



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, NOVEMBER 20, 2025
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
- 4. CURRENT BUSINESS**
 - A. Ordinance 25-26-LC - Deleting "*Section 7.13.00 - Nonconforming uses and structures*" of Article 7 and "*Section 16.08.00. - Nonconforming signs*" of Article 8 and replacing with "*Article 3 - Nonconformities,*" providing for title, jurisdiction, and intent, containing regulations related to nonconforming uses, structures, lots, and signs.**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: TBD**

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)

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: November 20, 2025
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney
David Prichard, Community Development Director

FROM: Steve O'Connor, Deputy Community Development Director

DATE: November 12, 2025

SUBJECT: Ordinance 25-26-LC - Deleting "*Section 7.13.00 - Nonconforming uses and structures*" of Article 7 and "*Section 16.08.00. - Nonconforming signs*" of Article 8 and replacing with "*Article 3 - Nonconformities,*" providing for title, jurisdiction, and intent, containing regulations related to nonconforming uses, structures, lots, and signs.

I. BACKGROUND:

On April 5, 2021, City Council unanimously approved the scope of work and budget to rewrite the Land Development Code (LDC) completely. Since then, staff and consultants from 3TP Ventures have diligently advanced the project through comprehensive review and drafting. Major activities included:

- **Review of Comprehensive Plan Policies**
- **Developing Planning Areas and their associated Intent Statements**
- **Review of the LDC text chapter by chapter**

Following extensive internal and public review since early 2023, the final staff draft of Article 3 was presented to the City Council at its workshop on December 3, 2024. Public comments and recommendations from the Local Planning Agency (LPA) and other boards have been incorporated. Staff used the discussion and guidance provided at the Council workshop and incorporated changes. Further refinements were made based on re-reviews by new staff.

II. DISCUSSION: **What to expect in the New LDC:** Staff and 3TP Ventures have worked collaboratively to modernize and simplify the LDC. The updated code emphasizes

clearer language, improved organization, and streamlined processes. The most notable improvements include revisions to language, format, and organization, as well as consolidation.

Article 3 – Nonconformities establishes regulations concerning how the city manages and deals with nonconformities; uses, structures, land, and other elements of development regulated by the LDC, that were at one point permitted through a building permit, development order or other previous official action by Okaloosa County (prior to incorporation) or the City of Destin but no longer conform to the current Land Development Code. This draft article is made up of current LDC *Section 7.13.00 — Nonconforming uses and structures* and *Section 16.08.00 — Nonconforming signs*, but also includes new regulations that deal with nonconforming site elements, Section 3.05, nonconforming signs, Section 3.06, and nonconformities created by a public agency action, Section 3.07.

The LPA recommended approval of Draft ***Article 3 – Nonconformities*** on July 6, 2023.

Language: The rewrite simplifies the LDC language for clarity, ideally allowing users to understand requirements without legal or staff interpretation easily.

Format: The revised LDC eliminates lengthy, dense paragraphs and introduces clearer headings.

Organization: The new structure addresses one of the main challenges of the current LDC—difficulty locating specific regulations.

Consolidation: Brought to gather all regulations pertaining to nonconformities, Sec. 7.13.00 & nonconforming signs in Sec. 16.08.00

Changes since the Council Workshop on December 3, 2024

The term "legal" was removed from "legal nonconformity" as the definition of a nonconformity is that it was legally established or legally existed prior to the changes that made it nonconforming. So the term nonconforming implies legality. Instead, the term "noncompliant" will be used to describe uses, structures, lots, site elements, etc. that are not legal or legally established and do not meet the minimum requirements of the LDC.

- **3.01 - Intent & Applicability**
 - 3.01.01. A.1-5 - Removed the list of elements the Article applies to.
 - 3.01.01. C - Removed due to redundancy.
- **3.02 - Nonconforming Lots**
 - 3.02.01.A.1 & 2 - Consolidated
 - 3.02.01. D - Added paragraph D to prevent combined lots from being split back into nonconforming lots.
- **3.03 - Nonconforming Uses**
 - 3.03.01. Reorganized to provide clarity
 - Paragraph B. previously A.1.
 - B.1 - previously A.2. added the word “not” to clarify that nonconforming uses shall not be enlarged.
 - B.2. - previously A.3. changed for clarity
 - Previous 3.03.01.A.4. - Removed as if it was redundant.
 - 3.03.02. Nonconforming Uses Under Special Exception — removed

because it is no longer relevant as law enforcement, fire and rescue, utilities, and public services are all conditional uses in all zoning districts and therefore do not need a “special exception.”

- **3.04 - Nonconforming Structures**

- This section was changed to provide clarity between primary, accessory, and minor structures. The Section was split into three: “General,” “Nonconforming Primary Structures,” and “Nonconforming Accessory and Minor Structures.”
 - 3.08.01.A. - previously 3.08.D.
 - 3.08.01.B. - previously 3.08.B.a.
 - 3.08.01.C. - previously 3.08.C.a.
- 3.04.01.A.3 & .4
 - Paragraph .3 was changed to require replacement of the structure with a conforming structure if destroyed by more than 50% of the replacement cost.
 - Paragraph .4 was created to allow for replacement of structures as nonconforming if destroyed by less than 50% of the replacement cost.
- 3.04.01.A.5.a & .b - previously 3.04.01.A.3.b.1&.2.
- 3.04.02.A.3. was moved to 3.04.02.A. and the original 3.04.02.A. was deleted for clarity.

- **3.05 - Nonconforming Site Elements**

- Some language was updated or rearranged to provide clarity.

- **3.06 - Nonconforming Signs**

- 3.06.01.A.1. - changed to provide clarity

- **3.07 - Nonconformities Due to Public Agency Action**

- Language was added to clarify that this section is for actions other than changes to regulatory documents, such as the LDC or comprehensive plan.

- **3.08 Repairs and Maintenance**

- –Moved paragraph D to the beginning of the section for clarity.
- –Created Section 3.08.01 Primary Structures to differentiate how the city would handle a primary structure.
- Created Section 3.08.02 Accessory and Minor Structures to differentiate how the city would handle an accessory or minor structure.

III. RECOMMENDATIONS: The purpose of tonight’s action is to forward the LPA’s formal recommendation of *"Article 3 - Nonconformities"* to City Council.

IV. RECOMMENDED MOTION:

I move that the LPA recommend approval of Ordinance 25-26-LC to the City Council.

ALTERNATIVE MOTION:

I move that the LPA recommend approval of Ordinance 25-26-LC to the City Council, with the changes discussed.

Attachments:

1. Article 3 - Nonconformities Final

- Draft 11.25
- 2. Ord. 25-26-LC for Article 3
- 3. Article 3 - Nonconformities Final
Draft 10.27.25 - with edits
- 4. City Council Minutes 12-03-2024
Workshop
- 5. Article 3 Ordinance Presentation
- 6. Article 11 - Glossary - WORKING
DRAFT 11.25.

EXHIBIT “A”

City of Destin, FL - Article 3 - Nonconformities

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ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

- A. Nonconformities exist for properties which were developed prior to the adoption of the land development code or for properties that were previously in compliance but are no longer in compliance due to subsequent changes to the land development code.
- B. This article implements policies 1-3.6.2 and 1-3.6.3 of the comprehensive plan, prohibiting:
 - 1. The expansion of nonconforming land uses
 - 2. Development that intensifies a nonconforming use
 - 3. Increases or exacerbates the intensities of a nonconforming feature of a building or structure.

SECTION 3.02 NONCONFORMING LOTS

SECTION 3.02.01 LOTS OF RECORD

- A. If a nonconforming lot of record existed by way of plat, subdivision or contract of purchase prior to March 11, 1974, and a single-family dwelling is a permitted use of the applicable zoning district, then;
 - 1. The owner shall be allowed to construct a single-family dwelling and construct customary accessory structures once the primary dwelling is established on the property.
- B. Any variance of setback requirements shall be obtained only through application to the Board of Adjustment.
- C. No such nonconforming lot shall be altered in a way which increases its nonconformity, but any lot or portion thereof may be altered to decrease its nonconformity.
- D. If a nonconforming lot of record is combined with an adjoining lot of record to meet conforming dimensional requirements of this code, it cannot be uncoupled to the original existing lots of record.

SECTION 3.03 NONCONFORMING USES

SECTION 3.03.01 NONCONFORMING USES

- A. Uses of land, including uses of land with minor structures, made nonconforming by the adoption of this code, may be continued so long as it remains otherwise lawful, provided:
- B. The nonconforming use shall not be enlarged, increased, or expanded to occupy a greater area of land than occupied at the effective date of adoption or amendment of this provision.
 - 1. The nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than the area occupied by such use at the effective date of adoption or amendment of this provision.
 - 2. If any nonconforming use ceases for any reason for a period of more than six months, any subsequent use shall conform to this code specified by the zoning district.

SECTION 3.04 NONCONFORMING STRUCTURES

SECTION 3.04.01 NONCONFORMING STRUCTURES

- A. Structures made nonconforming by the adoption of this code may be continued so long as it remains otherwise lawful, provided:

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1. Any structure or portion thereof may be altered to decrease its nonconformity.
2. Nonconforming structures shall not be enlarged or altered in a way that increases its nonconformity.
3. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percents (50%) of its replacement cost at time of destruction, it shall only be allowed to be replaced by a conforming structure.
4. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of less than fifty percent (50%) of its replacement cost at time of destruction, it may be reconstructed in its nonconforming location, size, or height, provided that;
 - a. It shall not be reconstructed except in the exact dimensions as it existed on the date of its destruction with due diligence.
 - b. Complete building permit applications, conforming to current Florida Building Code requirements, must be submitted to the Community Development Department no more than;
 1. Six (6) months from the date of destruction for nonresidential structures
 2. One (1) year from the date of destruction for residential structures
5. Should any structure be moved for any reason to any other lot, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

SECTION 3.04.02 MOBILE OR MANUFACTURED HOMES

- A. These regulations are not intended to prohibit the continued operation of existing mobile or manufactured home parks as of the effective date of adoption or amendment of this code and such mobile or manufactured home parks are expressly permitted to continue operation in the manner conducted prior to the effective date of adoption or amendment of this chapter, provided:
 1. No additional mobile or manufactured homes shall be located on any parcel in excess of the number of mobile or manufactured home sites, consisting of the appropriate slabs or other identifiable location and utility connections which were in existence at the effective date of adoption or amendment of this code.
 2. If any individual mobile or manufactured homes located on any individually owned parcel of record shall be moved for more than a period of six months, any subsequent use of such land shall conform to the regulations specified by this code for the district in which such land is located.
- B. If any individual mobile/manufactured home located on any parcel of property on the effective date of adoption of this section shall be bounded by a fence or other boundary mutually agreed to by the adjoining land owners or occupants, and provided said lots abut a city street or public right-of-way, said lots may be sold or otherwise conveyed by metes and bounds description and such use continued so long as not abandoned pursuant to this article.

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SECTION 3.05 NONCONFORMING SITE ELEMENTS

SECTION 3.05.01 NONCONFORMING SITE ELEMENTS

- A. Nonconforming site elements listed in paragraph C below may be continued so long as it remains otherwise lawful, and the existing on-site uses, structures, or other elements do not require site modifications to meet code requirements.
- B. Nonconforming site elements shall be brought into compliance with this code if;
 - 1. The use of the site changes, expands, or increases, requiring a formal change of use per Article 2, or,
 - 2. The existing structure is modified, expanded, and increased which affects the nonconforming site element.
- C. Nonconforming site elements may include, but are not limited to:
 - 1. Off-street parking
 - 2. Landscaping
 - 3. Lighting
 - 4. Stormwater
 - 5. Access (ingress or egress)
 - 6. Utilities
 - 7. Open space

SECTION 3.06 NONCONFORMING SIGNS

SECTION 3.06.01 NONCONFORMING SIGNS

- A. All nonconforming signs shall be subject to the following restrictions:
 - 1. Nonconforming signs shall not be enlarged.
 - 2. A sign, or portion thereof, may be altered to decrease its nonconformity.
 - 3. Ordinary repair and maintenance of nonconforming signs is permitted, up to 50% of the cost of replacement, as follows:
 - a. Ordinary repair and maintenance shall mean the work necessary to keep the sign in good state of repair provided, however, ordinary repair and maintenance shall not include replacement of structural materials.
 - b. Structural materials, as used in this section shall mean those materials comprising the load-bearing components of the sign including, but not limited to:
 - 1. Vertical supports
 - 2. Horizontal stringers
 - 3. Braces, bracing wires, or brackets
 - 4. Catwalks
 - c. Structural materials do not include the:
 - 1. Sign face
 - 2. Skirt
 - 3. Electrical service or electric lighting, except in cases where such items have been incorporated into the load-bearing parts of the sign.
 - d. Examples of changes, modifications, or work which do not constitute ordinary repair and maintenance and are prohibited include, but are not limited to:

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1. Modification that changes the structure, or type of structure, of the sign, such as conversion of back-to-back sign to a V-type, or conversion of a wooden sign structure to a metal structure.
 2. Modification that changes the sign face area or the height of the sign.
 3. Modification that enhances the visibility of the sign's message or the period of time the sign's message is visible.
 4. Modification that adds automatic or electronic changeable faces, or copy.
 5. Modification that adds artificial lighting, or changes the existing lighting, such that elimination of the sign face is substantially increased.
 - e. Should a nonconforming sign be destroyed and must be structurally repaired by any means it shall be reconstructed in compliance with this code.
 - f. A nonconforming sign may not be disassembled and re-erected at the same location.
 - g. A nonconforming sign may not be relocated.
 - h. A nonconforming sign which the City Building Official, or designee, has determined is structurally unstable or constitutes an imminent threat to public safety shall be removed. Any replacement sign must conform to the provisions of Article 8 - Signs of this code.
 - i. Nothing in this section shall be construed so as to constitute a violation of § 70.20, Florida statutes.
- B. Off-site signs: If an existing nonconforming off-site sign, billboard, or permanent outdoor advertising sign is destroyed by any cause, it may not be rebuilt for any reason.

SECTION 3.07 NONCONFORMITIES DUE TO PUBLIC AGENCY ACTION

SECTION 3.07.01. NON-REGULATORY PUBLIC AGENCY ACTION

- A. If an action by a public agency (City of Destin, Florida Department of Transportation, etc.), other than an amendment to development regulations or similar documents, creates a nonconforming structure and/or site, such structure or site may remain as nonconforming and no further action on the part of the owner is required.
- B. Nonconformities created due to public agency action may not be increased or intensified and shall be governed by the appropriate sections of this article.
- C. If a nonconformity is created by public agency action that results in a risk to public health, safety or welfare, the City Manager or designee may require certain LDC provisions to be met to the maximum degree physically and financially feasible, at the cost of the public agency that created the nonconformity.
 - a. The public agency shall rectify or mitigate the created risk at the time the risk is identified.
 - b. If the risk cannot be reasonably mitigated, then the public agency shall be responsible for acquiring the entire property where the risk is created.

SECTION 3.08 REPAIRS AND MAINTENANCE

SECTION 3.08.01 GENERAL

- A) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any conforming building or part of a nonconforming structure thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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- B) The intent of this section is not to supersede or nullify any federal or state improvement requirements for flood plain improvements.
- C) Any permit for a structure declared unsafe shall be in full compliance with the LDC.

SECTION 3.08.02 NONCONFORMING PRIMARY STRUCTURES

- A. Work may be done not to exceed 25% of the current replacement cost of the structure, in any period of 12 consecutive months on the items listed below, provided that the cubic content or square footage existing when it became nonconforming shall not be increased:
 - a. Ordinary repairs
 - b. Repair or replacement of nonbearing walls
 - c. Fixtures
 - d. Wiring
 - e. Plumbing
- B. Paragraph A above does not apply to detached single-family or duplex dwellings, excluding townhome structures.
- C. For any nonconforming structure, declared to be unsafe or unlawful to use by any duly authorized official, no permits shall be issued to restore, repair, rebuild, modify, remodel, or for similar improvements.

SECTION 3.08.03 NONCONFORMING ACCESSORY OR MINOR STRUCTURES

- A. Work may be done not to exceed 25% of the current replacement cost of the accessory or minor structure, in any period of 12 consecutive months on the items listed below, provided that the cubic content or square footage existing when it became nonconforming shall not be increased:
 - a. Ordinary repairs
 - b. Repair or replacement of nonbearing elements
 - c. Fixtures
 - d. Wiring
 - e. Plumbing
- B. For any nonconforming accessory or minor structure, declared to be unsafe or unlawful to use by any duly authorized official, no permits shall be issued to restore, repair, rebuild, modify, remodel, or for similar improvements.

ORDINANCE NO. 25-26-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING SECTION 7.13.00. “NONCONFORMING USES AND STRUCTURES” AND SECTION 16.08.00. “NONCONFORMING SIGNS”, OF THE LAND DEVELOPMENT CODE AND CREATING A NEW ARTICLE 3 “NONCONFORMITIES”; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Chapter 163, Part II, of Florida Statutes, entitled the Community Planning Act ("Act"), empowers and requires the City Council to plan for the City’s future development and growth and to adopt and amend its Land Development Code, or elements of portions thereof, to guide the future growth and development of the City; and

WHEREAS, a comprehensive review of the entire Land Development Code has not taken place in some time; and

WHEREAS, the City Council has a goal of updating the Land Development Code to promote consistency with the latest state and federal laws, as well as best practices for land development in Florida; and

WHEREAS, the City Council has undertaken an effort to rewrite portions of its Land Development Code (“LDC”) to improve usability, implement missing elements of the Comprehensive Plan, and modernize development standards; and

WHEREAS, the City Council desires to clean up items in the LDC related to inconsistencies in the existing code, problems identified in the course of everyday implementation, or items that were missing or outdated due to changes in the City’s practices or development typologies; and

WHEREAS, the City Council endeavors to modernize the LDC by addressing items that will result in structural improvements to the LDC or areas where best practices have changed

significantly since the relevant regulations were last updated; and

WHEREAS, the City Council desires to improve areas of development and land use that are insufficiently addressed by the current code; and

WHEREAS, the City Council desires to maintain the quality of life for City residents by protecting environmental resources, protecting existing neighborhoods, and protecting wildlife areas and natural amenities; and

WHEREAS, the City Council seeks to discourage sprawl development and provide guidance for infill development; and

WHEREAS, the City Council desires to balance the impacts of legal nonconformities with private property rights; and

WHEREAS, the City Council retained 3TP Ventures as a consultant to assist City staff with a comprehensive rewrite of the Land Development Code (“LDC”); and

WHEREAS, City Staff has presented various versions of Article 3 of the LDC to the City’s Land Planning Agency and incorporated recommendations from the LPA into the proposed Article 3; and

WHEREAS, City Staff has held multiple workshops before the City Council and incorporated policies discussed at the City Council workshops into the proposed LDC; and

WHEREAS, the City Council desires to provide for the health, safety and welfare of its citizens by modernizing and simplifying the LDC; and

WHEREAS, the 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, this Ordinance 25-26-LC deletes and replaces in its entirety the existing Article 7, Section 7.13.00 entitled “NONCONFORMING USES AND STRUCUTRUES”; and Article 16, Section 18.08.00 entitled “NONCONFORMING SIGNS” of the City Land Development Code

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on November 20, 2025, for the purpose of providing recommendations to the City Council with regard to this Ordinance 25-26-LC, and recommended that the City Council adopt the Ordinance amending the Land Development Code; 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. Section 7.13.00. “Nonconforming uses and structures” and Section 16.08.00. “Nonconforming signs”, of the Land Development Code, are hereby repealed in their entirety and replaced by Article 3 - Nonconformities as shown in “Exhibit A” to this Ordinance. Exhibit “A” to this Ordinance constitutes Article 3 of the City of Destin’s Land Development Code as of the Effective Date of this Ordinance.

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

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

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

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective on October 1, 2026, provided it is adopted by the City Council and signed by the Mayor prior to October 1, 2026.

(SIGNATURE PAGE FOLLOWS)

ADOPTED THIS ____ DAY OF _____,
202__.

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: _____

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City of Destin, FL - Article 3 - Nonconformities

ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

~~A. Within the districts established by the City of Destin, legal nonconformities exist for properties which were developed prior to the adoption of the land development code or for properties that were previously in compliance but are no longer in compliance due to subsequent changes to the land development code, lawful by way of being permitted or approved before the adoption of the Land Development Code (LDC or this "Code") and are now prohibited, regulated, or restricted under this Code. This includes, but is not limited to, changes to:~~

~~1. Lot(s)~~

~~2. Allowable Land use(s)~~

~~3. Structure(s)~~

~~4. Site Elements~~

~~5.A. Signs~~

~~B. This Article intends to implement policies 1-3.6.2 and 1-3.6.3 of the Comprehensive Plan, prohibiting~~

~~1. The expansion of nonconforming land uses~~

~~2. Development that intensifies a nonconforming use~~

~~3. Increases or exacerbates the intensities of a nonconforming feature of a building or structure.~~

~~C. The following standards shall require that plans for alterations to nonconforming structures incorporate improvements to bring the subject structure into compliance to the greatest reasonable and practical extent.~~

SECTION 3.02 NONCONFORMING LOTS

SECTION 3.02.01 LOTS OF RECORD

A. If a nonconforming lot of record existed by way of plat, subdivision or contract of purchase prior to March 11, 1974, and a single-family dwelling is a permitted use of the applicable zoning district, then;

~~1. The owner shall be allowed to construct a single-family dwelling, and~~

~~2.1. Construct customary accessory structures once if the primary dwelling is established on the property.~~

B. Any variance of setback requirements shall be obtained only through action of application to the Board of Adjustment.

~~C. No such nonconforming lot shall be altered in a way which increases its nonconformity, but any lot or portion thereof may be altered to decrease its nonconformity.~~

~~D. If a nonconforming lot of record is combined with another lot of record to meet conforming dimensional requirements of this code, it cannot be uncoupled to the original existing lots of record.~~

SECTION 3.03 NONCONFORMING USES

SECTION 3.03.01 ~~LEGAL~~ NONCONFORMING USES

A. Uses of land, including uses of land with minor structures, made nonconforming by the adoption of this code, may be continued so long as it remains otherwise lawful, provided:

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City of Destin, FL - Article 3 - Nonconformities

- B. ~~The nonconforming use shall not be~~ ~~No such nonconforming use shall be~~ enlarged, increased, or expanded to occupy a greater area of land than occupied at the effective date of adoption or amendment of this provision.
1. The nonconforming use shall not be moved in whole or in part to any portion of the lot or parcel other than the area occupied by such use at the effective date of adoption or amendment of this provision.
 2. ~~If any nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of land, lot or parcel shall conform to this Code specified by the district in which the land, lot, or parcel is located.~~ If any nonconforming use ceases for any reason for a period of more than six months, any subsequent use shall conform to this code specified by the zoning district.
 3. ~~No additional structure not conforming to the requirements of this section shall be erected in connection with such nonconforming use of land.~~

~~SECTION 3.03.02 NONCONFORMING USES UNDER SPECIAL EXCEPTION PROVISIONS~~

- A. ~~A nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use only if the proposed use is in the public's interest, such as;~~
1. ~~Law enforcement,~~
 2. ~~Fire and rescue,~~
 3. ~~Utilities,~~
 4. ~~Public services.~~
- B. ~~The Board of Adjustment by making findings in the specific case, shall find that the proposed use is necessary in this specific location based on the interest of the public. The Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of the LDC.~~
- C. ~~Any use which is permitted as a special exception in a district under the terms of this section shall be considered a legally nonconforming use.~~

SECTION 3.04 NONCONFORMING STRUCTURES

SECTION 3.04.01 ~~LEGAL~~ NONCONFORMING STRUCTURES

- A. Structures made nonconforming by the adoption of this ~~code, code~~ may be continued so long as it remains otherwise lawful, provided:
1. Any structure or portion thereof may be altered to decrease its nonconformity.
 2. ~~Nonconforming structures shall not be enlarged~~ ~~No nonconforming structure or portion thereof shall be enlarged~~ or altered in a way that increases its nonconformity.
 3. ~~Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percents (50%) percent of its replacement cost at time of destruction, it shall only be allowed to be replaced by a conforming structure.~~
 - 3.4. ~~Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of less than fifty percent (50%) of its replacement cost at time of destruction, it~~ may be reconstructed in its nonconforming location, size, or height, provided that;
 - a. It shall not be reconstructed except in the exact dimensions as it existed on the date of its destruction with due diligence.

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City of Destin, FL - Article 3 - Nonconformities

- b. Complete building permit applications, conforming to current Florida Building Code requirements, must be submitted to the Community Development Department no more than;
 - 1. Six (6) months from the date of destruction for nonresidential structures
 - 2. One (1) year from the date of destruction for residential structures
- 4.5. Should any structure be moved for any reason to any ~~district-whatever~~ other lot, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

SECTION 3.04.02 MOBILE OR MANUFACTURED HOMES

- A. ~~Where, These regulations are not intended to prohibit the continued operation of existing mobile or manufactured home parks as of the effective date of adoption or amendment of this code and such mobile or manufactured home parks are expressly permitted to continue operation in the manner conducted prior to the effective date of adoption or amendment of this chapter, at the time of passage of this provision, lawful use of land involving mobile or manufactured homes which would not be permitted by the regulations imposed by this Code, the structure and use may be continued so long as it remains otherwise lawful, provided:~~
 - 1. No additional mobile or manufactured homes shall be located on any parcel in excess of the number of mobile or manufactured home sites, consisting of the appropriate slabs or other identifiable location and utility connections which were in existence at the effective date of adoption or amendment of this CCode.
 - 2. If any individual mobile or manufactured homes located on any individually owned parcel ~~or lot~~ of record shall be moved for more than a period of six months, any subsequent use of such land shall conform to the regulations specified by this Ccode for the district in which such land is located.
 - 3. ~~These regulations are not intended to prohibit the continued operation of existing mobile or manufactured home parks as of the effective date of adoption or amendment of this Code and such mobile or manufactured home parks are expressly permitted to continue operation in the manner conducted prior to the effective date of adoption or amendment of this chapter.~~
- B. If any individual mobile/manufactured home located on any parcel of property on the effective date of adoption of this section shall be bounded by a fence or other boundary mutually agreed to by the adjoining land owners or occupants, and provided said lots abut a city street or public right-of-way, said lots may be sold or otherwise conveyed by metes and bounds description and such use continued so long as not abandoned pursuant to Section XX.XX.XX ~~this article of this Code.~~

SECTION 3.05 NONCONFORMING SITE ELEMENTS

SECTION 3.05.01 NONCONFORMING SITE ELEMENTS

- A. ~~Legal~~ Nonconforming site elements listed in ~~Paragraph~~ paragraph C: below may be continued ~~on-site~~ so long as it remains otherwise lawful, ~~and unless~~ the existing on-site uses, structures, or other elements do not require site modifications to meet ~~this Code~~ code requirements.
- B. ~~N~~Legal nonconforming site elements shall be brought into compliance with this CCode if;

City of Destin, FL - Article 3 - Nonconformities

1. The use of the site changes, expands, or increases ~~requiring that thea formal Change-change of Use-use process~~ per Article 2 ~~applies or~~;
2. The existing structure is modified, expanded, and increased ~~to-which~~ affects the ~~existing condition of the legal~~ nonconforming ~~site~~ element.
- C. ~~Legal-n~~Nonconforming ~~site~~ elements may include, but are not limited to:
 1. Off-street parking
 2. Landscaping
 3. Lighting
 4. Stormwater
 5. Access (ingress or egress)
 6. Utilities
 7. Open space

SECTION 3.06 NONCONFORMING SIGNS

SECTION 3.06.01 ~~LEGAL~~ NONCONFORMING SIGNS

- A. All ~~legal~~ nonconforming signs shall be subject to the following restrictions:
 - ~~1. No nonconforming sign may be enlarged or altered in a way which increases its nonconformity.~~
 1. Nonconforming signs shall not be enlarged.
 2. A sign, or portion thereof, may be altered to decrease its nonconformity, ~~or for ordinary repair and maintenance as provided for herein.~~
 3. Ordinary repair and maintenance of nonconforming signs is permitted, up to 50% of the cost of replacement, as follows:
 - a. Ordinary repair and maintenance shall mean the work necessary to keep the sign in good state of repair provided, however, ordinary repair and maintenance shall not include replacement of structural materials.
 - b. Structural materials, as used in this section shall mean those materials comprising the load-bearing components of the sign including, but not limited to:
 1. Vertical supports
 2. Horizontal stringers
 3. Braces, bracing wires, or brackets
 4. Catwalks
 - c. Structural materials do not include the:
 1. Sign face
 2. Skirt
 3. Electrical service or electric lighting, except in cases where such items have been incorporated into the load-bearing parts of the sign.
 - d. Examples of changes, modifications, or work which do not constitute ordinary repair and maintenance and are prohibited include, but are not limited to:
 1. Modification that changes the structure, or type of structure, of the sign, such as conversion of back-to-back sign to a V-type, or conversion of a wooden sign structure to a metal structure.
 2. Modification that changes the sign face area or the height of the sign.

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City of Destin, FL - Article 3 - Nonconformities

3. Modification that enhances the visibility of the sign's message or the period of time the sign's message is visible.
 4. Modification that adds automatic or electronic changeable faces, or copy.
 5. Modification that adds artificial lighting, or changes the existing lighting, such that elimination of the sign face is substantially increased.
 - e. Should a nonconforming sign be destroyed and must be structurally repaired by any means it shall be reconstructed in compliance with this ~~C~~code.
 - f. A nonconforming sign may not be disassembled and re-erected at the same location.
 - g. A nonconforming sign may not be relocated.
 - h. A nonconforming sign which the City bBuilding eOfficial, or designee, has determined is has-become structurally unstable or constitutes an imminent threat to public safety shall be removed. Any replacement sign must conform to the provisions of **Section xx.xx.xx** Article 8 - Signs of this code. Permitted signs:
 1. ~~The Building Official has the authority to enforce this section.~~
 - i. Nothing in this section shall be construed so as to constitute a violation of § 70.20, Florida ~~s~~Statutes.
- B. Off-site signs: If an existing nonconforming off-site sign, billboard, or permanent outdoor advertising sign is destroyed by any cause, it may not be rebuilt for any reason.

SECTION 3.07 NONCONFORMITIES ~~D~~UE TO PUBLIC AGENCY ACTION

SECTION 3.07.01. NON-REGULATORY PUBLIC AGENCY ACTION

- A. ~~In the event that~~ If an action by a public agency (City of Destin, Florida Department of Transportation, etc.), other than an amendment to development regulations or similar documents, creates a nonconforming structure and/or site, such structure or site may remain as ~~legally~~ nonconforming and no further action on the part of the owner is required.
- B. Nonconformities created due to public agency action may not be increased ~~No legal nonconformity created due to public agency action may be increased~~ or intensified and shall be governed by the appropriate sections of this article.
- C. ~~In the event that~~ If a nonconformity is created by public agency action that results in a risk to public health, safety or welfare, the City Manager or designee may require certain LDC provisions to be met to the maximum degree physically and financially feasible, at the cost of the public agency that created the nonconformity.
 - a. The public agency shall rectify or mitigate the created risk at the time the risk is identified.
 - b. If the risk cannot be reasonably mitigated then the public agency shall be responsible for acquiring the entire property where the risk is created.

SECTION 3.08 REPAIRS AND MAINTENANCE

SECTION 3.08.01. GENERAL

- A) Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any conforming building or part of a nonconforming structure thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
- B) The intent of this section is not to supersede or nullify any federal or state improvement requirements for flood plain improvements.

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City of Destin, FL - Article 3 - Nonconformities

A.C)Any permit for a structure declared unsafe shall be in full compliance with the LDC.

SECTION 3.08.02 NONCONFORMING PRIMARY STRUCTURES

- A. ~~Nonconforming Multifamily or non-residential structures, including townhouse structures or portion of a structure containing a nonconforming use, w~~Work may be done not to exceed 25% of the current replacements cost of the structure, in any period of 12 consecutive months on the items listed below, provided that the cubic content or square footage existing when it became nonconforming shall not be increased;
 - a. Ordinary repairs
 - b. Repair or replacement of nonbearing walls
 - c. Fixtures
 - d. Wiring
 - e. Plumbing,
- B. Paragraph A above does not apply to detached Ssingle-Ffamily or Dduplex dwellings, excluding townhome structures.
 - a. ~~The intent of Paragraph A is not to supersede or nullify any Federal or State improvement requirements for Flood Plain improvements.~~
- C. For any nonconforming structure, declared to be unsafe or unlawful to use by any duly authorized official, no permits shall be issued to restore, repair, rebuild, modify, remodel, or for similar improvements.

a. ANY PERMIT FOR A STRUCTURE DECLARED UNSAFE, SHALL BE IN FULL COMPLIANCE WITH THE CURRENTLY ADOPTED LAND DEVELOPMENT CODE. SECTION 3.08.03 NONCONFORMING ACCESSORY OR MINOR STRUCTURES

- A. Work may be done not to exceed 25% of the current replacements cost of the accessory or minor structure, in any period of 12 consecutive months on the items listed below, provided that the cubic content or square footage existing when it became nonconforming shall not be increased:
 - a. Ordinary repairs
 - b. Repair or replacement of nonbearing elements
 - c. Fixtures
 - d. Wiring
 - e. Plumbing
- ~~D.B. For any nonconforming accessory or minor structure, declared to be unsafe or unlawful to use by any duly authorized official, no permits shall be issued to restore, repair, rebuild, modify, remodel, or for similar improvements. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any conforming building or part of a nonconforming structure thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.~~

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 3, 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 Pro Tem Dewey Destin
Councilmember Kevin Schmidt
Councilmember Sandy Trammell

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

Interim City Manager Larry Jones
Deputy Comm Dev Director Steve O'Connor
Principal Planner Daniel Butler
Planner Jesse Hernandez
City Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy Public Works Director Joe Bodi
Planner Sherry Burney
Planner Ashley Dominguez

WORKSHOP

Steve O'Connor, Deputy Director of Community Development, delivered the following presentation:

A. Draft Article 8 – Sign Regulations

Language

- The current LDC is cumbersome to read
- Current language has allowed inconsistent interpretations and challenges in enforcement
- Written in a more readable manner (reduced “legalese”)
- Easier for users (residents, developers, Staff) to read and understand the regulations

Format, organization, and Consolidation

- Significant deviation from the current LDC format
- An easier to read and better flowing document
- Reduced multi-sentence run-on paragraphs
- The sections are bookmarked and hyperlinked
- Chart with graphic used rather than paragraphs for max. dock lengths

Supreme Court Case

- The Supreme Court Case *Reed v. Town of Gilbert*, AZ (2015) changed the way municipalities need to think about and develop their sign regulations. Since this ruling, the American Planning Association (APA) has provided guidance on how to be compliant post the Supreme court ruling. The guidance is as follows:
 - ❖ Focus on type not message (Permanent/Temporary or Attached/Detached)
 - ❖ Craft a compelling purpose statement
 - ❖ Review and update definitions of signs to remove any reference to content/message
 - ❖ Exemptions need to avoid content-based exemptions

The *Reed v. Gilbert* ruling does allow municipalities to identify signs as commercial or non-commercial speech to be able to distinguish and allow differing regulations for both types of speech. However, the regulations for non-commercial speech should be narrowed and focused. The regulations for commercial speech can be more stringent but still consistent.

DISCUSSION/SUMMARY:

The meeting revisited the implications of the *Reed v. Town of Gilbert* (2015) Supreme Court decision, which mandates that sign regulations must be content-neutral. Cities can differentiate between commercial and non-commercial speech but cannot regulate signs based on their content, except for identifying whether speech is commercial or non-commercial. This necessitated significant changes to ensure compliance with federal law.

The draft Article 8 introduces classifications for signs based on:

- Zoning districts (residential, mixed-use, commercial, etc.)
- Sign types (permanent, temporary, freestanding, attached)
- Distinctions between commercial and non-commercial speech.

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➤ Permanent & Temporary Signs:

- ❖ Establishing clear regulations for the differentiation of permanent and temporary regulations is critical. The current code does a good job of differentiating; however, the regulations are based on content and are not consistent throughout.
- ❖ Sign Classification & Type Charts:
 - The Charts are a "one-stop shop" to determine how much sign square footage is allowed, the allowed number of signs, and where they can be located broken out by the zoning district. This method was reviewed by several outside parties, which included sign companies. Staff received positive feedback on the chart's ease of use.
 - *The numbers provided within the Charts are generally what is currently allowed. However, due to the change in how the City must review signs, we created several sign types or classifications that don't have existing allowances. Therefore, Staff used existing allowances to propose a starting allowance to begin the discussion based on the closest existing sign type.*

➤ **Permanent Commercial Signage in Residential Zones:**

- ❖ **Current regulations allow permanent signage whether attached or detached in residential districts.**
 - **50 square feet for any lot that has 50 linear feet of street frontage, or 1 square foot per 1 foot of linear street frontage, up to 150 square feet for properties with 50 to 350 linear feet of street frontage.**
 - **The LPA recommended not to allow any attached permanent commercial signage in residential districts. Specific regulations were developed in Section 8.03.04. Special Signs that allow permanent free-standing signs in specific instances.**

DISCUSSION/SUMMARY:

Concerns were raised about existing commercial signs in residential districts, such as those advertising businesses operating from homes.

Clarifications were made regarding the prohibition of off-premises commercial signs and restrictions on home occupation signage.

The definition of flags as signs was debated, with a focus on whether flags should be regulated as commercial or non-commercial speech.

Wind devices, such as banners and feather flags, remained prohibited under the draft, but council members considered allowing temporary use during special events or grand openings.

The council discussed potential allowances for increased signage during special events, such as permitting 10–12 temporary signs. However, it was noted that the Reed v. Gilbert ruling restricts differentiating rules by event type.

String lights were discussed, particularly their use in commercial and residential settings. Current codes classify them as signage when visible from public rights-of-way. Suggestions were made to clarify these rules, exempting lighting being used for ambiance or safety.

The council discussed allowing subdivision signs while ensuring compliance with residential district regulations.

Issues of vegetation obstructing public signage were noted as an enforcement priority.

Setback allowances were reviewed. A prior regulation permitting signs to encroach into a 10-foot setback in certain corridors was removed for consistency with Reed v. Gilbert. Adjustments must now be tied to zoning districts, not specific corridors like the Harbor District.

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❖ Sign Height:

- With the undergrounding effort, some discussions have centered around signage cluttering our roadways.
- Currently, all freestanding signs are allowed up to 25'.
- The examples provided in the charts show how we can limit sign height in mixed-use districts to 8' while allowing commercial and industrial zones to be 25'.
- Though the sign height in the mixed-use districts was placed by staff as an example to show how signage can be regulated differently by district, the LPA recommended keeping the sign height limitation in the mixed-use districts.

DISCUSSION/SUMMARY:

Current regulations allow for ground signs up to 26 feet in commercial zones. Mixed-use districts were limited to a recommended height of 8 feet in the draft. Suggestions were made to introduce variations in sign height for aesthetic appeal while maintaining enforcement simplicity.

Concerns were raised about the size of temporary signs, especially large signs such as 4x6 feet. Some felt these sizes were unnecessary for a small town. A consensus was reached that maximum sizes for signs should be reduced for practicality and aesthetics. There was a proposal to cap temporary signs at 15 square feet.

The current draft allows a total of 75 square feet of signage for a property, which many felt might contribute to visual clutter.

Freestanding signs were debated, particularly in mixed-use districts, with a proposed limit of 150 square feet and a maximum height of 8 feet. Some argued that vehicular perspectives might make larger signs acceptable, while others again raised concerns about visual clutter.

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❖ Vehicle Signs:

- In the past, the City has had issues with enforcing the prohibition of Vehicle Signs. This is partly due to the way the current prohibition reads, where it has exceptions and lists what is not a vehicle sign, which leaves the door open to interpretation.
- Prohibition 16.03.02.T.:
- Vehicle signs with a total sign area on any vehicle in excess of ten square feet when the vehicle is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising, or for the purpose of providing transportation for owners or employees of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of the business.

❖ Current Definition:

- Vehicle sign: Any sign affixed to a vehicle.

❖ The proposed definition is:

- Any sign on a vehicle more than four (4) square feet that is not either painted or affixed and flush with the vehicle's body in wrap form. Any form of signage that protrudes from or in which the vehicle body, shell, bed, trunk, fascia, windows, doors, or other integral part of the vehicle is altered by welding, bolting, or similar fastening is prohibited. Any sign that is attached to any vehicle in these manners is considered a portable sign.

DISCUSSION/SUMMARY:

Discussions focused on ensuring compliance with vehicle-mounted signs, emphasizing size limit (e.g., 4 square feet) and attachments methods (e.g. painted or flush-mounted signs). Portable signs and temporary mounts, like A-frames in truck beds, were prohibited.

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❖ Digital Signs:

- The LPA recommended making digital signage a prohibited sign type and medium.
- Their comments centered around beautifying the corridor of US 98/Harbor (Blvd. and Emerald Coast Parkway).
- Regulations were drafted on their recommendation to amortize existing digital signage and require all existing signs to be removed after 72 months (six years). These regulations have been updated and can be seen in Section 8.07.02 of the draft article.

DISCUSSION/SUMMARY:

Recommendations included prohibiting new digital signs, with existing ones becoming non-conforming and subject to removal within six years.

Concerns were raised about the impact on businesses, schools, and churches, suggesting possible exemptions for institutional uses or extended amortization periods.

Differentiations between digital billboards and business-specific digital signs were also discussed.

Anticipating public resistance to stricter digital sign regulations and prohibitions on wind devices, the council emphasized finding middle ground.

Staff underscored the challenges of balancing enforcement clarity with flexibility, especially for non-conforming uses during amortization periods.

It was noted that the LPA recommended banning digital signs with full-motion video due to their potential to distract drivers. For static digital signs, the council discussed maintaining a 10-second interval for message changes, exceeding the state's 6-second minimum.

The City Attorney stressed the importance of content neutrality, noting past litigation risks when attempting to regulate based on sign content.

A council member highlighted a local digital sign (American Legion) as an example of community interest and potential contention. While the member supported the public interest, he foresaw significant feedback

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B. Draft Article 11 – Glossary

Changes

Proposed Modified Definition	→	<u>Abutting/Adjacent property:</u> <u>Any property, land, or use that immediately borders, is contiguous to, or immediately across any road or public right-of-way from the lot in question.</u>
Current Definition (proposed to be removed)	→	<i>Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.</i>
Proposed New Definition	→	<u>Access/Accessway:</u> <u>The means of vehicular, bicycle, and pedestrian ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.</u>
Unmodified Definition	→	<u>Access aisle:</u> An unobstructed stabilized area that provides access for vehicles and bicycles from an accessway to parking, loading, or maneuvering areas, dwellings, or other structures.
Definition proposed to be removed	→	<u>Accessory:</u> <u>The principal or secondary means of vehicular or bicycle ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.</u>

Beach

- The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to Gulf of Mexico, East Pass, and estuarine shorelines.

Charter Fishing & Fare Carrying Vessel

- Charter fishing boat: ~~See Fare carrying vessel. A vessel that charges a fixed fee for the entire boat, schedules around a small set of customers typically no more than six passengers but occasionally seven or more passengers and provides the customers the chance to experience either in-shore or off-shore fishing.~~
- Fare carrying vessels: Vessels used for the following activities that are available to the public for hire: charter for hire, party fishing, sightseeing (e.g., dolphin, sunset, dinner cruises, etc.), sailing, parasailing and diving/snorkeling. Fare

carrying vessels shall not include pontoon, runabout boats, or personal watercraft.

Open Space

- **Open space: That portion of a site that is not occupied by any building coverage, vehicular-use area(s), or impervious surface(s). For the purposes of this definition paver systems or similar development is not considered open space.**
 - ❖ *A vegetative pervious surface at ground level that is unobstructed from ground level to the sky and is not occupied by any building coverage or impervious surfaces. Subterranean parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, and are constructed in such a manner that the open/green space is level with the grade of the adjoining properties and the adjacent right-of-way (if applicable) may be counted as 100 percent open space. Above-grade parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, may be counted as 75 percent open space. If however, the previously mentioned open space located on top of a subterranean or above-grade parking structure contains impervious surfaces, such as sidewalks or patios, then those areas will not be counted as open space.*

DISCUSSIONS/SUMMARY:

Abutting vs. Adjacent: Definitions were clarified to ensure consistency. While these terms are used interchangeably, council members noted potential confusion, particularly in stormwater runoff scenarios.

Beach Definition: Minor modifications were proposed, including specifying "Gulf of Mexico" and "East Pass." Ultimately, the council decided to maintain alignment with Florida Statutes.

Open Space Definition: Updated to exclude impervious surfaces like pools and hardscaped areas. Pervious materials (e.g., pavers) were debated, with concerns about long-term maintenance reducing permeability.

C. Draft Article 3 – Nonconformities

Consolidated standards for non-conforming uses, structures, and site elements. Introduced clear requirements for site updates during use changes or development orders.

D. Draft Article 5 – Subdivision Regulations

Unified subdivision regulations, including neighborhood-level stormwater solutions to prevent individual lot constraints.

The council revisited maintenance issues for stormwater systems. Responsibilities were clarified:

- Homeowners must manage runoff on their property and maintain adjacent swales or vegetation.
- The city handles stormwater maintenance, including roadside swales.
- A citywide initiative to address swale maintenance issues is underway.

E. Draft Article 9 – Transportation Corridor Management

Merged the pathways master plan, mobility plan, and transportation management plan into one article. The article emphasizes right-of-way protection and clarifies variance processes.

F. Draft Article 10 – Impact Fees

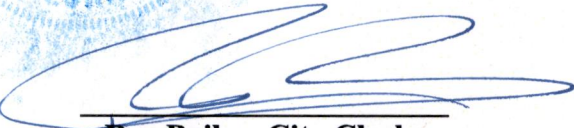
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

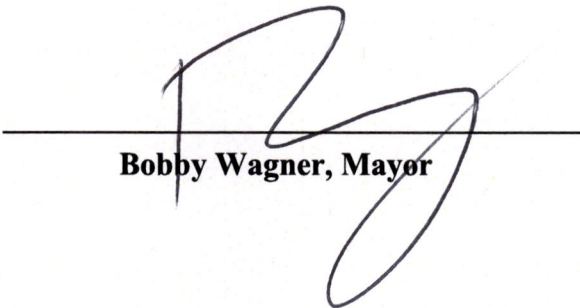
PUBLIC COMMENTS:

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:07 PM.

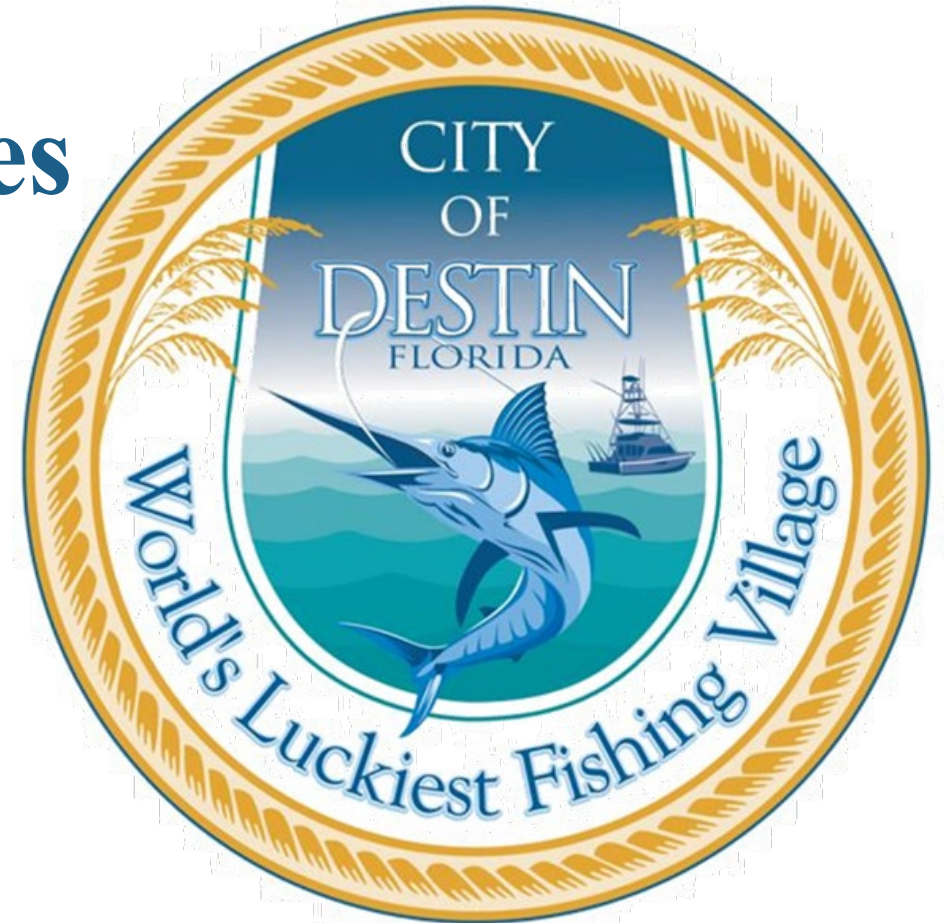
ATTEST:


Rey Bailey, City Clerk


Bobby Wagner, Mayor

Article 3 – Nonconformities

Community Development
Planning Division
November 20, 2025





Overview

- What can be found in Article 3?
- Major Changes
 - Language
 - Format
 - Organization
 - Changes since CC workshop
 - Consolidation
- December 3, 2024 City Council workshop



What is in Article 3?

- Article 3 – contains:
 - All of current section 7.13.00 – Nonconforming uses & structures
 - All of current section 16.08.00 – Nonconforming signs
- Created new language for:
 - Nonconforming site elements
 - Nonconformities created due to “public agency action”



Language

- The current LDC is cumbersome to read
- Current language has allowed inconsistent interpretations and challenges in enforcement
- Written in a more readable manner (reduced “legalese”)
- Easier for users (residents, developers, staff) to read and understand the regulations



Format

- Significant deviation from the current LDC format
- Easier to read and better flowing document
- Reduced multi-sentence run-on paragraphs
- Sections are bookmarked and hyperlinked
- Charts replace paragraphs wherever appropriate
- Use of graphics was increased



Organization & Consolidation

- **3.01 – Intent & Applicability**
 - 7.13.01 Intent
- **3.02 – Nonconforming Lots**
 - 7.13.02 - Lots
- **3.03 – Nonconforming Uses**
 - 7.13.03 - Uses of land (or land with minor structures only)
 - 7.13.06 - Uses of structures and premises in combination.
- **3.04 – Nonconforming Structures**
 - 7.13.04 - Structures and lots
 - 7.13.05 - Uses of land involving mobile homes
 - 7.13.06 - Uses of structures and premises in combination.
- **3.05 – Nonconforming Site Elements**
 - New section to specifically address site elements such as access, parking, landscaping, etc.
- **3.06 – Nonconforming Signs**
 - 16.08.00
- **3.07 – Nonconformities Due to Public Agency Action**
 - New section to address actions other than regulatory language amendments
- **3.08 – Repairs and Maintenance**
 - 7.13.07 - Repairs and maintenance



Changes Since City Council Workshop

- **3.01 - Intent & Applicability**
 - 3.01.01.A.1-5 - Removed the list of elements the Article applies to.
 - 3.01.01.C. - Removed due to redundancy.
- **3.02 - Nonconforming Lots**
 - 3.02.01.A.1 & 2 - Consolidated
 - 3.02.01.D. - Added paragraph D to prevent combined lots from being split back into nonconforming lots.
- **3.03 - Nonconforming Uses**
 - 3.03.01. reorganized to provide clarity
 - Paragraph B. previously A.1.
 - B.1 - previously A.2. added the word “not” to clarify that nonconforming uses shall not be enlarged.
 - B.2. - previously A.3. changed for clarity
 - Previous 3.03.01.A.4. - Removed as if it was redundant.
 - 3.03.02. Nonconforming Uses Under Special Exception - removed because it is no longer relevant as law enforcement, fire and rescue, utilities, and public services are all conditional uses in all zoning districts and therefore do not need a “special exception.”
- **3.04 - Nonconforming Structures**
 - This section was changed to provide clarity between primary, accessory, and minor structures. The Section was split into three: “General,” “Nonconforming Primary Structures,” and “Nonconforming Accessory and Minor Structures.”
 - 3.08.01.A. - previously 3.08.D.
 - 3.08.01.B. - previously 3.08.B.a.
 - 3.08.01.C. - previously 3.08.C.a.
 - 3.04.01.A.3 & .4
 - Paragraph .3 was changed to require replacement of structure with a conforming structure if destroyed by more than 50% of replacement cost.
 - Paragraph .4 was created to allow for replacement of structures as nonconforming if destroyed by less than 50% of replacement cost.
- 3.04.01.A.5.a & .b - previously 3.04.01.A.3.b.1&.2.
- 3.04.02.A.3. was moved to 3.04.02.A. and the original 3.04.02.A. was deleted for clarity.
- **3.05 - Nonconforming Site Elements**
 - Some language was updated or rearranged to provide clarity.
- **3.06 - Nonconforming Signs**
 - 3.06.01.A.1. - changed to provide clarity
- **3.07 - Nonconformities Due to Public Agency Action**
 - Added 3.07.01. to match formatting and added language to clarify that this section applies to actions that are not changes to regulatory rules or documents, but rather to actions such as building a road or similar activities that could create a nonconforming site or structure.
- **3.08. - Repairs and Maintenance**
 - Moved paragraph D to the beginning of the section for clarity.
 - Created Section 3.08.01 Primary Structures to differentiate how the city would handle a primary structure.
 - Created Section 3.08.02 Accessory and Minor Structures to differentiate how the city would handle an accessory or minor structure.

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ARTICLE 11 - GLOSSARY

HOW TO READ THIS DRAFT ARTICLE 11 - GLOSSARY

This Draft Article contains the definitions for the Land Development Code and other regulatory or policy documents adopted by the City. If adopted, Article 11 - Glossary will define the terms found within the LDC, and where a term is not defined The city looks at other adopted regulatory or policy documents. This draft contains formatting that is intentional and used to help show the changes between current Article 3 and the proposed changes of Draft Article 11. Below will detail how to interpret the different formatting.

Underlining, *italicizing*, and ~~strikethrough~~ are utilized throughout this draft.

- Underlined: When you see any element that is underlined as seen below in the example it means the underlined language is an addition to the current definition. However, it does not mean it is new altogether.
- *Italicized*: If there is an italicized phrase or sentence that follows a definition as seen in the example below, this is showing what the current definition is to show the changes. This also means the italicized language is proposed to be removed and the new or modified definition be adopted.
- ~~Strikethrough~~: If language is shown with strikethrough Staff is proposing to remove that identified language.

Example:

Proposed Modified Definition	→	<u>Abutting/Adjacent property:</u> <u>Any property, land, or use that immediately borders, is contiguous to, or immediately across any road or public right-of-way from the lot in question.</u>
Current Definition (proposed to be removed)	→	<i>Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.</i>
Proposed New Definition	→	<u>Access/Accessway:</u> <u>The means of vehicular, bicycle, and pedestrian ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.</u>
Unmodified Definition	→	Access aisle: An unobstructed stabilized area that provides access for vehicles and bicycles from an accessway to parking, loading, or maneuvering areas, dwellings, or other structures.
		...
Definition proposed to be removed	→	Accessory: The principal or secondary means of vehicular or bicycle ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.

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SECTION 11.01 GENERAL

SECTION 11.01.01 RULES FOR CONSTRUCTION OF LANGUAGE

- A. For the purpose of this Code, certain words, terms, symbols, acronyms, and abbreviations are to be interpreted as follows, unless the context clearly indicates otherwise. In case of any difference of meaning or implication between the text of this chapter and any other chapter or any caption, illustration, summary table or illustrative table, the text of this chapter shall control.
1. Words used in the present tense shall include the future.
 2. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 3. Words in the masculine gender can include the feminine and neuter, and vice versa.
 4. The word "includes" or "including" shall not limit a term to the specified examples but is intended to extend its meaning to all instances or circumstances of like kind or character.
 5. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

SECTION 11.01.02 INTERPRETATION OF UNDEFINED TERMS

- A. For the purpose of this Code, the following terms, phrases, words, and their derivations shall have the meaning contained herein, except where the context clearly requires otherwise.
- B. Terms not otherwise defined herein shall be interpreted:
1. First by reference to the City of Destin's adopted Comprehensive Plan, if specifically defined therein.
 2. Secondly, by reference to the meanings prescribed by the statutes of the state for such terms.
 3. Thirdly by reference to generally accepted engineering, planning, or other professional terminology if technical.
 4. Then otherwise according to common usage unless the context clearly indicates otherwise.

SECTION 11.02 DEFINITIONS

Abut/Adjacent: To physically touch or border upon, or to share a common property line.

Abutting/Adjacent property: Any property, land, or use that immediately borders, is contiguous to, or immediately across any road or public right-of-way from the lot in question.

Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.

Access/Accessway: The means of vehicular, bicycle, and pedestrian ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.

Access aisle: An unobstructed stabilized area that provides access for vehicles and bicycles from an accessway to parking, loading, or maneuvering areas, dwellings, or other structures.

Access, Major (Primary): Any motor vehicular ingress and/or egress point designed to accommodate motor vehicles that connects a development to a public or private street, which is intended to accommodate 20 trips or more per day onto a public or private street.

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Access, Minor (Secondary, Tertiary, etc.): Any motor vehicular ingress and/or egress point designed to accommodate motor vehicles that connects a development to a public or private street, which is intended to accommodate 19 or fewer trips or more per day onto a public or private street.

~~Accessory:~~ ~~The principal or secondary means of vehicular or bicycle ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.~~

Accessory antennas: Antennas utilized for amateur radio, citizen's band, or other strictly noncommercial hobbyist use and radio or television receiving antennas and dish as defined in this section. These specifically are not private mobile service or public service antennas or facilities as defined in this section. "Accessory antennas" and their supporting structures do not fall into the categories of "telecommunication equipment," "telecommunication facility," or "telecommunication tower," as defined in this section.

Accessory uses and structures: Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to principal uses and structures, including home occupations and off-site businesses.

~~Accessway:~~ ~~The principal or secondary means of vehicular or bicycle ingress and egress to a parcel of land from a public or private right-of-way or to an adjoining parcel of land.~~

~~Adjacent to a protected environmentally sensitive area:~~ ~~Any location within 500 feet of the boundary of any protected environmentally sensitive area, whether the location is on or off the development site.~~

Administrator: The City Manager or their designee.

Adverse effects: Any modifications to land, waters, structures, or uses that affect quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety, or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation.

Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. ~~The term includes secondary and cumulative as well as direct impacts.~~

Adversely affected person: Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including, but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.

Affordable Housing: Shall have the same meaning as defined in Florida State Statutes Chapter 420.

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Housing for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households or persons indicated in Section 420.0004, FS.

Agent or representatives of the owner: The persons authorized to act as agent or representative of the owner and shall be limited to architects, attorneys, engineers, landscape architects or persons having a power of attorney to act.

Agricultural activity: Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Airport: An area designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon. The local airport is The Destin Executive Airport (KDTS or DTS).

The Destin-Ft. Walton Beach Airport.

Airport elevation: The highest point of an airport's usable landing area measured in feet above mean sea level.

Airport obstruction: Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR 71.21, 77.22, 77.25, and 77.28 or which obstruct the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airspace height: To determine the height limits in all zones set forth in this article, the datum shall be above mean sea level elevation (AMSL) unless otherwise specified.

Alley: Any public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street, having a right-of-way width of 24 feet or less. These alleys include one-way and two-way alleys.

Alter or alteration: Work done on a system other than that necessary to maintain the system's original design and function.

Alternative tower structure: Shall mean buildings, water storage tanks, bell or clock towers, sculptures, steeples, light poles, and similar alternative designed mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Amateur radio or ham radio: Refers to the Amateur Radio Services, a noncommercial licensed radio service regulated under the Code of Federal Regulations, Title 47, Telecommunication, Part 80 to End.

Amendment: A formal alteration, modification, or addition to an approved document, law, contract, or agreement.

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Any action of the City that has the effect of amending, adding to, deleting from or changing an adopted Comprehensive Plan element or map or map series, including an action affecting a prior plan or plan amendment adoption ordinance. It shall not mean a legislative act which only codifies city ordinances or makes corrections, updates and modifications of the Capital Improvements Element concerning costs, revenue sources, acceptance of facilities or facility construction dates consistent with the Plan and corrections, updates, or modifications of current costs in other elements.

Amenity area: Area devoted to uses such as but not limited to active or passive recreation and their ancillary support facilities, whether on land or water. Service and maintenance buildings shall not be included.

Area devoted to uses such as but not limited to 1) water designed for recreational use and access, 2) golf, 3) tennis, 4) shuffleboard, 5) pools, 6) restrooms, 7) gazebos, and other recreational facilities and buildings. Service and maintenance buildings shall not be included.

Antenna: Any exterior apparatus designed for telecommunication and any electronic communicating devices or services through the sending or receiving of electromagnetic waves. This term includes satellite dish antennas, utility pole mounted antennas, and antenna arrays and excludes accessory antennas as defined in this section.

Apartment: See dwelling, multi-unit definition.

Appeal: A request for a review of an administrative interpretation of any provision of this CMS, or a review of a decision made by any administrative official, board, or commission.

Applicant: Applicant shall mean the person(s) filing the application, the representative of the person(s) filing the application, or the attorney representing the person(s) filing the application.

Application: A formal request or submission of materials to an authority or organization in order to obtain approval(s) or permission(s) to a defined process.

Aquifer: A geologic formation through which water may be percolated, transmitted, stored, and yielded.

~~**Arbor:** A latticed accessory structure smaller than a pergola often intertwined with vegetation designed as a pass-through. Arbors may be located within the setback area/yard if integrated into a pedestrian accessway and not to exceed eight feet in height as measured from grade to the top and four feet in depth.~~

Architectural feature: A part, portion, or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, which is not necessary for the structural integrity of the building or structure and does not add to the gross floor area of the building or structure. Architectural features shall include but are not limited to belt courses, canopies, chimneys, cornices, crows' nests, cupolas, decorative ornaments, eaves, garden windows, gutters, sills, spires, and watch towers.

~~**Architectural planter:** A permanent container within which plantings may be placed.~~

Area Median Income (AMI): A statistical measure that divides the income distribution into two equal groups, half earnings above that amount and half below, used to assess housing affordability and eligibility for housing assistance programs.

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Area of shallow flooding: Shall have the same meaning as defined by the Federal Emergency Management Agency (FEMA).

A designated AO, AH or VO zone on the flood insurance rate map, or other area designated on a map by the City or County with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident.

Area of special flood hazard: Shall have the same meaning as defined by the Federal Emergency Management Agency (FEMA).

The area of special flood hazard shall include:

- A. *All areas designated on a flood hazard boundary map as zone A or a flood insurance rate map as zones A, AO, AH, A1-30, AE, A99, VO, or V1-30, VE or V. The relevant flood hazard boundary map and flood insurance rate maps, and any revisions thereto, are adopted by reference and declared to be a part of this Code.*
- B. *Other areas of the community designated on a map by the City or County as having a one percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.*

Areas subject to coastal flooding: Regions close to the shoreline that are prone to flooding due to sea level rise, storm surges, or tidal events, requiring specific management and mitigation strategies.

Artificial drainage system: Any manmade facility designed to control the flow of surface and ground water.

Any manmade facility designed to control the flow of surface and ground water ~~including, but not limited to, canals, ditches, swales, culverts, dikes, berms and storm sewers.~~

Artificial light or artificial lighting: The light emanating from any human made device.

Associated wetlands: ~~Any wetland that is adjacent or contiguous to waters, or which has a direct hydrologic connection to waters.~~

Automobile: A wheeled motor vehicle used for transporting passengers, good, or other items, which typically runs on streets or roads.

Aviation easement: The assignment of a right to an airport proprietor to a portion of the total benefits of the ownership of real property. The selected rights may be granted to the airport proprietor or may be purchased by him.

~~**A-weighted scale or sound level:** The sound pressure level in decibels as measured on a sound level meter using A-weighted network. The level so read is designated as D.B.A.~~

Balcony: A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

A platform that projects from the wall of a building and is surrounded by a railing or balustrade of which a human can sit or stand.

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Banner or banner material: A sign or medium used to convey a message made up of a non-rigid material that requires it to be tied down or attached to another object to provide structure.

Base flood: Shall have the same meaning as defined by the Federal Emergency Management Agency (FEMA).

The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: That portion of a building below the first or ground floor provided that it does not have more than one-half of its floor to ceiling height above the average level of adjoining ground.

Bay window: A window space projecting outward from the main walls of a building and forming a bay in a room that is typically either square or polygonal in plan and adds to the gross floor area of the building. The angles most commonly used on the inside corners of the bay are 90, 135 and 150 degrees.

Beach: The zone of unconsolidated material that extends landward from the mean low water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. "Beach," as used in the coastal management element requirements, is limited to Gulf, East Pass, and estuarine shorelines.

Beach Box: A box, located on the beach, utilized to store recreational equipment in conjunction with a beach vending service.

Beacon: Lights with one or more beams capable of being directed in any direction or directions, or capable of being revolved automatically, or having any part thereof capable of being revolved automatically, and fixed or flashing high intensity lights such as a spotlight or floodlight.

Bed and breakfast inn: A residential style structure, with no more than 15 sleeping rooms or serves no more than 24 individuals at any time and has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services.

An establishment where lodging is provided for compensation for periods of less than one week, other than in dwelling units, for five to 24 persons, and with breakfast only served to guests, or with no meals served to guests. For transient lodging for 25 or more persons, see hotel.

Bedroom: Shall mean a room as defined by the most recently adopted Florida Building Code and may or may not have a closet.

~~Belt course:~~ A molding or projecting course running horizontally along the face of a building.

~~Beneficial functions of a protected environmentally sensitive area:~~ Those functions, described in the conservation element of the comprehensive plan, that justify designating an area as environmentally sensitive.

Best Management Practices (BMP): Refers to schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices,

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operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Bicycle: A mode of travel with two wheels in tandem, propelled by human power.

Bicycle, electric (E-bike): A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

"Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

"Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

"Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

Bicycle and Pedestrian ways: Any road, path or way that is open to bicycle travel and traffic afoot, and from which motor vehicles are excluded.

Bicycle lane: A portion of roadway for bicycles adjacent to motorized vehicle lanes.

Block: A piece or parcel of land entirely and immediately surrounded by streets or highways, railroad rights-of-way, watercourses, subdivision boundaries, or any combination thereof.

Board: ~~The Destin Harbor and Waterways Board created by Article II of this Code.~~

Board of Adjustment: The Board of Adjustment of Destin, Florida. Refer to other sections of this Code.

Boardinghouse, non-transient - Residential: A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit for no more than ten (10) individuals and for no more than 30 days at a time.

Boardinghouse, transient - Residential: A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit for no more than sixteen (16) individuals for 30 days or more.

Boardinghouse: An establishment where lodging is provided for compensation: (a) by prearrangement, (b) other than in dwelling units, (c) for a total of six to 24 persons unrelated by blood, marriage or legal adoption to the owner or operator of the boardinghouse, and (d) with service of meals to boarders. For similar facilities for 25 or more persons, refer to the definition of hotel in the Land Development Code. Owners/operators must be registered with the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants in order to be considered a boardinghouse by the City. Boardinghouses shall not include homes with foster children placed by the

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Florida Department of Children and Family Services, small community residential homes and large community residential homes.

Boathouses: Structures which house boats and related equipment. Such structures may be open or have enclosing walls.

Boatyards: Establishments for the hauling, repairing, painting, or manufacturing of vessels (boats), and also includes dock rentals, fuel sales, and sale of boats and related marine equipment.

Breakaway wall: A wall that is designed and constructed to collapse under specified lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Brewery: An establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a production volume of greater than 3,000 barrels of beer per year. A brewery may include accessory uses such as tours of the brewery and retail sales.

Brewery, micro: An establishment that is primarily a functioning facility, where beer is produced for wider distribution, with a maximum production of 3,000 barrels of beer per year. A microbrewery may include accessory uses such as tours of the microbrewery and retail sales.

~~**Buffer area:** The designated area between different zoning districts.~~

Buffer zone: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. The width of the buffer may be used as part of the distance required for building setbacks, but aboveground infrastructure improvements such as parking lots, driveways and similar uses may not be placed within the buffer.

~~**Bug type light:** Any yellow colored like bulb that is marketed as being specifically treated so as to reduce the attraction of bugs to the light.~~

~~**Buildable land:** The term "buildable land," as used in the Future Land Use Policy 7.A.4.7 of the Destin Comprehensive Plan, means the total gross land area within and [any] land use category of the adopted future land use map, excluding water bodies. In no case shall land area designated in another land use category be included in the mixed use category.~~

Building: A structure having a roof supported by columns or walls designed, built, placed, or erected for the purpose of providing support, enclosure, shelter or protection of people, animals, or property of any kind. Elevated, above-grade parking facilities are hereby deemed to be "buildings"; however, ground level parking lots are not "buildings" as herein defined.

Building area: The portion of a lot remaining after required yards have been provided.

~~**Building complex:** Two or more buildings located on a parcel of land having unified ownership or management and grouped or clustered in a manner that provides safe, direct pedestrian interconnections including handicap accessible access between each building.~~

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Building exterior area: The area, measured in square feet, within a two-dimensional geometric figure coinciding with the edges of the walls that form the side of a building, including windows, doors, parapets, and marquees.

Building, facade: That section of any exterior elevation on the structure extending from grade to the top of the wall, parapet, or eave and the entire width of the building elevation.

~~**Building Inspector:** The administrative officer within the City who will inspect the acoustical design of buildings constructed within noise zones to ensure that they meet the requirements of this article.~~

Building, high-rise: A building that is nine stories in height or more.

Building, low-rise: A building that is between one story and three stories in height.

Building, mid-rise: A building that is between four stories and eight stories in height.

~~**Building Official or Chief Building Inspector:** The City Building Inspector.~~

Building Permit: An official authorization issued by the City of Destin that allows the construction, renovation, or substantial alteration of a building or other structure including all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits.

Building setback: The minimum horizontal distance permitted between the front or side or rear of a building and the nearest street line or property line and may be referred to as "yard."

Bulkheads (seawalls): A structure including riprap or sheet piling, constructed to separate land and water and establish a permanent shoreline.

Structural walls located in or near the water to prevent erosion caused by wind or wave action, which may be used to prevent shoaling in channels or as a breakwater to stop wave action for mooring of vessels.

Bus stop: A designated place along a bus route where buses stop to pick up or drop off passengers.

~~**Calculation of land use acreage:** For the purpose of the Destin Comprehensive Plan, the total acreage in each future land use category shall be determined based on figures provided by Okaloosa County and generated by the county's Geographic Information System (GIS).~~

~~**Camouflaged tower:** Any telecommunication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.~~

Campground: Any area that is occupied, intended, designed, or improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes and is held out as such to the public. Campsite does not include any manufactured housing community.

One or more buildings, structures, tents, trailers or camping vehicles together with the land, used as temporary living quarters for 15 or more persons, including children, whether or not rent is paid for

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space in connection with the use of the premises. A campground shall include all land utilized for the temporary housing of people for uses such as recreational, educational, commercial, and for temporary labor.

Camping: The erection of shelter or similar structures for the purpose of sleeping overnight or lying upon ~~the beach~~ the ground either under or outside any shelter, vehicle, bedroll, blanket, or other protective garb.

Canal: A manmade waterway constructed to allow for the passage of watercraft or for water management purposes.

A long and narrow finger of water that is connected to the main body of water known as Destin Harbor. Such fingers of water are manmade by digging and/or dredging sand.

Canopy: A detachable roof like cover supported from the ground or deck, floor, or walls of a structure, for protection from the sun or weather.

Canopy, Tree: The upper layer of leaves and branches of a tree or group of trees.

Capacity: Refers to the availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or average daily trips.

Capacity, available: Capacity that can be reserved or committed to future users for a specific public facility.

Capacity, committed: The amount of capacity that has been committed to accommodate existing developments, developments, which have been issued a final development order, committed development, and vested developments.

Capacity, reserved: Capacity that has been removed from the available capacity pool and allocated to a particular property for a set period of time.

Capital Improvements: Physical assets constructed or purchased to provide, improve, or replace a public facility which increases its value, extends its useful life, or enhances its functionality, and are generally large scale and high in cost.

Capital Improvements budget: The portion of the City's budget which reflects capital improvements scheduled for a fiscal year.

Cemetery: Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, and necessary maintenance facilities. Mortuaries shall be included when operated with the boundary of such cemetery.

Certificate of Completion: Shall have the same meaning as defined by the Florida Building Code (FBC).

Certificate of Occupancy: Shall have the same meaning as defined by the Florida Building Code (FBC).

Certificate of Occupancy, Temporary: A certificate of occupancy, issued before the completion of the entire work covered by the permit for a specific period of time, provided that such portion or portions shall be occupied safely. The building official shall set the time period during which the temporary certificate of occupancy is valid.

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Change of use: Is a change in the purpose, use, impacts and/or level of activity within a building or a parcel of land or any substantial change that increases the impacts to the property or immediate vicinity.

Is a change in the purpose, use, impacts and/or level of activity within a building or a parcel of land that results in a change in application of the requirements of the Land Development Code. The definition shall also apply to the usage of the surrounding site and access to and from the building, structure or site, as necessary to achieve the purpose of this Code, and to obtain compliance with other City codes and ordinances.

Charter fishing boat: See Fare carrying vessel. A vessel that charges a fixed fee for the entire boat, schedules around a small set of customers typically no more than six passengers but occasionally seven or more passengers and provides the customers the chance to experience either in-shore or off-shore fishing.

A sport fishing boat that charges a fixed fee for the entire boat and schedules around a small set of customers typically no more than six passengers but occasionally seven or more passengers. Charter fishing boats shall not include party fishing boats.

Chimney: A vertical shaft of reinforced concrete masonry, or other approved material enclosing one or more flues, for the purpose of removing products of combustion from solid, liquid, or gaseous fuel.

Church: See place of worship.

A building or structure, or groups of buildings or structures, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. Includes synagogues, temples, mosques, or other such places used for worship.

Citizen participation or public participation: The terms "citizen participation" and "public participation" are synonymous and apply to affected persons, substantially affected persons, and aggrieved or adversely affected parties as defined in F.S. §§ 163.3184(1), 163.3213(2)(a) and 163.3215(2), respectively.

City Engineer: A person currently licensed and registered to practice engineering in the state and retained by the City to oversee the appropriate provisions of this Code. The City Engineer may be employed directly by the City or retained on a consulting basis and an authorized representative may be appointed.

Clear site triangle: An area at road intersections or driveways designed to be free from obstructions that could block a driver's view of oncoming traffic, pedestrians, or bicyclists.

Means that area formed by connecting a point on each curb line or edge of pavement to be located at the distance from the intersection of the street centerlines as required, and a third line connecting the two points as depicted in Figure 8-1: Clear visibility triangle.

Clear Zone/Recovery Zone: An area adjacent to the roadway that is kept clear of fixed objects and obstructions.

Clearing: The process of removing trees, shrubs, and other natural vegetation from a land area to prepare it for alternative uses such as construction or development.

The removal of trees and brush from the land, not including the ordinary mowing of grass.

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Cluster development: A development process for grouping dwellings to increase dwelling densities on some portions of the development area to have other portions free of buildings. The objective is to devise a better use of undeveloped property than that provides more flexibility and creativity for development.

Coastal construction activities: Any work or development in the conservation zone.

Coastal construction control line (CCCL): Pursuant to F.S. § 161.052, the coastal construction control line is a line of jurisdiction, defining the landward limit of the Florida Department of Environmental Protection's authority to regulate construction (Control lines should not be confused with setback lines or lines of prohibition).

Coastal high-hazard area: Shall mean the same as defined by the Federal Emergency Management Agency

Any land seaward of the coastal construction control line or the FEMA V-zone elevation line within the City, whichever is most landward. The coastal high-hazard area shall also include lands within the City which have historically experienced destruction or severe damage, from storm surge, wave erosion or other manifestations of rapidly moving or storm-driven water. This area typically includes the areas designated as the Category 1, Storm Surge Contours by the "Tri-State Hurricane Study" (June 1986).

Coastal marsh vegetation: Plant species uniquely adapted to the saline and brackish waters found in coastal marshes, playing a critical role in shoreline protection, water quality improvement, and habitat provision for a wide range of wildlife.

*Includes any of the following types of vegetation: Black Needle Rush (*Juncus roemerianus*), Shore rush (*Juncus marginatus*), other members of the *Juncus* species, Saltwort (*Batis maritima*), Glasswort (genus *Salicornia*), Marsh Elder (*Iva frutescens* L.), Smooth cord grass (*Spartina alterniflora*), Saltmeadow cord grass (*Spartina patens*) Salt grass (*Distichlis spicata*), Saw grass (*Cladium jamaicense*) and other members of the *Spartina* genus.*

Code: The codified ordinances of the City of Destin, Florida, unless otherwise designated.

Collapse zone: Shall mean the designated area of a telecommunication facility surrounding a telecommunication tower, which, in the event of a structural failure of all or part of the telecommunication tower, would contain the failed or collapsed telecommunication tower.

Co-location: The use of or the ability to use a common telecommunication facility for more than one telecommunication service provider, or more than one type of telecommunication technology by one provider.

Commercial area: ~~Any area zoned commercial, office, business or professional, including commercial areas in approved PUD development plans.~~

Commercial special events: ~~Any wedding or wedding reception, spring break party, bachelor party, family reunion, class reunion, company banquet, company retreat and/or company picnic, or other similar event or celebration for which a property owner, property owner's agent, or occupant of the property obtains a profit, monetary compensation, event fee, or other commercial gain. Commercial special events are commercial uses, as defined herein.~~

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- ~~A. The holding of two or more weddings or wedding receptions at the premises within any given 12-month period is prima facie evidence that the events are commercial special events or~~
- ~~B. The holding of two or more company banquets, retreats, and/or picnic at the premises within any given 12-month period is prima facie evidence that such events are commercial special events.~~

Commercial special event venue: Any building, structure or land that is used or occupied for one or more commercial special events within a year. The advertising of a building, structure or land for commercial special events is prima facie evidence that the building, structure, or land is a commercial special event venue.

Commercial uses: Activities within land areas, which are predominantly connected with the sale, rental and distribution of products, or performance of services. Evidence that a property owner or authorized occupant of a property owner has obtained a profit, monetary compensation, event fee, in-kind exchange, or other commercial gain by the property owner's (or property owner's authorized agent's or occupant's) use of the building, structure or land is prima facie evidence that this definition has been met and the use of the building, structure or land is a commercial use. ~~Home occupations permitted pursuant to Section 9.06.06 of this Code are specifically excluded from this definition.~~

Commercial transient living accommodations: Commercial transient living accommodations means commercial hotels, motels, bed and breakfast facilities and other transient accommodations that are duly licensed by the State and comply with definitions F.S. § 509.242(1)(a), (b), (f), and (h). Commercial transient accommodations do not include any form of short-term or long-term residential uses.

~~**Commercially developed premises:** A premises on which there is at least one walled and roofed structure used, or designed to be used, for other than residential purposes.~~

~~**Common open space:** A parcel or parcels of land or area of water, or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space shall be improved to the extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.~~

Communications facility: A facility primarily engaged in broadcasting or other information relay services accomplished through the use of electronic and telephonic mechanisms.

Community Development Director: The officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of this Code.

Community residential home, large: A dwelling unit licensed to serve clients of the department of children and family services, which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents as defined in F.S. 419.001(d). Further restrictions for community residential homes are found in housing Section 9.02.03. A.

Community residential home, small: A dwelling unit licensed to serve clients of the department of children and family services, which provides a living environment for up to six unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be

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necessary to meet the physical, emotional, and social needs of the residents as defined in F.S. § 419.001(d). Further restrictions for small community residential homes are found in housing Section 9.02.03.B.

Compatibility: A condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Complementary land uses: These land uses allow a person to meet multiple daily needs by walking from one use to a second use within a small area, typically either on the same site or on adjacent sites with a direct pedestrian connection between the two sites. Complementary uses are categorized into the following six land uses: long-term residential (live), short-term residential/hotel/motel/bed and breakfast (stay), office/government/industrial (work), commercial (shop), civic/recreational (play), educational (learn).

Concerned agencies: City, state, federal, or private agencies that would be involved in any phase of the planning or construction as set forth in the provisions of this Code. ~~Such agencies would be the health department, City Engineer, state department of transportation, department of environmental protection, etc.~~

Concurrency: That the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of the development occur.

Conditional use: A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

Condominium: A form of ownership of real property created pursuant to state statutes, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

A building or buildings on an undivided tract of real estate under single ownership and in which individual units are sold for business or industrial purposes using the condominium form of ownership and the project is also platted as a condominium in accordance with the state statutes. Refer to dwelling, multi-unit.

Conservation uses: Activities or land uses specifically managed to preserve and protect natural resources and biodiversity.

Construction: Any activity, including the building, assembling, expansion, modification, or alteration of the existing contours of the site, the erection of buildings or other structures, or any part thereof, or land clearing.

Construction/Development Area: The portion of a plot or parcel of land, upon which a development or construction or other improvements are proposed to be placed.

~~**Construction, marina:** Building, maintaining, extending, or making structural alterations to any building, pier, piling, bulkhead, seawall, placement of riprap, or other structure in, upon, or over the harbors and waterways of Destin or any filling, excavating, or dredging in said waters.~~

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Construction, non-marina: ~~The carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.~~

Contaminated: ~~Containing a harmful quantity of any substance.~~

Contamination: The presence of or entry into a public water supply system, the MS4, waters of the State, or waters of the United States of any substance which may be deleterious to the public health and/or the quality of the water.

Contiguous land: See Abutting/Adjacent land.

Contiguous land shall be those lands which are touching or having a common edge segment and not separated by a public or private road right-of-way not under the ownership or control of the landowner.

Cornice: Any horizontal member, structural or nonstructural, of any building projecting outward from the exterior walls at the roof line.

Cornice line: The horizontal line on the exterior of a building at which the roof system intersects the exterior wall.

Corridor: A linear geographic area that connects multiple locations, often used for transportation, communication, or utility infrastructure.

Crown: The main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

Crown spread: The measurement of the width of the outer canopy of a tree.

The distance measured across the greatest diameter of a plant.

Crows' nest: A structure placed on top of a larger building, often serving as a lookout or to admit light and air.

See "cupola".

Cul-de-sac: A local street having only one open end providing access to another street.

Cultural resource: A site, object, structure, building or district listed on the City's survey of cultural resources or in the historic preservation element of the City Comprehensive Plan or on the local register of historic places.

Cumulative illuminated: ~~Illuminated by numerous artificial light sources that as a group illuminate any portion of the beach.~~

Cupola: A small dome and the shaft that supports it; sits on top of a building.

Customary yard accessory, residential: A movable object no more than eight feet in height as measured from grade to the highest point. Customary yard accessories shall include, but not be limited to, benches, tables, fountains, wishing wells, planters, bird baths, bird feeders, movable playsets/swing sets, swings,

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decorative figures/statues, ornaments, trampolines, outdoor sports equipment, and yard lighting. Customary yard accessories shall not be accessory structures requiring a building permit, such as gazebos, pergolas, arbors, structures affixed in the ground, or movable objects exceeding eight feet in height.

Decibel (dB): A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micronewtons per square meter.

Decision height: The height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

Deck: An elevated structure, without a roof, directly adjacent to a principal building.

Decorative ornament: ~~A decoration used to embellish parts of a building. Ornaments can be carved from stone, wood or precious metals, formed with plaster or clay, or painted or impressed onto a surface as applied ornament.~~

Demolish: To pull or knock down or otherwise remove a building, structure, or other development feature.

***Demolition:** The tearing down or razing of 25 percent or more of a structure's external walls.*

Density or gross density: An objective measurement of the number of residential units allowed per gross acreage of residential land area. Density is calculated by multiplying the gross residential land area of a proposed development project by the maximum number of residential units allowed in the FLUM designation category where the proposed development is located. This is inclusive of any dedicated ROW or other land.

An objective measurement of the number of residential units allowed per gross acre of residential land. Additionally, density is calculated by taking the total number of dwelling units divided by the total site area, less public or private right-of-way.

Detention: The collection and storage of surface water for subsequent gradual discharge.

Developed area: The portion of a plot or parcel of land, excluding public rights-of-way, upon which a building, structure, pavement, landscape material or other improvements have been placed.

Developer: Any person, firm, partnership, corporation, public agency, unit of government or other entity engaging in or proposing to engage in a development activity either as the owner or as the agent of an owner of property.

Development or development activity: The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels. The following activities or uses shall be considered to involve "development":

1. Construction
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

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3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction.
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
5. Subdividing land into two or more parcels.
6. Erection of a permanent sign unless expressly exempted.
7. H Alteration of a historic property for which authorization is required.
8. Changing the use of a site so that the need for parking is increased.
9. Construction, elimination, or alteration of a driveway onto a public street.

The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

1. Work by a highway or road agency for the maintenance or improvement of a road if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility and other persons engaged in the distribution or transmission of gas or water to inspect, repair, renew, or construct on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, powerlines, towers, poles, tracks, or the like.
3. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
5. The use of any land for growing plants.
6. A change in the ownership or form of ownership of any parcel or structure.
7. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

The term "development," as used in the Land Development Code includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities are not development.

Development of regional impact: A development undertaken, or proposed to be undertaken, pursuant to F.S. § 380.06.

Development order: The final authorization of a development project granting, denying, or granting with conditions an application for approval for development, which shall be issued prior to submittal or approval of any development permit.

~~An order granting, denying, or granting with conditions an application for approval of a development permit. A distinction is made between the two distinct types of development permits: final development order and development permit. See subparagraphs below.~~

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~~Final development order:~~ ~~The final authorization of a development project; the authorization which must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code the final development plan approval is the final development order.~~

Development permit: See Building Permit.

~~For purposes of this Code a development permit is that official City document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, development order, zoning permit, subdivision approval, rezoning, certification, conditional use, variance, or any other official City action having the effect of permitting the development of land.~~

~~Development permit: For purposes of this Code a development permit is that official City document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.~~

Deviation(s), major: See LDC Section 2.05.04.D.

A deviation from a final development plan, including any change to a condition in the final development order that was expressly imposed by the City Council; or any change that adversely affects the compatibility of the proposed project; or any change that the City Manager, or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change.

Deviation(s), minor: See LDC Section 2.05.04.C.

A deviation from a final development plan that does not meet the definition of a major deviation.

Diameter at breast height (DBH): Fifty-four inches (54") above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Direct hydrologic connection: A surface water connection which, under normal hydrological conditions, occurs on an average of 30 or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Direct light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminary.

Directly illuminated (~~beach lighting~~): Illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s), of any artificial light source, which is visible to an observer.

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Illuminated as a result of glowing element(s), lamp(s), globe(s), or reflector(s), of any artificial light source, which is visible to an observer ~~on the beach~~.

Discharge: ~~Any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4), or into waters of the State, or into waters of the United States.~~

Distillery/Craft Distillery: A distillery is a manufacturer of distilled spirits. A licensed distillery that produces 75,000 or fewer gallons per calendar year of distilled spirits on its premises and has notified the division in writing of its decision to qualify as a craft distillery.

District: A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, building, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Dock or pier: A fixed or floating structure, including mooring pilings used for the purpose of berthing buoyant vessels; for loading or unloading persons or property; and/or providing access to the water which may also include wharfs, floats, dry docks, and other land facilities.

Dock, marginal: A dock placed immediately adjacent and parallel to the shoreline or seawall, bulkhead, or revetment.

Drainage system: A system through which water flows, including watercourses, water bodies and wetlands.

Dripline: The perimeter on the ground directly beneath the outermost edges of a tree's canopy.

The outermost perimeter of the crown of a plant as projected vertically to the ground.

Dry boat storage facilities: Any building, structure or area in which boats are stored, out of water, by placing them in racks, trailers, or other devices.

Dry dock facilities: Any upland facility used for the temporary placement of boats for repair, maintenance, or painting.

Dune, (sand dune): A natural or manmade mound or bluff of sand which is located landward of the beach, and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

A mound or ridge of loose sediments, usually sand-sized sediments, lying landward of the beach and extending inland to the landward toe of the dune, which intercepts the 100-year storm surge.

or,

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Dune, frontal/primary: The first natural or manmade dune.

Frontal dune: The first natural or manmade mound or bluff of sand which is located landward of the beach and which has sufficient vegetation, height, continuity, and configuration to offer protective value.

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Dune crest, primary: The highest line of elevation parallel to the water's edge of the Gulf of Mexico along the first substantial mound or ridge of loose sediment, lying upland of the beach or shore, deposited by any natural or artificial mechanism, which typically aligns in proximate location with a similar dune on adjacent gulf-fronting properties.

Dwelling or dwelling unit: A designed and occupiable place of residence for a person or people, providing complete and essential functions of living, sleeping, cooking, and sanitation.

A housing unit, including a stationary mobile home, an apartment, a group of rooms, or a single room occupied as separate living quarters, which provides complete and independent living facilities for one housekeeping unit. This includes permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, accessory: A dwelling established in conjunction with and clearly subordinate and independent from a primary dwelling, whether attached to or detached from the primary dwelling on the same lot or parcel. Lock-outs are considered an accessory dwelling.

A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot or parcel.

Dwelling, duplex: Two primary attached single dwellings.

A building containing two dwelling units, and closely resembling a single-family dwelling in exterior appearance.

Dwelling, lock-out: A room or rooms with a separate bath within a dwelling that can be independently accessed through separate entrances but are connected by a door that can be locked from either side.

Lock-out units: Lock-out units are defined as rooms with a separate bath within a living unit that can be accessed by means other than the main entrance of a dwelling unit without entering the dwelling unit. Lockout units are considered as separate units for the purposes of calculating residential density, intensity, parking, and concurrency and are allowed as both residential long and short-term uses.

Dwelling, manufactured home: Shall have the same meaning as defined by the Federal Emergency Management Agency (FEMA).

Dwelling, mobile home: Shall have the same meaning as defined by the Department of Housing and Urban Development.

A detached one-family dwelling designed for long-term occupancy (containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems) and for transportation after fabrication, in one or more sections, over streets or highways on its own wheels or on a flatbed or other trailers, and arriving at the site where it is to be occupied as a residence complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, etc.

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Dwelling, modular home: A dwelling constructed using individual sections, called modules, built in a factory, and assembled on site. Modular housing may be comprised of single or multiple dwellings.

A detached one-family dwelling which complies with all standards and specifications of the Florida Building Code and is so tagged. It will have descriptive plans and full blueprints, and will be placed on a permanent, closed foundation.

Dwelling, multi-unit: A residential structure containing two or more dwelling units attached to a wall, floor, or ceiling of another dwelling unit or attached to any accessory structure associated with another dwelling unit. The term includes apartments, townhomes, duplexes, lock-out units, triplexes and the like.

Dwelling, multifamily: *A residential structure containing two or more dwelling units attached to a wall, floor, or ceiling of another dwelling unit or attached to any accessory structure associated with another dwelling unit. The term includes apartments, townhomes, duplexes, lock-out units, triplexes and the like.*

Dwelling, primary: The one dwelling unit on a lot or parcel which is clearly the larger and principle dwelling.

Dwelling, rooming house: A type of dwelling(s) where multiple tenants rent individual rooms within a larger property, typically sharing common areas like bathrooms, kitchens, and living spaces.

An establishment where lodging is provided for compensation: (a) other than in dwelling units, (b) for a total of six to 24 persons unrelated by blood, marriage or legal adoption to the owner or operator of the roominghouse, and (c) without service of meals to roomers. For lodging with meals, see boardinghouse. For similar lodging for 25 or more persons, refer to the definition "hotel" in the Land Development Code. Owners/operators must be registered with the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants in order to be considered a roominghouse by the City. Roominghouses shall not include homes with foster children placed by the Florida Department of Children and Family Services, small community residential homes and large community residential homes.

Dwelling, single unit detached: A residential structure containing no more than one dwelling separate and detached from any other residential structure.

Dwelling, single-family detached: A residential structure containing no more than one dwelling unit physically detached from any other residential structure or from any accessory structure associated with another dwelling unit.

Dwelling, Townhouse: A type of multi-unit dwelling that may or may not be platted for individual ownership and at the point of attachment, the dwelling units shall be separated from each other by firewalls extending from footings to roofs without openings which would permit the spread of fire from one building to another.

Easement: A legal right to use another person's land for a specific limited purpose, without owning it. Easements are often granted for utilities, such as water, gas, electricity, and sewer lines, to cross private lands. They can also allow for private purposes, such as a driveway or access to a landlocked property.

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Easements are typically recorded in land records and can be transferred with the property, ensuring certain rights or uses are maintained over time.

A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons. The owner generally may continue to make restricted use of such land, since he has given up only certain, and not all, ownership rights.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Electric distribution substation: An electric substation which takes electricity from the transmission grid and converts it to a lower voltage so it can be distributed to customers in the local area on the local distribution grid through one or more distribution lines less than 69 kilovolts in size.

Electric power generation, fossil fuel: An electric power generation facility that uses fossil fuels, such as coal, oil, or gas, in internal combustion or combustion turbine conventional steam process to produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems.

Electric power generation, hydro: An electric power generation facility that uses waterpower to drive a turbine and produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems.

~~**Electric power generation, nuclear:** An electric power generation facility that uses nuclear power to produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems.~~

Electric power generation, solar: An electric power generation facility that uses solar power to produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems. This definition does not include small scale solar energy conversion systems that have a maximum power output of 200 KW and are used primarily to reduce on-site consumption of utility power.

Electric power generation, wind: An electric power generation facility that uses wind power to produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems. This definition does not include small scale wind energy conversion systems that have a maximum power output of 200 KW and are used primarily to reduce on-site consumption of utility power.

Electric transmission substation: An electric substation that connects three or more transmission lines without any transformation of voltage to a distribution voltage level. There may be transformation of voltages between transmission level voltages, but it is not required for the substation to be considered a transmission substation.

Emergency repairs: The restoration of a building, structure, or facility to a sound state when such building, structure or facility was damaged or made unsound as the result of a sudden condition or event which, by its nature, was unavoidable and/or unplanned (i.e., fire, storm, etc.).

~~**Emergency service use:** Means a use exclusively for police, fire, or emergency medical services.~~

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Energy conversion systems, small-scale solar: A solar collection system consisting of one or more roof and/or ground mounted solar collector devices and solar related equipment, which has a rated capacity of less than or equal to ten kilowatts (for electricity) or rated storage volume of the system of less than or equal to 240 gallons or that has a collector area of less than or equal to 1,000 square feet (for thermal), and is intended to primarily reduce on-site consumption of utility power. A system is considered a small-scale solar energy conversion system only if it supplies electrical or thermal power solely for on-site use.

Energy conversion systems, small-scale wind: A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of less than or equal to ten kilowatts and is intended to primarily reduce on-site consumption of utility power. A system is considered a small-scale wind energy conversion system only if it supplies electrical power solely for on-site use.

Engineering: ~~Design, construction, and inspection of public or private facilities including but not limited to streets, stormwater facilities, water, sewer and the like. All engineering construction requires a set of plans signed and sealed by an engineer licensed to perform such work in the State of Florida. All engineering construction requires a permit.~~

Environmentally sensitive area (ESA): Any lands or waters with special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.

A distinct space or ground surface readily affected by or responsive to external elements or actions.

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as routine maintenance.

To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Erosion: The process by which natural forces such as water, wind, ice, or gravity remove and transport soil, rock, or sediment from one location to another.

The wearing or washing away of soil by the action of wind or water.

Estuary: A partially enclosed coastal body of water where freshwater from rivers and streams meets and mixes with saltwater from the ocean.

Existing: Referring to something that is currently present at a given moment.

For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Existing docks: Any dock currently constructed and was approved for construction through a marine construction permit by the effective date of this article.

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Any dock currently constructed or for which a completed application has been received by the effective date of this article.

Family: One or more persons occupying a single dwelling unit; provided that, unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided, that domestic servants employed on the premises may be housed on the premises without being counted as a family or families and not more than two rooms may be occupied by a total of four or less boarders, including roomers, who may be accommodated (for five or more roomers or boarders, see boarding and rooming houses). The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group.

Family, day care: An occupied residence in which childcare is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. Household children under 13 years of age, when on the premises of the family day care home or on a field trip with children enrolled in childcare, shall be included in the overall capacity of the licensed home. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include household children under 13 years of age:

1. A maximum of four children from birth to 12 months of age.
2. A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
3. A maximum of six preschool children if all are older than 12 months of age.
4. A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

~~**Family, immediate:** The father, mother, brother, sister, spouse, son, daughter, or grandchild of a person deeding land without valuable consideration.~~

Fare carrying vessels: Vessels used for the following activities that are available to the public for hire: charter for hire, party fishing, sightseeing (e.g., dolphin, sunset, dinner cruises, etc.), sailing, parasailing and diving/snorkeling. Fare carrying vessels shall not include pontoon, runabout boats, or personal watercraft.

Federal Communications Commission (FCC): The federal agency with the oversight of all aspects of communications, including broadcast radio, broadcast television, wireless telephone, cellular, radio, public safety, and cable television.

FDEP: The State of Florida's Department of Environmental Protection.

FDOT: The State of Florida's Department of Transportation.

Feepayer: A person or entity applying for the issuance of a development permit.

Fence: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fenestration: Refers to the design, placement, and configuration of openings in a building, including windows, doors, skylights, and other glazed elements.

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Festive Market Place: An area along the north shore of the Destin Harbor which accommodates tourist commercial and mixed-use development. The festive market place provides gathering spaces for festivals and other special events, fostering a free-flowing pedestrian-oriented environment, supporting a multimodal transportation system, promoting convenient public access to the Harbor Boardwalk, and reinforcing the identity of Destin's world-class fishing and authentic historic Harbor. (Comp Plan Definition)

Filling station: A building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail.

A building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage nor a body shop. Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling stations' customers, as accessory and incidental to principal operation, are allowed.

Finished Floor Elevation (FFE): The elevation of the top of the lowest habitable finished floor in a building.

Flag: A piece of cloth or similar flexible material, typically oblong or square, attachable by one edge to a pole or rope and used to display information, ideas, or political jurisdiction. ~~or as the symbol or emblem of a country or institution or as a decoration during public festivities.~~

Any fabric or flexible material having a horizontal orientation and rectangular shape, where length does not exceed 1.7 times the width and the width is not less than 0.5 times the length. Flags are attached at one end and are displayed by means of a flag pole or similar device.

Flag pole: A freestanding ground mounted structure or a structure mounted to a building or roof of a building and used for the sole purpose of displaying a flag.

Flood or flooding: The accumulation of excess water on land that is usually dry, caused by factors such as heavy rainfall, river overflow, tidal surges, or the failure of dams and levees.

A temporary, partial or complete inundation of normally dry land from the overflow of inland or tidal waters, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood hazard boundary map (FHBM): Official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

The map issued by the Federal Emergency Management Agency showing floodprone areas. Drawn from United States Geological Survey maps, it does not provide flood elevations and is intended to be used only until the flood insurance rate map is produced.

Flood insurance rate map (FIRM): Official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

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The official map issued by the Federal Emergency Management Agency showing both the area of special flood hazard and the risk premium zones within the City.

Flood light: A luminary or bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more. (See spot light.)

Flood plain: A flat or nearly flat land adjacent to a stream or river that experiences occasional or periodic flooding.

Floodway: A designated area within a floodplain, specifically the channel of a river or other watercourse and adjacent land areas, which must remain unobstructed to allow for the passage of floodwaters.

The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Floor area ratio (FAR): The measurement of a building's gross floor area in relation to the size of the lot/parcel that the building is located on.

The total gross floor area of all buildings or structures on a lot divided by the area of said lot.

Foot candle: A measure of luminance (or light intensity) on a surface equal to one lumen per square foot as established by the Illuminating Engineering Society of North America (IESNA).

Frontage: Linear distance measured along abutting rights-of-way.

Full cutoff (FCO): A light fixture which cuts off all upward transmission of light.

Fully shielded: A fixture with housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture.

Functionally dependent use: A use which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking, loading and unloading of cargo or passengers, shipbuilding and ship repair, or processing seafood. The term does not include long-term storage or related manufacturing uses.

Garden window: A window that extends out from the house whose lowest point is at least four feet above floor level and typically has an interior shelf for plants and herbs and does not add to the gross floor area of the building or structure. Side vents may be included to provide ventilation.

Gazebo: A freestanding, open-sided structure with a permanent roof, typically found in gardens, parks, and spacious public areas.

An accessory structure with a permanent roof intended to shed water. Its sides could be open or enclosed.

Geographic Information System (GIS): A system that creates, manages, analyzes, and maps all types of data.

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Glare: Light emanating from or reflected from another source causing excessive and uncontrolled brightness and can impair visibility, leading to decreased safety and comfort in both indoor and outdoor environments.

Light emitting from a luminary of an intensity sufficient to reduce a viewer's ability to see. Also, discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment.

Grade: The inclination, with the horizontal, of a road, unimproved land, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance.

Gross floor area: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For the purposes of calculating floor area ratio, gross floor area shall be the sum of gross horizontal areas of each floor of a building or structure, measured from the exterior face of the exterior walls, or from the centerline of a walls separating two buildings.

For the purposes of calculating floor area ratio, gross floor area shall be the sum of gross horizontal areas of each floor of a building or structure, measured from the exterior face of the exterior walls, or from the centerline of a walls separating two buildings. However, the following shall be excluded in the calculation of gross floor area: any space where the floor-to-ceiling height is less than six feet, basements, exterior open balconies, breezeways and open stairwells. Elevator shafts shall be counted only once in the calculation gross floor area, while fully enclosed stairwells shall be counted for each floor that they provide access to.

Gross land area: Those contiguous land areas, as well as land areas separated by a public or private right-of-way, road, street, or alleyway, and under common ownership proposed for development. For beachfront properties, gross residential land area shall extend southward to the Mean High-Water Line per Plat or Record Document provided by Okaloosa County GIS 2007 or certified survey as of 2007. (Comp Plan definition)

Ground area: The extent or measurement of the surface of ground or land devoted to amusement rides, tracks, pools, outdoor display or storage and other outdoor non-parking and non-landscape areas.

Actual ground area devoted to amusement rides, tracks, pools, outdoor display or storage and other outdoor nonparking and nonlandscape areas.

Ground cover: Low-growing plants or materials spread over the soil surface, serving to protect and stabilize the ground, retain moisture, and suppress weeds. Ground cover can include living plants, such as grass, creeping perennials, and mosses, or non-living organic materials, such as but not limited to, mulch or pine straw.

Natural mulch or low-growing plants, other than deciduous varieties, installed to form a continuous cover over the ground.

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Ground-level barrier: Any vegetation, natural feature or artificial structure arising from the ground, which prevents beachfront lighting from shining directly onto the beach-dune system.

Groundwater: Water beneath the surface of the ground.

Groundwater, Aquifer: Water beneath the surface of the ground, whether or not flowing through known and definite channels.

Gross density or density: The total number of dwelling units divided by the total site area, inclusive of existing or proposed public and private roadways, right-of-way easements of [or] access.

Guest, cottage, or carriage house: A type accessory structure that shall not be rented or sold separately from the primary dwelling unit, and does not provide any cooking function.

An attached or detached accessory one-family structure that provides temporary living quarters for guests of the occupants of the primary dwelling and which: a) is clearly subordinate to the primary dwelling on the same lot or parcel; b) contains no 220 volt power or gas service to any cooking appliance; and c) is not rented or sold separately from the primary dwelling unit.

Gutter: A shallow channel set along the edge of a building roof, for purposes of catching and carrying off water.

Harbor Boardwalk: The areas adjacent to and along the northern harbor shoreline that create a public pedestrian network.

Harbor waterfront: The area extending from the mean high-water line to a line that is the lesser of (i) one hundred (100) feet to the most distant perpendicular property line; or (ii) to be measured by 20% of the average depth of the subject property to the most distant perpendicular property line; and lying between the East and West terminus of the SHMU.

Harbors and waterways of Destin: The tidally influenced waters within and adjacent to the boundaries of the City of Destin, including, but not limited to, the Gulf of Mexico, the Destin Harbor, Choctawhatchee Bay, Joe's Bayou, Marler Bayou, Indian Bayou, and East Pass. This does not include any freshwater bodies located within the City of Destin. The boundaries of Destin Harbor shall be as follows:

Commence at the intersection of the southerly right-of-way line of U.S. Highway 98 (State Road No. 30) (100-foot right-of-way as it exists in 1985) and the mean high-water line of the East Pass Inlet to the Gulf of Mexico; thence proceed southeasterly along such mean high-water line to the entrance of Destin Harbor, and the point of beginning; thence departing such mean high-water line proceed northeasterly at right angles to such mean high water line a distance of 100.00 feet; thence proceed easterly parallel to and 100.00 feet upland of the mean high-water line of Destin Harbor to a point 100.00 feet upland of the intersection of the mean high-water line of Destin Harbor and the finger canal as depicted on the plat of Sandpiper Cove Phase III as recorded in Plat Book 1, pages 161-170 of the public records of Okaloosa County, Florida; thence proceed easterly along a line 100.00 feet northerly and parallel to said finger canal to a point 100.00 feet north of the easternmost point of said finger canal; thence continue easterly along the projection of the line

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parallel to and 100.00 feet north of such canal to the centerline of Gulfshore Drive (100-foot right-of-way); thence proceed westerly along the centerline of Gulfshore Drive to a point of intersection with an extension of the centerline of a ten-foot-wide out parcel as recorded in O.R. Book 1142, page 1566, of the public records of Okaloosa County, Florida; thence proceed southerly along the centerline of such out parcel and the projection thereof to the mean high-water line of the East Pass Inlet to the Gulf of Mexico; thence proceed northwesterly along such mean high-water line to a point on the western extremity of the Holiday Isle peninsula; thence proceed northerly, traversing the entrance to Destin Harbor, to the point of beginning.

Hardship cases: ~~Those situations where an individual requests the location of a mobile home on the same lot or parcel of property that the individual is residing in a one-family detached dwelling subject to all of the following conditions:~~

- ~~(1) The proposed occupant of the mobile home must be related to an occupant of the one-family attached dwelling as grandparent, parent, brother, sister, child, grandchild, or parent-in-law.~~
- ~~(2) The applicant must have written consent of all property owners within 300 feet of the lot or parcel of property upon which the mobile home is to be located.~~
- ~~(3) The applicant must have an affidavit signed by a physician licensed to practice medicine in this state certifying that the proposed occupant of the mobile home is terminally ill or requires constant care as would be provided by a hospital.~~
- ~~(4) The special exception will be granted for a period not to exceed one year but may be renewed by following the same procedure as for the granting of the same.~~
- ~~(5) The proposed mobile home must comply with all setback requirements of the district.~~
- ~~(6) Such other conditions and safeguards as deemed appropriate by the board of adjustment.~~

Harmful quantity: ~~The amount of any substance that will cause pollution to waters in the State, waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic monitoring organisms belonging to the City, upon their exposure to samples of any discharge into waters of the State, waters of the United States, or the MS4.~~

Hatchling: Any species of marine turtle, within or outside of a nest, and that has recently hatched from an egg.

Hazardous material: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous waste: A category of waste materials that are dangerous or potentially harmful to human health or the environment.

Heavy Equipment: Any commercial, industrial, or agricultural vehicles, equipment, or machinery.

Height, all other: Is the distance from grade to the highest point of the object or structure.

Height, building: See the adopted Comprehensive Plan definition for building height.

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As applied to a building, means the vertical distance from the top of the lowest floor surface or ground slab in the case of ground floor parking to the highest finished roof surface in the case of roofs with a slope of one foot in 12 feet, or less, or to a point at the average height of roofs with a greater slope.

Height, luminary: The height of a luminary shall be the vertical distance from the ground directly below the centerline of the luminary to the lowest direct-light-emitting part of the luminary.

Height, telecommunication tower: The distance measured from the ground at the base of the structure to the highest point of the tower. This measurement excludes any attached antennas, and lighting. Any part of the base which exceeds four feet above 0.0 feet above the ground shall be included in the height of the tower.

Highest adjacent grade: The highest natural elevation prior to construction or finished grade of the ground surface adjacent to the proposed walls of [a] structure.

Historic resource: All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by a local government as historically, architecturally, or archaeologically significant.

Home based business: A business located in a residential dwelling that meets the criteria of a home-based business per Florida State Statutes.

~~**Home occupation:** An occupation carried on in a principle dwelling unit by the resident thereof; provided that the use is limited in extent and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof; provided that the home occupation meets the standards provided in Section 9.06.06 of this Code.~~

Horizontal (or vertical) foot-candles: The amount of light striking a vertical or horizontal plane.

Hotel: An establishment where lodging is provided for compensation other than in dwelling units, and for 25 or more persons. A hotel must provide a centralized front desk area that is open 24-hours for all check-in/check-out and service needs and daily room cleaning service. Additionally, the hotel must be managed, maintained, and operated by a single entity and shall be marketed like a hotel, condotel, or similar name that infers "hotel-like" services. Hotel units may contain kitchenette facilities (limited cabinet space and small appliances), sitting/living rooms, and bedrooms. However, bedrooms shall not contain walk-in closets. For purposes of these regulations, the term "hotel" shall be construed to include motel, motor court, motor inn, tourist court, motor lodge and similar facilities, if for 25 or more occupants. For establishments where a smaller number of persons are accommodated, see bed and breakfast inn, boardinghouse, rooming house.

IESNA: Illuminating Engineering Society of North America.

Illegal connection: An unauthorized or unapproved connection to utility services or infrastructure, such as water, sewer, electricity, or telecommunications networks. Illegal connections bypass legal and safety regulations, potentially causing harm to the public system, endangering public health and safety, and leading to financial losses for service providers. These connections can result from unauthorized tapping into lines, bypassing meters, or other means of accessing services without proper permission or payment.

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Addressing illegal connections involves enforcement of regulations, penalties, and efforts to regularize access to essential services.

An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency/or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

~~Illegal discharge: Any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in section 11.09.02(A) of this Code.~~

Illicit discharge: The unauthorized or illegal release of any substances off-site. Illicit discharges can originate from various sources, including industrial facilities, sewage connections, septic tank overflows, and improper disposal of waste materials, except as exempted in Article 7 of this Code.

Is the process of allowing any nonstormwater contaminant or wastewater that may contain pollutants that cause or contribute to a violation of State water quality standards, to enter the City's storm sewers or environmentally sensitive areas such as beaches, wetlands and open water bodies, or any nonstormwater discharge from one property to another property without the receiving property owner's express written consent with the exception of irrigation sprinkler overspray.

Illuminated sign: A sign which contains a source of light, or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, and backlighting, and shall also include signs that depend upon automobile headlights for an image.

Impervious surface: A surface that has been compacted or covered with a layer of material resistant to infiltration by water.

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It also includes semipervious surfaces such as clay, shell, gravel, crushed stone, pavers, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

Implied riparian line: A line, not established by any survey, generally extending in the same direction, or bearing as side property lines of residential properties into bodies of water. Only used in residential marine projects. Any riparian line established by a survey or other legal process supersedes an implied riparian line.

Improvement: Any manmade, immovable item which becomes part of, is placed upon, or is affixed to real estate.

Independent fee calculation study: A traffic engineering and/or economic documentation prepared by a feepayer to allow the determination of an impact fee other than as required by this Code.

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The traffic engineering and/or economic documentation prepared by a feepayer to allow the determination of the impact fee other than by the use of the table in Section 19.04.05.

Indigenous plants: Plants native to the northwest area of the State of Florida.

Indirect light: Direct light that has been reflected or has scattered off of other surfaces. (See reflection).

Indirectly illuminated (beach lighting): Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s), of an artificial light source that is not visible to an observer on the beach.

Industrial uses: Of, relating to, concerning, or arising from the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction.

Infrastructure: The fundamental facilities and systems serving the city, including the services and facilities necessary for its economy to function. Such as transportation and utilities.

Intensity: The degree of development or use of land and buildings, measured by floor area ratio (FAR), which calculates the total building square footage relative to the land area.

An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities and services. Additionally, intensity of development may be limited or regulated by performance standards, such as maximum floor area ratio for gross floor area allowed on a lot or parcel, lumens for lighting, or maximum decibels for sound.

~~**Interior area:** The entire parcel to be developed exclusive of the front, rear and side perimeter landscape areas, which also need less fertilizer, maintenance and water.~~

Junkyard: Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two or more months of two or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition, shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

Lake or pond: A naturally occurring body of water surrounded by land.

Lake, artificial: A man-made body of water including lakes, ponds, lagoons, and reservoirs that are filled, or refilled, with water from any source, for recreational, scenic or landscape purposes. Such term shall not include any watercourses, swales, or like bodies designed and used solely for the conductance of flowing water or in which the volume of water is controlled or determined by sluice gates, flood gates, pump, or similar device or by natural flow of tides.

Lamp: The component of a luminary that produces the actual light.

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Land development activity generating traffic: Any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces vehicular trips.

Land Development Code (LDC): The adopted land use regulations of the City of Destin often referred to as "this Code."

Landscape material: Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; and nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, brick pavers, but excluding impervious surfaces for vehicular use.

Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water features; and nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, prairie film, brick pavers, and earthen mounds, but excluding impervious surfaces for vehicular use.

Landscape plan: The placement of landscape material in the planting area or undisturbed areas of natural vegetation.

The placement of landscape material in the planting area or undisturbed areas of natural vegetation, which areas may be utilized for drainage purposes.

Landscape professional: An arborist, landscape architect, or other similar tree specialist that is licensed and insured, and actively registered with Florida DPBR.

Land surveyor: A land surveyor duly registered to practice in the State of Florida.

Land use: The ways in which particular areas of land are developed, maintained, or otherwise utilized, as well as the planning policies and regulations governing such uses.

Laser source light: High intensity light emitted by a laser device or similar high intensity light.

Ldn: A day/night average sound level which is the 24-hour average sound level, in decibels, obtained after the addition of ten decibels to sound levels during the night from 10:00 p.m. to 7:00 a.m.

Legal advisor: The City Attorney or other attorney appointed by City Council to serve in the capacity as a legal counsel to the City of Destin.

Level of Service: A qualitative measure used to relate the quality of the services being used.

Have the same meaning as set forth in the Highway Research Board's Highway Capacity Manual (1965).

Licensed Dealership: A premise which the primary endeavor is the sale of new or used motor vehicles which is properly credentialed by local, state, and federal authorities as applicable.

Light fixture: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Light source: The bulb and lens, diffuser, or reflective enclosure.

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Light trespass: Light projected onto a property from a fixture not located on that property.

Litter: Waste, such as paper, cans, bottles, junk, crockery, or materials otherwise unusable that is left lying in an open or public place.

The refuse and rubbish, including, but not limited to, cigarette butts, paper, bottles, cans, glass, crockery, scrap metals, plastic, rubber, yard trash, tar paper, lumber, masonry, concrete, drywall, packing and crating materials, discarded appliances, junked vehicles, junked vessels, tree trimmings, shrub trimmings, leaves, disposed packages, disposed containers, dead animals, intentionally or unintentionally discarded materials of every kind and description which are not "waste" and any other solid waste matter visible to the eye.

Local Planning Agency: The City of Destin's agency designated to prepare the Comprehensive Plan or plan amendments required by the Florida Statutes and the Florida Administrative Code.

Long-term: A period of one-hundred and eighty-one (181) days or more.

Long-term lessee: A person holding a leasehold on a property for a period greater than 20 years but does not include a person holding a renewable leasehold for a period of 99 years, who is included in the term title of record owner.

Lot: A designated parcel, property, tract, or area of land established by plat, subdivision or as otherwise allowed by law.

Lot, corner: A lot abutting upon two or more streets at a street intersection or abutting upon two adjoining and deflected lines of the same street.

Lot, double frontage/through: A lot having two non-adjoining property lines abutting upon a street or streets.

A lot having two non-adjoining and deflected lines of the same street.

Lot, flag: A type of property layout or shape where the main buildable area is set back from the road and is accessed by a strip of land that is significantly narrower than the width of the main buildable area of the property.

Lot, interior: A lot other than a corner lot or double frontage lot.

Lot, recreational vehicle: The total site, including recreational vehicle pad, parking, and landscaping, which contains not more than one motor home.

Lot frontage: The front of a lot shall be construed to be the portion nearest the street or streets. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "yards" in this section, except as allowed by the land development code.

Lot, reverse frontage: A double frontage lot fronting on both a minor street and a primary or collector street with access only permitted to the minor street. Rear access to the primary or collector street shall be prohibited by means of a nonaccess reservation strip or easement along the primary or collector street.

City of Destin, FL - [Document title]

Lot line, front: The lot line separating the lot from the right-of-way of the principal street on which the lot abuts.

Lot line, rear: The lot line opposite to and most distant from the front lot line.

Lot line, side: Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.

Lot measurement, depth: A distance measured from the front property line (facing the street or access way) to the furthest distance of a rear property line or side yard, in the instance of a corner or lot with more than four sides whichever is greater.

Depth of a lot shall be considered to be the distance between the mid points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot measurement, width: The distance between the side yard property lines at the required front building setback. The width of a lot shall not be less than 80% of the required width when measured at the right-of-way line. This does not apply to cul-de-sacs.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the required front building setback line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot split: See LDC Section 2.04.01

Lounge: Any business principally engaged in the sale or dispensing of alcoholic beverages by the drink for consumption on the premises and in which the service of food is only incidental or accessory (less than 50 percent of its gross revenue) to the consumption of such alcoholic beverages.

Lowest floor: The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Low-income household: As defined by Florida State Statutes

~~**Low-pressure sodium luminaire (LPS):** An electric discharge lamp containing sodium, neon, and argon, that when illuminated appears amber yellow.~~

Low Speed Vehicle: as defined by Florida State Statute, Section 320.01.(41) any four-wheeled vehicle whose top speed is greater than 20 miles per hour, but not greater than 25 miles per hour and operate as a require by Florida State Law.

Luminary: This is a complete lighting system and includes a lamp or lamps and a fixture.

City of Destin, FL - [Document title]

Luminaries, nonconforming: ~~Luminaries not conforming to this Code that were in place at the time this Code was adopted do not need to be changed unless a specified period is identified for adherence to the Code.~~

Lighting fixture: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Maintenance: Work which does not require a construction permit and that is performed to prevent deterioration or decay of a building or structure (or part thereof) as practicable without modifying structural elements.

That action taken to restore or preserve the original design and function of any stormwater management system.

Maintenance entity: The person(s), group(s), owners' association(s), or other legal entity legally obligated to perform or who actually performs routine maintenance within a specified area or place.

Major access point: ~~Any motor vehicular ingress and/or egress point designed to accommodate motor vehicles that connects a development to a public or private street, which is intended to accommodate 20 trips or more per day onto a public or private street.~~

~~Mandatory or required right-of-way dedications and/or roadway improvements:~~ ~~means such non-compensated dedications and/or roadway improvements required by the City or by the county.~~

Manufactured housing: Dwelling, modular

Manufactured housing has the following features or characteristics. It is:

- A. Mass-produced in a factory;*
- B. Designed and constructed for transportation to a site for installation and use when connected to required utilities;*
- C. Either an independent, individual building or a module for combination with other elements to form a building on the site.*

Manufactured/Mobile home park: A residential development on a parcel of land in one ownership providing rental spaces for two or more mobile homes on a long-term basis, with recreation and service facilities for the tenants.

Manufactured/Mobile home space: A plot of ground within a mobile home park or mobile home subdivision designated for the accommodation of one mobile home or travel trailer.

Manufactured/Mobile home subdivision: A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourists or vacation-oriented travel trailers, motor homes, campers, etc.

City of Destin, FL - [Document title]

~~Marina, commercial:~~ ~~A marina that contains 40 or more slips set aside for fare carrying vessels. Slips in a commercial marina can only be rented to fare-carrying vessels, unless other provisions of this Code require otherwise (e.g. Section 11.05.09 requiring transient boat slips). A commercial marina must also sell fuel, ice, bait, marine supplies, recreational equipment to the public and provide at least one area suitable for the loading and unloading of engines, fuel tanks or other equipment to and from fare-carrying vessels.~~

Marinas: A marine facility specifically designed to provide docking, mooring, storage, and various services for vessels, whether as the primary use or supporting any non-residential, commercial, or Multi-family use, excluding duplexes.

Establishments for the rental of boat docks as a principal use. Fuel sales, minor repairs, and sale of related marine and recreational equipment is allowed as an accessory use.

Marine habitat: Areas where living marine species or resources live, grow, or occur.

Marine turtle: Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead); *Chelonia mydas* (green); *Dermochelys coriacea* (leatherback); *Eretmochelys imbricata* (hawksbill); and *Lepidochelys Kemp* (Kemp's ridley). For purposes of this Code, marine turtles are synonymous with sea turtles.

Marine turtle conservation zone: Includes all land abutting the "beach" within 300 feet of the Mean High-Water Line starting at the tip of the south side of the entrance of the Destin Harbor south and then eastward to the Walton County line.

Marquee: A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

Mean high water: The average height of the high waters over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variation and to reduce the result to the equivalent of a mean 19-year value.

Mean sea level: The average height of the sea for all stages of the tide. For purposes of this Code the term is synonymous with National Geodetic Vertical Datum (NGVD).

Medical marijuana treatment center dispensing facility: A facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, or cannabis-based products are dispensed at retail and operated in accordance with all local, state, and federal laws. Regulations permitting or determining the location of medical marijuana treatment center dispensing facilities shall not be more restrictive than regulations permitting or determining the locations for pharmacies licensed under F.S. ch. 465. A medical marijuana treatment center cultivating or processing facility is not included within this definition.

Minimum descent altitude: The lowest altitude, expressed in feet above the mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Minimum en-route altitude: The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

City of Destin, FL - [Document title]

Minimum obstruction clearance altitude: The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment, and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Minimum vectoring altitude: The lowest MSL altitude at which IFR aircraft will be vectored by a radar controller, except when otherwise authorized for radar approaches, departures or missed approaches.

Minor replat: See LDC Section 2.04.02.

The resubdivision of two lots into two lots or parcels or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Mixed-use: A development approach that combines residential, commercial, cultural, institutional, or industrial uses within a single building or development area to promote a closer integration of living, working, and recreational spaces.

Mobile Vendor: A person who is in the business of selling food, beverages, flowers or other merchandise or services from a vehicle, except, however, that the provisions of this ordinance shall not apply to mobile caterers, generally defined as a person engaged in the business of transporting, in motor vehicles, food, beverages, or service equipment to residential, business and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles the items or services at retail, for the convenience of the personnel of such establishments. (Code of Ordinances, Section 13-160)

Mobile vendor, long-term: A mobile vendor that operates on a specific property for more than 72 hours at any given time.

Mobile vendor, short-term: A mobile vendor that operates on a specific property for no more than 72 hours at any given time.

Motor scooter or scooter: Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground and shall include a moped as defined in F.S. § 316.03(41) (2019), and any other two- or three-wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see F.S. ch. 324, (2019)).

Motor scooter rental or scooter rental: The provision, rental, hire, or delivery of a motor scooter for any valuable consideration or the solicitation of that service or good.

Motor home: See recreational vehicle.

Motor home pad: See Recreational vehicle pad.

Motor Vehicle: A new or used automobile or truck, including trailers.

Mulch: Nonliving, small, aggregate material, such as compost, bark or pine needles used as ground cover.

City of Destin, FL - [Document title]

Multi-modal: The use of multiple modes of transportation within a single trip.

Multiple-occupancy complex: A commercial use, i.e., any use other than residential, on a premises with a building or buildings housing more than one occupant.

Multi-use pathway: A multi-use pathway is a pathway that is designed and constructed for the use of pedestrian and non-motorized (e.g., bicycle, skateboard, rollerblade, etc.) traffic. Multi-use pathways are physically separated from motor vehicle traffic and can be located either within a road right-of-way or within an independent right-of-way or easement. This definition does not preclude the use of motorized wheelchairs by the handicapped.

Municipal separate storm sewer system (MS4): The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES): The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the federal Clean Water Act.

Natural flow pattern: The rate, volume and direction of the surface or ground water flow occurring under natural conditions.

Natural systems: Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Neighborhood commercial: Development designed to support the limited commercial needs of the surrounding residential neighborhood.

Neighborhood park: A park which serves the population of a neighborhood and is generally accessible by bicycle or pedestrian ways.

Neighborhood retail commercial goods and service establishments: Establishments primarily engaged in the provision of 1) frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies; and 2) frequently or recurrently needed services, such as laundromats, cleaners, alterations, banking, drug stores and other personal services. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

Nest: An area where marine turtle eggs have been naturally deposited or subsequently relocated.

Nesting season: The period from May 1 through October 31 of each year as defined by F.A.C. 62b 55.002(17) for all counties.

New construction: Any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use.

NFWMD: Northwest Florida Water Management District.

City of Destin, FL - [Document title]

Nighttime: The locally effective time period between sunset and sunrise.

Noise reduction (NR): Reduction in decibels of sound pressure levels between two designated locations or rooms for a stated frequency or band.

Noise zones: Noise zone A is an area within the 75 Ldn noise contour in which land use should be limited to activities that are not noise sensitive. Noise zone B is an area between the 70—75 Ldn noise contour in which land use would require a site-specific analysis, aviation easements and appropriate sound level reduction measures for construction of buildings. Noise zone C is an area between the 65—70 Ldn noise contour in which land use is normally acceptable for construction of buildings which include appropriate noise attenuation measures.

Nonconforming: A use, structure, lot, or site element which lawfully existed prior to the enactment of a zoning ordinance and which may be maintained after the effective date of the ordinance although it does not comply with the restrictions applicable to the area.

Nonconforming use/structure/lot: Any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article, or amendments thereto.

Noncompliant: A use, structure, lot, or site element which is not in conformance with the Land Development Code, Comprehensive Plan, or Code of Ordinances, and was never lawfully established by development order, development permit, or prior to the enactment of a zoning ordinance.

Non-point source: Pollution that does not originate from an identifiable source(s).

Any source of any discharge of a pollutant that is not a "point source."

Non-precision instrument runway: A runway having a non-precision instrument approach procedure using air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Nonresidential uses: Refers to the use of buildings, structures, or land for purposes other than long-term residential habitation.

Nonresidential uses include duly licensed commercial hotels, motels, bed and breakfast establishments, other commercial transient living accommodations, and other commercial, industrial, institutional, recreation, and conservation land uses.

North America Industry Classification System (NAICS): The standard Federal classification system for business establishments to collect, analyze, and publish statistical data related to the business economy of the U.S.

Notice of Intent (N.O.I.): The notice of intent that is required by the NPDES Stormwater Multi-Sector Generic Permit, the EPA NPDES Stormwater Construction generic permit, or any similar generic permit to discharge stormwater associated with industrial activity that is issued by the EPA.

City of Destin, FL - [Document title]

Nuisance glare: Obnoxious and intense glare or direct illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property or right-of-way.

Object: A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature of design, movable, yet related to a specific setting or environment.

Occupancy, long-term: Permanent or long-term residential uses shall be defined as any residential accommodation that is available for occupancy for 181 days or more.

Occupancy, seasonal or short-term: Seasonal or short-term residential uses shall be defined as any residential accommodation that is available for occupancy for 180 days or less, with the exception of hotels and motels, and other duly licensed commercial transient accommodations as defined in F.S. § 509.242(1), (a), (b), (f), and (h). The terms "resort condominium" and "resort dwelling", as defined in F.S. § 509.242(1)(c) and (g) are considered seasonal or short-term residential uses.

Occupant (occupancy): ~~A commercial use, i.e., any use other than residential.~~

Occupied rooms: ~~Rooms within enclosed structures which are or may reasonably be expected to be used for human activities which involve speech communication; sleeping; eating; listening to live, recorded or broadcast music or speech; or the regular use of telephones.~~

Off-site business: A sole proprietorship business whose primary physical operations (as distinguished from purely managerial activities) occur at a location other than the site of its permanent listed address. Such address shall be allowed to serve as an address of convenience for licensing purposes and for private management of business matters. However, the business shall involve no on-premises storage, no signs relating to the business activity and the business shall create no parking in addition to that normally associated with the site.

Open container: Means any container of alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken.

Open space: That portion of a site that is not occupied by any building coverage, vehicular-use area(s), or impervious surface(s). For the purposes of this definition paver systems or similar development is not considered open space.

A vegetative pervious surface at ground level that is unobstructed from ground level to the sky and is not occupied by any building coverage or impervious surfaces. Subterranean parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, and are constructed in such a manner that the open/green space is level with the grade of the adjoining properties and the adjacent right-of-way (if applicable) may be counted as 100 percent open space. Above-grade parking structures that have a minimum amount of soil to support the trees, shrubs, and groundcover planted on top of structure, as certified by a Florida-registered landscape architect, may be counted as 75 percent open space. If however, the previously mentioned open space located on top of a subterranean or above-grade parking structure contains impervious surfaces, such as sidewalks or patios, then those areas will not be counted as open space.

City of Destin, FL - [Document title]

Open space area: Any open space, park or public or private spaces otherwise committed to preservation or drainage uses.

Open space, functional: Open space, whether required or not, that is oriented or located in such a manner to enhance the aesthetics and usefulness of such open space.

Operator: The party or parties that either individually or taken together meet the following two criteria: (1) They have operational control over the site specifications (including the ability to make modifications in specifications); and (2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance with SWPPP requirements and any permit conditions.

Ordinary maintenance: Work which does not require a construction permit and that is performed to prevent deterioration or decay of a building or structure (or part thereof) as practicable without modifying structural elements.

Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

Original appearance: That appearance (except for color) which closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

Outdoor advertising business: The provision of outdoor displays or display space on a lease or rental basis only.

Outdoor lighting: The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

The night-time illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Overflight areas: Those areas that lie directly below and 500 feet on either side of the centerline of Runways 14/32 at Destin-Fort Walton Beach Airport and extend 3,000 feet from the runway ends.

Owner: A person who, or entity which, alone, jointly, or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, personal representative, or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parapet: A low wall extending above the cornice line and around the entire perimeter of the structure at the same elevation, which shall not be higher than four feet as measured from the cornice line.

Parcel: A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the City Manager.

City of Destin, FL - [Document title]

Park: A neighborhood, community, or regional area for passive and active recreational use.

Park trees: Trees in public parks and all areas owned by the City, or to which the public has free access such as a park.

Parking area, off-street: Any area except public rights-of-way used for the purpose of parking, storing or display of vehicles, boats, trailers, and mobile homes, including used car lots, but not including parking structures.

Parking Garage/Deck: A multi-story building or structure designed exclusively for parking vehicles.

Parking Lot: An area (at grade) designated and improved for the primary use of parking vehicles.

Parking, off-site: Parking facilities located away from the primary destination or facility they serve, requiring users to walk or take a shuttle to reach their final destination.

Parking, valet: Parking services provided by the owner or proprietor of a use or property in which attendants receive, park, and deliver automobiles of occupants, tenants, customers, and visitors, with or without charge, on or off-site.

Parts and accessories dealers, automotive/marine: Establishments primarily engaged in retailing and installing automotive and marine accessories and electronics.

Establishments primarily engaged in retailing and installing automotive and marine accessories and electronics. Installation shall be either inside the building or within an allowable fenced or otherwise enclosed area.

Party fishing boat: See fare carrying vessel.

A sport fishing boat that charges a fee per passenger for regularly scheduled trips and typically has a capacity of 30 or more passengers.

Patio: A level surface area on grade adjacent to a principal building, with or without a roof.

Pawnshop: A retail business that offers loans to people in exchange for personal property as collateral. Pawn shops also buy items outright from customers and sell various used goods.

An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and other site requirements. Outside storage, outside display, and outside sales are prohibited. 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. 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.

DRAFT

City of Destin, FL - [Document title]

Peak Direction: The dominant flow of traffic or transit use during peak travel times.

Peak Period: The times during the day when demand for a particular service or resource reaches its highest point. This is commonly associated with rush hour traffic, both in the morning (AM) and late afternoon or early evening (PM).

Pedestrian: A person walking on foot or traveling with the assistance of a medical mobility device, such as a wheelchair.

Pedestrian crosswalk: A right-of-way dedicated to the public for pedestrian use, and which is designed to provide access to adjacent roads, lots or public use areas.

Pergola: An open sided accessory structure supporting some type of overhead cross member lumber or other material meant to provide limited shade.

An open sided accessory structure supporting some type of overhead cross member lumber or other material meant to provide limited shade. It is not intended as a permanent watershed.

Permanent: ~~Means a period of time greater than or equal to 180 calendar days, in the context of change of use permit applications.~~

Permanent makeup (salon): A cosmetic technique that employs tattooing to create designs that resemble makeup, such as eye lining, enhancing eyebrows, and adding color to the lips, effectively simulating conventional makeup.

Permanent motor vehicle sales business: A business which operates out of a structure and has paid the local business tax authorized under F.S. § 205.013, for that location.

Permit, beach vendor: A beach vendor permit issued by the City of Destin.

Person: ~~An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.~~

Personal watercraft: Means a motorboat less than 16 feet in length which uses an inboard motor powering a jet pump as its primary motive power and which is designed to be operated by one person sitting, standing, or kneeling on, rather than in the conventional manner of sitting or standing inside the boat. Personal watercrafts are often designed to accommodate two or three people, though four-passenger models do exist. Personal watercrafts are often referred by trademarked brand names such as Jet Ski, Wave runner, or Sea-Doo.

Place of Worship: A building, structure, or groups of buildings or structures, wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship. This definition includes religious organizations, synagogues, temples, mosques, or other such places used for worship.

Planned Unit Development (PUD): A type of development and zoning designation that allows for a more flexible approach to land use and design than traditional zoning laws typically permit.

City of Destin, FL - [Document title]

An area for which a unitary development plan has been prepared indicating, but not being limited to, the following land uses; open space, on-site circulation for both pedestrians and vehicles, parking, setbacks, housing, densities, building spacing, land coverage, landscaping, relationships, streets, building heights, accessory uses, and architectural treatment. A planned unit development also includes "cluster developments," which are development design techniques that concentrates buildings in a specified area on a site to allow the remaining land to be used for recreation, common open space, or preservation of environmentally sensitive areas.

Planting area: An unrestricted area which provides a pervious surface for natural vegetation to grow.

Any area designated for landscape planting having a minimum of ten square feet and at least one dimension on any side of three feet; except wherever a tree shall be planted, a minimum area of 100 square feet, with a minimum dimension of at least five feet and consisting of suitable growing medium with proper drainage. Seventy-five percent of such areas shall be living indigenous plantings.

Plat: A detailed map or plan of a parcel of land, including its divisions into lots, streets, and public spaces, as recorded with local land use authorities.

A map or drawing depicting the division of lands into lots, blocks, and parcels. The instrument which is recorded in the office of the Clerk of Court.

Point source: A single, identifiable source of pollution that discharges pollutants into the environment from a specific, discernable location.

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pole lighting: A light fixture set on a base or pole, which raises the source of light higher than 24 inches off the ground.

Pollutant: A substance introduced into the environment that has undesired effects, posing a threat to environmental health, human health, and property.

Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Pollution, non-point source: Pollution that does not originate from an identifiable source(s).

Pollution, point source: A single, identifiable source of pollution that discharges pollutants into the environment from a specific, discernable location.

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding

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operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Portable restrooms: A movable structure containing a toilet, which may be used as a temporary restroom facility.

A portable restroom is a movable structure containing a toilet, which may be used as a temporary restroom facility in the limited circumstances authorized herein. Portable restrooms are prohibited within the City except (1) if permitted by the City for temporary use during a construction project or (2) if permitted by the City for temporary use during a City-authorized special event. Portable restrooms must have any required Okaloosa County Health Department permits.

Potable Water Well (wellhead): Any water well which supplies water for human consumption to a community water system or to a non-transient non-community water system. For the purpose of this rule, any potable water well installed by an installation used to serve that installation's operation is excluded from this definition.

Precision instrument runway: A runway having an instrument approach procedure using an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan, a military service's approved military airport layout plan, any other FAA planning document, or military service's military airport planning document.

Premises: The lot or lots, plots, portions or parcels of land, and any buildings or areas of buildings used in connection with any specific permitted use.

The lot or lots, plots, portions, or parcels of land considered as a unit for a single development or activity.

or,

All lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, or as is otherwise used in connection with any such business conducted on such premises.

Preschool: A private or parochial school providing day care, with or without educational services, for children not yet attending a primary school. Includes nursery school, kindergarten, day nurseries, and daycare centers.

~~**Primary trade area:** The area from which 60 to 80 percent of a center's sales originate. This applies to all types of shopping centers with the exception of theme/festival shopping centers.~~

Private mobile service: A radio communication service that is not a commercial mobile service or the functional equivalent of a commercial mobile service, as specified by the Federal Communications Commission (FCC). This term shall also include aviation and emergency services.

City of Destin, FL - [Document title]

Private property: Any real property within the City that is privately owned, and which is not defined as public property herein.

Private recreational facility: Any recreational facility which is not owned by or dedicated to any governmental entity.

Professional office: The offices of physicians and surgeons, lawyers, members of the clergy, architects and engineers, or other persons holding advanced degrees from accredited institutions of higher learning in the field in which they practice. The term is not here intended to include insurance agents, insurance adjusters, realtors, real estate salesmen, or persons engaged in trade or sales. In permitting professional offices as home occupations, and only as accessory uses, in certain districts, it is intended that such offices shall be subject to limitations placed on home occupations generally, but that only offices occupied by persons engaged in professions, as herein defined, shall be permitted.

Project valuation: The total cost of an individual project including the cost of materials and labor.

The total cost of an individual project, dock, seawall, bulkhead, mooring or piling, riprap, or dredge and fill operations, including, but not limited to, materials, labor and administrative costs excluding permit fees.

Protected environmentally sensitive area: An area having special environmental attributes worthy of retention or special care to maintain habitat, open space, and wildlife corridors; provide stormwater management, filtration, flood, and erosion control benefits; and protect surface ground water quality.

An environmentally sensitive area designated for protection in the conservation element of the City Comprehensive Plan.

Protected wellhead: Those wellheads with a permitted capacity of 100,000 GPD or more.

Public Access: The ability of the general public to reach, use, or enjoy resources and facilities that are legally open or provided for public use.

Publicly leasable commercial space: A space that is open to the public to lease and use; not a space or use that is exclusively for the owners or guest of the residential development in question; shall be heated and cooled square footage; and shall not constitute that portion of the harbor boardwalk that is reserved for ingress and egress for public use.

Public Facilities: Buildings, structures, and services provided and maintained by the government, community organizations, or utility providers for public use.

Public property: Land or assets owned by the government or a public body, intended for public use, benefit, or administration.

Any lands and improvements owned by the federal government, the State, a county, or municipality and includes sovereignty submerged lands located adjacent to the county or municipality, beaches, buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way, and similar public property.

City of Destin, FL - [Document title]

Public service antennas or facilities: Antennas of facilities constructed or placed in the public interest for non-commercial use.

Qualified acoustical consultant: A person who, by reason of his training and experience in the science and technology of acoustics and his knowledge of construction methods and materials, is considered qualified to pass judgment on acoustical designs, materials, and methods of construction for the attenuation of noise.

Rate: Volume per unit of time (traffic, wastewater flow, etc.).

Receiving bodies of water: Any natural water bodies, watercourses, or wetlands into which surface waters flow.

Recharge: The process by which water infiltrates the ground and adds to the aquifers and/or groundwater systems.

The inflow of water into a project, site, aquifer, drainage basin or facility.

Recreational equipment, beach: Equipment that is rented/vended by permitted beach vendors such as beach chairs, umbrellas, towels, tables, and non-motorized, human-powered watercraft.

Recreational uses, active: Activities that involve physical engagement and are designed to improve fitness, health, and well-being.

Recreational uses, passive: Activities that involve minimal physical exertion and typically do not require specialized facilities or equipment.

Recreational Vehicle (RV): A trailered or self-propelled vehicle, when combined with a vehicle engine, which offers living accommodations, allowing for mobility and comfort during travel.

A vehicular-type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle, luxury: An RV longer than 26 feet and having a current market value of not less than \$100,000.00 based on the current edition of the National Automobile Dealers Association (NADA) Pricing Guide, well-maintained, rust-free, and crack-free.

Luxury motor home: A motor home longer than 26 feet and having a current market value of not less than \$100,000.00 based on the current edition of the National Automobile Dealer's Association (NADA) Pricing Guide, well-maintained, rust-free and crack-free.

Recreational Vehicle pad: The hard surface upon which a motor home or recreational vehicle accesses a motor home lot from the adjacent roadway and upon which the motor home is located on for occupancy purposes.

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Recreational Vehicle park: A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for recreational vehicles and recreation and service facilities for the use of the tenants. Spaces are not individually owned.

Redevelopment: Refers to demolition and reconstruction or substantial renovation of more than 50 percent of a previously developed parcel of land or building site to allow a new or more viable use or uses to replace the previous land use. These sites typically are found in urban areas that previously had experienced economic and physical deterioration, but that now are the focus of renewal efforts.

Reflection: The process by which light, sound, or images are redirected when they encounter a surface, without being absorbed or transmitted through it.

Regional planning agency: The state land planning agency exercising responsibilities under law within the northwest sector of Florida as defined by the State, including the City.

Regulatory floodway: The channel of river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one foot at any point.

~~Remove:~~ ~~To relocate, cut down, damage, poison, or in any other manner destroy, or cause to be destroyed, a tree.~~

Rental watercraft: Includes but is not limited to pontoon or runabout boats and personal watercraft that are rented to the general public at a fixed fee for the entire boat or watercraft.

Resilience/Resiliency: The capacity of, a community, individuals, organizations, or businesses to sustain function or recover lost capabilities and thrive in the aftermath of an event, regardless of its impact, frequency, or magnitude.

Restaurant: A commercial establishment where food and beverages are prepared, served, and consumed either primarily within the principal building, on the grounds on which the building is located, or delivered to the customer off site or picked up by the customer and taken off the premises and where food and nonalcoholic beverage sales constitute more than 50 percent of the gross revenue.

Restaurant, brewpub: An establishment that sells the majority of its product on-site in combination with food services. At a brewpub, the beer/liquor is primarily brewed/distilled for sale inside the restaurant or bar or any eating establishment in which alcoholic beverages are served and none of the beer/liquor may be sold to a distributor. Any product leaving the premises must be in a sealed, unopened can or container.

Restaurant, drive-in: A type of restaurant where customers can order and consume food without leaving their cars.

Any place or premises used for sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Restaurant, drive-thru: A type of restaurant or component of a restaurant designed to offer customers the convenience of ordering and receiving food without having to leave their vehicles.

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Restaurant, full service: A restaurant that offers comprehensive sit-down meal services where customers are seated, and orders are taken by a server, and bills are paid at the end of the visit. In this case, the food is usually consumed on site.

Restaurant, limited service: A type of restaurant where services are streamlined, and customers order and pay for their food at a counter prior to consumption.

Restaurant, fast food: A type of restaurant known for its quick service and standardized food preparation techniques, typically offering a limited menu of items that can be prepared and served quickly to customers ordering at a counter or drive thru.

Restrictive covenants: Agreements and restrictions placed on property, usually by deed, and filed in the office of the Clerk of the Circuit Court for subdivisions, townhouses, condominiums and the like. Since restrictive covenants are agreements between purchaser and seller they are not enforced or addressed by City ordinances.

Retail/Commercial Center: A complex of retail stores, restaurants, professional or personal service uses and offices, grouped together having a common parking area, which contains a minimum of 30,000 square feet of gross floor area, and three or more establishments.

Retention: The collection and storage of surface water runoff without subsequent discharge other than through percolation or evaporation.

Rigid material: a material or composition of materials which cannot be folded and can support its own weight when rested upon the ground and is not able to flap or wave when wind pressure is exerted upon it.

Right-of-way or R.O.W.: An area of land, not on a lot, that is dedicated for public or private use to accommodate a transportation system and necessary public utility infrastructure. In no case shall a right-of-way be construed to mean an easement.

Land in which the State, County, municipality, homeowner association or other private entity owns the fee simple title. Land used generally for streets, sidewalks, alleys, or other public uses. Right-of-way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass areas, underground and aboveground utilities, ditches and drainage structures.

Riprap: Means a foundation of sustaining wall of stones thrown together without order usually used on an embankment to prevent erosion.

Road: See Street.

A way open to travel by the public, including, but not limited to, a street, highway, or alley.

Roadway: The portion of the street right-of-way which contains the street pavement and gutter. A roadway is used primarily as a channel for vehicular movement, provides direct access to on-street parking spaces when on-street parking spaces are provided and may serve as a drainage channel for stormwater.

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Roadway Crown (crown of the road): The highest point of a roadway within a property frontage.

Roadway capacity: The maximum number of vehicles that can pass a given point on a roadway during a specific time period under prevailing conditions, typically measured in vehicles per hour. Roadway capacity is influenced by factors such as road design, traffic flow, speed limits, and the presence of intersections or traffic signals.

Roofline: A horizontal line intersecting the highest point or points of a roof and including the top of any parapet or other similar architectural facade feature.

Rooming house: An establishment where lodging is provided for compensation: (a) other than in dwelling units, (b) for a total of six to 24 persons unrelated by blood, marriage or legal adoption to the owner or operator of the rooming house, and (c) without service of meals to roomers. For lodging with meals, see boardinghouse. For similar lodging for 25 or more persons, refer to the definition "hotel" in the Land Development Code. Owners/operators must be registered with the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants in order to be considered a rooming house by the City. Rooming houses shall not include homes with foster children placed by the Florida Department of Children and Family Services, small community residential homes and large community residential homes.

Runoff coefficient: Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated.

Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Satellite dish antenna: Parabolic or spherical antennas whose diameter or width exceeds one meter in residential zoning districts or two meters in nonresidential zoning districts.

School: A public, private, or parochial school offering instruction at the primary, middle, or secondary level in the branches of learning and study that meet state requirements for education.

Search light: A device whereby light from a source of great illuminating power is reflected from a parabolic mirror as an almost parallel beam, losing little intensity by spreading and thus brightly illuminating an object in the area which it sweeps. Commonly used as a promotional device to draw attention to locations or events when directed above a horizontal plane.

Seasonal: ~~Means any period of time between March 1 and October 1, in the context of change of use permit applications.~~

Sediment: The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Sensitive receptor structure: A structure which may be damaged when exposed to VdB levels of 95 or greater.

Setback: The minimum distance by which any building or structure (accessory or principal) must be separated from the right-of-way or property line, except that incidental elements such as HVAC and pool equipment are permitted in setbacks.

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Setback area: See "Yard."

Setback line: A line generally parallel with and measured from the lot line at a distance specified within each zoning district, which defines the limits of a yard. In the case of lots fronting on road easements and not on accepted right-of-way, setbacks shall be measured from the easement line.

Settling basin: A place where water can collect. Examples may include, but not be limited to, swales, retention/detention areas, ponds, and lakes designed as part of a master stormwater system.

Sewer, on-site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sewer, public or community: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sexually oriented business: An adult store, an adult cabaret, an adult motel, an adult motion picture theater, a semi-nude model studio, escort service, or a sexual encounter center. See the Code of Ordinances Section 2.5-15.

Shall have the meaning which is defined in section 2.5-15, Destin Code of Ordinances.

Shade tree: ~~Any self-supporting woody plant which normally grows to an overall height of at least 25 feet and normally develops an average mature spread of crown greater than 20 feet in the northwest area of the state. (A listing of suggested shade trees shall be maintained by the City, a copy of which is adopted by reference.)~~

Shield (beach lighting): A nonreflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

Shopping center: ~~A complex of retail stores, restaurants, professional or personal service uses and offices, grouped together having a common parking area, that contains a minimum of 30,000 square feet of gross floor area, and three or more establishments. Restaurants and lounges (eat in or take out) and medical uses other than offices, altogether, shall not occupy more than 30 percent of the gross floor area. Marina uses or marine-related service facilities, automotive services or automotive rentals, health and recreational services with outdoor facilities, and movie theaters shall be not be considered as a shopping center use.~~

Shopping center, community: ~~A center that typically offers a wider range of apparel and other soft goods than the neighborhood center does. Among the more common anchors are supermarkets, super drugstores, and discount department stores. Community center tenants sometimes contain off price retailers selling such items as apparel, home improvements/furnishings, toys, electronics, or sporting goods. The center is usually configured as a strip, in a strip line, or "L" or "U" shape. Community shopping centers shall range in size from 150,000 square feet to 350,000 square feet. The primary trade area for a community shopping center is three to six miles.~~

Shopping center, fashion/specialty: ~~A center composed mainly of upscale apparel shops, boutiques, and craft shops carrying selected fashion or unique merchandise of high quality and price. These centers need~~

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not be anchored, although sometimes restaurants or entertainment can provide the draw of anchors. The physical design of the center is very sophisticated, emphasizing a rich decor and high-quality landscaping. These centers usually are found in trade areas having high income levels. Specialty shopping centers shall range in size from 80,000 square feet to 250,000 square feet. The primary trade area for a specialty shopping center is five to 15 miles.

Shopping center, neighborhood: A center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. These anchors are supported by stores offering drugs, sundries, snacks, and personal services. A neighborhood center is usually configured as a straight-line strip with no enclosed walkway or mall area, although a canopy may connect the storefronts. Neighborhood shopping centers shall range in size from 30,000 square feet to 100,000 square feet. The primary trade area for a neighborhood shopping center is three miles.

Shopping center, outlet: Usually located in rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a "village cluster." Outlet shopping centers shall range in size from 50,000 square feet to 400,000 square feet. The primary trade area for an outlet shopping center is 25 to 75 miles.

Shopping center, power: A power center is dominated by several large anchors, including discount department stores, off-price stores, warehouse clubs, or "category killers" (i.e., stores that offer tremendous selection in a particular merchandise category at low prices). The center typically consists of several freestanding (unconnected) anchors and only a minimum number of small tenants. Power shopping centers shall range in size from 250,000 square feet to 600,000 square feet. The primary trade area for a power center shopping center is five to ten miles.

Shopping center, regional: A center that provides general merchandise (a large percentage of which is apparel) and services in full depth and variety. Its main attractions are traditional/mass merchandise anchors, discount department stores, fashion stores or specialty stores. A typical regional center is usually enclosed with an inward orientation of the stores connected by a common walkway and parking surrounds the outside perimeter. Regional shopping centers shall range in size from 400,000 square feet to 800,000 square feet. The primary trade area for a regional shopping center is five to 15 miles.

Shopping center, super regional: Similar to a regional center, but because of its larger size, a super regional center has more anchors and a deeper selection of merchandise, and draws from a larger population base. As with regional centers, the typical configuration is as an enclosed mall, frequently with multiple levels. Super regional shopping centers are greater than 800,000 square feet in size. The primary trade area for a super regional shopping center is five to 25 miles.

Shopping center, theme/festival: A shopping center that employs a unifying theme carried out by the individual shops in their architectural design and, to an extent, in their merchandise. The biggest appeal of these centers is to tourists. Center can be anchored by restaurants and entertainment facilities. These centers, generally located in urban areas, tend to be adapted from older, sometimes historic buildings, and can be a part of mixed-use projects. Theme/festival shopping centers shall range in size from 80,000 square feet to 250,000 square feet.

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Shopping mall: ~~Malls are typically enclosed, with a climate-controlled walkway between two facing strips of stores. The term represents the most common design mode for regional and super-regional shopping centers and has become an informal term for these types of centers.~~

Shore or Shoreline: The interface of land and water.

Shoreline protection zone: The areas defined in Article 7 for Bay and Gulf Shoreline protection.

The area that commences at the mean high water and runs to and including the primary dune system.

Short-term or Temporary: A period of one-hundred and eighty (180) days or less.

Shrub: A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base. (A listing of suggested indigenous plants and shrubs shall be maintained by the City, a copy of which is adopted by reference.)

Shrub, large: A shrub that is no taller than four feet (4').

Shrub, medium: A shrub that is a minimum four feet (4') to a maximum eight feet (8') tall.

Shrub, small: A shrub that is eight feet (8') or taller.

Sidewalk, external: A sidewalk that is located in a public or private right-of-way or in a public easement. An external sidewalk is typically considered a public sidewalk and provides safe and convenient pedestrian access to transit stops, on-street parking spaces and connections to the internal sidewalk system of privately or publicly owned lots or parcels.

Sidewalk, internal: A sidewalk that is not located in a public or private right-of-way or in a public easement and that is located on a lot or parcel. An internal sidewalk typically provides safe and convenient pedestrian access to buildings, common open space, transit stops, parking areas, adjacent properties, and connections to the external sidewalk system.

Sign: Any writing, graphic or pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device, including the sign structure and sign face area, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known, and which is visible from any street, right-of-way, sidewalk, alley, or other public property. The term "sign" shall not be construed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign, abandoned or discontinued: Any sign which, for a period of 180 consecutive calendar days, is no longer being used and is not being maintained.

Any sign which, for a period of 180 consecutive calendar days, is no longer being used, and ~~which sign is not being maintained shall be considered an abandoned or discontinued sign.~~

Sign, Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

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Sign, Building: A sign displayed upon or attached to any part of the exterior of a building, including, but not limited to, walls, windows, doors, parapets, marquees, and window signs.

Sign, Construction: A sign erected on premises under construction detailing information or warnings related to the construction project.

Sign, Directional: A sign located at the exit or entrance of a premises that has two or more driveways.

Sign, exterior area: The area, measured in square feet, within a two-dimensional geometric figure coinciding with the edges of the walls that form the surface where the sign will be installed.

Sign face area: The portion of a sign used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. Lighting or other ornamentation that is incorporated in the design of the sign, may be considered as part of the sign face area. Please refer to the Destin Design Manual to determine how sign face area is measured.

Sign, grand opening: ~~A sign displayed on premises for which a grand opening is in progress.~~

Sign, ground: A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Sign height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, off-premises: A sign relating in its subject matter to other than the premises on which it is located or to products, accommodations, or activities available on premises other than the site on which the sign is located. Any sign bearing a noncommercial message is not an off-premises sign and shall be deemed to describe activities on the premises where the sign is located.

A sign relating in its subject matter to other than the premises on which it is located or to products, accommodations, services or activities available on premises other than on the site on which the sign is located, including signs erected in the conduct of the outdoor advertising business.

Sign, on-premises: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising business.

A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. Freestanding signs are those which have structural support for the sign independent of support by buildings or other structures.

Sign, real estate: ~~A sign erected on premises for sale, lease or exchange.~~

Sign, portable: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure or motorized vehicle with or without wheels.

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Any sign which is designed to be transported by a trailer or on its own wheels or to be mobile, when not permanently attached to a building or to the ground by means of a footing. The phrase "portable sign" includes a sign whose wheels have been removed and which has been converted to an A- or T-frame sign attached temporarily to the ground.

Sign, roof: A sign which is wholly or partially fastened to and supported by or on the roof, or which extends above the roof line or cornice line of the structure.

Sign structure: Any structure used or designed to support a sign.

Sign, temporary: Designed, constructed, and intended to be used on a short-term basis.

Sign, vehicle: A sign affixed to a vehicle that may range from magnetic signs and vinyl wraps to custom paint jobs. This does not include any sign area that was attached by welding, bolting, tying, suction, or otherwise attaching it in a manner not flush with the vehicles body.

Any sign affixed to a vehicle.

Sign, waterfront: A type of signage specifically located along waterfronts designed to provide information, directions, or advertising related to the waterfront area.

A sign to be erected over a dock at a commercial boat rental slip within the business district along Destin Harbor as identified within the City's Comprehensive Plan.

Sign, window: A type of signage displayed on, affixed to, within, or visible through the windows of a building.

A type of signage displayed on or within the windows of a building, commonly used by businesses to advertise products, services, promotions, or operational information like business hours.

Or,

A sign that is visible through a window.

Significant adverse effect: Any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the area's beneficial functions.

Any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the area's beneficial functions as delineated in the conservation element of the City Comprehensive Plan.

Sill: The horizontal member that bears the upright portion of a frame, especially the horizontal member that forms the base of a window.

Single room occupancy housing: A form of affordable housing that provides private sleeping quarters for individual occupants, with shared facilities such as bathrooms and kitchens accessible to all residents.

A long-term single-family or multifamily dwelling unit wherein the owner must reside on the premises and where no more than two bedrooms are available for rental occupancy by single individuals.

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Site: See Parcel/Lot.

Generally, any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Site Plan: A scaled and dimensioned drawing that outlines the layout and arrangement of a development project on a specific parcel of land. A site plan includes the positioning of buildings, roads, parking areas, landscaping, utilities, and other site features relative to the boundaries of the property (See the Destin Design Manual for site plan requirements).

Site plan shall mean a drawing, to scale, which accurately depicts the property and proposed improvements.

or,

The plan required to acquire a development, construction, building or stormwater permit which shows the means by which the developer will conform with applicable ordinances, rules or laws.

Site-related improvements: Capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include, but are not limited to, the following: (1) Access roads leading to the development; (2) Driveways and roads within the development; (3) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and (4) Traffic control measures for those roads and driveways.

Site-specific analysis (SSA): The process by which a proposed land use in a designated aircraft noise-impacted area is examined for compliance with the county land use plan, the attached noise zone map and the land use guidance chart contained herein. Site-specific analysis enables the permit/plot applicant to be advised of the type of construction needed to meet the sound level reduction requirements.

Sleeping room: An area in a hotel/motel or Commercial Transient Living Accommodation (CLTA) unit used primarily for sleeping.

Slip: A parking, berthing, or landing space for one boat at a dock or pier.

Slips, fare carrying: ~~Boat slips reserved for the following types of watercraft: charter fishing, sightseeing (e.g. dolphin, sunset, diner cruises, etc.), sailing, parasail, pontoon, runabout, and jet skis.~~

Slips, transient: Boat slips available on a first come first serve basis, to promote non-automotive travel. This can include slips open to the general public for a limited amount of time or for short-term mooring for rent.

Boat slips reserved for the general public on a first come, first serve basis in order to promote non-automotive travel. Non-rental transient slips cannot have a rental fee attached to them and no boat may be parked in the slip for more than six hours. Short-term rental transient slips may have a rental fee, however no boat may be parked in the slip for more than seven days.

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Solicit or canvas: Any act, delivery, or exchange not initiated by the prospective customer, or which directs attention to any business, mercantile, or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Sound absorption: Capacity of materials and furnishings in a room to absorb sound. For the purposes of this article, the sound absorption is equal to 0.05 times the room volume in cubic feet divided by the measured reverberation time in seconds determined with an octave band of noise centered at 500 hertz.

Sound level: In decibels, the quantity measured by an instrument satisfying the requirements of American Standard Specification for Type I Sound Level Meters. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighting "A" and the standard dynamic characteristic "Slow."

Sound level reduction (SLR): The difference in decibels between the sound level outside a building and the sound level inside a designated room of the building which is caused by exterior noise.

Special conditions or circumstances: Unique situations, naturally occurring or not caused by the property owner current or previous, which is specific to a property, lot, etc. that may affect the constructability or use of a site, parcel, lot, or land or the application of any other required elements of this code.

Special event: A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars. ***A permit is required for a Special Event per Article 2 of this Code***

Entertainment, educational, and cultural events generally involving the outdoor assembly of 50 or more people. Such events may include but not be limited to circuses, fairs, carnivals, festivals, art shows, grand openings, bazaars, or other similar events that (1) run for longer than one day but not longer than 30 days (may also repeat on the same day of the week over an extended period of weeks), (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Speed: Rate at which an object covers distance over time.

Spire: The tapering termination of a roof tower or roof form to a point, as on a steeple.

Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Standard: Any form which displays what is commonly referred to as a "nation's flag" or "colors" for a country, state, county, city, other political subdivision, military or religious entity, or other similar entity. This definition does not include any commercial branding on a "flag."

Stairway: One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

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Stairway, exterior: ~~A stairway that is open on at least one side, except for required structural columns, beams, handrails and guards. The adjoining open areas shall be either yards, courts or public ways. The other sides of the exterior stairway need not be open.~~

Stairway, interior: ~~A stairway not meeting the definition of an exterior stairway.~~

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348).

Stormwater: The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater discharge associated with industrial activity: ~~The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes discharges from facilities or activities excluded from the NPDES program under 40 CFR parts 122 (As defined at 40 CFR part 401).~~

Stormwater facilities: Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site.

Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site. A stormwater management system may include, but is not limited to stormwater ditches, sewers, canals, drains, detention facilities and retention facilities.

Stormwater pollution prevention plan (SWPPP): A plan required by a permit to discharge stormwater associated with industrial activity, including construction, and which describes and ensures the

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implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility.

Stormwater runoff: That portion of the stormwater that flows from the surfaces of a site.

That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Story: That portion of a building included between the surface of any floor or ground slab and the surface of the next floor above it, or, if there is no floor above it, then the space between the ceiling next above it.

Street: A way open to travel whether private or public, including, but not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards.

A public or private right-of-way for vehicular traffic, including, but not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards.

Streets, arterial: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streets, collector: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streets, local: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Street, primary: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Street, secondary: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streetscape: The visual elements of a street and its surroundings, including the road, sidewalks, street furniture, trees, lighting, signage, and adjacent buildings.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels. Ground level parking lots are deemed not to be structures.

Structure, minor: Includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

Subdivision: The process of dividing a larger tract of land into smaller parcels or lots for the purpose of sale, development, or lease.

The division of one parcel of land into two or more lots.

Subdivision, major: A subdivision in which all or a majority of the lots resulting from said subdivision front on a future public or private right-of-way and which includes the dedication of land to the City or homeowners' association (e.g., right-of-way, park, drainage retention areas, parking area, access easements, etc.).

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Subdivision, minor: A subdivision in which all lots resulting from said subdivision front on existing public or private rights-of-way.

Subdivision, nonresidential: A subdivision designed and used exclusively for nonresidential purposes.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of the structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the local register of historic places, or a state inventory of historic places, unless that alteration will cause the structure to lose its historical designation.

Surface water: Water above the surface of the ground, whether or not flowing through definite channels, including wetlands.

Water above the surface of the ground, whether or not flowing through definite channels, including the following:

- A. *Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or*
- B. *Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or*
- C. *Any wetland.*

Survey, land: A comprehensive assessment conducted on a specific location to gather detailed information about its characteristics, conditions, and existing infrastructure, and may result in a plotted illustration prepared by a registered and certified land surveyor.

Survey shall mean a sketch or survey prepared by a registered land surveyor and certified within the last 90 days prior to the date of application.

Swale: A shallow, linear depression in the land designed to manage water runoff, enhance filtration, and facilitate the infiltration of stormwater into the ground.

A manmade trench which: a) has side slopes no steeper than one-foot vertical to three-foot horizontal; b) contains contiguous areas of standing or flowing water only during and following a rainfall event; c) is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and d) is designed to take into account the soil erodibility, percolation, slope, slope length and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

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Swimming Pool: Any structure that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools; hot tubs; and nonportable spas.

A permanent receptacle for water or an artificial pool of water, having a depth, at any point, of more than two feet, intended for the purpose of immersion or a partial immersion therein of human beings, and including all pertinent equipment.

Tattoo parlor: An establishment which in whole or in part, either in terms of operation or as held out to the public, that is in the practice of one or more of the following: 1) placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration, with the exception of ear piercing.

An establishment which in whole or in part, either in terms of operation or as held out to the public, that is in the practice of one or more of the following: 1) placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration, with the exception of ear piercing. No tattoo parlor may be located within 1,500 feet of any other such business as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall measured from the wall of the unit in question.

Telecommunication equipment: Antennas, towers, satellite dishes and other communications devices and/or equipment which are used for transmitting, receiving, or relaying communications signals, except such equipment as has been preempted from regulation by the Telecommunication Act of 1996.

Telecommunication equipment building: The telecommunication support facility structure located on a tower site which houses the electronic receiving and relay equipment.

Telecommunication facility: A facility, site, or location that contains one or more antennas, telecommunication towers, telecommunication equipment buildings, satellite dish antennas and other similar telecommunication devices, which is used for transmitting, receiving, or relaying telecommunication signals, such as but not limited to:

1. VHF and UHF television
2. AM or FM radio
3. Two-way radio
4. Common carriers
5. Cellular telephone
6. Fixed-point microwave

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A facility, site, or location that contains one or more antennas, telecommunication towers, telecommunication equipment buildings, satellite dish antennas and other similar telecommunication devices, which is used for transmitting, receiving, or relaying telecommunication signals.

Telecommunications facility, macrocell: Facilities effective for covering large geographic areas (8-30 km in radius) with relatively high capacity, because the antennas are typically mounted on tall towers or the rooftops of tall buildings and transmit radiofrequency (RF) signals at high power levels.

Telecommunication facility, mobile: A telecommunications facility that is not permanently fixed to the ground or is mounted on a wheeled vehicle whether motorized or not.

A facility, site, or location that contains one or more antennas, telecommunication towers, telecommunication equipment buildings, satellite dish antennas and other similar telecommunication devices, which is used for transmitting, receiving, or relaying telecommunication signals for a period not to exceed one calendar year.

Telecommunication facility, public: A telecommunication facility owned, operated, or used by a public entity solely for any of the following services: public education, parks and recreation, fire and police protection, public works, and general government.

Telecommunications facility, small cell: Small cells or Distributed Antenna Systems (DAS) can be deployed to provide coverage in targeted locations (0.01 to 2 km in radius) by moving radios closer to the users, and to provide additional capacity in areas with higher demands for wireless voice and data services, which improves the quality of service and experience. They use components that are a fraction of the size of traditional cell tower deployments and can often be installed on utility poles, buildings, and other existing structures.

Temporary: Means a period of time less than 180 calendar days, in the context of change of use permit applications.

Temporary outdoor lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of not more than 30 consecutive or non-consecutive days in any one calendar year.

Thrift store: A retail establishment that sells second-hand goods at reduced prices. Used record stores, used bookstores, used furniture stores, antique stores, consignment stores, and collectible memorabilia, stores shall not be considered a thrift store.

A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated. A specialty retail store that sells used merchandise not donated for sale, including but not limited to; used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this ordinance. Outside storage, outside display, and outside sales are prohibited. Such stores shall not be located within 500 feet of any other thrift store, pawn shop or used merchandise store as measured from the closest exterior wall of one establishment to the closest

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exterior wall of another such establishment. 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.

Thrift store, large: ~~A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 50 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated and is housed in a commercial structure of not less than 15,000 square feet of gross floor area. Such stores shall not be located within 1,000 feet of any other "thrift store, large" as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. 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. Such development or redevelopment shall comply with the requirements of section 8.09.03 A. Old Destin MMTD sub-area, and shall apply such standards to any road or private accessway frontage facing other businesses.~~

Tinted glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Total suspended solids (TSS): Solids that either float on the surface, or are in suspension in, water, wastewater, or other liquids. TSS is expressed in milligrams per liter.

Solids that either floats on the surface, or are in suspension in, water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device. TSS is expressed in milligrams per liter.

Tourist home: ~~An establishment where lodging is provided for compensation for periods of less than one week, other than in dwelling units, for five to 19 persons, and with breakfast only served to guests, or with no meals served to guests. For transient lodging for 20 or more persons, see hotel (motel).~~

Tower, guyed: A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

Tower, lattice: A telecommunication tower that consists of multiple legs and cross-bracing of structural support beams.

Tower, monopole: A telecommunication tower consisting of a single pole or spire supported by a permanent foundation, constructed without guy wires, and ground anchors.

Tower, telecommunication: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guyed and free-standing lattice towers, monopole towers, and alternative tower structures. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone, and personal communication services (PCS) towers.

Townhouse: A style of dwellings that includes three or more independent dwellings separated by firewalls either attached side-by-side or stacked vertically and are occupied individually as a single dwelling.

A single-family residential dwelling unit which is attached to a series of other single-family residential dwelling unit(s) by not more than two party walls. At the point of attachment, dwelling units shall be

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separated from each other by firewalls extending from footings to roofs without openings which would permit the spread of fire from one building to another.

Traffic volume: The number of vehicles, and occasionally persons, passing a point on a roadway during a specified time period, often one hour.

Travel trailer: A recreational vehicle used for temporary housing by individuals and families during travel. This also includes campers, camping trailers, motor homes, and smaller mobile homes (up to a length of 28 feet exclusive of hitch) capable of being towed by a passenger motor car.

Travel trailer park: A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants. Spaces are not individually owned.

Tree: A woody perennial plant, typically having a single stem or trunk, but may have multiple trunks, growing to a considerable height and bearing lateral branches at some distance from the ground.

Any living self-supporting woody plant of a species which normally grows to an overall height of at least 12 feet and normally develops an average mature spread of crown greater than 12 feet in the northwest area of the state.

Tree, evergreen: A tree with foliage that remains green year round.

Tree, large: A tree at maturity more than forty feet (40') in height.

Tree, medium: A tree at maturity more than fifteen feet (15') but less than forty feet (40') in height.

Tree, preserved: A living tree twenty-four inches (24") in diameter or seventy-five inches (75") in circumference inches or more at DBH.

A living tree 24 inches or more in diameter at a point 4½ feet above ground level.

Tree, protected: A living tree twelve inches (12") in diameter or thirty-seven inches (37") in circumference to less than twenty-four inches (24") or seventy-five inches (75") in circumference at DBH.

A living tree 12 to 24 inches in diameter at a point four and one-half feet above ground level.

Tree, small: A tree at maturity less than fifteen feet (15') in height.

Tree, street: Trees that are located within a right-of-way.

Trees that are on land lying between property lines on either side of all streets, avenues, or rights-of-way within the City.

Tree protection zone: A circular zone around each protected tree defined as follows:

- A. ~~If the dripline is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.~~
- B. ~~If the dripline is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full dripline around the tree.~~

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~~C. If the dripline is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree or 50 percent, whichever is the greatest.~~

Uncontaminated: Not containing a harmful quantity of any substance.

Unit: That part of a multiple-occupancy complex housing one occupant.

~~**Unit exterior area:** The area, measured in square feet, within a two-dimensional geometric figure coinciding with the edges of the walls that form the surface where the sign will be installed.~~

Unit, commercial: A space within a building or property designated for business activities, such as retail sales, services, offices, or hospitality.

Unit, hotel/motel: A single room or suite within a hotel, designed to provide temporary accommodation for guests. Each hotel unit typically includes sleeping areas and may also offer additional amenities such as a private bathroom, a small kitchenette, a living area, and in some cases, a balcony or terrace.

That part of a multiple-occupancy complex housing one occupant.

Unsafe building: Any building, structure or property that has any of the following conditions, such that life, health, property or safety of the general public or the building its occupants, either permanent or occasional, of the general public are endangered.

Upland retaining wall: A wall constructed to keep soil and/or earth from sliding or eroding, generally into a body of water.

A wall constructed to keep a bank of earth from sliding or eroding, located not closer than five feet landward of a non-aquatic vegetation line of a shoreline.

Used merchandise store: A retail establishment primarily engaged in the sale of used merchandise, antiques, and secondhand goods, such as household appliances (only if sold with a minimum 30-day warranty), furniture, books and rare manuscripts, musical instruments, office furniture, music listening devices and musical recordings, and store fixtures and equipment. This definition does not include pawnshops and thrift stores.

A retail establishment primarily engaged in the sale of used merchandise, antiques, and secondhand goods, such as household appliances (only if sold with a minimum 30 day warranty), furniture, books and rare manuscripts, musical instruments, office furniture, music listening devices and musical recordings, and store fixtures and equipment. This definition does not include pawnshops and thrift stores. Such stores shall not be located within 500 feet of any other used merchandise store, pawn shop, or thrift store, as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. Antique stores are not subject to any separation requirement. 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. Outside storage, outside display, and outside sales are prohibited in connection with any establishment selling used merchandise.

Utility company: Any private or public company engaged in providing a public service, such as water, electricity, sewage, garbage disposal, telephone service or natural gas.

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Utility pole mounted antenna: An antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light or other approved similar structure.

Variance: Relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. As used in this Code, a variance is authorized only for building height, lot area, setbacks; and establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in any adjoining zoning district.

VdB or vibration decibels: The root mean square vibration velocity in decibels relative to one micro-inch per second.

Vehicle sign: Any sign affixed to a vehicle.

Vehicular canopy: A structure designed to provide cover from the elements (sun, rain, sleet, etc....) for vehicles and which has open sides. For example, those canopies used over fuel pump islands at filling stations.

Vehicular encroachment: The protrusion of a vehicle outside of a parking space, display area, storage area, accessway or access aisle into a landscape, buffer, or other non-vehicle use area.

Vehicular encroachment: The protrusion of a vehicle outside of a parking space, display area, storage area, accessway or access aisle into a landscaped area.

Vehicular use area or vehicle use area: Any ground surface area, except public right-of-way, used by any type of vehicle, whether moving or at rest, for the purposes of, including, but not limited to, driving, parking, loading, unloading, storage or display, such as but not limited to, new and used car or boat lots, activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores and other vehicular uses under, on or within buildings except junk or automobile salvage yards.

Vending, mobile: A transportable retail or food service business that does not have a permanent/fixed location.

View corridor: A type of open space providing at least a partial view of a point of interest from a public right-of-way or other public property.

Vines: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA

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approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Visual screen: A barrier or device used to block or alter the view of an area to enhance privacy, aesthetics, or security.

A barrier of living or nonliving landscape material put in place for the purpose of separating and obscuring from view those areas so screened.

Wall: A solid, structural element that defines an area by enclosing it.

A solid fence.

Wall pack: A type of light fixture, typically flush-mounted on a vertical wall surface.

Warehouse: A facility primarily used for storing goods, products, and materials.

Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material inside a building or group of buildings, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

Warehouse, mini: Often referred to as a self-storage facility, providing individual storage units for personal or business storage which may provide facilities for drive-in or walk-in access. This may include refrigerated facilities.

A building or group of buildings divided into individual, self-contained units used to meet the temporary storage needs of individuals or small businesses and may include refrigerated facilities. All separate compartments are accessed directly from outside of the building in which they are housed. A business shall not be operated from a leased individual, self-contained unit.

~~**Warehouse, walk-in mini:** An enclosed storage facility containing individual, self-contained units that are leased to individuals or small businesses exclusively for long-term storage of their household goods or personal property and may include refrigerated facilities. A business shall not be operated from a leased individual, self-contained unit.~~

Wastewater: Water that has been used and contaminated through various household, industrial, commercial, or agricultural activities.

Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

~~**Watch tower:** A tall, generally narrow, stone or wooden structure used as a non-habitable rooftop architectural feature.~~

~~**Water or waters:** Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.~~

Water body: Any bays, bayous, lagoon, inlet, natural or artificial pond, lake, reservoir, or other area with discernable shoreline which ordinarily or intermittently contains water.

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Watercourse: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary.

Waters of the State: Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the State of Florida or inside the jurisdiction of the State of Florida.

Waters of the United States: All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including, any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Water-taxi: A watercraft that ferries passengers along relatively short distances between boat docks approved by the City of Destin and the Florida Department of Environmental Protection for general public access. A water-taxi is piloted by a licensed United States Coast Guard Captain for ferrying passengers across state or coastal waters.

Wellhead protection area: An area designated by local government to provide land protection for the groundwater source for a potable water wellfield, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zone of contribution described in existing data.

Wetland: A distinct ecosystem that is inundated by water, either permanently or seasonally, characterized by aquatic plants adapted to the unique hydric soil. Wetlands can include marshes, swamps, bogs, and fens, and are often vital habitats for a host of wildlife species. The term includes those lands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Protection, Northwest Florida Water Management District, or U.S. Army Corps of Engineers.

Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows. The term includes those lands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Regulation or U.S. Army Corps of Engineers.

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Wheeled vehicle: Anything that moves on wheels, sleds, or treads, and is able to transport/carry things or people, and which utilizes a form of propulsion such as: (1) a motor that is gas powered, wind powered, coal powered, wood powered, solar powered, kinetically powered, or battery powered; (2) an internal combustion engine; or (3) pedals, chains, springs, or hydraulics for manual propulsion. Additionally, anything that is pulled by a horse, mule, camel, or donkey, and which transports things or people, is also a Wheeled vehicle for purposes of this section.

Yard: An area within a lot, parcel, or property, which is open, unoccupied, and unobstructed by any permanent accessory or principal structure or portion of any accessory or principal structure.

A required open space, established in conjunction with the required setback, unoccupied and unobstructed by any accessory or principal structure or portion of any accessory or principal structure; provided, however, that fences, walls (see definition), poles (flag poles), posts, customary yard accessories, arbors (see definition) and furniture may be permitted in any yard subject to specified height limitations as provided herein. Accessory residential HVAC and pool equipment, with the equipment base or foundation installed on-grade may be permitted in the required yard.

Yard, front: An area of a lot, parcel or property extending between side lot lines across the front of a lot adjoining any street. In the case of through lots and corner lots, front yards shall be those adjoining both streets.

A yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots and corner lots, front yards shall be those adjoining both streets, except as allowed by the Land Development Code.

Yard, rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line, except as allowed by the Land Development Code.

Yard, side: A yard extending from the rear line of the required front yard to the rear lot lines, or in the absence of any clearly defined rear lot lines to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full front yards on both streets have been established shall be considered side yards.

A yard extending from the rear line of the required front yard to the rear lot lines, or in the absence of any clearly defined rear lot lines to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full front yards on both streets have been established shall be considered side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by

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district regulations with its inner edge parallel with the side lot line, except as allowed by the Land Development Code.

Yard, special: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or so oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the City Manager or his or her designee shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.