



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, MARCH 6, 2025
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
 - A. February 6, 2025 Minutes**
- 4. SUNSHINE LAW TRAINING**
 - A. Sandy Trammell**
- 5. CURRENT BUSINESS**
 - A. Ordinance 25-01-LC – Remove Contractor regulations from LDC**
 - B. Ordinance 25-02-CC – Adding Contractor regulations to the Code of Ordinance**
 - C. Property Maintenance Code**
- 6. DIRECTOR'S COMMENTS**
 - A. Article 4 Discussion**
- 7. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)
- 8. NEXT MEETING DATE: March 20, 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)

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**LOCAL PLANNING AGENCY
MEETING MINUTES
FEBRUARY 6, 2025 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, February 6, 2025, 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
Ken Wampler
Tammy Weidenhamer

Members Absent

Staff Members Present

Kimberly Montgomery Deputy City Clerk
Steve o'Connor Deputy CD Director
Daniel Butler Principal Planner
Jesse Hernandez Planner
Noelle Bell Building Official

Motion to change the order of the agenda to add election of Chairman & Vice Chairman was made by Agency member Bell with Chairman Wood providing the second. The motion passed 6-0.

3. APPROVAL OF MINUTES: None

5. NEW BUSINESS:

A. Community Redevelopment Areas Master Plans Recommendation

➤ Harbor CRA Master Plan:

Mr. o'Connor introduced the CRA Master Plans for the Harbor and Town Center, explaining the role of the LPA is to confirm the documents compliance with the comprehensive plan. He further explained how in the staff report, there is a list of Comprehensive Plan Policies, Goals and Objectives that the Master Plans either implement or help implement or needs to be addressed. Additionally, staff is asking the members for a recommendation to the Community Redevelopment Agency Board to adopt both the CRA Master Plans for the Harbor CRA and the Town Center CRA but asked for separate motions for each.

Motion by Agency member Buhr, seconded by Agency member Bell to recommend approval of the Harbor CRA Master Plan. Chairman Wood questioned why there is nothing

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referring to any analysis for the replacement of the Marler Bridge in the Harbor Master Plan. Mr. o'Connor explained that the Harbor Master Plan's analysis and the study was concluded before the State started the public process for the Marler PD&E Study. Adding that's not to say that Marler Bridge won't affect this plan, or the plan can't affect the Marler Bridge, and if it's a greater impact than is anticipated, this can always be brought back for any necessary amendments.

Chairman Wood opened the floor for public comment, with no member of the public present, he closed the public portion of the hearing and called for the vote, **the motion passed with a vote of 6-0.**

➤ **Town Center CRA Master Plan:**

Mr. o'Connor explained how this is the same as for the Harbor Master Plan, and staff is presenting to them to confirm that the document is in compliance with the Comprehensive Plan and staff has provided them with those goals, objectives, and policies.

Motion by Agency member Bell, seconded by Agency member Wampler to recommend approval of the Town Center CRA Master Plan.

Mr. o'Connor explained to the members that the next step is for the Master Plans to go before the CRA Board, where these plans will be discussed and approved, which is expected to take place in early March. He also advised the members that if they had concerns or priorities to express, they could attend that CRA Board meeting to provide their input.

Chairman Wood opened the floor for public comment, with no member of the public present, he closed the public portion of the hearing and called for the vote. **The motion passed with a 6-0 vote.**

B. Property Maintenance Code Discussion

Mrs. Bell informed the members how chapters four through seven come directly from the Building Code and are nonnegotiable for any changes because there are standards set in the code that have to be met for new buildings.

Agency member Buhr spoke of the differences between essential health and safety regulations versus standards that address aesthetic upkeep, which he has concerns about staff grading properties based on maintenance, versus enforcing true safety hazards, and provided an example of how noxious weeds are an obvious neighborhood issue, versus lighting conditions inside homes, that to him, should be a personal choice. He also spoke of his concern that this ordinance is too overreaching, if applied to private residences.

Mrs. Noell Bell spoke of how this code is generally based on rental properties and short-term rentals that should have minimum safety lighting standards for the tenants and not

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homeowners.

Mr. o'Connor explained The Florida building code can't pick and choose what it can and cannot apply to, it applies to all building codes, and either the city has them in there or not, and if they're not in there, then it can't apply to rentals and leases, and then, the Building Official can't do anything if there are issues that a tenant is experiencing. He additionally explained that they are not putting this code in place as a way for the Building Official to walk into every single residential or commercial building in this city and say, you don't meet what was previously approved, or you don't meet the building code, with an intent to shut them down. The intent behind this is so that if there is anyone who is renting a building and there's problem whether its water leak, or the lights are breaking, or the electricity isn't working, or the AC is broken, and the landlord refuses to do anything about it, the renter can call the Building Official to report the problem, a report is filed and she has state powers to require the landlord to fix it.

There was a lengthy and debatable discussion about whether city officials should be placed in a role of enforcing what in Agency members Buhr and Wampler feel should be private contractual matters between landlords and tenants, the Building Official stated that she would have staff send out the Unsafe Building and Abatement Code to read over and then they could, at a later meeting, come to a decision on what they would like to recommend to Council to be added and removed. As well as other issues such as landscaping maintenance at commercial properties in the city.

Mr. o'Connor provided the members with an update on the discussions that Council had regarding the last few chapters that was workshopped and their concerns.

Agency member Buhr thanked staff for the readability of the language being proposed in the draft Land Development Code.

6. 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 7:10 p.m.

Adopted and approved this _____ day of _____ 2025.

James Wood, Jr. Chairman

Kim Montgomery, Deputy City Clerk

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COMMITTEE ORIENTATION

CITY OF DESTIN

Training Objectives

- Code of Ethics
- Government in the Sunshine
- Robert Rules of Order (Parliamentary Procedure)
- Calendar of Annual Activities – Committee Calendar
- Understanding committees' roles, responsibilities, and guidelines.
- Committee Handbook with Standard Rules for All Committees
- Understanding Framework for Formulating Annual Workplans

CODE OF ETHICS

- Represent the interest of all citizens represented by the City of Destin
- Not use the City Council or service on the committee for personal advantage or individual advantage of friends
- Approach all committee issues with an open mind, prepared to make best decision for the whole city
- Do nothing to violate trust of those who appointed or those served
- Focus effort on the mission of the committee and not personal goals
- Never exercise authority as a committee member except when acting in a meeting with a full committee, or as delegated by the City Council.
- Support and promote committee decisions once consensus is reached.

Government in the Sunshine

- Meetings must be open to the public
- Reasonable notice of meetings must be given
- Minutes of the meeting must be taken
- Applicable to any gathering, whether formal or casual, or any means (e-mail, telephone, etc.) of two or more members of the same board or committee to discuss some matter on which foreseeable action will be taken by the public board or council.

Roberts' Rules of Order

Parliamentary Procedure

- Parliamentary Procedure – It is a set of rules for conduct at meetings that allows everyone to be heard and to make decisions without confusion.
- Members express themselves in the form of a motion.
 - ❖ Motions are made and seconded prior to discussion.
 - ❖ Stick to the agenda and the discussion topic at hand.
 - ❖ Motions must be carried by a majority
 - ❖ Approved motions are the committee's guide to their work objectives and focus

Roberts' Rules of Order

Parliamentary Procedure

1. Stick to the agenda and the discussion topic at hand.
2. Motions are made and seconded prior to discussion.
3. Motions must be carried by a majority.
4. Approved motions are the committee's guide to their work objectives and focus.

Committee Calendar

- **February/March:** Committees prepare annual report and workplan.
- **April:** Annual reports and workplans submitted to council for approval.
- **December (even-numbered years following council elections):** Council selects new committee members
- **December (following council elections) -** Committees elect new chairs and vice chairs

Committee Roles

Committee Chair

- Conducts meeting in accordance with *Roberts' Rules of Order*
- Keeps committee on track/on agenda
- Calls or cancels meetings
- Sets agenda
- Guides work addressed through committee's workplan
- Represents committee at City Council to present committee recommendations, annual report and annual workplan

Staff Liaison

- Contacts committee members when necessary
- Publishes agenda
- Assist in preparing final reports, work plans, recommendations developed and endorsed through a motion and majority approval
- Inform Clerk's Office of vacancies, changes to committee
- Flow of information to appointed officials
- Update/Provide copy of committee handbook to new members

Role of Committee Members

- Plan, implement, and measure the progress of its work plan and objectives
- Work through formal motions and consensus to develop and advance their plans
- Do the research, contact outside sources as needed, plan for speakers, etc. ,write draft reports and recommendations



Annual Workplans

Organizational Objective

Strategic Objective from Strategic Plan

Or

Objective from Comprehensive Plan

Or

Council Directive

Annual Workplans

What do you want to accomplish?

What is the end product you expect to see?

How do you know if you are successful?

How can you measure that success?

Is this a one-year project or multi-year?



Annual Workplans

List individual steps to accomplish the objective
What resources will you need to accomplish each task?
Determine a timeline for completion of each task

Annual Workplans

Stakeholders

List *internal* stakeholders (those within the organization that have a vested interest in this objective)

Examples: City Council, Recreation Department

List *external* stakeholders (those in the community that have a vested interest in this objective)

*Examples: pre-school children and their parents,
home owners*

Annual Workplans

COMMITTEE MOTION

- Chairs or Vice-chairs will sign and present annual reports and annual work plans to Council *as representatives of their committee*
- *Prior to submittal, all work plans and reports must be approved by majority of the committee after a formal motion*



Questions?

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 6, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 5.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Steve O'Connor, Deputy Community Development Director

FROM: Noell Bell, Chief Building Official

DATE: February 12, 2025

SUBJECT: Ordinance 25-01-LC – Remove Contractor regulations from LDC

I. BACKGROUND: As a continual part of the current rewrite of the Land Development Code (LDC), staff has determined that sections related to Contractor Insurance and Contractor Revocation of permits, license and registration requirements currently located in sections **Article 20** are more appropriate in the Code of Ordinances, under **Chapter 13, Licenses, Permits and Miscellaneous Business Regulations, under the current title of Article IV. Local Licenses of Contractors.**

II. DISCUSSION: Community Developments goal is to properly align the language in the LDC and the Code of Ordinances for which they are meant to be written. Therefore, eliminating **Contractor Regulations** from the LDC and moving the language to proper location in the Code of Ordinances, under Local Licenses of Contractors.

This agenda item, Ordinance 25-01-LC, will **remove** the following from sections from Chapter 20 of the Land Development Code:

- **2.08.00. – Contractors**
 - 20.08.01. Insurance
 - 20.08.02. Revocation

A. Link to Strategic Goals / Objectives:

- **1B** Develop initiatives to enhance organizational development and service excellence

- **1B4** Land Development Code revision
- **1B7** Key Functions/Services: Continuous improvement of effectiveness and efficiency.

B. Effect on Budget (EOB): N/A

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

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION: Staff recommend LPA approval to the City Council for proposed **Ordinance 25-01-LC**, which will delete the following sections from the LDC:

- **2.08.00. – Contractors**
 - 20.08.01. Insurance
 - 20.08.02. Revocation

It is hereby understood that the deleted sections from the LDC will be placed in the **Code of Ordinance, Chapter 13 – Local Licenses of Contractors, Article IV**, with minor revisions.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve Ordinance 25-01-LC.

Attachments:

1. Business Impact Statement 25-01-LC
2. ORD. 25-01-LC-Chapter 20. ART IV - Contractors_



Community Development Department

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | www.cityofdestin.com

Business Impact Statement for Proposed Ordinance 25-01-LC

1. Summary of proposed Ordinance 25-01-LC

An Ordinance amending Chapter 20 of the Land Development, related to Contractors Insurance and Revocation of permits, licensees and registration.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city.

a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

None.

b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

None.

c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

None.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

None.

4. Any additional information the board determines may be useful.

None.

ORDINANCE NO. 25-01-LC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA;
AMENDING ARTICLE 20 “BUILDING REGULATIONS” OF THE
LAND DEVELOPMENT CODE RELATING TO CONTRACTOR
INSURANCE AND CONTRACTOR REVOCATIONS;
REMOVING SECTION 20.08.00 “CONTRACTORS” FROM THE
LAND DEVELOPMENT CODE; PROVIDING FOR A BUSINESS
IMPACT ESTIMATE AS REQUIRED BY STATE LAW;
PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR
INCORPORATION INTO THE CITY LAND DEVELOPMENT
CODE; PROVIDING FOR CONFLICTING PROVISIONS;
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.**

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council desires to remove from the Land Development Code the regulations set forth in Section 20.08.00 relating to contractor insurance and contractor revocation of permits, licenses or registration; and

WHEREAS, the City Council will additionally amend the Code of Ordinances to include updated and efficient regulations relating to contractors, by separate publicly noticed ordinance(s); and

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

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

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

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

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

SECTION 3. AMENDMENTS TO CHAPTER 20, LAND DEVELOPMENT CODE

Chapter 20 of the Land Development Code is hereby amended as follows:

Article 20 – BUILDING REGUALTION

20.08.00. Reserved Contractors.

~~20.08.01. Insurance. All contractors shall furnish proof of compliance with the following:~~

- ~~(1) The applicant has a public liability insurance policy for the ensuing year with an insurance company authorized to do business in the State of Florida with the following minimum liability limits:~~

	Liability	Property Damage
General Contractor	\$300,000	\$50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
Solar Contractor	100,000	25,000
Pollutant Storage System Specialty Contractor	100,000	25,000
Specialty Contractors, unless specified otherwise	100,000	25,000

- ~~a. The policy shall contain a provision adding the City of Destin as an additional insured or a provision holding the City of Destin, its officers, agents, employees, assigns, mayor and councilmen, both individually and collectively harmless from any liability caused by the negligence, carelessness, or wanton act of the contractor or his agents, employees or~~

~~assigns. If the policy does not contain either provision, the contractor shall sign a hold harmless form provided by the City of Destin.~~

~~b. The policy shall contain a provision or statement from the company that the policy will not be canceled without ten days' prior notice to the City of Destin. If at any time the said liability policy becomes canceled or terminated, the certificate so issued shall become null and void.~~

~~(2) The applicant has worker's compensation insurance for the ensuing year with an insurance company authorized to do business in the State of Florida or an exemption certificate accepted by State of Florida Department of Labor and Employment Security, Bureau of Workers' Compensation Compliance.~~

~~20.08.02. Revocation. The city may suspend or revoke any permit, license or contractor registration for the following:~~

~~(1) Fraud, deceit or misrepresentations in obtaining a permit, city license or contractor registration;~~

~~(2) Incompetence or negligence in conducting work which is in violation of existing codes;~~

~~(3) Fraudulent departure from or willful disregard of plans or specifications in any material manner, without the consent of the owner or his duly authorized representative, or the commission of any fraudulent act by the contractor which results in injury to the owner or supplier;~~

~~(4) A contractor permitting any other person, firm, corporation or other entity to use the contractor's certificate of competency for the purpose of obtaining permits or performing work under such certificate of competency.~~

SECTION 4. BUSINESS IMPACT ESTIMATE. Prior to enactment of this Ordinance, a business impact estimate was prepared and posted in accordance with section 166.041, Florida Statutes.

SECTION 5. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____, 2025.

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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 6, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 5.B.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Steve O'Connor, Deputy Community Development Director
Daniel Butler, Principal Planner

FROM: Noell Bell, Chief Building Official

DATE: February 12, 2025

SUBJECT: Ordinance 25-02-CC – Adding Contractor regulations to the Code of Ordinance

I. BACKGROUND: As a continual part of the current rewrite of the Land Development Code (LDC), staff has determined that sections related to Contractor Insurance and Contractor Revocation of permits, license and registration requirements currently located in sections **Article 20** are more appropriate in the Code of Ordinances, under **Chapter 13, Licenses, Permits and Miscellaneous Business Regulations, under the current title of Article IV. Local Licenses of Contractors.**

II. DISCUSSION: Community Developments goal is to properly align the language in the LDC and the Code of Ordinances for which they are meant to be written. Therefore, eliminating **Contractor Regulations** from the LDC and moving the language to **Chapter 13, Licenses, Permits and Miscellaneous Business Regulations, under the current title of Article IV. Local Licenses of Contractors.**

This agenda item, Ordinance 25-02-CC, will re-establish sections **13-80 & 13-81 of the Code of Ordinance in Chapter 13, Licenses, Permits and Miscellaneous Regulations**, under the current title of **Article IV Local Licenses of Contractors.**

- Sec. 13-80 – Contractors Insurance
- Sec. 13-81 – Contractor Revocation

The major change in language from the LDC is regarding the minimum limits of insurance

coverage for general liability and property damage, which have been removed from the code in its entirety, as the limits are set forth in Florida Statutes.

Under **Sec. 13-80 (2) b.**, the language was changed regarding the cancellation of policy notification to the City of 30 days, from the original 10 days. Other changes were minor clarification to the language.

A. Link to Strategic Goals / Objectives:

- **1B** Develop initiatives to enhance organizational development and service excellence.
- **1B4** Land Development Code revision
- **1B7** Key Functions/Services: Continuous improvement of effectiveness and efficiency.

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

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

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION: Staff recommend LPA approval to the City Council for proposed **Ordinance 25-02-CC**, which will add the following sections to the Code of Ordinances.

- Sec. 13-80. Contractors Insurance
- Sec. 13-81. Contractor Revocation

It is hereby understood that the deleted sections from the LDC will be placed in the **Code of Ordinance, Chapter 13 – Local Licenses of Contractors, Article IV, with minor revisions**

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend City Council approve Ordinance 25-02-CC.

Attachments:

1. Business Impact Statement 25-02-CC
2. ORD.25-02-CC Chapter 13.Art.IV - Contractors



Community Development Department

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | www.cityofdestin.com

Business Impact Statement for Proposed Ordinance 25-02-CC

1. Summary of proposed Ordinance 25-02-CC

An Ordinance amending Article IV in the Code of Ordinance under Chapter 13 Licenses, Permits and Miscellaneous Regulations related to Local Contractors Insurance and Revocation of permits, licenses and registration.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city.

a. Estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

None.

b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

None.

c. An estimate of the City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

None.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

None.

4. Any additional information the board determines may be useful.

None.

ORDINANCE NO. 25-02-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES “LICENSES, PERMITS AND MISCELLANEOUS” TO ADDRESS CONTRACTOR INSURANCE AND CONTRACTOR REVOCATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CITY CODE OF ORDINANCES; PROVIDING FOR A BUSINESS IMPACT ESTIMATE; 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 desires to remove from the Land Development Code the regulations set forth in Section 20.08.00 relating to contractor insurance and contractor revocation of permits, licenses or registration; and

WHEREAS, the City Council desires to additionally amend the Code of Ordinances to include updated and efficient regulations relating to contractors, by this separate publicly noticed Ordinance 25-02-CC;

WHEREAS, the City Council desires to amend the Code of Ordinances relating to contractor insurance and contractor revocation of permits, licenses or registration; 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.

AMENDMENTS TO CHAPTER 13, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE IV. LOCAL LICENSING OF CONTRACTORS

~~Secs. 13-80—13-100. Reserved.~~

Sec. 13-80 – Contractors Insurance

All contractors shall furnish proof of compliance with the following:

- (1) The applicant has a public liability insurance policy for the ensuing year with an insurance company authorized to do business in the State of Florida.
- (2) Liability limits shall at minimum be that required of Florida Statutes.
 - a. The policy shall contain a provision adding the City of Destin as an additional insured or a provision holding the City of Destin, its officers, agents, employees, assigns, mayor and councilmen, both individually and collectively harmless from any liability caused by the negligence, carelessness, or wanton act of the contractor or his agents, employees or assigns. If the policy does not contain either provision, the contractor shall sign a hold harmless form provided by the City of Destin.
 - b. The policy shall contain a provision or statement from the company that the policy will not be canceled without thirty days' prior notice to the City of Destin. If at any time the said liability policy becomes canceled or terminated, the certificate so issued shall become null and void.
- (3) The applicant has worker's compensation insurance for the ensuing year with an insurance company authorized to do business in the State of Florida or an exemption certificate accepted by State of Florida Department of Labor and Employment Security, Bureau of Workers' Compensation Compliance.

Sec. 13-81 – Contractor Revocation.

Revocation. The city may suspend or revoke any permit, license or contractor registration for the following:

- (1) Fraud, deceit or misrepresentation in obtaining a permit, city license or contractor registration;
- (2) Incompetence or negligence in conducting work which is in violation of existing codes;
- (3) Fraudulent departure from or willful disregard of plans or specifications in any manner, without the consent of the owner or his duly authorized representative, or the commission of any fraudulent act by the contractor which results in injury to the owner or supplier;
- (4) A contractor permitting any other person, firm, corporation or other entity to use the contractor's certificate of competency for the purpose of obtaining permits or performing work under such a certificate of competency.

Sec. 13-82 – 13-100 Reserved.

SECTION 4. BUSINESS IMPACT ESTIMATE. Prior to enactment of this Ordinance, a business impact estimate was prepared and posted in accordance with section 166.041, Florida Statutes.

SECTION 5. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 6. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____, 2025.

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: _____

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: March 6, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Presentation
OUTLINE NUMBER: 5.C.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Steve O'Connor, Deputy Community Development Director
Daniel Butler, Principal Planner

FROM: Noell Bell, Chief Building Official

DATE: February 12, 2025

SUBJECT: Property Maintenance Code

I. BACKGROUND: With the current rewrite of the LDC, staff finds that the Unsafe Building Regulations located in Article 20 are not relevant to Land Development Code regulations, but rather an enforcement of regulations post development, and thus we are creating Article V, under Chapter 6 – Building Regulation for the Property Maintenance Code.

The purpose of a Property Maintenance Code is to ensure properties and structures maintain the regulations of the Land Development Code and Florida Building Codes after the issuance of a Certificate of Occupancy or Certificate of Completion. It is NOT the intent of the City to conduct inspections on any regular basis on any properties in Destin. It is to serve Change of Use, problematic, damaged or dilapidated structures and properties that may become blighted, unkept or determined to be unsafe to an occupant, or the general welfare of the public.

II. DISCUSSION: Staff proposes to create for adoption the Property Maintenance Code, modeled from the International Code Council (ICC) 2024 Property Maintenance Code. This code includes the property as a whole, such as all exterior elements (yard or premises) and the existing structure elements, utilizing standards for both.

During the January 21, 2025 LPA meeting, it was discussed for the members to read through the proposed code and bring back for further discussion and recommendations to the current written language.

During the February 6, 2025 meeting, staff found it best to share the Ordinance Word document

with the members so they could provide their direct edits or recommended changes to the code as presented.

The Code contains the following Chapter Topics:

- **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 Council's 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, standards are in place for owners of such properties to maintain both the exterior of an improved property and the structures minimum life safety 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:

E. Business Impact Statement:

III. CONCLUSION: Our main role 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.

Staff are open to the members' input and comments. Staff will take all comments into consideration and bring back a revised Property Maintenance Code Ordinance for further discussion and/or approval.

IV. RECOMMENDED MOTION: Discussion

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: _____

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
JULY 29, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

The Council of the City of Destin met in special session with the following members and staff present:

Destin City Council

Mayor Bobby Wagner
Councilmember Jim Bagby
Councilmember Kevin Schmidt

Councilmember Torey Geile
Councilmember Dewey Destin
Councilmember John Stephens

City of Destin Staff

Acting City Manager Krystal Strickland
Community Development Director Tina Deater
Public Information Director Tamara Young
Projects/Grants/Contract Manager Jeffrey Cozadd
Parks & Recreation Director Lisa Firth
City Attorney Kimberly Romano Kopp

Deputy City Clerk Kim Montgomery
IT Director Andy Peters
Principal Planner Steve O'Connor
HR Director Jamie Haynes
Principal Planner Daniel Butler
City Engineer Ryan Scott

WORKSHOP

A. Draft Article 4 – Zoning Districts, Overlays, and On-Site Regulations

Mr. Jim Wood, Chairman of the Local Planning Agency (LPA), addresses the mayor and council, reflecting on the nearly three-year process of updating the city's comprehensive plan, land development code (LDC), zoning map, future land use map, and design manual. He emphasizes the collaborative effort on this project. He acknowledges that while changes made so far seem to have hit the mark, practical implementation may reveal areas for refinement. He expresses a desire to move forward quickly to test the new documents in practice and uncover any unintended consequences. Mr. Wood concludes by expressing appreciation for the efforts of staff and external partners, for their hard work in ensuring the process is thorough and honest, and looking forward to continued collaboration.

Principal Planner Steve O'Connor discusses changes in the layout and organization of certain articles within the Land Development Code (LDC). Specifically:

Article 4 – Zoning Districts, Overlays, and On-Site Regulations

➤ What is in Article 4:

Article 4 has been moved into what was previously Article 7. A major part of this reorganization effort involved renaming and relocating sections within the proposed LDC.

Current Article 7, which includes zoning districts, overlays (particularly Section 712), and supplemental requirements, is becoming Article 4. Additionally, parking requirements, which are currently in Article 8, have been added to the newly proposed Article 4. In essence, several sections have been reorganized to streamline the layout of the new LDC.

➤ Major Changes:

❖ Language

The Principal Planner discusses challenges with the LDC emphasizing that its language is difficult to read and interpret due to its cumbersome, ambiguous, and sometimes conflicting wording. This makes consistent enforcement problematic for both staff and the public. The proposed draft of the LDC aims to be more readable, with efforts made to simplify the language where possible, although some legal terminology remains. The overall goal is to improve clarity, making it easier for staff to enforce the code consistently and for the public to understand it.

❖ Format

The current format is difficult to read due to both the structure and language. It includes long, cumbersome paragraphs containing multiple regulations and the lack of interactivity in navigating the document. However, in the proposed draft of the LDC, improvements have been made, including interactive features like clickable table of contents and section references, making it easier to navigate. The new draft also uses charts and graphics, especially for dimensional standards in zoning districts, to replace lengthy paragraphs. These changes aim to improve clarity and ease of use for staff and the public.

❖ Organization

A significant challenge has been the cumbersome and hard-to-navigate structure of the existing LDC, particularly Article 7, which contains overly lengthy sections like section 7.12. These sections make it difficult for users to find relevant information.

The revised draft, however, is structured more logically, breaking up the content into focused sections that are easier to navigate. One notable improvement is the reorganization of regulations related to zoning districts. In the current structure, regulations from different sections of Article 7 are spread across various parts. The new draft consolidates these regulations, ensuring that all rules specific to a particular zoning district are located within that district's section. This reorganization eliminates the need to search through multiple sections to find information relevant to a specific district, such as the Crystal Beach Neighborhood.

Additionally, the land-use charts have been updated to include parking requirements by use, simplifying the process of determining parking needs for each zoning district. This minor but important change reduces the need for cross-referencing and back-and-forth searching within the LDC.

The draft also includes mobile vending regulations within the individual zoning districts, based on feedback from a public workshop on mobile vending. Previously, mobile vending had its own section in Article 7 (section 7.21), but now it is integrated directly

into the zoning district regulations, further streamlining the document and reducing unnecessary navigation. The changes aim to make the LDC more user-friendly and efficient to navigate.

❖ Consolidation

The city currently has 28 zoning districts, which is a high number given the relatively small size of the city at seven and a half square miles. A comparison was made to Eagle County, Colorado, which, despite being much larger in terms of land area, operates with only 10 zoning districts. This contrast highlighted the complexity of the city's current zoning system. Acknowledging that the city's zoning needs are unique compared to other counties like Walton and Okaloosa, city staff conducted a thorough comparative analysis of the zoning districts. This analysis, which was presented to the Local Planning Agency (LPA) revealed that many of the 28 districts are quite similar, with only minor distinctions between some of them. In some cases, the differences were so subtle that districts were nearly indistinguishable from one another.

Based on this analysis, staff recommended consolidating seven of the existing districts into seven others, effectively reducing the total number of zoning districts from 28 to 21. This proposed consolidation would make the zoning system more manageable, reduce confusion, and eliminate some ambiguities. For example, there had been situations where properties across the street from one another were subject to different zoning regulations, leading to inconsistencies.

Staff assured the LPA that in recommending this consolidation, they had carefully preserved the original intent and purpose of each zoning district. The LPA held several meetings to review the proposed changes in detail and ultimately agreed with the staff's recommendations, with only a few minor adjustments. The LPA is now presenting this proposed consolidation of zoning districts for further consideration.

- Public Workshops and LPA Meetings – Staff conducted multiple workshops and public meetings discussing Article 4 and specific topics pertaining to Article 4.

❖ Joint Public Workshop with LPA

The joint public workshop between the City Council and the discussed several critical topics that influenced the new draft of Article 4, with the LPA holding four meetings between February and March, culminating in their final recommendation on March 21.

❖ Parking for Outdoor Seating

There was discussion about parking requirements for outdoor seating in restaurants. Currently, no additional parking is required for outdoor seating. Staff initially recommended applying the same parking requirement for outdoor as for indoor seating. However, after discussions, the LPA recommended reducing this requirement to 50% ratio for the parking requirements for outdoor seating.

❖ Short-Term Rentals and Low-Speed Vehicle Parking

Staff had recommended requiring an additional parking space for low-speed vehicles (LSVs) in short-term rentals. This was discussed at the joint workshop, and both the public and LPA concluded this was unnecessary. Therefore, this requirement was removed.

❖ Bicycle Parking

After considering a varying percentage requirement (0-20%), staff recommended a consistent 10% bicycle parking requirement across all uses, which the LPA supported.

❖ Tattoo Parlors vs. Permanent Makeup

Permanent makeup has been categorized by the state as tattooing. While tattoos require separation from other establishments, the intent behind permanent makeup is different. Based on discussions, permanent makeup was classified separately as a personal service, allowing it to be exempt from tattoo parlor distancing requirements.

❖ Mobile Vending

The LPA supported staff's recommendation to simplify the rules for mobile vending by incorporating it into the land use tables, making it either permitted or conditionally allowed based on the zoning district. Previously, mobile vending had its own section in Article 7, but this has been removed. Instead, mobile vending is now included as a use in the zoning district charts, following discussions at a public workshop and with the LPA. The design standards that were in Article 7 are now part of the non-residential supplemental design standards in Article 4. The LPA recommended that mobile vending should follow the same guidelines as restaurants, meaning it would either be a conditional or permitted use depending on the zoning district.

❖ Primary Building/Structure Separations

There is currently an LDC requirement for properties that have multiple primary structures on site to have a minimum ten-foot separation. The original intent for regulations, such as these, was to help mitigate fire risk between buildings and structures. However, the Florida Building Code, as well as industry codes, all have requirements for fire rating for buildings and structures when they are within a determined range based on multiple variables such as use, height, construction type, etc. Given that the city is generally going through "redevelopment" with no real true greenfield development area left in the city, all new structures will need to meet current fire separation or fire code standards with no need to require building separation.

Based on the discussion at the Joint City Council and LPA Workshop, the primary building separation was removed from draft Article 4.

❖ Building Height in CMU Zones

There was confusion over height limits in the Commercial Mixed Use (CMU) zone. Non-dwelling uses were capped at 50 feet or four stories, but another regulation limited them

to 35 feet or two stories. The LPA agreed to simplify this by setting the height limit to 35 feet and three stories, consistent with residential uses.

❖ Water Taxis

Water taxis, permitted in all non-residential zones except CMU, were discussed. Since CMU zones are waterfront and support mixed uses, staff recommended allowing water taxis as a permitted use, which the LPA agreed with.

❖ Elderly Cottage Housing Opportunity (ECHO)

There was language in the LDC that allowed an accessory dwelling unit (ADU) on any lot for elderly housing, regardless of zoning or density limits. This raised concerns about the future use of these units after the elderly vacate. Staff recommended removing this provision, and the LPA concurred.

❖ Accessory Dwelling Units (ADU) and Guest Houses

Discussions on ADU size led to a recommendation to reduce the maximum size of ADUs from 1,200 square feet to 50% of the primary home or 1,000 square feet, whichever is less.

❖ Front Yard Setbacks

The LPA discussed reducing front yard setbacks in residential areas from 20 feet to 10 feet to create safer, slower streets. A 20-foot setback would still be required for vehicle-use areas like driveways and garages.

❖ Common Boundary Buffers

Current regulations require a 5-foot buffer along the sides and rear of residential lots. This buffer has been criticized for limiting development options and increasing parking issues. The LPA proposed alternatives, allowing homeowners to shift buffer space to other areas of their property, such as the front yard, while maintaining open space requirements.

❖ Tandem Parking

The LPA also addressed limitations on tandem parking, particularly for short-term rentals. The current rule limiting tandem parking to two vehicles deep was considered impractical. Enforcement issues arose, as the regulation only applies to required parking spaces, complicating how parking is managed. The LPA recommended to remove Tandem Parking requirements for residential parking. This will be brought to the city council for discussion at a later workshop.

➤ Additions since LPA Recommendation:

❖ Home Occupations

The text outlines regulations concerning home occupations and temporary uses in residential districts, with an emphasis on the need for municipalities to comply with state

statutes. Home occupations must be allowed in residential areas, and the current draft clarifies this by incorporating state regulations into the local LDC.

❖ Conditional Temporary Uses

The text also introduces provisions for conditional temporary uses, particularly in emergency or unique situations, such as temporary occupation of an RV for medical purposes. These provisions aim to address future needs as they arise.

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At this time, the mayor opened the floor for public comments.

Mr. Jason Belcher, a Destin resident, raised concerns about short-term rentals and liquor store sales in specific zoning areas (CMU and CMV). He had some initial confusion about the proposed documents but mentioned that his concerns were addressed after communication with city officials. He expressed gratitude for the clarifications, particularly regarding the potential restrictions on short-term rentals and alcohol sales near sensitive locations such as cemeteries, churches, and parks.

Ms. Sandy Trammell, a Destin resident, voiced concerns about parking regulations, specifically pointing out that the parking requirements for Crystal Beach should differ from those of the Village area. She highlighted the issue of insufficient parking in a new subdivision, noting that the current requirements only cover tenant parking and not additional visitor parking, which she believes should be addressed in future development plans.

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DISCUSSIONS:

In this discussion, the conversation centers around parking requirements and outdoor seating regulations in the village marketplace and harbor areas. Councilmember Destin mentioned an old policy that aimed to encourage outdoor seating by excluding it from parking calculations. This policy was aligned with the multimodal parking scheme, which required parking structures, such as surface lots or multi-story garages, and the intent was to direct parking toward public structures rather than on-site at restaurants. Councilmember Destin inquired whether this policy has changed, as they were still bound by parking maximums when constructing a restaurant six months prior. He raised concerns that these parking limits, originally designed to force people into parking garages, are now counterproductive since some garages were never built. He asked for clarification on whether the city is moving away from maximum parking allowances toward minimums.

The Principal Planner confirms that the multimodal transportation district is set to be dissolved, though some of its design standards will be retained. The maximum parking requirement, which previously imposed a limit on parking spaces and allowed for a 20% reduction, has been removed from new draft language for the LDC, as the current policy is still in effect, variances are occasionally granted to allow more parking, but the overall guidance is to eliminate this requirement in future drafts.

Councilmember Destin asked how parking standards for buildings might be applied to outdoor seating areas, especially in spaces without physical structures like courtyards. He

suggests that parking requirements should be based on the number of outdoor seats rather than square footage, as measuring unbounded outdoor areas is problematic. The issue of temporary outdoor seating that could fluctuate daily is also highlighted as a concern. He advocates for revisiting the outdoor seating policy to ensure it aligns with the broader goal of promoting outdoor spaces while adjusting parking standards from maximum to minimum requirements.

The discussion continues with the suggestion that parking regulations could be adjusted by zoning district. For example, the harbor's festive marketplace might have a different standard—perhaps 25% of the parking requirement instead of 50%—to better accommodate the unique nature of outdoor seating in that area. The importance of outdoor seating in the harbor district was emphasized, including areas where seating has encroached on the harbor easement, which technically is not allowed but occurs in practice. There was a request further clarification on whether outdoor seating on the harbor easement should count toward parking calculations.

Staff will further explore the issue, including the possibility of basing outdoor seating parking requirements on seat numbers rather than square footage. Staff will review the matter and bring back a proposal for public discussion.

Councilmember Geile raised concerns about safety and parking issues related to a newly built coffee shop on Mountain Drive and Benning Drive. The primary concern is the lack of sidewalks and regulated outdoor seating, which could lead to potential accidents as people park in other business lots and walk through unsafe areas without proper pedestrian access. He suggested implementing regulations for outdoor seating based on district conditions, particularly where there are sidewalks and adequate parking. He also emphasized the need for consistent safety measures across districts to prevent future problems. The mayor agreed, advocating for reduced parking lots in favor of more commercial and festive spaces.

City staff discussed ongoing updates to Article 6 of the general design standards. These updates aim to address off-site parking regulations, requiring proper sidewalk networks between off-site parking and businesses. They clarified that existing businesses would not be affected by these new regulations, as they would be considered legal non-conforming uses. However, future developments would need to comply with the updated standards, including off-site parking provisions and sidewalk requirements. There was an acknowledgment that the current situation involves people parking wherever they can, and that future planning will aim to mitigate such issues.

Councilmember Schmidt acknowledges that people often exploit existing parking rules and expresses support for increasing the number of required parking spaces, though noting that a 100% increase might be challenging. He suggests varying the parking requirements by district, tailoring them to the area's public amenities. For example, areas with more public parking or parks might have lower requirements, while areas with fewer public options, such as Crystal Beach, should require developers to provide more parking. He also discusses the idea of requiring a designated plan for outdoor seating areas, similar to existing requirements for construction and parking plans. He stated that developers should designate specific square footage for outdoor seating when submitting their permits. This would prevent seating from being scattered around walkways or public paths and ensure a clear, mapped-out area for outdoor seating, though how much of that area is used could be up to the developer.

During this portion of the meeting, the council discussed regulations surrounding short-term rentals, specifically in relation to parking standards. Councilmember Destin asked if, under state law, it is permissible to have different parking standards for short-term rentals compared to

single-family residential zones. The city attorney confirmed that as of the most recent legislative session, it is allowed, explaining that the only limitations are that cities cannot regulate the frequency or duration of short-term rentals or prohibit them in residential zoning districts unless those regulations were in place prior to 2011.

The discussion moved to the current parking standard of one space per bedroom for short-term rentals. Councilmember Destin raised concerns about whether it would be legal or advisable to increase the parking requirement to two or even three spaces per bedroom, especially since some bedrooms in short-term rentals are converted into large bunk rooms. The concern was that the current parking standard might be too accommodating for short-term rentals, which have caused issues in single-family residential areas.

The City Attorney noted that the one-space-per-bedroom rule was introduced by the council around 2016. While it cannot be retroactively applied to existing short-term rentals, it would apply to future developments, properties undergoing redevelopment, or those seeking a change of use to become a short-term rental. The council was reminded that this decision rests with them and that they need to balance the economic benefits short-term rentals bring to the city with the need to preserve single-family residential neighborhoods. The council was encouraged to further consider whether to impose stricter regulations on short-term rentals moving forward.

The Principal Planner mentioned that during a follow-up meeting with the LPA after a public workshop, there appeared to be some confusion regarding parking requirements. Staff clarified that their intent was not to reduce parking requirements or limit parking to Low-Speed Vehicles (LSVs) only. The policy maintains the requirement of one parking space per bedroom, allowing either a vehicle or an LSV in that space, while also requiring an additional designated LSV parking spot. For example, an eight-bedroom property would need eight parking spaces, plus one extra spot specifically for an LSV. This clarification was necessary to address the confusion noted at the LPA meeting.

Councilmember Bagby addresses issues related to parking requirements for short-term rental properties and the broader residential areas. He highlighted a "dichotomy" between the current short-term rental ordinance, which requires one parking spot per bedroom, and other standards based on square footage. He expresses frustration with developers who circumvent the intent of the ordinance by labeling rooms as non-bedrooms to reduce parking requirements, despite the large size of the house. He advocates for moving away from the one parking spot per bedroom rule and instead tying parking requirements to the square footage of the property. He argues that this would prevent situations where large homes with multiple bedrooms are under-parked, referencing examples at Crystal Beach area where homes advertise six bedrooms but only have parking for four cars. He suggests that the short-term rental ordinance might need to be revised or integrated into the broader LDC to address these inconsistencies. Ultimately, they want to avoid the need for "integrity checks" on developers and enforce parking standards based on property size, not room designation.

The Principal Planner noted that parking standards in Article 8 are not clearly tied to Article 4 and suggests adjusting parking requirements based on the type of residential use, such as single-family homes or short-term rentals. The aim is to have consistent, clear parking rules for different uses. He also mentioned differentiating between new short-term rental developments, which would follow the updated LDC, and existing ones, which would remain subject to the current ordinance. The goal is to eliminate confusion by having all relevant rules in one place within the LDC.

Councilmember Geile shared a personal story about a property at Miramar Beach, where the new owners had converted a family room into additional bedrooms, potentially increasing the number of bedrooms beyond the approved count. This led to a broader discussion about how changes to bedroom counts impact parking regulations, especially for properties that converted to short-term rentals.

City staff clarified that short-term rentals approved before 2016 are subject to different parking requirements compared to those approved after 2016. Homes that have not altered their bedroom count can maintain the original parking spaces, while any post-2016 additions are required to comply with new regulations—one parking space per bedroom. The staff also noted issues with homeowners modifying their homes without proper building permits, such as converting non-bedroom spaces into additional bedrooms. When unauthorized changes are discovered, such as during a change of use process for short-term rental registration, the city requires property owners to bring the home into compliance. This includes submitting a building permit and ensuring the home meets the parking requirements. If compliance cannot be achieved, the city cannot approve either the building permit or the short-term rental change of use.

The discussion highlighted the importance of homeowners following proper permitting processes and the potential challenges in enforcing these regulations.

Councilmember Bagby raises concerns about how "permanent makeup" is defined within city regulations, particularly in relation to its distinction from tattoo parlors. He asks if the definition section of the regulations includes permanent makeup and whether there is a percentage requirement for salon activities versus permanent makeup services.

Staff clarifies that permanent makeup is generally categorized as part of personal services in salons that offer hair styling, shaving, and other related services. However, there is no specific percentage of income or services defined for salons versus permanent makeup providers.

Councilmember Bagby expresses concern that without clear guidelines, tattoo parlors could classify themselves as permanent makeup providers, bypassing certain regulations. He suggests adding language to require that a certain percentage of a business's activities (e.g., 75%) must be traditional salon services, such as hair care, to prevent tattoo parlors from exclusively operating as permanent makeup providers.

Staff agree that this type of regulation could be added to the supplemental design standards for permanent makeup, rather than relying solely on definitions in the glossary or state-level regulations.

Councilmember Destin discusses concerns about the legal rationale for imposing distance requirements between various businesses, such as tattoo shops, restaurants, hotels, car washes, and storage units. He questions the justification for these restrictions, suggesting it may be based on personal preference rather than a clear legal or planning rationale. He also mentions the need for a balanced legal approach and supports the idea of criteria for conditional uses, especially when there is an over-proliferation of certain business types in a zoning district, like storage units or multifamily housing. He expresses potential support for regulating over-utilization in the future if it becomes a formal planning zone issue.

Councilmember Stephens raised questions about whether mobile vendors occupying parking spots are counted in the city's parking requirements. Staff clarified that mobile vendors

cannot occupy required parking spaces and must provide parking for employees, according to the number of employees they have.

Councilmember Destin asked about the mobile food vendors along Highway 98, seeking clarification on whether they are required to provide parking for their employees.

The staff confirmed this requirement but noted the difficulty in enforcing it due to state laws. The state has superseded the city's ability to require additional registration, licensing, or permitting for mobile vendors, including Business Tax Receipts (BTRs) and mobile vending licenses, which are no longer required under the city's code. As a result, city staff cannot conduct thorough parking analysis for these vendors. Enforcement is primarily handled by code enforcement officers, who visit vendors and check if they meet employee parking requirements.

There was a concern that parking spaces designated for required car parking are being used by food trucks. The Principal Planner clarifies that while they cannot enforce additional licensing or documentation beyond state requirements, they can regulate the "use" of mobile vending on properties. Both the property owner and the food truck operator are responsible for compliance. If a complaint is made, staff can investigate, check the site plan, and ensure the food truck is not using required parking spaces. The city can also regulate the number of employees for mobile vendors, but state preemption limits the city's regulatory power.

The conversation shifts to the topic of food truck festivals, with a specific mention of Morgan Sports Complex, a recreationally zoned property. The Principal Planner noted that commercial operations, including food trucks, are currently not allowed in parks. However, food trucks could potentially be allowed through a special event process that would need council approval. This would involve exceptions for special events, even though regular commercial operations are not permitted in recreational zones without property owner approval.

Councilmember Schmidt pointed out that while the city does not primarily engage in commercial activities, there are instances where revenue is generated. This includes concession and mobile vendors operating in locations like Morgan's Sports Center and Joe's Bayou. He continued that allowing mobile vending in recreationally zoned properties, with proper permits and owner permission, could provide additional benefits to park visitors.

City staff mentioned the possibility of developing a formal program for mobile vending, similar to the system used for commercial boat launches at Joe's Bayou. The Council was encouraged to consider exploring these options further.

Councilmember Schmidt addresses food trucks operating at condos on Holiday Isle. Staff clarified that there is no prohibition on food trucks being considered caterers. If a condo association hires a food truck to serve food without patrons paying directly (with the association covering the cost), the food truck is categorized as a caterer. However, if the food truck begins selling directly to patrons, it is classified as a vendor, which would prompt code enforcement action.

The conversation further addressed concerns regarding why food trucks are not permitted in certain zones, such as HDR (High-Density Residential). Staff explained that the restriction is based on current LDC regulations. If the LPA would recommend and the City Council wishes to implement changes to allow food trucks in HDR and other zoning areas, staff would make the necessary adjustments to the regulations.

Regulations have been removed

This discussion involved fire separation requirements and building construction regulations. A question is raised by Councilmember Bagby regarding the current fire separation standards, particularly whether the thickness of a wall or the type of construction material (e.g., concrete block) affects fire ratings. Staff clarifies that fire separation is determined by the materials and use of the building, and the fire code regulates these requirements.

Staff also notes that even if fire separation standards are met, structures still cannot be within 10 feet of each other, though they believe this requirement may be unnecessary. However, if the council desires to maintain a minimum 10-foot separation between primary structures, that decision is available.

Staff removed the recommendation of combining CMU & CMU-V

During a discussion on the implications of changing zoning district classifications, particularly in relation to density and the regulation of short-term rentals, Councilmember Destin suggested simplifying the zoning designation from "medium to high" to just "medium" but acknowledged potential legal challenges. The City Attorney clarified that while such a change is defensible, it might be risky due to revisions in the Bert Harris Act, which now makes it easier for property owners to claim damages if density or height restrictions are reduced.

The conversation shifted to the zoning districts CMU (Commercial Mixed Use) and CMU-V (Village Commercial Mixed Use). Currently, short-term rentals are permitted in CMU but conditional in CMU-V. There was concern that combining the two districts could result in short-term rentals being permitted in both, which could face legal challenges. The City Attorney that post-2011 regulations do not allow changing from permitted to conditional use for short-term rentals but could go in the opposite direction. Councilmember Destin expressed his opposition to combining the districts, highlighting that it would result in both areas allowing short-term rentals, which they opposed. The recommendation was to keep the districts separate if the intent is to retain the current conditional use restrictions in CMU-V.

Non-res uses allowed to 50'4/stories

During a discussion regarding zoning regulations in the Crystal Beach neighborhood, Councilmember Bagby raised concerns about building height limits. He questioned how the current 50-foot height limit for non-residential buildings was allowed in a residential neighborhood, as they recalled a 35-foot limit for years.

City staff explained that the 35-foot limit applies to residential uses, while non-residential uses, such as churches and daycares, have a 50-foot limit under current regulations.

Councilmember Bagby expressed concern about the impact of non-residential buildings in a purely residential area and suggested reverting the height limit for all structures, residential and non-residential, to 35 feet, as the area is not a mixed-use district.

Staff asked if the recommendation was to either lower the height for non-residential uses or remove non-residential allowances entirely, to which Councilmember Bagby advocated for maintaining only residential uses at a 35-foot limit.

Next, discussion focuses on potential zoning changes and their impact on the establishment of water taxi stops in certain districts. Currently, in the CMU (Commercial Mixed-Use) zoning district, a water taxi stop, and the necessary upland development require conditional use approval through public hearings with the LPA and city council. The proposed change would allow water taxi stops as a permitted use in the CMU district, removing the need for conditional use approval.

The conversation also touches on the existing conditions, noting that there is no current water taxi stop in the CMU district. The only related facilities are transient slips required for non-residential marinas. There is interest in allowing water taxi stops in recreational zones as well, particularly for public properties like the waterfront parks. This proposal would require city council approval since most recreational zones are city-owned.

Some concerns are raised about potential impacts, such as turning certain areas into parking lots, specifically the Joe Bayou area. However, it is noted that outside of summer months, these areas often remain underutilized. The overall intent of the zoning adjustments is not to drastically alter the character of districts, but to make logical and deliberate changes where appropriate.

During this discussion, the council addressed a unique regulation concerning accessory dwelling units (ADUs) specifically for elderly residents, known as "Echo Housing." The regulation mandates that ADUs for elderly family members must be approved if they meet setback requirements, despite the LDC generally prohibiting ADUs. The Principal Planner noted that this policy, unique to their city, had no clear origin story but was implemented due to past community requests to house elderly relatives instead of sending them to nursing homes.

Councilmember Destin provided historical context, explaining that the rule emerged because many residents had requested permission to build housing for elderly relatives, and the council sympathized, allowing for this provision. There had been no recent applications for such housing, and the last instance was about 20 years ago.

There was discussion on whether to keep the regulation, with mixed opinions. One council member suggested removing it unless public interest arose, while another emphasized the importance of retaining it as a compassionate option. They concluded by deciding to lean on the LPA for a recommendation and would finalize the decision during the public meeting.

In this discussion, the council is deliberating on the issue of allowing accessory dwelling units (ADUs) in low-density residential (LDR) areas. The mayor advocates for allowing ADUs in LDR zones to help local homeowners offset living costs and potentially add workforce housing, with conditions that the homeowner must live on-site and not rent both units. This could benefit locals by providing supplemental income, and the mayor is supportive of restrictions like limiting the size of ADUs to 1,000 square feet.

The discussion touches on the distinction between ADUs and guest houses, primarily regarding cooking facilities. Staff clarifies that ADUs can have kitchenettes but no stoves with 220 volts or gas lines. The conversation also explores whether physical connections, such as breezeways or lockout doors, are allowed between the main house and the ADU, provided it meets building codes.

Staff mentions that the LPA previously opposed allowing ADUs in LDR zones due to concerns about short-term rentals, but there is a willingness to revisit the topic. There is further discussion on size limitations for ADUs, with a preference for a 1,000 square foot limit, and whether ADUs should be measured by heated and cooled areas, particularly when located above garages. The council agrees that it makes sense to align the regulations for ADUs with those of guest houses. There is a general agreement on supporting ADUs in LDR areas, with safeguards such as deed restrictions ensuring the homeowner lives on the property. These measures aim to provide affordable housing while preventing potential misuse, and the council shows support for revisiting the LPA's stance on ADUs.

This discussion focuses on front yard setback requirements in residential districts, specifically the proposal to reduce the setback from 20 feet to 10 feet, except for vehicular use areas, which would still require a 20-foot setback to accommodate parking. Councilmember Destin expressed opposition, citing concerns about people parking on sidewalks and in rights-of-way, noting that the area is not urbanized enough to support a reduction in setbacks. He also emphasized the need to address improper parking before supporting such a change.

Councilmember Bagby agreed, adding concerns about residents enclosing their garages, which reduces available parking and results in more vehicles being parked on driveways, yards, and streets. He noted that this trend is increasing, particularly in neighborhoods with limited space. The discussion included references to challenges with storage units and short-term rentals contributing to parking issues. The overall sentiment was concern about inadequate residential parking if setback requirements are reduced.

The conversation centers around proposed changes to the common boundary buffer and setback requirements for properties. The discussion explores options for allowing property owners to develop in the buffer zone by banking the required buffer area elsewhere on the property. Councilmember Bagby expresses concerns based on a neighbor's actions, where a driveway was built close to the property line, reducing the effective setback and creating landscaping issues that encroach on his property. He also highlights concerns about water runoff from impervious driveways affecting neighboring properties, emphasizing the importance of retaining stormwater on-site.

City staff clarified that the current code requires stormwater to be retained on the property, and any violations post-construction would require code enforcement. They discussed the design challenges related to stormwater management and potential solutions like using non-impervious materials for driveways to allow vegetation to absorb water. Councilmember Bagby wants to see protections for neighbors maintained, especially regarding setbacks for driveways and stormwater management, to prevent issues caused by future developments.

Next discussion focuses on the tandem parking requirement for residential developments. Initially, the recommendation was made to remove all tandem parking requirements for residential properties to allow for the development of driveways along the side of homes. Council members discussed the scope of this recommendation, clarifying whether it applied to single-family homes or all residential properties.

Councilmember Destin raised a concern, stating he would only support the removal of tandem parking requirements for single-family homes, not for high-density multi-family projects, as the latter would require more structured parking solutions. There was also a brief mention of short-term rentals, where he expressed less concern, stating that such properties would need to figure out their parking arrangements.

The city council moved on to the next agenda items regarding Home Occupations and Conditional Temporary Uses, which are the two items that have been added since LPA recommendations.

The discussion began with a clarification about the inclusion of state law regarding home occupations into the city code. The City Attorney explained that the existing state law applies whether or not it is in the code, but its inclusion allows code enforcement to enforce it effectively. Without this inclusion, enforcing state law at the local level would not be possible. The recommendation was to adopt this change into the code for better enforceability.

The conversation shifted to conditional temporary uses, particularly focusing on the temporary occupation of RVs during emergency or medical situations. Staff explained that the code permits temporary RV occupancy for specific cases such as medical issues or emergencies. The language of the ordinance is designed to allow additional conditional uses to be added if new needs are identified.

Councilmember Destin expressed concerns about potential misuse of the temporary RV occupation provision, such as allowing someone to stay in an RV without a genuine need, like a family member visiting for a week.

Further discussion revolved around the restrictions outlined in the code for RV occupation. Staff noted that the policy limits RV placement to a driveway, and it specifies that the sewage must be professionally emptied. For emergency situations, the occupation is limited to six months, extendable by another six months, but not exceeding one year. For medical situations, the occupancy can last for one year and may be extended up to a second year.

Councilmember Bagby raised concerns that the one-year limit for emergency situations seemed too short, citing examples of areas where rebuilding efforts after natural disasters have taken far longer than a year. It was suggested that perhaps the time limits for medical and emergency uses should be swapped, allowing longer durations for emergency circumstances.

There was also a concern that long-term RV occupation could negatively affect the character of neighborhoods. Allowing RVs to stay in a driveway for extended periods, especially when they begin to look like permanent fixtures, would not align with the intended aesthetic of residential neighborhoods.

To address this, there was discussion about possibly limiting the duration to one year for both medical and emergency situations, with the possibility of renewal. The renewal process could be streamlined by making all renewals occur at the same time each year, similar to how business tax receipts are handled. The idea was to make it easier for staff to manage and prevent RVs from becoming a long-term fixture in neighborhoods.

The council agreed that for medical-related RV occupancy there should be a process in place to verify that the medical need still exists after the initial year. This could involve requiring updated documentation from a doctor to confirm the continued necessity of the RV use. The suggestion was made that city staff could manage this verification process by requesting updated medical documentation from the residents as needed.

The discussion concluded with a proposal to simplify the renewal process for temporary RV occupation, with annual reviews for both medical and emergency situations. There was a clear consensus on the need to maintain restrictions to prevent misuse of the policy and to protect the character of residential neighborhoods.

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B. Zoning Districts – Comparative Analysis

The Principal Planner provided the following Power Point presentation:

Zoning Analysis: What and Why

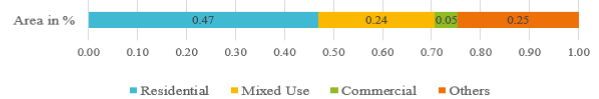
WHAT:

- Putting the existing zoning districts into concise and flexible districts.
- Categorizing the zoning districts with similar developments standards and land use in groups (if rationally possible).
- Aligning the zones to Planning Areas.



WHY:

- Land Development Code (1991) had 16 zoning districts.
- Currently, 28 zoning districts
- Several districts have redundant development standards and land uses.
- Current zoning structure is unnecessarily complex.



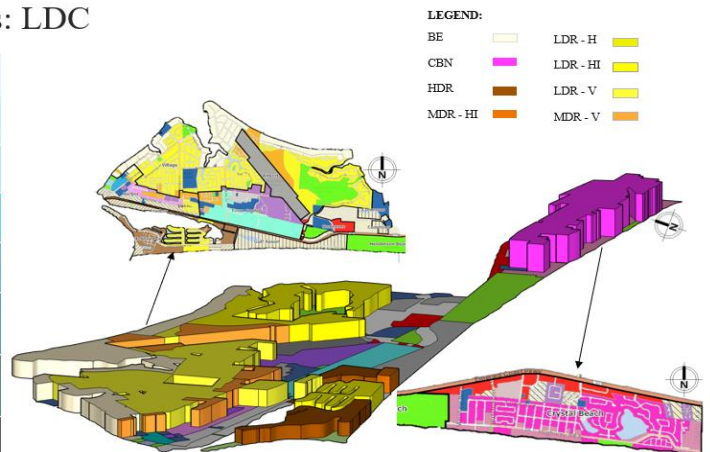
Zoning District Comparative Analysis: How



Zoning Analysis: Residential

Existing Residential Zoning Districts: LDC

Bay estate (BE)
Crystal Beach Neighborhood (CBN)
High Density Residential (HDR)
Low Density Residential - Village (LDR-V)
Low Density Residential - Harbor (LDR-H)
Low Density Residential - Holiday Isle (LDR-HI)
Medium Density Residential - Village (MDR-V)
Medium Density Residential - Holiday Isle (MDR-HI)



Zoning Analysis: LDR-V, LDR-H, and LDR-HI

INTENTS:

LDR-V

Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-H

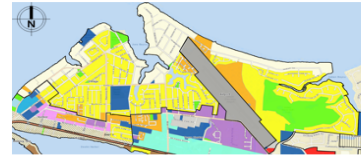
Allows **permanent single-family** detached residential dwelling units and prohibits STRs, commercial living accommodation and all non-residential uses.

LDR-HI

Allows **permanent and seasonal (STR) single-family** detached residential dwelling units and strictly prohibits multi-family uses, commercial living accommodation and all non-residential uses.

BE

Allows **permanent single-family** detached residential dwelling units and strictly prohibits multi-family uses, seasonal single-family detached or multi-family attached residential dwelling units, commercial living accommodation and all non-residential uses.



Zoning Analysis: LDR-V, LDR-H, and LDR-HI

Allowable uses

	LDR-V	LDR-HI	LDR-H	BE
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P		
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

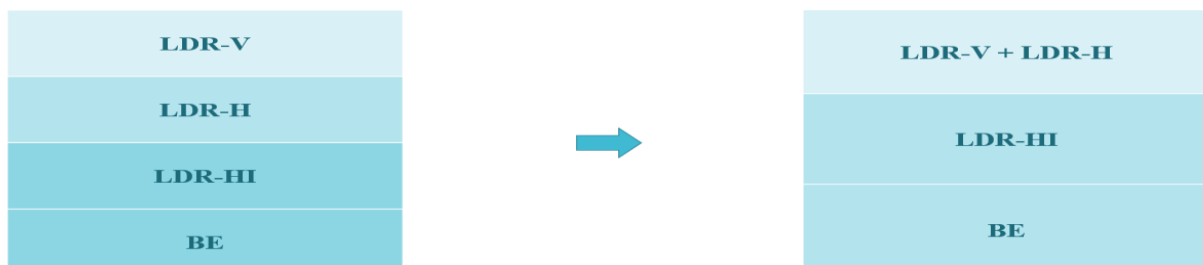
Dimensions (feet)

	LDR-V	LDR-HI	LDR-H	BE
Minimum Lot Area (sq.ft)	7500	7500	7500	15000
Width	70	70	70	80
Depth	100	100	100	150
Maximum Building Height	35/3 stories	30/3 stories	35/3 stories	35/3 stories
Setbacks				
Front	20	20	20	20
Side	7.5	7.5	7.5	10
Rear	10	10	10	10
Maximum Density (units per acre)	5.81	5.81	5.81	2.90
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A
Minimum Open Space (%)	25	30	25	25

Comparative analysis regarding zoning uses, focusing on land designations (LDR - Low-Density Residential). The various LDRs (LDRV, LDR Harbor, LDR Village, and LDHI) have consistent usage permissions and dimensional limitations, with the main difference being their locations within the city. The LDHI, located in the Holiday Isle area, allows short-term rentals, distinguishing it from other LDR zones. A consolidation of some LDR zones is recommended due to their similarities.

Zoning Analysis: Recommendations

RECOMMENDED LOW DENSITY RESIDENTIAL ZONING DISTRICTS :



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

INTENTS:

MDR-V	Only allows permanent single-family detached and multi-family attached residential uses and prohibits STRs, commercial living accommodation and all non-residential uses.
MDR-HI	Allows permanent and seasonal (STR) single-family detached and multi-family attached uses but prohibits commercial living accommodation and all non-residential uses.
HDR	Allows permanent and seasonal (STR) single-family detached and multi-family attached uses but prohibits commercial living accommodation and all non-residential uses.
CBN	Allows permanent and seasonal (STR) single-family detached and multi-family attached uses and very limited non-residential uses but prohibits commercial living accommodations.



Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses

	MDR-V	MDR-HI	HDR	CBN
Permanent or long-term residential uses				
Single-family detached dwelling	P	P	P	P
Multi-family attached dwelling	P	P	P	C
Mobile home development			C	
Guest house (1)	P	P	P	P
Accessory dwelling	P	P	P	P
Single room occupancy housing	P	P	P	P
Seasonal or short-term residential uses				
Single-family detached dwelling		P	P	P
Multi-family detached dwelling		P	P	C
Other residential uses				
Community residential home, small (1—6)	P	P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [7.12.04.M](#))

Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Allowable uses (cont'd)

	MDR-V	MDR-HI	HDR	CBN
Other residential uses				
Community residential home, small (1—6)	P	P	P	P
Community residential home, large (7—14)	P	C	C	C
Family day care home	P	P	P	P
Distribution electric substation (16)	P	P	P	P
Child day care services				C
Museums, historical sites, zoos, and parks (10)				P
Religious organizations				P
Uses and structures which are customarily accessory, clearly incidental and subordinate to permitted uses and structures, including home occupations and off-site businesses.	A	A	A	A

Footnotes:

- (16) Refer to Section [7.09.02\(B\)12](#) for further information.
(10) Zoos are only allowed in the Industrial zoning district.

Zoning Analysis: MDR-V, MDR-HI, HDR, and CBN

Dimensions (feet)

	MDR-V		MDR-HI		HDR		CBN		
	1	2/more	1	2/more	1	2/more	1	2/more	non
Dwelling Units									
Minimum Lot Area (sq.ft)	7500	None	7500	None	7500	None	7500	None	None
Width	70	None	70	None	70	None	70	None	None
Depth	100	None	100	None	100	None	100	None	None
Maximum Building Height	35/3	35 / 3	30 / 3	35 / 3	30 / 3	50 / 4	30 / 3	50 / 4	50 / 4
Setbacks									
Front	20	A/B	20	A/B	20	H	20	20	20
Side	7.5	A/B	7.5	A/B	7.5	H	7.5	A/B	A/B
Rear	10	A/B	10	A/B	10	H	10	A/B	A/B
Maximum Density (units per acre)	5.81	9.90	5.81	9.90	9.90	19.90	6.00	6.00	N/A
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0.50
Minimum Open Space (%)	25	25	30	25	30	25	30	25	25

Zoning Analysis: Recommendations

RECOMMENDED OTHER RESIDENTIAL ZONING DISTRICTS:



Zoning Analysis: Recommendations

- Consolidate LDR-V and LDR-H
- Consolidate MDR-HI and HDR
- Consider childcare, neighborhood parks, religious uses as permitted or conditional uses within Residential zoning districts.



Child Care



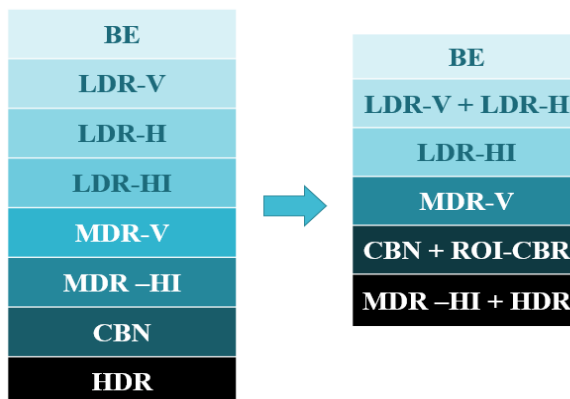
Neighborhood
Parks



Religious
Use

- Reconsider permitted and conditional usage in Residential zoning districts

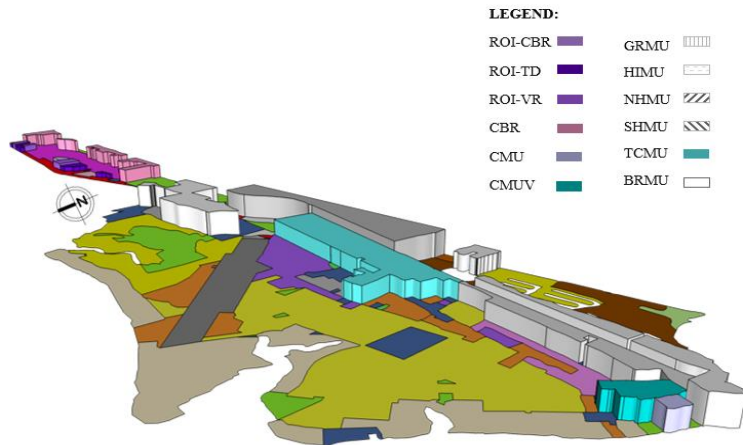
RECOMMENDED RESIDENTIAL ZONING DISTRICTS:



Zoning Analysis: Mixed Use

Mixed-Use:

Different compatible land uses located within a single structure or in the proximity to each other.



Zoning Analysis: Mixed Use

Existing Mixed-Use and other zoning districts:

Residential, Office, and Institutional - Village Residential (ROI - VR)

Residential, Office, and Institutional - Tourist Development (ROI - TD).

Residential, Office, and Institutional – Crystal Beach Residential (ROI - CBR)

Town Center Mixed Use (TCMU)

Crystal Beach Resort (CBR)

Calhoun Mixed Use (CMU)

Calhoun Mixed Use – Village (CMU-V)

North Harbor Mixed Use (NHMU)

South Harbor Mixed Use (SHMU)

Gulf Resort Mixed Use (GRMU)

Holiday Isle Mixed Use (HIMU)

Bay Resort Mixed Use (BRMU)

Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

INTENTS:



Intends to specifically **not allow permanent** single-family detached or multi-family attached residential dwelling units.



Intends to specifically **not allow seasonal** single-family detached residential dwelling units.



Intends to specifically allow **permanent or seasonal single-family detached** residential dwelling units. Single occupancy. (Residential uses only)



Intends to allow both **permanent and short-term** residential uses. Permits limited non-residential uses.



Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses

	ROI-TD	ROI-VR	ROI-CBR	CBR
Permanent or long-term residential uses				
Single-family detached dwelling		P	P	P
Multi-family attached dwelling		C		P
Guest house (1)	P	C		P
Accessory dwelling	P	C		P
Seasonal or short-term residential uses				
Single-family detached dwelling	P		P	P
Multi-family attached dwelling	P			P
Other residential uses				
Community residential home, large (7-14)		C		C
Family day care home		P	P	P

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))

Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Printing and related support activities	P	C		
Clothing and clothing accessories stores	P	C		
Book, periodical, and music stores	P ³	C		P ⁴
Other general merchandise stores	P ³	C		P ⁴
Florists	P ³	C		P ⁴
Office supplies, stationery, and gift stores	P ³	C		P ⁴
Printing and related support activities	P	C		
Used merchandise stores	C ⁸	C		
Thrift stores	C ⁸	C		
Other miscellaneous store retailers	P ³	C		P ⁴
Interurban and rural bus transportation	P	C		
School and employee bus transportation	P	C		

Footnotes:

- (1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))
3. Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.
4. Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the Crystal Beach resort area.
8. Must meet minimum distance separation requirements, refer to the definition of the use in question in [article 3](#) of the Land Development Code.

Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

Allowable uses (cont'd)P

	ROI-TD	ROI-VR	ROI-CBR	CBR
Nursing care facilities	P	C		
Residential mental health facilities	C	C		
Community care facilities for the elderly		C		
Other residential care facilities		C		
Social assistance	P	C		
Child day care services	P	C		C
Performing arts and spectator sports		C		P
Museums, historical sites, zoos, and parks (10)	C	C		C
All other amusement and recreation industries	C	C		
Hotels and motels	P			P
Bed-and-breakfast inns	P			P
Other traveler accommodation, C.T.L.A. (12)	P			P

Allowable uses (cont'd)

	ROI-TD	ROI-VR	ROI-CBR	CBR
Personal and laundry services	P	C		
Dry cleaning and laundry services	P	C		
Pet care (except veterinary) services	P	C		P
Membership associations and organizations	P	C		P
Religious organizations	P	C		P

Footnotes:

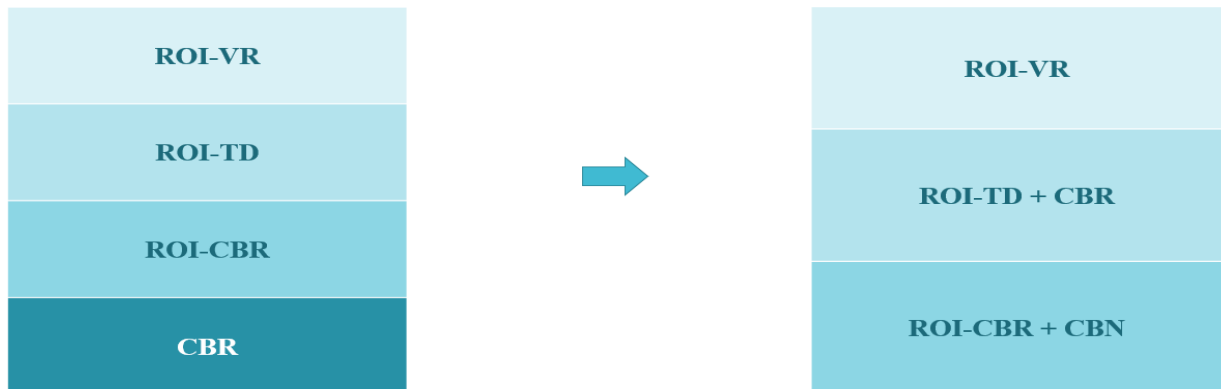
- (10) Zoos are only allowed in the Industrial zoning district.
- (12) Commercial transient living accommodations.

Zoning Analysis: ROI-TD, ROI-VR, ROI-CBR, and CBR

<i>Dimensions (feet)</i>	ROI-TD		ROI-VR		ROI-CBR	CBR		
	1	2+	1	2+	1	1	2+	Non
Dwelling Units								
Minimum Lot Area (sq.ft)	7,500	None	7,500	None	7,500	7,500	None	None
Width	70	None	70	None	70	70	None	None
Depth	100	None	100	None	100	100	None	None
Maximum Building Height	30/3 stories	30/3 stories/E	35/3 stories	35/3 stories/E	35/3 stories	30/3 stories	50/4 stories	50/4 stories
Setback								
Front	20	A/B	20	A/B	20	20	M	M
Side	7½	A/B	7½	A/B	7½	7½	M	M
Rear	10	A/B	10	A/B	10	10	M	M
Maximum Density (units per acre)	9.00	12.00	9.00	12.00	9.00	6.00	12.00	12.00
Maximum Floor Area Ratio	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Open Space (%)	30	25	25	25	25	30	25	25

Zoning Analysis: Recommendations

RECOMMENDED MIXED USE ZONING DISTRICTS:



Zoning Analysis: CMU and CMU-V

INTENTS:



Intends to provide a transition between high intensity south harbor and the low intensity ROI. This area shall be developed, redeveloped and/or maintained with permanent or seasonal residential and non-residential uses to serve adjacent Old Destin area.



Intends to preserve the character of the nearby "Old Destin" area, and to provide a transition between high intensity south harbor and the low intensity residential areas. This area shall have permanent or seasonal medium to high density residential, and non-residential uses to serve adjacent Old Destin area.



Zoning Analysis: CMU and CMU-V

Allowable uses

	CMU	CMU-V
Permanent or long-term residential uses		
Multi-family attached dwelling	P	C
Guest house (1)		C
Accessory dwelling		C
Seasonal or short-term residential uses		
Single-family detached dwelling	P	C
Multi-family attached dwelling	P	C
Other residential uses		C
Community residential home, small (1—6)	P	C
Family day care home	P	C
Distribution electric substation (16)	P	
Beer, wine, and liquor stores		P

Footnotes:

(1) Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out separately from the main residence and (refer to Section [Section 7.12.04.M](#))

(16) Refer to Section [Section 7.09.02\(B\)12](#) for further information

Zoning Analysis: CMU and CMU-V

Allowable uses (cont'd)

	CMU	CMU-V
Child day care services	P	C
Performing arts and spectator sports	P	C
Amusement arcades	C	P
Marinas	P	C
Fitness and recreational sports centers	P	C
Bowling centers	P	C
All other amusement and recreation industries	P	C
Hotels and motels	P	C
Bed-and-breakfast inns	P	C
Other traveler accommodation, C.T.L.A. (12)	P	C

Footnotes:

(12) Commercial transient living accommodations.

Allowable uses (cont'd)

	CMU	CMU-V
Health and personal care stores and medical marijuana treatment center dispensing facilities 20		P
Clothing and clothing accessories stores	P	
Other general merchandise stores	P	
Other miscellaneous store retailers	P	C
Urban transit systems	P	
Interurban and rural bus transportation	P	
Scenic and sightseeing transportation, land	P	C
Scenic and sightseeing transportation, water	P	C
Conference/convention center	P	C
Consumer goods rental	P	C
Other schools and instruction	P	C
Educational support services	P	C

Zoning Analysis: CMU and CMU-V

Dimensions (feet)

	CMU			CMU-V		
	1	2+	Non	1	2+	Non
Dwelling Units						
Minimum Lot Area (sq.ft)	7,500	None	None	5,000	None	None
Width	70	None	None	50	None	None
Depth	100	None	None	100	None	None
Maximum Building Height	35/3 stories	50/4 stories	50/4 Stories/F	35/3 stories	50/4 stories	F
Setback						
Front	20	H	H	20'	H	H
Side	7½	H	H	7½'	H	H
Rear	10	H	H	10'	H	H
Maximum Density (units per acre)	6.00	12.00	N/A	9.00	12.00	N/A
Maximum Floor Area Ratio	N/A	N/A	.50	N/A	N/A	0.50
Minimum Open Space (%)	25	25	25	25	25	25

Zoning Analysis: SHMU and NHMU

INTENTS:

SHMU

Intends to encourage commercial hotel, motel, bed and breakfast establishments, other commercial transient living accommodations, and short-term residential uses. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 square feet of "publicly leasable commercial space"

NHMU

Intends to allow permanent and seasonal single-family and multi-family attached / detached residential dwelling units commercial hotel, motel, bed and breakfast establishments and other commercial transient living accommodations; retail; service; restaurant; office; and similar commercial uses



Zoning Analysis: GRMU, HIMU, and BRMU

INTENTS:

GRMU

Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.

HIMU

Intends to allow permanent and seasonal residential single-family detached and multi-family attached residential uses, commercial uses, commercial transient accommodations.

BRMU

Intends to accommodate a mixture of residential, hotel, office, commercial and recreational uses.



Zoning Analysis: GRMU, HIMU, and BRMU

Allowable uses

	GRMU	HIMU	BRMU
Permanent or long-term residential uses			
Single-family detached dwelling	P	C	P
Single room occupancy housing	P	P	
Seasonal or short-term residential uses			
Luxury motor home resort	P		P
Other residential uses			
Community residential home, small (1—6)	P	C	C
Family day care home	P	C	C
Fish and seafood merchant wholesalers			P
Specialty food stores	P		P
Beer, wine, and liquor stores			P
Health and personal care stores and medical marijuana treatment center dispensing facilities 20			P

Allowable uses (cont'd)

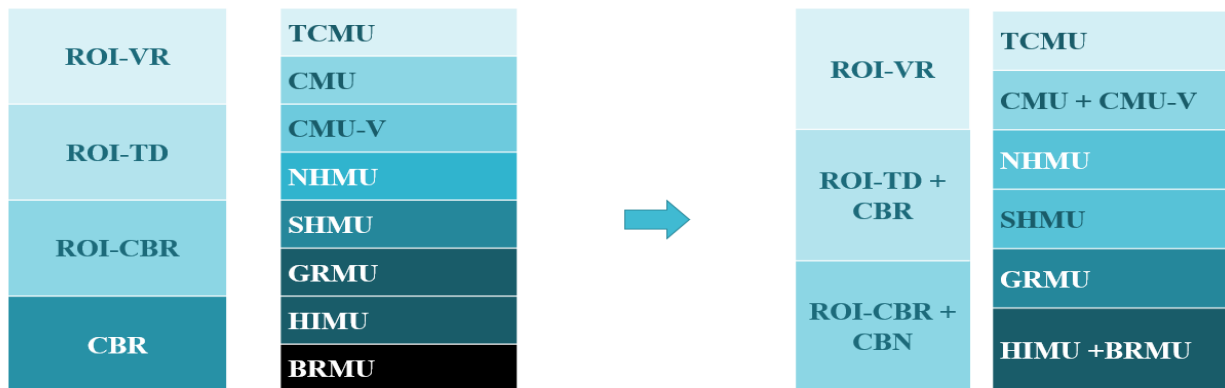
	GRMU	HIMU	BRMU
Gasoline stations	P		P
Sporting goods and musical instrument stores	P		P
Water transportation		P	
Mini-warehouse and self-storage leasing	C		
Boat, vehicle, equipment, etc., storage leasing			P
Janitorial services	P	P	
Performing arts and spectator sports	P		P
Marinas		P	
Bowling centers	P		P
Dry cleaning and laundry services	P	P	

Zoning Analysis: GRMU, HIMU, and BRMU

<i>Dimensions (feet)</i>	GRMU			HIMU			BRMU		
Dwelling Units	1	2+	Non	1	2+	Non	1	2+	Non
Minimum Lot Area (sq.ft)	7,500	None	None	7,500	None	None	7,500	None	None
Width	70	None	None	70	None	None	70	None	None
Depth	100	None	None	100	None	None	100	None	None
Maximum Building Height	50/4 stories	50/4 stories	65/5 stories	50/4 stories	50/4 stories	50/4 stories	35/3 stories	50/4 stories/P	50/4 stories/P
Setback									
Front	20	M	M	20	H	H	20	M	M
Side	7½	M	M	7½	H	H	7½	M	M
Rear	10	M	M	10	H	H	10	M	M
Maximum Density (units per acre)	9.00	24.00	N/A	9.00	16.90	N/A	9.00	16.90	N/A
Maximum Floor Area Ratio	N/A	N/A	1.30	N/A	N/A	1.30	N/A	N/A	.75
Minimum Open Space (%)	30	25	25	30	25	25	25	25	25

Zoning Analysis: Mixed Use

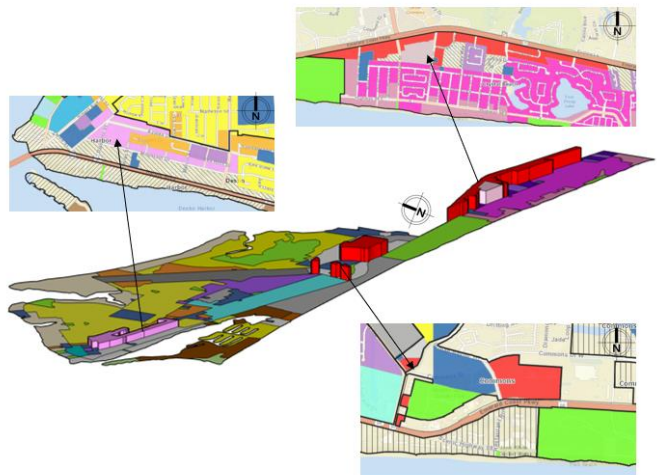
RECOMMENDATIONS:



Zoning Analysis: Commercial

INTENTS:

- CG** Allows to accommodate **general commercial needs** of the permanent and seasonal residents along Harbor Blvd/ Emerald Coast Pkwy
- CTS** Allows similar **commercial trades and services** that are more intense in nature than those uses allowed the CG zoning district but are less intense in nature than those uses allowed in the Industrial (IN) zoning district.
- CL** It is intended to **accommodate a mixture of short-term and long-term residential and commercial uses** of a lesser intensity than is allowed in the various mixed use zoning districts.



Zoning Analysis: CL, CG, and CTS

Allowable uses

	CL	CG	CTS
Permanent or long-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	C	
Single room occupancy housing	P		
Seasonal or short-term residential uses			
Single-family detached dwelling	P		
Multi-family attached dwelling	P	P	
Other residential uses			
Community residential home, small (1—6)	P		
Community residential home, large (7—14)	C		
Family day care home	P		

Allowable uses

	CL	CG	CTS
Construction			
Residential and non-residential contractors			P
Specialty trade contractors			P
Manufacturing			
Printing and related support activities	P	P	P
Wholesale			P
Fish and seafood merchant wholesalers	P		P
Retail trade			
Auto parts, accessories, and tire stores		C	P
Parts and Accessories Dealer—Automotive/marine		C	P
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	

Zoning Analysis: CL, CG, and CTS

Allowable uses

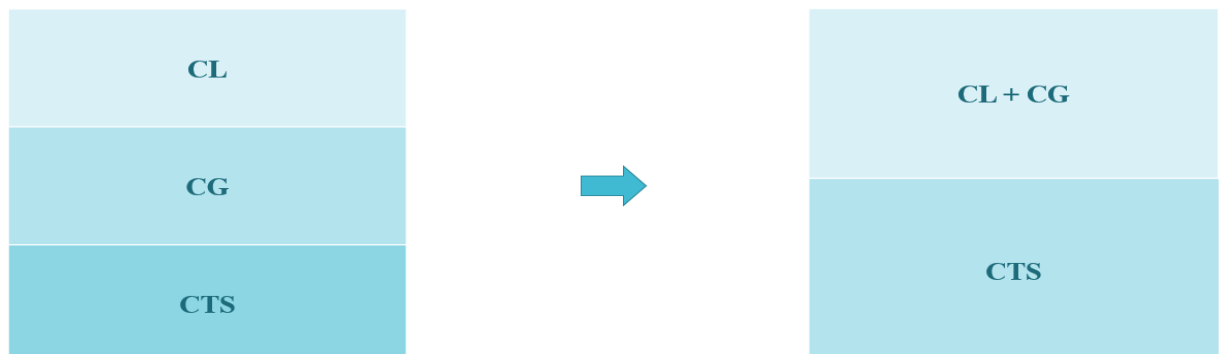
	CL	CG	CTS
Retail trade			
Furniture and home furnishings stores	P	P	
Electronics and appliance stores	P	P	
Kitchen cabinet stores		C	P
Food and beverage stores			
Grocery stores	P	C	
Specialty food stores	P	C	
Beer, wine, and liquor stores	P	C	
Health and personal care, medical marijuana	P	C	
Clothing stores	P	P	
Sporting goods and musical instrument stores	P	P	
Book, periodical and music stores	P	P	

Allowable uses

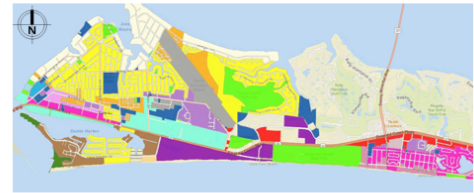
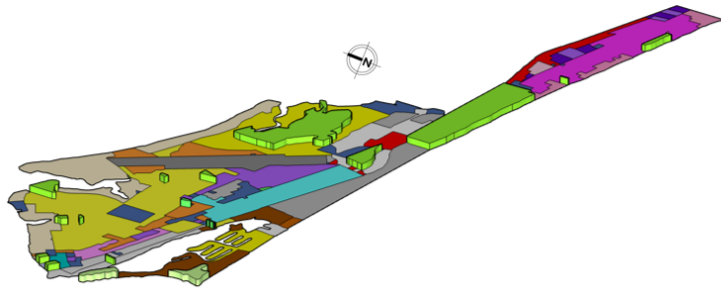
	CL	CG	CTS
General merchandise stores			
Department stores	P	C	
Other general merchandise stores	P	P	
Miscellaneous store retailers			
Florist	P	P	
Office supplies, stationery, gift shop	P	C	
Transportation and warehousing			
Urban transit systems	P	C	P
Interurban and rural bus transportation	P	C	P
Information		P	P
Art, Entertainment, and Recreation	P	C	
Accommodation and Food Services	P	C	

Zoning Analysis: Recommendations

RECOMMENDED COMMERCIAL ZONING DISTRICTS:



Zoning Analysis: REC and CON



REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.

Parks:

- Clement Taylor Park
- Captain Leonard Destin Park
- Captain Royal Melvin Park
- Dalton Threadgill Park
- Mattie M Kelly Park
- Dewey Destin Park
- Henderson Beach State Park
- Harborview Park
- Indian Bayou Golf Club
- Morgan Sports Center Park
- June White Decker Park
- James Lee Park

Conservation Areas:

- TIFF parcel south-west of Destin Pointe
- Norriego Point

Neighborhood Parks:

- 605 Main St
- 810 Kell-Aire Ct
- 880 Kell-Aire Dr
- 1999 Cordgrass Ct
- 1950 Scenic Hwy 98
- 2966 Scenic Hwy 98

Zoning Analysis: REC and CON

INTENTS:

REC

Allows **publicly and privately owned** property and facilities, to promote natural resource enhancement and open spaces around buildings.

CON

Allows **publicly owned** property designated as natural and coastal resources to provide for long-term protection and preservation of environmentally sensitive natural resource systems.



Zoning Analysis: Other Zoning Districts

INTENTS:

IN

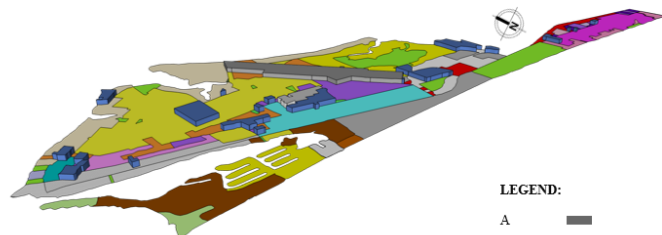
Intends to accommodate industrial and limited commercial developments. Does not allow permanent or seasonal residential uses.

INST

Intends to accommodate public and semi-public facilities and services, promote natural resources and open space around building. Does not allow permanent or seasonal residential uses.

A

Comprises Destin-Fort Walton Beach Airport. It intends to accommodate airport facilities. Does not allow permanent or seasonal residential uses.



LEGEND:

- A
- INST
- IN

Zoning Analysis: Village Planning Area

Village Planning Area Intent:

“Provide low-density, healthy, safe, family-friendly environment that promotes a high quality of life. Connected network of multi-modal streets. Dwelling density maximums. Encourage limited commercial uses that support the neighborhoods within the Village. Maintain, improve, and protect existing neighborhoods.”



Recommended Consolidated Zoning Districts:



Zoning Analysis: Holiday Isle Planning Area

Holiday Isle Planning Area Intent:

“Support and maintain a mix of residential accommodations for residents and visitors, with low density to high density residential and mixed uses. Safe and accessible Multi-modal transportation system. Protect, preserve, expand existing natural and recreational resources ”



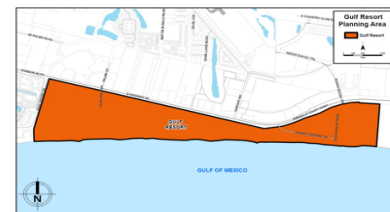
Recommended Consolidated Zoning Districts:



Zoning Analysis: Gulf Resort Planning Area

Gulf Resort Planning Area Intent:

“Intends to be world-class resort district with uses ranging from small condominium complexes to resorts and supporting dining, commercial and retail services. Connected multi-modal network. Renowned Residential and Resort destination. Increase public beach and access.”



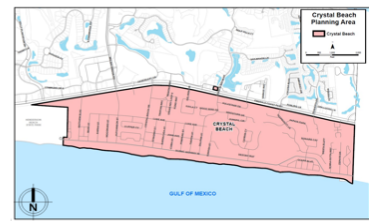
Recommended Consolidated Zoning Districts:



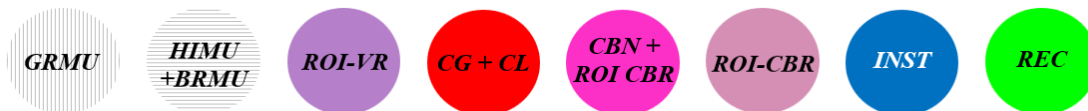
Zoning Analysis: Crystal Beach Planning Area

Crystal Beach Planning Area Intent:

“Intends to highlight quality commercial corridor , family-friendly vacation destination and single-family neighborhoods. Preserve and promote single-family character while providing the residents and visitors access to amenities. Ensure low intensity mixed use development support at intersections while commercial development adjacent to or accessible from highway 98. Protect long-term single family residential. Expand public beach access by encouraging low-intensity commercial, mixed-use developments, redevelopments of single or multi-family south of Scenic highway 98. Multimodal infrastructure. ”



Recommended Consolidated Zoning Districts:



Zoning Analysis: Harbor Planning Area

Harbor Planning Area Intent:

“Intends to support a marketplace implying to “World’s luckiest fishing village”. Appropriate commercial, mixed-use, residential uses supporting fishing and recreation industries, attract visitors. Plan public pedestrian shoreline and harbor boardwalk to promote and develop free flowing festive feel. Grow connected and safe multi-modal transportation network. Innovative transportation options and creative urban design.”



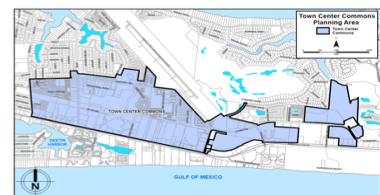
Recommended Consolidated Zoning Districts:



Zoning Analysis: Town Center Commons Planning Area

Town Center Commons Planning Area Intent:

“Intends to be the city’s residential, cultural, institutional, and service center. Center of business, relaxation and recreation. Afford residents and visitors ability to attend cultural events and activities showcasing the local arts, culture, and community value. Higher density residential, mixed-use development gathering places for residents and visitors. Pedestrian friendly and accessible multimodal corridors. City shall collaborate with Okaloosa County to align future development in areas directly adjacent to city’s jurisdiction ”



Recommended Consolidated Zoning Districts:



Zoning Analysis: Henderson Planning Area

Henderson Planning Area Intent:

“Intends to preserve and highlight natural ecosystem. To protect the largest public beach access. Mitigate external impacts on park. To protect flora and fauna. ”



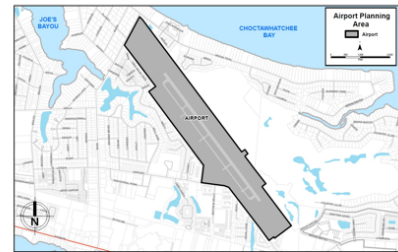
Recommended Consolidated Zoning Districts:



Zoning Analysis: Airport Planning Area

Airport Planning Area Intent:

“Intends to provide and facilitate the continued use of general aviation at the Destin Executive Airport at current and projected use levels while planning for the future airport growth with the existing boundaries. Mitigate encroachment issues from development upon the airport and aviation uses upon surrounding neighborhood and other areas”



Recommended Consolidated Zoning Districts:



Currently there are similar zoning districts per uses and dimensional requirements constituting to total of 28 Zoning Districts



The zoning districts are consolidated to 21 Zoning districts based on their similarities in the uses and dimensional requirements



Aligned the Consolidated Zoning Districts with the Planning Areas Intents

Conclusion



DISCUSSIONS:

Councilmember Destin raised a concern about previous citywide zoning changes where individual parcel notices were not issued, leading to confusion. Staff emphasized the need for better communication this time, possibly by sending out notices to property owners within 300 feet of the affected zones, although the potential cost was acknowledged. It was noted that similar issues arose during past rezoning efforts.

Councilmember Destin wanted reassurance that consolidations would not result in unintentional shifts from conditional to permitted uses, especially regarding short-term rentals. The legal implications of the Bert Harris Act and its impact on zoning decisions were briefly mentioned. Staff committed to providing additional materials, including slides that clearly outline the differences in zoning district consolidations.

There was a brief discussion about the next steps, which include public hearings and review by the LPA. The City Attorney clarified that no changes would be adopted until an ordinance with two readings is passed, ensuring multiple opportunities for public input. Staff confirm that the LPA will rework certain elements, possibly including the draft of Article 4, and then return to the city council either through a public meeting or a workshop. Since the LPA has already made recommendations and the changes involve an ordinance to the LDC, there will be an ordinance hearing with the LPA.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:00 PM.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

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City of Destin, FL - [Document title]

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ARTICLE 4 - ZONING DISTRICTS, OVERLAYS, AND ON-SITE REGULATIONS

SECTION 4.01 PURPOSE, APPLICABILITY, AND INTENT

SECTION 4.01.01 GENERAL

This article implements the goals, objectives, and policies set forth in the City's Comprehensive Plan relating to land use in the City of Destin. Provisions set forth as to the type of land use, density, and intensity permitted are correlated with the districts shown on the future land use map.

SECTION 4.01.02 PURPOSE AND INTENT OF ZONING DISTRICTS

The purpose and intent of establishing zoning districts is to ensure that all development is consistent with the Comprehensive Plan's goals, objectives, and policies by establishing a series of zoning districts that indicate what uses are allowed and site development regulations that control the use of land in each district. All development within each zoning district shall be consistent with the purposes stated for each district.

SECTION 4.02 ZONING REGULATORY CONTROLS

This section establishes zoning districts and the Official Zoning Map designed to assist in implementing the goals, objectives, and policies of the adopted comprehensive plan, especially those policies addressing specific areas designated on the Future Land Use Map (Map 1-1). This section also includes regulations for interpreting district boundaries and compliance with zoning district regulations.

SECTION 4.02.01 ZONING MAP

- A. The Official Zoning Map is adopted consistent with the City of Destin Comprehensive Plan Future Land Use Element Map as amended from time to time.
 - 1. The following maps are by reference made a part of this Code, including all future amendments, revisions, and updates:
 - a. Map entitled "Zoning Map" prepared by the City of Destin on MONTH, DAY, YEAR
 - b. Map entitled "Destin Airport—Noise Level Descriptions" prepared by Barrett-Daffin and Carlan, Inc., and dated July 1982.
- B. Interpretation of district boundaries. Where uncertainty exists as to the boundaries of districts as shown on the zoning maps, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
 - 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - 3. Boundaries indicated as approximately following city limits shall be construed as following such City limits.
 - 4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shorelines are changed, shall be construed as moving with the actual shorelines; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - 5. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

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6. Boundaries indicated as parallel to, or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. The map's scale shall determine the distances not specifically indicated on the zoning maps.
7. Where physical or cultural features existing on the ground are at variance with those shown on the zoning maps or in other circumstances not covered by this section, the Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot that was in single ownership at the time of passage of this article, the Board of Adjustment may permit, as a special exception, the extension of the regulations for the less intensive district to be zoned across the property.
 - a. If the property owner wishes to extend the more intensive district across the entire property, then the owner shall submit an application for a Zoning Map Amendment per Article 2 of this code.
- C. Zoning Map Amendments. Amendments to the Official Zoning Map shall be made in compliance and consistent with the procedures set forth in Article 2 of this Code and the City of Destin Comprehensive Plan and its Future Land Use Map. Amendments to the district boundaries or other features of the Official Zoning Map shall be recorded on the Official Zoning Map after the City Council has adopted the amendment affecting such changes and has become effective.

SECTION 4.02.02. COMPLIANCE WITH ZONING DISTRICT REGULATIONS

- A. Uses The latest edition of the North American Industry Classification System (NAICS) shall be used to provide definitions of each use or use groupings listed in the use tables of the zoning districts of this Article.
 1. All sub-uses listed under a use in the NAICS, which use is permitted, shall be considered as a permitted use.
- B. Buildings, Structures, or other land improvements
 1. The regulations outlined in this Article within each district shall be minimum regulations and apply uniformly to any structure or land, including but not limited to:
 - A. No building or structure shall be used, occupied, erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations specified in the applicable zoning district where located unless approved through a permit.
 - B. No lot, land, parcel, or property shall be used, occupied, constructed upon, altered, graded, filled, or landscaped except in conformity with the regulations specified in the applicable zoning district where located unless approved through a permit.
 - C. All accessory buildings shall meet the minimum yard setback requirements for the district in which they are located.
 - D. The height limitations contained in the schedule of dimensional requirements do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and are not intended for human occupancy.
 - E. Every building or structure hereafter erected or moved shall be on a lot adjacent to a street or easement with adequate access and compliant for servicing, fire protection, and required off-street parking.
 - F. Nonhabitable utility structures, such as, but not limited to, power poles, electrical transformers, telephone junction boxes, cable junction boxes, sewer lift stations, etc., may be in all zoning districts.

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- C. Travel trailers, campers, tents and motor homes shall not be used for living, sleeping or housekeeping purposes when parked or stored on a lot or parcel in any zoning district, unless it is an allowed use in said zoning district and the use has been approved on said lot or parcel of land.
- D. Public Safety
 - 1. Police, Fire Protection, or other Public Safety agencies shall be Conditional Uses in all zoning districts.
 - A. Parking:
 - 1. 1 space for every 300 sq. ft. of gross floor area.
 - 2. If public assembly is provided on-site, 1 space for every 4 individuals of the maximum occupancy of the Public Assembly area.
- E. Utility distribution and conveyance
 - 1. All underground or open-air utility distribution elements meant to serve land development shall be Permitted Uses in all districts, this includes:
 - A. Electrical
 - B. Gas
 - C. Sewer
 - D. Stormwater
 - E. Telecommunications (excludes non-residential satellite dish equipment)
 - F. Water
 - G. Other utility as deemed by the Community Development Director
 - 2. See 4.08.01.B.16 for Special Design Criteria
- F. Advertising for special events in a residential area and/or residential zoning district is prohibited.
 - A. Special events include but not limited to:
 - 1. Weddings or wedding receptions
 - 2. Spring break parties
 - 3. Bachelor parties
 - 4. Family reunions
 - 5. Class reunions
 - 6. Company banquets, retreats, and/or company picnics
 - 7. Or other similar event or celebration
 - B. Residential zoning districts include:
 - 1. Bay Estates (BE)
 - 2. Low Density Residential- Village (LDR-V)
 - 3. Low Density Residential - Holiday Isle (LDR-HI)
 - 4. Low Density Residential - Harbor (LDR-H)
 - 5. Medium Density Residential - Village (MDR-V)
 - 6. High Density Residential (HDR)
 - 7. Crystal Beach Neighborhood (CBN)
 - 8. Residential. Office and Institutional — Tourist Development (ROI-TD)
 - 9. Residential, Office and Institutional-Village Residential (ROI-VR)
 - C. Violations are subject to enforcement pursuant to Chapter 14 of the City Code of Ordinances and to enforcement by any other means available to the City at law or in equity.
- G. Home Occupations
 - 1. A home-based business that operates from a residential property:
 - A. May operate in an area zoned for residential use.

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- B. May not be prohibited, restricted, regulated, or licensed in a manner that is different from other businesses in the City, except as otherwise provided in this section.
- 2. For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:
 - A. The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.
 - B. Parking related to the business activities of the home-based business complies with the City's requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted.
 - C. The City's regulations as to the use of vehicles or trailers operated or parked at the business or on a street right-of-way remain fully enforceable as to the home-based business, provided that such regulations are not more stringent than those for a residence where no business is conducted.
 - D. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence.
 - E. Storage of heavy equipment at the business shall not be visible from the street or neighboring property.
 - F. All Home occupations shall maintain the residential character of the residence.
 - 1. As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property.
 - 2. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood.
 - 3. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
 - 4. The activities of the home-based business are secondary to the property's use as a residential dwelling.
 - 5. The business activities shall comply with the City's regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors.
 - G. All business activities comply with any relevant local, state, and federal regulations with respect to the use, storage, or disposal of any corrosive, combustible, or other hazardous or flammable materials or liquids.
- H. Conditional Temporary Uses. Certain temporary uses, as identified, in this section, may be considered as Conditional Uses in the specified zoning districts if all of the applicable conditions are met, as determined by the City Manager. If the City Manager determines that all of the conditions are met, the use can be processed following the normal Conditional Use procedures.
 - A. Temporary occupancy of a recreational vehicle may be considered as a Conditional Use on the same lot with an existing single-family residence in residential zoning districts for medical hardships, such as housing a chronically ill relative or a practical nurse, if the following conditions are met:

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1. That a medical hardship is substantiated by documentary evidence meeting Americans with Disabilities Act requirements, such as, medical records, doctor's recommendations, or related medical documents.
 2. The recreational vehicle cannot encroach into the right-of-way and must be parked on the permitted driveway or other stabilized surface that has received all applicable permits. If the recreational vehicle is located in the rear yard of the primary residence, all rear and side setback requirements for structures must be met.
 3. If the recreational vehicle holding tanks are used, all sewage disposal from the tanks must be handled by a licensed professional septic pumping service. Storage of sewage in portable containers onsite is prohibited.
 4. The approval is limited to a maximum two (2) year period unless the City Council determines that the medical hardship results from a chronic illness that may continue to exist for an undetermined period of time. In such cases approval may be granted for a period in excess of two (2) years; provided, however, that the recreational vehicle shall only be occupied by the person for which the medical hardship approval was granted and if the medical hardship ceases to exist, the temporary occupancy of the recreational vehicle must cease and it must be stored in compliance with the regular City regulations for storing recreational vehicles.
- B. Temporary occupancy of a recreational vehicle may be considered as a Conditional Use on the same lot with an existing single-family residence in residential zoning districts during the repair of a house damaged by a natural disaster, including but not limited to, wind, flood, fire or mold, if the following conditions are met:
1. That the natural disaster and proof of damage is substantiated by documentary evidence and the Building Official has determined that the structure is uninhabitable until the repairs are completed.
 2. The recreational vehicle cannot encroach into the right-of-way and must be parked on the permitted driveway or other stabilized surface that has received all applicable permits. If the recreational vehicle is located in the rear yard of the primary residence, all rear and side setback requirements for structures must be met.
 3. If the recreational vehicle holding tanks are used, all sewage disposal from the tanks must be handled by a licensed professional septic pumping service. Storage of sewage in portable containers onsite is prohibited.
 4. The approval is limited to a maximum six (6) month period unless the City Council determines that the repair will take longer than six (6) months. In such cases approval may be granted for a period not to exceed one (1) year. Once the Certificate of Occupancy has been issued for the repaired home, or the Conditional Use expires, whichever occurs first, the temporary occupancy of the recreational vehicle must cease and it must be stored in compliance with the regular City regulations for storing recreational vehicles.

SECTION 4.02.03 COMPLIANCE WITH DIMENSIONAL STANDARDS

- A. All development shall comply with the appropriate Zoning District dimensional requirements table set forth in the applicable Zoning Districts of this Article.
- B. In the event that a property owner fails to comply with the minimum dimensional requirements by three inches or less, the actual measurement shall be deemed to be in compliance with the applicable minimum dimensional requirements, provided that no adverse health, safety, or welfare impacts result from the failure to comply with the minimum dimensional requirements.

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- C. For waterfront lots the rear property line setbacks do not apply.
- D. Rear property line setback requirements do not apply to boat docks, piers, bulkheads (seawalls) or boathouses.
- E. The footprint for all structures shall meet all setback requirements; however, cornices, canopies, eaves, garden windows, exterior stairways or other architectural features may extend 24 inches into the required setback provided the extension does not interfere with access to the property.
 - a. Portions or projections from a building or structure that add to the gross floor area are not allowed to extend into the required setback.
- F. Corner lots, platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements of section 7.12.08 of the Land Development Code, shall provide the full front setback along the street frontage to which the structure is oriented and a minimum of a ten-foot setback along the other street frontage. All lots platted or replated after March 8, 1983, must meet the full front setback along all street frontages.
- G. Through lots platted and recorded on or before March 8, 1983, which do not meet the minimum dimensional requirements this Article and applicable zoning district of the Land Development Code, shall provide:
 - a. The full front setback along the street frontage to which the structure is oriented, and
 - b. A minimum of a ten-foot setback along the other street frontage.
- H. All lots platted or replated after March 8, 1983, must meet the full front setback along all street frontages.
- I. Setbacks
 - a. Structural footprints shall meet all setback requirements; however, the following structural or building elements may extend twenty-four inches (24') into the property setbacks provided the extension does not interfere with access to the property, are not habitable, or add to the gross floor area of the structure.
 - i. Cornices, canopies, eaves,
 - ii. Garden windows,
 - iii. Exterior stairways
 - iv. Other architectural features.
 - v. Portions of a patio or porch at finished grade level may extend into the setback
 - b. Pools have a setback of 4 four feet from property line measured at the water line.
 - i. Only structural elements of the pool may exceed the four-foot (4') setback by no more than nine inches (9").
 - ii. Pavers, hardscaping, or other similar landscaping elements may not surround the pool beyond the structural elements within the four-foot (4') setback.
 - c. Residential Mechanical Equipment
 - i. Mechanical equipment for HVAC, pools, or other similar mechanical equipment, for residential uses may be installed in the side and rear setbacks but shall not be closer than four feet (4') from the side and rear property lines.

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Commented [SO1]: @Daniel Butler @Ashley Dominguez @Sherry Burney per the Div Coordination meeting this morning concerning the HVAC/pool equipment, I did not see anywhere in Article 6 that this had been taken care of. When thinking about it though, it seems more appropriate here in the "Compliance with dimensional Standards section of Article 4.

Commented [DB2R1]: That works for me. Just to confirm - we are saying 4' here but Noell recommended 5' on each side for the 10' fire separation.

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SECTION 4.03 RESIDENTIAL DISTRICTS

SECTION 4.03.01 BAY ESTATES (BE)

- A. Zoning District Intent. The Bay Estates zoning district implements Future Land Use Element Policy 1-2.2.1, Bay Estates of the Comprehensive Plan.
- B. The Bay Estates zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached residential estate dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Accessory Dwelling	P	4.08.03	1 space per Dwelling Unit	N/A
Guest House	P	4.08.03	1 space per Dwelling Unit	N/A
Mobile/Manufactured Home dwelling	C	4.08.02	2.25 spaces per Dwelling Unit	N/A
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Small (1-6)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

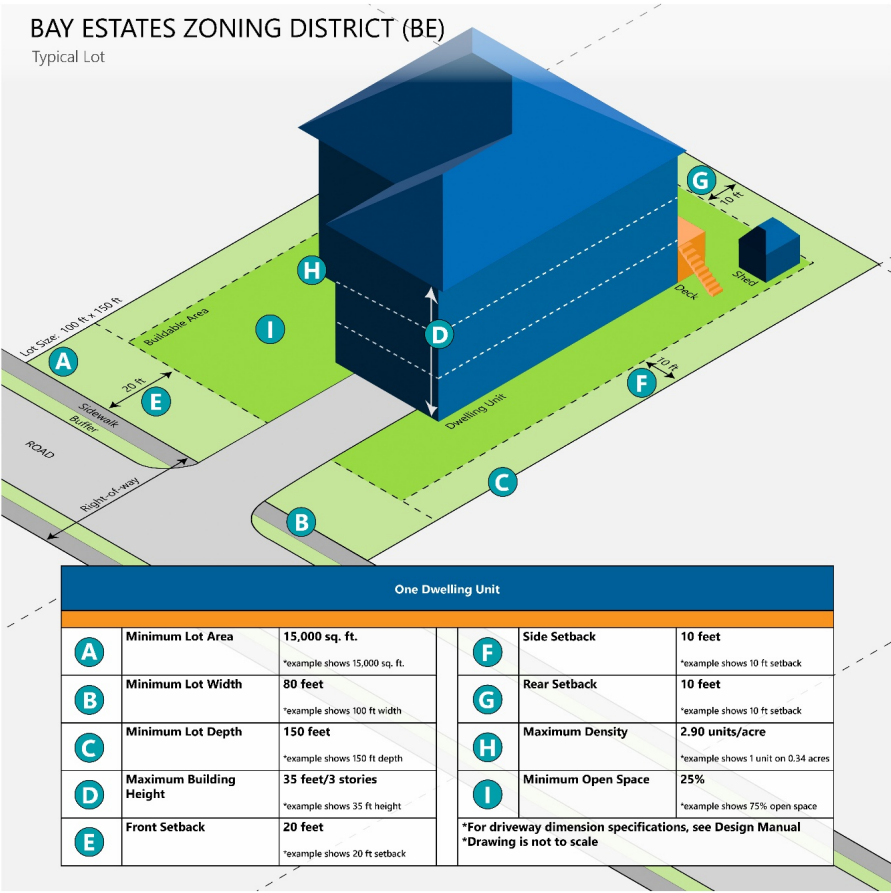
- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Bay Estate (BE)		
Residential Uses		
Dwelling Units		1
Minimum Lot Area (square feet)		15,000
Minimum Lot Size	Width	80'
	Depth	150'
Maximum Building Height / Stories		35'/3 stories
Setbacks	Front	Footnote 1
	Side	10'
	Rear	10'
Maximum Density (Units per acre)		2.9
Minimum Open Space (%)		25%
Institutional Uses FAR/Intensity		.25 FAR

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1. Footnote 1: The following setbacks shall apply to developments proposed in the BE zoning district:

	10'	20'
Front Setback	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.



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SECTION 4.03.02 LOW DENSITY RESIDENTIAL –(LDR)

- A. Zoning District Intent. The Low Density Residential zoning district implements Future Land Use Element Policy 1-2.2.2, Low Density Residential of the Comprehensive Plan within the Village Planning Area.
- B. The Low Density Residential - Village District shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached residential dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Accessory Dwelling	C	4.08.02	1 space per Dwelling Unit	N/A
Guest House	C	4.08.02	1 space per Dwelling Unit	N/A
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Small (1-6)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

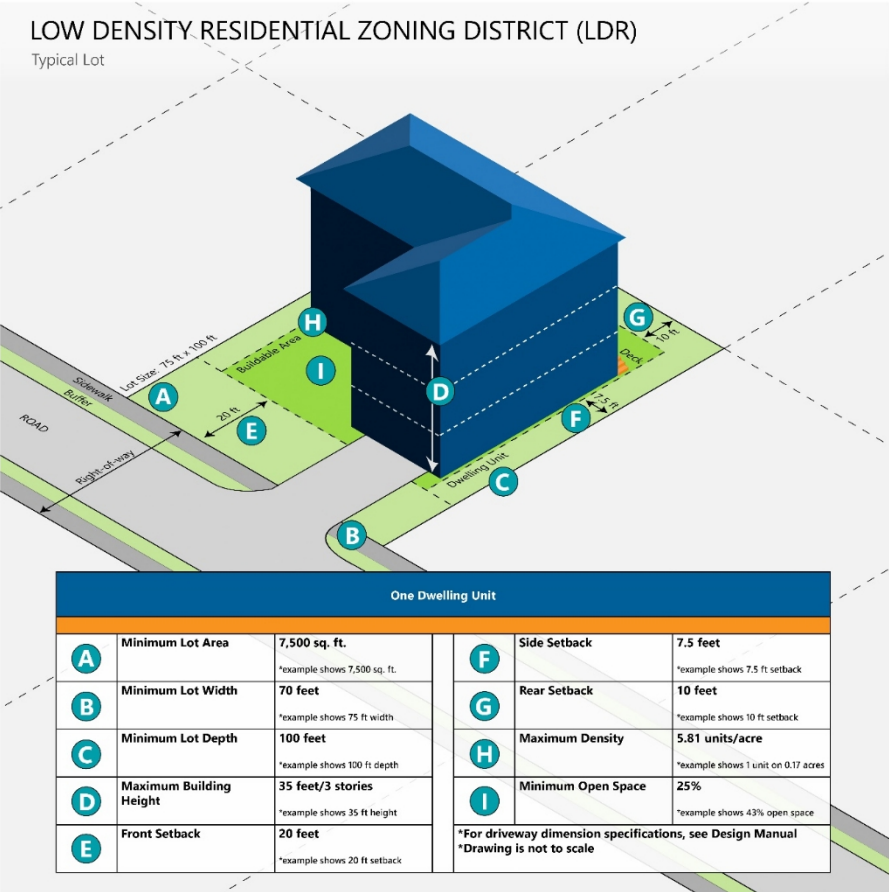
Low Density Residential - Village (LDR-V)		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	70'
	Depth	100'
Maximum Building Height / Stories		35'/3 stories
Setbacks	Front	Footnote 1
	Side	7½'
	Rear	10'
Maximum Density (units per acre)		5.81
Minimum Open Space (%)		25%
Institutional Uses FAR/Intensity		.25 FAR

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1. Footnote 1: The following setbacks shall apply to developments proposed in the LDR zoning district:

	10'	20'
Front Setback*	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.
*The intent of these setbacks is to allow more are for the development of residential lots but to also prevent vehicles from blocking any sidewalks. No vehicular use area shall be permitted that proposes any portion of a parking space to overhang or occupy any sidewalk or area outside the private property.		

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SECTION 4.03.03 LOW DENSITY RESIDENTIAL – HOLIDAY ISLE (LDR-HI)

- A. Zoning District Intent. The Low Density Residential - Holiday Isle zoning district implements Future Land Use Element Policy 1-2.2.2, Low Density Residential of the Comprehensive Plan within the Holiday Isle Planning Area.
- B. The Low Density Residential - Holiday Isle zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached residential dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Single-unit detached dwelling	P		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq. ft., 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	N/A
<i>Other Residential Uses</i>				
Community Residential Home, Small (1-6)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

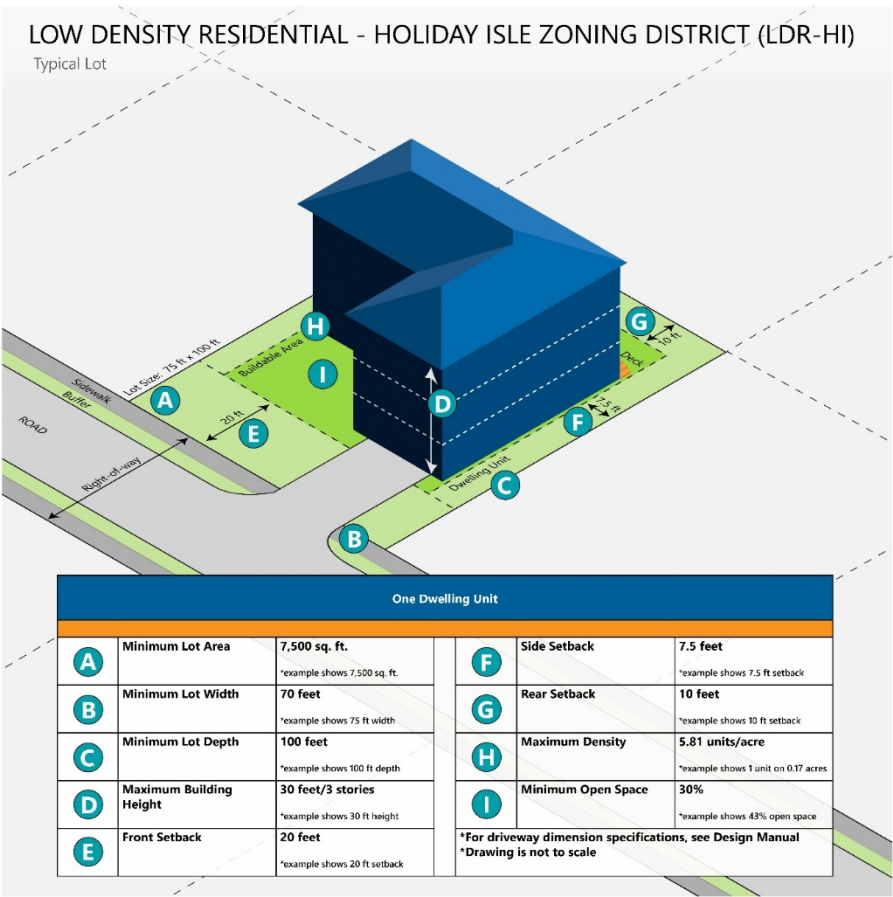
Low Density Residential – Holiday Isle (LDR-HI)		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	70'
	Depth	100'
Maximum Building Height / Stories		30'/3 stories
Setbacks	Front	Footnote 1
	Side	7½'
	Rear	10'
Maximum Density (units per acre)		5.81
Minimum Open Space (%)		30%
Institutional Uses FAR/Intensity		.25 FAR

1. Footnote 1: The following setbacks shall apply to developments proposed in the LDR-HI zoning district:

Front Setback	10'	20'
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	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.
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SECTION 4.03.04 MEDIUM DENSITY RESIDENTIAL – VILLAGE (MDR-V)

- A. Zoning District Intent. The Medium Density Residential - Village zoning district implements Future Land Use Element Policy 1-2.2.3, Medium Density Residential of the Comprehensive Plan within the Village, Town Center CRA and Harbor CRA Planning Areas.

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- B. The Medium Density Residential - Village zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent single-family detached or multi-family attached residential dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-term residential uses</i>				
Accessory Dwelling	P	4.08.03	1 space per Dwelling Unit	N/A
Guest House	P	4.08.03	1 space per Dwelling Unit	N/A
Multi-unit attached dwelling	P		1.5 spaces per 1 bedroom dwelling unit + 10% for visitors	N/A
			2.25 spaces per 2-bedroom dwelling unit + 10% for visitors	
			2.5 spaces per 3+ bedroom dwelling unit + 10% for visitors	
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
<i>Other Residential Uses</i>				
Single-Room Occupancy Housing	P		1 space per rental room	N/A
Community Residential Home, Large (7-14)	P	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Community Residential Home, Small (1-6)	P	4.08.02		N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A

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- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Medium Density Residential - Village (MDR-V)

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Dwelling Units		1	2+
Minimum Lot Area (square feet)		7,500	None
Minimum Lot Size	Width	70'	None
	Depth	100'	None
Maximum Building Height / Stories		35/3 stories	35'/3 stories
Setbacks	Front	Footnote 1	Footnote 2
	Side	7½'	
	Rear	10'	
Maximum Density (units per acre)		5.81	9.90
Maximum Floor Area Ratio		N/A	N/A
Minimum Open Space (%)		25%	25%
Institutional Uses FAR/Intensity		.25 FAR	

1. Footnote 1: The following setbacks shall apply to developments proposed in the MDR-V zoning district:

Front Setback	10'	20'
	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.

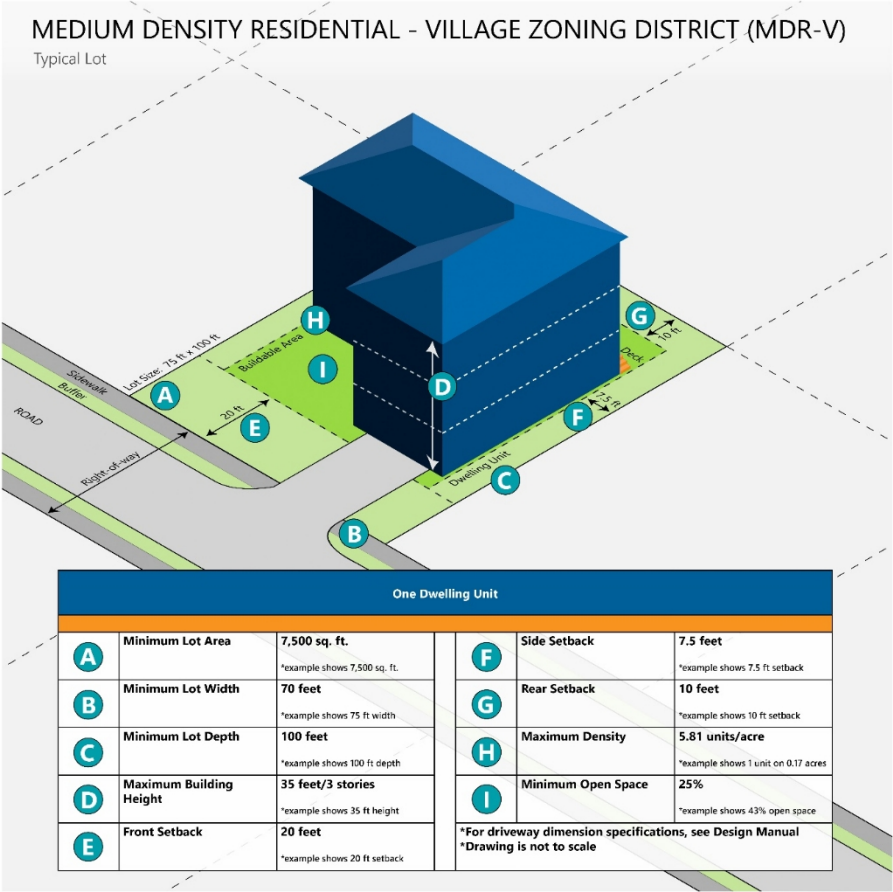
2. Footnote 2: The following setbacks shall apply to developments proposed in the MDR-V zoning district:

Building Height	Setbacks		
	Front	Side	Rear
2-Stories or less	20'	No side or rear yards are required except where development is contiguous with any residential district boundary; then a 10' setback shall be required and maintained as open space.	
3-Stories	20'	15'	20'
4-Stories	20'	20'	25'
5-Stories or more	20'	20' + 2' feet on each side for each story exceeding four stories	25'

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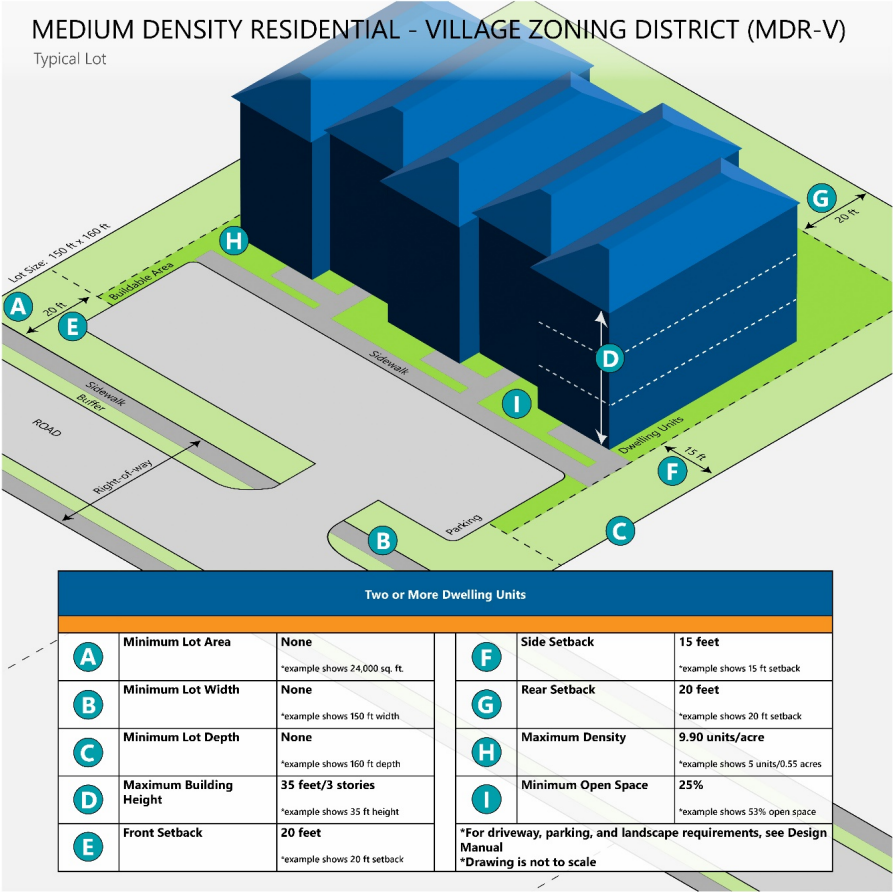
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SECTION 4.03.05 CRYSTAL BEACH NEIGHBORHOOD (CBN)

- A. Zoning District Intent. The Crystal Beach Neighborhood zoning district implements Future Land Use Element Policy 1-2.2.5, Crystal Beach Neighborhood of the Comprehensive Plan.
- B. The Crystal Beach Neighborhood zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached or multi-family attached residential dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	P	<u>4.08.03</u>	1 space per Dwelling Unit	
Guest House	P	<u>4.08.03</u>	1 space per Dwelling Unit	
Multi-unit attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit + 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit + 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit + 10% for visitors	
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	C		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	P		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
<i>Other Residential Uses</i>				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Small (1-6)	P	4.08.02		
Family Day Care Home	P		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Child day care services	C	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Religious organizations	C		1 space for every 4 persons allowed within the maximum occupancy	8131
RECREATIONAL USES				
Museum, historical site	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Crystal Beach Neighborhood (CBN)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		30'/3 stories	50'/4 stories	50'/4 stories
Setbacks	Front	Footnote 1	20'	20'
	Side	7½'	Footnote 2	
	Rear	10'		
Maximum Density (units per acre)		6.00	6.00	N/A
Maximum Floor Area Ratio		N/A	N/A	.50
Minimum Open Space (%)		30%	25%	25%

1. Footnote 1: The following setbacks shall apply to developments proposed in the CBR zoning district:

	10'	20'
Front Setback	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.

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2. Footnote 2: The following setbacks shall apply to developments proposed in the CBN zoning district:

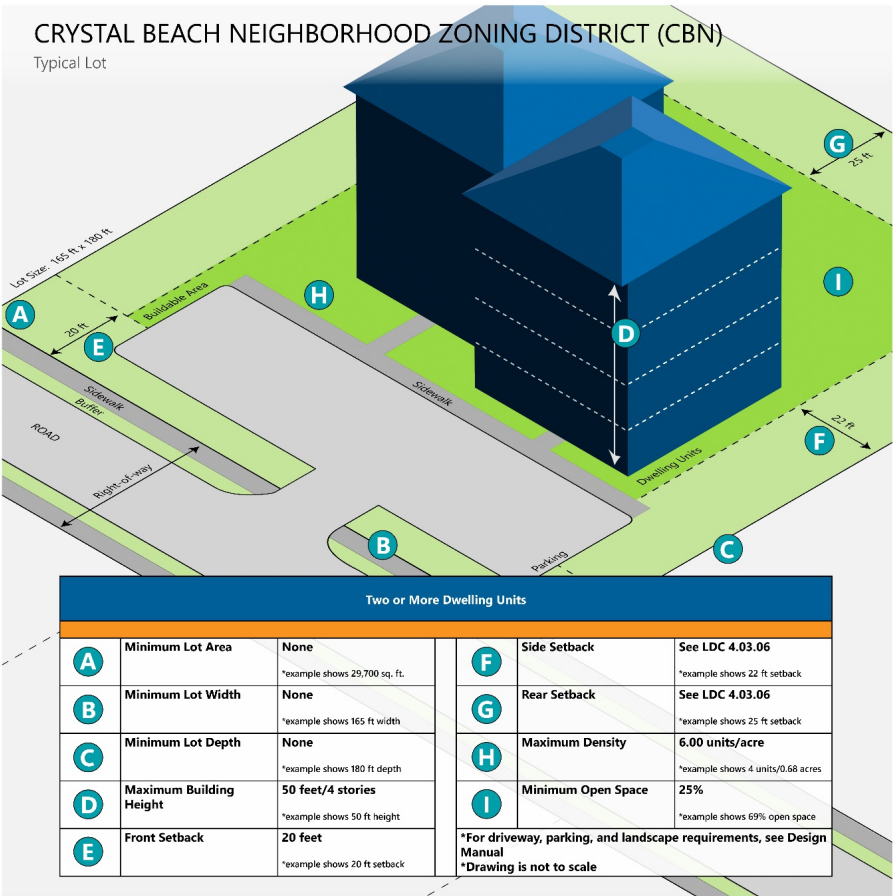
Building Height	Setbacks		
	Front	Side	Rear
2-Stories or less	20'	10'	10'
3-Stories	20'	15'	20'
4-Stories	20'	20'	25'
5-Stories or more	20'	20' + 2' on each side for each story exceeding four stories	25'



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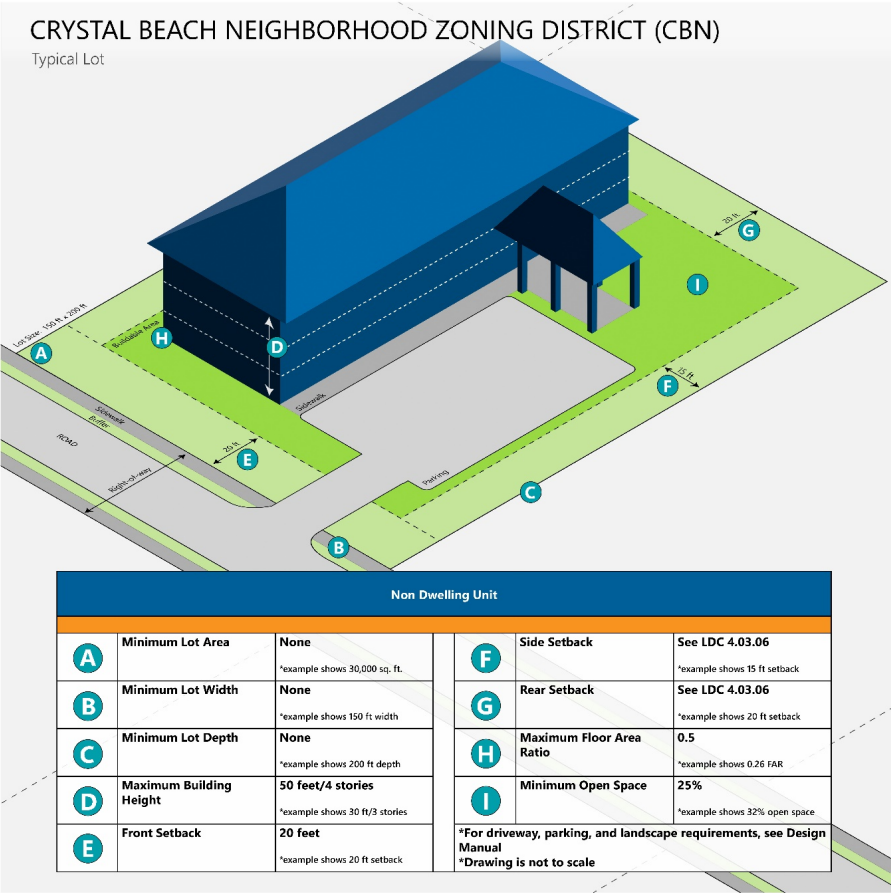
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SECTION 4.03.06 HIGH DENSITY RESIDENTIAL – (HDR)

- A. Zoning District Intent. The High-Density Residential zoning district implements Future Land Use Element Policy 1-2.2.4, High-Density Residential of the Comprehensive Plan within the Holiday Isle Planning Area.
- B. The HDR zoning district shall apply to areas developed, redeveloped and/or maintained and conserved as permanent or seasonal single-family detached or multi-family attached residential dwelling units.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	P	4.08.03	1 space per Dwelling Unit	N/A
Guest House	P	4.08.03	1 space per Dwelling Unit	N/A
Mobile Home Development	C	4.08.02	2.25 spaces per Dwelling Unit	N/A
Multi-unit attached dwelling	P		1 bedroom - 1.50 spaces per Dwelling Unit + 10% for visitors 2 bedrooms - 2.25 spaces per Dwelling Unit + 10% for visitors 3+ bedrooms - 2.5 spaces per Dwelling Unit + 10% for visitors	N/A
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single-Room Occupancy Housing	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for	N/A

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	P		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft., 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	N/A
Other Residential Uses				
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>		N/A
Family Day Care Home	P		2 spaces per Dwelling Unit	N/A
Commercial Uses				
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift Four spaces for four—six employees on shift	N/A

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

High Density Residential (HDR)			
Dwelling Units		1	2+
Minimum Lot Area (square feet)		7,500	None
Minimum Lot Size	Width	70	None
	Depth	100	None
Maximum Building Height / Stories		30/3 stories	50/4 stories
Setbacks	Front	Footnote 1	Footnote 2
	Side	7½	Footnote 2
	Rear	10	Footnote 2
Maximum Density (units per acre)		9.90	19.90

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Maximum Floor Area Ratio	N/A	N/A
Minimum Open Space (%)	30%	

1. Footnote 1: The following setbacks shall apply to developments proposed in the HDR zoning district:

	10'	20'
Front Setback	For any portion of a building or structure that does not contain a garage or other similar vehicle use within or under the structure, whether enclosed or not.	For any portion of a building or structure that contains a garage or other similar vehicle use area within or under the structure whether enclosed or not.

2. Footnote 1: The following setbacks shall apply to developments proposed in the HDR zoning district:

Front Setbacks			
Building Height	Less than 40'	Properties on U.S. Highway 98	15 – 25
		Properties not on U.S. Highway 98	10 – 20
	More than 40'	Properties on U.S. Highway 98	Min. 45
		Properties not on U.S. Highway 98	Min. 30
Side Setbacks			
Building Height	35' or less	0	
	35' to 50'	15	
	50' or more	Increased by 2' on each side for each 10' or fraction thereof exceeding 50'	
Rear Setbacks			
Building Height	35' or less	10	
	35' to 50'	15	
	50' or more	Increased by 2' on each side for each fraction thereof exceeding 50'	
Lots on the Gulf		Established by DEP	
Lots on the Harbor		0'	
Lots on the Choctawhatchee Bay		Must meet the requirements set forth in Section 7.XX.XX Bay shoreline protection zone	

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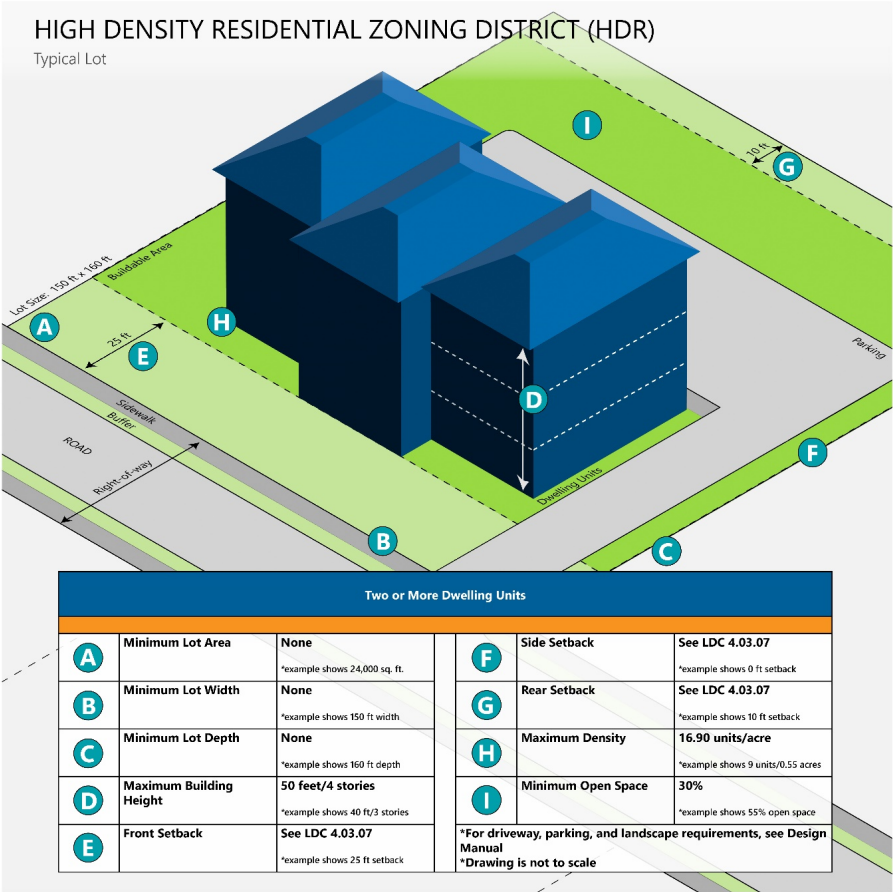
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SECTION 4.04 COMMERCIAL/INDUSTRIAL DISTRICTS

SECTION 4.04.01 COMMERCIAL GENERAL (CG)

- A. Zoning District Intent. The Commercial General zoning district implements Future Land Use Element Policy 1-2.3.2, Commercial General of the Comprehensive Plan.
- B. The Commercial General zoning district shall apply to areas generally located along Harbor Boulevard/Emerald Coast Parkway and is intended to accommodate and encourage a variety of uses to address general commercial needs of the permanent and seasonal residents.
- C. Special Design criteria
 - 1. Long-term/permanent residential uses shall be prohibited within the Commercial General (CG) zoning district.
 - a. Exception: Any proposed Long-term/permanent residential developments shall incorporate a minimum of forty-five percent (45%) of the development area as "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.).
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
Permanent/Long-Term Residential Uses				
Multi-unit attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit +10 % for visitors	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit = 10% for visitors	
			3+ bedrooms: 2.50 spaces per Dwelling Unit + 10% for visitors	
Seasonal/Short-Term Residential Uses				
Multifamily attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	N/A
Other Residential Uses				
Community Residential Home, Large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	N/A
Family Day Care Home	C		2 spaces per Dwelling Unit	N/A
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	C		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120
Auto parts, accessories, and tire stores (retail)	C		1 space for every 250 sq. ft. of gross floor area	4413
Automotive equipment rental and leasing	C		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	C	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	C	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	
Bed-and-breakfast inns	C		1 space for every room for rent	721191
Beer, wine, and liquor stores	C		1 space for every 250 sq. ft. of gross floor area	4453
Boat and motorcycle repair	C	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	C		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	C		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Broadcasting, except internet	P		1 space for every 300 sq. ft. of gross floor area	515
Building material and garden equipment and supply dealer	C	<u>4.08.01</u>	1 space for every 500 sq. ft. of gross floor area	444

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	C		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	C		2.5 spaces for every washing stall	811192
Child day care services	C	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	C		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	C		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	C		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	C		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
Gasoline station (with convenience store)	C		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Gasoline Stations (without convenience store)	C		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
General warehousing and storage	C	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing; 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft.; 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.; plus 1 space for every 300 sq. ft. of office area more than the 25% allowance	4931
Grocery stores	C		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	C		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff)	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	C		1 space for every 500 sq. ft. of gross floor area	444190
Landscaping services	C		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area	561730
Laundromat (coin operated)	P		1 space for every 2 washing machines	
Linen and uniform supply services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Machinery and equipment rental and leasing	C		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mini-warehouse and self-storage leasing (drive-up)	C		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	C		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Motion picture theaters	C		1 space for every 4 seats, plus 5 spaces for employees	512131
Nurseries	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area plus 1 space for each acre of growing area	
Office supplies, stationery, and gift stores	C		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Parts and Accessories Dealer – Automotive/marine	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Pawn shops	C	4.08.01	1 space for every 250 sq. ft. of gross floor area	522298
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	C		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Publishing industries, except internet	P		1 space for every 250 sq. ft. of gross floor area	511
Real Estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Repair and maintenance (non-automotive)	C		1 space for every 400 sq. ft. of gross floor area	811
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.	722110

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Rooming and boarding houses	C		1 space for every room for rent, plus 2 spaces	7213
RV parks and recreational camps	C		1 space for every lot or campsite	7212
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	C		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tattoo Parlors	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Telecommunications	P		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	713990
Theater, Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater, multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift Stores	C	4.08.01	1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	C		1 space for every 250 sq. ft. of gross floor area	541940
General warehousing and storage	C	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	493
INSTITUTIONAL USES				
Bus and Transit systems	C		1 space for each employee on maximum shift	4851 4852
INDUSTRIAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Lumberyards	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 1,000 sq. ft. of outdoor ground storage/display area	444
Motor vehicle towing	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Wholesale Trade (except motor vehicles)	C		1 space for every 1,000 square feet of gross floor area	42
RECREATIONAL USES				
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Commercial General (CG)			
Dwelling Units		2+	Non
Minimum Lot Area (square feet)		None	None
Minimum Lot Size	Width	None	None
	Depth	None	None
Maximum Building Height / Stories		50/4 stories	50/4 stories/Footnote 1
Setbacks	Front	Footnote 2/3	
	Side		
	Rear		
Maximum Density (units per acre)		16.90	N/A
Maximum Floor Area Ratio		N/A	1.30
Minimum Open Space (%)		30%	

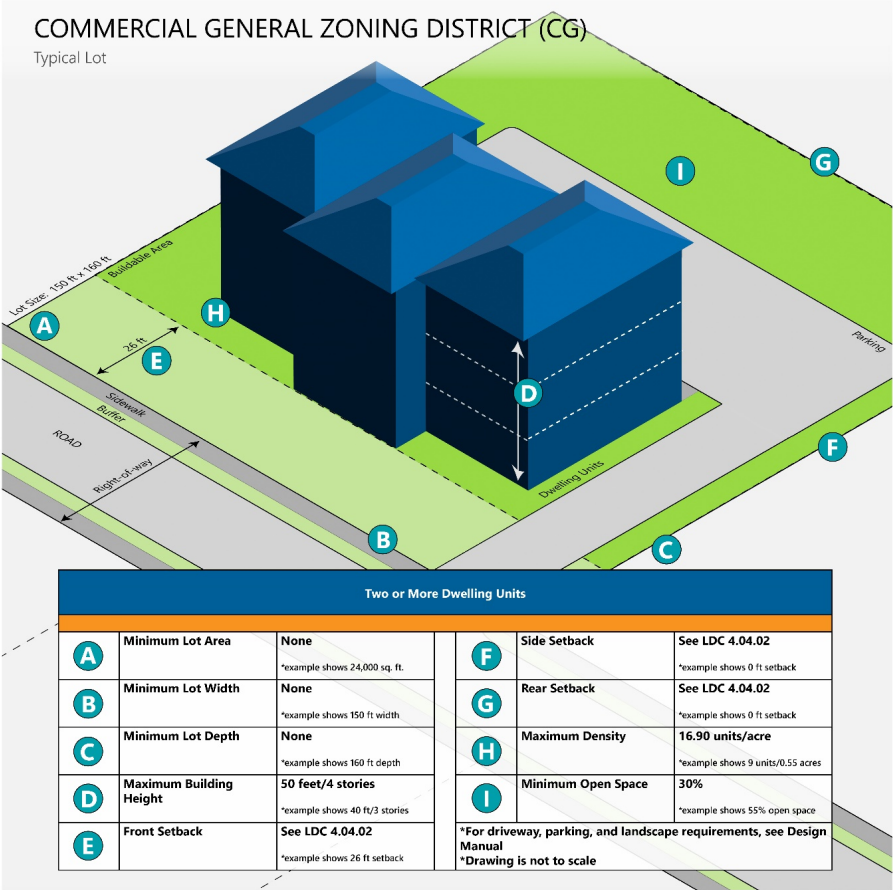
- Footnote 1: Retail, service, restaurant, and similar commercial uses have a maximum height of 35 feet/two stories.

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2. Footnote 2: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
3. Footnote 3: The following setbacks shall apply to developments proposed in the CG zoning district:

Building Height	Location	Setbacks		
		Front	Side	Rear
Less than 40'	Properties on U.S. Highway 98	16 – 26	0	0
	Properties not on U.S. Highway 98	10 – 20		
More than 40'	Properties on U.S. Highway 98	Min. 45	2' + 2' for each 10' or fraction exceeding 40'	0
	Properties not on U.S. Highway 98	Min. 30		

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SECTION 4.04.02 COMMERCIAL TRADES AND SERVICES (CTS)

- A. Zoning District Intent. The Commercial Trades and Services zoning district implements Future Land Use Element Policy 1-2.3.3, Commercial Trades and Services of the Comprehensive Plan.
- B. The Commercial Trades and Services zoning district is intended to accommodate commercial trades and services that are more intense in nature than those uses allowed in the CG zoning district, but which are less intense in nature than those uses allowed in the IN zoning district.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Custodian or night-watchman dwelling	P		1 space per dwelling unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Auto parts, accessories, and tire stores (retail)	P		1 space for every 250 sq. ft. of gross floor area	4413
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors/salon	P		1 space for every 150 sq. ft. of gross floor area	812
Boat and motorcycle repair	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Brewpubs	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Broadcasting, except internet	P		1 space for every 300 sq. ft. of gross floor area	515
Building material and garden equipment and supply dealer	P	<u>4.08.01</u>	1 space for every 500 sq. ft. of gross floor area	444
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	P		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	P		2.5 spaces for every washing stall	811192
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Death care services	P		1 space for every 50 sq. ft. plus 1 space for every 2 employees	8122
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
General warehousing and storage	P	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	4931
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	P		1 space for every 500 sq. ft. of gross floor area	444190
Landscaping services	P		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1	561730

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			space for every 2,000 sq. ft. of outdoor ground storage/display area	
Laundromat (coin operated)	P		1 space for every 2 washing machines	
Linen and uniform supply services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Mini-warehouse and self-storage leasing (drive-up)	P		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	P		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Motion picture theaters – Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Motion picture theaters – Multi screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Non-store retailers	P		1 space for every 750 sq. ft. of gross floor area	454
Other ground passenger transportation	P		1 space for each employee on maximum shift	4859
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Parts and Accessories Dealer – Automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Publishing industries, except internet	P		1 space per 200 sq. ft. of gross floor area	511
Real Estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Repair and maintenance (non-automotive)	P		1 space for every 400 sq. ft. of gross floor area	811
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.</u>	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.</u>	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.</u>	722110
Taxi and limousine service	P		1 space for every 750 sq. ft. of gross floor area	4853
Telecommunications	C		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
INSTITUTIONAL USES				
Bus and Transit systems	C		1 space for each employee on maximum shift	4851 4852
School and employee bus transportation	P		1 space for each employee on maximum shift	4854
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
INDUSTRIAL USES				
Breweries and microbreweries	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312120
Distilleries and craft distilleries	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312140

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
<u>Indoor Shooting Ranges</u>	P	4.08.01	1 space for every shooting lane plus 1 space for every 250 sq. ft. of retail sales gross floor area	713990
Lumberyards	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 1,000 sq. ft. of outdoor ground storage/display area	
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Motor vehicle towing	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Residential and non-residential contractors	P		1 space for every 400 sq. ft. of gross floor area	236
Specialty trade contractors	P		1 space for every 400 sq. ft. of gross floor area	238
Wholesale Trade (except motor vehicles)	P		1 space for every 1,000 square feet of gross floor area	42
Fish and seafood merchant wholesalers	P		1 space for every 1,000 sq. ft. of gross floor area	424460

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Commercial Trades & Services (CTS)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35' or 3-stories
Setbacks	Front	0' minimum – 10' maximum
	Side	No side or rear yards are required unless the development shares a property line with a residential district boundary. Then a ten-foot setback maintained as open shall be required.
	Rear	
Maximum Density (units per acre)		No residential uses allowed, except for one custodian or night-watchman residence per development.
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

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SECTION 4.04.03 INDUSTRIAL (IN)

- A. Zoning District Intent. The Industrial zoning district implements Future Land Use Element Policy 1-2.5.1, Industrial of the Comprehensive Plan.
- B. The Industrial zoning district is intended to provide the city with strategically located sites, principally within the southeast quadrant of main street and airport road, designed to accommodate arrangements of industrial and limited commercial development types.
- C. It is the intent of the IN zoning district to specifically not allow permanent or seasonal residential uses, except for residences for night watchmen or custodians whose presence on industrial sites is necessary for security.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Automobile dealers	P		1 space for every 400 sq. ft. of gross floor area	4411
Auto/Marine parts, accessoires dealer	P		1 space for every 250 sq. ft. of gross floor area	441310
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Boat and motorcycle repair	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Death care services	P		1 space for every 50 sq. ft. plus 1 space for every 2 employees	8122
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
General warehousing and storage	P	<u>4.08.01</u>	1 space for every 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft. devoted to warehousing, then, 1 space for every 2,000 sq. ft. of gross floor area for the second 20,000 sq. ft., then, 1 space for every 4,000 sq. ft. of gross floor area more than 40,000 sq. ft.: plus 1 space for every 300 sq. ft. of office area	4931
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Landscaping services	P		1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 sq. ft. of outdoor ground storage/display area	561730
Linen and uniform supply services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	81233
Medical marijuana dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Mini-warehouse and self-storage leasing (drive-up)	P		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	P		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: - One space for one employee on shift - Two spaces for two—three employees on shift - Four spaces for four—six employees on shift	
Non-store retailers	P		1 space for every 750 sq. ft. of gross floor area	454
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Auto/Marine Parts and Accessories Dealer – Automotive/marine	P		1 space for every 250 sq. ft. of gross floor area	441310
Repair and maintenance (non-automotive)	P		1 space for every 400 sq. ft. of gross floor area	811
Tattoo Parlors	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Telecommunications	P		1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	517
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary Services	C		1 space for every 250 sq. ft. of gross floor area	541940
SEXUALLY ORIENTED BUSINESSES				
Adult stores	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Adult cabaret	P	<u>4.08.01</u>	1 space for every 150 sq. ft. of gross floor area	
Adult motel	P	<u>4.08.01</u>	1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections	
Adult motion picture theater	P	<u>4.08.01</u>	1 space for every 3 seats, plus 5 spaces for employees	
Escort service	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Sexual-encounter center	P	<u>4.08.01</u>	1 space for every 150 sq. ft. of gross floor area	
INSTITUTIONAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
School, Urban/Interurban and rural bus transportation system	P		1 space for each employee on maximum shift	4851, 4852, 4854
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
INDUSTRIAL USES				
Breweries and microbreweries	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312120
Distilleries and craft distilleries	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	312140
Heavy and civil engineering contractors	P		1 space for every 400 sq. ft. of gross floor area	237
Indoor Shooting Ranges	P	4.08.01	1 space for every shooting lane plus 1 space for every 250 sq. ft. of retail sales gross floor area	713990
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Motor vehicle towing	P		1 space for every 500 sq. ft. of gross floor area, plus 1 space for every 5,000 sq. ft. of outdoor storage area	48841
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
Residential and non- residential contractors	P		1 space for every 400 sq. ft. of gross floor area	236
Specialty trade contractors	P		1 space for every 400 sq. ft. of gross floor area	238
Truck transportation	P		1 space for every 250 sq. ft. of office and 2 spaces for each company vehicle operating from the premises	484
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
Wholesale Trade (except motor vehicles)	P		1 space for every 1,000 square feet of gross floor area	42
MISCELLANEOUS USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Solar electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119
Wind electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	712
Zoos	C		1 space for every 4 seats in facilities available for patron use; or 1 space for every 150 square feet of gross floor area or ground area; or 1 space for every 4 patrons based on design capacity of the facility, whichever is applicable to the facility.	712110

- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Industrial (IN)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories
Setbacks	Front	0' minimum – 10' maximum
	Side	No side or rear yards are required unless the development shares a property line with a residential district boundary. Then a ten-foot setback maintained as open shall be required.
	Rear	
Maximum Density (units per acre)		No residential uses allowed, except for one custodian or night-watchman residence per development.
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

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SECTION 4.05 MIXED USE DISTRICTS

SECTION 4.05.01 CALHOUN MIXED USE (CMU)

- A. Zoning District Intent. The Calhoun Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(2), Calhoun Mixed Use of the Comprehensive Plan.
- B. The intent of this zoning district is to provide a mixed-use transitional area between the higher intense south harbor mixed use zoning district and the lower intense zoning district of residential, office and institutional.
- C. Special Design Criteria:
 - 1. Non-residential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 sq. ft. designed primarily to serve the needs of the adjacent "Old Destin" area,
 - 2. It is the intent of the CMU zoning district to specifically not allow each general retail commercial goods and services uses to exceed 5,500 heated and cooled sq. ft.
 - 3. Diverse and complementary land uses:
 - a. Development in the CMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	C	4.08.03	1 space per dwelling unit	N/A
Guest House	C	4.08.03	1 space per dwelling unit	N/A
Multi-unit attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit	
			3+ bedrooms: 2.5 spaces per Dwelling Unit	
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Single-unit detached dwelling	C		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7	N/A

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	C		1 space for every room for rent	721191
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	C		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	C		1 space for every 250 sq. ft. of gross floor area	448

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Commercial special event venue Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Drinking places, alcoholic beverages	C		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	C		1 space for every 200 sq. ft. of gross floor area	713940
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	C		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Marinas	P		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Charter fishing boats – large (7 or more passenger capacity)	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	
Charter fishing boats – small (1-6 passenger capacity)	P		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Dry boat storage facilities	C		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	C		2 parking spaces for each dry dock.	
Fare-carrying vessels	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Other general merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4529
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Shopping center	C		1 space for every 250 sq. ft. of gross floor area	
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	453981149
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Rooming and boarding houses	C		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	713990
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Water transportation	P		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
Bus and Transit systems	C		1 space for each employee on maximum shift	4851 4852
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Calhoun Mixed Use (CMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		35'/3 stories		50'/4 stories
Setbacks	Front	20'	Footnote 1	Footnote 1
	Side	7½'	Footnote 1	Footnote 1
	Rear	10'	Footnote 1	Footnote 1
Maximum Density (units per acre)		6.00	12.00	N/A
Maximum Floor Area Ratio		N/A	N/A	.50
Minimum Open Space (%)		25%	25%	30%

1. Footnote 1: The following setbacks shall apply to developments proposed in the CMU zoning district:

Front Setbacks

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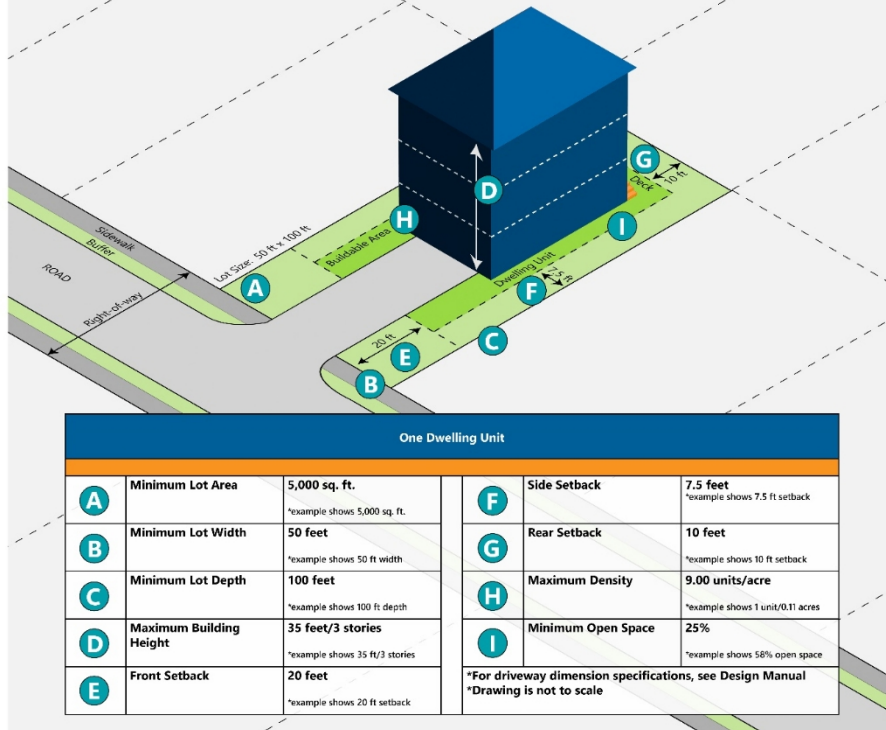
Building Height	Less than 40'	10' – 20'
	More than 40'	Min. 30''
Side Setbacks		
Building Height	35' or less	0'
	35' to 50'	15'
	50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks		
Lots not along the Choctawhatchee Bay	Building Height	35' or less
		35' to 50'
		50' or more
Lots fronting the Choctawhatchee Bay		Must meet the requirements set forth in Article 7 for Bay shoreline protection zone

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CALHOUN MIXED USE ZONING DISTRICT (CMU)

Typical Lot



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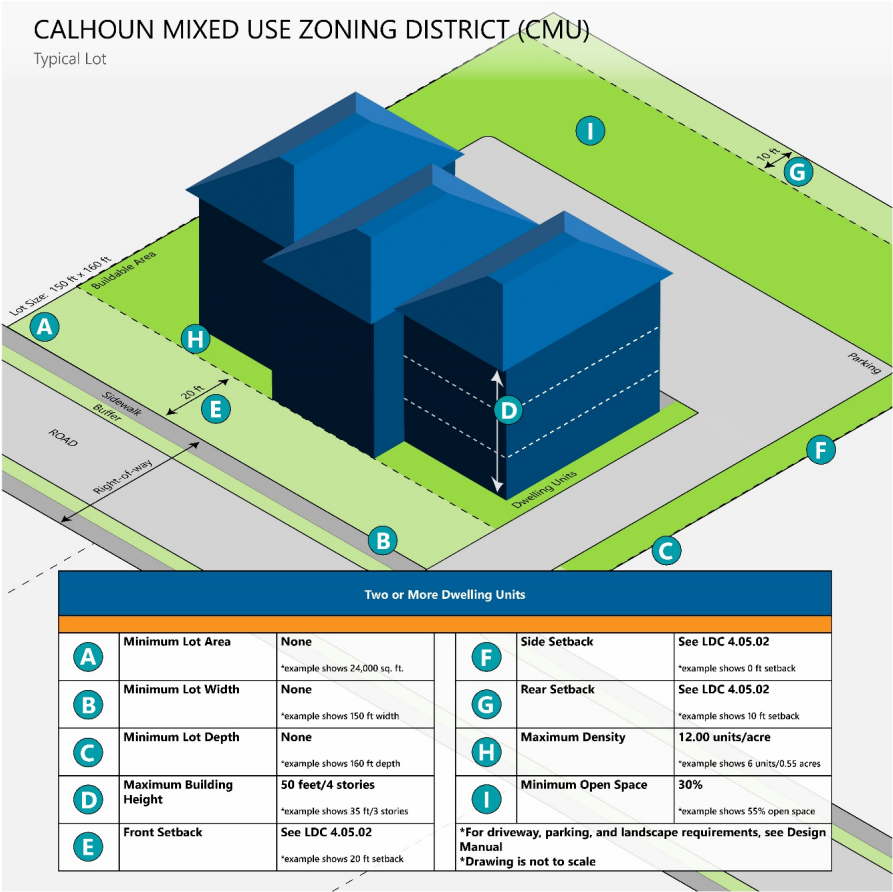
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SECTION 4.05.02 CALHOUN MIXED USE - VILLAGE (CMU-V)

- A. Zoning District Intent. The Calhoun Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(2), Calhoun Mixed Use of the Comprehensive Plan.
- B. The intent of this zoning district is to provide a mixed-use transitional area between the higher intense south harbor mixed use zoning district and the lower intense zoning district of residential, office and institutional.
- C. Special Design Criteria:
 - 1. Non-residential uses shall include neighborhood retail commercial goods and services not exceeding 5,500 sq. ft. designed primarily to serve the needs of the adjacent "Old Destin" area,
 - 2. It is the intent of the CMU zoning district to specifically not allow each general retail commercial goods and services uses to exceed 5,500 heated and cooled sq. ft.
 - 3. Diverse and complementary land uses:
 - a. Development in the CMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	C	<u>4.08.03</u>	1 space per dwelling unit	N/A
Guest House	C	<u>4.08.03</u>	1 space per dwelling unit	N/A
Multi-unit attached dwelling	C		1 bedroom: 1.50 spaces per Dwelling Unit	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit	
			3+ bedrooms: 2.5 spaces per Dwelling Unit	
Single-unit detached dwelling	P		2.4 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	C		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq. ft., 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	N/A
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	C		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	C		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Commercial special event venue Conference/convention center	C		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Drinking places, alcoholic beverages	C		1 space for every 75 sq. ft. of gross floor area	7224

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	52
Fitness and recreational sports centers	C		1 space for every 200 sq. ft. of gross floor area	713940
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	C		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	C		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Charter fishing boats – large (7 or more passenger capacity)	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Charter fishing boats – small (1-6 passenger capacity)	C		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Dry boat storage facilities	C		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	C		2 parking spaces for each dry dock.	
Fare-carrying vessels	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	C		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	C	4.08.01	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: - One space for one employee on shift - Two spaces for two—three employees on shift - Four spaces for four—six employees on shift	
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft of gross floor area and outdoor seating.</u>	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 150 sq. ft of gross floor area and outdoor seating.</u>	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 75 sq. ft of gross floor area and outdoor seating.</u>	722111
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	C		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	C		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	713990
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

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F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Calhoun Mixed Use - Village (CMU-V)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		5,000	None	None
Minimum Lot Size	Width	50'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		35/3 stories		
Setbacks	Front	20'	10'	10'
	Side	7½'	0'	0'
	Rear	10'	10'	10'
Maximum Density (units per acre)		9.00	12.00	N/A
Maximum Floor Area Ratio		N/A	N/A	.50
Minimum Open Space (%)		25%	25%	25%

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SECTION 4.05.03 CRYSTAL BEACH RESORT (CBR)

- A. Zoning District Intent. The Crystal Beach Resort zoning district implements Future Land Use Element Policy 1-2.4.2, Crystal Beach Resort of the Comprehensive Plan.
- B. Special Design Criteria:
 - 1. The following uses shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the Crystal Beach Resort area.
 - a. Florists
 - b. Health and personal care stores and medical marijuana treatment center dispensing facilities
 - c. Office supplies, stationery, and gift stores
 - d. Other general merchandise stores
 - e. Other miscellaneous store retailers
 - f. Specialty food stores
 - 2. The following uses shall only be approved on properties with direct or secondary access to Emerald Coast Parkway (U.S. Highway 98) and north of Luke Avenue, and are not permitted anywhere else within the Crystal Beach Resort district.
 - a. All other amusement and recreation industries
 - b. Business, computer and management training
 - c. Clothing and clothing accessories stores
 - d. Couriers and messengers
 - e. Dry cleaning and laundry services
 - f. Hospitals
 - g. Internet publishing and broadcasting
 - h. ISPs, search portals, and data processing
 - i. Libraries
 - j. Nursing Care Facilities
 - k. Other information services
 - l. Personal and laundry services
 - m. Printing and related support activities
 - n. Governmental or quasi-governmental offices and programs Residential mental health facilities
 - o. Social assistance
 - p. Thrift Stores
 - q. Used merchandise stores
 - r. Schools, colleges, technical educational facilities or other similar instructional or educational institutions
 - s. School, Urban/Interurban and rural bus transportation system

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3. The following uses may only be approved on properties that are not directly accessible from Emerald Coast Parkway (U.S. Highway 98), and are not permitted anywhere else within the Crystal Beach Resort district.
- Accessory Dwelling
 - Guest House
 - Multi-unit attached dwelling
 - Single-unit detached dwelling
 - Single room occupancy
 - Community Residential Home, Large (7-14)
 - Community Residential Home, Small (1-6)
 - Family Day Care Home
 - Accessory uses and structures

C. Parking requirements are listed below or in Article 6 Section 6.03.08.

D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	P	<u>4.05.02</u> & <u>4.08.03</u>	1 space per dwelling unit	N/A
Guest House	P	<u>4.05.02</u> & <u>4.08.03</u>	1 space per dwelling unit	N/A
Multi-unit attached dwelling	P	<u>4.05.02</u>	1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors	N/A
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-unit detached dwelling	P	<u>4.05.02</u>	2 4 spaces per Dwelling Unit	N/A
Single room occupancy	P	<u>4.05.02</u>	1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	P	<u>4.05.02</u>	1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
			structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	P	4.05.02	1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq. ft., 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Other Residential Uses				
Community Residential Home, Large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	4.08.02		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C	4.05.02	1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Barbershops or beauty parlors	C		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Book, periodical, and music stores	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	C		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	448

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Commercial special event venue	C		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	P	<u>4.05.02</u>	1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Drinking places, alcoholic beverages	P	<u>4.08.01</u>	1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P	<u>4.05.02</u>		
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P	<u>4.05.02</u>	1 space for every 300 sq. ft. of gross floor area	4531
Gasoline stations (with convenience store)	C		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	C		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Health and personal care stores and medical marijuana treatment center dispensing facilities	C	<u>4.05.02</u>	1 space for every 250 sq. ft. of gross floor area	446
Hospitals	C	<u>4.05.02</u>	2 spaces for every bed	622
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Internet publishing and broadcasting	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	4.08.01	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift Four spaces for four—six employees on shift	
Nursing care facilities	P	4.05.02	1 space for every 4 beds, plus one space per staff person working the largest shift	6231
Office supplies, stationery, and gift stores	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	4529
Other information services	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	4539
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Performing arts and spectator sports	C		1 space for every 4 persons allowed within the maximum occupancy	711
Personal and laundry services	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Printing and related support activities	P	<u>4.05.02</u>	1 space for every 250 sq. ft. of gross floor area	323
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	C	<u>4.05.02</u>	1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.</u>	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 150 sq. ft. of gross floor area and outdoor seating.</u>	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 75 sq. ft. of gross floor area and outdoor seating.</u>	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	4452
Thrift stores	C	<u>4.08.01</u> & <u>4.05.02</u>	1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C	<u>4.05.02</u>	1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
INSTITUTIONAL USES				
Elementary and Middle schools	P	<u>4.05.02</u>	2 spaces per classroom	6111
High schools	P	<u>4.05.02</u>	1 space for every faculty member and employee, plus 1 space for every 6 students	6111
Governmental or quasi-governmental offices and programs	P	<u>4.05.02</u>	1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 people of max occupancy	921, 922, 926, 927, 928

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Libraries	P	4.05.02	1 space for every 300 sq. ft. of gross floor area	
Post Secondary Education	P	4.05.02	5 spaces for every faculty member and employee, plus 1 space for every 3 students	6113, 6112, 6115
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Social assistance	P	4.05.02	1 space for every 250 sq. ft. of gross floor area	624
School, Urban/Interurban and rural bus transportation system	C	4.05.02	1 space for each employee on maximum shift	4851, 4852, 4854
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	P		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Crystal Beach Resort (CBR)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	
Minimum Lot Size	Width	70'	None	
	Depth	100'	None	
Maximum Building Height / Stories		30/3 stories	50/4 stories	50/4 stories
Setbacks	Front	20'	10'	
	Side	7½'	Footnote 1	
	Rear	10'	Footnote 1	
Maximum Density (units per acre)		6.0	12.0	N/A
Maximum Floor Area Ratio		N/A	N/A	0.70
Minimum Open Space (%)		30%		

1. Footnote 1: The following setbacks apply to development in the CBR district.

Side Setbacks		
Building Height	35' or less	10'
	35' to 50'	15'
	50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'

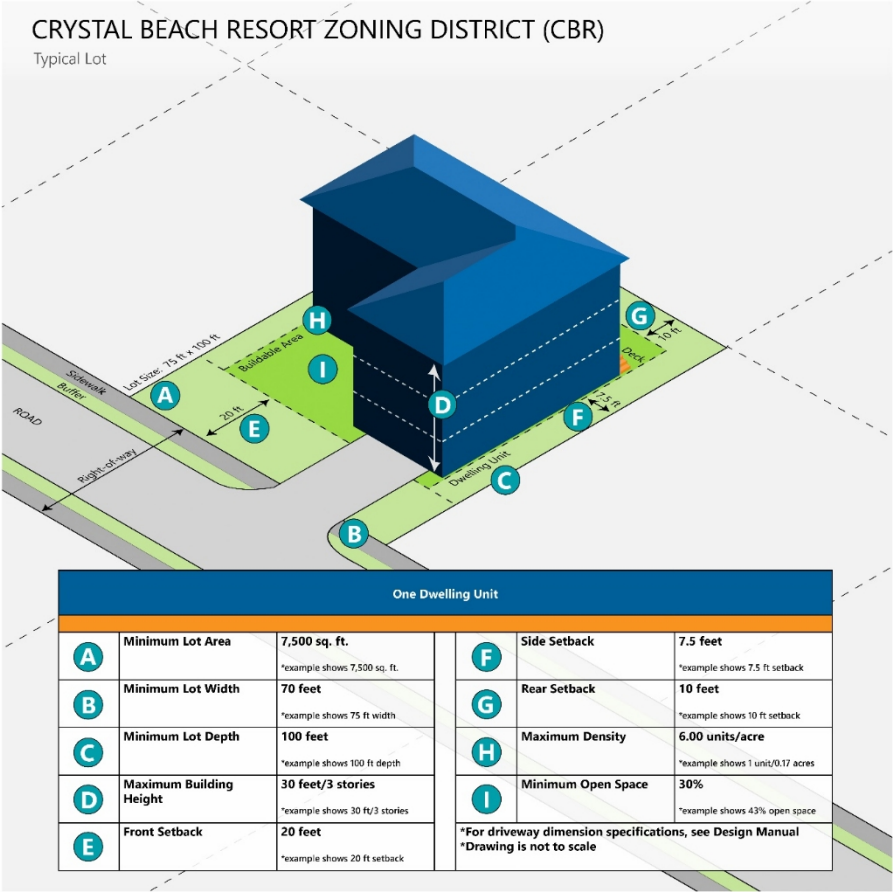
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Rear Setbacks			
Lots not fronting the Gulf of Mexico	Building Height	35' or less	10'
		35' to 50'	15' setback for any portion 35' – 50'
		50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico		Established by DEP	

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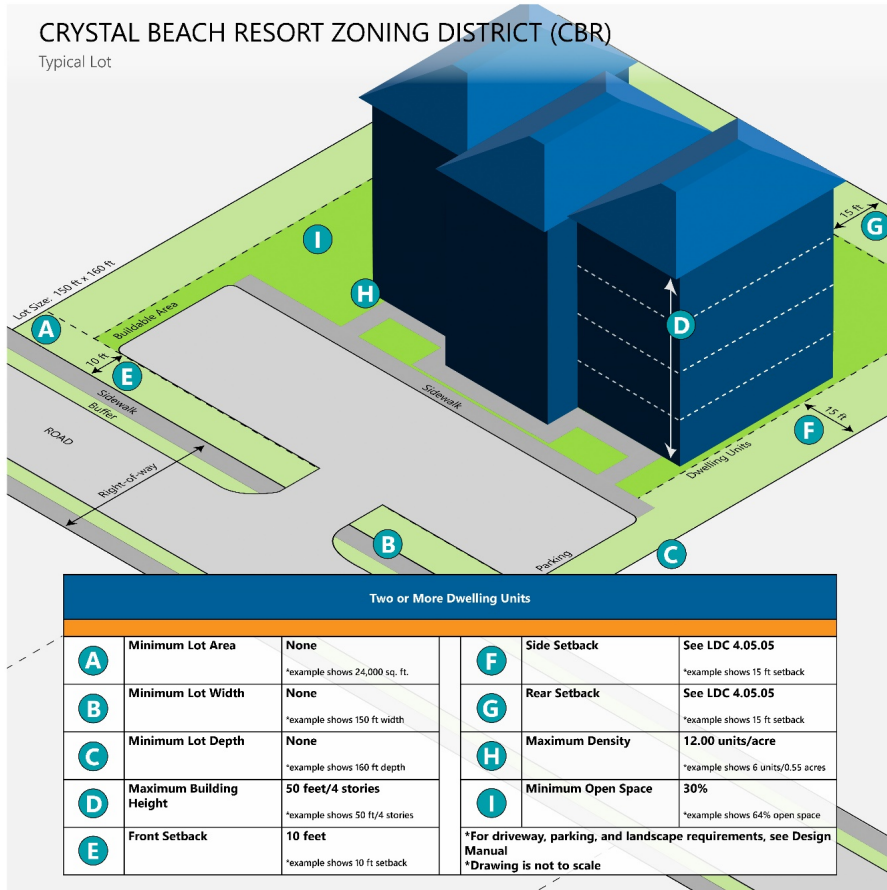
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CRYSTAL BEACH RESORT ZONING DISTRICT (CBR)

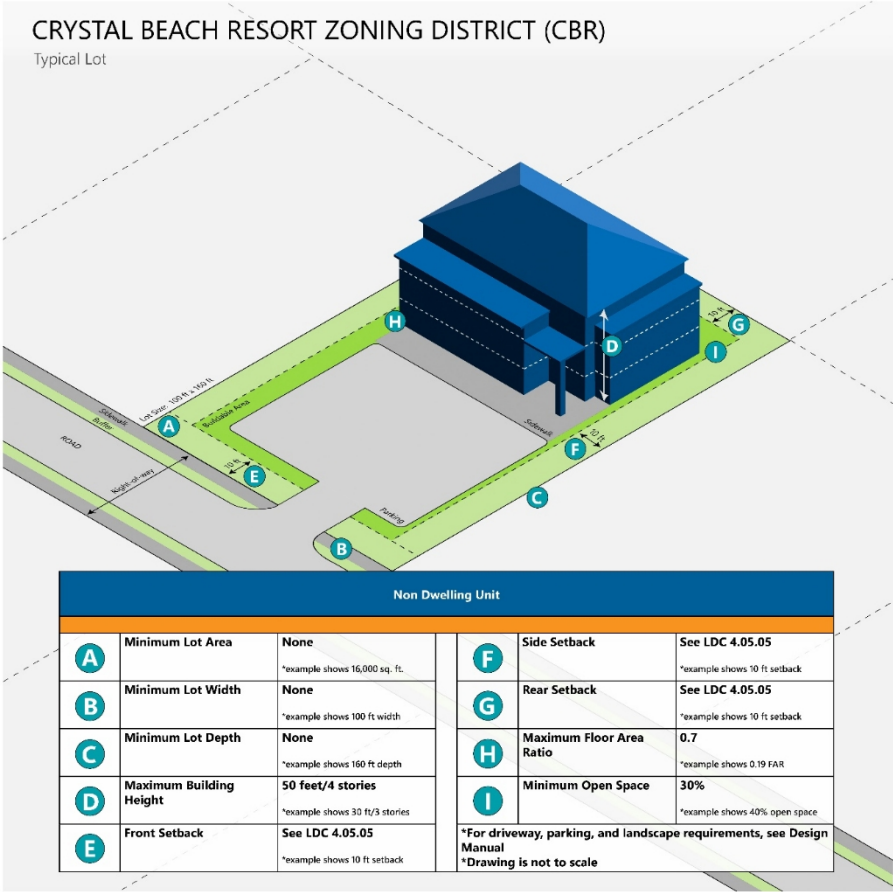
Typical Lot



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SECTION 4.05.04 GULF RESORT MIXED USE (GRMU)

- A. Zoning District Intent. The Gulf Resort Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(5), Gulf Resort Mixed Use of the Comprehensive Plan.
- B. The Gulf Resort Mixed Use zoning district is intended to provide the city with its major mixed use resort destination.
- C. Special Design Criteria:
 - 1. Diverse and complementary land uses:
 - a. Development in the CMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors 2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors 3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	N/A
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	N/A
Single room occupancy	P		1 space per rental room	N/A
<i>Seasonal/Short-Term Residential Uses</i>				
<u>Luxury motor home resort</u>	P	4.08.01	1 space per dwelling unit/pad	
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	P		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
<i>Other Residential Uses</i>				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Large (7-14)	C	4.08.01	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	4.08.01		
Family Day Care Home	P		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlours	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Gasoline stations (with convenience store)	P		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	P		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)			1 space for every 2 washing machines	812
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mini-warehouse and self-storage leasing (drive-up)	C		No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	531130
Mini-warehouse and self-storage leasing (walk-in)	C		1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	531130
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.</u>	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 150 sq. ft. of gross floor area and outdoor seating.</u>	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats. OR 1 space per 75 sq. ft. of gross floor area and outdoor seating.</u>	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater, Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater, multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
INDUSTRIAL USES				
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites, zoos	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Gulf Resort Mixed Use (GRMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height/Stories		50/4 stories	50/4 stories	65/5 stories
Setbacks	Front	20	Footnote 1	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	24.00	N/A
Maximum Floor Area Ratio		N/A	N/A	1.30
Minimum Open Space (%)		30%		

1. Footnote 1: The following setbacks shall apply to developments proposed in the GRMU zoning district:

Front Setbacks			
Building Height	40' or less for any building or portion thereof	Properties along HWY 98	15' minimum to 25' maximum
		Properties not along HWY 98	10' minimum to 20' maximum

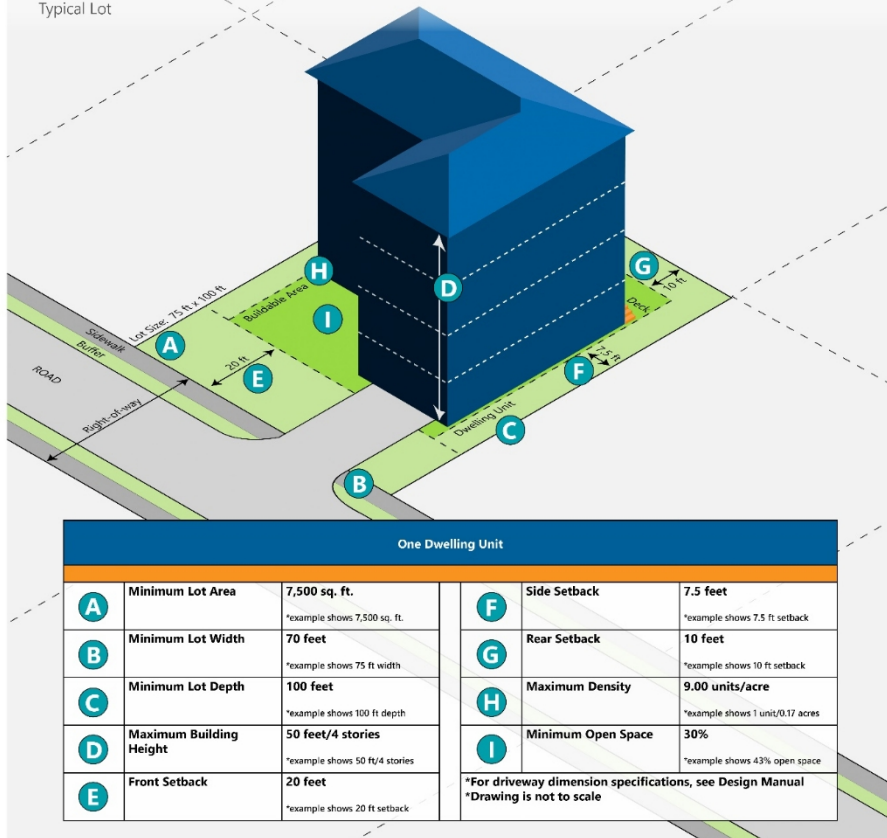
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	40' or more for any building or portion thereof	Properties along HWY 98	45' minimum
		Properties not along HWY 98	30' minimum
Side Setbacks			
Building Height	35' or less		10'
	35' to 50'		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not along the Gulf of Mexico	Building Height	35' or less	10'
		35' to 50'	15'
		50' or more	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico			Established by DEP

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GULF RESORT MIXED USE ZONING DISTRICT (GRMU)

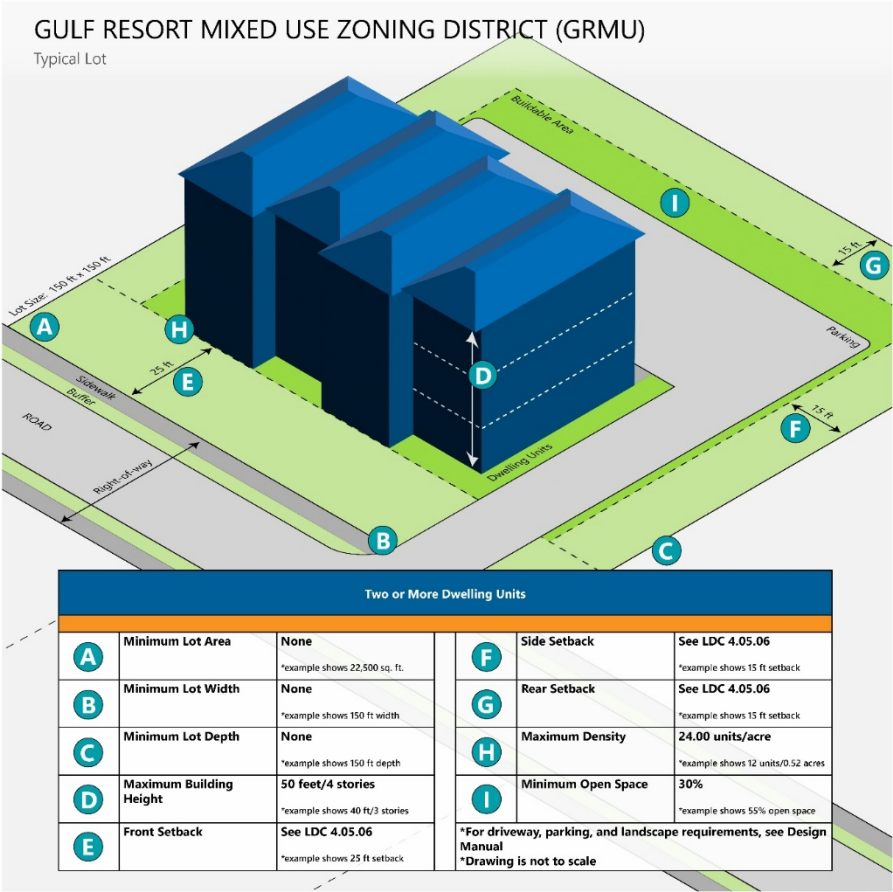
Typical Lot



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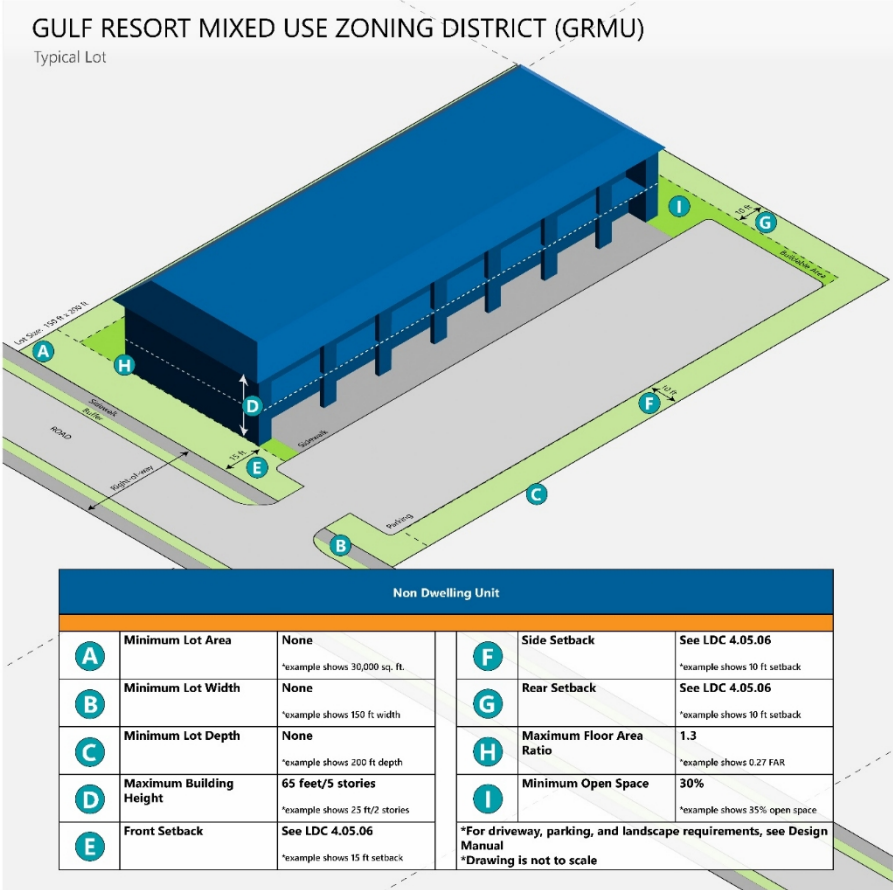
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SECTION 4.05.05 HOLIDAY ISLE MIXED USE (HIMU)

- A. Zoning District Intent. The Holiday Isle Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(6), Holiday Isle Mixed Use of the Comprehensive Plan.
- B. The Holiday Isle Mixed Use zoning district is intended to provide the city with an intense mixed use resort destination.
- C. Special Design Criteria:
 - 1. Diverse and complementary land uses:
 - a. Development in the HIMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors 2 bedrooms: 2.25 spaces per Dwelling Unit plus 10 % for visitors 3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10 % for visitors	
Single-unit detached dwelling	C		2 4 spaces per Dwelling Unit	
Single room occupancy	C		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	P		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
<i>Other Residential Uses</i>				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Large (7-14)	C	<u>4.08.01</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.01</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 4 persons allowed within the maximum occupancy	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Hotels and motels	P		1 space for the first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff).	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	P		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Charter fishing boats – small (1-6 passenger capacity)	P		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Charter fishing boats – large (7 or more passenger capacity)	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Fare-carrying vessels	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. OR 1 space per 100 sq. ft. of gross floor area and outdoor seating.	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. OR 1 space per 150 sq. ft. of gross floor area and outdoor seating.	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating one (1) parking space per four (4) outdoor seats. OR 1 space per 75 sq. ft. of gross floor area and outdoor seating.	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater - Single-screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater - multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Water transportation	P		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851,4852
INDUSTRIAL USES				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	712110

- G. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Holiday Isle Mixed Use (HIMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		50/4 stories	50/4 stories	50/4 stories
Setbacks	Front	20	Footnote 1	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	16.90	N/A
Maximum Floor Area Ratio		N/A	N/A	1.30
Minimum Open Space (%)		30%		

1. Footnote 1: The following setbacks shall apply to developments proposed in the HIMU zoning district:

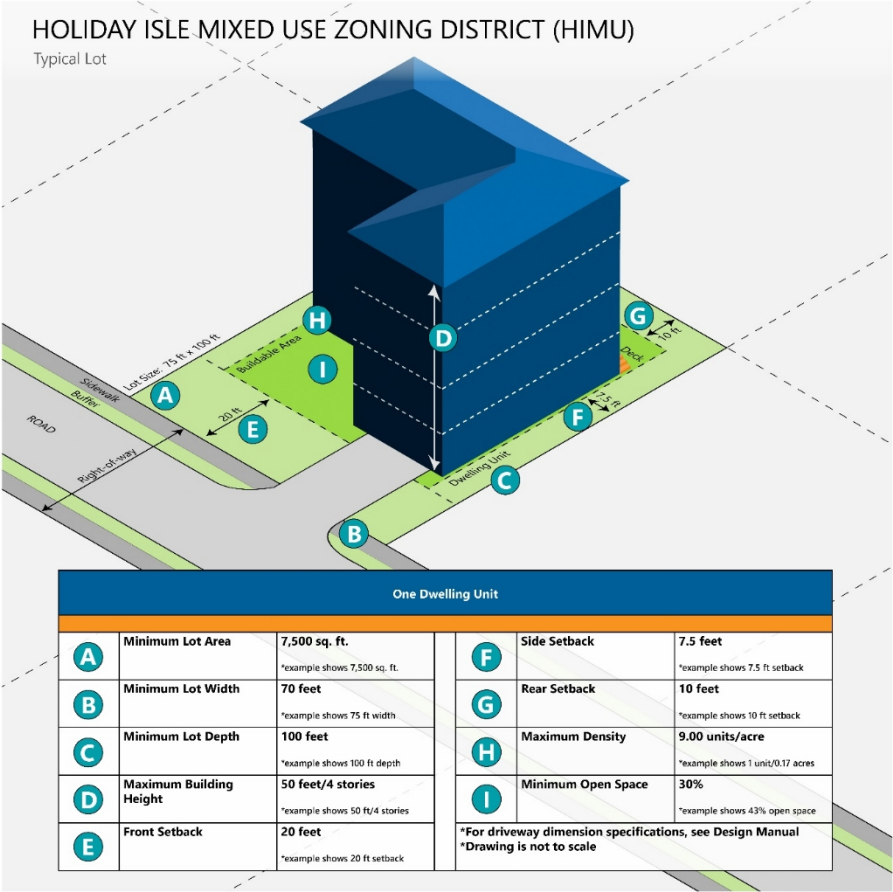
Front Setbacks		
Building Height	40' or less for any building or portion thereof	10' – 20'
	40' or more for any building or portion thereof	Min. 30''

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Side Setbacks			
Building Height	35' or less for any building or portion thereof		0'
	35' to 50' for any building or portion thereof		15'
	50' or more for any building or portion thereof		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not along any body of water	Building Height	35' or less for any building or portion thereof	10'
		35' to 50' for any building or portion thereof	15'
		50' or more for any building or portion thereof	15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Lots fronting the Gulf of Mexico			Established by DEP
Lots fronting the Destin Harbor			0'

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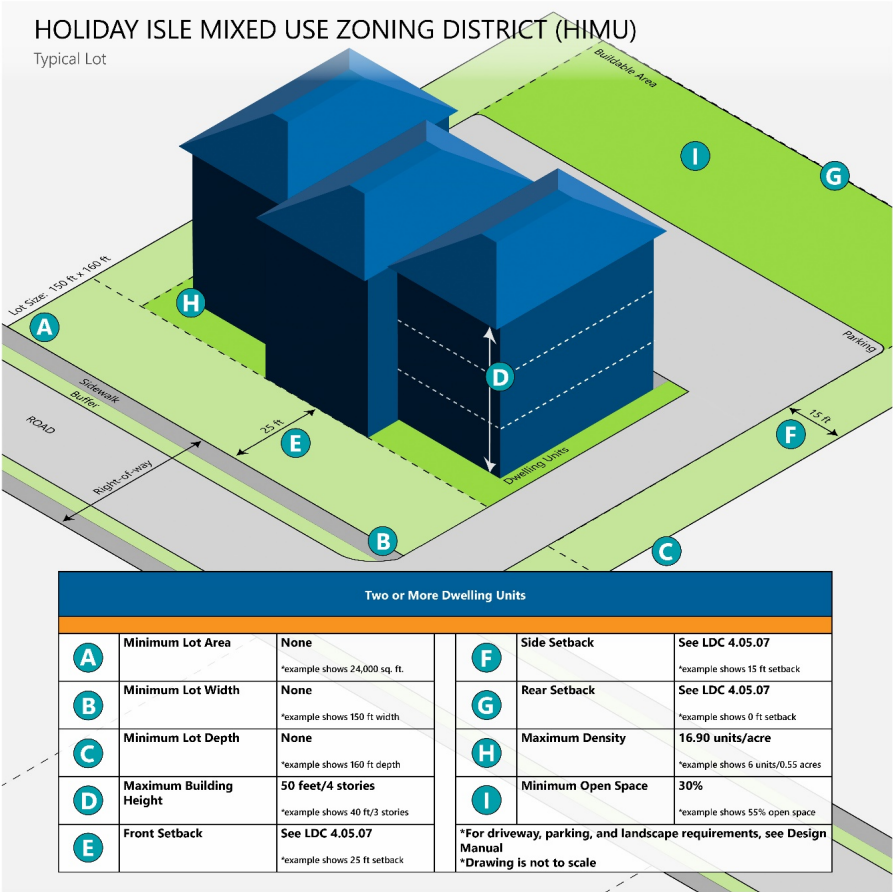
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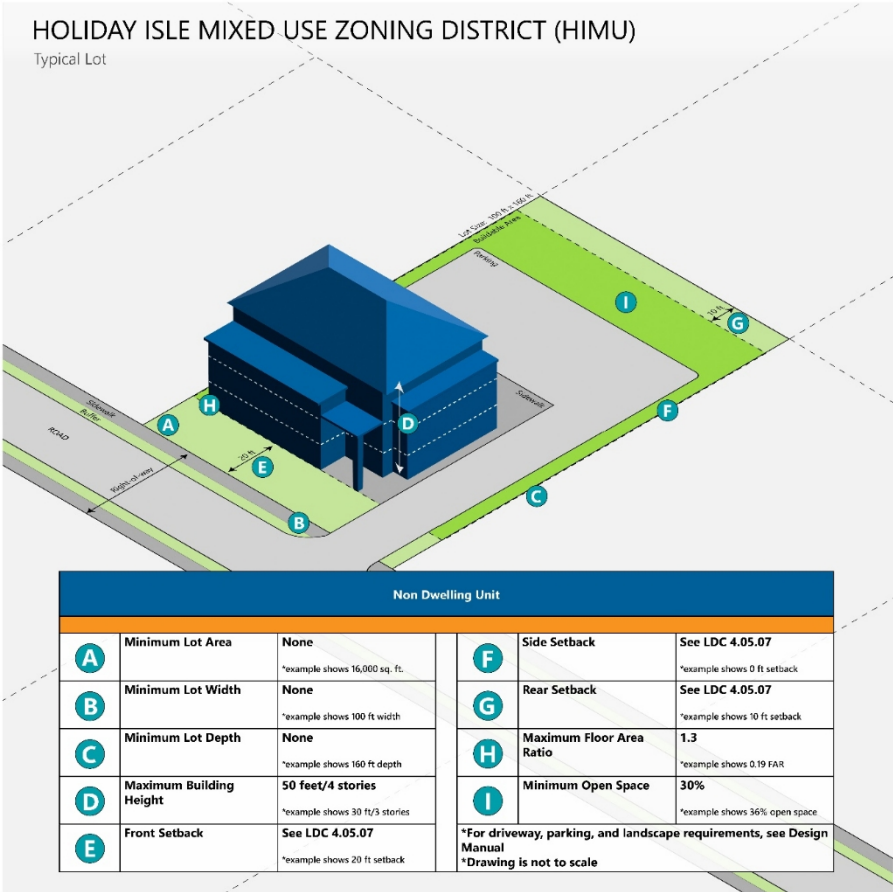
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SECTION 4.05.06 NORTH HARBOR MIXED USE (NHMU)

- A. Zoning District Intent. The North Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(4), North Harbor Mixed Use of the Comprehensive Plan.
- B. The North Harbor Mixed Use zoning district is intended to complement the South Harbor festive marketplace.
- C. Special Design Criteria:
 - 1. Diverse and complementary land uses:
 - a. Development in the NHMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 bedroom: 1.50 spaces per Dwelling Unit plus 10% for visitors 2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors 3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-unit detached dwelling	C		2 4 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Single-unit detached dwelling	C		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
<i>Other Residential Uses</i>				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Community Residential Home, Large (7-14)	C	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	<u>4.08.02</u>		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Automobile dealers	C		1 space for every 400 sq. ft. of gross floor area	4411
Automotive repair and maintenance (major repair)	P	<u>4.08.01</u>	4 spaces for every service bay plus 1 space per employee on maximum shift	8111
Automotive repair and maintenance (minor repair)	P	<u>4.08.01</u>	2 spaces for every service bay plus 1 space per employee on maximum shift	8111
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
<u>Boat and motorcycle repair</u>	P	<u>4.08.01</u>	1 space for every 400 sq. ft. of gross floor area	811491
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
<u>Child day care services</u>	P	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Gasoline stations (with convenience store)	P		1 space for every 200 sq. ft. of gross floor area (fuel stations are not to be included as a parking space)	447
Gasoline stations (without convenience store)	P		1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel stations are not to be included as a parking space)	447
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
Grocery stores	P		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Kitchen cabinet stores	P		1 space for every 500 sq. ft. of gross floor area	444190
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 300 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Parking lots and garages (public and private)	P		N/A	812930
Parts and accessories dealer – automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tattoo parlors	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Theater - Single-screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater - multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	453310

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
INDUSTRIAL USES				
Fish and seafood merchant wholesalers	P		1 space per employee on max shift plus 1 space per 250 sq. ft. of retail space	424460
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

D. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

North Harbor Mixed Use (NHMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		35/3 stories	50/4 stories	35/3 stories
Setbacks	Front	20	Footnote 1 & 2	
	Side	7½		
	Rear	10		
Maximum Density (units per acre)		9.00	24.00	N/A
Maximum Floor Area Ratio		N/A	N/A	0.60
Minimum Open Space (%)		25%	25%	30%/Footnote 3

1. Footnote 1: The following setbacks shall apply to developments proposed in the NHMU zoning district:

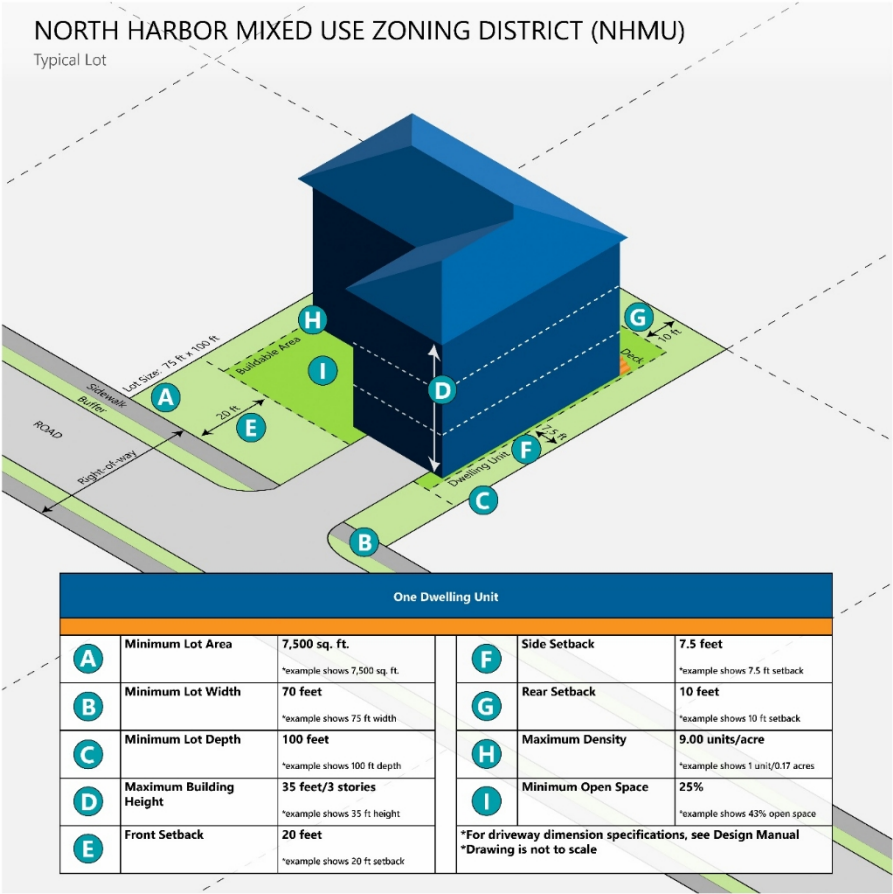
Building Height	Location	Setbacks
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		Front	Side	Rear
40' or less for any building or portion thereof	Properties on U.S. Highway 98	16' minimum – 26' maximum	0'	
	Properties not on U.S. Highway 98	10' minimum – 20' maximum		
40' or more for any building or portion thereof	Properties on U.S. Highway 98	45' minimum	2' + 2' on each side for each 10' or fraction exceeding 40' in height	0'
	Properties not on U.S. Highway 98	30' minimum		

2. Footnote 2: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
3. Footnote 3: Developments proposed in the NHMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in [Section 6.06.03](#)

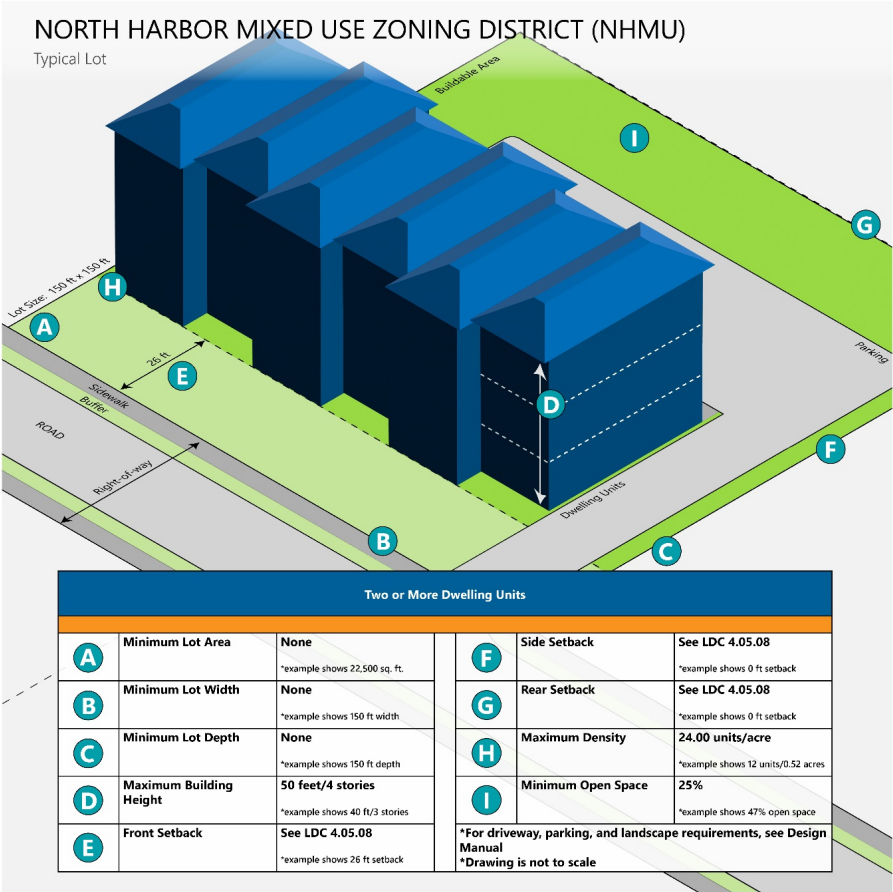
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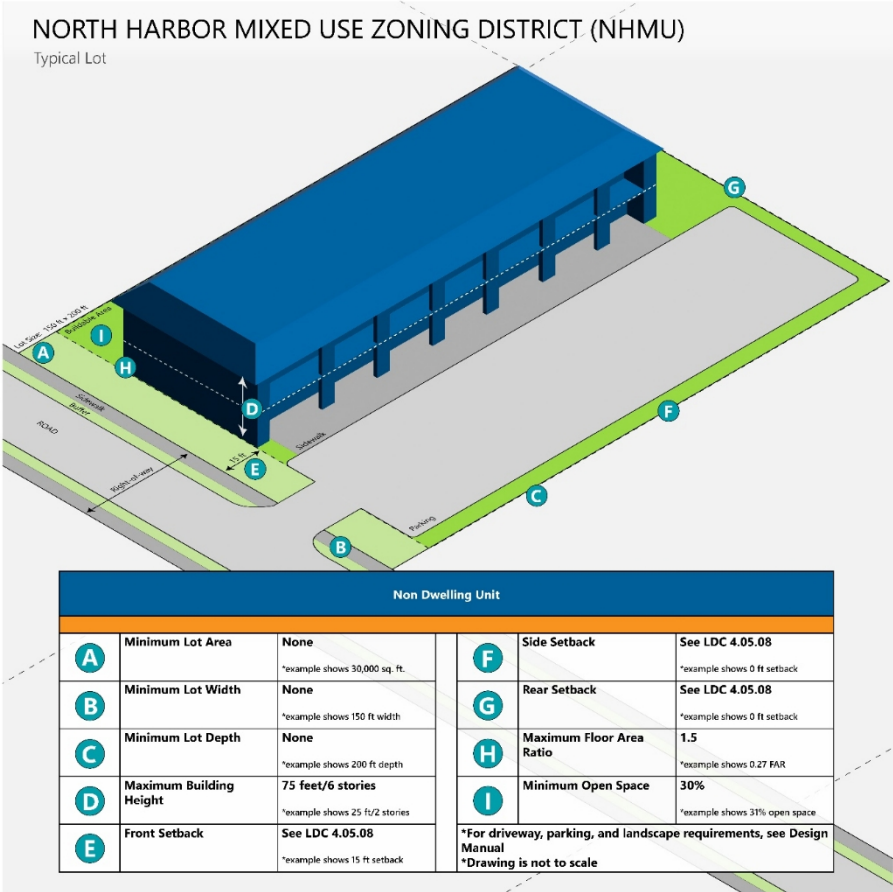
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SECTION 4.05.07 RESIDENTIAL, OFFICE AND INSTITUTIONAL – VILLAGE RESIDENTIAL (ROI-VR)

- A. Zoning District Intent. The Residential, Office, and Institutional - Village Residential zoning district implements Future Land Use Element Policy 1-2.4.1, Residential, Office, and Institutional of the Comprehensive Plan.
- B. The ROI - VR zoning district intends to allow land zoned ROI-VR to be developed, redeveloped and/or maintained and conserved as permanent single-family detached residential dwelling units, with or without limited and supportive commercial uses.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Accessory Dwelling	C	4.08.03	1 space per dwelling unit	
Guest House	C	4.08.03		
Multi-unit attached dwelling	C		1 bedroom unit: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-unit detached dwelling	P		2 4 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Other Residential Uses</i>				
Community residential home, large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	P	4.08.02		
Family day care home	P		2 spaces per dwelling unit	
COMMERCIAL USES				
Administrative and support services	C		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	C		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Ambulatory health care services/physician's office	C		1 space for every 250 sq. ft. of gross floor area	621
Barbershops or beauty parlors	C		1 space for every 150 sq. ft. of gross floor area	812
Book, periodical, and music stores	C		1 space for every 250 sq. ft. of gross floor area	4512
Business, computer, and management training	C		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	C	4.08.01	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	C		1 space for every 250 sq. ft. of gross floor area	448
Community care facilities for the elderly	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Couriers and messengers	C		1 space for every 500 sq. ft. of gross floor area, plus 1 space for each vehicle used in operation	492
Dry cleaning and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	C		1 space for every 300 sq. ft. of gross floor area	6117
Finance and Insurance	C		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Florists	C		1 space for every 300 sq. ft. of gross floor area	4531
Hospitals	C		2 spaces for every bed	622

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Internet publishing and broadcasting	C		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	C		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	C		1 space for every 2 washing machines	812
Management of companies and enterprises	C		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	C		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Nursing care facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6231
Office supplies, stationery, and gift stores	C		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4529
Other information services	C		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other residential care facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6239
Other schools and instruction	C		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Performing arts and spectator sports	C		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	C		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	C		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	C		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	C		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	C		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	C		1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Skating rinks	C		1 space for every 200 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	C		2 spaces for every court, plus required parking for additional uses on-site	
Thrift stores	C	4.08.01	1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	C		1 space for every 250 sq. ft. of gross floor area	541940
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
INSTITUTIONAL USES				
Governmental or quasi-governmental offices and programs	C		1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 per max occupancy	921, 922, 923, 924, 925, 926, 928
Elementary and Middle schools	C		2 spaces for every classroom	6111
High schools	C		1 space for every faculty member and employee, plus 1 space for every 6 students	6111
Postal service	C		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Post Secondary Education	C		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6112, 6113, 6114, 6115, 6116, 6117,
School, Urban/Interurban and rural bus transportation system	C		1 space for each employee on maximum shift	4851, 4852, 4858
Social assistance	C		1 space for every 250 sq. ft. of gross floor area	624
INDUSTRIAL USES				
Printing and related support activities	C		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Residential, Office & Institutional – Village Residential (ROI-VR)			
Dwelling Units		1	2+
Minimum Lot Area (square feet)		7,500	None
Minimum Lot Size	Width	70'	None
	Depth	100'	None
Maximum Building Height / Stories		35'/3 stories	35'/3 stories
Setbacks	Front	20'	0'
	Side	7½'	No minimum side or rear setbacks are required, except where the property line is contiguous with a LDR residential district boundary; then ten-foot (10') side and rear yards, maintained as open space, shall be provided.
	Rear	10'	
Maximum Density (units per acre)		9.00	12.00
Maximum Floor Area Ratio		N/A	N/A
Minimum Open Space (%)		25%	25%

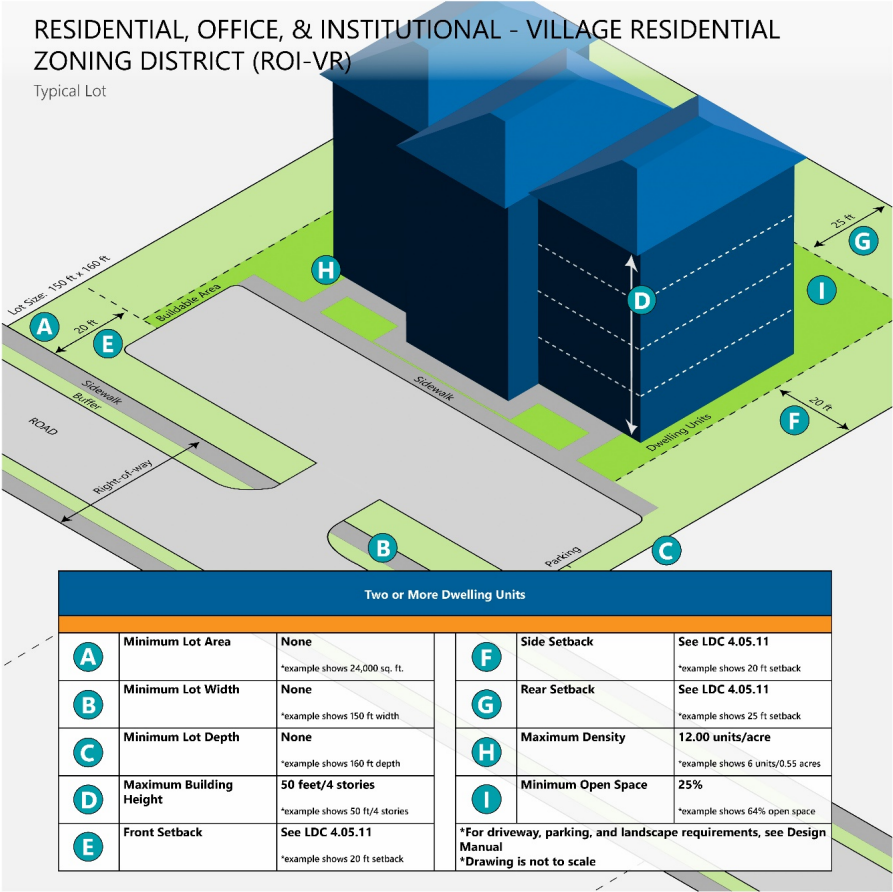
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SECTION 4.05.08 SOUTH HARBOR MIXED USE (SHMU)

- A. Zoning District Intent. The South Harbor Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(3), South Harbor Mixed Use of the Comprehensive Plan.
- B. The South Harbor Mixed Use zoning district is intended to preserve SHMU area as a world-class fishing village that is open to the public and accommodates a mixed-use festive marketplace.
- C. Special Design Criteria:
 - 1. Residential uses shall be prohibited within the SHMU area, unless such residential developments incorporate a minimum of 4,500 sq. ft. of "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.).
 - 2. Parcels that have frontage on the Harbor shall provide in their development a commercial storefront equal to a minimum of 50% of the width of the property along the harbor front.
 - a. Commercial store front may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the Harbor side of the development.
 - 3. Diverse and complementary land uses:
 - a. Development in the SHMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 bedroom unit: 1.50 spaces per Dwelling Unit plus 10% for visitors	
			2 bedrooms unit: 2.25 spaces per Dwelling Unit plus 10% for visitors	
			3+ bedrooms: 2.5 spaces per Dwelling Unit plus 10% for visitors	
Single-unit detached dwelling	C		2 4 spaces per Dwelling Unit	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Single-unit detached dwelling	C		1 space per bedroom (minimum of 2 spaces) OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq.ft, 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Other Residential Uses				
Community Residential Home, Large (7-14)	C	4.08.02	1 space per 4 beds, plus 1 space for each employee on maximum shift	
Community Residential Home, Small (1-6)	C	4.08.02		
Family Day Care Home	C		2 spaces per Dwelling Unit	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Amusement arcades	C		1 space for every 250 sq. ft. of gross floor area	713120
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
Boat, vehicle, equipment, etc., storage leasing	P		1 parking space for every 10,000 sq. ft. of outdoor storage area, plus 1 space for every 300 sq. ft. of office area.	531190
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Brewpubs	P		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Consumer goods rental	P		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
Health and personal care stores and medical marijuana	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
treatment center dispensing facilities				
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Marinas	P		In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	713930
Dry boat storage facilities	P		1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	
Dry dock facilities	P		2 parking spaces for each dry dock.	
Charter fishing boats – small (1-6 passenger capacity)	P		2 parking spaces for passengers plus 1.5 parking spaces for crew.	
Charter fishing boats – large (7 or more passenger capacity)	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Fare-carrying vessels	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	
Rental watercraft	P		1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercrafts.	
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous store retailers	P		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	P		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	P		1 space for every 400 sq. ft. of gross floor area	81149
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Parts and accessories dealer – automotive/marine	P		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per eight (8) outdoor seats</u> OR 25% of the required indoor parking requirement based on the area identified as outdoor seating.	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	P		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	P		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tattoo parlors	P	4.08.01	1 space for every 250 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Theater, Single screen	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Theater, multi-screen	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940
Water transportation	P		Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy. Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area	483
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation	P		1 space for each employee on maximum shift	4851, 4852
INDUSTRIAL USES				
Fish and seafood merchant wholesalers	P		1 space per employee on max shift plus 1 space per 250 sq. ft. of retail space	424460
Printing and related support activities	P		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

South Harbor Mixed Use (SHMU)				
Dwelling Units		1	2+	Non
Minimum Lot Area (square feet)		7,500	None	None
Minimum Lot Size	Width	70	None	None
	Depth	100	None	None
Maximum Building Height / Stories		30/3 stories	50/4 stories/G	75/6 stories/G
Setbacks	Front	20	Footnote 1 & 2	

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	Side	7½	Footnote 2	
	Rear	10	Footnote 1 & 2	
Maximum Density (units per acre)		9.00	24	N/A
Maximum Floor Area Ratio		N/A	N/A	0.60
Minimum Open Space (%)		30%		30%/Footnote 3

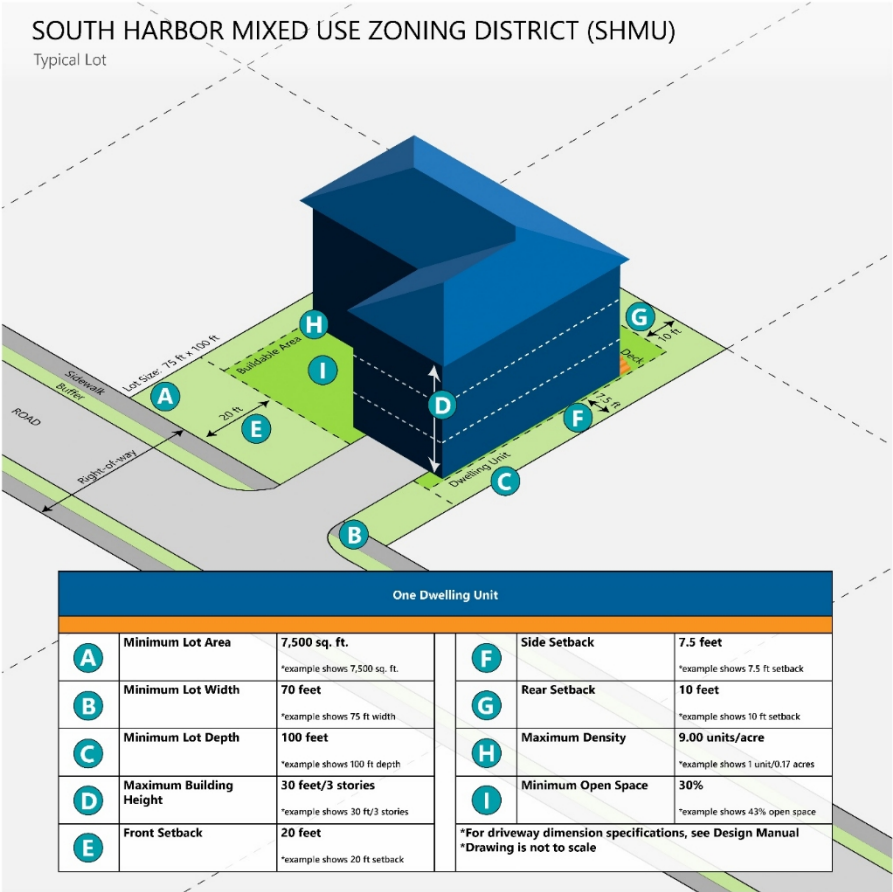
- Footnote 1: Buildings in SHMU within the "Harbor Waterfront" area, with an elevation facing the waterfront must step back 20 feet after the fourth floor or 50 feet, whichever is lower.
- Footnote 2: The following setbacks apply to development in the SHMU district.

Front Setbacks			
Building Height	40' or less for any building or portion thereof	Properties along HWY 98	16' minimum to 26' maximum
		Properties not along HWY 98	10' minimum to 20' maximum
	40' or more for any building or portion thereof		45' minimum
Side Setbacks			
Building Height	35' or less		0'
	35' to 50' for any building or portion thereof		15'
	50' or more		15' + 2' on each side for each 10' or fraction thereof exceeding 50'
Rear Setbacks			
Lots not fronting the Destin Harbor or Choctawhatchee Bay			0'
Lots fronting the Destin Harbor			15' minimum to provide space for the Destin Boardwalk. Properties must provide for the Harbor Boardwalk in accordance with Section 8.09.03(A)(9).
Lots fronting the Choctawhatchee Bay			Must meet the requirements set forth in Article 7 for Bay shoreline protection zone.

- Footnote 3: Developments proposed in the SHMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in [Section 6.06.03](#)

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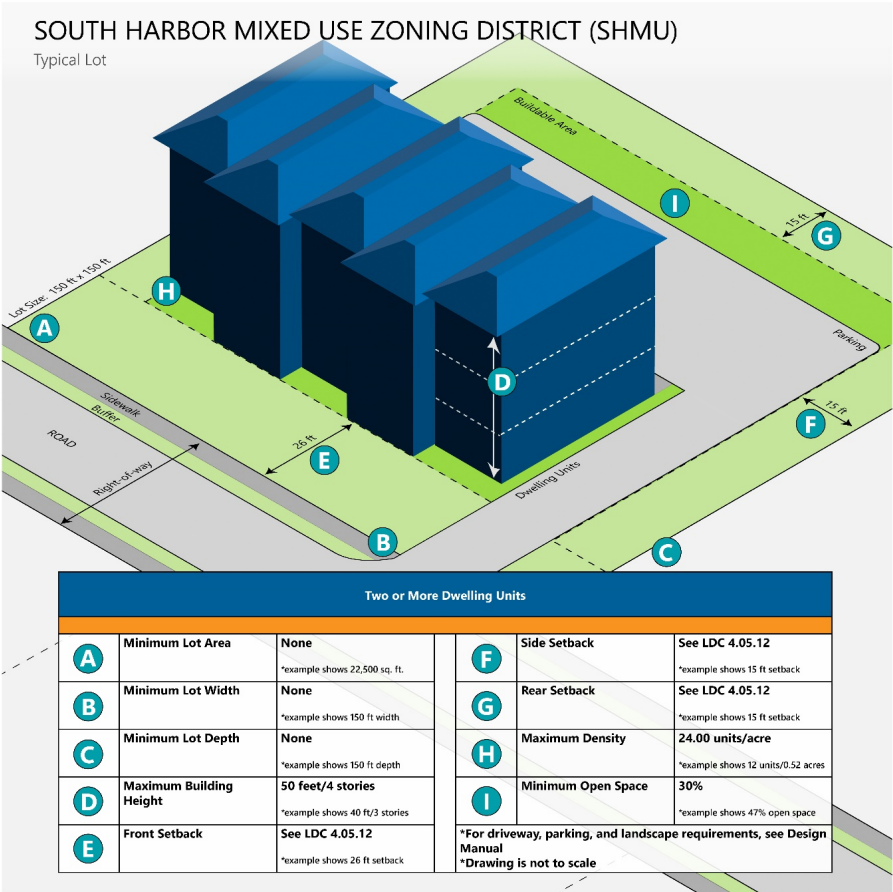
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SECTION 4.05.09 TOWN CENTER MIXED USE (TCMU)

- A. Zoning District Intent. The Town Center Mixed Use zoning district implements Future Land Use Element Policy 1-2.4.3(1), Town Center Mixed Use of the Comprehensive Plan.
- B. The Town Center Mixed Use zoning district intends to provide for increased buffering and setbacks from nearby residential and mixed-use developments, while allowing lands in this district to be developed, redeveloped and/or maintained and conserved as areas that accommodate mixed-use development.
 - 1. It is the intent of the TCMU zoning district to specifically not allow permanent or seasonal single-family residential uses.
- C. Special Design Criteria
 - 1. All multi-family developments within the TCMU zoning district shall contain a minimum nonresidential square footage of:
 - a. Ten percent (10%) of the total multi-family square footage if the property does not have direct access, is not directly accessed from, or does not directly abut Harbor Boulevard/U.S. 98, or Main Street.
 - b. Twenty percent (20%) of the total multi-family square footage if the property has direct access to, is primarily accessed from, or directly abuts either Harbor Boulevard/U.S. 98, or Main Street
 - 2. In either instance listed above, the nonresidential uses shall exist in the same structure(s) as the multi-family use to create a true mixed-use environment.
 - 3. Nonresidential uses may be consolidated into one structure oriented towards Harbor Blvd/U.S. 98, or Main Street so long as there is a multi-family component within the same structure and the total required nonresidential square footage is met.
 - 4. Diverse and complementary land uses:
 - a. Development in the TCMU District shall require a minimum of two distinct and complementary land uses.
- D. Parking requirements are listed below or in Article 6 Section 6.03.08.
- E. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RESIDENTIAL USES				
<i>Permanent/Long-Term Residential Uses</i>				
Multi-unit attached dwelling	C		1 bedroom unit: 1.50 spaces plus 10% for visitors	
			2 bedroom unit: 2.25 spaces plus 10% for visitors	
			3+ bedroom unit: 2.5 spaces plus 10% for visitors	
Single room occupancy	P		1 space per rental room	
<i>Seasonal/Short-Term Residential Uses</i>				

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Multi-unit attached dwelling	P		1 space per bedroom OR 4 spaces for any structure up to 999 sq. ft., 6 spaces for structures 1,000 to 1,499 sq. ft., 7 spaces for structures 1,500 to 1,999 sq. ft., 8 spaces for structures 2,000 to 2,499 sq. ft., 9 spaces for structures 2,500 to 2,999 sq. ft., 10 spaces for any structure 3,000 sq. ft. or more.	
Other Residential Uses				
Community Residential Home, Small (1-6)	P	<u>4.08.02</u>	1 space per 4 beds, plus 1 space for each employee on maximum shift	
COMMERCIAL USES				
Administrative and support services	P		1 space for every 250 sq. ft. of gross floor area	561
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	P		1 space for every 250 sq. ft. of gross floor area	621
Auto parts, accessories, and tire stores	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	4413
Automobile dealers	C		1 space for every 400 sq. ft. of gross floor area	4411
Barbershops or beauty parlors	P		1 space for every 150 sq. ft. of gross floor area	812
Bed and breakfast inns	P		1 space for every room for rent	721191
Beer, wine, and liquor stores	P		1 space for every 250 sq. ft. of gross floor area	4453
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Brewpubs	C		1 space for every 100 sq. ft. of eating/drinking area, plus 1 space per employee on maximum shift.	
Broadcasting, except internet	P		1 space for every 300 sq. ft. of gross floor area	515

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Car washes (automated)	C		1 space for every 200 sq. ft. of office/employee support area, plus stacking for 3 vehicles.	811192
Car washes (self-service)	C		2.5 spaces for every washing stall	811192
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area.	6244
Clothing and clothing accessories stores	P		1 space for every 250 sq. ft. of gross floor area	448
Commercial special event venue or Conference/convention center	P		1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 sq. ft., whichever is greater.	531120
Community care facilities for the elderly	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Consumer goods rental	C		1 space for every 400 sq. ft. of gross floor area	5322
Department stores	P		1 space for every 250 sq. ft. of gross floor area	4521
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Dry cleaning and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	8123
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Electronics and appliance stores	P		1 space for every 500 sq. ft. of gross floor area	443
Finance and Insurance	P		1 space for every 250 sq. ft. of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	52
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Florists	P		1 space for every 300 sq. ft. of gross floor area	4531

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Furniture and home furnishings stores	P		1 space for every 500 sq. ft. of retail gross floor area and 1 space for every 1000 sq. ft. of warehouse area	442
General rental centers	P		1 space for every 400 sq. ft. of gross floor area	5323
Grocery stores	P		1 space for every 250 sq. ft. of gross floor area	4451
Health and personal care stores and medical marijuana treatment center dispensing facilities	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	446
Hotels and motels	P		1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	721110
Internet publishing and broadcasting	P		1 space for every 250 sq. ft. of gross floor area	516
ISPs, search portals, and data processing	P		1 space for every 250 sq. ft. of gross floor area	518
Janitorial services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	561720
Laundromat (coin operated)	P		1 space for every 2 washing machines	812
Machinery and equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5324
Management of companies and enterprises	P		1 space for every 250 sq. ft. of gross floor area	551
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Shopping center	P		1 space for every 250 sq. ft. of gross floor area	
Other information services	P		1 space for every 250 sq. ft. of gross floor area	519
Other miscellaneous retailers	C		1 space for every 250 sq. ft. of gross floor area	4539
Other motor vehicle dealers	C		1 space for every 400 sq. ft. of gross floor area	4412
Other personal and household goods repair	C		1 space for every 400 sq. ft. of gross floor area	81149
Other residential care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6239
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Parking lots and garages (public and private)	C		N/A	812930
Parts and accessories dealer – automotive/marine	C		1 space for every 200 sq. ft. of gross floor area (each service bay may count toward a space)	441310
Performing arts and spectator sports	P		1 space for every 3 seats or 1 space for every 35 sq. ft. of gross floor area where there are no fixed seats	711
Personal and laundry services	P		1 space for every 1,000 sq. ft. of gross floor area, plus 1 space for every 1.5 employees on the largest shift	812
Pet care (except veterinary) services	P		1 space for every 250 sq. ft. of gross floor area	812910

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Professional and technical services	P		1 space for every 250 sq. ft. of gross floor area	541
Real estate services	P		1 space for every 250 sq. ft. of gross floor area	531
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Restaurants, full-service (quality or high turnover sit-down)	C		1 space for every 100 sq. ft. of gross floor area, plus 1 space for every 200 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats.</u>	722110
Restaurants, limited-service (delivery, carry-out, drive in)	C		1 space for every 150 sq. ft. of gross floor area, plus 1 space for every 300 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats.</u>	722111
Restaurants, limited-service (fast-food)	C		1 space for every 75 sq. ft. of gross floor area, plus 1 space for every 150 sq. ft. of outdoor seating <u>one (1) parking space per four (4) outdoor seats.</u>	722110
Rooming and boarding houses	P		1 space for every room for rent, plus 2 spaces	7213
Scenic and sightseeing transportation, land	C		1 space for each 3 seats in the vehicle	4871
Scenic and sightseeing transportation, water	C		1 space for each 4 seats on the boat or 1 space for each 75 sq. ft. of gross floor area, whichever is greater.	4872
Skating rinks	P		1 space for every 200 sq. ft. of gross floor area	
Specialty food stores	P		1 space for every 250 sq. ft. of gross floor area	4452
Sporting goods and musical instrument stores	P		1 space for every 250 sq. ft. of gross floor area	4511
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
Single-screen theater	P		1 space for every 3 seats, plus 5 spaces for employees	512131
Multi-screen theater	P		1 space for every 4 seats, plus 5 spaces for employees	512131
Thrift stores	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	453310
Thrift stores, large	C	<u>4.08.01</u>	1 space for every 250 sq. ft. of gross floor area	453310
Used merchandise stores	C		1 space for every 250 sq. ft. of gross floor area	4533
Veterinary services	P		1 space for every 250 sq. ft. of gross floor area	541940

Commented [RH4]: @Steve O'Connor is it necessary to differentiate 'thrift stores' and 'thrift stores, large' when they have the same parking requirement and NAICS?

Commented [SO5R4]: Take a look at the definitions of both and let me know what you think.

Commented [RH6R4]: I have a few thoughts on this, but I still think it should be one use. Probably better to discuss??

Commented [SO7R4]: @Rachel Hoag how would you suggest consolidating these, and maintaining the development criteria listed in the definitions?

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Wireless telecommunications carriers (except satellite)	P	4.08.01	See Section 4.08.01.R.12.h	5172
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation systems	P		1 space for each employee on maximum shift	4851, 4852
INDUSTRIAL USES				
Printing and related support activities	C		1 space for every 1,000 sq. ft. of gross floor area devoted to manufacturing, plus the required parking for square footage devoted to other uses	323
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Neighborhood mini parks	C		Minimum 1 handicap parking space per park	

Commented [S08]: This seems like it is meant for retail space for AT&T or T-Mobile, not the com facilities themselves. But the NAICS code is for the facilities.

- F. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Town Center Mixed Use (TCMU)				
Dwelling Units		1	2+	None
Minimum Lot Area (square feet)		5000	None	None
Minimum Lot Size	Width	50'	None	None
	Depth	100'	None	None
Maximum Building Height / Stories		35'/3 stories	50'/4 stories	75'/6 stories/Footnote 1
Setbacks	Front	20'	Footnote 1 & 2	
	Side	5'		
	Rear	10'		
Maximum Density (Units per acre)		9.0	24.0	N/A
Maximum Floor Area Ratio		N/A	N/A	1.5
Minimum Open Space (%)		25%	25%	30%/Footnote 3

- Footnote 1: Those portions of a development that abut single-family, duplex or townhome uses the setback shall be equal to the height of the building (one-foot of setback for every one-foot of height).
- Footnote 2: The following setbacks apply to development in the TCMU district.

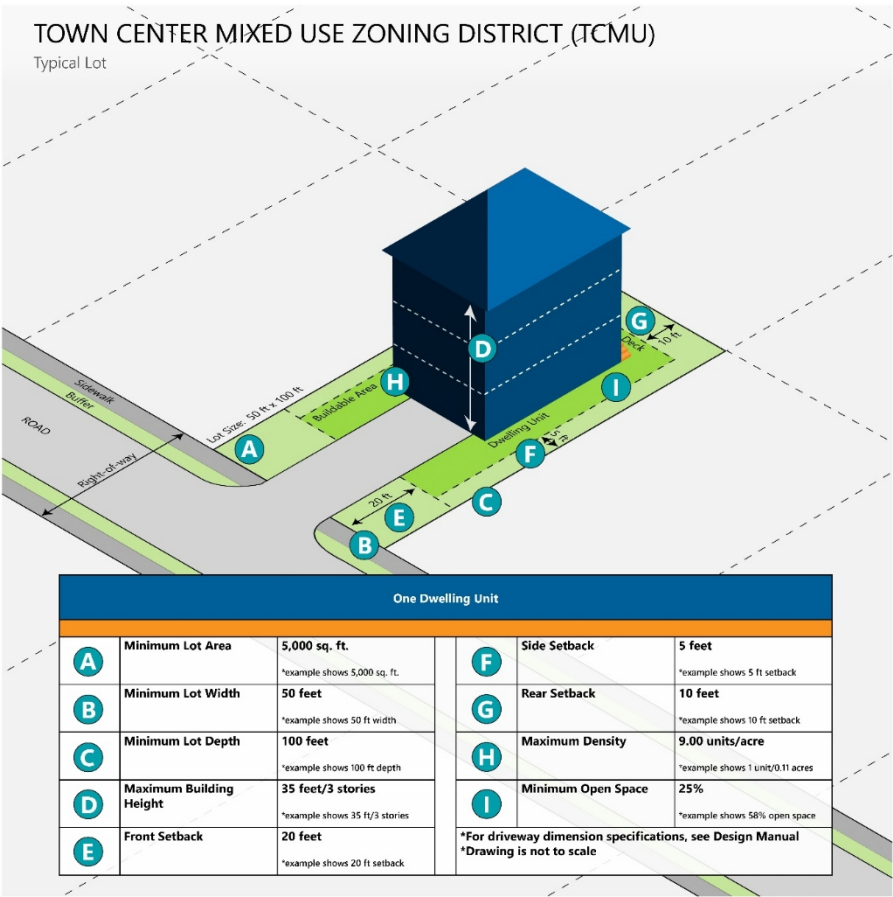
Building Height	Setbacks
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		Front	Side	Rear
Less than 40'	Properties on U.S. Highway 98	16 – 26	0	0
	Properties not on U.S. Highway 98	10 – 20		
More than 40'	Properties on U.S. Highway 98	Min. 45	Increased by 2' for each 10' or fraction exceeding 40'	0
	Properties not on U.S. Highway 98	Min. 30		

3. Footnote 3: Developments proposed in the TCMU zoning designation can reduce the amount of required open space from the required minimum of 30 percent, provided they meet the requirements indicated in Section XX.XX.XX (Currently 12.04.03.)

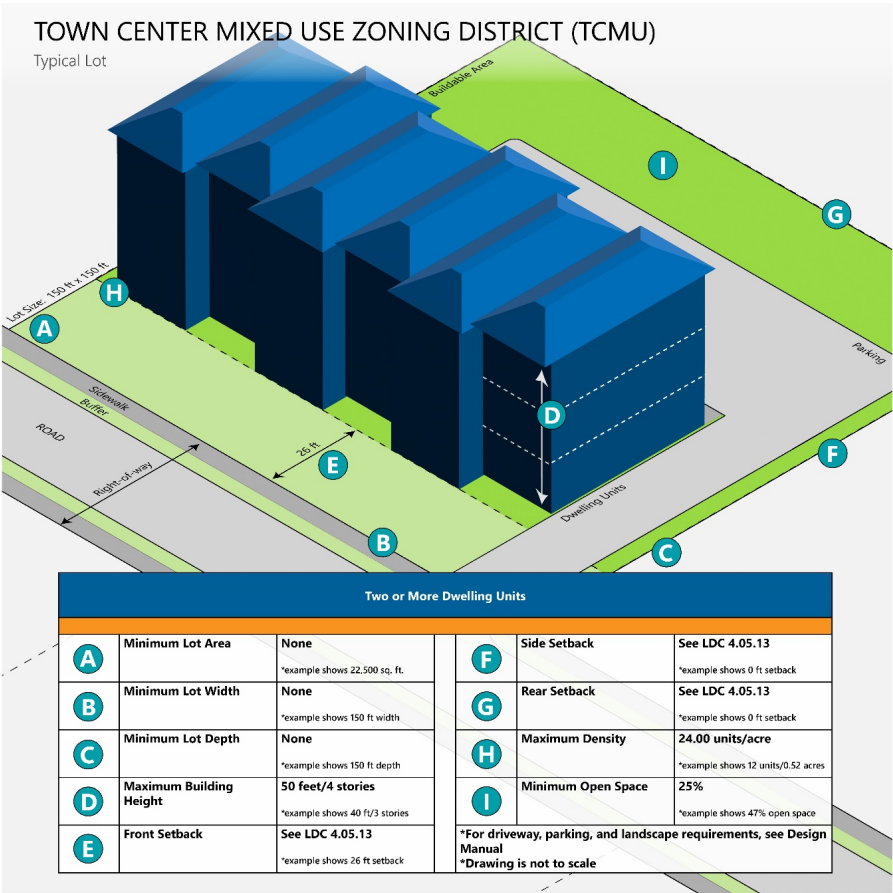
Commented [S09]: citation



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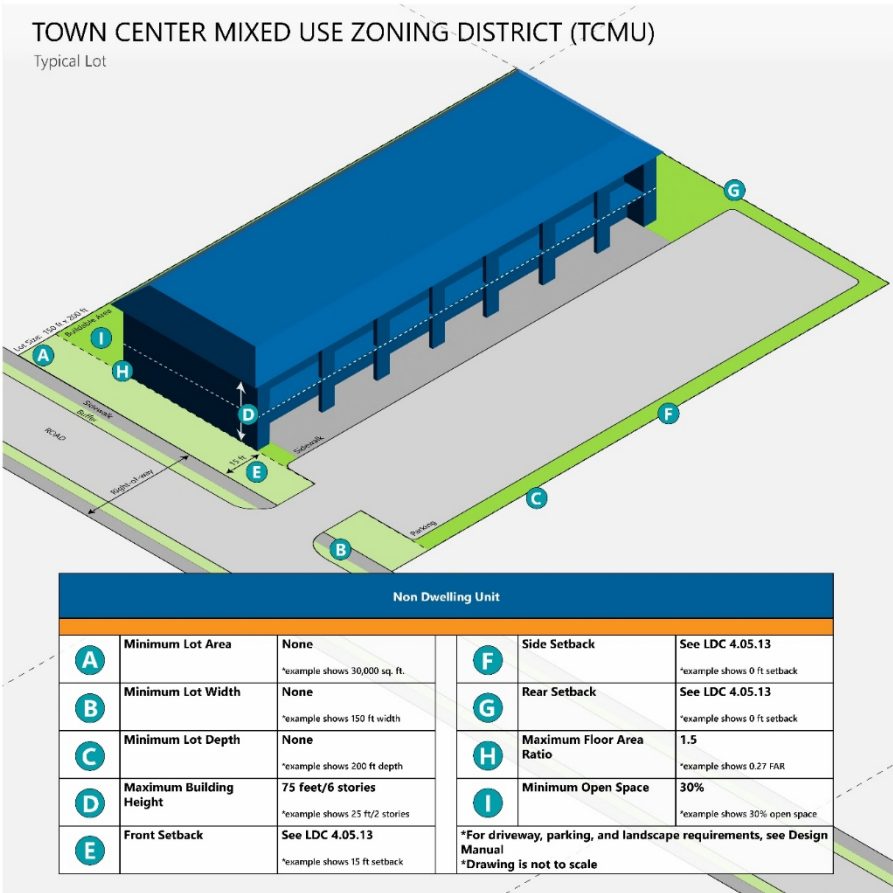
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SECTION 4.06 SPECIAL DISTRICTS

SECTION 4.06.01 AIRPORT (A)

- A. Zoning District Intent. The Airport zoning district implements Future Land Use Element Policy 1-2.6.1, Airport of the Comprehensive Plan.
- B. The Airport zoning district is comprised of land that encompasses the Destin Executive Airport (DTS).
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NIACS CODE
COMMERCIAL USES				
Air transportation	P		1 space for each aircraft tie down or hangar, plus 1 space for every 250 sq. ft. of terminal/office/fixed base operation area	481
Automotive equipment rental and leasing	P		1 space for every 400 sq. ft. of gross floor area	5321
Book, periodical, and music stores	P		1 space for every 250 sq. ft. of gross floor area	4512
Charter bus industry	P		1 space for each employee on maximum shift, plus 1 space for each service vehicle	4855
Drinking places, alcoholic beverages	P		1 space for every 75 sq. ft. of gross floor area	7224
Office supplies, stationery, and gift stores	P		1 space for every 250 sq. ft. of gross floor area	4532
Other general merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4529
Other ground passenger transportation	P		1 space for each employee on maximum shift	4859
Other schools and instruction (Aviation Industry)	P		1 space for every 300 sq. ft. of gross floor area	6116
Other schools and instruction (Aviation Industry)	P		1 space for every 300 sq. ft. of gross floor area	6116

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NIACS CODE
Restaurants, limited-service (fast-food)	P		1 space for every 75 sq. ft. of gross floor area	722111
Scenic and sightseeing transportation, other	P		1 space for each 3 seats in the vehicle	4879
Support activities for air transportation	P		1 space for every 300 sq. ft. of terminal/office/fixed base operation area	4881
Taxi and limousine service	P		1 space for every 750 sq. ft. of gross floor area	4853
INSTITUTIONAL USES				
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Technical and trade schools	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6115
Bus & Transit systems	P		1 space for each employee on maximum shift	4851, 4852
MISCELLANEOUS USES				
Solar electric power generation	C		1 space for every 200 sq. ft. of gross floor area	221119

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Airport (A)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories/Footnote 1 & 2
Setbacks	Front	Footnote 3
	Side	
	Rear	
Maximum Density (Units per acre)		N/A
Maximum Floor Area Ratio		1.30
Minimum Open Space (%)		25%

- Footnote 1: Aircraft communication towers are exempt from the height limitations of this district but shall be subject to the remaining standards set forth in this Code or other City Regulations, as now or hereafter amended.

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2. Footnote 2: Subject to aeronautical study and approval by the FAA to not impact Part 77 imaginary surfaces that would create an airspace obstruction hazard around the airport.
 3. Footnote 3: The setback requirements for the A district are as follows:
 - a. Setbacks from runways or taxiways pursuant to adopted FAA construction standards.
 - b. Setbacks from property lines minimum of 15 feet.
- E. Airport and aircraft zoning regulations.
1. Compatible land uses.
 - a. Purpose. It is hereby declared that the purpose of this section is to provide for the health, safety and welfare of the general public located in proximity to the Destin-Executive Airport by establishing standards for land use and for sound level reduction requirements with respect to exterior noise resulting from the legal and normal operations at the Destin-Executive Airport. This section establishes noise zones of differing intensities and land use in the vicinity of Destin-Executive Airport, establishes permitted land uses in the noise zones, and establishes notification procedures to prospective purchasers of real estate within the noise zones.
 2. Airport zones and airspace height limitations. Certain zones are created and established which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport.
 - a. An area located in more than one of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:
 3. Public civil airport height zones and limitations.
 - a. Primary zone:
 1. An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.
 - (i) No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:
 - b. Destin Executive Airport-Runway 14 and 32; 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.
 1. The width of the primary zone of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff facilities and is of a greater height than the nearest point on the runway centerline.
 - c. Horizontal zone. The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 1. Destin-Executive Airport-Runway 14 and 32; 10,000 feet for all runways not designated as utility or visual.
 2. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent

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10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone.

- (i) No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.
- d. Conical zone. The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above the airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
- e. Approach zone. An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.
 - 1. The inner edge of the approach zone is the same width as the primary zone, and it expands uniformly to a width of:
 - (i) Destin-Executive Airport-Runway 14 and 32; 3,500 feet for that end of a non-precision instrument runway, other than utility, having visibility minimums greater than three-fourths of a statute mile.
 - 2. The approach surface extends for a horizontal distance of:
 - (i) Destin-Executive Airport-Runway 14 and 32; 10,000 feet for all non-precision instrument runways other than utility.
 - 3. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
 - 4. Permitted height limitation within the approach zones is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows:
 - (i) Destin-Executive Airport-Runway 14 and 32; permitted height increases one foot vertically for every 34 feet of horizontal distance for all non-precision instrument runways other than utility.
- f. Transitional zone. The area extending outward from the sides of the primary zone and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.
- g. Other areas. In addition to the height limitations imposed in paragraphs 1 through 5 above, no structure or obstruction will be permitted within the city that is outside of a federal reservation and would cause a minimum obstruction clearance altitude, a minimum descent altitude, a minimum vectoring altitude, or a decision height to be raised.
- F. No use may be established on land or water within any zones established by this section that interfere with the operation of an airborne aircraft or other operation of the Destin Executive Airport.

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1. Any proposed development which would encroach upon the Destin Executive Airport shall be approved (or not objected to) by the Okaloosa County government, in writing, in advance of the issuance of the final development order by the City.
2. Evidence from Okaloosa County shall be required from any applicant proposing development within the proposed expansion areas as shown in the ALP. The following special requirements shall apply to each permitted use:
 - a. All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
 - b. No operations shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of a public airport.
 - c. No operations shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
 - d. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
 1. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.
 2. Landfills located within 5,000 feet of any runway used only by piston type aircraft.
 3. Landfills outside the above perimeters but within conical surfaces described by Federal Air Regulation (FAR) Part 77 and applied to an airport will be reviewed on a case-by-case basis.
 4. Any landfill located so that it places the runway and/or approach and departure patterns of an airport between bird feeding, watering or roosting areas.
- G. Obstruction Lighting Requirements
 1. Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with the Federal Aviation Administration (FAA).
 - a. If any Aeronautical Study or other FAA approval requires obstruction lighting for a structure below 200 feet above ground level, lighting shall be installed per the FAA approval and regulations.
 2. High intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level.
 3. All high-intensity white obstruction lights shall be in accordance with Federal Aviation Administration regulations.
- H. Noise zones:
 1. Such zones are shown on Figure 4.06-1. The noise zones contained herein are based on a projection of future noise environments arising from aircraft flight operations at Destin-Executive Airport.
 - a. Zone A. A land use noise zone is hereby established and designated as zone A, being that area commencing at the outermost boundary of the airport and extending outward therefrom to a boundary indicated on the noise zone map as "B" and as described in section 7.15.09. The outer boundary of noise zone A approximates a noise level of 75 DNL (day/night average sound line).
 1. Zone A (75 DNL and above). Noise zone A applies to an area of 75 DNL entirely within the Destin-Executive Airport and surrounding runway 14-32 at various depths as per the 2013 OFFICIAL NOISE EXPOSURE MAP.

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- b. Zone B. A land use noise zone is hereby established and designated as zone B, being that area commencing at a boundary indicated on the noise zone A and extending outward therefrom to a boundary indicated on the noise zone map as "C" and as described in section 7.15.09. The outer contour of noise zone B approximates a noise level of 70 DNL.
 - 1. Zone B (70 DNL to 75 DNL). Noise zone B applies to an area of 70 DNL surrounding the Destin-Executive Airport, as per the 2013 OFFICIAL NOISE EXPOSURE MAP.
- c. Zone C. A land use noise zone is hereby established and designated as zone C, being that area commencing at a boundary indicated on the noise zone map as the outer boundary of noise zone B and extending outward therefrom to the furthestmost boundary indicated on the noise zone map and as described in section 7.15.09. The outer contour of noise zone C approximates a noise level of 65 DNL.
 - 1. Zone C (65 DNL to 70 DNL). Noise zone C applies to an area of 65 DNL surrounding the Destin-Executive Airport, as per the 2013 OFFICIAL NOISE EXPOSURE MAP.
- I. Noise zones—Determination of boundaries. In determining the location of noise zone boundaries on the map made a part of these regulations, the following rules shall apply:
 - 1. Where boundaries are shown to follow streets or alleys, the centerlines of such streets or alleys, as they exist at the time of adoption of these regulations, shall be the noise zone boundary; or
 - 2. Where boundaries are shown to enter or cross platted blocks, property lines of lots, as they exist at the time of adoption of these regulations, shall be the noise zone boundary; or
 - 3. Notwithstanding the above, where boundaries are shown on any platted lot, provisions of the more restricted zone shall apply; or
 - 4. Where boundaries are shown on unsubdivided property less than ten acres in area, provisions of the more restricted zone shall apply; or
 - 5. Where boundaries are shown on unsubdivided property ten or more acres in area the location shall be determined by scale shown on the map unless dimensions are given on the map.
- J. Sound level requirements for structures—Scope of requirements.
 - 1. The provisions of this article shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure within the city, except work located primarily in a public right-of-way, public utility towers and poles, and mechanical equipment not specifically regulated in this article.
 - 2. Additions, alterations, repairs, and changes of use or occupancy in all buildings and structures shall comply with the provisions of this article.
- K. Sound level requirements for structures—Application to existing buildings.
 - 1. Generally. General buildings or structures to which additions, alterations, or repairs are made shall comply with all the requirements of this article except as specifically provided in this section.
 - 2. Additions, alterations, and repairs—More than 50 percent. When additions, alterations, or repairs within any three-year period exceed 50 percent of the assessed value of an existing building or structure, such building or structure shall be made to conform to the requirements of this article.
 - 3. Nonstructural alteration and repairs—Fifty percent or less. Alterations or repairs, not exceeding 50 percent of the assessed value of an existing building or structure and which are nonstructural, may be made with the same materials of which the building or structure is constructed.

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4. Repairs—Roof covering. Not more than 50 percent of the roof covering of any building or structure shall be replaced in any three-year period unless the new roof covering is made to conform to the requirements of this article.
5. Existing occupancy. Buildings in existence at the time of the passage of this Code.
- L. Notification of potential noise impact.
 1. Noise zone A. No residential development shall be allowed within noise zone A.
 2. Noise zones B and C. Constructive knowledge shall be made available to all purchasers of residential property as provided for in F.S. § 475.25 and Public Law 96-163 (49 USC 2101). Public notice through the use of maps depicting noise-impacted areas shall be available at the City Manager's or his designee's office and a listing of all residential property within noise-impacted areas shall be made available from the public records of the County annotating all residential property within noise zones B and C. A listing of all residential property within noise zones B and C will be compiled by the County Tax Assessor from public records. It shall be updated at least once each year and this listing will be used by title companies, real estate agencies, the planning commission, and individuals to determine the notice required to be given to prospective purchasers of residential property. A disclosure statement at appendix 6 shall be completed for the sale of all residential property located in noise zones B and C. This statement shall be filed with the property deed.
- M. Sound Level Requirements (SLR) for structures:
 1. Approval of methods of construction:
 - a. The building inspector may approve any methods of construction provided for in the recommended material and construction list and provided that the proposed design is satisfactory and complies with the sound level reduction requirements.
 - b. The building inspector may require that sufficient evidence of proof be submitted to substantiate any claims made as to the performance of submitted construction methods.
 2. SLR design requirements:
 - a. General
 1. The SLR requirements may be achieved by any suitable combination of building design, choice of building materials and execution of construction details in accordance with established architectural and acoustical principles.
 2. The SLR requirements shall apply to all occupied rooms having one or more exterior walls or ceilings, when furnished in accordance with the intended final usage of the room.

Table 4.06-1 SLR Requirements						
Activities and/or Land Uses	Land Use Noise Zones			Noise Zones Located in Overflight Areas		
	A 75 DNL	B 70—75 DNL	C 65—70 DNL	A 75 DNL	B 70—75 DNL	C 65—70 DNL
Residential:						
Single units detached	NA	SSA SLR-30	SLR-25	NA	NA	SSA SLR-25
Attached duplexes	NA	SSA SLR-30	SLR-25	NA	NA	SSA SLR-25
Mobile homes	NA	NA	SLR-30	NA	NA	NA
Multifamily	NA	SSA SLR-30	SLR-25	NA	NA	SSA SLR-25

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Table 4.06-1 SLR Requirements						
Activities and/or Land Uses	Land Use Noise Zones			Noise Zones Located in Overflight Areas		
	A 75 DNL	B 70—75 DNL	C 65—70 DNL	A 75 DNL	B 70—75 DNL	C 65—70 DNL
Motels—Residential	NA	NA	SLR-25	NA	NA	SSA SLR-25
Motels—Tourist	NA	NA	SLR-25	NA	SSA SLR-30	SSA SLR-25
Other residential	NA	NA	SLR-25	NA	SSA SLR-30	SSA SLR-25
Manufacturing:						
Professional and scientific	NA	SSA	SSA	NA	NA	SSA
Chemical and allied products, petroleum refining	SSA	Permitted	Permitted	NA	NA	NA
General manufacturing	SSA	Permitted	Permitted	NA	SSA	SSA
Services:						
Medical and health, inpatient care	NA	NA	SSA SLR-30	NA	NA	NA
Medical and health, outpatient care	NA	NA	SSA SLR-30	NA	NA	NA
Educational and religious activities	NA	NA	SLR-25	NA	NA	NA
Correctional institutions	NA	SSA SLR-30	SLR-25	NA	SSA SLR-30	SSA SLR-25
Repair services, contract construction	SSA	Permitted	Permitted	NA	SSA	Permitted
Cultural, entertainment, recreation:						
Entertainment assembly (outdoors) (cultural)	NA	NA	NA	NA	NA	NA
Entertainment assembly (indoors) (cultural)	NA	NA	SLR-30	NA	NA	SSA SLR-30
Sport activities	SSA	Permitted	Permitted	SSA	SSA	SSA
Playgrounds and neighborhood parks	NA	Permitted	Permitted	NA	SSA	SSA
Community and regional parks	SSA	Permitted	Permitted	SSA	SSA	Permitted
Resource production:						
Agricultural	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Animal and poultry breeding	NA	NA	Permitted	NA	NA	SSA

b. Meeting SLR requirements

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1. No building or structure, for which an SLR 25, SLR 30, or SLR 35 is required (refer to Table 4.06-1) may be constructed, altered, moved, demolished, or repaired unless and until a building permit therefore has been issued by the building inspector.
2. No such permit shall be issued unless and until conformance with the requirements contained in article 7.15.12 is indicated by plans and specifications for the building or structure.

Table 4.06-2	
Octave Frequency Band (Hz)	Sound Absorption Floor Area
63	0.30
125	0.50
250	0.75
500 and higher	1.0

3. Design information.
 - a. For calculations undertaken for purposes of meeting the requirements of section 7.15.16, the building inspector may use the assumed outside spectrum shown in figure I. Such calculations shall take into account the area of exposed room surfaces, the sound transmission loss characteristics of exposed room surfaces, and the amount of sound absorption in the room. For rooms in residential structures, it can be assumed that the ratio of sound absorption in each room to the room floor area is as follows: Administration and Enforcement:
 4. The City Manager or designee may, prior to granting final approval of the finished building construction, require, at the expense of the owner, field tests by a qualified acoustical consultant to verify the sound level reduction (SLR) of the building.
- N. Conflicting Regulations:
1. Where there exists a conflict between any of the regulations or limitations prescribed in section Section 4.06 and any other regulations or zoning applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

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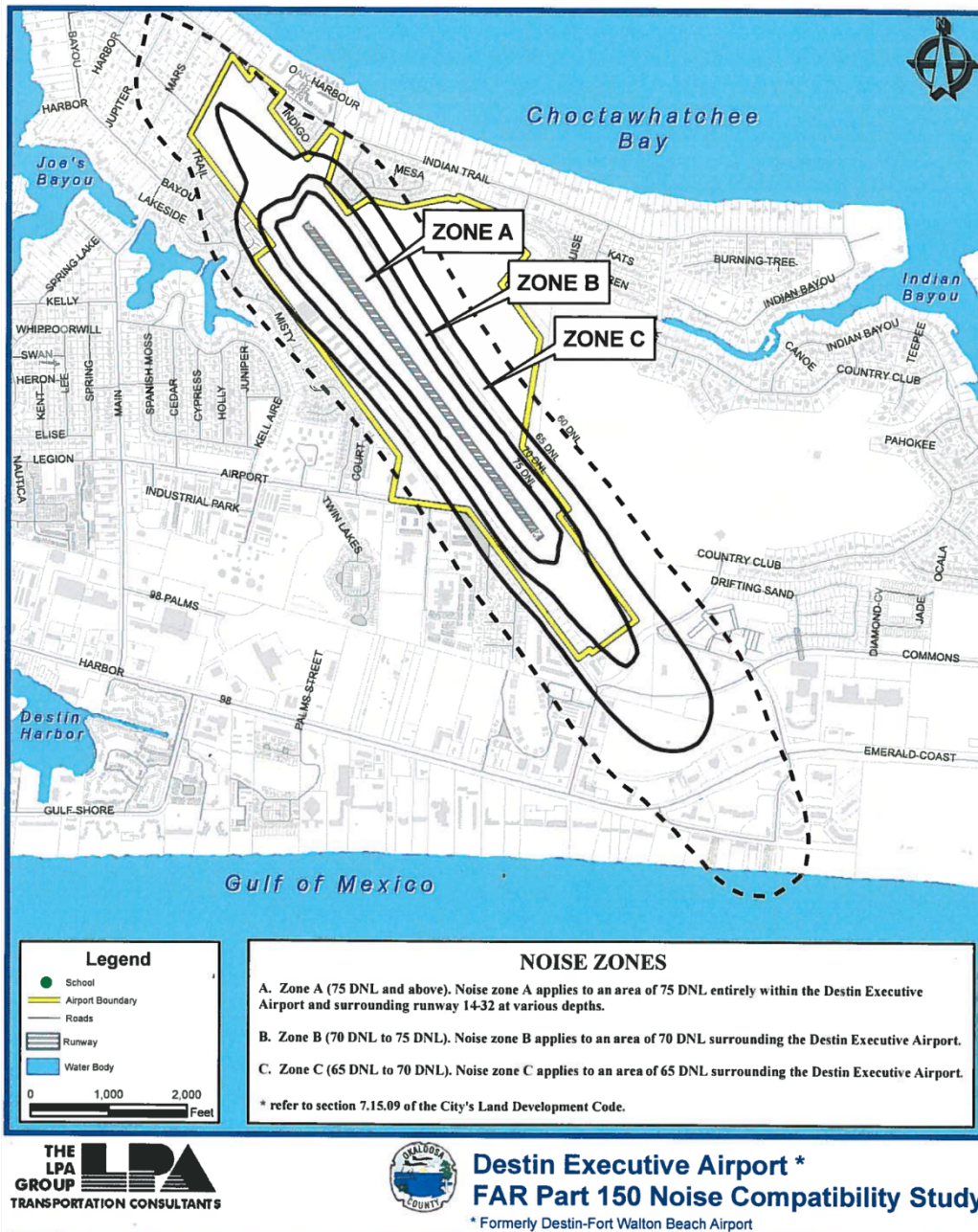


Figure 4.06-1 Destin Executive Airport/City of Destin Noise Zone Map

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SECTION 4.06.02 INSTITUTIONAL (INST)

- A. Zoning District Intent. The Institutional zoning district implements Future Land Use Element Policy 1-2.7.1, Institutional of the Comprehensive Plan.
- B. The Institutional zoning district is intended to accommodate public and semi-public facilities and services, promote natural resource enhancement, and promote open spaces around buildings.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
All other amusement and recreation industries	P		1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 sq. ft. of gross floor area or ground area, whichever is applicable to the facility.	713990
Ambulatory health care services/physician's office	C		1 space for every 250 sq. ft. of gross floor area	621
Business, computer, and management training	P		1 space for every 300 sq. ft. of gross floor area	6114
Child day care services	P	<u>4.08.01</u>	1 space for every 250 sq. ft. of facility gross floor area	6244
Community care facilities for the elderly	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6233
Educational support services	P		1 space for every 300 sq. ft. of gross floor area	6117
Hospitals	P		2 spaces for every bed	622
Membership associations and organizations	P		1 space per 150 sq. ft.; or 1 space for every 4 seats in the largest assembly area	813
Mobile Vending	P	<u>4.08.01</u>	Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of: • One space for one employee on shift • Two spaces for two—three employees on shift • Four spaces for four—six employees on shift	
Nursing care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6231

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Other residential care facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6239
Other schools and instruction	P		1 space for every 300 sq. ft. of gross floor area	6116
Parking lots and garages (public and private)	P		N/A	812930
Religious organizations	P		1 space for every 4 persons allowed within the maximum occupancy	8131
Residential mental health facilities	P		1 space for every 4 beds, plus one space per staff person working the largest shift	6232
Skating rinks			1 space for every 200 sq. ft. of gross floor area	
Tennis, handball, and racquetball facilities			2 spaces for every court, plus required parking for additional uses on-site	
Used merchandise stores	P		1 space for every 250 sq. ft. of gross floor area	4533
Waste management and remediation services	C		1 space for every 1000 sq. ft. of gross floor area, plus 1 space for each company vehicle	562
INSTITUTIONAL USES				
Cemeteries	P		5% of the land for the entire cemetery shall be dedicated to parking.	812220
Elementary and middle schools	P		2 spaces for every classroom	6111
High School	P		1 space for every faculty member and employee, plus 1 space for every 6 students	6111
Governmental or quasi-governmental offices and programs	P		1 space for every 300 sq. ft. of gross floor area, or if public assembly is provided on site, 1 space for every 4 per max occupancy	921, 922, 923, 924, 925, 926, 927, 928
Libraries	P		1 space for every 300 sq. ft. of gross floor area	
Post-secondary educational institutions	P		5 spaces for every faculty member and employee, plus 1 space for every 3 students	6112, 6113, 6115, 6116, 6117
Postal service	P		1 space for every 250 sq. ft. of gross floor area, plus 1 space for each employee	491
Social assistance	P		1 space for every 250 sq. ft. of gross floor area	624
Urban/Interurban and rural, and school bus transportation system	P		1 space for each employee on maximum shift	4851, 4854, 4852
RECREATIONAL USES				
Museums, historical sites	P		1 space per 250 sq. ft. of gross floor area	712110

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
Parks	P		Minimum 1 handicap parking space per park	
MISCELLANEOUS USES				
Wind electric power generation	P		1 space for every 200 sq. ft. of gross floor area	221119

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Institutional (INST)		
Dwelling Units		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3
Setbacks	Front	None
	Side	None
	Rear	None
Maximum Density (units per acre)		N/A
Maximum Floor Area Ratio		.50
Minimum Open Space (%)		25%

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SECTION 4.06.03 CONSERVATION (CON)

- A. Zoning District Intent. The Conservation zoning district implements Future Land Use Element Policy 1-2.8.1, Conservation of the Comprehensive Plan.
- B. The Conservation zoning district is intended to apply only to publicly owned property designated as natural and coastal resources with the intent of providing for the long-term protection and preservation of environmentally sensitive natural resource systems.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
RECREATIONAL USES				
Passive recreation	P		1 space for every 5,000 sq. ft. of usable land area	

- A. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Conservation (CON)			
Dwelling Units		None	
Minimum Lot Area (square feet)		None	
Minimum Lot Size	Width	None	
	Depth	None	
Maximum Building Height / Stories		15'/1 Story	
Setbacks	Front	None	
	Side	None	
	Rear	None	
Maximum Density (units per acre)		N/A	
Maximum Floor Area Ratio		0.05	
Minimum Open Space (%)		80%	

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SECTION 4.06.04 RECREATION (REC)

- A. Zoning District Intent. The Recreation zoning district implements Future Land Use Element Policy 1-2.7.2, Recreation of the Comprehensive Plan.
- B. The Recreation zoning district is intended to apply only to publicly and privately owned property and facilities, with the intent of promoting natural resource enhancement and open spaces around buildings.
- C. Parking requirements are listed below or in Article 6 Section 6.03.08.
- D. Uses not listed as permitted (P) or conditional (C), are prohibited uses.

USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
COMMERCIAL USES				
Amusement and theme parks	P		1 space for every 4 seats in facilities available for patron use; or 1 space for every 150 sq. ft. of gross floor area or ground area; or 1 space for every 4 patrons based on design capacity of the facility, whichever is applicable to the facility.	713110
Amusement arcades	P		1 space for every 250 sq. ft. of gross floor area	713120
Bowling centers	P		3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	713950
Fitness and recreational sports centers	P		1 space for every 200 sq. ft. of gross floor area	713940
Golf courses and country clubs	P		6 spaces for every tee, plus required parking for any other uses on the site	713910
Driving range	P		1 space for every tee, plus required parking for any other uses on the site	
Mobile Vending	C	4.08.01	<u>Parking shall be provided for all employees not transported in the mobile vendor vehicle at the rate of:</u> - One space for one employee on shift Two spaces for two—three employees on shift Four spaces for four—six employees on shift	
Tennis, handball, and racquetball facilities	P		2 spaces for every court, plus required parking for additional uses on-site	
<u>Water transportation</u>	C		<u>Water taxi main terminal: 1 space for every 4 seats or 4 occupants based on maximum number of seats or occupancy.</u> <u>Marine terminal: 1 space for every 1,000 sq. ft. of gross floor area</u>	483

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USE	PERMITTED (P)/ CONDITIONAL (C)	ADDITIONAL DESIGN CRITERIA	REQUIRED VEHICLE PARKING	NAICS CODE
INSTITUTIONAL USES				
Urban/Interurban and rural bus transportation system	P		1 space for each employee on maximum shift	4851, 4852
RECREATIONAL USES				
Museums, historical sites	C		1 space per 250 sq. ft. of gross floor area	712110
Parks	P		Minimum 1 handicap parking space per park	

- E. Dimensional Requirements. The following schedule of dimensional requirements together with the footnotes is hereby established for the City.

Recreation (REC)		
Minimum Lot Area (square feet)		None
Minimum Lot Size	Width	None
	Depth	None
Maximum Building Height / Stories		35/3 stories
Setbacks	Front	None
	Side	None
	Rear	None
Maximum Density (units per acre)		N/A
Maximum Floor Area Ratio		0.20
Minimum Open Space (%)		25%

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SECTION 4.07 OVERLAY DISTRICTS

SECTION 4.07.01 CRYSTAL BEACH NEIGHBORHOOD - TRADITIONAL DEVELOPMENT DISTRICT (CBN-TDD)

- A. The Crystal Beach Neighborhood-Traditional Development District zoning overlay district recognizes the lot dimensions and configurations of the 1937 Crystal Beach Subdivision Plat (Okaloosa County Plat Book 1, Page 17), as conforming lots within the CBN zoning district and portions of the CBR zoning district.
- B. The Crystal Beach Neighborhood-Traditional Development District zoning overlay allows the restoration of the original lots configured as fifty feet in width by one hundred fifty feet in depth (50' x 150') as shown in the 1937 Crystal Beach Subdivision Plat.
- C. Dimensional Requirements:

CBN-TDD Overlay		
Dwelling Units		1
Minimum Lot Area (square feet)		7,500
Minimum Lot Size	Width	50
	Depth	150
Maximum Building Height / Stories		30/3 stories
Setbacks	Front	20
	Side	7½
	Rear	10
Maximum Density (units per acre)		6.00
Maximum Floor Area Ratio		N/A
Minimum Open Space (%)		30%

SECTION 4.07.02 HARBOR DISTRICT (HD)

- A. The Harbor District Overlay implements Future Land Use Element Policies 1-2.4.3(3) South Harbor Mixed Use (SHMU) and 1-2.4.3 (4) North Harbor Mixed Use (NHMU), and Objective 1-3.4 Encourage Redevelopment and Renewal, of the Comprehensive Plan.
- B. The Harbor District Overlay encompasses all land that is zoned South Harbor Mixed Use or the North Harbor Mixed Use.
- C. Destin Harbor is a vital part of the City of Destin's history as a world-class fishing village and festive marketplace and will continue to play an important role in the City's future.
- D. The intent of the Harbor District Overlay is to encourage:
 - 1. Development and redevelopment that is architecturally compatible with existing and previously existing development in the Destin Harbor area, as well as in the neighboring areas north of U.S. Highway 98
 - 2. The reduction of nonconformities in the district by allowing historic residential structures to be used for commercial purposes consistent with a world-class fishing village and a festive marketplace, such as:
 - a. Restaurants or bars
 - b. Bed and breakfasts
 - c. Uses that encourage tourist commercial development

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- E. The Harbor District achieves its intent by preserving waterfront views and water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.
- F. Much of the Harbor Area's historic significance is derived from the harbor's role in the City's formation as a world-class fishing village.
- G. In addition to ensuring architectural styles are compatible with the area's heritage, the Harbor District Overlay is intended to preserve the harbor area's historic sense of place.
- H. This overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Harbor area, a world-class fishing village and festive marketplace.

SECTION 4.07.03 TOWN CENTER MIXED USE – CENTRAL BUSINESS DISTRICT (TCMU-CBD)

- A. The Town Center Mixed Use - Central Business District zoning overlay district implements a maximum height cap and restricts certain types of residential and commercial uses that are incompatible with the adjoining residential area.
 - 1. The Town Center Mixed Use - Central Business District overlay is intended to apply to properties that are directly accessible from Main Street and located:
 - a. North 98 Palms Blvd intersection
 - b. South of Legion Drive/Airport Road
- B. The TCMU-CBD zoning overlay district shall apply to areas developed, redeveloped and/or maintained and conserved as areas that accommodate permanent multi-family attached residential dwelling units; retail; service; restaurant; office; and similar commercial uses.
- C. The TCMU-CBD zoning overlay district shall not allow:
 - 1. Permanent or seasonal single-family detached residential dwelling units
 - 2. Seasonal multi-family attached residential dwelling units
 - 3. Commercial hotel, motel, bed and breakfast establishments.

SECTION 4.07.04 ZERBE – CALHOUN HISTORIC DISTRICT (Z-CHD)

- A. The Zerbe-Calhoun Historic District Overlay encompasses all land that is located in the area depicted on the attached Exhibit "A", Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin's history and will continue to play an important role in the City's future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas. U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north.
- B. The Zerbe-Calhoun Historic District Overlay intends to:
 - 1. Encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas and
 - 2. Ensure a smooth transition from the Historic Harbor Area and its significance, derived from the harbor's historic role in the City's formation as a world-class fishing village.
 - 3. Preserve the area's historic sense of place: this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and
 - 4. Preserve structures and sites of historic and recreational significance, inclusive of the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat, existing parks, and historic cemeteries.

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- C. The following properties owned by the City of Destin are deemed structures and sites significant to the history of the City of Destin, and additionally shall be considered collectively as the "Zerbe-Calhoun Historic Park", deemed devoted to active or passive recreation, and shall be subject to all provisions of the City Charter related to City parks:
 - 1. Destin Memorial Cemetery located at 120 Sibert Avenue.
 - 2. Destin Memorial Cemetery located at 111 Stahlman Avenue and 122 Sibert Avenue.
 - 3. Clement Taylor Park located at 131 Calhoun Avenue.
 - 4. Capt. Leonard Destin Park located at 101 Calhoun Avenue.
 - 5. Destin Library located at 150 Sibert Avenue.
 - 6. Destin History & Fishing Museum located at 108 Stahlman Avenue.
 - 7. Destin Community Center located at 101 Stahlman Avenue.
- D. The following may not occur upon any structure or property within the Zerbe-Calhoun Historic Park without a super-majority vote of the City Council:
 - 1. Change of use to any structure, portion of a structure, real property, or portion of real property.
 - 2. Alteration of any real property boundary.
 - 3. Relocation of any structure.
 - 4. Modification of building footprint.

SECTION 4.07.05 WELLHEAD PROTECTION ZONES

- A. Florida's ground water resource is the primary source of drinking water in the State, supplying over ninety (90) percent of all public water supply. The intent of wellhead protection is to protect potable water wells, as defined in Rule 62-521, F.A.C., from contamination, and to prevent the need for their replacement or restoration due to contamination.
- B. Wellhead Protection Zone: All land within a five hundred (500) foot radius of a protected wellhead.
- C. The following land uses are prohibited within Wellhead Protection Zones:
 - 1. Landfills
 - 2. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List.
 - 3. Activities that require the storage, use, handling, production, or transportation of restricted substances: Agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, and the like.
 - 4. Feedlots or other concentrated animal facilities.
 - 5. Wastewater treatment plants, percolation ponds, and similar facilities.
 - 6. Mines
 - 7. Excavation of waterways or drainage facilities which intersect the water table.
 - 8. Any use in conflict with Rule 62-521, F.A.C.
- D. Any approved use within the Wellhead Protection Zone shall adhere to all applicable regulations of Rule 62-521, F.A.C.

SECTION 4.08 SUPPLEMENTAL DESIGN AND DIMENSIONAL STANDARDS

The purpose and intent of the following regulations is to provide required additional development standards for certain uses and to mitigate their identified impacts.

SECTION 4.08.01. NON-RESIDENTIAL DESIGN STANDARDS FOR SPECIFIC USES

- A. Alcoholic Beverage Dispensing. The purpose of this section is to regulate where businesses principally engaged in the dispensing of alcoholic beverages by the drink for consumption on the

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premises can be located in the city. The phrase "principally engaged" shall mean a business that derives more than 50 percent of its gross revenue from the sale or dispensing of alcohol.

1. Any business principally engaged in the dispensing of alcoholic beverages by the drink for consumption on or off the premises is not permitted to be located within 500 feet from a:
 - a. Church, similar place of worship,
 - b. School or preschool,
 - c. Cemetery.
2. Minimum separation is measured from the nearest point of the property line of the uses listed above to the front door of the building containing the liquor license.
 - a. Any applicant may provide a survey prepared, signed, dated, and sealed by a professional surveyor registered in the State of Florida, showing the distance measured as described above.
3. Exceptions:
 1. Any business located in either the North Harbor Mixed Use or South Harbor Mixed Use Zoning District
 2. Any business located at an address where a liquor license was issued by the State to engage in such business either on or before the effective date of this ordinance.
 3. Any business licensed by the State to engage in such business before the uses listed in paragraph B.1.a. of this section was established at the location in question.
- B. Ambulatory Health Care Services provided free of charge may be approved as conditional uses in the Institutional (INST) zoning district if such services conform to the following minimum requirements:
 1. Services shall be provided for "no fee" to the patient and said provider shall not recover any insurance, federal or state subsidies including Medicaid or Medicare monies.
 2. Renewal of conditional use: If an application for conditional use for ambulatory health care services is approved, the approval is only good for one year and an application for renewal to the Board of Adjustment must be submitted at least two months prior to the expiration date (date of last Board of Adjustment final order approval). There shall be no fee collected for the renewal application. However, the applicant shall pay for the advertising cost.
 3. Nontransferable: Approval of the conditional use for ambulatory health care services provided may not be transferred from one property to another. Additionally, the use shall not be moved or relocated from the approved location on the subject property where it is initially approved without first obtaining approval for the location change from the Board of Adjustment.
 4. Hours of operation: The hours of operation shall be limited to Monday through Saturday from 8:00 a.m. to 8:00 p.m.
 5. Parking: All employees/volunteers/patients and anyone else associated with the operation of the ambulatory health care services shall park on the subject property. No off-site parking shall be allowed, and no parking shall take place within any public or private right-of-way.
 6. Services area: All areas used to provide ambulatory health care services, including the waiting area, shall be located entirely within an enclosed, heated and cooled building and shall not exceed 2,000 square feet.
 7. Services provided: All ambulatory health care services provided on the subject property shall be by appointment only. No walk-in/same day or urgent care clinics are permitted.
 8. Buffers/fencing: A landscape buffer shall be provided between the subject property and any residential development. Said landscape buffer shall be a minimum of five feet in width and shall be planted with materials in accordance with Article 6 for buffers, trees, and shrubs.

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Additionally, a solid wood fence, six feet in height, shall be erected on the property line where residential uses are located directly adjacent to the subject property where ambulatory health care services provided free of charge are located.

- C. Building material supply stores, where allowed, are required to provide a solid fence of at least six feet and no higher than eight feet around all outdoor storage areas.
- D. Childcare services, where allowed, shall be required to have all play areas enclosed on all four sides to a height of at least four feet.
- E. General Warehousing and Storage:
 - 1. Office space associated with this use shall not exceed 25 percent of the total square footage of the building.
- F. Indoor Shooting Ranges.
 - 1. The firing range area must be designed with a mean sound transmission class of STC-50 (45 if field tested when tested in accordance with ASTM E 492).
- G. **Luxury Motor Home Resorts.** Luxury motor home resorts shall conform to the following requirements:
 - 1. Type of allowed motor homes: Only Class A and C motor homes, which are at least 26 feet in length, are allowed.
 - 2. Minimum parcel size: Ten acres.
 - 3. Minimum size of motor home lot: If subdivided, no lot shall be less than 30 feet in width. If not subdivided, no motor home lot shall be less than 30 feet in width.
 - 4. Size of motor home pads: All motor home pads shall be designed to accommodate motor homes of not less than 35 feet in length; 25 percent of all pads shall be designed to accommodate motor homes of not less than 40 feet in length.
 - 5. Material used to construct motor home pads: All motor home pads shall be constructed of concrete.
 - 6. Motor home lot occupancy limitations: Motor home lot occupancy shall be limited to one Class A or C motor home. No trailers, tents, conversion vans, or fifth wheel vehicles shall be permitted on pad sites or within the resort development. No pad may be occupied continuously by the same motor home or occupant for longer than 180 days.
 - 7. Density: To calculate density, one motor home lot shall equal one dwelling unit.
 - 8. Minimum setback from perimeter of parcel to motor home pad: 35 feet next to residential uses; 25 feet next to all other uses outside of the unified development plan; and 15 feet next to all other uses within the Unified Development Plan.
 - 9. Minimum setback from the property line to any permanent structure: 15 feet for structures up to 20 feet in height; add one foot of setback for each additional foot in height above 20 feet.
 - 10. Buffers: The following buffers are required for luxury motor home resorts:
 - a. Location of perimeter buffering: Perimeter buffering is required adjacent to and within 100 feet of residential uses outside of the Unified Development Plan.
 - b. Perimeter wall: A decorative solid, sound absorbing, non-reflective wall, six feet in height shall be erected adjacent to residential uses located outside of the Unified Development Plan.
 - c. Buffering adjacent to residential uses: Natural area or maintained landscaping of dense plantings comprised of material with a median average height of 12 feet at time of certificate of occupancy covering a depth of not less than 20 feet inward from the perimeter wall.

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- d. Buffers adjacent to non-residential uses: Minimum of 10 feet wide landscaped buffers planted with materials in accordance with Section 7.09.03.F.1.f.2.c.
- 11. Landscaping: In addition to required buffer landscaping, there shall be a minimum of one tree or (two palms in lieu of one tree) of not less than ten feet in height at time of planting, and ten shrubs, not less than two feet in height at time of planting for each motor home lot and for each 500 sq. ft. of permanent structure of a height of ten feet or greater. Palms shall constitute not more than 50 percent of the total number of required trees.
- 12. Parking:
 - a. There shall be a minimum of one automobile parking space per motorhome pad and one additional parking space per ten motor home lots.
 - b. Parking spaces shall be concrete or paver-block.
 - c. A centralized area located not closer than 100 feet from any residential use may be provided to park boats and trailers.
 - d. No parking of any vehicle on unpaved areas or on access roadways shall be permitted.
- 13. Noise: Motor homes shall not be maneuvered on-site after 10:00 p.m. or before 6:00 a.m. Power generators shall not be operated within 50 feet of residential areas unless there is a declared emergency.
- 14. Noise mitigation: A professional in noise mitigation analysis shall certify to the City at time of development order application that the areas of operation of permitted motor homes will not exceed 75 dB as measured from any off-site residential property line. Upon completion of the development, the said professional will certify that the project was built in accordance with approved plans.
- 15. Amenity area: Not less than ten percent of the area of the parcel managed as a luxury motor home resort shall be dedicated as an amenity area.
- 16. Full-time on-site management: On-site live-in management is required and shall be available 24 hours a day, seven days a week.
- 17. The following minimum infrastructure improvements shall be provided: Paved access not less than 20 feet wide to every motor home lot; streetlights; water, sewer, and drainage facilities; cable or wireless communications infrastructure; high speed internet; and electrical connection for each pad not less than 50-amp service.
- 18. Deed restrictions: Deed restrictions shall be equal to or more restrictive than provisions of this ordinance.
- H. Manufacturing business must conduct all operations entirely within a building.
- I. Medical Marijuana Dispensaries
 - 1. Location
 - a. No medical marijuana dispensary shall be located:
 - 1. On any Industrial (IN) zoned parcel within the Town Center CRA
 - 2. Within 330 feet south of the southern right-of-way boundary of Airport Road
 - 3. Within 330 feet east of the eastern right-of-way boundary of Main Street.
 - b. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located.
 - 2. Cultivating or processing medical marijuana shall be prohibited within the City.
- J. Mobile Vendors. The following regulations are applicable to all mobile vendors, as defined in City Code.

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1. Location criteria. A mobile vendor must comply with the following location criteria, whichever is applicable:
 - a. Public property
 1. Mobile vending is prohibited on public property unless a special event permit is approved by the City and issued to the owner or agent of the mobile vending business.
 2. A mobile vendor with a special event permit that is operating on public property shall comply with the following requirements:
 - (i) A mobile vendor shall not occupy more than 420 sq. ft. of space in total, to include:
 - (a) The mobile vending vehicle
 - (b) Trash receptacle
 - (c) Any covering, if applicable.
 - (ii) A mobile vending vehicle shall not exceed ten feet (10') in width by 40 feet (40') in length.
 - (a) The maximum height of a mobile vendor shall not exceed 15 feet, including any covering, such as its canopy, umbrella and excluding venting equipment.
 - (iii) More than one mobile vendor may be located on a site provided these requirements are met individually.
 - b. A mobile vendor may operate on private property, provided the vendor adheres to the following regulations:
 1. The mobile vendor vehicle and the property on which it is located shall meet all applicable ADA requirements.
 2. Location:
 - (i) A mobile vendor may locate within off-street parking spaces in private parking facilities.
 - (ii) A mobile shall not locate within required parking space for existing uses on the property.
 - (iii) The mobile vendor shall not obstruct or impede vehicular or pedestrian access, circulation, egress, or otherwise create a hazard.
 - (iv) Vendors shall not hinder or impede the use of any phone kiosk, mailbox, parking meter, fire alarm, fire hydrant, or traffic control device.
 3. Density:
 - (i) A maximum of five mobile vendors on any parcel.
 - (ii) The property on which the mobile vendor proposes to locate shall contain a minimum size of one-half acre.
 - (iii) No more than one mobile vendor per one-half acre shall be permitted.
 - (iv) In the SHMU and CMU zoning district, no more than one mobile vendor per 100 feet of water frontage shall be allowed, not to exceed five (5) vendors.
 4. Parking:
 - (i) All mobile vendors shall provide parking in the amount the vendor vehicle encumbers, plus:
 - (a) One space for one employee on shift
 - (b) Two spaces for two—three employees on shift
 - (c) Four spaces for four—six employees on shift
 5. Restrooms:

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- (i) All mobile vendors shall be required to have access to permitted commercial restroom facilities within 300 feet of the mobile vendor on the same parcel, and a sign should be displayed directing customers to its location.
- c. Maintenance and waste disposal.
 - 1. All operations and equipment of the mobile vendor must be clean, and well maintained, with no visible rust, flat tires or other evidence of deferred maintenance.
 - 2. The property at which the mobile vendor is located must also be clean and orderly at all times.
 - 3. The mobile vendor must provide a trash receptacle for use by its patrons.
 - 4. Trash receptacles must be emptied and removed when the mobile vendor is not located on the property, including but not limited to overnight, if applicable.
 - 5. Mobile vendors are prohibited from permitting waste to be deposited upon the ground, sidewalk, streets, City waste receptacles, or private dumpsters (without permission of the private property owner).
- d. Setbacks and separation requirements. All setbacks and separation requirements shall be in accordance with existing zoning and building requirements of the zoning district in which the mobile vendor is located.
- e. Display and signage.
 - 1. Merchandise shall not
 - (i) Be displayed upon the sidewalk or right-of-way,
 - (ii) Intrude upon the accessible area around the mobile vendor vehicle,
 - (iii) Otherwise impedes parking or access to structures within the site.
 - 2. The amount of signage on the mobile vendor vehicle is not regulated but signs must be mounted flat against the vehicle and cannot project from the vehicles.
 - 3. No merchandise or signage of any sort may be placed upon the Harbor Boardwalk.
 - 4. Mobile vendors shall not utilize moving objects, excessive noise, or lighting systems to bring attention to their products or services.
- f. Prohibitions.
 - 1. A mobile vendor shall not solicit or conduct business with anybody who is in any motor vehicles(s).
 - (i) Exception: Vendors may conduct business or serve patrons with disabilities in parked vehicles.
 - 2. No mobile vendor vehicle or equipment shall be left unattended, except for mobile vendors located with the SHMU and CMU zoning districts during non-business hours.
- g. Mobile vendors connected to public potable water and/or sewer, or which utilize liquid propane or natural gas for cooking shall be required to apply for appropriate approvals and inspections from the Destin Fire Control District, Destin Water Users and the City of Destin, as appropriate.
- K. Neighborhood retail commercial goods and services
- L. Outdoor Storage and Display
 - 1. Outdoor storage and display of materials, equipment, and merchandise shall meet the following performance standards:
 - a. Outdoor storage shall be screened from view from the right-of-way and adjacent properties by an opaque wall, fence or landscaping of sufficient maturity, density, and height to screen such areas from view.

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- b. Outdoor display of merchandise customarily used outdoors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one specific design.
- c. Inoperable motor vehicles shall be stored within screened areas and must be kept on the same site of motor vehicle repair facilities and motor vehicle service centers that will be performing the repair of said inoperable motor vehicle. No inoperable motor vehicle shall be stored onsite for a period exceeding 60 consecutive days.
- d. No storage or display of merchandise or new or used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles shall be permitted outside of approved storage or display areas as designated for such use on the approved site plan. Storage or display areas cannot be in areas designated for landscaping or open swales or open retention areas used for stormwater management purposes.

M. Parking Structures

- 1. Parking structures shall be designed either interior to the block surrounded by nonresidential uses located on the ground level of the exterior and residential or nonresidential uses on the second and higher levels of the buildings or shall provide nonresidential uses on the ground level that attract pedestrian activity with the structured parking spaces located below ground level, above ground level, or on the interior of the ground level.
- 2. Where a parking structure has one or more walls facing the public right-of-way, the facade(s) of parking structures shall be designed to complement the existing character of surrounding buildings.
- 3. Design the facade of the floors above the ground floor to complement the architectural features of the surrounding buildings (refer to Figure 8-9). Windows, trellis work, planter boxes, or other architectural features may be used to minimize the visual impact of parking structures. Alternatively, nonresidential or residential uses may be provided along the wall facing the public right-of-way. Additional methods of screening from those indicated here may be approved by the City Manager or designee.
- 4. Minimize the visual and functional impact of the parking garage entrance by subordinating the garage entrance to the pedestrian entrance in terms of prominence on the street, location, and design emphasis.
- 5. Shall meet the requirements of **Section 3.00 of the Destin Design Manual** concerning Non-residential building siting.

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N. Pay to Park Facilities.

- 1. Application. This section applies to all parking facilities, including but not limited to all parking structures and parking lots.
- 2. Payment collection location:
 - a. Pay-to Park facilities shall require patrons to pay for parking either:
 - 1. After the vehicle is parked in a designated parking spot
 - 2. Upon exiting the parking facility, when the vehicle is in the exit lane of the parking facility.
 - 3. In no case shall payments for parking be permitted to be made at the entrance to the parking facility, or within any accessway or drive area in the parking facility, other than the exit lane as specified herein. Any pay-to-park facility in violation of this subsection is subject to the civil and criminal penalties set forth herein.
- 3. The entrance or exit lane(s) of a pay-to-park facility may not be obstructed such that congestion of vehicles spills over onto any city, state or federal highway, road, or street.

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- O. Pawn Shop.
1. Location:
 - a. Such stores shall not be located within 500 feet of any other pawn shop, thrift store or used merchandise store, as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment.
 - b. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.
 2. Parking:
 - a. A pawn shop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and other site requirements.
 3. Outside storage:
 - a. Outside storage, display, and sales are prohibited.
- P. Repair and maintenance shops.
1. Outdoor storage
 - a. No storage of any parts or waste material is permitted outside of such buildings. Additionally, all major operations (e.g., replacing body panels, pulling engines out, welding, painting, transmission work, oil change and lube, etc.) must be conducted entirely within a building. Quick fix repairs such as fixing a flat tire, windshield wiper replacement, air filter replacement, adding oil or antifreeze to the engine, changing out a battery, etc. are allowed outside of a building.
- Q. Sexually Oriented Businesses.
1. Location:
 - a. No sexually oriented business shall be located:
 1. On any Industrial (IN) zoned parcel within the Town Center CRA
 2. Within 330' south of the southern right-of-way boundary of Airport Road
 3. Within 330' east of the eastern right-of-way boundary of Main Street.
 - b. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.
- R. Tattoo Parlors.
1. No tattoo parlor may be located within 1,500 feet of any other such business.
 - a. Measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment.
 - b. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.
 2. Any salon that provides permanent makeup as a service and is not affiliated with or collocated with a tattoo parlor, is not limited by this distancing requirement.
 - a. A salon providing permanent makeup services shall be considered as "Personal and Laundry Service" use per NAICS code 812 or as amended.
 1. To be considered "Personal and Laundry Service" this use shall not be collocated with a Tattoo Parlor.
 2. Permanent makeup shall be an ancillary use to a salon or other similar entity and may not exist as a stand alone use.
 - b. Permanent makeup shall not include any work or services below the neckline of any individual nor include anything that can reasonably be assumed or considered a tattoo.
- S. Thrift Stores.

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1. All thrift stores less than 15,000 square feet shall have a minimum separation of five-hundred feet (500') from other thrift stores, pawn shops or other used merchandise retailer.
 2. All thrift stores 15,000 square feet or more shall have a minimum separation of one-thousand feet (1,000') from other thrift stores, pawn shops or other used merchandise retailer.
 3. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.
- T. Electric distribution substation and electric transmission substation
1. All electric distribution substations and electric transmission substations shall conform to the following requirements:
 - a. The development of any new electric distribution or transmission substation must conform to the following requirements.
 - b. Setbacks:
 1. Minimum setback from the property line to any permanent equipment structure:
 - (i) 100 feet from any lot line where the adjoining lot is zoned for residential use.
 - (ii) 50 feet from any lot line where the adjoining lot is zoned for any nonresidential use.
 - (iii) The setback requirement along all public or private rights-of-way shall be based on the zoning of the property on the opposite side of the right-of-way as if there were no intervening right-of-way.
 2. The setback requirement of this subsection applies to all buildings and structures, including but not limited to transformers, breakers, buses, switch houses, relays, switches, regulators, and capacitors.
 3. The setback requirements do not apply to poles and pole anchoring devices.
 - c. Buffers, Landscaping, and Screening:
 1. Buffer
 - (i) A ten-foot (10') buffer shall be provided around the entire perimeter of the property.
 - (ii) The buffer shall consist of landscaping meeting the following minimum standard as listed in **paragraph (ii)** below.
 2. Landscaping:
 - (i) In addition to the requirements of **Article 6** for trees and shrubs, the following regulations shall apply to electric distribution or transmission substations:
 - (a) One (1) tree shall be provided for each twenty-five linear feet (25') of such landscaped buffer or fractional part thereof.
 - (b) One (1) shrub shall be provided for each five feet (5') on average and be three feet (3') tall at the time of planting.
 - (c) Grass, ground cover or other landscape material, excluding paving or gravel, shall be planted in addition to the required trees and shrubs.
 - (d) Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard as listed above.
 - (ii) The Landscaping requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
 3. Screening:

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- (i) A minimum of eight-foot-tall decorative masonry, sound absorbing, non-reflective wall shall be erected within ten feet (10') of the entire perimeter of the property.
 - (ii) All access gates shall be decorative and provide the same level of sound absorption as the perimeter wall.
 - (iii) The perimeter wall requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
 - d. Terminating structures and utility poles located on the electric distribution or transmission substation site shall be no higher than necessary to meet safety standards or clearance requirements of the National Electrical Safety Code, and federal or state government agencies.
 - e. Outdoor lighting must meet all the requirements of the Outdoor Lighting Standards per the **Design Manual**.
- U. Commercial telecommunication towers, antennas, and facilities
- 1. Purpose and intent. The purpose and intent of this article is to provide a uniform and comprehensive set of standards for the development, installation and/or replacement of commercial telecommunication towers, antennas and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the City, while at the same time not unduly restricting the development of needed telecommunication facilities and encouraging managed development of telecommunication infrastructure.
 - a. No new telecommunication tower shall be permitted unless the applicant demonstrates that no existing tower or alternative tower structure, regardless of whether it is located within the City, can accommodate the applicant's proposed antenna.
 - 1. All evidence submitted shall be prepared by appropriate licensed professionals or qualified industry experts. Evidence submitted to demonstrate that no existing tower or alternative tower structure can accommodate the proposed antenna shall consist of one or more of the following:
 - (i) That no existing towers or approved, or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements.
 - (ii) That existing towers or alternative tower structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Florida professional engineer.
 - (iii) The planned equipment would exceed the structural capacity of the existing or approved tower or alternative tower structures, as documented by a qualified and licensed Florida professional engineer, and the existing or approved tower, or alternative tower structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - (iv) That the applicant's proposed antenna(s) would cause electromagnetic interference with the antennas on the existing towers or alternative tower structures, or the antennas on the existing towers or alternative tower structures

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would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.

- (v) That the cost or contractual provisions required by the tower owner to use an existing tower or structure or to adapt an existing tower or alternative tower structure for shared use are unreasonable. Costs exceeding new tower development are presumed to be unreasonable per Section 7.19.04.B.1.b.
 - (vi) That other unforeseen reasons that make it infeasible to locate the planned telecommunications equipment upon an existing or approved alternative tower structure.
2. No new commercial telecommunications tower facility shall be installed, erected, or constructed until a development order has been issued pursuant to Section 2.04.00 of the Land Development Code and/or a building permit has been issued.
 3. Any proposed expansion or replacement of an existing tower must comply with the current standards pertaining to new telecommunications towers.
 4. All applications proposing a new tower shall submit with the application a letter of "no objection" from the Eglin Air Force Base installation commander or their designee, and no determination on the application shall be made sooner than 30 days after receipt of such submittal by the Air Force.
 5. Commercial telecommunication towers and accessory facilities include but are not limited to:
 - a. VHF and UHF television.
 - b. FM radio.
 - c. Two-way radio.
 - d. Common carriers.
 - e. Cellular telephone.
 - f. Fixed-point microwave.
 6. The following regulations apply to the:
 - a. Construction of new telecommunication towers
 - b. Addition of antennas to existing telecommunication towers
 - c. Alternative tower structures
 - d. Creation of alternative towers
 - e. Use of temporary telecommunication towers or facilities.
 7. Additional antennas shall be allowed in any zoning district if located on an existing tower or alternative tower structure, and shall not be considered an expansion to an existing tower or alternative tower structure.
 8. Prior to the issuance of a building permit, the addition of an antenna to an existing tower or alternative tower structure shall require certification from a professional engineer that the design capacity of the tower or alternative tower structure will safely accommodate the additional antenna.
 9. Alternative towers. Rooftop, water tower, and other alternative tower mounted antennas and TV dish antennas:
 - a. Shall not exceed the height of 20 feet above the roofline of the structure serving as an alternative tower.
 - b. Free standing roof mounted antennas greater than eight feet in height as measured from the roof surface on which they are installed, shall be set back from the outer edge of the roof of the structure, a distance equal to or greater than 15 feet from any portion of the rooftop edge:

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1. Antennas may be side mounted to an alternative tower structure.
 2. Antennas shall be the same color as the predominant color of the exterior of the top of the structure unless otherwise required by law to be a different color or finish.
 3. Where technically feasible, microwave antennas shall be constructed of open mesh design rather than solid material.
 4. Where possible, the design elements of the structure (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the antenna.
10. Temporary telecommunications facilities
- a. A building permit is required for temporary telecommunications facilities.
 1. Temporary telecommunications facilities may be located within a zoning district in which telecommunications towers are an approved use.
 - (i) Temporary telecommunications facilities permits are valid for up to one year from the issuance of the permit when a permanent facility is rendered unusable by storms or other unusual circumstances.
 - b. Permits for temporary telecommunications facilities to be used in conjunction with special events may be issued for a period not to exceed 180 days.
 - c. Siting standards for commercial telecommunications towers. In addition to the criteria cited above, proposed commercial communications towers must meet the following:
 1. This section applies to specified commercial telecommunications towers that support any antennas designed to receive or transmit electromagnetic energy, such as but not limited to telephone, television, radio or microwave transmissions, or towers of similar construction designed to serve other functions.
 2. A commercial telecommunications tower in excess of 100 feet above natural grade shall not be approved unless the applicant demonstrates that no existing or approved tower or alternative tower structure of equal or greater height within the effective radius can accommodate the applicant's proposed antenna and ancillary equipment.
 - (i) Towers owned or leased to any government are exempt.
 3. All guy anchors, outdoor equipment, accessory buildings, and accessory structures erected for use in connection with commercial telecommunications towers shall:
 - (i) Meet the minimum setback requirements established for the district in which they are located.
 - (ii) Be visually screened to a height of, at a minimum, eight (8) feet by trees, shrubs, solid walls, or fences.
 - (iii) All towers and communications facilities not requiring FAA painting or markings shall at a minimum have an exterior finish which is galvanized or painted dull blue, gray or black and
 - (a) Shall be of camouflage design standards to include, but not limited to,
 1. architecturally screened roof,
 2. roof mounted antennas,
 3. antennas integrated into architectural elements,
 4. telecommunications towers designed to blend into the surrounding environment or to look other than a tower, such as light poles, power poles and trees.
 4. The commercial telecommunications tower and/or TV dish antenna shall not unreasonably interfere with the view of or from any public park or scenic vista.

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5. The height, mass, and guywire supports of the commercial telecommunications tower cannot exceed that which is essential for its intended use and public safety, and which is allowed under the provisions of [Section 4.06.01](#) Airport Zoning District.
 6. Applicants submitting an application for a tower exceeding 100 feet shall obtain:
 - (i) A determination of "No Hazard to Aviation" status from the Federal Aviation Administration (based on proposed height and/or electromagnetic interference).
 - (ii) A letter from the Eglin Air Force Base installation commander stating there is no hazard to the mission of the base or various commands of the base.
 7. Maximum tower height shall be no greater than 200 feet in height.
 8. A security fence around the tower base, or along the perimeter of the site shall be provided.
11. Compliance with Federal Regulations
- a. It is the intent of this subsection (c) to comply with the Telecommunications Act of 1996, section 704, codified at 47 U.S.C. section 332 (c)(7) which precludes the City from prohibiting or having the effect of prohibiting the provision of personal wireless services.
 - b. It is not the intent of this section to allow the applicant to select a new site in a lower priority allowable zoning district without having first exhausted the possibility of locating an existing site as described in [Section 4.08.01.Q.9](#), or a new site in the higher priority allowable zoning districts.
 - c. Telecommunications facilities shall be an allowable use subject to a hierarchy of eligibility within the following prioritized zoning districts:
 1. In any zoning district, if located on City owned rights-of-way or City owned property as approved by the City Council and leased or franchised to the applicant.
 - (i) Except towers or macrocell communication facilities shall not be allowed within any right-of-way.
 2. An Industrial (IN) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of an existing site available under Section 7.19.03.A.1.
 3. A Commercial General (CG) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1. or IN zoning.
 4. A Commercial Trades and Services (CTS) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1., IN zoning or CG zoning.
 5. A Town Center Mixed Use (TCMU) zoning district designation if the applicant demonstrates the unavailability, unsuitability, or inappropriateness of a site available under Section 7.19.03.A.1., IN zoning, CG zoning or CTS zoning.
 6. Other zoning districts only as may be necessary to avoid the preclusion of wireless telecommunications service within the City of Destin as consistent with the requirements of 42 U.S.C. 332(c)(7), or Section 365.172(12), Florida Statutes.
 - d. The unavailability, unsuitability, or inappropriateness of the higher priority zoning districts in which telecommunications towers are an allowable use shall be demonstrated by submitting a report developed and prepared by appropriate licensed professionals or qualified industry experts, and shall include the following:
 1. Lack of availability

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- (i) Do not have sufficient space to allow applicant's antenna and related equipment to function effectively; or
 - (ii) Are not available for lease under a reasonable and customary leasing agreement, at a fair market value, as demonstrated by a commercial real estate appraisal from a MAI certified appraiser.
 - 2. Technical issues including the following:
 - (i) Are not of sufficient height, or would not otherwise meet the applicant's engineering requirements; or
 - (ii) Do not have sufficient structural strength to support the applicant's proposed antenna and related equipment; or
 - (iii) Would result in electromagnetic interference with or by the antenna.
 - 3. A greater visual impact on surrounding properties than the proposed alternative site; or
 - 4. Would be less implementing of the goals, objectives, intent, priorities, preferences, or purposes of the City's Comprehensive Plan, Land Development Regulations, or this section, than the proposed alternative site.
12. Standards of approval for all telecommunication facilities. The following standards shall apply to approval of all telecommunication facilities.
- a. The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location in order to serve its necessary function in the company's grid system.
 - 1. A drawing depicting other locations and areas within the city where the antenna would function properly within the company's grid system. The area shall be considered the allowable zone.
 - b. All towers shall be designed to accommodate the co-location of other telecommunication antennas as follows:
 - 1. For towers up to 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least two providers; and
 - 2. For towers greater than 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least three providers.
 - c. The applicant shall demonstrate that the telecommunication tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.
 - d. Telecommunication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.
 - e. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.
 - f. If the installation and/or the operation of any telecommunication facility is determined by the City Building Official, to be inherently dangerous, or a demonstrable health hazard, the facility shall be declared to be a nuisance and all operation thereof shall cease.
 - 1. The telecommunication provider and/or owner of the facility shall be provided with a thirty (30) calendar day opportunity to cure, during which operation of the facility may continue, unless there is imminent danger of the structure collapsing.
 - 2. This provision shall be applicable to telecommunication facilities located in the City prior to adoption of this Land Development Code.
 - g. Buffers, Landscaping, and Screening:
 - 1. Buffer

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- (i) A ten-foot (10') buffer shall be provided around the entire perimeter of the property.
 - (ii) The buffer shall consist of landscaping meeting the following minimum standard as listed in **paragraph (ii)** below.
2. Landscaping:
- (i) In addition to the requirements of **Article 6** for trees and shrubs, the following regulations shall apply to all telecommunications towers:
 - (a) One (1) tree shall be provided for each twenty-five linear feet (25') of such landscaped buffer or fractional part thereof.
 - (b) One (1) shrub shall be provided for each five feet (5') on average and be three feet (3') tall at the time of planting.
 - (c) Grass, ground cover or other landscape material, excluding paving or gravel, shall be planted in addition to the required trees and shrubs.
 - (d) Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard as listed above.
 - (ii) The Landscaping requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
3. Screening:
- (i) A minimum of eight-foot-tall decorative masonry, sound absorbing, non-reflective wall shall be erected within 15 feet of the entire perimeter of the property.
 - (ii) All access gates shall be decorative and provide the same level of sound absorption as the perimeter wall.
 - (iii) The perimeter wall requirement may be reduced or waived, if the City Manager or designee, determines the existing landscaping, topography or existing structures onsite provide the same or greater sufficient opacity and depth buffering as required by this section.
- h. Parking:
- 1. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.
13. Aesthetics. The following provisions shall apply to the design, construction and installation of all telecommunication towers and antennas:
- a. The design of all telecommunication equipment buildings, towers, and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and building environment.
 - b. For antennas installed on an alternative tower structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
 - c. Telecommunication towers shall not be artificially lit, unless required by the FAA or other applicable authority. If outdoor lighting is required, the City shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

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- d. No signage or other identifying markings of a commercial nature shall be permitted upon any telecommunication tower, alternative tower structure or antenna within the city, except as required by any applicable law or regulation.
 - e. Applications for sites zoned CG, CTS, or TCMU shall demonstrate the tower or antenna is the least visually impacting, as measured by the following factors:
 - 1. Type of tower, with monopoles being given preference and narrow lattice being given preference over wide lattice or guyed towers;
 - 2. Type of antenna, with narrow profile antenna arrays being given preference near residential districts and districts highly visible from rights-of-way;
 - 3. Nature of uses on the site, with preference being given to the use of sites which are already developed with non-single-family dwellings, and which are currently visually impacted by tall structures, utility facilities, light poles, or other impacts.
 - 4. Nature of uses on adjacent and nearby properties, with preference being given to sites adjacent to non-residential uses and sites not near parks, recreational areas, historical areas, and redevelopment areas;
 - 5. The view of the tower from nearby arterial and collector roads, with preferences being given to sites where much of the tower is obscured from the view of drivers on the roads or is located outside of a normal line of vision (approximately 30 degrees left and right of straight ahead); unless the tower, alternative tower, or antenna is approved by the City Council for location within the city owned right-of-way; or
 - 6. On-site and surrounding tree coverage and foliage, with preference being given to sites which can provide heavy vegetative screening of a tower.
 - f. Applications for sites zoned CG, CTS, or TCMU shall demonstrate that by locating the tower or antenna on the higher priority site, that site would prohibit or have the effect of preventing the applicant from providing complete service coverage within the boundaries of the City of Destin.
 - g. The owner of property used as a telecommunication facility shall maintain such property and all structures in good condition and free of trash, outdoor storage, weeds and other debris.
14. Setbacks and separation.
- a. The following setbacks and separation requirements shall apply to all new telecommunication towers and facilities except for alternative towers:
 - 1. Towers shall be setback a distance equal to total height of the tower to include all antennas to any public right-of-way or property line of the lot or parcel containing the tower.
 - (i) The Board of Adjustment may reduce this setback upon a showing that the collapse zone is less than this distance, however, in no event can the setback be less than one-half (1/2) the height of the tower.
 - (ii) The City Council may allow towers or antenna to be located within the city owned right-of-way.
 - b. Telecommunication equipment (antennae, utility boxes, other essential structures buildings) shall meet the setback requirements of the zoning district in which it is located.
 - c. Antennas which are mounted on alternative tower structures must meet the minimum setback requirements for the district in which the structure is located.
15. Pre-existing towers or communications facilities

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- a. Any previously permitted tower or antennas issued prior to the effective date of this Land Development Code shall not be required to meet the provisions of this Land Development Code.
- b. Replacement, modifications, expansions, or changes to existing towers or communications facilities must comply with all current standards.

SECTION 4.08.02. RESIDENTIAL DESIGN STANDARDS FOR SPECIFIC USES

- A. Accessory Dwellings.
 - ~~1. This section shall apply to all accessory dwellings where allowed per this Article.~~
 - ~~2. Accessory dwellings shall meet the following design criteria:~~
 1. Maximum square footage
 - a. The maximum gross floor area of an accessory dwelling shall be 50% of the primary dwelling or 1,000 sq. ft. whichever is less. Gross floor area of a non-heated or cooled garage is not included in the area of an ADU if located above a garage or other accessory structure.
 - b. In no case may an accessory dwelling be larger than the primary dwelling on the property in question.
 2. Appearance
 - a. Accessory dwellings shall match the architectural design of the primary dwelling located on the subject property.
 3. Location and dimensional limitations
 - a. All accessory dwellings shall meet the setback requirements of the zoning district in which they are located.
 - b. No ADU may exceed any dimensional limitation of the zoning district it is located within.
 4. Internal design
 - a. All accessory dwellings may have 220-volt power or gas service to cooking appliances.
 5. Renting an ADU
 - a. In the LDR District, if an accessory dwelling is rented:
 1. The subject property's density shall allow for an additional dwelling unit.
 2. The property owner shall live on premises either in the primary or accessory dwelling.
 3. A deed restriction, per paragraph 4 below shall be recorded, and in addition the deed restriction shall also include language that prohibits the rental of either dwelling on the property unless either is occupied by the property owner.
 4. In no case shall both primary or accessory dwelling unit be rented separately.
 - b. In all other districts that allow ADUs, the ADU may be rented separately from the primary dwelling, if the subject property's density allows for an additional dwelling unit.
 6. Deed restriction
 - a. Prior to this issuance of a building permit for the accessory dwelling, the owner of the property shall sign an affidavit, which shall be recorded in the official records of Okaloosa County, Florida, which states that they understand that the accessory dwelling cannot be sold separately from the primary dwelling unless it meets the requirements of the Comprehensive Plan and Land Development Code.
- B. Customary Yard accessory
 1. A movable object no more than 8 feet (8') in height that is displayed or intends to add character or utilized for recreation, whether active or passive, and does not require a building permit may be allowed within the building setbacks of a residential property.

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- a. The City Manager or their designee may require a customary yard accessory to follow the setback limitations per the underlying zoning district, if deemed a hazard or as having a potential negative impact on surrounding properties or the public realm.
- C. Guest Houses
 - 1. Only one guest house is permitted per lot or parcel where allowed.
 - 2. Maximum Size
 - a. The maximum gross floor area of an accessory dwelling shall be 50% of the primary dwelling or 1,000 sq. ft. whichever is less. Gross floor area of a non-heated or cooled garage is not included in the area of an ADU if located above a garage or other accessory structure.
 - b. In no case may an accessory dwelling be larger than the primary dwelling on the property in question.
 - 3. A guest house shall be prohibited from being rented or sold separately from the primary dwelling unit.
 - 4. Internal Design
 - a. Guest Houses shall not include 220-volt power or gas service to any cooking appliances.
 - 5. Deed restriction
 - a. Prior to the issuance of a building permit for a guest house the owner must record a covenant with the Clerk of the Circuit Court of Okaloosa County. A certified recorded copy of said covenant shall be submitted to the City prior to the issuance of the building permit for a guest house. The covenant shall be in a form that has been approved by the City Attorney and/or Land Use Attorney and shall at a minimum contain the following:
 - 1. The owner hereby covenants not to separately rent or sell the guest house, nor to cause to be installed in said guest house any provision for 220-volt power or gas service to any cooking appliance.
 - 2. Owner hereby acknowledges this covenant to be in favor of the City of Destin, and consents to the City's enforcement of same in a court of competent jurisdiction by way of specific performance including, without limitation, for the invalidation of any rental agreement, purchase and sale agreement, or sale consummated in violation hereof.
 - 3. This covenant shall run with the land and shall be binding upon all successors, heirs and assigns so long as the guest house exist on the property.
- D. Households with special needs.
 - 1. Households that require special dispensation for nonconformance such as exterior access ramps, hydraulic lifts for the handicapped, or restraining devices and fences shall be accommodated by the city on a case-by-case basis.
- E. Mobile/Manufactured housing
 - 1. Standards for sitting mobile/manufactured housing units in residential areas.
 - a. The unit shall comply with the U.S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the Florida Manufactured Building Act.
 - b. The minimum horizontal dimension of the main body, as assembled on the site, shall not be less than 20 feet, as measured across the narrowest portion.
 - c. The pitch of the main roof shall not be less than one foot of rise for each four feet of horizontal run and the minimum distance from eave to ridge is one-half the minimum horizontal dimension.
 - d. The roofing material used shall be similar in texture, color, and appearance to that of detached single-family dwelling units in the district in which it is to be located.

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- e. The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family dwelling units in the district in which it is to be located and are applied in such a manner as to make the manufactured housing unit similar in appearance with surrounding detached single-family dwelling units.
- f. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.
- g. All transportation equipment must be removed, and the mobile/manufactured home must be placed on a permanent foundation and properly anchored.
- 2. Manufactured housing units located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements listed in paragraphs 2 through 7 of section 1.a. above.
- F. Community residential homes.
 - 1. Community residential home, large:
 - a. Location:
 - 1. Community residential homes shall not be located within a radius of 500 feet of the following zoning districts:
 - (i) Bay Estates (BE)
 - (ii) Low Density Residential-Village (LDR-V)
 - (iii) Low Density Residential-Holiday Isle (LDR-HI)
 - (iv) Low Density Residential-Harbor (LDR-H)
 - 2. A community residential home shall not be located within a radius of 1,000 feet of another existing or permitted small community residential home or community residential home.
 - (i) All distance requirements herein shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.
 - 2. Community residential home, small:
 - a. Small community residential homes are a noncommercial, residential use, and shall be allowed in all zoning districts which allow single-family detached or multifamily dwellings, provided that:
 - 1. Such homes shall not be located within a radius of 1,000 feet of another existing or permitted community residential home or small community residential home as measured from the nearest point of the existing or permitted home to the proposed home.
- G. Foster homes.
 - 1. Foster homes shall be permitted in any residential land use district of the city.
 - 2. Foster homes shall be compliant with all State and Federal regulations.
- H. Low to moderate income housing
 - 1. The following incentives and criteria are designed to encourage the construction of affordable housing:
 - 2. Performance standards, density and intensity bonuses shall be offered to developers in accordance with the process approvals of the Planned Unit Development per Article 2 of this Code.
 - 3. The city shall favorably consider the awarding of tax-free municipal bonds to developers of projects planned exclusively for low to moderate income families under circumstances where no liability accrues to the city.

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4. If cases should arise, the city shall use its regulatory powers to discourage lending institutions from refusing to grant mortgage loans ("redlining") of development or redevelopment of older neighborhoods or areas inhabited primarily by minorities or low-income families.
5. The city shall not discourage the private sector from making housing available under the Section 8 rental subsidy program of the U.S. Department of Housing and Urban Development to low- and moderate-income families.

SECTION 4.08.03. ACCESSORY STRUCTURES

- A. Accessory or storage structures
 1. General provisions for all accessory structures
 - a. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:
 - b. There shall be a permitted principal structure and use on the parcel.
 1. Boat docks may be permitted prior to construction of the principal structure when **there is a permit for the principal structure that has been issued**, submitted as part of a master plan showing the location of the principal structure.
 - c. The use and accessory structure shall be in full compliance with all standards and requirements of this Code.
 - d. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
 - e. Setbacks and buffers
 1. All accessory buildings shall meet the minimum yard setback requirements for the district in which they are located.
 2. Accessory structures shall not be in a required buffer, landscape area, or minimum building setback area.
 - f. All accessory and storage structures shall be included in all calculations of impervious surface and stormwater runoff.
 - g. Storage and other buildings regulated by this section shall not be permitted between the principal structure and the right-of-way and shall not encroach into any required building setback.
 1. Exception:
 - (i) An accessory structure may be located between the right-of-way and the front of the principal structure if:
 - (a) The accessory structure is setback from the right-of-way a distance equal to or greater than the width of the lot frontage of the property upon which the building is located.
 - (b) The accessory structure is visually screened from the right-of-way.
 - h. Accessory structures shall be shown on any concept development plan with full supporting documentation.
 - i. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.
 - j. Non-residential accessory structures
 1. Accessory buildings used for commercial or industrial storage of hazardous, incendiary, noxious or pernicious materials shall be located a minimum of 100 feet from any property line.
- B. Satellite Dish Antenna, requirements. All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:

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1. The satellite dish antenna shall be considered a structure requiring a building permit to be issued prior to installation. After installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.
 2. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electrical lines and shall conform to the National Electrical Code.
 3. The satellite dish antenna installation shall meet all Federal Communications Commission (FCC) and manufacturer specifications, rules, and requirements.
 4. The satellite dish antenna shall be of a nonreflective surface material and shall be made, to the maximum extent possible, to conform and blend into the surrounding area and structures.
 5. The satellite dish antenna shall contain no advertising or signage of any type.
 6. The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints/drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a professional engineer.
 7. The satellite dish antenna installation shall be permitted to be placed inside and rear areas of the main dwelling or commercial structure only and must meet setback requirements.
 8. The following standards are for installation in developments:
 - a. A satellite dish antenna shall be considered an accessory structure to the main dwelling structure and shall not constitute the principal use of the property.
 - b. The satellite dish antenna installed pursuant to this subsection shall not be used for any commercial purposes. It shall only provide service to the main dwelling structure.
 - c. Satellite dish antenna installations shall be limited to one installation per residential lot.
 - d. The maximum size of the satellite dish antenna, whether ground- or pole-mounted, shall be limited to 12 feet in diameter.
 - e. The satellite dish antenna installation shall be mounted at a fixed point and shall not be portable.
 9. Nonconforming antenna. Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be met.
- C. Swimming Pools.
1. No swimming pool, as defined in the Florida Building Code (FBC), shall be constructed, or altered within the city unless a building permit therefore shall first be obtained from the Community Development Department.
 2. Location.
 - a. No part of a pool or pool structure may be located within the any common boundary buffer or other required buffer.
 3. Fencing.
 - a. Any person who owns, possesses, manages, operates, maintains or controls any real property where any swimming pool is situated shall erect a fence in accordance with the Florida Building Code (FBC).