



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, JANUARY 16, 2025
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. October 17, 2024 Minutes**
 - B. November 7, 2024 Minutes**
 - C. November 21, 2024 Minutes**
- 4. NEW BUSINESS**
 - A. Ordinance 24-05-CN Pine Ridge Trace Environmental Preservation Area Right-of-Way Vacation**
 - B. Ordinance 24-16-CN Pine Ridge Trace Environmental Preservation Area Right-of-Way Vacation (City Initiated)**
 - C. Ordinance 24-17-CC Property Maintenance Code**
- 5. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 6. NEXT MEETING DATE: February 6, 2025**

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
OCTOBER 17, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Workshop to order on Thursday, October 17, 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

Members Absent

Todd Buhr
Gary Jarvis
Corey Ledbetter

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Sherry Burney Planner
Ashley Dominguez Planner
Jesse Hernandez Planner
Kyle Bauman, Special Projects Counsel

Chairman Wood clarified for the record that there is not a quorum, therefore they would only be having discussions and no formal recommendations. Mr. O'Connor did inform the members that it was not staff's intentions to have any recommendations for this meeting.

3. APPROVAL OF MINUTES: None

4. NEW BUSINESS:

A. LDC Draft Article 8 - Signs

The Principal Planner, Steve O'Connor briefly explained how this is the first time this article is coming before them and how it has been available to the public, on the website, for some length of time, as well as staff has provided it to them twice in the last few months, for their review. He also explained how past codes had language for all types of different signs. However, in 2015, a landmark case went before the Supreme Court where occurrences of freedom of speech was being denied and all of the justices hearing the case agreed. Therefore, commercial and noncommercial speech can be determined but only to that limitation, and the form can be regulated as in attached or free standing, the permanency can be regulated, they can be regulated by zoning districts but, the content cannot and must be neutral. He then referred the members to the charts that simplifies the types so that people can better understand what it is they are looking for, noting that this is a change that everyone in the public will have to get used to, but staff feels it will be better understood. He then briefly went over each different types of signs with the members.

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Agency member Purut spoke of temporary signs in the form of flags/banners design that get put out on the weekends for church services and such. Mr. O'Connor explained signs that are meant to be flown in the wind, are prohibited and read those types that he was referring to.

Agency member Bell spoke of real estate signs how some are the average ones on the arms, but she has seen some that are very large as well. According to Mr. O'Connor, currently the allowed size for them is up to 32 square feet and 8-feet tall and explained the different sizes and amounts of signs that are allowed within those dimensions.

Chairman Wood questioned the size of the signs for short term rentals, and Mr. O'Connor stated those signs have separate regulations and requirements, based on the short term rental code.

Agency member Bell questioned the size of the signs allowed in residential neighborhoods noting that they seem rather large. Mr. O'Connor explained the requirements are for the total square footage allowed at the parcel and not meant as one large 75 square foot sign, but multiple signs such as political signs, that can make up that amount. Additionally, a maximum of sixteen square feet for one sign. He then spoke of how this sign format is something that he brought from a previous employment that was reviewed by their attorneys in Idaho, is content neutral and compliant with the law.

Agency member Bell suggested making the requirements for the sign sizes so that they are easily devisable for multiple signs. Both staff and the Agency members agreed with her suggestion of 15 inches instead of 16 inches.

Chairman Wood questioned the waterfront signs and what they are. According to Mr. O'Connor, if someone is approaching from the harbor, and the business is in the Harbor Mixed Use District, they can have a sign that is visible from the water while piloting a vessel. However, if on the boardwalk and someone needs to go to a kiosk to check in, those type signs are not waterfront signs nor are they regulated since they are not signs that are visible from the street or public right of ways, they're just considered on premise signs. Having no further discussions, Mr. O'Connor asked the members to go through this again, before their next meeting and bring back any suggestions or questions to discuss further, if necessary.

B. LDC Draft Article 11 - Glossary discussion

Mr. O'Connor briefly explained to the members what staff is providing terms of the new proposed language and what will be removed.

In terms of the definition of "Beach" he read the definition out loud for the members to consider.

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Agency member Bell requested the area of the beach on the East Pass needs to be better defined and to have the definition of “beach” amended to include the beaches along the East Pass side. Mr. O'Connor suggested amending it to say, “The beach is used in the Coastal Management Element requirements, is limited to Gulf, East Pass and Estuarine Shorelines.”

In discussion, the Chairman clarified that if there is a seawall and water, with no sand, that is not considered beach. Mr. O'Connor confirmed his statement adding that if the property is upland of the seawall, it is not considered part of the definition of a beach. The members agreed with the discussions and for addition of East Pass to the definition of beach.

Mr. O'Connor instructed the members to also think more about this, look up the areas on the property appraiser's website, go out to the beaches, and bring back any additional suggestions at their next meeting, for any further discussion. He also spoke of Article 11, that has a definition of beach for wheeled vehicles and asked the member to review that as well, and bring any comments and suggestions back for discussion.

Chairman Wood pointed out that the definition of bicycle does not reflect eBikes, nor is there a definition for them and suggests adding that as well as Low Speed Vehicle into the glossary. Mr. O'Connor stated that he would ensure that is included before their next meeting.

5. PUBLIC COMMENTS:

None

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:30 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Kimberly Montgomery City Clerk

**LOCAL PLANNING AGENCY
MEETING MINUTES
NOVEMBER 7, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Workshop to order on Thursday, November 7, 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.
Todd Buhr
Jay Purut
Marcie Bell
Gary Jarvis

Members Absent

Corey Ledbetter

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Sherry Burney Planner
Ashley Dominguez Planner
Jesse Hernandez Planner
Kim Kopp, City Attorney

3. APPROVAL OF MINUTES: October 3, 2024, Minutes

Motion by Agency member Bell to approve the minutes of the October 3, 2024, meeting with Agency member Jarvis providing the second. The motion passed 5-0.

4. NEW BUSINESS:

A. LDC Draft Article 8 - Signs

Regarding 8.07 – Prohibited signs, Agency member Jarvis inquired about vehicle signs that are added to the vehicle, for instance, campaign signs that people have driving around locally, and asked what type, if any, of those are prohibited signs. According to Mr. O'Connor, if the signs are constructed for the back of the truck, they are prohibited. If they are attached to the vehicle, such as a magnetic sign, or wrapped on the body of the vehicle, they are prohibited.

Chairman Wood questioned vehicles he's seen that have a large American flag that protrudes overhead and wave as they are driven. Mr. O'Connor referred the members to Exempt signs and read, "Standards of political or religious, governmental or other jurisdictional authority, provided that these do not contain any commercial speech, commonly known as flags, are exempt." Chairman Wood referred to the chart in portable signs and spoke of how generally, in a residential neighborhoods, property owners are not going to have permanent commercial signs and questioned staff what kind of noncommercial 25' square foot max, individual sign with a total of 50', would

normally be allowed. According to Mr. O'Connor, any kind of sign, thought or idea that promotes and is protected by the First Amendment, and provided some examples.

Regarding the language for permanent noncommercial language, Agency member Buhr suggested making it N/A across the board for residential neighborhoods, which would in turn make it default to whatever is exempt. Mr. O'Connor agreed, and Chairman Wood agreed to that change as well with no other comments from the Agency members.

The City Attorney informed the members that they can regulate time, place and manner but not content. She then advised that as they are going through the language to keep in mind where, how, and when they can go, for what period of time, if permanent or temporary, and nothing more, not what type of sign it is or what it's going to say.

In Section 08.08.02(D) on page 2, Agency member Buhr suggested adjusting the language referencing the application. In 08.03.04(C) on page 6, for the public traffic control signs, he asked staff who it is intended for. According to Mr. O'Connor, it is intended for the Governing Jurisdiction of the right of way, and he can add language to make it clear of that intent. In 08.02.04(A) on Page 3, for near straight and driveway sections, he feels that signs should not be able to go in those areas at all. Staff agrees that there is not a reason to have a sign in a clear visible triangle, at all. In 08.03.04, page 6, in the digital and electronic signage section, the members discussed at length there being a timeline to be put in place making any of those types of signs nonconforming, with an attrition date to where the property owners would be given a certain length of time, then at that timeline date, they would have to be removed. According to the City Attorney, she has had discussions on this subject with Council, individually, and expects it to be discussed at an upcoming Council meeting, adding that it is considered a time, place and manner restriction. Staff informed the Agency members that they would start working on the draft language to be brought back for their review and input, as well as it will be sent to Council at their workshop on this article for their input.

In Section 08.07.01 (E), page 10, Agency member Buhr asked staff's input on signs in the right-of-way (ROW). Mr. O'Connor asked the Agency members if they wanted to allow signs or not in the ROW, because if not, it would need to stay. The members agreed for it to stay as it is. In Section 08.07.01 (J), prohibited signs, Agency member Buhr asked for clarification on the difference between inflatable signs and holiday decorations. Mr. O'Connor explained that any holiday decorations are allowed during the timeframe for the holiday, but inflatable commercial signs are not. Regarding rigid materials language, Agency member Buhr feels that needs to be defined. According to Mr. O'Connor, staff could either add a definition or add regulations into the sign code that are clear to what rigid materials are, and asked which he would prefer. According to Agency member Buhr, he would defer to whatever staff decides is best.

B. LDC Draft Article 11 - Glossary discussion

According to Mr. O'Connor, for the definition of Open Space, in Article 4, anything not for vehicular use or covered by a building, is considered open space. Meaning that an entire backyard could be covered by concrete and so long as they have their stormwater properly installed, it counts towards open space, noting Destin is the only municipality he has ever heard or worked for with this in the open space definition or requirements. Staff is proposing the following language, "A portion of the space that is not occupied by the building coverage or vehicular usage, or impervious surfaces, for the purposes of this paver usage is not considered open space." If the paver surface is pervious.

Agency member Jarvis suggests the definition of helmsman to State of Florida US Coast Guard Captain and change Party Boats / Charter Fishing Boats to Charter for Hire Vessel. In additional discussions, the decision was to change it to Fare Carrying Vessels and refer any other language throughout to the Fare Carrying Vessels definition.

Agency member Bell thanked staff for adding East Pass to the beach definition, but suggested adding "of Mexico" after the word, "Gulf".

The definition for a bedroom was agreed to be updated to FDE definition. There was a brief discussion regarding Substantial Improvement definition, which is regulated by FEMA. The City Attorney noted that she and staff have been discussing this and would ensure that they have the correct verbiage for their review before their next meeting.

5. PUBLIC COMMENTS:

Chairman Wood opened the public for comment, but with no one present, he closed the public portion of the meeting.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:00 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Kimberly Montgomery Deputy City Clerk

**LOCAL PLANNING AGENCY
MEETING MINUTES
NOVEMBER 21, 2024 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Workshop to order on Thursday, November 21, 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

Members Absent

James T. Wood, Jr.
Gary Jarvis

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steven O'Connor Deputy CD Director
Daniel Butler Principal Planner
Sherry Burney Planner
Ashley Dominguez Planner
Jesse Hernandez Planner
Kim Kopp, City Attorney

3. APPROVAL OF MINUTES:

➤ **June 6, 2024 Minutes**

Motion by Agency member Bell to approve the minutes of the June 6, 2024, meeting with Agency member Ledbetter providing the second. The motion passed 4-0.

➤ **October 17, 2024 Minutes**

Since these were not included in the Agency members meeting packet, they will be moved to the next meeting for approval.

4. NEW BUSINESS:

Motion to change the order of the day to hear Items C & D first was made by Agency member Bell with Agency member Purut providing the second. The motion passed 4-0.

C. Ordinance 24-20-LC – Remove Building Permit Regulations from LDC

D. Ordinance 24-21-CC – Building Permit Regulations added to Code of Ordinances, Chapter 6, Building Regulations – Article I

➤ **Item C. Ordinance 24-20-LC – Remove Building Permit Regulations from the LDC**

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Mrs. Noell Bell, Building Official explained how the following sections in the Land Development Code (LDC) are being moved to the Code of Ordinance Building Permit Regulations:

- 2.10.00. - Construction permits.
- 2.11.00. - Post-permit changes.
- 2.12.00. - Building permits.
- 2.13.00. - Application for building permit.
- 2.14.00. - Expiration of building permit.
- 20.05.00. - Foundation surveys for certain work.
- 20.07.00. - Inspections and certificates of occupancy.
- 20.09.00. - Fire District Review

Additionally, the associated Ordinance, 24-21-CC, creates the following sections in the Code of Ordinances, Chapter 6, Building Regulations, Article I – In General, section 6-1 – 6-8.

- 6-1 – Construction permits.
- 6-2 – Post-permit changes.
- 6-3 – Building permits.
- 6-4 – Application for building permits.
- 6-5 – Expiration of building permits.
- 6-6 – Foundation surveys for certain work.
- 6-7 – Inspections and certification of occupancy.
- 6-8 – Fire District Review.

Sections 6-3 and 6-4 being created in the Code of Ordinances have revisions from the previous LDC version, where language is proposed to be deleted that is no longer applicable.

The following language has been removed:

- Items C & D, Under 2.12.00. Building permits.

C. No nonconforming use shall be maintained until a certificate of zoning noncompliance shall have been issued by the City Manager or his designee. The certificate of zoning noncompliance shall state specifically wherein the nonconforming use differs from the provisions of this article; provided that, upon amendment of this article owners or occupants of nonconforming uses shall have six months to apply for certificates of zoning noncompliance. In cases where nonconforming uses existed at the time of enactment of Okaloosa County Ordinance No. 74-4 on March 11, 1974, certificates of zoning noncompliance shall be issued based upon facts stated in affidavits. Failure to make such application within six months shall be presumptive evidence that the property was in nonconforming use at the time of the enactment or amendment of such ordinance.

D. The City Manager or his designee shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person. According to the Building Official, these are no longer in effect and staff now send out Zoning Compliance Letters.

- Item B, Under 2.13.00. Application for building permit, this is no longer in effect as paper plans are no longer accepted, and only in digital format.

B. One copy of the plans shall be returned to the applicant by the Chief Building Inspector, after he shall have marked such copy either as approved or disapproved. One copy of the plans, similarly marked, shall be retained by the City Manager or his designee for at least two years. There was a brief discussion regarding the retention and are kept permanently.

Agency member Bell made the motion to recommend City Council adopt Ordinance 24-20-LC with Agency member Purut providing the second. In discussion, Agency member Bell asked about a general statement to be included in the notification process for applicants who reside in HOA's, as a reminder of sorts, that they may have to adhere to those rules. Staff informed Agency member Bell there already is similar language in the permitting application, and the LDC or the Code may not be the appropriate place for what she is referring to. There was a brief discussion regarding plans being made public on Compass. The Building Official explained how they have to be moved over by staff to the approved tab in order for the public to access them.

Vice Chairman Buhr expressed concern over the retention schedule for building plans and the City Attorney explained that the retention schedule is mandated by the State.

With no further discussion, Vice Chairman Buhr called for the vote and the motion passed 4-0.

➤ **Ordinance 24-21-CC – Building Permit Regulations added to Code of Ordinances, Chapter 6, Building Regulations – Article I**

Agency member Purut made the motion for the Local Planning Agency to recommend City Council adopt Ordinance 24-21-CC, Building Permit Regulations added to Code of Ordinances, Chapter 6, Building Regulations – Article I, with Agency member Ledbetter providing the second, the motion passed 4-0, with no discussion.

A. Draft Land Development Code Article 8 – Sign Regulations

Mr. O'Connor informed the members that staff integrated all of their previous comments into this draft, with the biggest item being the removal of digital signage. Explaining further that a new section was added specifically for them, under Prohibited Signs, 8.07.02.

Vice Chairman Buhr stated he is in favor of the language and if the City Attorney was comfortable with the verbiage and the six years attrition language. He then asked Mr. O'Connor to go through each of the public comments that came through the website.

According to Mr. O'Connor, staff contacted several sign companies and asked for their review and comments on this draft Article 8 and the comments provided are what was submitted.

Public Comments via website:

- The Free-Standing column allows 150 Sq. Ft. Maximum, but only allows a maximum height of 8'. Those two numbers potentially make for an odd, shaped sign, 18'5" feet wide by 8' tall. 8' seems really restrictive.
- I don't see an allowance for Harbor District signs to be less than the 10' setback. Will that no longer be allowed? Discussed adding an attrition sunset provision for these types of signs. *Mr. O'Connor suggested to make a provision for the SHMU district. Vice Chairman Buhr asked for staff to bring this additional language back for review and discussion.*
- Non-Commercial allowances seem generous. 3'x10' foot sign in a residential yard? *No additional comments from the Agency members.*
- I have always argued that this calculation for determining square footage is not a fair figure. In the sample provided, there is a great deal of negative space that is getting calculated into the square footage. It really hinders logos/clients that aren't nice tidy rectangles. *According to Mr. O'Connor, the way they measure, the outer most extremities of a rectangle, is a simple method of measuring that a lot of municipalities use and is not uncommon.*
- It [the motion of the sign] helps to sell the displays when clients can use them for dynamic advertising. Pensacola, Crestview, and Fort Walton Beach, do a very good job of creating content and have lots of motion and animation, 10 second still is even more than the state requires of the Billboard industry, which is 6 seconds. My understanding is that there is not a substantial amount of evidence that links the EMC's to increased accidents. The City of Crestview board we installed at the corner of 85 and 90 is one of the highest traffic counts in our area. *No additional comments from the Agency members.*

Regarding temporary signs, Agency member Buhr spoke of a situation in how Panama City regulates political signs with provisions on when they can be put up as well as the timeframe for them to be removed after the event. According to the City Attorney, they would need to have language for those types of events and not just one certain type of event, such as elections.

Mr. O'Connor spoke of how staff will draft up language for their review at their next meeting.

Motion by Vice Chairman Buhr that the Local Planning Agency forward a positive recommendation to City Council for Draft Article 8, Sign Regulations, with the understanding that the two areas will be brought back to them for additional review. Agency member Purut provided the second, the motion passed 4-0.

B. Draft Land Development Code Article 11 – Glossary

Agency member Buhr provided the following comments:

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Commercial Special Events definition was struck through, but Commercial Special Events Venue is not and asked why. According to Mr. O'Connor, Commercial Special Events such as weddings are not defined, and will have to be clearly identified as to what the event will be in Article 2. Additionally, the venue has to have a defined use.

Under the definition Development, why is mining mentioned? Mr. O'Connor explained that sand is considered mined.

Accessory dwellings and other dwellings, in the definition of “dwelling unit, accessory [attached or detached]” he asked what specifically they are referring to. Mr. O'Connor explained they can be attached by some means to the main dwelling, such as a wall, with no connecting door.

Dwelling Unit, Guest/Cottage/Carriage House the decision was to remove the word “Dwelling” since guest, cottage, carriage house are not a dwelling, since they do not provide living, sleeping, cooking, sanitation quarters.

Discussed having eBikes included in the definition for bicycles and where they can and cannot be ridden. Mr. O'Connor explained that there is not a current ordinance in place regulating that so, they can be ridden wherever bicycles are, additionally staff was informed by the Sheriff's department they would not be able to regulate such an ordinance.

Hardship Case definition suggests since there are conditions listed that have to be qualified in order to meet a hardship, it should be removed. The City Attorney Kim Kopp added that regardless, if it is an ADA accommodation, they will get it. The Agency members agreed to remove it from the Glossary.

Definition of Board of Adjustment and Local Planning Agency needs to stay in the glossary.

Open Space – Artificial Turf aspect was briefly discussed and how the regulations are in Article 6.

Special Events – add that a permit has to be obtained.

Substantial Improvement – definition is a FEMA requirement and stays as written.

Travel Trailer and Travel Trailer Park needs to be removed since there is a definition for Recreational Vehicle and Recreational Vehicle Park.

Agency member Bell provided to following comments:

Certificate of Occupancy is defined but there is not a definition for temporary certificate of occupancy. Staff agreed to add the definition.

Beach definition – Gulf of Mexico should be corrected from Gulf.

DRAFT

Collocation – Asked staff to explain what it is, staff provided the information.

Family – Discussion how per State Statutes, they cannot define family for short term rentals in single family residential areas.

Flagpole - Asked why it was removed. According to Staff, it's not used anywhere in the LDC.

Marine Turtle Conservation Zone – Feels that a more detailed description of the area needs to be included in the definition. Mr. O'Connor suggested to define it as anything seaward of the Coastal Control Zone.

Seasonal – asked staff to explain what does “in the context of change of use permit applications” means. In explaining this, Mr. O'Connor suggested for it to be removed entirely since Article 2 regulates special events which makes this mute.

Waterbody – Asked what term defines the East Pass. According to Mr. O'Connor, it is considered an inlet.

Motion by Agency member Bell to forward a positive recommendation of adoption of Draft Article 11, Glossary to City Council with the recommended modifications as discussed, with Agency member Purut providing the second. The motion passed 4-0.

5. PUBLIC COMMENTS:

Vice Chairman Buhr opened the public for comment, but with no one present, he closed the public portion of the meeting.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:45 p.m.

Adopted and approved this _____ day of _____ 2024.

James Wood, Jr. Chairman

Kimberly Montgomery Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 16, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Michael Burgess, Public Works Director

FROM: Joe Bodi, Deputy Director, Public Works

DATE: January 7, 2025

SUBJECT: Ordinance 24-05-CN Pine Ridge Trace Environmental Preservation Area Right-of-Way Vacation

I. BACKGROUND: Amanda Belcher, property owner of 6 Pine Ridge Trace, is requesting approval of a vacation of right-of-way. The proposed vacation will consist of a portion of the Environmental Preservation Area/Right of Way west of 6 Pine Ridge Trace. Pine Ridge Trace Subdivision is requesting to vacate abandon, discontinue and close a portion of the Environmental Preservation Area Right of Way west of 6 Pine Ridge Trace in Pine Ridge Trace Subdivision in Destin. (see attached survey).

The proposed request is in accordance with the requirements found under **Article - 8, Section 8.01.00, subsection D. 1 & 2. of the LDC.**

II. DISCUSSION: The proposed request is in accordance with the requirements found under **Article - 8, Section 8.01.00, subsection D. 1 & 2. of the LDC:**

The City Attorney shall review the application for legal sufficiency. The City Engineer shall provide a recommendation to the Local Planning Agency. The Local Planning Agency shall provide a recommendation to the City Council. The City Council will make a determination to approve or deny the application to vacate a ROW/easement based upon a finding that all the following requirements are met:

1. The requested vacation is consistent with the comprehensive plan.

Staff Findings: The proposed vacation does not appear to conflict with the comprehensive plan.

2. The ROW does not provide the sole access to any property.

Staff Findings: Access to the adjoining property shall remain unchanged. No other access to private property shall be impacted. Cross access to the remaining portion of the Environmental Preservation Area Right of Way in this area shall be by easement to the City.

3. The vacation would not jeopardize the current or future location of any utility.

Staff Findings: All the utility agencies have submitted clearance letters identifying no significant impact from this vacation.

4. 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.

Staff Findings: Currently, the proposed portion of the Environmental Preservation Area Right of Way is to be vacated, abandoned, discontinued, closed, and used by the applicant. The area has historically not been open to the public, and no documentation has been found defining its purpose.

5. 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.

Staff Review: No City-owned property that shares a boundary with a water body is part of this vacation request.

The proposed request has been formalized by a draft ordinance, as shown in the attached legal description and general vicinity map. The Local Planning Agency must provide findings and recommendations for all requirements identified in **Article 8, Section 8.01.00.D**.

- A. Link to Strategic Goals / Objectives:** N/A
- B. Effect on Budget (EOB):** N/A
- C. Level of Service (LOS):** N/A
- D. Legislative Sponsor:**

III. CONCLUSION: The applicant has provided the required letters of approval from the applicable agencies outlined in **LDC Article 8.01.00.D**. The evidence and information provided by the applicant demonstrates the application meets the intent of the Land Development Code (LDC). City staff recommends approval of this vacation of Right-of-Way request.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommends approval of this right-of-way vacation and abandon, discontinue, and close a portion of the Environmental Preservation Area west of 6 Pine Ridge Trace in Pine Ridge Trace Subdivision in Destin, based on findings that the request satisfies the five (5) requirements identified in the **Land Development Code, Section 8.01.00.D**.

Attachments:

1. Ordinance 24 05 CN-EPA Pine Ridge Trace
2. Revised ROW - Fully Highlighted Survey
3. Utility Clearance letters
4. List of butting property owners
5. Access Easement draft
6. IMG_20250106_135246849_HDR
7. IMG_20250106_135341340

ORDINANCE NO. 24-05-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF A SEGMENT OF ENVIRONMENTAL PRESERVATION AREA IN PINE RIDGE TRACE SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Section 3.10 of the City Charter and Section 166,021, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the property owners of 6 Pine Ridge Trace have requested vacation, abandonment, discontinuation and closure of a portion of City Environmental Preservation Area in Pine Ridge Trace Subdivision; and

WHEREAS, the portion of the Environmental Preservation Area requested to be vacated, abandoned, discontinued and closed is not necessary to the traffic circulation within the City of Destin; and

WHEREAS, the request is consistent with the Comprehensive Plan; and

WHEREAS, access to the adjacent property from public Environmental Preservation Area will not be diminished by the approval of the request; and

WHEREAS, the approval of the request will not jeopardize the current or future location of any utilities; and

WHEREAS, the approval of the request is not detrimental to the public interest.

SECTION 3. VACATION ABANDONMENT, DISCONTINUANCE AND CLOSURE OF ENVIRONMENTAL PRESERVATION AREA. Based upon the above findings of fact, the City's Environmental Preservation Area interest and use in the following described property:

Per Official Records Book: 1818, at Page: 251, Lot 6, Pine Ridge Trace, as recorded in Plat Book 7, Pages 60-61, Public Records of Okaloosa County, Florida.

Legal from Boundary Survey:

Beginning at the Northwest corner of aforementioned Lot 6, Pine Ridge Trace, proceed along the Westerly boundary of said Lot 6 S 28°04'33" W for 39.67 feet to the Southwest corner; thence N 61°49'47" W, 29.25 feet; thence run N 28°04'18" E a distance of 39.65 feet to the Southerly right-of-way of Bayou Drive (60' right-of-way); thence proceed along said right-of-way S 61°51'46" E for 29.25 feet to return to the Point of Beginning.

EXHIBIT A

Contains 0.03 acres or 1,159.96 Sq. Ft. more or less.

is hereby vacated, abandoned, discontinued and closed and the City of Destin hereby waives, releases, and abandons all its right, title, and interest and renounces and disclaims all rights and obligations of the City and the Public in and to said portion of Environmental Preservation Area subject to easements for the location of all existing utilities including, but not limited to, water, sewer, gas, communications, and electrical.

SECTION 4. SEVERABILITY. Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part hereof, other than the part declared to be invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by City Council, signature of the Mayor.

ADOPTED THIS ____ DAY OF _____

By: _____
Bobby Wagner, Mayor

ATTEST

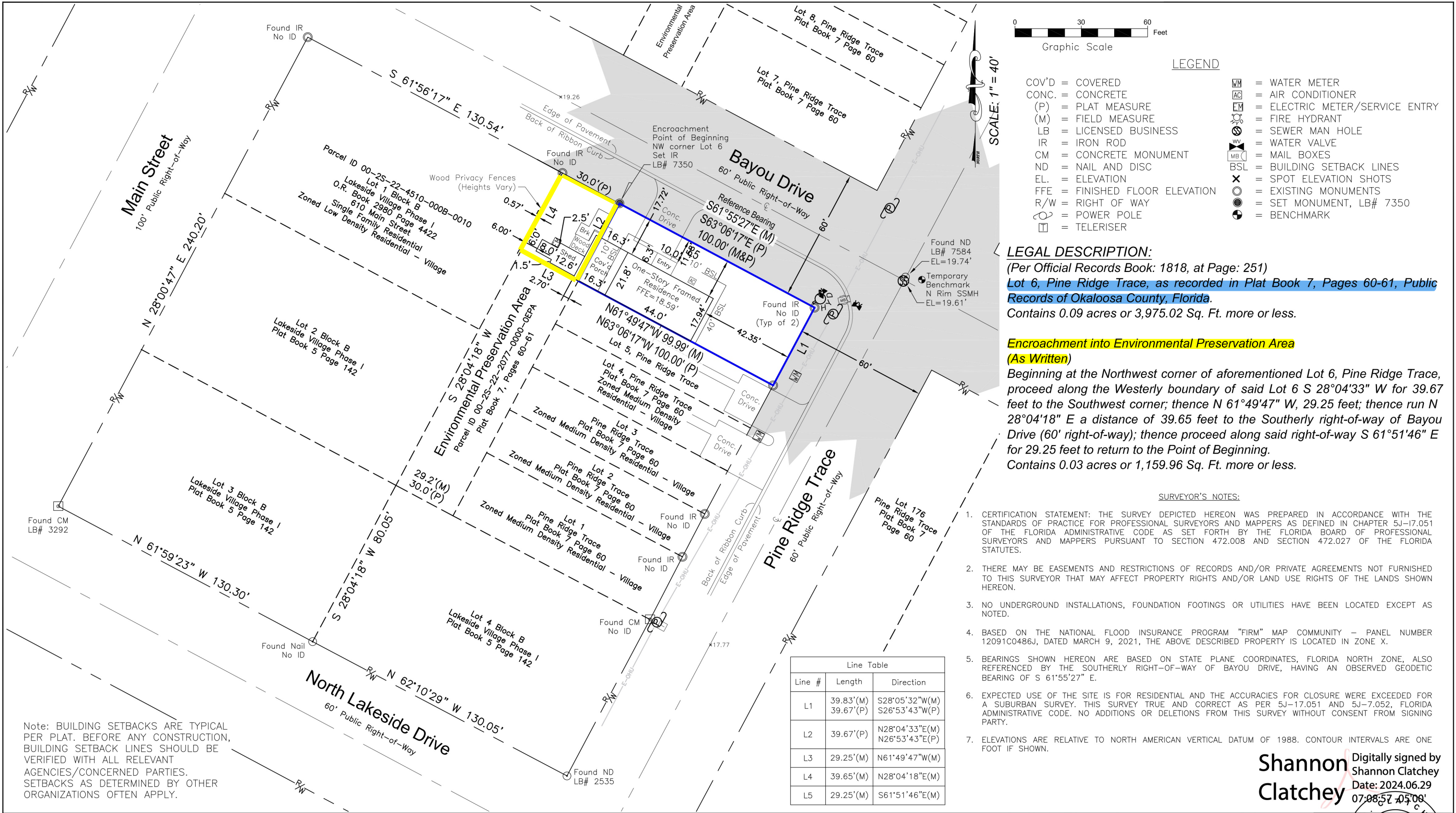
Rey Bailey, City Clerk

The form and content of the above Ordinance is
hereby approved for legal sufficiency.

Kimberly Romano Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____



Job Number: 23-0130

Cadd File: 23-0130 BND

Drawn By: RLC

Field Date: 8-09-2023

Field By: TS/HC

Field Bk/Pg: re224/6,7

Rev. _____ Date: _____

Rev. _____ Date: _____

Rev. _____ Date: _____

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BOUNDARY SURVEY

Lot 6

Pine Ridge Trace, Okaloosa County

6 Pine Ridge Trace, Destin, Florida 32541

Parcel ID 00-2S-22-2077-0000-0060

Rare Earth, Inc.

Professional Land Surveying & Land Planning

Office: 850.729.2722

Fax: 850.729.2797

www.rareearthfl.com

1430 Pine St.

Niceville, FL 32578

30°28'34.83" N, 86°24'28.23" W

Shannon Clatchey

Professional Surveyor and Mapper Florida

Registration #6178

Business #7350



FPL

February 20, 2024

Attorney Jeff Burns
P.O. Box 4097
Shalimar, Florida 32579

RE: Partial Easement Release – 6 Pine Ridge Trace Destin, FL

Jeffrey,

It was a pleasure working with you. I did receive the \$250.00 check for the release. Find enclosed the original Partial Easement Release ready for recording. Please let me know if you any additional assistance.



Jim Jernigan
Senior Land Agent
Florida Power and Light Company
One Energy Place
Corporate Real Estate - BIN 0093
500 Bayfront Parkway
Pensacola, Florida 32520
850-444-6321

This instrument was prepared by:

Jim Jernigan
Florida Power & Light Company
One Energy Place
Corporate Real Estate - BIN 0093
500 Bayfront Parkway
Pensacola, Florida 32520

PARTIAL RELEASE OF EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS THAT FLORIDA POWER & LIGHT COMPANY, a Florida corporation, whose mailing address is P.O. Box 14000, Juno Beach, Florida 33408-0420, as the owner and holder of that certain Easement recorded in Official Records Book 1215, Page 1443 of the Public Records of Okaloosa County, Florida ("Easement"), for good and valuable consideration the receipt and sufficiency of which are hereby acknowledged by it, does hereby release so much of said Easement as lies within the following described real property:

See Exhibit A attached hereto and made a part hereof ("Released Property");

and hereby agrees that from and after the date hereof the herein described Released Property shall be freed of the Easement and the rights and privileges granted therein. This release applies only to the Released Property specifically described herein and in no way releases or affects other lands, if any, encumbered by the Easement.

[Signature and acknowledgment appear on following page.]

IN WITNESS WHEREOF, Florida Power & Light Company has caused this Partial Release of Easement to be signed this 15 day of February, 2024.

Florida Power & Light Company,
a Florida corporation

Signature: [Signature]
Print Name: Jim Ferrigan
500 Bayfront Parkway
Pensacola, Florida 32520

By: [Signature]
Print Name: William Maudlin
Its: Project Director, CRE

Signature: [Signature]
Print Name: Ronald Chambers
500 Bayfront Parkway
Pensacola, Florida 32520

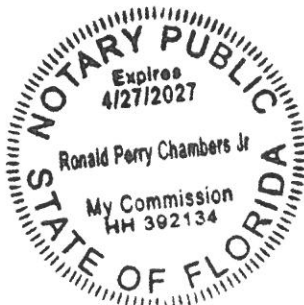
ACKNOWLEDGMENT

STATE OF FLORIDA)
COUNTY OF Santa Rosa) SS:

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of February, 2024, by William Maudlin, as Project Director, CRE of Florida Power & Light Company, a Florida corporation, on behalf of the corporation.

[NOTARIAL SEAL]

Notary: [Signature]
Print Name: Ronald Perry Chambers, Jr
Notary Public, State of Florida
My commission expires: 4/27/2027



☒ Personally Known OR ☐ Produced Identification
Type of Identification Produced _____

Exhibit A

*Encroachment into Environmental Preservation Area
(As Written)*

Beginning at the Northwest corner of aforementioned Lot 6, Pine Ridge Trace, proceed along the Westerly boundary of said Lot 6 S 28°04'33" W for 39.67 feet to the Southwest corner; thence N 61°49'47" W, 29.25 feet; thence run N 28°04'18" E a distance of 39.65 feet to the Southerly right-of-way of Bayou Drive (60' right-of-way); thence proceed along said right-of-way S 61°51'46" E for 29.25 feet to return to the Point of Beginning. Contains 0.03 acres or 1,159.96 Sq. Ft. more or less.

Subject: RE: Right of Way Vacation - Letter Request
Date: Tuesday, October 10, 2023 at 12:46:16 Central Daylight Time
From: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
To: Jeffrey Burns <jburns@burnsfirmlegal.com>
Attachments: image001.png, Exhibit A - ROW Survey.pdf, Exhibit B - Title Search.pdf

Mr. Burns,

Cox has no objections to this request to vacate the ROW as described. Cox has no facilities that would be impacted in the requested vacate location.

Thank you,

Roger Dixon
SR Construction Planner
Outside Plant Construction Gulf Coast
320 Racetrack Rd. NW, Fort Walton Beach, FL 32547
Office 850-314-8163 Cell 850-259-5083



[Access OSP Resources and Support Requests Here](#)

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 Please don't print this e-mail unless it's necessary. Go Green.

From: Jeffrey Burns <jburns@burnsfirmlegal.com>
Sent: Tuesday, October 10, 2023 11:38 AM
To: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
Subject: [EXTERNAL] Right of Way Vacation - Letter Request

Mr. Dixon,

I represent Amanda Belcher, owner of 6 Pine Ridge Trace, Destin, Florida 32541 (Okaloosa County Parcel ID# 00-2S-22-2077-0000-0060). Ms. Belcher is requesting a vacation of a portion of a right of way located on the rear lot line of her property, the portion of which is represented in green on the Survey attached as Exhibit "A".

In order to submit a Right of Way Vacation Application to the City of Destin we will need an approval email or letter stating no objections, or recommending denial for a reason.

The Okaloosa County Parcel ID# for the entire Right of Way is 00-2S-22-2077-0000-0EPA, and the portion to be vacated is described on the attached Survey as:

“Encroachment into Environmental Preservation Area (As Written) Beginning at the Northwest corner of aforementioned Lot 6, Pine Ridge Trace, proceed along the Westerly boundary of said Lot 6 S for 39.67 feet to the Southwest corner; thence N thence run N right-of-way of Bayou Drive (60' right-of-way); thence proceed along said right-of-way S 61° 51'46" E for 29.25 feet to return to the Point of Beginning. Contains 0.03 acres or 1,159.96 Sq. Ft. more or less.”

While the Right of Way is described as an Easement Preservation Area, the Easement Preservation Area was dedicated to the City in the 1980s, and the City considers it to be a Right of Way. Indeed, the Title Work attached as Exhibit "B" indicates that the City of Destin is the owner of the Easement Preservation Area constituting the Right of Way.

In closing, my client needs an approval letter stating no objections or recommending denial for a reason.

Please feel free to call if you have any questions.

Attorney Jeff Burns

Florida Bar and Alabama Bar Member,
Florida Supreme Court Certified Circuit Civil Mediator, and
Former Florida Circuit Court Judge

P.O. Box 4097
Shalimar, Florida 32579
jburns@burnsfirmllegal.com
(850) 582-5765
www.burnsfirmllegal.com

Subject: FW: Right of Way Vacation - Letter Request
Date: Tuesday, October 10, 2023 at 13:17:02 Central Daylight Time
From: MANNING, TOM <tm2709@att.com>
To: Jeffrey Burns <jburns@burnsfirmlegal.com>
CC: CHANDLER, JASON <jc5372@att.com>
Attachments: image001.png, Exhibit A - ROW Survey.pdf, Exhibit B - Title Search.pdf

Good afternoon Mr. Burns. I have reviewed the AT&T plats and the Company has no facilities in the environmental protection area located at the rear of 6 Pine Ridge Trace in Destin, Florida. AT&T Florida has no objection to the vacation of this easement.

Sincerely,

Tom Manning

SR Specialist OSP Plng and Engrg Design
Access-Construction & Engineering

AT&T Florida

6689 E. Magnolia St.
Milton, FL 32570-3682

m: 850-463-5176 | tm2709@att.com



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From: Jeffrey Burns <jburns@burnsfirmlegal.com>
Sent: Tuesday, October 10, 2023 12:09 PM
To: MANNING, TOM <tm2709@att.com>
Cc: FILLINGIM, MICHAEL <mf2504@att.com>
Subject: Right of Way Vacation - Letter Request

Mr. Manning,

I represent Amanda Belcher, owner of 6 Pine Ridge Trace, Destin, Florida 32541 (Okaloosa County Parcel ID# 00-2S-22-2077-0000-0060). Ms. Belcher is requesting a vacation of a portion of a right of way located on the rear lot line of her property, the portion of which is represented in green on the Survey attached as Exhibit "A".

In order to submit a Right of Way Vacation Application to the City of Destin we will need an approval email or letter stating no objections, or recommending denial for a reason.

The Okaloosa County Parcel ID# for the entire Right of Way is 00-2S-22-2077-0000-0EPA, and the portion

to be vacated is described on the attached Survey as:

"Encroachment into Environmental Preservation Area (As Written) Beginning at the Northwest corner of aforementioned Lot 6, Pine Ridge Trace, proceed along the Westerly boundary of said Lot 6 S for 39.67 feet to the Southwest corner; thence N thence run N right-of-way of Bayou Drive (60' right-of-way); thence proceed along said right-of-way S 61° 51'46" E for 29.25 feet to return to the Point of Beginning. Contains 0.03 acres or 1,159.96 Sq. Ft. more or less."

While the Right of Way is described as an Easement Preservation Area, the Easement Preservation Area was dedicated to the City in the 1980s, and the City considers it to be a Right of Way. Indeed, the Title Work attached as Exhibit "B" indicates that the City of Destin is the owner of the Easement Preservation Area constituting the Right of Way.

In closing, my client needs an approval letter stating no objections or recommending denial for a reason.

Please feel free to call if you have any questions.

Attorney Jeff Burns

Florida Bar and Alabama Bar Member,
Florida Supreme Court Certified Circuit Civil Mediator, and
Former Florida Circuit Court Judge

P.O. Box 4097
Shalimar, Florida 32579
jburns@burnsfirmllegal.com
(850) 582-5765
www.burnsfirmllegal.com

Subject: RE: Right of Way Vacation - Letter Request
Date: Tuesday, October 10, 2023 at 18:21:39 Central Daylight Time
From: Mitch Anderson <MitchAnderson@okaloosagas.com>
To: Jeffrey Burns <jburns@burnsfirmlegal.com>
CC: ryanburns@okaloosagas.com <ryanburns@okaloosagas.com>

Looks good to me, we don't have any gas in that ROW. I don't see us wanting to utilize it in the future either since we prefer to not have the gas in the back of the homes. We don't object to the vacation of the ROW for Okaloosa County Parcel ID# 00-2S-22-2077-0000-0060. If you need anything additionally from me please let me know.

Mitch Anderson
Okaloosa Gas District
Engineering Supervisor
850-420-6612

From: Jeffrey Burns <jburns@burnsfirmlegal.com>
Sent: Tuesday, October 10, 2023 11:47 AM
To: Mitch Anderson <MitchAnderson@okaloosagas.com>
Cc: ryanburns@okaloosagas.com
Subject: Right of Way Vacation - Letter Request

Mr. Anderson,

I represent Amanda Belcher, owner of 6 Pine Ridge Trace, Destin, Florida 32541 (Okaloosa County Parcel ID# 00-2S-22-2077-0000-0060). Ms. Belcher is requesting a vacation of a portion of a right of way located on the rear lot line of her property, the portion of which is represented in green on the Survey attached as Exhibit "A".

In order to submit a Right of Way Vacation Application to the City of Destin we will need an approval email or letter stating no objections, or recommending denial for a reason.

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Attorney Jeff Burns

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(850) 582-5765
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10/24/2023



Amanda J. Belcher
6 Pine Ridge Trace
Destin, FL 32541

P858305
No Reservations/No Objection

SUBJECT: Vacation request for a portion of the Environmental Preservation Area right-of-way adjacent to Lot 6, Pine Ridge Trace, as recorded in Plat Book 7, Pages 60-61, of the Public Records of Okaloosa County, Florida.

To Whom It May Concern:

CenturyLink of Florida, Inc. d/b/a CENTURYLINK ("CenturyLink") has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation as shown and/or described on Exhibit "A", said Exhibit "A" attached hereto and incorporated by this reference.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

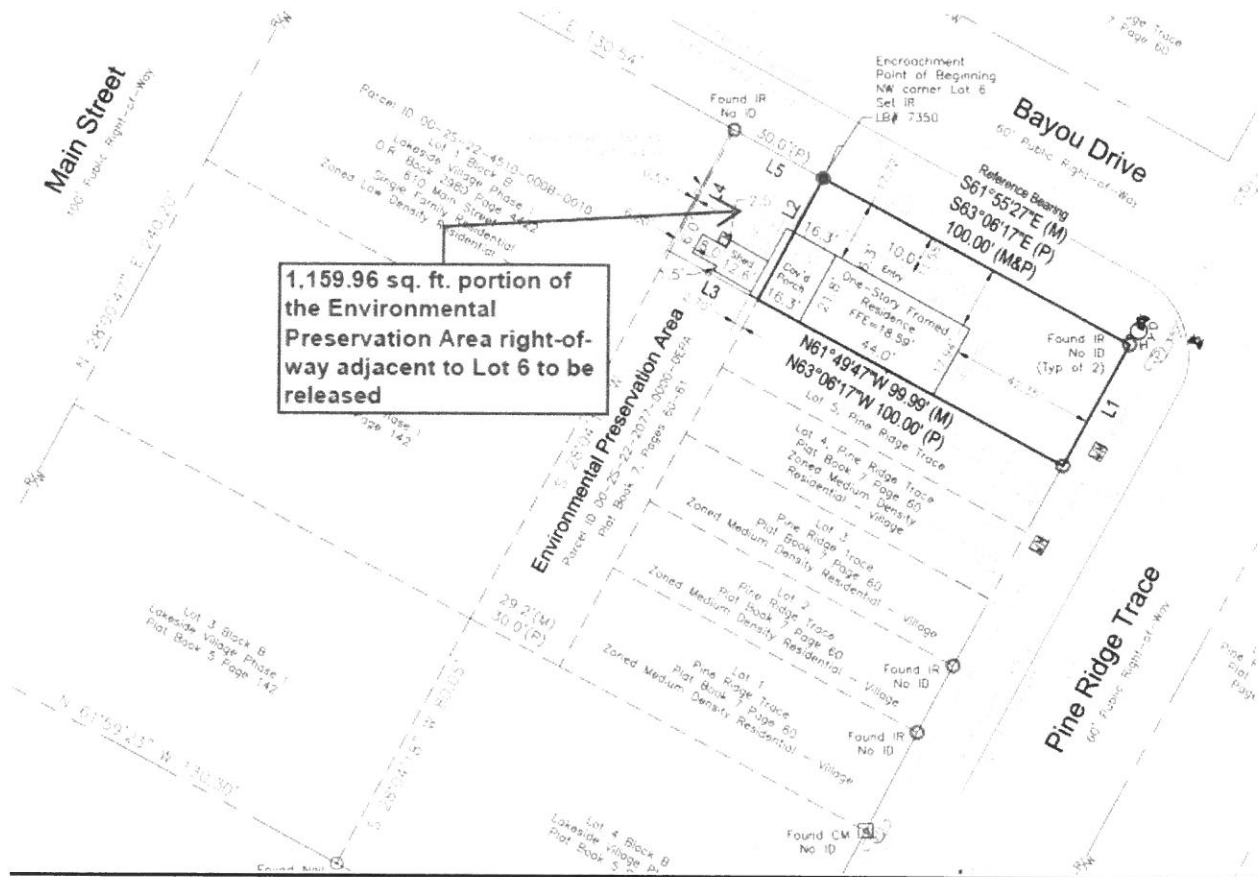
This vacation response is submitted WITH THE STIPULATION that if CenturyLink facilities are found and/or damaged within the vacated area as described, the Applicant will bear the cost of relocation and repair of said facilities.

If you have any questions, please contact Ryan Stiglets at 405-289-5650 or ryan.stiglets@lumen.com.

Sincerely,
CenturyLink Right of Way Team

Exhibit "A"

Pine Ridge Trace



Proposed area located within Pine Ridge Trace, a Townhome Development, to be vacated:

All that portion of the Environmental Preservation Area right-of-way lying adjacent to and abutting Lot 6, Pine Ridge Trace, as recorded in Plat Book 7, Pages 60-61, Public Records of Okaloosa County, Florida, more particularly described as follows:

Beginning at the Northwest corner of aforementioned Lot 6, Pine Ridge Trace, proceed along the Westerly boundary of said Lot 6 S 28°04'33" W for 39.67 feet to the Southwest corner; thence N 61°49'47" W 29.25 feet; thence run N 28°04'18" E a distance of 39.65 feet to the Southerly right-of-way of Bayou Drive (60' right-of-way); thence proceed along said right-of-way S 61°51'46" E for 29.25 feet to return to the Point of Beginning. Contains 0.03 acres or 1,159.96 Sq. Ft. more or less

Subject: RE: Right of Way Vacation Application - Letter Request
Date: Monday, October 30, 2023 at 10:57:46 Central Daylight Time
From: Monica Wallis
To: Jeffrey Burns
CC: Lockwood Wernet

Jeff –

DWU has been in discussions with the City about this Environmental Preservation Area and the need for potential easements. The area behind Mrs. Belcher's property is not currently an area of concern for needing an easement and therefore we have no objection to her request of this area.

Please let me know if you have any further questions.

THANKS!

Monica M. Wallis, P.E.
Operations Manager
Destin Water Users, Inc.
14 Industrial Park Lane
Destin, FL 32541
850-837-6146
850-337-3945 – Direct
850-699-3665 – Cell
850-837-0465 – Fax

From: Jeffrey Burns <jburns@burnsfirmlegal.com>
Sent: Tuesday, October 10, 2023 10:11 AM
To: Monica Wallis <mwallis@dwuinc.com>
Subject: Right of Way Vacation Application - Letter Request

External Email: Caution

Monica,

I hope all is well.

I represent Amanda Belcher, owner of 6 Pine Ridge Trace, Destin, Florida 32541 (Okaloosa County Parcel ID# 00-2S-22-2077-0000-0060). Ms. Belcher is requesting a vacation of a portion of a right of way located on the rear lot line of her property, the portion of which is represented in green on the Survey attached as Exhibit "A". In order to submit a Right of Way Vacation Application to the City of Destin we will need an approval email or letter stating no objections, or recommending denial for a reason.

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In closing, my client needs an approval letter stating no objections or recommending denial for a reason. Please feel free to call if you have any questions.

Thank you,
Jeffrey L. Burns
jburns@burnsfirmlegal.com
850.830.4723

Attorney Jeff Burns

Florida Bar and Alabama Bar Member,
Florida Supreme Court Certified Circuit Civil Mediator, and
Former Florida Circuit Court Judge

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Okaloosa County Property Appraiser

Results

62 Results

Parcel ID 	Owner 	Property Address 	City 	Homestead 	Legal Description 	Last Sale 	Map 
 00-2S-22-1320-0000-PARK	 CITY OF DESTIN	605 MAIN ST	DESTIN	N	1ST JOES BAYOU DESTIN		Map
 00-2S-22-1320-0033-0000	 KALINOSKI KENNETH A & JEAN M KALINOSKI JEAN M	701 BAYOU DR	DESTIN	N	1ST JOES BAYOU DESTIN	6/19/2020	Map
 00-2S-22-1650-000B-0090	 DRIGGERS ARTHUR H III & DRIGGERS KATHERINE EGGERS	700 BAYOU DR	DESTIN	Y	MORENO ACRES S/D	11/23/1999	Map
 00-2S-22-2077-0000-0010	 PHILLIPS CARTER L	1 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	10/5/2022	Map
 00-2S-22-2077-0000-0020	 VENUS JAMES D & BARBARA VENUS BARBARA	2 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	2/1/1990	Map
 00-2S-22-2077-0000-0030	 CARROLL BARBARA J	3 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	12/10/2009	Map
 00-2S-22-2077-0000-0040	 WEN WENDY & HUFFMAN GREGORY HUFFMAN GREGORY	4 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	8/16/2011	Map
 00-2S-22-2077-0000-0050	 STUART MICHELLE	5 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	7/1/1999	Map
 00-2S-22-2077-0000-0060	 BELCHER AMANDA J	6 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	2/1/1994	Map
 00-2S-22-2077-0000-0070	 MILLER JARROD S	7 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	8/31/2011	Map
 00-2S-22-2077-0000-0080	 DICESARE V P JR & PATRICIA DICESARE PATRICIA	8 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	4/1/1994	Map
 00-2S-22-2077-0000-0090	 YOUNG TIERRA	9 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	4/7/2016	Map
 00-2S-22-2077-0000-0100	 BRADY SHAWN W	10 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	12/18/2013	Map
 00-2S-22-2077-0000-0110	 PHILLIPS VIVIAN J	11 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	1/4/2013	Map
 00-2S-22-2077-0000-0120	 PRESCOTT JEFFREY A & MABEL R PRESCOTT MABEL R	12 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	5/16/2008	Map
 00-2S-22-2077-0000-0130	 ALLEN CELIA S TRUST	13 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	10/10/2013	Map
 00-2S-22-2077-0000-0140	 SMITH ROSEMARY M & SCHINELL J SCHINELL JOSEPH M	14 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	8/12/2021	Map
 00-2S-22-2077-0000-0150	 PITTMAN BRITTANY M DOWNING BRITTANY M	15 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	1/12/2016	Map
 00-2S-22-2077-0000-0160	 PRESCOTT JEFFREY A & MABEL R PRESCOTT MABEL R	16 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	6/23/2008	Map
 00-2S-22-2077-0000-0EPA	 CITY OF DESTIN	PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE		Map
 00-2S-22-2077-0000-1240	 PRESCOTT JEFFREY & MABEL R PRESCOTT MABEL R	124 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	2/26/1999	Map
 00-2S-22-2077-0000-1250	 BRADY AMANDA M (LIFE ESTATE)	125 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	3/28/2023	Map
 00-2S-22-2077-0000-1260	 PRESCOTT MABEL R & JEFFREY A PRESCOTT JEFFREY A	126 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	3/28/2017	Map
 00-2S-22-2077-0000-1270	 MARCEV ERIC & ARCEGA JEMIelyn ARCEGA JEMIelyn	127 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE	1/7/2021	Map
 00-2S-22-2077-0000-1280	 SPICER CATHERINE E (LIFE EST) SPICER CATHERINE E TRUST	128 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE	12/16/2021	Map
 00-2S-22-2077-0000-1290	 FLOYD CYNTHIA	129 BAYOU DR	DESTIN	Y	PINE RIDGE TRACE	2/26/2008	Map
 00-2S-22-2077-0000-1300	 DESTIN NINA ROBSON 2023 TRUST	130 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	5/1/2023	Map
 00-2S-22-2077-0000-1310	 MELFI VINCENT D	131 BAYOU DR	DESTIN	Y	PINE RIDGE TRACE	2/20/2019	Map
 00-2S-22-2077-0000-1320	 GROVES MARIA E	132 BAYOU DR	DESTIN	Y	PINE RIDGE TRACE	2/20/2020	Map
 00-2S-22-2077-0000-1330	 BRYANT CHERYL	133 BAYOU DR	DESTIN	Y	PINE RIDGE TRACE	10/30/2015	Map
 00-2S-22-2077-0000-1340	 ALLEN CELIA S TRUST	134 TIMBER CT	DESTIN	N	PINE RIDGE TRACE	1/13/2015	Map
 00-2S-22-2077-	 MORRIS BRANDY	135 TIMBER CT	DESTIN	N	PINE RIDGE TRACE	5/20/2013	Map

0000-1350	00-25-22-2077-0000-1360	WEST LORY	136 TIMBER CT	DESTIN	Y	PINE RIDGE TRACE	6/18/2004	Map
00-25-22-2077-0000-1370	00-25-22-2077-0000-1370	TETMAN CASEY	137 TIMBER CT	DESTIN	N	PINE RIDGE TRACE	5/13/2021	Map
00-25-22-2077-0000-1680	00-25-22-2077-0000-1680	WERNER TIFFANY F	168 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	3/23/2022	Map
00-25-22-2077-0000-1690	00-25-22-2077-0000-1690	PANGAEA ALLOY FL LLC	169 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	7/28/2023	Map
00-25-22-2077-0000-1700	00-25-22-2077-0000-1700	TATUM NICOLETA & TOBIE L TATUM TOBIE L	170 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	1/7/2020	Map
00-25-22-2077-0000-1710	00-25-22-2077-0000-1710	BUROKER DOUGLAS A & ANN E BUROKER ANN E	171 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	9/10/2010	Map
00-25-22-2077-0000-1720	00-25-22-2077-0000-1720	HALEY FAMILY PROPERTIES LLC	172 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	7/19/2022	Map
00-25-22-2077-0000-1730	00-25-22-2077-0000-1730	HANNA TOBY (LIFE ESTATE)	173 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	4/19/2022	Map
00-25-22-2077-0000-1740	00-25-22-2077-0000-1740	POOLE SAMUEL C & CHELSEE H POOLE CHELSEE H	174 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	9/21/2022	Map
00-25-22-2077-0000-1750	00-25-22-2077-0000-1750	GUESSFORD CLAYTON NOEL	175 BAYOU DR	DESTIN	Y	PINE RIDGE TRACE	7/21/2009	Map
00-25-22-2077-0000-1760	00-25-22-2077-0000-1760	MARCADES DEAN J	176 BAYOU DR	DESTIN	N	PINE RIDGE TRACE	11/15/2016	Map
00-25-22-2079-000B-0070	00-25-22-2079-000B-0070	LEE STEVEN P	37 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE RESUB	11/30/2022	Map
00-25-22-2079-000B-0080	00-25-22-2079-000B-0080	KELLER DEBRA L (LIFE ESTATE)	35 PINE RIDGE TRCE	DESTIN	N	PINE RIDGE TRACE RESUB	8/24/2021	Map
00-25-22-2079-000B-0090	00-25-22-2079-000B-0090	SAILORS CAROLA	33 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE RESUB	5/30/2003	Map
00-25-22-2079-000B-0100	00-25-22-2079-000B-0100	HOORMAN J G & DAHLSTROM PAULA DAHLSTROM PAULA	18 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE RESUB	12/18/2000	Map
00-25-22-2079-000B-0110	00-25-22-2079-000B-0110	TRAINOR JACKSON R & ANGELIA D TRAINOR ANGELIA D	20 PINE RIDGE TRCE	DESTIN	Y	PINE RIDGE TRACE RESUB	6/30/2021	Map
00-25-22-4510-000A-0010	00-25-22-4510-000A-0010	FRANKLIN PATRICIA	700 N LAKESIDE DR	DESTIN	Y	LAKESIDE VILLAGE	4/8/2005	Map
00-25-22-4510-000A-0020	00-25-22-4510-000A-0020	BLAISE IAN M & HALEY L BLAISE HALEY L	702 N LAKESIDE DR	DESTIN	Y	LAKESIDE VILLAGE	8/24/2018	Map
00-25-22-4510-000A-0030	00-25-22-4510-000A-0030	GORDON JOHN G III	802 DAWN LN	DESTIN	N	LAKESIDE VILLAGE	4/20/2022	Map
00-25-22-4510-000A-0070	00-25-22-4510-000A-0070	POORE DAVID L	DAWN LN	DESTIN	N	LAKESIDE VILLAGE	7/14/2021	Map
00-25-22-4510-000B-0010	00-25-22-4510-000B-0010	EGGMAN KENNETH R JR	610 MAIN ST	DESTIN	Y	LAKESIDE VILLAGE	4/15/2011	Map
00-25-22-4510-000B-0020	00-25-22-4510-000B-0020	PIPER STEVEN K & DANIELLA M PIPER DANIELLA M	608 MAIN ST	DESTIN	Y	LAKESIDE VILLAGE	4/4/2016	Map
00-25-22-4510-000B-0030	00-25-22-4510-000B-0030	VILLANO MICHAEL J & BROOKE VILLANO BROOKE	701 N LAKESIDE DR	DESTIN	N	LAKESIDE VILLAGE	12/22/2020	Map
00-25-22-4510-000B-0040	00-25-22-4510-000B-0040	GOODMAN KATHLEEN E	703 N LAKESIDE DR	DESTIN	N	LAKESIDE VILLAGE	11/22/2005	Map
00-25-22-4510-000C-0010	00-25-22-4510-000C-0010	STEELE KYLE D	803 N LAKESIDE DR	DESTIN	Y	LAKESIDE VILLAGE	5/4/2021	Map
00-25-22-4510-000C-0020	00-25-22-4510-000C-0020	SUTTERLIN DAVID	805 N LAKESIDE DR	DESTIN	Y	LAKESIDE VILLAGE	6/30/2021	Map
00-25-22-4510-000C-0030	00-25-22-4510-000C-0030	ROBSON STEPHEN F	807 N LAKESIDE DR	DESTIN	N	LAKESIDE VILLAGE	7/15/2014	Map
00-25-22-4510-000E-0060	00-25-22-4510-000E-0060	WESLYS RENTALS LLC	706 MAIN ST	DESTIN	N	LAKESIDE VILLAGE	11/27/2018	Map
00-25-22-4510-000E-0070	00-25-22-4510-000E-0070	MURPHREE THOMAS B III ****	704 MAIN ST	DESTIN	Y	LAKESIDE VILLAGE	4/28/2021	Map
00-25-22-4510-000E-0080	00-25-22-4510-000E-0080	HOUSE BRANDON R & MAMI HOUSE MAMI	702 MAIN ST	DESTIN	Y	LAKESIDE VILLAGE	12/22/2011	Map

Field Export

62 Results

Select export file format:

Excel (.xlsx)

Download

PREPARED BY AND RETURN TO:
Kimberly Romano Kopp
City Attorney
4200 Indian Bayou Trail
Destin, Florida 32541

Parcel Id No: 00-2S-22-2077-0000-0060



(Space Above Reserved for Recording Information)

GRANT OF PUBLIC ACCESS EASEMENT

THIS INDENTURE, made this Day of Month, 2024, (“**Easement Agreement**”) by and between Amanda Belcher, whose principal address is, 6 Pine Ridge Trace Destin, Florida 32541, hereinafter “Grantor”, in favor of CITY OF DESTIN, a municipal corporation existing under the laws of the State of Florida, whose address is 4200 Indian Bayou Trail, Destin, FL 32541, hereinafter the “Grantee”, its successors and assigns.

WITNESSETH:

For the consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said Grantor(s) in hand paid by said Grantee, the receipt of which is hereby acknowledged, in pursuance of the parties' mutual agreement for the creation of an access and maintenance easement and other good and valuable consideration, receipt of which is acknowledged, Grantor grants unto Grantee, its successors and assigns, an easement for the purpose of public access and maintenance of the remaining segment of the Environmental Preservation Area as defined in the Pine Ridge Trace Plat, as recorded in the Okaloosa County records in Plat Book 7 & Page 60-61, specifically for the purpose of access as permitted by state and city laws, ordinances, rules and regulations, as amended, for ingress and egress and the right to access and maintain from time to time within the Environmental Preservation Area as Grantee may deem necessary over, along, through, in, above, within and under the easement described below, with Grantor accepting responsibility for maintaining clear access area within the Access easement, said easement lying and being in the City of Destin, Okaloosa County, Florida, being legally described and depicted on the legal description and survey attached hereto as Exhibit "A."

Grantor(s) hereby covenants with said Grantee that said Grantor(s) is lawfully seized of fee simple title to the real property subject easement and that Grantor(s) hereby fully warrants and defends the title to the easement hereby granted and conveyed against the lawful claims of all

persons whomsoever. Grantor(s) shall not make any improvements within the easement which will conflict or interfere with the easement rights granted herein.

It is also understood and agreed that the Easement shall revert to Grantor, or Grantor's successors or assigns if the Environmental Preservation Area is no longer associated with the uses set forth in this Easement Agreement.

THE RIGHTS granted in this agreement are a dedication in the form of a limited public right of way and shall be possessed and enjoyed by Grantee, its successors or assigns, in perpetuity, until any of the reverter clauses are triggered, or until Grantee determines that it has no public purpose for the use of the easement granted herein.

TO HAVE AND TO HOLD the same unto the Grantee, its successors and assigns forever.

IN WITNESSES WHEREOF, the Grantor has hereunto set Grantor's hand and seal the day and year first above written.

(Signature Page Follows)

WITNESSES:

(Witness 1 Signature)
Print Name:

(Witness 2 Signature)
Print Name:

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online this ____ day of ____, 2024 by Amanda Belcher as Property Owner of 6 Pine Ridge Trace Destin, FL 32541.

GRANTOR

6 Pine Ridge Trace Destin, FL 32541

By: _____
Printed name: Amanda Belcher
Title: Property Owner

Notary Public, State of Florida
(Signature of Notary taking Acknowledgement)

Name of Notary Typed, Printed or Stamped

My Commission Expires: _____

Commission No.: _____

Approved for legal sufficiency for the City of Destin:

Kimberly Romano Kopp, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

Commence at the Northwest corner of Lot 6, Pine Ridge Trace, Lot 6, as recorded in Plat Book 7, Pages 60-61, Public Records of Okaloosa County, Florida, proceed along the Westerly boundary of said Lot 6 S 28°04'33" W for 39.67 feet to the Southwest corner; thence run N 61°49'47" W, 19.25 feet to the Easement Point of Beginning; thence run N 61° 49'47" W, 10.00 feet; thence run N 28° 04'18" E a distance of 39.65 feet to the Southerly right-of-way of Bayou Drive (60' right of way); thence proceed along said right-of-way S 61° 51'46" E for 10.00 feet; thence run S 28° 04'33" W for 39.67 feet to the Easement Point of Beginning.

Contains 0.01 acres or 386.65 Sq. Ft. more or less. 28°04'33"

City of Destin
Notice
of
LPA Meeting
Vacation of Environmental
Preservation Area
Time: 5:30pm
Date: January 16, 2013
Located at Destin City Hall Annex
4100 Indian Bayou Trail, Destin, FL



City of Destin
Notice
OF
LPA Meeting
Vacation of Environmental
Preservation Area
Time: 5:30pm
Date: January 16, 2025
Located at Destin City Hall Annex
4100 Indian Bayou Trail, Destin, FL

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CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 16, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Michael Burgess, Public Works Director

FROM: Joe Bodi, Deputy Director, Public Works

DATE: January 7, 2025

SUBJECT: Ordinance 24-16-CN Pine Ridge Trace Environmental Preservation Area Right-of-Way Vacation (City Initiated)

I. BACKGROUND: In reviewing the 6 Pine Ridge Trace request to vacation of right-of-way (see attached survey), Staff found the Environmental Preservation Area Right of Way has been fenced in, cleared and used by many of the adjacent residents. At last count, using aerial photos, 31 of 66 adjacent properties have encroachments and several others have cleared the vegetation. Although the ROW was dedicated to the public on the plat, it was not made accessible to the public since platted in 1981.

II. DISCUSSION: The proposed request is in accordance with the requirements found under **Article - 8, Section 8.01.00, subsection D. 1 & 2. of the LDC:**

Section 8.01.00.D.2.

The City Attorney shall review the application for legal sufficiency. The City Engineer shall provide a recommendation to the Local Planning Agency. The Local Planning Agency shall provide a recommendation to the City Council. The City Council will make a determination to approve or deny the application to vacate a Right-of-Way (ROW)/easement based upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the comprehensive plan.

Staff Review: The proposed vacation does not appear to conflict with the comprehensive plan.

2. The ROW does not provide the sole access to any property. Access shall not be by easement.

Staff Review: Access to the adjoining property shall remain unchanged. No other access to private property shall be impacted. Areas adjacent to the platted rights-of-ways specifically; Trail Court, Log Place, Wedge Court, and Crest Place, shall be incorporated into those rights-of-ways, respectively.

3. The vacation would not jeopardize the current or future location of any utility.

Staff Review: All of the utility agencies have submitted clearance letters identifying no significant impact as a result of this vacation. DWU has requested an easement between the airport property and Trail Court, adjacent to 22 Trail Court.

4. The proposed vacation is not detrimental to the public interest.

Staff Review: Currently the proposed portion of Environmental Preservation Area Right of Way to be vacated, abandoned, discontinued and closed and be used by the applicant. The Environmental Preservation Area Right of Way historically has not been open to the public. No documentation has been found defining the purpose of this area.

5. 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.

Staff Review: No City owned property that shares a boundary with a water body is part of this vacation request.

The City has received citizen correspondence regarding the request (see attachment).

- A. **Link to Strategic Goals / Objectives:** N/A
- B. **Effect on Budget (EOB):** N/A
- C. **Level of Service (LOS):** N/A
- D. **Legislative Sponsor:**

III. CONCLUSION: The applicant has provided the required letters of approval from the applicable agencies outlined in **LDC Article 8.01.00.D**. The evidence and information provided demonstrates the application meets the intent of the Land Development Code (LDC). City staff recommends approval of this vacation of Right-of-Way request. Destin Water Users requested a utility easement west of Lot 22 from Trail Court Right-of-Way to the Airport property as part of the vacation.

IV. RECOMMENDED MOTION: I move to recommend City Council approve the request to vacate, abandon, discontinue and close the remaining Environmental Preservation Area in Pine Ridge Trace Subdivision in Destin, based on findings that the request satisfies the five (5) requirements identified in the Land Development Code, Section 8.01.00.D.

Attachments:

ITEM # 2024-625

1. Ordinance 24 16 CN-EPA Pine Ridge
Trace
2. Pine Ridge Trace Plat
3. Letters of Approval
4. IMG_20250106_133729443_HDR
5. IMG_20250106_133942983_HDR
6. IMG_20250106_134953315

ORDINANCE NO. 24-16-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF THE ENVIRONMENTAL PRESERVATION AREA IN PINE RIDGE TRACE SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Section 3.10 of the City Charter and Section 166,021, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City of Destin is initiating the vacation, abandonment, discontinuation and closure of the remaining public Environmental Preservation Area in Pine Ridge Trace Subdivision; and

WHEREAS, the portion of the Environmental Preservation Area requested to be vacated, abandoned, discontinued and closed is not necessary to the traffic circulation within the City of Destin; and

WHEREAS, the portion of the Environmental Preservation Area adjacent to the properties within Pine Ridge Trace shall receive the vacated, abandoned, discontinued and closed segments of property and are identified as;

00-2S-22-2077-0000-0010,	00-2S-22-2077-000A-0010	00-2S-22-2077-000C-0080,
00-2S-22-2077-0000-0020,	00-2S-22-2077-000A-0020,	00-2S-22-2077-000C-0090,
00-2S-22-2077-0000-0030,	00-2S-22-2077-000B-0010,	00-2S-22-2077-0000-0610,
00-2S-22-2077-0000-0040,	00-2S-22-2077-000B-0020,	00-2S-22-2077-0000-0620,
00-2S-22-2077-0000-0050,	00-2S-22-2077-000B-0030,	00-2S-22-2077-0000-0660,
00-2S-22-2077-0000-0070,	00-2S-22-2079-000A-0010,	00-2S-22-2077-0000-0670,
00-2S-22-2077-0000-0080,	00-2S-22-2079-000A-0020,	00-2S-22-2077-0000-0680,
00-2S-22-2077-0000-0090,	00-2S-22-2079-000A-0040,	00-2S-22-2077-0000-0690,
00-2S-22-2077-0000-0100,	00-2S-22-2077-0000-0360,	00-2S-22-2077-0000-0700,
00-2S-22-2077-0000-0110,	00-2S-22-2077-000C-0010,	00-2S-22-2077-0000-0710,
00-2S-22-2077-0000-0120,	00-2S-22-2077-000C-0020,	00-2S-22-2077-0000-0720,
00-2S-22-2077-0000-0130,	00-2S-22-2077-000C-0030,	00-2S-22-2077-0000-0730,
00-2S-22-2077-0000-0140,	00-2S-22-2077-000C-0040,	00-2S-22-2077-0000-0740,
00-2S-22-2077-0000-0150,	00-2S-22-2077-000C-0050,	00-2S-22-2077-0000-0750,
00-2S-22-2077-0000-0160,	00-2S-22-2077-000C-0060,	00-2S-22-2077-000G-0010,
00-2S-22-2077-0000-0170,	00-2S-22-2077-000C-0070,	00-2S-22-2077-000G-0020, and

WHEREAS, the request is consistent with the Comprehensive Plan; and

WHEREAS, access to the adjacent property from the public rights-of-ways will not be diminished by the approval of the request; and

EXHIBIT A

WHEREAS, the approval of the request will not jeopardize the current or future location of any utilities; and

WHEREAS, the approval of the request is not detrimental to the public interest.

SECTION 3. VACATION ABANDONMENT, DISCONTINUANCE AND CLOSURE OF ENVIRONMENTAL PRESERVATION AREA. Based upon the above findings of fact, the City's Environmental Preservation Area interest and use in the following described property:

That Environmental Preservation Area lying within, Pine Ridge Trace Subdivision, according to the plat thereof as recorded in Plat Book 7, Page 60 - 61 of the Public Records of Okaloosa County, Florida.

Legal from Plat:

See Attachment A

is hereby vacated, abandoned, discontinued and closed and the City of Destin hereby waives, releases, and abandons all its right, title, and interest and renounces and disclaims all rights and obligations of the City and the Public in and to said portion of Environmental Preservation Area subject to easements for the location of all existing utilities including, but not limited to, water, sewer, gas, communications, and electrical.

SECTION 4. SEVERABILITY. Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part hereof, other than the part declared to be invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by City Council, signature of the Mayor.

ADOPTED THIS ____ DAY OF _____

By: _____
Bobby Wagner, Mayor

ATTEST

Rey Bailey, City Clerk

The form and content of the above Ordinance is
hereby approved for legal sufficiency.

Kimberly Romano Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

Steve O'Connor

From: MANNING, TOM <tm2709@att.com>
Sent: Wednesday, May 15, 2024 12:29 PM
To: Joe Bodi
Cc: CHANDLER, JASON; Louis Zunguze; Cindy Runyon; Dinah Kertz; Ryan Scott
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mr. Bodi. AT&T Florida has no objection to the vacation of the Environmental Preservation Area of Pine Trace Subdivision. The closest AT&T facilities are located in the west right of way along Main Street.

thanks,

Tom Manning

SR Specialist OSP PIng and Engrg Design
Access-Construction & Engineering

AT&T Florida

6689 E. Magnolia St.
Milton, Fl. 32570-3682

m: 850-463-5176 | tm2709@att.com



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From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 12:07 PM
To: MANNING, TOM <tm2709@att.com>
Cc: CHANDLER, JASON <jc5372@att.com>; Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon Tom

The City is initiating a vacation of the remaining area identified as the Environmental Preservation Area of Pine Ridge Trace Subdivision (Plat Book 7, Pages 60 & 61). The yellow highlighted area shown in the attachment. Please review and respond with no objection/approval of the vacation or a denial with reason(s). Email response will be accepted.

Joe D. Bodi

City of Destin
Community Development Department
Engineering Division
4100 Indian Bayou Trail
Destin, Fl. 32541
850.654.1119 or 850.460.8554

ANY PROJECTS FILED **AFTER OCTOBER 1ST** WILL BE REQUIRED TO SUBMIT A FINAL CONSTRUCTION INSPECTION CERTIFICATION AND FINAL INSPECTION REQUEST FORM IN ADDITION TO THE PREVIOUSLY REQUIRED DOCUMENTS.
THE NEW REQUIRED FORM CAN BE DOWNLOADED [HERE](#).

The City of Destin is creating a new Design Manual for design and construction. The link below will take you to the available details for review and comment. So please comment and contribute to the viability of Destin's future!

<https://www.cityofdestin.com/DocumentCenter/View/15521/Draft-Construction-Design-Details?bidId=>

“Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure.”

Steve O'Connor

From: Louis Zunguze
Sent: Wednesday, May 15, 2024 6:03 PM
To: Joe Bodi
Cc: Cindy Runyon; Dinah Kertz; Ryan Scott; Michael Burgess; Lisa Firth
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Thank you. As Community Development Director – I've no objections.



From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 1:50 PM
To: Michael Burgess <mburgess@cityofdestin.com>; Louis Zunguze <lzunguze@cityofdestin.com>; Lisa Firth <lfirth@cityofdestin.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon

The City is initiating a vacation of the remaining area identified as the Environmental Preservation Area of Pine Ridge Trace Subdivision (Plat Book 7, Pages 60 & 61). The yellow highlighted area shown in the attachment. Please review and respond with no objection/approval of the vacation or a denial with reason(s). Email response will be accepted.

Joe D. Bodi
City of Destin
Community Development Department
Engineering Division
4100 Indian Bayou Trail
Destin, FL 32541
850.654.1119 or 850.460.8554

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<https://www.cityofdestin.com/DocumentCenter/View/15521/Draft-Construction-Design-Details?bidId=>

Steve O'Connor

From: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
Sent: Wednesday, May 15, 2024 1:18 PM
To: Joe Bodi
Cc: Louis Zunguze; Cindy Runyon; Dinah Kertz; Ryan Scott
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision
Attachments: SCD_KM24051509170.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Joe,

Cox Communications has no objections to the City of Destin's vacation request. Cox has no facilities in the area designated on the provided document.

Thank you,

Roger Dixon
SR Construction Planner
Outside Plant Construction Gulf Coast
320 Racetrack Rd. NW, Fort Walton Beach, FL 32547
Office 850-314-8163 Cell 850-259-5083



[Access OSP Resources and Support Requests Here](#)

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Please don't print this e-mail unless it's necessary. Go Green.

From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 12:05 PM
To: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: [EXTERNAL] Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon Roger

The City is initiating a vacation of the remaining area identified as the Environmental Preservation Area of Pine Ridge Trace Subdivision (Plat Book 7, Pages 60 & 61). The yellow highlighted area shown in the attachment. Please review and respond with no objection/approval of the vacation or a denial with reason(s). Email response will be accepted.

Joe D. Bodi
City of Destin
Community Development Department
Engineering Division
4100 Indian Bayou Trail
Destin, Fl. 32541
850.654.1119 or 850.460.8554

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From: [Rhodes, Stephen](#)
To: [Joe Bodi](#); [Johnson, Bernard](#)
Cc: [Louis Zunguze](#); [Cindy Runyon](#); [Dinah Kertz](#); [Ryan Scott](#); [Jeffrey Delashmutt](#); [Louis Zunguze](#); [Cindy Runyon](#); [Dinah Kertz](#); [Ryan Scott](#); [Jeffrey Delashmutt](#)
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision
Date: Monday, July 22, 2024 12:48:16 PM
Attachments: [image001.jpg](#)
[SKM_C45824071912100.pdf](#)

Good afternoon, Joe,

We have reviewed this request, and based on the information you have provided regarding the public ROW on Wedge Ct being extended across the Environmental Preservation Area that is being proposed for vacation, and that extended area remaining a public ROW, FP&L has no objection to the City vacating the Environmental Preservation Area on the attached plat.

Please let me know if you need anything else or have any questions.

Respectfully,
Steve

Steve Rhodes
Corporate Real Estate
Office: 850.429.2401
Mobile: 850.417.4205



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From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Friday, July 19, 2024 1:19 PM
To: Johnson, Bernard <Bernard.Johnson@fpl.com>; Rhodes, Stephen <Stephen.Rhodes@fpl.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>; Jeffrey Delashmutt <jdelashmutt@cityofdestin.com>; Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon

<crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott
<rscott@cityofdestin.com>; Jeffrey Delashmutt <jdelashmutt@cityofdestin.com>
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon Stephen

Per our conversation, The highlighted areas on the attached plat will remain public right-of-way. Let us know if you have any questions.

Joe Bodi
Engineering Assistant II
City of Destin Engineering Division
4100 Indian Bayou Trail
Destin, Fl. 32541
850.654.1119 or 850.460.8554

From: Johnson, Bernard <Bernard.Johnson@fpl.com>
Sent: Thursday, July 18, 2024 8:41 PM
To: Joe Bodi <jbodi@cityofdestin.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>; Jeffrey Delashmutt <jdelashmutt@cityofdestin.com>; Rhodes, Stephen <Stephen.Rhodes@fpl.com>
Subject: Re: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Evening Joe,

Please stay tuned for a call from our land agent Steve Rhodes to discuss some particulars. He looks to reach out to you by Monday if not Friday.

Best regards,
Bernard

Sent from my Verizon, Samsung Galaxy smartphone
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From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Thursday, July 18, 2024 5:38:27 PM
To: Johnson, Bernard <Bernard.Johnson@fpl.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>; Jeffrey Delashmutt <jdelashmutt@cityofdestin.com>
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Evening Bernard

Not yet.

Joe Bodi
Engineering Assistant II
City of Destin Engineering Division
4100 Indian Bayou Trail
Destin, FL 32541
850.654.1119 or 850.460.8554

From: Johnson, Bernard <Bernard.Johnson@fpl.com>
Sent: Thursday, July 18, 2024 11:38 AM
To: Joe Bodi <jbodi@cityofdestin.com>
Subject: Re: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Hey Joe, have you heard from Bill Maudlin as if yet regarding?

Sent from my Verizon, Samsung Galaxy smartphone
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From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, July 17, 2024 8:16:25 AM
To: Johnson, Bernard <Bernard.Johnson@fpl.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>; Jeffrey Delashmutt <jdelashmutt@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Morning Bernard
Is there a status on this request?

Joe Bodi
Engineering Assistant II
City of Destin Engineering Division
4100 Indian Bayou Trail
Destin, FL 32541
850.654.1119 or 850.460.8554

From: Joe Bodi
Sent: Wednesday, May 15, 2024 12:22 PM
To: Johnson, Bernard <Bernard.Johnson@fpl.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon Bernard

The City is initiating a vacation of the remaining area identified as the Environmental Preservation Area of Pine Ridge Trace Subdivision (Plat Book 7, Pages 60 & 61). The yellow highlighted area shown in the attachment. Please review and respond with no objection/approval of the vacation or a denial with reason(s). Email response will be accepted.

Joe D. Bodi
City of Destin
Community Development Department
Engineering Division
4100 Indian Bayou Trail
Destin, Fl. 32541
850.654.1119 or 850.460.8554

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“Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure.”

From: [Groat, Chris M](#)
To: [Joe Bodi](#); [Stone, Eddy](#)
Cc: [Louis Zunguze](#); [Cindy Runyon](#); [Dinah Kertz](#); [Ryan Scott](#)
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision
Date: Wednesday, May 15, 2024 2:15:51 PM
Attachments: [image001.jpg](#)

Joe,
Lumen/CenturyLink has no objection to the vacation.

WarmOrange_White



Chris Groat

Network Implementation Project Manager

212 Hollywood Blvd SE, Fort Walton Bch, FL 32548

850-812-3761 Voice

christopher.m.groat@lumen.com

From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 12:21 PM
To: Groat, Chris M <Christopher.M.Groat@lumen.com>; Stone, Eddy <eddy.stone@lumen.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

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Good Afternoon Ryan

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Joe D. Bodi
City of Destin
Community Development Department
Engineering Division
4100 Indian Bayou Trail
Destin, Fl. 32541
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Steve O'Connor

From: Mitch Anderson <MitchAnderson@okaloosagas.com>
Sent: Wednesday, May 15, 2024 12:54 PM
To: Joe Bodi
Cc: ryanburns@okaloosagas.com; Louis Zunguze; Cindy Runyon; Dinah Kertz; Ryan Scott
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

Hey Joe, thanks for the update. We're fine with the vacation.

From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 12:09 PM
To: Mitch Anderson <MitchAnderson@okaloosagas.com>
Cc: ryanburns@okaloosagas.com; Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon Mitch

The City is initiating a vacation of the remaining area identified as the Environmental Preservation Area of Pine Ridge Trace Subdivision (Plat Book 7, Pages 60 & 61). The yellow highlighted area shown in the attachment. Please review and respond with no objection/approval of the vacation or a denial with reason(s). Email response will be accepted.

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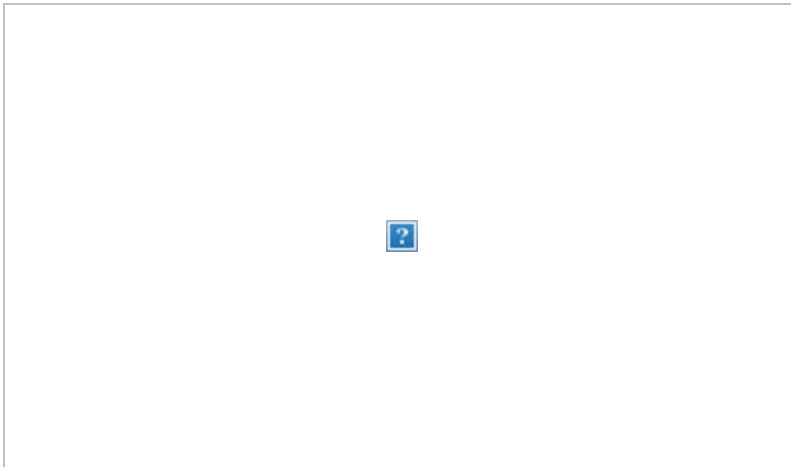
From: [Lisa Firth](#)
To: [Louis Zunguze](#); [Joe Bodi](#)
Cc: [Cindy Runyon](#); [Dinah Kertz](#); [Ryan Scott](#); [Michael Burgess](#)
Subject: Re: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision
Date: Wednesday, May 15, 2024 7:44:26 PM
Attachments: [image001.png](#)

Good here in parks

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From: Louis Zunguze <lzunguze@cityofdestin.com>
Sent: Wednesday, May 15, 2024 6:03:24 PM
To: Joe Bodi <jbodi@cityofdestin.com>
Cc: Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>; Michael Burgess <mburgess@cityofdestin.com>; Lisa Firth <lfirth@cityofdestin.com>
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Thank you. As Community Development Director – I've no objections.



From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 1:50 PM
To: Michael Burgess <mburgess@cityofdestin.com>; Louis Zunguze <lzunguze@cityofdestin.com>; Lisa Firth <lfirth@cityofdestin.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Good Afternoon

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Steve O'Connor

From: Michael Burgess
Sent: Wednesday, May 15, 2024 2:09 PM
To: Joe Bodi; Louis Zunguze; Lisa Firth
Cc: Louis Zunguze; Cindy Runyon; Dinah Kertz; Ryan Scott
Subject: RE: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

Follow Up Flag: Follow up
Flag Status: Flagged

I have no objection to the request.

Michael G. Burgess MS, PH, CSM, CPWP-M, CFM
Director of Public Works & Emergency Management
3949 Commons Drive
Destin, FL 32541
(850) 837-6869



From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, May 15, 2024 1:50 PM
To: Michael Burgess <mburgess@cityofdestin.com>; Louis Zunguze <lzunguze@cityofdestin.com>; Lisa Firth <lfirth@cityofdestin.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Cindy Runyon <crunyon@cityofdestin.com>; Dinah Kertz <dkertz@cityofdestin.com>; Ryan Scott <rscott@cityofdestin.com>
Subject: FW: Vacation of entire Environmental Preservation Area of Pine Ridge Trace Subdivision

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City of Destin
**Notice
of
LPA Meeting**
Vacation of ROW/
Environmental Preservation Area
Time: 5:30pm
Date: January 16, 2025
Located at Destin City Hall Annex
4100 Indian Bayou Trail, Destin, FL



City of Destin
Notice
OF
LPA Meeting

Vacation of ROW/
Environmental Preservation Area

Time: 5:30pm
Date: January 16, 2025
Located at Destin City Hall Annex
4100 Indian Bayou Trail, Destin, FL

City of Destin
Notice
of
LPA Meeting

**Vacation of ROW/
Environmental Preservation Area**

Time: 5:30pm

Date: January 16, 2025

**Located at Destin City Hall Annex
4100 Indian Bayou Trail, Destin, FL**



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 16, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency
THRU: Kimberly Kopp, City Attorney
FROM: Noell Bell, Chief Building Official
DATE: January 10, 2025
SUBJECT: Ordinance 24-17-CC Property Maintenance Code

I. BACKGROUND: With the current rewrite of the Land Development Code (LDC), Staff finds that the **Unsafe Building Regulations** located in **LDC Article 20** are not relevant to Land Development Code regulations, but rather the enforcement of regulations post development. Thus, we are proposing to remove the regulations from Article 20 and create **Article 5, under Chapter 6 of the Code of Ordinances – Property Maintenance Code**.

II. DISCUSSION: Staff proposes to create the **Property Maintenance Code**, modeled from the **International Code Council (ICC) 2024 Property Maintenance Code**. This Code includes the property as a whole, including all exterior elements (yard or premises) and the existing structural elements, and contains standards for both. While the Property Maintenance Code is proposed within the Code of Ordinances, which is not usually reviewed by the LPA, the City Council has requested that the LPA workshop the proposed concepts and provide staff with any recommendations before the Ordinance is brought to the Council for consideration.

The Code contains the following Chapters:

- **Chapter 1 - Scope and Administration (Part 1 & 2)**

Scope: The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators

and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Purpose: The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

- **Chapter 2 – Definitions**

- **Chapter 3 – General Requirements**

Scope: Governs the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

- **Chapter 4 – Light, Ventilation and Occupancy Limitations**

Scope: Governs the minimum conditions and standards for light, *ventilation* and space for occupying a *structure*.

- Section 404 related to occupancy limitations has been modified based on Councils recommendation.

- **Chapter 5 – Plumbing Facilities and Fixture Requirements**

Scope: Governs the minimum plumbing systems, facilities and plumbing fixtures to be provided.

- **Chapter 6 – Mechanical and Electrical Requirements**

Scope: Governs the minimum mechanical and electrical facilities and equipment to be provided.

- **Chapter 7 – Fire Safety Requirements**

Scope: Governs the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

It is important that when properties are improved, requirements are in place for owners of such properties to continue to maintain both the exterior of an improved property (yard or premises) and the structures' minimum life safety requirements and structural integrity.

A. Link to Strategic Goals / Objectives: II. Enhanced Quality of life and safety for Families

B. Effect on Budget (EOB): n/a

C. Level of Service (LOS): n/a

D. Legislative Sponsor:

III. CONCLUSION: One of Community Development's primary responsibilities is to ensure all properties within the City of Destin are maintained in a manner to protect health, safety, and welfare for both property owners, general public and the preservation of residential and commercial areas.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve and adopt the creation of **Code of Ordinances Chapter 6, Article V – Property Maintenance Code**.

I move that the Local Planning Agency recommend City Council approve and adopt the creation of **Code of Ordinances Chapter 6, Article V – Property Maintenance Code**, with the following changes (list changes).

Attachments:

1. Property Maintenance Code Ordinance
24_15_CC

ORDINANCE NO. 24-17-CC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA;
AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES
TO CREATE A NEW ARTICLE 5, "PROPERTY
MAINTENANCE CODE"; PROVIDING FOR FINDINGS OF
FACT; PROVIDING FOR INCORPORATION INTO THE
CODE OF ORDINANCES; PROVIDING FOR
CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
DATE.**

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should create a property maintenance code and

WHEREAS, the City Council desires amend the Code of Ordinances relating to adopt a property maintenance code; and

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

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

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

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

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

SECTION 3. AMENDMENTS TO CHAPTER 6, CITY CODE OF ORDINANCES.

Chapter 6 of the Code of Ordinances is hereby amended as follows:

Chapter 6 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE V. – PROPERTY MAINTENANCE CODE

CHAPTER 1

PART 1 - SCOPE AND ADMINISTRATION

SECTION 101

SCOPE AND GENERAL REQUIREMENTS

101.1 Title.

These regulations shall be known as the Property Maintenance Code of CITY OF DESTIN, hereinafter referred to as “this code.”

101.2 Scope.

The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

101.3 Purpose.

The purpose of this code is to establish minimum requirements to provide a reasonable level of health, safety, property protection and general welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a reasonable minimum level of health, safety and general welfare as required herein.

101.4 Severability.

If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102

APPLICABILITY

102.1 General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working

order. An owner, owner's authorized agent, operator or occupant shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.

102.3 Application of other codes.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Land Development Code, Code of Ordinance's, Florida Building Code, Florida Existing Building Code, Florida Energy Conservation Code, Florida Fire Code, Florida Fuel Gas Code, Florida Mechanical Code, Florida Residential Code, Florida Plumbing Code and NFPA 70 – National Electrical Code (NEC). Nothing in this code shall be construed to cancel, modify or set aside any provision of the local Destin Zoning Regulations.

102.4 Existing remedies.

The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe or insanitary.

102.5 Workmanship.

Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's instructions.

102.6 Structural analysis.

Where structural analysis is used to assess a potentially unsafe structural condition, the analysis shall be permitted to use nominal strengths, nominal loads, load effects, required strengths and limit states in accordance with the requirements under which the structure was constructed or in accordance with any subsequent requirement.

102.7 Historic buildings.

The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

102.8 Referenced codes and standards.

The codes and standards referenced in this code shall be those that are listed in Chapter 8 and considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

102.8.1 Conflicts.

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

102.8.2 Provisions in referenced codes and standards.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.9 Requirements not covered by code.

Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.10 Application of references.

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.11 Other laws.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

PART 2 – ADMINISTRATION AND ENFORCMENT

SECTION 103

CODE OFFICIAL

103.1 Code Official

The City Building Official and City Building Official's designee is also referred to as the code official. It is intended that the code official and Code Compliance Division/Department staff will work together for compliance with this Property Maintenance Code.

SECTION 104

FEES

104.1 Fees.

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the City Council.

SECTION 105

DUTIES AND POWERS OF THE CODE OFFICIAL

105.1 General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official, in his or her discretion, may authorize City Code Compliance staff to enforce the provisions of this code under his or her supervision.

105.2 Determination of compliance.

The *code official* shall have the authority to determine compliance with this code, to render interpretations of this code and to adopt policies and procedures in order to clarify the application of this code's provisions. Such interpretations, policies and procedures:

1. Shall be in compliance with the intent and purpose of this code.
2. Shall not have the effect of waiving requirements specifically provided for in this code or other applicable codes and ordinances.

105.3 Right of entry.

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *code official* has reasonable cause to believe that there exists in a *structure* or on any *premises* a condition that is contrary to or in violation of this code that makes the *structure* or *premises* unsafe, *dangerous* or hazardous, the *code official* is authorized to enter the *structure* or *premises* at all reasonable times to inspect or perform the duties imposed by this code. If such *structure* or *premises* is occupied, the *code official* shall present credentials to the *occupant* and request entry. If such *structure* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the owner, *owner's* authorized agent or other *person* having charge or control of the *structure* or *premises* and request entry. If entry is refused, the *code official* shall have recourse to every remedy provided by law to secure entry.

105.3.1 Warrant.

Where the *code official* or code compliance staff has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an *owner*, the *owner's* authorized agent, *occupant* or *person* having charge, care or control of the *structure* or *premises* shall not fail or *neglect*, after proper a request is made as herein provided, to permit entry therein by the *code official* or code compliance staff for the purposes of inspection and examination pursuant to this code.

105.4 Identification.

The *code official* and code compliance staff shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under this code.

105.5 Notices and orders.

The *code official* (or *code compliance staff as directed by the code official*), shall issue all necessary notices or orders to ensure compliance with this code, in accordance with Section 107.

105.6 Official records.

The City shall keep official records as required by Sections 105.6.1 through 105.6.2. Such official records shall be retained as required by Florida Statutes.

105.6.1 Approvals.

A record of approvals shall be maintained by the City and shall be available for public inspection during business hours in accordance with applicable laws.

105.6.2 Investigations/Inspections.

The *code official* (or code compliance staff as directed by the *code official*) shall have the authority to conduct investigation/inspections or shall accept reports of investigation/inspection by *approved* agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such *approved agency* or by the responsible individual. The City shall keep a record of each investigation/inspection made, including notices and orders issued, showing the findings and disposition of each.

SECTION 107

VIOLATIONS

107.1 Unlawful acts.

It shall be unlawful for a *person*, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

107.2 Notice of violation.

The *code compliance officer*, in collaboration with the *code official*, shall serve a notice of violation or order in accordance with Chapter 162, Florida Statutes.

107.3 Prosecution of violation.

Code Enforcement Hearing. Upon failure of the *owner* to comply with the remedial measures and actions as required in the Notice of Violation, the Code Compliance Officer shall schedule the matter to be heard by the Code Compliance Special Magistrate. If the Special Magistrate determines that there is a violation and affirms the violation, the Special Magistrate shall in its order provide a reasonable time for the *owner* to correct such violation, subsequent to which the Code Compliance Officer may be directed to take any necessary remedial measures to have the building, *structure* or property secured by repair, closing up all entrances, demolition or other means necessary to correct such violations. All such costs of remedial measures incurred by the City shall be charged against the real property upon which the building, *structure* or parcel is located and shall be a lien upon such real estate, and upon any other real or personal property owned by the violator and may be collected in any legal manner.

Commented [NB1]: Removed extra period

107.4 Violation penalties.

Any *person* who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

107.5 Abatement of violation.

The imposition of the penalties herein prescribed shall not preclude the City from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal *occupancy* of a building, *structure* or *premises*, or to stop an illegal act, conduct, business or utilization of the building, *structure* or *premises*.

SECTION 108

STOP WORK ORDER

108.1 Authority.

Where the *code official* finds any work regulated by this code or the Florida **Building** Codes being performed in a manner contrary to the provisions of these codes or in an unsafe manner, the *code official* is authorized to direct issuance of a stop work order.

Commented [NB2]: Added in FBC Code as well

108.2 Issuance.

The stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the *person* performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

108.3 Emergencies.

Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

108.4 Failure to comply.

Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction, shall be subject to enforcement pursuant to Chapter 162, Florida Statutes, and may be subject to enforcement to any other legal or equitable means available to the City pursuant to state law.

SECTION 109

UNSAFE STRUCTURES AND EQUIPMENT

109.1 Unsafe conditions.

When a *structure* or equipment is found by the *code official* to be unsafe, or when a *structure* is found unfit for human occupancy, or is found unlawful, such *structure* shall be *condemned* pursuant to the provisions of this code.

109.1.1 Unsafe structures.

An unsafe *structure* is one that is found to be hazardous to the life, health, property or safety of the public or the *occupants* of the *structure* by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such *structure* contains unsafe equipment or is *dangerous*.

109.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the *structure* that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or *structure*.

109.1.3 Structure unfit for human occupancy.

A *structure* is unfit for human occupancy whenever the *code official* finds that such *structure* is unsafe, unlawful or, because of the degree to which the *structure* is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or

heating facilities or other essential equipment required by this code, or because the location of the *structure* constitutes a hazard to the *occupants* of the *structure* or to the public.

109.1.4 Unlawful structure.

An unlawful *structure* is one found in whole or in part to be occupied by more *persons* than permitted under this code, or was erected, altered or occupied contrary to law.

109.1.5 Hazardous structure or premises.

For the purpose of this code, any *structure* or *premises* that has any or all of the conditions or defects described as follows shall be considered to be hazardous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any building, structure or portion thereof that is dangerous.
4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
5. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
6. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
7. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
8. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
9. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

109.2 Closing of vacant structures.

If the *structure* is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to **direct** posting a placard of *condemnation on the premises* and order the *structure* closed up so as not to be an attractive nuisance. Upon failure of the *owner* or *owner's* authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private *persons* and the cost thereof shall be charged against the real estate upon which the *structure* is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

Commented [NB3]: Adding in the ability to direct

109.2.1 Authority to disconnect service utilities.

The *code official* shall have the authority to authorize disconnection of utility service to the building, *structure* or system regulated by this code and the referenced codes and standards set forth in Section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or *owner's* authorized agent and *occupant* of the building, *structure* or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, *owner's* authorized agent or *occupant* of the building *structure* or service system shall be notified in writing as soon as practical thereafter.

109.3 Record.

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the *structure* and the nature of the unsafe condition.

109.4 Notice.

Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 109.4.1 and 109.4.2 to the *owner* or the *owner's* authorized agent, for the violation as specified in this code. Notices for *condemnation* procedures shall comply with this section.

109.4.1 Form.

Such notice shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or *structure* into compliance with the provisions of this code.
5. Inform the property *owner* or *owner's* authorized agent of the right to appeal.
6. Include a statement of the right to file a lien.

109.4.2 Method of service.

Such notice shall be deemed to be properly served where a copy thereof is served in accordance with Chapter 162, Florida Statutes.

109.5 Unauthorized tampering.

Signs, tags or seals posted or affixed placards, by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

109.6 Transfer of ownership.

It shall be unlawful for the *owner* of any *dwelling unit* or *structure* who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or *structure* to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

109.7 Placarding.

Upon failure of the *owner*, *owner's* authorized agent or *person* responsible to comply with the notice provisions within the time given, the *code official* shall authorize to post on the *premises* or on defective equipment a placard bearing the word “*Condemned*” and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard. Such notice shall be posted in a conspicuous place in or about the *structure* affected by such notice. If the notice pertains to equipment, it shall be placed on the *condemned* equipment.

109.7.1 Placard removal.

The *code official* shall remove the *condemnation* placard whenever the defect or defects upon which the *condemnation* and placarding action were based have been eliminated. Any *person* who defaces or removes a *condemnation* placard without the approval of the *code official* shall be subject to the penalties provided by this code.

109.8 Prohibited occupancy.

Any occupied *structure condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any *person* who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or *owner's* authorized agent who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

109.9 Restoration or abatement.

The *structure* or equipment determined to be unsafe by the *code official* is permitted to be restored to a safe condition. The *owner*, *owner's* authorized agent, *operator* or *occupant* of a *structure*, *premises* or

equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. To the extent that repairs, alterations, or additions are made, or a change of *occupancy* occurs during the restoration of the *structure*, such repairs, alterations, additions, or change of *occupancy* shall comply with the requirements of the Florida Existing Building Code.

SECTION 110

EMERGENCY MEASURES

110.1 Imminent danger.

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or *structure* that endangers life, or when any *structure* or part of a *structure* has fallen and life is endangered by the occupation of the *structure*, or when there is actual or potential danger to the building *occupants* or those in the proximity of any *structure* because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or *dangerous* equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such *structure* a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any *person* to enter such *structure* except for the purpose of securing the *structure*, making the required repairs, removing the hazardous condition or of demolishing the same.

110.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such *structure* temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

110.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close *structures* and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe *structures*, and prohibit the same from being utilized.

110.4 Emergency repairs.

For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

110.5 Costs of emergency repairs.

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* or *owner's* authorized agent where the unsafe *structure* is or was located for the recovery of such costs.

110.6 Hearing.

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Special Magistrate, be afforded a hearing as described in this code.

SECTION 111

DEMOLITION

111.1 General.

When the code official determines any structure is so old, dilapidated or has become so out of repair and is dangerous, unsafe, insanitary and otherwise unfit for human habitation or occupancy the code official can order either of the following:

1. The code official is permitted to authorize the owner or owner's authorized agent to make the structure safe by repairs in order to make the structure safe and sanitary. Where there has been a cessation of construction repairs of any structure for a period of more than 2 years the structure will be ordered demolished and removed.
2. The code official is permitted to order the owner or owner's authorized agent to demolish and remove any such structure.

111.2 Notices and orders.

Notices and orders shall comply with Section 109.

111.3 Failure to comply.

If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

111.4 Salvage materials.

Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

CHAPTER 2 - DEFINITIONS

SECTION 202

GENERAL DEFINITIONS.

The following definitions apply to Chapter 6, Article 5, of the Code of Ordinances (Property Maintenance Code):

ANCHORED. Secured in a manner that provides positive connection.

APPROVED. Acceptable to the *code official*.

APPROVED AGENCY. An established and recognized organization that is regularly engaged in conducting tests, furnishing inspection services or furnishing product evaluation or certification where such organization has been *approved* by the *code official*.

BASEMENT. That portion of a building that is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

CODE OFFICIAL. The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

CONDEMN. To adjudge unfit for *occupancy*.

COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS. The costs shall include the actual costs of the demolition or repair of the *structure* less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a *code official*, the governing body or board of appeals.

DANGEROUS. Any building, *structure* or portion thereof that meets any of the conditions described below shall be deemed *dangerous*:

1. The building or *structure* has collapsed, has partially collapsed, has moved off its foundation or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgment of any portion, member, appurtenance or ornamentation of the building or *structure* under permanent, routine or frequent loads of wind, rain, flood, earthquake or other environmental loads when such loads are imminent.

DETACHED. When a structural element is physically disconnected from another, and that connection is necessary to provide a positive connection.

DETERIORATION. To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more *persons*, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT. That portion of land or property reserved for present or future use by a *person* or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

EMERGENCY ESCAPE AND RESCUE OPENING. An operable exterior window, door or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

EQUIPMENT SUPPORT. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the *structure*.

EXTERIOR PROPERTY. The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a *structure* for living, sleeping, eating or cooking. *Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas* are not considered *habitable spaces*.

HISTORIC BUILDING. Any building or *structure* that is one or more of the following:

1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places.
2. Designated as historic under an applicable state or local law.
3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

IMMINENT DANGER. A condition that could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a *structure* or *premises* of insects, rodents, vermin or other pests.

INOPERABLE MOTOR VEHICLE. A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

LABELED. Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, *approved agency* or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-*labeled* items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

LET FOR OCCUPANCY or LET. To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit, rooming unit, building, premise or structure* by a *person* who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

NEGLECT. The lack of proper maintenance for a building or *structure*.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation, and which opens directly to the outdoors.

OPERATOR. Any *person* who has charge, care or control of a *structure* or *premises* that is *let* or offered for *occupancy*.

OWNER. Any *person, agent, operator, firm* or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such *person*, and the executor or administrator of the estate of such *person* if ordered to take possession of real property by a court.

PEER REVIEW. An independent and objective technical review conducted by an *approved third party*.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PEST ELIMINATION. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other *approved pest elimination methods*.

POWER SAFETY COVER. A pool cover that is placed over the water area and is opened and closed with a motorized mechanism activated by a control switch.

PREMISES. A lot, plot or parcel of land, *easement* or public way, including any *structures* thereon.

PUBLIC WAY. Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet (3048 mm).

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except *garbage*; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, *yard trimmings*, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

SAFETY COVER. A *structure*, fabric or assembly, along with attendant appurtenances and anchoring mechanisms, that is temporarily placed or installed over an entire pool, spa or hot tub and secured in place after all bathers are absent from the water.

SLEEPING UNIT. A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a *dwelling unit* are not *sleeping units*.

STORM SHELTER. A building, *structure* or portion thereof, constructed in accordance with ICC 500, designated for use during hurricanes, tornadoes or other severe windstorms.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

STRUCTURE. That which is built or constructed.

TENANT. A *person*, corporation, partnership or group, whether or not the legal *owner* of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

ULTIMATE DEFORMATION. The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

YARD. An open space on the same lot with a *structure*.

CHPATER 3 – GENERAL REQUIREMENTS

SECTION 301

GENERAL

301.1 Scope.

The provisions of this chapter shall govern the minimum conditions and the responsibilities of *persons* for maintenance of *structures*, equipment and *exterior property*.

301.2 Responsibility.

The *owner* of the *premises* shall maintain the *structures* and *exterior property* in compliance with these requirements and the code under which the building was constructed, except as otherwise provided for in this code. The *owner* or *owner's* agent shall be responsible to ensure that any repairs, additions or alterations to the building or portion thereof are performed or constructed in accordance with the *Florida Building Code*, *Florida Residential Code* or *Florida Existing Building Code*. A *person* shall not occupy as *owner-occupant* or permit another *person* to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming*

unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises they occupy and control.

301.3 Vacant structures and land.

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302

EXTERIOR PROPERTY AREAS

302.1 Sanitation.

Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage.

Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways.

Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. This includes the drive access through the Right of Way (ROW) and within (15) fifteen feet of the established drive access.

302.4 Weeds.

Premises and exterior property shall be maintained free from weeds or excess grass growth of **NINE (9) INCHES**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 107.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

302.5 Rodent harborage.

Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly on abutting or adjacent public or private property or that of another tenant.

302.7 Accessory structures.

Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles.

Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

302.9 Defacement of property.

A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures.

Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exceptions:

1. Spas or hot tubs equipped with a lockable safety cover that complies with ASTM F1346.
2. Private swimming pools equipped with a power safety cover that complies with ASTM F1346 and is in working condition using the control switch.

SECTION 304

EXTERIOR STRUCTURE

304.1 General.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the *Florida - Existing Building Code*, the *Florida - Residential Code* or the *Florida - Building Code*:

1. Structural members have *deterioration* or distress that appears to reduce their load-carrying capacity.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations has *deterioration* or distress that appears to reduce its load-carrying capacity.
3. *Structures* or components thereof have *deterioration* or distress that appears to reduce their load-carrying capacity.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or watertight.
5. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
6. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper *anchorage* and incapable of supporting all nominal loads and resisting all load effects.
8. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
9. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
10. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
11. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment.

Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows,

doors and skylights, shall be maintained weather resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.3 Premises identification.

Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.

Structural members shall be maintained free from *deterioration* and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.

Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the *structure*. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features.

Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper *anchorage* and in a safe condition.

304.9 Overhang extensions.

Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper *anchorage* and capable of supporting the imposed loads.

304.11 Chimneys and towers.

Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weathertight.

304.13.1 Glazing.

Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

Every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

Exterior doors, door assemblies, *operator* systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to *dwelling units* and *sleeping units* shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.18 Building security.

Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors.

Doors providing access to an individual *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or *let* where equipped with a deadbolt lock, the deadbolt shall be designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to

the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

304.19 Gates.

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 **INTERIOR STRUCTURE**

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

305.1.1 Potentially unsafe conditions.

The following conditions shall be considered to be potentially unsafe, shall be assessed and shall be addressed in compliance with the Florida - Existing Building Code, the Florida - Residential Code or the Florida - Building Code:

1. Structural members have deterioration or distress that appears to reduce their load-carrying capacity.
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations has deterioration or distress that appears to reduce its load-carrying capacity.
3. Structures or components thereof have deterioration or distress that appears to reduce their load-carrying capacity.
4. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
5. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted where approved by the code official.

305.2 Structural members.

Structural members shall be maintained structurally sound and be capable of supporting the imposed loads.

305.3 Interior surfaces.

Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 Handrails and guards.

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

305.6 Interior doors.

Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 308

RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage.

Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

308.2 Disposal of rubbish.

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

308.2.2 Refrigerators.

Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

308.3 Disposal of garbage.

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

SECTION 309

PEST ELIMINATION

309.1 Infestation.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner.

The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant.

The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.

309.4 Multiple occupancy.

The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for pest elimination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for pest elimination.

309.5 Occupant.

The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for pest elimination.

SECTION 310

ACCESSIBILITY

310.1 General.

A facility that is required to be accessible shall be maintained accessible during occupancy.

310.1.1 Maintenance.

The accessible features of a facility shall be maintained in good repair, in a clean, structurally sound and sanitary condition, and free from impediments to accessibility.

CHAPTER 4 – LIGHT, VENTILATION AND OCCUPANCY

SECTION 401

GENERAL

401.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

401.2 Responsibility.

The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

401.3 Alternative devices.

In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Florida Building Code shall be permitted.

SECTION 402

LIGHT

402.1 Habitable spaces.

Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area

of such room. Wherever walls or other portions of a *structure* face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

402.2 Common halls and stairways.

Every common hall and stairway in residential *occupancies*, other than in one-and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential *occupancies*, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

402.3 Other spaces.

Other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe *occupancy* of the space and utilization of the appliances, equipment and fixtures.

SECTION 403 **VENTILATION**

403.1 Habitable Spaces.

Every *habitable space* shall have not less than one openable window. The total *openable area* of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The *ventilation* openings to the outdoors shall be based on a total floor area being ventilated.

403.2 Bathrooms and toilet rooms.

Every *bathroom* and *toilet room* shall comply with the *ventilation* requirements for *habitable spaces* as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical *ventilation* system. Air exhausted by a mechanical *ventilation* system from a *bathroom* or *toilet room* shall discharge to the outdoors and shall not be recirculated.

403.3 Cooking facilities.

Unless *approved* through the certificate of *occupancy*, cooking shall not be permitted in any *rooming unit* or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the *rooming unit* or dormitory unit.

Exceptions:

1. Where specifically *approved* in writing by the *code official*.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

403.4 Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

403.5 Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and *labeled* condensing (ductless) clothes dryers.

SECTION 404

OCCUPANCY LIMITATIONS

404.1 Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

404.2 Minimum room widths.

A habitable room, other than a kitchen, shall be not less than 7 feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

404.3 Minimum ceiling heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a minimum clear ceiling height of 7 feet (2134 mm).

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than 4 feet (1219 mm) on center and projecting not greater than 6 inches (152 mm) below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033 mm) with a minimum clear height of 6 feet 4 inches (1932 mm) under beams, girders, ducts and similar obstructions.
3. In one- and two-family dwellings, rooms occupied exclusively for bathrooms, toilet rooms and laundry rooms having a minimum ceiling height of 6 feet 8 inches (2033 mm).
4. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

404.4 Habitable room requirements.

Every habitable room shall comply with the requirements of Sections 404.4.1 through 404.4.5.

404.4.1 Room area.

Every dwelling unit shall have no fewer than one room that shall have not less than 120 square feet (11.2 m²) of net floor area. Other habitable rooms shall have a net floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens are not required to be of a minimum floor area.

~~m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof.~~

404.4.2 Access from bedrooms.

Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

404.4.3 Water closet accessibility.

Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.

404.4.4 Prohibited occupancy.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

404.4.5 Other requirements.
Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this chapter; the plumbing facilities and water-heating facilities requirements of Chapter 5; the heating facilities and electrical receptacle requirements of Chapter 6; and the smoke detector and emergency escape requirements of Chapter 7.

404.5. Sleeping area.

Sleeping areas shall comply with Section 404.4.

404.5.1 Combined spaces.

Combined living room and dining room spaces shall comply with the requirements of 404.4.1 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

404.6 Efficiency unit.

Efficiency dwelling units shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 190 square feet (17.7m) of floor area.
2. The unit shall be provided with a separate closet.
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

404.7 Food preparation.

Spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

SECTION 501

GENERAL

501.1 Scope.

The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility.

The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises that does not comply with the requirements of this chapter.

SECTION 502

REQUIRED FACILITIES

502.1 Dwelling units.

Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses.

Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

502.3 Hotels.

Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 occupants.

502.4 Employees' facilities.

Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities.

Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

502.5 Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Florida Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

CHAPTER 5 – PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 503

TOILET ROOMS

503.1 Privacy.

Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

503.2 Location.

Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: *Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.*

503.4 Floor surface.

In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504

PLUMBING SYSTEMS AND FIXTURES

504.1 General.

Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards.

Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

SECTION 505

WATER SYSTEM

505.1 General.

Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *Florida Plumbing Code*.

505.2 Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an *approved* atmospheric-type vacuum breaker or an *approved* permanently attached hose connection vacuum breaker.

505.3 Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities.

Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

505.5 Non-potable water reuse systems.

Non-potable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 505.5.1.

505.5.1 Abandonment of systems.

Where a non-potable water reuse system or a rainwater collection and distribution system is not maintained or the *owner* ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the *Florida Plumbing Code*.

SECTION 506

SANITARY DRAINAGE SYSTEM

506.1 General.

Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 **STORM DRAINAGE**

507.1 General.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

SECTION 601

GENERAL

601.1 Scope.

The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility.

The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this chapter.

CHAPTER 6 – MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 602

HEATING FACILITIES

602.1 Facilities required.

Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies.

Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the Florida Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply.

Every owner and operator of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from December 1 to March 1 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the Florida Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable workspaces.

Indoor occupiable workspaces shall be supplied with heat during the period from December 1 to March 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which *persons* are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement.

The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603

MECHANICAL EQUIPMENT

603.1 Mechanical equipment and appliances.

Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products.

Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances that are *labeled* for unvented operation.

603.3 Clearances.

Required clearances to combustible materials shall be maintained.

603.4 Safety controls.

Safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically *approved*.

SECTION 604

ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a *structure* constitutes a hazard to the occupants or the *structure* by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated not more than 600 volts or less.
2. Busway, rated not more than 600 volts.
3. Panelboards, rated not more than 600 volts.
4. Switchboards, rated not more than 600 volts.
5. Fire pump controllers, rated not more than 600 volts.
6. Manual and magnetic motor controllers.
7. Motor control centers.
8. Alternating current high-voltage circuit breakers.
9. Low-voltage power circuit breakers.
10. Protective relays, meters and current transformers.
11. Low- and medium-voltage switchgear.
12. Liquid-filled transformers.
13. Cast-resin transformers.
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water.
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water.
16. Luminaires that are listed as submersible.
17. Motors.
18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment.

Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the Florida Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605

ELECTRICAL EQUIPMENT

605.1 Installation.

Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles.

Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606

ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General.

Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location *approved* by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators.

In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

606.3 Private residence elevators.

Requirements for private residence elevators shall be in accordance with Sections 606.3.1 through 606.3.3.

606.3.1 General.

The maintenance of elevators in private residences shall conform to Section 5.3 of ASME A17.1/CSA B44.

606.3.2 Hoistway enclosures.

Hoistway enclosures shall comply with Section 5.3.1.1 of ASME A17.1/CSA B44.

606.3.3 Hoistway Opening Protection.

Hoistway landing doors for private residence elevators shall comply with Sections 5.3.1.8.1 through 5.3.1.8.3 of ASME A17.1/CSA B44 or Sections 10.1.4.1 through 10.1.4.3 of ASME A17.3.

SECTION 607

DUCT SYSTEMS

607.1 General.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

607.2 Clothes dryer exhaust duct system maintenance.

The lint trap, mechanical and heating components, and the exhaust duct system of a clothes dryer shall undergo periodic removal of accumulations of lint in accordance with the manufacturer's operating instructions to prevent obstruction of exhaust air and products of combustion.

CHAPTER 7 – FIRE SAFETY REQUIREMENTS

SECTION 701

GENERAL

701.1 Scope.

The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

701.2 Responsibility.

The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

SECTION 702

MEANS OF EGRESS

702.1 General.

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the code under which the building was constructed.

702.2 Aisles.

The required width of aisles in accordance with the code under which the building was constructed shall be unobstructed.

702.3 Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Florida Building Code.

702.4 Emergency escape and rescue openings.

Required emergency escape and rescue openings shall be maintained in accordance with the code in effect at the time of construction, and both of the following:

1. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.
2. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with Section 907.2.11 of the Florida Building Code. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

SECTION 703

FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies.

The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.

703.2 Unsafe conditions.

Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 115.1.1 of the Florida Fire Prevention Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, *structure* or portion thereof presents an *imminent danger* to the occupants of the building, *structure* or portion thereof, the fire *code official* shall act in accordance with Section 115.2 of the Florida Fire Prevention Code.

703.3 Maintenance.

The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the *owner* and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the *owner* unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with *approved* methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of *approved* construction meeting the fire protection requirements for the assembly.

703.3.1 Fire blocking and draft stopping.

Required fire blocking and draft stopping in combustible concealed spaces shall be maintained to provide continuity and integrity of the construction.

703.3.2 Smoke barriers and smoke partitions.

Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with *approved* smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.

703.3.3 Fire walls, fire barriers, and fire partitions.

Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with *approved* doors or fire dampers shall be maintained in accordance with NFPA 80.

703.4 Opening protectives.

Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the *approved* third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

703.4.1 Signs.

Where required by the *code official*, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch (25 mm) high to read as follows:

1. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
2. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.

703.4.2 Hold-open devices and closers.

Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.

703.4.3 Door operation.

Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

703.5 Ceilings.

The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.

703.6 Testing.

Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.

703.7 Vertical shafts.

Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the Florida Fire Prevention Code. New floor openings in existing buildings shall comply with the Florida Building Code.

703.8 Opening protective closers.

Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F (57°C).

SECTION 704

FIRE PROTECTION SYSTEMS

704.1 Inspection, testing and maintenance.

Fire protection and life safety systems shall be maintained in accordance with the Florida Fire Prevention Code in an operative condition at all times, and shall be replaced or repaired where defective.

704.1.1 Fire protection and life safety systems.

Fire protection and life safety systems shall be installed, repaired, operated and maintained in accordance with this code the Florida Fire Prevention Code and the Florida Building Code.

704.1.2 Required fire protection and life safety systems.

Fire protection and life safety systems required by this code, the Florida Fire Prevention Code or the Florida Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection and life safety system for which a design option, exception or reduction to the provisions of this code, the Florida Fire Prevention Code or the Florida Building Code has been granted shall be considered to be a required system.

704.1.3 Fire protection systems.

Fire protection systems shall be inspected, maintained and tested in accordance with the following Florida Fire Prevention Code requirements.

1. Automatic sprinkler systems, see Section 903.5.
2. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.14.5.
3. Automatic water mist extinguishing systems, see Section 904.11.3.
4. Carbon dioxide extinguishing systems, see Section 904.8.
5. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
6. Clean-agent extinguishing systems, see Section 904.10.

7. Dry-chemical extinguishing systems, see Section 904.6.
8. Fire alarm and fire detection systems, see Section 907.8.
9. Fire department connections, see Sections 912.4 and 912.7.
10. Fire pumps, see Section 913.5.
11. Foam extinguishing systems, see Section 904.7.
12. Halon extinguishing systems, see Section 904.9.
13. Single- and multiple-station smoke alarms, see Section 907.2.9.2.
14. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
15. Smoke control systems, see Section 909.22.
16. Wet-chemical extinguishing systems, see Section 904.5.
17. Duct and air transfer openings, see Section 706.1.

704.2 Standards.

Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

TABLE 704.2 FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

<u>SYSTEM</u>	<u>STANDARD</u>
Portable fire extinguishers	NFPA 10
Carbon dioxide fire-extinguishing system	NFPA 12
Halon 1301 fire-extinguishing systems	NFPA 12A
Dry-chemical extinguishing systems	NFPA 17
Wet-chemical extinguishing systems	NFPA 17A
Water-based fire protection systems	NFPA 25
Fire alarm systems	NFPA 72
Fire dampers	NFPA 80
Smoke dampers	NFPA 105

Smoke and heat vents	NFPA 204
Water-mist systems	NFPA 750
Clean-agent extinguishing systems	NFPA 2001

704.2.1 Records.

Records shall be maintained of all system inspections, tests and maintenance in accordance with Section 109.3 of the Florida Fire Prevention Code.

704.2.2 Records information.

Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

704.3 Systems out of service.

Where a required fire protection system is out of service, the fire department and the fire *code official* shall be notified immediately and, where required by the fire *code official*, either the building shall be evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected *premises* and keeping watch for fires. Actions shall be taken in accordance with Section 901.7 of the Florida Fire Prevention Code to bring the systems back in service.

Exception: Facilities with an *approved* notification and impairment management program. The notification and impairment program for water-based fire protection systems shall comply with NFPA 25.

704.3.1 Emergency impairments.

Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the Florida Fire Prevention Code.

704.4 Removal of or tampering with equipment.

It shall be unlawful for any *person* to remove, tamper with or otherwise disturb any fire protection or life safety system required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

704.4.1 Removal of or tampering with appurtenances.

Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire *code official* shall not be removed, unlocked, destroyed or tampered with in any manner.

704.4.2 Removal of existing occupant-use hose lines.

The fire *code official* is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:

1. The installation is not required by the Florida Fire Prevention Code or the Florida Building Code.
2. The hose line would not be utilized by trained personnel or the fire department.
3. The remaining outlets are compatible with local fire department fittings.

704.4.3 Termination of monitoring service.

For fire alarm systems required to be monitored by the Florida Fire Prevention Code, notice shall be made to the fire *code official* whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

704.5 Fire department connection.

Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an *approved* sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” not less than 6 inches (152 mm) high and words in letters not less than 2 inches (51 mm) high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire *code official*.

704.5.1 Fire department connection access.

Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be *approved* by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the Florida Fire Prevention Code and a means of emergency operation. The gate and the means of emergency operation shall be *approved* by the fire chief and maintained operational at all times.

704.5.2 Clear space around connections.

A working space of not less than 36 inches (914 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

704.6 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.6.1 through 704.6.3.

Premium Code Insights:

704.6.1 Where required.

Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 704.6.1.1 through 704.6.1.4. Interconnection and power sources shall be in accordance with Sections 704.6.2 and 704.6.3.

Exceptions:

1. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
2. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
3. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

704.6.1.1 Group R-1.

Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

1. In sleeping areas.
2. In every room in the path of the means of egress from the sleeping area to the door leading from the *sleeping unit*.
3. In each story within the *sleeping unit*, including *basements*. For *sleeping units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.2 Groups R-2, R-3, R-4 and I-1.

Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
room
2. In each used for sleeping purposes.
3. In each story within a *dwelling unit*, including basements but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.6.1.3 Installation near cooking appliances.

Smoke alarms shall be installed a minimum of 10 feet (3.0 m) horizontally from a permanently installed cooking appliance.

Exception: Smoke alarms shall be permitted to be installed a minimum of 6 feet (1.8 m) horizontally from a permanently installed cooking appliance where necessary to comply with Section 704.6.1.1 or 704.6.1.2.

704.6.1.4 Installation near bathrooms.

Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.6.1.1 or 704.6.1.2.

704.6.2 Interconnection.

Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

704.6.3 Power source.

Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.

3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

704.6.4 Smoke detection system.

Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the Florida Fire Prevention Code.

2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the Florida Fire Prevention Code.

3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the Florida Fire Prevention Code.

704.7 Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions and this code.

704.7.1 Replacement.

Smoke alarms shall be replaced where any of the following apply:

1. The smoke alarm fails to respond to operability tests.

2. Where the smoke alarm exceeds 10 years from the date of manufacture marked on the unit, unless an earlier replacement is specified in the manufacturer's instructions.

3. The smoke alarm end-of-life signal is sounded.

4. The smoke alarm date of manufacturer cannot be determined.

SECTION 705

CARBON MONOXIDE ALARMS AND DETECTION

705.1 General.

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the Florida Fire Prevention Code, except that alarms in dwellings covered by the Florida Residential Code shall be installed in accordance with Section R311 of that code.

705.2 Carbon monoxide alarms and detectors.

Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 72. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

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

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

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

(Signature Page Follows)

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: _____