



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, MAY 2, 2024
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. April 11, 2024 Local Planning Agency Meeting**
- 4. NEW BUSINESS**
 - A. Draft Article 6 – General Development Regulations**
 - B. Draft Article 9 – Management Plans & Article 10 - Impact Fees**
- 5. MEMBER COMMENTS**
 - A. James T. Wood, Jr.**
 - B. Todd Buhr**
 - C. Corey Ledbetter**
 - D. Corey Ledbetter**
 - E. Marcie Bell**
- 6. NEXT MEETING DATE: May 16, 2024**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**LOCAL PLANNING AGENCY
MEETING MINUTES
APRIL 11, 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, April 11, 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.
Jay Purut
Marcie Bell
Corey Ledbetter (in at 5:49 PM)

Members Absent

Todd Buhr

Staff Members Present

Rey Bailey 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 21, 2024

Motion by Agency member Bell, seconded by Agency member Purut to approve the March 21, 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 5 – Subdivision Regulations

Mr. O'Connor explained the five criteria in 5.02.02(B)(2) required to meet the minimum lot requirements due to environmental constraints or other reasons, and the 6th requirement that was recommended to enable the City Manager or his designee to have a way out of the request is not in the best interests of for the city regarding impacts to compatibility. He explained that in staff's review, it was too hard to not make it subjective therefore, the change that are proposing is to keep the original five criteria and changed paragraph A, by taking out the language that the City Manager shall approve a waiver and replaced it with, the City Manager or their designee shall determine that the waiver is compatible with the intended purpose of the subdivision and the communities best interest, by establishing the following and listing the five original criteria.

Motion by Chairman Wood that the LPA recommends approval by City Council with the changes discussed for Article 5, Subdivision Regulations as presented, with Agency

member Ledbetter providing the second, the motion passed 4-0.

B. Draft Article 6 – General Development Regulations - *This item was heard first due to not having a voting quorum and not needing a recommendation.*

➤ **Sewer Connection/Septic Systems in the City**

Mr. O'Connor reminded the members of their previous discussions regarding septic tanks and sewer connections requirements and how they requested to have a representative from Destin Water Users (DWU) attend the meeting for discussions on the topic. Additionally, staff is asking the LPA if there should be a formal process in place in order to notify the citizens that sewer is now available and the process to get it done. As well as any enforcement if they do not based on Florida Statutes.

The City Attorney added Code would not be able to enforce State Law, but by putting it into the code, it can be enforced.

Mrs. Monica Wallace, Operations Manager for DWU explained that they do not have any enforcement authority either to get people off septic and onto sewer and spoke of how with the partnership with the city, they can possibly get the process moving forward to try to get everyone off septic and on to sewer. She discussed how there are four areas in the city they are watching that are developed but still on septic but have connection capabilities.

There was a mention of possible grants for those that may need financial assistance for possible funding assistance for residents.

➤ **Shuttle Services**

The members and staff discussed this topic and determined that it would be best to leave it up to the Private Sector to provide the services.

**** Agency member Ledbetter entered the meeting at 5:49 PM, and there is now a quorum****

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.

Mr. Butler explained how staff moved items from Article 11 to make the Marina Siting Codes clearer and concise, as well as easier to read. Additionally, language was added to protect the bay and gulf shoreline areas and environmentally sensitive areas described in Metes and Bounds in the code, that is difficult to understand what and where exactly those zones are located. The language in there now is better clarified for laymen's terms. Additionally, other language has

been clarified such as wetland ports for when someone may want to develop a wetland area or an area that may have historical value, the burden has now been placed on the applicant, as it should be, as part of their development submittal. Also, the descriptions in the appendixes are more clear, so there should be no confusion.

Mr. Butler explained staff is looking for direction in two policies. One, there is a policy called Implement Beach Access Point Level of Service Standards. This policy requires staff to include material when evaluating new development for compliance with the city's beach access' point level of service (LOS) standards. It calls for development incentives to encourage when new development is occurring along shoreline areas to dedicate easements or donate land for use as public access ways. Currently, the city does not have any beach access LOS standards and would be almost impossible to measure. Additionally, there are no development incentives to encourage such easements, dedication/donations therefore, this policy is difficult for staff to implement, and staff is asking if they agree to have it removed or create some kind of regulations for implementing this policy.

Mr. O'Connor spoke of how PUD regulations have incentives for developers regarding abutting shorelines where easements are required to be granted to the city.

D. Draft Article 9 – Management Plans & Article 10 - Impact Fees

Mr. O'Connor explained that nothing substantive is being changed for Article 9 and once the Mobility Plan is adopted, it will be integrated into this article.

Article 10 – Impact Fees

Mr. O'Connor spoke of how the language for Impact Fees were in need of being rewritten to not only make is clear, but to also remove repetitiveness. He explained how staff has consolidated the language and condensed it into this article and, if the Mobility Plan is adopted, the Transportation Impact Fee will be replaced with that.

Charman Wood asked why the Police Impact Fee is substantially less than what the other fees are. According to the City Attorney, in the contract, the city does not pay for the administrative side, and may have a lot to do it.

E. Ordinance 24-01-LC & 24-02-CC (ROW Protection During Construction Development)

According to the Building Official Noelle Bell, staff has made some alterations to the language as discussed at their previous meeting to permitting structure activity, clarified the measurement is from 5-feet to the edge of the pavement v. roadway, as requested. Added language

regarding prohibition of parking on or near adjacent property to a construction site and staging plan requirements at time of permitting.

Agency member Bell spoke of unsecured port-a-potties and how she would like to have language added for securing requirements. In discussion, the members agreed the importance of them being secured by means of staking them within the staging requirements. The Building Official stated that she would add the following language, "All port-a-lets must be securely anchored to the ground."

Motion by Agency member Bell to recommend City Council approve the revision to the Land Development Code 8.01.00, Right of Way Protection, as presented in Ordinance 24-01-LC and Code of Ordinance, Chapter 18, Article 2, Rights of way 24-02-CC with the additional language that port-a-potties to be anchored. Agency member Purut provided the second. The motion passed with a vote of 4-0.

5. PUBLIC COMMENTS: None

6. DIRECTOR'S REPORT:

Mr. O'Connor informed the members that the Design Manual is now with Mr. Zunguze for his review, and once approved, it will be posted to the website for public review. Article 6 will be brought back for their review and a recommendation for adoption. Additionally, Articles 7, 8, and the Glossary will also be posted on the website soon.

Chairman Wood informed the members that he would not be in town for the second meeting in May.

Agency member Ledbetter asked for an update on the vacant seats. Mr. O'Connor explained Council member Stephens has publicly spoke about the need to have his seat filled at Council meetings and staff is constantly on the lookout, as well.

Agency member Bell asked for the current update for the Marina Siting that went back to the Harbor & Waterways Board.

According to Mr. O'Connor, the members listened to what Mr. Abadie suggested discussed at length, made some changes, and recommended \$100 a year, 10% of the projects overall flat rate, but they wanted to do an amortization of the \$100 fee, so if you've paid an NPEB fee in the last five years, then you don't have to pay the \$100 per slip fee for 20 years. If someone has paid within the last five to ten its 15 years, and then within 10 to 15 it would be 10 years. If someone hasn't paid in 15 years, then they'll get charged the \$100.00 fee annually. They wanted to do the amortization, and asked staff to bring back what that might look like. There was another

option discussed, not as heavily, but one member did suggest getting rid of the 10% overall and just start charging \$100 per slip period, with no 10% cost of construction; someone builds a slip, it's \$100 annually, and that gets rid of the amortization, and stabilizes the NPEB fund almost immediately. They then asked staff to bring it back with the numbers for the amortization and that would be at a later date after the slip count that needs to take place to be able to base off of that aerial imagery to get a good estimate of the sheer number of slips in in the harbor. At that point you just multiply that times 100 get an estimate of the possible yearly amount.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:50 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: May 2, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
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 23, 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: *Article 6 - General Development Regulations*

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 a 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 the Multi-modal Transportation District (MMTD).

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 the areas where staff need 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 currently are applicable. This draft section clears that ambiguity up by clearly stating that these elements are required when 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.

- No status change and the Draft Article 6 will keep these changes for City Council's review and consideration.

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.

- No status change and the Draft Article 6 will keep these changes for City Council's review and consideration.

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 demand 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.

- There was no support to include shuttle parking reduction from the discussion at the April 11 meeting. Staff will not include any parking reduction provisions for shuttle parking.

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.

- DWU Staff answered questions the LPA had concerning availability of service across the city as well as their ability to enforce connections. DWU does not have any authority to force connection. Therefore, the LPA recommended keeping the 1-year connection requirement if sewer is available. Draft Article 6 will keep these

changes for City Council's review and consideration.

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.

- No status update and the Draft Article 6 will keep these changes for City Council's review and consideration.

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 meeting, 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.

- No status update and the Draft Article 6 will keep these changes for City Council's review and consideration.

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.

- The LPA endorsed the changes made and the Draft Article 6 will keep these changes for City Council's review and consideration.

Destin Design Manual

The Destin Design Manual (DDM) intends to implement City's policies regarding aesthetic, infrastructure, and minimum design standards, or processes that will help the City build the community the Comprehensive Plan envisions. The DDM covers a broad range of design and processes to facilitate and promote the safe and smart development and redevelopment of the City of Destin. The DDM also provides specific guidance for site and Right-of-Way (ROW) development from landscaping to bollards, to waste facilities, that will help foster and maintain the changing Best Management Practices (BMPs) for the Building, Engineering, and Planning industries.

Beyond just the specifications for certain site elements and or design standards, the DDM provides approved drawings that meet the minimum code requirements for required development elements and can be utilized by design professionals without having to draw the details themselves. This will help save time on plan development, Staff review, and the overall permitting timeline. The DDM is not intended to live within the LDC for regulatory purposes, but rather as the document that shows developers the "how" of the site elements for their project(s). Think of the LDC as the document regulating "what" you must/can do, while the DDM is the "how" you must/can do it. Since the DDM details how elements are constructed, it must also be updated and audited more regularly to ensure the details meet the current best practices.

Staff request the LPA to review and provide any feedback or comments about the Design Manual or any questions regarding how it is utilized and maintained. The proposed DDM is a different way of doing development review within the City and is a practice that is happening across the country right now as a best practice to help reduce review times, stay current with best practices and distinguishes the regulations from design minimums.

- 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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- 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

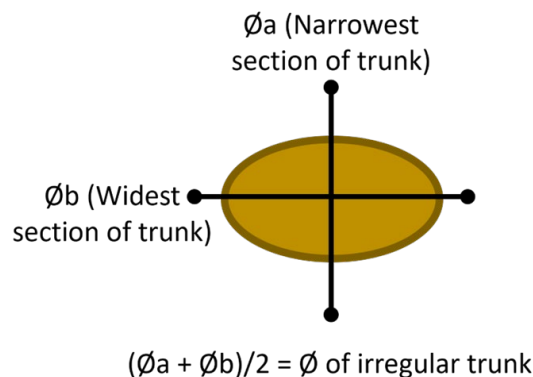
- A. The number of reforestation trees required on any developed area shall be determined by using the ratio of one (1) tree for each one-tenth of an acre
- B. All required trees shall be a minimum of:
 - 1. Twelve feet (12') in height
 - 2. Three and one-half-inch (3.5") caliper at the time of planting.
- 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

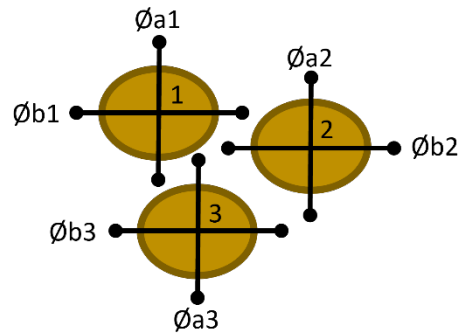
6. Measurement of Trees
 - a. Trees shall be measured at Diameter Breast Height (DBH)
 - b. In the case of an irregular shaped tree or trunk at DBH, the following method shall be utilized.
 - i. The average of the the widest and the most narrow diameter of the tree at DBH (see example below).



- 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: May 2, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
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 23, 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 approved, 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 in 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 19.

- 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. If there are any changes discussed, Staff will incorporate those changes and bring these two articles back for a recommendation to City Council.

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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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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