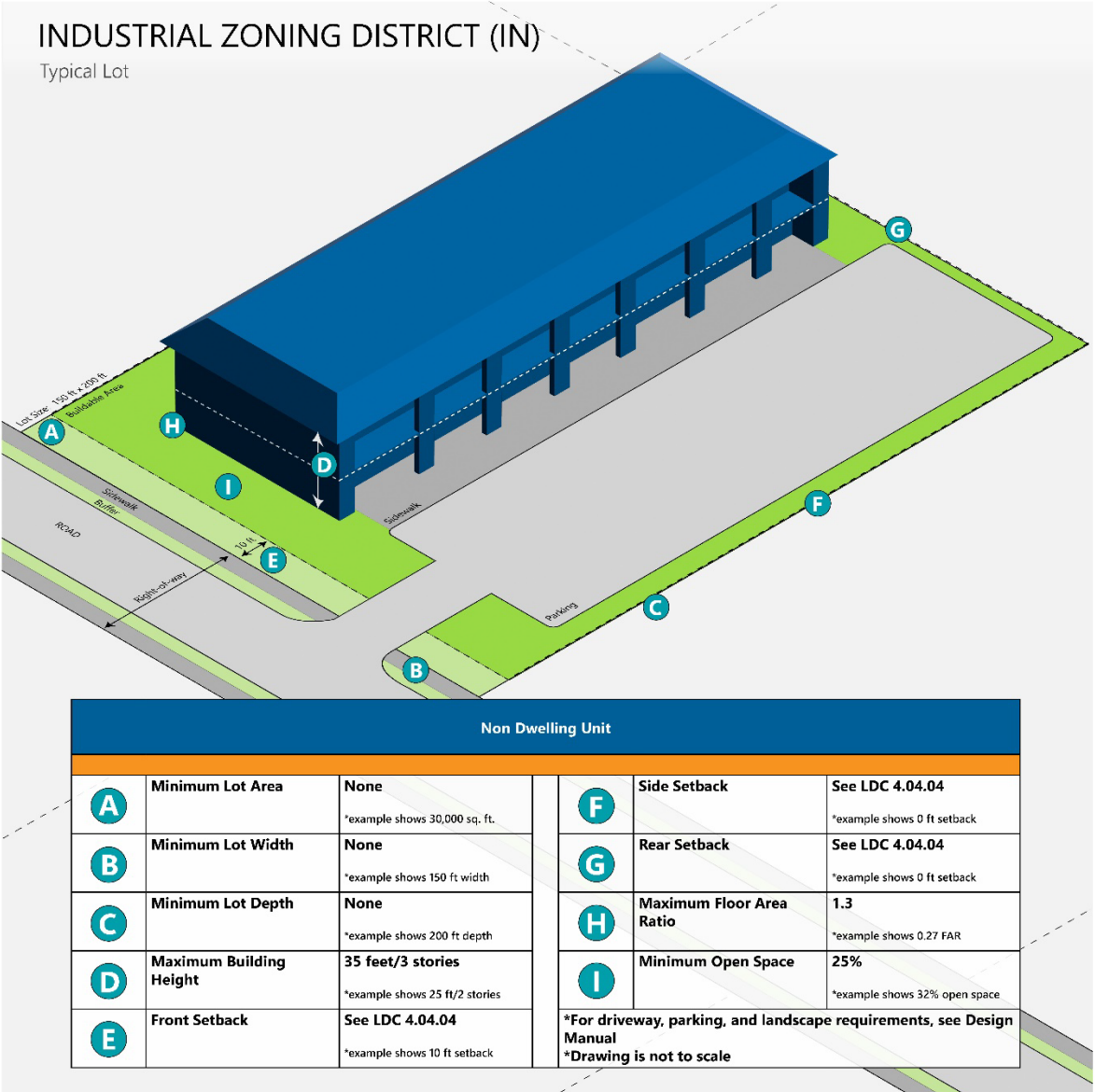
USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Distilleries and craft distilleries	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312140
Heavy and civil engineering contractors	P		1 space for every 400 sq. ft. of gross floor area	237
Indoor Shooting Ranges	P	<u>4.08.01</u>	1 space for every shooting lane plus 1 space for every 250 sq. ft. of retail sales gross floor area	713990
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Motor vehicle towing	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Residential and non-residential contractors	P		1 space for every 400 sq. ft. of gross floor area	236
Specialty trade contractors	P		1 space for every 400 sq. ft. of gross floor area	238
Truck transportation	P		1 space for every 250 sq. ft. of office and 2 spaces for each company vehicle operating from the premises	484
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
Wholesale Trade (except motor vehicles)	P		1 space for every 1,000 square feet of gross floor area	42
MISCELLANEOUS USES				
Solar electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119
Wind electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119
RECREATIONAL USES				
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

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- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Industrial (IN)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories
Setbacks	Front	0' minimum – 10' maximum
	Side	No side or rear yards are required unless the development shares a property line with a residential district boundary. Then a ten-foot setback maintained as open shall be required.
	Rear	
Maximum Density (units per acre)		No residential uses allowed, except for one custodian or night-watchman residence per development.
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

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SECTION 4.05 MIXED USE DISTRICTS

SECTION 4.05.01 CALHOUN MIXED USE (CMU)

- A. Zoning District Intent. The Calhoun Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(2), Calhoun Mixed Use of the Comprehensive Plan.
- B. The intent of this zoning district is to provide a mixed-use transitional area between the higher intense south harbor mixed use zoning district and the lower intense zoning district of residential, office and institutional.
- C. Special Design criteria
 - 1. Non-residential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 sq. ft. designed primarily to serve the needs of the adjacent "Old Destin" area,
 - 2. It is the intent of the CMU zoning district to specifically not allow each general retail commercial goods and services uses to exceed 5,500 heated and cooled sq. ft.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	C	<u>4.08.03</u>	1 space per dwelling unit	N/A
Guest House	C	<u>4.08.03</u>	1 space per dwelling unit	N/A
Multi-family attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit	
			3+ bedrooms: 2.5 spaces per Dwelling Unit	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
Multi-Family Attached Dwelling	C		1 space per bedroom	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Single-Family Detached Dwelling	C		1 space per bedroom (minimum of 2 spaces)	N/A
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	C		1 space for every room for rent	721191
Beer, wine, and liquor stores	C		1 space for every 250 sq. ft. of gross floor area	4453
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	C		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	C		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue Conference/convention center	C		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Drinking places, alcoholic beverages	C		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	C		1 space for every 200 sq. ft. of gross floor area	713940
Food services and drinking places	C		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area	722110
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	C		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	
Limited-service restaurants (delivery/carry-out/drive-in)	C		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	C		1 space for every 75 sq. ft. of gross floor area	722110

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	C		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Charter fishing boats – large (7 or more passenger capacity)	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	
Charter fishing boats – small (1-6 passenger capacity)	C		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Dry boat storage facilities	C		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	C		2 parking spaces for each dry dock.	
Fare-carrying vessels	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Other general merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4529

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116
Shopping center, neighborhood	C		1 space for every 250 sq. ft. of gross floor area	
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	453981149
Other traveler accommodation, C.T.L.A.	C		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff)	721199
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Rooming and boarding houses	C		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Stables	C		1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Water transportation	C		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
Interurban and rural bus transportation	C		1 space for each employee on maximum shift	4852
Libraries	C		1 space for every 300 sq. ft. of gross floor area	
Urban transit systems	C		1 space for each employee on maximum shift	4851
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

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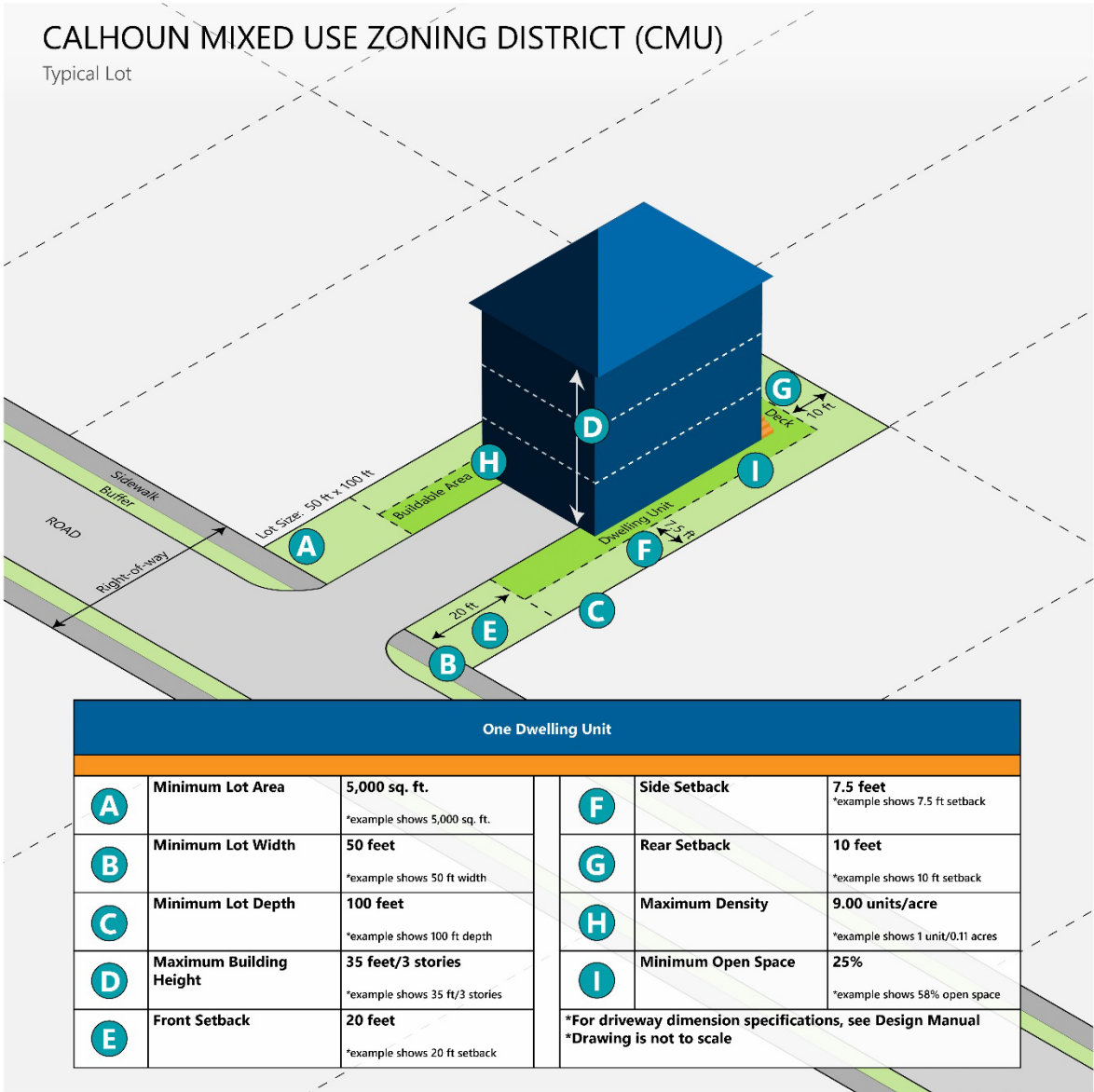
F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Calhoun Mixed Use (CMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		35/3 stories	50 or 4 stories	50' or 4 Stories/Footnote 1
Setbacks	Front	20'	Footnote 2	Footnote 2
	Side	7½'	Footnote 2	Footnote 2
	Rear	10'	Footnote 2	Footnote 2
Maximum Density (units per acre)		6.00	12.00	N/A
Maximum Floor Area Ratio		N/A	N/A	.50
Minimum Open Space (%)		25%	25%	30%

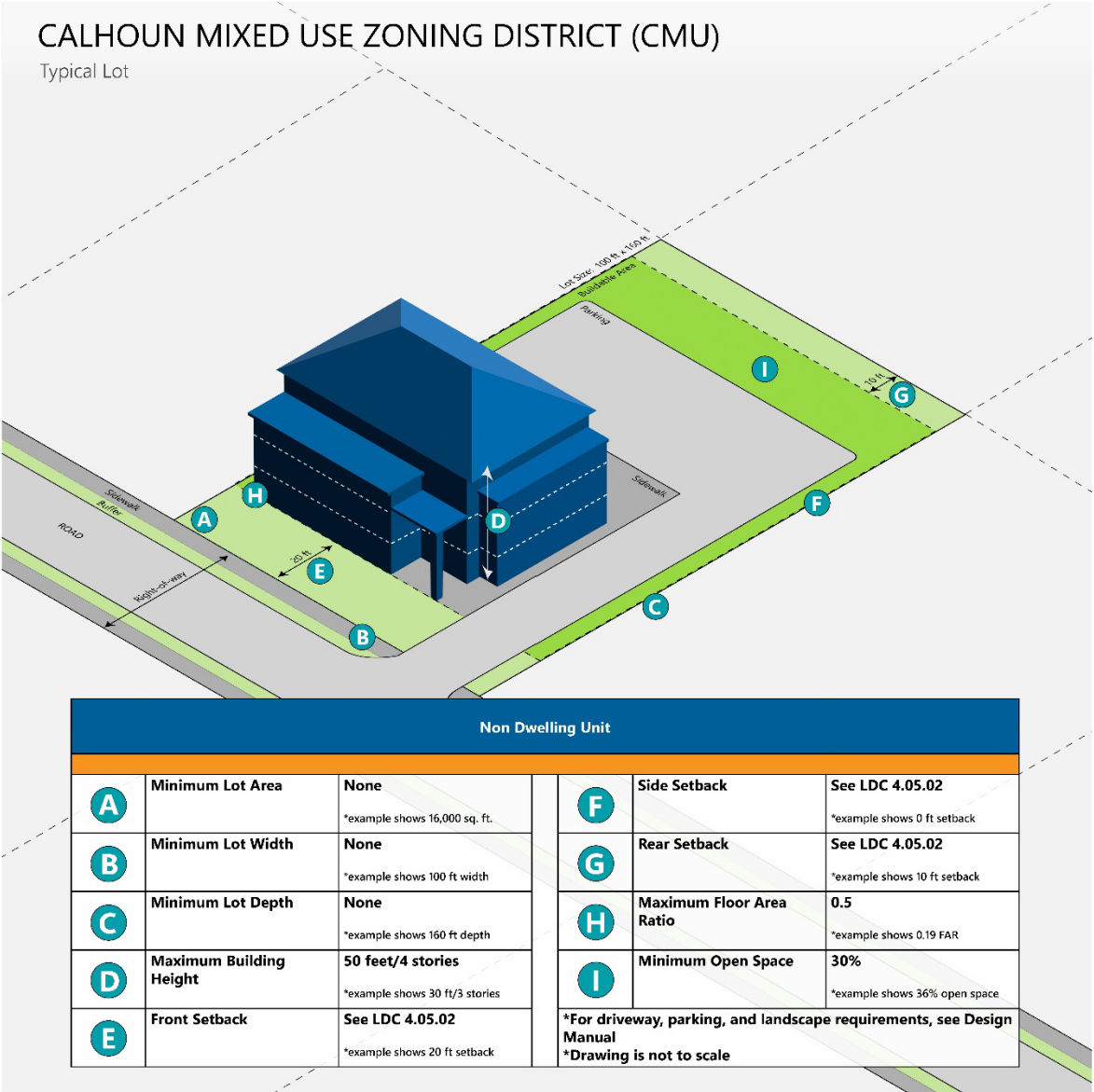
- Footnote 1: Office, neighborhood retail commercial goods and services, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.
- Footnote 2: The following setbacks shall apply to developments proposed in the CMU zoning district:

Front Setbacks			
Building Height	Less than 40'		10' – 20'
	More than 40'		Min. 30"
Side Setbacks			
Building Height	35' or less		0'
	35' to 50'		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not along the Choctawhatchee Bay	Building Height	35' or less	10'
		35' to 50'	15'
		50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Choctawhatchee Bay			Must meet the requirements set forth in Article 7 for Bay shoreline protection zone

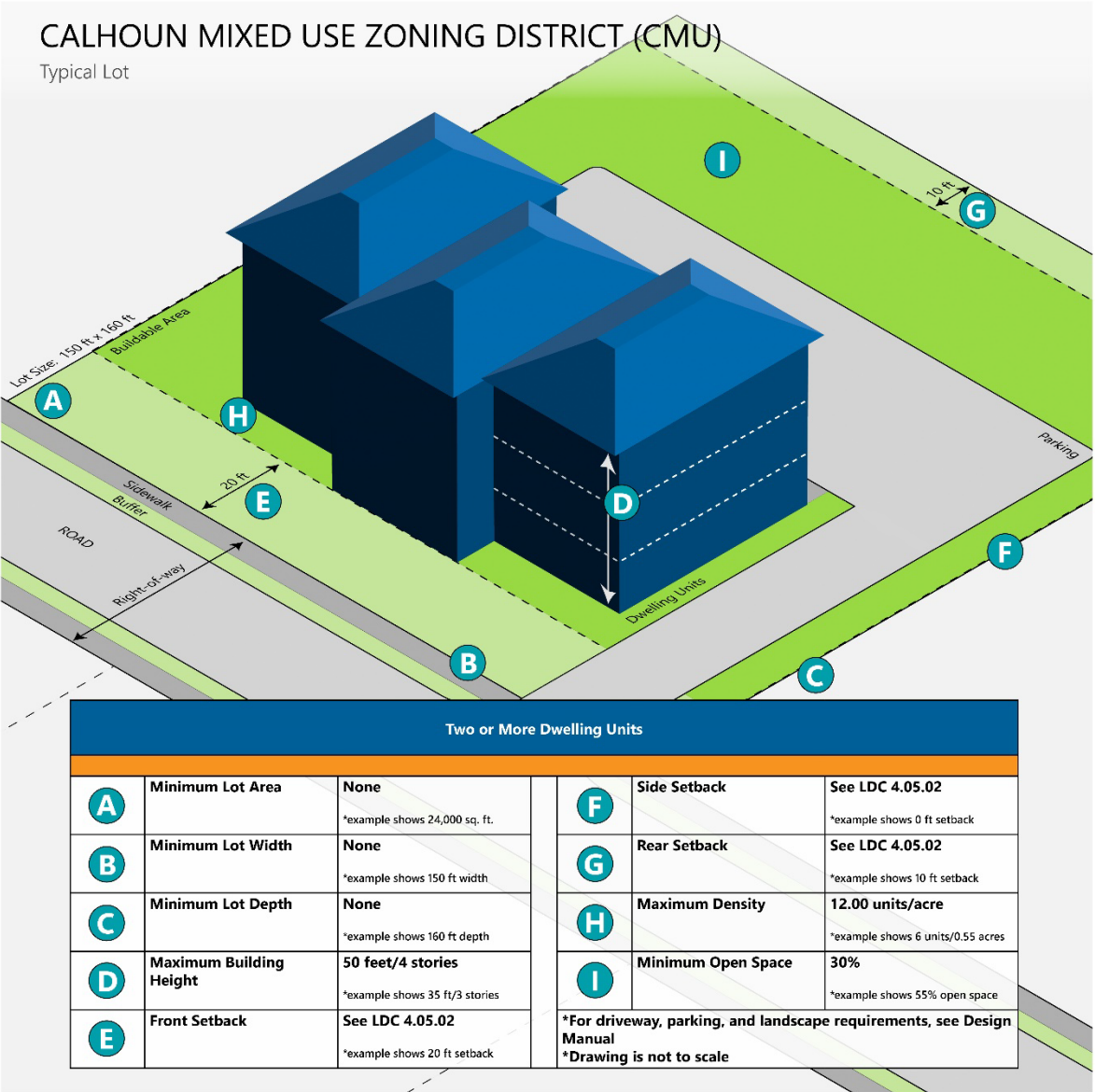
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SECTION 4.05.02 CRYSTAL BEACH RESORT (CBR)

- A. Zoning District Intent. The Crystal Beach Resort zoning district implements Future Land Use Element Policy 1-2.4.2, Crystal Beach Resort of the Comprehensive Plan.
- B. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	P	<u>4.08.03</u>	1 space per dwelling unit	N/A
Guest House	P	<u>4.08.03</u>	1 space per dwelling unit	N/A
Multi-family attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	P		1 space per bedroom	
Single-Family Detached Dwelling	P		1 space per bedroom (minimum of 2 spaces)	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Barbershops or beauty parlors	C		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	C		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	C		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue	C		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	C		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Gasoline stations (with convenience store)	C		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	C		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hospitals	C		2 spaces for every bed	622
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	C		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	C		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants	P		1 space for every 75 sq. ft. of gross floor area	722110

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Nursing care facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6231
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	C		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Performing arts and spectator sports	C		1 space for every 4 persons allowed within the maximum occupancy	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	C		1 space for every 250 sq. ft. of gross floor area	4452
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Thrift stores	C		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
INSTITUTIONAL USES				
Elementary and Middle schools	C		2 spaces per classroom	6111
High schools	C		1 space for every faculty member and employee, plus 1 space for every 6 students	6111
Governmental or quasi-governmental offices and programs	C		1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 people of max occupancy	921, 922, 926, 927, 928
Libraries	C		1 space for every 300 sq. ft. of gross floor area	
Post Secondary Education	C		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6113, 6112, 6115
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Social assistance	C		1 space for every 250 sq. ft. of gross floor area	624
School, Urban/Interurban and rural bus transportation system	C		1 space for each employee on maximum shift	4851, 4852, 4854
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	
INDUSTRIAL USES				
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323

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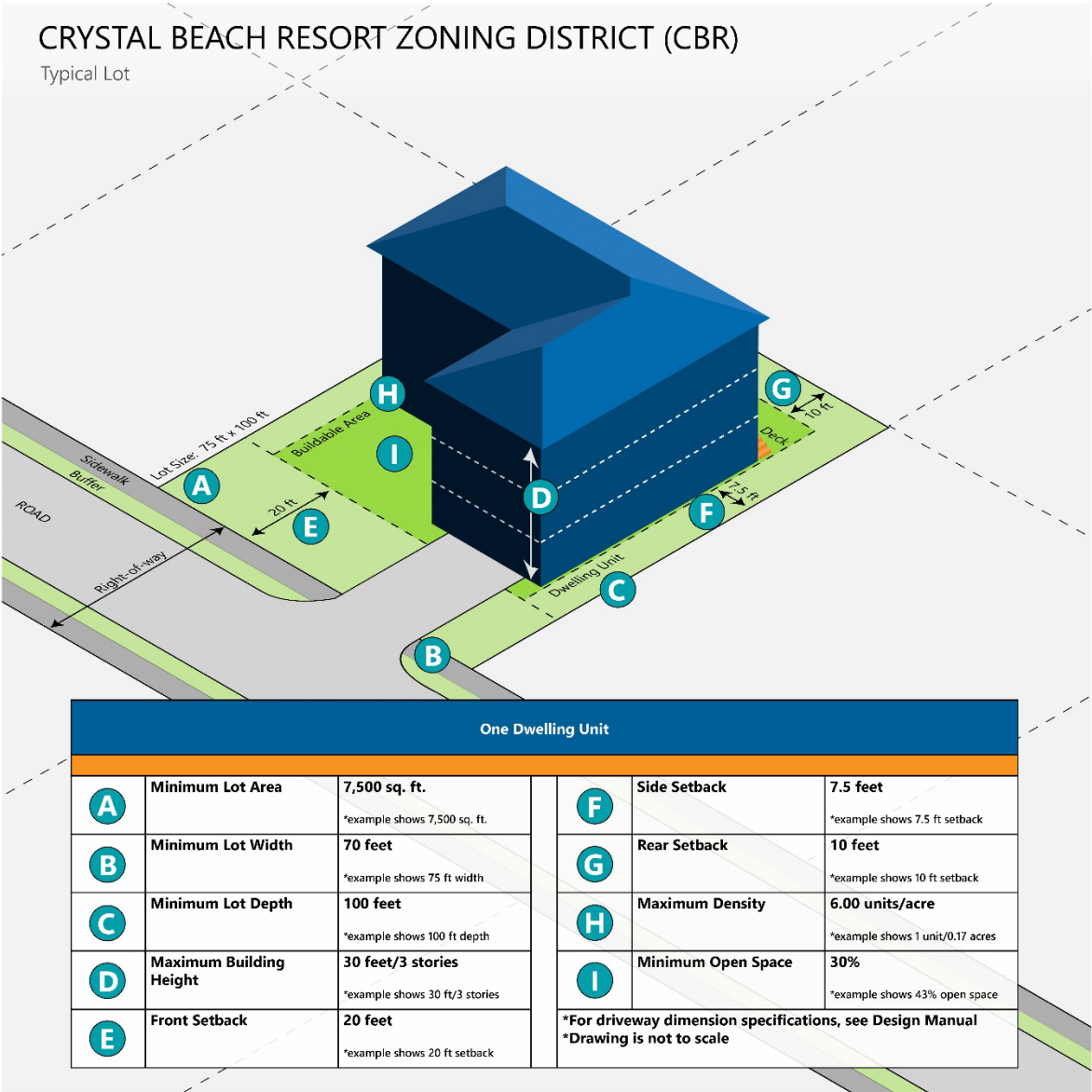
- D. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Crystal Beach Resort (CBR)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	
Minimum Lot Size	Width	70'	None	
	Depth	100'	None	
Maximum Building Height / Stories		30/3 stories	50/4 stories	50/4 stories
Setbacks	Front	20'	10'	
	Side	7½'	Footnote 1	
	Rear	10'	Footnote 1	
Maximum Density (units per acre)		6.0	12.0	N/A
Maximum Floor Area Ratio		N/A	N/A	0.70
Minimum Open Space (%)		30%		

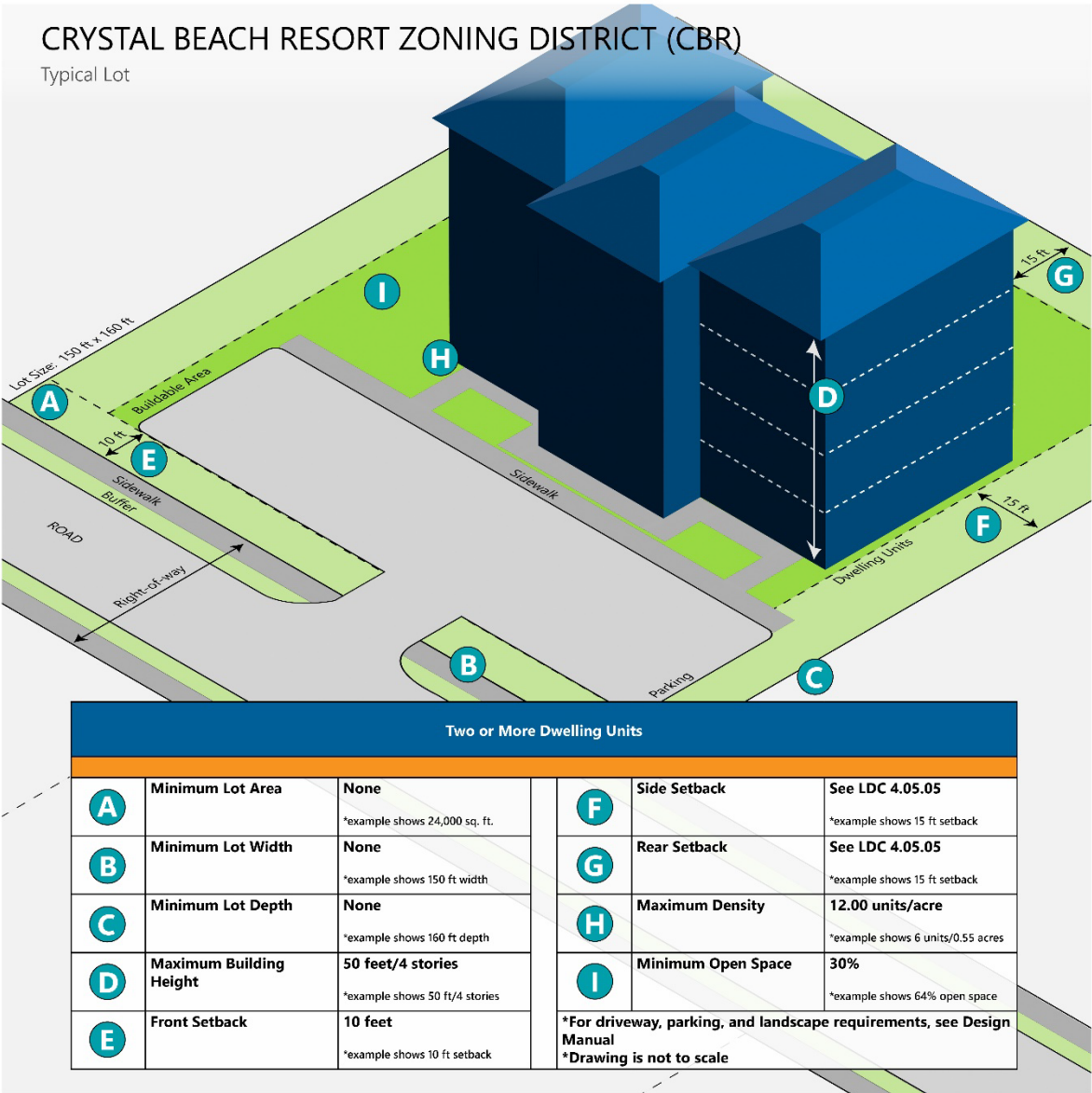
1. Footnote 1: The following setbacks apply to development in the CBR district.

Side Setbacks			
Building Height	35' or less		10'
	35' to 50'		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not fronting the Gulf of Mexico	Building Height	35' or less	10'
		35' to 50'	15' setback for any portion 35' – 50'
		50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico			Established by DEP

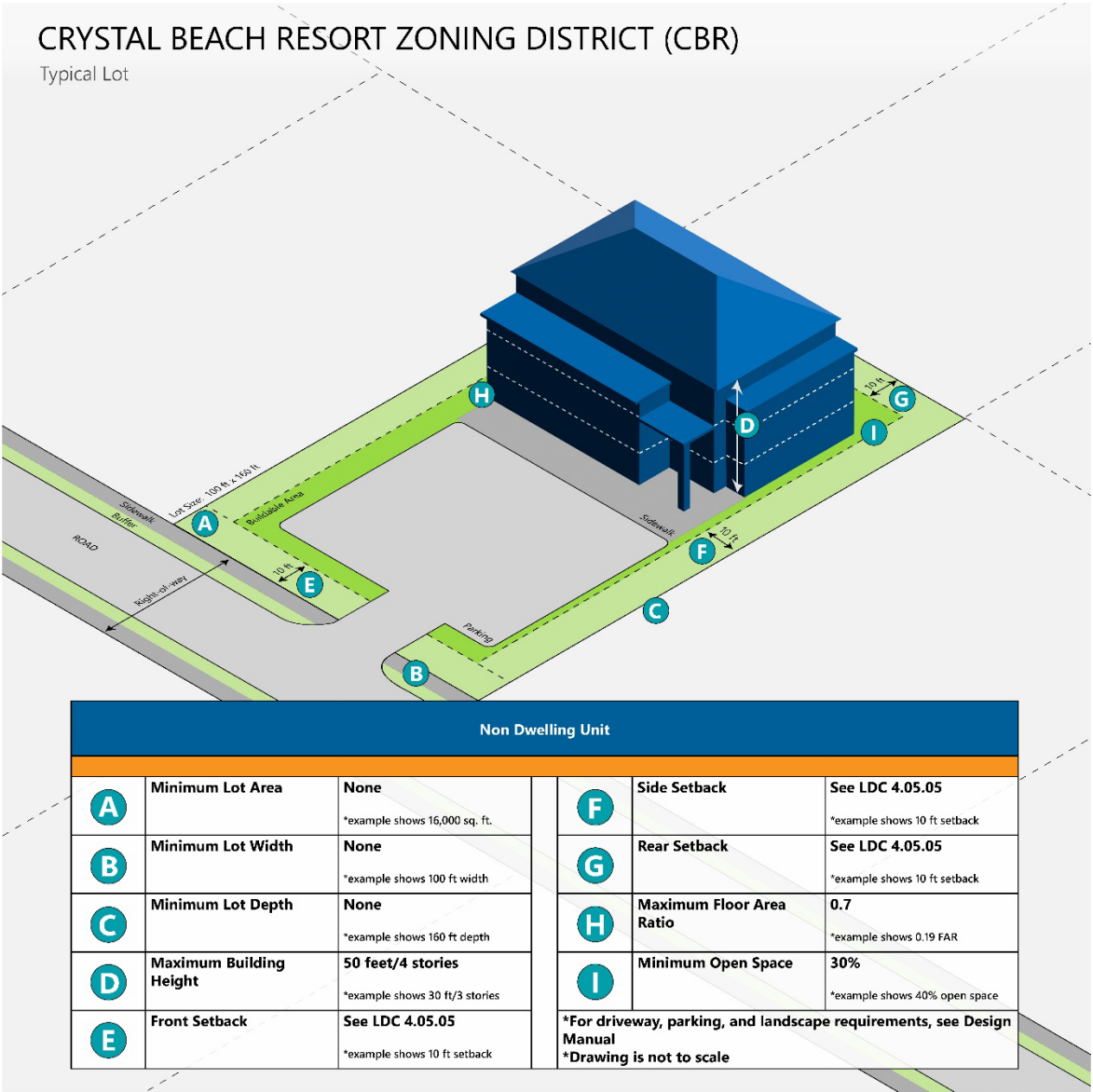
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SECTION 4.05.03 GULF RESORT MIXED USE (GRMU)

- A. Zoning District Intent. The Gulf Resort Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(5), Gulf Resort Mixed Use of the Comprehensive Plan.
- B. The Gulf Resort Mixed Use zoning district is intended to provide the city with its major mixed use resort destination.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-family attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
<u>Luxury motor home resort</u>	P	<u>4.08.01</u>	1 space per dwelling unit/pad	
Multi-Family Attached Dwelling	P		1 space per bedroom	
Single-Family Detached Dwelling	P		1 space per bedroom (minimum of 2 spaces)	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.01</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	<u>4.08.01</u>		
Family Day Care Home	P		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft.	713990

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			of gross floor area or ground area, whichever is applicable to the facility.	
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlours	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Gasoline stations (with convenience store)	P		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	P		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)			1 space for every 2 washing machines	812
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mini-warehouse and self-storage leasing (drive-up)	C		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	C		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein,	721199

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Stables	P		1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater, Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater, multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
INDUSTRIAL USES				
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

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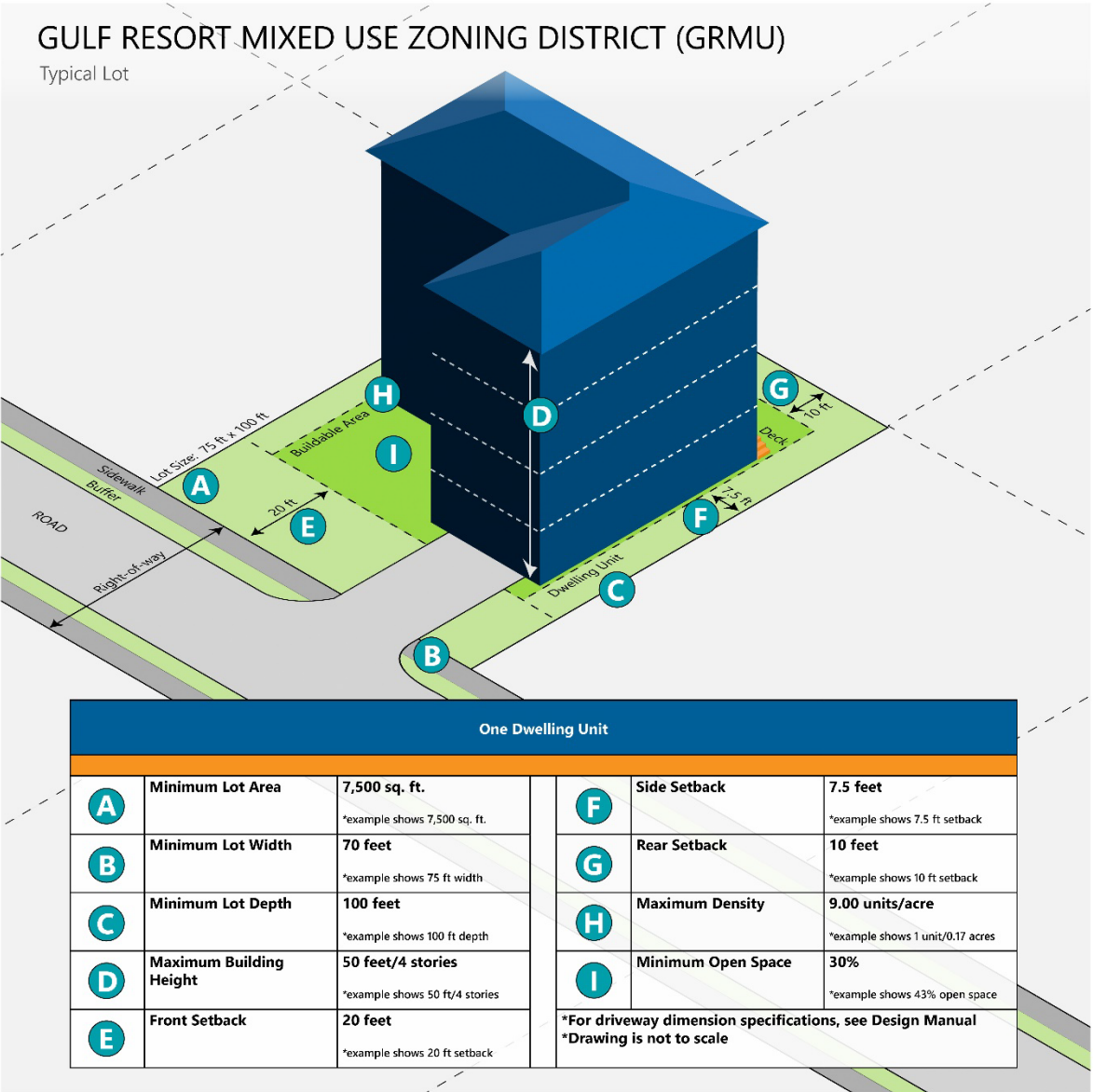
- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Gulf Resort Mixed Use (GRMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height/Stories		50/4 stories	50/4 stories	65/5 stories
Setbacks	Front	20	Footnote 1	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	24.00	N/A
Maximum Floor Area Ratio		N/A	N/A	1.30
Minimum Open Space (%)		30%		

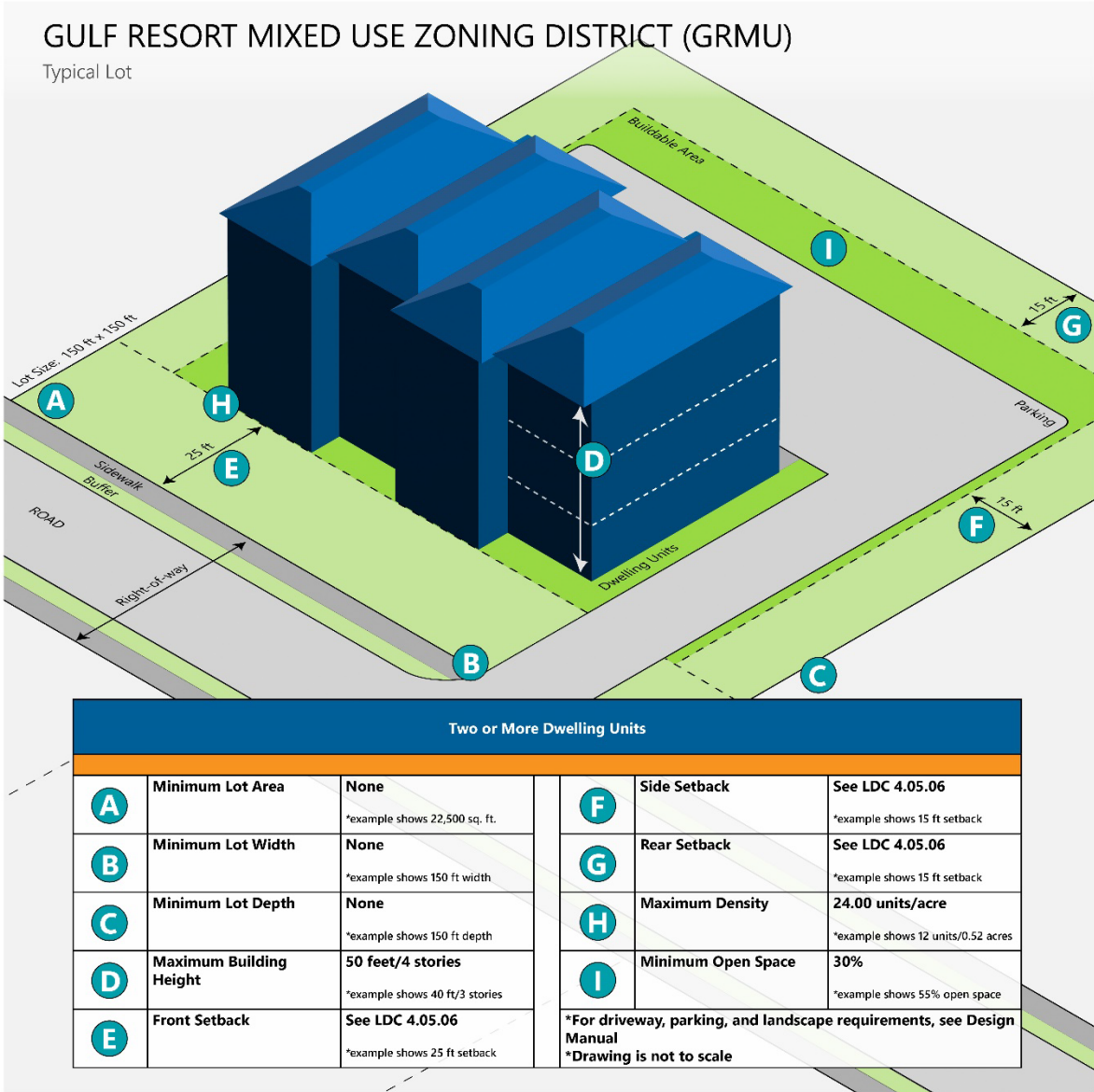
1. Footnote 1: The following setbacks shall apply to developments proposed in the GRMU zoning district:

Front Setbacks			
Building Height	40' or less for any building or portion thereof	Properties along HWY 98	15' minimum to 25' maximum
		Properties not along HWY 98	10' minimum to 20' maximum
	40' or more for any building or portion thereof	Properties along HWY 98	45' minimum
		Properties not along HWY 98	30' minimum
Side Setbacks			
Building Height	35' or less		10'
	35' to 50'		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not along the Gulf of Mexico	Building Height	35' or less	10'
		35' to 50'	15'
		50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico			Established by DEP

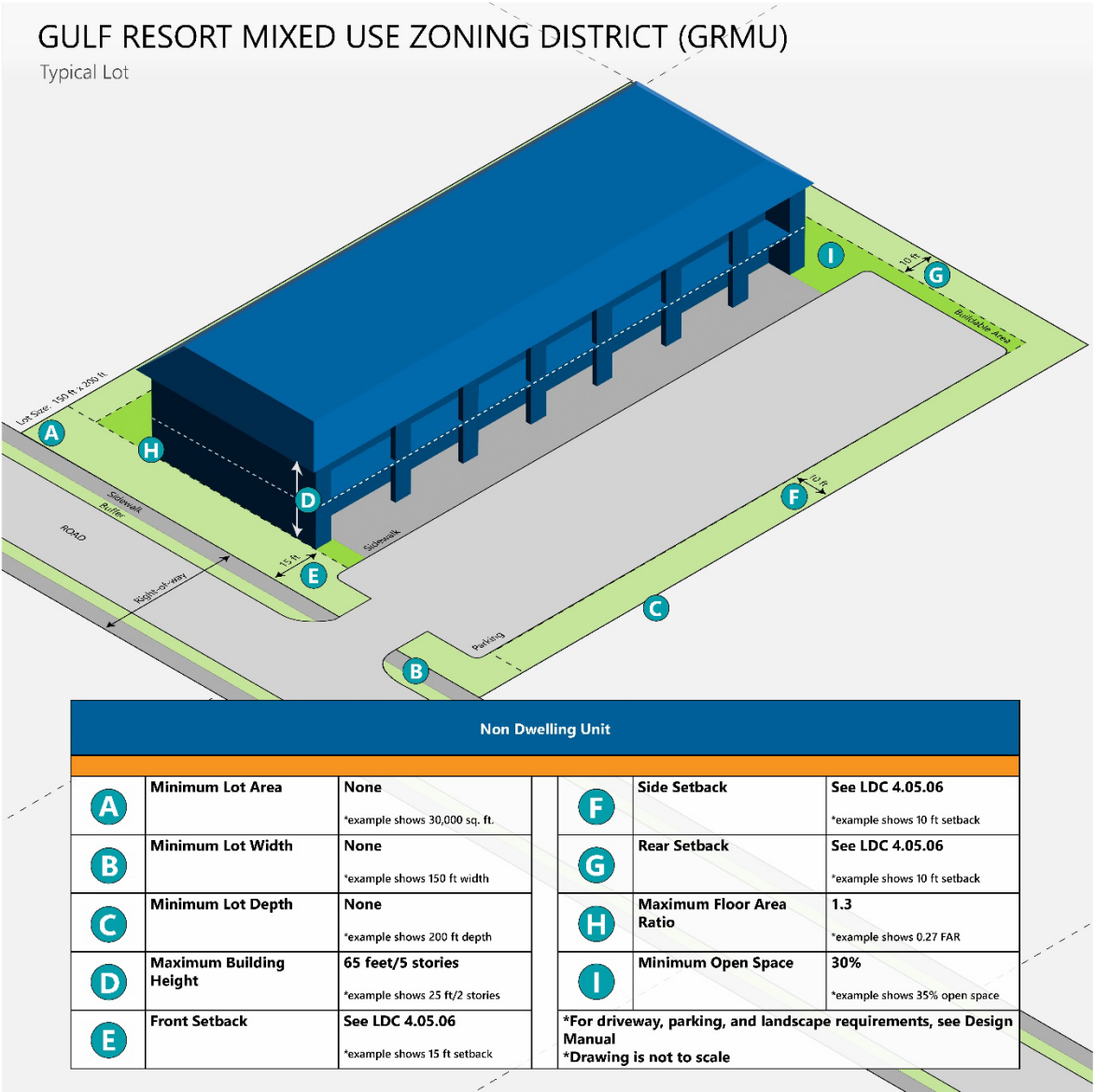
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SECTION 4.05.04 HOLIDAY ISLE MIXED USE (HIMU)

- A. Zoning District Intent. The Holiday Isle Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(6), Holiday Isle Mixed Use of the Comprehensive Plan.
- B. The Holiday Isle Mixed Use zoning district is intended to provide the city with an intense mixed use resort destination.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-family attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10 % for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10 % for visitors	
Single-family detached dwelling	C		2 spaces per Dwelling Unit	
Single room occupancy	C		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Luxury motor home resort	C	<u>4.08.01</u>	See Section 4.08.01.G.12	
Multi-Family Attached Dwelling	P		1 space per bedroom	
Single-Family Detached Dwelling	P		1 space per bedroom (minimum of 2 spaces)	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.01</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.01</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	C		1 space for every 250 sq. ft. of gross floor area	4453
Boat, vehicle, equipment, etc., storage leasing	C		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Gasoline stations (with convenience store)	C		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	C		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	P		1 space for the first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff).	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722110
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	C		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Dry boat storage facilities	C		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	C		2 parking spaces for each dry dock.	
Charter fishing boats – small (1-6 passenger capacity)	C		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Charter fishing boats – large (7 or more passenger capacity)	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	
Fare-carrying vessels	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: - One space for one employee on shift - Two spaces for two—three employees on shift	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	C		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	C		1 space for every 250 sq. ft. of gross floor area	4511
Stables	P		1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater - Single-screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater - multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Water transportation	C		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851,4852
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
INDUSTRIAL USES				
Fish and seafood merchant wholesalers	C		1 space per employee on max shift plus 1 space per 250 sq. ft. of retail space	424460
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	
MISCELLANEOUS USES				
Solar electric power generation	P		1 space for every 200 square feet of gross floor area	221119

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- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Holiday Isle Mixed Use (HIMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		50/4 stories	50/4 stories	50/4 stories
Setbacks	Front	20	Footnote 1	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	16.90	N/A
Maximum Floor Area Ratio		N/A	N/A	1.30
Minimum Open Space (%)		30%		

1. Footnote 1: The following setbacks shall apply to developments proposed in the HIMU zoning district:

Front Setbacks			
Building Height	40'or less for any building or portion thereof		10' – 20'
	40'or more for any building or portion thereof		Min. 30''
Side Setbacks			
Building Height	35' or less for any building or portion thereof		0'
	35' to 50' for any building or portion thereof		15'
	50' or more for any building or portion thereof		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not along any body of water	Building Height	35' or less for any building or portion thereof	10'
		35' to 50' for any building or portion thereof	15'
		50' or more for any building or portion thereof	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico			Established by DEP
Lots fronting the Destin Harbor			0'

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Typical Lot



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SECTION 4.05.05 NORTH HARBOR MIXED USE (NHMU)

- A. Zoning District Intent. The North Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(4), North Harbor Mixed Use of the Comprehensive Plan.
- B. The North Harbor Mixed Use zoning district is intended to complement the South Harbor festive marketplace.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-family attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-family detached dwelling	C		2 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	P		1 space per bedroom	
Single-Family Detached Dwelling	C		1 space per bedroom (minimum of 2 spaces)	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Automobile dealers	C		1 space for every 400 sq. ft. of gross floor area	4411
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
<u>Boat and motorcycle repair</u>	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
<u>Child day care services</u>	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
Gasoline stations (with convenience store)	P		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	P		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Grocery stores	P		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	P		1 space for every 500 sq. ft. of gross floor area	444190
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 300 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Parking lots and garages (public and private)	P		N/A	812930
Parts and accessories dealer – automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Stables	P		1 space for every 5 horses boarded on-site	
<u>Tattoo parlors</u>	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater - Single-screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater - multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	P		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
INDUSTRIAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Fish and seafood merchant wholesalers	P		1 space per employee on max shift plus 1 space per 250 sq. ft. of retail space	424460
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

D. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

North Harbor Mixed Use (NHMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		35/3 stories	50/4 stories	35/3 stories
Setbacks	Front	20	Footnote 1 & 2	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	24.00	N/A
Maximum Floor Area Ratio		N/A	N/A	0.60
Minimum Open Space (%)		25%	25%	30%/Footnote 3

1. Footnote 1: The following setbacks shall apply to developments proposed in the NHMU zoning district:

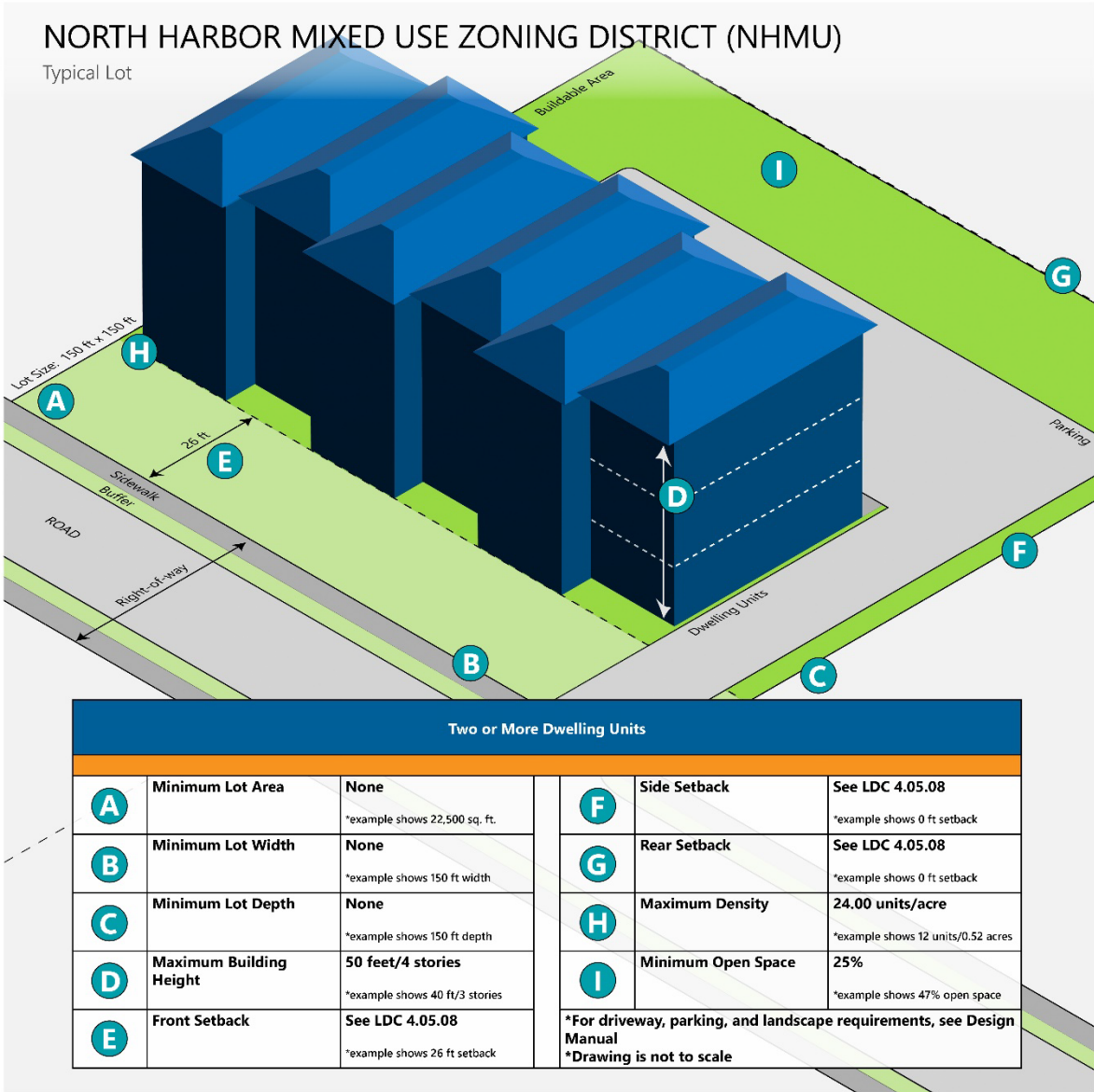
Building Height	Location	Setbacks		
		Front	Side	Rear
40' or less for any building or portion thereof	Properties on U.S. Highway 98	16' minimum – 26' maximum	0'	
	Properties not on U.S. Highway 98	10' minimum – 20' maximum		
40' or more for any building or portion thereof	Properties on U.S. Highway 98	45' minimum	2' + 2' on each side for each 10' or fraction exceeding 40' in height	0'
	Properties not on U.S. Highway 98	30' minimum		

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2. Footnote 2: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
3. Footnote 3: Developments proposed in the NHMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in **Section 6.06.03**.



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SECTION 4.05.06 RESIDENTIAL, OFFICE AND INSTITUTIONAL – VILLAGE RESIDENTIAL (ROI-VR)

- A. Zoning District Intent. The Residential, Office, and Institutional - Village Residential zoning district implements Future Land Use Element Policy 1-2.4.1, Residential, Office, and Institutional of the Comprehensive Plan.
- B. The ROI - VR zoning district intends to allow land zoned ROI-VR to be developed, redeveloped and/or maintained and conserved as permanent single-family detached residential dwelling units, with or without limited and supportive commercial uses.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	C	<u>4.08.03</u>	1 space per dwelling unit	
Guest House	C	<u>4.08.03</u>		
Multi-family attached dwelling	C		1 bedroom unit: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-family detached dwelling	P		2 spaces per Dwelling Unit:	
Single room occupancy	P		1 space per rental room	
<i>Other Residential Uses</i>				
Community residential home, large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>		
Family day care home	P		2 spaces per dwelling unit	
COMMERCIAL USES				
Administrative and support services	C		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Ambulatory health care services/physician's office	C		1 space for every 250 sq. ft. of gross floor area	621
Barbershops or beauty parlors	C		1 space for every 150 sq. ft. of gross floor area	812
Book, periodical, and music stores	C		1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	C		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	C		1 space for every 250 sq. ft. of gross floor area	448
Community care facilities for the elderly	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	C		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Florists	C		1 space for every 300 sq. ft. of gross floor area	4531
Hospitals	C		2 spaces for every bed	622

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Internet publishing and broadcasting	C		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	C		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	C		1 space for every 2 washing machines	812
Management of companies and enterprises	C		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	C		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Nursing care facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6231
Office supplies, stationery, and gift stores	C		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	C		1 space for every 250 sq. ft. of gross floor area	
Other information services	C		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other residential care facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6239

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	C		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	C		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	C		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	C		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Stables	C		1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	
Thrift stores	C		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	C		1 space for every 250 sq. ft. of gross floor area	541940
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
INSTITUTIONAL USES				
Governmental or quasi-governmental offices and programs	C		1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 per max occupancy	921, 922, 923, 924, 925, 926, 928
Elementary and Middle schools	C		2 spaces for every classroom	6111
High schools	C		1 space for every faculty member and employee, plus 1 space for every 6 students	6111

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Postal service	C		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Post Secondary Education	C		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6113, 6112, 6115
School, Urban/Interurban and rural bus transportation system	C		1 space for each employee on maximum shift	4851, 4852, 4858
Social assistance	C		1 space for every 250 sq. ft. of gross floor area	624
INDUSTRIAL USES				
Printing and related support activities	C		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Residential, Office & Institutional – Village Residential (ROI-VR)				
Dwelling Units		1	2+	
Minimum Lot Area (square feet)		7,500	None	
Minimum Lot Size	Width	70'	None	
	Depth	100'	None	
Maximum Building Height / Stories		35'/3 stories	35'/3 stories	
Setbacks	Front	20'	0'	
	Side	7½'	No minimum side or rear setbacks are required, except where the property line is contiguous with a LDR residential district boundary; then ten-foot (10') side and rear yards, maintained as open space, shall be provided.	
	Rear	10'		
Maximum Density (units per acre)		9.00	12.00	
Maximum Floor Area Ratio		N/A	N/A	
Minimum Open Space (%)		25%	25%	



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SECTION 4.05.07 SOUTH HARBOR MIXED USE (SHMU)

- A. Zoning District Intent. The South Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(3), South Harbor Mixed Use of the Comprehensive Plan.
- B. The South Harbor Mixed Use zoning district is intended to preserve SHMU area as a world-class fishing village that is open to the public and accommodates a mixed-use festive marketplace.
- C. Special Development Criteria:
 1. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 sq. ft. of "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.).
 2. Parcels that have frontage on the Harbor shall provide in their development a commercial storefront equal to a minimum of 50% of the width of the property along the harbor front.
 - a. Commercial store front may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the Harbor side of the development.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-family attached dwelling	P		1 bedroom unit: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms unit: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-family detached dwelling	C		2 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	P		1 space per bedroom	
Single-Family Detached Dwelling	C		1 space per bedroom (minimum of 2 spaces)	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area, plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit-down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	P		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Dry boat storage facilities	P		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	P		2 parking spaces for each dry dock.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Charter fishing boats – small (1-6 passenger capacity)	P		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Charter fishing boats – large (7 or more passenger capacity)	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	
Fare-carrying vessels	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Parts and accessories dealer – automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Stables	P		1 space for every 5 horses boarded on-site	
Tattoo parlors	P	4.08.01	1 space for every 250 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater, Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater, multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	P		1 space for every 250 sq. ft. of gross floor area	453310

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Water transportation	P		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation	P		1 space for each employee on maximum shift	4851, 4852
INDUSTRIAL USES				
Fish and seafood merchant wholesalers	P		1 space per employee on max shift plus 1 space per 250 sq. ft. of retail space	424460
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

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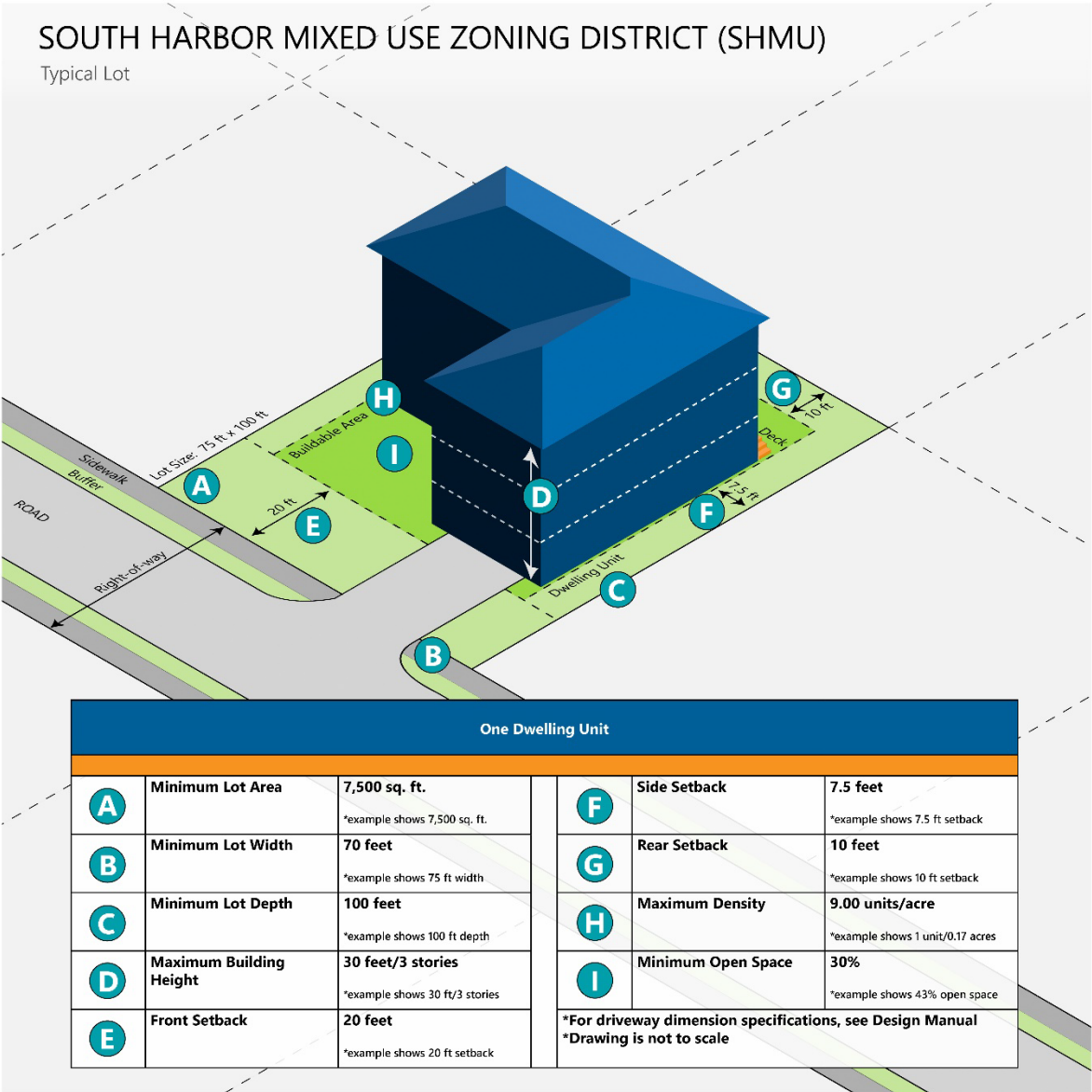
- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

South Harbor Mixed Use (SHMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		30/3 stories	50/4 stories/G	75/6 stories/G
Setbacks	Front	20	Footnote 1 & 2	
	Side	7½	Footnote 2	
	Rear	10	Footnote 1 & 2	
Maximum Density (units per acre)		9.00	24	N/A
Maximum Floor Area Ratio		N/A	N/A	0.60
Minimum Open Space (%)		30%		30%/Footnote 3

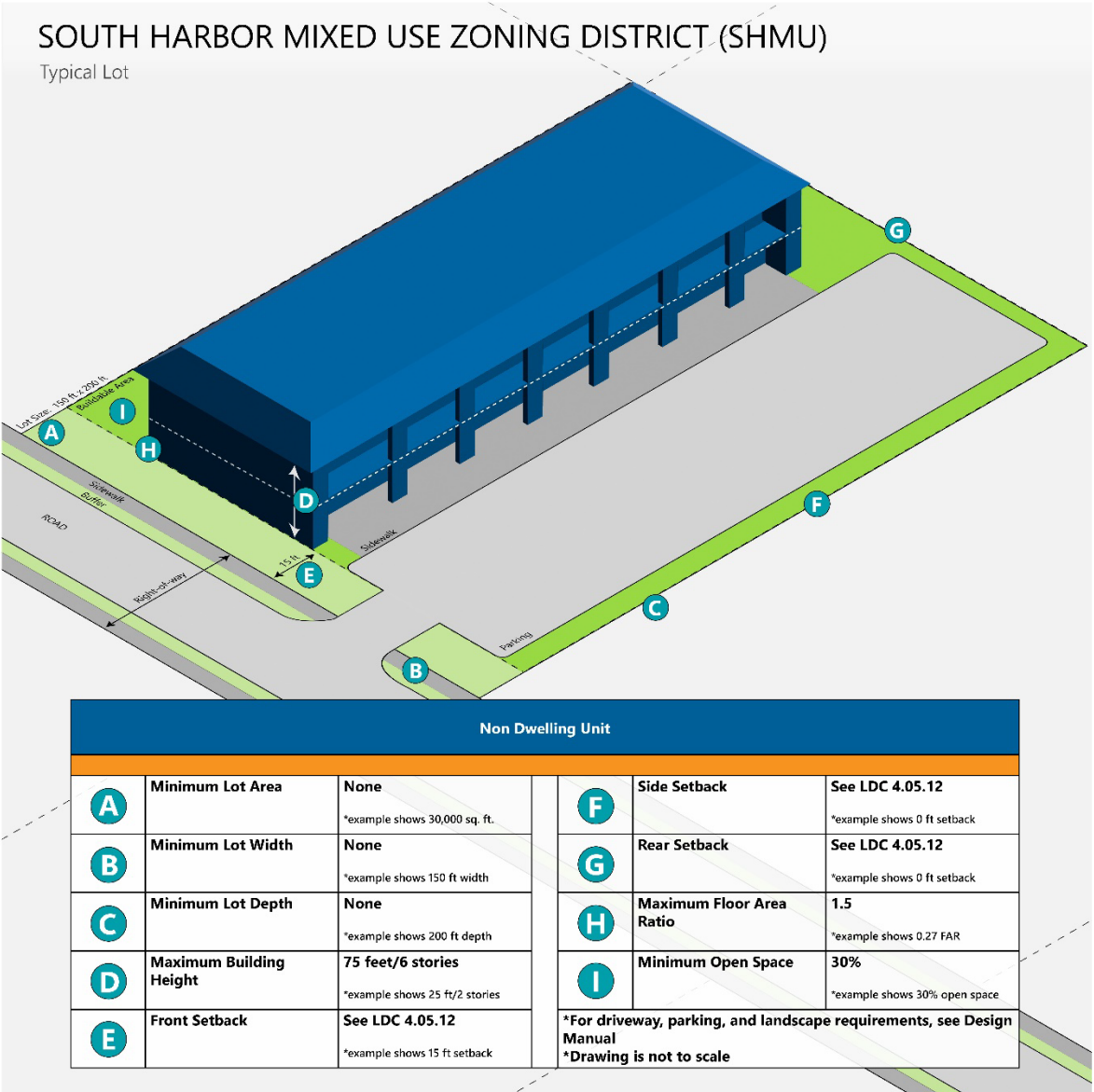
- Footnote 1: Buildings in SHMU within the "Harbor Waterfront" area, with an elevation facing the waterfront must step back 20 feet after the fourth floor or 50 feet, whichever is lower.
- Footnote 2: The following setbacks apply to development in the SHMU district.

Front Setbacks			
Building Height	40'or less for any building or portion thereof	Properties along HWY 98	16' minimum to 26' maximum
		Properties not along HWY 98	10' minimum to 20' maximum
	40' or more for any building or portion thereof		45' minimum
Side Setbacks			
Building Height	35' or less		0'
	35' to 50' for any building or portion thereof		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not fronting the Destin Harbor or Choctawhatchee Bay			0'
Lots fronting the Destin Harbor			15' minimum to provide space for the Destin Boardwalk. Properties must provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9).
Lots fronting the Choctawhatchee Bay			Must meet the requirements set forth in Article 7 for Bay shoreline protection zone.

- Footnote 3: Developments proposed in the SHMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in Section 6.06.03.



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SECTION 4.05.08 TOWN CENTER MIXED USE (TCMU)

- A. Zoning District Intent. The Town Center Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(1), Town Center Mixed Use of the Comprehensive Plan.
- B. The Town Center Mixed Use zoning district intends to provide for increased buffering and setbacks from nearby residential and mixed-use developments, while allowing lands in this district to be developed, redeveloped and/or maintained and conserved as areas that accommodate mixed-use development.
 1. It is the intent of the TCMU zoning district to specifically not allow permanent or seasonal single-family residential uses.
- C. Special Design Criteria
 1. All multi-family developments within the TCMU zoning district shall contain a minimum nonresidential square footage of:
 - a. Ten percent (10%) of the total multi-family square footage if the property does not have direct access, is not directly accessed from, or does not directly abut Harbor Boulevard/U.S. 98, or Main Street.
 - b. Twenty percent (20%) of the total multi-family square footage if the property has direct access to, is primarily accessed from, or directly abuts either Harbor Boulevard/U.S. 98, or Main Street
 2. In either instance listed above, the nonresidential uses shall exist in the same structure(s) as the multi-family use to create a true mixed-use environment.
 3. Nonresidential uses may be consolidated into one structure oriented towards Harbor Blvd/U.S. 98, or Main Street so long as there is a multi-family component within the same structure and the total required nonresidential square footage is met.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- E. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-family attached dwelling	C		1 bedroom unit: 1.50 spaces plus 10% for visitors	
			2 bedroom unit: 2.25 spaces plus 10% for visitors	
			3+ bedroom unit: 2.5 spaces plus 10% for visitors	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-Family Attached Dwelling	P		1 space per bedroom	
<i>Other Residential Uses</i>				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Auto parts, accessories, and tire stores	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	4413
Automobile dealers	C		1 space for every 400 sq. ft. of gross floor area	4411
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Broadcasting, except internet	P		1 space for every 300 sq. ft. of gross floor area	515
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	C		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	C		2.5 spaces for every washing stall	811192

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Community care facilities for the elderly	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 (85) sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Full-service restaurants (quality or high turnover sit down)	P		1 space for every 100 sq. ft. of gross floor area	722110
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Grocery stores	P		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Limited-service restaurants (delivery/carry-out/drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	C		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	C		1 space for every 400 sq. ft. of gross floor area	81149
Other residential care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6239
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Other traveler accommodation, C.T.L.A.	P		1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721199
Parking lots and garages (public and private)	C		N/A	812930
Parts and accessories dealer – automotive/marine	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Stables	P		1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Single-screen theater	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Multi-screen theater	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	C		1 space for every 250 sq. ft. of gross floor area	453310
Thrift stores, large	C		1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Wireless telecommunications carriers (except satellite)	P	<u>4.08.01</u>	See Section 4.08.01.R.12.h	5172
INSTITUTIONAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
INDUSTRIAL USES				
Printing and related support activities	C		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

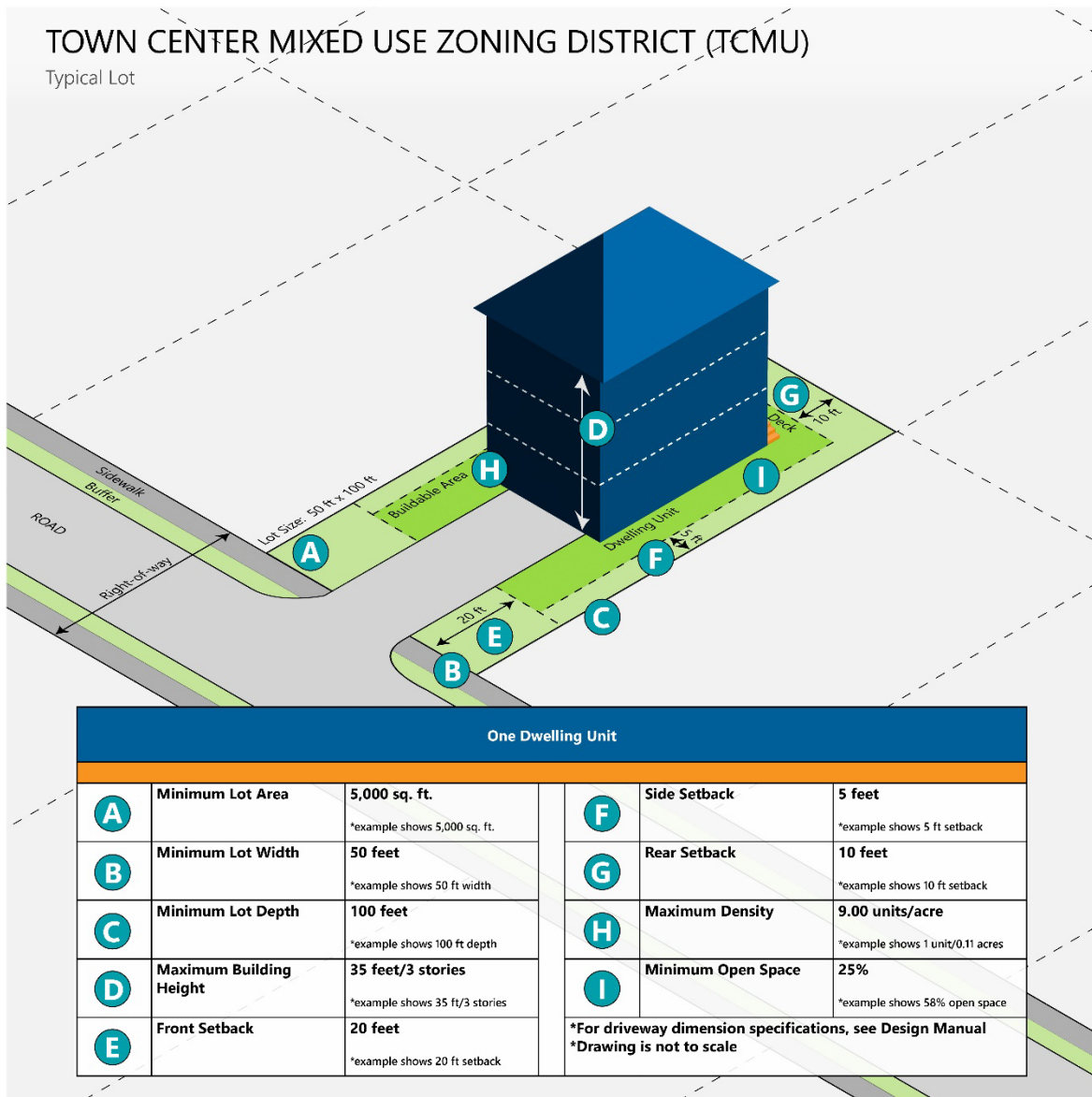
Town Center Mixed Use (TCMU)				
Dwelling Units		1	2+	None
Minimum Lot Area (square feet)		5000	None	None
Minimum Lot Size	Width	50'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		35'/3 stories	50'/4 stories	75'/6 stories/Footnote 1
Setbacks	Front	20'	Footnote 1 & 2	
	Side	5'		
	Rear	10'		
Maximum Density (Units per acre)		9.0	24.0	N/A
Maximum Floor Area Ratio		N/A	N/A	1.5
Minimum Open Space (%)		25%	25%	30%/Footnote 3

- Footnote 1: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
- Footnote 2: The following setbacks apply to development in the TCMU district.

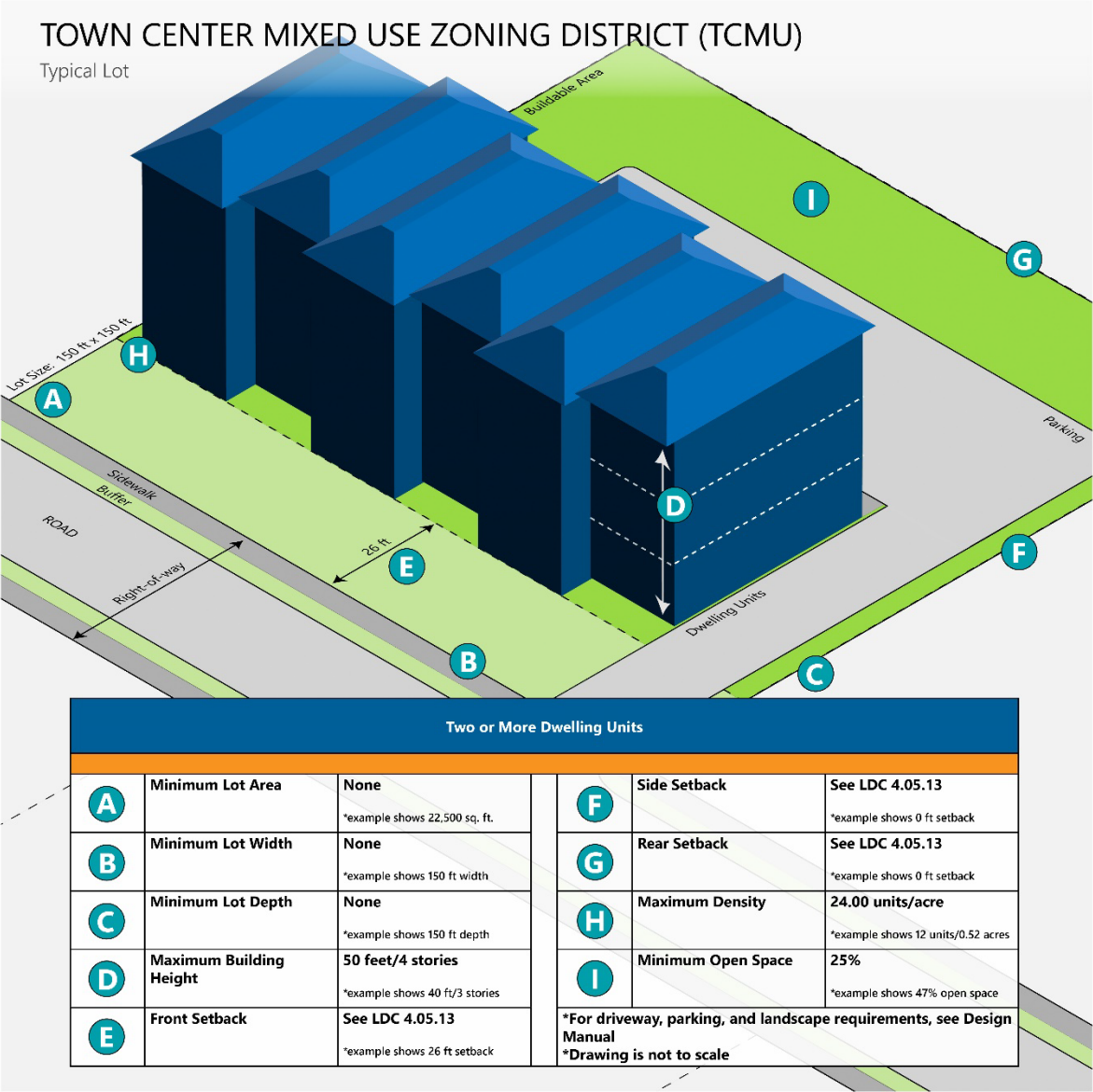
Building Height		Setbacks		
		Front	Side	Rear
Less than 40'	Properties on U.S. Highway 98	16 – 26	0	0
	Properties not on U.S. Highway 98	10 – 20		
	Properties on U.S. Highway 98	Min. 45		0

More than 40'	Properties not on U.S. Highway 98	Min. 30	Increased by 2' for each 10' or fraction exceeding 40'	
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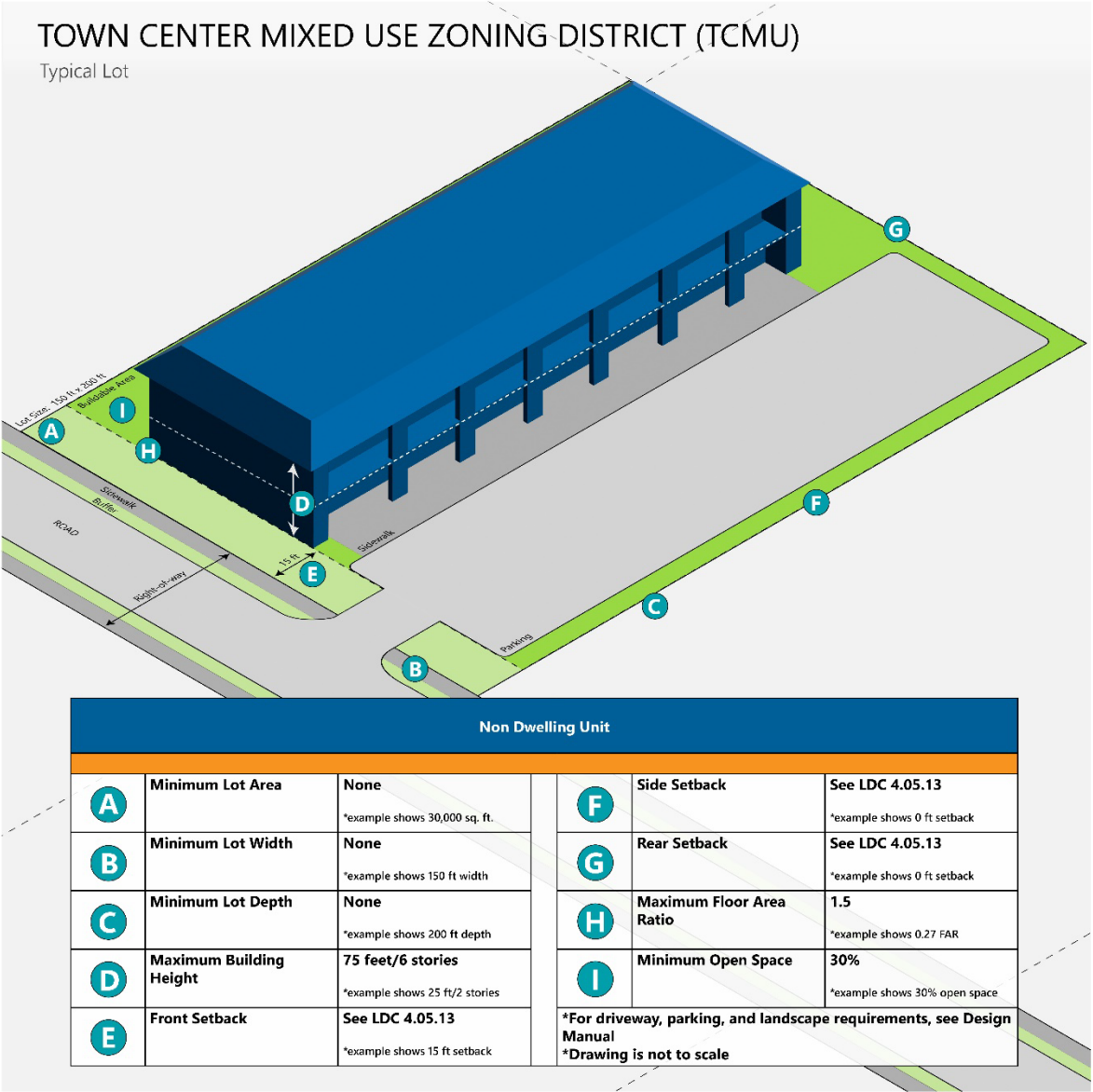
3. Footnote 3: Developments proposed in the TCMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in Section XX.XX.XX (Currently 12.04.03.)



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SECTION 4.06 SPECIAL DISTRICTS**SECTION 4.06.01 AIRPORT (A)**

- A. Zoning District Intent. The Airport zoning district implements Future Land Use Element Policy 1-2.6.1, Airport of the Comprehensive Plan.
- B. The Airport zoning district is comprised of land that encompasses the Destin Executive Airport (DTS).
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NIACS CODE
COMMERCIAL USES				
Air transportation	P		1 space for each aircraft tie down or hangar, plus 1 space for every 250 sq. ft. of terminal/office/fixed base operation area	481
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Charter bus industry	P		1 space for each employee on maximum shift, plus 1 space for each service vehicle	4855
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Couriers and messengers	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Food services and drinking places	P		1 space for every 75 sq. ft. of gross floor area	722
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Gasoline stations (with convenience store)	P		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	P		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Limited-service restaurants (delivery, carry-out, drive-in)	P		1 space for every 150 sq. ft. of gross floor area	722111
Limited-service restaurants (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NIACS CODE
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 300 sq. ft. of gross floor area	
Other ground passenger transportation	P		1 space for each employee on maximum shift	4859
Other schools and instruction (Aviation Industry)	P		1 space for every 300 sq. ft. of gross floor area	6116
<u>Pawn Shops</u>	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	522298
Scenic and sightseeing transportation, other	P		1 space for each 3 seats in the vehicle	4879
Support activities for air transportation	P		1 space for every 300 sq. ft. of terminal/office/fixed base operation area	4881
Taxi and limousine service	P		1 space for every 750 sq. ft. of gross floor area	4853
INSTITUTIONAL USES				
Other schools and instruction (Aviation Industry)	P		1 space for every 300 sq. ft. of gross floor area	6116
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
MISCELLANEOUS USES				
Solar electric power generation	C		1 space for every 200 sq. ft. of gross floor area	221119

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- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Airport (A)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories/Footnote 1 & 2
Setbacks	Front	Footnote 3
	Side	
	Rear	
Maximum Density (Units per acre)		N/A
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

1. Footnote 1: Aircraft communication towers are exempt from the height limitations of this district but shall be subject to the remaining standards set forth in this Code or other City Regulations, as now or hereafter amended.
 2. Footnote 2: Subject to aeronautical study and approval by the FAA to not impact Part 77 imaginary surfaces that would create an airspace obstruction hazard around the airport.
 3. Footnote 3: The setback requirements for the A district are as follows:
 - a. Setbacks from runways or taxiways pursuant to adopted FAA construction standards.
 - b. Setbacks from property lines minimum of 15 feet.
- E. Airport and aircraft zoning regulations.
1. Compatible land uses.
 - a. Purpose. It is hereby declared that the purpose of this section is to provide for the health, safety and welfare of the general public located in proximity to the Destin-Executive Airport by establishing standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the Destin-Executive Airport. This section establishes noise zones of differing intensities and land use in the vicinity of Destin-Executive Airport, establishes permitted land uses in the noise zones, and establishes notification procedures to prospective purchasers of real estate within the noise zones.
 2. Airport zones and airspace height limitations. Certain zones are created and established which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport.
 - a. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
 3. Public civil airport height zones and limitations.
 - a. Primary zone:
 1. An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.
 - (i) No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

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- b. Destin Executive Airport-Runway 14 and 32; 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.
 - 1. The width of the primary zone of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff facilities and is of a greater height than the nearest point on the runway centerline.
- c. Horizontal zone. The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - 1. Destin-Executive Airport-Runway 14 and 32; 10,000 feet for all runways not designated as utility or visual.
 - 2. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.
 - (i) No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.
- d. Conical zone. The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
- e. Approach zone. An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.
 - 1. The inner edge of the approach zone is the same width as the primary zone, and it expands uniformly to a width of:
 - (i) Destin-Executive Airport-Runway 14 and 32; 3,500 feet for that end of a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths of a statute mile.
 - 2. The approach surface extends for a horizontal distance of:
 - (i) Destin-Executive Airport-Runway 14 and 32; 10,000 feet for all non-precision instrument runways other than utility.
 - 3. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
 - 4. Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:
 - (i) Destin-Executive Airport-Runway 14 and 32; permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision instrument runways other than utility.

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- f. Transitional zone. The area extending outward from the sides of the primary zone and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
 - g. Other areas. In addition to the height limitations imposed in paragraphs 1 through 5 above, no structure or obstruction will be permitted within the city that is outside of a federal reservation and would cause a minimum obstruction clearance altitude, a minimum descent altitude, a minimum vectoring altitude, or a decision height to be raised.
 - F. No use may be established on land or water within any zones established by this section that interfere with the operation of an airborne aircraft or other operation of the Destin Executive Airport.
 - 1. Any proposed development which would encroach upon the Destin Executive Airport shall be approved (or not objected to) by the Okaloosa County government, in writing, in advance of the issuance of the final development order by the City.
 - 2. Evidence from Okaloosa County shall be required from any applicant proposing development within the proposed expansion areas as shown in the ALP. The following special requirements shall apply to each permitted use:
 - a. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
 - b. No operations shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of a public airport.
 - c. No operations shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
 - d. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
 - 1. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.
 - 2. Landfills located within 5,000 feet of any runway used only by piston type aircraft.
 - 3. Landfills outside the above perimeters but within conical surfaces described by Federal Air Regulation (FAR) Part 77 and applied to an airport will be reviewed on a case-by-case basis.
 - 4. Any landfill located so that it places the runway and/or approach and departure patterns of an airport between bird feeding, watering or roosting areas.
 - G. Obstruction Lighting Requirements
 - 1. Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with the Federal Aviation Administration (FAA).
 - a. If any Aeronautical Study or other FAA approval requires obstruction lighting for a structure below 200 feet above ground level, lighting shall be installed per the FAA approval and regulations.

2. High intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level.
 3. All high-intensity white obstruction lights shall be in accordance with Federal Aviation Administration regulations.
- H. Noise zones:
1. Such zones are shown on Figure 4.06-1. The noise zones contained herein are based on a projection of future noise environments arising from aircraft flight operations at Destin-Executive Airport.
 - a. Zone A. A land use noise zone is hereby established and designated as zone A, being that area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the noise zone map as "B" and as described in section 7.15.09. The outer boundary of noise zone A approximates a noise level of 75 DNL (day/night average sound line).
 1. Zone A (75 DNL and above). Noise zone A applies to an area of 75 DNL entirely within the Destin-Executive Airport and surrounding runway 14-32 at various depths as per the 2013 OFFICIAL NOISE EXPOSURE MAP.
 - b. Zone B. A land use noise zone is hereby established and designated as zone B, being that area commencing at a boundary indicated on the noise zone A and extending outward therefrom to a boundary indicated on the noise zone map as "C" and as described in section 7.15.09. The outer contour of noise zone B approximates a noise level of 70 DNL.
 1. Zone B (70 DNL to 75 DNL). Noise zone B applies to an area of 70 DNL surrounding the Destin-Executive Airport, as per the 2013 OFFICIAL NOISE EXPOSURE MAP.
 - c. Zone C. A land use noise zone is hereby established and designated as zone C, being that area commencing at a boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the furthestmost boundary indicated on the noise zone map and as described in section 7.15.09. The outer contour of noise zone C approximates a noise level of 65 DNL.
 1. Zone C (65 DNL to 70 DNL). Noise zone C applies to an area of 65 DNL surrounding the Destin-Executive Airport, as per the 2013 OFFICIAL NOISE EXPOSURE MAP.
 - I. Noise zones—Determination of boundaries. In determining the location of noise zone boundaries on the map made a part of these regulations, the following rules shall apply:
 1. Where boundaries are shown to follow streets or alleys, the centerlines of such streets or alleys, as they exist at the time of adoption of these regulations, shall be the noise zone boundary; or
 2. Where boundaries are shown to enter or cross platted blocks, property lines of lots, as they exist at the time of adoption of these regulations, shall be the noise zone boundary; or
 3. Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restricted zone shall apply; or
 4. Where boundaries are shown on unsubdivided property less than ten acres in area, provisions of the more restricted zone shall apply; or
 5. Where boundaries are shown on unsubdivided property ten or more acres in area the location shall be determined by scale shown on the map unless dimensions are given on the map.
 - J. Sound level requirements for structures—Scope of requirements.
 1. The provisions of this article shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure within the city, except work located primarily in a public right-of-way, public utility towers and poles, and mechanical equipment not specifically regulated in this article.

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2. Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures shall comply with the provisions of this article.
- K. Sound level requirements for structures—Application to existing buildings.
 1. Generally. General buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this article except as specifically provided in this section.
 2. Additions, alterations, and repairs—More than 50 percent. When additions, alterations, or repairs within any three-year period exceed 50 percent of the assessed value of an existing building or structure, such building or structure shall be made to conform to the requirements of this article.
 3. Nonstructural alteration and repairs—Fifty percent or less. Alterations or repairs, not exceeding 50 percent of the assessed value of an existing building or structure and which are nonstructural, may be made with the same materials of which the building or structure is constructed.
 4. Repairs—Roof covering. Not more than 50 percent of the roof covering of any building or structure shall be replaced in any three-year period unless the new roof covering is made to conform to the requirements of this article.
 5. Existing occupancy. Buildings in existence at the time of the passage of this Code.
- L. Notification of potential noise impact.
 1. Noise zone A. No residential development shall be allowed within noise zone A.
 2. Noise zones B and C. Constructive knowledge shall be made available to all purchasers of residential property as provided for in F.S. § 475.25 and Public Law 96-163 (49 USC 2101). Public notice through the use of maps depicting noise-impacted areas shall be available at the City Manager's or his designee's office and a listing of all residential property within noise-impacted areas shall be made available from the public records of the County annotating all residential property within noise zones B and C. A listing of all residential property within noise zones B and C will be compiled by the County Tax Assessor from public records. It shall be updated at least once each year and this listing will be used by title companies, real estate agencies, the planning commission, and individuals to determine the notice required to be given to prospective purchasers of residential property. A disclosure statement at appendix 6 shall be completed for the sale of all residential property located in noise zones B and C. This statement shall be filed with the property deed.
- M. Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in section 7.15.00 and any other regulations or zoning applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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THE LPA GROUP
TRANSPORTATION CONSULTANTS



Destin Executive Airport *
FAR Part 150 Noise Compatibility Study

* Formerly Destin-Fort Walton Beach Airport

Figure 4.06-1 Destin Executive Airport/City of Destin Noise Zone Map

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SECTION 4.06.02 INSTITUTIONAL (INST)

- A. Zoning District Intent. The Institutional zoning district implements Future Land Use Element Policy 1-2.7.1, Institutional of the Comprehensive Plan.
- B. The Institutional zoning district is intended to accommodate public and semi-public facilities and services, promote natural resource enhancement, and promote open spaces around buildings.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	C		1 space for every 250 sq. ft. of gross floor area	621
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area	6244
Community care facilities for the elderly	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Hospitals	P		2 spaces for every bed	622
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Nursing care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6231

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other residential care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6239
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Parking lots and garages (public and private)	P		N/A	812930
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Skating rinks			1 space for every 200 sq. ft. of gross floor area	
Stables			1 space for every 5 horses boarded on-site	
Tennis, handball, and racquetball facilities			2 spaces for every court, plus required parking for additional uses on-site	
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
INSTITUTIONAL USES				
Elementary and middle schools	P		2 spaces for every classroom	6111
High School	P		1 space for every faculty member and employee, plus 1 space for every 6 students	6111
Governmental or quasi-governmental offices and programs	P		1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 per max occupancy	921, 922, 923, 924, 925, 926, 927, 928
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
Post-secondary educational institutions	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6112, 6113, 6115, 6116, 6117
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Social assistance	P		1 space for every 250 sq. ft. of gross floor area	624
Urban/Interurban and rural, and school bus transportation system	P		1 space for each employee on maximum shift	4851, 4854, 4852
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Parks	P		Minimum 1 handicap parking space per park	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
MISCELLANEOUS USES				
Wind electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Institutional (INST)		
Dwelling Units		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3
Setbacks	Front	None
	Side	None
	Rear	None
Maximum Density (units per acre)		N/A
Maximum Floor Area Ratio		.50
Minimum Open Space (%)		25%

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SECTION 4.06.03 CONSERVATION (CON)

- A. Zoning District Intent. The Conservation zoning district implements Future Land Use Element Policy 1-2.8.1, Conservation of the Comprehensive Plan.
- B. The Conservation zoning district is intended to apply only to publicly owned property designated as natural and coastal resources with the intent of providing for the long-term protection and preservation of environmentally sensitive natural resource systems.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RECREATIONAL USES				
Passive recreation	P		1 space for every 5,000 sq. ft. of usable land area	

- A. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Conservation (CON)		
Dwelling Units		None
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		15'/1 Story
Setbacks	Front	None
	Side	None
	Rear	None
Maximum Density (units per acre)		N/A
Maximum Floor Area Ratio		0.05
Minimum Open Space (%)		80%

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SECTION 4.06.04 RECREATION (REC)

- A. Zoning District Intent. The Recreation zoning district implements Future Land Use Element Policy 1-2.7.2, Recreation of the Comprehensive Plan.
- B. The Recreation zoning district is intended to apply only to publicly and privately owned property and facilities, with the intent of promoting natural resource enhancement and open spaces around buildings.
- C. Uses not listed as permitted (P) or conditional (C), are prohibited uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
Amusement and theme parks	P		1 space for every 4 seats in facilities available for patron use; or 1 space for every 150 sq. ft. of gross floor area or ground area; or 1 space for every 4 patrons based on design capacity of the facility, whichever is applicable to the facility.	713110
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Golf courses and country clubs	P		6 spaces for every tee, plus required parking for any other uses on the site	713910
Driving range	P		1 space for every tee, plus required parking for any other uses on the site	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation system	P		1 space for each employee on maximum shift	4851, 4852
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Parks	P		Minimum 1 handicap parking space per park	
Passive recreation	P			

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- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Recreation (REC)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories
Setbacks	Front	None
	Side	None
	Rear	None
Maximum Density (units per acre)		N/A
Maximum Floor Area Ratio		0.20
Minimum Open Space (%)		25%

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SECTION 4.07 OVERLAY DISTRICTS

SECTION 4.07.01 CRYSTAL BEACH NEIGHBORHOOD - TRADITIONAL DEVELOPMENT DISTRICT (CBN-TDD)

- A. The Crystal Beach Neighborhood-Traditional Development District zoning overlay district recognizes the lot dimensions and configurations of the 1937 Crystal Beach Subdivision Plat (Okaloosa County Plat Book 1, Page 17), as conforming lots within the CBN zoning district and portions of the CBR zoning district.
- B. The Crystal Beach Neighborhood-Traditional Development District zoning overlay allows the restoration of the original lots configured as fifty feet in width by one hundred fifty feet in depth (50' × 150') as shown in the 1937 Crystal Beach Subdivision Plat.
- C. Dimensional Requirements:

CBN-TDD Overlay		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	50
	Depth	150
Maximum Building Height / Stories		30/3 stories
Setbacks	Front	20
	Side	7½
	Rear	10
Maximum Density (units per acre)		6.00
Maximum Floor Area Ratio		N/A
Minimum Open Space (%)		30%

SECTION 4.07.02 HARBOR DISTRICT (HD)

- A. The Harbor District Overlay implements Future Land Use Element Policies 1-2.4.3(3) South Harbor Mixed Use (SHMU) and 1-2.4.3 (4) North Harbor Mixed Use (NHMU), and Objective 1-3.4 Encourage Redevelopment and Renewal, of the Comprehensive Plan.
- B. The Harbor District Overlay encompasses all land that is zoned South Harbor Mixed Use or the North Harbor Mixed Use.
- C. Destin Harbor is a vital part of the City of Destin's history as a world-class fishing village and festive marketplace and will continue to play an important role in the City's future.
- D. The intent of the Harbor District Overlay is to encourage:
 - 1. Development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98
 - 2. The reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace, such as:
 - a. Restaurants or bars
 - b. Bed and breakfasts
 - c. Uses that encourage tourist commercial development

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- E. The Harbor District achieves its intent by preserving waterfront views and water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.
- F. Much of the Harbor Area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village.
- G. In addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place.
- H. This overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area, a world-class fishing village and festive marketplace.

SECTION 4.07.03 TOWN CENTER MIXED USE – CENTRAL BUSINESS DISTRICT (TCMU-CBD)

- A. The Town Center Mixed Use - Central Business District zoning overlay district implements a maximum height cap and restricts certain types of residential and commercial uses that are incompatible with the adjoining residential area.
 - 1. The Town Center Mixed Use - Central Business District overlay is intended to apply to properties that are directly accessible from Main Street and located:
 - a. North 98 Palms Blvd intersection
 - b. South of Legion Drive/Airport Road
- B. The TCMU-CBD zoning overlay district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses.
- C. The TCMU-CBD zoning overlay district shall not allow:
 - 1. Permanent or seasonal single-family detached residential dwelling units
 - 2. Seasonal multi-family attached residential dwelling units
 - 3. Commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations.

SECTION 4.07.04 ZERBE – CALHOUN HISTORIC DISTRICT (Z-CHD)

- A. The Zerbe-Calhoun Historic District Overlay encompasses all land that is located in the area depicted on the attached Exhibit "A", Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin's history and will continue to play an important role in the City's future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas. U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north.
- B. The Zerbe-Calhoun Historic District Overlay intends to:
 - 1. Encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas and
 - 2. Ensure a smooth transition from the Historic Harbor Area and its significance, derived from the harbor's historic role in the City's formation as a world-class fishing village.
 - 3. Preserve the area's historic sense of place: this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and
 - 4. Preserve structures and sites of historic and recreational significance, inclusive of the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat, existing parks, and historic cemeteries.

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- C. The following properties owned by the City of Destin are deemed structures and sites significant to the history of the City of Destin, and additionally shall be considered collectively as the "Zerbe-Calhoun Historic Park", deemed devoted to active or passive recreation, and shall be subject to all provisions of the City Charter related to City parks:
 - 1. Destin Memorial Cemetery located at 120 Sibert Avenue.
 - 2. Destin Memorial Cemetery located at 111 Stahlman Avenue and 122 Sibert Avenue.
 - 3. Clement Taylor Park located at 131 Calhoun Avenue.
 - 4. Capt. Leonard Destin Park located at 101 Calhoun Avenue.
 - 5. Destin Library located at 150 Sibert Avenue.
 - 6. Destin History & Fishing Museum located at 108 Stahlman Avenue.
 - 7. Destin Community Center located at 101 Stahlman Avenue.
- D. The following may not occur upon any structure or property within the Zerbe-Calhoun Historic Park without a super-majority vote of the City Council:
 - 1. Change of use to any structure, portion of a structure, real property, or portion of real property.
 - 2. Alteration of any real property boundary.
 - 3. Relocation of any structure.
 - 4. Modification of building footprint.

SECTION 4.07.05 WELLHEAD PROTECTION ZONES

- A. Florida's ground water resource is the primary source of drinking water in the State, supplying over ninety (90) percent of all public water supply. The intent of wellhead protection is to protect potable water wells, as defined in Rule 62-521, F.A.C., from contamination, and to prevent the need for their replacement or restoration due to contamination.
- B. Wellhead Protection Zone: All land within a five hundred (500) foot radius of a protected wellhead.
- C. The following land uses are prohibited within Wellhead Protection Zones:
 - 1. Landfills
 - 2. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List.
 - 3. Activities that require the storage, use, handling, production, or transportation of restricted substances: Agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, and the like.
 - 4. Feedlots or other concentrated animal facilities.
 - 5. Wastewater treatment plants, percolation ponds, and similar facilities.
 - 6. Mines
 - 7. Excavation of waterways or drainage facilities which intersect the water table.
 - 8. Any use in conflict with Rule 62-521, F.A.C.
- D. Any approved use within the Wellhead Protection Zone shall adhere to all applicable regulations of Rule 62-521, F.A.C.

SECTION 4.08 SUPPLEMENTAL DESIGN AND DIMENSIONAL STANDARDS

The purpose and intent of the following regulations is to provide required additional development standards for certain uses and to mitigate their identified impacts.

SECTION 4.08.01. NON-RESIDENTIAL DESIGN STANDARDS FOR SPECIFIC USES

- A. Alcoholic Beverage Dispensing. The purpose of this section is to regulate where businesses principally engaged in the dispensing of alcoholic beverages by the drink for consumption on the

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premises can be located in the city. The phrase "principally engaged" shall mean a business that derives more than 50 percent of its gross revenue from the sale or dispensing of alcohol.

1. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is not permitted to be located within 500 feet from a:
 - a. Church, similar place of worship,
 - b. School or preschool,
 - c. Cemetery.
2. Minimum separation is measured from the nearest point of the property line of the uses listed above to the front door of the building containing the liquor license.
 - a. Any applicant may provide a survey prepared, signed, dated, and sealed by a professional surveyor registered in the State of Florida, showing the distance measured as described above.
3. Exceptions:
 1. Any business located in either the North Harbor Mixed Use or South Harbor Mixed Use Zoning District
 2. Any business located at an address where a liquor license was issued by the State to engage in such business either on or before the effective date of this ordinance.
 3. Any business licensed by the State to engage in such business before the uses listed in paragraph B.1.a. of this section was established at the location in question.
- B. Ambulatory Health Care Services provided free of charge may be approved as conditional uses in the Institutional (INST) zoning district if such services conform to the following minimum requirements:
 1. Services shall be provided for "no fee" to the patient and said provider shall not recover any insurance, federal or state subsidies including Medicaid or Medicare monies.
 2. Renewal of conditional use: If an application for conditional use for ambulatory health care services is approved, the approval is only good for one year and an application for renewal to the Board of Adjustment must be submitted at least two months prior to the expiration date (date of last Board of Adjustment final order approval). There shall be no fee collected for the renewal application. However, the applicant shall pay for the advertising cost.
 3. Nontransferable: Approval of the conditional use for ambulatory health care services provided may not be transferred from one property to another. Additionally, the use shall not be moved or relocated from the approved location on the subject property where it is initially approved without first obtaining approval for the location change from the Board of Adjustment.
 4. Hours of operation: The hours of operation shall be limited to Monday through Saturday from 8:00 a.m. to 8:00 p.m.
 5. Parking: All employees/volunteers/patients and anyone else associated with the operation of the ambulatory health care services shall park on the subject property. No off-site parking shall be allowed, and no parking shall take place within any public or private right-of-way.
 6. Services area: All areas used to provide ambulatory health care services, including the waiting area, shall be located entirely within an enclosed, heated and cooled building and shall not exceed 2,000 square feet.
 7. Services provided: All ambulatory health care services provided on the subject property shall be by appointment only. No walk-in/same day or urgent care clinics are permitted.
 8. Buffers/fencing: A landscape buffer shall be provided between the subject property and any residential development. Said landscape buffer shall be a minimum of five feet in width and shall be planted with materials in accordance with [Section 7.09.03.F.2.c.](#) Additionally, a solid

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wood fence, six feet in height, shall be erected on the property line where residential uses are located directly adjacent to the subject property where ambulatory health care services provided free of charge are located.

- C. Building material supply stores, where allowed, are required to provide a solid fence of at least six feet and no higher than eight feet around all outdoor storage areas.
- D. Childcare services, where allowed, shall be required to have all play areas enclosed on all four sides to a height of at least four feet.
- E. General Warehousing and Storage:
 - 1. Office space associated with this use shall not exceed 25 percent of the total square footage of the building.
- F. Indoor Shooting Ranges.
 - 1. The firing range area must be designed with a mean sound transmission class of STC-50 (45 if field tested when tested in accordance with ASTM E 492).
- G. Luxury Motor Home Resorts. Luxury motor home resorts shall conform to the following requirements:
 - 1. Type of allowed motor homes: Only Class A and C motor homes, which are at least 26 feet in length, are allowed.
 - 2. Minimum parcel size: Ten acres.
 - 3. Minimum size of motor home lot: If subdivided, no lot shall be less than 30 feet in width. If not subdivided, no motor home lot shall be less than 30 feet in width.
 - 4. Size of motor home pads: All motor home pads shall be designed to accommodate motor homes of not less than 35 feet in length; 25 percent of all pads shall be designed to accommodate motor homes of not less than 40 feet in length.
 - 5. Material used to construct motor home pads: All motor home pads shall be constructed of concrete.
 - 6. Motor home lot occupancy limitations: Motor home lot occupancy shall be limited to one Class A or C motor home. No trailers, tents, conversion vans, or fifth wheel vehicles shall be permitted on pad sites or within the resort development. No pad may be occupied continuously by the same motor home or occupant for longer than 180 days.
 - 7. Density: To calculate density, one motor home lot shall equal one dwelling unit.
 - 8. Minimum setback from perimeter of parcel to motor home pad: 35 feet next to residential uses; 25 feet next to all other uses outside of the unified development plan; and 15 feet next to all other uses within the Unified Development Plan.
 - 9. Minimum setback from the property line to any permanent structure: 15 feet for structures up to 20 feet in height; add one foot of setback for each additional foot in height above 20 feet.
 - 10. Buffers: The following buffers are required for luxury motor home resorts:
 - a. Location of perimeter buffering: Perimeter buffering is required adjacent to and within 100 feet of residential uses outside of the Unified Development Plan.
 - b. Perimeter wall: A decorative solid, sound absorbing, non-reflective wall, six feet in height shall be erected adjacent to residential uses located outside of the Unified Development Plan.
 - c. Buffering adjacent to residential uses: Natural area or maintained landscaping of dense plantings comprised of material with a median average height of 12 feet at time of certificate of occupancy covering a depth of not less than 20 feet inward from the perimeter wall.

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- d. Buffers adjacent to non-residential uses: Minimum of 10 feet wide landscaped buffers planted with materials in accordance with Section 7.09.03.F.1.f.2.c.
- 11. Landscaping: In addition to required buffer landscaping, there shall be a minimum of one tree or (two palms in lieu of one tree) of not less than ten feet in height at time of planting, and ten shrubs, not less than two feet in height at time of planting for each motor home lot and for each 500 sq. ft. of permanent structure of a height of ten feet or greater. Palms shall constitute not more than 50 percent of the total number of required trees.
- 12. Parking:
 - a. There shall be a minimum of one automobile parking space per motorhome pad and one additional parking space per ten motor home lots.
 - b. Parking spaces shall be concrete or paver-block.
 - c. A centralized area located not closer than 100 feet from any residential use may be provided to park boats and trailers.
 - d. No parking of any vehicle on unpaved areas or on access roadways shall be permitted.
- 13. Noise: Motor homes shall not be maneuvered on-site after 10:00 p.m. or before 6:00 a.m. Power generators shall not be operated within 50 feet of residential areas unless there is a declared emergency.
- 14. Noise mitigation: A professional in noise mitigation analysis shall certify to the City at time of development order application that the areas of operation of permitted motor homes will not exceed 75 dB as measured from any off-site residential property line. Upon completion of the development, the said professional will certify that the project was built in accordance with approved plans.
- 15. Amenity area: Not less than ten percent of the area of the parcel managed as a luxury motor home resort shall be dedicated as an amenity area.
- 16. Full-time on-site management: On-site live-in management is required and shall be available 24 hours a day, seven days a week.
- 17. The following minimum infrastructure improvements shall be provided: Paved access not less than 20 feet wide to every motor home lot; streetlights; water, sewer, and drainage facilities; cable or wireless communications infrastructure; high speed internet; and electrical connection for each pad not less than 50-amp service.
- 18. Deed restrictions: Deed restrictions shall be equal to or more restrictive than provisions of this ordinance.
- H. Manufacturing business must conduct all operations entirely within a building.
- I. Medical Marijuana Dispensaries
 - 1. Location
 - a. No medical marijuana dispensary shall be located:
 - 1. On any Industrial (IN) zoned parcel within the Town Center CRA
 - 2. Within 330 feet south of the southern right-of-way boundary of Airport Road
 - 3. Within 330 feet east of the eastern right-of-way boundary of Main Street.
 - b. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located.
 - 2. Cultivating or processing medical marijuana shall be prohibited within the City.
- J. Mobile Vendors. The following regulations are applicable to all mobile vendors, as defined in City Code.

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1. Location criteria. A mobile vendor must comply with the following location criteria, whichever is applicable:
 - a. Public property
 1. Mobile vending is prohibited on public property unless a special event permit is approved by the City and issued to the owner or agent of the mobile vending business.
 2. A mobile vendor with a special event permit that is operating on public property shall comply with the following requirements:
 - (i) A mobile vendor shall not occupy more than 420 sq. ft. of space in total, to include:
 - (a) The mobile vending vehicle
 - (b) Trash receptacle
 - (c) Any covering, if applicable.
 - (ii) A mobile vending vehicle shall not exceed ten feet (10') in width by 40 feet (40') in length.
 - (a) The maximum height of a mobile vendor shall not exceed 15 feet, including any covering, such as its canopy, umbrella and excluding venting equipment.
 - (iii) More than one mobile vendor may be located on a site provided these requirements are met individually.
 2. A mobile vendor may operate on private property, provided the vendor adheres to the following regulations:
 1. The mobile vendor vehicle and the property on which it is located shall meet all applicable ADA requirements.
 2. Location:
 - (i) A mobile vendor may locate within off-street parking spaces in private parking facilities.
 - (ii) A mobile shall not locate within required parking space for existing uses on the property.
 - (iii) The mobile vendor shall not obstruct or impede vehicular or pedestrian access, circulation, egress, or otherwise create a hazard.
 - (iv) Vendors shall not hinder or impede the use of any phone kiosk, mailbox, parking meter, fire alarm, fire hydrant, or traffic control device.
 3. Density:
 - (i) A maximum of five mobile vendors on any parcel.
 - (ii) The property on which the mobile vendor proposes to locate shall contain a minimum size of one-half acre.
 - (iii) No more than one mobile vendor per one-half acre shall be permitted.
 - (iv) In the SHMU and CMU zoning district, no more than one mobile vendor per 100 feet of water frontage shall be allowed, not to exceed five (5) vendors.
 4. Parking:
 - (i) All mobile vendors shall provide parking in the amount the vendor vehicle encumbers, plus:
 - (a) One space for one employee on shift
 - (b) Two spaces for two—three employees on shift
 - (c) Four spaces for four—six employees on shift
 5. Restrooms:

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- (i) All mobile vendors shall be required to have access to permitted commercial restroom facilities within 300 feet of the mobile vendor on the same parcel, and a sign should be displayed directing customers to its location.
- c. Maintenance and waste disposal.
 - 1. All operations and equipment of the mobile vendor must be clean, and well maintained, with no visible rust, flat tires or other evidence of deferred maintenance.
 - 2. The property at which the mobile vendor is located must also be clean and orderly at all times.
 - 3. The mobile vendor must provide a trash receptacle for use by its patrons.
 - 4. Trash receptacles must be emptied and removed when the mobile vendor is not located on the property, including but not limited to overnight, if applicable.
 - 5. Mobile vendors are prohibited from permitting waste to be deposited upon the ground, sidewalk, streets, City waste receptacles, or private dumpsters (without permission of the private property owner).
- d. Setbacks and separation requirements. All setbacks and separation requirements shall be in accordance with existing zoning and building requirements of the zoning district in which the mobile vendor is located.
- e. Display and signage.
 - 1. Merchandise shall not
 - (i) Be displayed upon the sidewalk or right-of-way,
 - (ii) Intrude upon the accessible area around the mobile vendor vehicle,
 - (iii) Otherwise impedes parking or access to structures within the site.
 - 2. The amount of signage on the mobile vendor vehicle is not regulated but signs must be mounted flat against the vehicle and cannot project from the vehicles.
 - 3. No merchandise or signage of any sort may be placed upon the Harbor Boardwalk.
 - 4. Mobile vendors shall not utilize moving objects, excessive noise, or lighting systems to bring attention to their products or services.
- f. Prohibitions.
 - 1. A mobile vendor shall not solicit or conduct business with anybody who is in any motor vehicles(s).
 - (i) Exception: Vendors may conduct business or serve patrons with disabilities in parked vehicles.
 - 2. No mobile vendor vehicle or equipment shall be left unattended, except for mobile vendors located with the SHMU and CMU zoning districts during non-business hours.
- g. Mobile vendors connected to public potable water and/or sewer, or which utilize liquid propane or natural gas for cooking shall be required to apply for appropriate approvals and inspections from the Destin Fire Control District, Destin Water Users and the City of Destin, as appropriate.
- K. Outdoor Storage and Display
 - 1. Outdoor storage and display of materials, equipment, and merchandise shall meet the following performance standards:
 - a. Outdoor storage shall be screened from view from the right-of-way and adjacent properties by an opaque wall, fence or landscaping of sufficient maturity, density, and height to screen such areas from view.

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- b. Outdoor display of merchandise customarily used outdoors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one specific design.
 - c. Inoperable motor vehicles shall be stored within screened areas and must be kept on the same site of motor vehicle repair facilities and motor vehicle service centers that will be performing the repair of said inoperable motor vehicle. No inoperable motor vehicle shall be stored onsite for a period exceeding 60 consecutive days.
 - d. No storage or display of merchandise or new or used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles shall be permitted outside of approved storage or display areas as designated for such use on the approved site plan. Storage or display areas cannot be in areas designated for landscaping or open swales or open retention areas used for stormwater management purposes.
- L. Pay to Park Facilities.
 - 1. Application. This section applies to all parking facilities, including but not limited to all parking structures and parking lots.
 - 2. Payment collection location:
 - a. Pay-to Park facilities shall require patrons to pay for parking either:
 - 1. After the vehicle is parked in a designated parking spot
 - 2. Upon exiting the parking facility, when the vehicle is in the exit lane of the parking facility.
 - 3. In no case shall payments for parking be permitted to be made at the entrance to the parking facility, or within any accessway or drive area in the parking facility, other than the exit lane as specified herein. Any pay-to-park facility in violation of this subsection is subject to the civil and criminal penalties set forth herein.
 - 3. The entrance or exit lane(s) of a pay-to-park facility may not be obstructed such that congestion of vehicles spills over onto any city, state or federal highway, road, or street.
- M. Pawn Shop.
 - 1. Location:
 - a. Such stores shall not be located within 500 feet of any other pawn shop, thrift store or used merchandise store, as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment.
 - b. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.
 - 2. Parking:
 - a. A pawn shop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and other site requirements.
 - 3. Outside storage:
 - a. Outside storage, display, and sales are prohibited.
- N. Repair and maintenance shops.
 - 1. Outdoor storage
 - a. No storage of any parts or waste material is permitted outside of such buildings. Additionally, all major operations (e.g., replacing body panels, pulling engines out, welding, painting, transmission work, oil change and lube, etc.) must be conducted entirely within a building. Quick fix repairs such as fixing a flat tire, windshield wiper replacement, air filter replacement, adding oil or antifreeze to the engine, changing out a battery, etc. are allowed outside of a building.

O. Sexually Oriented Businesses.

1. Location:

- a. No sexually oriented business shall be located:
 - 1. On any Industrial (IN) zoned parcel within the Town Center CRA
 - 2. Within 330' south of the southern right-of-way boundary of Airport Road
 - 3. Within 330' east of the eastern right-of-way boundary of Main Street.
- b. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.

P. Tattoo Parlors.

- 1. No tattoo parlor may be located within 1,500 feet of any other such business.
 - a. Measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment.
 - b. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.
- 2. Any salon that provides permanent makeup as a service and is not affiliated with or collocated with a tattoo parlor, is not limited by this distancing requirement.
 - a. A salon providing permanent makeup services shall be considered as "Personal and Laundry Service" use per NAICS code 812 or as amended.

Q. Electric distribution substation and electric transmission substation

- 1. All electric distribution substations and electric transmission substations shall conform to the following requirements:
 - a. The development of any new electric distribution or transmission substation must conform to the following requirements.
 - b. Setbacks:
 - 1. Minimum setback from the property line to any permanent equipment structure:
 - (i) 100 feet from any lot line where the adjoining lot is zoned for residential use.
 - (ii) 50 feet from any lot line where the adjoining lot is zoned for any nonresidential use.
 - (iii) The setback requirement along all public or private rights-of-way shall be based on the zoning of the property on the opposite side of the right-of-way as if there were no intervening right-of-way.
 - 2. The setback requirement of this subsection applies to all buildings and structures, including but not limited to transformers, breakers, buses, switch houses, relays, switches, regulators, and capacitors.
 - 3. The setback requirements do not apply to poles and pole anchoring devices.
 - c. Buffers, Landscaping, and Screening:
 - 1. Buffer
 - (i) A ten-foot (10') buffer shall be provided around the entire perimeter of the property.
 - (ii) The buffer shall consist of landscaping meeting the following minimum standard as listed in **paragraph (ii)** below.
 - 2. Landscaping:
 - (i) In addition to the requirements of **Section (INSERT LANDSCAPE SECTION HERE)**, the following regulations shall apply to electric distribution or transmission substations:

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- (a) One (1) tree shall be provided for each twenty-five linear feet (25') of such landscaped buffer or fractional part thereof.
 - (b) One (1) shrub shall be provided for each five feet (5') on average and be three feet (3') tall at the time of planting.
 - (c) Grass, ground cover or other landscape material, excluding paving or gravel, shall be planted in addition to the required trees and shrubs.
 - (d) Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard as listed above.
 - (ii) The Landscaping requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
- 3. Screening:
 - (i) A minimum of eight-foot-tall decorative masonry, sound absorbing, non-reflective wall shall be erected within ten feet (10') of the entire perimeter of the property.
 - (ii) All access gates shall be decorative and provide the same level of sound absorption as the perimeter wall.
 - (iii) The perimeter wall requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
- d. Terminating structures and utility poles located on the electric distribution or transmission substation site shall be no higher than necessary to meet safety standards or clearance requirements of the National Electrical Safety Code, and federal or state government agencies.
- e. Outdoor lighting must meet all the requirements of the Outdoor Lighting Standards per the **Design Manual**.
- R. Commercial telecommunication towers, antennas, and facilities
 - 1. Purpose and intent. 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.
 - a. 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.
 - 1. All evidence submitted shall be prepared by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna shall consist of one or more of the following:
 - (i) 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.

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- (ii) 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.
 - (iii) 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 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.
 - (iv) 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.
 - (v) 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. Costs exceeding new tower development are presumed to be unreasonable per Section 7.19.04.B.1.b.
 - (vi) That other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved alternative tower structure.
- 2. No new commercial telecommunications tower facility shall be installed, erected, or constructed until a development order has been issued pursuant to Section 2.04.00 of the Land Development Code and/or a building permit has been issued.
- 3. Any proposed expansion or replacement of an existing tower must comply with the current standards pertaining to new telecommunications towers.
- 4. All applications proposing a new tower shall submit with the application a letter of "no objection" from the Eglin Air Force Base installation commander or their designee, and no determination on the application shall be made sooner than 30 days after receipt of such submittal by the Air Force.
- 5. Commercial telecommunication towers and accessory facilities include but are not limited to:
 - a. VHF and UHF television.
 - b. FM radio.
 - c. Two-way radio.
 - d. Common carriers.
 - e. Cellular telephone.
 - f. Fixed-point microwave.
- 6. The following regulations apply to the:
 - a. Construction of new telecommunication towers
 - b. Addition of antennas to existing telecommunication towers
 - c. Alternative tower structures
 - d. Creation of alternative towers
 - e. Use of temporary telecommunication towers or facilities.
- 7. 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.

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8. Prior to the issuance of a building permit, 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 tower structure will safely accommodate the additional antenna.
9. Alternative towers. Rooftop, water tower, and other alternative tower mounted antennas and TV dish antennas:
 - a. Shall not exceed the height of 20 feet above the roofline of the structure serving as an alternative tower.
 - b. Free standing roof mounted antennas greater than eight feet in height as measured from the roof surface on which they are installed, shall be set back from the outer edge of the roof of the structure, a distance equal to or greater than 15 feet from any portion of the rooftop edge:
 1. Antennas may be side mounted to an alternative tower structure.
 2. Antennas shall be the same color as the predominant color of the exterior of the top of the structure unless otherwise required by law to be a different color or finish.
 3. Where technically feasible, microwave antennas shall be constructed of open mesh design rather than solid material.
 4. Where possible, the design elements of the structure (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the antenna.
10. Temporary telecommunications facilities
 - a. A building permit is required for temporary telecommunications facilities.
 1. Temporary telecommunications facilities may be located within a zoning district in which telecommunications towers are an approved use.
 - (i) Temporary telecommunications facilities permits are valid for up to one year from the issuance of the permit when a permanent facility is rendered unusable by storms or other unusual circumstances.
 - b. Permits for temporary telecommunications facilities to be used in conjunction with special events may be issued for a period not to exceed 180 days.
 - c. Siting standards for commercial telecommunications towers. In addition to the criteria cited above, proposed commercial communications towers must meet the following:
 1. This section applies to specified commercial telecommunications towers that support any antennas designed to receive or transmit electromagnetic energy, such as but not limited to telephone, television, radio or microwave transmissions, or towers of similar construction designed to serve other functions.
 2. A commercial telecommunications tower in excess of 100 feet above natural grade shall not be approved unless the applicant demonstrates that no existing or approved tower or alternative tower structure of equal or greater height within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment.
 - (i) Towers owned or leased to any government are exempt.
 3. All guy anchors, outdoor equipment, accessory buildings, and accessory structures erected for use in connection with commercial telecommunications towers shall:
 - (i) Meet the minimum setback requirements established for the district in which they are located.
 - (ii) Be visually screened to a height of, at a minimum, eight (8) feet by trees, shrubs, solid walls, or fences.

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- (iii) All towers and communications facilities not requiring FAA painting or markings shall at a minimum have an exterior finish which is galvanized or painted dull blue, gray or black and
 - (a) Shall be of camouflage design standards to include, but not limited to,
 - 1. architecturally screened roof,
 - 2. roof mounted antennas,
 - 3. antennas integrated into architectural elements,
 - 4. telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees.
 - 4. The commercial telecommunications tower and/or TV dish antenna shall not unreasonably interfere with the view of or from any public park or scenic vista.
 - 5. The height, mass, and guywire supports of the commercial telecommunications tower cannot exceed that which is essential for its intended use and public safety, and which is allowed under the provisions of **Section 4.06.01** Airport Zoning District.
 - 6. Applicants submitting an application for a tower exceeding 100 feet shall obtain:
 - (i) A determination of "No Hazard to Aviation" status from the Federal Aviation Administration (based on proposed height and/or electromagnetic interference).
 - (ii) A letter from the Eglin Air Force Base installation commander stating there is no hazard to the mission of the base or various commands of the base.
 - 7. Maximum tower height shall be no greater than 200 feet in height.
 - 8. A security fence around the tower base, or along the perimeter of the site shall be provided.
11. Compliance with Federal Regulations
- a. It is the intent of this subsection (c) to comply with the Telecommunications Act of 1996, section 704, codified at 47 U.S.C. section 332 (c)(7) which precludes the City from prohibiting or having the effect of prohibiting the provision of personal wireless services.
 - b. It is not the intent of this section to allow the applicant to select a new site in a lower priority allowable zoning district without having first exhausted the possibility of locating an existing site as described in **Section 4.08.01.Q.9**, or a new site in the higher priority allowable zoning districts.
 - c. Telecommunications facilities shall be an allowable use subject to a hierarchy of eligibility within the following prioritized zoning districts:
 - 1. In any zoning district, if located on City owned rights-of-way or City owned property as approved by the City Council and leased or franchised to the applicant.
 - (i) Except towers or macrocell communication facilities shall not be allowed within any right-of-way.
 - 2. An Industrial (IN) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of an existing site available under Section 7.19.03.A.1.
 - 3. A Commercial General (CG) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1. or IN zoning.
 - 4. A Commercial Trades and Services (CTS) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1., IN zoning or CG zoning.

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5. A Town Center Mixed Use (TCMU) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1., IN zoning, CG zoning or CTS zoning.
6. Other zoning districts only as may be necessary to avoid the preclusion of wireless telecommunications service within the City of Destin as consistent with the requirements of 42 U.S.C. 332(c)(7), or Section 365.172(12), Florida Statutes.
- d. The unavailability, unsuitability, or inappropriateness of the higher priority zoning districts in which telecommunications towers are an allowable use shall be demonstrated by submitting a report developed and prepared by appropriate licensed professionals or qualified industry experts, and shall include the following:
 1. Lack of availability
 - (i) Do not have sufficient space to allow applicant's antenna and related equipment to function effectively; or
 - (ii) Are not available for lease under a reasonable and customary leasing agreement, at a fair market value, as demonstrated by a commercial real estate appraisal from a MAI certified appraiser.
 2. Technical issues including the following:
 - (i) Are not of sufficient height, or would not otherwise meet the applicant's engineering requirements; or
 - (ii) Do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
 - (iii) Would result in electromagnetic interference with or by the antenna.
 3. A greater visual impact on surrounding properties than the proposed alternative site; or
 4. Would be less implementing of the goals, objectives, intent, priorities, preferences, or purposes of the City's Comprehensive Plan, Land Development Regulations, or this section, than the proposed alternative site.
12. Standards of approval for all telecommunication facilities. The following standards shall apply to approval of all telecommunication facilities.
 - a. The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location in order to serve its necessary function in the company's grid system.
 1. A drawing depicting other locations and areas within the city where the antenna would function properly within the company's grid system. The area shall be considered the allowable zone.
 - b. All towers shall be designed to accommodate the co-location of other telecommunication antennas as follows:
 1. For towers up to 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least two providers; and
 2. For towers greater than 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least three providers.
 - c. The applicant shall demonstrate that the telecommunication tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.
 - d. Telecommunication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

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- e. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
 - f. 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, during which operation of the facility may continue, unless there is imminent danger of the structure collapsing.
 - 2. This provision shall be applicable to telecommunication facilities located in the City prior to adoption of this Land Development Code.
 - g. Buffers, Landscaping, and Screening:
 - 1. Buffer
 - (i) A ten-foot (10') buffer shall be provided around the entire perimeter of the property.
 - (ii) The buffer shall consist of landscaping meeting the following minimum standard as listed in **paragraph (ii)** below.
 - 2. Landscaping:
 - (i) In addition to the requirements of **Section (INSERT LANDSCAPE SECTION HERE)**, the following regulations shall apply to all telecommunications towers:
 - (a) One (1) tree shall be provided for each twenty-five linear feet (25') of such landscaped buffer or fractional part thereof.
 - (b) One (1) shrub shall be provided for each five feet (5') on average and be three feet (3') tall at the time of planting.
 - (c) Grass, ground cover or other landscape material, excluding paving or gravel, shall be planted in addition to the required trees and shrubs.
 - (d) Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard as listed above.
 - (ii) The Landscaping requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
 - 3. Screening:
 - (i) A minimum of eight-foot-tall decorative masonry, sound absorbing, non-reflective wall shall be erected within 15 feet of the entire perimeter of the property.
 - (ii) All access gates shall be decorative and provide the same level of sound absorption as the perimeter wall.
 - (iii) The perimeter wall requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
 - h. Parking:
 - 1. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.
13. Aesthetics. The following provisions shall apply to the design, construction and installation of all telecommunication towers and antennas:

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- a. The design of all telecommunication equipment buildings, towers, and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
 - b. For antennas installed on an alternative tower structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
 - c. Telecommunication towers shall not be artificially lit, unless required by the FAA or other applicable authority. If outdoor lighting is required, the City shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - d. No signage or other identifying markings of a commercial nature shall be permitted upon any telecommunication tower, alternative tower structure or antenna within the city, except as required by any applicable law or regulation.
 - e. Applications for sites zoned CG, CTS, or TCMU shall demonstrate the tower or antenna is the least visually impacting, as measured by the following factors:
 - 1. Type of tower, with monopoles being given preference and narrow lattice being given preference over wide lattice or guyed towers;
 - 2. Type of antenna, with narrow profile antenna arrays being given preference near residential districts and districts highly visible from rights-of-way;
 - 3. Nature of uses on the site, with preference being given to the use of sites which are already developed with non-single-family dwellings, and which are currently visually impacted by tall structures, utility facilities, light poles, or other impacts.
 - 4. Nature of uses on adjacent and nearby properties, with preference being given to sites adjacent to non-residential uses and sites not near parks, recreational areas, historical areas, and redevelopment areas;
 - 5. The view of the tower from nearby arterial and collector roads, with preferences being given to sites where much of the tower is obscured from the view of drivers on the roads or is located outside of a normal line of vision (approximately 30 degrees left and right of straight ahead); unless the tower, alternative tower, or antenna is approved by the City Council for location within the city owned right-of-way; or
 - 6. On-site and surrounding tree coverage and foliage, with preference being given to sites which can provide heavy vegetative screening of a tower.
 - f. Applications for sites zoned CG, CTS, or TCMU shall demonstrate that by locating the tower or antenna on the higher priority site, that site would prohibit or have the effect of preventing the applicant from providing complete service coverage within the boundaries of the City of Destin.
 - 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.
14. Setbacks and separation.
- a. The following setbacks and separation requirements shall apply to all new telecommunication towers and facilities except for alternative towers:
 - 1. Towers shall be setback a distance equal to total height of the tower to include all antennas to any public right-of-way or property line of the lot or parcel containing the tower.

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- (i) The Board of Adjustment may reduce this setback upon a showing that the collapse zone is less than this distance, however, in no event can the setback be less than one-half (½) the height of the tower.
 - (ii) The City Council may allow towers or antenna to be located within the city owned right-of-way.
 - b. Telecommunication equipment (antennae, utility boxes, other essential structures buildings) shall meet the setback requirements of the zoning district in which it is located.
 - c. Antennas which are mounted on alternative tower structures must meet the minimum setback requirements for the district in which the structure is located.
15. Pre-existing towers or communications facilities
- a. Any previously permitted tower or antennas issued prior to the effective date of this Land Development Code shall not be required to meet the provisions of this Land Development Code.
 - b. Replacement, modifications, expansions, or changes to existing towers or communications facilities must comply with all current standards.

SECTION 4.08.02. RESIDENTIAL DESIGN STANDARDS FOR SPECIFIC USES

- A. Households with special needs.
 - 1. Households that require special dispensation for nonconformance such as exterior access ramps, hydraulic lifts for the handicapped, or restraining devices and fences shall be accommodated by the city on a case-by-case basis.
- B. Mobile/Manufactured housing
 - 1. Standards for sitting mobile/manufactured housing units in residential areas.
 - a. The unit shall comply with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the Florida Manufactured Building Act.
 - b. The minimum horizontal dimension of the main body, as assembled on the site, shall not be less than 20 feet, as measured across the narrowest portion.
 - c. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run and the minimum distance from eave to ridge is one-half the minimum horizontal dimension.
 - d. The roofing material used shall be similar in texture, color, and appearance to that of detached single-family dwelling units in the district in which it is to be located.
 - e. The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family dwelling units in the district in which it is to be located and are applied in such a manner as to make the manufactured housing unit similar in appearance with surrounding detached single-family dwelling units.
 - f. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.
 - g. All transportation equipment must be removed, and the mobile/manufactured home must be placed on a permanent foundation and properly anchored.
 - 2. Manufactured housing units located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements listed in paragraphs 2 through 7 of section 1.a. above.
- C. Community residential homes.
 - 1. Community residential home, large:
 - a. Location:

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1. Community residential homes shall not be located within a radius of 500 feet of the following zoning districts:
 - (i) Bay Estates (BE)
 - (ii) Low Density Residential-Village (LDR-V)
 - (iii) Low Density Residential-Holiday Isle (LDR-HI)
 - (iv) Low Density Residential-Harbor (LDR-H)
 2. A community residential home shall not be located within a radius of 1,000 feet of another existing or permitted small community residential home or community residential home.
 - (i) All distance requirements herein shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
 - (ii) Persons operating community residential homes shall not house or treat persons who are known to constitute a direct threat to the health or safety of other persons or whose residency would result in substantial physical damage to the property of others.
2. Community residential home, small:
- a. Small community residential homes are a noncommercial, residential use, and shall be allowed in all zoning districts which allow single-family detached or multifamily dwellings, provided that:
 1. Such homes shall not be located within a radius of 1,000 feet of another existing or permitted community residential home or small community residential home as measured from the nearest point of the existing or permitted home to the proposed home.
- D. Foster homes.
1. Foster homes shall be permitted in any residential land use district of the city.
 2. Foster homes shall be compliant with all State and Federal regulations.
- E. Low to moderate income housing. The U.S. Department of Housing and Urban Development (HUD) annually establish[es] income limitations to determine eligibility of families for subsidized housing assistance. These figures are used to classify individual and family incomes. It is anticipated that although low to moderate income levels will be higher with the findings of the 1990 census, approximately the same percentage of the population will require affordable housing suited to low to moderate income ranges. "Affordable" is stated as housing that costs no more than 35 percent of family income either for rent or mortgage payments. The following incentives and criteria are designed to encourage the construction of affordable housing:
1. Performance standards, density and intensity bonuses shall be offered to developers in accordance with the process approvals of the Planned Unit Development per **Article 2** of this Code.
 2. The city shall favorably consider the awarding of tax-free municipal bonds to developers of projects planned exclusively for low to moderate income families under circumstances where no liability accrues to the city.
 3. If cases should arise, the city shall use its regulatory powers to discourage lending institutions from refusing to grant mortgage loans ("redlining") of development or redevelopment of older neighborhoods or areas inhabited primarily by minorities or low-income families.
 4. Elderly cottage housing opportunity (ECHO) housing (see figures 6-3 and 6-4, foundation document) involves the construction of small, safe, secure, and sanitary housing on lots already

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occupied by a principal residence. ECHO houses shall be permitted under the following conditions:

- a. The lot is of sufficient size to meet setback requirements for ancillary buildings.
- b. The justification for the housing unit is to provide housing for the elderly.
5. The city shall not discourage the private sector from making housing available under the Section 8 rental subsidy program of the U.S. Department of Housing and Urban Development to low- and moderate-income families.

SECTION 4.08.03. ACCESSORY STRUCTURES

A. Accessory or storage structures

1. General provisions for all accessory structures

- a. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:
- b. There shall be a permitted principal structure and use on the parcel.
 1. Boat docks may be permitted prior to construction of the principal structure when submitted as part of a master plan showing the location of the principal structure.
- c. The use and accessory structure shall be in full compliance with all standards and requirements of this Code.
- d. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- e. Setbacks and buffers
- f. All accessory buildings shall meet the minimum yard setback requirements for the district in which they are located.
 1. Accessory structures shall not be in a required buffer, landscape area, or minimum building setback area.
- g. All accessory and storage structures shall be included in all calculations of impervious surface and stormwater runoff.
- h. Storage and other buildings regulated by this section shall not be permitted between the principal structure and the right-of-way and shall not encroach into any required building setback.
 1. Exception:
 - (i) An accessory structure may be located between the right-of-way and the front of the principal structure if:
 - (a) The accessory structure is setback from the right-of-way a distance equal to or greater than the width of the lot frontage of the property upon which the building is located.
 - (b) The accessory structure is visually screened from the right-of-way.
- i. Accessory structures shall be shown on any concept development plan with full supporting documentation.
- j. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.
- k. Non-residential accessory structures
 1. Accessory buildings used for commercial or industrial storage of hazardous, incendiary, noxious or pernicious materials shall be located a minimum of 100 feet from any property line.

B. Accessory Dwellings.

1. This section shall apply to all accessory dwellings where allowed per this Article.

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2. Accessory dwellings shall meet the following design criteria:
 - a. Maximum square footage
 1. The maximum gross floor area of an accessory dwelling shall be 1,200 sq. ft. In no case may an accessory dwelling be larger than the primary dwelling on the property in question.
 - b. Appearance
 1. Accessory dwellings shall match the architectural design of the primary dwelling located on the subject property.
 - c. Location
 1. All accessory dwellings shall meet the setback requirements of the zoning district in which they are located.
 - d. Internal design
 1. All accessory dwellings may have 220-volt power or gas service to cooking appliances.
 3. Deed restriction
 - a. Prior to this issuance of a building permit for the accessory dwelling, the owner of the property shall sign an affidavit, which shall be recorded in the official records of Okaloosa County, Florida, which states that they understand that the accessory dwelling cannot be sold separately from the primary dwelling unless it meets the requirements of the Comprehensive Plan and Land Development Code.
- C. Guest Houses.
1. Only one guest house is permitted per lot or parcel.
 2. Size
 - a. The maximum size of the guest house cannot exceed 50 percent of the square footage of the primary dwelling unit or 1,000 sq. ft., whichever is less.
 1. The heated and cooled square footage figure shall be used when determining the size of primary dwelling unit and maximum allowed size of the guest house.
 3. A guest house shall be prohibited from being rented or sold separately from the primary dwelling unit.
 4. Deed restriction
 - a. Prior to the issuance of a building permit for a guest house the owner must record a covenant with the Clerk of the Circuit Court of Okaloosa County. A certified recorded copy of said covenant shall be submitted to the City prior to the issuance of the building permit for a guest house. The covenant shall be in a form that has been approved by the City Attorney and/or Land Use Attorney and shall at a minimum contain the following:
 1. The owner hereby covenants not to separately rent or sell the guest house, nor to cause to be installed in said guest house any provision for 220-volt power or gas service to any cooking appliance.
 2. Owner hereby acknowledges this covenant to be in favor of the City of Destin, and consents to the City's enforcement of same in a court of competent jurisdiction by way of specific performance including, without limitation, for the invalidation of any rental agreement, purchase and sale agreement, or sale consummated in violation hereof.
 3. This covenant shall run with the land and shall be binding upon all successors, heirs and assigns so long as the guest house exist on the property.
- D. Satellite Dish Antenna, requirements. All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:

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1. The satellite dish antenna shall be considered a structure requiring a building permit to be issued prior to installation. After installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.
 2. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electrical lines and shall conform to the National Electrical Code.
 3. The satellite dish antenna installation shall meet all Federal Communications Commission (FCC) and manufacturer specifications, rules, and requirements.
 4. The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend into the surrounding area and structures.
 5. The satellite dish antenna shall contain no advertising or signage of any type.
 6. The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.
 7. The satellite dish antenna installation shall be permitted to be placed inside and rear areas of the main dwelling or commercial structure only and must meet setback requirements.
 8. The following standards are for installation in developments:
 - a. A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.
 - b. The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
 - c. Satellite dish antenna installations shall be limited to one installation per residential lot.
 - d. The maximum size of the satellite dish antenna, whether ground- or pole-mounted, shall be limited to 12 feet in diameter.
 - e. The satellite dish antenna installation shall be mounted at a fixed point and shall not be portable.
 9. Nonconforming antenna. Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.
- E. Swimming Pools.
1. No swimming pool, as defined in the Florida Building Code (FBC), shall be constructed, or altered within the city unless a building permit therefore shall first be obtained from the Community Development Department.
 2. Location.
 - a. No part of a pool or pool structure may be located within the any common boundary buffer or other required buffer.
 3. Fencing.
 - a. Any person who owns, possesses, manages, operates, maintains or controls any real property where any swimming pool is situated shall erect a fence in accordance with the Florida Building Code (FBC).

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 7, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency

THRU: Louis Zunguze, Interim City Manager
Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: February 26, 2024

SUBJECT: Draft Article 5- Subdivision Regulations

I. BACKGROUND:

On April 5, 2021, Staff brought the Scope of Work and Budget to completely rewrite the Land Development Code (LDC) for approval to the City Council, both of which were approved unanimously. Since that time, Staff has worked with the 3TP Consultants to diligently and systematically move forward with drafting the new LDC. This work to date has involved the following:

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

II. DISCUSSION:

The draft of **Article 5 – Subdivision Regulations** (Article 5) consists of current LDC Section 7.08.00 and various other elements of required development.

The Article consolidates and reorganizes all the regulations that govern subdivisions or the division of land within the City of Destin. The draft Article 5 also provides clarity of the current regulations and updates requirements to existing industry standards or safety requirements.

The main areas where the draft provides clarity are:

- 1. The minimum standards for any new subdivision.**
- 2. The final approval requirements before lots can be sold.**

In the past, subdivisions had many convoluted choices to obtain final plat approval, such as

placing all lots in escrow until the infrastructure was built. This means a developer could sell a property prior to the road, water, sewer, and electrical infrastructure being installed. However, the buyer would not be able to take control of the property nor pull a permit to build until the road, water, sewer and electrical infrastructure is installed. The possible impacts of this process are negative and far-reaching.

A. Link to Strategic Goals / Objectives:

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

B. Effect on Budget (EOB): Budget for this work is already approved.

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

D. Legislative Sponsor:

III. CONCLUSION: Article 5 reorganizes and provides clarity on Subdivision Regulations while implementing and complying with the City's Comprehensive Plan goals, policies, and objectives. If the LPA recommends approval tonight, the Draft Article 5 - Subdivision Regulations, will be presented to City Council for approval and adoption at a later date.

IV. RECOMMENDED MOTION:

I move that the LPA recommend approval to City Council of the Draft *Article 5 - Subdivisions Regulation*, as presented.

ALTERNATIVE MOTION:

I move that the LPA recommend approval with changes as discussed to City Council of the *Draft Article 5 - Subdivisions Regulation*, as presented.

Attachments:

1. Article 5 - Subdivision Regulations -
FINAL DRAFT 12.04.23

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ARTICLE 5 – SUBDIVISION REGULATIONS

SECTION 5.01 PURPOSE AND INTENT

SECTION 5.01.01 PURPOSE

- A. The purpose and intent of the Subdivision Regulations is to assure future growth, development and redevelopment in the city conforms to certain minimum criteria implementing the policies of the City's adopted Comprehensive Plan. Standards provided under this Code are designed to ensure new development benefits the City, guard against the negative impacts of growth, and to protect neighboring properties as well as the general public from potential adverse impacts from a proposed new development or use.

SECTION 5.02 GENERAL STANDARDS

SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS

- A. Every building erected or moved shall be located on a lot adjacent to a street or easement as specified in this article
- B. All structures shall be placed or constructed on lots that provides safe and convenient access for servicing, fire protection, and required off-street parking.
- C. 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 application.
- D. Unnamed streets or private ways shall be named by the City Council, as shown on the approved subdivision or planned unit development plan.

SECTION 5.02.02 PRESERVATION OF LAND AND CONFORMANCE

- A. Developers shall;
 1. Make every effort to maintain and conform to the existing topography and features of the tract by:
 - a. Following natural or existing topographic features when establishing the size, area and shape of blocks and lots.
 - b. Maintaining all natural or established drainage or hydrologic elements on-site.
 - c. The developer should also take steps to ensure the preservation of the land.
- B. Lot dimensions
 1. All lots shall adhere to the dimensional requirements as applicable and listed in **Article 4**.
 2. When natural features limit a lot from meeting the minimum width or depth, but can meet minimum area;
 - a. The developer may request a waiver for a replat, lot split, or other Minor Subdivision, or a recommendation for approval, in the case of a Major Subdivision, from the Community Development Director.
 1. When approving a waiver, the Community Development Director shall determine that;
 - (i) There is a reasonable area for development of a primary structure.

City of Destin, FL - Land Development Code

- (ii) A primary structure intended for the primary use of the development can be built within the required setbacks of the lot without the need for a variance.
 - (iii) There is independent and compliant access, from the right-of-way to the lot without the need for any easement or access agreement.
 - (iv) All minimum stormwater requirements shall be met.
 - (v) In no case can a waiver allow any increase of density.
- C. Density
- 1. No subdivision of land may exceed the maximum allowable density, except as provided in Section 2.07 of this Code.
- D. Accessway
- 1. All proposed accessways shall be compliant with this Code.
- Existing accessways shall be closed, consolidated, and reconstructed to bring them into compliance with this Code.

SECTION 5.02.03 STREETS

A. Public Streets:

- 1. All proposed public streets shall conform to the City's Design Manual standards.

B. Private streets:

- 1. Private streets may be allowed in a subdivision as a primary means of access to any lot in any subdivision, provided that:
 - a. A homeowners' association, complying with state statutes, is established.
 - b. The streets meet the minimum design and construction standards per this Code and the adopted Design Manual
- 2. In the case of projects or development under single ownership, the owner, homeowners' association, or other managing agency shall be responsible for construction, maintenance and control of such roadways.
 - a. Projects or developments under single ownership, include but are not limited to:
 - 1. Shopping centers,
 - 2. Industrial districts,
 - 3. Multi-family or townhouse projects
- 3. Nothing herein shall be construed to require the expansion of right-of-way for private streets installed as of March 3, 1986, which meet minimum pavement width, roadway base, surface course, and material specifications and construction standards of the city.
- 4. The city shall not, however, accept a private street by dedication as a public street which fails to meet the minimum right-of-way standard of the city.
- 5. Lighting:
 - a. All access points for private streets and rights-of-way shall be lit to meet the standards listed in **Section 5.04.04.**

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SECTION 5.02.04 DEVELOPMENT BLOCKS

A. General requirements

1. No block shall exceed 660 feet in length.
 - a. Unless otherwise required by Florida Department of Transportation along state rights-of-way.
 - b. Blocks proposed to exceed 600 feet in length may be given consideration to install a pedestrian crosswalk.
 1. This will be determined by the Community Development Director or their designee.
2. All blocks shall provide a pedestrian and vehicular access surrounding all blocks

B. Residential Development Blocks

1. Blocks shall have sufficient width to provide for two tiers of lots except when prevented by unique topographic or natural conditions.

SECTION 5.03 STORMWATER

SECTION 5.03.01 STORMWATER PLAN

- A. A complete stormwater system master plan shall be submitted by the developer and approved by the City Engineer.
- B. Stormwater system plans shall demonstrate the capability of the system to collect, control, and dispose of stormwater runoff.
- C. The stormwater system plan shall include the following, as needed:
 1. Bridges
 2. Catch basins
 3. Green belt or other natural vegetated open space, etc.
 4. Headwalls
 5. Inlets
 6. Manholes
 7. Pipes
 8. Settling basins
 9. Stormwater calculations used in the design
 10. Street grades
 11. Topography
 12. Other significant details deemed necessary by the City Engineer.
- D. The stormwater system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below.
- E. Development - Basin with an outfall: 1" over the entire site, or, 25 year-24 hour storm event, whichever is greater. Development - Basin without an outfall: 100 year-96 hour storm event. Rainfall data shall be obtained from the state department of transportation's rainfall curves, or other approved agencies.

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SECTION 5.03.02 STORMWATER PLAN

- A. Design shall be provided so channels and ditches shall not overflow their banks for a 3 year-1 hour storm event; where flow velocities exceed two feet per second, ditch pavement or other permanent protection against scour shall be provided.
- B. All ditches not protected with a permanent material shall be sodded to provide an erosion resistant embankment.

SECTION 5.03.03 EASEMENTS

- A. Easements shall be provided for the drainage of stormwater.
- B. Easements for drainage shall be no less than 15 feet in width. The exception shall be for open channels and ditches where a width greater than 15 feet from top of bank to top of bank exists. Additionally, a 15-foot maintenance access shall be provided along one continuous side of the ditch.

SECTION 5.03.04 MATERIAL SPECIFICATIONS AND CONSTRUCTION STANDARDS

- A. All material and construction shall conform to Florida Department of Transportation specifications and requirements.

SECTION 5.04 UTILITIES

SECTION 5.04.01 GENERAL

- A. The developer shall place all utilities underground.
- B. An easement for utilities, if required, shall be provided.
- C. Utility easements shall meet the minimum requirements of the utility provider.

SECTION 5.04.02 SEWER

- A. The developer shall provide necessary collection lines, lift stations, etc., to provide sanitary collection service to each home located in the subdivision.
 - 1. Septic tanks are prohibited within the city limits.
- B. Sewer lines within the city right-of-way or within easements must be inspected and approved by local sewer authority, and the City.

SECTION 5.04.03 WATER

- A. Subdivisions developed in the vicinity of operating water systems shall connect into that system if capacity is adequate.
 - 1. Where operating water systems are not accessible, approval shall be obtained from the Florida Department of Environmental Protection and other concerned agencies for individual wells for each lot.
 - 2. Developers may install a community water system upon the approval of the Florida Department of Environmental Protection or other concerned agencies.

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3. Water lines within the city right-of-way or within easements must be inspected and approved by Destin Water Users, Inc. and the City

SECTION 5.04.05 STREETLIGHTS

- A. Developer shall provide streetlighting in accordance with the Destin Design Manual.

SECTION 5.05 ACCESSWAYS

SECTION 5.05.01 INGRESS AND EGRESS REQUIREMENTS

- A. More than one means of ingress/egress shall be provided for the following proposed development:
 1. Single-family or duplex development of more than five (5) acres
 2. Multi-family, non-Residential or mixed-use development.
 - a. The Community Development Director or designee may waive this requirement based on site constraints.
- B. Access points designated for emergency use only shall not be used to meet the ingress and egress requirement.

SECTION 5.05.02 DEVIATION FROM ACCESS REQUIREMENTS

- A. A deviation or variance from the access point (ingress/egress) requirements stated in this subsection must be obtained through the Variance process in **Article 2**.
- B. If a variance from this section is approved, a notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a development order allowing construction of the access to the development.
 1. The notice shall include the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

SECTION 5.06 REQUIREMENTS FOR IMPROVEMENTS

SECTION 5.06.01 FINAL PLAT REQUIREMENTS

- A. Before any final plat can be approved and before any lot can be sold or any building permit issued in a proposed subdivision, one of the following shall be satisfactorily 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.
 2. 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.
 - a. Such bond shall be released upon satisfactory installation of all improvements.

SECTION 5.07 DEDICATION OF ROAD(S), STREET(S), OR RIGHT(S)-OF-WAY

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SECTION 5.07.01 DEDICATION REQUIREMENTS

- A. Projects proposed adjacent to or abutting a transportation corridor for which improvements are shown in the current five-year capital improvements program, shall, as a condition of approval, dedicate lands within the project site, which are necessary for that right-of-way to the City of Destin. Such dedication shall occur by recordation on the face of the plat, deed, grant of easement, or other method acceptable to the City of Destin.
- B. Land to be dedicated shall be only that shown to be necessary for the planned improvements. The amount of land required to be dedicated also shall not exceed the amount that is roughly proportionate to the transportation impacts to be generated by the proposed project unless the landowner is to be compensated in some fashion for any additional dedicated land.
- C. If the cost of right-of-way acquisition is included in the impact fee structure, the value of dedicated right-of-way may be a credit against transportation impact fees assessed to the proposed project.
 - 1. In the event that the impact fees calculated for the proposed project are greater than the lands within the project site (the site prior to any dedication or other set-aside) needed for future right-of-way, only the amount of land representing a value approximately equal to the impact fee shall be required to be dedicated.

SECTION 5.08 EXCEPTIONS

SECTION 5.08.01 EXCEPTIONS TO COMPLIANCE WITH LAND SUBDIVISION REGULATIONS

- A. The following exceptions to compliance with the requirements of the subdivision regulation provisions shall be strictly construed and should any requirement for the granting of the exception be held illegal or invalid, then the exception shall be null and void in its entirety and compliance shall be required with the remaining provisions of the subdivision regulations.
 - 1. Roads.
 - a. In order for any roads which are exempt under this section from provisions of this code to be accepted into the city maintenance system, the road shall be constructed and paved in accordance with the provisions of this Code and the adopted Design Manual.
 - 2. Inheritance.
 - a. Any divisions of land directly from inheritance, either by testate or intestate, shall be exempted from the provisions of this section, provided that such division is not accomplished through recorded plats.
 - 1. In no instance shall a lot or parcel created through inheritance be noncompliant with the minimum regulations and requirements of this Code.

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City of Destin, FL - Land Development Code

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 7, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.D.

TO: Local Planning Agency

THRU: Louis Zunguze, Interim City Manager
Kimberly Kopp, City Attorney

FROM: Steve O'Connor, Principal Planner

DATE: February 26, 2024

SUBJECT: Net Positive Environmental Benefit (NPEB) Fee- LDC 11.02.N

I. BACKGROUND: Staff brought the recent issues of re-implementing the **Net Positive Benefit Fee (NPEB)** before City Council on October 16, 2023 after the Harbor & Waterways Board proposed their recommended changes to the Fee calculation of the NPEB. City Council requested Staff bring back an ordinance with the Harbor & Waterways Board recommendation, for Council's consideration.

II. DISCUSSION: Any change in the NPEB fee structure will also require a Comprehensive Plan Amendment, since the NPEB fee is specifically called out in ***Policy 6-1.2.3: Protect Water Quality within Destin Harbor*** as twenty-five percent (25%). Therefore, two ordinances are up for consideration, **Ord. 24-03-PC & Ord. 24-04-LC** (see Attachments). To recap, Staff brought the following options to both the City Council and the Harbor and Waterways Board (HWB) for discussion and consideration.

OPTIONS:

1. Keep assessing the **NPEB** fee for all projects within the Harbor and Canals adjacent to the Harbor, as Staff is currently implementing the regulations. This means any new dock, modification, or repair to an existing approved dock and the addition of, modification or repair to riprap will be assessed a fee of 25% of the construction cost (labor & materials).
2. Assess an initial 25% **NPEB** fee to all new facilities and expansions or major modifications, then a lesser percentage, for discussion purposes, a 10% fee, for any voluntary modification or repair not directly linked to an emergency event, such as a hurricane or other event out of the upland property owner's control.

The NPEB assessment for existing facilities can vary by marine facility type. For example, existing residential facilities can be assessed a 10% NPEB fee, and non-residential can remain at 25% or some variation thereof.

3. Assess the 25% NPEB fee once, and no additional fees are required until an expansion or other major modification is proposed from the approved initial marine facility.
4. Any other option the Board may want to develop and recommend to City Council

The HWB listened to Staff's options and then also took in the numerous public comments regarding the impact of the NPEB fee. As such, the HWB created their own recommendation as follows:

- The NPEB should apply to all new or expansion of existing marine facility projects within the Destin Harbor and canals adjacent to the Destin Harbor.
- The NPEB should not apply to any board-for-board replacement.
- The NPEB fee should be applied as follows:
 - **Category 1** Marine Construction Projects – 7%
 - **Category 2** Marine Construction Projects – 10%
 - **Category 3** Marine Construction Projects – 25%

As proposed in the draft **Land Development Code (LDC) Article 2 – Administration** the HWB recommended breaking out various marine construction projects in the following manner:

- **Category 1** – All State Self-Certified docks
- **Category 2** – Residential docks with 3 – 9 slips or larger than 1,000 sq. ft.
- **Category 3** – All commercial docks and any residential projects that do not fit within Class 1 or 2

It should be noted that a large portion of City Council's discussion was around whether the seven percent (7%) for Category 1 projects and ten percent (10%) for Category 2 were going to be sufficient to cover the impacts of marine-based activities from those uses. The Harbor Capacity Study showed that private vessel traffic was one of, if not the largest, segment of users in the harbor. Further, the fees collected over the years annually have not been enough to cover even the electrical bill for the Harbor Pump, let alone maintenance.

A. Link to Strategic Goals / Objectives: #2 Enhanced quality of life and safety for families

#3 Economic Development and revitalization

#5 Improve mobility and connectivity

#6 A green and sustainable environment

B. Effect on Budget (EOB): NPEB Fee Account

C. Level of Service (LOS): More clear and consistent review procedures for proposed Marine Construction projects.

D. Legislative Sponsor:

III. CONCLUSION: Staff has drafted the Proposed NPEB Ordinances to reflect the Harbor & Waterways Board recommendation of tiering the NPEB fee based on the marine project category as discussed earlier. If the LPA recommends approval, the staff will forward both ordinances to City council for their consideration.

IV. RECOMMENDED MOTION: I move that LPA approve the proposed ordinances to amend the Comprehensive Plan and the Land Development Code concerning the Net Positive Environmental Benefit fee.

ALTERNATIVE MOTION: I move that LPA approve/ approve with modifications/ deny the proposed ordinances to amend the Comprehensive Plan and the Land Development Code concerning the Net Positive Environmental Benefit fee.

Attachments:

1. 1 - Policy 6-1.2.3 - Protect Water Quality within Destin Harbor
2. 2 - LDC 11.05.00. Marina Siting
3. 3 - 1995 FDEP MOU
4. 4 - Ordinance 24-03-PC NPEB Comp Plan Amendment
5. 5 - Ordinance 24-04-LC NPEB

Attachement 1)

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

11.05.00. - Marina siting.

11.05.01. *General regulations; prohibitions.* This article establishes and regulates procedures and standards by which the City controls and regulates development, construction and activities within and contiguous to the Harbor and waterways of Destin. The following regulations and prohibitions shall apply to the Harbor and waterways of Destin:

- A. No person shall construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in, or contiguous to, the Harbor or waterways of Destin without first obtaining the proper authorization from the appropriate federal, state and City agencies.
- B. The addition or modification of a boat lift or pilings within an existing legal and conforming boat slip shall not require the review of the Harbor and Waterways Board or the City Council. Rather, a copy of the U.S. Army Corps of Engineers permit, DEP permit, and a homeowner's association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created.
- C. No fish carcasses and debris shall be discharged into the Harbor or waterways of Destin.
- D. No person who maintains or operates a dock shall allow or permit the disposal of fish carcasses, litter, waste petroleum products or other pollutants into the Harbor or waterways of Destin. Trash disposal receptacles shall be anchored to each dock to ensure compliance with the provisions of this article.
- E. No fuel or oil shall be willfully or knowingly discharged in the Harbor or waterways of Destin. No dock which sells fuel or oil shall be constructed, operated or maintained in the Harbor or waterways of Destin unless an oil abatement plan, in accordance with Coast Guard guidelines, is available at each dock. The Destin Harbor and Waterways Board shall review and recommend approval or disapproval of each oil abatement plan to the City Council, which shall have approval authority. Each existing dock which sells fuel or oil shall develop and have approved an oil abatement plan acceptable to the City. All new docks which sell fuel or oil shall develop and have an approved oil abatement plan, which is acceptable to the City, prior to receiving a building permit from the City.
- F. No new or existing dock shall be constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay.
- G. No piling(s) shall be added to the waterward end of any pier which piling(s) would make the total length of the dock more than 200 feet, or 20 percent of the waterway, whichever is less, except in Choctawhatchee Bay.
- H.

No vessel shall be moored or docked on the waterward end of any pier of the maximum legal length, as determined pursuant to subsection F above, for more than 72 hours.

- I. No dock shall be constructed which permits the commercial docking of boats with on-board toilets unless such the dock is equipped with a sewage pump-out.
- J. No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.
- K. No boat shall be moored in the Harbor or waterways of Destin such that constitutes a hazard to navigation.
- L. No dock shall be constructed such that it constitutes a hazard to navigation.
- M. Excepting docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, no dock shall be longer than the width, at the mean high-water line, of the lot to which the dock is attached.
 - 1. For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of the property at the mean high-water line, provided the length of the dock not exceed the maximum length established by paragraphs F and G above.
 - 2. For the purpose of this subsection, lots may be combined with neighboring lots. However, no dock may exceed the limitations specified in subsection F above.
- N. No dock shall be constructed or modified such that slip density exceeds one slip per eight lineal feet of waterfront footage except that, on canals, no lot may have more than one slip per 45 linear feet of waterfront. However, all lots riparian to a canal shall be entitled to at least two slips on the canal.
- O. No boat or vessel, entering into, exiting or operating within the Destin Harbor shall operate at such speed that would create a wake that endangers other boats or vessels, swimmers or other persons within the Destin Harbor, or would contribute to any adjacent land erosion.
- P. No heated or cooled water may be emitted into the Harbor, waterways, or the Harbor canals other than from a boat.
- Q. No pier shall extend more than six feet into a canal right-of-way.
- R. No discharge of water shall contain phosphorous or any other substance likely to cause a violation of the water quality standards specified in Chapter 17-302, Florida Administrative Code.
- S. No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.

- T. No dock shall unreasonably interfere with the riparian rights of others.
- U. 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 and such light is to be illuminated continuously from dusk to dawn every night of the year. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection. Each light shall be installed within 90 days after adoption of this Code.
- V. No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.
- W. No construction shall be allowed which violates any provision of the Standard Building Code, as adopted by the City.
- X. No electrical or water service upon any dock shall be installed unless a permit is obtained from the Planning Department and Building Department for that service.
- Y. No person, while operating a boat within the or waterways of Destin shall allow or permit the disposal of fish carcasses, litter, waste, petroleum products or other pollutants into the Harbor or waterways of Destin from such boats.
- Z. No lot, or multi-contiguous lots, with less than 50 feet of waterfront footage shall be allowed individual docks, unless they are parallel to the shoreline. However, docks may be allowed under the provisions of subsection 11.05.01.M.2.

11.05.02. *Permitting procedures.* The following procedures shall be adhered to by persons desiring to construct a new dock or add to, alter or remodel, add riprap to, or reconstruct an existing dock:

- A. Persons desiring to construct a new dock or add to, alter, remodel, add riprap to, or reconstruct an existing dock shall apply for and obtain a permit and other authorization from the City prior to construction.
- B. Each applicant shall designate the location of his property on the or waterways of Destin and attach this to the building permit application and must complete the City application form(s).
- C. Application shall be made by filing with the City, the City's permit application form and a copy of the joint application form used by the United States Army Corps of Engineers, and the Florida Department of Environmental Protection, the requirements of which are expressly adopted herein as they existed on the effective date of this Code, and as they are hereafter amended by said respective agencies.
- D. A building permit shall be obtained from the City prior to beginning construction, in accordance with City ordinances.
- E. If the dock is to have more than two slips for commercial use or for use by persons other than the owner, the applicant/owner shall supply a certified copy, from the Okaloosa County Tax Appraiser, of all names, addresses, and property I.D. numbers of the owners of adjacent

waterfront property.

- F. The Harbor and Waterways Board shall review all timely received applications at the next regularly scheduled Harbor and Waterways Board meeting. The City Council shall take final action on the application within 30 days of receipt of all state and federal permits and the Board's recommendation.
- G. Marinas having ten or more slips and/or non-residential docking facilities shall require a public hearing before the City Council prior to approval.
- H. Building permits must be obtained within one year of final approval by the City Council or the approval expires and must be resubmitted for reconsideration by both the Harbor and Waterways Board and City Council. The project will be subject to all current regulations of the City.
- I. The application must be signed by the title of record owner(s) or any long-term lessee of the abutting upland property.
- J. Applications for permission for dock construction shall include scaled drawings, prepared and certified by a land surveyor or architect, if requested by the Harbors and Waterways Board at the public hearing, and said plans shall include at a minimum:
 - 1. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock.
 - 2. Channels, shoals, obstructions, docks, markers, and proposed improvements.
 - 3. Accurate location of the applicant's shoreline, and the opposing shoreline with corresponding measurements.
 - 4. Riparian lines.
 - 5. Other site specific information.
- K. In water bodies of less than 100 feet in width, owners of property on the opposing shore to the proposed construction shall be provided with written notification of the proposed construction. Any objections received will be provided to the Harbor and Waterways Board and the City Council.
- L. Where multiple slips extend from the shore and on multiple-slip docks and for any slip in a canal, aerators or circulation devices shall be required as determined by the City. Such devices shall be required where it is determined that circulation is deemed to be interfered with by the proposed facilities.
- M. Shorelines shall require protection from erosion as determined by the City.
- N. A net positive environmental benefit (NPEB), equal to 25 percent 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.

- O. No permit shall be issued by the City until the applicant obtains all authorizations and permits from federal and state agencies, and until the required NPEB funds are paid, if applicable.
- P. All applicants shall apply to the City and must receive preliminary approval for the proposed construction prior to taking any other action. Preliminary approval shall be considered for issuance by the City Council after review and recommendations of the Harbor and Waterways Board. If the application is for joint ownership of a dock, the applicant must obtain written permission from all title of record owners and long-term lessees of the abutting upland property. Upon approval of all appropriate federal and state agencies, final approval from the City Council shall be obtained before a permit is issued.
- Q. The following procedures shall apply to transferring permits:
 - 1. The permit is not transferable without the written consent of the City, which consent shall not be unreasonably withheld. The City Manager, or his designee, shall determine transferability upon recommendation of the Board. The decision may be appealed to the City Council.
 - 2. Whenever, during a construction project, a permittee transfers title of record to the abutting upland property or leases that property by long-term lease, a request by the original permittee shall be made to the City to transfer the permit. Forms for this purpose may be obtained from the City. Failure to apply for such a transfer within 30 days from the date the abutting upland property is sold or conveyed by long-term lease will result in an additional fee being charged to the original permittee by the City.
 - 3. At the time of transfer, all construction shall be inspected for compliance with the City's minimum plumbing, electrical and structural requirements and for compliance with the conditions of the existing permit. Fees for said inspections are set forth in Article 18 of this Code. All deficiencies shall be corrected prior to final transfer of the dock.
- R. All construction in the Harbor and waterways of Destin shall require a permit from the City.
- S. The applicant shall be responsible for personal injury or property damage which arises from construction and use of the project to the extent provided by common law.
- T. The City shall retain the right to revoke any permit issued under this Article if the health, safety or welfare of any person or property is in jeopardy, or for any other good cause. If the applicant fails to remove such structure within the time specified upon revocation of the permit, the City shall have the right to immediately remove the same at the cost and expense of the applicant. Good cause shall include, but not be limited to, violation of any permit conditions, or any provision of this Article.
- U. 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 occupancy will be issued which shall be a permanent permit for such dock or structure.

11.05.03. *Inspection and repairs.* All construction shall be inspected by the City Building Inspector for compliance with applicable building codes. 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.

11.05.04. *Permit revocation.* The City reserves full right, power and authority to revoke a permit at any time for good cause. In the event that permittee fails to remove said structure within the time specified upon revocation of the permit, the City shall have the right to immediately remove same at the cost and expense of the permittee. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.

11.05.05. *Liveaboards.* Except in an emergency, no person(s) shall live aboard any boat in Harbor and waterways of Destin for a period exceeding 48 hours without notifying the Environmental Officer, or other City official as designated by the City Manager, and receiving a registration permit. In cases of an emergency, such notification shall be given to the Environmental Officer within three hours after the immediate emergency situation ceases. Proof that each live-aboard boat has an operable holding tank must be furnished to the Environmental Officer at time of notification. All liveaboards must comply with all applicable regulations of the U.S. Coast Guard, Florida Marine Patrol, and City of Destin.

11.05.06. *Joint ownership docks.* Permits may be granted for joint ownership of a dock at the common riparian boundary, subject to the following conditions:

- A. No permits shall be granted to persons other than the title of record owner or long-term lessee of the abutting upland property.
- B. The permit application must be signed by the owner of record or long-term lessee of all abutting upland property having access to the facility.
- C. 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 ordinance.
- D. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines.

11.05.07. *Permit for maintenance and cosmetic improvements.* The City Manager, or his designee, may issue permits within the Harbor and waterways of Destin for which maintenance or cosmetic improvement is accomplished to existing facilities. No permit shall be issued for facilities which do not conform to the standard Harbor drawings and the adopted marina siting requirements.

11.05.08. *Registration of structures.* All existing docks, seawalls and bulkheads located within the Harbor and waterways of Destin shall be registered with the City as follows:

- A.

The title of record or long-term lessee of all existing structures at the time of adoption of this ordinance shall register such structure with the City within 90 days after adoption of this ordinance.

- B. Each structure shall be re-registered upon any change in ownership or long-term lessee of the abutting upland property.
- C. The City shall be notified upon the expiration of an existing long-term lease by the title of record owner of the abutting upland property.
- D. The City shall be notified by the title of record owner and long-term lessee of the abutting upland property upon the destruction of 50 percent of the replacement value of the structure. The City shall maintain a registration of all docks, seawalls and bulkheads located within the Destin Harbor.

11.05.09. *Exceptions.* Exceptions from the provisions of Section 11.05.01 are as follows:

- A. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed in paragraphs M and N of Section 11.05.01 provided that, in addition to the criteria listed in Section 2.25.03.G, the following criteria is 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 that prohibit 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.

11.05.10. *Reconstruction of existing facilities.* For existing facilities which are damaged by accidents, vandalism, ordinary wear and tear or acts of God, the provisions of paragraphs F, G, M, and N of Section 11.05.01 shall not be applicable to reconstruction so long as the damaged facilities are reconstructed in the same or lesser dimensions and so long as the construction permit is applied for from the City within six months of the sustaining damage.

11.05.11. *Penalties.* Any person found in violation of this article shall be punished by a fine not exceeding \$500.00 or imprisoned for a term not exceeding 60 days or by both such fine and imprisonment. Each day any violation of any provision of this Code continues shall constitute a separate offense.

(Ord. No. 152.40, § 3, 8-6-01; Ord. No. 05-13-LC, § 13, 8-22-05; Ord. No. 07-21-LC, §§ 17, 18, 5-7-07; Ord. No. 07-46-LC, § 3, 12-17-07; Ord. No. 09-01-LC, § 3, 2-17-09; Ord. No. 20-02-LC, § 3, 2-18-20)

Editor's note— As of June 1, 1997, this section (§ 11.05.04 excepted) is superseded by Ord. No. 87.1 (codified as City Code ch. 5, art. III). See appendix B hereto.

5003.16
RECEIVED AUG 10 1995

MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made and entered into this 7th day of August of 1995 by and between the Florida Department of Environmental Protection (hereinafter "DEP") and the City of Destin (hereinafter "City"), a political subdivision of the state of Florida.

Article 1. Background and objectives.

WHEREAS, Destin Harbor has experienced significant water quality degradation over the past 50 years from a variety of uncontrolled sources, including untreated stormwater; and

WHEREAS, the City and DEP recognize that Destin Harbor is a vital economic resource of the City due to its unique location and use as a harbor for recreational, sport and commercial fishing vessels; and

WHEREAS, the City, in coordination with the Northwest Florida Water Management District and DEP has implemented a pumping system to attempt to improve water quality in the Destin Harbor caused by past pollutant loading; and

WHEREAS, Section 5-55 (12) of the City's Code of Ordinances limits the number of boat slips within the harbor, and the City has created a harbor master position to police and protect Destin Harbor; and

WHEREAS, the City is committed to further restoration measures and protection of Destin Harbor by implementing a stormwater retrofit and maintenance program to correct and treat currently untreated stormwater discharging into Destin Harbor from Highway 98; and

WHEREAS, the City has made application to Florida Department of Transportation for an ISTEA grant in the amount of FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$450,000), which is independent of the DEP's wetland resource permitting actions, to begin the

RECEIVED AUG 10 1995

process of designing a specific stormwater treatment system to treat stormwater prior to discharge off of U.S. Highway 98 into Destin Harbor; and

WHEREAS, the City has adopted an ordinance, which creates the Destin Harbor Stormwater Trust Fund and which is specifically designated for the funding and implementation of a stormwater retrofit program of untreated stormwater discharge off of U.S. Highway 98 in Destin Harbor; said ordinance does not assess a fee on single family docks and further provides that older docks, which do not increase the number or size of slips in the Destin Harbor will be charged no fee; and

WHEREAS, the funding will include the assessment of a fee in an amount to be determined by the DEP for each new commercial or multifamily residential slip which may only be used for the construction and maintenance of stormwater treatment facilities discharging into Destin Harbor, and which facilities must be approved by the DEP and permitted under Part IV of Chapter 373, Florida Statutes and Title 62 of the Florida Administrative Code; and

WHEREAS, DEP recognizes that the approved program may be offered in lieu of mitigation by an individual applicant to construct or rehabilitate commercial or multifamily slips by making deposits to the previously mentioned trust fund for stormwater retrofit.

NOW, THEREFORE in consideration of the premises and covenants contained herein, the parties agree as follows:

Article 2. Statement of Work.

1. The City shall be responsible for the collection of the fees required in Ordinance No. 275 adopted by the City and agreed to by DEP as set forth in the stormwater retrofit

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ordinance. Said funds shall be deposited by the City into the City Destin Harbor Stormwater Treatment Fund (DHSTF) and shall not be co-mingled with any other City funds.

2. The City may only disburse funds from the DHSTF in accordance with the provisions of the ordinance for the specific purpose of constructing stormwater treatment facilities and maintenance thereof as set forth in Ordinance 275.

3. In the event it is determined the City has excess funds exceeding the amount needed for the construction and maintenance of the stormwater facilities, which facilities must be approved by the DEP and permitted under Part IV of Chapter 373, Florida Statutes and Title 62 of the Florida Administrative Code, the City may disburse any excess funds for other water quality improvement projects benefitting the harbor as mutually agreed to by the City and DEP.

4. The City shall keep detailed accounting records which conform with generally accepted accounting principles which shall include but not be limited to cash receipt journal, cash disbursement journal, general ledger and all other subsidiary ledgers as reasonably necessary. All such reports shall be retained by the City for at least fifteen years from the execution of this Agreement.

5. The City shall provide access to all its records which relate to this Agreement and agrees to provide such assistance as necessary to facilitate their review when necessary by DEP to insure compliance with the County and financial standards. DEP shall have the right to access all such records for for at least fifteen years from the execution of this Agreement.

6. The City shall make all records or documents which relate to this Agreement available to DEP at the official office of the City during regular business hours.

7. Nothing in this Agreement shall be construed as relieving any party or individual applicant of the duty to comply with other applicable federal, state or local laws, regulations or ordinances either presently in existence or as may be amended or delegated to DEP in the future.

Article 3. Term of the Agreement Extension.

A. Initial Term. This Agreement shall be for an initial term of ten years beginning from the date of execution.

b. Extension Terms. This Agreement may be extended upon the same terms and conditions by mutual written agreement of both parties.

C. Continuation of this Agreement in whole or in part will be contingent upon the availability of funds.

Article 4. Key Officials.

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

The Secretary or authorized delegatee will provide review and approval of all terms of all agreements and will exercise the authority to approve conduct of any cooperative projects with regards to the conditions contained herein. The Chief of the Bureau of Submerged Land and Environmental Resources shall act as the authorized technical representative for DEP with regard to the technical scope of this Agreement. DEP shall provide written notice to the City of any changes in key officials within four weeks of any such change.

THE CITY OF DESTIN:

The City Planning Director shall act as the authorized technical representative for the City with regard to the technical scope of this Agreement. The City shall provide written

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notice to DEP of any changes in authorized technical representatives within four weeks of such change.

1. Semiannual reports shall be generated by the City concerning implementation of the stormwater retrofit program as approved by the DEP.

2. The City shall provide to DEP a semiannual statement, in writing showing the net amount remaining in the DHSTF.

3. The City shall submit an annual report to DEP for the previous fiscal year, October 1 through September 30, due June 1 of every year thereafter detailing the amount of monies collected and disbursed, including any disbursement to the City for administrative costs concerning implementation of this Agreement.

Article 5. Amendment.

This Agreement may be modified by amendment upon mutual written agreement of both parties.

Article 6. Termination.

A. This Agreement shall terminate automatically unless the same is extended pursuant to Article 3 by mutual written agreement prior to expiration of the date of this Agreement. If there is money left in the fund at the time of termination, then all monies must be disbursed to implementation of any part of the proposed stormwater treatment facility or other mutually agreed upon water quality improvement program benefitting the harbor.

B. This Agreement may be terminated by mutual agreement of the parties at any time provided that all monies have been committed and/or disbursed to implementation of any part

of the proposed stormwater treatment facility or other mutually agreed upon water quality improvement program benefitting the harbor.

Article 7. Notices.

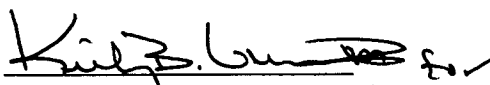
All notices required or permitted to be given under the terms and provisions of this Agreement by either party to the other shall be in writing and shall be sent by registered or certified return receipt requested to the parties as follows: P.O. Box 399, Destin, Florida 32540,
2600 Blair Stone Road
 for the City, Tallahassee, FL 32399 for DEP, or to such other address as hereinafter be provided by parties in writing. Notices by registered or certified mail shall be deemed received on the delivery date indicated by the U.S. Post Office on the return receipt.

Article 8. Venue.

Any litigation hereunder shall be brought in the applicable state or federal courts in Okaloosa or Leon County, Florida. The terms and conditions set forth in this Agreement may be enforced in a court of competent jurisdiction as provided by Florida law.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the last day and year noted below.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
 Virginia B. Wetherell, Secretary

Date: 8/14/95

CITY OF DESTIN
 By: 
 Mayor

Date: 8-9-95

Attest:

Carolyn L. Smith

RECEIVED AUG 10 1995

Deputy Clerk

Approved by the DEP Attorney
for form and legal sufficiency:

Sybil Standaell

Approved by the City Attorney
for form and legal sufficiency:

Robert E. McFarland

d:\...\city\2dhstf.mem

~~MACGOW~~
5003.16

ORDINANCE NO. 275

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO CREATION OF A DESTIN HARBOR STORMWATER TRUST FUND; PROVIDING FOR AUTHORITY; PROVIDING FOR CONTRIBUTIONS TO THE DESTIN HARBOR STORMWATER TRUST FUND IN LIEU OF MITIGATION PAYMENTS TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR A SEPARATE BANK ACCOUNT FOR DESTIN HARBOR STORMWATER TRUST FUNDS; PROVIDING THAT THE CITY ADMINISTER AND MONITOR THE TRUST FUND; PROVIDING FOR CONSTRUCTION AND MAINTENANCE OF A STORMWATER RETRO FIT FACILITY; PROVIDING FOR A MAINTENANCE BUDGET; PROVIDING FOR USE OF EXCESS FUNDS FOR OTHER WATER QUALITY PROGRAMS TO BENEFIT DESTIN HARBOR; PROVIDING FOR ACCESS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ALL CITY FINANCIAL AND OPERATING RECORDS RELATING TO THE DESTIN HARBOR STORMWATER TRUST FUND; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the harbor in the City of Destin (hereinafter the "harbor") has experienced significant water quality degradation over the past 50 years from a variety of uncontrolled sources, including untreated stormwater; and

WHEREAS, the City and the Florida Department of Environmental Protection (hereinafter referred to as "DEP") recognize that the harbor is a vital economic resource of the City due to its unique location and use for recreational, sport and commercial fishing vessels; and

WHEREAS, the City, in coordination with the Northwest Florida Water Management District and DEP has implemented a pumping system to attempt to improve water quality in the Destin Harbor caused by past pollutant loading; and

WHEREAS, Section 5-55 (12) of the Code of Ordinances of the City of Destin limits the number of boat slips within the harbor and creates a harbor master to protect the harbor; and

WHEREAS, the City is committed to further restoration measures and protection of the harbor by establishing a stormwater treatment facility and maintenance program to correct and treat currently untreated stormwater discharging into the harbor from Highway 98 and its surrounding drainage basins; and

WHEREAS, the City is desirous of creating a separate trust fund to construct and maintain facilities to treat stormwater discharge from U.S. Highway 98 and its surrounding drainage basins.

BE IT ORDAINED by the City Council of Destin, Florida, as follows:

SECTION 1. PROVIDING FOR AUTHORITY. The authority for enactment of this ordinance is Article 1, Section 1.01(b) of the City Charter and Section 166.021, Florida Statutes.

SECTION 2. MITIGATION FUNDS. Any funds required by the DEP to be paid to the City of Destin in lieu of mitigation as defined in Section 373.414(1)(b), Florida Statutes by an applicant to construct or rehabilitate commercial or multi-family residential boat slips in the harbor shall be deposited into the Destin Harbor Trust Fund. These funds are to offset mitigation for water quality impacts pursuant to Section 403.918(2)(b), Florida Statutes.

SECTION 3. CREATION OF BANK ACCOUNT The City shall create a separate interest bearing trust account entitled "Destin Harbor Stormwater Trust Fund", and all mitigation funds received for new commercial, multi-family or residential boat slips shall be deposited directly into this bank account. The funds placed in this bank account shall not be commingled with any other funds of the City of Destin.

SECTION 4. ADMINISTRATION OF TRUST FUNDS The City shall monitor the construction and maintenance of the stormwater treatment facilities. The City Finance Officer shall file a report to the City Council on a semi-annual basis concerning the budget for the Destin Harbor Stormwater Trust Fund.

The City Finance Officer shall keep detailed accounting records of the use of Destin Harbor Stormwater Trust Funds which conform with generally accepted accounting principals and such records shall be maintained by the City for at least five years. The City shall provide complete access to the Florida Department of Environmental Protection of all of its records which in any way relate or pertain to the Destin Harbor Stormwater Trust Fund. As part of its record keeping and budget report, the City shall submit an annual report to the Florida Department of Environmental Protection for the previous fiscal year (October 1 through September 30) and said report shall be delivered to the Florida Department of Environmental Protection on June 1 of every year.

SECTION 5. STORMWATER TREATMENT FACILITIES. The City shall use funds from the Destin Harbor Stormwater Trust Fund account for the construction and maintenance of stormwater treatment facilities, which will treat the stormwater discharge from U.S. Highway 98 and other drainage basins prior to entering the harbor. The construction of the treatment facilities shall be in accordance with plans and specifications provided by the Florida Department of Transportation and approved by the Florida Department of Environmental Protection. Exhibit "A" attached to this ordinance and made a part hereof shows the approximate locations of the three outfalls and the approximate basins for each treatment facility.

SECTION 6. MAINTENANCE OF THE STORMWATER FACILITIES. After the construction of the aforementioned stormwater treatment facilities, funds remaining in Destin Harbor Stormwater Trust Fund account shall be used for the maintenance of the stormwater

treatment facilities. After one year of operation, an annual budget for the maintenance of the facilities for the following year shall be established. The annual budget shall be approved by the City Council.

SECTION 7. USE OF EXCESS FUNDS FOR GENERAL HARBOR RESTORATION. After the aforementioned annual budget is established and approved for the next year, then any funds collected during the subsequent year and deposited in the Destin Harbor Stormwater Trust Fund account in excess of the required budget for annual maintenance of the stormwater facilities and construction of any additional stormwater facilities, if necessary, may be used by the City for other water quality programs benefitting the harbor.

SECTION 8. SEVERABILITY Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or revision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 10. EFFECTIVE DATE This ordinance shall be effective upon its adoption by City Council and signature of the Mayor.

ADOPTED: July 3, 1995
BY: Gary L. Alden
Gary L. Alden, Mayor

ATTEST:

Philip G. Cook
Philip G. Cook, City Manager

Carolyn Lee Garrett
Carolyn Lee Garrett, City Clerk

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

Robert E. McGill, III
Robert E. McGill, III
City Attorney

First Reading: 6-19-95
Second Reading: 7-3-95

X-2.a.

REPORT AND RECOMMENDATION

TO: CITY COUNCIL

FROM: HARBORS AND WATERWAYS BOARD

THRU: PHILIP COOK, CITY MANAGER
JANE MOORE, DIRECTOR PLANNING AND ZONING

SUBJECT: HARBOR BOARD RECOMMENDATION REGARDING EXEMPTIONS TO NET
POSITIVE ENVIRONMENTAL BENEFIT ASSESSMENTS

DATE: OCTOBER 2, 1995

ISSUE:

To establish standard operating procedures for issuing NPEB credits and to establish NPEB exemptions.

BACKGROUND:

The Destin Harbors and Waterways Board held a public workshop on July 31, 1995 to discuss whether boat lifts should be exempt from NPEB assessment. There was also discussion at the September 25, 1995 meeting regarding NPEB credits and exemptions.

DISCUSSION:

The Harbors and Waterways Board discussed the assessment of credits and exemptions for NPEB assessments. The consensus of the board is to include the following as credits and exemptions

NPEB CREDITS

- 1) Sewage Pump Out Stations (when it is not required by DEP)
- 2) Planting of Aquatic vegetation along shoreline for erosion control and sea grasses to improve the harbor ecosystem.
- 3) Establishing and maintaining a Used Oil Recovery Station.
- 4) Removal of creosote pilings. (This does not apply if existing pilings can not be used for new project.)
- 5) Stormwater outfall improvements.
- 6) Contributions to Stormwater Management Trust Fund.
- 7) Difference of cost of pre-stress pilings up to 50% of the NPEB assessment.

NPEB EXEMPTIONS

- 1) Boat lifts installed on existing pilings.**NPEB will be assessed on the installation of new pilings only.***
- 2) Electrical
- 3) Water
- 4) Telephone
- 5) Cable Television

FINANCIAL IMPACT:

The Harbors and Waterways Board feels a person should not be made to pay an NPEB assessment on items that do not contribute to the degradation of the Harbor or items that they consider to be accessories.

RECOMMENDATION:

Harbors and Waterways Board recommends NPEB credits and exemptions as listed above.

SUGGESTED MOTION:

Move that Council approve NPEB credits and exemptions listed above.

REPORT REVIEWED AND APPROVED BY:

City Manager
Planning Director
Environmental Officer

Initial

PC
BB

Date

9.27
9-27-95
9-28-95

HARBOR\REPORT.REC\BLIFT.NPE

ORDINANCE NO. 24-03-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF AN AMENDMENT TO THE COMPREHENSIVE PLAN, CHAPTER 6, COASTAL MANAGEMENT ELEMENT, RELATING TO NET POSITIVE ENVIRONMENTAL BENEFIT (“NPEB”) CONTRIBUTIONS; AMENDING COMPREHENSIVE PLAN POLICY 6-1.2.3: “PROTECT WATER QUALITY WITHIN DESTIN HARBOR”; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the regulations for marina siting; and

WHEREAS, Policy 6-1.2.3 of the City’s Comprehensive Plan requires protection for water quality within the Destin Harbor; and

WHEREAS, Policy 6-1.2.3 of the City’s Comprehensive Plan provides that:

“[f]or water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or

ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

WHEREAS, the City Council desires to amend the Comprehensive Plan and Land Development Code to modify the NPEB contribution amount which is currently set at 25% of the cost for construction occurring waterward from the mean high water line; and

WHEREAS, the City's Harbor and Waterways Board recommended establishing a class structure for marine construction projects consisting of the following three classes, generally: Class 1 would include all state self-certified docks, Class 2 would include all residential docks with 3 to 9 boat slips or those larger than 1000 square feet, and Class 3 would include all commercial docks and any residential projects that do not fit within Class 1 or 2; and

WHEREAS, the Harbor and Waterways Board recommended the following NPEB fee amounts be required in each of the three classes of marine construction projects: 7% for Class 1; 10% for Class 2; 25% for Class 3; and

WHEREAS, on October 5, 2023, the City Council voted to approve and codify the Harbor and Waterways Board's recommendations; and

WHEREAS, City Council has determined that a Comprehensive Plan Amendment is required in order to enact the desired updates to City policies; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; 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 City's Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3. AMENDMENTS TO CHAPTER 6 OF COMPREHENSIVE PLAN.

Policy 6-1.2.3 of the City's Comprehensive Plan is hereby amended as follows:

“[f]or water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. ~~The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high water line.~~ The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

SECTION 4. INCORPORATION INTO COMPREHENSIVE PLAN. This ordinance shall be incorporated into the City of Destin's Comprehensive Plan 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. 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 occurrence of all three of the following: (1) its adoption by the City Council, (2) signature by the Mayor, and (3) The Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3184(3), *Florida Statutes*, until 31 days after the State land planning agency (Florida Department of Economic Opportunity) notifies the City that the Comprehensive Plan amendment package is complete. If timely challenged, the Comprehensive Plan amendment shall not become effective until the said State land

planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

ADOPTED THIS _____ DAY OF _____, 2024.

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: _____

ORDINANCE NO. 24-04-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; AMENDING SECTION 11.05.00 OF THE LAND DEVELOPMENT CODE TO DEFINE CATEGORIES 1, 2 AND 3 FOR HARBOR DOCK CONSTRUCTION AND AMEND REQUIRED PAYMENT AMOUNTS OF NET POSITIVE ENVIRONMENTAL BENEFIT FEES BASED ON HARBOR DOCK CONSTRUCTION CATEGORY; 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 and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should modify the regulations for marina siting; and

WHEREAS, Policy 6-1.2.3 of the City's Comprehensive Plan requires protection for water quality within the Destin Harbor; and

WHEREAS, Policy 6-1.2.3 of the City's Comprehensive Plan provides that:

“[f]or water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such

improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

WHEREAS, the City is currently processing a Comprehensive Plan amendment concurrent with this Ordinance to modify the NPEB contribution amount which is currently set at 25% of the cost for construction occurring waterward from the mean high water line; and

WHEREAS, the City's Harbor and Waterways Board recommended establishing a class structure for marine construction projects consisting of the following three classes, generally: Class 1 would include all state self-certified docks, Class 2 would include all residential docks with 3 to 9 boat slips or those larger than 1000 square feet, and Class 3 would include all commercial docks and any residential projects that do not fit within Class 1 or 2; and

WHEREAS, the Harbor and Waterways Board recommended the following NPEB fee amounts be required in each of the three classes of marine construction projects: 7% for Class 1; 10% for Class 2; 25% for Class 3; and

WHEREAS, on October 5, 2023, the City Council voted to approve and codify the Harbor and Waterways Board's recommendations; and

WHEREAS, 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, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; 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. AMENDMENTS TO LAND DEVELOPMENT CODE ARTICLE 11.

Section 11.05.00 of the Land Development Code is hereby amended as follows:

11.05.00. - Marina siting.

11.05.02. *Permitting procedures.* The following procedures shall be adhered to by persons desiring to construct a new dock or add to, alter or remodel, add riprap to, or reconstruct an existing dock:

- G. ~~Marinas having ten or more slips and/or non-residential docking facilities shall require a public hearing before the City Council prior to approval.~~ Marine Construction Project Classifications Categories.

1: The following marine construction projects are considered Category 1, provided they do not otherwise require Harbor & Waterways Board review pursuant to this Article 11:

- a. Residential docks that qualify for self-certification from Florida Department of Environmental Protection (FDEP);
 - b. Residential docks with 2 or fewer slips;
 - c. Boat lifts in existing slips;
 - d. Upland slips not located within state waters; and
 - e. Sea walls.
2. Class 2: Marine Construction projects shall be considered Category 2 provided they do not otherwise require Harbor & Waterways Board review pursuant to this Article 11:
- 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; and
 - d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties.
3. The following marine construction projects are Category 3:
- a. Residential docks with 10 or more slips;
 - b. Commercial docks;
 - c. Other non-residential docks;
 - d. Oil abatement plans; and
 - e. Dredge and/or fill requests.

- N. A net positive environmental benefit (NPEB), ~~equal to 25 percent 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 or within any canals adjacent to the Destin Harbor, as follows:

Class 1 Harbor Dock Construction Projects – 7% of the cost of construction;

Class 2 Harbor Dock Construction Projects – 10% of the cost of construction;

Class 3 Harbor Dock Construction Projects – 25% of the cost of construction.

- O. No permit shall be issued by the City until the applicant obtains all authorizations and permits from federal and state agencies, and until the required NPEB funds are paid, if applicable.

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. 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 occurrence of all three of the following: (1) its adoption by the City Council, (2) signature by the Mayor, and (3) Ordinance 24-03-PC (containing the Comprehensive Plan text amendment for the amount of the NPEB fee) becoming effective. In the event that Ordinance 24-03-PC does not become effective, this Ordinance shall be null and void.

ADOPTED THIS _____ DAY OF _____, 2024.

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: _____