



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, JUNE 6, 2024
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. Minutes May 2, 2024**
 - B. Minutes May 16, 2024**
- 4. NEW BUSINESS**
 - A. Draft Article 1 – General Provisions/Legal & Article 2 - Administration**
 - B. Draft Article 6 – General Development Regulations & Destin Design Manual**
 - C. Draft Article 9 – Management Plans & Article 10 - Impact Fees**
 - D. Net Positive Environmental Benefit (NPEB) Fee – LDC 11.05.02.N**
 - E. Conditional Use (LU-001409-2024) – 135 Benning Drive**
- 5. DIRECTOR'S UPDATE**
 - A. City Council LDC Workshop Schedule**
- 6. MEMBER DISCUSSION**
- 7. PUBLIC COMMENTS**
- 8. NEXT MEETING DATE: June 20, 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
MAY 2, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency to order on Thursday, May 2, 2024, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Jay Purut
Marcie Bell
Corey Ledbetter
Todd Buhr

Staff Members Present

Rey Bailey City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Joe Bodi Engineering Assistant
Tina Deater Planner
Sharon Gardner Records Specialist

3. APPROVAL OF MINUTES: April 11, 2024

Motion by Chairman Bell, seconded by Agency member Ledbetter to approve the April 11, 2024, minutes as written, the motion passed unanimously with a 4-0 vote.

4. NEW BUSINESS:

A. Draft Article 6 – Subdivision Regulations

Mr. O'Connor explained to the members how staff was waiting for the Design Manual to be completed before bringing Article 6 before the public, however, staff has posted it to the website for the public to provide comment. He further explained how the document is interactive with links for those that need to see examples of the descriptions that are discussed in Article 6. He explained how staff has connected with several local engineering companies and contractors they work with on a regular basis, for feedback, and most were agreeable with the final outcome.

Additionally, there were discussions entailing the size requirements for landscaping shrubs on city right-of-way property and in FDOT's right-of-way. As well as conversations regarding paver driveways and the new regulations set forth for all driveways with pavers to now stop at the of the right-of-way and the rest of the way to the street has to have concrete. Mr. O'Connor explained, the city has started encountering accessibility issues with some pavers coming up. Therefore, going forward, pavers have to stop at the sidewalk or at the right-of-way line for safety purposes. There was additional discussions regarding the Common Boundary Buffer for corner

lots and allowable areas for vehicle parking. Mr. O'Connor suggested staff could add language to the section that says, "Except for as allowed below" so that is easier to comprehend for all.

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

Mr. O'Connor explained this is still in the 30-day window for the public to make comments on, but staff wanted to bring it forward for any comments from the members.

Agency member Buhr asked on page two of the Article, noticed that the table is reflected twice. Mr. O'Connor explained that staff will adjust it.

Chairman Wood mentioned there not being any language for Impact Fees. Mr. O'Connor explained that they are still being studied and once they are finalized and adopted, if done so after the new LDC is adopted, they will be brought before them as an ordinance for their review and recommendation to Council for adoption and then, they'll be implanted into the LDC.

Agency member Bell asked for the status of the NPEB for the Marina Siting Article of the LDC. Mr. O'Connor explained currently provided the members with the discussion and explained that staff will be bringing the information to them at their next meeting as well as inviting the Chairman of the Harbor & Waterways Board to their next meeting so that he can explain and answer any of their concerns or questions. There was additional discussion regarding the Building Code Article that will be removed from the LDC and implemented into the Code of Ordinances.

Mr. O'Connor informed the members that all of the Articles are now posted online with the exception of the Glossary and encouraged the members to go there to review them.

5. **PUBLIC COMMENTS: None**

6. **DIRECTOR'S REPORT:**

7. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 6:10 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Rey Bailey City Clerk

**LOCAL PLANNING AGENCY WORKSHOP
MEETING MINUTES
MAY 16, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Vice Chairman Buhr called the Local Planning Agency Workshop to order on Thursday, May 16, 2024, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

Todd Buhr
Jay Purut
Marcie Bell
Corey Ledbetter
Larry Cowsert

Members Absent

James T. Wood, Jr.

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Joe Bodi Engineering Assistant
Tina Deater Planner

3. APPROVAL OF MINUTES: None

4. NEW BUSINESS:

A. Draft Article 1 – General Provisions/Legal & Article 2 – Administration

Discussion about whether the city should have a graduated penalty system for violations, with the possibility of increasing fines for repeat offenses rather than a low dollar amount that is easily paid by those repeat offenders. Mr. O'Connor stated that he will bring back a graduated list for further discussion and consideration. Vice Chairman stated that he would also like to have a representative from Code to attend their meeting when this is on the agenda for discussion.

➤ **Article 2 – Special Event & Exceptions**

Mr. O'Connor spoke of how there are multiple mentions in the Code about Special Event Permits, however, there is not a process on how staff should handle these type of requests. Therefore, a new section was developed for the criteria, review, and approval.

The Vice Chair pointed out that there is no reference to who does the approval process and asked for staff to add that language for their review and any appeal process. He also recommended for staff add language about certain events that are not allowed in zoning districts so it is clear that the requestor cannot go through a special event review process and get approved, regardless. The Land Use Attorney stated they would come up with the proper language to add for their review.

Agency member Purut suggested including advance requirement language for the request

before the event for staff review and public notification as well as a limitation for the number of days or timeframe to prevent a request lasting too long.

➤ **Split-Zoned Properties:**

The Board of Adjustment (BOA) can extend a zoning district by 50 feet on properties that are split-zoned. Mr. O'Connor provided an example and spoke of a recent application that highlighted the need for a formal process for certain types of special exceptions rather than relying for the approval process, and explained that presently, there is no process identified and staff had to send it through the BOA process, which only requires one public hearing.

B. Draft Article 6 – General Development Regulations & Destin Design Manual

Mr. O'Connor explained that there has been some recent additions for communication towers that was added after their packets for this meeting was sent to them and will be brought to them at a later date for their review. Additionally, he explained the design manual is for best practices in the planning and review process which is used nationally, with detailed drawings for temporary construction, that provide clarity on what is recommended to use in whatever category, such as bollard, as an example. The intent is to integrate these standards into the Land Development Code (LDC) to ensure clarity and efficiency in future applications.

C. Draft Article 9 – Management Plans & Article 10 - Impact Fees – This was not discussed at the workshop.

D. Net Positive Environmental Benefit (NPEB) Fee – LDC 11.05.02.N - *This item was heard first on the agenda*

Mr. O'Connor briefly provided background of how the NPEB fund was created through a Memorandum of Understanding with the State and what the fees are allocated towards for the health of the harbor. He explained how the language in the Code clearly states that the NPEB is 25% of any project in the harbor for cost of construction for materials and labor. Noting that in the past the fee has not been properly collected and in the past few years, staff started collecting the fees, and how there has been disagreement from the public, and as a result, staff has brought suggestions before the Harbor & Waterways Board for discussion. They in turn recommended categories, depending on the level of the project. Initially, they recommended Category One being any residential project that is self-certified through the State, would be 7%. Category Two being any residential project that is not self-certified, and are 9-slips or less and, any multifamily or non-residential project would be Category Three, which would get the full 25% NPEB. He explained further that this was brought before them at an earlier meeting and how a member of the public, Mr. Mike Abadie, attended that meeting and suggested the concept of charging a 10% fee per project and a flat rate fee per slip, which he proposed an amount of \$100.00, as just as an example for discussion purposes, emphasizing that amount has not been approved.

This proposal was taken back to the Harbor & Waterways Board for their input, and they initially liked it however, they added an amortization schedule for the following:

- 5 years, they would not be assessed the annual slip charge for 20 years
- 5-10 years, they would not be assessed the annual slip charge for 15 years
- 10-15 years, they would not be assessed the annual slip charge for 5 years
- 15-years or more, the annual assessment would start immediately

After additional discussions, at the end of their meeting they changed their original proposed fee structure to:

- Category 1 projects: 10% NPEB fee
- Category 2 projects: 10% NPEB fee
- Category 3 projects: 25% NPEB fee

Agency member Purut asked staff what is the number of slips in the harbor and the yearly cost of maintenance. According to Mr. O'Connor, there is not a definitive slip count at this time, however the ACOE did count from the Yacht Club west to the bridge there was 260 slips, which is about a 5th of the total slips in the harbor, and conservatively there could be 1-1,500k slips total in the harbor.

According to the Finance Director, Krystal Strickland, the operations of the harbor pump including electricity and maintenance, cleaning of the stormwater inlets and water testing from Choctawhatchee Basin Alliance is approximately \$60k a year. She also mentioned the need to fund a regular dredging schedule and how getting on the same schedule as Fort Walton Beach and Okaloosa County would save on the mobilization fees, which would help on costs to be able to get on a 3-5 year schedule.

Agency member Bell spoke of all the other people that impact the health of the harbor that come in from all over that have nothing to do with the number of slips and questioned how to make it fair and equitable for everyone and not just a subset of commercial and residential docks to be responsible for the fee. Regarding the inland slips and marginal docks, she asked staff to explain who is responsible for paying in to the fee. Mr. O'Connor explained inland slips and marginal docks that are within the owner's property lines, do not pay into the NPEB fee.

Vice Chairman Buhr suggested staff come up with a couple options with a homestead exemption for citizens to either not have to pay or if that doesn't work then at a reduced fee as well as commercial rates based on slip counts. He also spoke of how the Harbor & Waterways Board got hung up on the fact that some that have paid into it shouldn't have to pay and feels that if those folks can bring in positive proof to staff that they did pay, then they can get relief by whatever is decided.

5. PUBLIC COMMENTS: None

6. **DIRECTOR'S REPORT:** Mr. O'Connor provided a brief report, emphasizing the importance of public awareness and participation in the updated LDC review process. He explained how a few comments were received from the public, but most were deemed not applicable to the LDC.

7. **ADJOURNMENT:**

Having no further discussion at this time, the meeting adjourned at 7:10 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Rey Bailey City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 6, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: May 21, 2024

SUBJECT: Draft Article 1 – General Provisions/Legal & Article 2 - Administration

I. BACKGROUND: On July 6, 2023, staff originally brought Article 1 & 2 to the LPA for review, consideration, and recommendation. The LPA approved the motion to recommend approval to City Council by a vote of 5-0.

II. DISCUSSION: Since the previous recommendation of approval on July 6, 2023, there have been a few additions to both drafts of Articles 1 & 2. These changes were necessary or warranted to maintain the consolidated and organized nature of the current drafts.

Article 1 - General Provisions/Legal

Article 1 General Provisions/Legal establishes the City of Destin's authority to develop and enforce the Land Development Code (LDC) among other statutory powers and legal requirements. As 3TP Ventures, LLC continued their work on the LDC drafts, they provided a draft article titled '***Citation Authority.***' The draft article was a total of just over a page with two sections and 5 paragraphs. Staff does not believe the previously proposed draft warranted its own article, particularly when Draft Article 1 deals with compliance with the Land Development Code.

As such, the Staff recommends the consolidation of the draft '***Citation Authority***' regulations to be integrated into the draft ***Article 1 - General Provisions/Legal*** as seen in the attachment. The addition of the regulations is found in **Section 1.06.** starting on **page 2.** There was no other substantive change to Article 1 from the LPA's previous approval.

Article 2 - Administration

As previously discussed and recommended for approval, ***Article 2 – Administration*** has

been reorganized, updated, and consolidates all application or procedural review processes into one single article. As Staff reviewed other draft articles provided by the consultants, and in day-to-day work with applicants, Staff found that there were two missing processes from the draft Article 2.

1. The first missing process, **Special Event**, does not exist anywhere in the code but is alluded to several times in the current code. First in **LDC Section 11.08**, there is a reference to a “special permit” to allow amplified sound above 60 decibels on the beach. However, no such permit exists that Staff is aware of nor has found in our research. Second, in **LDC Section 7.17.05.A**, there is reference to a ‘temporary lighting permit’ pointing to **LDC Section 7.17.09 - Temporary outdoor lighting permit**. Section 7.17.09 at least has some criteria by which to review and denotes who is to approve it, but again there is no actual application Staff has been able to identify or find that would facilitate this type of permit. Due to this lack of clarity, Staff developed the proposed **Special Event Regulations** found in **Section 2.10.03. & 04**. The intent of this permit would allow for the currently identified situations in the LDC but also facilitate other events that are not necessarily called out but still should go through some review for public impacts and allow review by City partners such as the Sheriff’s Department and the Fire District.

2. The second missing process is a ‘**Special Exception**’ process alluded to currently in **LDC Section 7.12.02.H**. Currently the special exception regulations in **Section 7.12.02.H** allows the Board of Adjustment to apply zoning district regulations across a lot that is split zoned. This is a rare situation, but it does happen. The issue though, like the special event above, there is no set or clear process or criteria by which to review and or approve these special exceptions. Based on the proposed Conditional Use and Variance regulations, Staff recommends the proposed process for a **Special Exception** in **Section 2.11.03**.

- 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: Staff are bringing back Draft Articles 1 & 2 for the LPA to review and consider the new processes developed based on the identified need for these processes in the new LDC.

IV. RECOMMENDED MOTION: I move that the LPA recommends approval to City Council of the Draft Article 1 - General Provisions/Legal and Draft Article 2 - Administration.

Attachments:

ITEM # 2024-209

1. 1 - Draft Article 1
2. 2 - Draft Article 2

City of Destin, FL - Land Development Code

ARTICLE 1 - GENERAL PROVISIONS/LEGAL

SECTION 1.01 CONSISTENCY WITH STATE LAW

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

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

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

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

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

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

SECTION 1.02. TITLE

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

SECTION 1.03. JURISDICTION

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

SECTION 1.04. INTENT

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

SECTION 1.05. APPLICABILITY

The provisions of this Code apply to all development in Destin. All development undertaken, and all actions taken in regard to development orders must be consistent with the City's adopted Comprehensive Plan and

City of Destin, FL - Land Development Code

these land development regulations. Provided these regulations remain consistent with the City's Comprehensive Plan, these regulations take precedence over any other ordinance, resolution or procedure affecting land use and no development may be undertaken without prior authorization pursuant to this Code.

SECTION 1.05.01 EXCEPTION FOR VESTED RIGHTS

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

SECTION 1.06. COMPLIANCE WITH THE LAND DEVELOPMENT CODE AND VIOLATIONS

SECTION 1.06.01 PURPOSE

- A. Enforcement of the provisions of this Code shall be pursued in order to provide for its effective administration, to ensure compliance with any condition of development approval, to promote the City's planning efforts, and to protect the public health, safety and general welfare of the City and its residents.

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SECTION 1.06.02 GENERAL

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

SECTION 1.06.03 RESPONSIBILITY

- A. The regulations of this Code, and any conditions of development approval which have been imposed thereunder, may be enforced by the City Manager or designee.
- B. Any structure or use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the provisions of this Code shall be subject to the remedies and penalties set forth in this Article. Any development application, building permit, other application may be denied for failure to comply with this Code, including any condition or standard imposed on any application granted under this Code.

SECTION 1.06.04 VIOLATIONS, PENALTIES, AND ATTORNEY'S FEES

- A. Any person, firm, corporation or agent who shall violate any provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted there under, shall be punishable per this Section. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed or continued.
- B. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this Code or any such ordinance, resolution, rule, regulation or order shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.
- C. In addition to and supplemental to any other provision of this Code, the city shall be entitled, as a prevailing party, to recover reasonable attorneys' fees and costs incurred in any legal proceeding brought by the city to enforce any provision of this Code through all appellate proceedings.
- D. If the City's Code Compliance Department or any law enforcement enforces this Code, then any person violating any provision of this Code may be punished as follows:
1. First offense: A written warning notifying the offender that further violations will result in fines and potential imprisonment.
 2. Second offense: By a fine of one hundred dollars (\$100.00).
 3. Third offense: By a fine of two hundred and fifty dollars (\$250.00).
 4. Fourth offense or four or more violations occurring within any six (6) months period: Misdemeanor of the second degree punishable by a fine of no more than five hundred dollars (\$500.00) or a sentence of not more than sixty (60) days in jail, or both.

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

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

SECTION 1.08 ABROGATION

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

SECTION 1.09 SEVERABILITY

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

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ARTICLE 2 - ADMINISTRATION

SECTION 2.01 GENERAL ADMINISTRATION

SECTION 2.01.01 ADMINISTRATOR

- A. The City Manager or their designee shall administer and enforce this Code.
- B. All questions of interpretation and enforcement shall be presented to the City Manager or their designee first, and any questions of interpretations of the City Manager or their designee can be appealed to the Board of Adjustment.
- C. The City Manager or designee shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.

SECTION 2.01.02. PURPOSE AND INTENT

This Code was enacted to provide a consolidated reference source for land development regulations of the City of Destin. It implements those policies mandated by the Florida Statutes related to development and the City's policies outlined in the Comprehensive Plan. Therefore, where a conflict exists between this Code and existing ordinances, the Land Development Code (this Code or LDC) shall take precedence. The LDC and the supplemental City of Destin Design Manual (Design Manual) establish site design criteria and provide review procedures for development projects and permit applications required for development. Procedures to appeal decisions are also provided.

SECTION 2.02. GENERAL ADMINISTRATION PROCEDURES

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT PERMITS AND ORDERS

- A. All development activity requires a development order.
- B. Development activity can be authorized through a Development Permit or Development order if the proposed development:
 - 1. Is authorized by a development order issued pursuant to this Code; and
 - 2. Conforms to the Florida Building Codes and fire codes as adopted by the city; and
 - 3. Conforms to the engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as may be adopted by the City of Destin; and
 - 4. Conforms to the City of Destin Design Manual.
- C. Any development that requires a Minor Subdivision or Major Subdivision shall complete the Final Plat before submitting any application for construction or permitting.

SECTION 2.02.02 SUBMITTALS

- A. Applications for development review shall be available through the Community Development Department.
- B. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan.
 - 1. Signatures by other parties will be accepted with notarized proof of authorization by the owners.
 - 2. In the case of corporate ownership, the authorized signature shall be accompanied by a letter showing proof of the authorized individual role or office in the corporation on the corporate letterhead.

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- C. All preliminary and final development plans submitted shall conform to the standards outlined in the City of Destin's Development and Subdivision checklists in the Design Manual and submitted electronically.

SECTION 2.02.03 NOTICE

A. Written notice:

1. Written notice shall be provided to owners of property within 300 feet, or as specifically identified below, for land subject to development related applications that must be considered and approved by the:
 - a. Board of Adjustment,
 - b. Local Planning Agency,
 - c. Harbor and Waterways Board
 1. Written notice with Certified mail shall only be provided to:
 - (i) Adjacent property owners
 - (ii) Owners of property on the opposing shore for water bodies less than 100 feet in width
 - d. City Council
 - e. City Manager or designee
 - f. Community Development Director
2. The written notice shall include, at a minimum, the following:
 - a. The name of the owner of the property,
 - b. The name of the authorized agent (if applicable),
 - c. The address of the subject property or tax parcel identification number if an address has not been issued for the property,
 - d. Project description,
 - e. Location map of the subject property, and
 - f. A statement informing the public of the location where the proposed application package can be viewed, unless otherwise provided in Florida Statutes.
3. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.

B. Sign notice posted on property:

1. All applications which require a public hearing, or involve the development of land shall post a sign on the subject property with the following exceptions:
 - a. Development Order Exemption
 - b. Simple Development Order or Deviation
 - c. Lot Split
 - d. Change of Use
 - e. Code Text Amendment
2. The sign shall meet the following requirements:
 - a. The placement on the subject property shall be a maximum of five feet from the adjacent right-of-way, and clearly visible and legible from the right-of-way.
 - b. The minimum size of the sign shall be 24 inches by 36 inches.
 - c. The sign shall clearly indicate the following:

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1. Project Name or Number
 2. Applicant's or Agent's name
 3. Emergency contact phone number of the responsible party for said development site who is available 24 hours a day, seven days a week.
3. The sign must remain on-site until final approval and shall be removed within five days of approval.
4. A sign for Commercial, Industrial, or Multi-family developments shall be posted prior to construction until a Certificate of Occupancy or Certificate of Completion is issued and shall be removed within five days of issuance.
 - a. This sign shall meet the requirements listed above in **Section 2.02.03.B.2.**
- C. Notice Procedures for Public Hearings
 1. All public hearings and public meetings shall be held at regularly scheduled times and days, as indicated by the City.
 2. Workshops may be held at other times deemed appropriate.
 - a. Workshops may be held without advertising.
 3. All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.
 - a. The advertisement will include:
 1. An identification of who is holding the hearing or meeting.
 2. The date, time, and place.
 3. General subject of the hearing or meeting.
 4. The location where copies of the proposed matter may be reviewed; and
 5. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
 - b. The first published notice of a public hearing or meeting shall appear ten (10) to twenty-one (21) days prior to the date of the hearing or meeting.
 - c. The second published notice of public hearing shall appear five (5) to eight (8) days prior to the hearing or meeting.
 4. Notice of all public hearings shall also be posted on the City of Destin website not less than ten days prior to the hearing or meeting.
 5. All noticed public hearings or meetings will be posted in a conspicuous place in city hall at least seven days prior to the hearing or meeting.
 6. Notice will be given to the appropriate media representatives at least twenty-four (24) hours before all public hearings, public meetings, and workshops.
 - a. Workshops may be held without the seven-day notice.
 7. A ten (10) day advance notice must be provided to any person, group, agency, or government that registers to receive notices for any public hearing or meeting, or workshop.
 - a. The group, agency, or government receiving the advanced notice is responsible for notifying their members of the particulars involved.
 8. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of **Section 2.02.03.C.**
 - a. Emergency enactment procedures for land use plans adopted shall be pursuant to F.S. pt. II, ch. 163.

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- b. Exceptions: No emergency ordinance or resolution shall be enacted that:
 - 1. Establishes or amends any Future Land Use or Zoning map designation of a parcel or parcels of land.
 - 2. Changes the permitted, conditional, or prohibited uses within a zoning district.
- 9. Comprehensive Plan, Land Development Code, or the Official Zoning Map amendments require the following additional notice requirements:
 - a. The notice shall be sent at least 30 days prior to the first public hearing state.
 - b. The substance of the proposed ordinance affects that property owner.
 - c. The time and place for one or more public hearings on such ordinance.
 - d. Ordinances involving a parcel or parcels of land less than ten contiguous acres.
 - 1. The City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.
 - (i) The latest ad valorem tax records will be utilized for mailing addresses of affected property owners.
 - e. Ordinances involving a parcel or parcels of land greater than ten contiguous acres.
 - 1. The City Council shall hold two advertised public hearings on the proposed ordinances.
 - 2. The second public hearing shall be held at least ten days after the first public hearing.

SECTION 2.02.04 STAFF REPORTS

- A. All applications and process regulated by this Article that must be reviewed by a City Committee, Board, or City Council shall have a Staff Report developed for consideration.
- B. The Staff Report shall include but is not limited to the following, if applicable.
 - 1. Characteristics of the site and surrounding area.
 - a. Important natural and manmade features
 - b. The size and accessibility of the site and
 - c. Surrounding land uses
 - 2. Impact on level of service standards (LOS)
 - 3. The nature of the proposed development.
 - a. Land use types
 - b. Density or intensity
 - c. Placement of proposed buildings, improvements, and impervious ground cover on the site
 - d. Location, type, and method of maintenance of open space and public use areas if any
 - e. Preservation of natural features or protection of sensitive lands, if any.
 - f. Proposed parking areas and internal traffic circulation
 - g. Stormwater management, and
 - h. Water and sewage distribution, collection, and treatment systems.
 - 4. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.
 - 5. Other applicable factors, rules, regulations, or criteria prescribed by the Comprehensive Plan, this Code or other law.
 - 6. Proper Public Noticing compliance shall be addressed.

SECTION 2.02.05 WITHDRAWAL OF APPLICATIONS

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- A. An application for development approval may be withdrawn at any time by the applicant or their representative.
- B. The City may declare an application withdrawn if resubmittal of materials is not received within thirty (30) calendar days from receipt of comments from the City.
 - 1. The City shall notify the applicant seven (7) calendar days before an application is declared withdrawn.
 - 2. An extension may be requested by the applicant for up to thirty (30) calendar days.
 - a. No more than two (2) extensions, for a maximum of sixty (60) calendar days, may be requested by the applicant during the application review process.
 - b. An extension request shall be submitted no later than seven (7) days prior to submittal deadline.
- C. The withdrawal of any application for development review will result in the application losing its position in the Community Development Department's plan review queue.
- D. To restart review of a withdrawn application, the applicant must submit a new application with all required materials and repayment of all application or other required review fees.
- E. Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.

SECTION 2.02.06 GUARANTEES AND SURETIES

- A. Guarantees and Sureties:
 - 1. Applicability: The provisions of this Section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions, and private developments that:
 - a. Request approval of Final Plat prior to construction of infrastructure.
 - b. Provide roadway, street, multi-modal or pedestrian corridor as identified as a need by the city.
 - c. Provide or modify Public or Private Right of way for Single-family or multi-family subdivisions.
 - d. Nothing in this Section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.
 - e. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.
 - 2. The approval of any development plan shall be subject to the developer providing assurance that all required improvements shall be satisfactorily constructed according to the approved development plan, including, but not limited to:
 - a. Storm drainage facilities,
 - b. Streets and highways accessways,
 - c. Water and sewer lines,
 - d. Streetlights,
 - e. Signage,
 - f. Striping,
 - g. Parking facilities,

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- h. Sidewalks,
 - i. Open space and recreation facilities.
- 3. Applicant shall provide the following information:
 - a. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
 - b. The projected total cost, to include materials and labor, for each improvement proposed, prepared, and provided by a Florida-registered Professional Engineer (signed, sealed, and dated).
 - 1. Separate projected costs for:
 - (i) On-site, common area, or private infrastructure elements
 - (ii) New Private ROW improvements required.
 - (iii) New Public ROW or off-site infrastructure elements required.
 - (iv) Existing Public ROW or off-site improvement required.
 - c. The terms of the agreement indicate that all required improvements shall be satisfactorily constructed within the period stipulated.
 - 1. The term shall not exceed the timelines identified in the Development Order.
 - (i) If the Development Order expires:
 - (a) The security/surety for on-site private improvements shall be released back to the developer.
 - (b) The security/surety identified for critical or existing public infrastructure will be retained by the City and shall be used to construct such infrastructure.
 - 2. If the applicant fails to construct required improvements according to the schedule for constructing improvements, the city shall utilize the security/surety provided in connection with the agreement.
 - d. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officers, employees, and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
 - e. Developers agree to provide property access to city employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
 - f. Prior to release of bond or security/surety, the city shall review the project account records for any unpaid invoices or fees due to the city. All developers and applicants agree and consent to the city recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.
- 4. Amount and type of security/surety:
 - a. The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.
 - b. Contingency: All securities/sureties shall be in the amount of no less than 125% of the cost of construction.
 - 1. The City Manager, at the recommendation from the Community Development Director or designee, may require a higher contingency amount for any security/surety.

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- c. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security, or any other form of guarantee.
 - d. Security/Surety requirements may be met but are not limited to the following:
 - 1. Deposit in the form of Cash, Certified Check, Cashier's Check, Money Order (required for Certificate of Occupancy) or online payment.
 - 2. Irrevocable letter(s) of credit.
 - 3. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida
 - e. Upon approval of the City Manager or designee, the amount of security/surety may be reduced, not more than once during the term of the improvements, with the completion and final acceptance of required improvements.
 - 1. In no case, shall the amount of the security/surety be reduced to less than the designated minimum, or not reduced to less than 25%, necessary for completing the remaining required improvements.
 - 2. The following conditions shall apply to the posting of any security/surety.
 - (i) Administrative fee can be found in accordance with the latest adopted Fee Resolution and shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.
 - (ii) A ten percent (10%) Security/surety handling fee will be added to any security/surety in accordance with the adopted and amended Fee Resolution.
 - (a) The handling fee shall be paid prior to reduction or release of said security/surety.
 - f. Security/surety documents must reflect:
 - 1. The names of the subdivision or development
 - 2. The developer and developer's authorized agents
 - g. Security/surety shall be provided prior to the issuance of the development order.
5. Inspection of improvements:
- a. The City Engineer or designee shall be given 48-hour advance notification of scheduled inspections.
 - 1. If an inspection is requested within 24 hours, that inspection shall be triple the usual inspection fee.
 - b. Inspection of the following phases of construction may be conducted by the City Engineer or designee. These phases shall be inspected and certified by the developer's engineer:
 - 1. Subgrade or stabilized subgrade
 - 2. Curbs and concrete work
 - 3. Roadway base
 - 4. Surface course
 - 5. Drainage structures and systems
 - c. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved development plan.

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1. Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s).
2. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting any and all aspects of construction.
- d. The City Engineer or designee shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.
6. Procedures for acceptance by the City.
 - a. Preliminary acceptance of physical improvements is subject to:
 1. Within two weeks prior to presentation to City Council for preliminary acceptance, the City Engineer or designee shall:
 - (i) Inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.
 2. The developer has posted the required security/surety in an amount equal to 25 percent of the construction cost of the improvements to ensure maintenance for a period of one year from the date of preliminary acceptance by the City Council.
 3. The security/surety provided for the installation of physical improvements as specified in this Section shall not expire until the installation of physical improvements has been permanently accepted by the City.
 - (i) Responsibility for acquiring permanent acceptance shall be the developer's.
 - b. Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.
 1. The developer shall have sixty (60) calendar days from notification of deficiencies by the City Engineer or designee.
 2. Failure to make required corrections specified by the City Engineer shall result in a forfeiture of securities/sureties.
 3. Responsibility for acquiring permanent acceptance shall be the developer's
7. Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments):
 - a. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to:
 1. Roads or streets
 2. Stormwater drainage
 3. Sidewalks, pedestrian tracks, or pathways
 4. Streetlights
 5. Open space and recreation areas
 6. traffic control devices on private property
 7. Handrails
 8. Permanent striping
 - b. There shall be a minimum maintenance period of one year.
 - c. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.

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- d. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer or designee and a representative of the developer.
 - 1. These inspections shall be scheduled at mid-year and thirty (30) days prior to permanent acceptance by the City Council.
 - e. The City Engineer or designee shall advise the developer, in writing, of any corrective measures to be made during the maintenance period.
 - 1. It shall be the developer's responsibility to make required corrections prior to the release of the maintenance security/surety.
 - f. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - 1. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium association pursuant to that law.
 - 2. When no condominium is to be organized under Chapter 719, F.S., an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.
 - (i) When a development requires an owner's association, a recorded copy of the documents must be provided to the City before preliminary acceptance.
 - 3. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer or designee.
 - g. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land.
 - 1. Such covenants shall be included with the request for final plat.
 - 2. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.
- B. Future improvement payment (fee in-lieu of):
- a. The provisions of this Section apply to all proposed developments in the City or adjacent to public rights-of-way when improvements cannot be installed or constructed, due to circumstances outside of the City or the developer's immediate control, within a:
 - 1. Public right of way
 - 2. Easement
 - 3. City owned property within the city.
 - 4. Examples of such situations include, but are not limited to, improvements to and along the U.S. Highway 98 corridor, including Emerald Coast Parkway and unimproved public rights of way within the City of Destin and when a city improvement schedule coincides with an adjacent development.
 - b. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

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- c. This Section does not modify any existing or agreements between a developer and the City for development orders granted prior to the effective date of this Section.
2. Improvements required: The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public ROW, easement, or city owned property will be constructed according to the approved development plan at an undisclosed later date by the City, including, but not limited to:
 - a. Roads or streets
 - b. Stormwater drainage
 - c. Sidewalks, pedestrian tracks, or pathways
 - d. Streetlights
 - e. Open space and recreation areas
 - f. Signage other than traffic control,
 - g. Handrails
 - h. Permanent striping
3. The developer shall provide the projected total cost for each improvement:
4. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Florida Professional Engineer.
 - a. The amount and type of payment provided to assure construction.
5. Amount and type of future improvement payment:
 - a. The City Manager, or designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.
 1. Payment requirements shall be the form of either, certified check, cashier's check, money order, cash, or online payment.
 - b. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
 - c. In addition to the future improvement payment, developer shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.
6. Future improvement payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.
7. Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property:
 - a. The City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.
 - b. After completion of the improvements, any unused portion of the future improvement payment shall be returned to the developer.
 - c. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the city.

SECTION 2.03. USER'S GUIDE

SECTION 2.03.01. DEVELOPMENT PROJECT TYPE CLASSIFICATION TABLE

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- A. The classification of development project types depends on multiple factors including, but not limited to, the scope, history, location, and community interest in the project.
- B. **Table 2-1 Project Type Classification Table** directs the user to the criteria and procedures for the applicable section of the Land Development Code for the proposed project.
 - 1. Final project classification type will be determined by the City Manager, the City Manager, or their designee after a preliminary review of the project.
- C. The regulations in this code include the criteria established for a project to be classified as a specific Development Project type.
- D. Development in the City falls into two primary categories: Land Division and Land Development.
- E. A Development Order is an order granting, denying, or granting with conditions an application for approval of development.
 - 1. Development Orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.

Table 2-1 Project Type Classification Table			
Map and Code Amendments			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Zoning Map Amendment	N/A	2.06.03	City Council
Future Land Use Map Amendment			
LDC Text Amendment			
Comprehensive Plan Text Amendment			
Miscellaneous Projects			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Annexation	N/A	2.06.04	City Council
Land Division			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Lot Split	N/A	2.04.01 , 2.06.05	Community Development Director
Minor Replat	N/A	2.04.02 , 2.06.06	City Manager or designee
Minor Subdivision	N/A	2.04.03 , 2.06.06	City Manager or designee
Major Subdivision	N/A	2.04.04 , 2.06.07	City Council
ROW or Easement Vacation	N/A	2.04.05 , 2.06.08	City Council
Land Development			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Simple Development Order	No	2.05.01 , 2.06.09	Community Development Director
Minor Development Order	No	2.05.02 , 2.06.10	Community Development Director
Major Development Order	No	2.05.03 , 2.06.11	City Council
Technical Deviation	Yes	2.05.04.A , 2.06.09	Community Development Director
Simple Deviation	Yes	2.05.04.B , 2.06.09	Community Development Director
Minor Deviation	Yes	2.05.04.C , 2.06.10	Community Development Director
Major Deviation	Yes	2.05.04.D , 2.06.11	City Council
Development Agreements	No	2.06.12	City Council

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Planned Unit Development	No	2.07	City Council
Use Requests			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Conditional Use	N/A	2.09.01	City Council
Certificate of Appropriateness	N/A	2.09.02 ; 2.09.03	City Council
Change of Use	N/A	2.10.02	City Staff
Special Construction Permits			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Marine Construction / Harbor and Waterways Board	N/A	2.08	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A	2.12	Community Development Director
Board of Adjustment			
Project Classification	Prior DO Issued	Project Details	Final Approval Authority
Administrative Appeal	N/A	2.11.01	Board of Adjustment
Appeals of City Council	N/A	2.11.02	Circuit Court
Special Exception	N/A	2.11.03	Special Exception
Variance	N/A	2.11.04	Board of Adjustment
Marina Citing Exception	N/A	2.11.04	Board of Adjustment
Appeals of the BOA	N/A	2.11.05	Circuit Court

SECTION 2.03.02 DEVELOPMENT ORDERS:

- A. No property shall have more than one development order application under review by the City at any one time.
- B. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Ordinances the City shall:
 1. Issue a development order to the developer within ten (10) business days from the approval date of said development order application.
 - a. An approved development order is required prior to the city's issuance of any construction permit(s). The development order is not a construction permit.
 - b. A development order shall include, but is not limited to, the following if applicable:
 1. An approved final development plan with findings and conclusions.
 2. A listing of federal, state, or regional permits, if any, which must be obtained prior to the issuance of certificate of occupancy.
 3. If modifications to the development plan are required, the development order shall not be issued prior to such modified plan is submitted and approved by the city.

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4. Notification that development shall commence within a 12-month period and continue until completion in accordance with terms and conditions of approval.
 5. A phasing plan and schedule of construction consistent with the availability of capacity of one or more services and/or facilities.
 6. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods.
 7. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
 8. Any required guarantees or sureties for required public improvements as a result of the anticipated impact of the development or as required by regulations in this Code or other law.
 9. Such other conditions as may be required to assure compliance with this Code, the comprehensive plan or other law.
 10. Characteristics of the site and surrounding area.
 - (i) Important natural and manmade features
 - (ii) The size and accessibility of the site
 - (iii) Surrounding land uses
 11. Impact on requirements for level of service standards (LOS).
 - (i) The nature of the proposed development
 - (ii) Land use types
 - (iii) Density or intensity
 - (iv) Placement of proposed buildings, improvements, and impervious ground cover on the site
 - (v) Location, type, and method of maintenance of open space and public use areas if any
 - (vi) Preservation of natural features or protection of sensitive lands if any
 - (vii) Proposed parking areas and internal traffic circulation
 - (viii) Stormwater management, and
 - (ix) Water and sewage distribution, collection, and treatment systems.
 12. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.
 13. Other applicable factors, rules, regulations, or criteria prescribed by the Comprehensive Plan, this Code or other law.
- C. Exemptions from Development Orders:
1. A construction permit may be issued without a development order if any of the following conditions apply:
 - a. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site.
 - b. The construction or alteration of one attached or detached single family dwelling.
 - c. The resurfacing with the same material of a vehicle use area that conforms to all requirements of this Code.

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- d. The land, parcel or property of the proposed project is subject to a minor replat, or lot split granted pursuant to procedures in **Section 2.06** of this Article.
 - e. Determination by the City Manager or designee
 - 1. A determination shall not conflict with any requirement or provision of this Article or the Comprehensive plan.
- D. Development Orders:
 - 1. A development order is valid for a period of one year from the date of issuance.
 - 2. A building permit must be issued for either the construction of infrastructure or construction of the entire project.
 - 3. Construction must commence within six (6) months after issuance of building or construction permit.
 - 4. If a building permit is not issued within one year from the date of issuance of the development order, then the development order becomes null and void.
 - 5. If construction activity ceases for a period of one-hundred and eighty (180) days after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void.
- E. Development Order Extension:
 - 1. The applicant may request one extension to a development order, not to exceed 12 months from the date of original expiration.
 - 2. An applicant shall submit an application for extension no less than forty-five (45) calendar days of expiration of the original Development order.
 - 3. The application shall include:
 - a. Proof of ownership and agent affidavit (if applicable),
 - b. A narrative describing why development has not commenced.
 - 4. Once an application is received, it will be forwarded to the Community Development Director for a final determination.
 - 5. The fee for an extension is half (1/2) the cost of the original application.
- F. An approved Development Order or construction permit must be issued prior to or in conjunction with a clearing permit before clearing of land. It is the intent of this paragraph to prohibit any clearing, grading, or demolition of land or structures without first having an approved development with a corresponding approved site plan conforming to all applicable City regulations and this Code.
 - 1. A clearing Permit can only be issued if in conjunction with a building permit or construction permit.
 - 2. If the building permit or construction permit becomes null and void so does the clearing, grading, or demolition permit.
 - 3. If a clearing permit is issued and the lot, land, or parcel is cleared, but no construction occurs within one (1) month of completion of clearing, grading, or demolition, the site shall comply with **(Section XX.XX.XX – Stormwater management Plan)** and stabilized with:
 - a. Sod
 - b. Hydroseeding
 - c. Or other City Engineer approved alternative.

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SECTION 2.04. LAND DIVISION PROJECT TYPES

The following project types involve rearranging established lot lines or dividing land into two or more parcels. Any development that requires a Minor Subdivision or Major Subdivision shall complete the Final Plat before submitting any application for construction or permitting.

SECTION 2.04.01 LOT SPLIT:

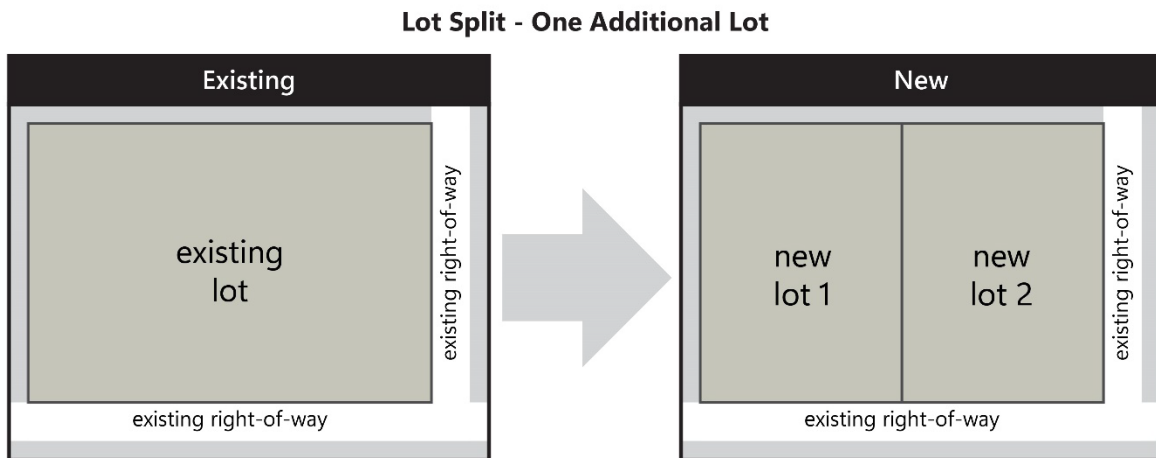
- A. A lot split is the division of a tract of land or lot that results in either:
 - 1. A lot line adjustment between two platted lots or tracts of land
 - 2. The creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
 - a. The tract of land or lot to be split is platted or has a legal description of record; and
 - b. Each lot or tract of land proposed either:
 - 1. Abuts a public or approved private street.

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2. Has a recorded perpetual cross-access easements exist on the lot to be split.
 - (i) If necessary, a recorded perpetual cross-access easement is created by the lot split shall be clearly shown on the recorded lot split.
 - c. The lot split shall meet all relevant zoning criteria established in this code.
- B. A Lot Split may not require a development order as determined by the City Manager or their Designee.

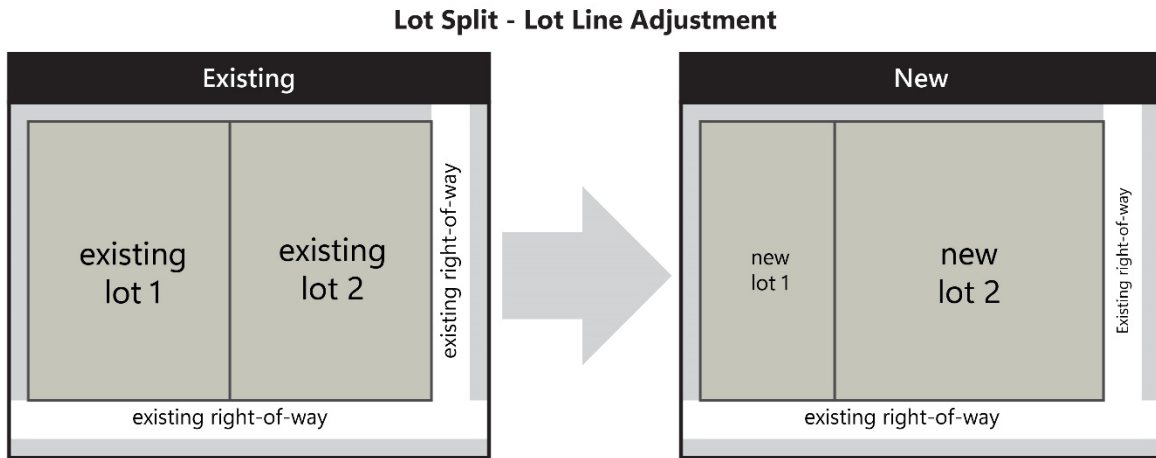
Figure 2-1: Lot Split - One additional lot example



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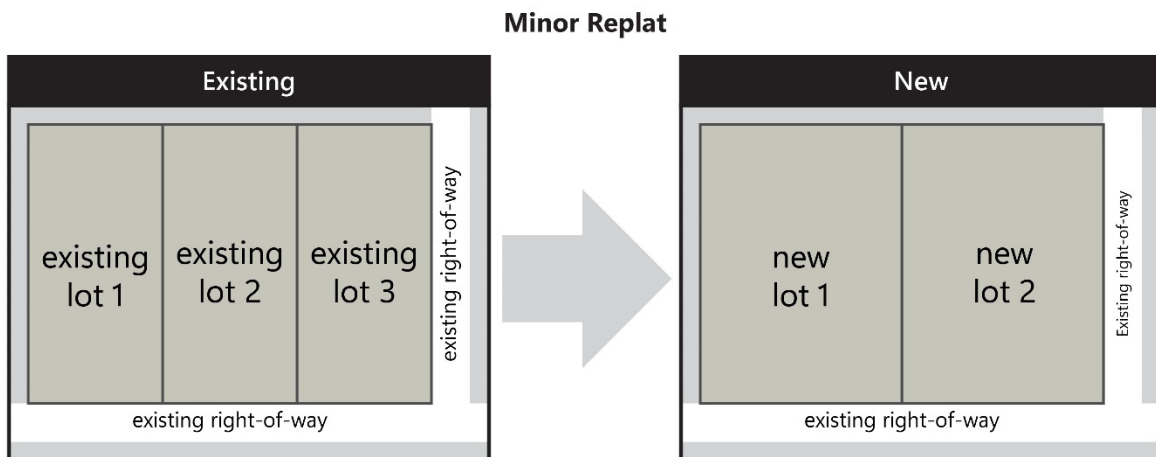
Figure 2-2: Lot Split - Lot Line Adjustment example



SECTION 2.04.02 MINOR REPLAT:

- A. A minor replat is the subdivision of a platted parcel or platted parcels within the same platted subdivision, that:
 - 1. Reduces the number of lots involved.
 - 2. Increases the area of two or more adjacent lots or parcels of land.
 - 3. No roadway, drainage, or other improvements are required.
 - 4. The final lot configuration complies with the standards of this Code.
- B. A Minor Replat may not require a development order as determined by the City Manager or their Designee.

Figure 2-3: Minor Replat example

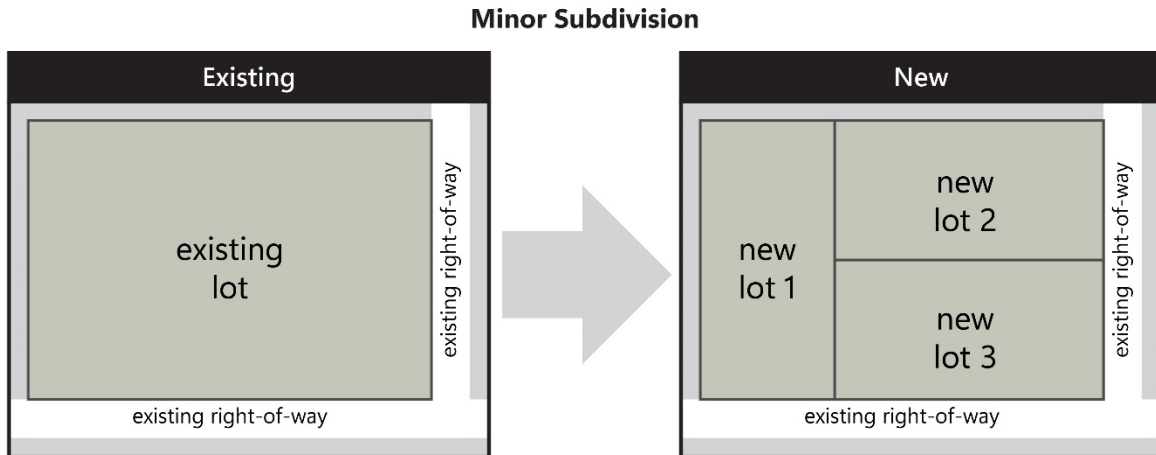


SECTION 2.04.03 MINOR SUBDIVISION:

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- A. A minor subdivision is the division of land that is either previously platted or not, that results in nine (9) or fewer lots; and
1. All lots front on an existing public or private right-of-way; and
 2. There is no dedication of land to the City or an owners' association.

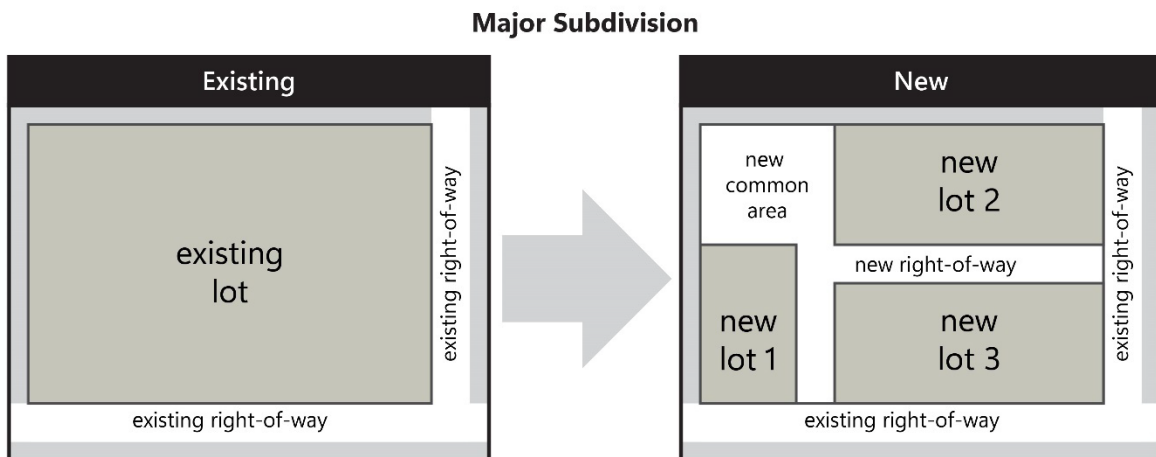
Figure 2-4: Minor Subdivision example



SECTION 2.04.04 MAJOR SUBDIVISION:

- A. A major subdivision is the division of land resulting in either:
1. Ten (10) or more new lots.
 2. The subdivision requires the dedication of future public or private right-of-way, to either the City or an owners' association.

Figure 2-5: Major Subdivision example



SECTION 2.04.05 RIGHT-OF-WAY OR EASEMENT VACATION:

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- A. A Right-of-Way (ROW) or easement vacation involves the abandonment of a Public or Private ROW or easement across or on a lot, parcel, property, or other land.
- B. The vacation of ROW results in the directly adjoining property owners of the subject ROW to gain property either:
 - 1. Fully across the ROW if there is no property subjected to the original plat across the ROW.
 - 2. To centerline of the ROW if there is a property subjected to the original plat across the ROW
- C. The Vacation of an easement abandons the rights of the easement holder and releases the property owner of any encumbrances the easement held on or across the subject lot, parcel, property, or other land.
- D. Any Vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division process.
 - 1. If a plat is not applicable, then the most appropriate Land Division process shall be initiated in conjunction with the vacation application at the applicant's expense.

SECTION 2.05. LAND DEVELOPMENT PROJECT TYPES

The following are development project types that do not include the division of land. However, this does not preclude any project in Sections 2.04 or 2.05 from following the appropriate procedures identified in this Article.

SECTION 2.05.01 SIMPLE DEVELOPMENTS:

- A. A development project shall be designated as a Simple Development if the following criteria are met:
 - 1. There is existing development on site, and it does not have a valid or vested Development Order on the property, lot(s), or parcel(s),
 - 2. The proposed changes do not require review by any external Technical Review Committee agency or entity.
 - 3. The proposes project meets one of the following criteria:
 - a. Proposes a change to the use of any structure or land, and
 - 1. The proposed change of use does not require additional parking spaces beyond those already existing on the site.
 - 2. Simple Development Orders do not apply to the Change of Use of a Single-Family Home to a Short-Term Rental.
 - b. Or any proposed changes to existing development cannot increase impervious surface area beyond 750 square feet.
 - 1. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements outlined in the City of Design Manual.
 - c. Does not meet any of the criteria of a Minor Development per Section 2.05.02 or Major Development per Section 2.05.03.
- B. Simple Developments shall currently meet or exceed Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.
 - 1. If the site does not meet or exceed the Comprehensive Plan, then any new proposed development shall meet or exceed the regulations of this Code and any applicable Comprehensive Plan requirements.

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- a. If the updates exceed the criteria of this Section, then it shall be deemed a Minor or Major Development or Deviation.
- C. If a property has any previously approved Simple Development or Deviation and the new proposed development after approval would exceed the limitations listed in this Section, it no longer qualifies as a Simple Development or Deviation.

SECTION 2.05.02 MINOR DEVELOPMENTS:

- A. A development project shall be designated as a Minor Development if it satisfies one or more of the following criteria:
 - 1. Commercial, Industrial, or Mixed-use development plans consisting of 9,999 or less square feet of gross floor area.
 - 2. 9,999 square feet or less of development activity such as a park, active recreation, open air development, or similar development, which involves either:
 - a. Any change in land use
 - b. Any construction of buildings or structures
 - c. Any change in the use of any structure or land that generates vehicle trips.
 - 3. Residential development plans consisting of 9 or fewer dwelling units.
 - 4. Minor Subdivisions
 - 5. Demolition of a nonresidential structure or building, unless determined as unsafe by the Building Official or other regulatory agency.
 - 6. Any project submittal identified by the Community Development Director needing higher level of review beyond the Simple Deviation due to:
 - a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
 - b. Is identified as being of significant interest to the general public.

SECTION 2.05.03 MAJOR DEVELOPMENTS:

- A. A development project shall be deemed a major development if it satisfies one or more of the following criteria:
 - 1. Non-residential and mixed-use development plans consisting of 10,000 square feet or more of gross floor area.
 - 2. 10,000 square feet or more of development activity such as a park, active recreation, open air development, or similar development, which involves either:
 - a. Any change in land use,
 - b. Any construction of buildings or structures, or
 - c. Any change in the use of any structure or land that generates vehicle trips.
 - 3. Residential development plans consisting of ten or more dwelling units.
 - 4. Major Subdivisions.
 - 5. All Planned Unit Developments (PUDs).
 - 6. New telecommunications towers.
 - 7. Any project submittal identified by the City Manager or designee as needing City Council review due to:

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- a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
- b. Is identified as being of significant interest to the general public.

SECTION 2.05.04 DEVIATIONS TO DEVELOPMENT:

For those projects or properties with active or vested Development Orders, all changes must be approved by the City through a deviation to the existing development order.

- A. Technical Deviation: Modifications or amendments that become necessary due to technical or engineering considerations, or unknown site conditions that are not in conflict with the criteria for a Minor or Major Deviation listed in this Section.
 1. Technical modifications cannot propose any deviation from the intent and purpose of the approved Development Order
 2. Any Technical Modification shall be the minimum modification to overcome the particular difficulty.
 3. Technical modifications shall not be approved if it conflicts with or cause a violation of any standard or requirement of the Comprehensive Plan, a CRA Master Plan, or the LDC.
 4. Such modifications shall be limited to modifying the following elements:
 - a. The distance shown on the approved development plan between any structure or group of structures, and any other structure or group of structures.
 1. Any modification that decreases any building setbacks to any external property line of the development will require a Simple, Minor, or Major deviation depending on the original approval process.
 - b. Vehicular circulation elements
 - c. The relocation or increasing the size of any open space
 - d. Any stormwater element
 - e. Any final grade
 - f. The types of landscaping elements and their arrangement within the required landscaping buffer area
 - g. Relocation or construction of accessory structures
 5. Technical Deviation or amendments application shall follow the same procedures for a Simple Deviation as outlined in **Section 2.06.09**
- B. Simple Deviations to a Development Order: A simple deviation to a development order is a project that requires review only by city staff members involved in the development review process.
 1. Simple deviations to a development order shall be determined by the City Manager or designee using the following criteria:
 - a. Changes to the previously approved development plan cannot require approval by non-city staff members of the TRC.
 - b. The proposed changes to the development plan only include rearranging or reducing, any:
 1. driveways/accessways,
 2. number of parking spaces,
 3. impervious surface, or
 4. buildings on the subject property.

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5. The proposed changes bring the property into compliance with the existing stormwater regulations as described in the LDC and the City of Destin Design Manual, without exceeding criteria for other deviations listed below.
- C. Minor Deviation to a Development Order: A deviation to a development order shall be deemed minor if it satisfies one or more of the following criteria:
 1. A change from the development order that requires the review of external Technical Review Committee members.
 2. The addition of floor area or impervious surface for Commercial, Industrial, or Mixed-use developments not to exceed 9,999 square feet total in combination with existing floor area or impervious surface.
 3. The addition of land development activity not to exceed 9,999 square feet or less in combination with existing development, of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
 - a. Any change in land use
 - b. Any construction of buildings or structures
 - c. Any change in the use of any structure
 4. Demolition of a nonresidential or multi-family building, unless determined as unsafe by the Building Official or other regulatory agency.
- D. Major Deviation to a Development Order: A deviation to a development order shall be deemed major if it satisfies at least one of the following criteria:
 1. The addition of gross floor area for Commercial, Industrial, or Mixed-use developments exceeding 10,000 square feet total in combination with existing floor area.
 2. The addition of land development activity exceeding 10,000 square feet of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
 - a. Any change in land use
 - b. Any construction of buildings or structures
 - c. Any change in the use of any structure
 3. Residential development plans proposing additional units that total ten or more dwelling units in combination with existing dwelling units.
 4. Any change to a condition in the development order that was expressly imposed by City Council.
 5. Any proposed change that adversely affects the compatibility of the existing development.
 6. Any proposed change that the City Manager, or designee, determines should be reviewed by the City Council due to the community impact.

SECTION 2.06 DEVELOPMENT PROJECT REVIEW PROCEDURES

SECTION 2.06.01 GENERAL REVIEW PROCEDURES FOR ALL PROJECTS

- A. All applications or project types listed in Table 2-1: Project Type Classification Table shall follow the following procedures unless specifically identified in the respective Development Project Review Procedures of this Section.

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- B. All applications for development orders or deviations to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This entails prompt review and responses from both the applicant and the City.
 - 1. No property shall have more than one development order application under review by the city at any one time.
- C. Pre-Application Meeting: The purpose of the Pre-Application Meeting is to facilitate coordination of the proposed development, or other process, between City Staff, Applicable external Agencies, and the Applicant(s).
 - 1. A Pre-Application meeting is required before filing for a formal review of all proposed projects or development plans.
 - 2. City Staff will direct the applicant to all appropriate Technical Review Committee agencies for a preliminary review prior to filing for formal city review, if necessary. This includes but is not limited to:
 - a. Destin Water Users
 - b. Destin Fire Control
 - c. Florida Power & Light
 - 3. A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days. The summary will include:
 - a. The appropriate review procedures and fees, if enough information on the project was provided prior to or during the Pre-Application meeting.
 - 1. If the appropriate procedure is not determined with the first Pre-application meeting, City Staff may require a follow-on Pre-Application Meeting before formal submittal of any application.
 - b. Brief description of the proposed development, if provided.
 - c. Major Land Development Code sections of concern.
 - d. Development Checklists
 - e. Any comments from internal or external agencies or departments, if provided.
 - 4. The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.
 - 5. The City reserves the right to provide more comments at the time of formal application review.
 - 6. No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.
- D. Formal Development Application Submittal
 - 1. Submittal of all development applications for City review shall be submitted through the City's online application portal.
 - a. All materials required by City Staff or in the Development Application Checklist shall be submitted for review.
 - b. Payment of the application is required at time of submittal.
 - 1. Fees for development applications can be found in the City's Schedule of Fees
- E. Completeness Review:

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1. Once an application is submitted City Staff will conduct a completeness review to ensure all required materials were submitted as identified by City Staff and or in the Development Application Checklist.
 2. If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.
 3. If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.
 - a. Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date.
 1. Simple Development or Deviation
 2. Lot Split
 3. Minor Replat
 4. The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.
 - a. If the applicant does not submit within the thirty (30) days the application will be deemed withdrawn per **Section 2.02.05.**
- F. Substantive Application Review:
1. Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:
 - a. Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.
 - b. Hear and address the concerns and desires of surrounding landowners and other affected persons.
 - c. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending to either approve, approve with conditions, approve with modifications, or deny the application.
 2. Technical Review Committee (TRC) Review:
 - a. Once an application is deemed complete Staff will forward the application the appropriate TRC members.
 1. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their role.
 - b. The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.
 - c. The following Project Types are exempt from TRC review, unless determined necessary by the City Manager or their designee.
 1. Annexation
 2. Map & Code Amendments
 3. Lot Split or Lot Line Adjustment
 4. Development Order Exemption
 5. Simple Development Order
 6. Simple Deviation

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7. Change of Use, except as otherwise identified in this Code.
8. Conditional Use
9. Certificate of Appropriateness
10. Harbor & Waterways Board applications
11. Board of Adjustment Applications
- d. TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.
 1. If Staff identifies the need for more review time, a request will be made to the applicant.
- e. TRC members shall provide city Staff with comments pertaining to the specific professional expertise.
 1. If a TRC member does not provide City Staff with comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.
- f. City Staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).
- g. If the TRC approves the application Staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.
- h. If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.
- i. Resubmittal of application materials shall be submitted within thirty (30) days of receipt of the Corrections Report.
- j. If the applicant does not submit within thirty (30) days, the application will be deemed withdrawn per **Section 2.02.05**.

SECTION 2.06.02 APPLICATION DENIAL

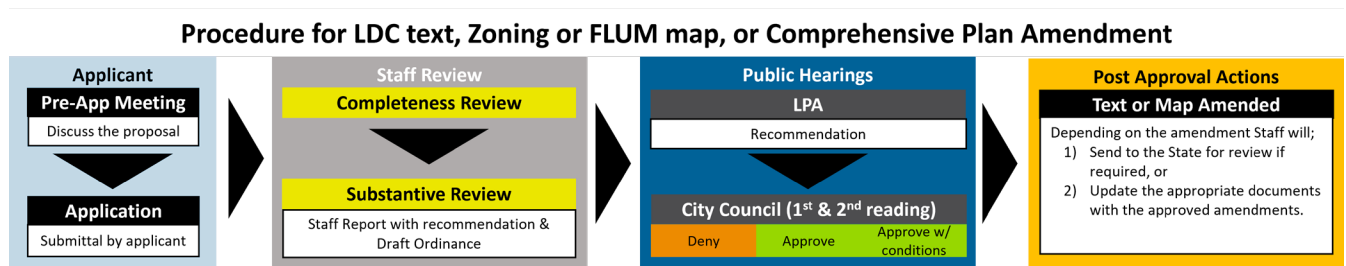
- A. If, after the appropriate approval body review, an application is denied, no future application for the same or similar request or procedure may be processed within the time frame listed below:
 1. One (1) year for any application requiring City Council approval.
 2. Six (6) months for any application requiring Local Planning Agency approval.
 3. Three (3) months for all other applications

SECTION 2.06.03 PROCEDURES FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, ZONING MAP, OR FUTURE LAND USE MAP

- A. The text of this Code, Comprehensive Plan and the Official Zoning District Map or the Future Land Use Map boundaries may be amended or supplemented.
- B. Proposed changes may be suggested or recommended by:
 1. City Council
 2. City Manager
 3. Local Planning Agency
 4. Community Development Director
 5. By a property owner

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6. By petition of the owners of 51 percent or more of the area or properties involved in the proposed change.
- C. The Community Development Department will review and forward the application and a staff report and draft ordinance with or without a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review at a public hearing.
- D. The LPA will forward its staff report with recommendation and draft ordinance to the City Council for approval, approval with conditions, table, or denial for review at a public hearing.
- E. The City Council shall then approve, approve with conditions, table, or deny the application.
- F. If approved, on 1st reading at City Council, a Second reading will be heard at the next City Council meeting while meeting required noticing requirements.
 1. If State review is required, then the second reading shall occur within thirty (30) days of receiving State approval.



SECTION 2.06.04 ANNEXATION OF PROPERTY

- A. Annexation into the city may be initiated by either the City of Destin or by individuals or groups of property owners.
 1. In any instance of annexation, the property proposed to be annexed shall be contiguous to the City Limits.
- B. The City shall manage growth of the physical city limits without creating hardships and unnecessary costs for existing residents and business owners by properly assessing any City initiated or property owner-initiated request of annexation through:
 1. The promotion of orderly growth by facilitating long-range planning for the provision of municipal service to develop and redevelopment areas.
 2. The application of appropriate land use regulations, development and property maintenance standards, fire, and construction codes and environmental regulations.
 3. Ensuring that residents and businesses outside the corporate limits share the tax and maintenance for facilities, streets, and utilities necessary to meet the demand.
- C. Annexations may be initiated by:
 1. Any property owner may request annexation into the city if contiguous to the City limits.
 2. The City may initiate annexation of contiguous, compact, unincorporated land in the following ways:
 - a. The City may annex enclaves of 110 acres or less through an interlocal agreement with Okaloosa County; except for undeveloped or unimproved real property, pursuant to Section 171.046, Florida Statutes.
 - b. The City may annex an enclave with fewer than 25 registered voters by City ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters

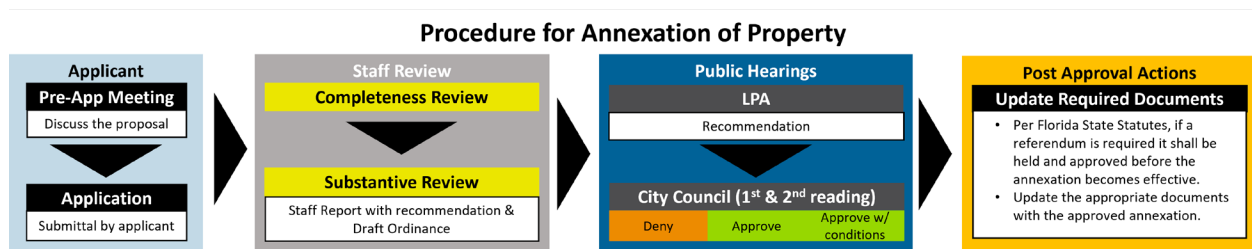
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who reside in the enclave, except for undeveloped or unimproved real property, pursuant to Section 171.046, Florida Statutes.

- c. The City may annex land by referendum election, pursuant to the procedures set forth in Section 171.0413, Florida Statutes.

D. Annexations Applications:

1. Annexations whether property owner-initiated or City initiated, shall address in the application, the criteria listed in Section 2.06.04.B. above, and the following if applicable:
 - a. Elimination of Enclaves: (Enclaves are areas of county jurisdiction that are surrounded by the City).
 - b. Enhance the City Economic and Tax Base: The request shall demonstrate how annexing the proposed area into the city it will benefit the City's tax base and not create a deficit in the City's revenue, budget, or create any other financial burden on the City or Residents.
 - c. Impacts on the City's Infrastructure: The request shall demonstrate how annexing the proposed area will not create a negative impact upon the City's infrastructure, including but not limited to:
 1. Roads and streets
 2. Stormwater facilities
 3. Other City services
2. The Community Development Department shall develop a staff report and ordinance for review by:
 1. The Local Planning Agency at a public hearing for a recommendation and consideration to City Council.
 2. City Council shall consider at a public hearing the recommendation and determine whether to approve, approve with conditions, table, or deny the request on First reading,
 - (i) If approved, on First reading at City Council, a Second reading will be heard at the next City Council meeting while meeting required noticing requirements.
 - (ii) If the Annexation meets the criteria of Section 2.06.04.C.2.c. then the referendum per Florida State Statutes 171.0413 shall be held and approved before the annexation becomes effective.

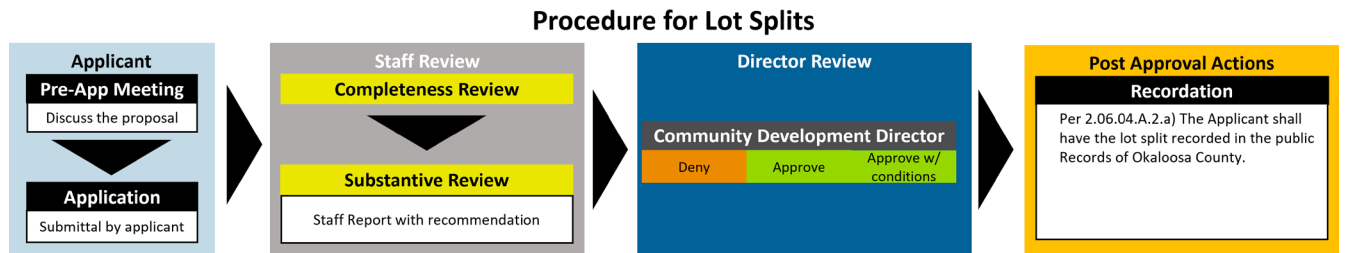


SECTION 2.06.05 LOT SPLITS OR LOT LINE ADJUSTMENTS

- A. Lot Splits or Lot Line Adjustments require notification to adjacent property owners and a notice posted on the property per Section 2.02.03.
- B. The Community Development Director may grant waivers from the platting requirements of this Code for divisions of land that constitute a lot split.

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- C. Upon review by City Staff and recommendation to the Community Development Director, the Director may approve the lot split or lot line adjustment.
 - 1. The Director's approval and mylar(s) shall be recorded in the public records of Okaloosa County.
- D. No further division of an approved lot split is permitted under this Section, unless a plat is prepared and approved in accordance with this Code.
- E. All mylars shall meet State Statute and The City of Destin Design Manual standards.

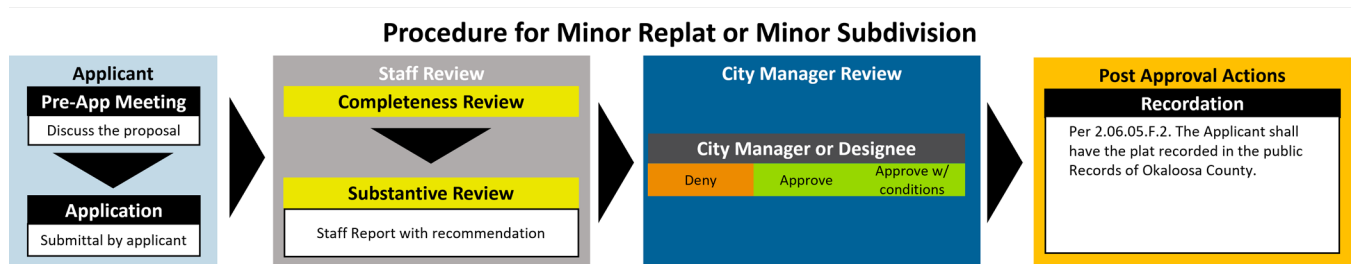


SECTION 2.06.06 MINOR REPLATS/MINOR SUBDIVISIONS

- A. Minor Subdivisions or Replats require notification to adjacent property owners and a notice posted on the property per Section 2.02.03 once approved by the TRC.
- B. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:
 - 1. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.
- C. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.
- D. Right-of-way dedication, identified by the Community Development Director, may be required if any lot abuts a street right-of-way that does not conform to current City Standards.
 - 1. If Right-of-Way is determined to be required, the application automatically becomes a major subdivision and shall follow those procedures.
 - 2. The Applicant is still responsible for the fees for the major subdivision application, but the fees paid for the minor subdivision will be credited towards the major subdivision.
- E. Once reviewed and approved by all applicable TRC members, the developer shall submit to the Community Development Department:
 - 1. One digital and one paper copy of the final plat (as prescribed by F.S. § 177.091)
- F. Final review and approval of minor replats or minor subdivisions shall be made by the City Manager or designee upon receiving the recommendation of the TRC.
- G. The City Manager's or designee's approval and mylar(s) shall be recorded in the public records of Okaloosa County.
- H. Final Approval and Release of Plat
 - 1. The applicant or developer shall submit a Release of Plat application to the Community Development Department and receive final approval before any lot can be sold or any building permit can be issued in a proposed subdivision.
 - 2. The Release of Plat application shall include the following:

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- a. One mylar with all required signatures blocks signed.
 - i. This does not include (County or City representative signatures)
 - ii. Proof that one of the following situations has been completed.
 - a. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.
 - iii. The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer.
 - a. Such a bond shall be released upon satisfactory installation of all improvements.
3. Once a Release of Plat application is deemed complete it shall be reviewed and approved by the City Manager or designee.
4. All mylars shall meet State Statute and The City of Destin Design Manual standards.
5. Mylar(s) shall be recorded in the public records of Okaloosa County.
6. Once final approval is received, the developer shall record the approved plat and submit to the Community Development department one (1) digital copy of the final recorded plat (as prescribed by F.S. § 177.091).
7. Any development that requires a Major Subdivision shall complete the Plat before submitting any application for non-infrastructure construction or permitting.



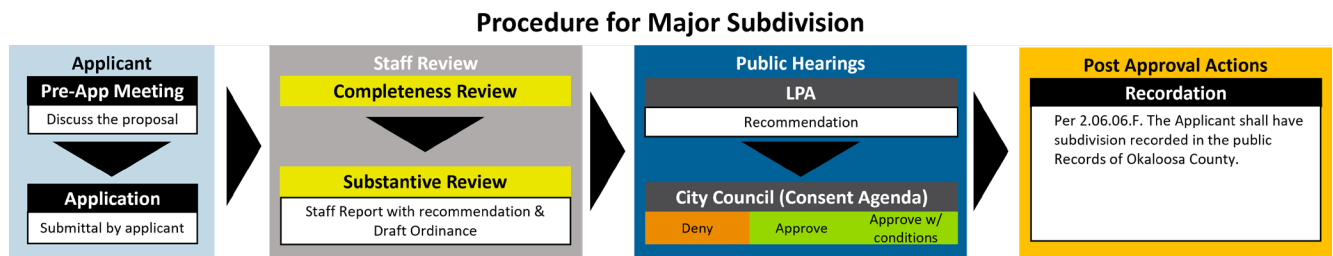
SECTION 2.06.07 MAJOR SUBDIVISIONS

- A. Major Subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.02.03 once approved by the TRC.
- B. Preliminary Approval:
 1. Prior to approval of a major subdivision by the City the following standards shall be met:
 - a. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.
 2. Once a major subdivision is reviewed for compliance by Staff and receives approval from the TRC, Staff will prepare a Staff Report for review and consideration for recommendation by the Local Planning Agency (LPA) at a public hearing.
 3. The LPA will forward their recommendation to the City Council for their review and consideration of Preliminary approval at a public hearing.
 4. The applicant may request preliminary and final approval under two public hearings, one with the LPA and one with City Council

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- a. If the applicant receives preliminary plat approval, the final plat may be placed on the City Council consent agenda for approval.
5. If the proposed subdivision is denied upon consideration for preliminary approval the developer must resubmit as a new design indicating substantial differences from the previous design.
6. Final review and preliminary approval of subdivisions classified as major shall be reviewed for consideration by the LPA for a recommendation to the City Council
7. City Council may, upon receiving the recommendation of the LPA, approve, approve with conditions, table, or deny the application.
8. If the proposed subdivision meets the criteria for any Land Development Project or Development Orders as identified in Section 2.05, both applications may be processed simultaneously by the appropriate procedures identified in this Article.
 - a. Any requests for amendments to active development orders will not be processed until the required plat has been approved if applicable.
- C. Final Approval and Release of Plat
 1. The applicant or developer shall submit a Release of Plat application to the Community Development Department and receive final approval before any lot can be sold or any building permit can be issued in a proposed subdivision.
 2. The Release of Plat application shall include the following:
 - a. One mylar with all required signatures blocks signed.
 1. This does not include (County or City representative signatures)
 2. Proof that one of the following situations has been completed.
 - (i) The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.
 3. The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer.
 - (i) Such a bond shall be released upon satisfactory installation of all improvements.
 3. Once a Release of Plat application is deemed complete it shall be placed on the City Council Consent Agenda for final approval.
 4. All mylars shall meet State Statute and The City of Destin Design Manual standards.
 5. Mylar(s) shall be recorded in the public records of Okaloosa County.
 6. Once final approval is received, the developer shall record the approved plat and submit to the Community Development department one (1) digital copy of the final recorded plat (as prescribed by F.S. § 177.091).
 7. Any development that requires a Major Subdivision shall complete the Plat before submitting any application for non-infrastructure construction or permitting.

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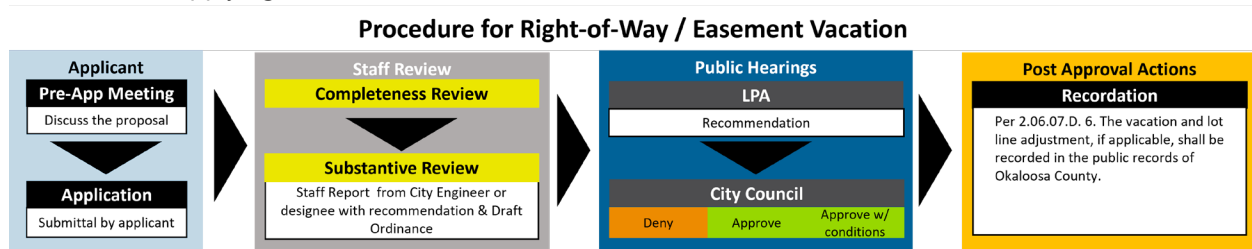


SECTION 2.06.08 RIGHT-OF-WAY/EASEMENT VACATION

- A. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.
- B. Vacations require notification to adjacent property owners and a notice posted on the property per Section 2.02.03 once approved by the TRC.
- C. If vacated, the right-of-way is divided equally to adjacent property owners. It is the responsibility of the applicant(s) to complete all required applications and approvals which may result from such a vacation.
- D. All applications for a right-of-way or easement vacation shall follow the following procedures:
 1. If the request requires the reconfiguration of lot lines or subdivision a parcel or lot of land the appropriate application per Section 2.04. shall be applied for and run concurrently with the vacation application.
 2. City Staff shall contact all utility providers or various stakeholders for input on the proposed vacation.
 3. The City Engineer or designee shall forward a Staff Report with a recommendation to the Local Planning Agency (LPA) at a public hearing.
 4. The LPA shall forward a recommendation to approve, approve with conditions, or deny the request to the City Council.
 5. City Council may, upon receiving the recommendation of the LPA, approve, approve with conditions, table, or deny the application to vacate a ROW/easement based upon the following criteria:
 - a. The requested vacation is consistent with the Comprehensive Plan.
 - b. The ROW does not provide sole access to any property.
 - c. The vacation would not jeopardize the current or future location of any utility.
 - d. The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.
 - e. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.
 - f. Any proposed vacation of Scenic Highway 98 shall require a voter approved ballot referendum.
 6. If City Council approves or approves the application with conditions, the applicant shall record the new lot configuration in the public records of Okaloosa County.

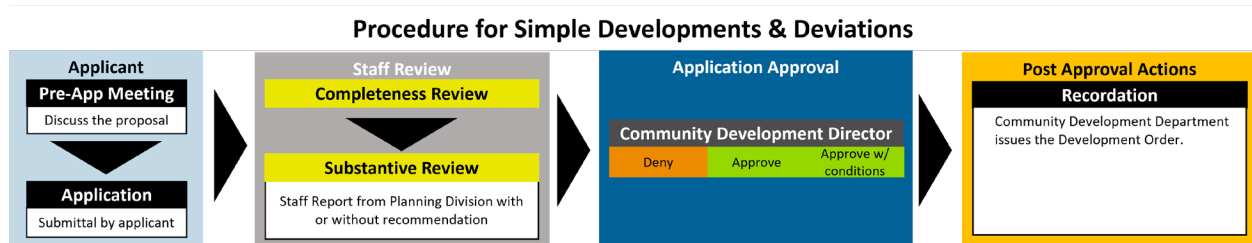
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7. If the City Council denies a vacation request, the applicant shall wait one (1) year before reapplying for reconsideration.



SECTION 2.06.09 SIMPLE DEVELOPMENTS AND DEVIATIONS

- A. Simple Developments and Deviations require notification to adjacent property owners and a notice posted on the property per **Section 2.02.03**.
- B. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as Simple Developments.
- C. City Staff shall make a recommendation to the City Manager or designee based upon the review of compliance with the City's LDC, Comprehensive Plan, other City Ordinances, or any applicable Development Order.
- D. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with **Section 2.03.02**.
- E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code, the application can:
 1. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or
 2. Become null and void.
 - a. The applicant will lose in-line priority consideration for concurrency.

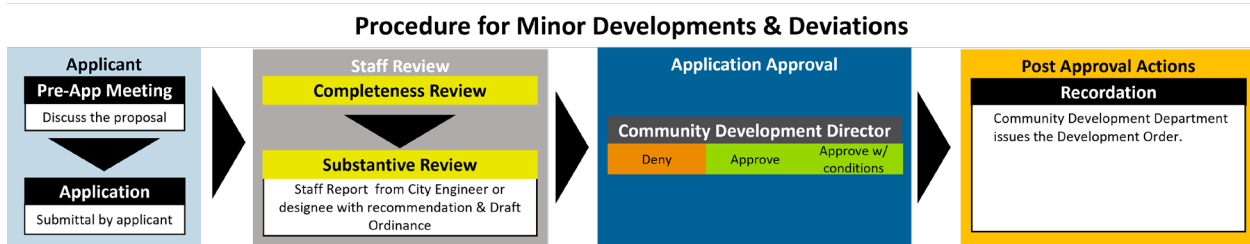


SECTION 2.06.10 MINOR DEVELOPMENTS AND DEVIATIONS

- A. Minor Developments and Deviations require notification to property owners and a notice posted on the property per **Section 2.02.03** once the project is sent to the TRC.
- B. Upon review and recommendation of approval by City Staff and approval by the TRC, The Community Development Director may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as Minor Developments.
- C. City Staff shall make a recommendation to the Community Development Director based upon the review of compliance with the City's LDC, Comprehensive Plan, other City Ordinances, or any applicable Development Order.
 1. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.

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- D. If the proposal is approved, approved with conditions, the Community Development Director shall authorize the issuance of a development order that complies with **Section 2.03.02**.
- E. If the proposal is approved with modifications, a development order may be authorized by the Community Development Director once the required modifications have been completed and approved by the appropriate TRC members.
- F. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
 - 1. The applicant will lose in-line priority consideration for concurrency.

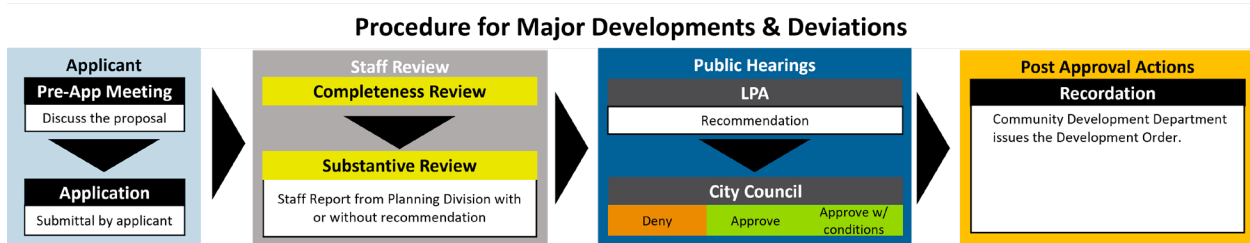


SECTION 2.06.11 MAJOR DEVELOPMENT AND DEVIATIONS

- A. Major Developments and Deviations require notification to property owners and a notice posted on the property per **Section 2.02.03**, once the project is sent to the TRC.
- B. Once the application has been reviewed and approved, approved with conditions, or approved with modifications by the TRC and City Staff, Staff shall prepare a Staff Report through the City Manager to the Local Planning Agency (LPA).
- C. The LPA, at a publicly noticed quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed development based on the,
 - 1. Staff Report
 - 2. The City's Land Development Code,
 - 3. The City's Comprehensive Plan,
 - 4. City Ordinances
 - 5. Public testimony
 - 6. Information given by the applicant
- D. The City Council, at a publicly noticed quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, table, or deny the proposed development after review and consideration of the proposed development based on the,
 - 1. The LPA's recommendation
 - 2. Staff Report
 - 3. The City's Land Development Code
 - 4. The City's Comprehensive Plan,
 - 5. City Ordinances
 - 6. Public testimony
 - 7. Information given by the applicant.
- E. If the proposal is approved, approved with conditions, the City Council shall authorize the issuance of a development order that complies with **Section 2.03.02**.

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- F. If the proposal is approved with modifications, a development order may be authorized once the required modifications have been completed and approved by the appropriate TRC members.
- G. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
 - 1. the applicant will lose in-line priority consideration for concurrency.



SECTION 2.06.12 DEVELOPMENT AGREEMENTS

- A. Development Agreements as specified in this Code are proposed developments that require negotiations between local, state, or federal governments, public utility providers, taxing districts and other related agencies, and not for private development.
- B. Development Agreements are processed by submission of an application by either the City or other entity involved in the development.
- C. Based on the proposed development, the Community Development Director shall identify if it is a Simple, Minor, or Major Development and the appropriate materials will be required for application submittal per the Development Checklist in the City of Destin's Design Manual.
 - 1. The corresponding fee shall also apply.
 - 2. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.
- D. Negotiation of development agreements:
 - 1. The City Manager and City Staff shall review the application package and negotiate such further terms and conditions as the City Manager or designee shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
 - 2. Once the parties agree on the terms and conditions of a development agreement, or further negotiations are not anticipated, the City Manager, or designee and Staff shall draft a Staff Report, including:
 - a. Land use types
 - b. Density or intensity
 - c. Placement of proposed buildings, improvements, and impervious ground cover on the site.
 - d. Location, type, and method of maintenance of open space and public use areas, if any.
 - e. Preservation of natural features or protection of sensitive lands, if any.
 - f. Proposed parking areas and internal traffic circulation
 - g. Stormwater management
 - h. Water and sewage distribution, collection, and treatment systems.

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3. The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that,
 - a. Any further expenditures by either party would vest any right to continue development.
 - b. Nor shall such actions constitute partial performance entitling the any party to a continuation or extension of the development agreement.
 4. The City Council, by majority vote, may act to adopt, amend, extend, modify, revoke, or cancel any proposed or existing development agreement at a publicly noticed hearing per **Sections 2.02.03, and 2.15.**
 - a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.
 - b. In the event state or federal laws are enacted after the execution of a development agreement that creates a non-conformity or non-compliance with the terms or conditions of the agreement, then the agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.
- E. Development agreement requirements:
1. All development agreements shall, at a minimum, include the following:
 - a. A legal description of the land subject to the agreement.
 - b. A statement identifying the legal and equitable interest of all parties having any interest in the property described in a. above.
 1. Such statements shall be certified by an attorney-at-law licensed to practice in the State of Florida.
 - c. The development uses permitted on the land,
 - d. Densities and intensities
 - e. Building height.
 - f. The land use designation under the City of Destin Comprehensive Plan for all property included within the terms of the proposed agreement.
 - g. The current zoning classification of the property.
 - h. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
 - i. The date any new facilities, if needed, will be constructed.
 - j. A schedule to ensure public facilities will be available and sufficient to meet the development's impacts.
 - k. A description of any reservations or dedications of land for public purposes.
 - l. A description of all local development permits approved or needed to be approved for the development of the land.
 - m. A finding that the development permitted or proposed is consistent with the City of Destin comprehensive plan and land development regulations, as required by **Section 163.3231** of the Act.

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- n. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens.
 - o. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the parties from complying with the laws and regulations governing permitting requirements, conditions, terms, or restrictions.
 - 2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.
- F. Recording the development agreement:
 - 1. Within 14 days after the city enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the Official Records of Okaloosa County.
- G. Periodic review:
 - 1. The city shall review the land and progress of development subject to the development agreement at least once every 12 months to determine compliance with the terms and conditions of the agreement.
 - 2. Fourteen (14) days Prior to the city's review of the status of a development agreement, the developer shall submit a progress report to the City indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.
 - 3. If during the periodic review the City finds based on substantial competent evidence a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of **Sections 2.02.03. and 2.15** may:
 - a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
 - b. Revoke the agreement to protect the public's interest, health, safety, or welfare.
- H. Legal status of development agreements:
 - 1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.
 - 2. The city's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.
 - 3. The city may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the city determines any one of the following:
 - a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
 - b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or

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- c. That such laws and policies are essential to the public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or
 - d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
 - e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.
- I. Enforcement:
 - 1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. §§ 163.3220—163.3242:
 - a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
 - b. The state land planning agency.

SECTION 2.07 PLANNED UNIT DEVELOPMENT REVIEW

SECTION 2.07.01 PURPOSE AND INTENT

- A. The Purpose of a Planned Unit Development (PUD) is to implement the purpose statement of the zoning district and Planning Area in which the project is located, utilizing an alternative approach to the design of the property, and related physical facilities. A PUD incorporates special development characteristics, which help achieve city goals identified in the adopted Strategic Plan, Comprehensive Plan, and Master Plans of the Community Redevelopment Areas (CRA), if applicable, and provide an overall benefit to the community as determined by the PUD objectives.
- B. A PUD is intended to:
 - 1. Encourage efficient use of land and resources, promoting greater efficiency in public and utility services.
 - 2. Encourage innovative development through new planning and building practices or trends, and
 - 3. Develop an enhanced product compared to a development implementing the strict application of the LDC.
 - 4. Implement compatibility with adjacent and nearby land developments.

SECTION 2.07.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

- A. The City Council may approve, approve with conditions, or deny a PUD based upon the following standards:
 - 1. PUD Objectives: The PUD shall meet the purpose statement of the PUD, and
 - a. shall achieve at least five (5) of the strategies from the objectives as outlined in **Section 2.07.04**.
 - 1. No more than two (2) strategies can be utilized per objective to meet the minimum of five (5) strategies.
 - 2. No strategy may be utilized more than once per PUD proposal.
 - b. Demonstrate why modifications to the zoning regulations are necessary to meet the purpose for a PUD.
 - c. The City Council should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a PUD, and
 - 2. Compatibility and Design: The proposed PUD is appropriately designed, consistent, and compatible with:

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- a. Adopted policies set forth in the City of Destin Comprehensive Plan and appropriate Planning Area.
 - b. Adopted Community Redevelopment Area Master Plan applicable to the site where the PUD will be located.
 - c. The proposed PUD shall meet the intent of the Planning Area where the project is located.
3. Design And Compatibility: The proposed PUD will be located and is designed to achieve a more enhanced product, design, and compatibility by demonstrating:
 - a. The project will result in a more enhanced product than would be achievable through strict application of the land use regulations.
 - b. The scale, mass, and intensity of the proposal is compatible with the neighborhood and Planning Area where the PUD will be located.
 - c. The proposal is compatible with the building and site design policies stated in an applicable Comprehensive Plan/Master Plan.
 - d. The building orientation in the proposal is compatible with the neighborhood where the PUD will be located and/or the policies stated in the Comprehensive Plan and/or applicable Master Plan related to building and site design.
 - e. The building setbacks along the perimeter of the development:
 1. Maintain the visual character of the neighborhood or the character described in the Comprehensive Plan and/or applicable Master Plan.
 2. Provide sufficient space for private amenities.
 3. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
 4. Provide adequate sight lines to streets, driveways, and sidewalks.
 5. Provide sufficient space for maintenance.
 - f. The building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction.
 - g. The lighting is designed for safety and visual interest while minimizing impacts on surrounding property.
 - h. The dumpsters, loading docks and/or service areas are appropriately located and screened.
 - i. The parking areas and internal vehicular networks are appropriately buffered from adjacent uses.
4. Landscaping: The proposed PUD preserves, maintains or provides native landscaping where appropriate by demonstrating:
 - a. That mature native trees located along the periphery of the property and along the street will be preserved and maintained.
 - b. That existing landscaping that provides additional buffering to the abutting properties will be maintained and preserved.
 - c. That proposed landscaping is designed to lessen potential impacts created by the proposed PUD.
 - d. Whether proposed landscaping is appropriate for the scale of the development.
5. Mobility: The proposed PUD supports Citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood by demonstrating:
 - a. The drive access to local streets will negatively impact the safety, purpose, and character of the street.
 - b. The site design considers safe circulation for a range of transportation options including:

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1. Safe and accommodating pedestrian environment and pedestrian-oriented design, and orientation to transit where available; and
 2. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
 3. Minimizing conflicts between different transportation modes.
 - c. The site design of the proposed development promotes or enables access to adjacent uses and amenities.
 - d. The proposed design provides adequate emergency vehicle access; and
 - e. The loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.
6. Existing Site Features: The proposed PUD preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.
7. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
8. Supplemental Standards:
 - a. Where a proposed PUD is directly adjacent to either the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, and bayous, or the property encompasses private beach, the proposed PUD shall include the following, and will count towards two (2) of the five strategies required in **Section 2.07.02.A.1.a**
 1. A ten-foot (10') wide minimum public access easement(s) from publicly accessible land to the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach; and
 2. Dedication of land or beach property or a public easement to the city for the purposes of public use of Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach, at a minimum of:
 - (i) one-hundred feet (100') land ward from wet sand or shoreline; and
 - (ii) one-hundred feet (100') of beach front.
 - (a) If the project consists of less than one-hundred feet (100') of beach front, then the entire beach front access shall be dedicated or provided by a public access easement.
 - b. Where a PUD is proposed in the Town Center CRA (TCCRA) Objective 3, Strategy 1 shall be utilized with 20% of the units set to 80% AMI and will satisfy all five (5) required points.
 1. The affordable housing shall also be maintained by deed restriction or other documentation that holds the affordability in perpetuity.
 - c. If a PUD is proposed in the Town Center Commons Planning Area but outside of the TCCRA, affordable housing shall be implemented.
 - d. Points will be awarded towards the required five (5) points based on the percentage of units offered at 80% AMI or below as shown in Table **2-3 of Section 2.07.04.A.3**.
- B. When approving a PUD, City Council may change, alter, modify, or waive the following provisions of LDC:
 1. Zoning And Subdivision Regulations: Any provisions of the city's zoning or subdivision regulations as they apply to the proposed PUD.
 - a. Exceptions: The following elements of the zoning or subdivision regulations shall not be changed, altered, modified, or waived by the PUD process
 1. Uses: City Council shall not approve any use that is not allowed in the zoning district in which the PUD is located.

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2. Parking: The parking facility must be located within the PUD area and can only be used for the uses within the PUD.
3. Building Height: Building height shall not exceed the allowed maximum height of the underlying zoning district.
4. Density: Residential PUDs shall not exceed the density limitation of the zoning district or Future Land Use Designation of the Comprehensive Plan where the PUD is proposed except as allowed below.
 - (i) The calculation of PUD density may include open space acreage that is provided as Community Benefit and public amenity, open to the public, whether privately owned or dedicated to the public.
- b. Screening: Screening for solid waste, mechanical equipment, or other elements as required by the LDC or Design Manual.
- c. Signs: Signs shall not be reviewed or approved through the PUD process. Additionally, requests to exceed any dimensional limitation of signage shall not be considered in any review of a PUD application.
- d. Landscaping: Landscaping shall meet the minimum requirement of the underlying zoning district.

SECTION 2.07.03 MINIMUM AREA

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

Table 2-2: Minimum Area for a Planned Unit Development	
Planning Area	Minimum Acreage
Airport Planning Area	N/A
Crystal Beach Planning Area	.75 acre
Gulf Resort Planning Area	4 acres
Harbor Planning Area	.5 acre
Henderson Beach Planning Area	N/A
Holiday Isle Planning Area	2 acres
Town Center Commons Planning Area	2 acres
Village Planning Area	5 acres

SECTION 2.07.04 COMMUNITY BENEFIT

- A. A PUD shall apply and implement the following objectives per **Section 2.07.02.A.1**, through the PUD process. Each objective includes strategies that are intended to be used to determine if an objective has been accomplished through a specific proposal of the PUD:
 1. Objective 1 - Open Space and Natural Lands: Preserving, protecting, or creating open space and natural lands:
 - a. Strategies:
 1. Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds, public beaches, or other similar types of facilities.
 2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
 3. Development of connected greenways and/or wildlife corridors.
 4. Daylighting of water bodies.

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5. Inclusion of local food production areas, such as community gardens.
6. Clustering of development to preserve open spaces.
2. Objective 2 - Historic Preservation: Preserving, protecting, or creating Historic areas within the city.
 - a. Strategies:
 1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
 2. Preservation of, or enhancement of, historically significant landscapes that contributes to the character of the city and contributes to the general welfare of the city's residents.
3. Objective 3 - Housing: Providing affordable housing or types of housing that helps achieve the city's housing goals and policies:
 - a. Strategies:
 1. Affordable housing developed for those with incomes that are at or below eighty percent (80%) of the Area Median Income (AMI).
 2. The proposal includes housing types, excluding detached single-family housing, which are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.
 3. The following points will be awarded, at the following rates, towards the required five (5) points based on percentage of units offered at 80% AMI or below.

Table 2-3 Points awarded for Affordable Housing

a. 2 points for 5% of units
b. 3 points for 10% of units
c. 4 points for 15% of units
d. 5 points for 20% of units

4. Objective 4 - Mobility: Enhances accessibility and mobility:
 - a. Strategies:
 1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
 2. Improvements that encourage transportation options other than just the automobile which excludes the required transportation infrastructure.
5. Objective 5 - Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:
 - a. Strategies:
 1. Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
 2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.
 3. Site Planning: Design and inclusion of a mix of uses to encourage the reduction of resource consumption and impacts to public facilities or services.
6. Objective 6 - Comprehensive Plan/Master Plan Implementation: A project that implements a specific Goal, Objective, or Policy of the adopted Comprehensive Plan or Master Plan.

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a. Strategies:

1. A project that implements a specific goal, objective, or policy of the adopted Comprehensive Plan or Master Plan not related to compliance standards listed in **Section 2.07.02**.

SECTION 2.07.05 PROCEDURES

- A. Application: The applicant must file a complete application for PUD review with the Community Development Department containing the following information. Certain information may be deemed unnecessary to adequately evaluate the application by the Community Development Director.
1. A complete written description, with supporting graphics, of the proposed PUD including:
 - a. The zoning regulations being modified in the PUD.
 - b. The Comprehensive Plan or CRA Master Plan objectives, goals, and policies being met.
 - c. How the proposed PUD is compatible with other properties in the neighborhood(s).
 - d. What and how the proposed PUD provides and meets the community benefit requirement per **Section 2.07.04**.
 2. Existing conditions surveys
 3. Site plan depicting all proposed development
 4. Architectural graphics including elevations, profiles, conceptual floor plans and cross sections
 5. Preliminary subdivision plat or final plat, if applicable or required
 6. Traffic impact analysis
 7. A statement describing the care and maintenance of all open space or recreational facilities.
 8. Other information or documentation the Community Development Director may deem necessary for proper review and analysis of a particular application.
- B. Application Review
1. Review of the application will follow the same procedures as the Major Development process per **Section 2.06.11**.
 2. Any other required supplemental applications for a proposed PUD, such as subdivision or plat of land, will follow the applicable process per this Article.
- C. Authority: The City Council, following a recommendation from the Local Planning Agency, may approve PUDs for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this Article and other regulations applicable to the district in which the property is located.
- D. City Council Decision:
1. A request for a PUD does not constitute an assurance or presumption of approval.
 2. A proposed PUD shall be evaluated on an individual basis, in relation to its compliance with the following to determine whether the PUD is appropriate and compatible in the proposed location:
 - a. The standards of this Section
 - b. The standards for the zoning district in which it is located
 - c. Other standards and regulations within this Code
 - d. Comprehensive Plan and other City Ordinances
 3. The City Council may approve or approve with conditions as necessary or appropriate for the PUD to comply with the standards and factors set forth in **this Section**.

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4. The City Council may approve any PUD with modifications, and the subsequent development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
5. The City Council may deny an application for PUD if it finds that the proposal does not meet any of the criteria below:
 - a. Does not meet the intent of the base zoning district.
 - b. Is not appropriate or compatible with the Planning Area as outlined in the city's adopted Comprehensive Plan.
 - c. Does not meet the purpose and intent of this Article.
 - d. Is not consistent with the standards and factors as set forth in this section.
 - e. Other criteria not listed here but linked to any Strategic or Comprehensive Plan goal, policy, or objective, or if it does not meet the minimum criteria of the LDC.
- E. Any person adversely affected by a final decision of the City Council may appeal per Section 2.11.02.

SECTION 2.07.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT

- A. No PUD approval shall be valid for a period longer than one year unless:
 1. A building permit has been issued, or
 2. Complete building plans have been submitted to the Building Division of the Community Development Department and are under review.
- B. If a PUD expires, the applicant loses rights to all approvals pertaining to the proposed PUD.
- C. The Community Development Director may grant one extension of a PUD for up to one additional year from previous approval date:
 1. The material required for an extension request shall meet the same requirements for a Development Order Extension as outlined in **Section 2.03.02.E**.
 2. PUD Extension requests must be submitted 60 calendar days prior to the expiration of the PUD approval.
- D. If a PUD expires the applicant may request to reinstate the PUD, for twelve (12) months, by requesting a Public Hearing before City Council, within six (6) months after expiration.
 1. The material required for an extension request shall meet the same requirements for a Development Order Extension as outlined in **Section 2.03.02.E**.
 2. If a PUD expires and is reinstated, it shall not be allowed to request an extension or another reinstatement.

SECTION 2.07.07 DEVIATIONS OR AMENDMENTS TO A PLANNED UNIT DEVELOPMENT

- A. Following PUD approval, the development plan approved by the City Council shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the PUD process. Deviations or amendments to the PUD may be allowed pursuant to this Section.
 1. No deviation or amendment shall be made in the construction, development, or use without a new application under the provisions of this Article.
 2. Any deviation or amendment to the approved development plan not authorized by the original approval or any subsequent approved modification or amendment of this section shall be considered a modification.
 - a. Major deviations or amendments are deviations from a final approved development plan, including any change; to
 1. A condition in the development order that was expressly imposed by the City Council;
 - or

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2. Any change that adversely affects the compatibility of the proposed project; or
3. Any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change; or
4. Any characteristic of the approved PUD including but not limited to the following:
 - (i) Any increase of the total building footprint by 10% or more.
 - (ii) Any increase in density, not to exceed the underlying zoning district, or Future Land Use Designation in the City's Comprehensive Plan, except as allowed by **Section 2.07.02.B.1.a.4** of this Article.
 - (iii) Any decrease in open space.
 - (iv) Any increase or decrease in parking spaces on or off-site by 10% or more.
 - (v) Request for additional uses not previously considered in the original approval.
 - (vi) Any increase of an originally approved use by, square footage, parking requirements, slip count or increase of capacity of use.
 - (vii) Any reduction of external setbacks, not to exceed the minimum setbacks as required by the underlying zoning district.
 - (viii) Any reduction of approved landscaping or tree canopy cover by 10% or more, not to exceed the required minimum landscaping requirement.
 - (ix) Any alteration of the overall design theme or defining exterior or site architectural characteristics.
3. Such major deviations or amendments shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
4. Major deviations or amendment applications shall follow the same procedures as a Major Deviation application outline in **Section 2.06.11** of this Article.
5. Noticing: shall follow the requirements per **Section 2.02.03** of this Article.
- B. Minor Deviations or Amendments:
 1. Minor deviations or amendments are deviations to an approved PUD that is not a Major deviation or amendment as identified in **Section 2.07.07.A.2.**, nor a Technical modification as identified in **Section 2.07.07.C.**
 2. Such minor deviations or amendments shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
 3. Minor deviations or amendments applications shall follow the same procedures for a Minor Deviation as outlined in **Section 2.06.10**.
- C. Technical Modifications: Modifications or amendments that appear necessary considering technical or engineering considerations and not in conflict with any Major Deviation as Identified in **Section 2.07.07.A.2** above.
- D. Such technical modifications shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
- E. Such modifications shall be limited to modifying the following elements:
- F. The distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures.

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1. Except, a modification that decreases the setback between a proposed building and an existing building or property line external to the proposed PUD.
- G. Vehicular circulation element
- H. The location or increasing the size of any open space
- I. Any stormwater element
- J. Final grade
- K. The types of landscaping elements and their arrangement within the required landscaping buffer area
- L. Relocation or construction of accessory structures
- M. Technical modifications or amendments application shall follow the same procedures for a Simple Deviation as outlined in [Section 2.06.09](#)

SECTION 2.07.08 DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED UNIT DEVELOPMENTS

- A. PUDs, approved under this Article, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.
 1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer shall calculate initial cost estimates for maintenance and capital improvements of all infrastructure for the PUD for a period of fifty (50) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the PUD, whichever is later.
 - a. The initial disclosure estimates shall cover all private infrastructure items and shall be prepared for five (5) increments of ten (10) years each.
 - b. Infrastructure cost estimates shall include roads, sidewalks, curbs, gutters, water, and sewer pipes and related facilities, drainage systems, landscaped or paved common areas, and other similar facilities ("infrastructure")
 2. Initial Estimate Disclosure: The following measures shall be incorporated to assure owners and future owners receive adequate disclosure of potential infrastructure maintenance and replacement costs:
 - a. The cost estimate shall be recorded with and referenced on the recorded plat for any PUD.
 - b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned, and the maintenance, repair, replacement, and operation of the infrastructure is the responsibility of the property owners or owner association and shall not and will not be assumed by the city.
 - c. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, and also upon all future purchases for the duration of the fifty (50) year period.
 3. Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the PUD of:
 - a. The estimated yearly expenditures for maintenance, repair, operation, or replacement of infrastructure
 - b. The actual expenditures incurred, for maintenance, repair, operation, or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

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4. Maintenance Responsibilities: The property owners in a PUD shall be collectively and individually responsible, on a pro-rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the PUD is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

SECTION 2.08 PROCEDURES FOR HARBOR AND WATERWAYS BOARD REVIEW

SECTION 2.08.01 PURPOSE AND INTENT

- A. Marine construction in Destin requires compliance with the Marina Siting in Section 7.02 and may require review by the Harbor and Waterways Board (HWB) and or City Council, to preserve and protect one of Destin's premier natural resources, the Destin Harbor and waterways that fall within the City's jurisdiction.
- B. The bodies of water and waterways under the jurisdiction of the City of Destin for the purposes of enforcement of this Code are:
 1. The Destin Harbor
 2. The canals of Holiday Isle
 3. Indian Bayou (If the upland property is within the city limits)
 4. Joe's Bayou
 5. Marler Bayou
 6. Choctawhatchee Bay (If the upland property is within the city limits)

SECTION 2.08.02 MARINE CONSTRUCTION PROJECT CLASSIFICATIONS

- A. Marine Construction Classification: The following includes the three categories and category criteria:
 1. Class 1: Marine Construction projects shall be considered Category 1 if the following criteria applies:
 - a. Residential docks eligible for self-certification from Florida Department of Environmental Protection (FDEP)
 - b. Boat lifts in existing slips
 - c. Upland slips
 - d. Seawalls that are upland of the declared mean high-water line
 - e. Seawalls that are waterward of the declared mean high-water line
 2. Class 2: Marine Construction projects shall be considered Category 2 if any of the following criteria applies:
 - a. Residential docks not qualifying for FDEP self-certification,
 - b. Residential docks with 3-9 slips,
 - c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval
 - d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties
 3. Class 3: Marine Construction projects shall be considered Category 3 if any of the following criteria applies:
 - a. Residential docks with 10 or more slips

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- b. Commercial docks
- c. Other non-residential docks
- d. Oil abatement plans
- e. Dredge and/or Fill requests
 - 1. Application Materials require proof of submittal to State and Federal agencies as applicable.
 - 2. Proposed dredge and fill applications require a Marine Construction Permit review and shall have State and Federal approvals at time of Marine Construction permit application submittal.

SECTION 2.08.03 HARBOR AND WATERWAYS BOARD REVIEW

- A. Category 1 Marine construction applications do not require Harbor and Waterways Board review and are reviewed through a building or marine construction permit application as outlined in **Section 2.08.05**.
- B. All marine construction applications deemed Category 2 shall require submittal of a Harbor and Waterways Board application.
 - 1. Category 2 and 3 applications are reviewed by the HWB during a public hearing for recommendation to City Council.
 - 2. A complete application must be received a minimum of 30 days prior to the Harbor and Waterways Board meeting.
 - a. Applications will not be scheduled for a meeting until all required materials have been received.
 - 3. All objections received before the will be forwarded to the HWB prior to the public hearing.
 - 4. All objections heard during a public Hearing of the HWB will be forwarded to City Council.
- C. All marine construction applications deemed Category 3 shall require review by the Harbor and Waterways Board for recommendation to City Council for review at a Public Hearing.

SECTION 2.08.04 CITY COUNCIL REVIEW

- A. All marine construction applications deemed Category 2 or 3 shall require review and approval by City Council prior to the issuance of any building permits and the start of construction.
 - 1. Category 2 applications shall be reviewed by City Council on the Consent Agenda.
 - 2. Category 3 applications will be reviewed by City Council during a publicly noticed public hearing per **Sections 2.02.03, and 2.15**.
- B. The City Council shall approve, approve with conditions, or deny the application at the next available regularly scheduled City Council meeting.
- C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

SECTION 2.08.05 MARINE CONSTRUCTION PERMITS

- A. All marine construction permits must be obtained within one (1) year of final approval by the City Council.
 - 1. If construction permits are not obtained within one (1) year, both the Harbor and Waterways Board and City Council must reconsider the proposed construction.

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- B. Approval of all applicable State or Federal permits are required at the time of marine construction permit application submittal.
- C. The project will be subject to all current regulations of the city at the time of permit submittal.
- D. Marine Construction permits must be obtained in accordance with **Section 2.14.03**.

SECTION 2.09 CRITERIA AND PROCEDURES FOR CONDITIONAL USE AND CERTIFICATE OF APPROPRIATENESS REVIEW

SECTION 2.09.01 CONDITIONAL USES

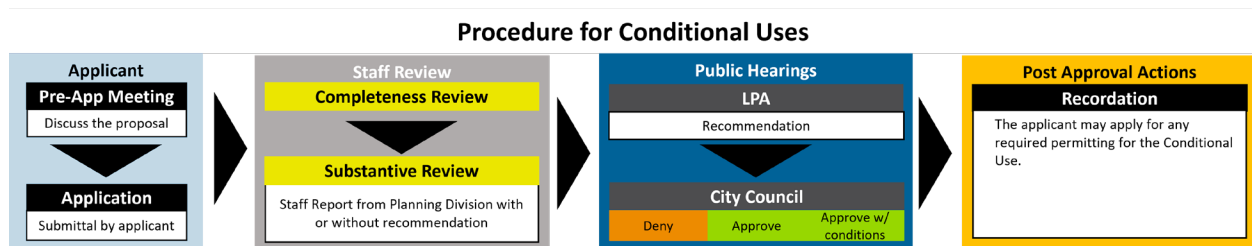
- A. The following shall apply to all applications for a conditional use in any zoning district within the City of Destin:
 - 1. A complete application for any Condition Use shall be filed and approved before any construction permit or change of use can be approved.
 - 2. An application for a conditional use shall include:
 - a. A narrative describing how the proposed development meets the following criteria.
 - 1. Land use compatibility: The applicant shall demonstrate the conditional use is compatible and harmonious with adjacent land uses and the general character of the area. This includes but is not limited to:
 - (i) An analysis of the proposed scale, density or intensity, traffic-generating characteristics, and off-site impacts.
 - (ii) A statement and description of compatibility of the proposed use(s) with adjacent land uses and how the use(s) will not adversely impact land use activities in the immediate vicinity.
 - 2. Sufficient Size: The site shall meet the minimum standards required per the applicable zoning district and capable to accommodate urban design enhancements such as, but not limited to:
 - (i) Screening, buffers, landscaping, and open space
 - (ii) Off-street parking, efficient internal traffic circulation
 - (iii) Infrastructure needed to mitigate against potential adverse impacts of the proposed use.
 - 3. Mitigative Techniques: The applicant shall demonstrate that the conditional use and site plan are designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses.
 - (i) The design scheme shall address all off-site impacts to the immediate vicinity, including community infrastructure, to ensure the adverse impacts are not detrimental to the general public health, safety, and welfare.
 - 4. Hazardous Waste: No use generating hazardous waste or using hazardous materials shall be located in the city unless the location is consistent with the Comprehensive Plan and this Code.
 - (i) Any proposed use generating hazardous waste or that requires hazardous materials for its operations shall use City, State, or Federally approved mitigative techniques to prevent all adverse impacts to the general health, safety, and welfare.

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- (ii) If hazardous waste or materials are generated or utilized, all applicable State and Federal regulations shall be met.
 - (iii) The site plan shall identify all hazardous waste and hazardous material areas and shall utilize best management principles and practices.
 - (iv) The use shall not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- 5. Proliferation of Uses: Over-proliferation of similar uses within a zoning district shall not be permitted. The applicant shall demonstrate the use is not being over proliferated with their proposal.
 - (i) The City Council shall review the existing uses within the zoning district to determine whether a conditional use shall be approved or denied.
- 6. Compliance with applicable laws, regulations, and ordinances: The applicant shall demonstrate compliance with all applicable local State, or Federal laws, regulations, and ordinances.
 - (i) If permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use to protect the public health, safety, and welfare.
- b. The narrative shall also describe the following characteristics:
 - 1. Traffic generation
 - 2. Square feet of enclosed building for each specific use
 - 3. Proposed employment
 - 4. Proposed number and type of service vehicles
 - 5. Off-street parking needs
 - 6. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
 - 7. Include a description of any measures proposed to mitigate any possible adverse impacts on properties in the immediate vicinity
- c. A site plan that shows the nature of the proposed development identifying the following if applicable:
 - 1. Land use types
 - 2. Density or intensity
 - 3. Placement of proposed buildings, improvements, and impervious ground cover on the site
 - 4. Location, type, and method of maintenance of open space and public use areas if any
 - 5. Preservation of natural features or protection of sensitive lands if any
 - 6. Proposed parking areas and internal traffic circulation
 - 7. Stormwater management
 - 8. Water and sewage distribution, collection, and treatment systems.
 - 9. Open space
 - 10. Setbacks from adjacent properties
 - 11. Screening and buffers
 - 12. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites

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- d. Off-site improvements required to mitigate impacts of the Conditional Use such as but not limited to:
 1. Utilities
 2. Public facilities, especially any improvements required to ensure compliance with concurrency management
 3. Roadway or signalization improvements, or other similar improvements
 4. Accessory structures or facilities
 5. Other unique facilities/structures proposed as part of site improvements
3. If any of the above-listed characteristics or on or off-site elements do not apply to the project, the applicant shall state in the narrative why it is not applicable.
- B. Approvals for Conditional Uses:
 1. The LPA, at a quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed conditional use based upon the applicable criteria, this Code, the Comprehensive Plan, and City Ordinances.
 2. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed development after review and consideration of the proposed development based on the LPA's recommendation, applicable criteria, this Code, the Comprehensive Plan, and City Ordinances.
 3. Conditional use shall be denied if the City Council determines the proposed conditional use does not meet the criteria provided in this section or the proposed conditional use is averse to the public's interest.
- C. If the proposed conditional use requires a Development Order the appropriate Development Project Type shall be identified per **Section 2.05** and the appropriate procedure per **Section 2.06** shall be followed.
- D. If the proposed conditional use requires any Development Order, the conditional use and development order shall run concurrently, and one shall not be approved before the other.
- E. If an applicant desires to change the use of an existing structure on a site and the property is located within the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay, the applicant is required to apply for a Certificate of Appropriateness with the conditional use per **Section 2.09.03**.
- F. Appeals of the City Council on a conditional use application are by writ of certiorari to the circuit court.



SECTION 2.09.02. CONDITIONAL USES IN HISTORIC OVERLAY DISTRICTS

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- A. In addition to the criteria and processes outlined in **Section 2.09.01**, Conditional Uses proposed in the Harbor or Zerbe-Calhoun Historic Overlay Districts should meet the following intents and standards.
1. The Harbor District Overlay and the and the Zerbe-Calhoun Historic District Overlay intend to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history, or by providing significant examples of architectural styles of the past. To accomplish this the district may develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses in these overlay districts should meet one or more of the following criteria:
 - a. Historical significance: Proposed changes of use, developments, or redevelopments in the overlay district, should show character, interest, or value as part of the development, heritage, or cultural characteristics of the Harbor area, or exemplify the cultural, political, economic, or social heritage of the City of Destin.
 - b. Architectural significance: Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s) and embody those distinguishing characteristics of an architectural type and contain elements of architectural design, detail, materials, or craftsmanship that represent a significant era in the history of the Destin Harbor area.
 - c. Environmental significance in the Harbor District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.
 - d. Environmental significance in the Zerbe-Calhoun Historic District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Zerbe-Calhoun area by the protection of the unique natural and manmade environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the Bay.
 - e. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the Historic Overlay, the provisions of the underlying zoning district shall apply.

SECTION 2.09.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS

- A. The Certificate of Appropriateness intends to allow the preservation of historically significant structures and/or property in the Harbor and Zerbe-Calhoun Overlay Districts.
- B. The City Council may grant a Certificate of Appropriateness to an applicant seeking to preserve an existing structure constructed prior to 1975 on a site which is deemed historically, architecturally, or environmentally significant.
- C. A certificate of Appropriateness shall meet one or more of the criteria listed in **Section 2.09.02**.

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- D. To further the intent and purpose of Harbor District and Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify the following requirements of this Code:
 - 1. Parking requirements
 - 2. Requirements for lot area, width, depth
 - 3. Building setbacks
 - 4. Open space
- E. The Community Development Director, the Building Official, or the City Engineer may determine there is a serious threat to the public health, safety or welfare, and the waivers listed in Paragraph D of this section shall not be granted.
- F. A property owner may apply to designate a structure or site as significant pursuant to this section. Such application may include a request for a conditional use, if applicable.
- G. Applications for a certificate of appropriateness (with or without a conditional use) shall be submitted to the Community Development Department and shall include:
 - 1. A narrative detailing why the property or structure is historically, architecturally, or environmentally significant.
 - 2. A narrative demonstrating the property or structure meets the criteria listed in Section 2.09.02.
 - 3. A signed, sealed survey of the existing conditions of subject property, dated within six (6) months of the application date.
- H. City Staff and the City Land Use Attorney shall review a certificate of appropriateness (with or without a conditional use) application for sufficiency and shall forward the request to the City Council through the City Manager.
- I. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed certificate of appropriateness after review and consideration of the applicable criteria, this Code, the Comprehensive Plan, and City Ordinances.
- J. If the proposal is approved, the City Council shall issue a Certificate of Appropriateness by Final Order as evidence of the approval under the terms of the Harbor District Historic Overlay or Zerbe-Calhoun Historic District Overlay.
 - 1. The order shall include findings of fact and conclusions of law detailing:
 - a. The certificate of appropriateness (with or without a conditional use) approves the,
 - 1. Uses
 - 2. Structures
 - 3. Parking, (as applicable)
 - 4. Any other items depicted on the survey
 - 5. Any City Code waivers authorized by approval of the survey submitted by the applicant,
 - 6. The change of use and development or re-development depicted on the survey has been made are approved by the City Council
 - 7. Any action by applicants following issuance of a certificate of appropriateness shall be in accord with the application and material approved and any conditions or modifications approved by the City Council.
 - b. The elements listed above may continue use as is until such time that the applicant abandons the uses for a period of at least 180 days.
- K. Nothing in this section releases the applicant from any requirement to obtain a Business Tax Receipt on the subject property, if applicable.

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L. Appeals:

1. Any appeal of a City Council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the City Council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.
2. The applicant is responsible for providing a verbatim transcript of the record of that hearing.
3. Such an appeal must be filed within 30 days after the date the city renders its order.

SECTION 2.10 PROCEDURES FOR CHANGE OF USE AND SPECIAL EVENT

SECTION 2.10.01 CHANGE OF USE APPLICABILITY AND CRITERIA

- A. Existing developments are required to be consistent with existing development order(s) and City, State or Federal regulations as applicable when changes in the use or modifications to the site are proposed.
- B. Proposed changes or expansions to a space may be permitted once reviewed and approved through the Change of Use Process and:
 1. The property is compliant with applicable City, State or Federal regulations as applicable, or with an applicable development order.
- C. The City Manager or designee may determine a Development Order is necessary if the proposed change of use meets any of the Land Development Project Types criteria listed in [Section 2.05](#) of this Article.
- D. A change of use permit shall be required for any property, lot, parcel of land, structure, or site for the following changes, which includes all permanent, temporary, and seasonal uses:
 1. A property or structure or portion thereof is, or is proposed to be, a different land use than the approved use or existing use.
 2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to:
 - a. Additional required parking
 - b. Structure or site modifications
 - c. Impacts affecting the public welfare, as determined by the City Manager or designee
 3. The addition of a use to a site with a single-use or multiple uses currently in operation.
 4. The addition of more of impervious surface or gross floor area to any structure.
 5. Any change of use upon the property affecting the current condition of the property, any structure, or any pervious or impervious surface.
 6. Any change of use/development of building/structure/parcel of land that generates vehicle trips above current levels at the property location.

SECTION 2.10.02 CHANGE OF USE APPLICATION REVIEW AND APPROVAL

- A. Any proposed change of use shall submit an application to the City for review of the existing conditions against the new proposed condition and impacts.
 1. Staff may require review by any TRC member if the Change of Use is identified as affecting their services.
 - a. If the TRC member charges a fee for their review or there is a 3rd party review required, the applicant will be required to pay for this extra cost.

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- B. An application must include all information and supplemental items required in the City of Destin Checklist at a minimum.
 - 1. Additional materials may be requested and required by the City Manager or designee if determined more information is required for City Staff to fully assess the proposed scope of the Change of Use.
- C. The City Manager or designee may require any additional applications to be submitted as part of the change of use permitting process, as necessary, pursuant to this Code or other City Ordinance.
- D. Once an application is determined to comply with local, State, or Federal codes, regulations, or conditions of applicable development orders, City Staff may approve the Change of Use.
- E. An application for a change of use permit shall be denied if one (or more) of the following conditions exist:
 - 1. There is a pending code compliance violation on the subject property
 - 2. A recorded code compliance lien exists on the subject property
 - 3. There is a development order on the property and the City Manager or designee determines that the property is not currently in compliance with such existing development order
 - 4. Any of the criteria or requirements for a change of use permit application is/are not met.

SECTION 2.10.03 SPECIAL EVENT APPLICABILITY AND CRITERIA

- A. This Section intends to allow the City to protect and promote the health, welfare, and safety of citizens and visitors during and in vicinity of the special event.
- B. Special events often attract a large gathering of people and may impact public health and safety, requiring appropriate regulations and conditions of approval to ensure reasonable limits on noise and light pollution.
- C. This section intends to ensure special event operators provide adequate sanitation or waste disposal facilities, public safety support, parking, traffic control, crowd control, sound mitigation, and other concerns in the interest of public safety and public health.
- D. An application is required for any Special Event that would impact the surrounding properties or neighborhoods.
 - 1. An application for a special event permit shall be filed not less than ninety (90) days prior to the proposed event with the Community Development Department.
- E. The Special Event process and application is not intended and shall not be used to approve regular or occasional uses that would normally not be permitted in the zoning district where the event is proposed.

SECTION 2.10.04 SPECIAL EVENT APPLICATION REVIEW AND APPROVAL

- A. Permits Required
 - 1. Special events are subject to the permitting provisions of this Section.
 - a. No special event may be permitted for more than three (3) consecutive days, and no parcel of land may be permitted to have more than three (3) special events in any twelve-month period, unless otherwise authorized by the City Council.
 - b. At the end of the period for which the special event was permitted, the use of the approved location(s) must be discontinued, all temporary structures involved must be

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- removed and all permanent structures may be used only as permitted under applicable pre-existing development approvals.
- c. The sale of admission or seating tickets in excess of the approved attendance shall be prohibited.
 - d. In addition to the special event permit, the operator of a special event is responsible for obtaining all other required permits and authorizations from all applicable departments and agencies.
 - e. Any security measures required by the Okaloosa County Sheriff shall be implemented and paid for by the event operator or applicant.
 - f. Any public safety measures required by the Fire Marshal shall be implemented and paid for by the event operator or applicant.
- B. The following documents are required for a Special Event application.
1. The City reserves the right to request more documentation as deemed necessary by the City Manager or their designee based on information needed to fully evaluate the impacts of the proposed Special Event.
 2. If any of the documents are not applicable to the Special event, the applicant shall provide a narrative detailing why the document or material are not applicable. This in no way alleviates the applicant from being required to provide the document or materials if deemed necessary by the City Manager or their designee.
 3. Required materials
 - a. Application fee as may be established by the City Council.
 - b. Proof of ownership of the subject property.
 - c. Name, address and phone number of the contact person(s) for the event. This individual must be able to be contacted at the provided phone number by any City representative throughout the duration of the event. If this is different than the property owner, an Agent Affidavit to submit the application is required.
 - d. The special event permit shall contain an appropriate indemnification provision to indemnify, defend, and hold the County harmless from certain acts and omissions of the Applicant or any incident resulting from the special event.
 - e. If off-site parking is proposed, the property owners of the locations must provide an Agent Affidavit authorizing use of the parking depicted on the parking plan for the duration of the event.
 - f. Proposed date(s) and hours of the special event.
 - g. Anticipated attendance at the special event at any one time and total for the duration of the entire event.
 - h. Descriptions of all performances at the event, including any activities involving noise production exceeding what is permitted by Chapter 14, Article 2 Noise of the City Code of Ordinances.
 - i. Description of all sound amplification equipment, signs or other attention-getting devices which will be utilized in connection with the event.
 - j. A plan for all signs to be placed on or off-site must be submitted with the application. The plan shall include types, locations, and sizes of the proposed signs.

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- k. Description of any proposed outdoor lighting that will be brought onsite for the event, including spotlights and/or laser lights.
- l. Description of how security and traffic control will be provided.
- m. Any necessary licenses for the serving of food and/or beverages.
- n. The following information must be provided on a scaled and dimensioned site plan. Any items that are not applicable to the proposed event can be listed in the application as Not Applicable:
 - i. Areas for the serving of food and/or beverages
 - ii. Location(s) of existing and proposed structure(s), including any temporary structures such as tents, stages and amusement rides or activities
 - iii. Points of ingress and egress to the site
 - iv. Location of music or other noise source(s) in relation to residential areas;
 - v. Location of fireworks, including the staging area and the viewing area
 - vi. Location of proposed light sources
 - vii. Location of portable restrooms
 - viii. Location of dumpsters and trash receptacles
 - ix. Sanitation service plan showing how service vehicles can maneuver and turnaround onsite
 - x. Parking plan, including off-site parking and travel routes for any shuttle vehicles, demonstrating that traffic/parking areas are safely separated from pedestrians and shuttles can maneuver and turnaround on the event site
 - xi. Pedestrian circulation plan
 - xii. Location of medical facilities if required by the Fire Marshal
 - xiii. Additional information as the Council or Community Development Director may require based upon the anticipated impacts of the event
- o. Beach events must provide the following additional information:
 - i. Dune system and vegetation area must be shown on the site plan.
 - ii. Sea Turtle protection disclosure (required if the event takes place between April through September):
 - (a) Acknowledgement of Florida State Statute 370.12 - Protection of Marine Turtles
 - (b) An affidavit declaring the event organizer or property owner as the responsible party for any act prohibited in Florida State Statute 370.12.
 - iii. Letter from Emerald Coast Turtle Patrol detailing:
 - (a) Acknowledgement of the event;
 - (b) Staff or volunteer availability to survey the property for the two days leading up to the event; and
 - (c) Ability to conduct a survey post event should a nest be identified prior to the event.
 - iv. Signed acknowledgement of the Beach Rules and restrictions:
 - (a) No activities of the event may occur or be setup within 100' of any identified or marked turtle nest, either in or out of season.

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- (b) Glass, mirrors, ceramics, or other materials that can shatter are not allowed on the beach. See sec. 11.08.02(A), Land Dev. Code.
- (c) Restrictions on animals on the beach. It shall be unlawful for any person owning, or having under his or her control any animal, to permit such animal upon the beach, except guide dogs accompanying visually-impaired persons or hearing ear dogs accompanying hearing-impaired persons shall be allowed on the beach at all times. See sec. 11.08.02(B), Land Dev. Code.
- (d) No bonfires, fire pits, or grills. See sec. 11.08.02(D), Land Dev. Code.
- (e) No overnight camping on the beach. See sec. 11.08.02(E), Land Dev. Code.
- (f) No petroleum products or other toxic materials. See sections 11.01.00 et seq; 11.09.00(H), Land Dev. Code.
- (g) No staining materials on the beach (refer to White Sand Zone 1). See sec. 11.07.00, Land Dev. Code.
- (h) Leave only your footprints. Clean up all items, including trash, before you leave. See sec. 11.08.02(L), Land Dev. Code.
- (i) No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct. See sec. 11.08.02(J), Land Dev. Code.
- (j) No motor vehicles permitted on the beach. The following are permitted: Baby strollers weighing less than 100 lbs; wagons/wheelbarrows/hand-carts/pull-carts that are pushed/pulled by a human; wheelchairs weighing less than 300 lbs. See sec. 11.08.02(C), Land Dev. Code.
- (k) No generators. See sections 11.01.00 et. seq., Land Dev. Code.
- (l) Artificial petals and other similar items, as well as helium balloons, floating lanterns and other similar items are considered litter and are prohibited. See sec. 11.08.02(L), Land Dev. Code.
- (m) No Structures, stages, or other vertical items that require assembly or digging into the sand for stability. Pop-up beach tents are excluded from this restriction. See sections 6-46 and 6-47, City Code of Ordinances.
- (n) Events cannot be set-up within the 15' emergency access corridor at the water's edge seaward.
- (o) Events cannot be set-up within the 15' emergency access corridor at the water's edge landward (on public beach accesses).
- (p) Events cannot be set up in front of any beach access boardwalk.
- (q) Start and End Times:
 - (i) Set-up can only begin 1 hour before event time.
 - (ii) Take down must be completed within 1 hour of the conclusion of the event.
 - (iii) Permits will not be issued for events beginning prior to 8:00 AM Central Time.
 - (iv) All events shall conclude by 10:00 PM Central Time
 - (v) All items must be removed from the beach by midnight.

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- (vi) During sea turtle nesting season no lights other than flashlights are permitted and the event must adhere to any FDEP and FWC guidelines for sea turtle nesting season.
- C. Standards of Approval
 1. All standards in this section are used to determine compliance with the requirements for a special event for compliance as part of the permitting process. Any deviations to these standards may only be permitted by action of the City Council.
 - a. Signs
 - i. Signs may be used to announce, identify, or direct attendees to the location of an approved special event in compliance with the Sign regulations of Article 8 and subject to the following requirements:
 - (a) A plan for all signs to be placed on or off-site, announcing or identifying the special event, must be submitted with the application.
 - (b) The plan shall include:
 - (c) types, locations, and sizes of the proposed signs. Evaluation of this plan will consider traffic visibility; visibility of adjacent business signs and/or traffic signs and signals; disturbance to adjacent properties; and other appropriate considerations as determined by the Community Development Director. In the circumstance when a special event application is not required, the property owner shall be mindful of the foregoing considerations, to not create a negative impact when placing on-site signs.
 - (d) Off-site directional signs, including variable message boards, may be placed in the public right-of-way per an approved sign plan and right-of-way use permit with the following conditions:
 - (i) All signs shall meet FDOT Maintenance of Traffic standards
 - (ii) Location(s) approved by the City Engineer to ensure vision triangles are not obstructed.
 - (iii) All signs must be removed by 10:00 a.m. on the day following the last day of the event.
 2. The site must be configured so that any proposed shuttles or required service vehicles can enter, exit, maneuver, and turnaround on the event property, without having to back-in to the right-of-way. Where service vehicles must enter event activity areas, such servicing must occur outside of the event hours of operations to protect pedestrians. Shuttle drop-off areas must be designated on-site and separated from the event activity areas by barricades to protect pedestrians.
 3. Portable restrooms are permitted for temporary use during a City-authorized special event. The number and type of restrooms must meet Florida Building Code requirements and must have any required Okaloosa County Health Department permits.
 4. Parking must be provided at a rate of one (1) space per 150 sq. ft. of gross ground area. ADA parking spaces must be provided as required by federal law. Off-site parking in non-residential zoning districts may be used to meet the minimum parking requirements, provided that all ADA parking spaces must be provided on the event site, the proposed off-site parking area must be approved and permitted for parking, and the parking spaces

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- proposed for use must be above and beyond what is required for the primary use they are associated with or the hours of operation must not conflict with the special event hours of operation.
5. Search lights and laser lights may be permitted for a special event so long as they do not create a potential distraction, flash blindness, vision impairment, or 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 a military installation. Additionally, the applicant must provide copies of the special event application and supporting documents to the Okaloosa County Airport Manager and to the Community Planner at the 96th Civil Engineer Group - 501 DeLeon Road Suite 120 - Eglin AFB, Florida 32542-5498 along with a request that the application be reviewed within five business days. If search lights and/or laser lights are proposed, the following information is required as part of the application:
 - a. Type, wattage and lumen output of lamp(s)
 - b. Type and shielding of proposed fixtures
 - c. The hours of operation (not to occur between midnight CST and sunrise).
 6. In no case shall signage be located within the right-of-way.
 - a. Any requests to use the public right-of-way, other than for the placement of signs as allowed in paragraph C.1.a. above may only be permitted by action of the City Council and an approved right-of-way use permit.
 7. An application that includes a request to close a section of the public right-of way to vehicular and/or pedestrian traffic must include letters of authorization from any property owners adjacent to the section proposed for closure.
- D. Review and Approval Process.
1. Upon receiving a complete application, the application shall be disseminated for review to other appropriate reviewers and or agencies as deemed necessary including, but not limited to the:
 - a. Building Official
 - b. City Engineer
 - c. Public Works Director
 - d. Parks and Recreation Director
 - e. Destin Fire Control District
 - f. Okaloosa County Sheriff's Department.
 2. Special events expected to draw less than one hundred (100) persons as participants or spectators at any given time during the event may be administratively approved by the City Manager or their designee.
 - a. The City Manager or their designee may refer any special event permit application to the City Council based on anticipated impacts.
 3. In approving any special event permit, the City Manager or their designee shall make a determination that the proposed event:
 - a. Is reasonably compatible with nearby existing development
 - b. Does not pose an unreasonable safety or health risk for patrons or neighbors.

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4. The City Manager or their designee may place conditions of approval for a special event permit as needed to maintain compatibility and promote the health, safety and welfare of citizens and visitors.
5. Any special event exceeding one hundred (100) persons as participants or spectators at any given time during the event, or any event requesting a deviation from the standards required in Section 2.10.03 or 2.10.04. shall require approval by the City Council.
6. In approving any special event, the Council shall make a determination that the proposed event
 - a. Is reasonably compatible with nearby existing development
 - b. Does not pose an unreasonable safety or health risk for patrons or neighbors.
7. The Council may place conditions on approval of a special event permit as needed to maintain compatibility and promote the health, safety and welfare of citizens and visitors.
8. If the application is approved with conditions, the applicant shall be responsible for ensuring all conditions are complied with prior to the start of the event.
9. The applicant shall retain responsibility for securing all other necessary Local, State, or Federal permits that may be required in addition to the Special Event Permit.

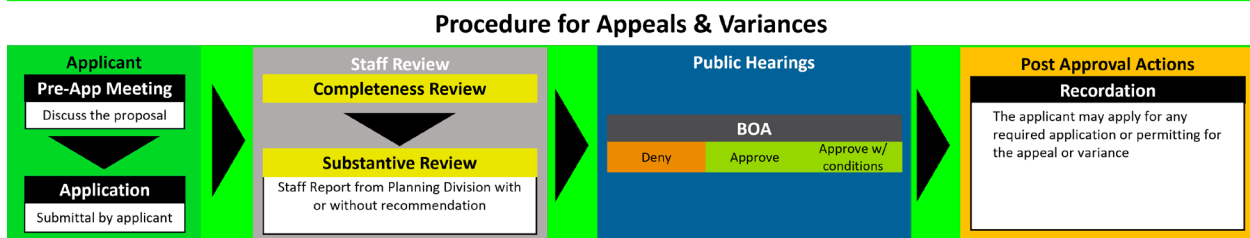
SECTION 2.11 PROCEDURES FOR APPEALS, SPECIAL EXCEPTIONS, AND VARIANCES

SECTION 2.11.01 APPEALS OF ADMINISTRATIVE OFFICIALS

- A. All appeals of any requirement, decision, or determination made by an administrative official or the Local Planning Agency enforcing the Code of Ordinances or this Code, shall be taken before the Board of Adjustment (BOA).
- B. The BOA may, upon appeal, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
- C. The BOA may hear any dispute including, but not limited to:
 1. A finding of concurrency deficiency
 2. Refusal on the part of the city to issue a development order
 3. An appeal by an affected person or party
 4. Determination or interpretation of this Code made by any City Official or Board.
- D. Appeals by any affected person or party must be applied for within 30 calendar days of rendition of the order, requirement, decision, or determination in question.
- E. The appellant must include a narrative for the reason of an appeal in the application.
- F. The City Manager, or designee, shall arrange for an appeal hearing before the BOA and notify the appellant of the date, time, and place of the hearing.
- G. The appellant has the burden of demonstrating the decision in question was in error.
- H. The administrative official(s) involved, or the LPA, shall have the opportunity to present information and arguments to support their decision.
- I. A majority vote of all the members present of the board at the hearing shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

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- J. The BOA shall base its decision on the requirements of the City of Destin Comprehensive Plan and the Land Development Code or Code of Ordinances at the time of the appeal.
- K. The Board shall make its decision based upon its usual voting procedures.
- L. The decision shall be issued in writing stating the reasoning involved.
- M. The BOA Order shall be rendered within 60 calendar days of the close of the hearing.
- N. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.
- O. Appeal Review Procedures:
 - 1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, administrative official, board, or bureau of the city affected by an interpretation of this Code.
 - a. The Community Development Department shall provide all the documents, plans, papers, or other materials from which the decision was made, to the BOA.
 - b. An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from.
 - 1. Except in situations where the appropriate official determines and certifies to the BOA that a stay would cause imminent peril to life or property.
 - 2. In such cases, proceedings or work shall not be stayed except by a restraining order, granted by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
 - 2. All appeals must have a complete application submitted thirty (30) calendar days prior to the next available scheduled Board of Adjustment hearing.
 - 3. City Staff shall notify all parties when the appeal will be presented to the Board of Adjustment
 - 4. Upon the hearing, any party may appear in person, by agent, or by attorney.
 - 5. All administrative appeals shall be quasi-judicial public hearings and be conducted in accordance with **Section 2.15**.



SECTION 2.11.02 APPEALS OF CITY COUNCIL

- A. A decision of the City Council may be appealed to the appropriate circuit court of the state within 30 days of rendition of the City Council's final order.
- B. During the pendency of any appeal, no further action shall be taken on the application except pursuant to an order of the court or after final determination by the court as to the merits of the appeal.
- C. If an application is denied by the City Council, it may not be resubmitted to the City or reconsidered by the City Council for one (1) calendar year, except pursuant to an order of a court of competent jurisdiction.

SECTION 2.11.03 SPECIAL EXCEPTIONS

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- A. A property owner may apply for a Special Exception as authorized by this Code in certain instances as identified.
- B. The procedures and fees for a Special Exception review shall follow the same as an Appeal of Administrative Official per **Section 2.11.01** above.
- C. The City Manager or their designee shall require the criteria for a Conditional Use per Section 2.09 of this Article be the basis of review for a Special Exception unless other criteria are identified to be more appropriate.

SECTION 2.11.04 VARIANCES

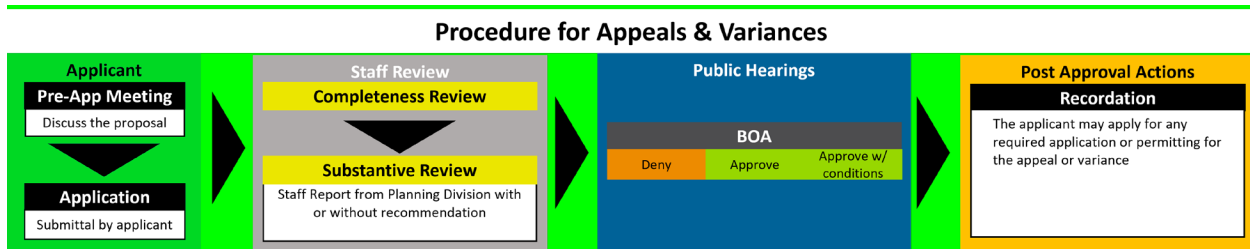
- A. A property owner or authorized agent may request a variance from the terms of any regulation in the Land Development Code not contrary to the public interest.
 - 1. Under no circumstances shall the BOA grant a variance to elements of the zoning or subdivision regulations listed below. Any application requesting a variance from the following will be rejected by the Community Development Department and all fees returned to the applicant.
 - a. Any provision or requirement of the Comprehensive Plan.
 - b. Building height
 - c. Density or intensity.
 - d. Dimensional limitation of signage.
 - e. Number of signs allowed per property.
 - f. Required landscaping.
 - g. Screening for solid waste, mechanical equipment, or other required screening elements.
 - h. Uses per the underlying zoning district of the property except as allowed in **Article 3 – Nonconformities of this Code**.
 - 2. The BOA may grant a variance to the items c. and f. listed in **Paragraph A.1.** above on property that is subject to **Article 3 – Nonconformities** due to Public Agency Action, only if a variance would not have been required prior to the public agency action.
 - 3. Approval of a variance for any element in the same zoning district or in other zoning districts shall not be considered grounds for the authorization of a variance.
- B. To authorize any variance from the terms of the conditions, the BOA shall find:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - 2. That the special conditions and circumstances do not result from the actions of the applicant.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
 - 4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
 - 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - 6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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- C. Each request for a variance shall be the subject matter of a separate application.
- D. The BOA may approve an exception for docks and pilings to be extended beyond the maximum length limits and slip density, provided that, in addition to the criteria listed in **Section 2.11.03.B**, the following criteria is also met:
 - 1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
 - 2. That site specific environmental conditions exist prohibiting dredging.
 - 3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
 - 4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.
- E. It shall be the responsibility of the applicant for variances to the Land Development Code to demonstrate and each application shall contain statements of fact establishing the criteria prescribed above.
- F. Each request for a variance as allowed by **Section 2.11.03** shall be originated by the filing of an application with the Community Development Department.
- G. The application must be supported by the appropriate materials to support the request. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application. The application at a minimum shall include the following:
 - 1. Letter of request from the applicant which contains the request(s) for variance(s), or appeal(s) of an administrative decision.
 - 2. Statements of fact setting out compliance with the criteria established by **Section 2.11.03.B** when required.
 - 3. Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.
 - 4. A complete legal description of the parcel of land for which the request is sought.
 - 5. A current survey dated and stamped no less than 180 days illustrating the existing site conditions.
 - 6. A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements, and proposed improvements.
 - 7. Any other documents or requirements which are mandated by the Code or deemed necessary by staff in reference to the specific request made. This may include but is not limited to the structure location or ancillary mechanical equipment location of the request.
- H. The City Manager, or designee, shall have the discretion to refuse to accept an application which does not include supporting documents required by this section or the Code.
- I. The application and any supporting materials must demonstrate the need and the requirements of **Section 2.11.03.B**.
- J. Findings: The Board of Adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in **Section 2.11.03.B** are met.
 - 1. In granting any variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with any zoning ordinance.

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- a. Violation of any condition safeguard of an approved Variance shall be deemed a violation of the zoning ordinance.
- b. The BOA may approve a reasonable time limit for applicant action to vest the approved variance by either setting a start or completion date.
 - 1. Any approved timeline in conjunction with a building or other construction permit shall follow the limits required per the Building Code.
- K. Action time limit: An action for which a variance is required shall begin no later than six months and completed no later than 12 months from the grant of variance, or time limit determined by the BOA.
- L. Public Hearing: All public hearings shall be quasi-judicial and conducted in accordance with **Section 2.15**.



SECTION 2.11.05 APPEALS OF THE BOARD OF ADJUSTMENT

- A. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may apply to the Circuit Court for judicial relief within 30 days after rendition of the decision by the board of adjustment.
- B. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

SECTION 2.12 PROCEDURES FOR RIGHT-OF-WAY CONSTRUCTION REVIEW

SECTION 2.12.01 RIGHT-OF-WAY CONSTRUCTION PERMITS

- A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and important amenity that are critical to the travel and transport of persons and property in the city.
- B. The public rights-of-way must be regulated, managed, and controlled in a manner that ensures minimal inconvenience to the public, and enhances the health, safety and general welfare of the city and its citizens.
- C. No unauthorized encroachment shall be permitted onto existing rights-of-way.
- D. Strict adherence to the building setback requirements described in **Article 4** of this Code shall serve to protect rights-of-way from encroachment.
- E. All activity (e.g., paving, landscaping, sprinkler system installation, etc.), in a public ROW is prohibited unless:
 - 1. A ROW permit is submitted to the Community Development Department and reviewed and approved by the City Engineer or designee.
 - 2. The following activities conducted in the right-of-way are not required to obtain a ROW construction permit:

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- a. The installation and repair of mailboxes
- b. Installation of sod
- c. Irrigation

SECTION 2.12.02. UTILITIES IN THE RIGHT-OF-WAY

- A. No public utility shall commence any construction or maintenance project which involves work in a public place within the city without first obtaining a permit from the city.
- B. Application:
 1. Any public utility seeking a permit for a construction project shall submit a ROW permit to the Community Development Department for review and approved by the City Engineer or designee.
 2. The application shall include all required documentation as stated in the Design Manual, and any additional information that is deemed necessary for a particular project by the City Manager or designee.
- C. The Community Development Director may require the permit holder for projects, determined to have a community wide impact, to post a construction warranty or surety performance and indemnity bond, at the election of the utility provided.
 1. The Bond shall ensure restoration of public property and rights-of-way to the satisfaction of the City Manager, or his designee.
 2. Public utilities chartered by the state legislature are excluded from the requirements of this section.
- D. If the public utility elects to issue its construction warranty to the City as provided for in Paragraph C above, it shall be in the form prescribed by the City.
- E. Bond: If the public utility elects to file a bond as provided in Paragraph C, it shall be in the form of a performance and indemnity bond.
 1. The required warranty or bond shall be filed with the city prior to start of the project by the public utility.

SECTION 2.13 TELECOMMUNICATION AND WIRELESS FACILITIES

The purpose and intent of this Article is to provide a uniform and comprehensive set of standards for the development, installation and/or replacement of commercial telecommunication towers, antennas, and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the City, while at the same time not unduly restricting the development of needed telecommunication facilities and encouraging managed development of telecommunication infrastructure.

SECTION 2.13.01 NEW TELECOMMUNICATION FACILITIES (TOWERS) ON PUBLIC OR PRIVATE PROPERTY

- A. No new telecommunications tower facility shall be installed, erected, or constructed until:
 1. A development order has been issued pursuant to Section 2.03, of the Article.
 2. A building permit has been issued.
- B. All plans for new commercial telecommunications towers shall be submitted to the Community Development Department.

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1. The review and approval procedure shall be consistent with the procedures outlined in **Section 2.06.10.** – Major Developments of the Land Development Code and the standards set forth herein.
- C. The City shall consider the following in the review and consideration of an application and imposition of reasonable approval conditions:
 1. Applications to place a telecommunications facility on public or private property shall contain all required submittal materials for a Major Development Order, and:
 - a. any additional information requested by the city that is found reasonably necessary to review the application.
 2. No new telecommunication tower shall be permitted unless the applicant demonstrates that no existing tower or alternative tower structure, regardless of whether it is located within the city, can accommodate the applicant's proposed antenna.
 - a. All evidence submitted shall be prepared by appropriate licensed professionals or qualified industry experts.
 - b. Evidence submitted shall demonstrate that no existing towers or approved, or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements, and shall consist of one or more of the following:
 1. That existing towers or alternative tower structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Florida professional engineer.
 2. The planned equipment would exceed the structural capacity of the existing or approved tower or alternative tower structures, as documented by a qualified and licensed Florida professional engineer, and
 - (i) The existing or approved tower, or alternative tower structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antennas on the existing towers or alternative tower structures, or the antennas on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
 4. That the cost or contractual provisions required by the tower owner to use an existing tower or structure or to adapt an existing tower or alternative tower structure for shared use are unreasonable.
 - (i) Costs exceeding new tower development are presumed to be unreasonable as demonstrated by a commercial real estate appraisal from a MAI certified appraiser.
 5. That other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved alternative tower structure.
3. The following standards shall apply to approval of all telecommunications facilities:

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- a. The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location to serve its necessary function in the company's grid system.
 - 1. Part of the demonstration shall include a drawing showing the boundaries of the area around the proposed location which would also permit the antenna to function properly in the company's grid system. The area shall be considered the allowable zone.
- b. The applicant shall demonstrate that the telecommunication tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.
 - 1. All towers shall be designed to accommodate the co-location of other telecommunication antennas as follows:
 - (i) For towers up to 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least two providers; and
 - (ii) For towers greater than 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least three providers.
- c. Telecommunication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.
- d. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
- e. Screening per Article 6 of this Code shall be required around the telecommunication facility unless the antenna is mounted on an existing structure.
- f. Adequate parking shall be required for users of the tower and such maintenance personnel as normal operations require. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.
- g. The owner of property used as a telecommunication facility shall maintain such property and all structures in good condition and free of trash, outdoor storage, weeds, and other debris.
- h. All telecommunications facilities shall comply with and abide by all applicable provisions of the State, Federal, and City laws, regulations, and ordinances, in placing or maintaining a telecommunications facility on private property.

SECTION 2.13.02 EXISTING OR COLLOCATED TELECOMMUNICATIONS FACILITIES

- A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Building Permit review.
 - 1. Application review shall follow Florida State Statutes and Federal Regulations.
 - a. Within fourteen (14) days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
 - b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
 - 1. If no decision is sent to the applicant within sixty (60) days the application shall be deemed approved.
- B. Additional antennas shall be allowed in any zoning district if located on an existing tower or alternative tower structure and shall not be considered an expansion to an existing tower or alternative tower structure.
 - 1. The addition of an antenna to an existing tower or alternative tower structure shall require certification from a professional engineer that the design capacity of the tower or alternative

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tower structure will safely accommodate the additional antenna prior to the issuance of a building permit.

- C. City may deny a proposed collocation of a facility if the collocation:
 - 1. Materially interferes with the safe operation of traffic control equipment.
 - 2. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
 - 3. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - 4. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
 - 5. Fails to comply with city's applicable codes.

SECTION 2.13.03 TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

- A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Right-of-Way (ROW) Permit review.
 - 1. Application review shall follow Florida State Statutes and Federal Regulations.
 - a. Within ten (10) business days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
 - b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
 - 1. If no decision is sent to the applicant within sixty (60) calendar days the application shall be deemed approved.
 - 2. Within ten (10) business days after the date of submitting a complete application, the city may request the proposed location of a facility be moved to another location in the public rights-of-way, and placed on an alternative:
 - a. City pole
 - b. Existing structure
 - c. Wireless support structure
 - d. Place a new utility pole
 - 3. The City and applicant may negotiate the alternative location for thirty (30) calendar days after the date of the request.
 - a. At the end of the thirty (30) calendar day negotiation period, if the alternative location is agreed upon by the applicant, the applicant will notify the City of this acceptance.
 - b. The application is deemed granted for any new location where there is agreement, and all other locations in the application.
 - 4. If no agreement is reached, the applicant will notify the City of the nonagreement.
 - a. The City shall approve or deny the original application within ninety (90) calendar days after the date the application was filed.
 - 5. A request for an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
 - 6. The City and applicant may agree to extend the sixty (60) calendar day application review period.
- B. The City will notify the applicant of approval or denial.
 - 1. The City shall specify, in writing, any basis for denial, including the specific code provisions on which the denial was based.

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2. Applicant may cure the deficiencies identified by the City and resubmit the application within thirty (30) calendar days after notice of the denial is sent to applicant.
3. The City shall approve or deny the revised application within thirty (30) calendar days after receipt, or the application will be deemed approved.
4. City may deny a proposed telecommunications facility change, modification, or expansion in the ROW if the proposed change, modification, or expansion:
 - a. Materially interferes with the safe operation of traffic control equipment.
 - b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
 - c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
 - d. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
 - e. Fails to comply with city's applicable codes.
- C. Emergency: In the case of an emergency, an applicant may restore its damaged facilities in the public rights-of-way to their pre-emergency condition or replace its destroyed facilities in the public rights-of-way with facilities of the same size, character, and quality, all without first applying for or receiving a permit.
 1. The term "emergency" shall mean a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing service.
 2. Applicant shall provide prompt notice to the city of the repair or replacement of a wireless facility in the public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency.
- D. If the installation and/or the operation of any telecommunication facility is determined by the City Building Official, to be inherently dangerous, or a demonstrable health hazard, the facility shall be declared to be a nuisance and all operation thereof shall cease.
 1. The telecommunication provider and/or owner of the facility shall be provided with a thirty (30) calendar day opportunity to cure.
 - a. Operation of the facility may continue unless there is imminent danger of the structure collapsing.
 - b. This provision shall be applicable to telecommunication facilities located in the city prior to adoption of this Land Development Code.

SECTION 2.14 PROCEDURES FOR CONSTRUCTION AND BUILDING PERMIT REVIEW

SECTION 2.14.01 CONSTRUCTION PERMITS

- A. After a development order has been issued, the applicant may apply for the necessary construction permits.
 1. The necessary construction permits may include building permits, marine construction permits and engineering permits.
- B. The city shall issue the necessary construction permits if:
 1. Applied for within 12 months of the issuance of the development order, or approved extension.
 2. The proposed construction is consistent with and approved pursuant to the development order.

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3. If the application for a construction permit deviates from the development plan the city shall notify the applicant within the identified and appropriate review deadlines.

SECTION 2.14.02 BUILDING PERMITS

- A. A building permit application is required for review, approval, and issuance by the City Manager or their designee for any structure that is:
 1. Erected
 2. Moved
 3. Modified
 4. Structurally altered
- B. All applications for building permits shall be accompanied by all items required per the City of Destin's applicable checklists and scaled and dimensioned:
 1. Building plans, if applicable
 2. Site plans
 3. Site survey dated within one year and application date
 4. The issued building permit shall conform and comply with the provisions of this Code, unless the applicant is issued an order approving any special exception or variance from the Board of Adjustment.
- C. A 12-month construction trailer permit may be issued for a lot during active construction of a permanent structure on such lot.
 1. The construction trailer shall be removed within two weeks following the issuance of a Certificate of Occupancy or Certificate of Completion.
 2. The renewal of a 12-month permit shall be at the discretion of the City Manager or their designee.
- D. All construction involving the paving or increasing of impervious coverage of properties requires a building permit subject to approval by the City Engineer or designee.
- E. Marine Construction permits are required for docks, piers, boathouses, bulkheads and seawalls, and dredge and fill operations, which are allowed in all zoning districts and shall follow review procedures in **Section 2.13.04**.
 1. Commercial docks are only allowed on properties that allow for commercial uses. Applications for marine construction shall follow the requirements and procedures outlined in **Section 2.13.04**.
 2. Approvals by other concerned agencies are required for all structures in or adjacent to the water.

SECTION 2.14.03 MARINE CONSTRUCTION PERMITS

- A. Marine construction projects are required to be reviewed in accordance with **Section 2.08** prior to obtaining a marine construction permit, if applicable.
- B. All categories of marine construction are required to obtain a building permit from the city.
 1. Dock on private lakes are exempt from Harbor & Waterways Board review and do not require a marine construction permit.

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- C. Any recommendation for approval or approval by the Harbor and Waterways Board or City Council does not exempt the applicant from the requirement of obtaining a building permit or other approvals or authorizations from the city and/or other state and federal agencies.
- D. All applicable State and Federal approvals or authorizations shall be submitted with all Marine Construction permits.
 - 1. Any application without these approvals will be incomplete and the City will hold off on reviewing the application until these approvals are submitted.
- E. Permitting Procedures: The following procedures shall be adhered to by any applicant proposing to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock in the Harbor or waterways of Destin shall require a permit from the city:
 - 1. Persons desiring to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock shall apply for and obtain a permit and appropriate approvals as identified in **Section 2.08** of this Article, from the city prior to construction.
 - 2. Each application shall be complete and include all required supplemental items as indicated in the City of Destin's application checklists.
 - 3. All marine construction permit applications shall contain all required documents, including state and federal approval as necessary or applicable. Permit applications for marine construction shall include, but are not limited to, the following:
 - a. A Boundary Survey or Plat, to include:
 - 1. Location of the mean high-water line (MHWL)
 - 2. Linear feet of water frontage
 - b. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock, in addition to:
 - 1. Linear feet and/or total square footage of the proposed project
 - 2. Boathouse height, if applicable
 - 3. Identification of environmentally sensitive areas, if applicable (i.e., sea grasses)
 - c. Accurate location of applicant's shoreline, and the opposing shoreline with corresponding measurements, if applicable (i.e., Destin Harbor, Joe's Bayou, Indian Bayou)
 - d. Riparian setbacks from property lines.
 - e. Other site-specific information.
- F. Proposed projects located within the Destin Harbor and adjacent canals require a Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five (25) percent of the cost of construction paid to the City of Destin by the applicant prior to issuance of a Marine Construction or Building Permit.
 - 1. No permit will be issued until the required NPEB funds are paid, if applicable.
- G. Upon completion of a dock, or other structure requiring a construction permit, a final inspection shall be conducted by the city. After the final inspection is complete, a certificate of completion will be issued for such dock or structure.
- H. Joint ownership docks: Permits may be granted for joint ownership of a dock at the common riparian boundary for two adjacent property owners, subject to the following conditions:
 - 1. No permits shall be granted to persons other than the title of record owners of the abutting upland properties.
 - 2. The permit application must be signed by the owners of record of all abutting upland properties having access to the facility.

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3. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this Code.
4. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines or implied riparian line.
- I. The City may issue permits for maintenance or cosmetic improvement to existing and previously approved docks or marine facilities.
 1. No permit shall be issued for maintenance or cosmetic improvements to docks or marina facilities which propose to repair or replace more than 50% a non-conforming dock or marina facility.
 2. Any proposed repairs to a non-conforming dock or marine facility that exceed 50% of the square footage of the dock or marine facility shall be brought into conformance.
 3. Any dock that is required to come into conformance shall follow the appropriate approval process identified in **Section 2.08**.
- J. All construction shall be inspected by the City Building Inspector for compliance with applicable building codes.
 1. The permittee shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.
- K. The city reserves full right, power, and authority to revoke a permit at any time for good cause.
 1. If the permittee fails to remove said structure within the time specified upon revocation of the permit, the city shall have the right to immediately remove the structure or structures, at the cost and expense of the permittee.
 2. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.
- L. Dredging and filling requires, recommendation by the Harbor and Waterways Board, and approvals by the City Council and concerned agencies are required.

SECTION 2.14.04 SIGN PERMITS

- A. Review of permits for signs are required as identified in Article 8 of this code.
- B. Permit applications shall include:
 1. All applicant or owner contact information.
 2. Designer of record's contact and licensure information
 3. The name, address, telephone number and license number of the sign contractor and or manufacturer.
 4. The address and name of the business where the sign is to be erected.
 5. Zoning district
 6. Building façade square footage/frontage for building or attached signs of the tenant space and or the road frontage for ground or free-standing signs of the premises.
 7. Plans prepared by a Florida registered professional engineer or design professional and sealed by the same that include at a minimum:
 - a. The type of sign
 - b. Sing square footage of proposed and existing signage
 - c. Height and location of proposed and existing signage

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- d. A fully dimensioned and scaled site plan showing:
 - i. Lot frontage,
 - ii. Building frontage,
 - iii. Parking areas
 - iv. Location of all existing and proposed signs.
 - v. For ground signs, the site plan must show the distance of the leading edge and foundation to the property line/right-of-way line and edge of pavement.
 - vi. Structure, type of construction, sign supports.
 - vii. Wind load calculations and footer details as required by the City's adopted building code.
8. Summary table listing location type and area of any existing and proposed signs.
9. For building signs, provide an elevation of the building, showing placement of all proposed and existing signage.
10. If the sign is to be electrically lit, additional information is to be provided regarding the testing laboratory or the ETL Number, and the name and address of the electrical contractor.
 - a. An electrical permit showing electrical details shall be submitted in addition to the sign permit.

SECTION 2.14.05 INSPECTIONS AND CERTIFICATES OF OCCUPANCY

- A. All permits issued by the Community Development Department through the Building Division shall have inspections completed according to the specific requirements of the permit or as required by the Florida Building Code.
- B. Certificate of Occupancy and Certificate of Completion requirement:
 1. Builders and/or developers shall obtain a Certificate of Occupancy or Certificate of Completion as appropriate prior to using any building, structure, or infrastructure for business, residential or other uses in which the public health, safety and welfare are involved.
 2. A Certificate of Occupancy or Certificate of Completion shall be obtained from the Community Development Department for all buildings and structures for which utility service is required.
 3. No building or structure within the city for which utility service is required shall be occupied or used without first obtaining a certificate of occupancy or certificate of completion from the city.

SECTION 2.14.06 SURVEYS FOR CERTAIN WORK

- A. A foundation survey shall be submitted to the Community Development Department after the foundation inspection has been completed and before vertical construction commences for structures involving habitable space, and either a:
 1. Poured foundation
 2. Pile foundation showing:
 - a. Location of all piles
 - b. Finished Floor Elevation
 - c. Placement of lowest structural member
 - d. Placement of all exterior decks
- B. The foundation survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
- C. All surveys shall utilize NAD83 Florida State Planes, North Zone, US Foot.

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- D. Vertical construction shall not commence before review and approval of the foundation survey by the Community Development Department.
 - 1. Any work undertaken prior to submission and approval of the foundation survey shall be done at the builder's risk and remediated if the foundation survey is found to be out of compliance.
 - 2. A revised site plan may be submitted for review.
 - a. If the new plan meets the development standards of this Code, the Community Development Department may approve the plans.
 - b. If the new plans do not meet the development standards of this Code, the Community Development Department shall not approve the plans.
- E. Any work completed that was not permitted with the original approval shall require review by city Staff.
 - 1. If found not in compliance with the Code all work shall be stopped and remediated.
- F. As-built survey: The following project types shall require an as-built survey be submitted to the City Building Division prior to the issuance of a certificate of occupancy:
 - 1. All building projects which require a foundation survey,
 - 2. All projects containing a swimming pool.
- G. The as-built survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
- H. No certificate of occupancy shall be issued until the Community Development Department has received, reviewed, and approved the survey.
 - 1. If a violation is determined to exist,
 - a. No Certificate of Occupancy shall be issued.
 - b. No permanent electric power shall be connected.
 - c. The structure shall not be occupied until the violation has been remedied.

SECTION 2.14.07 FIRE DISTRICT REVIEW

- A. Review of projects located in the City of Destin by such district is required.
- B. All building permits for non-residential and multi-family projects shall be approved by the Destin Fire Control District.
- C. Approvals or disapprovals by the Fire District are required prior to the issuance of a certificate of completion or occupancy.

SECTION 2.15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS

SECTION 2.15.01 PUBLIC HEARING PROCEDURES

- A. Pursuant to the provisions of **Section 2-29** of the Code of Ordinances, the public hearing on any application shall be conducted in accordance with the most recent edition of Robert's Rules of Order.
- B. Regular hearing types at public meetings are general public hearings and quasi-judicial public hearings. The following includes the procedures for each type of public hearing.

SECTION 2.15.02 GENERAL PUBLIC HEARING

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- A. Public hearings and meetings regarding any matter shall be conducted to encourage and afford members of the public a reasonable opportunity to present their views on any matter under consideration.
- B. The chairman may, at their discretion, rule out-of-order public comments deemed repetitious or not germane to the matter under discussion.
- C. An agenda for the meeting shall be posted in or near the meeting room and generally available to those in attendance.
- D. The sequence of activities at such meeting regarding the matters under consideration shall be as follows:
 - 1. The chairman or their designee must announce the matter for consideration by reading any required public notice.
 - 2. Written staff reports, if prepared, shall be provided to the local planning agency, and made available to all concerned parties who request the report and published on the City website at least three days prior to consideration.
 - 3. Receipt of comments from the proponents and opponents of the matter in as nearly equal proportions as possible. All speakers will be required to fill out address cards so that an accurate record of participants can be maintained.
 - 4. Close public input except for direct questions as may be initiated by the members of the board, committee, agency, or council.
 - 5. Board, committee, agency, or council member discussion, debate, and recommendation by majority vote prior to considering the next matter or adjournment.
- E. The board, committee, agency, or council shall transmit its written recommendation on each matter decided to the City Council as soon as possible. Included in this recommendation shall be a response to the substantive public comments received during consideration of the matter.
- F. The board, committee, agency, or council shall conclude consideration of the agenda no later than 11:30 p.m. No agenda item may be initiated after 10:30 p.m. unless a majority vote agrees to do so. Agenda items not considered on this date will be placed first on the agenda for the next available date that meets applicable notice requirements.
- G. A meeting summary or minutes shall be prepared in conformance with the applicable public records laws of the state.

SECTION 2.15.03 QUASI-JUDICIAL PUBLIC HEARING

- A. Quasi-judicial hearings are used to guarantee that the applicant, the city, and any interested party have due process.
- B. Order of proceeding with public hearing:
 - 1. The order of proceeding with the public hearing as specified hereinafter on an application before the board shall be followed, but may be varied from, in the exercise of discretion of the chairman or by majority vote of the board.
 - 2. The chairman, or his or her designee, shall read into the record the notice of the public hearing, unless waived in whole or in part by the interested parties present, and shall examine the proof of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.

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3. The chairman, or his or her designee, shall read into the record the application, and any additional information which the applicant has attached to the application, and shall announce the attachment of any supporting documents with a brief description of each.
4. The chairman, or his or her designee, shall then read into the record any deficiencies which the staff has determined exist in the application.
 - a. If the deficiencies have been cured by the applicant, such should be noted on the record and the public hearing should proceed.
 - b. If the deficiencies have not been cured, and the applicant is unable to cure them within the time of publication of the notice of public hearing, the chairman may ask if the applicant wishes to continue, postpone, or recess the public hearing.
 - c. If the deficiencies are a result of the board or staff, the board may continue, postpone, or recess the matter for a reasonable time sufficient to cure the deficiencies.
 - d. If, in the opinion of the legal advisor, the deficiencies are such that no action on the application would cure the deficiencies, then the board may deny the request, after giving the applicant an opportunity to be heard on curing the deficiencies, if applicable.
5. The chairman shall then read into the record any and all comments of the staff.
6. The chairman shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
7. The chairman shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
8. The chairman shall then call upon the public for any comments, testimony, information, and documents in support of granting the application.
9. The chairman shall then call upon the public for any comments, testimony, information, and documents against granting the application.
10. The chairman shall then call upon the applicant for any rebuttal.
11. The chairman shall then call upon the staff for any rebuttal.
12. The chairman shall then call upon the public for any rebuttal.

SECTION 2.15.04 BOARD DELIBERATION

- A. The board shall deliberate upon the application and testimony and other evidence of the applicant, staff, and members of the public.
- B. The board during deliberation may call upon the applicant, staff, or members of the public to answer questions which the board may have regarding the application.
- C. The board may postpone, continue, or recess deliberation on the application, until a time when the board believes that the matter may be disposed of in a prompt fashion. Such a case may occur when the staff, legal advisor or the applicant are unable to answer questions from the board and require additional time to provide information.
- D. Deliberation may continue so long as the board has questions of the applicant, staff, or members of the public.
- E. Deliberation may be ended in the same manner as for closing debate, with the exception of only a majority vote needed or upon announcement by the chairman without objection from a member of the board.

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- F. Evidence at the hearing:
 - 1. The burden of proof shall be upon the applicant to establish the standards required in **Section 2.11** of this Code for the granting of a variance.
 - 2. The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is not in the public interest.
 - 3. The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.
- G. Testimony commonly is not under oath; however, by filing the application, preparing the comments, or participating in the public hearing, the applicant, staff, and members of the public certify the testimony or evidence which they give, or proffer is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.
- H. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
- I. The members of the board, applicant, staff, or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.
- J. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
- K. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the chairman.
- L. Any member of the board may question any person presenting evidence or testimony to the board.
- M. All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.
- N. Any ruling by the chairman may be challenged and overturned by a majority vote of the board.
- O. Motion to grant or deny:
 - 1. After deliberation on the application is closed, a motion may be made to grant or deny the application.
 - 2. The motion shall state the objective findings of fact upon which the board bases its decision.
 - 3. The motion shall briefly state what evidence was relied upon in making the findings of fact.
 - 4. The board may consult with the legal advisor to determine if any additional requirements must be met to grant or deny the application.
 - 5. The motion may contain other factors which the board considered in making its decision, such as, but not limited to commencing construction without a permit, defective plans, etc.
 - 6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect public health, safety, and welfare.
 - 7. Pursuant to **Section 2.11.03.K**, the motion may also contain time frames within which any activity, pursuant to a variance, is commenced and completed.
 - 8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.

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9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested and commences the time for filing an appeal to such order.
10. When the board passes a motion denying the application, the chairman or designee should advise the applicant of the appeal rights provided in **Section 2.11.04** of this Article.
11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the City Clerk shall compile the motion into written form and present the order to the chairman for execution.

SECTION 2.16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES

SECTION 2.16.01 TECHNICAL REVIEW COMMITTEE (TRC)

- A. The City shall establish and maintain a Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development applications.
- B. The TRC members may be provided items to review in relation to their areas of expertise and shall confine their review to the areas so designated.
- C. The TRC shall review applications for compliance with the provisions of this City Land Development Code, and all applicable federal, state, and local building codes.
- D. City Staff may hold meetings with individual or multiple TRC members as needed.
- E. Membership:
 1. The membership shall include:
 - a. The City Attorney
 - b. An appropriate individual from the following city departments, as applicable:
 1. Community Development Department, Principal Planner, or designee
 2. Community Development Department, Building Official or Building Official's designee
 3. Community Development Department, City Engineer, or designee
 4. Public Services Department
 5. Parks and Recreation Department
 - c. An appropriate individual from the following agencies:
 1. Destin Fire Control District (nominee must have experience as a firefighter)
 2. Okaloosa County School District
 - d. An appropriate individual from the following utilities:
 1. Water utility provider Users (nominee must have technical experience in the area of water utilities)
 2. Gas utility provider (nominee must have technical experience in the area of gas utilities)
 3. Local electrical utility provider (nominee must have technical experience in the area of electrical utilities)
 4. Wastewater utility servicer (nominee must have technical experience in the area of wastewater utilities)
 - e. The City Manager or designee may appoint and remove the City Staff representatives and include any additional TRC members that may be necessary for the review of a proposed development or application.
 1. Files a lawsuit against the city
- F. Membership on the TRC shall be terminated if any condition below applies to a TRC Member:
 1. Files a lawsuit against the city

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2. Is convicted of a felony, or a crime involving moral turpitude.
 3. Fails to review projects timely to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.
- G. Conduct of TRC meetings:
1. The City Manager or designee will determine if a TRC meeting is required for an application.
 2. If a meeting is required:
 - a. The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.
 - b. The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. The attendance of the applicant or agent is not required but is encouraged.
 - c. On development applications to be reviewed by the TRC, the Community Development Director, or other person designated by the City Manager, shall be responsible for the following:
 1. Agenda preparation and distribution
 2. Chairing the meeting
 3. Notification to applicants of the regularly scheduled date, time, and place for consideration of the application.
 4. Written summary to applicants of the TRC review.
 - d. The City Clerk shall be responsible for the recording of the minutes of each TRC meeting.

SECTION 2.16.02 LOCAL PLANNING AGENCY (LPA)

- A. In accordance with the adopted City of Destin Comprehensive Plan and with the Community Planning Act, F.S. § 163.3161 et seq., and chapter 163, part II the Local Planning Agency (LPA) serves as the land development regulation commission.
- B. The City shall establish and maintain the LPA consisting of seven members who shall be appointed by the City Council.
- C. The LPA shall also include an ex-officio member who is a representative of a military installation on behalf of all military installations located within the jurisdiction.
 1. The military installation representative shall serve as a non-voting member.
 2. The City Manager or their designee will comply with the notice requirements, as required by F.S. § 163.3175, by providing the commanding officer of the local military installation with information relating to:
 - a. Proposed changes to the Comprehensive Plan, or plan amendments
 - b. Proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.
 3. The military installation shall have the opportunity to review and comment on the proposed changes.
- D. The terms of members of the Local Planning Agency shall run concurrently with the appointees.
- E. The Local Planning Agency shall elect a chairman and vice-chairman.
 1. Terms of the chairman and vice-chairman shall be for one year, with eligibility for re-election.

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- F. The Local Planning Agency shall adopt rules necessary to conduct its affairs and in keeping with applicable laws and regulations.
- G. The Local Planning Agency shall perform the following functions, duties, and responsibilities:
 - 1. Perform the functions, duties, and responsibilities of prescribed by F.S. § 163.3174(4).
 - 2. Perform any other functions, duties, and responsibilities assigned to it by the City Council or by general or special law.
- H. Proceedings and process:
 - 1. A quorum is necessary at any meeting for the LPA to take official action.
 - 2. The Local Planning Agency shall either recommend the City Council approve, approve with conditions, or deny, an item under consideration for its action.
 - a. The Local Planning Agency may continue for future action any item under consideration for its actions a maximum of 60 days from the date that the item was first heard.
 - 3. The Local Planning Agency's public hearing and public meetings regarding any matter shall be conducted in accordance with **Section 2.15.02 or 2.15.03.**
 - 4. After the Local Planning Agency makes a recommendation regarding any matter described, the City Council shall hold at least one public hearing to consider the recommendation.
 - a. The hearing may be continued to a date certain upon a majority vote.
 - 5. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.
 - 6. The City Council public hearings shall be conducted in accordance with **Section 2.15.02. or 2.15.03.**

SECTION 2.16.03 BOARD OF ADJUSTMENT (BOA)

- A. The City shall establish and maintain a Board of Adjustment (BOA) consisting of seven members who shall be appointed by the City Council.
 - 1. After the first seven appointments to the board, all succeeding appointments shall be for a term of three years, or until their successors are appointed and qualified.
- B. The Board of Adjustment shall have the following powers and duties:
 - 1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
 - 2. To authorize variance requests from the LDC or zoning ordinance as outlined in **Section 2.11.03.**
 - 3. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed regarding dock length and slip density, provided that the criteria in **Section 2.11.03.D** is met.
- C. All public hearings before the Board of Adjustment shall be quasi-judicial hearings and conducted in accordance with **Section 2.15.03** of this Article.

SECTION 2.16.04 HARBOR AND WATERWAYS BOARD (HWB)

- A. The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.

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- B. The City of Destin establishes and shall maintain the Destin Harbors and Waterways Board consisting of seven members who shall be appointed by the City Council.
 - 1. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified.
- C. All members shall reside in the City of Destin.
- D. The board membership shall include, to the extent possible,
 - 1. One (1) commercial fisherman
 - 2. One (1) pleasure boat owner
 - 3. One (1) environmentalist
 - 4. One (1) sports fisherman
 - 5. One (1) layman.
- E. Powers: The board is empowered to:
 - 1. Monitor the overall condition of the harbors and waterways of Destin including, but not limited to:
 - a. Water depths
 - b. Water quality
 - c. Dredging activities of public or private entities
 - d. Violations of litter laws
 - e. Sanitation requirements
 - f. Laws, ordinances, rules, or regulations affecting activities in the harbors and waters of Destin.
 - 2. Recommend to the City Manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.
 - 3. Discuss city issues related to the water quality and condition of the Destin Harbor and surrounding waterways and make recommendations to the City Council related to such issues.
 - 4. Make policy recommendations to the Comprehensive Plan and Land Development Code related to future development surrounding the Destin Harbor and restoration of the harbor and waterways of Destin.
 - 5. Review and make recommendations to City Council on proposed marine construction in the Destin Harbor and surrounding waterways.
- F. City Council Review
 - 1. The board shall submit to the City Council, during the month of August, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years.
 - 2. After the Harbor and Waterways Board makes a recommendation regarding any matter described, the City Council shall consider the recommendation by either:
 - a. A public hearing in the case of a Category 3 HWB review, or
 - 1. The hearing may be continued to an announced time certain upon a majority vote. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.
 - b. On their consent agenda in the case of Category 2 HWB review

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3. The City Council public hearings shall be conducted in accordance with **Section 2.15**.

SECTION 2.16.05 ADVISORY COMMITTEES

- A. The City Council may, from time to time, appoint advisory committees to participate in the matters subject to public meeting requirements outlined in **Section 2.15**.

SECTION 2.17 PROCEDURES FOR ADDRESSING

SECTION 2.17.01 NAMING OF STREETS

- A. All streets and private ways in the City of Destin shall be named.
- B. In new developments, the developer shall submit suggested street and private way names to the City as part of the subdivision or Planned Unit Development application.
- C. Unnamed streets or private ways shall be named by the City Council, as shown on the approved subdivision or Planned Unit Development plan, after recommendation by the Okaloosa County Department of Public Safety.

SECTION 2.17.02 STREET NAME CHANGE REQUESTS

- A. All street name changes shall be processed according to the following procedures.
 1. Street name change requests as a matter of preference must be submitted to the Community Development Department.
 2. An application for a preference request street name change must include the following:
 - a. An explanation of how the requested street name will be compatible with adjacent street locations, historical character, or theme.
 - b. Written proof of notification to:
 1. All Utility providers
 2. Florida Department of Transportation
 3. County Address Coordinator with statement of simplicity for the emergency system
 4. United States Post Office
 - c. A non-refundable application fee for processing the request is due at the time of submission of application.
 - d. Notarized signatures of at least 75% of the abutting property owners.
 - e. The impact (cost) on public/private utilities, business, and property owners for undertaking change.
 - f. Compatibility with adjacent streets: location and historical character or theme.
 1. Consideration shall be given to commemorating local distinguished citizens, national heroes, typical fishes, animals, trees, shrubs, and flowers.
 - g. Ease of locating the street for people new to or unfamiliar with the area.
 3. Application review process. Once an application has been submitted to the Community Development Department and deemed complete, City Staff shall take the following actions:
 - a. The Community Development Department will distribute the application to the following divisions, departments, and agencies:
 1. Planning Division, Principal Planner
 2. Building Division, Chief Building Official
 3. Engineering Division, City Engineer
 4. Code Compliance Department, Code Compliance Director

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5. Public Services Department, Public Services Director
6. Clerk's Office, City Clerk
7. Destin Fire Department
8. Okaloosa County Sheriff's Office
9. Okaloosa County Emergency Response Department
10. Okaloosa County Geographic Information Systems (GIS) Department
- b. Once received, all representatives will review the application based on their specific technical criteria or regulations.
 1. Recommendations from all representatives regarding the application shall be returned to the Community Development Department within 30 calendar days.
- c. The City Manager, or designee, shall review the recommendations and forward all petition information and recommendations through the City Manager's office to the City Council for final approval or denial.
- d. The City Council shall then schedule a public hearing to review the application, which shall be conducted in accordance with **Section 2.15**, of this Article.
- e. Upon approval of any preference request, the petitioner will be responsible for reimbursing the City of Destin for the actual cost of completing required changes including any cost of updating official documents and installation of all applicable street signs.

SECTION 2.17.03 SYSTEM ESTABLISHED

- A. A uniform system of numbering buildings identified by the title "Numbering System" in the City's Design Manual shall be established and maintained on file by the Community Development Department.
- B. The official property numbering maps maintaining the "numbering system" are hereby adopted, incorporated herein by reference, and made a part of this Article. The Planning Division shall administratively accomplish future amendments.

SECTION 2.17.04 ADMINISTRATION AND NUMBER ASSIGNMENT.

- A. The City's GIS Division will be responsible for managing, coordinating, and maintaining the "numbering system." Administrative procedures for assigning numbers shall include as a minimum:
 1. The owner or occupant of any building to which a number has been assigned will be notified in writing of the number assigned.
 2. Should an existing building have, exhibit or be addressed by a number in conflict with the uniform "numbering system," notice shall be given to the owner or occupant whose building is in conflict.
- B. Standards: All principal buildings, docks and piers in the city shall be assigned and have their assigned numbers displayed, whether or not mail is delivered to such locations.
 1. Numbers need not be displayed on accessory buildings.
 2. Docks and piers shall be assigned the same number as the principal building, or, for vacant lots, the same number as would be assigned a principal building if existing.
 3. Physical numbering shall conform to the following minimum standards:
 - a. Assigned numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts, with Arabic numerals not less than three inches in height and one-half inch in width.

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- b. Numbers must be in a color contrasting to the building or other background.
 - c. In the case of a principal building which has multiple entrances, the assigned number shall be displayed on each separate front entrance.
 - d. Any different numbers which might be mistaken for or confused with the number assigned in accordance with the "numbering system" shall be removed.
 - e. Assigned numbers for principal buildings which are not visible from the street or private way shall additionally be displayed at the intersection of the driveway and servicing street, and attached to a post, wall, fence, or mailbox at a level to ensure visibility.
 - f. Assigned numbers for all docks and piers shall be displayed in such a fashion so as not to be confused with channel or other marine markers at their waterward extremity, facing away from the dock or pier.
 - 1. Numbers shall be positioned to be constantly between five and eight feet above the mean high-water line.
- C. No building permit shall be issued for any principal building, dock or pier until the owner has procured the required number or numbers for the premises, building, dock, or pier.
- D. No certificate of occupancy shall be issued until the owner has displayed the required number or numbers in accordance with this Article.

SECTION 2.18 DEVELOPMENT REVIEW FEES

SECTION 2.18.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES

- A. Land Development Fees: There shall be fees established and collected for the review of all development activity in the City of Destin.
- B. These fees shall be established by the City Council by resolution and shall be reviewed no less than annually during the budget process.
- C. Review fees may include but are not limited to all procedures identified in Table 2-1
- D. There shall also be fees established for outside consultant cost recovery, mailing and advertising.
 - 1. The City shall pay the initial invoice from the consultant.
 - 2. The City will then invoice the applicant and add a 10% administration fee.
 - a. The invoice shall be paid before final approval by Staff, any Board, or City Council.
- E. A comprehensive list of the fees is included in the City of Destin Fee Schedule.
- F. There shall be ROW construction permits fees established for the review of all development activity within the public ROW of the City of Destin.
 - 1. Review fees may include but are not limited to the following:
 - a. ROW permit processing
 - b. commercial (non-residential)
 - c. residential (single or two-family lots)
 - d. re-inspections (commercial and residential)
 - 2. A comprehensive list of the fees is included in the City of Destin Fee Schedule.

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 6, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: May 22, 2024

SUBJECT: Draft Article 6 – General Development Regulations & Destin Design Manual

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. 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. **Updates 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.

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 demands or off-set on-site parking requirements.

Shuttle services do help in a couple of ways:

- 1) Shuttles reduce the number of vehicle trips to areas such as the Harbor District.
- 2) It reduces the parking demand on individual properties because their patrons are not driving to their destination.

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

April 11, 2024 Update: Staff Research as of April 1, 2024: Staff could not find any municipality that provides regulations concerning the allowance of “shuttles” to off set parking minimums. If the LPA would like to proceed with allowing an off-set, Staff recommends the off-set be minimal; approximately 10% to 20% max for any parking reduction. The 20% max is based off the existing 20% reduction allowance per the MMTD standards. However, this is proposed to be removed as recommended due to the parking issues within the Harbor District. Further, should this be allowed, Staff recommends any proposal to use shuttles to meet parking requirements 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** connection 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 to keep the 1 year connection requirement if sewer is available. The 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:

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

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

- **Add - the Red Buckeye - Aesculus pavia**
- **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 has worked for decades.

Staff Comment or Question: The LPA recommended Staff develop regulations that allow owners and developers options for developing their properties while not restricting creativity and allowing 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 a 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 distinguish 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.

The Destin Design Manual helps consolidate all the standards design criteria or the new proposed drawings into one location. Both Article 6 and the DDM work closely together to achieve the desired aesthetic will also providing industry standard safe design practices. 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. 1 - Article 6
2. 2 - Destin Design Manual

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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:

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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
 - 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,

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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:
 - 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

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- 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.
 - 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.

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- 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.
- 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 accessway offset 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.

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- 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.
 - 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. Sidewalks 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.

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- 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.
 - 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.

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- a. Multi-use paths or trails shall be asphaltic concrete and meet the minimum standards per the Design Manual.
 - 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.

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- b. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement.
 - 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.

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- (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.
- 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 STEET 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.

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- 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
 - 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.

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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.
 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.

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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.
 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.

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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:
 - 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

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- (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.
 - 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.

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- 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.
 - 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,

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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.

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 ($\frac{1}{2}$ 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.

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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.
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

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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.

- 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.

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- a. The Crystal Beach Parking District encompasses all land designated as Crystal Beach Neighborhood (CBN) or Crystal Beach Resort (CBR) on the zoning map.
- 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.

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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.
- 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.

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- I. Additional loading 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 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.

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SECTION 6.04.02 SEWER

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

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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 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')

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SECTION 6.04.06 NON-RESIDENTIAL DEVELOPMENT STORMWATER REQUIREMENTS

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

- A. For single family and Duplex developments the stormwater requirements of this section apply.
 - 1. All residential development that is not a single-family or duplex development shall follow the requirements listed in Section 6.04.01. above.
- B. Single Family and Duplex Stormwater Table

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1. Use the following Single-family Stormwater Table if the following criteria are applicable:
 - a. Single-family/Duplex lot 1 acre or less
 - b. A percolation rate of 10"/hour or greater can be achieved with the native soils
 - c. The maximum depth of the stormwater system is 18".

<i>Stormwater percentage capture requirement</i>	
55% or less Impervious	1.6" over the site
55.1 - 65% Impervious	1.8" over the site
65.1 - 75% Impervious	2.0" over the site

- C. A professional engineer can be used in-lieu of the table using one of the following minimum requirements, whichever is greater:
 1. 1" over the entire site
 2. 25yr/24hr storm event
- D. A professional engineer is required to design residential stormwater systems if any of the following conditions exist or apply:
 1. Native soil has a lower percolation rate than the minimum required
 2. A sub-surface stormwater system is proposed
 3. The groundwater table needs to be verified via a geotechnical report
 4. The overall site/development contains minimal impervious
 5. Maximize efficiency in design to maximize development potential
 6. The site is over one acre in size

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.
 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.

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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:
 - 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).

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- 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.

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**.

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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.
- 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;

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- 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.
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

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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.
 - 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:

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- 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 be 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 or 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.
 - l. The location of environmentally sensitive lands designated pursuant to Article 11 of this Code, if any.
 - m. A point-by-point foot candle array in a printout format overlaid on the site plan. The point-by-point foot candle printout shall indicate compliance with the maximum maintained foot candles required by this Code. This overlay shall also include contours indicating the light source at the property lines and ten feet into adjoining properties, including right-of-way.
 - n. A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]
 - o. The location and height of the lighting fixtures (pole and/or wall mounts), the proposed wattage of the light bulbs, the direction of illumination (e.g. straight down, outwards, etc...), the method of shielding and the area of illumination.
4. Permit procedures.

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- a. The following procedures and requirements shall be followed by the applicant and the City:
 - i. Applications for outdoor lighting shall be submitted to the City's Community Development Department.
 - ii. No building permit for the installation of new outdoor lighting, or replacement of existing outdoor lighting erected prior to the effective date of this Section, shall be issued unless and until the City has reviewed and approved the outdoor lighting plan unless the project does not require a development order. Regardless of whether a lighting project does or does not require a development order, the installation of new outdoor lighting, or replacement of existing outdoor lighting must comply with the requirements of Section 7.17.03.
 - iii. A copy of the approved outdoor lighting plan shall be available on-site during installation.
5. Certificate of completion or occupancy.
 - a. No certificate of completion or occupancy shall be issued unless and until the Planning Division has determined, after final inspection, that the required outdoor lighting has been installed according to the approved application and plan; provided, however, that if circumstances preclude completion of the outdoor lighting plan at the time of application for the certificate of completion or occupancy, then the provisions of Section 2.20.00. Guarantees and sureties shall apply.
- B. Temporary outdoor lighting permit.
 1. Temporary outdoor lighting permits for search lights and laser lights may be issued for;
 - a. Special events
 - b. Construction activities
 - c. Temporary outdoor lighting needs for public assembly or public safety
 2. Temporary outdoor lighting permits may be issued, so long as the outdoor lighting does not create or cause any of the following potential distraction by any means or methods;
 - a. Flash blindness,
 - b. Vision impairment,
 - 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.

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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.
 - 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:

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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.
- 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.

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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:
 - 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).

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- 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

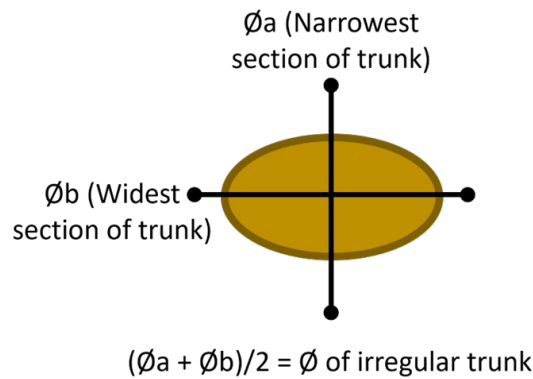
- A. The number of reforestation trees required on any developed area shall be determined by using the ratio of one (1) tree for each one-tenth of an acre
- B. All required trees shall be a minimum of:
 - 1. Twelve feet (12') in height
 - 2. Three and one-half-inch (3.5") caliper at the time of planting.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

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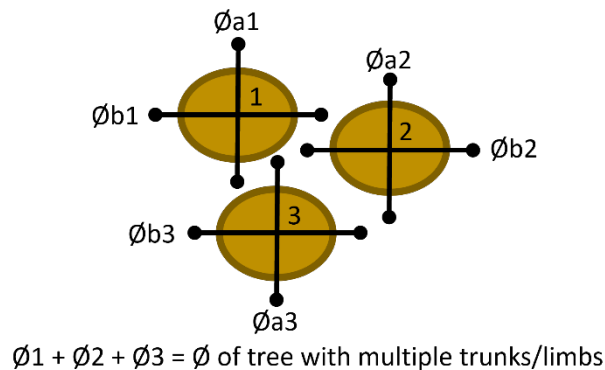
Diameter of Existing Tree	Number of Trees Credited
20" or more	5
13" - 19.9"	4
7" - 12.9"	3
2" - 6.9"	2

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



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.

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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.
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 retroactively within thirty (30) days of approval to remove the hazardous tree.

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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. Artificial 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.
- 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.

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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)		

- 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:

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- 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 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.

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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, 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 unobstructed 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.

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- 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.
- 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

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- 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.
- 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.

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- 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
 - 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:

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- 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.
 - 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.

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- 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.
 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.

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- b. Emergencies posing an immediate danger to life or property, or substantial floor 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.
 - 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.

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- 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.
 - 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.

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- 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

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.

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- 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.
 - 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.

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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.
 - 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.

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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.

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:

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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.
 - (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.

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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).

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.

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- 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.

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THE CITY OF DESTIN DESIGN MANUAL

SECTION 1.00 INTENT, APPLICABILITY, AND ADMINISTRATION

SECTION 1.01. INTENT

The City of Destin Design Manual (Design Manual, DDM, or this manual) is approved and adopted by Ordinance Number XX-XX-XX on MONTH DAY, YEAR, pursuant to the authority granted by the City of Destin's Comprehensive Plan and Land Development Code (LDC, this 'code') while also complementing the requirements of the LDC. The DDM intends to implement City policy as outlined in the City's Comprehensive Plan and provide specific details for site and Right-of-Way (ROW) development that will maintain the constantly changing Best Management Practices (BMPs) for the Engineering and Planning industries. The DDM will cover a broad range of site and ROW development to facilitate and promote the safe and smart development and redevelopment of the City of Destin. The DDM establishes design standards and specifications for, but not limited to, the development of sites, redevelopment projects, permits, ROW projects, and capital projects within the City of Destin as part of the City's responsibility to provide for the health, safety, and welfare of the public. When real property within the City of Destin is developed or redeveloped or any work is proposed within the City's ROW or easement, the site development elements and infrastructure facilities contained within said property, serving said property or activities within the City's ROW or easement shall comply with the requirements set forth in this manual and the City of Destin Land Development Code or other ordinances as applicable.

SECTION 1.02. APPLICABILITY

When real property within the City of Destin is developed or redeveloped or any work is proposed within the City's ROW or easement, the site development elements, whether private or public, and infrastructure facilities contained within said property, serving said property or activities within the City's ROW or easement, shall comply with the requirements set forth in this manual and the City of Destin Land Development Code or other ordinances as applicable.

SECTION 1.03 ADMINISTRATION

A. Maintenance of the Destin Design Manual

1. It is the responsibility of the Community Development Director to maintain the Destin Design Manual in accordance with the Comprehensive Plan, Land Development Code, or other relevant regulations.
2. The Community Development Director shall update the manual from time to time to keep the design minimums at an acceptable and required level to maintain efficiency not just of the City's infrastructure but for review of development proposals.

B. Amending or updating the Destin Design Manual

1. For the DDM to be effective and functional it will from time to time need to be updated based on new industry standards or on best management practices. Therefore, this design manual may be updated at the direction of City Council or the recommendation of the City Manager, Community Development Director, City Building Official, City Engineer, or Principal Planner.
 - a. Amending the Design Manual
 1. At the recommendation of any identified personnel in Paragraph A above a Staff Report shall be developed detailing the following:
 - (i) Current standard or detail
 - (ii) Proposed change
 - (iii) Need or justification for the proposed change.
 - (iv) Potential impact
 2. Staff shall present the proposed amendment to City Council for their consideration.

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- (i) The City Council may approve, approve with conditions, or deny the proposed amendment.
 - (ii) Staff or the City Council may recommend a review by any of the Advisory committees or boards for their consideration and recommendation.
 3. Any approved amendment shall be captured by majority vote of the City Council through an ordinance which must follow proper noticing and hearing requirements.
- C. The Destin Design Manual
 1. This manual contains details and specifications for specific design elements, building siting, or other elements that are pertinent to land development that may need to be updated more frequently than the Land Development Code itself. The specific design criteria are either written out or illustrated in this manual.
 2. Developers must use this manual when designing sites, buildings, structures, or other land development activity.
 3. The Design Manual construction details may be copied and used in the submitted construction documents if they are applicable to the developer's project.
 4. If there is no specific minimum standard (written or illustrated) or an applicant wishes to deviate from the designs or specifications within this manual, The City Manager may allow review and approval by the Community Development Director or require a Variance review and approval so long as it is allowed per Article 2.
 - a. Any proposed deviation shall follow industry best practices and provide the minimum specifications required within this manual or the LDC or provide a better alternative.

SECTION 2.00 STREET NAMING, ADDRESSING AND PROPERTY NUMBERING

SECTION 2.01 ESTABLISHMENT OF STREET NAMING SYSTEM

- A. All public and private rights-of-way in the City shall be named.
- B. As part of new developments, the developer shall submit suggested names for new public and private rights-of-ways to the City as part of the subdivision or planned unit development application.
- C. Unnamed rights-of-ways shall be named by the City Council, as shown on the approved subdivision or Planned Unit Development plan, after recommendation by the Okaloosa County Department of Public Safety.
- D. Future public or private right-of-way name changes shall be accomplished by a resolution of the City Council.
- E. Consideration shall be given to:
 1. Commemorating local distinguished citizens
 2. National heroes
 3. Local or native fish, animals, trees, shrubs, and flowers
 4. Based upon the subdivision or planned unit development application.
 5. Based upon a petition of the residents of such public or private right-of-way.
- F. To petition a street name change the following must be met:
 1. A minimum of seventy-five percent (75%) or more of residents on the street must agree to the name change by submitting a notarized document stating such.
 2. Only existing dead-end segments, cul-de-sacs, or other non-continuous segments are eligible for renaming.
 3. No street section or planned section that is part of a continuous street can be named differently than the rest of the continuous street.

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- G. Streets with the same or similar names but different street classifications shall not be allowed. For example, Marlin St & Marlin Way.

SECTION 2.02 ESTABLISHMENT OF ADDRESSING AND PROPERTY NUMBERING SYSTEM AND STANDARDS

- A. A uniform system of numbering buildings titled "Addressing and Property Numbering System" shall be established and maintained by the Geographic Information Systems (GIS) Division of the Community Development Department see **Section 2.03**.
- B. The official property numbering maps maintaining the "numbering system" are hereby adopted, incorporated herein by reference, and made a part of this article. Future amendments shall be accomplished administratively by the GIS Division and as amended by the City Manager or their designee.
- C. The GIS Division will be responsible for managing, coordinating, and maintaining the "Numbering System" and the official addressing map.

SECTION 2.03 ADDRESS AND PROPERTY NUMBERING SYSTEM

- A. Address numbering shall adhere to the following system when feasible.
 - 1. Addressing for properties, lots, or parcels:
 - a. Address numbering shall increase West to East on streets predominantly oriented in an East/West manner.
 - 1. Odd number shall be on the North side of East/West streets.
 - 2. Even numbers shall be on the South side of East/West streets.
 - b. Address numbering shall increase South to North on streets predominantly oriented in a North/South manner.
 - 1. Odd number shall be on the West side of North/South streets.
 - 2. Even numbers shall be on the East side of North/South streets.
 - c. Address numbering on circle or loop streets shall start at the South end of loop or circle streets and ascend in number in a counterclockwise direction.
 - d. Address numbering on circle or loop streets shall start on the West side of loop or circle streets and ascend in number in a clockwise direction.
 - 2. Addressing for buildings on the same lot.
 - a. Buildings on the same lot may be addressed with their own address if the system for properties can be achieved without creating a conflict.
 - b. Buildings on the same property may receive individual "building numbers" that adhere to the same principle of numbering method as properties.
 - 1. Building number systems may start with 1, 10, 100, or 1000.
 - 2. The building numbering is at the discretion of the Community Development Department.
 - 3. The first building number shall be the first building that is accessible from the main entrance of the property.
 - (i) If the building number system is not feasible then the next preferable numbering system will number the building in the most Southwest corner of the property and follow the same principle as addressing for properties.
- B. If the systems identified above cannot be followed, then the Community Development Department has the discretion to address any building or property in a manner that does not create a conflict with the existing system.
- C. All Address updates shall be reviewed by Okaloosa County GIS and Emergency Departments or others as identified.

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- D. The owner or occupant of any building to which a number has been assigned or updated will be notified in writing of the number assigned.
 - 1. Notice shall be sent to the property owner and the property using the available contact information from the Okaloosa County Property Appraiser Office.
 - 2. If an existing property, lot, parcel, building, or other structure is addressed with a number in conflict with the system established by this Section:
 - a. The property, lot, parcel, building, or other structure may be re-addressed to match the established system where feasible.
 - b. Notice shall be sent in writing to the owner, occupant, or other property owner or occupant affected, ten (10) and five (5) days prior to any official address update process is initiated.

SECTION 2.04 ADDRESSING AND PROPERTY NUMBERING REQUIREMENTS

- A. All principal buildings, habitable structures, docks, and piers in the City shall be assigned an address number and if applicable a building or unit number.
 - 1. Docks and piers shall be assigned the same number as the principal building, or, for vacant lots, the same number as would be assigned a principal building if existing.
- B. Assigned numbers shall be displayed whether mail is delivered to such locations.
 - 1. Accessory buildings/structures do not require an address number to be displayed on the building/structure.
- C. Address numbering displays shall conform to the National Fire Protection Agency standards as adopted and amended.

SECTION 3.00 BUILDING SITING AND DESIGN

SECTION 3.01 NON-RESIDENTIAL BUILDING SITING

- A. It is the intent of this section to encourage building siting that fosters pedestrian scale design which includes inviting elements that reduce, limit, or mitigate conflicts between vehicles and pedestrians.
- B. Buildings shall be located and designed to maximize the "functional open space" on the site. Such areas may be an integral part of building features such as entranceways and pedestrian amenities providing pedestrian access through buildings and throughout the site.
- C. Functional open space shall take the form of:
 - 1. View corridors
 - 2. Outdoor gardens
 - 3. Walking areas
 - 4. Or areas for the congregation of people for special events.
- D. All non-residential and mixed-use buildings shall be placed as close to all front property lines as possible per the applicable zoning district in Article 4 or buffers per Article 6 allow. (refer to Figure 3.01-1 Example of Building Siting).
 - 1. The following circumstances or situations may allow for relief from this design requirement as determined by the City Manager or designee. A Variance, per Article 2, may be required by the City Manager or designee for any requested relief due to potential impact.
 - a. Buildings along the Harbor or Choctawhatchee Bay
 - 1. Buildings with both street ROW and water frontage may orient their structures towards the water frontage to meet these requirements.
 - 2. Any additional structures proposed on-site shall utilize the street ROW frontage to meet these requirements.
 - b. Stormwater Facilities

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1. This requirement may be waived by the City Manager or designee if site topography or unique site constraints require stormwater facilities at or near the front property line(s).
- c. Building Placement
 1. If the other site elements such as minimum parking requirements, pedestrian accessways (sidewalks) or vehicular access cannot be achieved due to the placement of the building.
 - (i) The designer shall prove that no other building layout or configuration will work for the proposed use.
2. In no circumstance shall a building occupy the clear visibility triangle per **Section 6.00** of this Design Manual.

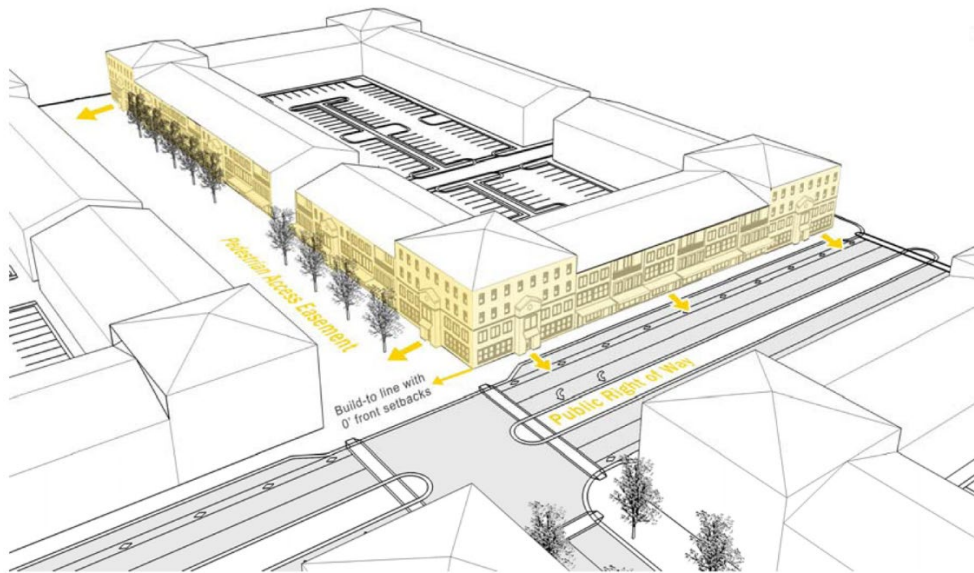


Figure 3.01-1 - Example of Building Siting

SECTION 3.02 NON-RESIDENTIAL, MIXED-USE, AND MULTI-FAMILY BUILDING FAÇADES

- A. All non-residential, mixed-use, or multi-family buildings' main facades shall be oriented towards the public street frontage.
- B. Façades shall be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the community's identity and character using detail and scale and variations in rooflines and fenestration (i.e., character and interrelationships of facade design components including windows, dormers, doors, and roof design).
- C. Features such as windows, entryways, plane projections or recesses, arcades, colonnades, public art displays, or other such features that provide visual interest shall be used in the design and construction of facades.
 1. Building facades shall be visually varied thru architectural design standards to include but are not limited to a combination of more than one listed method listed below:
 - a. Color change
 - b. Texture change
 - c. Material module change

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- d. An expression of architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal or projecting rib.
2. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
- D. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least 20 percent of the length of the facade (refer to Figure 3.02-2: Example of Building Mass Facade and Elevations).
- E. Alternatively, for facades greater than 150 feet in length, measured horizontally, the three percent offset can be achieved by a series of smaller offsets that extend a minimum of 50 percent of the building facade cumulatively. Balcony projections from the building facade cannot represent more than half of the cumulative offset minimum.
1. When calculating wall plane projections and recesses results in a fraction, they must be rounded up.
2. Wall plane projects must run vertically until they reach the top of the building.
3. No uninterrupted length of any facade shall exceed 100 horizontal feet.
- F. The main façade of all structures shall face the street.
1. In the case of a corner lot, the most trafficked or higher classified street shall be utilized to meet this requirement.

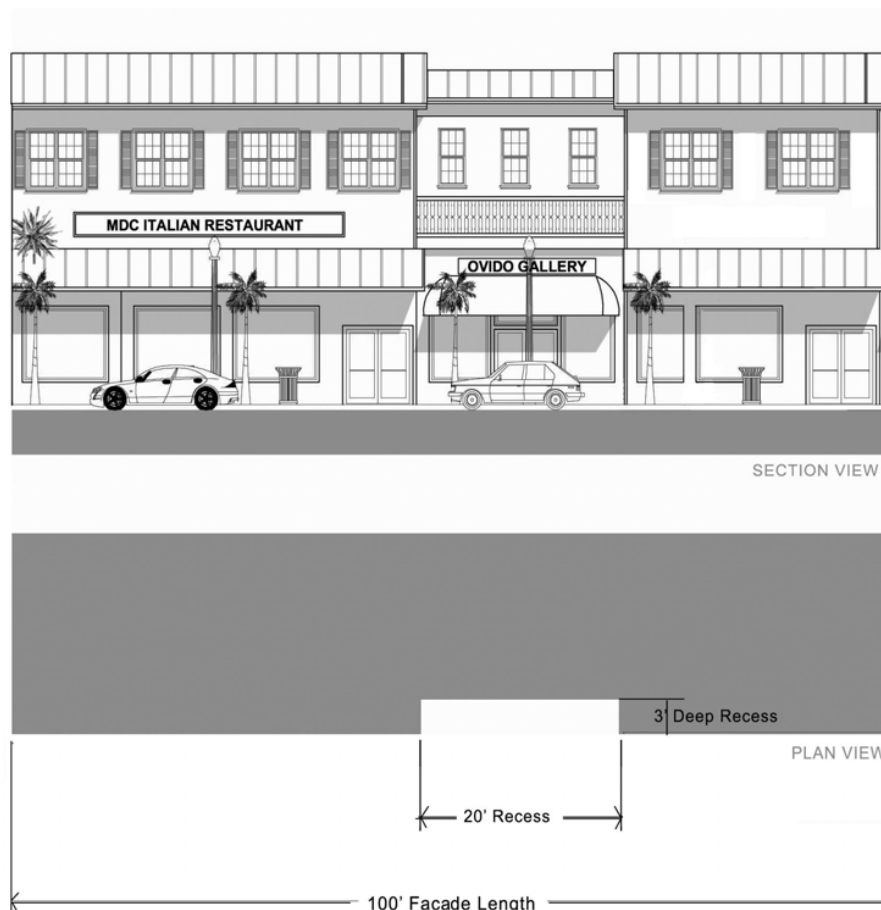


Figure 3.04-1 – Example of Building Mass Facade and Elevations

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G. Transparency:

1. Window and door openings shall provide transparency into the ground floor of nonresidential development (refer to Figure 3.04-3: Transparency).
2. For any facade that faces a right-of-way, a minimum of fifty percent (50%) of the ground level facade shall be transparent (including windows and door openings) for any building containing nonresidential uses on the ground level.
3. This requirement shall apply to all building facades facing the right-of-way.
4. Nothing in here shall be construed to prohibit a building owner from adding tint to the windows to help with glare or interior environmental conditions.
5. Window reflection requirements



Figure 3.04-2 – Transparency.

SECTION 3.03 NON-RESIDENTIAL, MIXED-USE, AND MULTI-FAMILY FACILITY SUPPORT ELEMENTS

- A. In no circumstance may any of the following ancillary or facility support elements face, front, or be positioned between the building and a street.
 1. Drive-thru facilities, such as service window, ordering locations, menu boards.
 - a. Except for the ingress or egress portion of the drive-thru before or after service is rendered.
 2. Loading docks
 3. Mechanical or utility equipment/facilities
 - a. Mechanical or utility elements shall be screened from public view and placed either:
 1. On the roof
 2. In the rear of the structure or property
 3. On the side of the structure or property
 - b. Air conditioning or other equipment that requires air flow may utilize a lattice or other screening method that provides a minimum of 50% screening.
 4. Service entrances
 5. Waste Facilities

SECTION 3.03 ROOFLINE AND ROOFSCAPE DESIGN

- A. The use of varied rooflines, through the utilization of parapets and/or sloped roofs, is required.
- B. The roofline of a building must vary when:
 1. Any building facade is seventy-five feet (75') or more in width, with a building height, or portion thereof, of forty feet (40') or more:
 - a. Twenty-five percent (25%) of the building's roofline, by a minimum of ten feet (10').

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1. Such required minimum height variation must be divided into not less than two offsets or vertical eave separations, each of which must represent not less than twenty-five percent (25%) of the minimum required roof offset.
- C. Fully pitched roofs are required to cover not less than sixty percent (60%) of the roof surface on all buildings.
 1. Within the remaining forty percent (40%) of the roof surface that is not under fully pitched roofs, single pitched or double pitched mansard style roofs or parapet walls are required.
 2. A minimum pitch of 4:12 and a maximum pitch of 12:12 are required for the fully pitched roof above the cornice line.
- D. All mechanical equipment located on the roof shall be shielded from offsite view by:
 1. Single pitched or double pitched mansard style roofs
 - a. Single pitched or double pitched mansard roofs and parapet walls used for such screening must have a minimum height sufficient to conceal the mechanical equipment in question.
 - b. Mansard style roofs and parapet walls shall not count towards the 60 percent coverage for fully pitched roofs.
 2. Parapet walls
 3. Screening devices of a design, color and material that match or complement the design of the balance of the roof or other building components.
 4. Non-habitable architectural roof embellishments (e.g., spires, watch towers, crows' nests, cupolas, chimneys, etc...), dormers, or appurtenant structural systems (e.g., machinery rooms, elevator shafts, stairwells, etc.) are permitted.
 5. Compliance with the specific pitched roof design requirements of this subsection is not required in the following cases:
 - a. Where a parking garage occupies the top story of a building, or a portion of the top story of a building.
 - b. Where a rooftop swimming pool amenity is utilized in lieu of a ground level pool amenity.
 - c. All rooftop mechanical equipment shall still provide screening as required in this Design Manual.
 - d. If the parking garage or the pool and related amenities do not utilize the entire roof top level, the remaining areas not utilized shall utilize a pitched roof design.

SECTION 4.00 SITE DESIGN AND PROGRAMMING

SECTION 4.01 NON-RESIDENTIAL PARKING AREAS AND LOTS

- A. Parking stalls may not be located in front of any front building line and no closer than twenty feet (20') to the property line.
 1. However, if a front building line is placed forty feet (40') or more from the property line, then parking stalls may be placed no closer than forty feet (40') to the property line.
- B. The area between the public ROW and all parking facilities shall be landscaped with:
 1. Trees meeting the Landscaping requirements per Article 6.
 2. A continuous row of shrubs fronting the right-of-way shall be planted, where trees are not planted, meeting the requirements of Article 6, and shall not exceed two feet (2') in height.
- C. In no circumstance shall any landscaping element impede the vision triangle.
- D. The intent of this section is to prohibit parking between any non-residential building and the Right-of-Way.
 1. Exemption:
 - a. Lots that are generally referred to as 'Flag' lots with other properties that are between the developable space of the flag lot and the right-of-way are exempt from this requirement.

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SECTION 4.02 VEHICLE PARKING SPACE DIMENSIONS AND LAYOUT

- A. Parking Stalls
 - 90° stall - [P-03 90 DEGREE & ADA PARKING](#)
 - 60° stall - [P-05 60 DEGREE ANGLED PARKING](#)
 - 45° stall - [P-06 45 DEGREE ANGLED PARKING](#)
 - Parallel stall - [P-07 PARALLEL PARKING](#)
 - Low Speed Vehicle and Hybrid parking stall - [P-04 LSV & HYBRID PARKING](#)
- B. ADA
 - ADA Parking - [P-03 90 DEGREE & ADA PARKING](#)
 - ADA Signage - [P-02 ADA SIGNAGE](#)
- C. Miscellaneous Parking Elements
 - Wheel Stop - [P-01 WHEEL STOP](#)
 - Parking/Landscape Island - [L-01 LANDSCAPE ISLANDS](#)

SECTION 4.02 ACCESS AND SIDEWALKS

- A. Accessways
 - Residential (Single Family & Duplex) - [T-01 RESIDENTIAL DRIVEWAY & SIDEWALK](#)
 - Non-Residential (including Multi-family) - [T-02 COMMERCIAL & MULTI-FAMILY DRIVEWAY & SIDEWALK](#)
 - Driveway Separation - [T-12 DRIVEWAY SEPARATION](#)
 - Public Safety Access - [T-13 FIRE LANE WIDTHS](#)

SECTION 4.03 SOLID WASTE AND RECYCLING FACILITIES

- A. Screening: All solid waste facilities shall be screen by any means to 100% opacity with similar or complementary architectural style of the primary structure on site.
- B. Specific Facility Designs
 - Single Dumpster - [W-01 SINGLE DUMPSTER ENCLOSURE](#)
 - Double Dumpster - [W-02 DOUBLE DUMPSTER ENCLOSURE](#)
 - Compactor Enclosure - [W-03 COMPACTOR ENCLOSURE](#)
 - Compactor Slab - [W-04 COMPACTOR SLAB GRADE DETAIL](#)
 - Dumpster Wall & Post - [W-05 DUMPSTER WALL & POST](#)

SECTION 4.04 MISCELLANEOUS DESIGN DETAILS

- A. Bollards - [G-07 BOLLARD POST](#)
- B. City Project Sign - [G-06 CITY PROJECT SIGN](#)
- C. Concrete Pad - [G-08 CONCRETE PAD](#)

5.00 ENGINEERING SPECIFIC DESIGN DETAILS

SECTION 5.01 STREETS, ROADS, AND ROW

- A. Clear Zone, Sight or Vision Triangle
 - Intersection Site Triangle - [T-15 CLEAR SITE TRIANGLE](#)
 - Building Sight Triangle - [T-14 BUILDING CLEAR VISIBILITY TRIANGLE](#)
- B. Sidewalks - [T-06 SIDEWALK](#)
- C. Speed Humps
 - Speed Humps - [T-07 SPEED HUMP](#)
 - Speed Hump Stripping - [T-08 SPEED HUMP STRIPING](#)
- D. Street Designs:
 - Residential - [T-03 ROW-LOCAL](#)

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- Collector - [T-04 ROW-COLLECTOR](#)
- Collector with Parallel Parking - [T-05 ROW-LOCAL-COMMERCIAL WITH PARKING](#)
- E. Street Signs - [T-11 STREET SIGNS](#)
- F. Turn Arounds
 - Cul-de-sac – [T-09 CUL-DE-SAC](#)
 - Hammer head – [T-10 HAMMERHEAD TURNAROUND](#)
- G. Valve Design - [U-01 VALVE PAD](#)
- H. Removal and Replacement of Asphalt - [D-04 REMOVAL AND REPLACEMENT OF ASPHALT](#)

SECTION 5.02 DRAINAGE

- A. Culverts - [D-05 RIPRAP CULVERT](#)
- B. Perforated Pipe - [D-03 PERFORATED PIPE UNDERDRAIN INSTALLATION DETAIL](#)
- C. Swales - [D-02 RIGHT-OF-WAY SWALE DETAIL](#)
- D. Private Retention - [D-06 RETENTION & SWALE DETAIL](#)

SECTION 5.03 CONSTRUCTION ACTIVITY

- A. Horizontal Directional Drilling - [U-02 JACK & BORE](#)
- B. Directional Drilling - [U-03 DIRECTIONAL DRILL](#)
- C. Silt Fencing - [E-01 SILT FENCE](#)
- D. Temporary Construction Entrance - [E-02 TEMPORARY CONSTRUCTION ENTRANCE](#)

SECTION 6.00 LANDSCAPING

SECTION 6.01 TREES AND SHRUBS

- A. Trees - [L-02 LANDSCAPE TREES](#)
- B. Shrubs - [L-03 LANDSCAPE SHRUBS](#)
- C. Root Barriers - [L-04 LANDSCAPE ROOT BARRIER](#)

SECTION 6.02 ARTIFICIAL TURF

- A. Artificial Turf - [D-01 ARTIFICIAL TURF](#)

SECTION 7.00 GENERAL NOTES FOR CONSTRUCTION DRAWINGS

SECTION 7.01 GENERAL NOTES

- A. The following sheets with General notes shall be provided on all construction plans.

[G-01 GENERAL NOTES](#)

[G-02 GENERAL NOTES](#)

[G-03 GENERAL NOTES](#)

[G-04 GENERAL NOTES](#)

[G-05 GENERAL NOTES](#)

SECTION 8.00 MEASUREMENTS

- A. Lots
 - 1. How to measure Lot Width
 - a. Lot width is measured by measuring the distance across the property from side property line to side property line at the required front yard setback.
 - b. In case of an unusually shaped lot, three measurements will be taken.
 - i. The first as described in Paragraph a. above.
 - ii. The second in the same manner as paragraph a. above but at the required rear property line
 - iii. Third at the widest point of the lot using the identified front lot line as the angle of measurement.

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B. Building Height

1. How to measure Building heights

- a. One of the following establishes the beginning point (ground level) for measurement whichever is higher.
 - i. Building height shall be measured from:
 - (a) The highest point of the crown of the road.
 - (i) The highest point of the crown of the road shall be established by topographic survey that has been signed and sealed by a Florida Registered surveyor.
 - (b) Average grade of the subject property if it is not in an area that has a Federal Emergency Management Agency (FEMA) Minimum Based Flood Elevation.
 - (i) Within the "Harbor Waterfront" area, as defined in the Comprehensive Plan, building height shall be measured via the Average Grade Method.
 - (c) FEMA Minimum Base Flood Elevation
- b. Building height is measured to:
 - i. The cornice line of the building as defined in the Comprehensive Plan
 - (a) Non-habitable architectural roof embellishments (e.g., spires, watch towers, crows' nests, cupolas, chimneys, and similar architectural embellishments), or appurtenant structural systems (e.g., machinery rooms, elevator shafts, stairwells, and similar ancillary facilities) are allowed up to a maximum of:
 - (i) Six feet (6') above the allowable maximum height of roof structure for Single-family/Duplex uses.
 - (ii) Ten feet (10') above the allowable maximum height of roof structure for multi-family and all non-residential uses.

C. Fence, Wall, Gate Height

1. All measurements for height shall begin where the grade of the property meets the structure of the fence, wall, or gate.
2. If there is a grade differential between two adjacent properties, then the measurement shall be measured where the grade meets the fence, wall, or gate on the higher property.

D. Signs - See Article 8

E. FAR

1. Divide the total gross square footage of a building or structure by the total square footage of the lot or property the building or structure is placed.

Example a 10,000 sq.ft. building on a half (.5) acre lot.

$$10,000 / 21,780 = \text{a FAR of } .49$$

F. Density

1. Divide the total number of dwelling units (DU) by the acreage (ac) of the lot or property where the dwelling(s) is located.

Example of two (2) DU on a half (.5) ac lot.

$$2 / .5 = \text{a density of } 4 \text{ du/ac}$$

G. Open Space

1. Identify the total square footage of what is open space per the definition in the LDC Glossary
2. Identify the total square footage of the lot/parcel/property.

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3. Divide the total square footage of the open space by the total square footage of the lot/parcel/property and multiply by 100.

Example of a 1 ac. Lot with 15,000 sq.ft. of open space

$$\begin{aligned}\text{Open space} &= 15,000 \text{ sq.ft.} \\ \text{Total lot area} &= 1 \text{ ac. (43,560 sq.ft.)} \\ 15,000/43,560 &= .344 \\ .344 \times 100 &= 34.4\%\end{aligned}$$

H. Stormwater

1. To determine how much volume is required, multiply the total lot sq.ft. by the quotient of the required number of inches to retain over the site by twelve (12), equals the required volume in cubic feet (cf) of the stormwater facility.

Example for a single-family lot with 55% impervious coverage

$$\begin{aligned}\text{Lot size} &= 10,000 \text{ sq.ft.} \\ \text{Lot coverage} &= 5,500 \text{ sq.ft.*} \\ 10,000 \times (1.6/12) &= 1,300 \text{ cf}\end{aligned}$$

*A single-family site with 55% of impervious coverage requires the system to hold 1.6" over the entire site per **Section 6.04.07** of Article 6.

SECTION 9.00 DEVELOPMENT CHECKLISTS

SECTION 9.01 GENERAL REQUIRED DOCUMENTS FOR ALL APPLICATIONS

The following application documents shall accompany all applications to the City of Destin.

- A. Proof of ownership, in the form of a Warranty Deed, Title Opinion, or Court Order establishing lawful ownership.
 1. The City shall not accept any form of a deed other than a Warranty Deed.
- B. A completed application via the City's online Portal
- C. Agent Affidavit (if the representative is someone other than the owner)
- D. Narrative
 1. A detailed description of the proposed project that details the specific nature, intensity, density, layout, purpose, impacts and other relevant information about the development.
 2. A description of how the plan mitigates or avoids potential conflicts between land uses including a compatibility review (if required) of the design criteria of **Sections 3 and 4** of this manual.
 3. Any history of the property that will provide insights to the existing development including but not limited to previous:
 - a. Agreements
 - b. Conditional Uses
 - c. Development Orders
 - d. Subdivisions
 - e. Variances or Special Exceptions

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- E. A document identifying and justifying the omission of any identified required document or element of a document listed here or in Article 2.
- F. Any other document identified in Article 2 or deemed necessary by the City Manager, or their designee, for the proper review of any application.

SECTION 9.02 REQUIRED ELEMENTS OF A SITE PLAN FOR APPLICATION SUBMITTAL

The following list of items shall be included on all site plans as applicable for any application submittal that requires a site plan. Further, all site plans shall be scaled and dimensioned properly.

- North Arrow
- Scale that is industry recognized, i.e., 1" = 10' or 20' etc., and not "custom."
- If site tiles are necessary, a key map must be included on each sheet.
- Construction phase lines and/or a phasing table.
- Building plans showing the location, dimensions, gross floor area, floor plan for multi-family residential structures including hotels and motels, and proposed use of buildings. For the purposes of this criteria, hotel and motel dwelling units are considered residential floor space.
- Building setback distances from property lines, abutting the right-of-way and all buildings and structures.
- The location, dimensions, type, composition and intended use of all ancillary structures.
- The location and intensity or density of the proposed development.
- Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.
- Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
 - A Site Summary Table of existing vs. proposed (including percentage) shall be provided that includes but may not be limited to the following:
 - Building footprint
 - Lake/Pond
 - Impervious area
 - Open Space
 - Wetland/Upland
- The location and specifications of any proposed refuse dumpsters or containers.
- Cross sections and specifications of all proposed pavement (required if site tiles are provided).
- All interior excluded parcels shall be indicated and labeled accordingly.
- All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
- Density/Intensity
- The total number of residential units per acre.
- Total number and type of residential units categorized according to the number of bedrooms.
- Total Floor Area Ratio of all proposed uses
- Signage and Marking Plan (to include parking layout).
- Ground sign locations with setback distances.
- Circulation plan (fire lanes & fire truck turning movements).
- Points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.

SECTION 9.03 REQUIRED DOCUMENTS FOR LAND DEVELOPMENT APPLICATIONS

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The Following items, documents, and elements shall be included in all Development Order and Planned Unit Development applications. If an Item in this list is not applicable to a proposed project the applicant, owner, or authorized agent shall submit in writing with the application each document that is not included and justification as to why.

- The City manager or Designee may require the applicant, owner, or authorized agent to submit any required document claimed as "not applicable" in any application if deemed necessary for proper review of the application.
- All documents shall be digital and uploaded to the customer service portal for application submittal. All site plans and design drawings shall be drawn to scale with all dimensions identified.

A. Plan Set

1. Cover Sheet
 - Utility Service Providers
 - Index of Plans
 - Project Title
 - Project Location Map
 - Developer/Owner Contact Information
 - Parcel ID Number(s)
 - Parcel(s)/Project Size(s)
 - Zoning(s)
 - Legal Description(s)
 - Sunshine 811 Contact Information
 - Professional Engineers Signature Block
2. General Notes and Abbreviations (includes but may not be limited to)
 - Overall general construction notes
 - NAVD 1988 Datum
 - Signing and Pavement Marking
 - Paving, Grading, & Drainage
 - Utility
 - Accessibility Design Guidelines
 - Erosion Control Notes (may be on Erosion and Sediment Control Plan)
 - Dust Control Requirements (may be on Erosion and Sediment Control Plan)
 - Vibration Impact Requirements (may be on Erosion and Sediment Control Plan)
 - Construction Screening Criteria
 - Florida Department of Transportation Note (Latest Edition) (if applicable)
3. (Current) Aerial Photograph (if the site is greater than 2.5 acres)
4. Existing Conditions Plan
 - The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements (as applicable) within the project and extending 100 feet beyond the proposed development boundary.
 - Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.
 - Existing land use, the zoning district of the subject site, and the land use category under the comprehensive plan.

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- The location of environmentally sensitive lands designated pursuant to **Article 7** of the Land Development Code, if any.
 - A map showing the locations of any soil borings or percolation tests may be required by the LDC.
 - A topographic map (Topography (min. 50-foot spacing) and Contours (One-foot)) of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.
 - All interior excluded parcels shall be shown and labeled accordingly.
 - All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
 - All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.
 - Location of on-site potable water wells, if any, and potable water wells within 200 feet of any property line, if any.
5. Erosion and Sediment Control Plan (see **Article 6**)
- Temporary Construction Entrance
 - Perimeter erosion control devices
 - Double row against wetlands and waterbodies
 - Turbidity Barrier (if necessary)
 - Inlet inserts (if necessary)
 - Notes and details as necessary
6. Demolition Plan
7. Site Plan as detailed in Section 9.02 above.
8. (Master) Utility Plan
- Proposed location and sizing of potable water and wastewater facilities to serve the proposed development.
 - Plan and Profiles (if applicable)
9. (Master) Paving, Grading, & Drainage Plan
- Proposed drainage structure and piping (relevant elevation/invert information)
 - Proposed grades (as necessary) and/or contour lines (one-foot spacing)
 - Drainage flow arrows
 - Typical cross-section labels
 - 100-year flood information
 - FEMA floodplain information
 - Paving notes or details relevant to the project
 - If in a White Sand Zone, a note on the plan stating that compliance with the White Sand Zone regulations will be followed at time of permitting.
10. Typical Sections & Details
11. Landscape Plan
- A map of existing vegetative cover including the location and identity, by common name, of all protected trees.
 - Information sufficient to determine compliance with the landscape and tree protection regulations of the LDC.
 - Location and identification of specific and common name of all proposed species for proposed landscaping elements
 - Irrigation layout

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- The location and list of all landscaping materials
 - Open space calculations
 - Show the proposed/existing drainage and utility lines greyed back.
12. Resource Protection
- The manner in which historic and archeological sites on or near the site will be protected.
 - The manner in which environmentally sensitive or protected sites on or near the site will be protected.
 - The manner in which environmentally sensitive or protected species on or near the site will be protected.
- B. Architectural Renderings
- Architectural elevations of all building elevations sufficient to convey the basic architectural intent of the proposed improvements.
 - Minimum floor elevations of buildings within the 100-year floodplain or higher, if any.
 - Minimum floor elevations of buildings within any FEMA Flood Zone.
- C. Covenants, Conditions, Restrictions
- Restrictions of the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.
 - If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly show the infrastructure and maintenance responsibility to the association without recourse to the city of any other public agency.
- D. Phasing Plan
- If development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule showing approximate development phasing, including the sequence for each phase, shall be included.
- E. Subdivision Plans
- The proposed number, minimum area, and location of lots, if the development involves a subdivision of land.
 - All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.
 - All interior excluded parcels shall be shown and labeled accordingly.
 - All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
- F. Flood Zone Documents
- A completed Elevation Certificate Form shall be submitted with any application where required. Required only if property is in "A" or "V" zones on Federal Emergency Management Agency (FEMA) maps of the City of Destin.
 - The 100-year flood elevation boundaries, the CCCL, CHHA, and shoreline protection zone, where appropriate.
- G. Parking Agreement
1. Shared Parking
 2. Off-Site parking
 3. Tandem Parking

City of Destin, FL - Land Development Code

4. Valet Parking

SECTION 9.04 REQUIRED DOCUMENTS FOR LAND DIVISION APPLICATIONS

A. Subdivision Plans

- The proposed number, minimum area, and location of lots, if the development involves a subdivision of land.
- All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.
- All interior excluded parcels shall be shown and labeled accordingly.
- All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.

B. Existing Conditions Plan

- The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements (as applicable) within the project and extending 100 feet beyond the proposed development boundary.
- Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.
- Existing land use, the zoning district of the subject site, and the land use category under the comprehensive plan.
- The location of environmentally sensitive lands designated pursuant to Article 7 of the LDC, if any.
- A map showing the locations of any soil borings or percolation tests may be required by the LDC.
- A topographic map (Topography (min. 50-foot spacing) and Contours (One-foot)) of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.
- All interior excluded parcels shall be shown and labeled accordingly.
- All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
- All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.
- Location of on-site potable water wells, if any, and potable water wells within 200 feet of any property line, if any.

C. Phasing Plan

- If development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule showing approximate development phasing, including the sequence for each phase, shall be included.

D. Covenants, Conditions, Restrictions

- Restrictions about the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.

City of Destin, FL - Land Development Code

- If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly show the infrastructure and maintenance responsibility to the association without recourse to the city of any other public agency.
- E. (Master) Paving, Grading, & Drainage Plan
 - Proposed drainage structure and piping (relevant elevation/invert information)
 - Proposed grades (as necessary) and/or contour lines (one-foot spacing)
 - Drainage flow arrows
 - Typical cross-section labels
 - 100-year flood information
 - FEMA floodplain information
 - Paving notes or details relevant to the project
 - If in a White Sand Zone, a note on the plan stating that compliance with the White Sand Zone regulations will be followed at time of permitting.
- F. Any other document required by the Land Development Code, Destin Design Manual, or Comprehensive plan as identified by the City Manager or their designee.

SECTION 9.05 REQUIRED DOCUMENTS FOR A CHANGE OF USE APPLICATION

- A. Existing Conditions Plan
 - The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements (as applicable) within the project and extending 100 feet beyond the proposed development boundary.
 - Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.
 - Existing land use, the zoning district of the subject site, and the land use category under the comprehensive plan.
 - The location of environmentally sensitive lands designated pursuant to **Article 7** of the LDC, if any.
 - A map showing the locations of any soil borings or percolation tests may be required by the LDC.
 - A topographic map (Topography (min. 50-foot spacing) and Contours (One-foot)) of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.
 - All interior excluded parcels shall be shown and labeled accordingly.
 - All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
 - All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.
 - Location of on-site potable water wells, if any, and potable water wells within 200 feet of any property line, if any.
- B. Site Plan as detailed in Section 9.02 above.
- C. Demo Plan
- D. Parking Agreement
 1. Shared Parking
 2. Off-Site parking

City of Destin, FL - Land Development Code

3. Tandem Parking
4. Valet Parking

SECTION 9.06 REQUIRED DOCUMENTS FOR COMPREHENSIVE PLAN AMENDMENT APPLICATIONS

- A. Narrative of request that includes the following elements:
 1. A general description of the proposed amendment, explaining why it is necessary and/or appropriate.
 2. Comprehensive plan Section identified for amendment, include the number and name of the specific goals, objectives, or policies, and show the proposed changes in strike through and underline. This may be submitted as a separate attached document.
 3. Orderly Development and Land Use Compatibility.
 - a. Whether, and the extent to which, the proposal would maintain a compatible land use pattern, a smooth transition in the land use, considering the type and location of uses involved, the density, and intensity. Approval of a Comprehensive Plan amendment must be supported by evidence that the change will be consistent with Comprehensive Plan land use policies. Please explain the impact of the proposed amendment upon the surrounding neighborhoods and land uses and list any supporting policies.
 4. Adequate Public Facilities.
 - a. Approval of a Comprehensive Plan amendment must be supported by evidence that the amendment will not result in public facilities and services exceeding the capacity for such services and facilities existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services and similar necessary facilities and services. Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan if the proposed amendment is granted.
 5. Natural Environment.
 - a. Whether, and the extent to which, the proposal would result in significantly adverse impacts on the natural environment. An amendment of the Future Land Use Map shall not violate policies within the Comprehensive Plan that protect the natural environment. Please explain the impact of the proposed amendment upon the natural environment, if any.
 6. Economic Effects.
 - a. Whether, and the extent to which, the proposal would adversely impact private property rights, the general health, safety, and welfare and adversely impact the financial resources of the City. Please describe any potential adverse impacts on private property rights, the general health, safety, and welfare and the financial resources of the City.
 7. Public Interest Enabling Act.
 - a. Whether the proposal would conflict with the public interest, and whether it is in harmony with the purpose and intent of the Comprehensive Plan and its enabling legislation. Amendments shall be consistent with the Comprehensive Plan and enabling legislation. Please explain any potential conflicts with the public interest. Also explain how the proposed amendment is in harmony with the purpose and intent of the Comprehensive Plan and its enabling legislation.
 8. Special Privileges.
 - a. Whether proposed amendment would constitute a grant of special privilege to an individual owner as contrasted with the public welfare. Please explain whether the

City of Destin, FL - Land Development Code

proposed amendment would constitute a grant of special privilege to an individual owner as contrasted with the public welfare.

9. Other Matters.
 - a. Other matters related to the Comprehensive Plan and conditions since adoption of the plan, which the City may deem appropriate in considering the amendment. Please identify and explain any other matters which the City may deem appropriate in considering the amendment.
- B. History of the property if not addressed in the General Narrative required in Section 9.01 of this manual.
- C. Property information if a Future Land Use Map (FLUM) amendment
 1. Address and or Parcel ID
 2. Size by acreage and square footage
- D. Any maps and or surveys related to a FLUM amendment.

SECTION 9.07 REQUIRED DOCUMENT FOR LAND DEVELOPMENT CODE OR ZONING MAP AMENDMENT APPLICATIONS

- A. Narrative of request that includes the following elements:
 1. A general description of the proposed amendment, explaining why it is necessary and/or appropriate.
 2. Explain the basis for your request.
 - a. Give solid and convincing reason(s) as to why the current LDC language or zoning district is not appropriate, and why the proposed amendment is more suitable.
 - b. Indicate the specific proposed use(s) expected to be developed if the proposed zoning district change is granted by City Council.
 3. The draft language of the proposed amendment to include a document that identifies:
 - a. The language proposed to be removed with "~~striketrough~~" formatting.
 - b. The language proposed to be added with "underline" formatting.
 4. History of the property if not addressed in the General Narrative required in **Section 9.01** of this manual.
 5. Comprehensive Plan compliance.
 - a. Explain how this proposed amendment is consistent with the Comprehensive Plan and or the underlying Future Land Use Map designation.
 6. If requesting a Zoning Map amendment, the following items are required to be addressed in the narrative.
 - a. Explain how the proposed Official Zoning Map designation supports and is consistent with the purpose and intent of the City of Destin Zoning Districts as described in **Article 4** of the appropriate district in the LDC.
 - b. Please identify any allowable uses as listed **Article 4** of the appropriate district in the LDC for the proposed zoning district that should not be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).
 - c. Please identify any allowable uses not listed in **Article 4** of the appropriate district in the LDC for the proposed zoning district that should be allowed in the specific location proposed for the zoning map amendment (will require a Text Amendment to the Land Development Code).

City of Destin, FL - Land Development Code

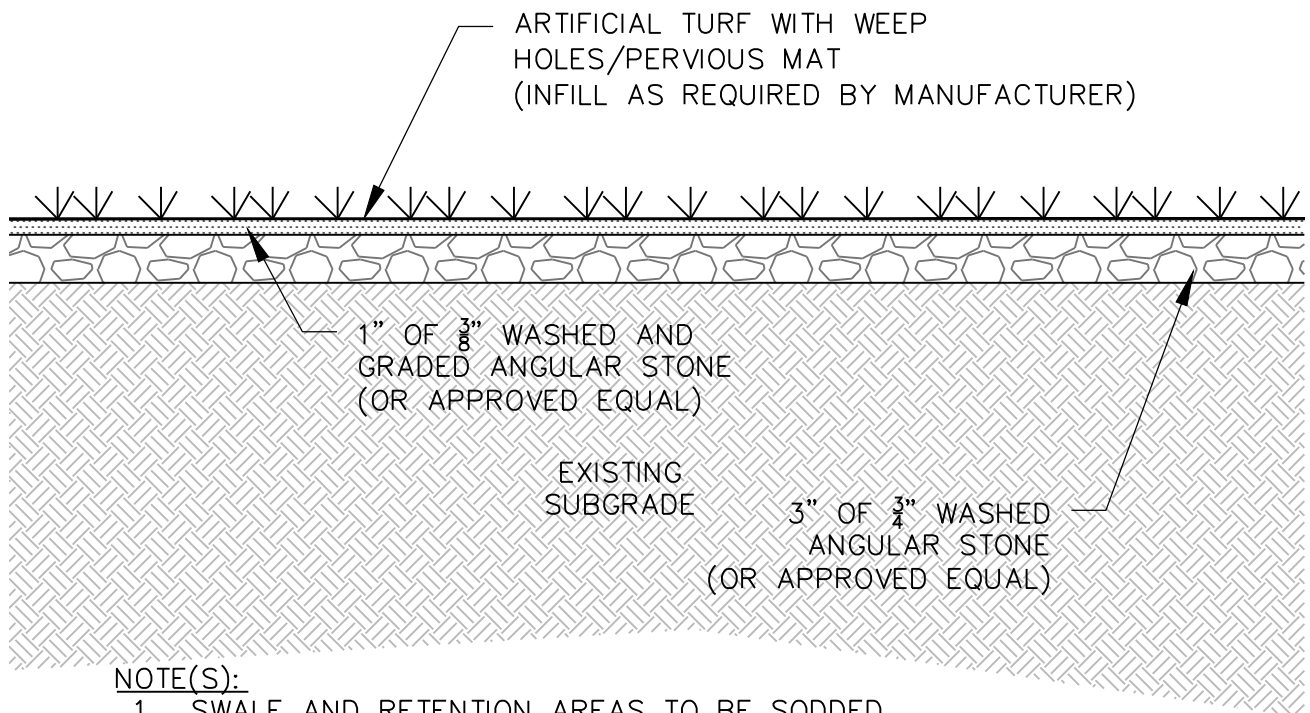
- d. Please explain the fiscal impact of the proposed amendment upon the finances of the City, if any.
 - e. Please explain the impact of the proposed amendment upon all public facilities, if any.
 - f. Please explain the impact of the proposed amendment upon the environment, natural and/or historical resources, if any.
 - g. Please explain the degree of consistency of the proposed amendment with the Comprehensive Plan for the City. (Applicant may need to refer to the Comprehensive Plan.)
 - h. Please explain the impact upon the ability of the City to provide adequate public facilities and maintain the existing level of service for public facilities as identified in the comprehensive plan if the proposed amendment is granted.
 - i. Please explain the compatibility of the proposed amendment upon the surrounding neighborhoods and land uses.
- B. Property information if proposing a Zoning Map amendment.
 - 1. Address and or Parcel ID
 - 2. Size by acreage and square footage
 - C. Any maps and or surveys related to a Zoning Map amendment.

SECTION 9.08 REQUIRED DOCUMENTS FOR ALL BOARD OF ADJUSTMENT REVIEW APPLICATIONS

- A. A narrative detailing the issues that are triggering the need for a Variance, Administrative Appeal, or Special Exceptions.
- B. A write up addressing and identifying the appropriate criteria per the proper application as identified in Article 2, as either a separate document or as part of the narrative.
- C. If necessary, a Site plan as detailed in Section 9.02 above.
- D. Any documents as requested by the City Manager or their designee to fully and properly review the request.

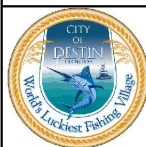
SECTION 9.09 REQUIRED DOCUMENTS FOR A SPECIAL EVENT APPLICATION

- A. A detailed narrative of the event to include but not limited to:
 - 1. Event contact names, numbers
 - 2. Dates
 - 3. Location
 - 4. Event purpose
 - 5. Hours of operation
 - 6. Any other information that will explain how the event will operate.
- B. Site Plan as detailed Section 9.02 above
- C. Any parking agreements to meet minimum parking requirements.
- D. Security Plan (will be reviewed by the Okaloosa County Sheriff's Department)
- E. Indemnification policy releasing the City of any responsibility.
- F. Other documents required by the City Manager or their designee required for proper review and approval.



NOTE(S):

1. SWALE AND RETENTION AREAS TO BE SODDED.
2. ANYTHING NOT IMPERVIOUS WITHIN THE RIGHT-OF-WAY AND EASEMENT (UTILITY & DRAINAGE) AREAS SHALL BE SODDED.
3. ANY EASEMENTS (DRAINAGE, UTILITY, ETC.) THAT MAY BE ADJACENT TO THE RIGHT-OF-WAY SHALL BE SODDED.
4. THE MORE STRINGENT OF THE CITY'S OR MANUFACTURERS SPECIFICATIONS SHALL BE MET.
5. MINIMUM PERCOLATION RATE REQUIRED: 20"/HOUR
6. ALL BASE MATERIAL SHALL BE WASHED & GRADED.
7. ALL WASHED AND GRADED MATERIALS ALONG WITH FINAL INFILL SHALL MEET ALL THE WHITE SAND ZONE 1 & 2 MINIMUM STANDARDS.



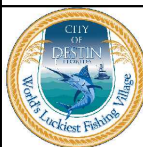
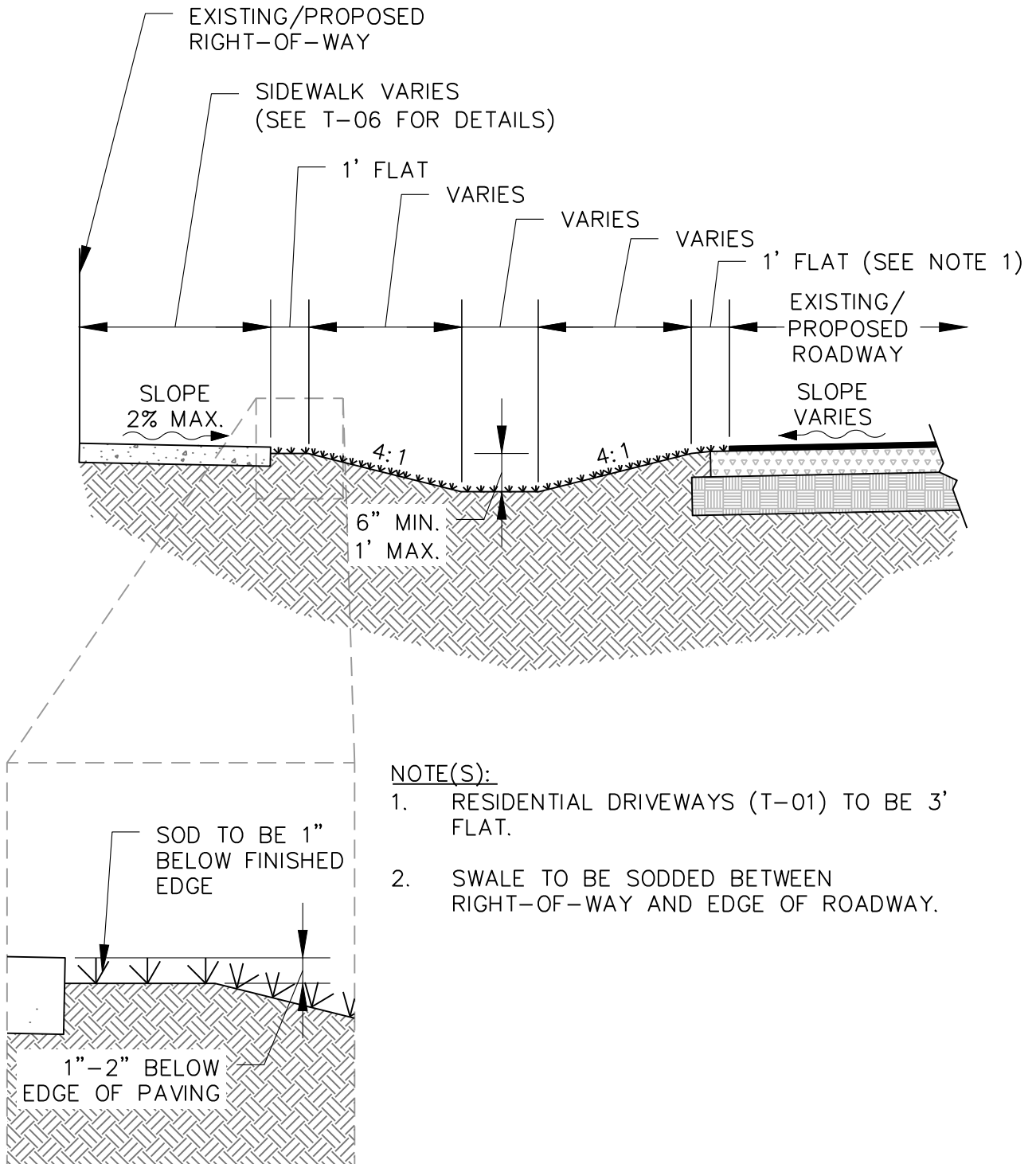
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
ARTIFICIAL TURF

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	D-01



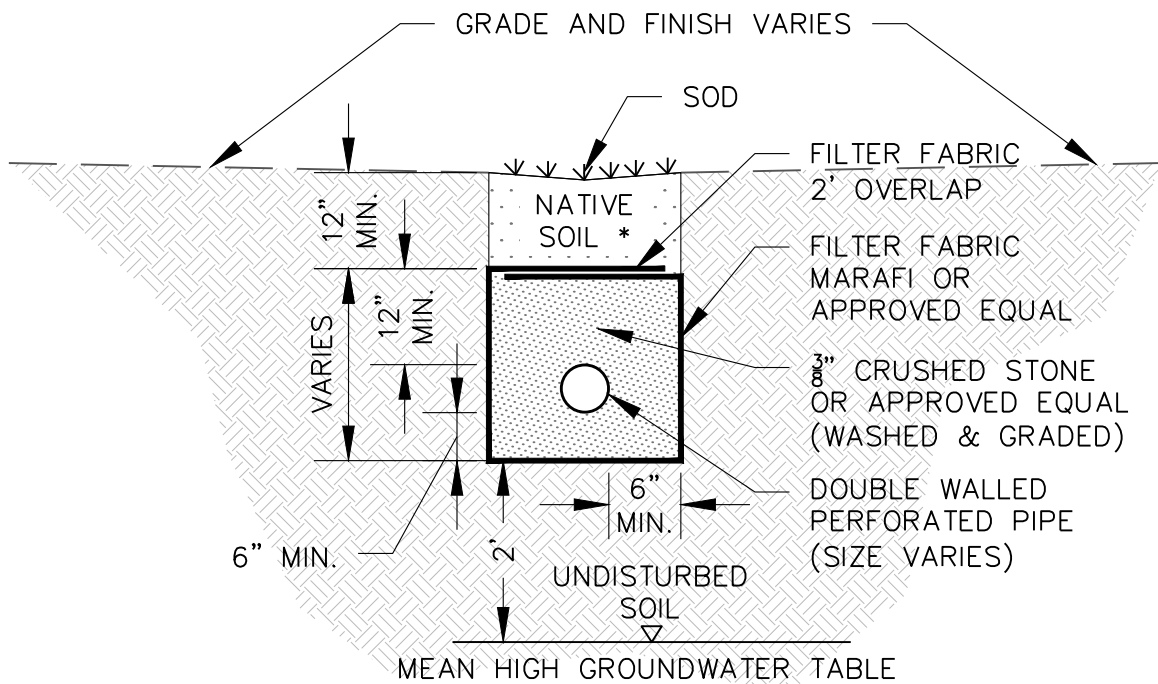
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TYPICAL DETAILS CITY OF DESTIN, FL

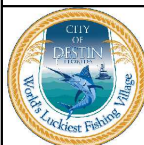
RIGHT-OF-WAY SWALE DETAIL

REV	SHEET TITLE				SHEET NO.
	DATE: MARCH 2023	FILE NO.:	N/A		
	PROJECT NO: N/A	SCALE:	N.T.S.		D-02



NOTE(S):

1. NO CLAY OR ORGANIC MATERIALS.
2. CLEANOUT SHALL BE EVERY 100'.



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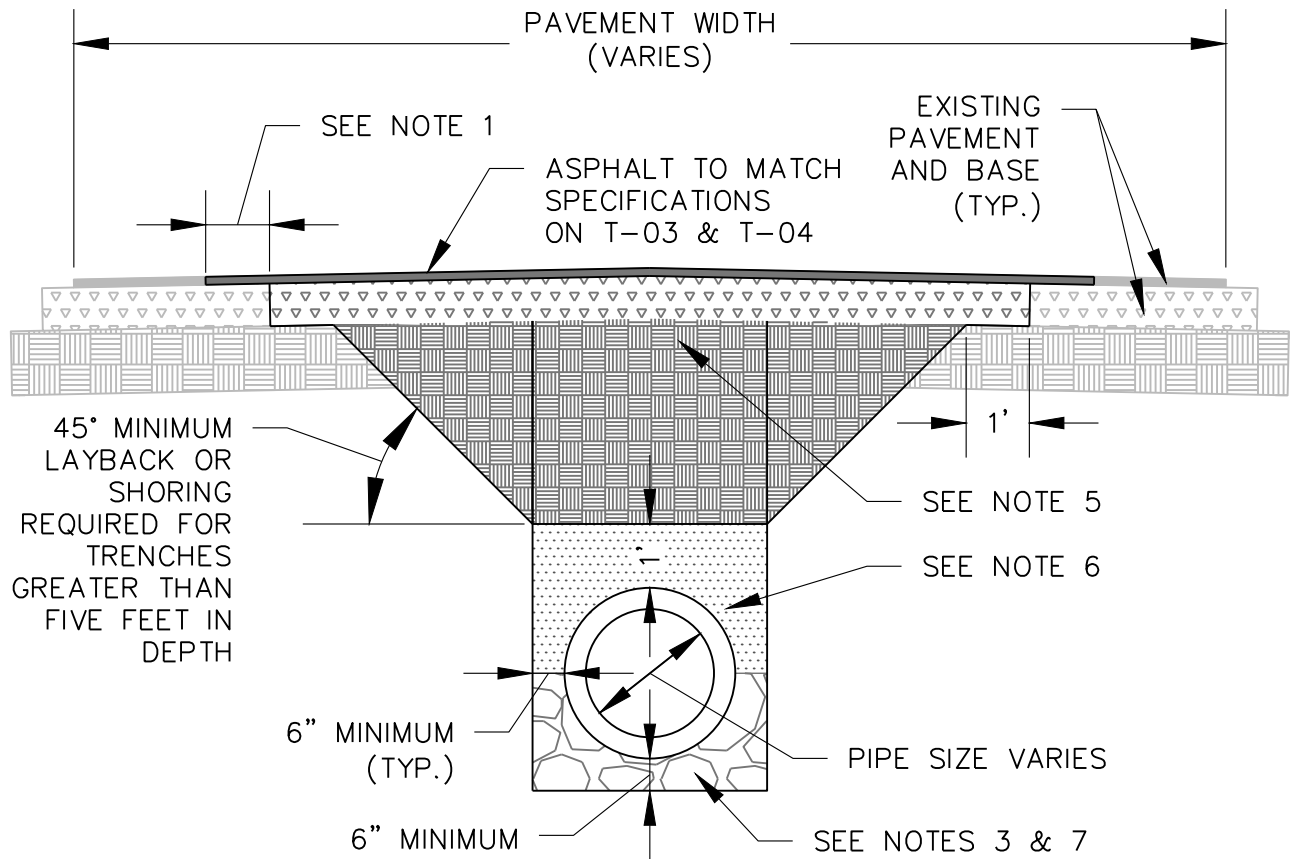
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

**PERFORATED PIPE UNDERDRAIN
INSTALLATION DETAIL**

SHEET TITLE				SHEET NO.
DATE: MARCH 2023	FILE NO.:	N/A		
PROJECT NO: N/A	SCALE:	N.T.S.		D-03

C:\USERS\RSCOTT\CITY OF DESTIN, FL\ENGINEERING - DOCUMENTS\CAD\DRAWINGS\DESIGN MANUAL\REMOVAL AND REPLACEMENT OF ASPHALT.DWG



NOTE(S):

1. CONTRACTOR SHALL MAKE CLEAN STRAIGHT CUT 12" FROM EDGE OF NEW LIMEROCK BASE PRIOR TO PLACING NEW SURFACE AND INSTALL A FLUSH JOINT.
2. TRENCH WIDTH AT THE GROUND SURFACE SHALL NOT EXCEED 10' ON EITHER SIDE OF THE PIPE CENTER LINE.
3. WHEN INSTALLING PIPE IN AREAS WITH FLUCTUATING GROUND WATER, WHERE DEWATERING SHALL BE REQUIRED, USE #89 STONE OR FDOT TYPE B BEDDING IN AREAS THAT ARE PREDOMINATELY FINE SAND.
4. WHEN WIDTH OF PAVEMENT REQUIRED TO BE REMOVED FOR TRENCH EXCEEDS 50% OF PAVEMENT WIDTH, THE ENTIRE WIDTH OF PAVEMENT SHALL BE REMOVED AND REPLACED, IN ACCORDANCE TO T-03 & T-04. BASE AND SUBGRADE SHALL EXTEND 6" BEYOND EDGE OF ASPHALT.
5. STABILIZED SUBGRADE (LBR 40), COMPACTED 98% MAX DENSITY PER ASTM D1557.
6. PIPE BACKFILL MATERIALS: CLEAN DRY SAND, FINE LIMEROCK OR PIT SHELL COMPACTED TO 95% MAX DENSITY PER ASTM D1557.
7. PIPE BEDDING MATERIAL IN DRY CONDITIONS AND UNDER ANY ROADWAY: #57 STONE OR FINE LIMEROCK COMPACTED TO 95% MAX DENSITY PER ASTM D1557.

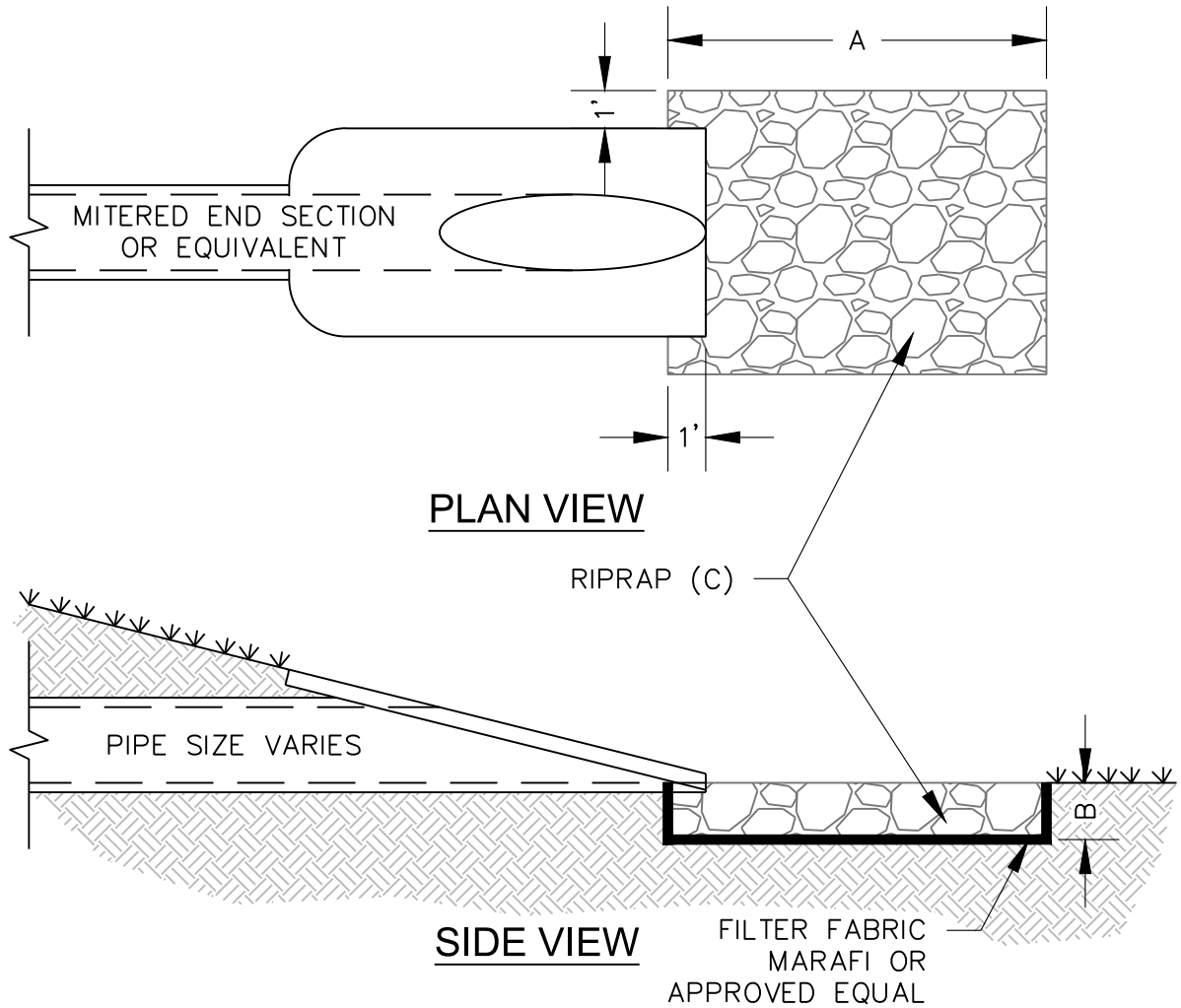


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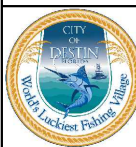
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE				SHEET NO.
REMOVAL AND REPLACEMENT OF ASPHALT				D-04
DATE: MARCH 2023	FILE NO.:	N/A		
PROJECT NO: N/A	SCALE:	N.T.S.		



CULVERT SIZE (IN)	LENGTH OF APRON (FT) A	DEPTH OF APRON (FT) B	MINIMUM DIAMETER RIPRAP (IN) C
12	5	1.5	4
18	7	1.5	4
24	9	1.5	4
30	13.5	2	6
36	16	2	6
42	22	2.5	8
48	25	2.5	8

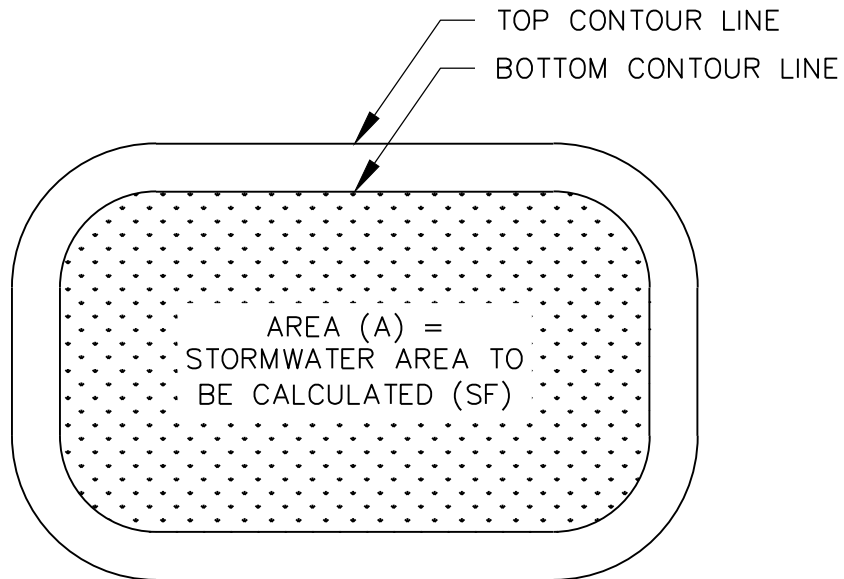


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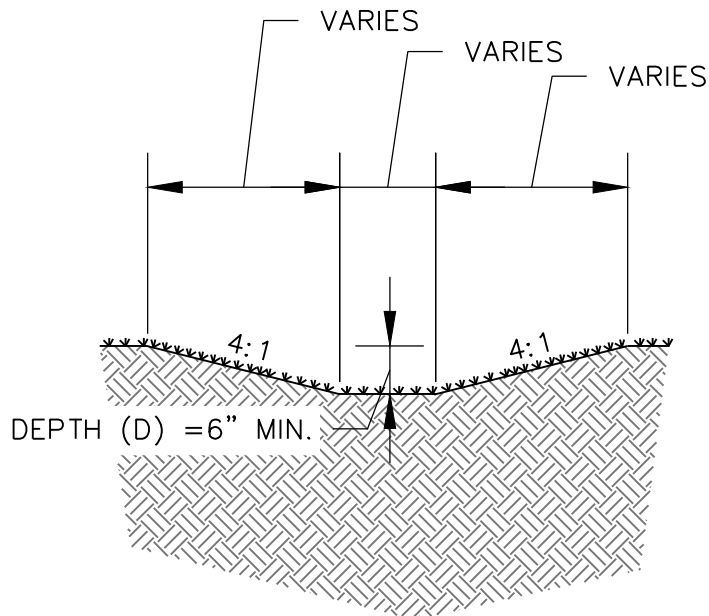
TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
RIPRAP CULVERT			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	D-05	



PLAN VIEW

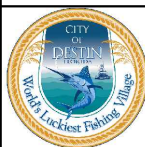
$$\text{VOLUME CALCULATION (V) (CF)} = A \times (D/12)$$



TYPICAL SECTION

NOTE(S):

1. ALL SLOPES AND BOTTOMS TO BE STABILIZED.



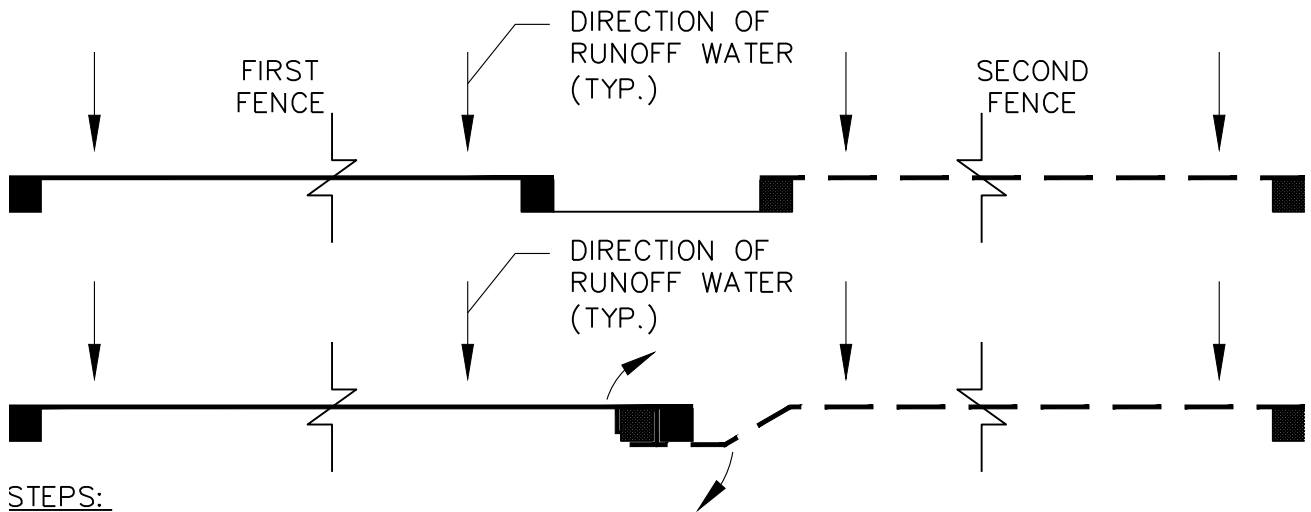
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
RETENTION & SWALE DETAILS

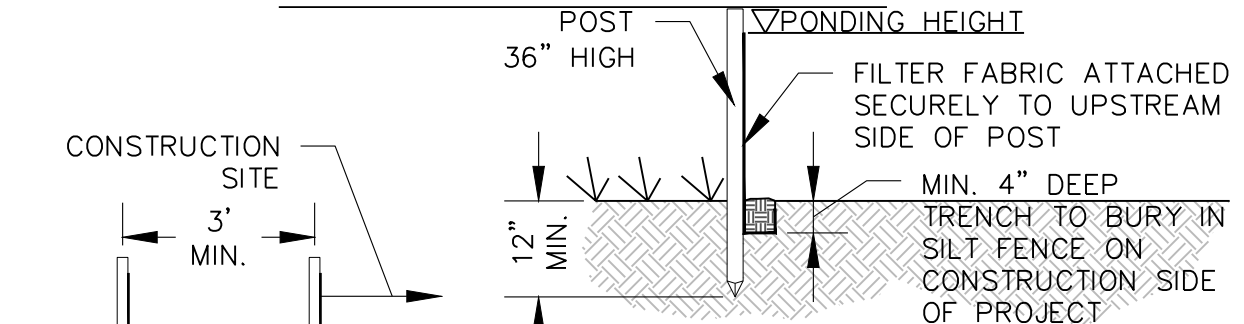
REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	D-06



STEPS:

1. PLACE THE END POST OF THE SECOND FENCE INSIDE THE END POST OF THE FIRST FENCE.
2. ROTATE BOTH POSTS AT LEAST 180° IN A CLOCKWISE DIRECTION TO CREATE A TIGHT SEAL WITH THE FABRIC MATERIAL.

ATTACHING TWO SILT FENCES

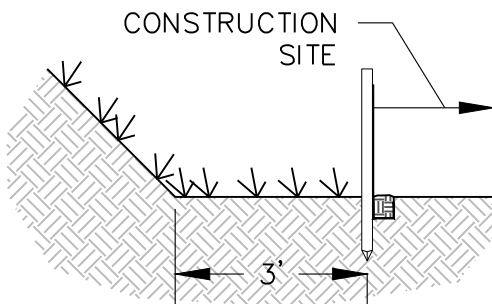


SINGLE ROW INSTALL

NOTE(S):

1. INSPECT AND REPAIR 24 HOURS AFTER EACH $\frac{1}{2}$ " RAINFALL OR ONCE PER WEEK.
2. REMOVE SEDIMENT DEPOSITS WHEN IT REACHES HALF THE HEIGHT OF THE BARRIER.
3. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
4. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.
5. DRAINAGE AREA SHALL NOT EXCEED $\frac{1}{4}$ ACRE PER 100 L.F. OF FENCE MAXIMUM GRADIENT BEHIND BARRIER IS 2:1.
6. NO CONSTRUCTION ACTIVITY OR STORAGE BETWEEN DOUBLE ROW OF SILT FENCE (OR APPROVED EQUAL)

**DOUBLE ROW
INSTALL**



**TOE OF SLOPE
INSTALL**

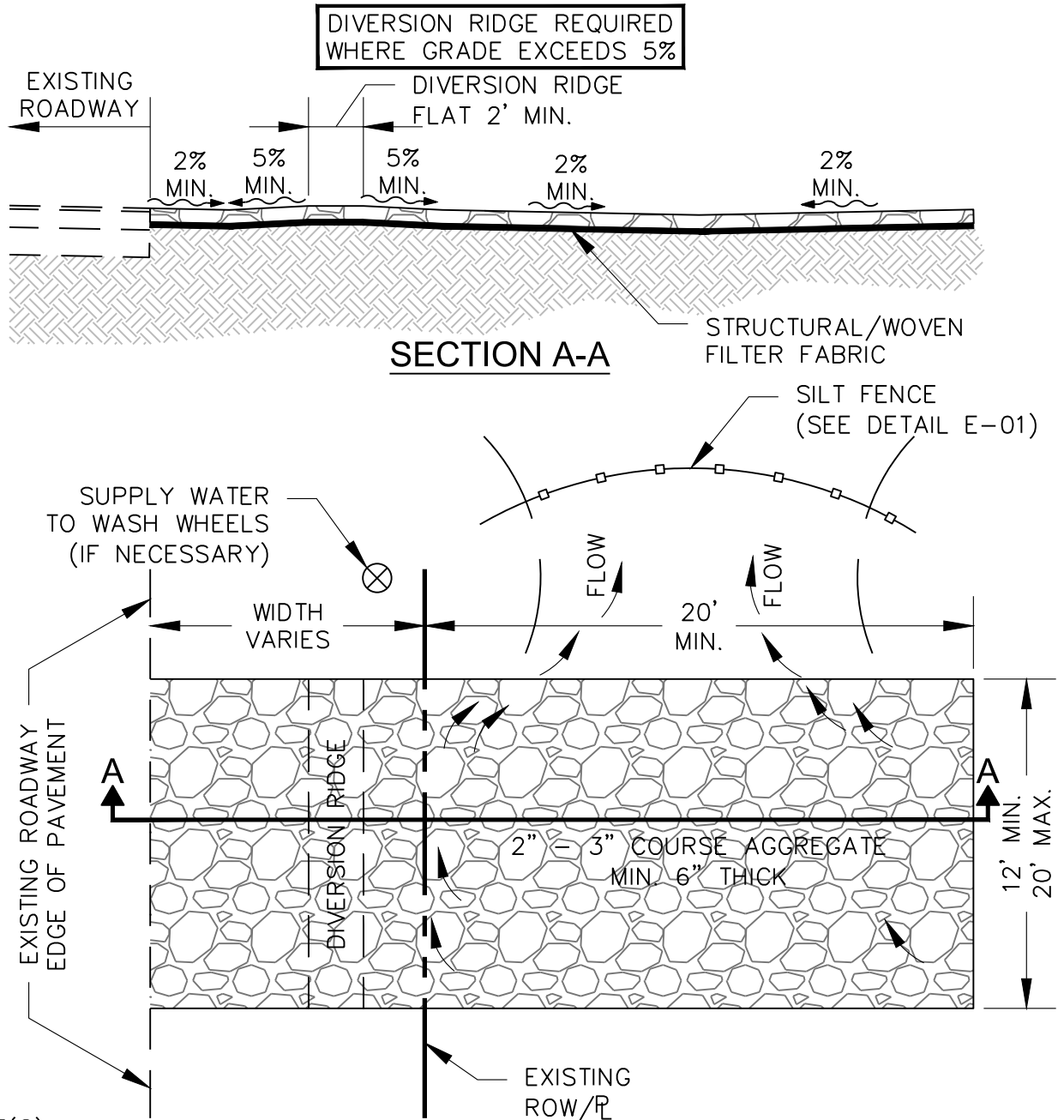


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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
SILT FENCE			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	E-01	



NOTE(S):

1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY, THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEAN-OUT OF ANY MEASURES USED TO TRAP SEDIMENT.
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
3. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
4. ANY SEDIMENT TRACKED ONTO ROADWAYS SHALL BE SWEEPED AND PLACED BACK ONTO SITE AT THE END OF EACH WORKING DAY.



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**TYPICAL DETAILS
CITY OF DESTIN, FL**

**TEMPORARY
CONSTRUCTION ENTRANCE**

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	E-02

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GENERAL NOTES:

1. **ELEVATIONS REFERENCE TO NAVD 1988. CONVERSION TO NGVD 1929 IS:
NAVD 1988 ±X.XX = NGVD 1929.**
 2. THE GENERAL NOTES MUST BE PART OF THE ENTIRE CONTRACT DOCUMENTS. THE GENERAL NOTES ARE REFERENCED HEREIN MUST BE REFERRED TO BY THE CONTRACTOR. THE CONTRACTOR MUST BE FAMILIAR WITH ACKNOWLEDGE FAMILIARITY WITH ALL THE GENERAL NOTES AND ALL OF THE PLANS SPECIFICATIONS NOTES.
 3. CONTRACTOR MUST VERIFY ALL DIMENSIONS INCLUDED WITHIN THE PLAN SET AND SHOULD NOT SCALE OFF THE DRAWINGS DUE TO POTENTIAL PRINTING INACCURACIES. ALL DIMENSIONS ARE TO BE CHECKED CONFIRMED BY THE GENERAL CONTRACTOR PRIOR TO PREPARATION OF SHOP DRAWINGS, FABRICATION/ORDERING OF PARTS MATERIALS PRIOR TO START OF SITE WORK.
 4. THE ENGINEER OF RECORD AND THE CITY OF DESTIN ARE NOT RESPONSIBLE FOR AND HAVE NO CONTRACTUAL LEGAL OR OTHER RESPONSIBILITIES FOR JOB SITE SAFETY, JOB SITE SUPERVISION, OR ANYTHING RELATED TO THE SAME. THE ENGINEER OF RECORD AND THE CITY OF DESTIN ARE NOT RESPONSIBLE TO IDENTIFY OR REPORT ANY JOB SITE SAFETY ISSUES OR ANY JOB SITE CONDITIONS, AT ANY TIME.
 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, STANDARD PLANS (LATEST EDITION), CITY OF DESTIN DEVELOPMENT STANDARDS, SPECIFICATIONS, & REQUIREMENTS.
 6. CONTRACTOR SHALL RETAIN, ON THE WORK SITE, COPIES OF ANY PERMITS NECESSARY FOR CONSTRUCTION.
 7. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY REQUIRED DEWATERING PERMITS.
 8. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY REQUIRED TREE REMOVAL PERMITS.
 9. THE SITE CONTRACTOR SHALL BECOME FAMILIAR WITH THE GEOTECHNICAL REPORT IF ONE WAS PREPARED. THE CONTRACTOR SHALL COMPLY WITH ALL THE SITE PREPARATION OTHER SITE RELATED ITEMS, RECOMMENDATIONS PROCEDURES.
 10. CONTRACTOR TO VERIFY ENGINEER'S SITE PLAN AND THE ARCHITECT'S BUILDING FOOTPRINT ARE CONSISTENT WITH EACH OTHER BEFORE BEGINNING CONSTRUCTION.
 11. THIS PROJECT WILL NOT ADVERSELY IMPACT ANY SURFACE WATER OR GROUNDWATER.
 12. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING TRAFFIC AND USAGE OF EXISTING STREETS ADJACENT TO THE PROJECT. ALL TEMPORARY TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH FDOT STANDARD PLANS INDEX 102-100 THRU 102-670 (LATEST EDITION), AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), (LATEST EDITION).
- 24 HOUR TRAFFIC CONTROL POINT OF CONTACT: _____
- PHONE NUMBER: _____
13. CONTRACTOR IS REQUIRED TO OBTAIN FROM THE CITY ENGINEER/UTILITY/ENGINEER OF RECORD (EOR), WRITTEN APPROVAL FOR ANY DEVIATIONS FROM THE PLANS AND/OR SPECIFICATIONS.
 14. EXISTING OFF-SITE DRAINAGE PATTERNS SHALL BE PROTECTED AND MAINTAINED DURING CONSTRUCTION.



CITY OF DESTIN
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
GENERAL NOTES			
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15. ANY PUBLIC CORNER MONUMENTS WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHOULD NOTIFY THE CITY ENGINEER WITHOUT DELAY.
16. THE LOCATION OF EXISTING UTILITIES, PAVEMENT, VEGETATION, AND MISCELLANEOUS IMPROVEMENTS ARE APPROXIMATE ONLY. THE EXACT LOCATIONS SHALL BE FIELD VERIFIED BY THE CONTRACTOR. CONTACT SUNSHINE ONE CALL (811).
17. CONTRACTOR SHALL NOTIFY THE CITY OF DESTIN COMMUNITY DEVELOPMENT DEPARTMENT A MINIMUM OF 72 HOURS PRIOR TO ALL REQUIRED INSPECTIONS. CONTRACTOR TO COORDINATE WITH UTILITY PROVIDER, AS NEEDED, DURING CONSTRUCTION FOR THEIR INSPECTIONS.
18. CONTRACTOR TO INSTALL SILT FENCE AND OTHER APPROPRIATE MEASURES TO AFFECT THE FILTRATION OF SURFACE WATER FLOWS TO PROVIDE EROSION PROTECTION DURING CONSTRUCTION ACTIVITIES. PROTECTION IS TO BE MAINTAINED DURING THE CONSTRUCTION PERIOD UNTIL DISTURBED SOILS HAVE BEEN STABILIZED WITH GRASS OR SUITABLE EROSION PROTECTION TREATMENT.
19. DURING CONSTRUCTION, GRATE INLET AND JUNCTION BOX OPENINGS SHALL BE COVERED WITH FILTER FABRIC (MIRAFI 140N OR APPROVED EQUAL) TO PREVENT DEBRIS AND FILL FROM FALLING INTO THE INLETS.
20. CONTRACTOR SHALL USE DESIGNATED CONSTRUCTION ENTRANCES FOR EMPLOYEES AND DELIVERY OF MATERIALS.
21. CONTRACTOR SHALL CLEAR ALL EXCAVATION/FILL AREAS AS SHOWN ON THE PLANS. ACTUAL LIMITS OF CLEARING MAYBE ADJUSTED IN THE FIELD BY THE ENGINEER OF RECORD, CITY ENGINEER, OR, DESIGNEE.
22. CONTRACTOR SHALL REMOVE ALL MUCK OTHER UNSUITABLE MATERIAL FROM FILL AREAS PRIOR TO PLACEMENT OF FILL. ALL MUCK AND OTHER UNSUITABLE MATERIALS EXCAVATED OR REMOVED FROM FILL AREAS SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATIONS OR, STOCKPILED AT THE PROPOSED PROJECT AS DETERMINED BY THE ENGINEER OF RECORD, CITY ENGINEER, OR, DESIGNEE.
23. ALL CONSTRUCTION DEBRIS AND OTHER WASTE MATERIAL SHALL BE DISPOSED OF OFF-SITE IN ACCORDANCE WITH APPLICABLE REGULATIONS.
24. CONTRACTOR SHALL PROMPTLY REPORT ALL FIELD CHANGES TO THE ENGINEER OF RECORD, CITY ENGINEER, OR, DESIGNEE.
25. HORIZONTAL LOCATIONS OF INLETS AND STORM DRAINS MAY BE FIELD ADJUSTED TO PRESERVE EXISTING VEGETATION WITH PERMISSION OF ENGINEER OF RECORD, CITY ENGINEER, OR, DESIGNATED REPRESENTATIVE. IN ADDITION, SITE GRADES MAY BE ADJUSTED IN FIELD BY THE ENGINEER OF RECORD AND APPROVED BY THE CITY ENGINEER, OR, DESIGNEE. SEE DESIGN MANUAL, DETAIL U-01.
26. THE CONTRACTOR IS REQUIRED TO ADJUST ALL VALVE BOXES, MANHOLE RIMS, GRATES, ETC. AS NECESSARY TO MATCH PROPOSED GRADES.
27. EXISTING FACILITIES DAMAGED DURING CONSTRUCTION SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION, AT NO ADDITIONAL COST TO THE CITY.
28. ALL UNPAVED AREAS DISTURBED DURING CONSTRUCTION SHALL BE SODDED UNLESS OTHERWISE NOTED.



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TYPICAL DETAILS
CITY OF DESTIN, FL

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29. ALL CONCRETE SIDEWALKS SHALL HAVE CONTROL JOINTS CUT AT INTERVALS THE WIDTH OF THE SIDEWALK EXPANSION JOINTS PLACED ON 60-FT CENTERS, CHANGES OF DIRECTION, AND ABUTTING SEPARATE POURS. CONCRETE SAW CUTS SHALL BE COMPLETED WITHIN 48 HOURS AFTER PLACING CONCRETE.
30. THE CONTRACTOR SHALL ACCURATELY PLOT THE LOCATIONS AND DEPTHS OF ALL IMPROVEMENTS INSTALLED ON A FINAL SET OF RECORDED DRAWINGS WHICH SHALL BE DELIVERED TO THE CITY.
31. ALL CONSTRUCTION WORK PERFORMED MUST BE DONE BY A CONTRACTOR LICENSED IN THE STATE OF FLORIDA TO DO THE WORK INTENDED.
32. ALL WORKMANSHIP OR MATERIALS WHICH DO NOT CONFORM TO CITY SPECIFICATIONS FOR WORK THAT AFFECTS CITY PROPERTIES, RIGHTS-OF-WAYS OR EASEMENTS ARE SUBJECT TO REMOVAL AND REPLACEMENT AT THE CONTRACTOR'S EXPENSE.
33. ANY UNDERGROUND WORK PERFORMED WITHOUT THE KNOWLEDGE OF THE CITY IS SUBJECT TO RE-EXCAVATION, REMOVAL AND REPLACEMENT OF SAME TO BE DONE AT THE CONTRACTOR'S EXPENSE.
34. ANYTHING NOT SHOWN ON THESE DRAWINGS SHOULD BE BROUGHT TO THE ATTENTION OF THE CITY ENGINEER, ENGINEER OF RECORD OR DESIGNEE AND SHALL NOT CONSTITUTE A CHANGE ORDER, UNLESS APPROVED BY THE CITY ENGINEER.
35. CONTRACTOR SHALL VERIFY ALL QUANTITIES SHOWN ON THE PLANS. IF ANY DISCREPANCIES IN QUANTITIES ARE FOUND, THE CONTRACTOR SHALL NOTIFY THE CITY ENGINEER, OR, DESIGNEE.
36. CONTRACTOR IS RESPONSIBLE FOR DEVELOPING, IMPLEMENTING, MAINTAINING AN EFFECTIVE STORM WATER POLLUTION PREVENTION PLAN.
37. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING FDEP NPDES APPROVAL PRIOR TO STARTING WORK.
38. ROUGH GRADE PROPOSED RETENTION AREAS AS EARLY INTO THE PROJECT AS POSSIBLE OR PRIOR TO CHANGING SITE GRADING.
39. CONTRACTOR IS RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING A FOUL WEATHER (HURRICANE) PLAN FOR SECURING THE SITE PRIOR TO INCLEMENT WEATHER.

PAVING, GRADING, & DRAINAGE NOTES:

1. THE SITE CAN BE UTILIZED SAFELY FOR BUILDING PURPOSES WITHOUT UNDUE DANGER FROM FLOODING OR ADVERSE SOIL CONDITIONS.
2. LENGTH OF STORM PIPES ARE APPROXIMATE & ARE MEASURED FROM CENTER OF STRUCTURE.
3. CONTRACTOR SHALL NOTIFY THE CITY & CONTACT ALL UTILITY COMPANIES (SUNSHINE 811) FOR LOCATIONS OF EXISTING UTILITIES IN THE AREA 72 HOURS (MIN.) PRIOR TO COMMENCING CONSTRUCTION.
4. IF SITE IS TO BE STABILIZED BY SEED & MULCH, PLACE 200 S.F. OF SOD AROUND ALL INLETS, HEADWALLS, & CONTROL STRUCTURES. USE ARGENTINA BAHIA & CONFORM TO FDOT SPECIFICATIONS.
5. IF SITE IS TO BE STABILIZED BY SEED & MULCH, PLACE 18" OF SOD CONTINUOUS ALONG EDGES OF PAVEMENT OF ALL ROADS AND/OR CURB, LAYING PARALLEL WITH THE ROAD MAINTAINING 2" BELOW FINISHED PAVEMENT.



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**TYPICAL DETAILS
CITY OF DESTIN, FL**

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GENERAL NOTES			
DATE: MARCH 2023	FILE NO.:	N/A	SHEET NO.
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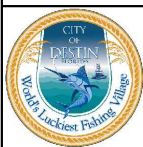
6. THE STORM DRAINAGE PIPING & FILTRATION SYSTEM SHALL BE SUBJECTED TO A VISUAL INSPECTION BY THE CITY PRIOR TO THE PLACEMENT OF BACKFILL. CONTRACTOR TO NOTIFY THE CITY ENGINEER 48 HOURS IN ADVANCE TO SCHEDULE INSPECTION.
7. THE CONTRACTOR SHALL MAINTAIN THE STORM SYSTEM UNTIL FINAL ACCEPTANCE OF THE PROJECT. THE STORM SYSTEM WILL BE INSPECTED BY THE CITY ENGINEER, OR, DESIGNEE PRIOR TO FINAL ACCEPTANCE.
8. FINISHED GRADE OUTSIDE OF BUILDINGS MUST BE 4"–6" BELOW THE FINISHED FLOOR ELEVATION.
9. ALL RCP/ERCP STORM DRAIN JOINTS SHALL BE WRAPPED IN MARAFI FABRIC.
10. ALL UNDERGROUND PIPING TO HAVE A MINIMUM OF 36" COVER, OR, AS SPECIFIED IN THE PLAN.

SIGNING AND PAVEMENT MARKING NOTES:

1. ALL SIGNING AND PAVEMENT MARKINGS SHALL BE INSTALLED IN ACCORDANCE WITH FDOT STANDARD PLANS (LATEST ADDITION), THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), (LATEST EDITION), AND THE CURRENT CITY OF DESTIN LAND DEVELOPMENT CODE & DESIGN MANUAL.
2. MATCH EXISTING PAVEMENT MARKING STYLE AT EXISTING ROADS, UNLESS OTHERWISE STATED.
3. CONTRACTOR SHALL SET ROADWAY GROUND MOUNT SIGNS AT PROPER DEFLECTION ANGLE TO THE ROADWAY IN ACCORDANCE WITH FDOT STANDARD PLANS STANDARD PLANS NUMBER 700–101.
4. SEE FDOT STANDARD PLANS NUMBERS 711–001 & 706–001 FOR ADDITIONAL SIGNING & MARKING DETAILS.
5. ALL STOP SIGN LOCATIONS SHALL INCLUDE A 24" THERMOPLASTIC WHITE STOP BAR.
6. THE CONTRACTOR SHALL PROVIDE & INSTALL BLUE/BLUE REFLECTIVE PAVEMENT MARKERS AT THE CENTER OF THE TRAFFIC LANE NEAREST ALL EXISTING & PROPOSED FIRE HYDRANTS. CONTACT DESTIN FIRE CONTROL DISTRICT.
7. ALL PAVEMENT MARKINGS WITHIN THE CITY RIGHT-OF-WAY TO BE THERMOPLASTIC WITHIN 30 CALENDAR DAYS OF ASPHALT PLACEMENT, TEMPORARY LATEX PAINT PER NOTE 3 OF DESIGN MANUAL DETAIL G–18.

ACCESSIBILITY DESIGN GUIDELINES:

1. ALL ACCESSIBLE (A.K.A. ADA) COMPONENTS & ACCESSIBLE ROUTES MUST BE CONSTRUCTED TO MEET, AT A MINIMUM THE MOST STRINGENT OF: (A) THE REQUIREMENTS OF THE "AMERICANS WITH DISABILITIES ACT" (ADA) CODE (LATEST ADDITION); OR (B) ANY APPLICABLE LOCAL & STATE GUIDELINES, & ANY & ALL AMENDMENTS TO BOTH, WHICH ARE IN EFFECT AT THE TIME OF CONSTRUCTION.



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**TYPICAL DETAILS
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SHEET TITLE			
GENERAL NOTES			
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UTILITY NOTES:

1. CONTRACTOR TO COORDINATE WITH DESTIN WATER USERS, INC. OR SOUTH WALTON UTILITY CO., INC. DURING CONSTRUCTION AS NECESSARY.
2. CONTRACTOR TO ENSURE ALL WATER, SEWER, & REUSE INSTALLATION IS FOLLOWING THE DESTIN WATER USERS OR SOUTH WALTON UTILITY CO., INC. CURRENT MINIMUM STANDARDS (LATEST EDITION).
3. CONTRACTOR SHALL PLACE VALVE BOXES OUTSIDE PAVEMENT OR DRIVEWAYS WHERE POSSIBLE.
4. MINIMUM VERTICAL AND HORIZONTAL SEPARATION SHALL BE PROVIDED IN ACCORDANCE WITH RULE 62-555.314, F.A.C. OR
<https://floridadep.gov/sites/default/files/location-of-publicwatersystemmains.pdf>.
5. CONTRACTOR TO CALL SUNSHINE 811 & LOCATE ALL EXISTING LINES BEING TIED INTO & VERIFY GRADES BEFORE BEGINNING CONSTRUCTION.
6. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CALL SUNSHINE 811, LOCATE & TAKE ALL POSSIBLE PRECAUTIONS TO AVOID ANY DAMAGE TO ALL UNDERGROUND PIPELINES, TELEPHONE, CABLE TV, FIBER, ELECTRIC LINES, CONDUIT & STRUCTURES IN ADVANCE OF ANY CONSTRUCTION. THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY & ALL DAMAGES THAT MAY OCCUR DUE TO HIS/HER FAILURE TO EXACTLY LOCATE & PROTECT EXISTING UTILITIES & STRUCTURES.
7. CONTRACTOR SHALL CONTACT THE CITY ENGINEER, OR, DESIGNEE & UTILITY CONTACT IMMEDIATELY CONCERNING ANY CONFLICTS WITH UTILITIES/STRUCTURES ARISING DURING CONSTRUCTION OF ANY FACILITY SHOWN ON THESE DRAWINGS.
8. ALL UNDERGROUND PRESSURE PIPING TO MAINTAIN A MINIMUM OF 36" OF COVER TO EVERY EXTENT POSSIBLE, EXCEPT APPROVED DIRECTIONAL DRILLS.
9. ALL VALVES LOCATED WITHIN CITY ROADS SHALL HAVE A 24"x24" CONCRETE VALVE PAD. SEE DESIGN MANUAL DETAIL U-01.
10. PREFABRICATED CONCRETE COLLARS OR "DONUTS" CAN BE USED AS VALVE PROTECTION IN VEGETATED OR GREEN SPACES.



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CITY OF DESTIN, FL

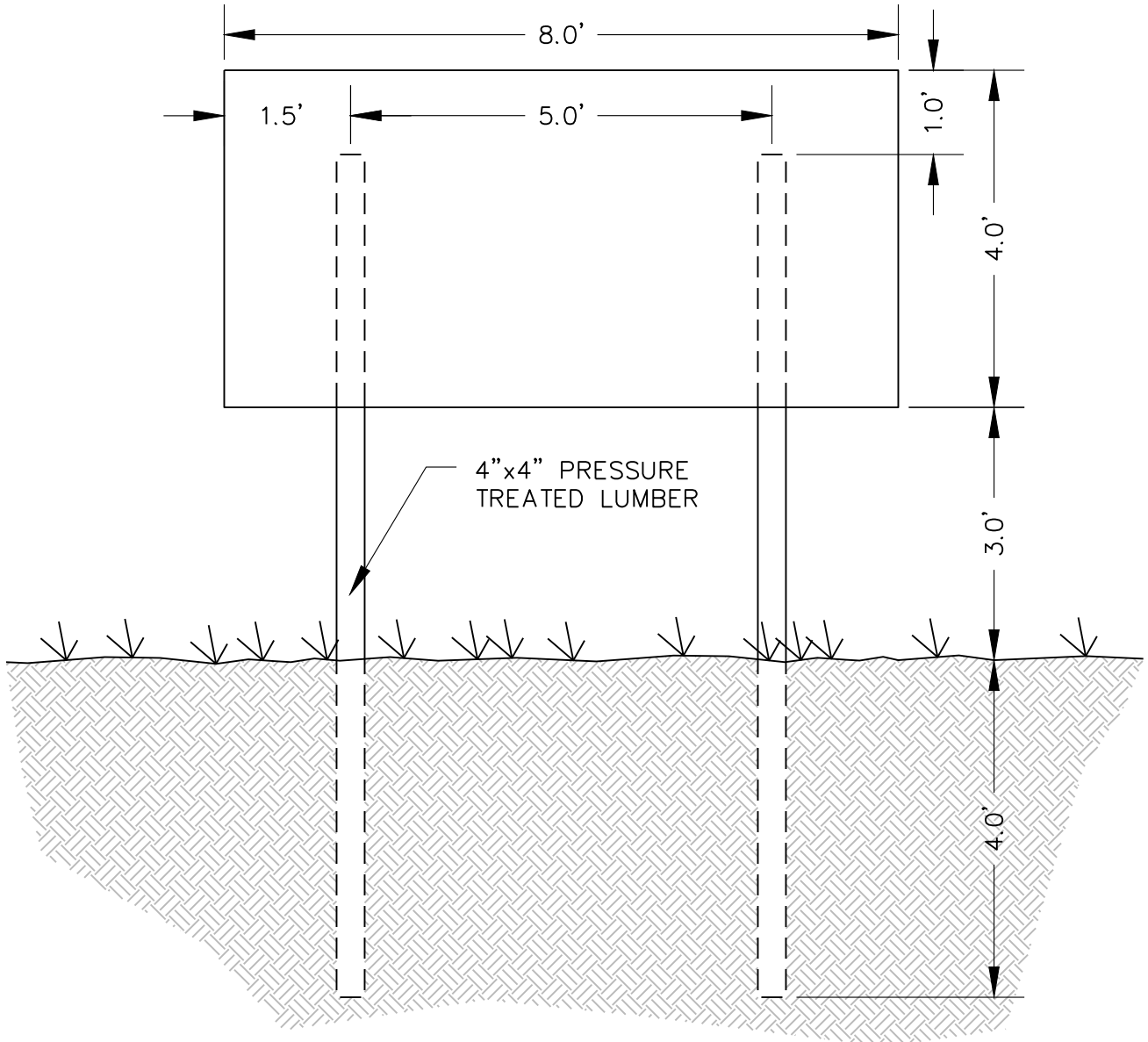
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SHEET TITLE

GENERAL NOTES

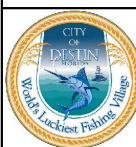
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	G-05

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CITY OF DESTIN			
YOUR TAX DOLLARS AT WORK			
	NAME OF PROJECT	GENERAL CONTRACTOR LOGO	
	MAYOR, CITY COUNCIL, & CITY MANAGER:		
	MAYOR	COUNCIL MEMBER	COUNCIL MEMBER
	COUNCIL MEMBER	COUNCIL MEMBER	COUNCIL MEMBER
CONTRACTOR: _____		COMPLETION: _____	
START DATE: _____		PROJECT COST: _____	

NOTE: SIGN MAY REQUIRE FEDERAL OR STATE LANGUAGE FOR GRANT PROJECTS.



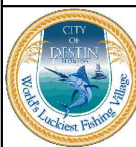
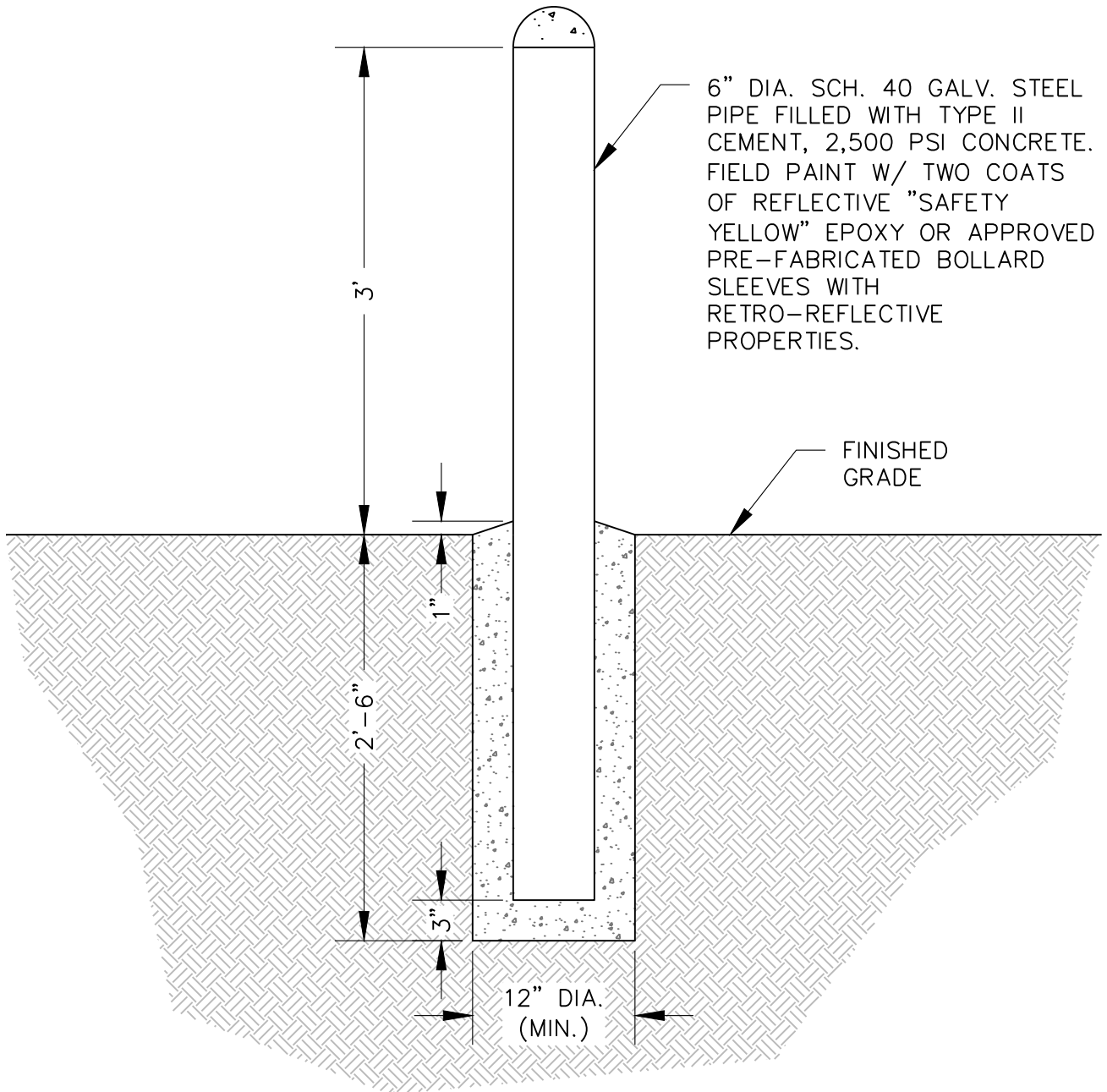
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
CITY PROJECT SIGN

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	PROJECT NO: N/A	SCALE: N.T.S.	G-06

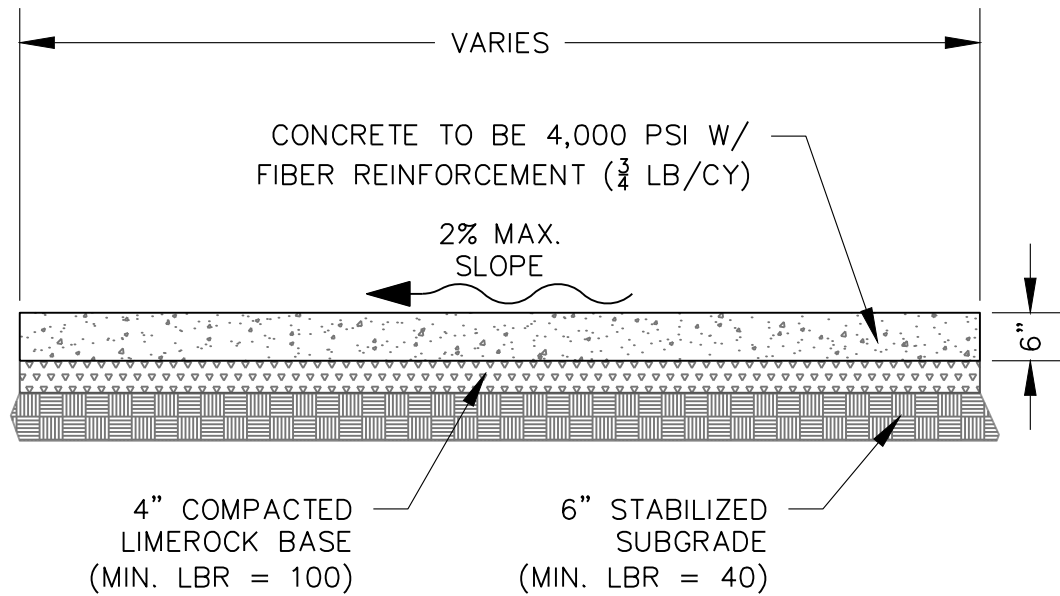


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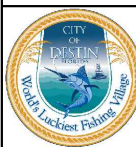
TYPICAL DETAILS CITY OF DESTIN, FL

SHEET TITLE			
BOLLARD POST			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	G-07	



NOTE(S):

1. IN-LIEU OF FIBER REINFORCEMENT CONTRACTOR MAY USE WIRE MESH (6x6 W1.1xW1.4 WWF).

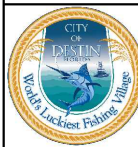


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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
CONCRETE PAD DETAIL			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
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TYPICAL DETAILS CITY OF DESTIN, FL

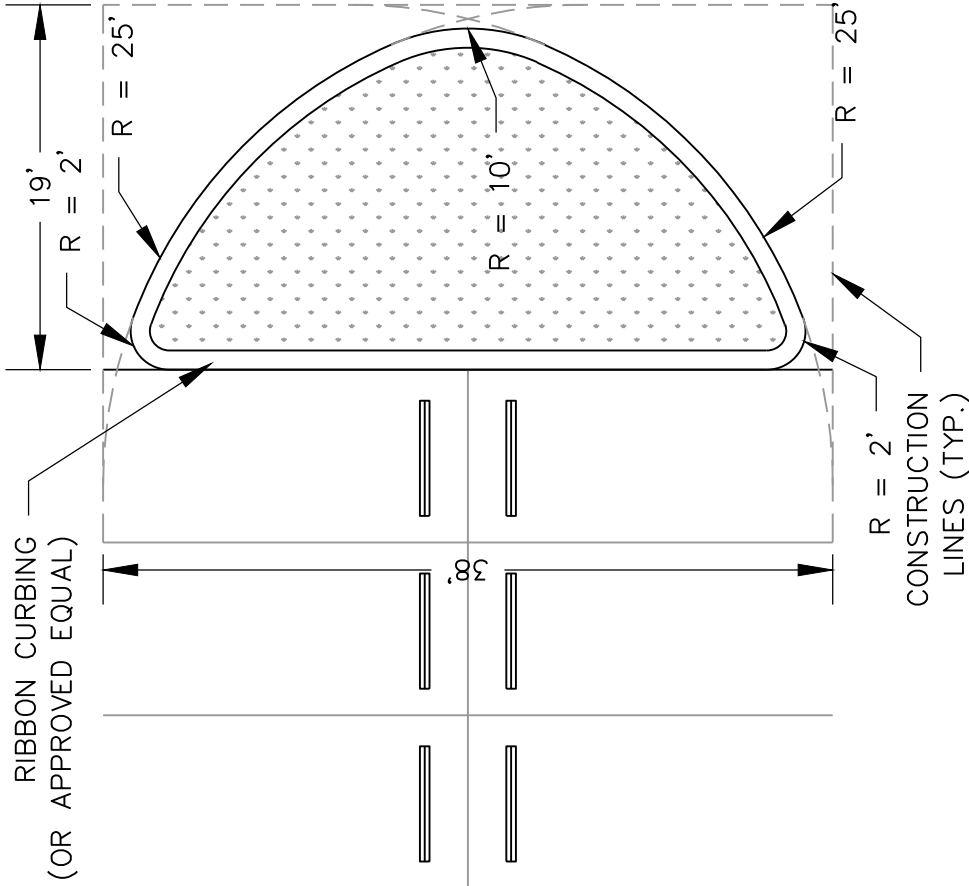
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PROJECT NO: N/A	SCALE:	N.T.S.

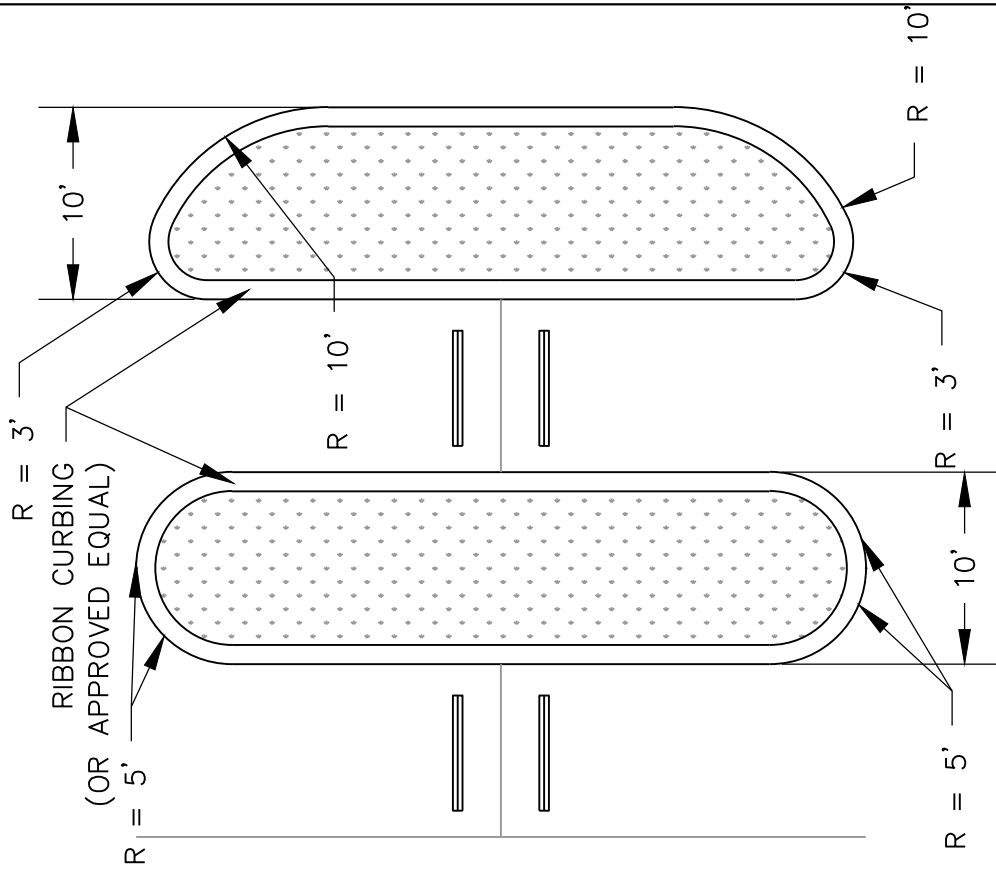
SHEET TITLE

LANDSCAPE ISLANDS

SHEET NO.
L-01

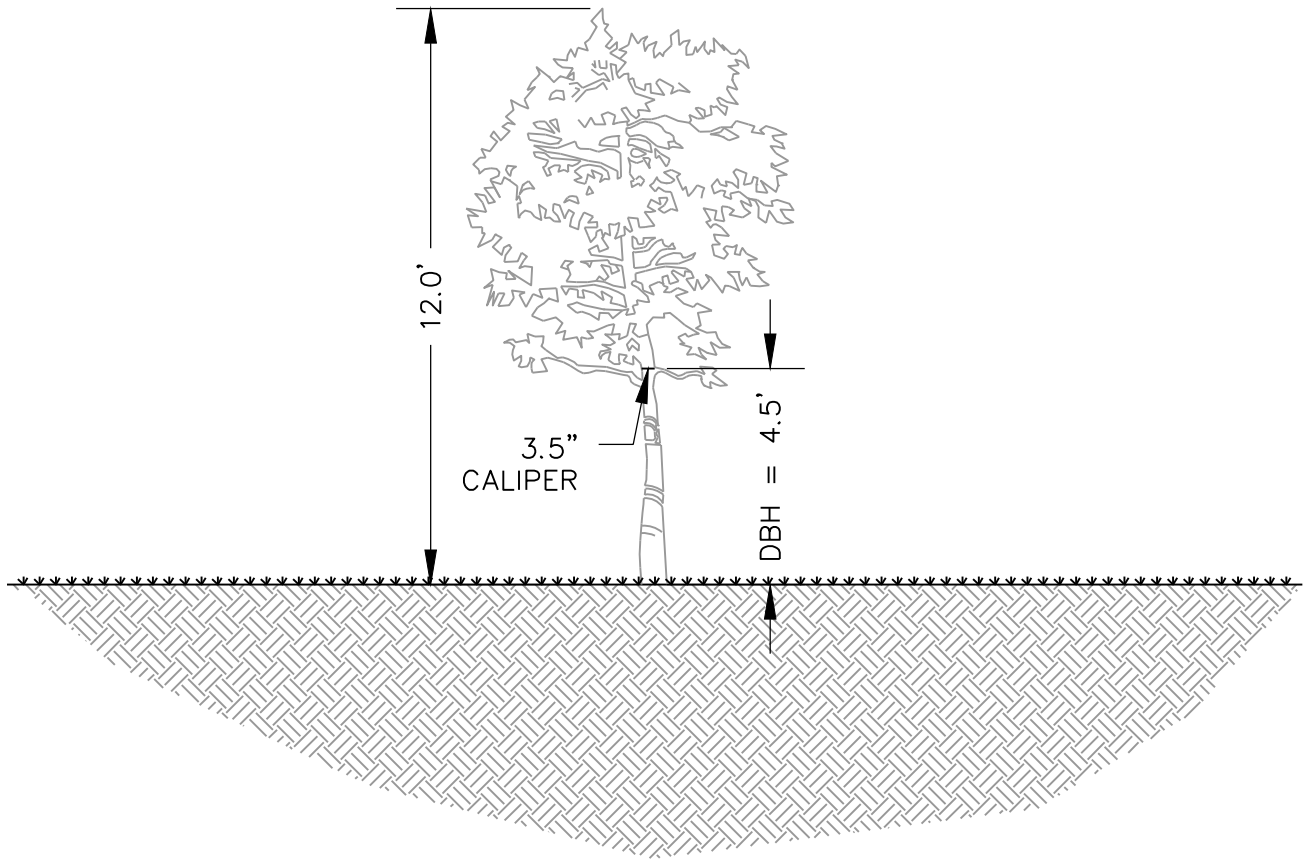


ISLAND ALONG A FIRE LANE ROUTE



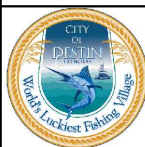
NOTE(S):

1. MINIMUM LANDSCAPE ISLAND WIDTH IS 10' (EOP TO EOP).
2. MINIMUM LANDSCAPE ISLAND AREA IS 175 SQUARE FEET (EOP TO EOP).
3. MINIMUM LANDSCAPE ISLAND INSIDE TURNING RADIUS ALONG A FIRE ROUTE IS 25'.



NOTE(S):

1. ALL SHOWN DIMENSIONS ARE AT THE TIME OF CERTIFICATE OF COMPLETION OR CERTIFICATE OF OCCUPANCY.
2. DBH = DIAMETER AT BREAST HEIGHT.

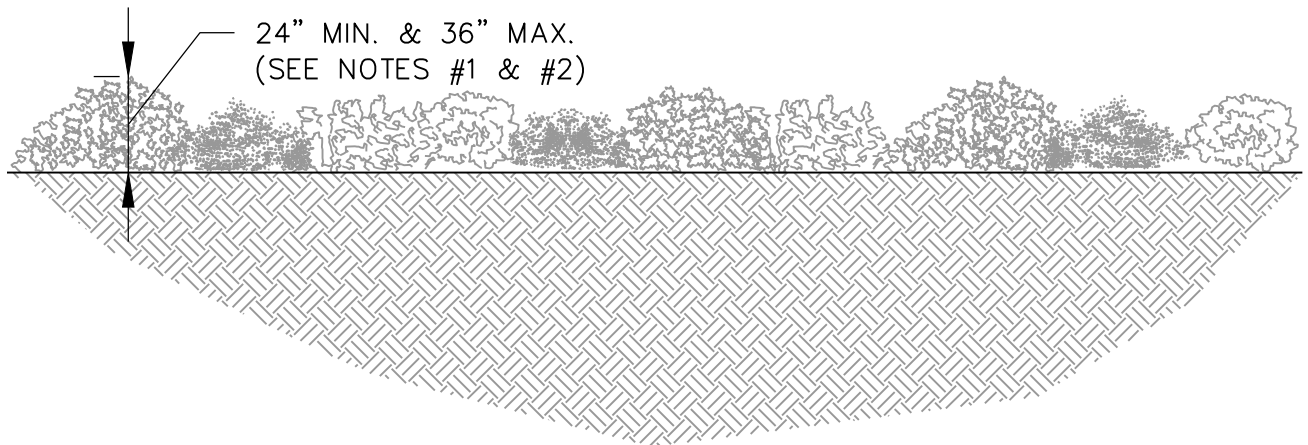


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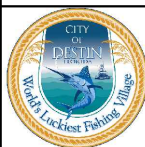
**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE				
LANDSCAPE TREES				
REV	DATE: MARCH 2023	FILE NO.:	N/A	SHEET NO.
	PROJECT NO: N/A	SCALE:	N.T.S.	L-02



NOTE(S):

1. SHRUBS MUST BE A MINIMUM OF 24 INCHES IN HEIGHT, AT TIME OF PLANTING.
2. ALL SHRUBS MUST BE A MINIMUM THREE-GALLON CONTAINER SIZE AND BE SPACED 18 TO 36 INCHES ON CENTER.
3. SHRUBS SHALL NOT IMPEDE INTO THE SITE VISION TRIANGLE (TALLER THAN 36") AT ANYTIME.

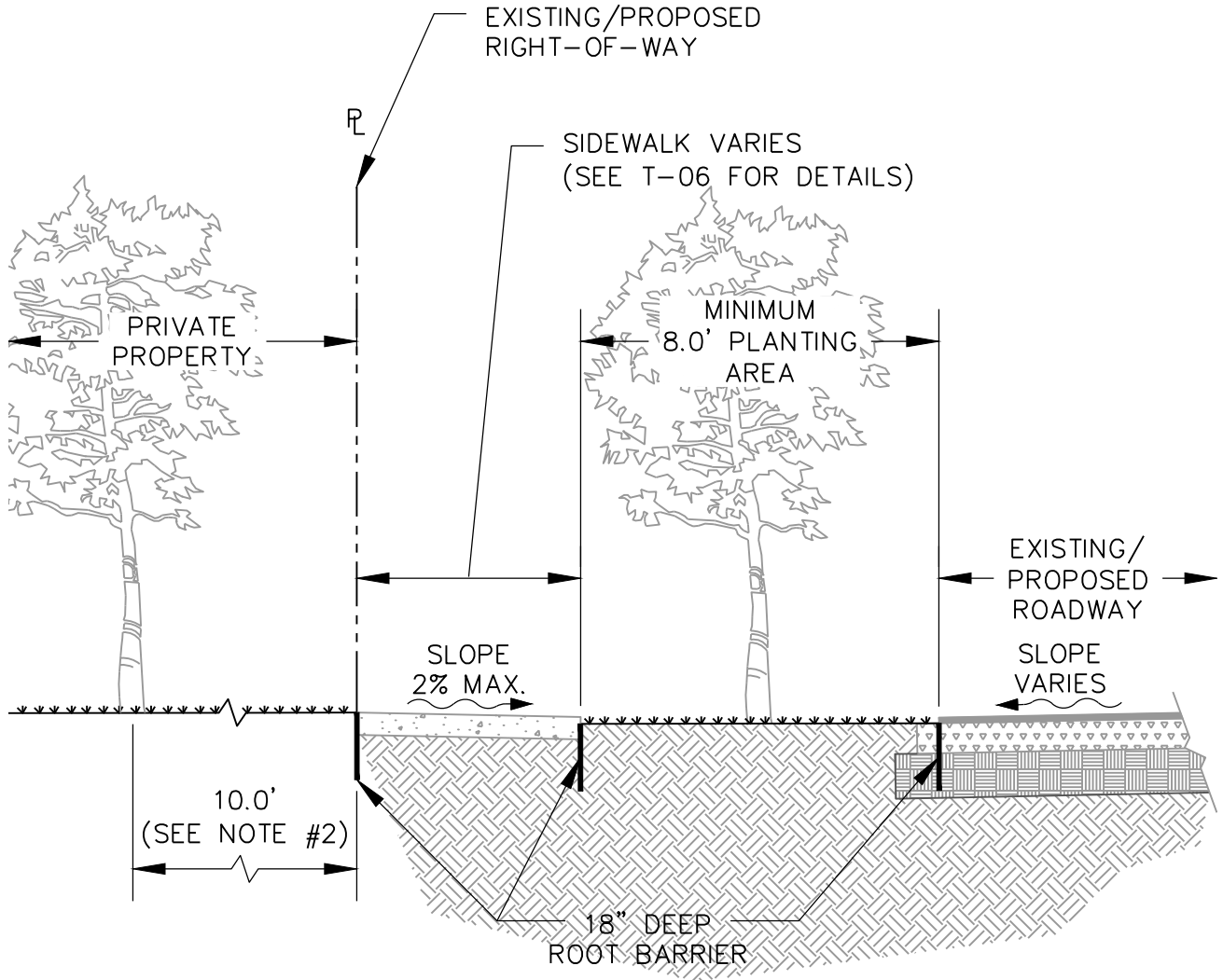


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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
LANDSCAPE SHRUBS			
REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	L-03



NOTE(S):

1. ROOT BARRIER TO BE INSTALLED TO PROTECT ROADWAYS AND SIDEWALKS.
2. ON PRIVATE PROPERTY, WHEN A TREE IS PLANTED WITHIN 10' OF A PROPERTY LINE ABUTTING A ROADWAY, A ROOT BARRIER SHALL BE INSTALLED ALONG THE PROPERTY LINE 10' LONG CENTERED ON THE TREE.



CITY OF DESTIN
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4100 INDIAN BAYOU TRAIL
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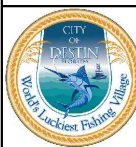
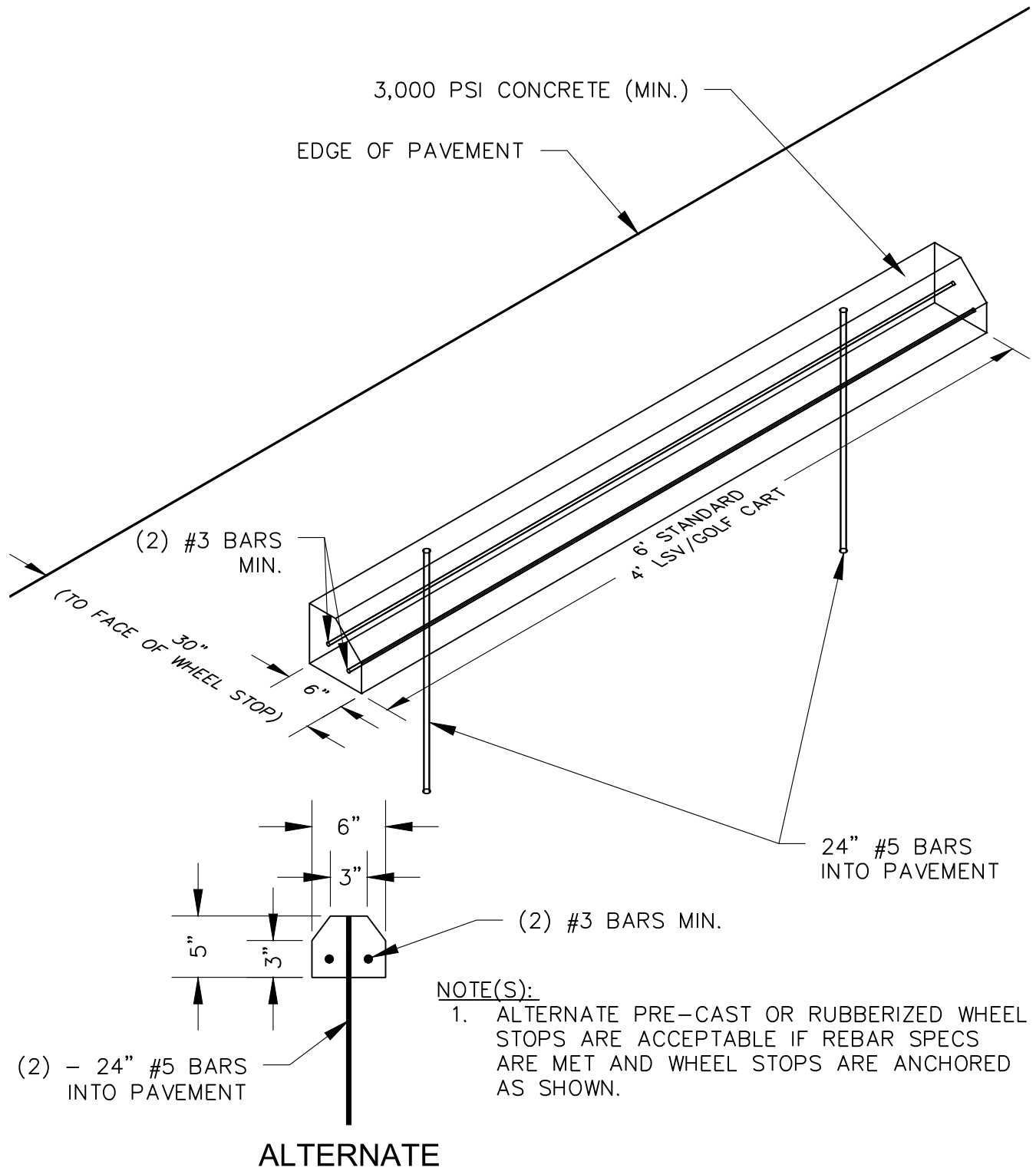
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE
LANDSCAPE ROOT BARRIER

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	L-04

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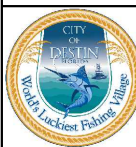
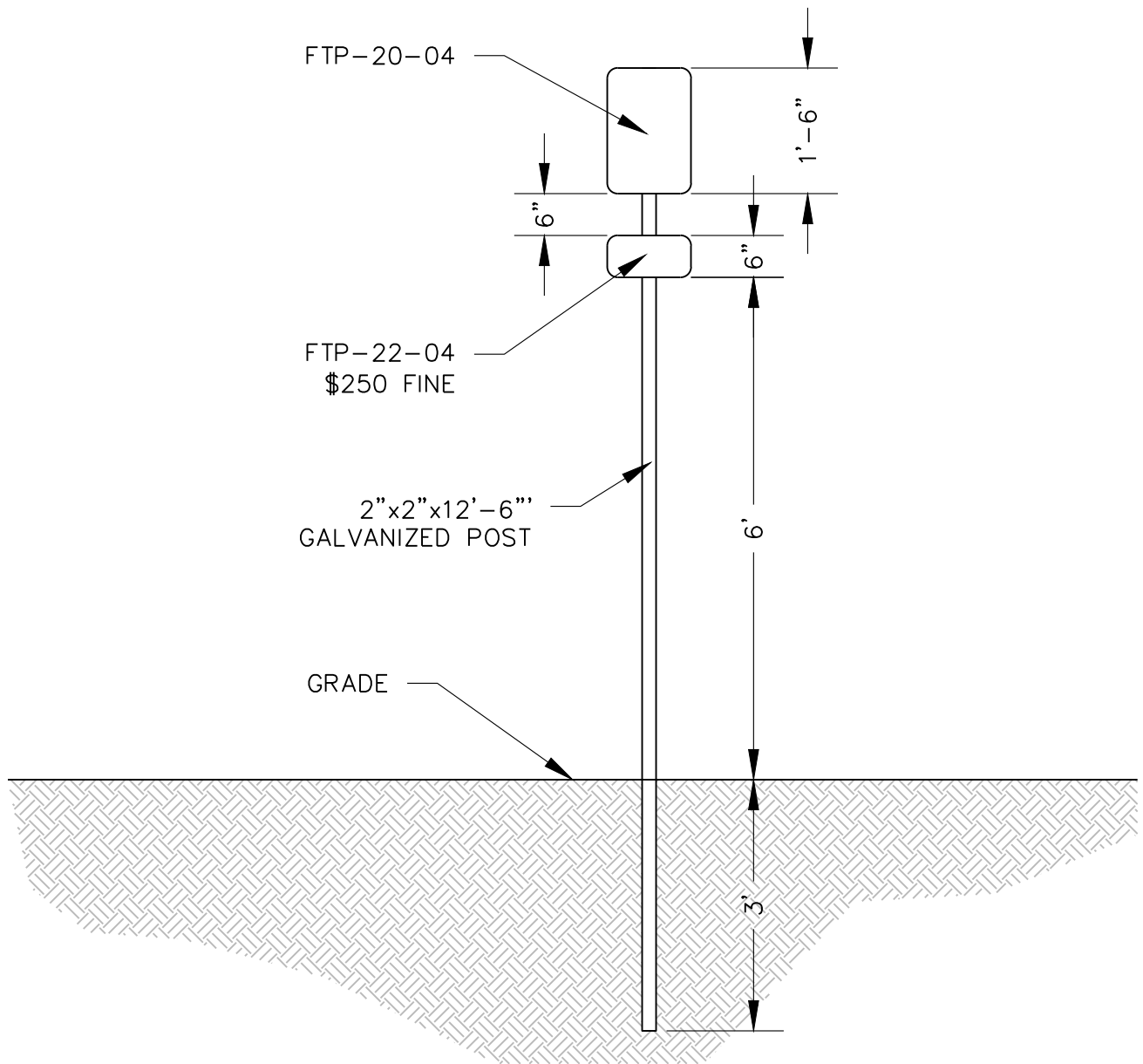
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
WHEEL STOP DETAIL			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	P-01	

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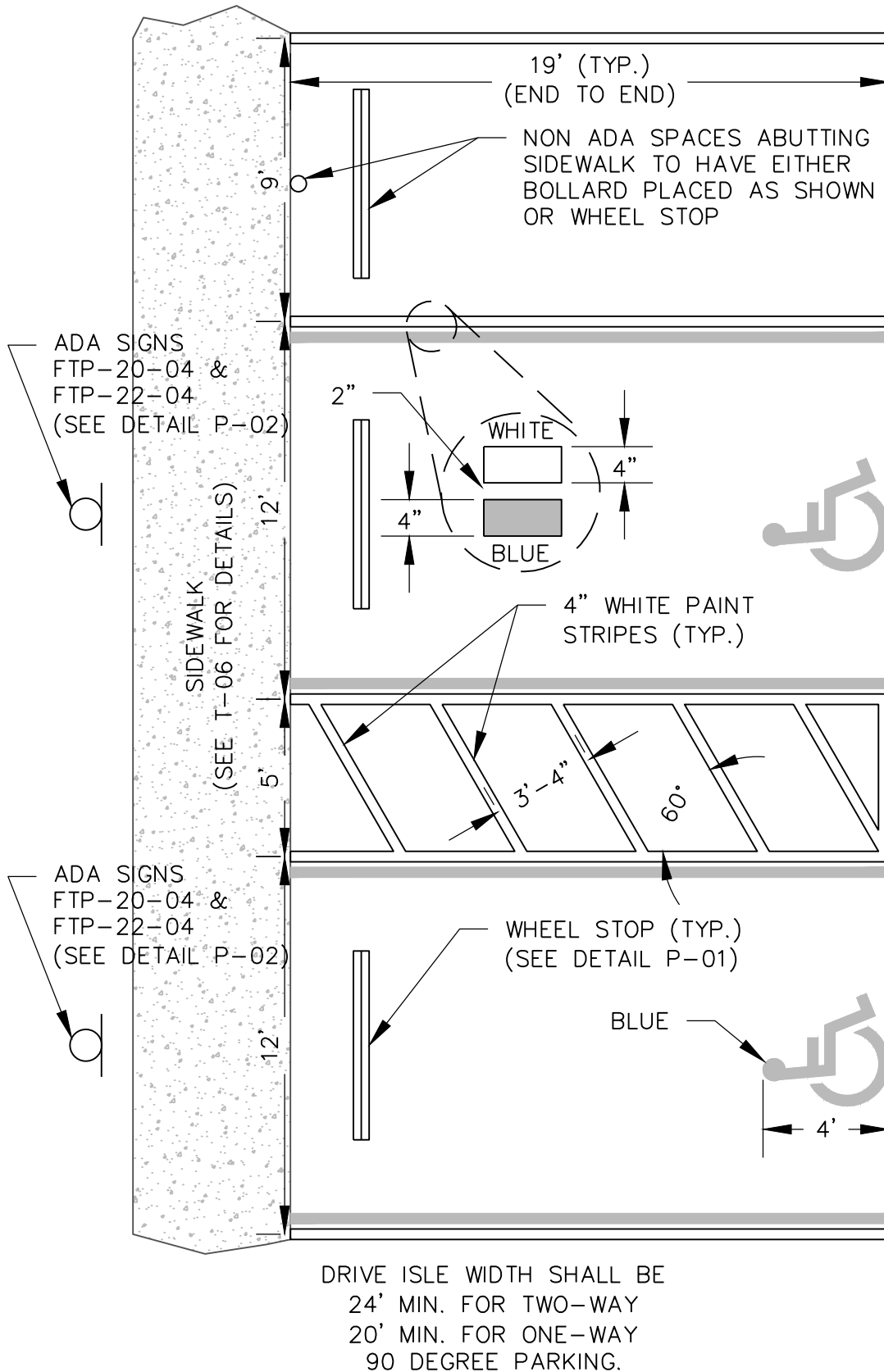
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TYPICAL DETAILS
CITY OF DESTIN, FL

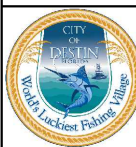
SHEET TITLE
ADA SIGNAGE DETAIL

REV		DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
		PROJECT NO: N/A	SCALE: N.T.S.	P-02



NOTE(S):

1. ALL MEASUREMENTS ARE FROM THE CENTER OF THE WHITE STRIPES (EXCEPT WHERE NOTED).
2. BLUE PAVEMENT MARKINGS SHALL BE TINTED TO MATCH 15180 OF FEDERAL STANDARD 595a.
3. WHITE PAVEMENT MARKINGS SHALL MEET FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) SIGNING, PAVEMENT MARKING AND LIGHTING SECTION.
4. THE FTP-22-04 PANEL SHALL BE MOUNTED BELOW THE FTP-20-04 SIGN.
5. FTP-22-04 TO HAVE \$250 FINE.
6. ALL PARKING WITHIN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTIES SHALL BE THERMOPLASTIC.

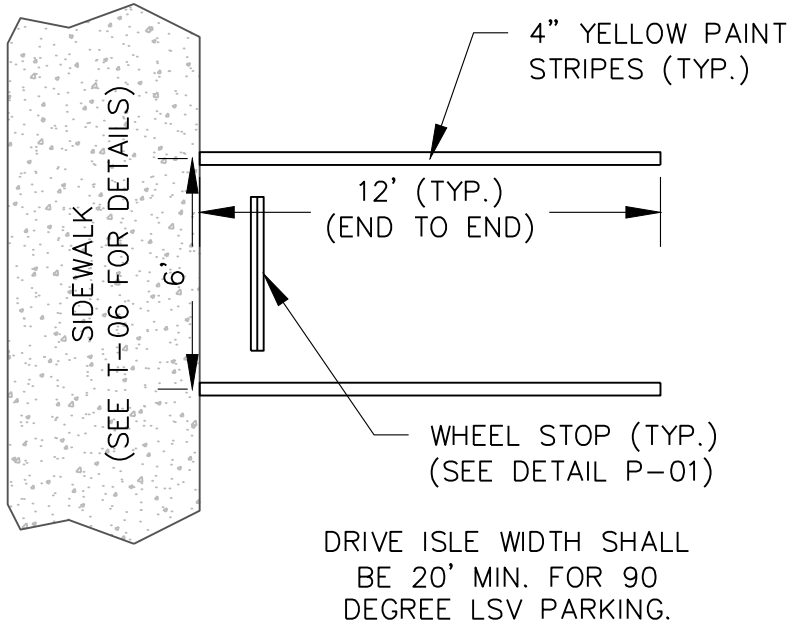


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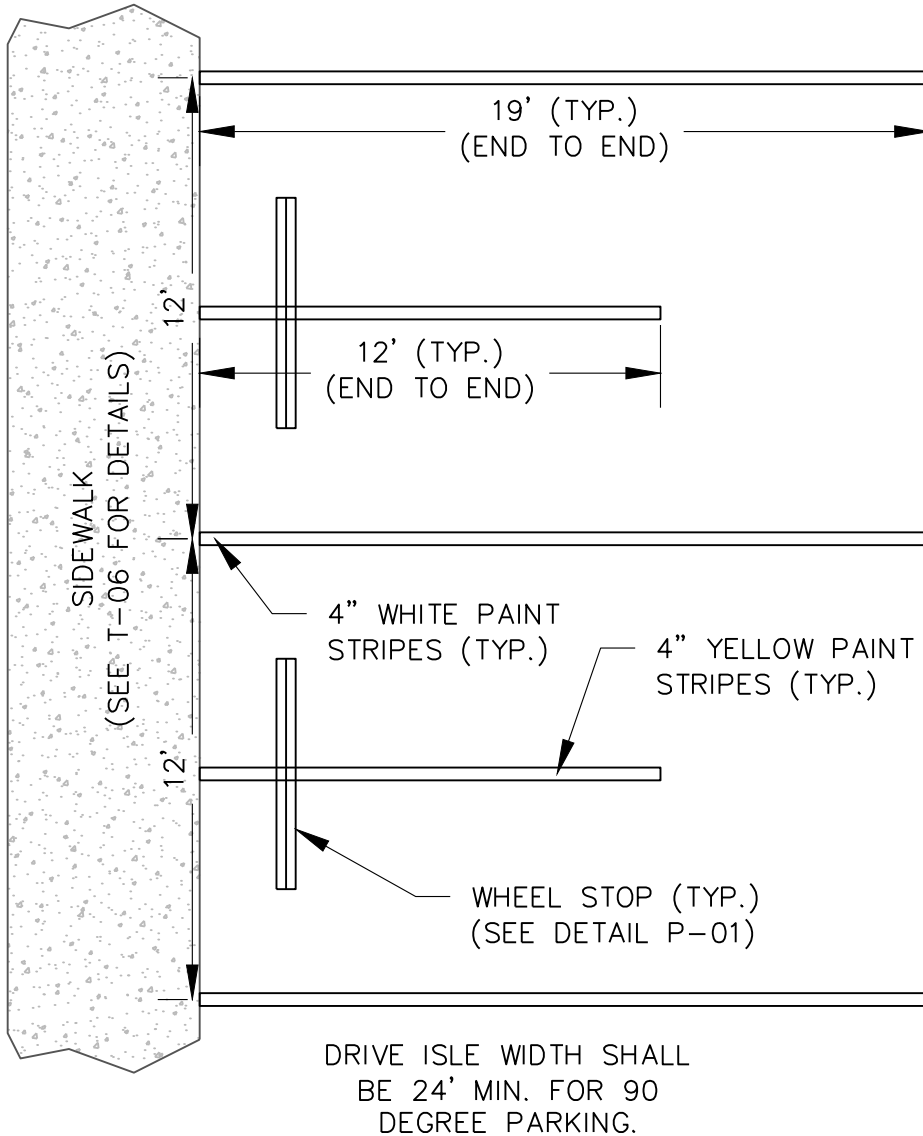
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
90 DEGREE - ADA PARKING DETAIL			
DATE: MARCH 2023	FILE NO.:	N/A	SHEET NO.
PROJECT NO: N/A	SCALE:	N.T.S.	P-03



LSV/GOLF CART PARKING OPTION



HYBRID PARKING OPTION

NOTE(S):

1. ALL MEASUREMENTS ARE FROM THE CENTER OF THE WHITE STRIPES (EXCEPT WHERE NOTED).
2. WHITE & YELLOW PAVEMENT MARKINGS SHALL MEET FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) CHAPTER 710 SIGNING, PAVEMENT MARKING AND LIGHTING SECTION.
3. ALL PARKING WITHIN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTIES SHALL BE THERMOPLASTIC.

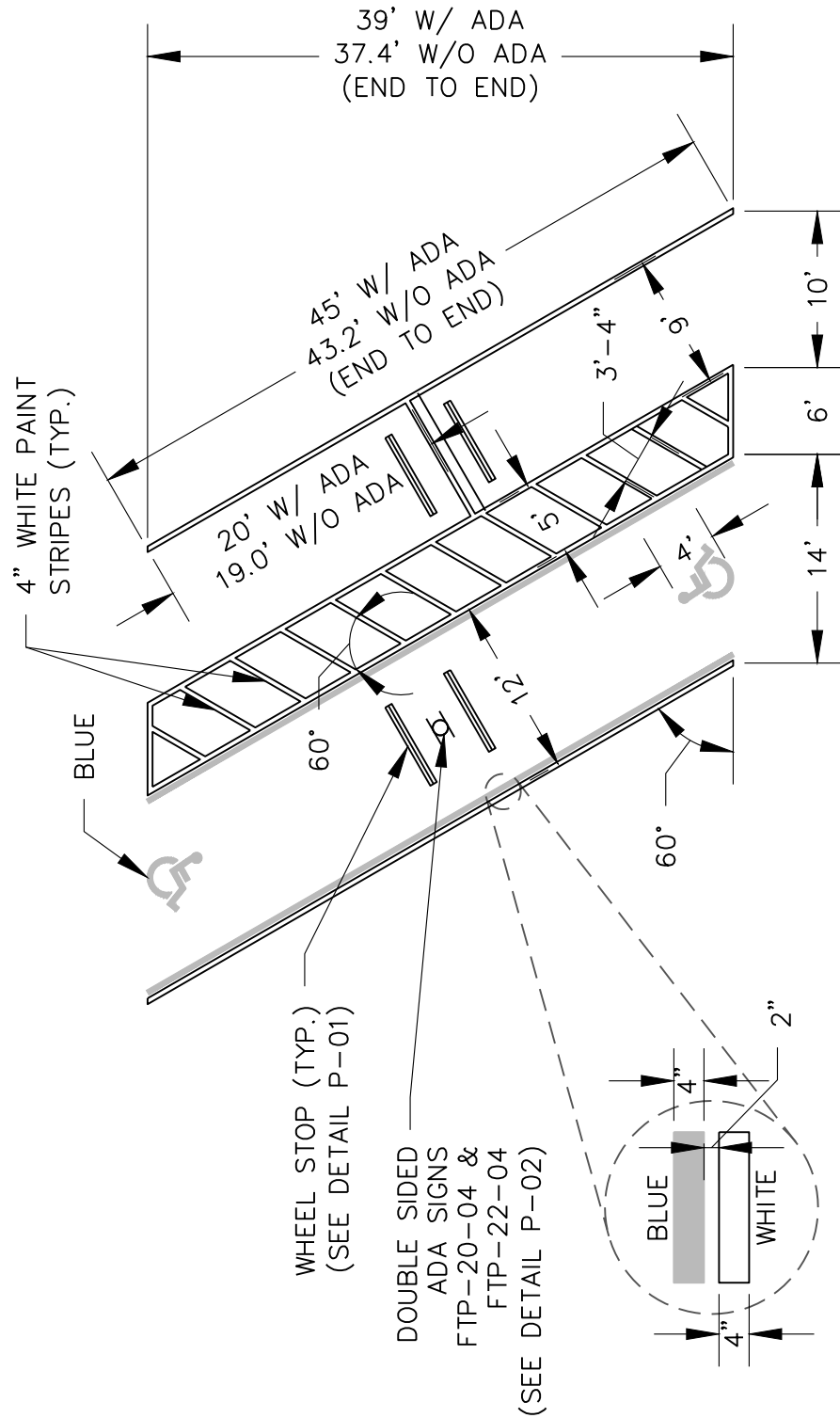


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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
LSV & HYBRID PARKING			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	P-04	



DRIVE ISLE WIDTH SHALL BE 15'
MIN. FOR ONE WAY ACCESS 22'
MIN. FOR TWO WAY ACCESS

NOTE(S):

1. ALL MEASUREMENTS ARE FROM THE CENTER OF THE WHITE STRIPES (EXCEPT WHERE NOTED).
2. BLUE PAVEMENT MARKINGS SHALL BE TINTED TO MATCH 15180 OF FEDERAL STANDARD 595a.
3. WHITE PAVEMENT MARKINGS SHALL MEET FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) SIGNING, PAVEMENT MARKING AND LIGHTING SECTION.
4. THE FTP-22-04 PANEL SHALL BE MOUNTED BELOW THE FTP-20-04 SIGN.
5. FTP-22-04 TO HAVE \$250 FINE.
6. ALL PARKING WITHIN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTIES SHALL BE THERMOPLASTIC.



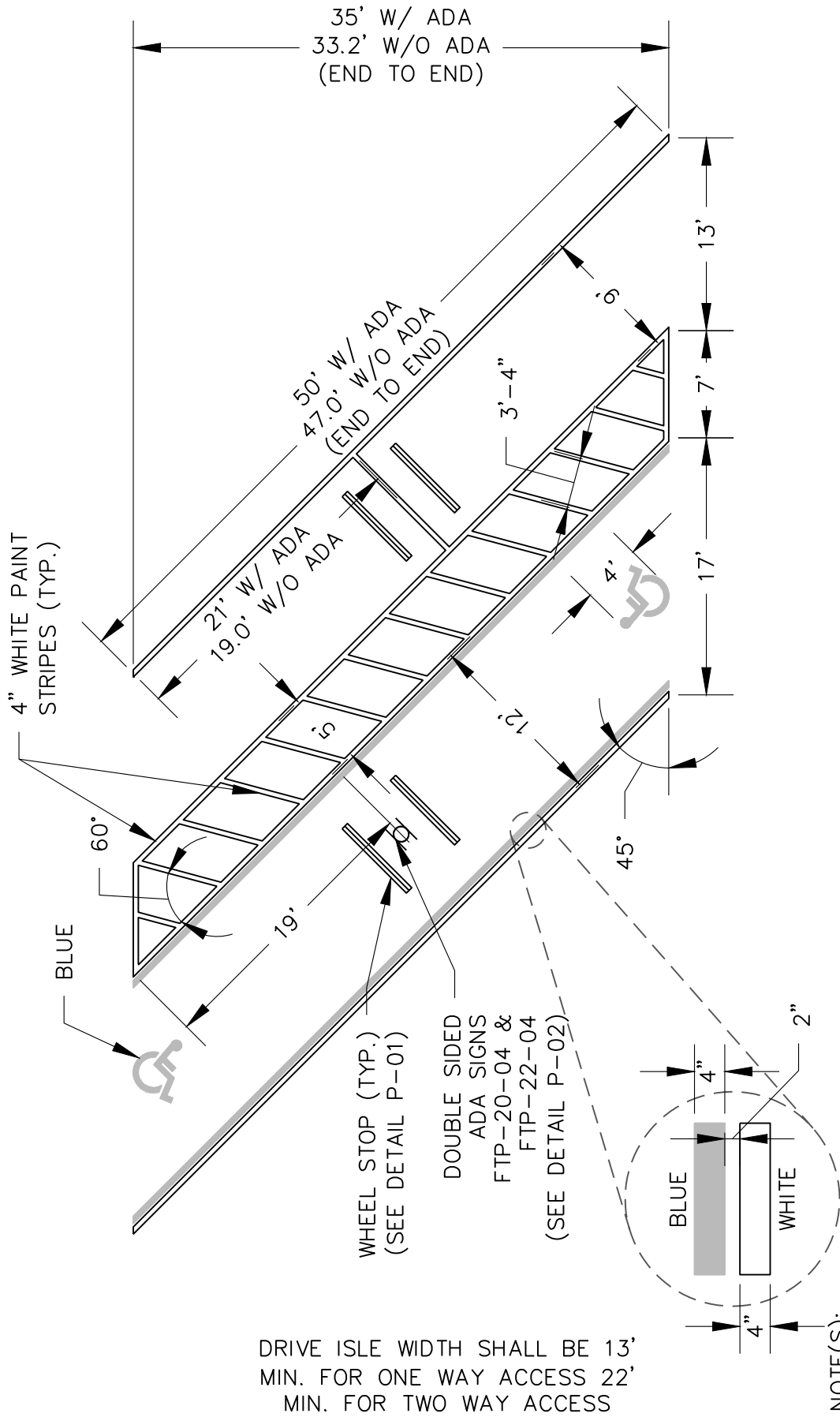
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

**60 DEGREE ANGLED
PARKING DETAIL**

R E V		DATE: MARCH 2023	FILE NO.: N/A	SHEET NO. P-05
		PROJECT NO: N/A	SCALE: N.T.S.	



NOTE(S):

1. ALL MEASUREMENTS ARE FROM THE CENTER OF THE WHITE STRIPES (EXCEPT WHERE NOTED).
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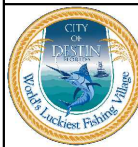
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
45 DEGREE ANGLED
PARKING DETAIL

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO.: N/A	SCALE: N.T.S.	P-06



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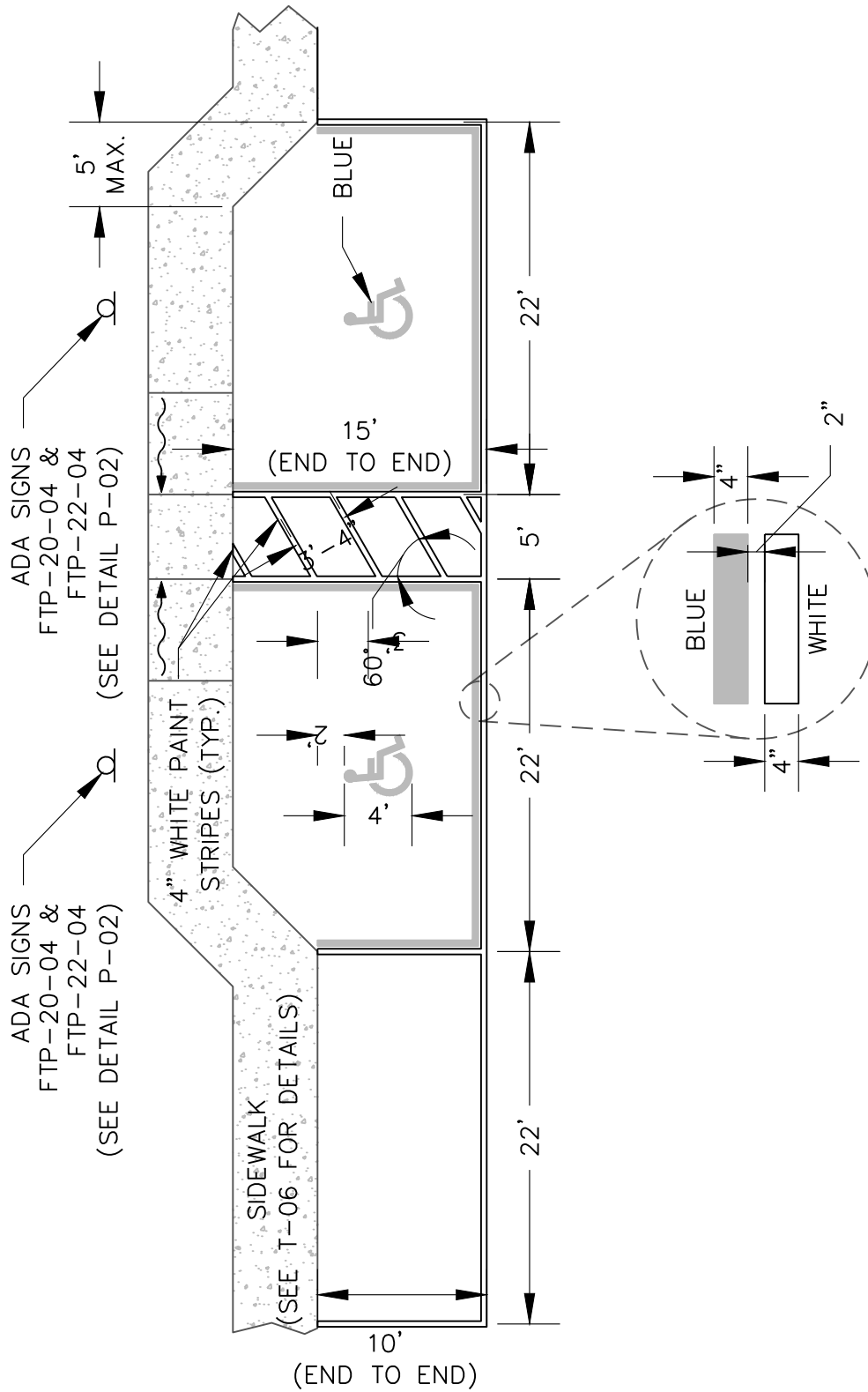
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE

PARALLEL PARKING DETAIL

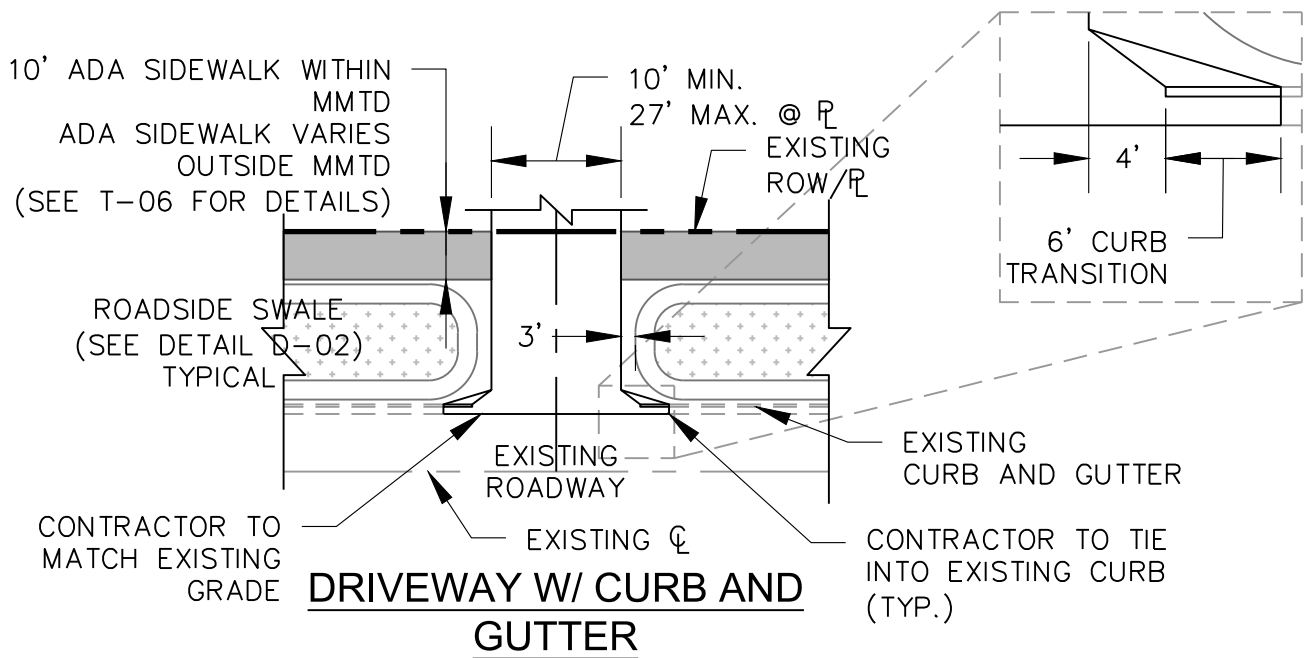
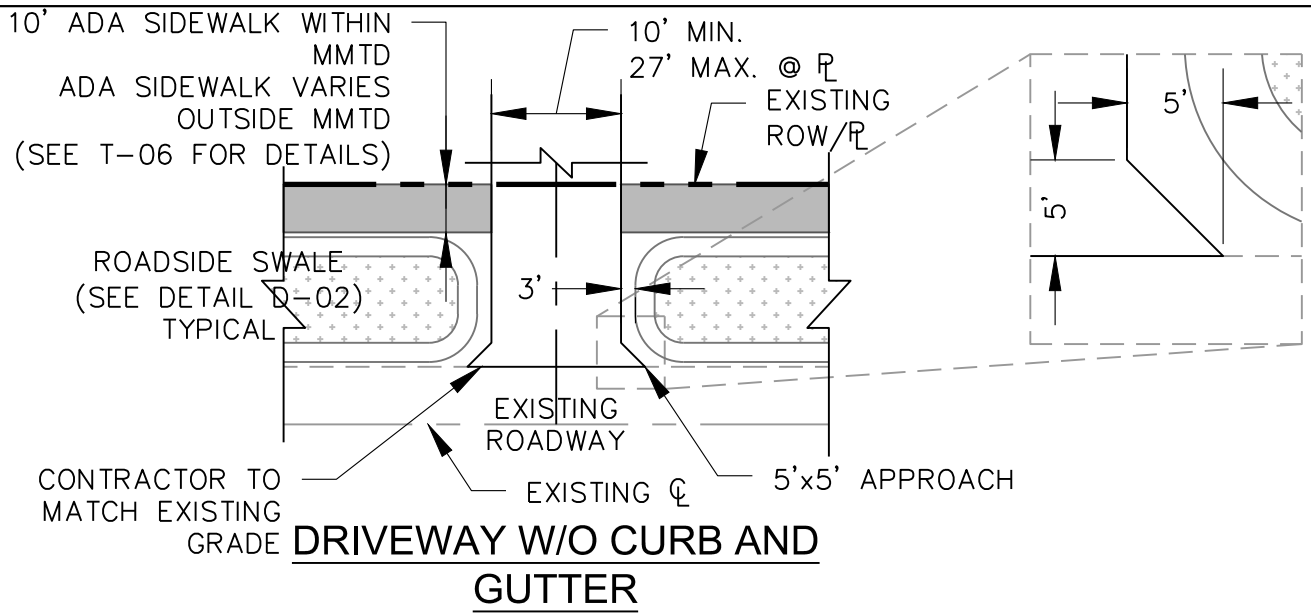
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	P-07



DRIVE ISLE WIDTH SHALL BE
12' MIN. FOR ONE WAY ACCESS
21' MIN. FOR TWO WAY ACCESS

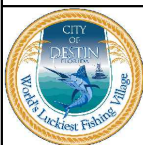
NOTE(S):

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- WHITE PAVEMENT MARKINGS SHALL MEET FDOT STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) SIGNING, PAVEMENT MARKING AND LIGHTING SECTION.
- THE FTP-22-04 PANEL SHALL BE MOUNTED BELOW THE FTP-20-04 SIGN.
- FTP-22-04 TO HAVE \$250 FINE.
- ALL PARKING WITHIN THE PUBLIC RIGHT-OF-WAY OR ON PUBLIC PROPERTIES SHALL BE THERMOPLASTIC.



NOTE(S):

1. THE DRIVEWAY MUST BE PAVED WITH CONCRETE OR ASPHALT AND MEET THE CONNECTING ROAD.
2. THE DRIVEWAY SHALL BE DESIGNED FOR PROPER DRAINAGE.
3. INSPECTION REQUIRED BY ENGINEERING DIVISION AFTER FORMING AND BEFORE PLACING SIDEWALK.
4. NO PATCHING OF ANY KIND WILL BE ALLOWED IN CONCRETE WORK WITHIN THE ROW.
5. DRIVEWAYS ONTO STATE & COUNTY ROADS WILL REQUIRE A FDOT AND COUNTY PERMITS.
6. DRIVEWAY CULVERT CROSSING MAY BE REQUIRED.
7. ALL SIDEWALKS CROSSING DRIVEWAYS TO HAVE A MAXIMUM CROSS SLOPE OF 2%.



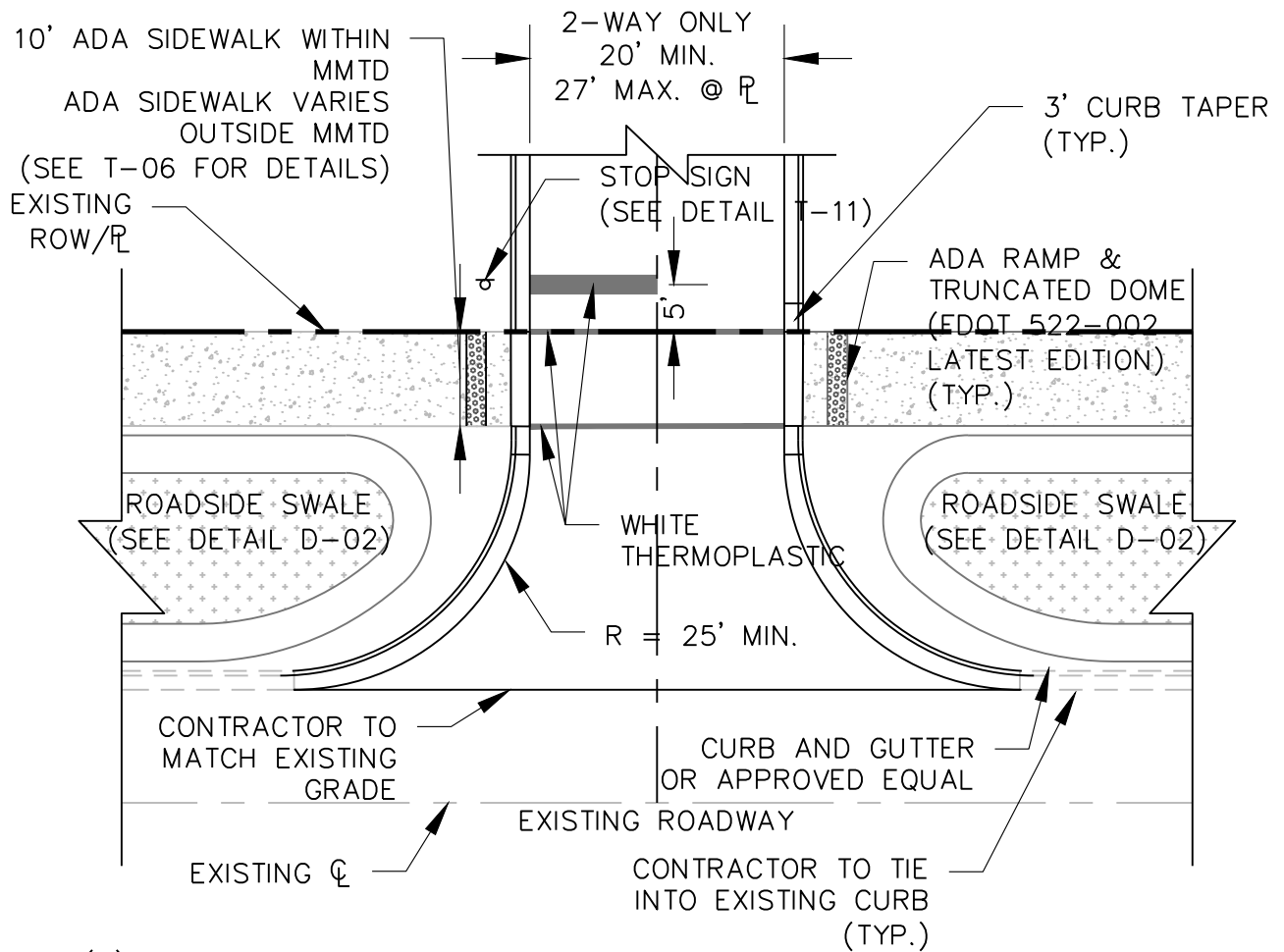
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

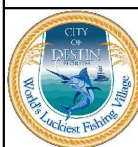
SHEET TITLE			
RESIDENTIAL DRIVEWAY - SIDEWALK			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	T-01	

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NOTE(S):

1. THE DRIVEWAY MUST BE PAVED WITH CONCRETE OR ASPHALT AND MEET THE CONNECTING ROAD.
2. THE DRIVEWAY SHALL BE DESIGNED FOR PROPER DRAINAGE.
3. INSPECTION REQUIRED BY ENGINEERING DIVISION AFTER FORMING AND BEFORE PLACING SIDEWALK.
4. NO PATCHING OF ANY KIND WILL BE ALLOWED IN CONCRETE WORK WITHIN THE ROW.
5. DRIVEWAYS ONTO STATE & COUNTY ROADS WILL REQUIRE A FDOT AND COUNTY PERMITS.
6. DRIVEWAY CULVERT CROSSING MAY BE REQUIRED.
7. ALL SIDEWALKS CROSSING DRIVEWAYS TO HAVE A MAXIMUM CROSS SLOPE OF 2%.



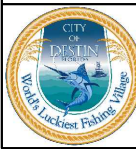
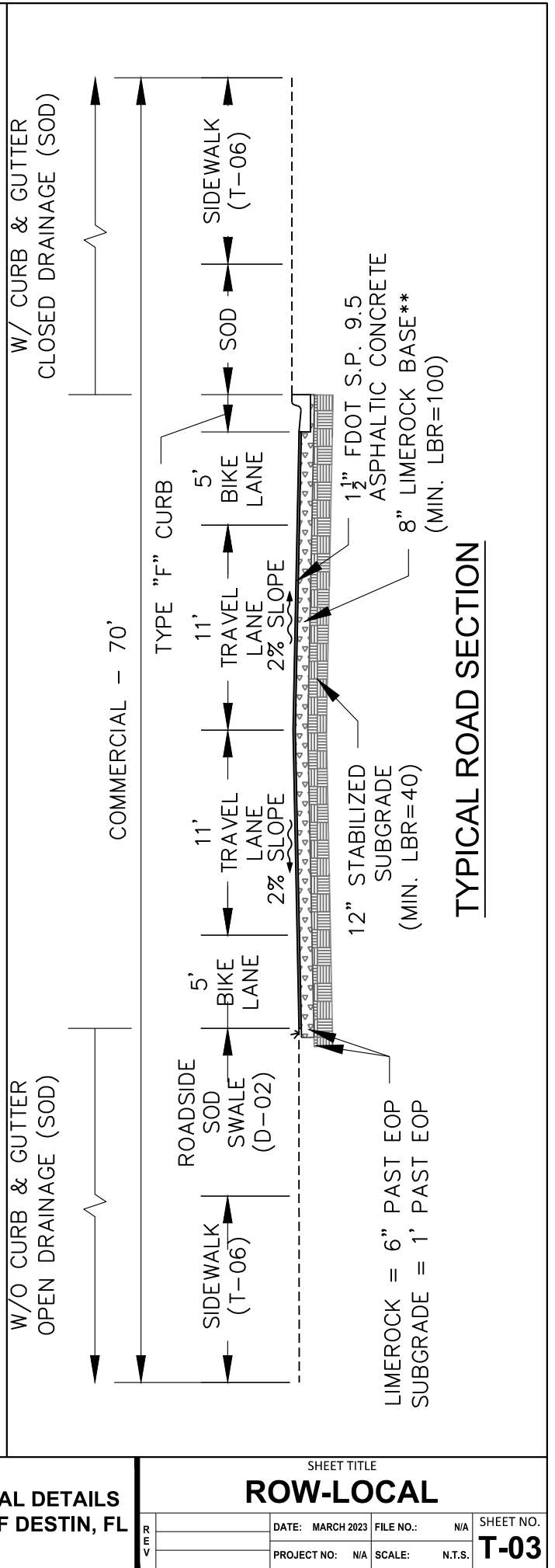
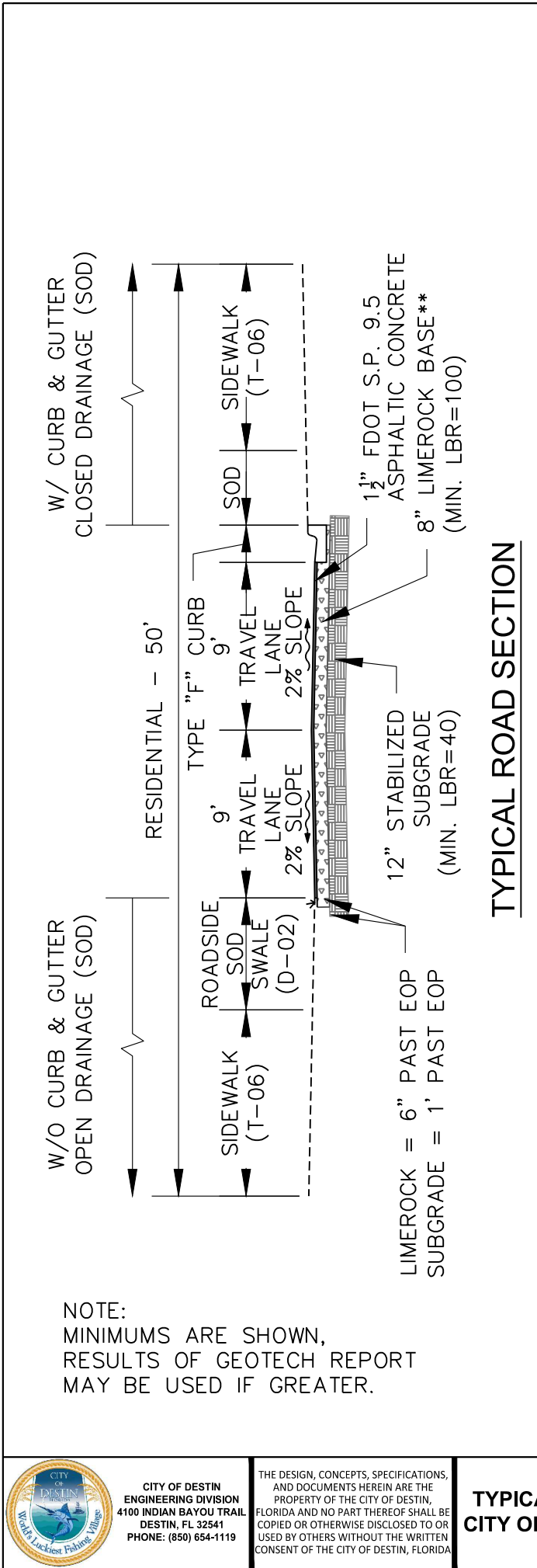
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

**COMMERCIAL - MULTI-FAMILY
DRIVEWAY - SIDEWALK**

REV	DATE: MARCH 2023		FILE NO.: N/A		SHEET NO. T-02
	PROJECT NO: N/A		SCALE: N.T.S.		



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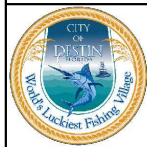
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TYPICAL DETAILS CITY OF DESTIN, FL

REV

SHEET TITLE ROW-LOCAL

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO. T-03
PROJECT NO: N/A	SCALE: N.T.S.	



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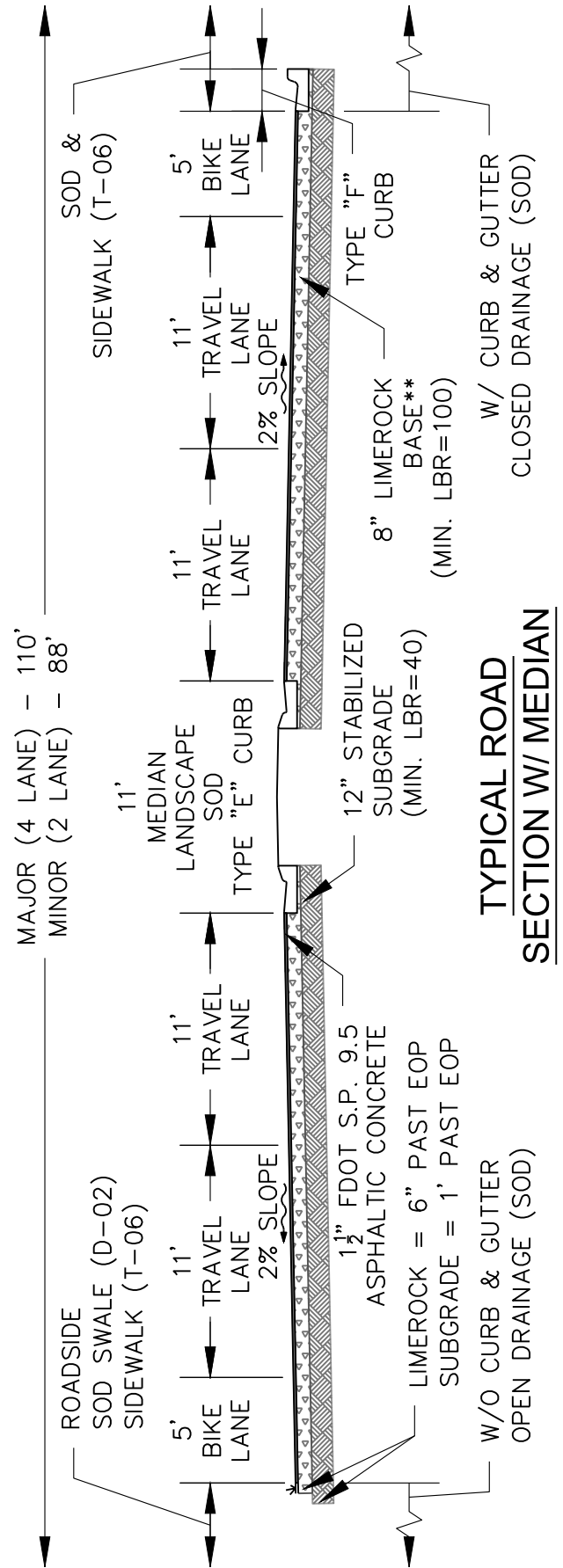
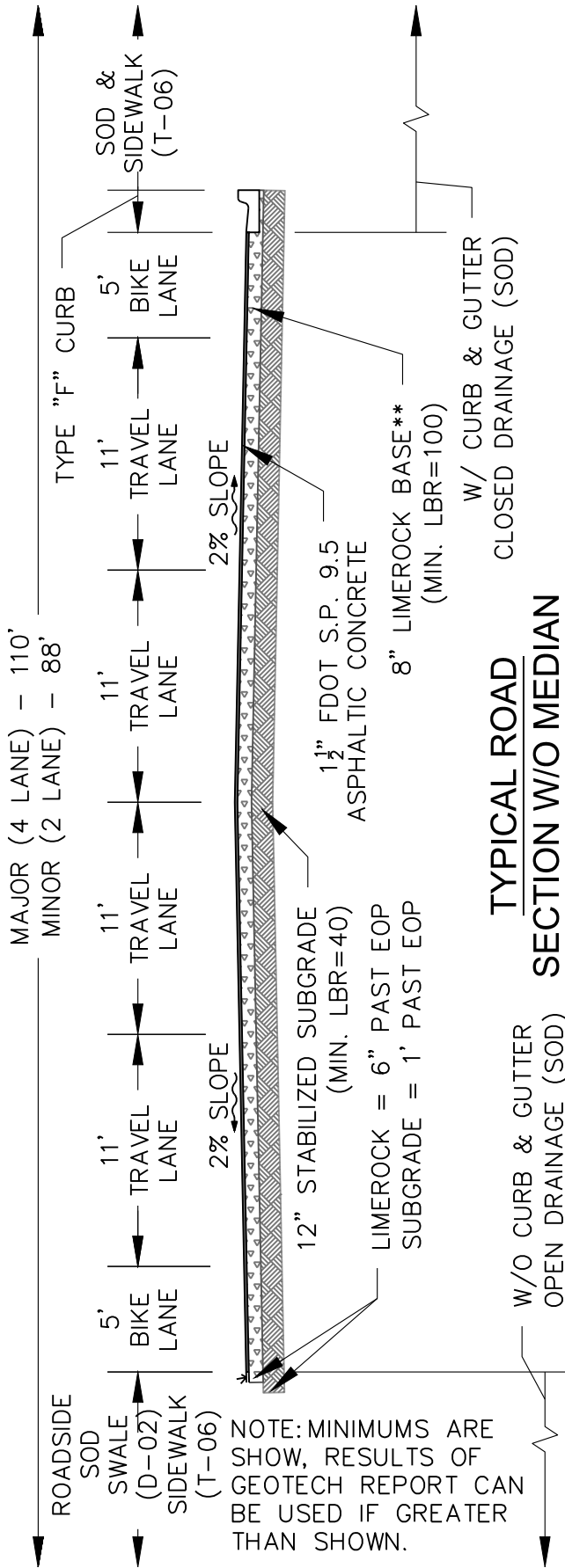
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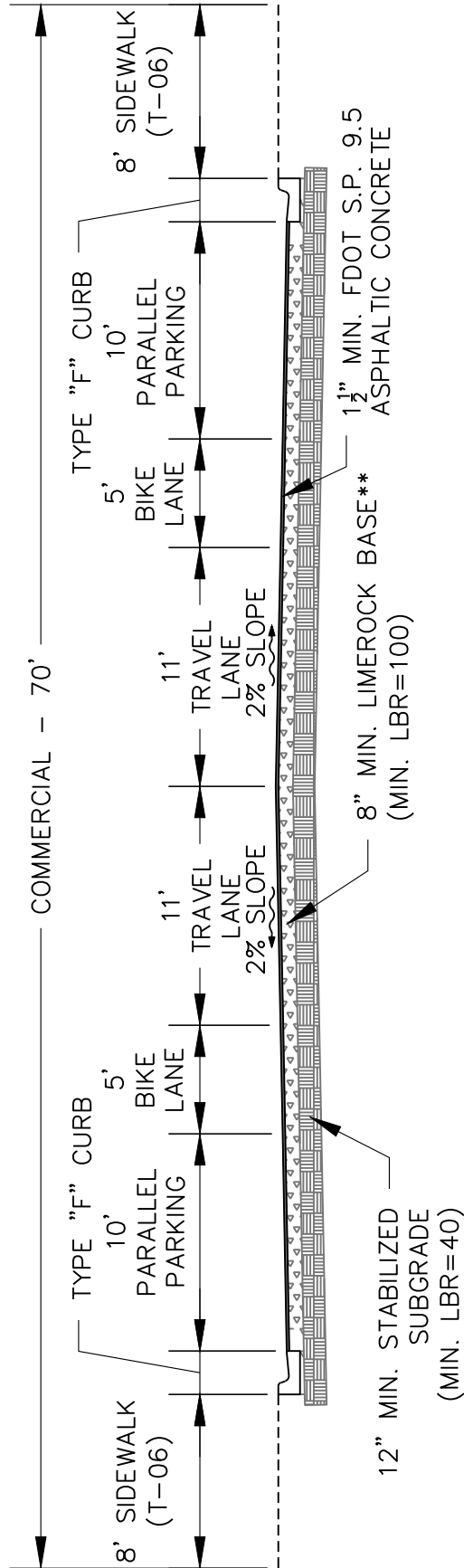
TYPICAL DETAILS CITY OF DESTIN, FL

REV

ROW-COLLECTOR

SHEET TITLE
DATE: MARCH 2023 FILE NO.: N/A SHEET NO.
PROJECT NO: N/A SCALE: N.T.S. **T-04**





TYPICAL ROAD SECTION W/ PARALLEL PARKING

NOTE:
INCLUDING RECYCLED CONCRETE
AGGREGATE (RCA) AS OUTLINED IN
FDOT STANDARD SPECIFICATIONS FOR
ROAD & BRIDGE, SECTION 911-2.7



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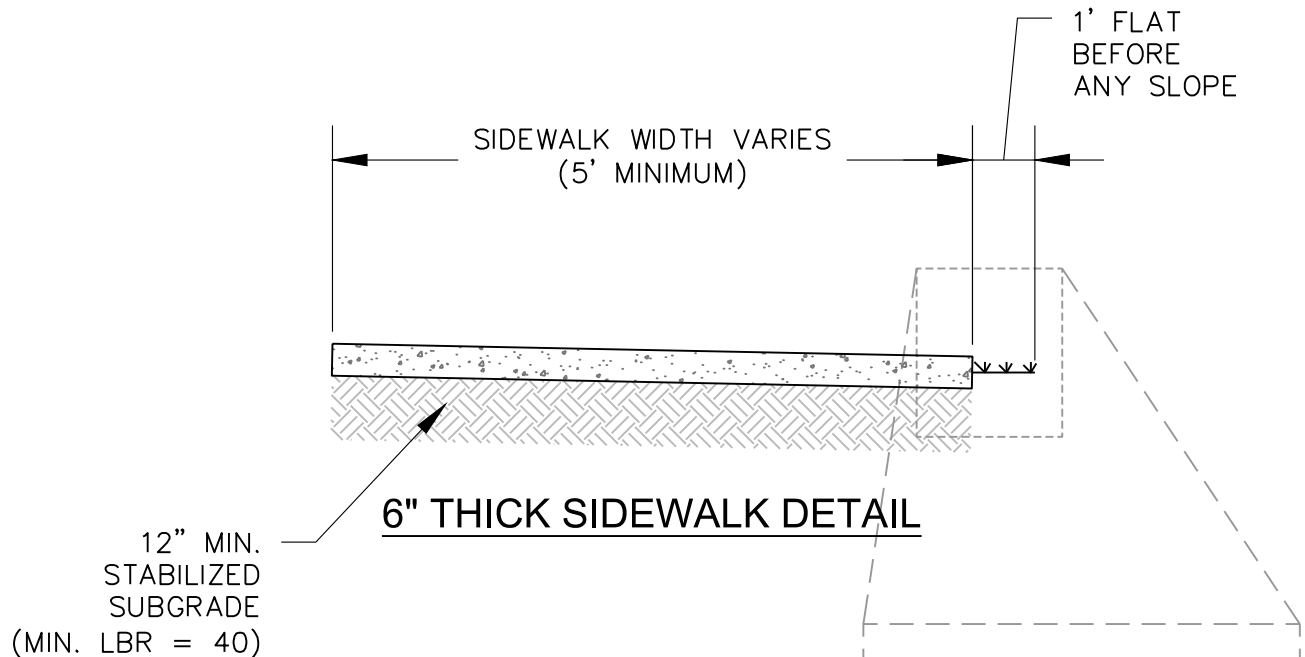
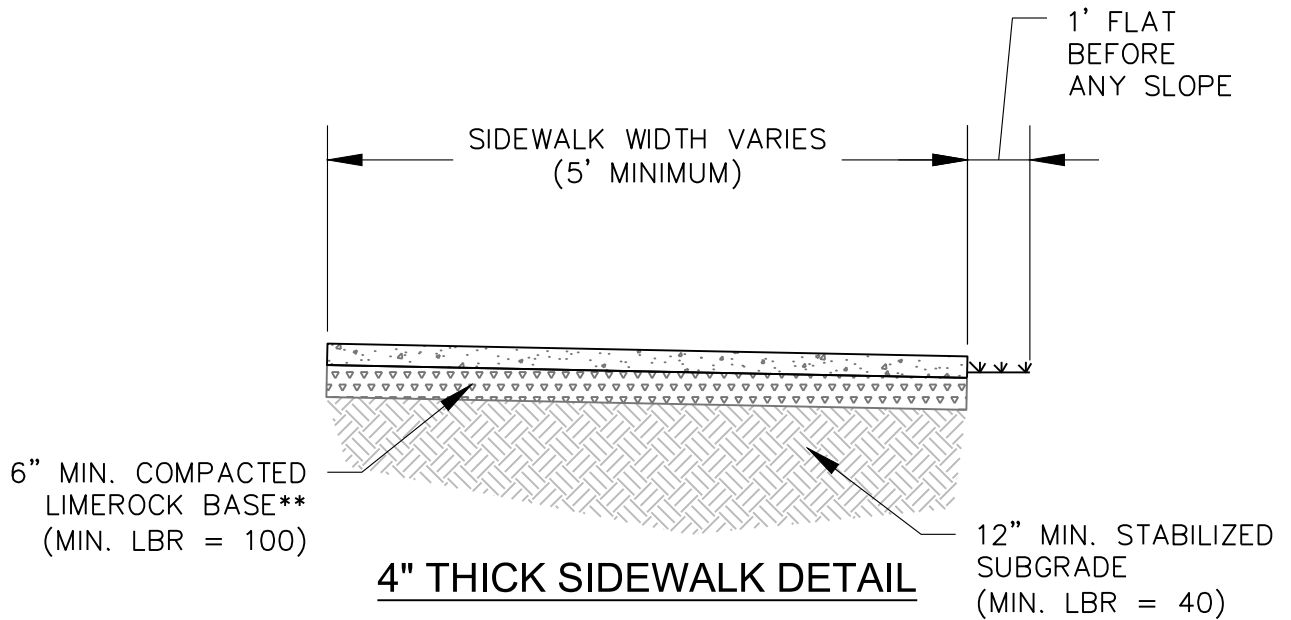
**TYPICAL DETAILS
CITY OF DESTIN, FL**

REV

SHEET TITLE
**ROW-LOCAL-COMMERCIAL
WITH PARKING**

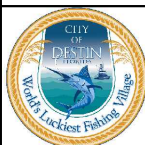
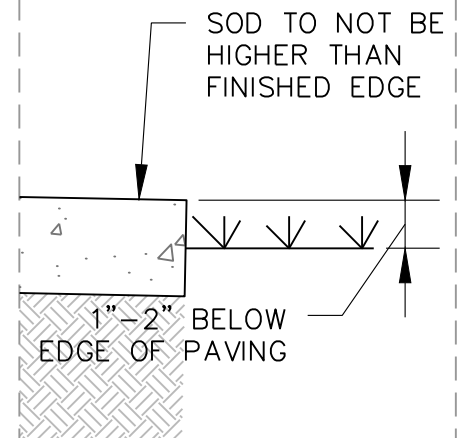
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	T-05

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NOTE(S):

1. ALL SIDEWALKS TO HAVE A CROSS SLOPE OF 2% MAX. IN THE DIRECTION OF THE DRAINAGE FLOW.
2. CONCRETE TO BE 3,500 PSI WITH CONTRACTION JOINTS AT INTERVALS OF THE WIDTH OF THE SIDEWALK.
3. CONCRETE TO CONTAIN FIBER REINFORCEMENT ($\frac{3}{4}$ LB/CY).



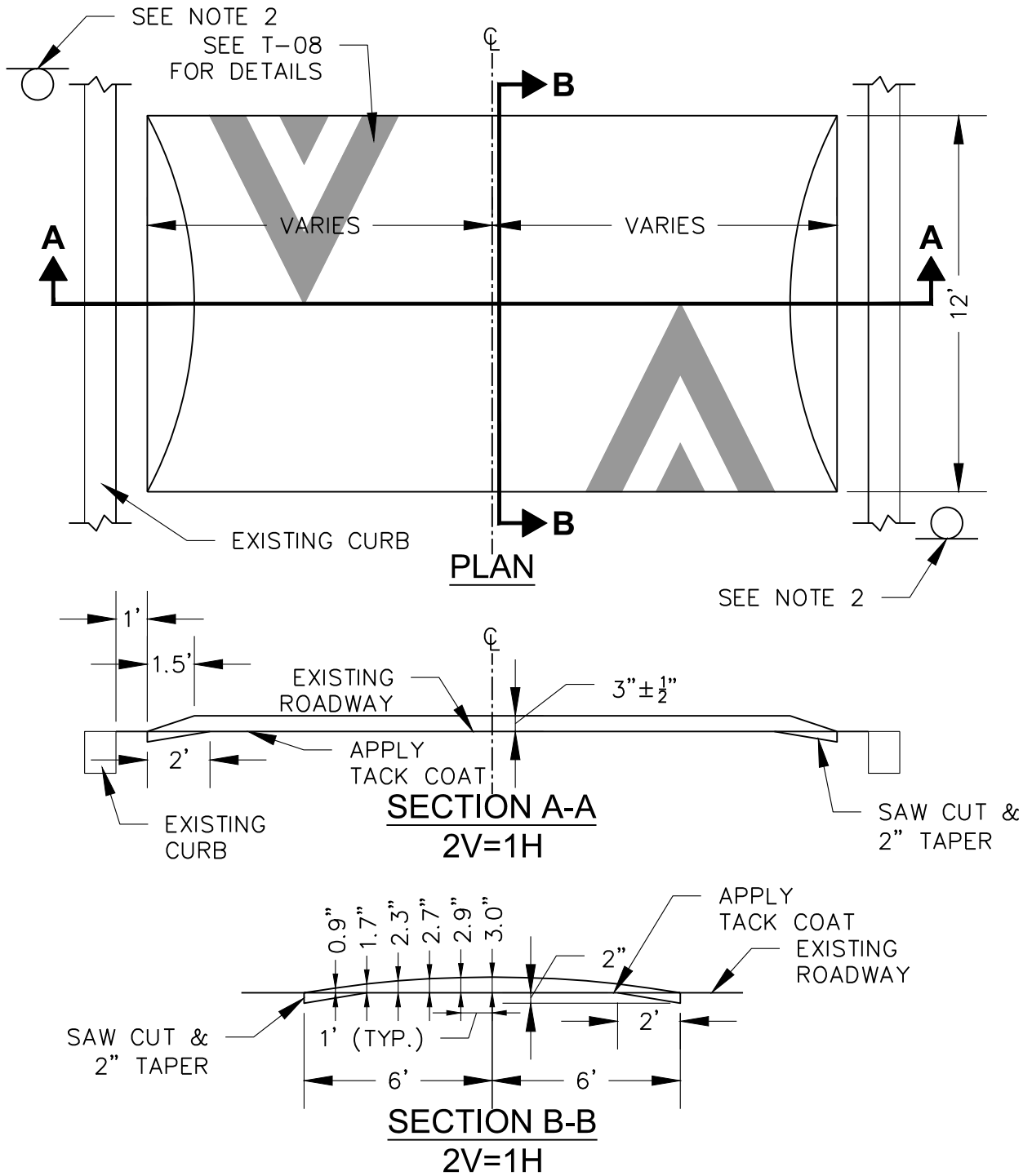
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
SIDEWALK DETAILS

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	T-06



NOTE(S):

1. ALL SIGNING AND STRIPING SHALL CONFORM TO THE MUTCD (LATEST EDITION).
2. SPEED HUMP (W17-1) 30"x30".
3. CONTRACTOR TO COORDINATE WITH PUBLIC WORKS DIRECTOR TO DETERMINE IF IT IS NECESSARY TO INSTALL ADDITIONAL ADVISORY SIGNS TO BE INSTALLED 150' IN FRONT OF SPEED HUMP SIGNS.



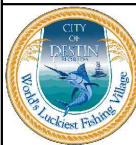
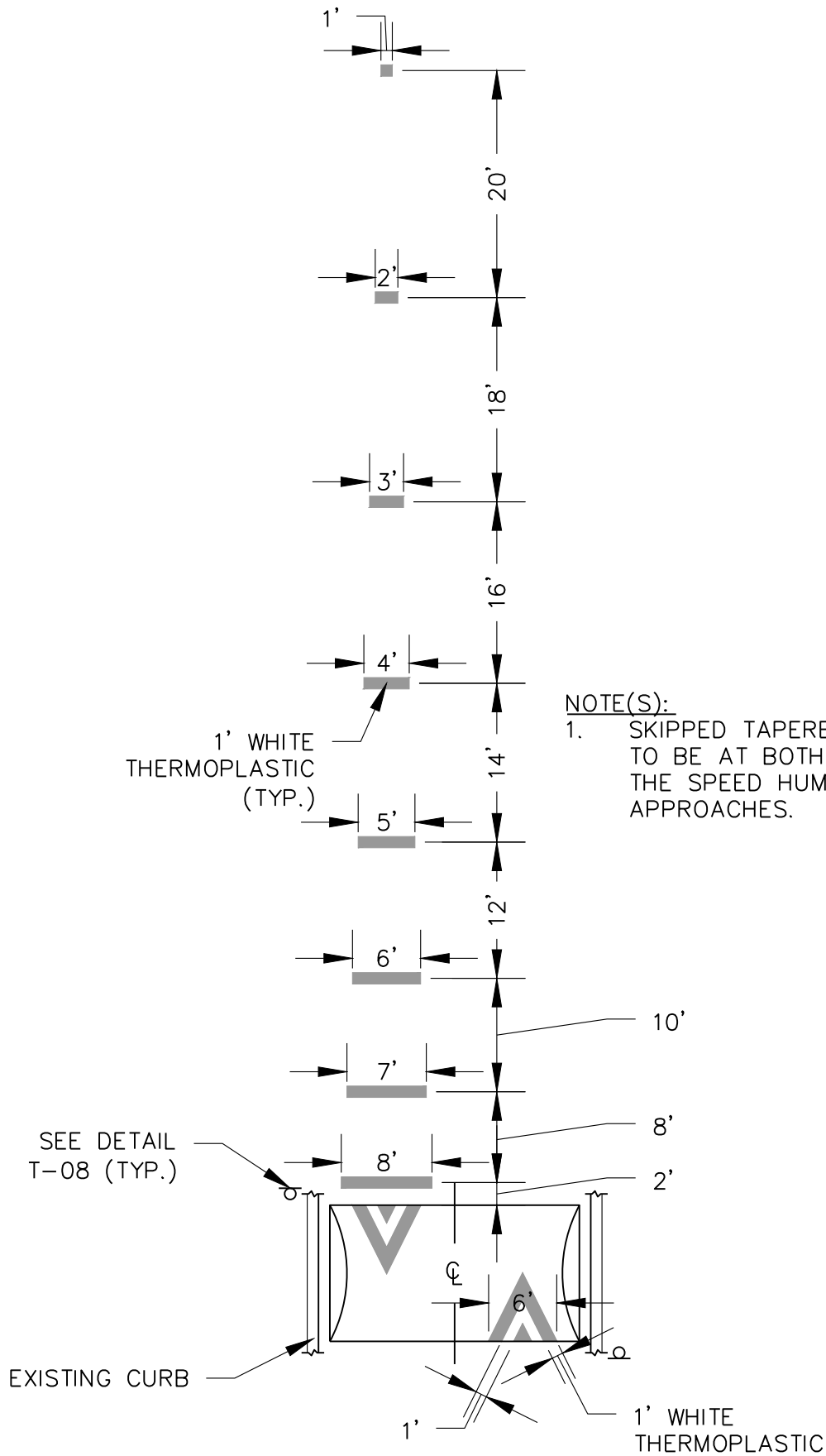
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
SPEED HUMP			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	T-07	

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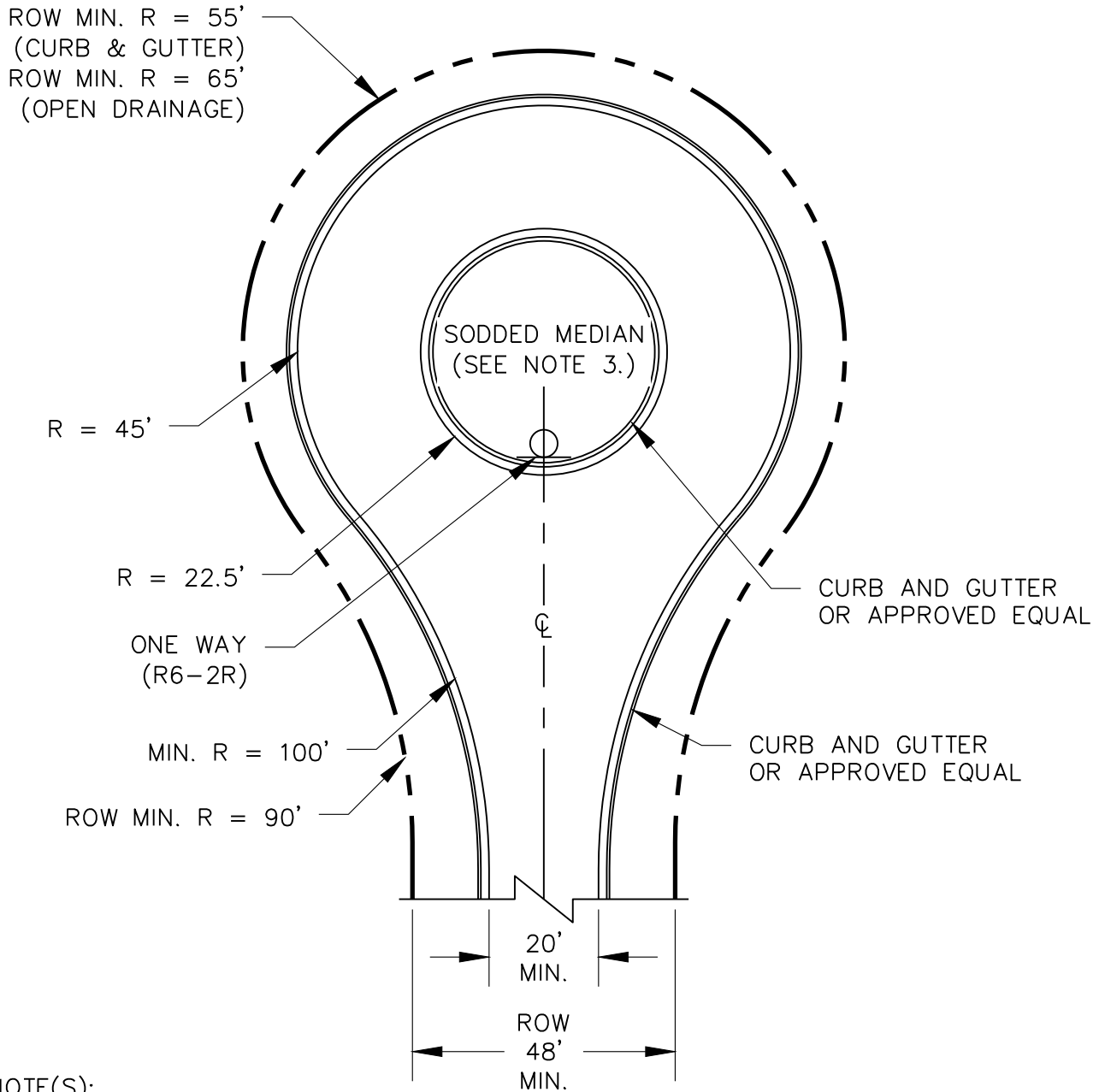
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE			
SPEED HUMP STRIPING			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	T-08	

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NOTE(S):

1. THE CUL-DE-SAC MUST BE PAVED WITH CONCRETE OR ASPHALT AND MEET THE CONNECTING ROAD.
2. THE CUL-DE-SAC SHALL BE DESIGNED FOR PROPER DRAINAGE.
3. CURBED ISLAND WITH ASSOCIATED LANDSCAPING AND SODDING IS OPTIONAL. IF A CURBED LANDSCAPE ISLAND IS DESIRED THE HOMEOWNERS ASSOCIATION AND/OR ABUTTING LANDOWNERS SHALL AGREE TO A MAINTENANCE AGREEMENT. CITY WILL NOT BE RESPONSIBLE FOR ONGOING MAINTENANCE FOR THE ISLAND CURBING AND LANDSCAPING.
4. CUL-DE-SAC OR HAMMERHEAD (T-10) ARE REQUIRED FOR ANY FIRE ACCESS LANES TERMINATING GREATER THAN 150 FEET. IN LIEU OF THIS, A FIRE SPRINKLER SYSTEM SHALL BE INSTALLED WITHIN A BUILDING AFTER THE 150 FEET. (FLORIDA FIRE PREVENTION CODE (FFPC) (CURRENT ADOPTED EDITION))



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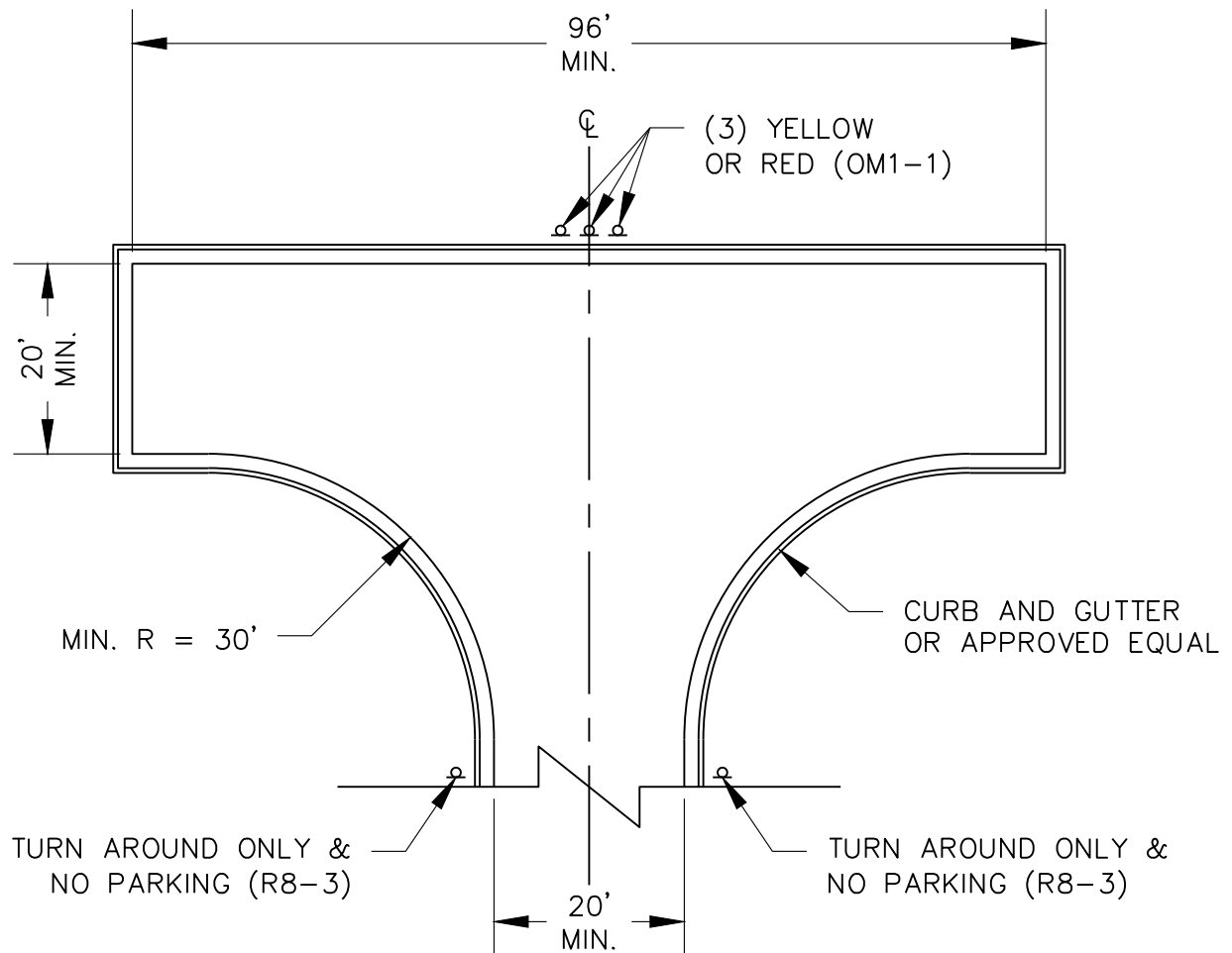
**TYPICAL DETAILS
CITY OF DESTIN, FL**

REV

SHEET TITLE

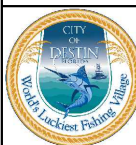
CUL-DE-SAC

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	T-09



NOTE(S):

1. THE HAMMERHEAD MUST BE PAVED WITH CONCRETE OR ASPHALT AND MEET THE CONNECTING ROAD.
2. THE HAMMERHEAD SHALL BE DESIGNED FOR PROPER DRAINAGE.
3. HAMMERHEAD OR CUL-DE-SAC (T-09) ARE REQUIRED FOR ANY FIRE ACCESS LANES TERMINATING GREATER THAN 150 FEET. IN LIEU OF THIS, A FIRE SPRINKLER SYSTEM SHALL BE INSTALLED WITHIN A BUILDING AFTER THE 150 FEET. (FLORIDA FIRE PREVENTION CODE (FFPC) (CURRENT ADOPTED EDITION))



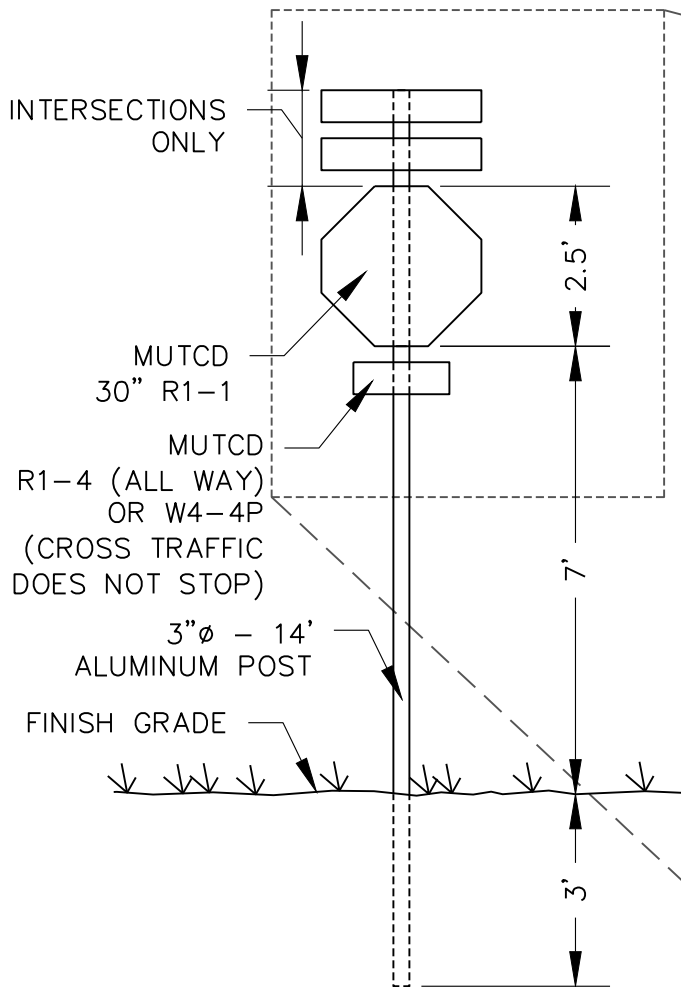
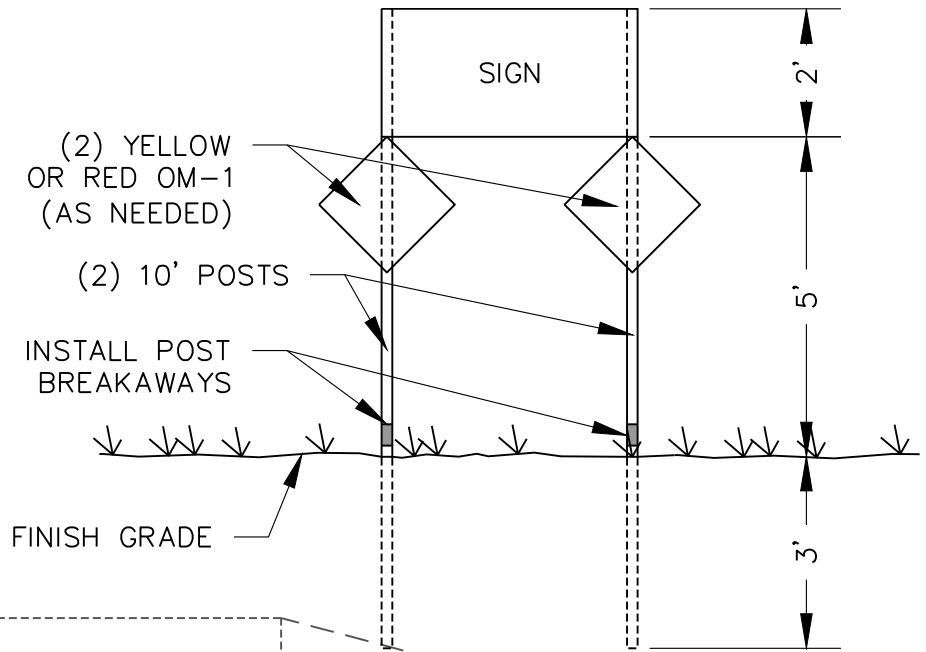
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CITY OF DESTIN, FL**

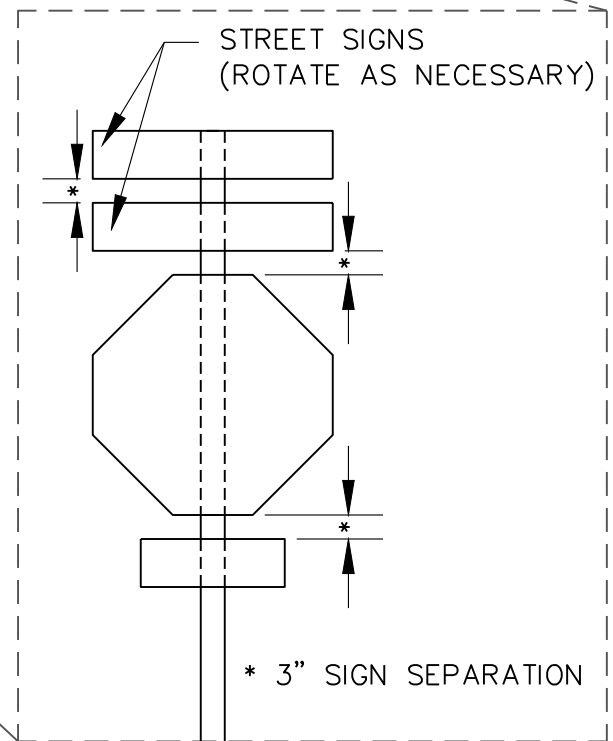
**SHEET TITLE
HAMMERHEAD TURNAROUND**

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	T-10



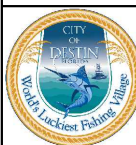
**STOP SIGN
DETAIL**

**SINGLE & DOUBLE
SIGN POST DETAIL**



NOTE(S):

1. ALL REGULATORY AND WARNING SIGNS ARE OF STANDARD SIZE FROM THE MUTCD.



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**TYPICAL DETAILS
CITY OF DESTIN, FL**

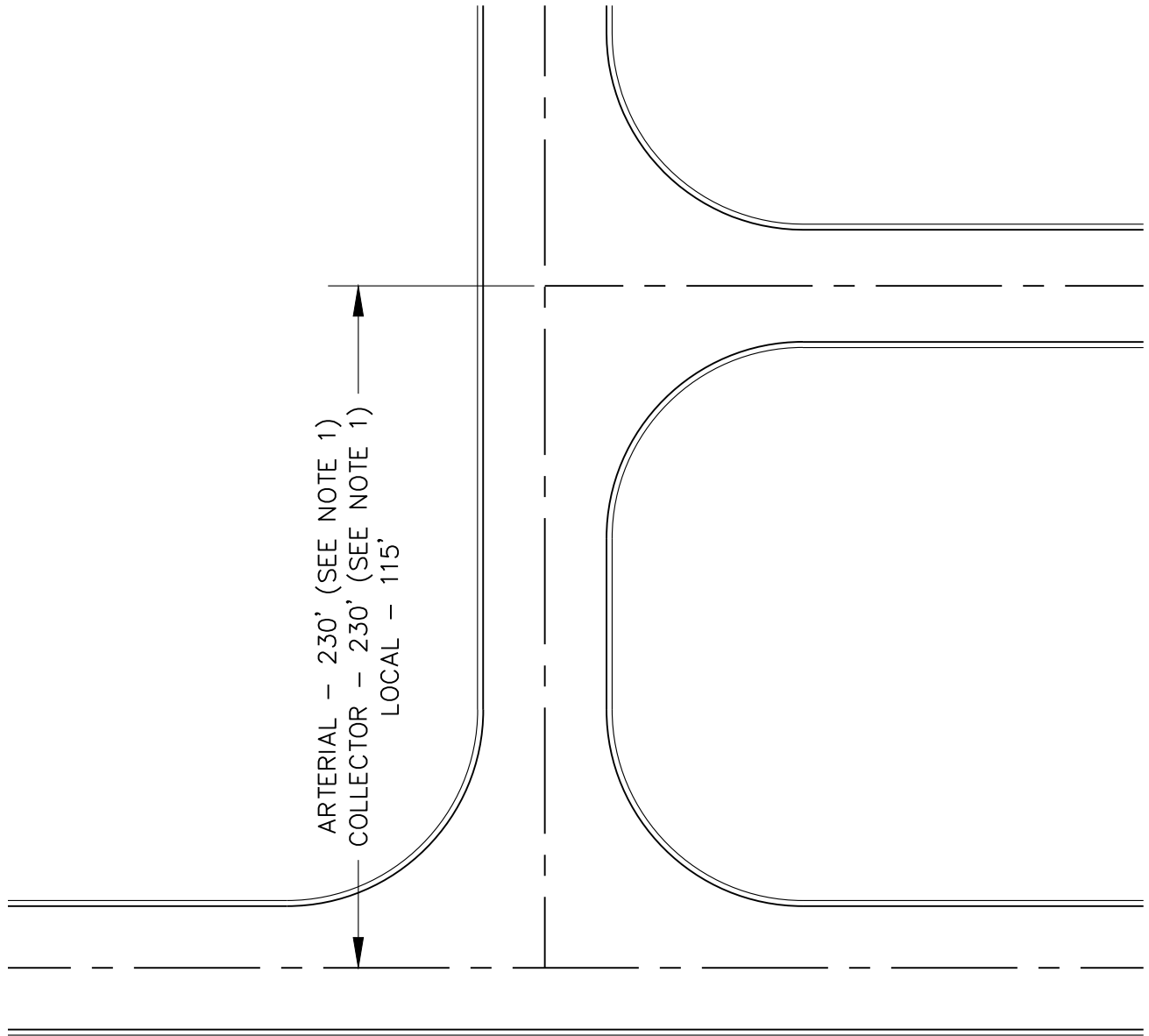
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DATE: MARCH 2023
PROJECT NO: N/A

FILE NO.: N/A
SCALE: N.T.S.

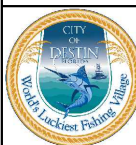
SHEET NO.
T-11

SHEET TITLE
STREET SIGNS



NOTE(S):

1. FOR RIGHT-IN, RIGHT-OUT ACCESSWAY, MINIMUM SPACING SHALL BE 115'.
2. FOR US HIGHWAY 98, PLEASE REFER TO FDOT SPECIFICATIONS.
3. MEDIAN OPENINGS:
DIRECTIONAL - ARTERIAL - 1,320', COLLECTOR - 660', LOCAL - N/A
FULL - ARTERIAL - 2,640', COLLECTOR - 660', LOCAL - N/A
4. MINIMUM TRAFFIC SIGNAL SPACING:
ARTERIAL - 2,640', COLLECTOR - 1,320', LOCAL - 1,320'

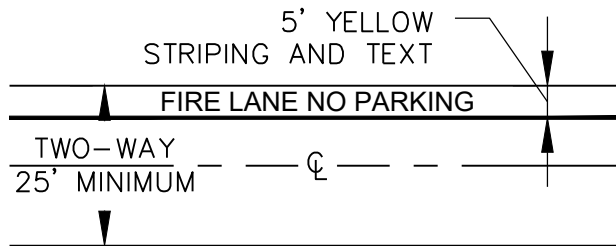
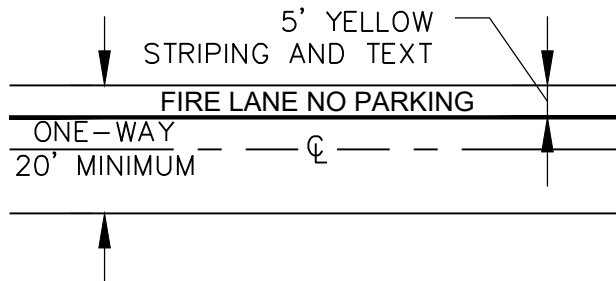


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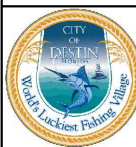
**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
DRIVEWAY SEPARATION			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	T-12	



NOTE(S):

1. FIRE LANE MARKINGS TO BE INSTALLED WITHIN THE FIRE LANE AROUND THE BUILDING AND FOLLOW THE MINIMUM REQUIREMENTS OF THE FLORIDA FIRE PREVENTION CODE (FFPC) (CURRENT ADOPTED EDITION).

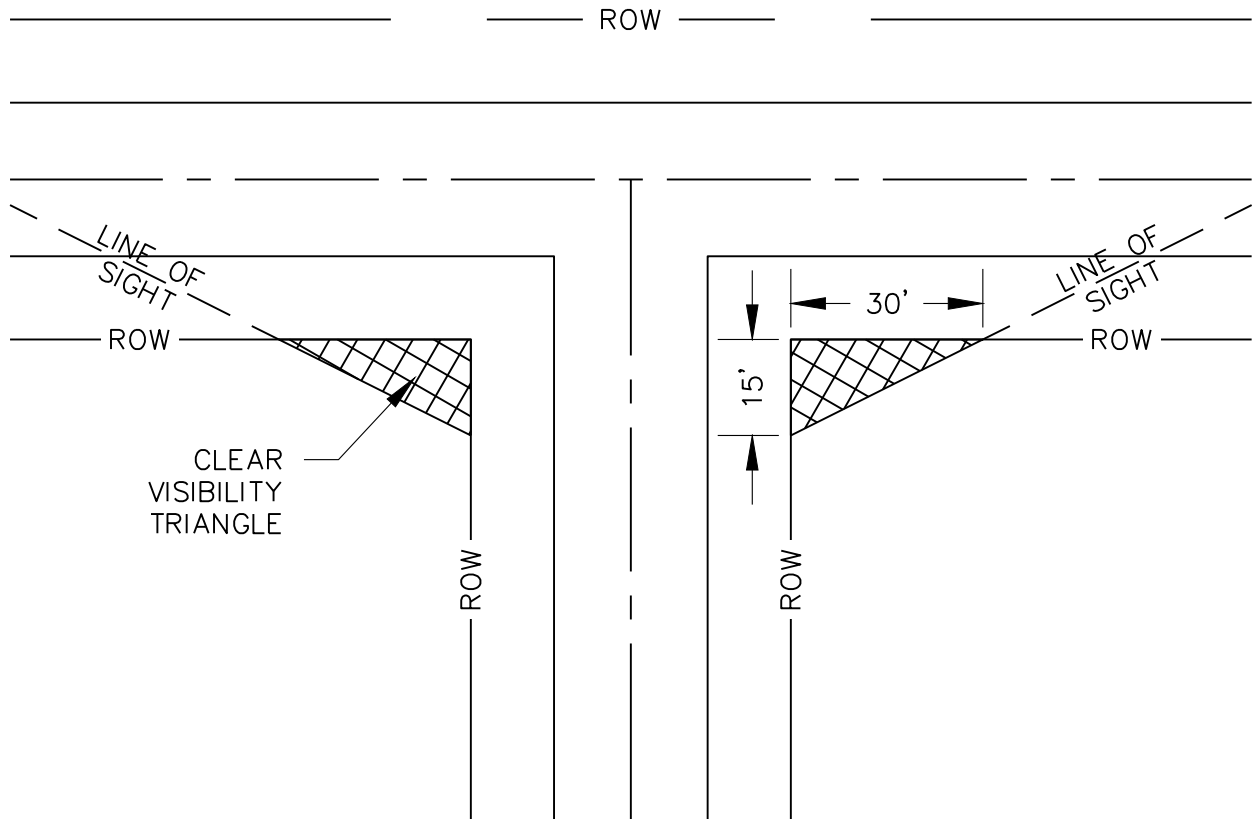


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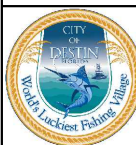
**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
FIRE LANE WIDTHS			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	T-13	



NOTE(S):

1. THIS DETAIL RELATES TO ZERO SETBACK BUILDING REQUIREMENTS.
2. RIGHT-OF-WAY (ROW) REFERS TO BOTH PUBLIC AND PRIVATE ROWS.
3. NOTHING SHALL BE ERECTED, PLACED, PARKED, PLANTED OR ALLOWED TO GROW IN SUCH A MANNER AS TO MATERIALLY IMPEDE VISION BETWEEN A HEIGHT OF TWO FEET AND EIGHT AND A HALF FEET ABOVE THE GRADE, MEASURED AT THE CENTERLINE OF THE INTERSECTION, EXCEPT PRESERVED AND PROTECTED TREES.
4. PRESERVED OR PROTECTED TREES SHALL BE ALLOWED TO REMAIN IN A CLEAR VISIBILITY TRIANGLE PROVIDED ALL BRANCHES AND FOLIAGE IS REMOVED BETWEEN A HEIGHT OF TWO FEET AND EIGHT AND A HALF FEET ABOVE THE GRADE.
5. IT IS THE RESPONSIBILITY OF THE OWNER OR TENANT OF THE PROPERTY TO MAINTAIN THE CLEAR VISION TRIANGLE BY TRIMMING OR REMOVING THE CAUSE OF ANY SIGHT OBSTRUCTION WITHIN SAID CLEAR VISIBILITY TRIANGLE.
6. A COLUMN CAN BE INSTALLED AT THE CORNER OF THE PROPERTY WITH A MAXIMUM WIDTH OF 18".



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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE				
BUILDING CLEAR VISIBILITY TRIANGLE				
REVISION		DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
		PROJECT NO: N/A	SCALE: N.T.S.	T-14

NOTE(S):

1. FOR CLEAR SIGHT TRIANGLES ALONG THE US-98/HARBOR BOULEVARD/EMERALD COAST PARKWAY CORRIDOR, USE FDOT GUIDELINES (LATEST EDITION).
2. FOR ALL OTHER CITY ROADWAYS, USE MANUAL OF UNIFORM MINIMUM STANDARDS FOR DESIGN, CONSTRUCTION AND MAINTENANCE FOR STREETS AND HIGHWAYS (FLORIDA GREENBOOK) FIGURE 3-16 AND FIGURE 3-17 (LATEST EDITION).



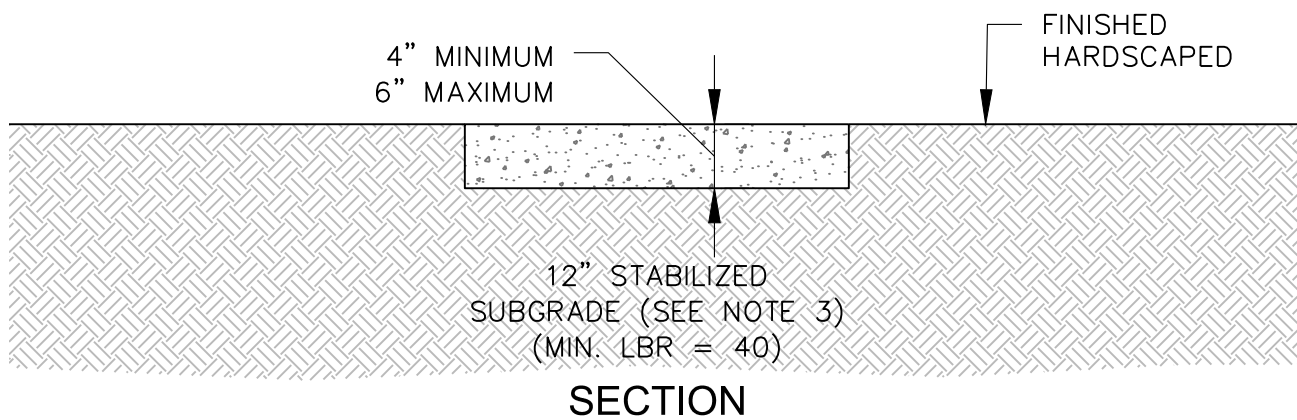
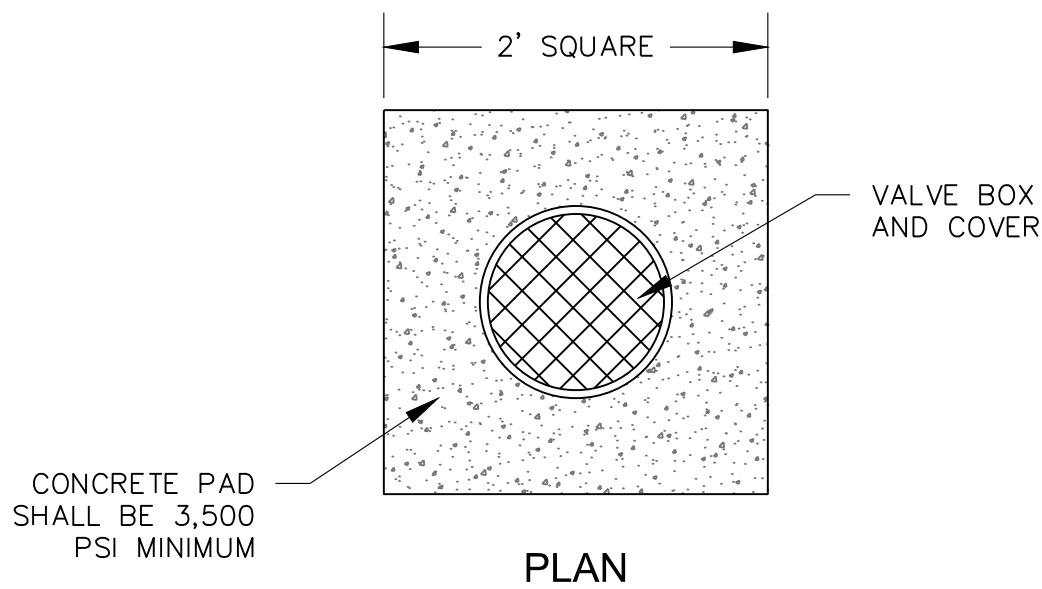
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CITY OF DESTIN, FL**

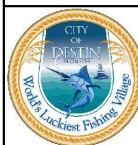
SHEET TITLE			
CLEAR SITE TRIANGLE			
R E V	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	T-15

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NOTE(S):

1. CONCRETE TO CONTAIN FIBER REINFORCEMENT ($\frac{3}{4}$ LB/CY). HIGH STRENGTH/EARLY CURE CONCRETE MAY BE USED.
2. IN-LIEU OF FIBER REINFORCEMENT CONTRACTOR MAY USE 1 #3 BAR EACH WAY (4 TOTAL).
3. ALL VALVE PADS WITHIN A ROADWAY TO BE SET ON REQUIRED ROADWAY BASE WITH THE PROPER ROADWAY LBR (SEE DETAILS T-03 & T-04).
4. PREFABRICATED CONCRETE COLLARS "DONUTS" MAY BE USED IN LANDSCAPED OR SODDED AREAS.



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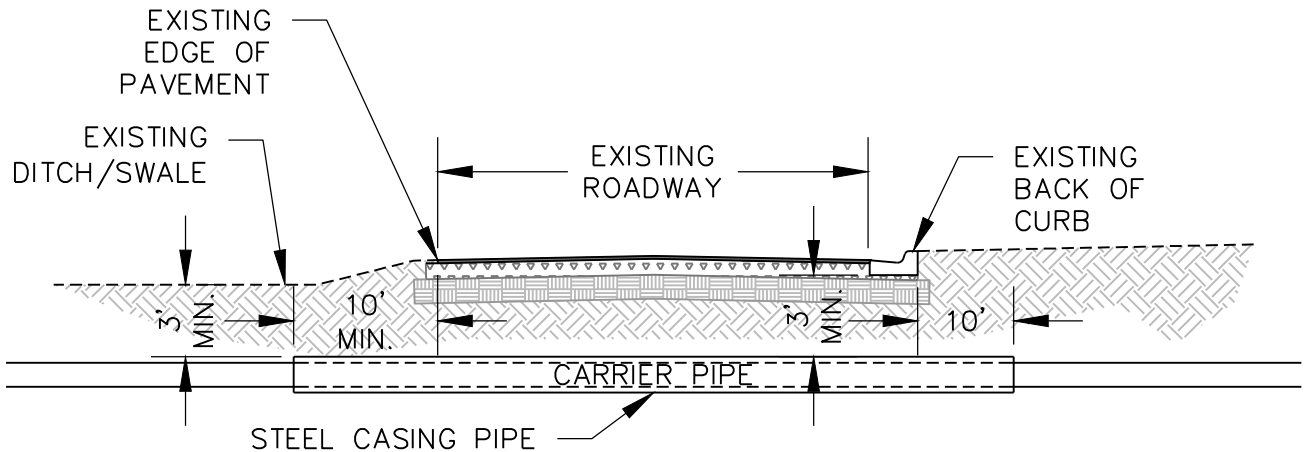
**TYPICAL DETAILS
CITY OF DESTIN, FL**

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SHEET TITLE

VALVE PAD

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
PROJECT NO: N/A	SCALE: N.T.S.	U-01



NOTE(S):

1. SPACERS SHALL BE BY THE PLANS AND SPECIFICATIONS. THE QUANTITY AND SPACING SHALL BE ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS, PLANS, AND SPECIFICATIONS (WHICHEVER IS MORE STRINGENT).
2. STEEL PIPE CASING SHALL BE IN ACCORDANCE WITH THE FDOT STANDARD SPECIFICATION FOR ROAD & BRIDGE, LATEST EDITION, SECTION 556.2.1. ENDS OF CASING TO BE SEALED ACCORDING TO PLANS AND SPECIFICATIONS.
3. WHERE PRACTICAL, CASING SHALL EXTEND 10' BEYOND EDGE OF PAVEMENT SHALL NOT BE LESS THAN 10' BEYOND EDGE OF PAVEMENT IN ANY CASE. THE CITY MAY REQUIRE LONGER CASING FOR DEEPER BORES.
4. WHEN CONSTRUCTION IS WITHIN FDOT JURISDICTION, ADDITIONAL REQUIREMENTS USING FDOT STANDARDS SHALL ALSO BE MET.
5. NO UNCONTROLLED TRENCHLESS TECHNOLOGIES SUCH AS MISSILING WITHIN THE RIGHT-OF-WAY.
6. THIS DETAIL SHALL BE USED FOR ALL PRESSURIZED UTILITIES UNDER THE ROADWAY.
7. JACK & BORE PROCESS SHALL BE IN ACCORDANCE WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE, LATEST EDITION, SECTION 556-3, 4 & 5.

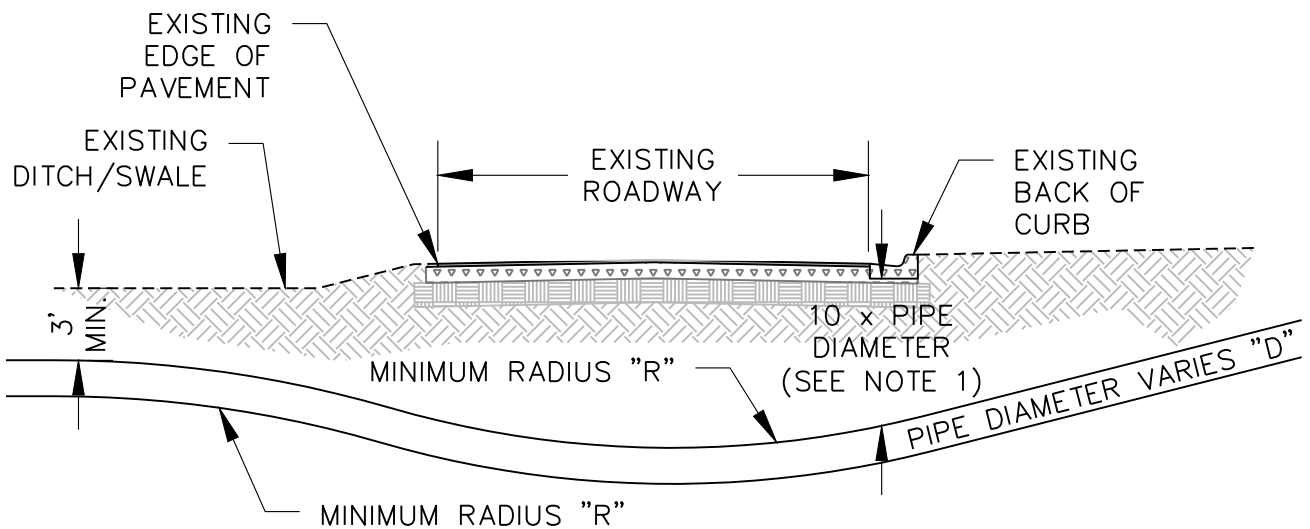


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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
JACK & BORE			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	U-02	

**NOTE(S):**

1. 10 x MINIMUM REAMER DIAMETER FOR ALL RIGHT-OF-WAYS.
2. BORING PLANS SHALL TO BE APPROVED BY THE ENGINEER OF RECORD AND CITY ENGINEER.
3. CONSTRUCTION AND OPERATION SHALL MEET THE MINIMUM REQUIREMENTS OF FDOT STANDARD SPECIFICATION FOR ROAD & BRIDGE, LATEST EDITION, SECTION 555.
4. UNCONTROLLED TRENCHLESS TECHNOLOGIES SUCH AS MISSILLING SHALL BE NOT BE ALLOWED.
5. BORE DOCUMENTATION SHALL BE IN ACCORDANCE WITH FDOT STANDARD SPECIFICATION FOR ROAD & BRIDGE, LATEST EDITION, SECTION 555.6 WHEN REQUESTED.



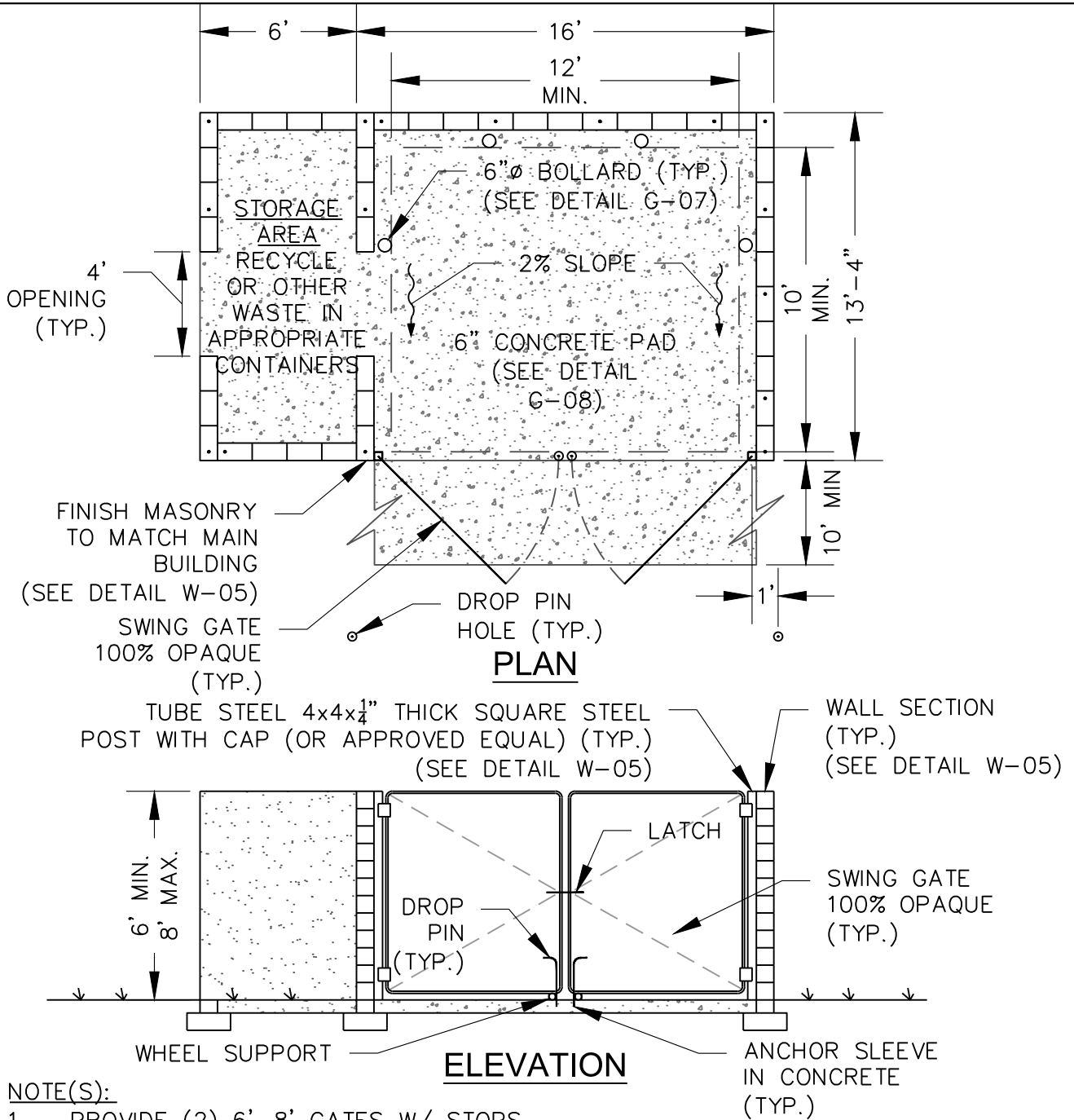
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CITY OF DESTIN, FL**

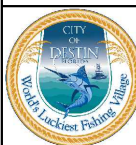
SHEET TITLE
DIRECTIONAL DRILL

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	U-03



NOTE(S):

1. PROVIDE (2) 6'-8' GATES W/ STOPS.
2. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CF OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 10 FT OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLE ROOF EAVE LINES. LATEST EDITION NFPA 1: CHAPTER 19.
3. THIS DETAIL IS A REPRESENTATION OF COMPLIED PUBLIC INFORMATION. IT IS BELIEVED TO BE AN ACCURATE AND TRUE DEPICTION FOR THE STATED PURPOSE. BUT THE CITY OF DESTIN AND ITS EMPLOYEES MAKE NO GUARANTEES IMPLIED OR OTHERWISE AS TO ITS ACCURACY OR COMPLETENESS. WE THEREFORE, DO NOT ACCEPT ANY RESPONSIBILITY TO ITS USE.
4. IF ROOF STRUCTURE IS PROPOSED, IT MUST MEET FLORIDA BUILDING CODE MIN. WIND LOADING REQUIREMENTS.



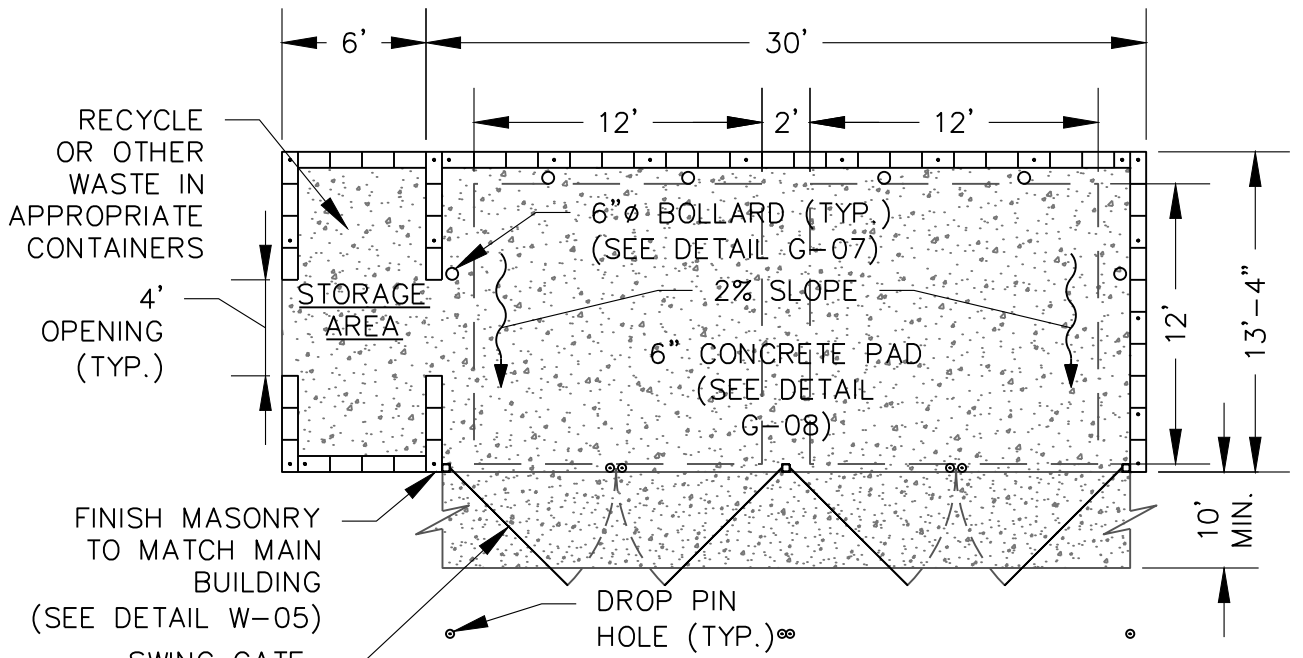
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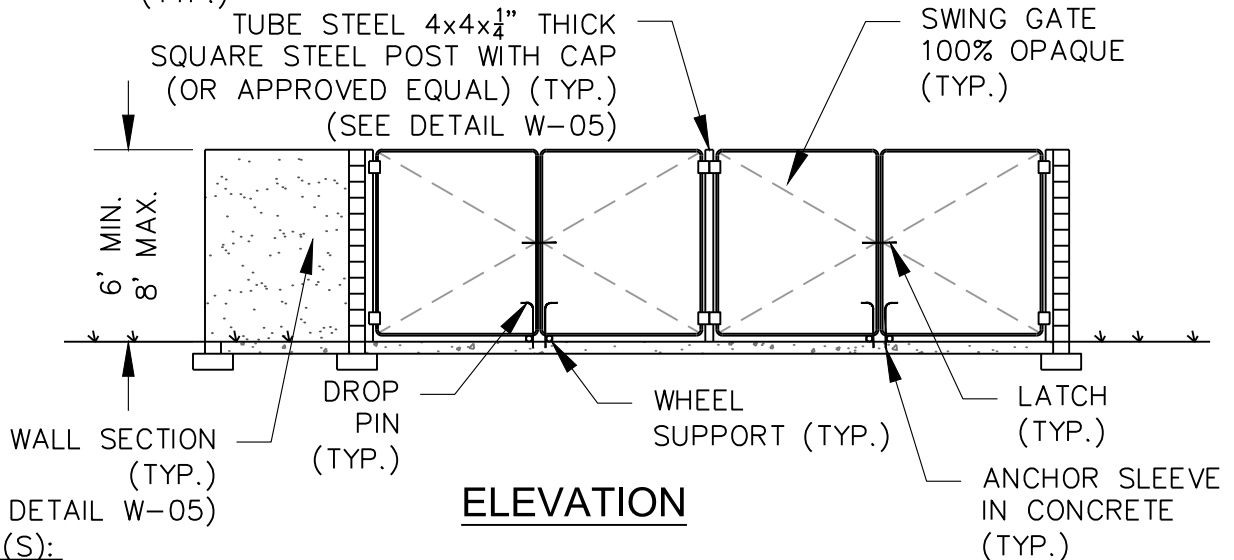
TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE
SINGLE DUMPSTER ENCLOSURE

REV	DATE: MARCH 2023	FILE NO.:	N/A	SHEET NO.
	PROJECT NO: N/A	SCALE:	N.T.S.	W-01



PLAN



ELEVATION

NOTE(S):

1. PROVIDE (4) 6'-8' GATES W/ STOPS.
2. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CF OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 10 FT OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLE ROOF EAVE LINES. LATEST EDITION NFPA 1: CHAPTER 19.
3. THIS DETAIL IS A REPRESENTATION OF COMPLIED PUBLIC INFORMATION. IT IS BELIEVED TO BE AN ACCURATE AND TRUE DEPICTION FOR THE STATED PURPOSE. BUT THE CITY OF DESTIN AND ITS EMPLOYEES MAKE NO GUARANTEES IMPLIED OR OTHERWISE AS TO ITS ACCURACY OR COMPLETENESS. WE THEREFORE, DO NOT ACCEPT ANY RESPONSIBILITY TO ITS USE.
4. IF ROOF STRUCTURE IS PROPOSED, IT MUST MEET FLORIDA BUILDING CODE MIN. WIND LOADING REQUIREMENTS.



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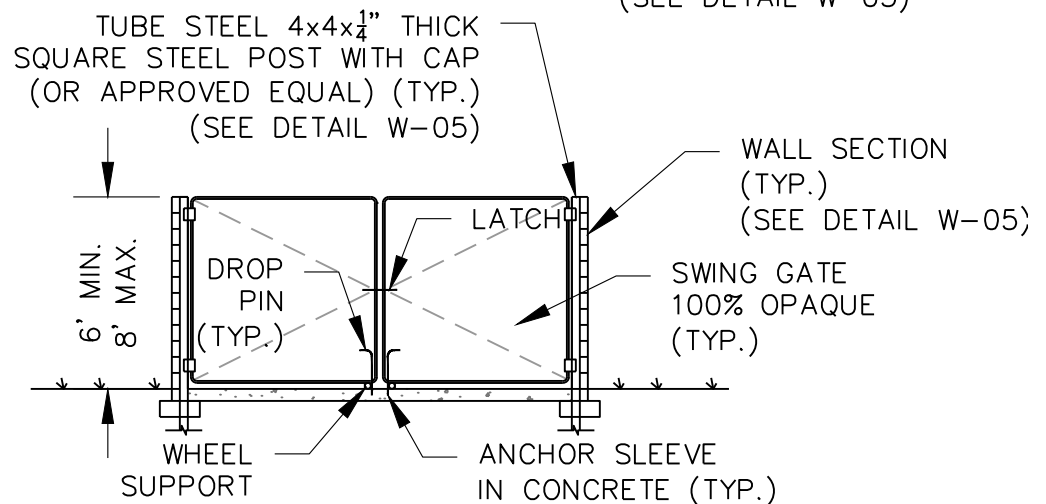
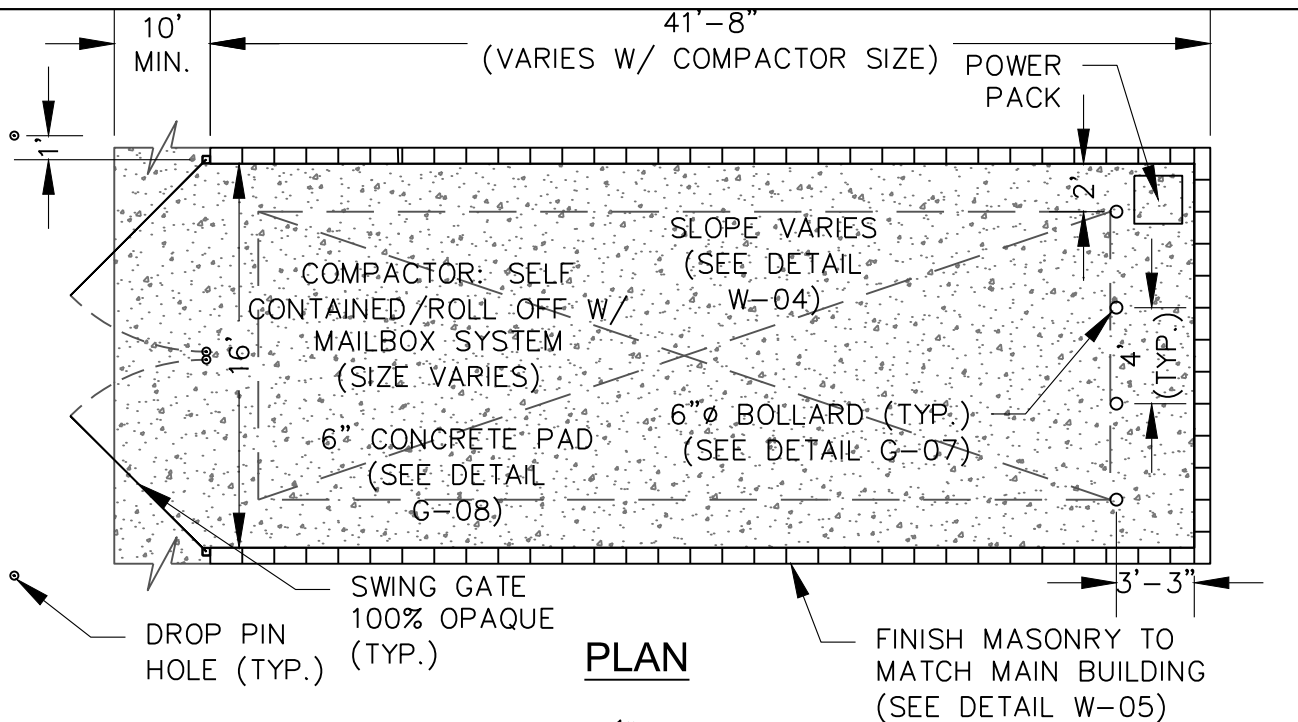
**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE

DOUBLE DUMPSTER ENCLOSURE

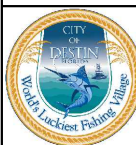
REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	W-02

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NOTE(S):

1. PROVIDE (2) 6'-8' GATES W/ STOPS.
2. DUMPSTERS AND CONTAINERS WITH AN INDIVIDUAL CAPACITY OF 1.5 CF OR MORE SHALL NOT BE STORED IN BUILDINGS OR PLACED WITHIN 10 FT OF COMBUSTIBLE WALLS, OPENINGS, OR COMBUSTIBLE ROOF EAVE LINES. LATEST EDITION NFPA 1: CHAPTER 19.
3. THIS DETAIL IS A REPRESENTATION OF COMPLIED PUBLIC INFORMATION. IT IS BELIEVED TO BE AN ACCURATE AND TRUE DEPICTION FOR THE STATED PURPOSE. BUT THE CITY OF DESTIN AND ITS EMPLOYEES MAKE NO GUARANTEES IMPLIED OR OTHERWISE AS TO ITS ACCURACY OR COMPLETENESS. WE THEREFORE, DO NOT ACCEPT ANY RESPONSIBILITY TO ITS USE.
4. IF ROOF STRUCTURE IS PROPOSED, IT MUST MEET FLORIDA BUILDING CODE MIN. WIND LOADING REQUIREMENTS.
5. COMPACTOR SHALL BE ADA ACCESSIBLE.

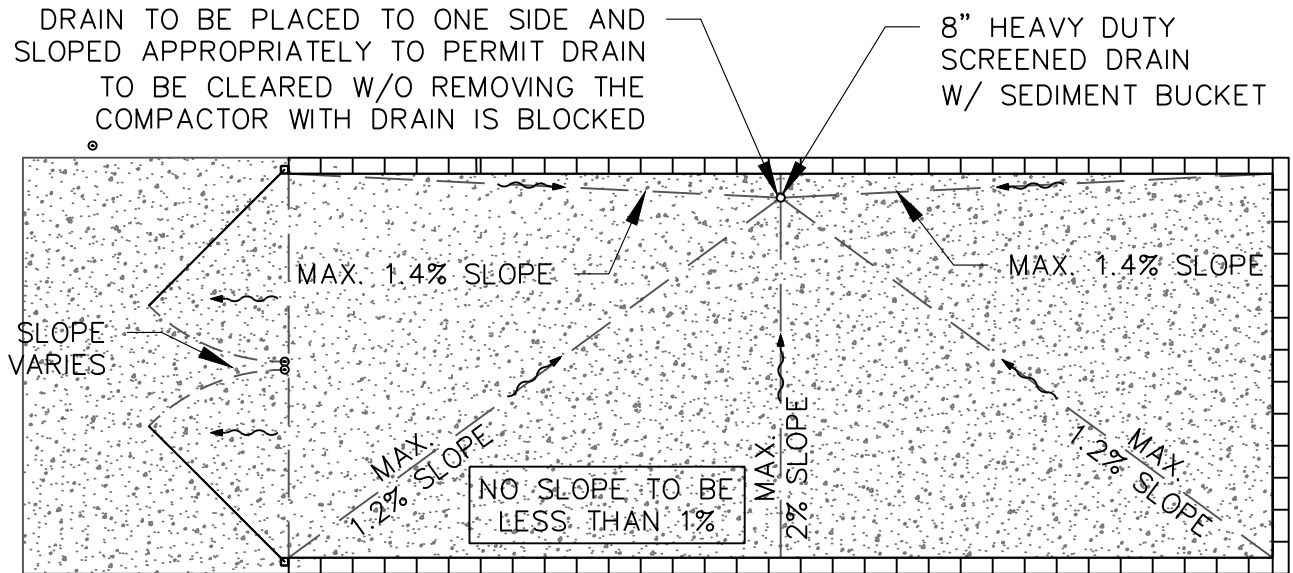


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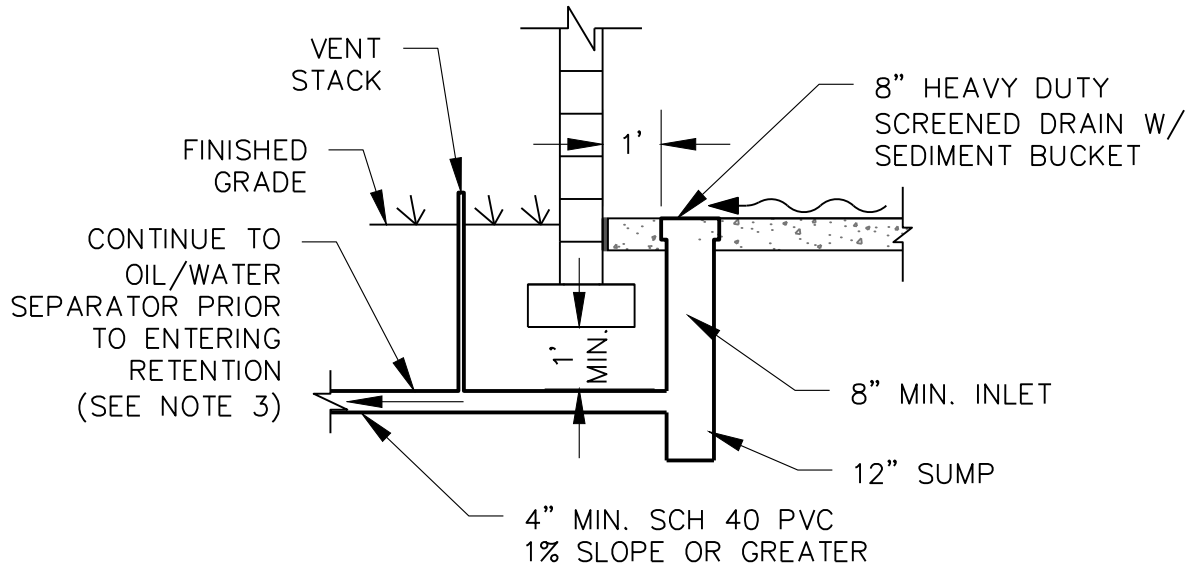
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE			
COMPACTOR ENCLOSURE			
DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.	
PROJECT NO: N/A	SCALE: N.T.S.	W-03	



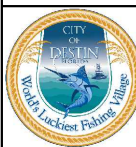
GRADE PLAN



NOTE(S):

DRAIN DETAIL

1. SANITARY SEWER CONNECTION NOT ALLOWED FOR THIS APPLICATION.
2. THIS DETAIL IS A REPRESENTATION OF COMPLIED PUBLIC INFORMATION. IT IS BELIEVED TO BE AN ACCURATE AND TRUE DEPICTION FOR THE STATED PURPOSE. BUT THE CITY OF DESTIN AND ITS EMPLOYEES MAKE NO GUARANTEES IMPLIED OR OTHERWISE AS TO ITS ACCURACY OR COMPLETENESS. WE THEREFORE, DO NOT ACCEPT ANY RESPONSIBILITY TO ITS USE.
3. IF STRUCTURE IS ROOFED, SLAB DRAIN CAN BE DIRECTED TO SANITARY SEWER. IF COMPACTOR IS OPEN TO THE ELEMENTS, SLAB DRAIN SHALL BE DIRECTED TO RETENTION AREA AFTER OIL/WATER SEPARATOR.



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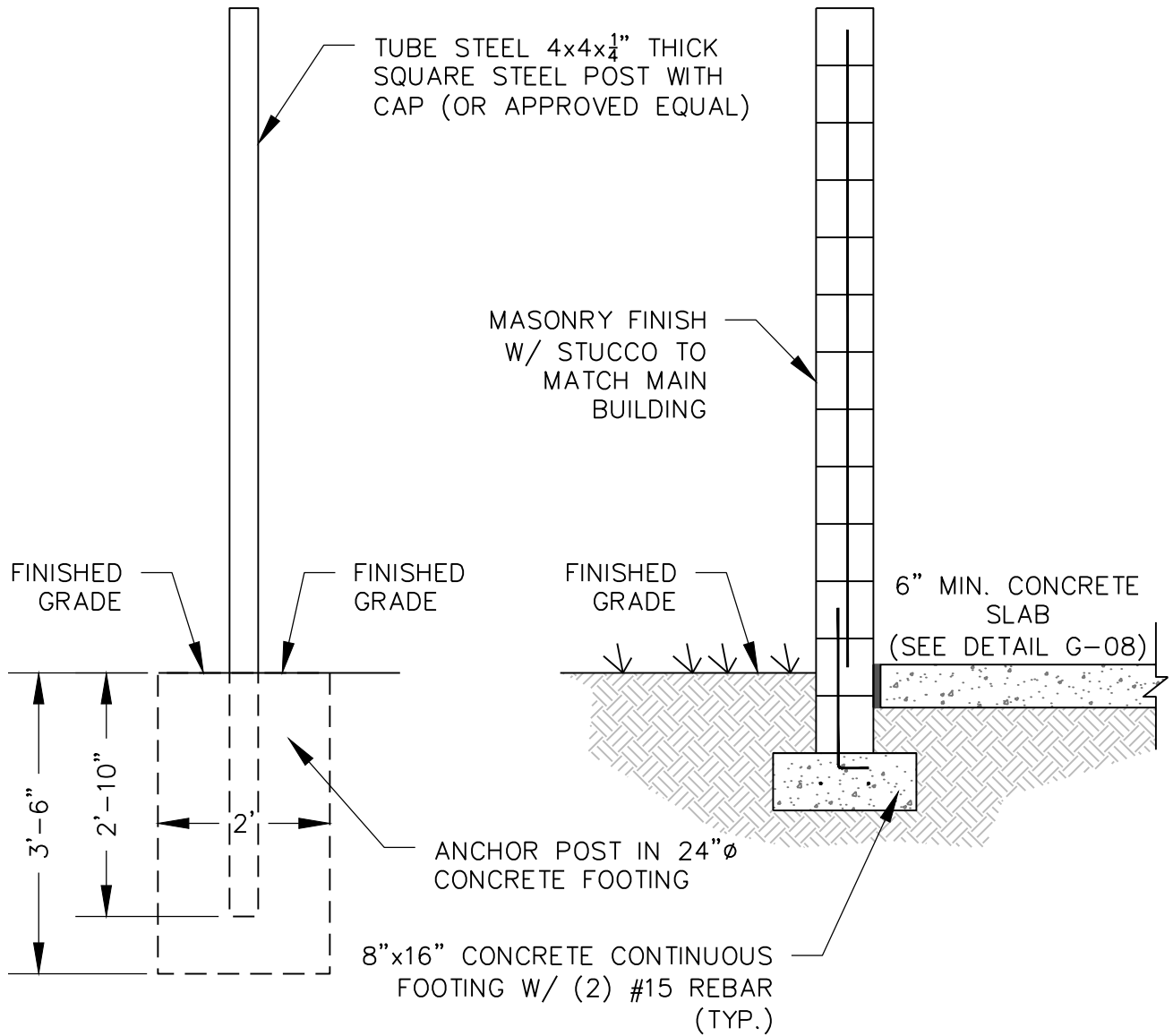
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TYPICAL DETAILS
CITY OF DESTIN, FL

SHEET TITLE

COMPACTOR SLAB GRADE DETAIL

DATE: MARCH 2023	FILE NO.: N/A	SHEET NO. W-04
PROJECT NO.: N/A	SCALE: N.T.S.	



**TYPICAL POST
DETAIL**

**TYPICAL WALL
DETAIL**

NOTE(S):

1. ALL STRUCTURES SHALL BE IN ACCORDANCE WITH A.C.I. SPECIFICATIONS AND FLORIDA BUILDING CODES.
2. DESIGN SHALL BE STRUCTURALLY REVIEWED BY A REGISTERED ENGINEER AS REQUIRED BY THE BUILDING OFFICIAL.
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**TYPICAL DETAILS
CITY OF DESTIN, FL**

SHEET TITLE
DUMPSTER WALL - POST DETAIL

REV	DATE: MARCH 2023	FILE NO.: N/A	SHEET NO.
	PROJECT NO: N/A	SCALE: N.T.S.	W-05

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 6, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: May 24, 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: I move that the LPA recommends approval to City Council of the draft Article 9 - Transportation Corridor Management and draft Article 10 - Impact Fees.

Attachments:

- 1. 1 - Article 9
- 2. 2 - Article 10

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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)	Major Collector - Cont.
U.S. Highway 98, east of Airport Road to the City limits	Commons Boulevard (that portion within the City limits)
Major arterial (4-lane)	Scenic Highway 98 East (East of Matthew Blvd.)
U.S. Highway 98, west of Airport Road to the City limits	
Minor arterial	
None, as of March 2008	
Major Collector	
Stahlman Avenue (U.S. Highway 98 to Azalea Dr.)	
Benning Drive (U.S. Highway 98 to Kelly St.)	
Beach Drive (U.S. Highway 98 to Kelly St.)	
Main Street (U.S. Highway 98 to Kelly St.)	
Gulf Shore Drive (U.S. Highway 98 to Eastern edge of Holiday Isle subdivision)	
Matthew Boulevard	
Hutchinson Street	
Kelly Street	
Azalea Drive	
Azalea Drive Extension (Benning Dr. to Beach Dr.)	
Legion Drive (Beach Dr. to Main St.)	
Airport Road	

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Table 9-1 Street Classification - Cont.	
Minor Collector	Minor Collector - Cont.
Calhoun Avenue (U.S. Highway 98 to Kelly St.)	Cross Street
Sibert Avenue (Calhoun Ave. to Kelly St.)	Stahlman Avenue (Azalea Dr. to Kelly St.)
Cross Street	Mountain Drive
Stahlman Avenue (Azalea Dr. to Kelly St.)	Gulf Shore Drive (Eastern edge of Holiday Isle subdivision to Norriego Point)
Mountain Drive	Legion Drive (Benning Dr. to Beach Dr.)
Gulf Shore Drive (Eastern edge of Holiday Isle subdivision to Norriego Point)	Main Street (Kelly St. to Indian Trail Dr.)
Legion Drive (Benning Dr. to Beach Dr.)	Indian Trail Drive (Main St. to Deerfield Dr.)
Main Street (Kelly St. to Indian Trail Dr.)	98 Palms Boulevard (existing and future)
Indian Trail Drive (Main St. to Deerfield Dr.)	Mattie M. Kelly Boulevard (existing and future)
98 Palms Boulevard (existing and future)	Indian Bayou Trail
Mattie M. Kelly Boulevard (existing and future)	Restaurant Row
Indian Bayou Trail	Scenic Highway 98 West (West of Henderson Beach State Park)
Restaurant Row	Scenic Highway 98 East (West of Matthew Blvd.)
Scenic Highway 98 West (West of Henderson Beach State Park)	Crystal Beach Drive
Scenic Highway 98 East (West of Matthew Blvd.)	Dolphin Street
Crystal Beach Drive	Local Street
Dolphin Street	All other streets not listed.
Calhoun Avenue (U.S. Highway 98 to Kelly St.)	

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 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.

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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.

- 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.

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- 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.
- 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.

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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. 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.
 2. 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.
 3. 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.
 4. 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:

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- 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.
5. 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 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

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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 effects with impact fees. These impact fees are necessary and a critical source of revenue for 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 a 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/completion.
- 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. Construction and/or improvements to Pedestrian facilities; and
 - 9. Construction and/or improvements to multi-use facilities.
- E. "Site-related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Site-related improvements may also be required within a public or private right-of-way. 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.
 - 5. Pedestrian accessways.

SECTION 10.01.02 LEGISLATIVE FINDINGS

- A. 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.
- B. 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 capital improvements

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necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

- C. 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 capital improvements in the City of Destin. Impact fees include but are not limited to Libraries, Parks, Police/Public Safety, and Transportation fees.
- D. The City may from time to time through an Impact Fee Study increase or decrease these fees as determined by the study.
- E. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.
- F. 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 capital improvements in the City of Destin.
- G. This article shall not apply to development for which the City of Destin is the applicant.

SECTION 10.01.03 REVIEW

- A. The Impact Fee schedules contained in Sections 10.02.02., 10.03.02., 10.04.02., 10.05.02., 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.

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- b. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly 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. "Unit" in this article shall not be considered the same as a "lodging unit."
- 9. 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.
- 10. 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.
- 11. 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.
- 12. Should there be a conflict between drawings and specifications the most restrictive shall apply.

SECTION 10.02.06 USE OF FEES

- A. Funds collected from all impact fees 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 impact fee districts established by this Article.

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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 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 10.02.10.**
- E. Funds may be used to provide refunds as described in **Section 10.02.10.**

SECTION 10.02.07 IMPACT FEE DISTRICTS

- A. There is now established Impact Fee Districts for Parks, Public Library, Police Protection, and Transportation that includes all lands lying within the incorporated limits of the City.

SECTION 10.02.08 ALTERNATIVE FEE STUDY

- A. If a feepayer opts not to have the impact fee determined according to the fee schedules of this Article, 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 they 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 impact fees based upon the fee schedules of this Article.
- 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.

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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 calendar days of the City Manager's determination.
 - 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 10.02.09 EXEMPTIONS AND CREDITS

- A. Any claim of exemption/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.
- 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 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.

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- 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 their agreement to the terms of the letter or certificate and return such signed document to the City Manager before a credit will be given. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.
 - f. Except as provided in **subparagraph (g)**, 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 (f)** 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 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 to 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 calendar 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 10.02.10 REFUND OF FEES

- A. Any funds not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the impact fees were 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 ten-year period.

City of Destin, FL - Land Development Code

SECTION 10.02 PARKS IMPACT FEES

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.
- B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to **Section 10.02.02**, 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 10.03.02**, 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 10.03.02** below.

SECTION 10.03.02 PUBLIC LIBRARY IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$62.00

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LAND USE TYPE (PER/UNIT)	FEE
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
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

- 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.
- No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to **Section 10.04.02**, shall be issued unless and until the required police impact fee hereby has been paid.
- All development shall be subject to the following police impact fee schedules in **Section 10.04.02** 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

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City of Destin, FL - Land Development Code

SECTION 10.05 TRANSPORTATION IMPACT FEES

SECTION 10.02.01. IMPOSITION OF TRANSPORTATION IMPACT FEES

- A. There is hereby established a mobility fee which shall be all lands lying within the incorporated limits of the City.
- B. Any person who applies for a certificate of occupancy, is hereby required to pay a mobility fee in the manner and amount set forth in this article.
- C. No new certificate of occupancy, for any activity requiring payment of a mobility fee pursuant to **Section 10.05.02**, shall be issued unless and until the required mobility fee hereby has been paid.
- D. All development shall be subject to the following transportation fee schedules in **Section 10.05.02** below.
- E. "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.
- F. "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

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 6, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.D.

TO: Local Planning Agency

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

FROM: Steve O'Connor, Principal Planner

DATE: May 29, 2024

SUBJECT: Net Positive Environmental Benefit (NPEB) Fee – LDC 11.05.02.N

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

The Draft Ordinance was developed and was sent to the Local Planning Agency for their consideration and recommendation to City Council. The LPA as the recommending body on all matters related to **Land Use**, the **Land Development Code**, and the **Comprehensive Plan**, needed to make some motion before forwarding the ordinance to Council.

During the March 7, 2024 LPA meeting, a member of the Public came and spoke about making the NPEB Fee more sustainable and consistent. The LPA took the public comments into consideration then made a motion for Staff to return to the HWB to consider the proposed NPEB fee change as discussed below.

II. DISCUSSION: Staff brought the proposed Net Positive Environmental Benefit (NPEB) fee change brought to the LPA at the March 7, 2024 meeting, to the Harbor & Waterways Board (HWB) on March 22 and April 25, 2024. The HWB initially discussed and asked staff to bring information and data back on the proposed NPEB fee change. To recap, the fee change was as follows:

- **All Marine Construction projects are assessed a flat 10% initial fee at the time of permitting, and then an annual fee of \$100 per slip.**

The HWB discussed this proposal and recommended an amortization phasing concerning the annual \$100 per slip assessment. They recommended an amortization phasing as listed below.

- **If an individual or entity has paid the NPEB fee in the last:**
 - **5 years, they would not be assessed the annual slip charge for 20 years**
 - **5-10 years, they would not be assessed the annual slip charge for 15 years**
 - **10-15 years, they would not be assessed the annual slip charge for 5 years**
 - **15 years or more, the annual assessment would start immediately.**

The HWB wanted information to see how this new structure and amortization phasing would work and fix the NPEB fund. Unfortunately, records of specific projects that paid the NPEB fee beyond 5 years are not complete and do not provide enough information for Staff to make a solid determination as to how the HWB proposed structure would work. When Staff presented this to the HWB on April 25, 2024, they were concerned with the City double dipping the NPEB on those that have paid the fee recently. Their motion at the end of the night was to change their original proposed fee structure to:

Category 1 projects: 10% NPEB fee

Category 2 projects: 10% NPEB fee

Category 3 projects: 25% NPEB fee

- A. Link to Strategic Goals / Objectives:** 2) Enhanced quality of life and safety for families
3) Economic Development and revitalization
5) Improve mobility and connectivity
6) A green and sustainable environment
- B. Effect on Budget (EOB):** NPEB Fee Account
- C. Level of Service (LOS):** More clear and consistent review procedures for proposed Marine Construction projects.
- D. Legislative Sponsor:**

III. CONCLUSION: Staff is asking the LPA to consider the HWB's recommended fee structure and provide a motion for Staff to move forward with development of a draft ordinance for the LPA to consider at a future LPA meeting.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend the new Net Positive Environmental Benefit Fee be structured as discussed and for Staff to develop a Draft Ordinance to amend the City's Comprehensive Plan and the Land Development Code concerning the Net Positive Environmental Fee.

ALTERNATIVE MOTION:

I move that the Local Planning Agency deny the proposed new NPEB Fee Structure and keep the current structure as it is in the Land Development Code.

Attachments:

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

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MEMORANDUM OF UNDERSTANDING

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

Article 1. Background and objectives.

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

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

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

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

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

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

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

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

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

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

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

Article 2. Statement of Work.

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

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

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

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

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

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

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

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

Article 3. Term of the Agreement Extension.

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

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

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

Article 4. Key Officials.

THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:

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

THE CITY OF DESTIN:

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

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

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

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

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

Article 5. Amendment.

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

Article 6. Termination.

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

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

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

Article 7. Notices.

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

Article 8. Venue.

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

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

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: Kirby B. Wetherell
Virginia B. Wetherell, Secretary

Date: 8/14/95

CITY OF DESTIN
By: [Signature]
Mayor

Date: 8-9-95

Attest:

Carolyn L. Smith

RECEIVED AUG 10 1995

Deputy Clerk

Approved by the DEP Attorney
for form and legal sufficiency:

Sybil Standaell

Approved by the City Attorney
for form and legal sufficiency:

Robert E. McFarland

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

~~MACGOW~~
5003.16

ORDINANCE NO. 275

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

Philip G. Cook
Philip G. Cook, City Manager

Carolyn Lee Garrett
Carolyn Lee Garrett, City Clerk

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

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

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

X-2.a.

REPORT AND RECOMMENDATION

TO: CITY COUNCIL

FROM: HARBORS AND WATERWAYS BOARD

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

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

DATE: OCTOBER 2, 1995

ISSUE:

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

BACKGROUND:

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

DISCUSSION:

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

NPEB CREDITS

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

NPEB EXEMPTIONS

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

FINANCIAL IMPACT:

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

RECOMMENDATION:

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

SUGGESTED MOTION:

Move that Council approve NPEB credits and exemptions listed above.

REPORT REVIEWED AND APPROVED BY:

City Manager
Planning Director
Environmental Officer

Initial

PC
BB

Date

9.27
9-27-95
9-28-95

HARBOR\REPORT.REC\BLIFT.NPE

ORDINANCE NO. 24-03-PC

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

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

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

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

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

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

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

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

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

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

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

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

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the City's Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3. AMENDMENTS TO CHAPTER 6 OF COMPREHENSIVE PLAN.

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

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

SECTION 4. INCORPORATION INTO COMPREHENSIVE PLAN. This ordinance shall be incorporated into the City of Destin's Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon occurrence of all three of the following: (1) its adoption by the City Council, (2) signature by the Mayor, and (3) The Comprehensive Plan amendment set forth herein shall not become effective, in accordance with Section 163.3184(3), *Florida Statutes*, until 31 days after the State land planning agency (Florida Department of Economic Opportunity) notifies the City that the Comprehensive Plan amendment package is complete. If timely challenged, the Comprehensive Plan amendment shall not become effective until the said State land

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

ADOPTED THIS _____ DAY OF _____, 2024.

By: _____
Bobby Wagner, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____
Second Reading: _____

ORDINANCE NO. 24-04-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; AMENDING SECTION 11.05.00 OF THE LAND DEVELOPMENT CODE TO DEFINE CATEGORIES 1, 2 AND 3 FOR HARBOR DOCK CONSTRUCTION AND AMEND REQUIRED PAYMENT AMOUNTS OF NET POSITIVE ENVIRONMENTAL BENEFIT FEES BASED ON HARBOR DOCK CONSTRUCTION CATEGORY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

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

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

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

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

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

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

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

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

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

WHEREAS, City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENTS TO LAND DEVELOPMENT CODE ARTICLE 11.

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

11.05.00. - Marina siting.

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

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

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

- a. Residential docks that qualify for self-certification from Florida Department of Environmental Protection (FDEP);
 - b. Residential docks with 2 or fewer slips;
 - c. Boat lifts in existing slips;
 - d. Upland slips not located within state waters; and
 - e. Sea walls.
2. Class 2: Marine Construction projects shall be considered Category 2 provided they do not otherwise require Harbor & Waterways Board review pursuant to this Article 11:
- a. Residential docks not qualifying for FDEP self-certification;
 - b. Residential docks with 3-9 slips;
 - c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval; and
 - d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties.
3. The following marine construction projects are Category 3:
- a. Residential docks with 10 or more slips;
 - b. Commercial docks;
 - c. Other non-residential docks;
 - d. Oil abatement plans; and
 - e. Dredge and/or fill requests.

- N. A net positive environmental benefit (NPEB), ~~equal to 25 percent of the cost of construction~~ shall be made to the City of Destin by the applicant prior to issuance of a building permit for each construction project authorized by this Article, which is located within the Destin Harbor or within any canals adjacent to the Destin Harbor, as follows:

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

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

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

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

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall

be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon occurrence of all three of the following: (1) its adoption by the City Council, (2) signature by the Mayor, and (3) Ordinance 24-03-PC (containing the Comprehensive Plan text amendment for the amount of the NPEB fee) becoming effective. In the event that Ordinance 24-03-PC does not become effective, this Ordinance shall be null and void.

ADOPTED THIS _____ DAY OF _____, 2024.

By: _____
Bobby Wagner, Mayor

ATTEST:

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

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____
Second Reading: _____

Attachement 1)

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

11.05.00. - Marina siting.

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

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

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

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

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

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

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

waterfront property.

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

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

11.05.03. *Inspection and repairs.* All construction shall be inspected by the City Building Inspector for compliance with applicable building codes. The permittee shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

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

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

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

- A. No permits shall be granted to persons other than the title of record owner or long-term lessee of the abutting upland property.
- B. The permit application must be signed by the owner of record or long-term lessee of all abutting upland property having access to the facility.
- C. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this ordinance.
- D. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines.

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

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

- A.

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

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

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

- A. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed in paragraphs M and N of Section 11.05.01 provided that, in addition to the criteria listed in Section 2.25.03.G, the following criteria is also met:
 - 1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
 - 2. That site specific environmental conditions exist that prohibit dredging.
 - 3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
 - 4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.

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

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

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

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

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: June 6, 2024
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.E.

TO: Local Planning Agency

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

FROM: Tina Deater, Planner
 Steve O'Connor, Principal Planner

DATE: May 29, 2024

SUBJECT: Conditional Use (LU-001409-2024) – 135 Benning Drive

I. BACKGROUND: Tim Nobles, on behalf of Matthew Roberts Elite Enterprises, LLC, is requesting Conditional Use (LU-001409-2024) approval for a personal services' medical spa with a full-time doctor on staff, which offers services such as massage therapy, light therapy, and esthetician services. The subject property is located at 135 Benning Dr. and the associated Parcel ID number is: 00-2S-22-0135-0000-0010.

II. DISCUSSION: The subject property is in the **Residential, Office & Institutional – Village Residential (ROI-VR)** Zoning District. The proposed use of personal services is a Conditional Use in the **Residential, Office & Institutional – Village Residential (ROI-VR)** zoning district. The building is currently designated as office space in Development Order 00-05 and if the Conditional Use is approved, a Development Order Minor Deviation will be processed to address the Change of Use requirements. The following includes a review and analysis of the proposed use based on the **Future Land Use Element** of the **Comprehensive Plan** and the criteria for Conditional Uses outlined in the **Land Development Code**.

A. COMPREHENSIVE PLAN POLICY ELEMENTS:

The subject property has a **Residential, Office & Institutional (ROI)** Future Land Use designation. As outlined in the City's **Comprehensive Plan (Policy 1-2.4.1)**, the **Residential, Office & Institutional (ROI) Future Land Use designation** is intended to:

*Accommodate business and professional offices; as well as single-family (SF) and multiple-family (MF) long-term residential uses; and institutional uses listed in **Policy 1-2.7.1**. The "ROI" designated land shall only be allowed to develop as a commercial hotel, motel, bed and breakfast establishments, other commercial transient living*

accommodations or short-term residential uses if the subject properties abut or are located south of Harbor Boulevard/Emerald Coast Parkway as delineated on the FLUM. The primary intent of such LDC standards and criteria shall be to preserve a smooth transition in development density and intensity. This land use Policy designation expressly excludes general retail sales and services (unless integrated as part of a PUD), warehousing, and outside storage. Furthermore, this policy designation is intended for areas which:

- 1. Have access to a major thoroughfare and all required urban services.*
- 2. Contain sufficient land area to accommodate good principles of urban design, including sufficient land area to provide adequate landscaping and buffers to separate existing as well as potential future adjacent land uses of differing intensity.*
- 3. Accommodate limited residential uses as described herein as well as business and professional office buildings, including financial institutions, and medical facilities as regulated in the LDC.*

The proposed use of a personal services medical spa is consistent with the intent of the **ROI Future Land Use Designation**.

B. LAND DEVELOPMENT CODE/ZONING ELEMENTS:

The following includes a review and analysis of the proposed conditional use based on the criteria outlined in ***LDC Section 7.12.10***:

C. CONDITIONAL USE ELEMENTS:

The proposed personal services medical spa is a Conditional Use in the **ROI-VR** zoning district, per ***LDC Section 7.12.06, Table 7-2***. In accordance with ***LDC Section 7.12.10***, the applicant provided a conditional use request based upon the following:

- i. Scale and Intensity
- ii. On and Offsite Improvement Needs
- iii. On-site Amenities
- iv. Criteria for Conditional Use

Criteria for Conditional Use, per *Article 7.12.10.C, Land Development Code*:

1. LAND USE COMPATIBILITY

Applicant Response: We are a medical spa operating entirely within our building. We offer ample parking in both the front and back of our facility. As we operate by appointment only, traffic flow is minimal.

Staff Comments: The proposed use is a Conditional Use within ***Table 7-2, Article 7*** of the ***Land Development Code (LDC)*** and therefore meets this criterion.

Scale and Intensity: The subject property is located at the intersection of Azalea Drive and Benning Drive, and is currently approved for an office building per Development Order 00-05. The proposed use of the medical spa is compatible with the adjacent land uses, as it will operate within the existing building and is by appointment only.

Offsite Impacts: There are no anticipated off-site impacts. As proposed, the conditional use meets the intent of the **ROI-VR** zoning district, and the subject property is of sufficient size to accommodate all required site improvements, including landscaping and buffering.

2. SUFFICIENT SIZE, SITE SPECIFICATIONS, AND INFRASTRUCTURE

Applicant Response: Appropriate landscaping and buffers will be installed as needed. Internal space access is by appointment only, and we monitor the number of visitors.

Staff Comments: The proposed project complies with the dimensional requirements in *Table 7-3, Article 7.12.08* of the *Land Development Code*, and the subject property is of sufficient size to accommodate all required site improvements, including landscaping and buffering; **therefore, the requested Conditional Use meets this criterion.**

3. PROPER USE OF MITIGATIVE TECHNIQUES

Applicant Response: We are an indoor facility committed to adhering to health department guidelines through proper disposal measures. As a medical spa, we strive to provide the best experience for our customers and those around us. We are a premium medical spa dedicated to providing our customers with an exceptional experience. This commitment extends to ensuring our facility, both inside and out, maintains a pristine and luxurious appearance, reflecting a five-star standard of cleanliness and quality.

Staff Comments: The subject property is of sufficient size to accommodate all required site improvements and no offsite impacts are anticipated; **therefore, the requested Conditional Use meets this criterion.**

4. HAZARDOUS WASTE

Applicant Response: As a medical spa, we do not generate any hazardous waste. Our services include massage therapy, red light therapy, hyperbaric chamber treatments, esthetician services, an aqua room, chiropractic care, and a full-time doctor on staff. We adhere to all health department guidelines to meet the high standards required for a five-star rating. Our goal is to provide an exceptional experience for all our clients by offering a wide range of services. We ensure that our parking lot, exterior and interior are maintained to the highest standards to reflect our commitment to excellence.

Staff Comments: No hazardous waste is anticipated to be generated. The project is required to provide sediment, erosion, and pollution control measures in accordance with *Article 11.09.00, Illicit Discharge Detection and Elimination, Land Development Code*; **therefore, the requested Conditional Use meets this criterion.**

5. OVER PROLIFERATION OF USE

Applicant Response: We maintain a controlled environment with designated parking and limited occupancy, operating strictly by appointment.

Staff Comments: Staff searched for medical spas in the City of Destin, and only found one

other medical spa in the **ROI-VR** zoning district, located on Airport Road. Based on this finding, there does not appear to be an over proliferation of medical spas in the **ROI-VR** zoning district. **Staff will defer to the LPA whether or not the applicant meets this criterion by determining whether this would constitute an over proliferation of medical spas in the ROI-VR district.**

6. COMPLIANCE WITH APPLICABLE LAWS AND ORDINANCES

Applicant Response: We believe this Conditional Use application meets the development standards outlined in the City of Destin Land Development Code and adheres to the objectives of the Comprehensive Plan.

Staff Comments: At the current level of review, the proposed conditional use application meets the land development standards and regulations outlined in Article 7 of the Land Development Code and the policies and objectives of the Comprehensive Plan. Therefore, **the requested Conditional Use meets this criterion.** *Other Land Development Code requirements for the Change of Use, such as stormwater, will be reviewed through the Development Order Minor Deviation process.*

7. PUBLIC COMMENT: None received to date.

A. Link to Strategic Goals / Objectives: III. Economic Development and Revitalization

B. Effect on Budget (EOB): There is no anticipated impact on the budget.

C. Level of Service (LOS): There is no anticipated impact on the Level of Service (LOS)

D. Legislative Sponsor:

III. CONCLUSION: The applicant is requesting Conditional Use approval (LU-001409-2024) for a personal services medical spa with a full-time doctor on staff, which offers services such as massage therapy, light therapy, and esthetician services. The proposed use is a Conditional Use in the **ROI-VR** Zoning District, per **Article 7.12.00, Land Development Code.**

The project is consistent with the following:

1. Comprehensive Plan **Policy 1-2: Future Land Use Element.**
2. Land Development standards outlined in **Article 7, Land Development Code.**

As proposed, Staff has determined the development satisfies all review criteria required for a conditional use request except for criterion 5, which the LPA will need to determine. If the LPA determines the proposed request does not constitute an over proliferation, Staff recommends the Local Planning Agency recommend City Council approve the proposed Conditional Use, LU-001409-2024, subject to approval of the Development Order Minor Deviation and the project receiving all applicable City and State permits.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve Conditional Use LU-001409-2024, subject to approval of the Development Order Minor Deviation and the project receiving all applicable City and State

permits.

ALTERNATIVE MOTION:

I move that the Local Planning Agency recommend City Council approve with conditions/approve with modifications/deny Conditional Use LU-001409-2024.

Attachments:

1. a. Property Lease
2. b. Survey
3. c. Conditional Use Criteria

COMMERCIAL TRIPLE NET LEASE

THIS LEASE is entered into this 28th day of Oct, 2023, by and between, Nobles Empire, LLC, a _____ Limited Liability Company and Tim Nobles, Individually (hereinafter referred to collectively as the "Tenant"), and Elite Enterprises, LLC, an Indiana Limited Liability Company (hereinafter referred to as the "Landlord").

WHEREAS, Tenant desires to lease from Landlord and the Landlord desires to lease to the Tenant certain premises hereafter described, on the terms, covenants, and conditions set forth in this agreements;

NOW, THEREFORE, in consideration of the rents reserved herein and the mutual covenants, terms, conditions, and agreements set forth herein, the parties agree as follows:

1. Description of the Property. The Landlord leases and demises unto the Tenant, and the Tenant rents from the Landlord, the real estate located at 135 Benning Dr, Destin, FL (hereinafter collectively referred to as the "Property" or "Leased Premises") according to attachment "A".
2. Term of Lease. The term of this Lease shall be for 2 (two) years (hereinafter referred to as the "Lease Period"). Such Lease Period shall begin November 1, 2023, and ends on November 1, 2025. Tenant shall have the option to extend the term of this Lease for one additional, 5 (five) year lease period (hereinafter referred to as an "Optional Lease Period"). If Tenant chooses to extend the term of this Lease for the Optional Lease Period, the Landlord shall have the right to adjust the rent to the current acceptable market rate, as determined by Landlord in its sole discretion.
3. Rent. Tenant agrees to pay Landlord, without deduction or offset, at such place or places as may be designated from time to time by Landlord, as rent for said Leased Premises, \$6,300.00, plus applicable local and state sales tax. Said sum shall be paid monthly on or before the first (1st) day of each and every calendar month beginning with the month of November 2023, with the exception of the 45-day Construction Period as detailed in paragraph 4. All rental payments shall be made payable to Elite Enterprise, LLC and mailed or delivered to 555 Mount Tabor Rd, New Albany, IN 47150 or at such place or places as may be designated from time to time by Landlord.
4. Construction Period. Tenant and Landlord acknowledge that prior to the execution of this Lease, Tenant paid to Landlord a non-refundable security deposit of \$6,300.00, along with the Rent in the amount of \$6,300.00 for November 2023, for consideration of this Lease and the Construction Period as detailed below. Tenant will have a 45-day period commencing on December 1, 2023, and ending on January 14, 2024, within which Tenant will buildout the Property, as detailed in paragraph 6, and will not be required to pay Rent (hereinafter the "Construction Period"). Tenant will pay a prorated

rent of \$3,454.84, plus applicable local and state sales tax, for the remaining 17 days in January of 2024. In the event that Tenant is unable to finalize all buildout and construction prior to the end of the Construction Period, Tenant understands that it will still be responsible for Rent each month as detailed in paragraph 3.

5. Late Charges. The amount of each of the said installments of Rent shall be increased by five (5%) percent if the same shall remain unpaid five (5) days after the date on which such installment shall be due; and an additional five (5%) percent shall be added thereto at the end of each thirty (30) day period during which such installment, or any part thereof, shall remain unpaid. In addition, if any checks are returned for any reason whatsoever, or if payment thereon is refused, Tenant shall pay Landlord a fee of \$50.00 for each such dishonored check to defray Landlord's administrative cost in connection therewith. All such charges shall be secured as additional rents under this Lease.
6. Construction by Tenant. Tenant acknowledges that it is taking possession of the Property in its current AS-IS condition, with no exceptions, and that any necessary improvements, construction or buildout are the sole responsibility of the Tenant. Tenant agrees, at Tenant's sole cost and expense, to install a new HVAC system and provide all work of whatsoever nature that is necessary to complete the Leased Premises and open the Leased Premises for Tenant's business, to the public, by the end of the Construction Period, no later than January 14, 2024. Tenant agrees to furnish Landlord with a complete and detailed set of plans and specifications setting forth and describing Tenant's work in such detail as Landlord may reasonably require. Tenant's plans and specifications shall be approved in writing by Landlord prior to Tenant's commencement of Tenant's Work. Landlord shall review Tenant's plans and specifications with reasonable speed and diligence, but Landlord shall have 10 days after receipt of such plans and specifications to approve or disapprove same. Should Landlord fail to disapprove said plans and specifications by giving written notice thereof to Tenant in accordance with the above timeframe, said plans and specifications shall be deemed approved. All such Tenants' Work shall at all times comply with all laws, rules, requirements, orders, building codes, standards, and regulations of governmental authorities having jurisdiction thereof, and all insurance requirements of this lease. Additionally, all Tenant's Work shall be done in a good workmanship-like manner with materials of a superior grade and quality. All contractors performing work on the Lease Premises must be properly licensed in the state of Florida and shall have and maintain during the course of such construction insurance policies providing comprehensive general liability and automobile liability coverages and statutory worker's compensation coverage. No deviation from the final set of plans and specifications once submitted to and approved by Landlord, shall be made by Tenant without Landlord's prior written consent. Approval of plans and specifications by Landlord shall not constitute the assumption of any responsibility by Landlord for their accuracy or sufficiency, and Tenant shall be solely responsible for such plans and specifications. Tenant acknowledges that there is road work and construction in the

9. Quiet Enjoyment. Landlord covenants that on paying the rent and performing the covenants contained in this lease, Tenant shall peacefully and quietly have, hold, and enjoy the property for the agreed term.
10. Use of Property. The property shall be used and occupied by Tenant as a medical spa and commercial office space.
11. Possession. Tenant shall be allowed possession of the Property as of November 1, 2023.
12. Net Lease. All rent shall be absolutely net to Landlord, so that this Lease shall, except as hereinafter provided to the contrary, yield net to Landlord the rent, to be paid in each year during the term of this Lease. Accordingly, all costs, expenses, and obligations of every kind or nature, whatsoever, relating to the demised premises, or any improvements thereon, which may arise or become due during the term of this Lease, shall be paid by the Tenant, and the Landlord shall be indemnified and saved harmless by the Tenant from and against the same. Nothing herein contained shall be deemed to require the Tenant to pay or discharge any liens or mortgages of any character whatever which may hereafter be placed upon the demised premises by the affirmative act of the Landlord.
13. Tenant's Obligations for Maintenance. Tenant shall, at its sole cost and expense, at all times keep the Leased Premises (including without limitation, exterior entrances and doors, interior entrances and doors, door checks, walls, floors, ceilings, windows, glass, plate glass, and store front) and all partitions, door fixtures, equipment and appurtenances thereof (including lighting, heating and plumbing fixtures, sewage facilities and drains within the Leased Premises or under the floor slab and exclusively serving the Leased Premises and including free flow up to the main sewer lines, all heating and air conditioning equipment, including exterior mechanical equipment, exterior utility facilities and exterior electrical equipment exclusively serving the Leased Premises) in good order, condition and repair (which repair shall mean to replace, if necessary, less Landlord's obligations). Tenant shall obtain a service contract, in its own name, satisfactory to Landlord covering maintenance of the heating and air conditioning facilities and equipment for the Leased Premises. Maintenance shall cover, without limitation, an annual inspection, adjustment, cleaning, repair, lubricating of equipment and replacement of belts and filters. Tenant shall furnish Landlord with a copy of such service contract. The warranty shall cover replacement and repairs when applicable. In addition to Tenant's general obligations under this section, Tenant shall, at its own cost and expense, have the Leased Premises treated monthly for insects and pests by a licensed pest control company approved in advance by Landlord in writing.
14. Landlord's Obligations for Maintenance. The Tenant will be responsible for HVAC

premises, or any document (to which the Tenant is a party) creating or transferring an interest or estate in the demised premises.

Tenant shall under no circumstances be obligated to pay any income, inheritance, estate or succession taxes or any liens in the nature of any such described taxes or any other tax which may be levied or assessed against Landlord with respect to or because of the income or other benefit derived by Landlord from this lease, or from its ownership of the Property. As to ad valorem and real property taxes levied and assessed against the demised premises, due and payable during the first year of the term of this lease, the same shall be prorated so that the Tenant will pay for and be responsible for the payment of that portion thereof which accrued after the commencement date of the term of this lease and Landlord shall pay and be responsible for the payment of that part of such taxes which accrued prior to the commencement date of the term of this lease.

Tenant may, in good faith and upon reasonable grounds, dispute the amount of, validity of, or right to assess, levy or collect any tax, charge or assessment herein required to be paid by them in accordance with this paragraph and may in good faith conduct any necessary or reasonable legal proceedings to question or attempt to avoid, limit, or reduce the same. Said proceedings shall be at the sole cost and expense of Tenant, and if necessary, in its sole opinion, Tenant may proceed in such matters using the name of the Landlord.

18. Insurance and Liability. Tenant shall, at Tenant's expense, maintain in force throughout the Lease Period and any extension thereof, the following insurance coverage with an insurance company licensed to do business in the State of Florida:

- a. public liability insurance in an amount not less than One Million Dollars (\$1,000,000.00);
- b. hazard and contents insurance in an amount not less than One Million Dollars (\$1,000,000.00); and,
- c. general property insurance including wind and fire, in an amount not less than One Million Dollars (\$1,000,000.00).

The Tenant hereby acknowledges that the amount of insurance coverage, as set forth above, is established for the protection of the Landlord, as its interest may appear, and that the Tenant shall make an independent determination as to the need for any additional insurance coverage as the Tenant's interest may appear. All insurance policies shall name Landlord as additionally insured and additional payee. Upon written request of Landlord, Tenant shall furnish Landlord a certificate prepared by the insurer that such insurance is in full force and effect.

19. Prohibited Articles and Activities. Tenant agrees that it will not keep, use, sell, or offer for sale in or upon the Leased Premises any article or carry on or conduct any activity which may be prohibited by the standard form of insurance policy which affords insurance coverage to Landlord with respect to the Leased Premises.
20. Ordinances and Statutes. Tenant shall comply with all statutes, ordinances, and requirements of all municipal, state, and federal authorities now in force, or which may hereafter be in force, pertaining to the Property, occasioned by, or affecting the use hereof by Tenant.
21. Indemnification of Landlord. During the entire term of the Lease, the Tenant will indemnify and save harmless the Landlord against any and all claims, debts, demands, or obligations which may be made against the Landlord or against the Landlord's title in the premises, arising out of, or in connection with, any alleged act or omission of the Tenant or any person claiming under, by, or through the Tenant; and if it becomes necessary for the Landlord to defend any action seeking to impose any such liability, the Tenant will pay the Landlord all costs of court and attorneys' fees incurred by the Landlord in effecting such defense in addition to any other sums which the Landlord may be called upon to pay by reason of the entry of a judgment against the Landlord in the litigation in which such claim is asserted.
22. Indemnification of Tenant. During the entire term of the Lease, the Landlord will indemnify and save harmless the Tenant against any and all claims, debts, demands, or obligations which may be made against the Tenant, arising out of, or in connection with, any alleged act or omission of the Landlord or any person claiming under, by, or through the Landlord; and if it becomes necessary for the Tenant to defend any action seeking to impose any such liability, the Landlord will pay the Tenant all costs of court and attorneys' fees incurred by the Tenant in effecting such defense in addition to any other sums which the Tenant may be called upon to pay by reason of the entry of a judgment against the Tenant in the litigation in which such claim is asserted.
23. Subordination of Lease. This Lease shall be subject and subordinate at all times to the lien of all mortgages and deeds of trust securing any amount now or hereafter encumbering Landlord's interest in the Property or Building, all without the necessity of having further instruments executed on the part of Tenant in order to effectuate such subordination. Upon the written request of Landlord, Tenant shall execute, acknowledge and deliver to Landlord such further instruments evidencing the subordination of this Lease to the lien of any such mortgages or deeds of trust as may be required by Landlord, and Tenant shall attorn to any such mortgagee or beneficiary under any mortgage or deed of trust in the event of a foreclosure or a deed in lieu of foreclosure, or other purchaser or a grantee in respect thereof; provided, however, that each mortgagee or beneficiary under any such mortgage or deed of trust, or purchaser

or grantee in respect thereof, shall agree not to terminate or disturb Tenant's possession of the Property under this Lease in the event of a foreclosure of such mortgage or deed of trust or a deed in lieu thereof, as long as Tenant is not in default under this Lease at such time. Notwithstanding the foregoing, any mortgagee or beneficiary under a mortgage or deed of trust may at any time subordinate its mortgage or deed of trust to this Lease in all or in part, without Tenant's consent, by execution of a written instrument subordinating such mortgage or deed of trust to this Lease, in which case this Lease shall be deemed prior to such mortgage or deed of trust without regard to their respective dates of execution, delivery and/or recording. Tenant shall abide by all the terms and conditions, if any, prescribed by any mortgage attached to the Property in the name of the Landlord.

24. Waiver of Subrogation. Tenant waives all rights against Landlord and any of its agents, representatives, and employees, each of the other, for damages to the extent covered by insurance applicable to the Property, except rights as they have to proceeds to such insurance held by Landlord as a fiduciary. Said Insurance Policies shall provide such waivers of subrogation by endorsement or otherwise. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, did not pay the insurance premiums directly or indirectly, and whether or not the person or entity has an insurable interest in the property damaged.
25. Abandonment of Premises. Tenant shall not vacate or abandon the Property at any time during the term hereof, and if Tenant shall abandon or vacate the Property, or be dispossessed by process of law, or otherwise, any personal property belonging to Tenant left upon the Property shall be deemed to be abandoned and shall be disposed of by any method at the option of the Landlord.
26. Condemnation of Leased Premises. If the whole of the Leased Premises shall be taken or acquired by any public or quasi-public authority under the power or threat of eminent domain, the Lease Term, and any extension thereof, shall cease as of the day possession shall be taken by such public authority, and Tenant shall pay rent up to that date with an appropriate refund by Landlord of such rent as may have been paid in advance for any period subsequent to the date possession is taken. If less than all of the Leased Premises shall be so taken, the Lease Term, and any extension thereof, shall cease only on the parts so taken as of the day possession shall be taken by such authority, and Tenant shall pay rent up to that day with appropriate refund by Landlord of such rent as may have been paid in advance for any period subsequent to the date that possession is taken, and thereafter the Rent shall be equitably adjusted. Landlord shall, at its expense, make all necessary repairs or alterations to the basic building and exterior work so as to constitute the remaining premises a complete architectural unit, provided that Landlord shall not be obligated to undertake any such repairs and alterations if the cost thereof exceeds the award. Tenant, at Tenant's expense, shall make repairs and

restorations to the remaining premises and shall also repair or replace its stock in trade, fixtures, furniture, furnishings, floor coverings and equipment, and if Tenant has closed shall promptly reopen for business. If the part of the Property so taken leaves space no longer suitable for the conduct of Tenant's business, then the Lease Term, and any extension thereof, shall cease and Tenant shall pay rent up to the day possession is taken, with an appropriate refund by Landlord of such rent as may have been paid in advance for any period subsequent to the date of taking possession.

27. Condemnation Award. All compensation awarded or paid for any taking or acquiring under the power or threat of eminent domain, whether for the whole or a part of the Property or any interest therein, shall be the property of Landlord, whether such damages shall be awarded as compensation for diminution in the value of the leasehold or to the fee of the Leased Premises or otherwise, and Tenant hereby assigns to Landlord all of the Tenant's right, title and interest in and to any and all such compensation.
28. Assignment and Subletting. Tenant shall not voluntarily or involuntarily pledge, encumber, hypothecate, or assign this Lease in whole or in part, nor sublet all or any part of the Leased Premises, without the prior written consent of Landlord in each instance, such consent shall be at Landlord's sole discretion. In exercising such discretion Landlord may consider (i) the financial condition and responsibility of proposed assignee, (ii) the identity and business character of the proposed assignee, (iii) the need for alteration of the Leased Premises, (iv) the legality of the use proposed by assignee, and (v) the nature of the occupancy proposed by the assignee. Upon any such request, Tenant shall submit to Landlord in writing, the name of the proposed assignee or sub lessee, and the nature and character of the business to be operated by such entity, together with any other information reasonably requested by Landlord. Any consent by Landlord to any assignment or subletting shall not constitute a waiver of the necessity for such consent to any subsequent assignment or subletting. This prohibition against assigning or subletting shall be construed to include a prohibition against any assignment or subletting by operation of law, legal process, receivership, bankruptcy or otherwise. In the event of a Landlord approved assignment the Tenant, and any guarantor of Tenant, shall not be released from this Lease and from the obligation to perform any of the terms, covenants, and conditions of this Lease. Tenant shall pay to Landlord the sum of Five-Hundred Dollars (\$500.00) to cover Landlord's administrative costs, overhead and attorneys' fees in connection with such assignment or subletting and such amount shall be paid by Tenant to Landlord before Landlord's execution of said assignment or subletting agreement.
29. Events of Default. Any one or more of the following shall be an Event of Default by Tenant for which Landlord will have the remedies provided for it in section 30:

- (a) Nonpayment. Tenant's failure to pay any Rent, Additional Rent, or other

sums that Tenant is obligated to pay by any provision of this Lease when and as they become due and payable hereunder, which failure is not cured with ten (10) days after the giving of notice thereof by Landlord, such notice being in lieu of, and not in addition to, any applicable statutory notice;

(b) All Other Lease Violations. Tenant's failure to perform or observe any other covenant, conditions, or agreement of this Lease, which failure is not cured within ten (10) days after the giving of notice thereof by Landlord unless such default is of such nature that it cannot be cured within such ten (10) day period, in which case no Event of Default shall occur so long as Tenant shall commence the curing of the default within such ten (10) day period and shall thereafter complete the curing thereof with diligence and continuity;

(c) Chronic Lease Violations. If Tenant fails more than twice within any twelve (12) month period to observe or perform any covenant, condition, or agreement of this Lease (including without limitation the payment of Rent), regardless of whether such defaults shall have been cured by Tenant, the third default shall, at the election of Landlord, in its sole and absolute discretion, be deemed a non-curable Event of Default;

(d) Falsification of Information. Tenant or any agent of Tenant falsifies any report or misrepresents other information required to be furnished to Landlord pursuant to this Lease;

(e) Vacation or Abandonment. The vacation or abandonment of, or failure to occupy by the November 1, 2023 or at any time thereafter, all or any portion of the Leased Premises by Tenant at any time following the delivery of possession of the Leased Premises or the date by which Tenant is obligated to take possession of the Leased Premises for ten (10) consecutive days;

(f) Majority Owner or Tenant's Death, Dissolution, or Liquidation. The death of any majority owner of Tenant; or the commencement of steps or proceedings toward the dissolution, winding up, or other termination of the existence of Tenant or toward the liquidation of Tenant's assets;

(g) Bankruptcy. The commencement of a case under any chapter of the Federal Bankruptcy Code by or against Tenant or the filing of a voluntary or involuntary petition proposing the adjudication of Tenant as bankrupt or insolvent, or the reorganization of Tenant with its creditors, unless the petition is filed or case commenced by a party other than Tenant and is withdrawn or dismissed within thirty (30) days after the date of its filing;

(h) Assignment or Attachment. The making of an assignment by Tenant for the

benefit of its creditors, or if in any other manner Tenant's interest in this Lease passes to another by operation of law, including, without limitation, by attachment, execution, or similar legal process, which is not discharged or vacated within thirty (30) days.

(i) Appointment of Receiver or Trustee. The appointment of a receiver or trustee for the business or property of Tenant unless such appointment shall be vacated with thirty (30) days of entry.

(j) Evidence of Inability to Pay. Evidence of the inability of Tenant to pay its debts as they come due. Such evidence shall include, but shall not be limited to either of the following:

- i. An Admission in writing by Tenant of its inability to pay its debts when due; or
- ii. If one or more judgments are docketed against Tenant and not paid, bonded, or otherwise discharged within thirty (30) days.

(k) Catchall. The occurrence of any other event described as a default elsewhere in this Lease or any amendment thereto, regardless of whether such event is defined as an "Event of Default."

30. Remedies. Upon the occurrence of an Event of Default, Landlord shall have any one or more of the following remedies:

(a) Subject to any first priority lienholders, Landlord may sell at public or private sale all or any part of the goods, chattels, fixtures and other personal property belonging to Tenant which are or may be put into the Leased Premises during the Lease Term, (it being agreed that said property shall at all times be bound with a lien in favor of Landlord, which lien shall be subordinate to any first priority lienholder(s), and shall be chargeable for all rent and for the fulfillment of the other covenants and agreements herein contained) and apply the proceeds of such sale, first, to the payment of all costs and expenses of conducting the sale or caring for or storing said property (including all attorneys' fees), second, toward the payment of any indebtedness, including (without limitation) indebtedness for rent, which may be or may become due from Tenant to Landlord; and third, to pay Tenant, on demand in writing, any surplus remaining after all indebtedness of Tenant to Landlord has been fully paid.

(b) Landlord may perform, on behalf and at the expense of Tenant, any obligation of Tenant under this Lease which Tenant has failed to perform and of which Landlord shall have given Tenant notice, the cost of which performance by Landlord together with interest thereon at the maximum legal contract rate from the date of such expenditure, shall be deemed additional rent and shall be payable by

Tenant to Landlord upon demand.

(c) Landlord may elect to terminate this Lease and the tenancy created hereby by giving notice of such election to Tenant, and may re-enter the Leased Premises, by summary proceedings or otherwise, and may remove Tenant and all other persons and property from the Leased Premises, and may store such property in a public warehouse or elsewhere at the cost of and for the account of Tenant without Landlord being deemed guilty of trespass or becoming liable for any loss or damage occasioned thereby.

(d) Landlord may declare all ascertainable rent due hereunder to be immediately due and payable, and thereupon all such rents and charges due to the end of the Lease Term or any extension thereof, if applicable, shall thereupon be accelerated.

(e) Landlord may elect to take and repossess the Leased Premises and re-let same for Tenant's account.

(f) Landlord may pursue such other remedies as may be allowed by law or in equity, and all such rights and remedies, whether expressly stated above or whether available at law or in equity, shall be deemed separate and cumulative and no one remedy shall be deemed to be exclusive of any such other remedy.

Notwithstanding the provisions of clause (b) above and regardless of whether an Event of Default shall have occurred, Landlord may exercise the remedy described in clause (b) without any notice to Tenant if Landlord in its good faith judgment, believes it would be materially injured by failure to take rapid action or if the unperformed obligation of Tenant constitutes an emergency.

31. Damages. If this Lease is terminated by Landlord as a result of an Event of Default by Tenant, Tenant shall pay to Landlord as damages, all rent due or sustained prior to such termination, and all reasonable costs, fees and expenses including, but not limited to, all attorneys' fees, costs and expenses incurred by Landlord in pursuit of its remedies hereunder, or in renting the Leased Premises to others from time to time (all such rent, damages, costs, fees and expenses being referred to herein as "Termination Damages") and additional damages (the "Liquidated Damages"), which, at the election of Landlord shall be either:

(a) an amount or amounts equal to the rent which, but for termination of this Lease, would have become due during the remainder of the Lease Term, less the amount or amounts of rental, if any, which Landlord shall receive during such period from others to whom the Leased Premises may

be rented (other than any additional rent received by Landlord as a result of any failure of such other person to perform any of its obligations to Landlord), in which case such Liquidated Damages shall be computed and payable in monthly installments, in advance, on the first day of each calendar month following termination of the Lease and continuing until the date on which the Lease Term, and any extension thereof, would have expired, but for such termination, and any suit or action brought to collect any such Liquidated Damages for any month shall not in any manner prejudice the right of Landlord to collect any Liquidated Damages for any subsequent month by a similar proceeding; or

(b) an amount equal to the present worth (as of the date of such termination) of rent which, but for termination of this Lease, would have become due during the remainder of the Lease Term, or any extension thereof, less the fair rental value of the Leased Premises, as determined by an independent real estate appraiser named by Landlord, in which case such Liquidated Damages shall be payable to Landlord in one lump sum on demand and shall bear interest at the maximum legal contract rate until paid. For purposes of this clause (b), "present worth" shall be computed by discounting such amount to present worth at a discount rate equal to one percentage point above the discount rate then in effect at the Federal Reserve Bank nearest to the location of the Leased Premises.

If Tenant's right to possession or this Lease is terminated pursuant to section 30, Landlord may re-let the Leased Premises or any part thereof, alone or together with other premises, for such term or terms (which may be greater or less than the period which otherwise would have constituted the balance of the Lease Term, or any extension thereof) and on such terms and conditions (which may include concessions or free rent and alterations of the Leased Premises) as Landlord, in its discretion, may determine, but Landlord shall not be liable for, nor shall Tenant's obligations hereunder be diminished by reason of, any failure by Landlord to re-let the Leased Premises or any failure by Landlord to collect any rent due upon such re-letting.

32. Environmental Hazards. Tenant's responsibility regarding Hazardous Substances:

(a) The term "Hazardous Substances," as used in this Lease, shall include, without limitation, flammables, explosives, radioactive materials, asbestos, polychlorinated biphenyls (PCBs), chemicals known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, toxic substances or related materials, petroleum and petroleum products, and substances declared to be hazardous or toxic under any law or regulation now or hereafter enacted or promulgated by any governmental authority having jurisdiction over the Leased Premises.

b) Tenant's Restrictions. Tenant shall not cause or permit to occur:

- i. Any violation of any federal, state, or local law, ordinance, or regulation now or hereafter enacted, related to environmental conditions on, under, or about the Leased Premises, arising from Tenant's use or occupancy of the Leased Premises, including, but not limited to, soil and ground water conditions; or
- ii. The use, generation, release, manufacture, refining, production, processing, storage, or disposal of any Hazardous Substance on, under, or about the Leased Premises, or the transportation to or from the Leased Premises of any Hazardous Substance.

(c) Environmental Clean-up.

- i. Tenant shall, at Tenant's own expense, comply with all laws regulating the use, generation, storage, transportation, or disposal of Hazardous Substances ("Laws") in connection with Tenant's use or occupancy of the Leased Premises.
- ii. Tenant shall, at Tenant's own expense, make all submissions to provide all information required by, and comply with all requirements of all governmental authorities (the "Authorities") under all environmental laws in connection with Tenant's use or occupancy of the Leased Premises.
- iii. Should any Authority or any third party demand that a cleanup plan be prepared and that a clean-up be undertaken because of any deposit, spill, discharge, or other release of Hazardous Substances that occurs during the term of this Lease, or any extension thereof, or at any time thereafter, at or from the Leased Premises, which arises from Tenant's use or occupancy of the Leased Premises, then Tenant shall, at Tenant's own expense, prepare and submit the required plans and all related bonds and other financial assurances; and Tenant shall, at Tenant's own expense, carry out all such cleanup plans.
- iv. Tenant shall promptly provide all information regarding the use, generation, storage, transportation, or disposal of Hazardous Substances in Tenant's possession and in connection with Tenant's use or occupancy of the Leased Premises that is reasonably

requested by Landlord. If Tenant fails to fulfill any duty imposed under this paragraph (c) within a reasonable time, following written notice from Landlord to Tenant of such failure, Landlord may do so; and in such case, Tenant shall reasonably cooperate with Landlord in order to prepare all documents Landlord deems necessary or appropriate to determine the applicability of environmental laws to the Leased Premises and Tenant's use thereof, and for compliance therewith. No such action by Landlord and no attempt made by Landlord to mitigate damages under any law shall constitute a waiver of any of Tenant's obligations under this paragraph (c).

- v. Tenant's obligations and liabilities under this paragraph (c) shall survive the expiration or earlier termination of this Lease.

(d) Tenant's Indemnity:

- i. Tenant shall indemnify, defend, and hold harmless Landlord, and its respective officers, directors, beneficiaries, shareholders, partners, agents, and employees (collectively, the "Indemnified Parties") from all fines, suits, procedures, claims, and actions of every kind, and all costs associated therewith (including attorneys' and consultants' fees) arising out of or in any way connected with any deposit, spill, discharge, or other release of Hazardous Substances that occurs during the term of this Lease, or any extension thereof, or at any time thereafter, at or from the Leased Premises, which arises from Tenant's use or occupancy of the Leased Premises, or from Tenant's failure to provide all information, make all submissions, and take all steps required by all Authorities under all environmental laws in conjunction with Tenant's use or occupancy of the Leased Premises, except to the extent arising out of the acts or omissions of the Indemnified Parties.
- ii. Tenant's obligations and liabilities under this paragraph (d) shall survive the expiration or earlier termination of this Lease.

33. Signs. Tenant shall, at its own cost and expense, provide a suitable identification sign or signs of such size, design and character as Landlord shall approve in writing, and Tenant shall install the same at a place or places designated by Landlord. Tenant is required to comply with all City and County requirements, if any, for the placement and permitting of any signs, the cost of any such compliance or permitting shall be the sole responsibility of the Tenant. Other than such permitted signs, Tenant shall

not place, install, or suffer to be placed, installed, or maintained on the exterior or in the interior of the Leased Premises any sign, advertising matter or other thing of any kind which may be visible from the exterior, and shall not place or maintain any decoration, lettering, or advertising matter on the glass of any window or door of the Leased Premises without first obtaining Landlord's written approval thereof. The Tenant agrees to maintain such signs, decoration, lettering, advertising matter or other thing as may be approved in good condition and repair at all times.

34. Awnings, Canopies, etc. Tenant shall not place, install, erect, or maintain on the exterior of the Leased Premises any awning, canopy, banner, flag, pennant, aerial antenna, or the like without first obtaining Landlord's written approval thereof. Tenant agrees that it will at its own expense keep such awning or device as may be approved in good condition and repair and that it will replace or recover the same whenever it shall become shabby or unattractive in appearance.
35. Painting. Tenant shall not paint or decorate any part of the exterior of the Leased Premises without first obtaining Landlord's written approval of such painting or decorating; and Tenant agrees to remove promptly upon order of Landlord any paint or any such decoration which has been applied to or installed upon the exterior of the Leased Premises without Landlord's prior written approval, or to take such other action with reference thereto as Landlord may direct. Landlord shall not unreasonably withhold said approval if any painting is required or related to requirements as detailed by Tenant's franchise agreement and terms, if any.
36. Radon Gas Notification. Pursuant to Florida Statutes 404.056(8) you are hereby given the following notice:
- RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit.
37. Default Period. All default and grace periods shall be deemed to run concurrently and not consecutively.
38. Consent. Whenever the Tenant requests any consent, permission, or approval which may be required or desired by the Tenant pursuant to the provisions hereof, the Landlord shall not unreasonably withhold or postpone the grant of such consent, permission, or approval. If the Tenant requests such consent, permission, or approval and Landlord does not notify Tenant of its express disapproval thereof within 30 days after the receipt of such request setting forth its reasons therefore, such consent,

permission, or approval shall be deemed to have been granted.

39. Waiver. The waiver by either party of a breach of any provision of this agreement shall not operate or be construed as a waiver of any subsequent breach thereof.
40. Captions. The captions and titles appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of the articles, paragraphs, or sections of this Lease nor in any way affect this Lease.
41. Gender. For purposes of this Lease, singular pronouns shall include the plural and masculine pronouns shall include the feminine. The term "person" or "persons" shall be defined as an individual, partnership, corporation or any other entity recognized by law.
42. Choice of Law. This agreement shall be governed by and construed in accordance with the laws of the State of Florida and if any litigation should arise as to either party's breach of this Lease, venue shall lie in Okaloosa County, Florida.
43. Notice. All notices, claims, certificates, requests, demands and other communications hereunder shall be in writing and will be deemed to have been given if delivered by hand, prepaid telegram, or mailed (registered or certified mail, postage prepaid, return receipt requested or any means of express mail with confirmed delivery) as follows:

If to Landlord: Elite Enterprises, LLC
c/o Matt Roberts
555 Mount Tabor Rd
New Albany, IN 47150

With copy to: P. Michelle Freeman
Fleet, Smith & Freeman
1283 Eglin Pkwy, Suite A
Shalimar, FL 32579

If to Tenant: Noble Empire, LLC
c/o Tim Nobles
112 Stahlman Ave. #B
Destin, FL 32541

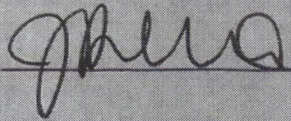
With copy to: _____

44. Binding Effect. This agreement shall be binding upon the parties, their heirs, personal representatives, successors, and assigns.
45. Illegality. In case any provision in this Lease shall be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.
46. Attorney's Fees. In connection with any breach, default, collection, or litigation, including appellate proceedings, arising out of this Lease, the prevailing party shall be entitled to recover reasonable attorney's fees and costs.
47. Additional Instruments. The parties hereto shall execute and deliver or cause to be executed and delivered at such times and places as shall be reasonably agreed on, such additional instruments as the other party may reasonably request for the purpose of carrying out the transactions contemplated hereby.
48. Miscellaneous Provisions. This Lease contains the entire agreement of the parties and may not be modified except in writing signed by the parties. Typewritten or handwritten provisions inserted in this agreement shall control all printed provisions in conflict therewith. This Lease may be executed in counterparts each of which shall be deemed the original.

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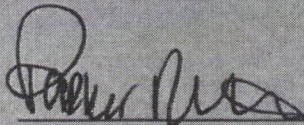
IN WITNESS WHEREOF, the parties hereto have hereunto set their hand the date first mentioned above.

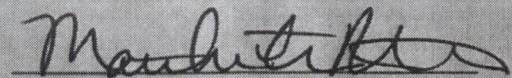
Witnesses:

_____

LANDLORD:

Elite Enterprises, LLC, and Indiana Limited Liability Company

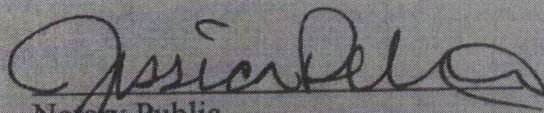
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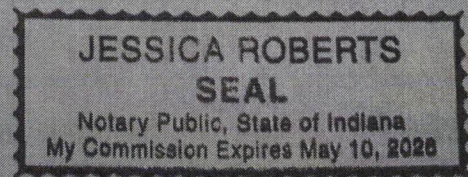
_____

BY: Matt Roberts
Its: Manager

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing COMMERCIAL NET LEASE was acknowledged before me by means of ☒ physical presence or _____ online notarization this 27 day of October, 2023, by Matt Roberts, as Manager of Elite Enterprises, LLC, who produced Drivers license, as identification.


Notary Public
My Commission Expires:



713388

Witnesses:

[Signature]

TENANT:

Nobles Empire, LLC, a
[Signature] Limited Liability
Company

[Signature]
BY: Tim Nobles, Individually and as
Manager

STATE OF FLORIDA
COUNTY OF OKALOOSA

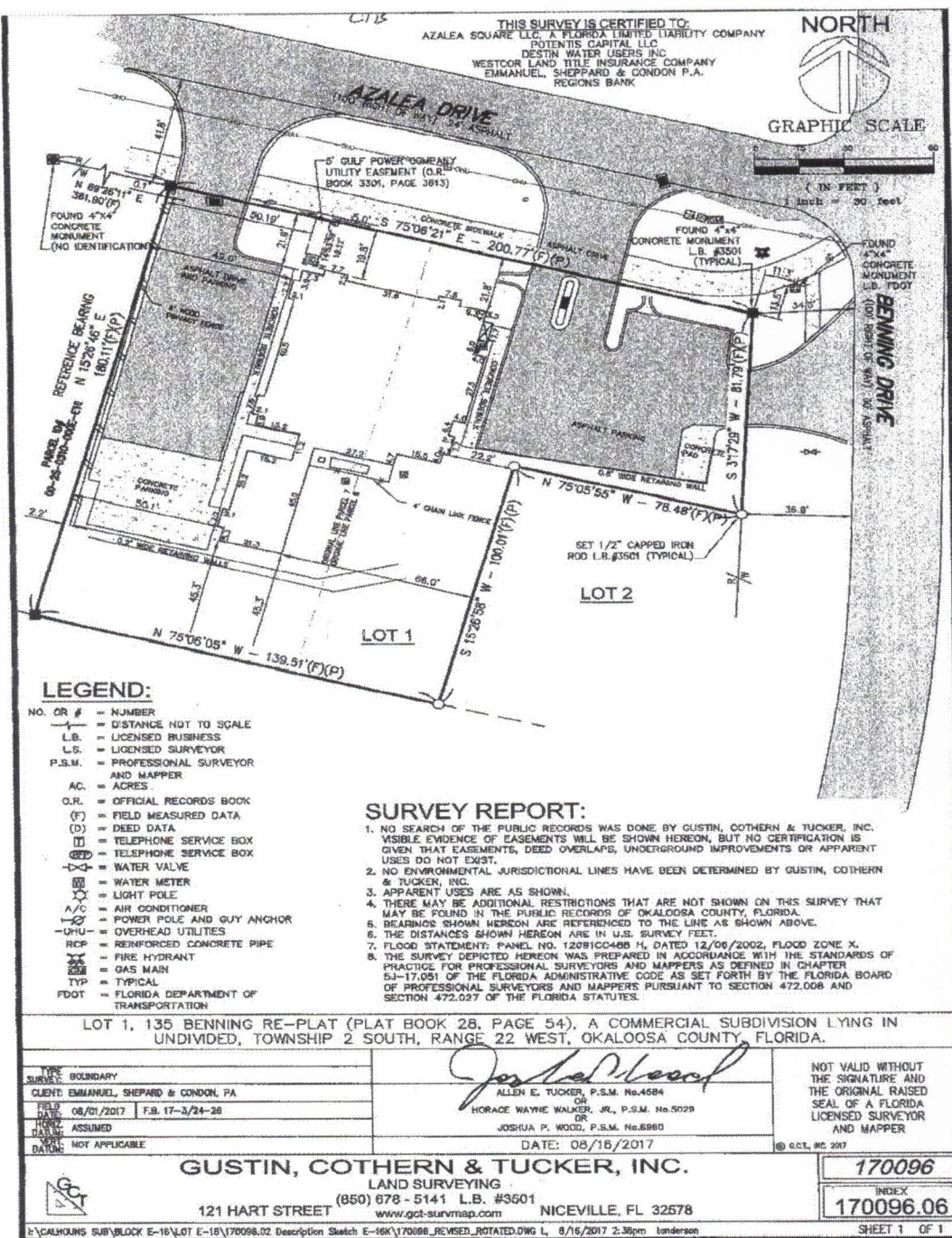
The foregoing COMMERCIAL NET LEASE was acknowledged before me by means of
☒ physical presence or ___ online notarization this 25th day of October, 2023, by Tim
Nobles, individually and as owner of Nobles Empire, LLC, who produced
Drivers License, as identification.

La Donna Rochelle Nick
Notary Public
My Commission Expires:



La Donna Rochelle Nick
Comm.: HH 426068
Expires: Jul. 26, 2027
Notary Public - State of Florida

Exhibit "A"
Survey



5. IN ORDER TO SECURE A CONDITIONAL USE, THE LOCAL PLANNING AGENCY THAT YOUR CONDITIONAL USE REQUEST SATISFIES THE FOLLOWING CRITERIA OF THE CITY'S LAND DEVELOPMENT CODE (PLEASE PROVIDE A WRITTEN RESPONSE ALONG WITH ANY OTHER SUPPORTING DOCUMENTATION):

- A. *Land Use Compatibility.* The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

 We are a medical spa operating entirely within our building. We offer ample parking in both the front and back of our facility. As we operate by appointment only, traffic flow is minimal.

- B. *Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

 Appropriate landscaping and buffers will be installed as needed. Internal space access is by appointment only, and we monitor the number of visitors.

- C. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

 We are an indoor facility committed to adhering to health department guidelines through proper disposal measures. As a medical spa, we strive to provide the best experience for our customers and those around us.

- D. *Proper use of mitigative techniques.* The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

 We are a premium medical spa dedicated to providing our customers with an exceptional experience. This commitment extends to ensuring our facility, both inside and out, maintains a pristine and luxurious appearance, reflecting a five-star standard of cleanliness and quality.

E. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.

As a medical spa, we do not generate any hazardous waste. Our services include massage therapy, red light therapy, hyperbaric chamber treatments, esthetician services, an aqua room, chiropractic care, and a full time doctor on staff. We adhere to all health department guidelines to meet the high standards required for a five-star rating. Our goal is to provide an exceptional experience for all our clients by offering a wide range of services. We ensure that our parking lot, exterior and interior are maintained to the highest standards to reflect our commitment to excellence.

F. Avoid over-proliferation of uses. An over-proliferation of similar uses within a zoning district shall not be permitted. The City Council shall review the existing uses within the zoning district in determining whether a conditional use shall be approved or denied.

We maintain a controlled environment with designated parking and limited occupancy, operating strictly by appointment.

G. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use in order to protect the public health, safety, and welfare.

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