

**DESTIN CITY COUNCIL WORKSHOP
OCTOBER 28, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

*****Core Value of the Month - Transparency*****

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

WORKSHOP

A. Draft Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

PUBLIC COMMENTS

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CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: October 28, 2024**TYPE OF AGENDA ITEM:** Council Discussion Item**AGENDA OUTLINE NUMBER:** A.

TO: City Council Special Workshop

THRU: Larry Jones , Interim City Manager
Kimberly Kopp, City Attorney
Tina Deater, Community Development Director

FROM: Steve O'Connor, Principal Planner
Daniel Butler, Senior Planner

DATE: October 15, 2024

SUBJECT: Draft Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability

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 consultants of 3TP to diligently and systematically move forward with drafting the new LDC. This work involved the following:

1. Review of Comprehensive Plan Policies
2. Developing Planning Areas and their associated Intent Statements
3. Review of the LDC text chapter by chapter

After an extensive review and meeting schedule throughout 2022 and 2023, 3TP and Staff were able to complete the final Staff draft of Article 7. The Draft was posted to the City website in April 2024 to begin the public review and comment period. On August 8, 2024, after several public discussions with the Local Planning Agency (LPA), the LPA forwarded a positive recommendation to City Council for their review and consideration. Staff incorporated their input and comments into the final draft for presentation to City Council tonight.

II. DISCUSSION:

What to expect in the New LDC: Staff have been working with the City's selected consultant, 3TP Ventures, LLC, to get this effort to the finish line. Efforts from both sides have been critical in getting this project to this point. As Councilmember's and other

individuals review these draft articles there may be several instantly recognizable changes, compared to the current LDC and some that may not be readily apparent, but the main areas of change include Language, Format, Organization, and Consolidation

Drafts of *Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability* have been available for public review since April 2024. The drafts have gone through several review iterations with Community Development Staff, several other Departments and the City Attorney, and public review and discussion at several LPA meetings. Below is a brief synopsis of what to expect from the draft language of Article 7.

Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability intends to establish regulations that are focused on protecting Destin’s environmental resources, especially the coastal resources, while balancing property rights. The Article focuses on flood mitigation, protection and restoration of wetlands, and enhancing the quality of life and development.

Language: Currently, the main challenge with the LDC is that it is cumbersome to read, which has often led to inconsistent interpretations and challenges in enforcement. One of the main purposes of the LDC rewrite project was to make the LDC easier to read and interpret. Therefore, the proposed language of the new LDC has been rewritten in a manner that allows ease of readability. This makes it easier for users to read and understand the regulations without having to ask Staff to interpret or have an attorney involved for a majority of questions and inquiries.

Format: The multi-sentence run-on paragraphs have been eliminated to the extent possible, while maintaining the integrity of the regulations. Further, when using the documents online, the sections are bookmarked and there are hyperlinks within the use charts that take you to the sections referenced for ease of reference. Also, newly included, is the use of graphics, as much as, possible and where appropriate, to reinforce the regulations and visually represent the minimum standards of the LDC.

Organization: Another major shift for the LDC is an overhaul of the organization. The current organization is not the easiest to work with and takes quite some time for users, new staff and even seasoned staff to filter through and find specific regulations. Specifically concerning current Article 7, it is easier to discern what the Bay Shoreline, Gulf Shoreline, and other environmentally sensitive regulations are and where they are applicable. Further, the Marina Siting section has been updated to be more focused on actual development rather than behavior. Many regulations that exist in the current Marina Siting section have to do with post-development activities, such as no dumping of waste or fish carcasses, not actual development standards. These portions of the Marina Siting are slated to be moved to the Code of Ordinances. Further, the reorganization places all natural and or historical resource protection regulations in one location. This further helps with the ease of finding regulations and applicable development requirements.

Consolidation: Another proposed change is the consolidation and reduction of twenty (20) LDC Articles to eleven (11) Articles, plus a Design Manual. Some of the consolidation is due to the proposed relocation of some current regulations from the LDC to the Code of Ordinances (CoO) when the CoO is the more appropriate

location. An example of this is many of the regulations that involve post-development regulations in the Marina Siting, LDC Section 11.05.00. Article 7 includes the regulations from current Article 11 and also includes:

Article 7 - Zoning Regulatory Controls

Section 7.05.00 - Protection of archeological and historical resources.

Section 7.20.00. Small-scale alternative energy generation regulations.

Net Positive Environmental Benefit Fee:

At the August 8, 2024 LPA meeting, the LPA recommended approval of Draft Article 7. However, due to the discussion on the Net Positive Environmental Benefit (NPEB) fee that is applicable to marine construction projects, the section for the NPEB regulations was purposefully omitted pending Council discussion and feedback. The reason for this is due to the lack of consensus between the Harbor & Waterways Board and the LPA.

Harbor & Waterways Board Motion:

Motion by Chairman Green recommends to the City Council that the current NPEB fee be maintained and the liability of the funds for the NPEB not covered, come from the General Fund with Board member Jones providing the second. After additional discussion regarding the 25%, 10 % & 7% that Council did not approve of, Chairman Green amended his motion to Modify the existing fee structure so that tier one is 10%, tier two at 10% for the canals and commercial is tier three of 25% and anything that is not covered by that, the city would make up the difference from the General Fund for the cost of maintaining the harbor. The motion passed with a unanimous vote of 5-0.

Local Planning Agency Motion:

Motion by Agency member Buhr to have a structure set up for nonresidential (430 docks) are charged \$100.00 per year (per slip), residential both multifamily and single family are charged \$50.00 per year (per slip), additionally he recommends two exemptions, one a homestead exemption that allows for 75% as well as an exemption for owners that have previously paid into the NPEB fee, however, it would be on the owner to provide staff with proof of payment towards their NPEB fee with documentation for the following:

- *If paid NPEB in 2024 - 10 year exemption per slip*
- *Paid in 2023 – 9 year exemption*
- *Paid in 2022 – 8 year exemption*
- *Paid in 2021 – 7 year exemption*
- *Paid in 2020 – 6 year exemption*
- *Paid in 2019 – 5 year exemption*
- *Paid in 2018 – 4 year exemption*
- *Paid in 2017 – 3 year exemption*
- *Paid in 2016 – 2 year exemption*
- *Paid in 2015 – 1 year exemption*

Agency member Bell provided the second.

In discussion, Agency member Buhr said he feels this would be an easy way for staff to regulate and enforce by working with the County and provide fund solvency.

Agency member Bell questioned how the other impacts regarding the usage of the harbor, that are not generated by any of these slips, factor in the equation. According to Agency member Buhr, that is a great question, however, it is currently not written into the current regulations for collection towards the fund. Adding that is on the Council to make those changes. The motion passed 5-0.

The two motions made by both boards are different ways of assessing the NPEB fee. The HWB’s recommendation would maintain the current methodology, but change the percent of fee based on the category of the dock/slip. This methodology depends on construction of marine projects which, as previously discussed, has varied year to year. While the LPA’s recommendation would change the way the fee is collected, but would provide a more consistent stream of revenue year to year. However, based on the needs of the Harbor, the fee could be reviewed on a regular basis to adjust it as needed.

Other Article 7 Board and Committee Discussion Topics:

Dock Length:

The current measurement of dock length has previously caused some confusion, as there is a maximum limit on docks in the Harbor to two-hundred feet (200’). This is generally measured much like a buffer is measured from the mean high-water line (MHWL) waterward to the maximum allowable length up to 200’. This does not mean the dock itself is limited to the max length but must actually remain within the “buffer” as measured from the MHWL.

The HWB discussed this issue and recommended the following methodology, which was affirmed by the LPA, for marine construction development. The methodology below clears up any ambiguity the current dock length methodology causes. Further, it makes it easier to identify the riparian rights of upland property owners.

SECTION 7.02.04 DIMENSIONAL AND DENSITY LIMITATIONS

A. Length

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

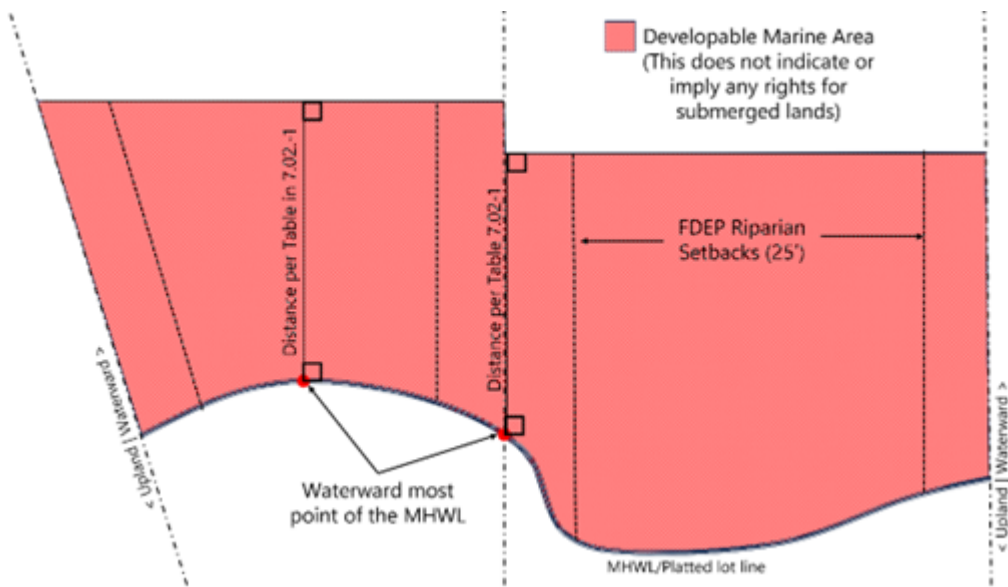
Table 7.02-1 Dock Length	
Dock Location	Maximum Length Allowed
Any waterfront property not adjacent to Choctawhatchee Bay or zoned South Harbor Mixed Use (SHMU)	The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)	1.5 times the width of the lot at the mean high-water line or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less and in no case

	shall the length exceed 200'.
Waterfront property adjacent to Choctawhatchee Bay.	1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.
Waterfront Property with less than 50 feet of waterfront shoreline.	No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section

2. Measurement of length shall start at the waterward most point of the Mean High-Water Line. See Figure Dock length below.

3. From the waterward most point identified per paragraph 2 above, a perpendicular line, or perpendicular line to the tangent for a curved MHWL, drawn waterward the distance allowed per the Table 7.02-1 above.

4. At the maximum distance of length allowed above another perpendicular line is drawn from between the identified or implied riparian lines.



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

C. Density

1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

Comprehensive Plan Policy 6-1.11.3: Consider Scenic Views in Site Plans:

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

Currently, there are no LDC requirements that would implement this policy. Staff would like to have a discussion to potentially establish regulations requiring commercial/non-residential waterfront development to provide, enhance, and preserve such scenic views. Potential incentives were discussed at the regularly scheduled LPA meeting on August 8, 2024.

The LPA recommended that any proposed waterfront non-residential or multifamily development (or redevelopment) that provides a perpetual public access easement or dedication to the public from the public right-of-way to the Waterfront may reduce the required open space by 15 percent, provided the Perpetual Public Access Easement or the plot of dedication to the public shall be a minimum of five foot wide, and the development shall dedicate at least four vehicle parking spaces for the public to use as parking, while meeting ADA parking standards.

Motion by Agency member Bell, seconded by Agency member Purut to recommend approval to the City Council of the Draft Article 7 - Resource Conservation and Protection, as presented and discussed. The motion passed by a unanimous vote of 5-0.

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

Gulf Shoreline Protection Zone: Same as above, that the definition/location of this zone was clarified to be identifiable by all users and Staff. Additionally, based on policy direction, language was added to require a Beach and Dune Restoration Plan to be submitted when any construction activity is proposed within this Zone, as well as limiting public expenditures for infrastructure within these Zones.

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

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): N/A

C. Level of Service (LOS): N/A

D. Legislative Sponsor:

III. CONCLUSION:

Staff are seeking feedback and recommendations from the City Council regarding Article 7 – Resource Conservation, Protection, Resiliency, and Sustainability.

IV. RECOMMENDED MOTION: Workshop item - for discussion purposes only.

Attachments:

1. Article 7 - Resource Conservation and Protection FINAL DRAFT - 07.09.24

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ARTICLE 7 - RESOURCE CONSERVATION, PROTECTION, RESILIENCY, AND SUSTAINABILITY

SECTION 7.01 ENVIRONMENTAL & NATURAL RESOURCE PROTECTION

SECTION 7.01.01 PURPOSE

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

SECTION 7.01.02 BAY SHORELINE PROTECTION ZONE

- A. The Bay Shoreline Protection Zone is applicable to properties lying within the City limits along the waterfront of Choctawhatchee Bay, Joe's Bayou, Marler Bayou and Indian Bayou. This zone is defined as a 50-foot buffer that begins at the mean high-water line and extends landward 50 feet. This buffer zone shall consist of preserved native vegetation, including canopy, understory, and ground cover.
- B. The following regulations shall apply to all development and redevelopment within the Bay Shoreline Protection Zone of the City:
 - 1. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable.
 - 2. The minimum setback for principal habitable structures shall be 50 feet from the mean high-water line.
 - a. If the 50-foot setback cannot be achieved due to depth of property prior to platting of lots, right-of-way easements, utility easements, or access easements existing at the time of adoption of this ordinance, the maximum width achievable shall be provided.
 - b. An applicant claiming inability to comply with the 50-foot setback requirement because of the above-stated causes must submit documentation certified by an engineer as to the limitations on the property which make compliance impossible.
 - c. Minor structures and accessory uses are allowed within this buffer zone, provided these improvements do not constitute more than 40 percent of the square footage within the buffer zone.
 - i. These improvements shall comply with **Section 6.08.00** of this Code.
 - 3. Other uses and activities permitted in the Bay Shoreline Protection Zone are those that are compatible with the protection and conservation of the areas, as described below:
 - a. Scenic, historic, wildlife, or scientific preserves,
 - b. Minor maintenance or emergency repair to existing structures or improved areas, and
 - c. Bulkheads and/or seawalls along or within property lines.

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SECTION 7.01.03 GULF SHORELINE PROTECTION ZONE

- A. The Gulf Shoreline Protection Zone consists of the area that commences at the mean high-water line and runs to and includes ten feet (10') landward of the primary dune system.
 - 1. The 10' landward area of the dune system shall function as a buffer, and shall be planted with native plantings, excluding trees.
 - 2. Whenever any construction activity is to be undertaken in the area between the CCCL and the landward limit of the Gulf Shoreline Protection Zone, and such construction would alter any portion of the primary dune, the City shall require the implementation of an FDEP approved Beach and Dune Restoration Plan to mitigate any damage which would result from the construction.
 - a. Proof of FDEP review shall be submitted at the time of Development Order application.
 - b. Proof of FDEP approval shall be submitted at time of construction permitting.
 - 3. Public expenditures within any Gulf Shoreline Protection Zone shall comply with the LDC and shall be limited to the following:
 - a. Recreational uses,
 - b. Protection or restoration of valuable natural resources, or
 - c. Increase the public's access to the shoreline.
- B. Prohibitions
 - 1. The following activities shall be prohibited within the Gulf Shoreline Protection Zone:
 - a. Construction of buildings and structures
 - b. Removal of vegetation, except as allowed pursuant to an approved FDEP permit,
 - c. Planting of new vegetation except for native, salt-resistant species suitable for beach and dune stabilization,
 - d. Installation of temporary or permanent coastal armoring, unless a Building Permit is obtained, and all construction complies with applicable Federal, State, and Local regulations.
 - e. Exceptions
 - i. Minor structures authorized by FDEP; albeit the minimum setback for construction within properties fronting the Gulf of Mexico shall not be less than 50 feet from the mean high-water line.
 - ii. The prohibitions listed above shall not apply to construction landward of the Coastal Construction Control Line nor to any structure or activity permitted by FDEP.
 - iii. Beach Boxes for beach recreational equipment are permitted on private beached provided they meet the following regulations:
 - (a) No excavation can occur to set or establish a beach box
 - (b) Beach boxes shall not exceed the following dimensions:
 - (i) Height: four feet (4')
 - (ii) Depth/Length: six feet (6')
 - (iii) Width: eight feet (8')
 - (c) Location:
 - (i) Shall stay off any and all vegetation.
 - (ii) Primary dune setback: A beach box shall be located between five feet (5') and fifteen feet (15') from the waterward primary dune line.

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- (iii) At no time shall a beach box be located in a way to obstruct the traversing of any individual or vehicle.
 - (d) Number:
 - (i) No more than one (1) box per fifty feet (50') of water frontage.
 - (e) Color:
 - (i) All beach boxes shall be painted white or off white.
- C. Dune enhancement.
 - 1. All persons constructing elevated boardwalks on property located in the Gulf Shoreline Protection Zone shall include in their plans provisions to enhance and revegetate the dune system on their property.
- D. The following development standards shall apply to all development located within the Gulf Shoreline Protection Zone:
 - 1. Point source and non-point source discharges are prohibited, except for stormwater, in accordance with **Section 7.05.02** of this Article.
 - 2. Siltation and erosion control measures shall be applied to stabilize disturbed areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

SECTION 7.01.04 WHITE SAND PROTECTION ZONES

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

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- (a) If it is not practical to permanently cover the material until the completion of construction, the material must be physically sealed by a wind- and water-resistant membrane as soon as possible, in no case more than five (5) calendar days (120 hours) after its placement, and must be permanently covered at the completion of construction prior to the issuance of a Certificate of Occupancy or Completion, whichever is applicable.
- c. Driveways and parking lots within any White Sand Zone may use oyster shell, granite, or washed, coarse aggregate rock meeting FDOT standards for final driveway or parking lot material, provided these materials shall be contained to those areas and shall not be spread elsewhere on the site as fill material.
 - i. Driveways and parking lots within White Sand Zone 1 shall contain these materials by utilizing a concrete curbing that extends no less than one (1) foot below grade.
- 4. Reconstruction & Redevelopment
 - a. At any time of reconstruction or redevelopment where previously utilized materials that are not compliant with this Section are disturbed, the nonconforming materials/soils shall be removed from the site and from the zone using safeguards to prevent discoloring the natural sand and water at the site and adjacent properties. Such removal shall be completed within five (5) business days.
 - i. If the native soil of such site does not comply with this Section, the applicant shall demonstrate that the use of the native soil shall not alter or adversely affect the surrounding properties.
 - ii. In no case shall any red clay, red dirt, or other staining material be allowed to remain on site.

SECTION 7.01.05 ENVIRONMENTALLY SENSITIVE AREAS

- A. The purpose of this Section is to protect the City's Environmentally Sensitive Areas (ESAs), which have special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.
 - 1. At a minimum, Norriego Point and all lands within the defined Coastal High Hazard Area (CHHA) and any functioning wetlands, as defined by United States Army Corps of Engineers (USACE) and Florida Department of Environmental Protection (FDEP) shall be included.
 - 2. A developer shall obtain a determination of the boundaries of a protected Environmentally Sensitive Area and submit to the City with development applications. Such applications shall include an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information pertinent to the project.
 - 3. Development plans submitted to the City shall comply with applicable federal, state and water management district regulations relating to Environmentally Sensitive Areas. In all cases, the strictest of the applicable standards shall apply.
 - a. Such development plans shall include a Wetland Report, prepared by appropriately licensed engineers, biologists, landscape architects, or other similar design or land planning experts.
- B. Wetland Protection Zones

City of Destin, FL - [Document title]

1. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Florida Department of Environmental Protection as authorized by F.S. Ch. 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 1, River and Harbor Act.
 - c. Areas within the jurisdiction of the Northwest Florida Water Management District.
 - d. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the property lies within any jurisdictional wetlands.
2. Development activities allowed within Wetland Protection Zones.
 - a. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Wetland Protection Zones.
 - b. These activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Wetland Protection Zone.
 - c. For the reasons described above, the following uses and activities are permitted within a Wetland Protection Zone, provided it does not conflict with any other provisions of this Code:
 - i. Scenic, historic, wildlife or scientific preserves.
 - ii. Minor maintenance or emergency repair to existing structures or improved areas.
 - iii. Cleared walking trails having no structural components.
 - iv. Timber catwalks and docks four (4) feet or less in width.
 - v. Cultivating agricultural or horticultural products that occur naturally on the site.
 - vi. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code.
 - (a) Such evidence shall be provided by the applicant to FDEP for review.
3. The following special design standards apply to any development within Wetland Protection Zones:
 - a. Wherever possible, natural buffers shall be retained between all development and all Wetland Protection Zones.
 - i. If a natural buffer does not exist, an equivalent buffer shall be created.
 - ii. The size of the buffer shall meet the minimum requirements as defined by the Northwest Florida Water Management District (NFWMD) to prevent significant adverse effects on the protected area.
 - iii. At no point shall a buffer have less than an average width of twenty-five feet (25'), with a minimum width of fifteen feet (15').
 - b. The developer shall completely restore any portion of a wetland protection zone damaged during construction.
 - i. Complete restoration means that the damaged area shall, within five years, be operating as effectively as the natural system did prior to being destroyed.
 - c. Other reasonable protective measures necessary to prevent significant adverse effects on a Wetland Protection Zone may be required. Protective measures may include, but are not limited to:
 - i. Maintain natural drainage patterns,

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City of Destin, FL - [Document title]

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

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- e. No storage of hazardous chemicals or materials.
- 4. Exceptions to prohibited acts in Coastal Marsh Vegetation Protection Zones
 - a. Walls may be built as upland retaining walls with a minimum distance of five feet (5') upland of the coastal marsh vegetation.
- 5. The following standards apply to post-development activities taking place within any Coastal Marsh Vegetation Protection Zones.
 - a. Point source and non-point source discharges.
 - i. Absent an amendment to a development order, point source and non-point source discharges shall continue to meet the standards applicable to the original development.
 - b. Clearing
 - i. Absent an amendment to a development order, no person shall clear more vegetation than was permitted for the original development.
 - c. Handling and storage of fuel, hazardous/toxic substances, and waste
 - i. Development where any types of fuel, hazardous/toxic substances, or waste will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of these substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur.
 - ii. No fuel, hazardous/toxic substances, or waste shall be stored in outdoor containers not specifically designed and intended for storage of such materials.
 - iii. Storage or disposal of all types of fuel, hazardous/toxic substances, or waste is prohibited on or along shorelines.
- 6. Fertilizers, herbicides, or pesticides shall not be applied in any Coastal Marsh Vegetation Protection Zones, except for projects conducted under the authority of F.S. §§ 373.451—373.4595, the Surface Water Improvement and Management Act, and governmental authorized mosquito control programs.
- 7. Spray vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from open waters, as well as cleaning/discharging into any Coastal Marsh Vegetation Protection Zones.
- 8. Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be collected and disposed of as required by law.

SECTION 7.01.06 SIGNIFICANT ENVIRONMENTS AND WILDLIFE PROTECTION

- A. It is the purpose of this Section to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this Section to require that an appropriate amount of land shall be set aside to protect the habitat of rare, endangered or of special concern plant and animal species.
 - 1. Areas subject to the standards of this Section shall be those identified by the United States Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FWC), or any other local, State, or Federal agency.
- B. Habitat Management Plan

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1. It shall be the responsibility of the applicant to inform Staff whether a site contains plant or animal species which are endangered, threatened, or a species of special concern.
 - a. If any of these species are present, the applicant shall submit and obtain a Habitat Management Plan to the Florida Fish and Wildlife Conservation Commission (FWC), the United States Fish and Wildlife Service, or the Florida Department of Agriculture and Consumer Services.
 - b. This habitat plan shall include a field survey, written comments, and recommendations concerning the impact of the proposed use on such species from the appropriate agency.
 - c. City Council may utilize this information to consider including conditions of approval as deemed appropriate.
 2. The Habitat Management Plan shall be prepared by an ecologist, biologist or other related professional. The plan shall document the presence of affected species, the land needs of the species that may be met on the development site and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife.
 3. The final development plans approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.
 4. Where land on a proposed development site is to be preserved as a habitat of rare, endangered, or special concern species, such land shall be adjacent to existing viable habitat, a significant wetlands system, floodplain, or wildlife corridor.
 - a. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality to provide a viable habitat as documented in the study required by this Section.
 - b. A conservation easement shall be recorded by the applicant for all land, including wetlands, which are to be preserved as a condition or a requirement of a development approval.
- C. Marine Turtle Conservation Zone.
1. These regulations are intended to accomplish the following:
 - a. Protect marine turtle hatchlings from the adverse effects of artificial lighting.
 - b. Provide overall improvement in nesting habitat degraded by light pollution.
 - c. Increase successful nesting activities and production of hatchlings on the beaches located within the City of Destin.
 2. All new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone shall comply with the outdoor lighting standards outlined in the City's Design Manual.
 3. Existing artificial light fixtures that are replaced for any reason shall comply with this Section.
 4. The following activities are prohibited within a Marine Turtle Conservation Zone:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising.
 - b. The operation of searchlights or beacons.
 - c. All other outside light sources shall comply with this Code.

SECTION 7.01.07 NATURAL GROUNDWATER AQUIFER, SAND, AND GRAVEL RECHARGE

- A. The Floridan Aquifer is not recharged within Okaloosa County. Protection of wells which draw potable water from the aquifer and their respective cones of influence is, however, a requirement of local government. Sand-and-gravel aquifers which overlie the impervious limestone strata

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covering the Floridan Aquifer yield water for irrigation purposes and is [are] also subject to conservation and protective measures of local government (policy 10.F.1).

- B. The Local Government Comprehensive Planning and Land Development Regulation Act (LGCPLDRA) requires that local governments "generally identify and depict existing and planned water wells and cones of influence where applicable," within the land use elements of comprehensive plans (F.S. § 163.3177).
 - 1. A cone of influence is defined in rule 9J-5 as an area around one or more major water wells the boundary of which is determined by the Northwest Florida Water Management District (NFWFMD) or any other government agency having specific statutory authority to make such a determination based on groundwater travel or drawdown depth (9J-5.003(18) FAC).
 - 2. The term "water well" is defined by rule 9J-5 as wells excavated, drilled, dug or driven for the supply of industrial, agricultural or potable water for general public consumption (9J-5.003(18) FAC).
- C. 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 a consumptive use is the primary concern.
- D. The location of potable wells within the City of Destin is depicted in figure 7-1, chapter 7, foundation document. To protect these sites, no land use or construction shall be permitted within a 200-foot radius of each well that is known to adversely affect the quality and quantity of water sources. Prohibited land uses within the 200-foot well site include, but are not limited to, the following: junkyards, landfills, septic tanks, storing of hazardous waste or regulated substances.
- E. With the adoption of this Code, the City shall require that all shallow wells which tap the sand-and-gravel aquifer obtain a permit from the City. Applications for a sand-and-gravel well permit shall include the location of the proposed well on lot plats (objective 10.F.1; policies 10.F.1.1 and 10.F.1.2).
 - 1. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only.
 - 2. Sand-and-gravel wells may not be located within 25 feet of another shallow well.

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SECTION 7.02 MARINA SITING

SECTION 7.02.01 PURPOSE

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

SECTION 7.02.02 GENERAL REGULATIONS

- A. The requirement of a Harbor and Waterways Board (HWB) application, and any applicable public hearings, shall be in accordance with **Section 2.08.03** of this Code.
- B. All marine construction projects shall provide the City with the applicable homeowner's association (if applicable), State, and Federal approvals at the time of building permit submittal.
- C. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is installed at the furthest point seaward on said dock.
 - 1. All navigation/security night-lights shall be illuminated continuously from dusk to dawn every night of the year.
 - 2. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection.
 - a. Each light shall be installed within 90 days after adoption of this Code.
- D. No utility services shall be installed upon any dock without a permit obtained from the City.
- E. Aerators or circulation devices may be required as determined by the City when it is determined that the water circulation is deemed to be impacted negatively by the proposed facilities.
- F. Development classified as Class 3, per **Section 2.08.03** of this Code, shall be denied if the City Council determines that the proposed development does not meet the criteria outlined in this Section, and further, if the proposed development is averse to the public's interest. Listed below are the criteria for Class 3 Development:
 - 1. Land use compatibility
 - a. The applicant shall demonstrate that the proposed development, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity.
 - 2. Proper use of mitigative infrastructure
 - a. The applicant shall demonstrate the proposed development and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to surface waters.
 - 3. Hazardous waste
 - a. The proposed development shall not generate hazardous waste or require the use of hazardous materials in its operation without the use of city-approved mitigative techniques designed to prevent any adverse impacts to adjacent surface waters. The development shall include best management principles and practices.
- G. Exemption:
 - 1. Any dock located on a private lake controlled by an active owner's association is exempt from the regulations of Section 7.02 Marina Siting of this Article.

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SECTION 7.02.03 COMMERCIAL REGULATIONS

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

SECTION 7.02.04 DIMENSIONAL AND DENSITY LIMITATIONS

A. Length

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

Table 7.02-1 Dock Length	
Dock Location	Maximum Length Allowed
Any waterfront property not adjacent to Choctawhatchee Bay or zoned South Harbor Mixed Use (SHMU)	The width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property with uplands zoned South Harbor Mixed Use (SHMU)	1.5 times the width of the lot at the mean high-water line, or 20% of the width of the adjacent waterway at the place the pier is connected to the uplands, whichever is less.
Waterfront property adjacent to Choctawhatchee Bay.	1.5 times the width of the lot at the mean high-water line, or 200 feet, whichever is less.
Waterfront Property with less than 50 feet of waterfront shoreline.	No individual dock is allowed, unless parallel to the shoreline (marginal dock). Marginal docks shall not be wider than six (6) feet. Docks may be allowed if lots are combined with neighboring lots in accordance with this section

- 2. Measurement of length shall start at the waterward most point of the Mean High Water Line. See Figure Dock length below.
- 3. From the waterward most point identified per paragraph 2 above, a perpendicular line, or perpendicular line to the tangent for a curved MHWL, drawn waterward the distance allowed per the Table 7.02-1 above.
- 4. At the maximum distance of length allowed above another perpendicular line is drawn from between the identified or implied riparian lines.

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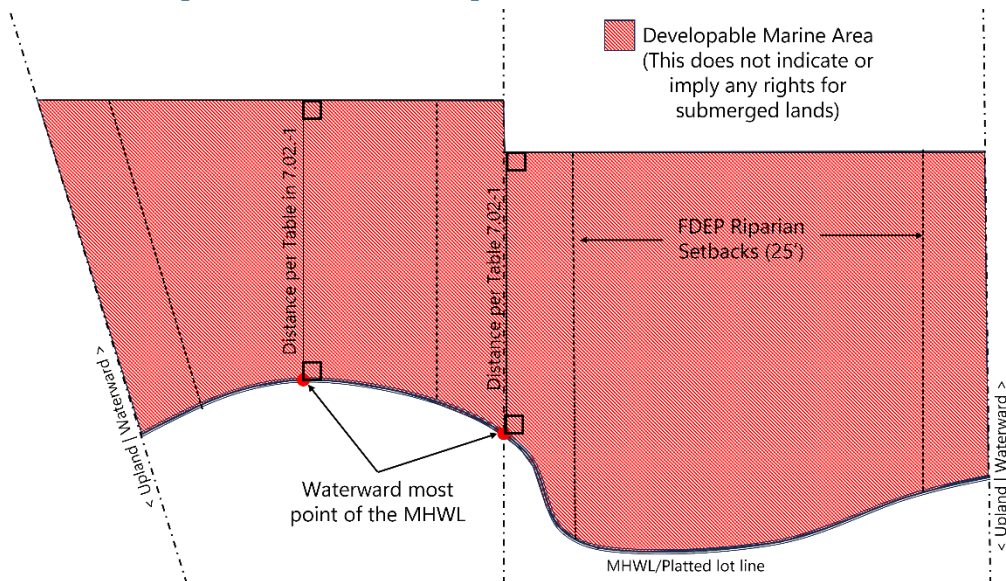


Figure 7.02-1 Dock Length

- B. No pier shall extend more than six (6) feet into a canal right-of-way.
- C. Density
 - 1. No dock shall be constructed or modified such that slip density exceeds one (1) slip per eight (8) linear feet of waterfrontage.
 - 2. Docks along canals shall not have more than one (1) slip per 45 linear feet of waterfrontage.
 - 3. Lots that are riparian to a canal shall be entitled to at least two (2) slips on the canal.

SECTION 7.02.05 NET POSITIVE ENVIRONMENTAL BENEFIT FEE

- A. This is a place holder for the recommended NPEB fee

SECTION 7.03 ARCHEOLOGICAL AND HISTORICAL RESOURCE PROTECTION

SECTION 7.03.01 PURPOSE

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

SECTION 7.03.02 PRESERVATION OF HISTORICAL STRUCTURES, SITES, AND RESOURCES

- A. Any time a proposed development may impact a historic or archeological site within the City, as deemed by the State, the following subsections of this Section shall apply. It shall be the responsibility of the owner/applicant to coordinate with all federal, state, and local agencies to determine if the proposed development may impact such identified sites within the City.
 - 1. Historic structures shall be exempt from the provisions of the Florida Building Code if any modification, repair, or restoration activity would jeopardize their historical integrity.
 - 2. Land alteration or development of land where such would contribute to the destruction of historic resources shall be prohibited.

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3. A project classified as a development of regional impact (DRI) shall contain a description of historical or archaeological sites within the proposed development and suggested mitigation measures for such resources if present. DRIs shall be submitted to the Compliance and Review Section in the Florida Department of State's Bureau of Historic Preservation.
4. For any proposed development activity on a historic site previously identified in this Section, all Development Order applications (if applicable) or Building Permit applications shall include an archeological and historic review summary, provided by the applicant. Such review summary shall be reviewed and approved by the City and Florida Department of State, Division of Historical Resources.
5. If valuable archaeological or historical resources are previously known to exist, development approval shall be conditioned upon performance of an archaeological salvage excavation plan approved by the City and the Florida Department of State, Division of Historical Resources.
 - a. If artifacts of known or suspected historical significance are found on the site, any further land disturbing activities shall cease pending an evaluation by Florida Department of State, Division of Historical Resources.
6. The City shall prepare reports describing any developments that discovered, impacted, or removed any historic or archeological artifacts or sites within the City when such events occur.
7. For any proposed development within the City's Harbor District Overlay or the Zerbe-Calhoun Overlay, please see **Section 4.07.04**.

SECTION 7.04 ILLICIT DISCHARGE DETECTION AND ELIMINATION

SECTION 7.04.01 PURPOSE

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

SECTION 7.04.02 PROHIBITION OF ILLICIT DISCHARGES AND CONNECTIONS

- A. Illicit discharge
 1. Aside from stormwater, no substances, materials, or effluent (chemical or physical) shall be discharged or caused to be discharged, by any person or entity, into the municipal storm drain system, adjacent properties, or watercourses.
 2. If a discharge is found, the City reserves the right to enforce this Section.
- B. Prohibition of illicit connections.
 1. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - a. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.
 - b. A person is considered to be in violation of this Section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
 - c. A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval by the City.

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- C. Suspension of access to a municipal storm sewer system.
 - 1. The City may suspend access to the MS4 if any of the following situations occurs:
 - a. Suspension due to illicit discharges in emergency situations.
 - i. The City, without prior notice, may suspend MS4 discharge access to a person or entity, when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States.
 - ii. If the violator fails to comply with a suspension order issued in an emergency, the City may enter the property and take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.
 - iii. The violator shall be responsible for reimbursing the City or their agent for all costs incurred from the corrective action.
 - b. Suspension due to the detection of illicit discharge.
 - i. Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
 - c. Industrial or construction activity discharges.
 - i. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit.
 - (a) Proof of compliance with said permit may be required in a form acceptable to the City prior to the allowing of discharges to the MS4.
- D. Private Single-Family/Duplex Illicit Discharges.
 - 1. Direct or indirect non-stormwater contaminant or wastewater shall not leave said private property and enter an adjacent private property without receiving the adjacent property owner's express written consent.
 - a. Irrigation sprinkler overspray is exempt from this requirement.
 - 2. Swimming pool backwash/flush water, car wash water, pond, fountain, or any other water feature that receives periodic pumping out and/or cleaning shall either:
 - a. Provide facilities to collect and hold wastewater on-site until it percolates or evaporates completely, without creating a mosquito breeding or any other hazard, or
 - b. Discharge into an approved industrial sewer.
 - 3. The system shall not be overwhelmed and allowed to spill over onto an adjacent property or Environmentally Sensitive Areas.

SECTION 7.04.03 EXEMPTIONS

- A. The commencement, conduct, or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:
 - 1. Water line flushing or other potable water sources,
 - 2. Landscape irrigation or lawn watering,
 - 3. Diverted stream flows,
 - 4. Rising ground water,
 - 5. Ground water infiltration to storm drains,
 - 6. Uncontaminated pumped ground water,
 - 7. Foundation or footing drains (not including active groundwater dewatering systems),
 - 8. Crawl space pumps,
 - 9. Air conditioning condensation,
 - 10. Springs,

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11. Non-commercial washing of vehicles,
 12. Natural riparian habitat or wet-land flows,
 13. Swimming pools (if dechlorinated less than one parts per million chlorine),
 14. Firefighting activities,
 15. Other water source not containing pollutants,
 16. Discharges specified in writing by the City as being necessary to protect public health and safety, or
 17. Dye testing, given a written notification is provided to the City at least 48 hours prior to the time of the test.
- B. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency (EPA).
1. The permitted discharger shall be in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. Such written approval shall be maintained on site.

SECTION 7.05 ALTERNATIVE ENERGY DEVELOPMENT

SECTION 7.05.01 PURPOSE AND INTENT

- A. The purpose and intent of this section is to allow opportunities for certain alternative forms of energy generation with the installation and operation of small-scale alternative energy generating systems.
- B. This section intends to protect and promote public health, safety, community welfare and the aesthetic quality of the City while promoting and encouraging the use of small-scale alternative energy generating systems due to their positive environmental impact, cost savings, and sustainability benefits.

SECTION 7.05.02 APPLICABILITY AND GENERAL PROVISIONS

- A. The provisions of this Section shall apply to the following accessory uses as they are defined in Article 11 of this Code:
1. Energy Conversion Systems, Small-scale Solar.
 2. Energy Conversion Systems, Small-scale Wind.
- B. General Provisions
1. Small-scale solar and wind energy conversion systems shall be deemed, and are hereby declared to be, an accessory use allowed in all zoning districts, provided they comply with the standards set forth in Section 7.05.03 below.
 2. Approval of a small-scale solar or wind energy conversion system shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply, any easement or right of access to wind or sunlight. The City of Destin expressly declares that it shall not be a party to any effort, negotiation or acquisition of any such access or right to wind and sunlight.
 3. The allowance of small-scale solar or wind energy conversion systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, covenants, or other restrictions that may apply to a premise.
 4. It shall be unlawful for a person to operate a small-scale solar or wind energy conversion system that does not conform to all provisions of the Land Development Code and conditions of approval of the City of Destin building permit.

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SECTION 7.05.03 STANDARDS FOR REVIEW AND REGULATION

- A. A building permit shall be required prior to the commencement of construction of a small-scale solar or wind energy conversion system.
- B. Small-scale solar and wind energy conversion systems shall comply with all building and construction codes and all other governmental regulations as amended.
- C. No portion of a small-scale solar and wind energy conversion systems shall be located between the principle building and front property line, along any street frontage, or within any required setback area.
- D. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- E. If a ground mounted small-scale solar or wind energy conversion system is removed, any earth disturbances as a result of the removal shall be returned to natural grade and provided with appropriate ground cover.
- F. A small-scale solar and wind energy conversion systems shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the system provided they comply with Land Development Code sign regulations.
- G. The following standards apply only to small-scale solar energy conversion systems and are in addition to those listed directly above in A through F.
 - 1. Ground mounted small-scale solar energy conversion systems may not encroach into any setback area when oriented at maximum design tilt.
 - 2. In addition to the building setback, the collector surface and mounting devices for roof-mounted small-scale solar energy conversion systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - 3. Small-scale solar energy conversion systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street rights-of-way.
 - 4. Building, roof, pole or ground mounted small-scale solar energy conversion systems shall not exceed the height maximum allowed in the zoning district in which it is located.
 - 5. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 - 6. All on-site utility and transmission lines shall be placed underground.
- H. The following standards apply only to small-scale wind energy conversion systems and are in addition to those listed directly above in A through F.
 - 1. There shall be no more than one small-scale wind energy conversion system per property and it shall be located on the same property as the principle building.
 - 2. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet will be required to obtain a determination from the Federal Aviation Administration of "No Hazard to Aviation" status.
 - 3. Applicants submitting a building permit application for a small-scale wind energy conversion system exceeding 100 feet shall submit such application to the Eglin Air Force Base installation commander or his or her designee, and no determination of the application shall be made sooner than 30 days after receipt of such submittal by the Air Force. No building

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- mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of Figure 7-4 of the June, 2009 Eglin Air Force Base Joint Land Use Study.
4. The small-scale wind energy conversion system shall have a rated capacity not to exceed ten kilowatts (KW).
 5. Small-scale wind energy conversion systems shall be located a minimum distance of 20 feet from all property lines of the property upon which the small-scale wind energy conversion system is located. A small-scale wind energy conversion system may not be located in a dedicated easement or right-of-way.
 6. Small-scale wind energy conversion system shall comply, at all times, with the maximum allowable noise levels set forth in the City of Destin Code of Ordinances.
 7. Colors of all external surfaces of the small-scale wind energy conversion system must uniformly be matte grey or other neutral colors which best blend the small-scale wind energy conversion system into its surroundings.
 8. The small-scale wind energy conversion system shall be equipped with an automatic braking, governing, or feathering system to assure that over-rotation cannot occur.
 9. The small-scale wind energy conversion system shall be equipped with a manual override system to allow shut-down in case of an emergency.
 10. Whenever practical, all equipment must be attached to a building or located on an impervious surface.
 11. All on-site utility and transmission lines shall be placed underground.
 12. A building mounted small-scale wind energy conversion system shall be permanently attached to a permitted principle or accessory building on the property.
 13. When a building mounted small-scale wind energy conversion system is attached to the wall, gable or eave of a building, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished.
 14. The tower upon which the small-scale wind energy conversion system is attached shall be a self-supporting mono-pole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis the City Manager or designee may approve other types of towers based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided the tower plans are designed, signed, sealed and dated by a licensed professional engineer registered in the State of Florida.
 15. The maximum total height of a building mounted small-scale wind energy conversion system which is attached directly to the roof of a building shall be ten feet above the highest point of the roof upon which the small-scale wind energy conversion system is attached. The maximum total height of a small-scale wind energy system which is attached to a building in some manner other than directly to the roof shall be ten feet above the highest point of the roof to which it is most closely located. No building mounted small-scale wind energy conversion system shall exceed the recommended height restrictions of Figure 7-4 of the June, 2009 Eglin Air Force Base Joint Land Use Study.
 16. The maximum total height of any freestanding small-scale wind energy conversion system shall be 35 feet above the adjacent natural grade.

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17. The distance between the bottom of rotor blades, at their lowest point of arc, to grade shall be a minimum of 15 feet.
18. No permanently attached mechanism for access to or onto the tower, which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within 12 feet of the grade directly below.
19. Appropriate warning signage shall be placed on both the small-scale wind energy conversion system and tower in accordance with the manufacturer's recommendations.
20. The horizontal distance between the tower and all overhead public utility lines shall be 25 percent greater than the total height of the small-scale wind energy conversion system.
21. All small scale wind energy conversion systems shall be maintained in good working order according to manufacturer recommendations. A small-scale wind energy conversion system shall be deemed to be abandoned if the use has been discontinued for a period of 180 consecutive days. Upon such abandonment, the owner of the small-scale wind energy conversion system shall have an additional 90 days within which to reactivate the use of the small-scale wind energy conversion system or dismantle and remove the tower and wind generator.