



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, APRIL 11, 2024
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. March 21, 2024 LPA Minutes**
- 4. NEW BUSINESS**
 - A. Draft Article 5 – Subdivision Regulations**
 - B. Draft Article 6 – General Development Regulations**
 - C. Draft Article 7 – Resource Conservation and Protection for the Local Planning Agency’s review and provide guidance to Staff on direction of the draft article to be brought back at a later date for consideration and recommendation to City Council.**
 - D. Draft Article 9 – Management Plans & Article 10 - Impact Fees**
 - E. Ordinance 24-01-LC & 24-02-CC (ROW Protection During Construction Development)**
- 5. DIRECTOR'S REPORT**
- 6. NEXT MEETING DATE: May 2, 2024**
- 7. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)

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
MARCH 21, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency to order in a workshop session on Thursday, March 21, 2024, at 5:30 p.m., due to lack of a quorum, in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Todd Buhr
Jay Purut
Marcie Bell in at 5:47 p.m.

Members Absent

Corey Ledbetter

Staff Members Present

Kim Montgomery City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Ryan Scott City Engineer
Rachel Houg Planner
Tina Deater Planner

3. APPROVAL OF MINUTES: March 7, 2024

Motion by Agency member Bell, seconded by Agency member Buhr to approve the February 1, 2024, minutes as corrected, the motion passed unanimously with a 4-0 vote. *(The vote for the minutes was taken once a quorum was obtained after the discussion regarding Common Boundary Buffer)*

4. NEW BUSINESS:

A. Draft Article 4 – Zoning District, Overlays, and On-Site Regulations for the Local Planning Agency's consideration and recommendation to City Council. *(This item was heard once the Quorum was obtained.)*

Agency member Buhr pointed out that there are several cut & paste errors, adding in the ADU portion that erroneously was removed, and other corrections that need to be made throughout this article. Staff thanked Agency member Buhr and stated they would review the document and make the necessary corrections.

Chairman Wood opened the hearing to the public. With no one present, he closed the public and asked the members for any additional discussion or a motion. **Agency member Buhr moved to recommend sending draft Article 4 on to City Council, with Agency member Purut providing the second. The motion passed 4-0.**

B. Draft Article 5 – Subdivision Regulations for the Local Planning Agency’s consideration and recommendation to City Council.

Mr. O'Connor explained the criteria that staff proposed.

Motion by Agency member Buhr to recommend approval of the 1-6 dimensional requirements for Subdivision Regulations developed by staff.

Chairman Wood asked Agency member Buhr to explain again why he felt the need to have the sixth requirement for the waiver.

According to Agency member Buhr, the reasoning is he feels that there needs to be a level of protection for the city in any future issues that may come up. In further discussion, it was determined that staff would work on adding additional language and bring Article 5 back for further discussion and a recommendation.

C. Draft Article 6 – General Development Standards for the Local Planning Agency’s review and provide guidance to Staff on direction of the draft article to be brought back at a later date for consideration and recommendation to City Council. *(This item was heard first due to there not being a quorum, and this item did not need a vote)*

➤ **Tandem Parking**

Mr. Steve O'Connor, Principal Planner explained that this article has all the information within it necessary for the development of a site for residential or nonresidential. Additionally, the language they suggested from their last meeting regarding Tandem Parking has been incorporated into Section 6.03.02.

Agency member Buhr stated that it makes sense to have tandem parking for non-residential and businesses such as restaurants, but not for single family homes.

In further discussions regarding the section for tandem parking, the decision was made to remove item one and (a) and (b) in the subsections completely and to remove the words *“is allowed for: (below).*

Tandem or end-to-end vehicle parking is allowed only for:

1. Single-family detached and multifamily residential uses, both long and short-term

a. Tandem or end-to-end vehicle parking stalls shall exceed more than two vehicles parking spaces placed end-to-end for all residential uses.

b. Residential developments shall not be allowed to combine parking for separate dwelling units in a tandem vehicle parking area.

According to Mr. O'Connor, the Design manual and Article 6 go hand in hand, and once the Design Manual is ready for their review, staff will bring back both for the LPA's review and consideration.

Chairman Wood asked staff what was decided for shuttle parking and its impact on required parking.

According to Mr. O'Connor, staff received multiple calls on shuttle parking and why they're not allowed and should be to offset the deficit of parking in the city. He explained they need to discuss if shuttle service should be allowed to offset the certain amount of parking for users. He provided an example only of Livery Vessels and the parking requirements. There was a brief discussion regarding how the businesses are tracked by staff. Mr. O'Connor explained that the Code Compliance Department handles the process and spoke of the Affidavit of No Change that is required to be submitted for a Business Tax Receipt to continue to be able to operate. Additionally, he explained they could also limit the use per zones as well to be captured in a parking agreement, or the registration, or with the Development Order, or any other document that is held by the city and can be utilized when necessary, should the need arise. The decision was agreed for staff to create a document to allow them in the North and South Harbor Mixed Use and CMU zoning districts and to bring it back for further discussion at their next meeting.

Agency Member Bell entered the meeting at 5:47 PM and there is now a voting quorum.

Agency member Bell spoke of how she feels allowing a business, that is supposed to provide a certain number of parking spaces to be offset from the parking requirements, by providing shuttle services seems like an easy out, and asked how it would impact the services that are already in place. She pointed out how the EC Rider is already set up to shuttle people who park in the Marler Parking Lot.

➤ Sewer Connection Requirements for Septic Tanks

Mr. O'Connor informed the members that there are still pockets in the city where people are on septic and, although State Mandated, he asked what type of enforcement they feel needs to be in place. Additionally, in contacting Destin Water Users (DWU), they want to get everyone on their sewer and although this is a requirement to be connected, it has not been enforced, and asked the members if they agree to keep it in the LDC and start enforcing it.

Agency member Buhr stated that he is not in favor of removing it from the LDC especially since it is a requirement of the State and questioned staff if there was a timeline requirement and what would happen if those individuals cannot afford the tap fee to convert to sewer. He then

asked if there is a Variance process for those individuals. According to Ms. Kopp, there is not a Variance that provides for this issue, but they could possibly add something in the code for those that may need an extension of time, per case, regarding hardships. He also spoke of needing guidance on how the ruling for connecting to sewer, that is required by the State and the city, should it be enforced.

The City Attorney, Kimberly Kopp suggested inviting DWU personnel to an upcoming meeting for further discussion and input on the topic.

➤ **Tree Removal Process**

Mr. O'Connor explained that what staff is asking, if someone wants to cut down a tree that is 24" in diameter or more, should it require a permit. The members discussed the past history for a tree ordinance, how it was highly disagreed by the public, and ultimately decided to keep the language how it currently reads.

Agency member Buhr spoke of the past where people would clear a lot for purposes of a development or a sale and then if it doesn't take place, the property sits vacant of all of the trees, which the lots would then be subject to erosion issues, and stated this is something that he is not in favor of.

Mr. O'Connor explained that process is no longer allowed and now, an approved permit or development order has to be in place before a clearing permit is issued. Additionally, any preserved trees has to be noted on their site plan and if they are within the footprint of the primary building, they have to meet the requirements to replace those tree or trees. Additionally, he informed the member that staff went before the Parks & Recreation Committee regarding allowed trees in public spaces and how they requested to remove the Bradford Pear and add the Red Buckeye Tree. Additionally, staff went before the Public Works/Public Safety Committee who agreed to remove the Sparkleberry because it tends to grow more shrublike. The Chairman asked why the Bradford Pear has been removed. Mr. O'Connor explained it is now deemed an invasive tree species.

➤ **Common Boundary Buffer**

According to Mr. O'Connor, the information they have has been implemented from the discussions they had at their last meeting, on how to reduce the mini parking lots that are happening in the Crystal Beach area in front of homes. He read the common boundary buffer requirements from the draft in their agenda item attachment. After a lengthy discussion, Mr. O'Connor stated that if the intent is the get away from the mini parking lots in the front of properties, this is staff's best recommendation, noting that any other way is basically taking away developable area and developers will not take advantage of this allowance.

D. Draft Mobility Plan and Project Prioritization Approval for recommendation to City Council.

Motion by Agency member Bell to recommend City Council adopt the Mobility Plan and Prioritization as presented, with Agency member Purut providing the second. In discussion, Agency Member Buhr referred staff to BL10 in the document with the \$9+M price tag and questioned why the bike lanes are in the plan with the multiuse path that is on the other side of the roadway, asking why is there a need for the bike lanes on both sides of the roadway. Staff explained that per State Law, bicycles are considered vehicles and are allowed to ride where vehicles travel, with the exception of limited access highways. Additionally, roadways with bike lanes on both sides has proven to slow traffic.

Item CP3, Crystal Beach Parking Lot at FPL Easement, Agency member Buhr referred staff to Dolphin Street at Regatta, he spoke how this has been proposed in the past and was removed from the plan, and expressed how he is adamantly opposed to having this plan on the list for a number of reasons. One being under power lines but mostly, the large amount of area, when necessary, can collect for stormwater retention and mentioned the issues that the surrounding homes around Four Prong Lake that have continuously had and still do, have flooding issues. He also spoke of letters that were sent to City Council in 2018 urging them to remove it off any future plans. **Motion by Agency member Buhr for CP3 be removed from the Mobility Plan, with Committee member Bell providing the second for discussion.**

The City Engineer, Ryan Scott spoke of how this is almost the same type of scenario for the Linear Park and it's the same FPL easement in the Town Center. Additionally, this plan is put in for 2042-2050, and a lot could change. Agency member Buhr stated that he cannot in good conscience sit here and recommend it to go forward.

Agency member Purut stated that he would like to see a LSV path be installed along there so that they can travel from one side of Crystal Beach to the other. Agency member Buhr commented that there are plans in the document for LSV pathways in the future.

Agency member Bell asked what the likelihood of any of these changing once the Mobility Plan is approved and adopted. Mr. O'Connor stated nothing is set in stone and any project can be removed or added every two years.

Agency member Buhr spoke of how a pedestrian linear path with stormwater retention is entirely different than a paved area for a parking lot. **With no further discussion on Agency member Buhr's motion to remove CP3 from the Mobility plan, Chairman Wood called for the vote and the motion passed 3-1 with Chairman Wood dissenting.**

Agency member Buhr referred the members to the last page of the document NC7 (John

Ave) and MU5 (Dolphin Street/Regatta Bay bicycle and multiuse path), and spoke of how the upcoming beach parcel at Tarpon coming online, that end of Crystal Beach is going to have an increase in traffic, and asked if the ranking on the list is set because, he feels that Dolphin and John need to have the infrastructure improved and be moved up on the priority list to be done at the same time. The City Engineer stated that there are plans to have all of that reworked around the same timeframe of the construction for the beach parcel.

Agency member Buhr offered a substitute motion to the original motion to recommend City Council adopt the Draft Mobility Plan as presented with the removal of CP3, as already passed, from the plan. Agency member Bell provided the second. Chairman Wood opened the public portion of the hearing, with no one coming forward, he closed the public portion of the hearing and called for the vote. **The motion passed 4-0.**

5. PUBLIC COMMENTS: None

6. DIRECTOR'S REPORT:

Mr. O'Connor informed the Agency members that he last drafts have come in from 3TP, with Articles 7, 9, & 10 coming to them at their next meeting, and Article 8 will follow after that as well as Articles 1 & 2.

Chairman Wood encouraged staff that their packets need to be sent sooner so they will have more time to read over them. Mr. O'Connor concurred, but also reminded the members that the drafts are also available online and they don't have to wait for their packet to read the articles. As well as reaching out to staff for any questions or discussions prior to their meetings.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 8:00 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: April 11, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: April 3, 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.

At the March 7, 2024 LPA meeting, the LPA made a motion to have Staff develop language for **Section 5.02.02.B.2**. Below is the recommended language for the 6th criteria for approval of a **Lot Dimension Waiver**. The request from staff is to have the LPA determine whether to utilize criteria 1-6 as stated below or use 1-5 as originally recommended by staff.

Section 5.02.02.B.2.

1. 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 City Manager or their designee.

a. When approving a waiver, the City Manager or their designee shall determine that the waiver is compatible with the intended purpose of the subdivision and in the community's best interest by establishing the following:

- i. There is a reasonable area for development of a primary structure.
- 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 in density.

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 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 City Manager or their designee.
 1. When approving a waiver, the City Manager or their designee shall determine that the waiver is compatible with the intended purpose of the subdivision and in the community's best interest by establishing the following:
 - (i) There is a reasonable area for development of a primary structure.

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- (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: April 11, 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: April 3, 2024

SUBJECT: Draft Article 6 – General Development 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 6 – General Development Regulations** (Article 6) consists of various elements of development that are required across many current articles such as Article 7, 8, 9, and 10. The Article consolidates and reorganizes all the regulations that govern the minimum requirements for all development and redevelopment. The Draft Article 6 also provides clarity of the current regulations and updates the requirements to existing industry standards or safety minimums.

The main areas where the draft provides clarity are:

1. **The minimum standards for any new development or redevelopment**
2. **Reorganized in an useable manner for all users**
3. **Updated standards based on current policy and direction**

Further, the following elements were significantly reorganized and consolidated.

1. **Landscaping:** There are multiple locations for landscaping in the LDC which makes it difficult to regulate and stay consistent with reviews.
2. **Fences:** Fences have several factors that affect how and where on a property one can place fences.
3. **Buffers:** Currently, there are approximately 4 locations in the LDC that regulate buffers. Further, there are some buffers that are applicable to some residential lots due to their location within or outside of the Multi-modal Transportation District.

Despite the reorganization and clarity that the draft provides, there are still policy and regulation questions Staff have moving forward. To that end, the following are a few areas where staff needs guidance and direction from the LPA. All recommendations will be updated and brought back for final recommendation to City Council.

1. Section 6.01.02. Applicability

a. There is currently a lot of ambiguity about where and when these requirements of the elements that make up draft Article 6 are currently applicable. This draft section clears that ambiguity up by clearly stating that these elements are required during development, redevelopment or when a Change of Use is applied for.

Staff Comment or Question: Does the LPA consider the new language sufficient to address the current ambiguity in the LDC, and do you have any recommendations to make it better.

April 11, 2024 Update: There was no issue from the LPA with this so it will remain as is in the draft moving forward.

2. Section 6.03.02.

a. Tandem Parking: At the February 1, 2024 LPA meeting, the LPA recommended removing tandem parking restrictions from residential districts. This was in response to the discussion about the Common Boundary buffer and how that particular buffer has had an unintended effect on the look, feel, and character of neighborhoods across the City, but particularly in Crystal Beach.

April 11, 2024 Update: Staff updated this section per the LPA's recommendation.

b. Shuttle Parking: As the Harbor becomes increasingly popular, the parking availability decreases. Generally, when a business notices a drop in visitors or customers, they tie it directly to parking availability. There are many factors that lead to trends such as that. However, these entities have implemented new strategies to grapple with issues they deem to affect their business. One specific way a few entities have dealt specifically with their parking issues is by providing "shuttle" services that pick up their customers at their hotel, rental units, or other location where they are. It has been recommended that the City consider allowing shuttles to address parking demands or off-set on-site parking requirements.

Shuttle services do help in a couple of ways:

- 1) Shuttles reduce the number of vehicle trips to areas such as the Harbor District.

- 2) It reduces the parking demand on individual properties because their patrons are not driving to their destination.

Staff Comment or Question: Staff is asking the LPA if the City should consider implementing shuttle services to off-set parking requirements? If so, are there any particular regulations the LPA would like to see as part of shuttle service provisions for parking?

April 11, 2024 Update: Staff Research as of April 1, 2024: Staff could not find any municipality that provides regulations concerning the allowance of “shuttles” to off set parking minimums. If the LPA would like to proceed with allowing an off-set Staff recommends the off-set be minimal; approximately 10% to 20% max for any parking reduction. The 20% max is based off the existing 20% reduction allowance per the MMTD standards. However, this is proposed to be removed as recommended due to the parking issues within the Harbor District. Further, should this be allowed, Staff recommends any proposal to use shuttles to meet parking requirements, it shall be part of a Parking Agreement and be approved through a Development Order.

3. Section 6.04.02.D.2. Sewer connections requirement

- a. Currently, the City requires all new developments to connect to **Destin Water Users (DWU)** or **South Walton County Services**. Further, there is a requirement for those not on these systems to connect within 1 year. The City is aware of several homes and locations where there are private septic systems. However, the City has not enforced it over the years.

Staff Comment or Question: Does the LPA want to see this requirement enforced? If so, what timeline would be reasonable for implementation?

April 11, 2024 Update: DWU Staff is in attendance to answer any questions the LPA may have concerning these regulations.

4. Section 6.06.05 Tree Removal

- a. Staff have received many phone calls concerning tree removal on residential lots across the city. It is apparent to Staff that tree removal is an important issue with the residents. Currently though, neither the LDC nor the City requires any tree removal permit for residential lots.

Staff Comment or Question: Should the City require a tree removal permit for preserved or protected trees on residential lots?

April 11, 2024 Update: The requirement for a tree removal permit on residential properties was not supported and will not be recommended in the draft moving forward.

5. Section 6.06.07 – Publicly Owned Property – Street and Park Trees

- a. At the February 13 Public Works & Public Safety Committee and the February 27 Parks & Recreation Committee meeting, the following recommended changes to the allowable tree species were made:

- i. **Remove Sparkleberry from the allowable tree species chart**

b. At the March 5 Park & Recreation Committee meetings the following recommended changes to the allowable tree species were made:

- i. **Add - the Red Buckeye - *Aesculus pavia***
- ii. **Remove the Bradford Pear - *Pyrus calleryana***

Staff Comment or Question: Does the LPA endorse these recommendations?

April 11, 2024 Update: There was no issue from the LPA with this so it will remain as is in the draft moving forward.

6. Section 6.08.02.F. Common Boundary Buffer

a. The common boundary buffer has caused some unintended consequences that now requires developers to put all the parking in the front yard which limits the ability for people to put garages in the back and a driveway down the immediate side of the property. That positive look and feel is not possible with the current regulations and is actually a very original and organic development typology that worked for decades.

Staff Comment or Question: The LPA recommended Staff develop regulations that allow owners and developers options to developing their properties while not restricting creativity and allow for a more organic and original vision and feel for residential communities. Does the language in **Section 6.08.02.F.** meet the LPA's intent?

April 11, 2024 Update: Staff updated this section per the LPA's recommendation

- 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 6 reorganizes and provides clarity on General Development Regulations while implementing and complying with the **City's Comprehensive Plan** goals, policies, and objectives. Staff will incorporate the guidance and recommendations from the LPA into the draft Article 6 and bring it back for final recommendation to City Council at a later date.

IV. RECOMMENDED MOTION: This is for informational purposes only. Staff will bring this back to the LPA for a final recommendation at a later meeting date.

Attachments:

- 1. Article 6 - General Development Regulations - FINAL DRAFT
03.29.24

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ARTICLE 6 - GENERAL DEVELOPMENT REGULATIONS

SECTION 6.01 PURPOSE, APPLICABILITY, AND GENERAL STANDARDS

SECTION 6.01.01 PURPOSE

- A. The purpose and intent of the General Development Regulations is to assure future growth, development and redevelopment in the city conforms to certain the minimum criteria, regulations, or standards through implementation of the policies of the City's adopted Comprehensive Plan.
- B. All right-of-way design and construction, including but not limited to striping and signage, shall meet Florida Department of Transportation (FDOT) Greenbook, FDOT Standard Plans and Manual on Uniform Traffic Control Devices (MUTCD) latest edition to include the city standards as set in this section and the Design Manual.
- C. Private use of a public right-of-way is prohibited.

SECTION 6.01.02 APPLICABILITY

- A. The criteria, regulations and standards, provided under this Article and other articles of the Land Development Code, Comprehensive Plan, and other applicable regulations are designed to ensure new Development, Redevelopment, or Change of Uses provide the needed on and off-site elements to meet the needs of property owners, the City of Destin, and provide for the general health, safety, and welfare of the public.
- B. All Development, Redevelopment, or Change of Uses shall meet and provide the minimum regulations and standards as required per this Article and Destin Design Manual as applicable or as identified by the City Manager or their designee.
 - 1. Nothing in this Article shall relieve any developer of their responsibility to provide the minimum required facilities nor prohibit them from pursuing an alternative solution that either:
 - a. Follows the regulations of Section 2.02.06 of Article 2.
 - b. Provides and meets the minimum or better quality facilities as approved by the Community Development Director or their designee.

SECTION 6.01.03 AMERICANS WITH DISABILITIES ACT

- A. All improvements shall meet the minimum Americans with Disabilities Act (ADA) requirements (latest edition).

SECTION 6.02 ACCESS MANAGEMENT AND STREETS

SECTION 6.02.01 PURPOSE

- A. The purpose and intent of this section is to require development, redevelopment, or Change of Uses to provide the minimum access required for vehicular, pedestrian, or other alternative mode of transportation, ensuring a high level of localized connectivity while minimizing delay and conflicts on roadways that need to carry significant volumes of traffic, by:
 - 1. Encouraging, or requiring, consolidation of accessways through shared access to adjacent parcels.
 - 2. Provide a system of interconnected local streets that accommodate short, local trips parallel to the major street system.
 - 3. Use roundabouts instead of signals where roundabouts:
 - a. Provide an equal or improved level of service over a traffic signal

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- b. Calm vehicle traffic
 - c. Provide equal or better safety and connectivity for all modes of transportation.
- 4. Use continuous, raised medians to restrict left hand turns and direct turning vehicles to optimal locations.
- 5. Provide minimum spacing standards for accessways, median openings, and signals.
- 6. Use a turning radius at intersections appropriate to the context of the corridor.
- 7. Provide incentives for developed properties to retrofit with improved access design.
- B. Provide a safe environment for pedestrians, bicyclists and motorists by reducing and consolidating driveway conflict points, encouraging joint planning of development projects to facilitate cross-access between adjoining properties and the use of shared accessways.
- C. Nothing in this section shall be interpreted as denying reasonable access to private property. All developments with right-of-way frontage (regardless of the amount of right-of-way frontage) are allowed one point of ingress/egress.
- D. Stormwater facilities must be established along the entirety of the property frontage meeting the minimum design standards found in the Design Manual.

SECTION 6.02.02 RIGHT-OF-WAY PROTECTION

- A. Unauthorized Right-of-Way Encroachment
 - 1. No unauthorized encroachment shall be permitted onto existing rights-of-way.
 - 2. All activity such as but not limited to paving, landscaping, sprinkler system installation, or other similar development within the ROW, shall submit for the City's review, a ROW permit.
 - a. Exceptions: The installation and repair of mailboxes, 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.
 - 3. It shall be the responsibility of the abutting property owner or maintenance entity to maintain all permitted object(s), structure(s), and/or landscaping.
 - a. It shall be the responsibility of the owner of the abutting property whose drive accessway or other entrance to that property extends into the public ROW, to maintain said drive accessway or other entrance within the public ROW.
 - b. If the city, or another governmental entity, or a franchised utility operating within the scope of its easement, determines that any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping that was placed in the public ROW must be removed or modified, it shall be the responsibility of the abutting property owner or maintenance entity to remove or modify the same and to bear all costs associated herewith, including the cost of replacement.
 - c. If the City directs an abutting property owner or maintenance entity to remove or modify, within a prescribed period of time, any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping, and the owner fails or refuses to comply with such directive, the City may cause the work to be done and assess the costs thereof as a charge and lien against the property.
 - 4. The developer and/or owner developing a property abutting a ROW or doing work on the ROW shall adhere to all applicable safety standards outlined by the FDOT and shall comply with the following additional requirements:

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- a. Follow **Code of Ordinances Section 18-21** requirements regarding unloading, loading and use of the right-of-way for construction activities
- b. Restore the ROW to original or better condition.
- 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.
5. Any use or encroachment within a ROW for business or private purposes without prior city approval shall be prohibited. The subject use or encroachment may be removed by the city at the expense of the owner.
6. Dumping of debris within a ROW shall be prohibited.
7. Parking of a vehicle in a ROW shall be limited to designated areas that have been stabilized with an all weather surface. Parking in other ROW areas are prohibited except for occasional parking in areas zoned residential. Occasional is defined as an irregular or infrequent occurrence. Storage of trailers or vehicles in ROW is prohibited.
8. Building materials, disabled machinery, disabled vehicles, excavations and like objects in the ROWs between the period of sunset and sunrise, shall be properly identified by amber warning lights.
9. The prohibition of placing or maintaining any building, object or materials in the public ROW, shall not apply to the city or it's authorized agents, nor shall they apply to franchised utilities operating within the scope of their easements or franchise.

SECTION 6.02.02. CLEAR ZONE, SIGHT OR VISION TRIANGLE

- A. The clear zone, sight or vision triangles are areas at the corners of intersections of roads, streets, driveways, or other accessway, where views of approaching traffic should not be obstructed.
- B. All clear zones, sight or vision triangles shall be in compliance with **Section 5.01 of the Destin Design Manual**.
- C. Development Within the Clear Zone
 1. The following development types may be allowed within the clear zone provided they strictly adhere to the required standards identified in for each development type.
 - a. Landscaping, Trees, Shrubs, Grasses, or other Plants
 - i. Shall not create a safety hazard
 - ii. Shall be trimmed or pruned in a manner to not block the clear zone between three feet (3') above the ground to no lower than fifteen feet (15') above the ground.
 - iii. It is the adjoining property owners responsibility to maintain any clear zone adjacent to their accessway.

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- iv. The City shall require any violation of this section to be rectified, and if not taken care of within seven days of notification, the City may require the clearing, trimming, or pruning of the plants at the expense of the the adjacent property owner.
2. No object, structure, building, or other developments shall be permitted or allowed to occupy the clear zone if it is higher than three feet (3').
 - a. Exceptions:
 - i. Rounded or blunt objects or structures which do not exceed eight inches above the edge of road, as approved by the city engineer;
 - ii. Raised curbing;
 - iii. Mailbox columns, which will break-away and have a column cross-section of 16 square inches or less and have a column profile of no more than 12 inches wide;
 - iv. Sidewalks with raised curbing and objects or structures, which do not exceed eight inches above the edge of road;
 - v. Bicycle lanes;
 - vi. Guard railing, as approved by the city engineer;
 - vii. Drive accessway onto a abutting property, as approved by the city engineer;
 - viii. Temporary placement of garbage or trash or recyclable receptacles under one cubic yard in size.
3. Existing non-confirming mailboxes which are replaced or damaged by more than fifty percent (50%) shall be required to be reconstructed to conform to this section.

SECTION 6.02.02 INGRESS/EGRESS REQUIREMENTS

- A. Minimum accessway spacing between adjacent accessways. Adjacent accessways located on the same side of a right-of-way shall meet the minimum accessway spacing standard (refer to Access Management Table of Dimensions below) as measured from centerline-to-centerline of the accessways. For arterial streets, the minimum standard may vary between a range of 440 feet and 660 feet.
- B. The City Manager or designee shall use the minimum Florida Department of Transportation recommendations in determining the minimum accessway spacing required.
- C. Minimum accessway spacing from an intersection.
 1. Accessways located adjacent to an intersection of two or more rights-of-way shall meet the minimum accessway spacing standard from an intersection as measured from the centerline of the intersection to the centerline of the accessway.
 2. Corner lots at a street intersection that cannot meet this requirement because of lot width shall place the accessways as far from the street intersection as possible.
 - a. If a corner lot has frontage on a cul-de-sac, which said cul-de-sac has a total length of 500 feet or less, the lot shall be accessed from the cul-de-sac.
 - b. Corner lots fronting on streets with different classifications, as defined in **Article 8, Table 8-1**, shall be accessed from the street with the lower classification.
 - c. The City Manager or designee may allow different driveway placement based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other construct ability considerations.
 - d. For U.S. Highway 98, please refer to FDOT specifications.

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- D. Adjacent accessways located on opposite sides of a roadway from each other shall meet the minimum offset accessway spacing standard as measured from centerline-to-centerline of the accessways, varying by the posted speed limit of the roadway.
- E. Median openings that permit only one-way turning movements shall meet the minimum directional median opening spacing standards as measured from centerline-to-centerline of the median opening. Median openings that permit unrestricted turning movements shall meet the minimum full median opening spacing standards as measured from centerline-to-centerline of the median opening.
- F. Adjacent traffic signals shall meet the minimum signal spacing standard as measured from centerline-to-centerline of the signalized intersections.
 - 1. The City Manager or designee shall evaluate the feasibility and effectiveness of constructing a roundabout concurrently with any analysis to evaluate the feasibility and effectiveness of installing a traffic signal.
 - 2. Preference shall be given to roundabouts for intersections where they are found to be feasible and effective.

Table 6.02-1 Access Management Table of Dimensions

Functional Classification	Minimum accessway spacing	Minimum accessway spacing from an intersection (i)	Minimum offset accessway spacing			Minimum median opening spacing		Minimum traffic signal spacing
		Approaching/ Departing (ii)	< 26 mph	26-44 mph	> 44 mph	Directional	Full	
Arterial streets	440'—660'	230'	N/A	440'	660'	1320'	2640'	2640'
Collector streets	250'	230'	250'	440'	N/A	660'	1320'	1320'
Local streets	125'	115'	N/A	N/A	N/A	N/A	N/A	1320'

(i) For U.S. Highway 98, please refer to FDOT specifications

(ii) For a right-in or right-out only accessways, the minimum spacing shall be 115'.

- F. Single-family or duplex developments may provide the following types of ingress/egress, provided they meet all minimum separation requirements and minimum design standards per the Design Manual. No more than two (2) ingress/egress points shall be permitted on any residential lot, parcel or property.
 - 1. Single accessway
 - 2. Two Accessways
 - a. Where deemed appropriate by the City Engineer, the impact of multiple driveway cuts to the right-of-way stormwater facilities shall be offset by requiring either swales deeper than the minimum requirements found in the Design Manual or a combination of drainage piping and swales.
 - b. For pull-through or Looping Accessways
 - 1. The site plan shall depict the proposed traffic pattern showing in a manner to discourage backing into the right-of-way.

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2. The minimum inside turning radius shall be fifteen feet (15') with the center point measured at the property line.
- G. More than one means of ingress/egress may be provided with the following criteria:
 1. All additional ingress/egress points shall meet the minimum separation requirements for access management as described in the Access Management Table of Dimensions above.
 2. Any development five (5) acres or more shall provide a minimum of two (2) means of ingress/egress.
 3. A second ingress/egress required to meet minimum emergency service requirements.
- H. Cul-de-sacs and Dead-end Streets
 1. Cul-de-sacs and streets resulting in dead-ends shall not exceed one-hundred and fifty feet (150').
- I. Accessway Widths
 1. Non-residential and multi-family developments shall not exceed twenty-seven feet (27') wide unless a traffic study determines otherwise.
 2. Single-family or duplex residential driveway cuts shall not exceed twenty-seven feet (27') wide. For multiple driveway cuts the collective driveway widths shall not exceed thirty feet (30') in the aggregate.

SECTION 6.02.03 STREETS, SIDEWALKS, AND MULTI-USE PATHS OR TRAILS

- A. Public Streets
 1. Shall have a minimum lane width of ten feet (10') wide (center of stripe to center of stripe) and a maximum lane width of twelve feet (12') wide (center of stripe to center of stripe).
 - a. Local or Residential Streets shall have a lane width of ten feet (10') wide as described above. All other streets may vary as described above.
 2. All streets shall be developed per the minimum design standards as detailed in the Design Manual.
- B. Public Sidewalks
 1. All sidewalks shall meet the minimum design standards shown in the Design Manual.
 - a. All sidewalks shall be concrete and meet the minimum standards and design per the Design Manual.
 2. All sidewalks shall be placed at the back of right-of-way or as far away from vehicular traffic as possible.
 3. Sidewalk widths
 - a. Arterial and Collector roadways: shall be a minimum of eight-feet-wide.
 - b. All other sidewalks shall be a minimum of five feet wide.
 4. Pedestrian Crosswalks
 - a. Pedestrian crosswalks shall be provided at the intersections of all rights-of-way with accessways, where sidewalks cross internal accessways and at any additional key pedestrian crossing points as identified by the City Manager or designee.
 - b. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white paint striping, and/or reflective materials.
 - c. The placement and striping for all pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards and the Design Manual.

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- d. All permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.
- 5. Residential Development Sidewalk Requirement
 - a. Owners or developers of new single-family detached or duplex residential structures shall be required to construct sidewalks consistent with this article when any one of the following criteria is met:
 - 1. The owners or developers of new single-family detached and duplex residential structures constructed in existing neighborhoods (infill houses) are required to construct sidewalks consistent with this article when 50 percent or more of the developed lots on the same side of the street within the same block have sidewalks.
 - 2. When more than 50 percent of lots on the same side of the street in the same block are undeveloped then the owners or developers shall construct sidewalks. This subsection shall not be applicable if a waiver has been granted for a lot or lots on the same side of the street in accordance with subsection d. below.
 - 3. If a property does not meet the criteria stated in subsections a. or b. listed above but is scheduled to receive sidewalks within the next three years, as indicated in the latest copy of the City's 5-year Capital Improvements Plan, then the owner or developer of the new single-family detached or duplex residential structure will have to install a sidewalk consistent with this article.
 - 4. Waiver: Sidewalk construction may be waived at the discretion of the City Manager, based upon input from the review and approval recommendation by the Community Development Director and Public Services Director if the following criteria are met:
 - (i) There is a threat to public health, safety, or welfare or the owner or developer establishes that the required sidewalk would result in undue hardship.
 - (ii) The owner or developer remits to the City the cost of the sidewalk installation to support future City sidewalk/pathway construction.
 - (a) If the waiver is granted, the cost of the sidewalk construction will be determined based on current City continuing service contract pricing and those funds shall then be paid by the owner or developers specifically for City initiated installation, replacement or maintenance of sidewalk/pathways within the public right-of-way or granted public easement based on prioritization by City Council.
 - (iii) Undue hardship or threats to public safety may include but are not limited to: insufficient right-of-way, significant utility conflicts, extreme topography, incompatible natural features (preserved or protected trees), complete absence of existing or planned sidewalks on a city classified "local street (residential)", or an unsafe pedestrian environment caused by vehicle proximity and speed.
- C. Multi-use Paths and Trails
 - 1. All multi-use paths shall meet the minimum design standards shown in the Design Manual.
 - a. Multi-use paths or trails shall be asphaltic concrete and meet the minimum standards per the Design Manual.

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- b. All multi-use paths and trails shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.
- D. Bicycle Lanes and Facilities
 - 1. All bicycle lanes shall minimum FDOT requirements per Standards Plans 711 (Latest Edition) and minimum widths shall be measured from the edge of curb on streets without on-street parking.
 - 2. Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development.
 - 3. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, Impact Fee Study and Mobility Plan.
- E. Pedestrian Amenities
 - 1. All developments shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities in groups of two in any combination:
 - a. Benches and waste containers
 - b. Bicycle racks.
 - c. Decorative water or drinking fountains
 - d. Pedestrian lighting fixtures
 - e. Public Art sculptures in accordance with any City Public Art program

SECTION 6.02.04 TRANSIT NETWORK

- A. All development shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:
 - 1. Future transit stop locations.
 - a. The Mobility Plan and The Okaloosa County Transit Development Plans identify potential future transit stops to support Public Transit for the region.
 - i. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location.
 - ii. For any proposed development within 200 feet of a proposed transit stop, the applicant shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.
 - 2. Transit stop connection.
 - a. All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with **Section 8.09.03(A)(6)(a)**, from the development to the transit stop if a continuous sidewalk does not exist.
 - b. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement.

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- c. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the building nearest to the transit stop and the transit stop itself.
 - d. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.
- 3. Transit Stop Amenities, Design, and Easements.
 - a. For any site that has been identified as a location for a transit stop, transit stop amenities shall be required and include:
 - i. A passenger shelter equipped with a bench that accommodates a minimum of eight people and an area to accommodate one wheelchair.
 - ii. A bike rack that accommodates at least three bikes.
 - iii. Sufficient outdoor lighting for safe pedestrian movement at night.
 - iv. A location/information sign that at a minimum shows the location of the transit stop in regard to other transit stops located in the transit system.
 - v. A sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.
 - b. For any site that has been identified as a location for a transit stop, the transit stop shall be designed in accordance with the recommendations per the Okaloosa County transit authority and the following requirements.
 - i. These transit stops shall include a dedicated area for a safe and convenient bus access.
 - ii. Transit stops consist of three types:
 - (a) Curbside stops
 - (i) Curbside stops shall be located in the travel lane of the adjacent road.
 - (b) Bus bay stops
 - (i) Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length.
 - (c) Queue jumper bus bay stops.
 - (i) Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road.
 - (d) Any fff-street transit areas shall provide a circulation route and a twelve-foot (12') wide by forty-foot (40') long bus loading zone.
 - (e) The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet (40') to accommodate bus movement.
 - (f) The bus loading zone must be located outside of the normal parking/access circulation pattern.
 - (g) The shelter and waiting area shall provide six feet (6') of width of the adjacent sidewalk free of obstructions.
 - (h) The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet (8') in depth.
 - (i) An unobstructed loading path with a minimum of five feet (5') in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.

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- c. For any site that has been identified as a potential location for a transit stop, a public ingress and egress easement shall be required to provide space for this stop.
4. Maintenance of items required by this section, including, but not limited to, sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of **Section 2.02.06** Guarantees and Sureties of this Code.

SECTION 6.02.05 STREET AND ROAD CLASSIFICATION - 8.03.01

SECTION 6.03 ON-SITE PARKING AND LOADING STANDARDS

SECTION 6.03.01 GENERAL STANDARDS

- A. Parking standards for uses not listed specifically in this **Article**, shall meet the on-site vehicle, and bicycle, if applicable, parking requirements of the uses listed in this **Article** which are similar or as determined by the Community Development Director or their designee.
- B. Outdoor Seating
 1. Any use proposing outdoor seating shall provide parking at a rate of 50% of the regular parking requirement of the primary use for any area of outdoor seating or use in addition to any indoor seating or use requirement.
- C. For the purposes of this article, "boat parking spaces" may replace no more than 15% of required vehicular parking for non-commercial uses on properties zoned SHMU, CMU, and INST.
 1. New and pre-existing developments may substitute up to 15 percent of the total required vehicle parking spaces for nonresidential uses for boat parking spaces.
 - a. The spaces shall be located within the submerged land lease of the upland property associated with the upland property/use in question.
 - b. Any boat parking spaces used for substitution must have signage that clearly indicates they are for use for the associated upland property/use.
 - c. No commercial moorage, activity, or uses shall occupy any boat parking space utilized for upland parking reductions at any time.
 - d. Overnight docking is prohibited.
 - e. Residential uses do not qualify for this substitution of required vehicle parking spaces.
- D. Parking, loading, or accessway areas used or set aside for parking, loading, accessways or service and utility areas shall not be located within ten feet of the property line when such property line abuts single-family, duplex, townhouse or multi-family uses.
- E. Multiple uses
 1. If there are multiple uses or accessory uses provided within a building or on a property or development additional parking shall be provided for those accessory uses at the rate of the requirements for such uses as required in the required parking regulations.
- F. Computation of vehicle and bicycle parking spaces
 - a. When the number of required vehicle or bicycle parking spaces results in a fractional space, the required number shall be rounded up to the next highest whole number.
- G. Landscaping for parking facilities. All on-site and on-street parking areas shall be landscaped in accordance with the landscaping and tree protection requirements per **Article 6 and the Design Manual**.
- H. Surface Materials

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1. The following materials may be utilized for parking and accessways in accordance with the Design Manual, however, all site parking and accessways shall meet minimum ADA, where required, and Fire Code standards.
 - a. Gravel
 - i. Designed to not be tracked off-site.
 - ii. Shall not be installed within the right-of-way.
 - b. Asphalt Pavement
 - c. Concrete
 - d. Paver systems
 - i. Within the right-of-way shall require a Hold Harmless Agreement
 - e. Other material as approved by the City Engineer

SECTION 6.03.02 VEHICLE PARKING STANDARDS

- A. The purpose and intent of this section is to require vehicular and bicycle parking facilities for all land uses in sufficient number, size and arrangement to adequately meet the needs created by those land uses to:
 1. Alleviate or prevent the congestion of vehicle traffic on streets caused by a lack of adequate parking spaces.
 2. Promote general traffic and pedestrian safety by minimizing conflicts between moving and parking vehicles and vehicles and pedestrians.
- B. Parking facilities shall be provided for all development within the City pursuant to the requirements of this code and article.
- C. It shall be unlawful for any owner or operator of any building or land use affected by this code to cause or permit the discontinuance or reduction of required parking.
- D. No storage, waste facilities, maintenance of any equipment, parking of business/company vehicles, or other non parking activities may occur within, block, or otherwise obstruct any required parking space, on or off-site.
- E. A property owner may establish alternative parking plans with a Shared Parking Agreement meeting the requirements of **Section 4.09.05** and are in compliance with this article and approved by the City Manager or his or her designee.
 1. If a parking agreement is part of a Development application it shall be approved through the process the proposed development is running through per **Article 2**.
- F. ADA or handicapped parking spaces are required and shall be consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and or **F.S. § 553.5041**, whichever requires more accessibility.
 1. Refer to the latest ADAAG addition regarding exceptions and additional requirements.
 2. ADA or handicapped parking shall be located on the same lot or parcel it is intended to serve.
 3. No ADA space can be located in an off-site parking lot.
 4. Even if a use utilizes public parking to meet the parking requirement, the same amount of ADA parking as would be required if the lot was on site, shall be provided for at the location of the proposed use.
- G. Only vehicles in operating condition shall occupy such spaces.

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1. Automotive vehicles, without current license plates, shall not be parked or stored on any residentially zoned property other than in enclosed buildings.
 2. No vehicle with "vehicle" signs may be parked in any required parking lot for the purposes of advertising.
- H. Location of On-site parking facilities. The following regulations shall apply to all development in the City which requires vehicle and bicycle parking:
- I. Location of vehicle parking. The on-site vehicle parking facilities required by this article shall be located on the same lot or parcel of land they are intended to serve.
1. This requirement does not apply to those areas designated as Special Parking Districts as specified in this **Section 6.03.06 Off-Site Parking and Section 6.03.07 Special Parking Districts or as part of a Shared Parking Agreement per Section 6.03.05.**
 2. On-street vehicle parking shall be in accordance with **Section 6.03.06.**
- J. Additional parking spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.
1. Buildings, structures, docks, marinas or uses may be modernized, altered or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site and/or on-street vehicle parking spaces in accordance with this code.
 2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site and/or on-street vehicle parking spaces, shall be brought into compliance with the vehicle parking space requirements for the entire building, structure, dock, marina, or use.
- K. Parking spaces required for multiple uses
1. Where multiple uses or purposes exist on a parcel or lot, the parking space requirements for each use shall be calculated separately and the requirements combined for a single total number of parking spaces needed, except for shopping centers.
 2. The total number of parking spaces may be reduced by conducting a mixed-use parking analysis as outlined in section 8.06.12.
- L. Tandem or end-to-end vehicle parking
1. Nonresidential uses shall only be allowed through an approved and recorded parking agreement per **Section 6.03.05**, and shall follow all the following requirements:
 - a. Shall include valet parking for all tandem spaces serving customers and patrons.
 - b. Tandem or end-to-end vehicle parking stalls shall not exceed more than three vehicle parking spaces placed end-to-end for nonresidential uses.
 - c. Each tandem or end-to-end vehicle parking stall shall have clearly designated pavement marking.
 - d. Signs shall be posted clearly designating which spaces are tandem and what entity the spaces are designated for.
 2. Nonresidential uses without valet parking are prohibited from using tandem or end-to-end vehicle parking.

SECTION 6.03.03 BICYCLE PARKING STANDARDS

- A. All uses, unless specified below, require a minimum of ten percent (10%) of the required vehicle parking spaces.

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1. Elementary, Middle, or High School (Public or Private)
 - a. 1 space per 9 students
2. Post Secondary, professional trade training, or non traditional university facilities
 - a. 1 space per 15 students
3. Parks
 - a. 5 spaces
- B. Location:
 1. All bicycle parking shall be located within 20 feet of building entrances.
 - a. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the number of vehicle and bicycle parking spaces required of this Code.
 2. In highly visible well-lighted areas to minimize theft and vandalism and shall be at least as convenient as the majority of vehicle parking spaces provided.
 3. In a manner that shall not impede pedestrian or vehicular circulation,
- C. The design of bicycle parking shall be harmonious with their environment both in color and design and incorporated into building design or street furniture whenever possible.
- D. Bicycle parking facilities shall be provided consistent with the requirements of this code where buildings, structures, docks, marinas, or uses are enlarged in gross floor area, capacity, or ground area.
- E. When the use of a building or land is changed, additional bicycle parking spaces shall be provided to the extent that the number of parking spaces required for the new use exceeds the number of parking spaces required for the previous use.

SECTION 6.03.04 STACKING AND LOADING STANDARDS

- A. Facilities that provide a drop-off or drive-through facility shall provide a minimum stacking lane capacity for five (5) vehicles before the menu board, drop-off area, or other similar facility.
- B. Loading and stacking areas shall provide clear ingress and egress.
- C. No more than thirty percent (30%) of the total required number of parking spaces or five (5) parking spaces, whichever is less, when placed in a stacking lane, may be credited to the required number of off-street parking spaces.
- D. A stacking lane space shall be ten feet (10') wide by twenty-two feet (22') deep.

SECTION 6.03.05 PARKING AGREEMENTS AND REDUCTIONS

- A. The following may be used to reduce the number of required on-site vehicle parking spaces for a development.
- B. All parking agreements and studies shall be reviewed as part of a Development Order.
 1. If no Development Order exist for a property, or if the parking agreement is not part of a Development Order application, the appropriate Development Order process as Identified in Article 2, shall be followed in the context of the proposed parking agreement.
- C. Parking Agreement
 1. All parking agreements shall include at a minimum:
 - a. The details of all proposed parking reductions
 - b. Parking lot layout of both on-site and of site facilities, if applicable
 - c. What else?
 2. Any parking agreement shall be recorded against the property and shall be valid until:

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- a. the uses specified in the agreement cease
 - b. both parties agree to nullify the agreement
 - c. what else?
- D. Parking Study
 - 1. The vehicle and/or bicycle parking space study shall include at a minimum, but not be limited to, the following:
 - a. Estimates of vehicle and/or bicycle parking requirements based on recommendations in studies such as the:
 - b. Urban Land Institute (ULI),
 - c. Institute of Transportation Engineers (ITE),
 - d. Traffic Institute,
 - e. Estimates shall be based on data collected from uses or combinations of uses which are the same or comparable to the proposed use.
 - i. Comparability shall be determined by
 - (a) Density/intensity,
 - (b) Scale,
 - (c) Bulk,
 - (d) Area
 - (e) Type of activity
 - (f) Location.
 - ii. The study shall document the source of data used to develop recommendations.
 - f. An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development.
 - g. Whether or not the impact will have a negative impact on the purpose of providing the required number of parking spaces as specified in this Article: Number of on-site loading spaces required.
 - i. In no case shall a parking study or agreement be approved which would allow for anything less than one loading space.
 - h. If off-site parking is included in the study, the following shall be included in the study;
 - i. Identification of an ADA accessible pedestrian route from the off-site parking area to the primary property.
 - (a) The route shall not exceed more than one half mile (2,640 feet) from ADA access point at the property line for both properties.
 - (b) If this network does not exist the network shall be constructed and coordinated with the City Engineering Division.
 - ii. Impact to pedestrian network to include but not limited to:
 - (a) Pedestrian signal phasing adjustment recommendations to US Hwy 98
 - (b) Identification of deficiencies of both primary and secondary pedestrian way not in compliance with existing City Code and design regulations
 - 2. An applicant may submit for the City's review a parking study for uses not listed in any use table of this Article if they are not satisfied with the City's application of the vehicle and/or bicycle parking space standard for the most similar or appropriate use listed.

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- a. Said vehicle and/or bicycle parking space study shall be submitted in conjunction with a Development Order.
 - b. If no Development Order exists for the property, or if the parking agreement is not part of a Development Order application, the appropriate Development Order process as identified in **Article 2**, shall be followed in the context of the proposed parking agreement.
- E. Valet parking.
 1. Any proposed valet parking shall require a Parking Agreement.
 2. Shall only be used to provide up to 50 percent of the total required number of parking spaces
 3. If the proposed valet parking agreement also includes a reduction in parking, a parking study shall be submitted for review.
 4. All required ADA spaces shall be located on-site and in compliance with all federal, state, and local ADA regulations.
 5. The parking area where the valet parking spaces are located can be on-site or off-site, provided the off-site parking area is located in accordance with the requirements of **Section 4.09.07**.
 6. Tandem or end-to-end parking stalls may be utilized by the valet parking attendants to park vehicles
 - a. Tandem parking stalls shall not accommodate more than three cars parked end-to-end.
 - b. This parking arrangement shall only be used for the following uses, as listed in Table 8-6: Bicycle and Vehicle Parking Standards: 721110 Hotels and motels, 721191 Bed-and-breakfast inns, 721199 Other traveler accommodations, 7213 Rooming and boarding houses, 722110 Full-service restaurants, 7224 Drinking places, alcoholic beverages, and 713930.c Fare-carrying vessels.
 7. Requirements and contents of valet parking agreement
 - a. Permission for such valet parking shall be by a valet parking agreement which has been submitted, reviewed and approved by the City prior to being recorded in the public records of Okaloosa County, Florida.
 - b. Said valet parking agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:
 - i. A detailed site plan of the proposed valet parking operation which shall include, but not be limited to:
 - (a) The proposed pick-up/drop-off area parking
 - (b) The location of valet parking spaces
 - (c) The total capacity of the valet parking facility
 - ii. A written detailed valet parking operations plan, including:
 - (a) Hours and days of operations
 - (b) Routes to and from the parking area(s)
 - (c) The minimum number of valet parking attendants
 - (d) Location and design of the proposed "valet" parking sign.
 - iii. A statement from the owner or other authorized agent indicating their understanding that they will be committing a penal offense to cause or permit such valet parking area to be operated or used without providing the services of attendants.

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- iv. A statement from the owner or other authorized agent indicating their understanding that the valet parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.
 - c. After the valet parking area has been constructed, inspected and approved by the City, it shall be a penal offense by the owner or operator of such building to cause or permit such parking area to be operated or used without providing the services of attendants, provided that if the area wherein the building is constructed pursuant hereto is subsequently included in an area declared exempt from the requirements of this section, the building may take advantage of this exception and use the area set aside for on-site parking for any permissible use under the zoning for the applicable district, and the City will execute a recordable release to evidence the release of such on-site parking restrictions. Violations of this section shall be subject to the general penalty provisions of section 1-9 of the Code of Ordinances. Each day that such attendant service is not provided for and maintained shall be a new offense.
 - d. In the event any building in existence or under construction can qualify for the use of valet parking under the requirements in this Article, then the required off-street parking for such building may be modified accordingly.
- F. Parking Reduction for Preservation of protected trees
 - 1. The City Manager or his or her designee shall authorize a reduction in the total number of required vehicle parking spaces for the preservation of native protected trees provided the applicant meets the following provisions:
 - a. The site plan shall be approved by a licensed arborist to ensure the site is being developed in a manner that will protect and maintain the tree(s).
 - b. The preservation of a protected tree with a trunk of 12 inches in diameter or greater.
 - c. The reduction in the total number of required vehicle parking spaces will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following reduction schedule listed in Table 8-7: Vehicle parking space reduction schedule for preservation of protected trees shall apply:

VEHICLE PARKING SPACE REDUCTION SCHEDULE FOR PRESERVATION OF PROTECTED TREES	
Number of Required Vehicle Parking Spaces	Reduction of Required Vehicle Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

- 2. The actual reduction in the total number of vehicle parking spaces shall be the minimum number of spaces needed to preserve the protected tree(s). Should the protected tree(s) die, then the property owner shall be required to replant a new tree(s) of the same species or the planting area shall be converted to a parking area.

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3. The parking area reduction used for the preservation of protected trees shall not be counted as part of the minimum required open space per the applicable zoning district.

Tree Species	Tree width	Requirement/Reduction
Oak Magnolia	0-12"	Can be removed and do not have to be replaced
	12"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.
All other tree species	0-12"	Can be removed and do not have to be replaced
	12"-24"	Trees can be removed but must be replaced elsewhere on-site.
	24"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.

SECTION 6.03.06 OFF-SITE PARKING

- A. The City Council may designate Special Parking Districts as listed in Section 6.03.07. where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.
- B. The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:
1. Nonresidential and short-term residential uses are the only uses that are allowed to take advantage of having required vehicle parking spaces located off-site.
 2. Those portions of a mixed-use development that contain long-term residential uses, as defined in Comprehensive Plan, are required to have all required parking spaces located on-site.
 3. All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided for on-site.
- C. Maximum distance:
1. The maximum distance for off-site parking facilities allowed is one-half mile (½ mi.) or 2,640 feet.
 - a. The measurement of this shall be measured along the nearest pedestrian network.
 - b. If a pedestrian network does not exist or is missing elements the network shall be developed or completed.
 - c. If the network is out of compliance with the American's with Disabilities Act at the time of permitting, the affected pedestrian network shall be brought into compliance.
- D. Off-site or On-street public parking facilities.
1. For development proposed in the Special Parking Districts per Section 6.03.07., that wish to take advantage of City owned and maintained parking lots/garages, the City Manager or their designee may allow the developer to pay an in-lieu parking fee instead of providing the spaces required by this article.
 2. The fee shall be a one-time, nonrefundable fee per parking space avoided, paid to the City prior to the issuance of a certificate of occupancy.
 3. The amount of the fee shall be determined by the City Council and shall be equal to the land acquisition, construction, and maintenance costs of parking spaces that are deferred by this provision.
 4. These fees shall be used by the City solely for the purchase, construction, operation and maintenance of parking facilities serving the area of the development.

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5. The City Council may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking facilities.
- E. Until such time as the City has acquired sites(s) for public parking as generally identified in the Harbor CRA Plan, the City shall annually review the parking standards pertaining to the uses within the Special Parking Districts per **Section 4.09.07** to determine the adequacy of those parking requirements.
- F. Off-site private parking facilities.
 1. For development proposed in these districts that wish to take advantage of privately owned and maintained parking garages or surface parking lots, such parking spaces must be under the ownership or common control of the property owner proposing to place required parking spaces off-site in order to meet the parking requirement for that property.
 2. The ownership or common control of the parking spaces may be in the form of simple fee ownership or long-term lease (30 years or more).
- G. Off-site shared parking.
 1. A reduction in the number of required on-site parking spaces shall be allowed when shared parking is provided by a separate, neighboring development through a shared parking agreement.
 2. A shared parking analysis shall be submitted in accordance with the standards in **Section 4.09.05** and must demonstrate that the shared parking spaces on the neighboring site will be available during the times during which the parking demand is in excess of the on-site parking supply.
 3. Direct and continuous sidewalks and crosswalks shall be constructed between the off-site shared parking area and a primary on-site building entrance.
 - a. The applicant shall enter into a shared parking agreement with the owner(s) of the adjacent parcel(s) prior to the approval of the development order application.
 - b. The shared parking agreement must be submitted, reviewed and approved by the City prior to the approval of the development order application.
 - c. Said shared parking agreement shall be recorded in the public records of Okaloosa County, Florida, prior to the issuance of any building permit.
 - d. Additionally, the shared parking agreement cannot be considered null and void until the property owner who needs the parking has secured required parking either on his/her site or an alternative site, which must be subject to a new shared parking agreement.
 - e. The parking accessway agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:
- H. A detailed site plan which at a minimum shall consist of the following: property boundary lines, adjacent right-of-way, the shared parking area and the number of spaces that will be provided to the applicant, adjacent improvements, sidewalks, landscaped areas, drainage swales.
- I. A written statement indicating who is entitled to use and maintenance of the shared parking.
- J. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such shared parking area to become inoperable by either party either through the erection of a physical barrier, neglecting maintenance for said area or other means.

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- K. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that the shared parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.

SECTION 6.03.07 SPECIAL PARKING DISTRICTS

- A. Off-site parking districts. The following off-site parking districts are hereby established:
1. Harbor Area Parking District
 - a. The Harbor Area Parking District encompasses all land designated as CMU, CTS, NHMU, and SHMU on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the CMU, CTS, NHMU, and SHMU zoning districts shall be located in the CTS or NHMU zoning district and must be located within one-thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.
 2. The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.
 2. Town center parking district.
 - a. The Town Center Parking District encompasses all land designated as TCMU on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for nonresidential uses in the TCMU zoning district shall be located in the TCMU zoning district and must be located within one-thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.
 2. The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.
 3. Institutional parking districts. Institutional Parking Districts encompass all land designated as INST on the zoning map.
 - a. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated Institutional on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 2. The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.
 4. Crystal Beach parking district.
 - a. The Crystal Beach Parking District encompasses all land designated as Crystal Beach Neighborhood (CBN) or Crystal Beach Resort (CBR) on the zoning map.

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- b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated CBN or CBR on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 - 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 - 2. The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.
- c. Short-term Rentals or Seasonal Rentals shall not be allowed to utilize off-site parking within the Crystal Beach parking district.

SECTION 6.03.08 ON-SITE LOADING STANDARDS

- A. All on-site loading spaces shall be provided for pursuant to the requirements of this Code and the City of Destin Design Manual.
- B. The on-site loading spaces shall be maintained as long as the use exists that the facilities were designed to serve.
- C. Only vehicles making deliveries shall occupy such spaces.
- D. It shall be unlawful for any owner or operator of any building or land use affected by the Code to cause or permit the discontinuance or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and are in compliance with this article and approved by the City Manager or designee.
- E. Loading spaces required for all development.
 - 1. On-site loading spaces shall be provided for all development within the City pursuant to the requirements indicated in this Article.
 - 2. Loading spaces shall be maintained as long as the use exists that the spaces were designed to serve.
 - 3. Loading spaces shall not be used as a parking space, for the storage of vehicles or materials or for meeting parking requirements.
 - 4. Loading spaces shall only be used by vehicles that are loading or unloading items that the occupant of the building, structure, or land requires delivery or pick-up.
 - 5. It shall be unlawful for any owner or operator of any building, structure, or land use affected by the Code to cause or permit the discontinuance or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and are in compliance with this article and approved by the City Manager or designee.
 - 6. Single-family detached, duplex and townhome dwellings are expressly exempt from providing loading spaces.
- F. Location of on-site loading spaces.
 - 1. The on-site loading spaces required by this section shall be located on the same lot or parcel of land they are intended to serve.
 - 2. In no case shall the location of any required loading space not be located on the same lot or parcel it is intended to serve.
 - 3. Loading spaces shall be located in such a manner as to provide the simplest and most convenient means of loading and unloading material or goods to the building, structure or lot it is intended to serve.

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G. As set forth below in the table, and **Article 4**, all lots or parcels are required to meet at least the minimum requirements for the specific use or uses, which may have multiple applications to a particular parcel.

1. Uses not specifically mentioned in **Article 4** or below shall meet the loading space requirements for the use that is most similar, comparable, or compatible.

NUMBER OF ON-SITE LOADING SPACES REQUIRED	
Use	Loading Spaces Required
Schools, hospitals, nursing homes, and other similar institutional uses and mid and high rise residential	1 space for the first 100,000 sq. ft. of gross floor area or fraction thereof and one space for each additional 100,000 sq. ft. or fraction thereof
Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly	1 space for the first 20,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 100,000 sq. ft. or fraction thereof
Offices and financial institutions	1 space for the first 75,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 25,000 sq. ft. or fraction thereof
Retail commercial, service, road service, and commercial entertainment	1 space for the first 10,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 20,000 sq. ft. or fraction thereof
Industrial uses	1 space for every 10,000 sq. ft. of gross floor area or fraction thereof

H. Loading space study.

1. If an applicant is proposing a use that is not listed in Paragraph G. and is not satisfied with the City's application of the loading space standard that is most similar or compatible to the use in question, then the applicant may submit to the City Manager or designee a loading space study to determine the actual number of loading spaces needed for the proposed use.
2. Said loading space study shall be submitted in writing to the City Manager or designee who shall review the study and give a written determination to the applicant as to whether said study is approved or disapproved.
3. The loading space study shall include, but not be limited to the following:
 - a. Estimates of loading space requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.
 - b. An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development and whether or not the impact will have a negative impact on the purpose of providing the required number of loading spaces as specified in Table 8-9. NOTE: In no case shall a study be approved which would allow for a use listed in Table 8-9 to not have at least one loading space.
- I. Additional loading spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.

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1. Buildings, structures, docks, marinas or uses may be modernized, altered or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site loading spaces in accordance with this Code.
2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site loading spaces, as specified herein, shall be brought into compliance with the loading space requirements for the entire building, structure, dock, marina, or use.
- J. Additional loading spaces required for a change of use.
 1. When the use of a building or land is changed, additional on-site loading facilities shall be provided to the extent that the number of loading spaces required for the new use exceeds the number of loading spaces required for the previous use.
- K. Loading spaces required for multiple uses.
 1. Where multiple uses or purposes exist on a parcel or lot, the loading space requirements for each use shall be calculated separately and the requirements combined for a single total number of loading spaces needed, except for shopping centers.

SECTION 6.04 UTILITIES

SECTION 6.04.01 GENERAL

- A. The developer shall place all utilities underground and shall observe minimum setbacks as required by utility companies or regulatory agencies.
- B. All utilities shall be placed within a right-of-way or within a designated easement.
- C. All utilities shall be placed outside of pedestrian facilities and roadways as practical.
- D. Any utilities within a sidewalk or crosswalk shall be flush mounted and meet applicable ADA requirements.
- E. All out of service utilities shall be grouted in place as necessary or removed as determined by the City Engineer and shall remain the utility owner's responsibility to maintain records of abandoned facilities.
- F. Utility Main and Conduit Lines
 1. All undergrounded utilities shall be a minimum of thirty-six inches (36") below finished grade.
 2. All utilities shall go no deeper than is necessary based on minimum separation requirements for installation by open trench.
 3. Directional drilling shall meet all FDOT specifications.
- G. Utility Service and Lateral Lines
 1. All service and lateral utility lines shall be a minimum of twelve inches (12") below finished grade.
 2. In the event of a service or lateral line in vicinity of a stormwater or drainage utility, the utility lines shall be twenty-four inches (24") below the finish grade of the stormwater or drainage utility.
- H. All methods of installation other than directional drilling or open trenching shall be approved by the City Engineer.
- I. All above and below ground utility work shall be conducted by a licensed contractor.

SECTION 6.04.02 SEWER

- A. Wastewater treatment in Destin is provided by private entities.

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- B. The developer shall connect to the nearest sanitary sewer system provided by the utility company.
- C. Sewer and stormwater infrastructure shall not be combined within the city.
- D. The following measures on the part of the City are intended to conserve the capacity of the treatment facility.
 - 1. Use of treated wastewater for irrigation shall be utilized when the infrastructure is in place and available.
 - 2. The City shall require that all septic tank users connect to the central sewer system within one year of sewer availability.
 - a. Prior to taking action to enforce compliance with this Code, the City shall after one year has elapsed notify the property owner(s) in question by registered mail stating the delinquency and providing a grace period of no more than 60 days in which to comply with this Code.
 - b. If connections are not voluntarily made to a central sewer system before the end of the grace period, the City shall use its regulatory powers to enforce compliance. This may take the form of any one or more of the following steps:
 - 1. Inspection of all properties not in compliance shall occur upon the sale or resale of the property or upon the disconnection of power to the property as the result of a change in occupancy. As part of the minimum standards inspection performed by the building inspector, connection to an available central system shall be required before the property is approved for occupancy.
 - 2. Permits for property improvement or alteration shall be withheld until compliance with this Code is achieved.
 - 3. The City shall coordinate with the private utility companies to maintain a listing of the addresses of all properties not in compliance with this Code and shall provide copies to all persons or agencies requesting same.
 - 4. Upon receipt of evidence by the building inspector that appropriate fees have been paid to accomplish taps to a central sewage system, any penalties or restrictions affecting the property pertinent to septic tank use shall be removed by the City.

SECTION 6.04.03 WATER

- A. Potable water in Destin is provided by private entities.
- B. The City's Comprehensive Plan encourages the protection and conservation of the City's potable water resources through the following actions.
 - 1. Backflow prevention assemblies shall be utilized to protect the public system from contamination caused by back pressure or back-siphonage.
 - 2. Cross connections of water lines from private wells or reclaimed water to public water supply lines shall be prohibited.
- C. The Northwest Florida Water Management District Water Supply Plan is incorporated into this Code by reference.
- D. Rule 40A-2 Florida Administrative Code (FAC), is incorporated in this Code by reference.

SECTION 6.04.04 PRIVATE IRRIGATION WELLS

- A. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In order to determine whether to allow the proposed withdrawal, NFWFMD staff must determine the

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impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:

1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet;
 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet;
 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
 - 6.
- B. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
1. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

SECTION 6.04.05 SOLID WASTE AND RECYCLING

- A. Solid waste and recycling services are provided through the City's franchise agreement with the chosen solid waste provider.
- B. All development shall provide for the appropriate facilities for amount of solid waste and recyclable products produced by the land uses within the development.
1. Non-residential developments, to include multi-family developments, shall not utilize residential roller style waste bins.
- C. All solid waste and recycling facilities shall;
1. Be located on private property and not allowed within any right-of-way. A variance cannot be requested to place any waste facility within the right-of-way.
 2. All pick-up and dumping access of solid waste and recycling facilities shall occur on private property and not within any right-of-way for multi-family and non-residential uses.
 3. Be in compliance with the Design Manual
 4. Not be blocked by or located in front or behind any parking or loading spaces.
 5. All solid waste and recycling facilities shall be screened by 100% opaque screening material and meet the requirements of the Design Manual.
- D. Oil, grease, paint, products shall not be commingled with ordinary household solid waste.
1. Used motor oil shall be taken to oil collection centers or picked up by a collection service.
- E. Setbacks:
1. Front: Setback enough to meet all requirements in paragraph C above
 2. Side & Rear:
 - a. Adjacent to residential or duplex use: ten feet (10')
 - b. Adjacent to multifamily or non residential use five feet (5')

SECTION 6.04.06 STORMWATER

- A. All development shall provide sufficient stormwater collection, retention, or detention facilities on-site, unless the property has rights to stormwater facilities off-site.

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- B. The stormwater system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below.
 - 1. Drainage basin with an outfall: one inch (1") of rainfall over the entire site, or 25 year-24-hour storm event, whichever is greater.
 - 2. Drainage basin without an outfall: 100 year-96-hour storm event.
 - 3. The site post discharge rate shall not exceed pre-development discharge rate.
- C. Rainfall data shall be obtained from the state department of transportation's rainfall curves, or other approved agencies.
- D. All stormwater systems shall treat runoff prior to any off-site discharge.
- E. Stormwater System Master Plans
 - 1. Refer to Design Manual for minimum design standards.
 - 2. A complete ~~drainage~~ stormwater system master plan shall be submitted by the developer and approved by the City Engineer.
 - 3. Stormwater system plans shall demonstrate the capability of the system to collect, control, treat, and dispose of stormwater runoff.
 - 4. The stormwater system plan shall include the following, as needed:
 - a. Aqueducts
 - b. Catch basins
 - c. Green belt or other natural vegetated open space, etc.
 - d. Headwalls
 - e. Inlets
 - f. Manholes
 - g. Pipes
 - h. Settling basins
 - i. Stormwater calculations used in the design
 - j. Street grades
 - k. Topography
 - l. Other significant details deemed necessary by the City Engineer.
 - 5. Open Channels and Outfall Ditches
 - 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.
 - c. Ensure the down stream system(s) shall not be overwhelmed or inundated.

SECTION 6.05 LIGHTING

SECTION 6.05.01 SITE LIGHTING STANDARDS

- A. General standards for non-residential and multi-family site lighting
 - 1. All parking areas serving the public or users of a non-residential and multi-family developments shall provide site lighting across all parking and pedestrian areas.
 - a. Maximum fc from dark Sky
 - b. Lighting level shall be a minimum of zero point two footcandles (0.2fc) at ground level.

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2. In no instance shall a light be utilized in a manner to project skyward, except as allowed by Sections 6.05.03 and 6.05.05.B.
3. All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures, and:
 - a. Prohibit upward-directed light (add exceptions for sports field, special events etc.)
 - b. All lighting requires shields to avoid and minimize glare and the light source shall not be visible while standing at the property line at a height of four feet (4') of height.
 - c. All sights shall utilize only the amount of lighting required to avoid and minimize over-lighting
 - d. Utilize dimming and other appropriate lighting controls
 - e. Minimize short-wavelength (bluish) light in the nighttime environment.
4. Forward throw fixtures are required within 25 feet of all street rights-of-way.
5. Directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.
6. Other than flood lights, all outdoor area and parking lot lighting fixtures generating more than 2,000 lumens shall be cutoff fixtures, or comply with at least one of the exception provisions in Paragraph 9 below.
7. For all new development and redevelopment, the mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed;
 - a. Sixteen feet (16') above finished grade in residentially zoned areas and in pedestrian use areas; and shall be mounted as low as possible
 - b. Thirty feet (30') above finished grade in nonresidential areas.
8. Electrical service for all new outdoor lighting shall be installed underground.
9. No operation or activity shall produce glare in excess of the amounts permitted below.
 - a. All commercial and manufacturing districts site lighting shall not glare or bleed onto;
 - i. Single-family, duplex, or multi-family, congregate care or congregate living structure development at a level of more than zero point two footcandles (0.2fc) at the property line.
 - ii. Public or private ROW at a level of more than five footcandle (5fc) at the ROW line
 - (a) Flood lights and display lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
 - b. All vertically mounted directional lights (floodlights and spotlights) shall be installed so that either;
 - i. The fixture is aimed down at least 45 degrees from vertical
 - ii. The front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield.
 - c. All horizontally mounted directional lights (floodlights and spotlights) emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
 - d. All wall pack fixtures shall be full cutoff fixtures.
10. Exceptions:

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- a. The following are exceptions to **Section 6.04.01.A.5.**, however in no circumstance can these exception supersede any required regulation in **Section 6.04.05 Sea Turtle Lighting Standards.**
 - i. Non-cutoff fixtures may be used when the maximum lumens generated by each fixture does not exceed 2,000 lumens per fixture.
 - ii. All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
 - iii. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.
 - iv. All nonresidential non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that eliminate glare and up light.

SECTION 6.05.02 VEHICLE CANOPY LIGHTING

- A. Areas under a vehicular canopy shall have a maximum point of horizontal luminance of 24 footcandles (24fc).
- B. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
 1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
 2. Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.
 3. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.
 4. Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.
 5. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy.
 - a. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.
- C. Areas outside the vehicular canopy shall be regulated by the standards of **Section 6.04.01.** above.

SECTION 6.05.03 BUILDING ILLUMINATION OR DECORATIVE AND LANDSCAPE LIGHTING

- A. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused away from adjoining properties and all street rights-of-way and exclusively on the;
 1. Building facade,
 2. Plantings,
 3. Other intended site features
- B. Lighting regulated by this section shall not shine, glare, or otherwise bleed onto any public or private street ROW.
- C. This section shall not be construed in any way to regulate decorative lighting for the purposes of decorating for any holiday or special event.

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SECTION 6.05.04 SEA TURTLE LIGHTING STANDARDS

- A. This Section intends to protect marine turtle hatchlings from the adverse effects of artificial lighting to provide overall improvement in nesting habitat degraded by light pollution, and to increase successful nesting activities and production of hatchlings on the beaches located within the Marine Turtle Conservation Zone within the City Limits of the City of Destin.
- B. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone are adopted:
 - 1. Exterior artificial lighting fixtures shall be designed for and positioned so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
 - 2. Exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if designed and installed completely shielded down light only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less), "bug" type bulbs and non-reflective interior surface. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used if they are in compliance with paragraphs 1.a., b., and c. above.
 - 3. Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
 - 4. No lighting other than approved turtle friendly lights installed appropriately shall be allowed on dune walkovers.
 - 5. Exterior lights used expressly for safety or security purposes must comply with paragraphs 1.a., b., and c. above and shall be limited to the minimum number of configurations required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required.
 - 6. Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - a. Set on a base which raises source of light no higher than 48 inches off the ground; and
 - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of light feature is not visible from the beach and does not directly or indirectly illuminate the beach.
 - 7. Parking area lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short or long-term damage to the beach/dune system.
 - 8. Tinted glass shall be installed on all windows and glass doors on single or multi-story structures within line-of-sight of the beach.
- C. Use of appropriately shielded low-pressure sodium vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways providing security, and similar applications.
- D. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.
- E. Before granting any building permit, the Community Development Department shall determine that all proposed development complies in all respects with the standards imposed in this section.

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- F. Utility lease lighting shall comply to all respects with the standards imposed in this ordinance, with the exception that appropriated shielded, full-cut off-feature high-pressure sodium lights may be installed for utility lease lighting until the utility provider offers functional low-pressure sodium lighting.
- G. Standards for existing lighting. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for existing artificial light sources, including utility leased lighting, within the Marine Turtle Conservation Zone shall be brought into compliance by May 1, 2005:
 - 1. Existing artificial light fixtures shall be repositioned, modified, disconnected, or removed so that:
 - a. The point source of light or any reflected surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
 - 2. Existing artificial light fixtures that are replaced for any reason shall comply with **Subsection B**, Standards for New Construction Activities and the following measures shall be taken:
 - a. Reposition fixtures so that the point source of light or any reflected surface of the light fixture is no longer visible from the beach;
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 50 watts;
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward sides so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - f. Replace pole lamps with low profile, low-level luminaries so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - g. Replace incandescent, fluorescent, and high-intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;
 - h. Plant or improve vegetation buffers between the light source and beach to screen light from the beach;
 - i. Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.
 - 3. The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - a. Apply window tint or film that meets the standards tinted glass;
 - b. Rearrange lamps and other movable fixtures away from windows;
 - c. Use window treatment (i.e., blind, curtains) to shield interior light from the beach; and
 - d. Turn off unnecessary lights.
 - 4. Public awareness
 - a. Any person submitting an application for coastal construction activities within a Marine Turtle Conservation Zone shall be informed of the existence of and the requirements concerning artificial lighting and marine turtle protection by the City of Destin's Community Development Department.

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5. Prohibitions

a. The following activities are considered prohibited:

- i. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising unless approved by temporary lighting permit as provided by **Section 6.05.05.E**.
- ii. The operation of searchlights or beacons is prohibited unless approved by temporary lighting permit as provided by **Section 7.17.09**.
- iii. All outside light sources shall be installed so that the illumination is controlled and not directed across any bounding property line of less than 200 linear feet. The allowable maximum intensity measured at the property line of a Single-family or duplex residential use in a residential district may not exceed 0.2 foot candles.
- iv. It shall be unlawful to place or maintain on private property any light source of such intensity or brilliance within the field of view of a driver so as to impair his/her vision upon the public roadway, or to interfere otherwise with the operation of a motor vehicle.
 - (a) The brilliance of any light source less than ten degrees from a passenger car driver's line of sight, either along the roadway ahead or toward each traffic control device, sign, or signal, shall not exceed the brilliance of the headlight low beams of an oncoming passenger car whose extended centerline lies ten feet to the driver's left, when the car is between 60 and 100 feet from the driver.

6. Nonconforming Lighting

a. The following regulations address nonconforming outdoor lighting

- i. Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to **Subsection B**, below.
- ii. All outdoor lighting that fails to conform to this ordinance that is damaged in excess of 50 percent of its market value shall be discontinued, removed, made to conform to this ordinance, or replaced with lighting that conforms to this ordinance.
- iii. Notwithstanding the above, any fixture that, due to excessive glare, produces Nuisance glare as prohibited in **Section 7.17.05.C**, or produces Glare on roadways as prohibited in **Section 7.17.05.D**, shall be required to either discontinue use of the fixture in question or replace the fixture with one that conforms with the requirements of **Section 7.17.03.B and C**.

7. Exemptions.

a. The following are exempted from the provisions of the Outdoor Lighting Regulations.

- i. A detached single-family home, and any project requiring only a building permit, shall be exempt from **Section 7.17.08**, but shall otherwise be required to comply with the requirements of **Section 7.17.03**.
- ii. Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules and regulations take precedence over these provisions.
- iii. **No provision of this Section shall take precedence over the Outdoor Lighting Standards for the Marine Turtle Conservation Zone in this Section.**
- iv. Public schools.

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- v. Municipal street lights.

SECTION 6.05.05 OUTDOOR LIGHTING PLAN

- A. Outdoor lighting plan, permit procedure and certificate of occupancy.
1. Whenever the provisions of this section are applicable, an outdoor lighting permit shall be required.
 2. ensure compliance with the provisions of this section, an outdoor lighting plan that is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida shall be submitted to the Planning Division for approval prior to the issuance of any development order. For a listing of which uses are exempt from these provisions, please refer to **Section 7.17.07 Exemptions**.
 3. Contents of outdoor **lighting** plan. Applicants shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the applicant to submit sufficient information in a form that allows ready determination of whether the requirements of this Code have been met. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review. The outdoor **lighting** plan shall include, as a minimum, the following:
 - a. All plans shall be drawn to one of the following scales that will produce a legible plan. scale. The Community Development Director may require any plan to provided at a different scale if it is needed for Staff to conduct a proper review.
 - i. 1:10
 - ii. 1:20
 - iii. 1:30
 - iv. 1:40
 - v. 1:50
 - vi. 1:60
 - b. The trimline sheet size shall be 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.
 - c. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
 - d. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.
 - f. Relationships of the site to adjacent public of private rights-of-way, abutting properties and any public or private easements.
 - g. The location of all building and/or structures, transmission lines, refuse dumpsters or containers and size and type of wall or fences.
 - h. Location and area of off-street parking and vehicular use areas.
 - i. Points of ingress and egress and any planned public or private roads, rights-of-way, sidewalks or multiuse pathways, bicycle lanes or paths, transit stop shelters, or other transportation facilities.
 - j. Location and dimensions of all landscape buffers, internal landscaping, and the number, placement, height and species of all trees required (due to their effect on outdoor lighting).
 - k. Proposed open space areas on the development site.

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- i. The location of environmentally sensitive lands designated pursuant to Article 11 of this Code, if any.
 - m. A point-by-point foot candle array in a printout format overlaid on the site plan. The point-by-point foot candle printout shall indicate compliance with the maximum maintained foot candles required by this Code. This overlay shall also include contours indicating the light source at the property lines and ten feet into adjoining properties, including right-of-way.
 - n. A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]
 - o. The location and height of the lighting fixtures (pole and/or wall mounts), the proposed wattage of the light bulbs, the direction of illumination (e.g. straight down, outwards, etc...), the method of shielding and the area of illumination.
 4. Permit procedures.
 - a. The following procedures and requirements shall be followed by the applicant and the City:
 - i. Applications for outdoor lighting shall be submitted to the City's Community Development Department.
 - ii. No building permit for the installation of new outdoor lighting, or replacement of existing outdoor lighting erected prior to the effective date of this Section, shall be issued unless and until the City has reviewed and approved the outdoor lighting plan unless the project does not require a development order. Regardless of whether a lighting project does or does not require a development order, the installation of new outdoor lighting, or replacement of existing outdoor lighting must comply with the requirements of Section 7.17.03.
 - iii. A copy of the approved outdoor lighting plan shall be available on-site during installation.
 5. Certificate of completion or occupancy.
 - a. No certificate of completion or occupancy shall be issued unless and until the Planning Division has determined, after final inspection, that the required outdoor lighting has been installed according to the approved application and plan; provided, however, that if circumstances preclude completion of the outdoor lighting plan at the time of application for the certificate of completion or occupancy, then the provisions of Section 2.20.00. Guarantees and sureties shall apply.
- B. Temporary outdoor lighting permit.
1. Temporary outdoor lighting permits for search lights and laser lights may be issued for;
 - a. Special events
 - b. Construction activities
 - c. Temporary outdoor lighting needs for public assembly or public safety
 2. Temporary outdoor lighting permits may be issued, so long as the outdoor lighting does not create or cause any of the following potential distraction by any means or methods;
 - a. Flash blindness,
 - b. Vision impairment,

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- c. Visual interference for aircraft pilots or navigators and would not cause a potential unreasonable risk for flight safety or interfere with any public or military airport operation or with ground activities at military installations.
3. A temporary outdoor lighting permit may be issued for one premises or multiple-occupancy complex for a period not to exceed thirty (30) consecutive or non-consecutive calendar days per year.
4. The City shall not issue more than five (5) temporary permits for any one (1) calendar day.
 - a. If there are more than five (5) applications or application extensions for the same calendar day or days then five (5) shall be selected randomly.
5. The Community Development Director may grant a permit for temporary outdoor lighting, as defined herein, if they find the following:
 - a. The lighting proposed will be used not more than 30 consecutive or non-consecutive days within one calendar year;
 - b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;
 - c. The proposed lighting will comply with the general intent of this article; and
 - d. The permit will be in the public interest.
6. The application for the temporary lighting permit shall include, at a minimum the following information:
 - a. Name and address of applicant and property owner;
 - b. Location of proposed fixtures;
 - c. Type, wattage and lumen output of lamp(s);
 - d. Type and shielding of proposed fixtures;
 - e. Intended use of the lighting;
 - f. Specific calendar days requested;
 - g. The hours of operation (not to occur between midnight CST and sunrise);
 - h. The nature of the activity or event;
 - i. Previous temporary outdoor lighting permits granted to this applicant, if any, and addresses of premises there under (Only one temporary outdoor lighting permit per year is to be granted to a multiple-occupancy complex); and
 - j. Such other information as the Community Development Director may request.
7. Review of application
 - a. Copies of the permit application and supporting documents shall be distributed to
 - i. Okaloosa County Sheriff's office – Destin Office
 - ii. Okaloosa County Airport Manager
 - iii. Destin Fire Control District
 - iv. Destin Public Works Department
 - v. Destin Parks & Recreation Department
 - vi. 96th Civil Engineer Group (Community Planner)
 - b. The Community Development Director approve, approve with conditions, or deny the application within sixty (60) days from the date of submission of the application.
 - i. The Community Development Director may grant one (1) renewal of the permit for an additional ten (10) days if they finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest.

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- ii. The Community Development Director is not authorized to grant more than one (1) temporary permit and one renewal for a ten-day period for the same property within one calendar year.

SECTION 6.05.06 STREETLIGHTS

- A. Developer shall provide streetlighting in accordance with the Destin Design Manual.
- B. Maximum pole height is thirty feet (30').
- C. Maximum mounting height is twenty-three feet (23').
- D. All street lighting shall be shielded and directed downward.
- E. Streetlights located within three-hundred feet (300') of a primary dune of a beach must meet the minimum Florida Fish & Wildlife Commission Sea Turtle Lighting guidelines.

SECTION 6.06 LANDSCAPING

SECTION 6.06.01 PURPOSE

- A. The landscape development regulations will serve to protect, maintain and enhance both the immediate and longterm health, safety, economic stability and general welfare of the present and future citizens of the City. These regulations have the following objectives:
 1. To aid in stabilizing the environment's ecological balance by contributing to the processes of oxygen regeneration, groundwater recharge, air purification and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
 2. To ensure that the local stock of native vegetation is replenished.
 3. To clearly delineate and buffer the bounds of abutting vehicular use areas, particularly public rights-of-way, so that distractions of movement, noise and glare from one area do not adversely affect the activity of another area.
 4. To limit physical site access to established points of ingress and egress.
 5. To promote energy conservation by maximizing the shading and cooling effects of trees and shrubs.
 6. To promote and protect property values within the community by conserving and creating a more aesthetically pleasing and functional environment.

SECTION 6.06.02 GENERAL STANDARDS

- A. All development and redevelopment shall provide landscaping to the standards as set forth in this section.
- B. All landscaping shall be installed in a sound finished workmanlike manner per any applicable approved plan and or according to generally accepted good planting practices.
- C. All elements of landscaping, not including plant material except hedges, shall be installed so as to meet all other applicable requirements.
- D. All landscaping shall be maintained and kept alive at all times.
- E. If a required landscape element dies, is removed, or is otherwise removed from the site, it shall be replaced.
- F. Adequate irrigation is required for all developments (including right-of-way frontage) to maintain live vegetation.

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- G. All areas of a development, property, land, parcel or lot, not utilized for structures, vehicular or pedestrian access or circulation, or other ancillary shall be landscaped and permanently maintained with trees, shrubs, indigenous plants and ground cover, including but not limited to:
 - 1. Grass or sod
 - 2. Mulch, pine straw, or other loose material (must be stabilized and maintained in the intended location and shall not wash or be blown into any right-of-way or another property.)
 - 3. Artificial turf (on private property only)
 - 4. Landscape rock (on private property only)
 - 5. Is there more detailed landscape definition (spines, thornes, spikes, etc.) found elsewhere within the new code?
- H. Landscaping south of the Coastal Construction Control Line (CCCL).
 - 1. Development area(s) between the CCCL and the Gulf of Mexico shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Protection.
 - 2. For development areas on the same property that is not beyond the CCCL shall meet the minimum requirements set forth in this section.
- I. A minimum of seventy-five percent (75%) of all plant material used to satisfy the requirements of this section shall be native to the Northwest Florida area.
 - 1. Native species shall be selected as identified in the in the "Atlas of Florida Plants" which is maintained by Institute for Systemic Botany at the University of Southern Florida for Okaloosa or Walton County.
 - 2. Portions of a development left in the natural state shall be credited in meeting these landscaping requirements.
- J. Invasive Species
 - 1. In no circumstances shall any invasive species to Florida, Georgia, or Alabama as identified by any City, State, or Federal agency be utilized for plantings
 - 2. This section is not intended to allow any individual the ability to keep unique plantings in a stand alone pot and not planted in the ground.
 - a. If any individual maintains an invasive species on site it shall be kept in a manner so that the plant is contained and controlled to not spread, multiply, or otherwise threaten the local native vegetative ecosystem.
- K. At any street intersection, no plant, tree, shrubbery or any other obstruction shall be allowed to grow in a manner which would impede or restrict the vision of pedestrians or vehicle operators to oncoming traffic.
- L. The type of vegetation used in complying with these requirements shall be indigenous or of a noncompeting exotic species.

SECTION 6.06.03 OPEN SPACE

- A. The minimum required open space within all zoning districts shall be as required in the appropriate zoning district per Article 4.
- B. Open Space Reduction Incentive
 - 1. Within the North Harbor (NHMU), South Harbor (SHMU), and Town Center Mixed Use (TCMU) districts the minimum required open space can be reduced to not less than 12 percent through adherence to the following requirements:

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- a. Developments that provide, on their property, a pedestrian information kiosk at the Harbor Boulevard-side terminus of a pedestrian walkway and/or pedestrian/bicycle pathway to the Harbor Boardwalk in conjunction with a mass transit pull-off or public access easement (one percent).
- b. The use of drip irrigation for all shrubs and ground cover areas, where appropriate, on the subject property (two percent).
- c. The use of 100 percent (100%) plant species native to northwest Florida in all landscaped areas on the subject property (five percent).
- d. Developments that consolidate their existing driveways in such a way as to eliminate one driveway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
- e. Adjacent developments that consolidate their driveways in such a way as to eliminate one driveway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
- f. Developments located in the SHMU area that contain no permanent/long-term residential units (four percent).
- g. Developments located in the NHMU and TCMU areas that contain at least 50 percent of the total number of dwelling units as permanent/long-term residential units (four percent).
- h. Developments that dedicate 70 percent of the first floor of every building on site to "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.). First floor shall mean the first floor of the building as viewed from Harbor Boulevard/Emerald Coast Parkway. Structured garage parking can account for up to 40 percent of the "publicly leasable commercial space" located on the first floor. For those projects located in the SHMU district, this provision shall be in addition to the requirement of the Comprehensive Plan for "publicly leasable commercial space" along the Harbor front (six percent).
- i. Developments that provide 70 percent of all parking spaces on site in structured parking garages (six percent).
- j. The total area of all pedestrian and/or vehicular easements or rights-of-way dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront and along Harbor Boulevard shall be credited towards the open space landscape requirement of the development.
- k. The total area provided for a transit stop, as specified in [section 7.09.03.G.2a.iv.a](#), located either on-site or adjacent to Harbor Boulevard/Emerald Coast Parkway will be given 100 percent credit for area dedicated to the transit stop.

SECTION 6.06.04 TREES

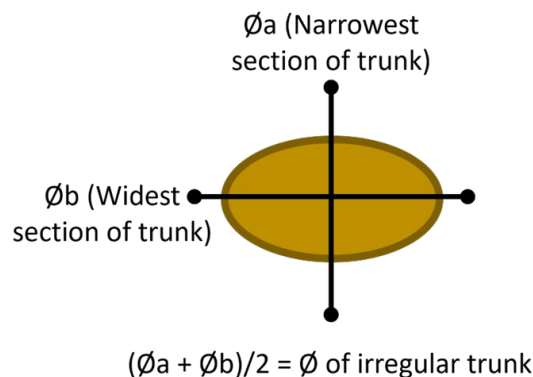
- A. The number of reforestation trees required on any developed area shall be determined by using the ratio of one (1) tree for each one-tenth of an acre
- B. All required trees shall be a minimum of:
 - 1. Twelve feet (12') in height
 - 2. Three and one-half-inch (3.5") caliper at the time of planting.
- C. Palm trees cannot comprise more than forty percent (40%) percent of the total number of all required trees.
 - 1. For those properties lying south of Harbor Boulevard and Emerald Coast Parkway palm trees may comprise of no more than eighty percent (80%) of the total number of all required trees.

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- a. The number of required trees shall be increased by 20 percent above the minimum requirements for trees set forth in Paragraph A. above
 2. If any palm tree species are utilized for required trees then two palms shall be utilized to equal one required tree and must be grouped together to account for a twenty foot (20') crown spread at maturity.
- D. Tree Protection, Preservation, and Restoration
1. Credit shall be received on the reforestation requirement of this section by preserving existing trees.
 2. Trees required for reforestation are in addition to other required trees within this section.
 3. No credit will be given for nonindigenous trees.
 4. Exclusive of the principal structure area, no "preserved tree" may be removed except as provided in this section.
 5. The reforestation requirements shall be credited for existing trees at the following rate as measured at breast height (which ever is less) above the natural grade:

Diameter of Existing Tree	Number of Trees Credited
20" or more	5
13" -19.9"	4
7" - 12.9"	3
2" - 6.9"	2

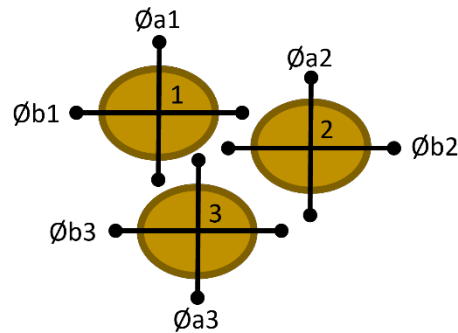
6. Measurement of Trees
 - a. Trees shall be measured at Diameter Breast Height (DBH)
 - b. In the case of an irregular shaped tree or trunk at DBH, the following method shall be utilized.
 - i. The average of the the widest and the most narrow diameter of the tree at DBH (see example below).



- c. In the case of multiple trunks or limbs at DBH, the following method shall be utilized.

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- i. The total diameter of all trunks/limbs at DBH (see example below).



$$\varnothing 1 + \varnothing 2 + \varnothing 3 = \varnothing \text{ of tree with multiple trunks/limbs}$$

7. Fifty percent of the area within the dripline of preserved trees which are eligible for credit pursuant to this section shall be maintained in either vegetative landscape material or pervious cover.
8. During development activity, preserved trees shall be protected from activities which may injure or kill them. Tree protection techniques found in the Tree Protection Manual for Builders and Developers, Florida Department of Agriculture and Consumer Services, Division of Forestry, or equivalent techniques shall be used.
9. Exclusive of the principal structure area, when a "protected tree" must be removed or relocated, an indigenous tree(s) shall be replaced.
10. No protected or preserved tree may be removed or relocated without a removal permit as provided in. **See Section 6.06.05.**

SECTION 6.06.05 TREE REMOVAL

A. Permit Required

1. The removal of any tree on private property requires a Clearing and Grading Permit approval from the Community Development Department.
2. Exemptions
 - a. Any tree on any Single-family or duplex lot
 - b. Any tree on a platted townhome lot (Single-family unit)
 - c. These exemptions are not intended to exempt any apartment complex, condominium complex, or other multi-family complex, or commonly owned property within a Single-family development.

B. Hazardous or Dangerous Conditions

1. In the event that any tree on Public Property or within the Public ROW, is determined to be in any hazardous or dangerous condition so as to endanger health or safety, the Community Development Director, Public Works Director, or Park & Recreation Director or their designees shall require immediate removal of the tree.
 - a. The City Manager, Community Development Director, Parks & Recreation Director, Public Works Director, or their designees may make the determination.

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2. In the event a tree poses a hazard or dangerous condition on Private Property, private property affecting other private property, or private property affecting the public right-of-way, the Community Development Director or their designee may require the removal of the tree.
 - a. A licensed arborist or licensed landscape architect shall make a recommendation in writing to the Community Development Director for the removal of the tree that poses a hazardous or dangerous condition.
3. The Community Development Director or designee shall make a final determination upon receiving the recommendation from the licensed arborist or licensed landscape architect.
 - a. Any determination made by the Community Development Director shall become effective five (5) days after the determination is rendered.
 - b. An aggrieved party, withstanding the final determination of the Community Development Director or designee, shall have upto five (5) days from date of determination to apply to the City Manager for appeal of the determination.
 - c. The City Manager's decision constitute the final determination of the City.
4. A permit is not required at the moment to rectify a hazardous or dangerous condition, however, a permit shall be applied for retoractivley within thirty (30) days of approval to remove the hazardous tree.
5. During the period of declared emergencies such as hurricane, windstorm, flood, freeze, disease epidemic, or other disasters, the requirements of this section may be waived by the City Manager, for a certain period of time and may not be for an indefinite period of time.

SECTION 6.06.06 GROUND COVER, HEDGES, AND SHRUBS

- A. Vines, ground cover, grasses, artificial plant material and architectural planters shall be subject to the following:
 1. Grasses shall be subject to the following:
 - a. Grasses and ground cover, and vines planted for credit on the landscaping requirements, shall be perennial species capable of thriving in Okaloosa County.
 - b. Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
 2. All required plantings shall be living or natural.
 - a. No credit shall be granted for use of artificial plant material.
 - b. Artifical turf may be utilized for ground cover where ground cover is required
 3. Credit shall be granted for use of above-grade planters, when such planters are physically attached to and made a part of the building/structure upon which they rest. In no case shall above-grade planters be removed from the property or converted to another use, unless approval is granted by the City.
 4. Endangered plants shall be protected under the provisions of applicable federal and state laws.
- B. Shrubs shall be a minimum of 12 inches in height when measured immediately after planting.

SECTION 6.06.07 PUBLICLY OWNED PROPERTY

- A. The table displayed below constitute the official street and park tree species for Destin, Florida.
- B. Prior to street tree planting, all applicable right-of-way permits shall be obtained.

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C. No species other than those included in the table below may be planted as street tree without written permission of the Public Works & Safety Committee.

1. If Live oaks are utilized as street tree then the requirements per the Design Manual shall be adhered to along with the following:
 - a. A root barrier with a depth of eighteen inches (18") below grade
 - b. A minimum of a five foot (5') radius clear area surrounding the tree with no utilities in the clear area for thirty-six inches (36") below grade

Small Trees	Medium Trees	Large trees
Southern Wax Myrtle (Myrica cerifera)	Dahoon Holly (Ilex cassine)	Maple (Acer rubrum)
Fringe Tree (Chionanthus virginicus)	Turkey Oak (Quercus laevis)	Southern Live Oak (Quercus virginiana)
Pindo Palm (Butia capitata)	Cabbage Palm (Sabal palmetto) *State Tree	Majesty Palm (Ravenea rivularis)
	Washington Palm (Washingtonia robusta)	Canary Island Date Palm (Phoenix canariensis)
		Wild Date Palm (Phoenix sylvestris)

D. No species other than those included in the table below may be planted as park tree without written permission of the Parks & Recreation Committee.

Small Trees	Medium Trees	Large trees
Anise Tree (Pimpinella anisum)	Ash (Fraxinus spp.)	Bald Cypress (Taxodium discithum)
Black Pine (Pinus nigra)	Bradford Pear (Pyrus calleryana) "Bradford"	Bay Magnolia (Magnolia virginiana)
Bottlebrush (Callistemon citrinus)	Cabbage Palm (Sabal palmetto) *State Tree	Canary Island Date Palm (Phoenix canariensis)
Crepe Myrtle (Lagerstroemia indica)	Cedar (Cedrus atlantica)	Elm (Ulmus spp.)
Dogwood (Cornus florida)	Cherry Laurel (Prunus carolina)	Hickory (Carya spp.)
Fringe (Chionanthus virginicus)	Holly Tree (Ilex cassine)	Maple (Acer rubrum)
Ginkgo (Ginkgo biloba)	Persimmon (Diospyros virginiana)	Oak (Quercus spp.)
Jerusalem Thorn (Parkinsonia aculeata)	Plum (Prunus cerasifera)	Pecan (Carya glabra)
Ligustrum Tree (Ligustrum japonicum)	Redbud (Cercis canadensis)	Pine (Pinus elliotii)
Loquat (Eriobotrya japonica)	River Birch (Betula nigra)	Southern Magnolia (Magnolia grandiflora)
Pindo Palm (Butia capitata)	Sweetgum (Liquidambar styraciflua)	Sycamore (Platanus acerfolia)
Red Buckeye (Aesculus pavia)	Tulip Magnolia (Liriodendron tulipifera)	Walnut (Juelans nigra)
Sparkleberry (Vaccinium arboreum)		
Wax Myrtle (Myrica cerifera)		

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- E. Any tree or plant declared or deemed an invasive species by the State of Florida shall not be allowed to be planted within any right-of-way or park within the city.
 - 1. The following list of species is also not permitted
 - a. Chinese tallow (*Triadica sebifera*)
 - b. Yucca tree (*Yucca*)
 - c. Any species of tree or plant that has a spike, thorn, spine, or other similar hazard
- F. Protection of Public Trees
 - 1. No tree within any public right-of-way, park, or other publicly owned property shall be removed without a permit from the Community Development Department.
 - 2. The Community Development Director may require approval by the Parks & Recreation or Public Works & Safety Committees as appropriate.

SECTION 6.06.08 PARKING LOT LANDSCAPING

- A. The following criteria shall apply regarding interior parking landscape:
 - 1. Vehicles may overhang no more than two feet into landscape areas. The overhang area shall not be included as part of the landscape requirement.
 - 2. No parking bay shall contain more than fifteen (15) continuous parking spaces without being broken up by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One-hundred and seventy-five (175) square feet in area
 - c. Planted with one tree that meets the requirements in **Section 6.06.04.**
 - d. This provision does not apply to subterranean or above-grade parking structures.
 - 3. Each row of interior parking spaces shall be terminated at each end by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One hundred (100) square feet in area
 - c. Planted with one tree that meets the requirements in **Section 6.06.04.**
 - d. This provision does not apply to subterranean or above-grade parking structures.
 - e. Exception: When abutting parking rows each have five or less parking spaces, landscaped areas with breadths of ten feet between the rows may be substituted for the landscaped areas at each end.
 - 4. All interior landscaping areas shall be protected from vehicular encroachment by either f-type curbing or other similar means (stabilized rail road ties, landscaping timbers, etc....).
 - 5. Interior portions of off-street parking facilities which are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use.
 - a. These areas shall be planted and permanently maintained with trees and shrubs and finished with ground cover or other landscape material.
- B. Exemption. Single-family detached and duplex residences are exempt from interior parking landscape requirements.

SECTION 6.06.09 NATIVE PLANTINGS LANDSCAPE REDUCTION INCENTIVE

- A. The minimum landscaping requirement regarding the number of trees, and shrubs may be reduced by 20% if the plan proposes 100% native species to North West Florida for Okaloosa or Walton

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County as identified in the "Atlas of Florida Plants" as amended, which is maintained by Institute for Systemic Botany at the University of South Florida.

SECTION 6.06.10 LANDSCAPING MAINTENANCE AND USE STANDARDS

- A. Landscaping shall be maintained as follows:
 - 1. All required plant material shall be maintained in a healthy and viable condition.
 - 2. Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.
 - 3. All landscaped areas shall be provided with an irrigation system or a readily available water supply located on-site.
 - 4. All landscaping planted abutting sidewalks, multiuse pathways, pedestrian gathering areas, bicycle lanes or vehicular use areas shall be trimmed so as to not interfere in the use of said areas.
- B. Dead plant material shall be replaced in accordance with the provisions of this section and within a time period appropriate to the growing season of the species in question, not exceeding one year.
- C. No required landscape area shall be used for parking, except encroachment that provides for accessways, structures, typical mechanical equipment, garbage or trash collection or any functional uses contrary to the intent and purposes of this section.
 - 1. In no instance shall a property be permitted not meeting the minimum open space requirements per the appropriate zoning district as required in Article 4.

SECTION 6.07 FENCES AND GATES

SECTION 6.07.01 FENCES

- A. Fences must be resistant to decay, corrosion and termite infestation.
- B. No fence shall be located in the clear visibility triangle.
- C. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- D. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
- E. Any fence containing barbed wire or razor wire material shall be prohibited from being erected or maintained on any lot that contains single-family detached, duplex, town home or multifamily residences.
- F. Fences, walls and hedges may be permitted in any required yard or along the property lines not to exceed eight feet in height.
- G. A fence for safety or hazard protection identified by the City Manager may not be subject to height limitations.
 - 1. Approval to exceed maximum height standards may be given by the City Manager, or designee, upon receipt of satisfactory evidence of the need to exceed height standards.

SECTION 6.07.02 GATES

- A. The City Engineer shall review and approve all gated accessways which shall meet the requirements listed below. However, the City Engineer may allow different configurations based on public safety,

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traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.

B. General Requirements:

1. Gates must be resistant to decay, corrosion, and termite infestation.
2. Gates shall not open into any right-of-way or onto adjacent property.
3. No gate shall be located in the clear visibility triangle.

C. Setbacks and Dimensional Limitations:

1. All gated entry ways shall provide a minimum of fifty-seven feet (57') of off-street stacking from key pad or a manned gate house (which ever is applicable) to the outer edge of the travel way.
2. No gate shall exceed eight feet (8') in height.
3. Total gate opening, as measured from the face of the gatepost to face of the gatepost, shall be two feet wider than the accessway.
4. A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the accessway passing thru the gated area.

D. Nonresidential, Multi-family, or Subdivision Gate Requirements

1. Prior to any gated entry way there shall be a minimum unobstruted fifteen foot (15') inside turning radius for turnaround, egress, or other method to allow a vehicle the ability to leave the site if the gate does not open.
2. A pedestrian Gate shall be provided and shall meet all ADA requirements.

E. All single-family and/or duplex properties with gated accessways shall provide a minimum of forty feet (40') of stacking from outer edge of the travel way to the key pad, call box, or front of gate which ever is closer to the travel way.

SECTION 6.08 BUFFERS

SECTION 6.08.01 NON-RESIDENTIAL BUFFERS AND SUPPLEMENTAL SETBACKS

- A. In the following cases supplemental setbacks or buffers shall be provided as detailed in this section.
1. All non-residential development or use shall provide supplemental setbacks or buffers when abutting or adjacent to any single-family, duplex development as detailed in this section.
 2. All non-residential development or use shall provide the following supplemental setbacks or buffers when abutting or adjacent to multi-family/townhome development not in the same zoning district as detailed in this section.
 3. Multi-family, condominium, or apartment style development shall provide the same buffer and supplemental setbacks as non-residential when adjacent to or abutting single-family or duplex development.
 4. Non-residential development when adjacent to mixed-use developments that include residential units are not required to adhere to this section.
- B. It shall be the responsibility of the higher density/intensity use to provide and maintain the buffer zone.
1. It shall not be the responsibility of the higher density/intensity zoning district property owner to provide a buffer is the development was in place and being utilized before the less density/intensity zoning use located adjacent to the higher density/intensity zoning district property.

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- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. Supplemental Setbacks
 - 1. Any portion of a building that abuts single-family, duplex or townhome uses shall provide a setback from those uses that is the greater of one foot for every foot in height (e.g. 75-foot tall project will have an 75-foot setback).
- E. Front Property Boundary Buffer
 - 1. All nonresidential and multi-family properties shall provide a minimum ten-foot (10') wide buffer within the front yard abutting the right-of-way.
 - a. Exception: Any nonresidential or multi-family development required to place their buildings within ten feet (10') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 - 2. Width of sidewalks be included within the Front Property Boundary Buffer .
 - 3. The remainder of the front perimeter landscape shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants, excluding paving.
- F. Common Boundary Buffer
 - 1. A five foot (5') buffer with living vegetated ground cover and may also provide other living plants such as trees and shrubs meeting the requirements of **Section 6.06**, shall be provided along all property lines
 - 2. Wall Requirement
 - a. All nonresidential development, whether in the same zoning district or not, shall provide a six feet (6') to eight feet (8') tall masonry wall to be located within five feet (5') of the property line when:
 - i. The development is adjacent to existing single-family, duplex, or multi-family development
 - ii. The development is adjacent to a residential zoning district
 - b. Where a wall is required within a buffer per Article 6, the tree requirement shall not apply, however the shrub requirement still applies.
- G. Waterfront Buffer
 - 1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:
 - a. Prevent erosion
 - b. Trap the sediment in overland runoff
 - c. Provide access to the water body
 - d. Allow for periodic flooding without damage to the structures
 - 2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
 - 3. Manmade water bodies are excluded from this vegetated buffer requirement.

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- H. Wetland Buffers shall follow the standards as required in **Article 7** of this Code
- I. Buffer Landscaping Requirements
 - 1. All buffers, except for the Front Property Perimeter Buffer, shall include the following landscaping requirements.
 - 2. All buffer areas shall be covered with grass, ground cover, trees , shrub, or other landscape materials, excluding paving or other hardsurfacing where allowed. All materials shall be organic materials.
 - 3. Tree Requirement:
 - a. One (1) small tree shall be planted for every ten linear feet (10') or fraction thereof, of buffer.
 - b. Trees shall meet the standards listed in **Section 6.06** of this article.
 - 4. Shrub Requirement:
 - a. Four (4) shrubs shall be planted for every ten linear feet (10') or fraction thereof, of buffer
 - b. Shrubs shall meet the standards listed in **Section 6.06** of this article.
 - 5. Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard.
 - 6. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.

SECTION 6.08.02 RESIDENTIAL BUFFERS

- A. The following buffers are required for all single-family, duplex developments.
- B. Multi-family developments, when abutting or adjacent to single-family or duplex development shall provide the buffer and setback requirements as required in **Section 6.08.01**.
- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. All buffer areas shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants, and in no case shall any hardscaping elements be allowed.
- E. Front Property Boundary Buffer
 - 1. All residential and multi-family properties shall provide a minimum five-foot (5') wide buffer within the front yard abutting the right-of-way.
 - 2. No fence higher than three feet (3') in height may be permitted within the Front Property Perimeter Buffer
 - a. The Chief Building Official or their designee may approve a fence meeting Florida Building Code for pools in the Front Property Perimeter Buffer if a pool is proposed in the front yard.
 - 3. Exception
 - a. Any multi-family development required to place their buildings within five feet (5') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 - 4. Width of sidewalks shall not be included within the Front Property Perimeter Buffer.
- F. Common Boundary Buffer
 - 1. All single-family, duplex, or multi-family development, whether in the same zoning district or not, shall provide a minimum five-foot (5') wide buffer area along all property lines.
 - 2. Proposed driveway within Common Boundary Buffer

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- a. If a property owner wishes to develop a driveway within the Common Boundary Buffer then:
 - i. Only one side of the property may be utilized for a driveway in the common boundary buffer
 - ii. Open space banking
 - (a) The area (square footage) where the Common Boundary Buffer open space would have been shall be transferred (banked) to the front yard at a 1:1 ratio and shall not contain any structure, vehicular use area, or hardscaping except for what is allowed in subparagraph (b) below.
 - (b) A walkway from the accessway to the front patio or door of a structure, at no wider than five feet (5') is permitted in this open space banking area.
 - (c) The area of the required front perimeter buffer and opposite common boundary buffer shall not be utilized to count towards the open space banking calculation.
 - iii. No structure or vehicular use area is permitted between the main façade of the primary structure and the public right-of-way.
 - iv. No more than two vehicles may be allowed to park side by side in front or streetward of the front building line.
- G. Waterfront Buffer
 1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:
 - a. Prevent erosion
 - b. Trap the sediment in overland runoff
 - c. Provide access to the water body
 - d. Allow for periodic flooding without damage to the structures
 2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
 3. Manmade water bodies are excluded from this vegetated buffer requirement.
- H. Wetland Buffers shall follow the standards as required in **Article 7** of this Code.
- I. Buffer Landscaping Requirements
 1. All buffer areas shall be covered with grass, ground cover, trees, shrubs, or other landscape materials, excluding paving or other hardsurfacing. All materials shall be organic materials.
 2. Front Property Boundary Buffer
 - a. Tree Requirement:
 - i. One (1) small or medium tree shall be planted for every fifty linear feet (50') or fraction thereof.
 - ii. Trees shall meet the standards listed in Section 6.06. of this article.
 - b. Shrub Requirement:
 - i. Four (4) shrubs shall be planted for every fifty linear feet (50') or fraction thereof.

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- ii. Shrubs shall be setback five feet (5') from the front property line.
 - iii. Shrubs shall meet the standards listed in Section 6.06. of this article.
- 3. Existing native trees may be credited toward the standards of this Section.
- 4. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.

SECTION 6.09 ENVIRONMENTAL CONTROL PLANS

SECTION 6.09.01 EROSION AND SEDIMENT CONTROL PLAN

- A. An erosion and sediment control plan (ESCP) approved by the City Engineer, or designee, shall be required for all development or redevelopment activities.
- B. The ESCP plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate and include;
 - 1. The environmental characteristics of the affected areas
 - 2. The potential impacts of the proposed grading on water resources
 - 3. Measures proposed to minimize soil erosion and off-site sedimentation
 - 4. The appropriate design manual details.
- C. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan.
- D. All projects disturbing land area over one (1) acre shall also provide a copy of the stormwater pollution prevention plan (SWPPP) in addition to the ESCP. All projects disturbing less than one acre shall provide an ESCP.
- E. All erosion and sediment control plans shall contain, as a minimum, the following
 - 1. An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.
 - 2. An indication of the scale used.
 - 3. The contact information of the owner and/or developer, and contractor of the property where the land disturbing activity is proposed.
 - 4. A 24-hour contact person's phone number. That person shall have demonstrated ability in maintenance of erosion control measures.
 - 5. Suitable contours for the existing and proposed topography.
 - 6. The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
 - 7. A clear and definite delineation of any areas of vegetation or trees to be saved.
 - 8. A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.
 - 9. A clear and definite delineation of any 100-year floodplain on or near the site.
 - 10. Storm drain system, including quantities of flow and site conditions around all points of surface water discharge from the site.
 - 11. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.
 - 12. Design Manual details or alternate details as approved by the city engineer, or designee, for temporary erosion control structures.

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13. Design Manual details or alternate details as approved by the city engineer, or designee, of permanent erosion control structures.
 14. Include the order of operations found within the design manual or alternative as approved by the city engineer, or approved designee.
 15. A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.
 16. The City Engineer may require any reasonable additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed reasonably necessary to ensure compliance with this section.
 17. A description of, and specifications for, sediment retention structures.
 18. A description of, and specifications for, surface runoff and erosion control devices.
 19. A description of permanent erosion control measures.
 20. The applicant may propose the use of any erosion and sediment control techniques in a final plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Florida Department of Environmental Protection Florida Stormwater Erosion and Sedimentation Control Inspection Manual (latest edition).
 21. Proof of all federal and/or state approvals (as applicable) is required prior to obtaining any City permit.
- F. Exemptions.
1. The following activities are exempt from providing an ESCP.
 - a. Cemetery graves.
 - b. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
 - c. Any activity where the total volume of material disturbed, stored, disposed of, or used as fill, does not exceed five cubic yards. Or, the area disturbed does not exceed 750 square feet provided it does not obstruct a watercourse, and is not located in a floodplain. Erosion and sediment control devices may be required pending a site evaluation by the City Engineer.
- G. Construction site or other grading and/or filling activities
1. All work at construction sites or other site work involving grading and/or filling activities shall be governed by the following regulations:
 - a. Ground cover. All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.
 - i. Minimize the amount of existing vegetation that you must disturb for construction.
 - ii. Keep out of critical areas and their buffers.
 - iii. Areas not being worked on for 30 calendar days or more shall be vegetated and/or stabilized using BMPs.
 - iv. Slopes and stockpiles 3H:1V or steeper and more than ten feet of vertical relief shall be covered if they are un-worked for more than 48 hours.
 - v. Areas that are being hydro-seeded shall have a tackifier mixed into the hydro-seed to help stabilize mixture onto the soil.
 2. Perimeter Protection is required for all development or redevelopment activities.

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- a. Perimeter protection to filter sediment for sheet flow washout shall be located down slope of all disturbed areas and be properly installed prior to upslope grading.
3. Environmentally sensitive area (ESA) restrictions shall include but not be limited to all wetlands, open water bodies and beaches.
 - a. Phasing and more conservative Best Management Practices (BMPs) must be evaluated for construction activities near environmentally sensitive areas.
 - b. A minimum of two rows of properly installed erosion control devices (as shown in the Design Manual) are required to protect from sediment inflow and wind-borne debris from entering these areas.
4. Surface water controls are required when development activity is:
 - a. Within 15 feet of the shoreline of an open water body.
 - b. In and/or over an open water body.
5. Traffic area stabilization
 - a. One temporary construction driveway entrance is allowed per construction site (per Design Manual) and shall be located such to minimize motor vehicle and pedestrian impacts on the adjacent properties and rights-of-way.
 - b. Multiple entrances may be approved if the developer can prove that more are needed to protect the health, safety, and welfare of the general public.
 - c. The following regulations apply to all temporary construction driveways:
 - i. Temporary construction driveway entrances, access roads, and parking areas used by construction traffic shall be stabilized to minimize erosion and prevent tracking mud or soil from the site as per the Design Manual.
 - ii. Before clearing and grading, construction entrance(s) shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within the site that is open to the public.
 - iii. Construction entrance(s) shall be set up so that all traffic leaving a job site is required to travel the entire length of entrance.
 - iv. Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required (see Design Manual).
 - v. Any sediment that is tracked onto the road pavement shall be removed immediately and placed back on-site (prior to the end of the workday) by sweeping.
 - vi. The pavement shall not be cleaned by washing/flushing streets.
6. Sediment retention
 - a. All sediments/soils shall remain on site. The following sediment retention regulations are required on all areas of development and redevelopment activities:
 - i. Sediment retention facilities shall be installed before grading.
 - ii. If sediment retention facilities need to be removed for grading, additional ponds/traps/systems to accommodate storage capacity need to be installed on site. This will be done prior to removal of existing facility.
 - iii. Catch basin protections are to be used to prevent sediments from entering drainage system. Inserts are to be inspected and cleaned weekly and after each rainfall event.

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- b. Catch basins need to be checked for buildup of sediments. If sediment trap (area between pipe invert and bottom of basin) is $\frac{1}{3}$ or more filled with sediments, they are to be cleaned out and sediments removed or stabilized on-site.
- H. Maintenance of erosion control devices
 - 1. The following maintenance of erosion control device regulations are required on all areas of development or redevelopment activities:
 - a. All projects shall have a designated erosion and sediment control (ESC) supervisor who will be responsible for ESC review, maintenance, and compliance.
 - b. ESC shall be maintained and inspected in accordance with all FDEP/NPDES requirements.
 - c. The ESC supervisor must be available, 24 hours, for rapid response to ESC problems and emergencies.
 - d. A 24-hour phone number for the ESC Supervisor shall be posted in a clearly visible location on the project site.
- I. Final stabilization conditions
 - 1. The following final stabilization conditions must be met prior to final construction approval:
 - a. All temporary construction driveway entrances shall be removed and the right-of-way re-graded, restored, and re-vegetated to original or better condition.
 - b. All disturbed areas of the site shall be vegetated or otherwise permanently stabilized.
 - c. Structural measures such as silt fence, slope drains, etc. shall be removed from site.
 - d. All permanent stormwater facilities including catch basins, pipes, etc. shall be cleaned. Drainage system videoing may be required at the request of the city engineer.
 - e. Any off-site catch basins or curb inlets that require protection shall be cleaned.
- J. Post construction erosion monitoring and maintenance
 - 1. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
 - a. Sediment/soil erosion leaving a site or property shall be prohibited.
 - b. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
 - c. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
 - d. Tracking sediment or soil onto a roadway shall be prohibited.
 - e. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the owner fail, within 30 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred. The City may also require a Special Magistrate Hearing to rectify the situation

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SECTION 6.09.02 POST CONSTRUCTION EROSION MONITORING AND MAINTENANCE

- A. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
- B. The following activities are prohibited:
 - 1. Sediment/soil erosion leaving a site or property shall be prohibited.
 - 2. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
 - 3. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
 - 4. Tracking sediment or soil onto a roadway shall be prohibited.
- C. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy.
- D. Should the owner fail, within 10 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred.

SECTION 6.09.03 DUST CONTROL PLANS

- A. A dust control plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- C. The following dust control regulations are required on all areas of development or redevelopment activities:
 - 1. If water truck is used to control dust on dirt/graded areas only, water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction. No run-off is to be generated.
 - 2. Controlling dust on paved roadways will be done using a sweeper with water-jet sprayers. Only enough water should be applied to control dust while sweeping. Do not generate run-off from sprayers that run into catch basins.
- D. Dust Control Plan requirements
 - 1. How grading operations will be handled/suspended when winds exceed 30 miles per hour.
 - 2. How water will be applied to all surfaces prior to, and if necessary during, excavation.
 - 3. How water or a covering will be applied to all particulate materials contained in open-bodied trucks, trailers or other vehicles transporting particulate matter prior to operation of the vehicle, in order to prevent as much dust as possible from becoming airborne during transportation.
 - 4. How water or a covering will be applied to all stockpiles of particulate material to prevent as much dust as possible dust from becoming airborne during high wind conditions.
 - 5. How transfer processes involving free fall of soil or other particulate matter will be performed in order to minimize free fall distance and thus reduce dust emissions.
 - 6. How and when water will be applied to unpaved surfaces, including adjacent rights-of-way, or any other surface that can create airborne dust in order adequately to control dust emissions.
 - 7. How and when ground cover on the development site will be reestablished prior to final occupancy.

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8. The designated routes within the job site that will be used by vehicles transporting soil or other materials to and from the site.
 9. How soil, sand, dirt and any other particulate matter will be removed from vehicle tires and undercarriages prior to leaving the development site, in order to prevent the tracking out of said soil, sand, dirt, etc., onto the adjacent rights-of-way.
 10. The maximum speed limit on unpaved roads through the construction site and how and where speed limit signs will be posted along the haul road routes so that they are visible to vehicles entering and leaving the development site.
 11. How and when soil, sand and other particulate material deposited or emitted onto any right-of-way near the development site will be removed.
 12. How dust control systems and/or devices, including but not limited to water application systems, filter replacement, or daily removal of excess dust from containment areas, will be maintained.
 13. How and when opacity monitoring will be performed by a properly trained and certified individual in order to make sure that dust emissions do not exceed 30 percent over a six-minute period; and how remedial actions to address excess opacity will be immediately managed and documented.
- E. In addition to providing the dust control plan, the contractor shall provide to the City a copy of the daily dust control checklist on which the contractor will document the compliance of the mitigation activities detailed in the dust control plan.
- F. The contractor shall make the dust control plan and the daily dust control checklist available at the job site for periodic review, inspection and copying by the City's representatives.

SECTION 6.09.04 VIBRATION MITIGATION PLANS

- A. A vibration mitigation plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. A Vibration mitigation plan is required for all non-residential and multi-family development.
1. Single-family and Duplex developments are exempt from this section.
- C. All vibration mitigation plan must meet the requirements stated in this section
- D. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- E. Vibration Mitigation Plan requirements
1. a description of the control processes that the Contractor will implement in order to address the following:
 - a. How to ensure that any activity will not transmit vibrations to sensitive receptor structures at or above the Federal Transit Administration (FTA) approximate vibration damage threshold of 9XX Vibration Decibels (VdB).
 - b. How to minimize the impact on surrounding areas for any activity exceeding the approximate FTA vibration annoyance threshold of 80 VdB.

SECTION 6.09.05 LITTER CONTROL

- A. The purpose of this section is to provide a sanitary and satisfactory method of handling, collecting, and disposing of litter, and for the maintenance of public and private property that may negatively impact the health and safety of the community.
- B. Construction site.

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1. Litter prohibited.
 - a. It shall be unlawful for any owner, agent, or contractor of a construction site to cause, or allow, the presence of litter on such site outside of a proper receptacle or to cause, or allow, litter or waste to be spilled, discharged, or blown by wind or carried away by water.
 - b. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.
2. Receptacles required.
 - a. The owner, agent, or contractor in charge of a construction site shall furnish on site, receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste.
 - b. All receptacles shall be conveniently available, maintained and secured or covered.
3. The number and capacity of receptacles should be determined by the primary contractor, but not less than one receptacle for worker's litter and no less than one receptacle for construction waste shall be placed at each construction site.
 - a. Receptacles required under this subsection shall be not less than 50 gallon capacity.
4. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced when full.

SECTION 6.09.06 MATERIAL MANAGEMENT

- A. The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways.
- B. Construction sites.
 1. Paint/solvent storage shall not be within 50 feet of an environmentally sensitive area (ESA) and shall be enclosed in weather/leak proof storage facility.
 2. Fuel storage tanks shall be located 75 feet or more from an ESA or storm drain and shall be in a state approved leak proof container.
 3. All above ground tanks for fueling shall be secondarily contained.
 4. Portable waste receptacles must be on the construction site and must be serviced on a regular basis.
 5. Construction site driveways can be installed with or without wheel washing stations, but must prevent construction site vehicle wheels from transporting soil and sediment off of construction site and onto roadways.
 6. All hazardous waste material shall be disposed of in a manner specified by federal, state, local regulations, and manufacturer's specifications.
 7. All on-site vehicles and tanks shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products shall be stored in tightly sealed containers, which are clearly labeled. Storage shall be at least 75 feet from an ESA or storm drain.
 8. Any pesticide and herbicide usage shall be applied by a state licensed applicator.
 9. Fertilizers used shall be applied only in the minimum amount recommended by the manufacturer. If stored on-site, covered storage shall be provided. Any contents of any partially used bags of fertilizers shall be transferred to a sealable container.

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SECTION 6.10 EASEMENTS

SECTION 6.10.01 EASEMENTS

- A. Easements shall be provided for all utilities, facilities, or services which are required for development which include but are not limited to:
1. Access (Vehicular or Pedestrian)
 2. Communications
 3. Conservation
 4. Drainage or Stormwater
 5. Electrical
 6. Potable Water
 7. Waste Water

SECTION 6.11 HARBOR BOARDWALK AND AMENITIES

SECTION 6.11.01 REQUIRED HARBOR BOARDWALK DEVELOPMENT

- A. The following requirements only apply to development projects located in the SHMU zoning district:
1. Pedestrian easements dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront are required.
 2. For the north-south access, developments have the option to provide either an exclusive pedestrian easement with a minimum width of ten feet when such easement is not located next to an adjoining property line or a five-foot wide easement when it is located next to an adjoining property line of the development.
 3. For east-west access, developments must provide a pedestrian easement for the Harbor Boardwalk and Promenade with a minimum width as indicated in subsection b, listed below. All pedestrian areas shall be constructed of pavers, asphalt, concrete, stamped and colored concrete, boards or other impervious surfaces.
 4. Additionally, all pedestrian easements dedicated to the public for access shall have adequate outdoor lighting to help ensure the health, safety, and welfare of the public at night.
- B. Design and Construction
1. Each development is responsible for constructing that portion of the Harbor Boardwalk and Promenade fronting its property to the following minimum standards listed below.
 - a. Harbor Boardwalk and Promenade materials:
 - i. The Harbor Boardwalk and Promenade shall be constructed of materials meeting the standards and specifications approved by the CRA Board.
 - b. Width and Height of Pedestrian Walking Surface
 - i. Fifteen feet minimum with an average of 25 feet.
 - ii. No structures, other than canopies, may extend over the pedestrian walking surface.
 - iii. A minimum clearance of ten feet (10') must be provided when canopies protrude over the pedestrian walking surface.
 - iv. Height of Pedestrian Walking Surface
 - (a) Four feet (4') to twelve feet (12') above mean high water line.

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- (b) Height of pedestrian walking surface may vary from the previously mentioned standard to be compatible with the height of the Harbor Boardwalk and Promenade fronting adjacent properties and to comply with the Americans with Disabilities Act requirements.
- 2. Design and construction of waterfront amenities/improvements.
 - a. Lighting, benches, drinking fountains, trash containers, planters, and other hardscape items shall be as per the standards and specifications approved by the CRA Board.
 - b. Lateral connections to the Harbor Boardwalk Promenade must meet the above standards for walking surface height, hardscape, and vertical boardwalk features.
 - c. Each development shall erect and maintain a historical or informational display board for every 150 linear feet or fraction thereof of Boardwalk. Historical or informational display boards shall be constructed per the standards and specifications approved by the CRA Board.
- C. Water Taxi Stop
 - 1. All nonresidential, mixed use and multifamily development that border the Destin Harbor, the East Pass or Choctawhatchee Bay shall provide a minimum of one loading and unloading area or slip which shall be reserved for use by a water taxi.
 - 2. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi. Additionally, water taxi amenities shall be provided in conjunction with the water taxi stop.
 - 3. Water taxi amenities shall include:
 - a. A minimum of at least one bench that accommodates a minimum of eight people;
 - b. A trash receptacle;
 - c. Sufficient outdoor lighting for safe pedestrian movement at night;
 - d. A location/information sign that at a minimum shows the location of the water taxi stop in regard to other water taxi stops, transit stops, and public parking garages; and
 - e. A boardwalk/sidewalk that connects the water taxi stop area to the internal (development site) and, if applicable, external (public) sidewalk system.

SECTION 6.12 CONSTRUCTION AND DEVELOPMENT ACTIVITY

SECTION 6.12.01 SIGNAGE

- A. Signage
 - 1. A sign, meeting the following requirements, shall be posted on the property:
 - a. The sign must be prominently placed on the development site and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way
 - b. Such sign shall be a minimum of eighteen inches by twenty-four inches (18" x 24") in size;
 - c. The sign must clearly indicate the following:
 - i. Name of the responsible Emergency Contact
 - ii. A phone Number that is accessible 24 hours a day, seven days a week
 - iii. Permit Number
 - d. The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).

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SECTION 6.12.02 SCREENING

- A. All construction sites, active or inactive, shall provide site screening fence, along all property lines.
- B. The screen material shall;
 - 1. Be made of an opaque material capable of allowing air to pass but semi-pervious to dust and dirt.
 - 2. Be of a fineness such that no material over one-eighth ($\frac{1}{8}$) inch in size shall pass through the mesh.
 - 3. Be securely affixed to the construction fence.
 - 4. Have a minimum height of five (5) feet and a maximum height of eight (8) feet.
- C. The screening material shall be maintained in good condition and taut throughout the allotted permit time.
- D. The screening must be kept secure from any wind action.
- E. In cases where the finished grade of the development site is higher by more than one (1) foot or more than the grade of the adjoining properties, said fence screening shall be placed at the finished grade and not the existing grade.
- F. Any image placed on the construction fence screening must be of a non-commercial nature and not promote any activity or entity supporting or providing goods and services.
- G. All construction screening must be removed upon;
 - 1. The building permit being completed and before issuance of the Certificate of Occupancy or Completion.
 - 2. The project becoming inactive, and the site is restabilized.
 - 3. The issuance of a hurricane warning for the greater Destin area by the National Hurricane Center.

SECTION 6.12.03 CONSTRUCTION VEHICLE PARKING MITIGATION PLAN

- A. All construction and development activity must provide a Construction Vehicle Parking Mitigation Plan in accordance with the **Code of Ordinances, Article 2 Chapter 18, Section 21.**

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 11, 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
Steve O'Connor, Principal Planner

FROM: Daniel Butler, Senior Planner

DATE: March 15, 2024

SUBJECT: Draft Article 7 – Resource Conservation and Protection for the Local Planning Agency's review and provide guidance to Staff on direction of the draft article to be brought back at a later date for consideration and recommendation to City Council.

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 move forward diligently and systematically 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 7 – Resource Conservation and Protection** (Article 7) consists of various elements of environmental and natural resource protection, as well as archeological and historical resource protection, currently spread throughout Article 7 and 11. This Article consolidates and reorganizes the regulations that govern development within certain areas of special environmental concern within the City, as well as provides clarity of the current regulations.

The main areas where the draft provides clarity are:

- 1. The minimum standards for any new development or redevelopment within certain**

areas of special concern for the City.

2. Reorganization of material into a more efficient manner for all users.

3. Updating of standards based on current policy and direction.

Further, the following elements were reorganized, clarified, or consolidated in the following manner:

1. Bay Shoreline Protection Zone: The definition of this zone was clarified to be identifiable by all users and Staff.

2. Gulf Shoreline Protection Zone: Same as above, that the definition/location of this zone was clarified to be identifiable by all users and Staff.

a. Additionally, based on policy direction, language was added to require a Beach and Dune Restoration Plan to be submitted when any construction activity is proposed within this Zone, as well as limiting public expenditures for infrastructure within these Zones.

3. Environmentally Sensitive Areas: Based on policy direction, language was added to this Section to require a Wetland Report by a licensed professional with any project submittal within these areas.

4. Marina Siting: Marine construction projects are now designated by 'Class' based on the proposed size of improvements, use, and number of slips. The Marina Siting cites the appropriate Section for these projects, as well as their review processes. Also, the allowable dock lengths were reorganized into a table format and clarified, so that Staff and all users could locate and interpret.

5. Preservation of Historical Structures, Sites, and Resources: This Section had the following additions:

- a. Placing the burden of coordination with the State on the applicant, per policy direction.
- b. Require an archeological and historical review summary to be reviewed by the State for any applicable proposed development.
- c. Requiring an Archeological Salvage Excavation Plan if any resources are previously known to exist.
- d. Requiring Staff to prepare a report describing any developments that discovered, impacted, or removed any historical or archeological artifacts/sites, per policy direction.

Despite the reorganization, clarification, and consolidation the draft provides, there are a couple of policy and regulation questions that Staff have moving forward. Below are the policies in which Staff need guidance and direction from the LPA. All recommendations will be updated and brought back for final recommendation to City Council.

1. Comprehensive Plan Policy 6-1.4.4 Implement Beach Access Point Level of Service Standards

- a. Current policy requires Staff to include criteria for evaluating new development for compliance with the City's beach access point level of service standards, as well as calls for development incentives to encourage new development occurring along shoreline areas to dedicate easements or donate land for use as public accessways to the shoreline

areas.

Staff Comment or Question: Currently, there are neither any beach access level of service standards, nor any development incentives to encourage such easement or dedication/donation, making this policy difficult to implement for Staff.

2. Comprehensive Plan Policy 6-1.11.3: Consider Scenic View in Site Plans

a. Current policy requires any waterfront development to include design measures that provide, enhance, and preserve scenic views of the water for the general public from public rights-of-way.

Staff Comment or Question: Currently, there are no LDC requirements that would implement this policy. Staff would like to have a discussion in regards to potentially establishing regulations requiring commercial/non-residential waterfront development to provide, enhance, and preserve such scenic views.

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

#3. Economic development and revitalization

#4. Effective, efficient, and aesthetically pleasing infrastructure

#6 A green and sustainable environment.

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 7 consolidates and reorganizes the regulations that govern development within certain areas of special environmental concern within the City, as well as provides clarity of the current regulations, while implementing and complying with the **City's Comprehensive Plan** goals, policies, and objectives.

IV. RECOMMENDED MOTION: I move that the LPA recommend approval to City Council of the Draft *Article 7 - Resource Conservation and Protection*, as presented.

Attachments:

1. 1. Article 7 - Resource Conservation and Protection DRAFT

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City of Destin, FL - Land Development Code

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ARTICLE ~~V7~~ - ~~RESOURCE~~ CONSERVATION AND PROTECTION

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SECTION 57.01 RECREATION

SECTION 57.01.01 GENERAL

~~— Parks and recreation facilities are categorized as either resource-based or activity-based as defined below. Level of service (LOS) standards are prescribed for activity-based facilities (policy 12.A.3.1). The City shall continue to ensure that ample recreational facilities are acquired and maintained for public use and enjoyment.~~

SECTION 57.01.02 RESOURCE-BASED FACILITIES

~~— Resource-based facilities are oriented to natural resources such as beaches, lakes, bays and bayous. These facilities usually fall under the purview and management of federal and state agencies. It is the responsibility, however, of local governments to preserve and protect such resources within its political jurisdiction and to enhance public access to such facilities. Article 11, Coastal Management, provides for public recreational use and access to resource-based facilities consistent with regulations to protect the shoreline and environmentally sensitivity [sensitive] areas. Policies set forth in Chapter 12 of the comprehensive plan repeated under subsection 12.04.00 are referred to Article 11.~~

SECTION 57.01.03 ACTIVE AND PASSIVE FACILITIES

- ~~A. Active recreation areas includes boat launching facilities, basketball courts, tennis courts, baseball and softball fields, meeting halls, and the like. The intensity of development of such sites shall be consistent with all setback, parking, landscaping, and open space requirements as defined within this Code. Also, buffering to prevent intrusive noise, light, glare, vibration, or other nuisance factors shall be required on all newly developed recreation sites. Impervious cover shall be limited to 75 percent of the site.~~
- ~~B. Passive recreation areas include open spaces, wilderness, and wetland preserves, scenic vistas, and Clement Taylor Park. Uses allowed in these areas shall be strictly passive in nature, and impervious cover shall be limited to not more than 20 percent of the site.~~

~~Note: Development of all City-owned public recreation facilities within the City shall be reviewed and approved by the City Council prior to development of such sites.~~

SECTION 57.01.03 ACQUIRING PUBLIC RECREATIONAL FACILITIES

- ~~A. The City shall periodically seek funding through the Florida Recreation and Development Assistance Program (FRDAP), the conservation and recreational lands trust fund (CARL) administered by the department of natural resources (DNR), and the Save Our Coast program also administered by DNR to acquire environmentally endangered lands and other lands for recreation and open space.~~
- ~~B. The City shall periodically seek funding from the division of marine resources, DNR, for the construction of artificial saltwater fishing reefs.~~
- ~~C. The City shall periodically seek the cooperation and assistance from the department of transportation (DOT) to identify and construct new bicycle route corridors.~~

~~3TP Recommendation: Move this entire section out of the LDC, as it doesn't have to do with the development of Recreational Facilities. Those requirements exist within the LDC but are in Article 4 or the Design Manual. Element 7 of the Comprehensive Plan includes the levels of service for Recreation facilities, and the Code of Ordinances includes non-development related requirements for Recreation and Open Space.~~

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It should be noted that Policy 7-1.2.8 includes the following language related to public open space: "To protect lands designated as public open space from impacts created by incompatible land uses, the LDC shall include site design criteria and zoning standards to assure compatible uses and development occur adjacent to open space areas."

~~Section 57.02 Environmental~~ ENVIRONMENTAL Resource Protection

~~Section 57.02.01 Natural Resource Protection~~

~~Purpose: The purpose of this article is to provide regulations intended to protect the City's existing natural and environmental resources, especially our coastal resources. Therefore, This article intends to limit public expenditures, establish regulations to mitigate, to the highest extent possible, the impacts of floods, protect and restore wetlands where possible, limit the impact of development, and enhance the quality of life and lives and property, and to provide development design and improvement standards applicable to marina siting and coastal management.~~

SECTION 7.013 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

~~(a)~~

SECTION 7.01.01 PURPOSE

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

SECTION ~~57.012.0221~~ BAY SHORELINE PROTECTION ZONE

- A. ~~The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.~~
- B. ~~The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:~~
 1. ~~No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.~~
 2. ~~The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.~~
 - a. ~~If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.~~

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- b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
- c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. and further provided theseThese improvements shall comply with-are placed on the site in such a manner that they comply with the provisions of Section 6.08.00 of this Code.e land development code.
3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves.;
 - b. Minor maintenance or emergency repair to existing structures or improved areas.; and
 - c. Bulkheads and/or seawalls shall be permitted, only if riprap is placed waterward of such seawall along or within property lines.

SECTION ~~57.012.0332~~ GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that waterward of the Coastal Construction Control Line (CCCL) or within any primary dune system commences at the mean high-water line and runs to and includes ten feet (10') landward of the primary dune system.
 1. The 10' landward area of the dune system shall act as a buffer, and shall be planted with native plantings, excluding trees.
Approved Florida Department of Environmental Protection Policy
 - This Section shall not be construed to to lands CCCL unless such lands are located within a primary dune system.
 2. Notwithstanding the above limitations on application of the prohibitions landward of the CCCL, Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Ggulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of of a City Council approvedan FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting. Such Plan shall be forwarded to the DNRFDEPD for review and comment.
 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses.
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures, except for permitted minor structures authorized by-the FDEP; albeit the minimum setback for construction within properties fronting the

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Gulf of Mexico shall not be less the primary dune than 50 feet from the mean high-water line.

- b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
- c. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune stabilization,
- d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations,
- e. Installation of temporary or permanent coastal armoring, as such is defined in Rule 62B-33.002(5), Florida Administrative Code, unless a permit for such armoring has been issued by FDEP, and any other applicable Federal and local requirements have been satisfied, or unless such armoring is authorized by the City's adoption of an emergency resolution pursuant to F.S. § 161.085(3), and any other applicable Federal, State and local requirements have been satisfied. Exceptions
 - i. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.

C. Dune enhancement.

- A.1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.
- B. Enforcement. Any person who fails or refuses to comply with the provisions of this section shall have his or her building permit suspended until the person is in compliance.
- C.D. Design standards for areas located within the gulf shoreline protection zone. The following development design standards shall apply to all development located within the Gulf Shoreline Protection Zone:
 - 1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with Section 7.05.02 of this Article which may be discharged provided that the first one inch of runoff is detained or retained in off-line facilities with filtration.
 - 2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.
 - 3. Any channels constructed shall be of a minimum depth and width capable of achieving the intended purposes. Sides of channels shall reflect an equilibrium shape to prevent slumping and erosion and to allow revegetation.
 - 4. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
 - a. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within 30 days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.
 - b.2. If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand).

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5. ~~Septic tanks shall not be located closer than 150 feet from the landward boundary of the gulf shoreline protection zone. If septic tanks are allowed, there may be no more than two septic tanks per acre of land.~~
6. ~~Where wet moorage is offered for rent, boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pump-out, holding or treatment facilities shall be provided by the developer for sewage and other wastes contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and/or vehicles.~~
7. ~~If no natural vegetation exists, strips of buffer vegetation shall be planted between development activities and the gulf shoreline protection zone. Buffers shall be a minimum of ten feet wide and shall be composed of native species.~~

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

- A. ~~The purpose of this Section is to prohibit and/or regulate the use of clays, sand-clay mixtures or any other material subject to wind and water transport that can be potentially discoloring to the natural white sands and to the waters of the City, and to regulate and require permitting for use of these materials in other areas of the City. The provisions of this Section shall apply to all types of construction.~~
- B. Approvable Materials
 1. Zone 1: White sand must be used as fill material in a White Sand Zone 1.
 2. Zone 2: White sand, sandy soil which is indigenous to Zone 2, or other sandy soil which is as light or lighter than the undisturbed indigenous soil on site may be used in Zone 2.
 3. Special purpose materials, as described below, may be used within a White Sand Zone 1 or 2:
 - ~~— Septic tank pads — Only approved materials as listed in Section 11.07.02 may be used for septic tank pads within the protected area.~~
 - a. ~~Discoloring material used for horticulture and landscaping may be used if discoloration is limited to the planted area by containment safeguards. Any discoloration to public or other private property is unlawful. It shall be the responsibility of the permitted property owner to clean and restore any discolored public or other private property affected by the landscaping or horticultural activity.~~
 - b. ~~Beneath building foundations, parking lots, and roadbeds, limestone, dolomite, crushed lime rock, and other similar stabilizing materials containing no red clay, red sand, tan sand, or other adversely deeply tinted material, may be used if both of the following measures have been incorporated:~~
 - i. ~~The material is contained by a concrete curb or solid concrete block wall extending not less than one foot below grade and as deep as necessary to provide containment.~~
 - ii. ~~The material must be covered by a permanent cover such as asphalt, concrete or other appropriate material within five (5) calendar days (120 hours) of placement.~~
 - (a) ~~If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement, and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.~~

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City of Destin, FL - Land Development Code

- c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.

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

4. ~~(other materials requested to be used submitted to City Manager)~~ Reconstruction & Redevelopment

a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.

i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.

ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION ~~57.012.054~~ ENVIRONMENTALLY SENSITIVE ~~AREAS~~ ZONES

A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood and erosion control benefits; and protect surface ground water quality.

1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.

2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information pertinent to the project.

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

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

B. Wetland Protection Zones

1. The boundaries of this zone shall be the most landward extent of the following:

a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. ch. 403.

b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.

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City of Destin, FL - Land Development Code

- c. Areas within the jurisdiction of the Northwest Florida Water Management District.
- d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
- 2. Development activities allowed within Wetland Protection Zones.
 - 1-a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - a-b. These activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails having no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.
 - i-vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
 - (a) _____
 - (b) _____
- 3. The following special design standards apply to any development within Wetland Protection Zones:
 - b-a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NFWFMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - c-b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.
 - c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns.
 - ii. Limiting the normal removal of vegetation to the minimum amount necessary to carry out the development activity.
 - iii. Expediently replanting disturbed areas.

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City of Destin, FL - Land Development Code

- iv. Stabilizing banks and other unvegetated areas by siltation and erosion control measures.
 - v. Minimizing the amount of fill used in the development activity.
 - vi. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.
 - vii. Constructing channels at the minimum depth and width necessary to achieve their intended purposes and designing them to prevent slumping and erosion and allow revegetation of banks.
 - viii. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning and other cycles and activities of wildlife.
 - ix. Designing, locating, constructing and maintaining all development in a manner that minimizes environmental damage.
 - x. Prohibiting septic tanks, or
 - xi. Requiring the developer and successor to record deed restrictions and other legal mechanisms to protect the environmentally sensitive areas and maintain the development.
 - d. Additional environmental protection measures may be required by the City Council to provide sufficient protection for Wetland Protection Zones.
 - e. Clustering Development
 - i. In the case that any proposed development is located on property with wetlands, the allowable density and/or intensity of the total site shall be applied to the developable area outside of the wetlands.
 - ii. In no case shall the proposed density and/or intensity be greater than the allowable density of the total site.
 - iii. Clustering development allowances only apply if the developer does not build within the wetlands, and all protective measures, as identified above, are implemented to reduce adverse impacts to the wetlands.
- C. Coastal Marsh Vegetation Protection Zones
- 2.1. This Section shall apply to any property that contains coastal marsh vegetation.
2. Regulations for structures built over Coastal Marsh Vegetation Protection Zones
- a. The structure shall be designed to have the smallest footprint practicable.
 - b. The elevation of the structure shall be a minimum of eight feet (8') above the coastal marsh vegetation area floor level.
 - c. The width of the structure shall be limited to a maximum of four feet (4').
 - d. maximum half-The structures shall be aligned in a north-south direction wherever practicable.
3. Prohibited acts in Coastal Marsh Vegetation Protection Zones
- a. No person shall remove, cut, or alter the natural growth of coastal marsh vegetation.
 - b. No herbicide or pesticide is to be used on coastal marsh vegetation.
 - d.c. No placement of riprap on coastal marsh vegetation or within five feet (5') of coastal marsh vegetation.
 - a.d. No placement or construction of seawalls in areas containing coastal marsh vegetation.
 - e. No storage of hazardous chemicals or materials.
- 2.4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones areas.

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- a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.

~~3.5. Prohibited ongoing activities.~~ The following standards apply to post-development activities taking place within any ~~protected~~ Coastal Marsh Vegetation Protection Zones ~~environmentally sensitive Area.~~

~~b.a.~~ Point source and non-point source discharges.

- ~~a.i.~~ Absent an amendment to ~~the~~ development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.

~~b.~~ Clearing:

- ~~b.i.~~ Absent an amendment to ~~the a~~ development order, no person shall clear more vegetation than was permitted for the original development.

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

- i. Developments where ~~any types of fuel, hazardous/toxic substances, or waste fuel or toxic substances~~ will be stored, ~~transferred~~ transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of ~~fuel and toxic~~ these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.
- ii. No ~~fuel, hazardous/toxic substances, or waste toxic or hazardous wastes or substances~~ shall be stored in outdoor containers not specifically designed and intended for storage of ~~such hazardous~~ materials.
- iii. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.

~~6. long-term~~ Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and governmental authorized mosquito control programs.

~~7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.~~

~~8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.~~

~~1. Land use also has impact on surface waters and therefore requires the implementation of regulatory controls. The Destin Harbor represents the economic center of the City of Destin and as such requires protection to guard against future degradation. Docks, marinas and boating activity in the harbor tend to increase proportionately with Destin's growing resident and tourist population. Measures to ameliorate the impact of high intensity use of the harbor are essential to protect this valuable resource.~~

~~a. In 1987, a Destin Harbor management plan study was completed. Recommendations and policies contained in this plan pertinent to land use and the permitting process are set forth as follows (policy 7.A.1.1):~~

~~2. The direct discharge of sewage from boats in the harbor is prohibited by federal, state and local law.~~

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3. All commercial marinas are subject to annual permitting and inspection by the City of Destin. The following procedures shall be applicable:

- a. Persons desiring to construct a new dock or add to, alter, remodel, or reconstruct an existing dock shall apply for and obtain a permit and other authorization from the City prior to construction.
- b. Permits for docks, marinas are not transferable without the written consent of the City.
8. The permittee shall be responsible for the condition and repair of permitted docks. Failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

Section 57.02.05 ZonesFloridaZones

The boundaries of a wetland protection zone shall be the most landward extent of the following:

Areas within the dredge and fill jurisdiction of the Florida

Section 57.02.05 Wetland Protection ZonesFlorida Department of Environmental ProtectionDetermination of boundaries. A developer shall obtain a determination of the boundaries of a protected environmentally sensitive zone and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information pertinent to the project.

meet the minimum requirements as defined by the Northwest Florida Water Management District disturbed

SECTION 57.012.0606 ENVIRONMENTALLY SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the City. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered or special concern plant and animal species. Protection of coastal resources and environmentally sensitive lands in the foregoing subsections intrinsically provides for the conservation of affected resources. Conservation also extends to the preservation of air quality, the protection of historical resources, and the protection of endangered species of plants and animals. This subsection provides regulatory controls intended to conserve these resources.

1. byAreas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.

B. Habitat Management Plan

1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.

a. If any of these species are present, the applicant shall submit obtain and obtain submit a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services, the Community Development DirectorCity Council.

b. This habitat plan shall iwhich includes a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency, such as but not limited to the Florida Fish and Wildlife Conservation Commission (FWC), the United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.

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City of Destin, FL - Land Development Code

- a.c. ~~City Council~~The Director may utilize this information as a ~~basis to require additional preservation area or to determine the degree of development activity allowed to add conditions of approval as deemed appropriate.~~
2. The ~~Habitat Management Plan~~ shall be prepared by an ecologist, biologist or other related professional. ~~The plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.~~
3. The final development plans approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.
- ~~2.4.~~ Where land on a proposed development site is to be preserved as a habitat of rare, endangered or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
- a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
- a.b. A conservation easement shall be recorded by the applicant for all land, including wetlands, that are to be preserved as a condition or a requirement of a development approval.
- A. ~~Flora: Figures 8-18 and 8-19 and tables 8-13 and 8-14 in the foundation documents identify predominant flora in Destin.~~
- B. ~~Fauna: Table 8-5 of the foundation document lists the fauna in the area that area endangered, threatened or of special concern. Where development activity may threaten endangered wildlife, the following regulatory conditions apply:~~
1. ~~Areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or by the Florida Game and Fresh Water Fish Commission (FGFWFC) for reproduction, feeding or nesting of such species shall not be altered or in any way affected by development without the approval of the City and the FGFWFC.~~
- C. ~~Marine Turtle Conservation Zone.~~
1. ~~These regulations are intended to accomplish the following:~~
- a. ~~Protect marine turtle hatchlings from the adverse effects of artificial lighting.~~
- b. ~~Provide overall improvement in nesting habitat degraded by light pollution.~~
- c. ~~and to increase successful nesting activities and production of hatchlings on the beaches located within the Marine Turtle Conservation Zone within the City Limits of the City of Destin.~~
2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in the City's Design Manual.
3. Existing artificial light fixtures that are replaced for any reason shall comply with this Section.
4. The following activities are prohibited within a Marine Turtle Conservation Zone:
- a. The use of laser source light or any similar high intensity light for outdoor advertising.
- b. The operation of searchlights or beacons.
- c. All other outside light sources shall be in compliance with this Code.
- ~~The outdoor lighting standards outlined in the City's Design Manual apply during the nesting season as defined in Article 3, Section 3.00.00.~~

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2. ~~Standards for new construction activities. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone are required.~~

~~3TP Recommendation: The content related to Environmental Resource Protection has been designated to be relocated, deleted or revised by Community Development Staff. The following includes a breakdown of those separate subsections:~~

~~Community Development Staff:~~

- ~~• Marina Siting/Dock Standards~~
- ~~• Natural Resource Protection~~
 - ~~○ Bay Shoreline Protection Zone~~
 - ~~○ Gulf Shoreline Protection Zone~~
 - ~~○ Environmentally Sensitive Zones~~
 - ~~○ White Sands Protection Zones~~
 - ~~○ Natural Resource Mitigation~~

~~*These sections have placeholders above, but no text.~~

~~Code of Ordinances~~

- ~~• 11.05.01. C, Y [prohibited discharge into waterways]~~
- ~~• 11.05.01. H [mooring or docking regulations]~~
- ~~• 11.05.01. K [mooring or docking regulations]~~
- ~~• 11.05.01. O [vessel operation regulations]~~
- ~~• 11.05.01. P [prohibited discharge into waterways]~~
- ~~• 11.05.01. R [prohibited discharge into waterways]~~
- ~~• 11.05.05. Liveaboards~~
- ~~• 11.06.01. D Air Quality~~
- ~~• 11.06.01. E Incinerators~~
- ~~• 11.06.01. F Open burning~~
- ~~• 11.08. Beach Management~~
- ~~• 11.09. Illicit discharge detection and elimination~~
- ~~• 11.10. Air Quality~~

~~Design Manuals~~

- ~~• 11.04 Floodplain Management~~

~~Deletion~~

- ~~• 11.01.02. Reserved~~
- ~~• 11.01.08. Destin Harbor Protection~~
- ~~• 11.05.01. G [dock length regulations]~~
- ~~• 11.05.01. L [dock construction regulations]~~
- ~~• 11.05.01. T [dock construction regulations]~~
- ~~• 11.05.01. W [dock construction regulations]~~

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City of Destin, FL - Land Development Code

- 11.05.01. X [dock construction regulations]

*The text from these sections have not been included in this document.

The following Comprehensive Plan policies are related to one or more of the subsections above, and should be either incorporated into this section, or the City document which the regulations have been designated for. Alternatively, the Comprehensive Plan policies may be amended or removed.

Flora/Fauna/Wildlife:

~~Policy 5-1.4.6: Protect Flora and Fauna Having Special Status. Development activities shall not adversely impact wildlife and plants that are endangered, threatened, or species of special concern, as listed on the Federal or State inventory of designated "endangered or threatened" species, or "species of special concern." The City shall further protect wildlife and plants, including wildlife habitat, by promoting public acquisition and the dedication of conservation easements or reservations. Applicants for development proposed on undeveloped land must submit a field survey from a professional biologist, or other similar professional, evaluating the presence of any listed species.~~

~~Policy 5-1.8.2: Protect Wildlife and Wildlife Habitats. Prior to development or land clearing on property containing undisturbed vegetative communities, a survey shall be conducted to identify the presence of any endangered, threatened, or species of special concern. The survey shall be conducted by a professional biologist or similar profession as part of the development review process. If such survey identifies the presence of classified wildlife or plant species, a mitigation plan shall be prepared and submitted to the Florida Wildlife Conservation Commission for its review. The City shall further protect wildlife and wildlife habitats by promoting public acquisition and the dedication of conservation easements or reservations. The City shall coordinate with public interest groups in distributing educational pamphlets designed to promote knowledge and awareness of endangered and threatened species.~~

Wetlands:

~~Policy 5-1.6.2: Protect Wetlands. All wetlands meeting the definition provided in Policy 5-1.6.1 shall not be removed, altered, or destroyed unless demonstrated to the City that good-faith efforts have been made to avoid wetland impacts. To demonstrate good-faith effort to preserve wetlands, a property owner or development applicant must demonstrate in a written and illustrative report to the City that: 1. Development consistent with the Comprehensive Plan and Land Development Code has been clustered away from pre-development wetlands and onto upland areas of a same property but shall not exceed the maximum densities or intensities allowed for the site by the Comprehensive Plan and Land Development Code. 2. On-site open space and recreation requirements are located to maximize wetland preservation. 3. Upland buffers adjacent to remaining wetlands will be preserved under conservation easements or tracts prior to issuance of a construction or land-clearing permit. 4. Access to developable upland areas cannot be obtained without removal or destruction of wetlands; or access through wetlands is necessary to avoid land use conflicts between residential and incompatible non-residential uses. 5. Alternative site design and location of buildings, parking, stormwater facilities, and impervious surfaces will create a threat to public health or safety, or create a greater potential threat to natural resources. 6. Wetland mitigation will occur within or adjacent to the City except if a mitigation site cannot be found that is acceptable to both the City Council and FDEP.~~

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Commented [DB6]: 7.02.05 covers this. Maybe work with Tamara to design pamphlets IF we have such species/habitats.

Commented [DB7]: 7.02.04. addresses this for the most part, especially regarding the Wetland Report. However, do we want to remove LA from preparing these? They do not have wetland experience. Engineer or Biologist?

Commented [DB8R7]: We feel that we should not include the 6 criteria above in the LDC. There are too many opt outs.

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~~To demonstrate that good-faith efforts were taken to preserve wetlands, a written and illustrative wetland report must be prepared by appropriate licensed engineers, biologists, landscape architects, or other similar design or land planning experts to address subjects enumerated under paragraphs 1 through 6 above. No alteration, removal, or destruction of a wetland shall occur without City Council approval of the wetland report, and only after all other environmental permits required by the City or state, county or federal agencies have been issued.~~

~~Policy 5-1.6.3: Provide for Wetland Report Waiver. A wetland report, as referenced under Policy 5-1.6.1, may be waived by the City Council if the wetland area proposed to be removed, destroyed or altered is less than one-quarter acre, no mitigation will be required by the Florida Department of Environmental Protection — Northwest Office, and the wetland does not abut an existing residential area or residentially zoned land.~~

~~Policy 5-1.6.4: Provide for Wetland Mitigation. Where the City and FDEP approve the removal, alteration, or destruction of wetlands, mitigation shall occur consistent with Section 62-312, Florida Administrative Code. Prior to issuance of any land-clearing or construction permit from the City, an applicant must submit to the City all environmental permits that are required by the State of Florida and the U.S. Corps of Engineers for wetland impacts.~~

~~Policy 5-1.6.6: Enforce Upland Buffers to Wetlands. The upland buffer is an area landward of a wetland delineation, which is described under Policy 5-1.6.1. For all development orders applicable to project sites containing or abutting a wetland, an upland buffer preserved as a natural upland community shall be placed adjacent to wetlands at an average width of twenty-five (25) feet with a minimum allowed width of fifteen (15) feet. Only conservation uses may occur within an upland buffer. If endangered or threatened species dependent upon both wetland and upland habitats are identified within a wetland or adjacent uplands, the upland buffer shall encompass an upland area sufficient to accommodate the identified species. Site plan and subdivision plans shall not be approved by the City unless approval conditions require the upland buffers to be preserved within a conservation easement or tract prior to issuance of a construction or land-clearing permit.~~

~~Policy 5-1.6.7: Provide for Dedication of Conservation Easements or Reservations. Conservation easements or reservations shall be placed on all wetlands or other environmentally sensitive lands preserved as a condition or requirement of a development approval.~~

~~Policy 5-1.6.8: Managing and Regulating Wetlands. Any development encroachment into or filling of any wetland must be authorized by the FDEP and/or U.S. Army Corps of Engineers where such wetlands occur within the respective agencies jurisdiction. Burden is placed on the property owner to coordinate with such agencies to determine if their property lies within any jurisdictional wetlands. Wetlands shall be used for purposes that are compatible with their natural values and functions.~~

Coastal Protection:

~~Policy 6-1.3.1: Reduce Shoreline Erosion Through the Land Development Code. The City shall continue to enforce its Shoreline Protection Ordinance. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable. Development along the shoreline shall revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation which: A. Contributes to fish and wildlife habitat, marine productivity and water quality. B. Offers protection from erosion and flooding. C. Contributes to the natural soil building process.~~

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Commented [DB12]: 7.02.04.B.3 covers this. However, we did not spell out the 25 foot avg., 15 foot min. We fell back on NWFWM. Discuss.

Commented [DB13]: 7.02.05.B covers this now.

Commented [DB14]: To discuss above in Wetland Protection Zone.

Commented [DB15]: Covered by the Bay Shoreline Protection Zone.

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~~Policy 6-1.4.2: Provide Public Shoreline Access. Development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems, and shall reduce pedestrian impacts to coastal vegetation by providing narrow accessways between land uses and beach areas. The design and type of accessway or boardwalk shall use best management practices promoted by the FDEP.~~

~~Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The Land Development Code (LDC) shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.~~

~~Policy 6-1.5.4: Restore Beach and Dune Systems. The City shall continue to coordinate with the FDEP to require beach and dune system restoration where development is proposed on the adjacent upland to the primary dune system and where breaches are caused in any portion of a dune system. Furthermore, beach and dune system restoration shall be incorporated into the landscape plan required for new development. The property owner is required to maintain and restore beach and dune systems, including all coastal vegetation, occurring within the parcel or lot consistent with the landscape plan. The LDC shall require dune and beach restoration plans as part of the landscape standards.~~

~~Policy 6-1.6.2: Hazard Mitigation Management. The City shall continue to participate in the County's technical coordinating committee in preparing the hazard mitigation component of the Comprehensive Emergency Management Plan. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards.~~

~~In addition, the City shall enforce more restrictive land use controls within the CHHA than in areas outside of the CHHA, including but not limited to:~~

- ~~A. Not allowing increases in maximum density as identified in the Future Land Use Map.~~
- ~~B. Performance criteria within the LDC shall mandate that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 - ~~1. State and local regulations establish CCCL, as well as applicable state and local construction codes regulating construction activity in coastal areas.~~
 - ~~2. Surface water management improvements that mitigate against loss of flood plain and comply with adopted surface water management level of service standards for drainage cited in the Public Facilities Element.~~
 - ~~3. Publicly funded infrastructure shall not be built within the CHHA unless the facility is for the protection of public health and safety, creation of open space, implementation of beach restoration or shoreline erosion protection programs.~~
 - ~~4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.~~
 - ~~5. Dune and beach system restoration including ongoing maintenance of coastal vegetation.~~~~
- ~~C. A multi-agency site plan review process shall be initiated to ensure that all proposed development or redevelopment having adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation, or other coastal resources, shall be coordinated with county, state, federal, or regional agencies having jurisdiction. A primary function of this review~~

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Commented [DB18]: LDC 7.02.02.4 covers this. Discuss the 'Landscape Plan' component.

Commented [DB19]: Need a map for this.

Commented [DB20]: The land use controls below have been implemented throughout this section, as well as the Floodplain Mgmt. section. The multi-agency review process is TRC; The 'Comprehensive Emergency Management Plan' was last updated in 2019.

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~~process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.~~

~~Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. The City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or state hurricane evacuation plans.~~

~~Policy 6-1.8.1: Restrict Development in CHHA. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from these areas. Residential development and redevelopment in the CHHA shall not exceed the residential densities shown on the FLUM for that property.~~

~~Policy 6-1.8.2: Enforce CHHA Construction Standards. Within the CHHA, the City shall allow no new permanent residential structures, which do not meet the construction standards required by the FDEP if the construction is seaward of the CCCL or by the FEMA construction standards if located within applicable flood zones.~~

~~Policy 6-1.11.3: Consider Scenic View in Site Plans. Waterfront development shall include design measures that provide, enhance and preserve scenic views of the water for the general public from public rights-of-way. Structures along the shoreline shall be designed to prevent walling-off of waterfront views. The LDC shall regulate building location, intensity, and design to protect or enhance scenic views. The site plan and building criteria within the LDC shall require new development to demonstrate that views of adjacent water bodies will be preserved.~~

SECTION 57.023 MARINA SITING

SECTION 7.02.01 PURPOSE

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

SECTION 7.023.024 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with Section 2.08.03 of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 - 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 - 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when it is determined that the water circulation is deemed to be impacted negatively by the proposed facilities.

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The following development activities in, or contiguous to, the Harbor or waterways of Destin shall obtain the proper authorization from the appropriate Federal, State, and City agencies:

- Construct a new dock
- Modify, add to or otherwise change an existing:
 - Dock
 - Seawall
 - Bulkhead
 - Mooring or piling
- Modify or change the conditions of an existing submerged land lease
- Conduct dredge or fill operations

A. —

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.

— 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.

— No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.

— No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.

— No person or entity who maintains or operates a dock shall allow or permit the disposal, dumping, or release of the following items into the Harbor or waterways of Destin:

- Dish carcasses
- Litter
- Waste
- Petroleum products
- Hazardous materials
- Sewage
- Other pollutants

— Commercial or non-residential docks and marinas shall provide anchored down trash and waste disposal receptacles.

SECTION 7.02.03 COMMERCIAL REGULATIONS

- A. Commercial marine businesses located within the City that rent or operate passenger vessels must provide designated docking facilities, whether privately owned or leased.
- B. All commercial docks shall be designed with at least one (1) sewage pump out station for public use. Such sewage pump out station shall be operable and maintained.

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C. All commercial docks shall be designed with the necessary firefighting facilities, as specified by the City or Destin Fire Control.

SECTION 7.023.042 DIMENSIONAL AND DENSITY LIMITATIONS

A. Length

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

<u>Dock Location</u>	<u>Maximum Length Allowed</u>
<u>Any waterfront property not adjacent to Choctawhatchee Bay or zoned South Harbor Mixed Use (SHMU)</u>	<u>The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is located, whichever is less.</u>
<u>Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)</u>	<u>1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is located, whichever is less.</u>
<u>Waterfront property adjacent to Choctawhatchee Bay.</u>	<u>1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.</u>
<u>Waterfront Property with less than 50 feet of waterfront shoreline.</u>	<u>No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with Section 7.02.04.A.section xx.</u>

B. No pier shall extend more than six (6) feet into a canal right-of-way.

C. Density

1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage-footage.

2. Docks along canals, shall not have more than one (1) slip per 45 linear feet of waterfrontage.

— Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

— Setback

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.

Section 7.03.03 Supplemental Requirements

Aerators or circulation devices shall be required as determined by the City when either:

Multiple slips extend from the shore.

A dock has multiple-slips.

Any slip in a canal.

Where it is determined water circulation is deemed to be interfered with by the proposed facilities.

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~~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.~~

~~All navigation/security night-light shall 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.~~

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SECTION 57.034 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 57.034.01 PURPOSE ~~HISTORICAL STRUCTURES AND SITES~~

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

SECTION 7.03.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

A. ~~The Florida Department of State, Division of Historic Resources has identified six sites within Destin of historic significance. These are described by table 4-2 of the foundation documents. Such sites have been identified and documented as being significant in American history, architecture, archaeology, engineering or culture. They reflect the prehistoric occupation and historical development of the nation, state and local community. Their protection and preservation, therefore, is essential.~~ Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply (policy 7.A.5.6). It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.

~~B.1.~~ Historic structures ~~shall be exempted~~ from the provisions of the Standard Florida Building Code, if any modification, repair, or restoration activity would jeopardize their historical integrity.

~~C.2.~~ Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.

~~D.3.~~ A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.

~~4.~~ An archaeological and historic review summary shall be submitted to the city with applications seeking approvals or permits for the following activities: parking lots, grading, earth moving, excavation and fill, drainage, and utilities placement; permits for coastal zone dredge and fill activity and dock construction; permits for tree removal; park and recreation area construction; and subdivision and planned unit developments; site and development plan reviews and comprehensive plan amendments. For any proposed development activity on a historic site

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previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include an archeological and historic review summary, provided by the applicant. Such review summary shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.

4.5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.

a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.

6. The City shall prepare reports describing any developments that discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.

E. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, please see Section 4.07.04.

Section 57.04.02 Preservation of Historic Resources

C. Figure 4-2 of the foundation document identifies the location of six sites of historic or archaeological significance in Destin. See also Table 4-2, foundation documents. There are no structures located on the historic sites. Any proposed land use shall be subject to the following:

1. No excavation or fill construction activity shall be permitted on sites identified as having historical or archaeological significance without approval of the City and the department of state, division of historic resources.

2. If the impact of development on any area of historic or archaeological significance is not known, the City shall require that a survey be conducted under the auspices of the Survey and Registration Section, Bureau of Historic Preservation, Department of State, Tallahassee, Florida 32301.

3. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of [an] archaeological salvage excavation plan approved by the City and the division of historic resources.

4. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by the division of historical resources.

3TP Recommendation: The Comprehensive Plan policies related to this section are primarily composed around the inventory of historic sites maintained by the Florida Department of State, and a survey of historical sites which was to be completed by the City, and then incorporated into the LDC. It is recommended that this section be rewritten so that the Florida Department of State registry is referenced, and the burden of identification of a historically significant site (per Dept. of State) is on the applicant. If a development site is on the registry, the proposal should include the elements to limit the adverse impacts listed in Policy 5-1.12.2 below.

The second part of this section should reference the Harbor District Overlay and the Zerbe-Calhoun Overlay. While it's our understanding that a City-wide historical survey was not completed, two overlays with a specific list of historic locations have been identified in the last few years. These two areas in Old Destin are now maintained as historic areas of the City to be protected. As the requirements of these overlays are included in Article 4, there is only a need to direct the LDC user to that location of the code.

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Finally, as directed by Policy 5-1.12.6, the LDC should be revised to include a section that requires Staff to maintain a report detailing developments of historical sites, including any removals, additions, or changes to these locations.

Policy 5-1.12.2: Prevent Adverse Impacts of Development on Historic or Archaeological Sites.

"...Development activities shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance: A. Destruction or alteration of all or part of such a site.; B. Isolation from or significant alteration to its surrounding environment.; C. Introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting.; D. Transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use.; E. Vegetation removal shall not be permitted on a historic or archaeological site unless the vegetation to be removed is a part of a duly authorized scientific excavation, or is a part of an approved development plan.; and F. Other forms of neglect resulting in its deterioration."

Policy 5-1.12.6: Historic Resources Report. The City shall prepare reports describing any developments that discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur. The Florida Department of State, Division of Historic Resources, has identified seventeen (17) sites within the City that have potential historic or archeological significance. Protection and/or preservation of these sites will be accomplished through the LDC. [Note: The Historic Resources Map 1-6, Comprehensive Plan Data Inventory and Analysis, does not reveal the location of archaeological sites due to their sensitivity to abuse.]

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SECTION 7.045 WATERWAY AND WETLAND PROTECTION/ILLCIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.045.01 PURPOSE

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

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SECTION 7.045.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

A. Illicit discharge

1. Aside from stormwater, no The following substances, materials, or effluent (chemical or physical) shall not be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses:
- Any chemical;
 - materials;
 - other effluent
 - Pollutants
 - Waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater;
 - The preceding list shall not be construed to be an all-encompassing list and is not limited to those substances listed.

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2. If a discharge is found, the City reserves the right to enforce this [ArticleSection](#).
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this [Section](#) if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.
- C. Suspension of access to a municipal storm sewer system.
 1. The [City](#) may suspend access to the ~~municipal storm sewer system~~MS4 if either oneany of the following situations occurs:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The [City](#), without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
 - ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
 - b. Suspension due to the detection of illicit discharge.
 - i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
 - c. Industrial or construction activity discharges.
 - i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
 1. A private property owner shall not allow directDirect, or indirect non-stormwater contaminant or wastewater shall not leaveleave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.

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SECTION 7.045-03 EXEMPTIONS

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

SECTION 7.05-04 MONITORING OF DISCHARGES

- ~~The following regulations apply to all facilities that have stormwater discharges associated with industrial activity, including construction activity:~~
- ~~The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.~~
 - ~~If a discharger has security measures in force which requires proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.~~
 - ~~Facility operators shall allow the City access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.~~
 - ~~The City has the right to require the discharger to install monitoring equipment as necessary.~~
 - ~~The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense.~~

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City of Destin, FL - Land Development Code

- ~~— All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.~~
 - ~~— The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.~~
 - ~~— Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written request of the City and shall not be replaced.~~
 - ~~— The costs of clearing such access shall be borne by the operator.~~
 - ~~— Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this section.~~
 - ~~— An operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the operator denies the city reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.~~
- ~~If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.~~
- SECTION 7.05 05 USE OF BEST MANAGEMENT PRACTICES**
- ~~— The City of Destin has adopted requirements identifying best management practices (BMP) for operations or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S.~~
 - ~~— The identified BMP's can be found in the City's Design Manual.~~
 - ~~— If other BMP's, not included in the Design Manual, are better suited for the situation, then a request for review may be submitted to the City Engineer or designee.~~
 - ~~— The City Engineer or designee may approve, approve with conditions, or deny the request to use another BMP outside what is approved in the Design Manual.~~
 - ~~— The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and nonstructural BMPs.~~
 - ~~— Any person or entity responsible for a property or premises, which is, or may be the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants into the MS4.~~
 - ~~— Compliance with all terms and conditions of a valid NPDES and a city permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.~~
 - ~~— These BMPs shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.~~
 - ~~— Watercourse protection.~~
 - ~~— Persons owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly reduce the flow of water through the watercourse.~~

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~~The owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.~~

SECTION 7.05-06 NOTIFICATION OF SPILLS

- ~~All known or suspected releases of materials or substance which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S. shall be reported as soon as it is discovered or suspected by any person responsible for:~~
 - ~~The facility or operation;~~
 - ~~Emergency response for a facility or operation~~
- ~~Said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.~~
- ~~In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.~~
- ~~In the event of a release of non-hazardous materials, said person shall notify the City Engineer or Code Compliance Department no later than the next business day:~~
 - ~~Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City within three business days of the phone notice.~~
- ~~If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence.~~
 - ~~Such records shall be retained for at least three years.~~

SECTION 7.05-07 ENFORCEMENT

- ~~Whenever the City finds that an owner/operator has violated a prohibition or failed to meet a requirement of this section, the City may order compliance by written notice of violation to the responsible owner/operator.~~
- ~~Such notice may require without limitation:~~
 - ~~The performance of monitoring, analyses, and reporting;~~
 - ~~The elimination of illicit connections or discharges;~~
 - ~~That violating discharges, practices, or operations shall cease and desist;~~
 - ~~The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;~~
 - ~~Payment of a fine to cover administrative and remediation costs; and~~
 - ~~The implementation of source control or treatment BMPs.~~
- ~~If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or the City's designee and the expense thereof shall be charged to the violator.~~
- ~~Appeal of notice of violation:~~
 - ~~Any person receiving a notice of violation may appeal the determination of the City.~~
 - ~~Any person aggrieved by such notice of violation shall file an appeal application with the Community Development department in accordance with the regulations stated in Article 2, for an appeal.~~
 - ~~If the Board of Adjustment upholds the notice of violation, then the aggrieved person has the right to apply for a judicial review of Board of Adjustments decision as stated in Article 2.~~
- ~~Enforcement measures after appeal.~~

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- ~~— In the event of an appeal where the notice of violation has been upheld, the affected person has thirty (30) calendar days from the date the notice of violation was upheld to correct the violation as stated under the terms of the notice of violation.~~
 - ~~— Failure to correct the violation as stated under the terms of the notice of violation within the previously stated thirty (30) calendar days shall cause the City or representatives of the City to take any and all measures necessary to abate the violation and/or restore the property.~~
 - ~~— During such time the person, owner, agent or person in possession of any premises may be subject to daily fines including up to notice of violation date.~~
 - ~~— It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or representatives of the City to enter upon the premises for the purposes set forth above.~~
 - ~~— Cost of abatement of the violation.~~
 - ~~— Within thirty (30) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs.~~
 - ~~— The property owner may file a written protest objecting to the amount of the assessment within thirty (30) calendar days of receiving the cost of abatement notice from the City.~~
 - ~~— If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.~~
 - ~~— Any person violating any of the provisions of this article shall become liable to the City by reason of such violation.~~
- ~~The liability shall be paid in not more than 12 equal payments.~~

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 11, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
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: March 15, 2024

SUBJECT: Draft Article 9 – Management Plans & Article 10 - Impact Fees

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: *Article 9 - Transportation Corridor Management*

The draft of **Article 9 – Transportation Corridor Management** (Article 9) consolidates and reorganizes all the transportation plans: **Transportation Management Plan**, **Pathways Plan** and, when adopted, the **Mobility Plan**.

In the past, these plans have been referenced or reflected in several locations within the current LDC, such as Article 7 & 8. This Article keeps the references and any applicable regulations required by the plans into one location. To be clear, this does not change any element in any of the plans, it only reorganizes them into this one article.

Article 10 - Impact Fees

The main substantive recommended change to the impact fees is to remove the “**Old Tables**” from the current article and simplify all reviews to only the “**New Tables**.” The **Old Tables** served as a way for developers to utilize the old fee schedule if they had a

development order on or before MONTH, DAY, Year. Any new development to old DO's would have to comply with the **New Tables** as deviations are “**new development.**” This draft also significantly reorganizes and consolidates most of the redundancies within the current **Article 9.**

- 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 9** consolidates the various transportation plans into one location. While **Article 10** reorganizes the current impact fees and removes the “**Old Tables**” from the availability of fees.

IV. RECOMMENDED MOTION: Informational purposes only

Attachments:

- 1. Article 9 - Transportation Corridor
Managment - FINAL DRAFT
03.12.24
- 2. Article 10 - Impact Fees - FINAL
DRAFT 03.12.24

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City of Destin, FL - Land Development Code

ARTICLE 9 – TRANSPORTATION CORRIDOR MANAGEMENT

SECTION 9.01 TRANSPORTATION MANAGEMENT

SECTION 9.01.01 PURPOSE & APPLICABILITY

- A. All proposed developments shall be provide safe and convenient multimodal transportation system, roadway network, and sufficient vehicular and bicycle parking to accommodate the needs of the development.
- B. Developments shall be responsible for constructing the segments of planned multimodal transportation and roadway facilities identified in this section as well as the City's Pathways Master Plan, Comprehensive Plan, Mobility Plan, and Impact Fee Study.
- C. All new infrastructure regulated by this article shall meet Minimum Florida Dept. of Transportation, or the Destin Design Manual specifications. Where there is a conflict the Community Development Director shall determine which is required based on the evidence provided by the applicant and the recommendation of the City Engineer.

SECTION 9.01.02 STREET CLASSIFICATION

- A. The following streets are hereby classified as follows and as indicated on Map 8-1: Street Classifications. For the minimum right-of-way requirements for the streets listed in this section, please refer to the City's Design Manual.

Table 9-1 Street Classification		
Major arterial (6-lane)		Minor Collector
	U.S. Highway 98, east of Airport Road to the City limits	Calhoun Avenue (U.S. Highway 98 to Kelly St.)
Major arterial (4-lane)		Sibert Avenue (Calhoun Ave. to Kelly St.)
	U.S. Highway 98, west of Airport Road to the City limits	Cross Street
Minor arterial		Stahlman Avenue (Azalea Dr. to Kelly St.)
	None, as of March 2008	Mountain Drive
Major Collector		Gulf Shore Drive (Eastern edge of Holiday Isle subdivision to Norriego Point)
	Stahlman Avenue (U.S. Highway 98 to Azalea Dr.)	Legion Drive (Benning Dr. to Beach Dr.)
	Benning Drive (U.S. Highway 98 to Kelly St.)	Main Street (Kelly St. to Indian Trail Dr.)
	Beach Drive (U.S. Highway 98 to Kelly St.)	Indian Trail Drive (Main St. to Deerfield Dr.)
	Main Street (U.S. Highway 98 to Kelly St.)	98 Palms Boulevard (existing and future)
	Gulf Shore Drive (U.S. Highway 98 to Eastern edge of Holiday Isle subdivision)	Mattie M. Kelly Boulevard (existing and future)
	Matthew Boulevard	Indian Bayou Trail
	Hutchinson Street	Restaurant Row
	Kelly Street	Scenic Highway 98 West (West of Henderson Beach State Park)
	Azalea Drive	Scenic Highway 98 East (West of Matthew Blvd.)
	Azalea Drive Extension (Benning Dr. to Beach Dr.)	Crystal Beach Drive

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Legion Drive (Beach Dr. to Main St.)		Dolphin Street
Airport Road		Local Street
Commons Boulevard (that portion within the City limits)		All other streets not listed.
Scenic Highway 98 East (East of Matthew Blvd.)		
Minor Collector		
Calhoun Avenue (U.S. Highway 98 to Kelly St.)		
Sibert Avenue (Calhoun Ave. to Kelly St.)		
Cross Street		
Stahlman Avenue (Azalea Dr. to Kelly St.)		
Mountain Drive		
Gulf Shore Drive (Eastern edge of Holiday Isle subdivision to Norriego Point)		
Legion Drive (Benning Dr. to Beach Dr.)		
Main Street (Kelly St. to Indian Trail Dr.)		
Indian Trail Drive (Main St. to Deerfield Dr.)		
98 Palms Boulevard (existing and future)		
Mattie M. Kelly Boulevard (existing and future)		
Indian Bayou Trail		
Restaurant Row		
Scenic Highway 98 West (West of Henderson Beach State Park)		
Scenic Highway 98 East (West of Matthew Blvd.)		
Crystal Beach Drive		
Dolphin Street		
Local Street		
All other streets not listed.		

SECTION 9.02 MANAGEMENT PLANS

SECTION 9.02.01 TRANSPORTATION MANAGEMENT PLAN

A. Purpose and Intent

1. The intent of the Transportation Management Plan is to preserve, protect, and/or acquire rights-of-way and transportation corridors necessary to provide future transportation facilities and facility improvements to meet the needs of growth projected in the City of Destin and to coordinate land use and transportation planning to foster and preserve public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and beneficial development of Destin
2. These rights-of-way and corridors are part of the City's network of transportation facilities and systems, which provide mobility between and access to businesses, homes, recreational opportunities, and other land uses throughout the jurisdiction, the region and the state.
3. The city council recognizes that the provision of an adequate transportation network is an essential public service. The plan for that transportation network is described in the city's comprehensive plan, and implemented through a capital improvements program, other

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policies and procedures, and through regulations on land use and development as well as regulations to preserve and protect the corridors and rights-of-way for the transportation network.

A. Applicability and Consistency

1. All development shall be consistent with the transportation corridor management plan map.
2. Site plans and subdivision plats submitted for review shall include information regarding the location of any corridors designated on the transportation management plan map. All development shall be consistent with the transportation management plan map.
3. Final approval of any development order shall include findings, as applicable, regarding the consistency of a proposed project with any transportation impacts, and shall note any impacts that may be anticipated from the proposed project, along with mitigative methods for such impacts.
4. If the proposed project is inconsistent with the Transportation Management Plan it shall not be approved. However, it is intended that corridor locations shall have some flexibility so as to be compatible with proposed development, so long as the basic intent to provide continuity of the corridor is met.

SECTION 9.02.02 PATHWAYS MASTER PLAN

A. Purpose and Intent

1. The Pathways Master Plan, identifies and prioritizes those projects needed to complete the City of Destin Multi-modal Transportation network as well as to achieve and maintain acceptable multi-modal LOS standards.
2. It provides a clear vision and strategy for the City to continue with the implementation of a system of pathways that will further enhance the quality of life in Destin by providing a non-vehicular alternative to automobile travel.
3. The Plan is to be used as an implementation tool for the City and Developers to implement multi-modal transportation projects throughout the City.
4. The project priorities identified in the Pathways Plan may be revised at the discretion of the City Council to address future needs, conditions, and resources regardless of the score that any particular project received.
5. Priority of future pathway facility improvements shall:
 - a. Improve the overall function and utilization of the pathways network;
 - b. Provide the greatest return on investment;
 - c. Enhance pedestrian safety;
 - d. Respond to the consensual desires of residents, where possible;
 - e. Strengthen non-vehicular transportation connections to important destinations; and
 - f. Result in improved multimodal LOS throughout the City.

SECTION 9.02.03 MOBILITY PLAN (IF ADOPTED)

- A. This section will be populated and updated if/when the Mobility Plan is adopted.

SECTION 9.03 RIGHT-OF-WAY ACQUISITION & DEDICATION

SECTION 9.03.01. ACQUISITION OF RIGHT-OF-WAY.

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- A. The City of Destin may enter into an agreement to purchase, in fee simple, the lands designated as a future corridor or right-of-way.
- B. The city may enter into an agreement to purchase the development rights to lands designated as future corridor or right-of-way. Development rights are defined as either the number of residential units allowable on the portion of the site designated, or as the total floor area allowable in non-residential uses of the portion of the site designated.
- C. The city may enter into an agreement to purchase a perpetual easement including lands designated as a future corridor or right-of-way.

SECTION 9.03.01 ACQUISITION OF RIGHT-OF-WAY DEDICATION

- D. 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.
- E. The provisions of this section apply to projects proposed adjacent to or abutting a future corridor or right-of-way for which improvements are anticipated beyond the five-year period of the capital improvements program. A property owner may, at any time during the application process for approval for a project, voluntarily dedicate lands within the project site that are in the future corridor or right-of-way.
- F. 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.
 - 1. Land to be dedicated shall be only that shown to be necessary for the planned improvements.
 - 2. 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.
- G. 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/Mobility Fee assessed to the proposed project.
- H. 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 9.04 RIGHT-OF-WAY & CORRIDOR PROTECTION

SECTION 9.04.01 PURPOSE & INTENT

- A. Corridors designated in the Transportation Corridor Management Plan Map shall be protected from encroachment by structures, parking areas, or drainage facilities except as otherwise allowable in this ordinance and the comprehensive plan.
- B. The setbacks as described in the applicable zoning district **Article 4** of the Land Development Code shall be considered sufficient for preservation of the right-of-way.
- C. Where the exact alignment of a transportation corridor has not been determined through an engineering study, the location of the roadway right-of-way shall be established during the review of proposed projects in proximity to transportation corridors.

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- D. Alignments, as identified in **Section 9.04.03**, shall provide a continuous travel corridor of a width consistent with that specified in the Design Manual as applicable for the street classification.

SECTION 9.04.02 TECHNIQUES FOR RIGHT-OF-WAY PROTECTION

- A. The following techniques shall be administered for protecting the corridor from encroachment:
1. Site plans or subdivision plats shall show all designated transportation corridors (future right-of-way) on the project site plan.
 2. The alignment shall be the basis for applying normal setbacks as specified in Section 8.01.00.E.3.b. Should the alignment be adjusted due to findings of an engineering study the setback may be reduced through administrative approval by the City Engineer up to, but not exceeding, ten percent of the otherwise required setback, provided that such reduction is necessitated solely by the final alignment of the right-of-way.
 3. Reduction of required setbacks adjacent to the corridor (future right-of-way) may be considered in order to ensure that the location of structures do not encroach into future corridors (future right-of-way). A reduction of up to, but not exceeding, ten percent of the otherwise required setback may be approved administratively by the City Engineer, provided such reduction is necessitated solely by the proposed alignment of the corridor (future right-of-way). Setback reductions of greater than ten percent must be approved by the Board of Adjustments.
- B. Temporary Uses
1. Temporary Uses may allow certain uses for a specified period of time within portions of a site designated as future right-of-way, or within a future corridor.
 - a. The allowance of uses on an interim basis allows the property owner to make economic use of the property until such time as the right-of-way is needed for facilities or improvements.
 2. The following uses, directly related to the primary use of the project site, may be allowed on an interim basis, provided that the use is specifically allowed by the zoning district in which the property is located:
 - a. Stormwater retention, wet or dry, to serve the project site.
 - b. Parking areas to serve the project site.
 - c. Entry features for projects such as signage, gatehouses, architectural features, fountains, walls, and the like.
 - d. Temporary sales or leasing offices for the project site.
 3. The following conditions shall apply to the approval of interim uses:
 - a. As a condition of development order, the applicant agrees to relocate these uses elsewhere on the project site. The Development Order/PUD ~~A developer's agreement~~ shall specify the terms and conditions, including timing, of the relocations required by this section.
 - b. Relocation of approved interim uses shall meet all dimensional limitations of the applicable zoning district per **Article 4**.
 - c. Relocation sites shall be identified on the development plans submitted with the development order application. Sites identified for future relocation shall be reserved for that purpose.

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4. The stormwater retention facility may, at the discretion of the City Council, be incorporated into the design of the future transportation facility retention facilities. Should this option be chosen by the city, the developer need not relocate the storm water retention.
5. Interim uses to be discontinued.
 - a. The following interim uses, not necessarily directly related to the principal use of the site, may be allowed on an interim basis, provided that the use is specifically allowed by the zoning district in which the property is located:
 - b. Recreational facilities such as playgrounds, ball fields, outdoor courts, exercise trails, walking paths, bridal paths, similar outdoor recreational uses.
 - c. Produce stands, produce markets, farmers markets, and the like.
 - d. Periodic uses such as boat shows, automobile shows, RV shows, "tent" sales and the like.
 - e. Periodic events such as festivals, carnivals, community fairs, and the like.
 - f. Plan nurseries and landscape materials yards.
 - g. Storage yards for equipment, machinery, and supplies for building and trades contractors, and similar outdoor storage.
6. The following conditions shall apply to interim uses:
 - a. As a condition of a development order, the applicant agrees to discontinue these uses on the project site by a specified date. A developer's agreement shall specify the terms and conditions of both the approval of interim uses pursuant to this section and the discontinuance of interim uses as required in this section.
 - b. Landscaping shall be provided, consistent with provisions of section 12.04.03, in order to ensure compatibility of interim uses with other uses adjacent or nearby.
 - c. Interim uses shall meet site design requirements for setbacks for the district.
 - d. Impervious surface ratios for interim uses shall not exceed 20.0 percent of the specified interim use site.

SECTION 9.04.03 ALIGNMENTS

- A. Transportation Corridor Management Plan Map East-West alignments are generally described as follows:
 1. Section 1 Alignments:
 - a. The primary east-west alignment shall begin at the intersection of Airport Road and U.S. Highway 98 and extend north and west along the centerline of the existing Airport Road right-of-way to Main Street.
 - b. The secondary east-west alignment shall begin where 98 Palms Boulevard currently ends and extend eastward to connect with the future extension of Mattie M. Kelly Boulevard. The exact alignment for this roadway shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.
 2. Section 2 Alignment:
 - a. The east-west alignment shall begin where centerline of the existing Legion Drive right-of-way at its intersection with Main Street currently ends and extend westward across Beach Drive to connect with the future extension of Azalea Drive at its intersection with Benning Drive. The exact alignment for this roadway shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for the portion of the alignment between Main

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Street and Beach Drive shall not exceed 66 feet. The width of the right-of-way for the portion of the alignment between Beach Drive and Benning Drive shall not exceed 80 feet.

3. Section 3 Alignment:

- a. The east-west alignment shall begin where Azalea Drive intersects with Benning Drive and extend westward to connect with Stahlman Avenue. The east-west alignment shall then extend southwest to U.S. Highway 98. The exact alignment for this roadway shall follow and lie totally within the existing right-of-way of Azalea Drive. However, Stahlman Avenue will require an additional 20 feet of right-of-way in the southeast section of its intersection with Mountain Drive.

B. Transportation Corridor Management Plan Map North-South alignments are generally described from as follows:

1. Section 1 Alignments:

- a. The Mattie M. Kelly Boulevard alignment shall begin at the intersection of Mattie M. Kelly Boulevard and Airport Road and extend south to where that roadway currently ends. Between where it currently ends and U.S. Highway 98 the alignment for Mattie M. Kelly Boulevard shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.
- b. The westward most access road shown on the plat of Twin Lakes Subdivision shall begin at the centerline of the Twin Lakes subdivision driveway intersection with Airport Road and follow the western property boundary to connect with the westward extension of 98 Palms Boulevard. The width of the right-of-way for this alignment shall be a minimum of 80 feet.
- c. The Palms Street alignment shall extend north to connect with the extension of 98 Palms Boulevard. This alignment shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.

SECTION 9.05 AMENDMENTS & VARIANCES

SECTION 9.05.02 AMENDMENTS

- A. Any proposed amendment to the management plans of this article shall follow the same process as an Amendment to the Comprehensive Plan or Land Development Code process identified in **Article 2**.
- B. Amendment Type
 1. Major amendments are defined as those changes that affect five percent or more of the total area within the proposed corridors, impacted network, or connection thereof.
 2. Minor amendments are defined as those changes that affect less than five percent of the total area within the proposed corridors, impacted network, or connection thereof.

SECTION 9.05.02 VARIANCES

- A. Any proposed variance to the requirements and regulations pertaining to the Transportation Management Plan shall follow the Variance process identified in **Article 2**.

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ARTICLE 10 – IMPACT FEES

SECTION 10.01 GENERAL

SECTION 10.01.01 PURPOSE AND APPLICABILITY

- A. The State of Florida and the City of Destin recognize growth often increases impacts on existing infrastructure and cities often have to offset the adverse affects with impact fees. These impact fees are necessary and critical source of revenue for a local governments to fund the expansion of infrastructure necessitated by new growth.
- B. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
- C. The City may provide estimates of impact fees at time of development order, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect at time of certificate of occupancy.
- D. "Capital improvement" includes transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any transportation construction project including, but not limited to:
 - 1. Construction of new through lanes;
 - 2. Construction of new turn lanes;
 - 3. Construction of new bridges;
 - 4. Construction of new drainage facilities in conjunction with new roadway construction;
 - 5. Purchase and installation of traffic signalization (including new and upgraded signalization);
 - 6. Construction of curbs, medians, and shoulders;
 - 7. Relocating utilities to accommodate new roadway construction;
 - 8. Pedestrian improvements; and
 - 9. Bikeway facility improvements.
- E. "Site-related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include, but are not limited to, the following:
 - 1. Access roads leading to the development;
 - 2. Driveways and roads within the development;
 - 3. Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and
 - 4. Traffic control measures for those roads and driveways.

SECTION 10.01.02 LEGISLATIVE FINDINGS

- F. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.
- G. The City Council has determined that the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of park capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

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- H. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and park capital improvements in the City of Destin. Impact fees include but are not limited to Libraries, Parks, Police/Public Safety, and Transportation fees.
- I. The City May from time to time through an Impact Fee Study increase or decrease these fees as determined by the study.
- J. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.
- K. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks and park capital improvements in the City of Destin.
- L. This article shall not apply to development for which the City of Destin is the applicant.

SECTION 10.01.03 REVIEW

- A. The fee schedule contained in Section 19.01.05.A shall be reviewed by the City Council at least once every two years following its adoption.

SECTION 10.01.04 PENALTY PROVISION

- A. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.

SECTION 10.01.05 RULES OF CONSTRUCTION

- A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.
- B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:
 - 1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
 - 2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - 3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - 4. The phrase "used for" includes "arranged for," "designed for," "maintained for, or "occupied for."
 - 5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.
 - 6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

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- c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- 7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- 8. "City manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this article.
- 9. "Unit" in this article shall not be considered the same as a "lodging unit."
- 10. If a certificate of occupancy is requested for mixed uses, then the fee shall be determined by using the above schedule and apportioning the space committed to uses specified on the schedule.
- 11. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a certificate of occupancy, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the supporting documents of the City of Destin Comprehensive Plan, City of Destin Zoning Ordinance, and by considering demographic or other documentation which is available from state, local and regional authorities.
- 12. If the type of development activity that a certificate of occupancy is applied for is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The City Manager shall be guided in the selection of a comparable type by the report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers. If the City Manager determines that there is no comparable type of land use on the applicable fee schedule, the City Manager shall determine the fee by both of the following means:
 - a. Using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers; and
 - b. Applying the formula set forth in Section 19.04.05.B.
- 13.

SECTION 10.02.06 USE OF FEES

- A. Funds collected from all impact fee shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to City infrastructure and facilities under the jurisdiction of the City of Destin, and shall not be used for maintenance or operations.
 - 1. Funds collected shall be utilized to support the appropriate capital improvement needs per the applicable imposed fee.
- B. Funds shall be expended in the order in which they are collected.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of any capital improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the park impact fee districts established by [Section 19.01.07.](#)

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- D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program assigning funds, including any accrued interest, from the park impact fee fund to specific capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee fund until the next fiscal period, except as provided by Section 19.01.10.
- E. Funds may be used to provide refunds as described in Section 19.01.10.

SECTION 10.02.07 ALTERNATIVE FEE STUDY

- A. If a feepayer opts not to have the impact fee determined according to paragraph A. of this section, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy is sought.
- B. The documentation submitted shall show the basis upon which the independent fee calculation was made.
- C. The traffic engineering and/or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including, but not limited to, the following:
 - 1. Traffic engineering studies:
 - a. Documentation of trip generation rates appropriate for the proposed land development activity.
 - b. Documentation of the relative trip length appropriate for the proposed land development activity.
 - c. Documentation of any other trip data appropriate for the proposed land development activity.
 - 2. Economic documentation studies:
 - a. Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.
- D. The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration.
- E. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the park impact fees based upon the schedule shown in paragraph A. of this section.
- F. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development.
 - 1. The adjustment may include a credit against the fee otherwise payable up to fifty percent (50%) for private infrastructure or facilities constructed or deed restricted or otherwise set aside for purposes by the feepayer which serve the same purposes and functions in the City of Destin Comprehensive Plan.
 - 2. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination.

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- a. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact fee calculation study.

SECTION 10.02.08 EXEMPTIONS AND CREDITS

- A. Any claim of exemption must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.
- B. The following shall be exempted from payment of the impact fee:
 1. Alterations or expansion of an existing residential building where no additional residential units are created and where the use is not changed.
 2. The construction of residential accessory buildings or structures.
 3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 4. The installation of a replacement mobile home on a lot or other such site when an applicable impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article.
 5. The construction or placement of any non-residential building or structure, or the installation of a non-residential mobile home.
 6. Public elementary and secondary schools.
- C. Credits:
 1. Land and/or capital improvements may be offered by the feepayer as total or partial payment of the required impact fee.
 2. The offer must specifically request or provide for a specific impact fee credit.
 3. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at:
 - i. One hundred and fifteen percent (115%) of the most recent assessed value by the property appraiser, or
 - ii. By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular park capital improvements, or
 - iii. By fair market value established by private appraisers acceptable to the City.
 - b. Applicants for credit for construction of capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager.
 - c. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate.
 - d. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied.
 - e. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document

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- to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- f. Except as provided in subparagraph (d), credit against impact fees otherwise due will not be provided until:
 - i. The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or
 - ii. A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.
 - g. Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the standards set out in **subparagraph (c)** will be met and if the feepayer posts security as provided below for the costs of such construction.
 - i. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager.
 - ii. If the construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security.
 - iii. If the construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.
 - h. Any claim for credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.
 - i. Credits shall not be transferable from one project or development to another without the approval of the City Council.
 - j. Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager with ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City manager's determination regarding credits.
4. No credit shall be given for site-related improvements or site-related right-of-way dedications.

SECTION 10.02.09 REFUND OF FEES

- A. Any funds not expended or encumbered by the end of the calendar quarter immediately following **six** years from the date the park impact fees was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period.

SECTION 10.02 PARKS IMPACT FEE

SECTION 10.02.01 IMPOSITION OF PARKS IMPACT FEE

- A. Any person who applies for a certificate of occupancy, is hereby required to pay a park impact fee in the manner and amount set forth in this article.

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- B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to Section 19.01.05.A., shall be issued unless and until the required park impact fee hereby has been paid.
- C. All development shall be subject to the following parks impact fee schedules in Section 10.02.02 below.
- D. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.

SECTION 10.02.02 PARKS IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$186.00
Residential, 500—749 sq. ft., per dwelling unit	\$235.00
Residential, 750—999 sq. ft., per dwelling unit	\$279.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$335.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$399.00
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$479.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$570.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$649.00
Mobile Home/RV Park, per pad	\$447.00
Hotel/Motel, per room	\$243.00

SECTION 10.03 PUBLIC LIBRARY IMPACT FEES

SECTION 10.03.01 IMPOSITION OF LIBRARY IMPACT FEES

- A. Any person who applies for a certificate of occupancy, is hereby required to pay a library impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to Section 19.02.05.A., shall be issued unless and until the required library impact fee hereby has been paid.
- C. All development shall be subject to the following library impact fee schedules in Section 10.02.02 below.

SECTION 10.02.02 PUBLIC LIBRARY IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$62.00
Residential, 500—749 sq. ft., per dwelling unit	\$78.00
Residential, 750—999 sq. ft., per dwelling unit	\$93.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$112.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$133.00

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LAND USE TYPE (PER/UNIT)	FEE
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$160.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$190.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$217.00
Mobile home/RV park, per pad	\$149.00
Hotel/motel, per room	\$0.00

SECTION 10.04 POLICE IMPACT FEES**SECTION 10.04.01. IMPOSITION OF POLICE IMPACT FEES**

- A. Any person who applies for a certificate of occupancy, is hereby required to pay a police impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to **Section 19.02.05.A.**, shall be issued unless and until the required police impact fee hereby has been paid.
- C. All development shall be subject to the following police impact fee schedules in Section 10.02.02 below.

SECTION 10.04.02. POLICE IMPACT FEE SCHEDULE

LAND USE TYPE	UNIT	FEE	LAND USE TYPE	UNIT	FEE
Residential, less than 500 sq. ft.	Dwelling	\$9.00	Hotel/motel	Room	\$11.00
Residential, 500—749 sq. ft.	Dwelling	\$11.00	Retail/commercial	1,000 sq. ft.	\$31.00
Residential, 750—999 sq. ft.	Dwelling	\$13.00	Office	1,000 sq. ft.	\$18.00
Residential, 1,000—1,499 sq. ft.	Dwelling	\$16.00	Industrial	1,000 sq. ft.	\$10.00
Residential, 1,500—1,999 sq. ft.	Dwelling	\$19.00	Warehouse	1,000 sq. ft.	\$6.00
Residential, 2,000—2,999 sq. ft.	Dwelling	\$23.00	Religious Facilities/Worship center	1,000 sq. ft.	\$7.00
Residential, 3,000—3,999 sq. ft.	Dwelling	\$27.00	School/college	1,000 sq. ft.	\$10.00
Residential, 4,000 sq. ft or more	Dwelling	\$31.00	Hospital	1,000 sq. ft.	\$28.00
Mobile home/RV park	Pad	\$21.00	Nursing home	1,000 sq. ft.	\$14.00
			Other institutional	1,000 sq. ft.	\$18.00

SECTION 10.05 TRANSPORTATION IMPACT FEE**SECTION 10.02.01. IMPOSITION OF TRANSPORTATION IMPACT FEES**

- A. There is hereby established a road impact fee district which shall be all lands lying within the incorporated limits of the City.

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- B. There is hereby established a transportation impact fee trust fund for the transportation impact fee district established by Section 19.04.07.
- C. Any person who applies for a certificate of occupancy, is hereby required to pay a police impact fee in the manner and amount set forth in this article.
- D. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to **Section 19.02.05.A.**, shall be issued unless and until the required police impact fee hereby has been paid.
- E. All development shall be subject to the following police impact fee schedules in Section 10.02.02 below.
- F. "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes, but is not limited to, extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.
- G. "Mandatory or required right-of-way dedications and/or roadway improvements" means such non-compensated dedications and/or roadway improvements required by the City or by the county.

SECTION 10.05.02 TRANSPORTATION IMPACT FEE SCHEDULE

LAND USE TYPE (ITE CODE)	UNIT	FEE	LAND USE TYPE (ITE CODE)	UNIT	FEE
Residential, less than 500 sq. ft.	Dwelling	\$583.00	Retail/Commercial		
Residential, 500—749 sq. ft.	Dwelling	\$724.00	Retail/Shopping Center (820)	1,000 sq. ft.	\$1,752.00
Residential, 750—999 sq. ft.	Dwelling	\$855.00	Discount Superstore (813)	1,000 sq. ft.	\$2,242.00
Residential, 1,000—1,499 sq. ft.	Dwelling	\$1,016.00	Bank, Walk-in (911)	1,000 sq. ft.	\$2,034.00
Residential, 1,500—1,999 sq. ft.	Dwelling	\$1,198.00	Bank, Drive-in (912)	1,000 sq. ft.	\$3,205.00
Residential, 2,000—2,999 sq. ft.	Dwelling	\$1,425.00	Supermarket (850)	1,000 sq. ft.	\$3,298.00
Residential, 3,000—3,999 sq. ft.	Dwelling	\$1,677.00	Convenience Market (853)	1,000 sq. ft.	\$4,216.00
Residential, 4,000 sq. ft. or more	Dwelling	\$1,896.00	Golf Course (430)	Acre	\$548.00
Mobile Home/RV Park (240)	Pad	\$708.00	Marina (420)	Berth	\$321.00
Hotel/Motel (310/320)	Room	\$981.00	Racquet/Health Club (493)	1,000 sq. ft.	\$3,584.00
Office/Institutional			Restaurant, Fast Food (934)	1,000 sq. ft.	\$4,638.00
Office, General (710)	1,000 sq. ft.	\$1,404.00	Restaurant, High Turnover (932)	1,000 sq. ft.	\$4,464.00
Hospital (610)	1,000 sq. ft.	\$2,262.00	Restaurant, Sit-Down (931)	1,000 sq. ft.	\$3,244.00
Nursing Home (620)	1,000 sq. ft.	\$786.00	Service Station (946)	Per pump	\$1,030.00
Religious Facilities/Worship center (560)	1,000 sq. ft.	\$883.00	Industrial		
School/College (520/530)	1,000 sq. ft.	\$354.00	General Light Industrial (110)	1,000 sq. ft.	\$888.00
Day Care Center (565)	1,000 sq. ft.	\$2,048.00	Warehouse/Storage (150)	1,000 sq. ft.	\$632.00
Other Institutional	1,000 sq. ft.	\$1,404.00	Mini-warehouse (151)	1,000 sq. ft.	\$319.00

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: April 11, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.E.

TO: Local Planning Agency

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

FROM: Noell Bell, Chief Building Official

DATE: April 3, 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 **Public 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 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**.

During the LPA meeting held on March 7, 2024, the following were recommended changes to the proposed Ordinance:

- Adjust title to refer to permitted construction activities.
- Clarify 5 foot to be measured from edge of pavement versus roadway.
- Add prohibition of parking on or near immediate adjacent properties.
- Clarify sidewalk closure.
- A staging plan shall be submitted, reviewed, and approved by staff which clearly identifies the area location for parking, staging of construction equipment and materials.
- Add language regarding graduated penalties.

These changes have been incorporated into the revised ordinance, per the LPA members, for their consideration and recommendation to City Council

- 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):** Increased public safety
- 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 require 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 **Code of Ordinance, Chapter 18, Article II, Rights-of-Way, Ordinance 24-02-CC**.

Attachments:

1. Ordinance 24-02-CC Construction Parking 2
2. Ordinance 24-01-LC ROW Protection

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 PERMITTED 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

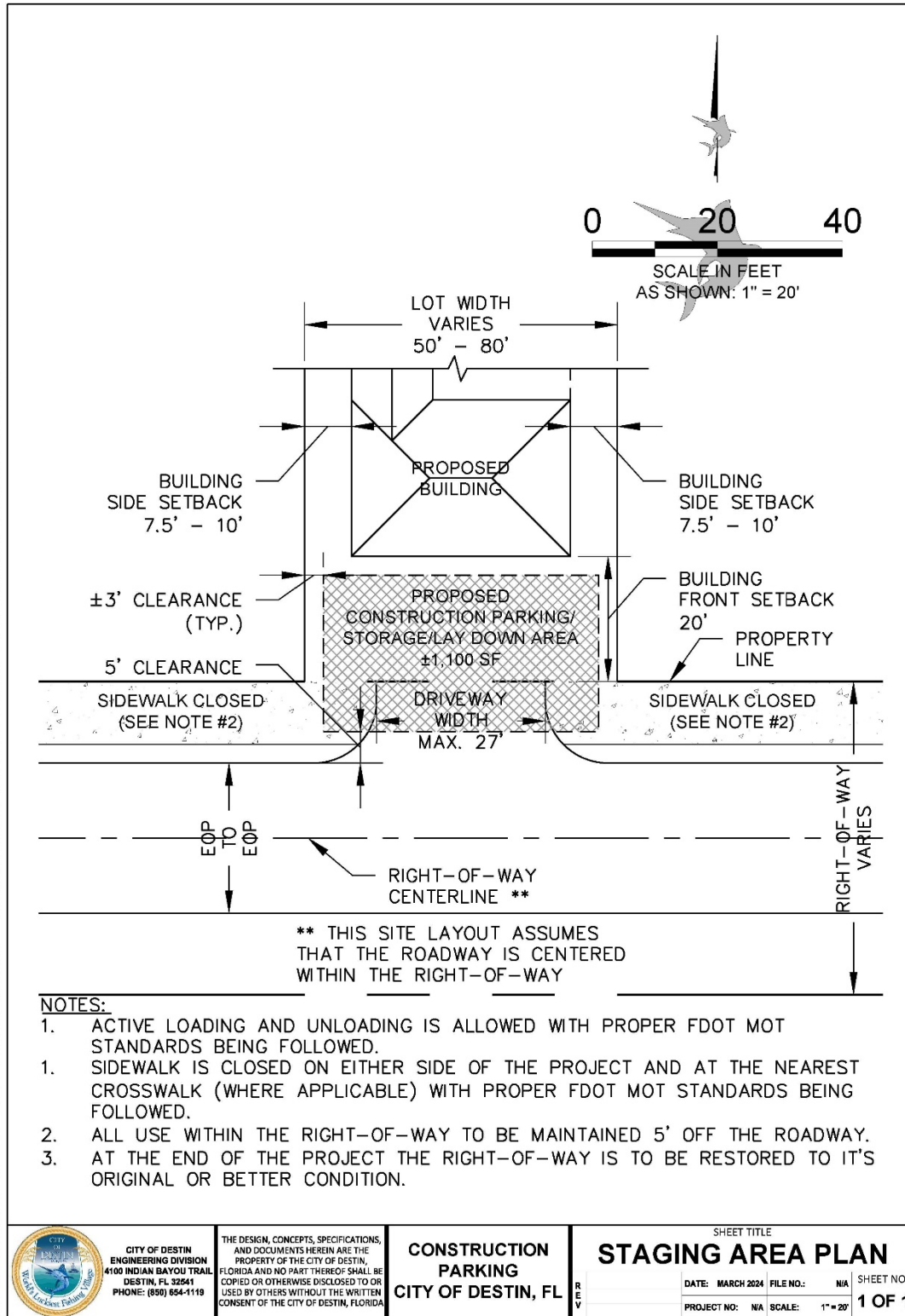
ARTICLE II. RIGHTS-OF-WAY (RESERVED)

Sec. 18-21 – Protection of Public Right of Way during permitted 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 for staff review and approval/denial. 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. The sidewalk must be identified as closed at each linear end of the project properties ROW area and at the nearest applicable crosswalk.
- c. A five-foot (5') clearance off of the roadway (measured from the edge of pavement (EOP)) and from adjacent side yard property lines, shall be maintained at all times at the construction project site.
- d. Staging of materials, parking, and any equipment for such project shall adhere to the approved staging plan and must not encroach any adjacent properties or area parcels around the project site.
- e. 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.
- f. Accessways must be constructed in such a way as to minimize sediment tracked for discharged onto the roadways.
- g. 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.
- h. Right of way must be restored to its original or better condition.
- i. Any violation of this ordinance shall be subject to penalties set forth in Chapter 14, Articles III and IV, Code of Ordinances.

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: _____

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 marina siting; 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: _____