AGENDA
LOCAL PLANNING AGENCY
THURSDAY, DECEMBER 4, 2025
5:30 PM
ANNEX COUNCIL CHAMBERS

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
2. **AGENDA APPROVAL**
3. **APPROVAL OF MINUTES**
   - **A. November 6, 2025 Minutes**
4. **CURRENT BUSINESS**
   - **A. Proposed Ordinance 25-26-LC LAnd Development Code Article 3 - Nonconformities**
   - **B. Proposed Ordinance 25-24-LC Land Development Code Article 2 – Administration**
   - **C. Proposed Ordinance 26-03-LC Land Development Code Article 5 – Subdivision Regulations**
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)

LOCAL PLANNING AGENCY MEETING MINUTES
NOVEMBER 6, 2025 - 5:30 P.M.
DESTIN CITY HALL ANNEX CHAMBERS

1. CALL TO ORDER & PLEDGE OF ALLEGIENCE:

Chairman Wood called the Local Planning Agency meeting to order on Thursday, November 6, 2025, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present	Members Absent	Staff Members Present
James T. Wood, Jr.	Tammy Weidenhamer	Rey Bailey City Clerk
Ken Wampler		Daniel Butler, Principal Planner
Jay Purut		Steve O'Connor, Deputy CD Director
Todd Burr		Kyle Bauman, City Attorney
Marcie Bell		
Bree Uptigrove		

3. AGENDA APPROVAL:

Motion by Agency member Wampler, seconded by Agency member Purut, to approve the agenda passed unanimously, 6-0.

4. MINUTES: July 17, 2025

Motion by Agency member Purut, seconded by Agency member Bell, to approve the minutes of July 17. 2025 passed 6-0.

5. CURRENT BUSINESS

A. Proposed Ordinance 25-17-LC – Platting

Staff explained that the law now requires cities and counties to administratively approve plats and replats when they comply with Florida Statute 177. Additional requirements include issuing an acknowledgment letter within seven days of application, committing to a review timeline within that letter, and issuing an approval, conditional approval, or denial within the stated timeframe. Infrastructure plans must accompany subdivision applications when applicable, and digital plats will replace Mylar copies. The Technical Review Committee surveyor already evaluates plats for compliance with FS 177.

Agency member Wampler made a motion to recommend to the city council to approve the proposed Ordinance 25-17-LC; seconded by Agency member Purut. Motion passed 6-0.

B. Proposed Ordinance 25-23-LC Land Development Code Article 1 – General Provisions/Legal

The agency reviewed proposed Ordinance 25-23-LC concerning Article 1 of the Land Development Code. Staff noted that four paragraphs had been inadvertently omitted from the draft, and those were supplied via handout for inclusion. The board discussed whether references to Florida Statutes should appear in the LDC, with some members preferring citations for clarity and others concerned about the need to continually update them. A compromise to add "as amended from time to time" was broadly accepted. Members also discussed redundancy in an enforcement paragraph, with staff noting it was not problematic and could improve clarity for the public. The board further indicated interest in strengthening penalties where appropriate.

Agency member Bell moved to recommend approval of proposed Ordinance 25-24-LC, with the omitted paragraphs restored, to the city council. Agency member Purut provided a second to the motion, which passed 6-0.

C. Proposed Ordinance 25-24-LC Land Development Code Article 2 - Administration

The agency then considered Ordinance 25-24-LC, a substantial reorganization of Article 2 governing development processes. Staff explained that applications have been reorganized into three major categories – land division, land development, and miscellaneous planning – and that development orders now have their own section. Sureties and bonds have also been consolidated. Plat procedures were updated in parallel with the earlier ordinance to align with SB 784. Staff proposed removing special events permitting from the Land Development Code altogether, placing it instead within the Code of Ordinances because it regulates temporary activities rather than land use. This change will return in a later ordinance.

A significant portion of the meeting focused on Planned Unit Developments (PUDs). The city council had suggested establishing a uniform minimum of five acres citywide and possibly imposing a larger minimum for "commercial hubs," though no definition for that term has been created. The board discussed several approaches to defining hubs – such as identifying parcels along U.S. 98, referencing certain zoning districts, or tying criteria to the nature of the proposed project – but recognized that few parcels in Destin exceed five acres. Staff explained that mixed-use districts already provide much of the flexibility PUDs were once used for, and that PUD activity in the city has been limited in recent decades. The current draft requires applicants to select

from a menu of public benefits, replacing the old subjective tiered approach. While no formal vote occurred at this stage, the general sentiment was to keep the five-acre minimum citywide and avoid creating an overly complicated definition of commercial hubs.

There were questions regarding how potential annexation of unincorporated Destin and the future LDC would influence zoning east of the current city limits. Staff explained that most commercial lands north of Highway 98 would likely be designated Commercial General (CG) under the new Article 4 framework, while residential areas would need more nuanced zoning assignments or even new zoning districts created to match existing development patterns. Mixed-use districts including South Harbor, North Harbor, Town Center, Gulf Resort, and Holiday Isle were debated regarding whether they should be included or exempted in certain regulatory provisions, with staff noting that some mixed-use categories are unique and require separate handling.

Discussion then shifted to proposed removals and edits within Article 2, including the relocation of special events regulations out of the LDC and into the Code of Ordinances, because special events function as temporary activities rather than land uses. The board also reviewed required updates related to state-mandated platting changes, which had already been adopted earlier in the meeting.

Substantial review occurred in Section 2.01.04 (Public Notice Requirements), where the board commended the improvements but noted omissions – specifically the absence of future land use map amendments in the list of items requiring mailed notice. Staff confirmed this was an oversight and agreed to add it. Additional questions arose in Section 2.01.05 (Extensions), where earlier drafts included a subsection clarifying that any approved extension automatically extends associated decision deadlines. It appeared the text had been consolidated into subsection D without clear formatting, prompting clarification from staff.

Further analysis covered Section 2.03 (Guarantees and Sureties), where several inspection-related provisions from earlier drafts had been removed. Staff explained that the new city engineer intentionally consolidated redundant language and confirmed that required inspections are still covered through other permitting processes. The board also reviewed Section 2.03.16 (Fees-in-Lieu), which listed right-of-way and infrastructure examples but omitted “easements,” causing initial concern. Staff clarified that the introductory paragraph already includes “public easements,” and that easements typically are not subject to fees-in-lieu; thus the omission was intentional.

In Section 2.09.03 (Harbor-Waterway Notices), the board discussed why adjacent-property-only notice requirements differ from the standard 300-foot notice used elsewhere in the LDC. Staff clarified that this section reflects current Harbor and Waterways Board regulations and primarily concerns residential docks, where riparian rights issues exist only between adjacent

neighbors. Larger marina or commercial dock proposals would require development orders and therefore broader notices.

Board members also identified formatting and language inconsistencies, specifically Section 2.15.02 (Public Hearing Procedures), where text incorrectly referenced only the Local Planning Agency rather than all relevant boards, committees, and the City Council. Staff agreed these corrections were necessary.

After reviewing the numerous inconsistencies, formatting issues, and items needing clarification, the board concluded that Article 2 was not ready to advance to the city council.

Agency member Buhr moved to have staff clean up the document, incorporate all corrections, and return the revised Article 2 at the next available meeting in December. The motion was seconded by Agency member Purut and passed 6-0.

7. PUBLIC COMMENTS: None

8. ADJOURNMENT:

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

Adopted and approved this _____ day of _____ 2025.

_____ _____

James Wood, Jr. Rey Bailey, City Clerk

ITEM # 2025-1351

CITY OF DESTIN – COMMUNITY DEVELOPMENT

AGENDA ITEM

MEETING DATE: December 4, 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 24, 2025

SUBJECT: Proposed Ordinance 25-26-LC LAnd Development Code Article 3 - Nonconformities

---

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

- **November 20, 2025 LPA meeting**

At the November 20 meeting, the LPA recommended a couple of formatting changes and the removal of the exception for single-family and duplex dwelling units per ***Section 3.08 - Repairs and Maintenance***. The formatting changes were made to be uniform with the rest of the document and other articles and the exemption was removed. However, Staff wanted to bring back Article 3 to the LPA based on the discussion from the November 20 meeting and the changes Staff is now recommending.

- Removal of ***Section 3.08 - Repairs and Maintenance*** altogether and move it to ***Section 3.04 - Nonconforming Structures*** since the repairs and maintenance were specific to structures.
- Much of the previous language was not necessary to accomplish the intended result. Specifically, the bulletized list of building permit elements.
- The repairs and maintenance language is now in a single section, though "primary" and "accessory/minor" structures remain separate and regulated differently.
- Reduced redundant language and provided more clarity, while maintaining the LPA's request not to exclude single-family and duplex structures.
- Added language about nonconforming fences

Changes Discussed on November 20, 2025

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.
  - –3.04.03 – Previously 7.13.07
    - –This section was moved from 3.08 in the previous draft
    - Reduced redundancy and unnecessary language
- **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 TO 3.04.03)***
  - ~~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. Ord. 25-26-LC for Article 3
2. EXHIBIT A TO ORD Article 3 - Nonconformities FINAL DRAFT 11.25 - with strikethrough
3. Article 3 - Nonconformities Working Draft 11.25
4. City Council Minutes 12-03-2024 Workshop
5. Article 11 - Glosarry - WORKING DRAFT 11.25.
6. Article 3 Ordinance Presentation

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 l.0l (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, <u>underline language</u> 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 <u>"Exhibit A"</u> 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: _____

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

Table of Contents

ARTICLE 3 - NONCONFORMITIES 2
SECTION 3.01 INTENT AND APPLICABILITY 2
SECTION 3.01.01 INTENT 2
SECTION 3.02 NONCONFORMING LOTS 2
SECTION 3.02.01 LOTS OF RECORD 2
SECTION 3.03 NONCONFORMING USES 2
SECTION 3.03.01 NONCONFORMING USES 2
SECTION 3.04 NONCONFORMING STRUCTURES 2
SECTION 3.04.01 NONCONFORMING STRUCTURES 2
SECTION 3.04.02 MOBILE OR MANUFACTURED HOMES 3
SECTION 3.04.03 REPAIR AND MAINTENANCE 3
SECTION 3.05 NONCONFORMING SITE ELEMENTS 4
SECTION 3.05.01 NONCONFORMING SITE ELEMENTS 4
SECTION 3.06 NONCONFORMING SIGNS 4
SECTION 3.06.01 NONCONFORMING SIGNS 4
SECTION 3.07 NONCONFORMITIES DUE TO PUBLIC AGENCY ACTION 5
A. SECTION 3.07.01. NON-REGULATORY PUBLIC AGENCY ACTION 5

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

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 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 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.
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:

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

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.

SECTION 3.04.03 REPAIR AND MAINTENANCE

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

FINAL DRAFT

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 must include all work to render the structure in full compliance with the LDC.
D. Primary Structures: Repair and maintenance may be done provided that the cubic content, square footage, or footprint of the portion of the existing nonconforming structure shall not be increased. ADUs & guest houses are considered primary structures for the purposes of this section only.
E. Accessory or Minor Structures: Repair and maintenance may be done to non-structural elements only, provided that the cubic content, square footage, or footprint of the portion of the existing nonconforming structure shall not be increased.
F. Fences: Any repair or maintenance of a nonconforming fence shall come into conformity with this code.

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:
   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.

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

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.
   1. The public agency shall rectify or mitigate the created risk at the time the risk is identified.
   2. If the risk cannot be reasonably mitigated then the public agency shall be responsible for acquiring the entire property where the risk is created.

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

Article 7 - LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS

***

~~7.13.00. Nonconforming uses and structures.~~

~~7.13.01. *Intent.*~~

~~A. Within the districts established by the City, there exist:~~

~~1. Lots;~~

~~2. Structures;~~

~~3. Uses of land; and~~

~~4. Characteristics of use;~~

~~which were lawful before chapter 21, Code of Ordinances, was enacted, which would be prohibited, regulated or restricted under the terms of this section or future amendments. It is the intent of this section to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this section that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.~~

~~B. Nonconforming uses are declared by this section to be incompatible with permitted uses in the districts involved. A nonconforming use of structure and land in combination shall not be extended or enlarged, or [expanded] by the addition of other uses of a nature which would be prohibited generally in the district involved.~~

~~7.13.02. *Lots.*~~

~~A. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record in a recorded subdivision or a lot in an unrecorded plat which was the subject of a contract to purchase or article of agreement executed prior to March 11, 1974, the effective date of this provision, notwithstanding limitations imposed by other provisions of this section. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Variance of yard requirements shall be obtained only through action of the board of adjustment.~~

~~7.13.03. *Uses of land (or land with minor structures only).* Where at the time of passage of chapter 21, lawful uses of land exist which would not be permitted by the regulations imposed by this section, and where such use involves no individual structure with a replacement cost exceeding $1,000.00, the use may be continued so long as it remains otherwise lawful, provided:~~

~~A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this provision.~~

~~B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this provision.~~

~~C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this section for the district in which such land is located.~~

D. No additional structure not conforming to the requirements of this section shall be erected in connection with such nonconforming use of land.

7.13.04. *Structures and lots.* Where a lawful structure exists at the effective date of adoption or amendment of this provision that could not be built under the terms of this section by reason of restrictions of area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in the exact dimensions as it existed on the date of its destruction with due diligence. However, if and when the principal place of residence of a citizen of the city is destroyed by accidental fire, hurricane, tornado or other act of God, said homeowner may rebuild said residence to original type and size of structure; or said homeowner or mobile home owner may rebuild or replace with a superior type of material; provided the new construction conforms to dimensions previously existing.

C. Should such structure be moved for any reason to any district whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

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

7.13.05. *Uses of land involving mobile homes.* Where, at the time of passage of this provision, lawful use of land existed which would not be permitted by the regulations imposed by this section and where such use involves mobile homes, the use may be continued so long as it remains otherwise lawful, provided:

A. No additional mobile homes shall be located on any parcel in excess of the number of trailer sites, consisting of the appropriate slabs and utility connections which were in existence at the effective date of adoption or amendment of this provision.

B. If any individual mobile 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 section for the district in which such land is located.

C. These regulations are not intended to prohibit the continued operation of existing trailer parks as of the effective date of adoption or amendment of this provision and such trailer parks are expressly permitted to continue operation in the manner conducted prior to the effective date of adoption or amendment of this chapter.

D. If any individual mobile 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 7.13.03 of this Code.

7.13.06. *Uses of structures and premises in combination.* If lawful use involving individual structures with a replacement cost of $1,000.00 or more, or of structures and premises in combination, exists at the effective date of adoption or amendment of this provision, that would not be allowed in the district under the terms of this section, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~A. No existing structure devoted to a use not permitted by this section in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.~~

~~B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this provision, but no such use shall be extended to occupy any land outside such building.~~

~~C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accordance with the provisions of this section.~~

~~D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.~~

~~E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at the time of destruction.~~

~~7.13.07. *Repairs and maintenance.*~~

~~A. On a nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 25 percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.~~

~~B. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.~~

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

~~7.13.08. *Uses under special exception provisions not nonconforming uses.* Any use which is permitted as a special exception in a district under the terms of this section (other than a change through board of adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.~~

~~(Ord. No. 04-24-LC, § 3, 9-8-04)~~

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

Article 16 - SIGNS

***

~~16.08.00. Nonconforming signs.~~

~~Nonconforming signs shall be subject to the following provisions:~~

~~*16.08.01. Definition.* Any sign within the City on the effective date of this Code which is prohibited by, or does not conform to the requirements of, this Code. Signs that are within ten percent of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, are not non-conforming signs.~~

~~*16.08.02. Nonconforming signs.* All nonconforming signs shall be subject to the following restrictions:~~

~~A. A nonconforming sign shall not change substantially from its condition on the date it became non-conforming. For more information on "substantial changes to a nonconforming sign" please refer to B.3 below. Accordingly, no nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any sign or portion thereof may be altered to decrease its nonconformity, or for ordinary repair and maintenance as provided for herein.~~

~~B. Ordinary repair and maintenance of nonconforming signs is permitted as follows:~~

~~1. 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.~~

~~2. Structural materials, as used in this section shall mean those materials comprising the load-bearing components of the sign including vertical supports, horizontal stringers, braces, bracing wires, brackets and catwalks. Structural materials do not include the sign face, any skirt, any electrical service or electric lighting, except in cases where such items have been incorporated into the load-bearing parts of the sign.~~

~~3. Examples of changes, modifications or work which do not constitute ordinary repair and maintenance, but which would constitute substantial changes to a nonconforming sign, include, but are not limited to:~~

~~a. Modification that changes the structure of, or the 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.~~

~~b. Modification that changes the sign face area or the height of the sign.~~

~~c. Modification that enhances the visibility of the sign's message or the period of time the sign's message is visible.~~

~~d. Modification that adds automatic or electronic changeable faces, or copy.~~

~~e. Modification that adds artificial lighting, or changes the existing lighting, such that elimination of the sign face is substantially increased.~~

~~4. Should a nonconforming sign be destroyed by any means to an extent of more than 50 percent of its value at the time of destruction as reflected on the personal property tax return filed by the owner, it shall not be reconstructed except in compliance with these regulations.~~

~~5. Modifications to a nonconforming sign that have the effect of enhancing the sign's message, the visibility of the message, or the period of time the message is visible in the case of electronic message boards are prohibited.~~

~~6. A nonconforming sign may not be disassembled and re-erected at the same location.~~

~~7. A nonconforming sign may not be relocated.~~

~~8. A nonconforming sign which has become structurally unstable or constitutes an imminent threat to public safety must be removed. Any replacement sign must conform to the provisions of section 16.04.00. *Permitted signs.*~~

~~9. Nothing in this section shall be construed so as to constitute a violation of § 70.20, Florida Statutes (2002).~~

~~(Ord. No. 03-10-LC, § 5, 10-20-03; Ord. No. 07-34-LC, § 11, 10-1-07)~~

Table of Contents

ARTICLE 3 - NONCONFORMITIES 2
SECTION 3.01 INTENT AND APPLICABILITY 2
SECTION 3.01.01 INTENT 2
SECTION 3.02 NONCONFORMING LOTS 2
SECTION 3.02.01 LOTS OF RECORD 2
SECTION 3.03 NONCONFORMING USES 3
SECTION 3.03.01 NONCONFORMING USES 3
SECTION 3.04 NONCONFORMING STRUCTURES 4
SECTION 3.04.01 NONCONFORMING STRUCTURES 4
SECTION 3.04.02 MOBILE OR MANUFACTURED HOMES 4
SECTION 3.04.03 REPAIR AND MAINTENANCE 5
SECTION 3.05 NONCONFORMING SITE ELEMENTS 5
SECTION 3.05.01 NONCONFORMING SITE ELEMENTS 5
SECTION 3.06 NONCONFORMING SIGNS 6
SECTION 3.06.01 NONCONFORMING SIGNS 6
SECTION 3.07 NONCONFORMITIES DUE TO PUBLIC AGENCY ACTION 7
A. SECTION 3.07.01. NON-REGULATORY PUBLIC AGENCY ACTION 7
~~ARTICLE 3 - Nonconformities ..... 2~~
~~Section 3.01 Intent and Applicability ..... 2~~
~~Section 3.01.01 Intent ..... 2~~
~~Section 3.02 Nonconforming Lots ..... 3~~
~~Section 3.02.01 Lots of Record ..... 3~~
~~Section 3.03 Nonconforming Uses ..... 3~~
~~Section 3.03.01 Nonconforming Uses ..... 3~~
~~Section 3.04 Nonconforming Structures ..... 4~~
~~Section 3.04.01 Nonconforming Structures ..... 4~~
~~Section 3.04.02 Mobile or Manufactured Homes ..... 4~~
~~Section 3.05 Nonconforming Site Elements ..... 5~~
~~Section 3.05.01 Nonconforming Site Elements ..... 5~~
~~Section 3.06 Nonconforming Signs ..... 5~~
~~Section 3.06.01 Nonconforming Signs ..... 5~~
~~Section 3.07 Nonconformities Due to Public Agency Action ..... 6~~
~~Section 3.07.01. Non-regulatory Public Agency Action ..... 6~~
~~Section 3.08 Repairs and Maintenance ..... 7~~
~~Section 3.08.01. General ..... 7~~
~~Section 3.08.02 Nonconforming Primary Structures ..... 7~~
~~Section 3.08.03 Nonconforming Accessory or Minor Structures ..... 8~~

ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

~~A. Within the districts established by the City of Destin, l~~INL~~egal n~~onconformities 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 ~~A~~article ~~intends to~~ implements ~~p~~policies 1-3.6.2 and 1-3.6.3 of the ~~C~~comprehensive ~~P~~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. ~~C~~construct ~~C~~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.

~~C.~~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:~~

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.
4. ~~3.~~ 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

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 c~~C~~ode.
    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 ~~C~~code 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 3.04.03 REPAIR AND MAINTENANCE

A. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition any nonconforming structure or portion 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.

C. Any permit for a structure declared unsafe must include all work to render the structure in full compliance with the LDC.

D. Primary Structures: Repair and maintenance may be done provided that the cubic content, square footage, or footprint of the portion of the existing nonconforming structure shall not be increased. ADUs & guest houses are considered primary structures for the purposes of this section only.

E. Accessory or Minor Structures: Repair and maintenance may be done to non-structural elements only, provided that the cubic content, square footage, or footprint of the portion of the existing nonconforming structure shall not be increased.

F. Fences: Any repair or maintenance of a nonconforming fence shall come into conformity with this code.

SECTION 3.05 NONCONFORMING SITE ELEMENTS

SECTION 3.05.01 NONCONFORMING SITE ELEMENTS

A. ~~Legal N~~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 n~~onconforming site elements shall be brought into compliance with this c~~C~~ode if;

1. The use of the site changes, expands, or increases, requiring ~~that the~~a 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.
    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 C~~c~~ity ~~b~~Building ~~o~~Official, 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~~D~~UE 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 ~~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.

1. The public agency shall rectify or mitigate the created risk at the time the risk is identified.
2. 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.~~

~~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 replacements cost of the structure, in any period of 12 consecutive months on the items listed below, provided that the cubic content existing when it became nonconforming shall not be increased;~~

~~1. Ordinary repairs~~
~~2. Repair or replacement of nonbearing walls~~
~~3. Fixtures~~
~~4. Wiring~~
~~5. plumbing,~~

~~B. Paragraph A above does not apply to detached single-family or duplex 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.~~

~~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:~~

~~1. Ordinary repairs~~

~~2. Repair or replacement of nonbearing elements~~

~~3. Fixtures~~

~~4. Wiring~~

~~5. Plumbing~~

~~B.~~A. ~~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.~~

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.

- **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.

❖ **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.

❖ **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.

❖ **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

B. Draft Article 11 – Glossary

Changes

Proposed Modified Definition → **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.

Current Definition **(proposed to be removed)** → *Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.*

Proposed New Definition → **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.

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.~~

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.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

City of Destin, FL - [Document title]

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 →

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.

Current Definition **(proposed to be removed)** →

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

Proposed New Definition →

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.

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.~~

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.

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.

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.

> *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.

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.

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,

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*

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.~~

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*

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.

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.*

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 maritime), 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.~~

~~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

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.~~

~~**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,

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.

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.~~

~~**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.

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.*

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.

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, multi~~family~~:*** *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.

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.~~

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.

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.

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.

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.

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 ration, 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.*

~~**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

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.

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.

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.

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.

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.

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.

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.

~~**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.

~~**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 Kempi (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.

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.

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.

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.

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.*

~~**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.

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.*

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.

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

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.

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.*

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.

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.

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.

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 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.

~~**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~~

~~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.~~

~~**hopping 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.~~

~~**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.

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.

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.

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.*

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.

~~**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

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.).

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.*

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

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

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

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.~~

~~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.

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

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.

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.*

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*

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.

Article 3 – Nonconformities

Community Development
Planning Division
December 4, 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.
  - 7.13.07 - Repairs and maintenance
- **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

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 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.
  - 3.04.03 – Previously 7.13.07
    - This section was moved from 3.08. in the previous draft
    - Reduced redundancy and unnecessary language
- **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 TO 3.04.03)**
  - ~~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.~~

ITEM # 2025-1260

CITY OF DESTIN – COMMUNITY DEVELOPMENT

AGENDA ITEM

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

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: October 22, 2025

SUBJECT: Proposed Ordinance 25-24-LC Land Development Code Article 2 – Administration

---

I. BACKGROUND:

On April 5, 2021, City Council unanimously approved the scope of work and budget to completely rewrite the Land Development Code (LDC). 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 drafts of Articles 1 and 2 were presented to the City Council at its workshop on September 23, 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. However, Staff needs guidance from the LPA on minimum acreage requirements for PUDs. Further refinements were made based on re-reviews by new incoming staff, that provide better organization and clarity. The specific changes are discussed below.

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, organization, and consolidation.

Draft of ***Article 2 – Administration*** has now been available for public review since March 6, 2023. The draft has gone through several review iterations with community development staff, several other departments and the City's land use attorney, and public review and discussion at several LPA meetings. Review criteria were based on the new LDC's purpose and intent, feedback from the LPA and other boards or committees, and for compliance with the City's adopted comprehensive plan and state statutes. Below is a brief synopsis of what to expect from the draft language of Article 2.

Article 2 – Administration has been reorganized, updated, and has consolidated all application or procedural review processes into one single article. It combines the current Article 2, elements of Articles 4 & 18, and other processes and procedures from the existing LDC. The draft of this article is drastically different from the existing code. First, it flows from enforcement responsibilities, the explanation of how to determine what each application is, to how it is processed, and then established the roles and responsibilities of each Board and Committee.

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

Format: The revised LDC eliminates lengthy, dense paragraphs and introduces clearer headings, bookmarks, and hyperlinks for online navigation. Graphics are used where appropriate to visually represent regulations and minimum standards.

Organization: The new structure addresses one of the main challenges of the current LDC—difficulty locating specific regulations. Procedures are now grouped logically by application type, with dedicated sections for land development, land division, and planned unit developments (PUDs). Key additions include:

1. New **Planning Application Types Table** - previously known as the "**User's Guide.**"
2. New **Annexation Process Procedures**
3. A new comprehensive **Planned Unit Development (PUD)** process and procedure which includes clear regulations as to what can be a PUD, community benefit requirements, and what a development must do if utilizing the PUD process.
4. New s**pecial exceptions** process - ***Section 2.12.03 - Special Exceptions***
5. New **addressing** regulations - ***Section 2.17 - Procedures for Addressing***

Recent Updates/Changes to Organization

Below is an overview of the organizational and language changes to Article 2 from the November 6 LPA meeting and those made since the council workshop in September 2024.

Changes from LPA meeting on November 6, 2025:

- 2.01.04.C.14 - Added "Amendments to the LDC, or comprehensive plan, including the zoning or future land use maps."
- 2.01.05.B.2.c - Fixed the formatting issue in the previous draft.
- 2.03.02.A.1.b - Added the "or easements" to provide clarity and specificity.
- 2.08.03.A - Removed the minimum areas by "Planning Area" and added language for a minimum of five (5) acres for a PUD across the city.
- 2.15.02.D.2. - Removed "Local Planning Agency" and added "Council, board, or committee" to the language.

Changes made since the September 2024 Council Workshop:

- **2.01 - General Administration**
  - 2.01.03 moved from 2.02.02
  - 2.01.04 moved from 2.02.03 - Renamed "Notice to the Public."
    - B. Clarified which applications require notice to the public.
    - B.25 added specific exemptions
  - 2.01.05 moved from 2.02.05
  - *2.02.04 Staff Reports - removed and turned into a policy letter.*
- **2.02 - Development Orders**
  - 2.02.01. updated and includes more specific regulations.
  - 2.02.02. moved from 2.03.02
    - 2.02.02.A. more clearly defines a Development Orders and when they are required.
    - 2.02.02.B. moved from 2.03.02.A.
    - 2.02.02.C. moved from 2.03.02.B. and consolidated with B.1.
      - *2.03.02.B.1.b. "required elements of a development order" - removed and turned into a policy letter.*
    - 2.02.02.D., E., & F. moved from 2.03.02.D
- **2.03 - Guarantees, Sureties, and Future Improvement Payments**
  - 2.03.01 moved from 2.02.06.A.
    - *2.02.06.9.f. & g. - moved to **Article 5,** Section 5.02.01.E. & F.*
  - 2.03.02 moved from 2.02.06.B.
- **2.04 - Planning Application Types and General Review Processes** (previously Sec. 2.03)
  - 2.04.01 - moved from 2.03.01 Table 2-1 and updated to reflect the reorganization.
  - 2.04.02 - moved from 2.06.01.
    - 2.04.02.C.1.a. - includes specific exemptions for Pre-application meetings.
    - *2.06.01.C.3.a. - e. - removed and turned into a policy letter.*
  - 2.04.03 - moved from 2.06.02
- **2.05 - Land Division Applications and Review Process**
  - 2.05.01 & 2.05.02 are created out of the new language per Ordinance 25-17-LC.
  - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.05.
    - 2.05.03. moved from 2.06.05
    - 2.05.04. & 2.04.05. moved from 2.06.06.

    - 2.05.06. moved from 2.06.07.
    - 2.05.07. moved from 2.06.08.
    - *2.06.08. Final Plat Approval and Release of Plat - replaced with 2.05.01 & 02.*
- **2.06 - Land Development Applications and Review Process**
    - 2.06.01 is a combination of the previous 2.06.01 but also elements were consolidated here with redundant requirements for Land Development applications.
    - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.06.
        - 2.06.02. moved from 2.05.01 & 2.06.10.
        - 2.06.03. moved from 2.05.02 & 2.06.11.
        - 2.06.04. moved from 2.05.03 & 2.06.12.
        - 2.06.05. moved from 2.04.05. & 2.06.10., .11, & .12
        - 2.06.06. moved from 2.06.13.
- **2.07. - Miscellaneous Planning Application and Review Process**
    - 2.07.01. moved from 2.06.03.
    - 2.07.02. moved from 2.06.04.
    - 2.07.03. moved from 2.06.09.
- **2.08. - Planned Unit Development Application and Review Process** *(previously Sec 2.07)* - No Change
- **2.09. - Marine Construction Applications and Review Process (***previously Sec 2.08)*
    - 2.09.03. moved from 2.02.03.A.1.c.
- **2.10. - Conditional Use and Certificate of Appropriateness Review Process** *(previously Sec 2.09)*
- **2.11. - Change of Use and Special Event Application and Review Process** *(previously Sec 2.10)*
    - *2.10.03. & .04. "Special Events" will be moved to the Code of Ordinances*
- **2.12. - Appeals, Special Exception, and Variance Application and Review Process** - *(previously Sec 2.11)*
    - *Section 2.12 was "Procedures for Right-of-Way Construction Review" and moved to Section 2.14.08. & 09.*
- **2.13. - Telecommunications and Wireless Facilities** - *No Change*
- **2.14. - Site Development and Building Permit Review** *(previously Procedures for Construction and Building Permit Review)*
    - 2.14.01. was changed to "Site Development Permits and previous paragraphs A. & B. were reorganized into A., B., C., & D. to facilitate site development specificity
    - 2.14.08 moved from 2.12.01.
    - 2.14.09. moved from 2.12.02.
- **2.15. - Procedures for Public Hearings or Meetings** - *No Change*
- **2.16. - Establishment of City Boards and Advisory Committees -**
    - Added requirements for members to be City of Destin residents to all boards.
- **2.17. - Procedures for Addressing -** *No Change*
- **2.18. - Development Review Fees** - *No Change*

Consolidation: The LDC rewrite also consolidates twenty (20) current LDC Articles into eleven (11), accompanied by a new design manual. This streamline includes relocating certain regulations from the LDC to the Code of Ordinances (CoO) where more appropriate. For example, post-development regulations in Section 11.05.00 (Marina Siting). It also removes redundancies, such as Article 20 – Building Regulations, which belongs in the CoO. The revised Article 2 retains current provisions and incorporates the following:

Article 2 - Administration

- **Section 2.01 - General Administration**
  - Current Section 2.01, 2.03, 2.04, 2.17, & 2.18
- **Section 2.02 - Development Orders**
  - Current Sections 2.08 & 2.21
- **Section 2.03 - Guarantees, Sureties, & Future Improvement Payments**
  - Current Section 2.20
  - New Fee in Lieu regulations
- **Section 2.04 - Planning Applications and General Review Process**
  - Current Sections 2.05 and portions of 2.06 & 2.21
  - Inclusion of a user chart with hyperlinks to specific procedural sections
- **Section 2.05 - Land Division Applications and Review Process**
  - Portions of current Sections 2.05, 2.06, 2.09, & 2.19
- **Section 2.06 - Land Development Applications and Review Process**
  - Portions of current Sections 2.05, 2.06 2.07, 2.08, 2.09, & 2.24
- **Section 2.07 - Miscellaneous Planning Applications and Review Process**
  - Current Sections 2.02 and 8.01.00
  - New Annexation process
- **Section 2.08 - Planned Unit Developments**
  - New regulations for PUDs & portions of 7.14
- **Section 2.09 - Marine Construction Applications**
  - Portions of Current Section 11.05
- **Section 2.10 - Condition Use and Certificate of Appropriateness Review Process**
  - Portions of Current Sections 2.25
- **Section 2.11 - Change of Use application and Review Process**
  - Current Section 2.28, and Current Historic Overlays procedures in Section 7.12.06
- **Section 2.12 - Appeal, Special Exception, and Variance Applications and Review Process**
  - Current Section 2.25
  - New language on appeals of City Council and BOA
  - New process for Special Exceptions
- **Section 2.13 - Telecommunications and Wireless Facilities**
  - Current Section 7.19.
- **Section 2.14 - Site Development and Building Permit Review**
  - Portions of previous Article 20 (moved Building Regulations

from LDC to COO)
- Portions of current Section11.05
- Portions of current Section 8.01.00

- **Section 2.15 - Procedures for Public Hearings or Meetings**
  - Portions of current Article 4
- **Section 2.16 - Establishment of City Boards and Advisory Committees**
  - Portions of current Article 4
- **Section 2.17 - Procedures for Addressing**
  - New addressing requirements and regulations
- **Section 2.18 - Development Review Fees**
  - Reference to the adopted Schedule of Fees

September 2024 City Council Articles 1 & 2 Workshop:

Below is a brief overview of the major topics of discussion during the September 2024 City Council Workshop concerning Articles 1 & 2. The minutes from this workshop are also attached.

- **PUDs**
  - Minimum lot size should be set to 5 acres across the board and increasing this minimum in certain commercial hubs. The purpose is to require the developer the ability to provide meaningful public benefits that provide the benefit they're supposed to.
    - *At the November 6, 2025 LPA meeting the LPA recommended a standard 5 acres across the city for all PUDs*
- **Special Events**
  - Based on the discussion and internal review, the Special Event process is proposed to be removed and placed in the Code of Ordinances. This will allow for a broader review of the criteria and avoid complicating the LDC.

- **Plat/Subdivision Reviews**
  - Due to SB 784, plats are now required to be administratively approved. However, the development plans that subdivisions will still be required to be reviewed under the same process as the Minor or Major Developments, as applicable.

A. Link to Strategic Goals / Objectives:
#2. A green and sustainable environment,
#3. Improve mobility and connectivity
#4. Enhanced quality of life and safety for families
#5. Economic development and revitalization
#6. Effective, efficient, and aesthetically pleasing infrastructure

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

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

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION:
The purpose of tonight's action is to forward the LPA's formal recommendation, Article 2 - Administration, in the form of an ordinance. City Staff made the appropriate changes to the Final Draft of Article 2, per the LPA's motion to bring Article 2 back before making a formal recommendation to City Council.

IV. RECOMMENDED MOTION:
I move that the LPA recommend approval of Ordinance 25-24-LC to the City Council.

ALTERNATIVE MOTION:
I move that the LPA recommend approval of Ordinance 25-23-LC to the City Council, with the changes discussed.

Attachments:

1. ORDINANCE 25-24-LC
2. EXHIBIT A TO ORD Article 2 - Administration - FINAL DRAFT 11.25 - with strikethrough
3. Article 2 - Administration - Working Draft 11.25
4. City Council Minutes 09-23-2024 Workshop
5. Article 11 - Glosarry - WORKING DRAFT 11.25.
6. Article 2 Ordinance Presentation

ORDINANCE NO. 25-24-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 2, ADMINISTRATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE THE EXISTING ARTICLE 2 IN ITS ENTIRETY; DELETING ARTICLE 4, PUBLIC PARTICIPATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE ARTICLE 4 IN ITS ENTIRETY; PROVIDING FOR REGULATIONS RELATING TO GENERAL ADMINISTRATION; DEVELOPMENT ORDERS; GUARANTEES, SURETIES AND FUTURE IMPROVEMENT PAYMENTS; PROVIDING FOR REVIEW PROCESSES FOR PLANNING APPLICATIONS AND GENERAL REVIEW, LAND DIVISION APPLICATIONS; MISCELLANEOUS PLANNING APPLICATIONS, PLANNED UNIT DEVELOPMENTS, MARINE CONSTRUCTION APPLICATIONS, CONDITIONAL USES, CERTIFICATES OF APPROPRIATENESS, CHANGE OF USES, APPEALS, SPECIAL EXCEPTIONS, VARIANCES; PROVIDING FOR REGULATIONS RELATING TO TELECOMMUNICATIONS AND WIRELESS FACILITIES; PROVIDING FOR SITE DEVELOPMENT AND BUILDING PERMIT REVIEW; PROVIDING FOR PUBLIC PROCEDURES AND MEETINGS; ESTABLISHING CITY BOARDS AND COMMITTEES; PROVIDING FOR PROCEDURES FOR ADDRESSING AND PROVIDING FOR DEVELOPMENT FEES; 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 2, Section l.0l (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 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 2 of the LDC to the City's Land Planning Agency and incorporated recommendations from the LPA into the proposed Article 2; 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 25-24-LC deletes and replaces in its entirety the existing Article 2 of the City Land Development Code entitled "ADMINISTRATION"; and

WHEREAS, this Ordinance 25-24-LC deletes and replaces in its entirety the existing

Article 4 of the City Land Development Code entitled "PUBLIC PARTICIPATION"; and

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on December 4, 2025, for the purpose of providing recommendations to the City Council with regard to this Ordinance 25-24-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:

SECTION 3. Article 2 of the City of Destin Land Development Code, entitled "ADMINISTRATION" is deleted in its entirety and replaced with the new Article 2 set forth in Exhibit "A" to this Ordinance, attached hereto and fully incorporated herein by this reference. Exhibit "A" to this Ordinance constitutes ARTICLE 2 of the City of Destin's Land Development Code as of the Effective Date of this Ordinance.

SECTION 4. Article 4 of the City of Destin Land Development Code, entitled "PUBLIC PARTICIPATION" is deleted in its entirety and replaced with the new Article 2 set forth in Exhibit "A" to this Ordinance, attached hereto and fully incorporated herein by this reference. Exhibit "A" to this Ordinance constitutes ARTICLE 2 of the City of Destin's Land Development Code as of the Effective Date of this Ordinance.

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

SECTION 6. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

(Signature Page Follows)

SECTION 8. 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.

ADOPTED THIS ___DAY OF _____, 2026.

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:

EXHIBIT "A"

Table of Contents

ARTICLE 2 - ADMINISTRATION 3

SECTION 2.01 GENERAL ADMINISTRATION 3

SECTION 2.01.01 ADMINISTRATOR 3

SECTION 2.01.02. PURPOSE AND INTENT 4

SECTION 2.01.03 SUBMITTALS 4

SECTION 2.01.04 NOTICE TO THE PUBLIC 4

SECTION 2.01.05 WITHDRAWAL OF APPLICATIONS 6

SECTION 2.02. DEVELOPMENT ORDERS 7

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT ORDERS 7

SECTION 2.02.02 DEVELOPMENT ORDERS 7

SECTION 2.03. GUARANTEES, SURETIES, AND FUTURE IMPROVEMENT PAYMENTS 8

SECTION 2.03.01 GUARANTEES AND SURETIES 8

SECTION 2.03.02 FUTURE IMPROVEMENT PAYMENT (FEE IN-LIEU OF) 12

SECTION 2.04. PLANNING APPLICATIONS AND GENERAL REVIEW PROCESSES 12

SECTION 2.04.01 GENERAL REVIEW PROCEDURES FOR ALL APPLICATIONS 13

SECTION 2.04.02 APPLICATION DENIAL 15

SECTION 2.04.03 PLANNING APPLICATION TABLE 15

SECTION 2.05. LAND DIVISION APPLICATIONS AND REVIEW PROCESSES 16

SECTION 2.05.01 GENERAL PROCEDURES FOR SUBDIVISION OR RESUBDIVISON OF LAND 16

SECTION 2.05.02 PLAT APPROVAL PROCESS 17

SECTION 2.05.03 LOT SPLIT 18

SECTION 2.05.04 REPLAT 19

SECTION 2.05.05 MINOR SUBDIVISION 20

SECTION 2.05.06 MAJOR SUBDIVISION 21

SECTION 2.06. LAND DEVELOPMENT APPLICATIONS AND REVIEW PROCESS 22

SECTION 2.06.01 GENERAL REQUIREMENTS 22

SECTION 2.06.02 SIMPLE DEVELOPMENTS 22

SECTION 2.06.03 MINOR DEVELOPMENTS 23

SECTION 2.06.04 MAJOR DEVELOPMENTS 24

SECTION 2.06.05 DEVIATIONS TO DEVELOPMENT 26

SECTION 2.06.06 DEVELOPMENT AGREEMENTS 27

SECTION 2.07 MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW PROCESS 30

SECTION 2.07.01 PROCEDURES FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, ZONING MAP, OR FUTURE LAND USE MAP 30

SECTION 2.07.02 ANNEXATION OF PROPERTY 31

SECTION 2.07.03 RIGHT-OF-WAY/EASEMENT VACATION 32

SECTION 2.08 PLANNED UNIT DEVELOPMENT APPLICATION AND REVIEW PROCESS 34

SECTION 2.08.01 PURPOSE AND INTENT 34

SECTION 2.08.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS 34

SECTION 2.08.03 MINIMUM AREA 37

SECTION 2.08.04 COMMUNITY BENEFIT 37

SECTION 2.08.05 PROCEDURES 38

SECTION 2.08.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT 39

SECTION 2.08.07 DEVIATIONS TO A PLANNED UNIT DEVELOPMENT 40

SECTION 2.08.08 DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED UNIT DEVELOPMENTS 41

EXHIBIT "A"

SECTION 2.09 MARINE CONSTRUCTION APPLICATIONS 42
SECTION 2.09.01 PURPOSE AND INTENT 42
SECTION 2.09.02 MARINE CONSTRUCTION PROJECT CATEGORY 43
SECTION 2.09.03 HARBOR AND WATERWAYS BOARD REVIEW 43
SECTION 2.09.04 CITY COUNCIL REVIEW 44
SECTION 2.09.05 MARINE CONSTRUCTION PERMITS 44
SECTION 2.10 CONDITIONAL USE AND CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS 44
SECTION 2.10.01 CONDITIONAL USES 44
SECTION 2.10.02. CONDITIONAL USES IN OVERLAY DISTRICTS 47
SECTION 2.10.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS 48
SECTION 2.11 CHANGE OF USE APPLICATION AND REVIEW PROCESS 49
SECTION 2.11.01 CHANGE OF USE APPLICABILITY AND CRITERIA 49
SECTION 2.11.02 CHANGE OF USE APPLICATION REVIEW AND APPROVAL 50
SECTION 2.12 APPEAL, SPECIAL EXCEPTION, AND VARIANCE APPLICATION AND REVIEW PROCESS ... 50
SECTION 2.12.01 APPEALS OF ADMINISTRATIVE OFFICIALS 51
SECTION 2.12.02 APPEALS OF CITY COUNCIL 52
SECTION 2.12.03 SPECIAL EXCEPTIONS 52
SECTION 2.12.04 VARIANCES 52
SECTION 2.12.05 APPEALS OF THE BOARD OF ADJUSTMENT 54
SECTION 2.13 TELECOMMUNICATION AND WIRELESS FACILITIES 55
SECTION 2.13.01 NEW TELECOMMUNICATION FACILITIES (TOWERS) ON PUBLIC OR PRIVATE PROPERTY 55
SECTION 2.13.02 EXISTING OR COLLOCATED TELECOMMUNICATIONS FACILITIES 57
SECTION 2.13.03 TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY 57
SECTION 2.14 SITE DEVELOPMENT AND BUILDING PERMIT REVIEW 59
SECTION 2.14.01 SITE DEVELOPMENT PERMITS 59
SECTION 2.14.02 BUILDING PERMITS 59
SECTION 2.14.03 MARINE CONSTRUCTION PERMITS 60
SECTION 2.14.04 SIGN PERMITS 61
SECTION 2.14.05 INSPECTIONS AND CERTIFICATES OF OCCUPANCY 62
SECTION 2.14.06 SURVEYS FOR CERTAIN WORK 62
SECTION 2.14.07 FIRE DISTRICT REVIEW 63
SECTION 2.14.08 RIGHT-OF-WAY PERMITS 63
SECTION 2.14.09. UTILITIES IN THE RIGHT-OF-WAY 64
SECTION 2.15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS 64
SECTION 2.15.01 PUBLIC HEARING PROCEDURES 64
SECTION 2.15.02 GENERAL PUBLIC HEARING 64
SECTION 2.15.03 QUASI-JUDICIAL PUBLIC HEARING 65
SECTION 2.15.04 BOARD DELIBERATION 66
SECTION 2.16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES 68
SECTION 2.16.01 TECHNICAL REVIEW COMMITTEE (TRC) 68
SECTION 2.16.02 LOCAL PLANNING AGENCY (LPA) 69
SECTION 2.16.03 BOARD OF ADJUSTMENT (BOA) 70
SECTION 2.16.04 HARBOR AND WATERWAYS BOARD (HWB) 70
SECTION 2.16.05 ADVISORY COMMITTEES 71
SECTION 2.17 PROCEDURES FOR ADDRESSING 71
SECTION 2.17.01 NAMING OF STREETS 71
SECTION 2.17.02 STREET NAME CHANGE REQUESTS 72

SECTION 2.17.03 SYSTEM ESTABLISHED 73
SECTION 2.17.04 ADMINISTRATION AND NUMBER ASSIGNMENT. 73
SECTION 2.18 DEVELOPMENT REVIEW FEES 74
SECTION 2.18.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES 74

ARTICLE 2 - ADMINISTRATION

SECTION 2.01 GENERAL ADMINISTRATION

SECTION 2.01.01 ADMINISTRATOR

A. The City Manager or designee shall administer and enforce this Code.

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

SECTION 2.01.02. PURPOSE AND INTENT

The purpose of this Code is to protect the health, safety, and the public welfare of the citizens of Destin. This Code was enacted to provide a consolidated reference source for land development regulations of the City of Destin. It implements those development related policies mandated by the Florida statutes and the City's policies outlined in the Comprehensive Plan. Where a conflict exists between the Land Development Code (LDC) and other city ordinances, the Land Development Code takes precedence. The LDC and the supplemental City of Destin Design Manual (Design Manual) establish site design criteria and provide review procedures for development and permit applications. Procedures for appealing decisions are provided in Section 2.12 of this article.

SECTION 2.01.03 SUBMITTALS

A. Applications for development review shall be submitted through the Community Development Department.
B. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan.
    1. In the case of corporate ownership, the authorized signature shall be accompanied by a letter showing proof of the authorized individual role or office in the corporation on the corporate letterhead.
    2. Signatures by other parties will be accepted with notarized proof of authorization by the owners.
C. All preliminary and final development plans submitted shall conform to the standards outlined in the City of Destin's Development and Subdivision checklists in the Design Manual and shall be submitted electronically.

SECTION 2.01.04 NOTICE TO THE PUBLIC

A. Written notice shall be provided to owners of property within 300 feet of land subject to applications which require a public hearing.
B. The Okaloosa County Property Appraiser's address records will be utilized to identify addresses for notification purposes.
C. Written notice shall be provided to owners of property within 300 feet of land subject development-related applications including but not limited to:
    1. Lot Split
    2. Replat
    3. Minor Subdivision
    4. Major Subdivision
    5. Simple Development
    6. Minor Development
    7. Major Development
    8. Technical Deviation
    9. Simple Deviation

10. Minor Deviation
11. Major Deviation
12. Development Agreements
13. Planned Unit Development
14. Amendments to the LDC or comprehensive plan including the zoning or future land use maps
15. ROW / Easement Vacation
16. Conditional Use
17. Special Exception
18. Variance
19. Marina Siting Exception
20. Any application deemed by the City Manager or designee to have enough public impact that it warrants a notice to the public.

D. The following applications do not require a notice to the public:
   1. Change of Use
   2. Right-of-Way Construction
   3. Administrative Appeal
   4. Appeals of City Council

E. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.

F. Sign notice posted on property:
   1. All applications shall post a sign on the property, meeting the criteria below:
      a. The placement on the subject property shall be a maximum of five feet from the adjacent right-of-way, and clearly visible and legible from the right-of-way.
      b. The minimum size of the sign shall be 24 inches by 36 inches.
      c. The sign shall clearly indicate the following:
         1. Project Name or Number
         2. Applicant's or Agent's name
         3. Emergency contact phone number of the responsible party for said development site who is available 24 hours a day, seven days a week.
   2. The sign must be posted at least two (2) weeks prior to the public hearing and must remain on-site until final approval and shall be removed within five days of approval.

G. Notice Procedures for Public Hearings
   1. All public hearings and public meetings shall be held at regularly scheduled times and days, as indicated by the City.
   2. All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.
      a. The advertisement shall include:
         1. An identification of who is holding the hearing or meeting.
         2. The date, time, and place.
         3. General subject of the hearing or meeting.
         4. The location where copies of the proposed matter may be reviewed; and
         5. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
      b. The first published notice of a public hearing or meeting shall appear ten (10) to twenty-one (21) days prior to the date of the hearing or meeting.

c. The second published notice of public hearing shall appear five (5) to eight (8) days prior to the hearing or meeting.

3. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of this Section.
   a. Emergency enactment procedures for land use plans adopted shall be pursuant to state statutes Part II, Ch. 163.
   b. Exceptions: No emergency ordinance or resolution shall be enacted that:
      1. Establishes or amends any Future Land Use or Zoning map designation of a parcel or parcels of land.
      2. Changes the permitted, conditional, or prohibited uses within a zoning district.
4. Additional Noticing Requirements:
   a. Amendments to the Comprehensive Plan, Land Development Code, or the official zoning map require the following additional noticing requirements:
      1. A written notice shall be sent at least 30 days prior to the first public hearing date and shall contain:
         (i) How the proposed amendment affects property owners.
         (ii) The time and place for one or more public hearings on such ordinance.
      2. For ordinances involving a parcel or parcels of land less than ten contiguous acres, the City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.
      3. For ordinances involving a parcel or parcels of land greater than ten contiguous acres.
         (i) The City Council shall hold two advertised public hearings on the proposed ordinances.
         (ii) The second public hearing shall be held at least ten days after the first public hearing.

SECTION 2.01.05 WITHDRAWAL OF APPLICATIONS

A. An application for development approval may be withdrawn at any time by the applicant or their representative.

B. The City may declare an application withdrawn if resubmittal of materials is not received within thirty (30) calendar days from receipt of comments from the City.
   1. The City shall notify the applicant seven (7) calendar days before an application is declared withdrawn.
   2. An extension may be requested by the applicant for up to thirty (30) calendar days.
      a. No more than two (2) extensions, for a maximum of sixty (60) calendar days, may be requested by the applicant during the application review process.
      b. An extension request shall be submitted no later than seven (7) days prior to submittal deadline.
      c. Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.

C. The withdrawal of any application for development review will result in the application losing its position in the Community Development Department's plan review queue.

D. To restart review of a withdrawn application, the applicant must submit a new application with all required materials and repayment of all application or other required review fees.

EXHIBIT "A"

SECTION 2.02. DEVELOPMENT ORDERS

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT ORDERS

A. All development plans shall require a development order, ensuring that all proposed activities comply with this LDC, the Destin Design Manual, and any applicable state and/or federal requirements.
   1. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin
B. Development activity is authorized through a development permit if the proposed development conforms to:
   1. The City of Destin's Land Development Code and design manual
   2. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin
   3. The Florida Building Code and fire codes as adopted and amended by the City of Destin

SECTION 2.02.02 DEVELOPMENT ORDERS

A. A development order is an order granting, denying, or granting with conditions an application for approval of development.
   1. Development orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.
   2. An approved development order is required prior to the city's issuance of any development permit(s). The development order is not a development permit.
B. No property shall have more than one development order application under review by the City at any one time.
C. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Code of Ordinances, the City shall issue a development order to the developer within ten (10) business days from the approval date of said development order application.
D. An approved development order is required prior to the city's issuance of any required development permit(s). The development order is not a development permit.
E. A development order is valid for a period of one year from the date of issuance.
F. Development orders that require a permit for development:
   1. Any permit needed must be obtained by issuance from the city for either the construction of infrastructure or construction of the entire project.
   2. If a building permit is not issued within one year from the date of issuance of the development order, then the development order becomes null and void.
   3. Construction must commence within six (6) months after issuance of building permit or development permit.
   4. If construction activity ceases for a period of one-hundred and eighty (180) days after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void.
G. Exemptions from Development Orders:
   1. A development permit may be issued without a development order if any of the following conditions apply:
      a. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site.

FINAL DRAFT

b. The construction or alteration of one attached or detached single family dwelling.
c. The resurfacing with the same material of a vehicle use area that conforms to all requirements of this Code.
d. The land, parcel or property of the proposed project is subject to a replat, or lot split granted pursuant to procedures in Sections 2.05 of this Article.
e. Determination by the City Manager or designee
    1. A determination shall not conflict with any requirement or provision of the LDC or the Comprehensive plan.

H. Development Order Extension:
1. The applicant may request one extension to a development order, not to exceed 12 months from the date of original expiration.
2. An applicant shall submit an application for extension no less than forty-five (45) calendar days prior to expiration of the original development order.
3. The application shall include:
    a. Proof of ownership and agent affidavit (if applicable),
    b. A narrative describing why development has not commenced.
4. Once an application is received, it will be forwarded to the Community Development Director for final determination.
5. The fee for an extension is half (1/2) the cost of the original application.

I. An approved development plan or permit must be issued prior to or in conjunction with a clearing permit before clearing of land. It is the intent of this paragraph to prohibit any clearing, grading, or demolition of land or structures without first having an approved development with a corresponding approved site plan conforming to all applicable city regulations and this Code.
1. A clearing Permit can only be issued if in conjunction with a building permit or development permit.
2. If the building permit or development permit becomes null and void so does the clearing, grading, or demolition permit.
3. If a clearing permit is issued and the lot, land, or parcel is cleared, but no construction occurs within one (1) month of completion of clearing, grading, or demolition, the site shall comply with Section 6.04.06. or 6.04.07. as applicable and be stabilized with:
    a. Sod
    b. Hydroseeding
    c. Or other City Engineer approved alternative.

SECTION 2.03. GUARANTEES, SURETIES, AND FUTURE IMPROVEMENT PAYMENTS

SECTION 2.03.01 GUARANTEES AND SURETIES

A. Purpose
1. The purpose of this section is twofold. First to ensure that the infrastructure that will serve an approved development, whether public or private, will get installed, constructed, or built, in a prompt and timely manner. Second it ensures that those elements required to support the approved development will be free and clear of defects for the life of the maintenance period.
2. Nothing in this Section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

3. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

B. Applicability
   1. The provisions of this Section apply to all proposed developments in the city, including, but not limited to, subdivisions, PUD's, private road subdivisions, and private developments having any of the following conditions:
      a. Requesting approval of final plat prior to completion of infrastructure.
      b. Providing a roadway, multi-modal or pedestrian corridor as identified as a need by the city.
      c. Providing or modifying public or private right-of-way (ROW) for single-family or multi-family subdivisions.
   2. The developer, after any development order is issued but before any construction permit is issued, shall provide the surety to ensure that all required infrastructure is satisfactorily constructed according to the approved development plan.

C. Requirements
   1. Signed agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code and approved plans.
   2. The projected total cost, to include materials and labor for installation, for each improvement proposed. This cost shall be prepared and provided by a Florida-licensed Professional Engineer and shall be signed, sealed, and dated.
      a. Separate projected costs for:
         1. Private infrastructure elements
            (i) Common areas
            (ii) Regional retention/detention ponds
         2. Private ROW infrastructure improvements
         3. Public ROW infrastructure improvements
   3. The terms of the agreement shall indicate that all required improvements shall be satisfactorily constructed within the period stipulated.
      a. The term shall not exceed the timelines identified in the development order.
      b. Any extension to time must be in writing and must be approved by the City Engineer.
      c. Failure to complete the work in the time allocated, the developer forfeits the surety, and the City shall use the funds to construct any infrastructure that is remaining.
   4. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officers, employees, and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
   5. Developers agree to provide property access to city employees and/or authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.

D. Surety Type & Amount:
   1. The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.
   2. All sureties shall be no less than one hundred twenty-five percent (125%) of the cost of construction identified in paragraph C.2 above.

a. The City Manager, on the recommendation of the City Engineer or designee, may require a higher contingency amount for any surety.

3. Should the surety be utilized for any reason, and the funds from the surety are not sufficient to complete all required work, the developer shall be responsible for any fund amount above the original surety.
4. Surety requirements may be met but are not limited to the following:
   a. Deposit in the form of cash, certified check, cashier's check, money order (required for Certificate of Occupancy).
   b. Irrevocable letter(s) of credit.
   c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida
5. The following conditions shall apply to the posting or reduction of any surety.
   a. An administrative fee is added to the cost of surety. This amount may be found in accordance with the latest adopted Fee Resolution and shall be assessed at the time of application and post surety. The Administrative fee does not include any inspection fees.
   b. A ten percent (10%) surety handling fee will be added to any surety in accordance with the latest adopted Fee Resolution.
6. Upon approval of the City Manager or designee, the amount of security/surety may be reduced, not more than once during the term of the improvements, before the completion and final acceptance of required improvements. In no case, shall the amount of the security/surety be reduced by one of the following, whichever is higher:
   a. Less than fifty percent (50%) of the original surety amount.
   b. The amount necessary for completing the remaining infrastructure improvements plus twenty-five percent (25%).
7. Surety documents must reflect:
   a. The names of the subdivision or development
   b. The developer and developer's authorized agents

E. Acceptance of work.
   1. Preliminary acceptance of public infrastructure improvements:
      a. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the City Engineer shall make a recommendation to Council to preliminary approve said infrastructure at the next available meeting.
      b. The City Council, at their discretion, will approve/disapprove the preliminary acceptance of the infrastructure subject to a warranty period.
      c. Forty-five (45) calendar days after City Council approval, the developer and contractor shall provide a clean lien certificate from the county clerk's office. The developer may request release of original surety once all the following takes place:
         1. These certificates are received by the engineering department, and
         2. The developer obtains the maintenance surety as outlined in this section, and
         3. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
            (i) A physical survey of locations and elevations shall be provided of all infrastructure.

(ii) Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.

d. Developer agrees to warranty the public infrastructure for a period of one (1) year or whenever all warranty work is completed, whichever is longer.
e. The one-year warranty period shall begin upon acceptance by the City Council above.
f. Developer must post a new maintenance surety in an amount equal to twenty-five percent (25%) of the total construction cost of the improvements to ensure maintenance is completed.

2. Initial Acceptance of private infrastructure improvements:
   a. The developer shall work with the Engineering Department to inspect milestones during construction.
   b. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
      1. A physical survey of locations and elevations shall be provided of all infrastructure.
      2. Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.
      3. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting aspects during construction.
   c. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the city shall issue an acceptance for release of surety.
   d. Developer provides documentation that a legal entity has been established under Chapter 718, 719, or 720 of Florida Statues to maintain the ROW and common areas. (Further discussion elsewhere in L.D.C.)
3. Maintenance (Warranty) Period Public Infrastructure
   a. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.
4. Permanent Acceptance Public Infrastructure improvements
   a. The below does not resolve the developer from the requirements of the warranty period above.
   b. Responsibility for acquiring permanent acceptance shall be the developer's.
   c. Sixty (60) calendar days before expiration of the warranty period, the developer shall contact the city's Engineering Department to walk through project to identify deficiencies.
   d. Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.
   e. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.

f. Once developer has completed repairs, the City Engineer, or designee, shall perform a final walk-through of the project. Upon determination that the project is no longer has outstanding issues, the City Engineer shall make a recommendation to Council to permanently approve said infrastructure at the next available meeting.
g. The City Council, at their discretion, will approve/disapprove the permanent acceptance of the infrastructure.
h. After City Council approval, the developer may request release of maintenance surety.

SECTION 2.03.02 FUTURE IMPROVEMENT PAYMENT (FEE IN-LIEU OF)

A. Purpose
   1. The provisions of this section may apply to any proposed developments in the city adjacent to public ROW, public easements, or city owned property; when the required infrastructure cannot be installed or constructed, due to circumstances outside of the city or the developer's immediate control. Examples include, but not limited to:
      a. Improvements to and along the U.S. 98 corridor
      b. Improvements required by this code on current unimproved public ROW or easement
      c. Improvements impacted by an upcoming public project.
      d. Other circumstances deemed by the City Manager or City Engineer
B. Nothing herein shall be construed as relieving the developer or applicant of any requirement in the LDC.
C. This Section does not modify any existing agreements between a developer and the City for development orders granted prior to the effective date of this Section.
D. If a circumstance is granted in accordance with this section, the applicant shall provide the projected total cost for each improvement that is granted.
   1. Each Item shall have the cost for materials and labor (construction).
   2. The City Engineer shall determine if price is current with prevailing rates.
   3. The City Engineer reserves the right to require future improvement payments be provided by a licensed Florida Professional Engineer.
E. Amount and type of future improvement payment:
   1. Payment requirements shall be the form of either cash, certified check, cashier's check, money order.
   2. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
   3. In addition to the future improvement payment, developers shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.
F. Future improvement payment shall be made prior to the issuance of construction or development permits.
G. Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property; the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.
   1. If the future improvement payment is not sufficient to pay for the improvements, developers shall pay any shortfall to the city.

SECTION 2.04. PLANNING APPLICATIONS AND GENERAL REVIEW PROCESSES

SECTION 2.04.01 GENERAL REVIEW PROCEDURES FOR ALL APPLICATIONS

A. All application types listed in Table 2.04-1 Planning Application Types Table shall follow the procedures in this section unless specifically identified elsewhere in this Article.

B. All applications for development orders or deviations to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This entails prompt reviews and responses from both the applicant and the city.
   1. No property shall have more than one development order application under review by the city at any one time.

C. Pre-application meeting: The purpose of the Pre-Application Meeting is to facilitate coordination of the proposed development, or other process, between city staff, applicable external agencies, and the applicant(s).
   1. A Pre-application meeting is required before submitting an application or development plan.
      a. The following applications do not require a pre-application review:
         1. Building or any type of construction permit
         2. Appeal of City Council or the Board of Adjustment
         3. Final Plat
         4. Change of Use
         5. Certificate of Appropriateness
   2. City staff will direct the applicant to all appropriate Technical Review Committee agencies for a preliminary review prior to filing for formal city review, if necessary. This includes but is not limited to:
      a. Destin Water Users
      b. Destin Fire Control
      c. Florida Power & Light
   3. A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days.
   4. The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.
   5. The City reserves the right to provide more comments at the time of formal application review.
   6. No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.

D. Formal Application Submittal
   1. Submittal of all applications for review shall be submitted through the City's online application portal.
      a. All materials required by city staff or in the application checklist shall be submitted for review.
      b. Payment of the application is required at time of submittal.
         1. Fees for development applications can be found in the City's Schedule of Fees

E. Completeness Review:
   1. Once an application is submitted, staff will conduct a completeness review to ensure all required materials were submitted as identified by staff and or in the development application checklist.

2. If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.
3. If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.
    a. Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date for:
        1. Simple development or deviation
        2. Lot split
        3. Replat
4. The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.
    a. If the applicant does not submit within thirty (30) days, the application will be deemed withdrawn per Section 2.01.05.

F. Substantive Application Review:
1. Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:
    a. Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.
    b. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending either approve, approve with conditions, approve with modifications, or deny the application.
2. Technical Review Committee (TRC) Review:
    a. Once an application is deemed complete Staff will forward the application to the appropriate TRC members.
        1. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their appointed role on the TRC.
    b. The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.
    c. The following application types are exempt from TRC review, unless determined necessary by the City Manager or designee.
        1. Annexation
        2. Zoning and FLUM Map Amendments
        3. LDC or Comprehensive Plan Amendments
        4. Lot Split or Lot Line Adjustment
        5. Simple Development Order
        6. Simple Deviation
        7. Change of Use, except as otherwise identified in this Code.
        8. Conditional Use
        9. Certificate of Appropriateness
        10. Harbor & Waterways Board applications
        11. Board of Adjustment Applications

d. The TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.
   1. If staff identifies the need for more review time, a request will be made to the applicant.
e. TRC members shall provide comments to city staff pertaining to the specific professional expertise.
   1. If a TRC member does not provide comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.
f. City staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).
g. If the TRC approves the application, staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.
h. If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.
i. Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.
j. If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.

SECTION 2.04.02 APPLICATION DENIAL

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

SECTION 2.04.03 PLANNING APPLICATION TABLE

A. Application type will be determined by the City Manager or designee after a preliminary review of the proposed planning application, development, or project.

Table 2.04-1 Planning Application Types Table

Land Division Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Plat Approval	Yes	2.05.02	City Manager or designee
Lot Split	N/A	2.05.03	City Manager or designee
Replat	N/A	2.05.04	City Manager or designee
Minor Subdivision	N/A	2.05.05	City Manager or designee
Major Subdivision	N/A	2.05.06	City Council
Land Development Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Simple Development	No	2.06.01	City Manager or designee
Minor Development	No	2.06.02	City Manager or designee
Major Development	No	2.06.03	City Council
Technical Deviation	Yes	2.06.04.A	City Manager or designee
Simple Deviation	Yes	2.06.04.B	City Manager or designee

Minor Deviation	Yes	2.06.04.C	City Manager or designee
Major Deviation	Yes	2.06.04.D	City Council
Development Agreements	No	2.06.05	City Council
Planned Unit Development	No	2.08	City Council
Miscellaneous Planning Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Amendments			
Zoning Map Future Land Use Map LDC Text Comp Plan Text	N/A	2.07.01	City Council
Annexation	N/A	2.07.02	City Council
ROW / Easement Vacation	N/A	2.07.03	City Council
Land Use Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Conditional Use	N/A	2.10.01	City Council
Certificate of Appropriateness	N/A	2.10.02; 2.10.03	City Council
Change of Use	N/A	2.11.02	City Manager or designee
Special Construction Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Marine Construction / Harbor and Waterways Board	N/A	2.09	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A		City Manager or designee
Appeals, Exceptions, and Variances			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Administrative Appeal	N/A	2.11.01	Board of Adjustment
Appeals of City Council	N/A	2.11.02	Circuit Court
Special Exception	N/A	2.11.03	Board of Adjustment
Variance	N/A	2.11.04	Board of Adjustment
Marina Siting Exception	N/A	2.11.04	Board of Adjustment
Appeals of the BOA	N/A	2.11.05	Circuit Court

SECTION 2.05. LAND DIVISION APPLICATIONS AND REVIEW PROCESSES

The following application types involve rearranging established lot lines or dividing land into two or more parcels. Any development that requires a minor subdivision or major subdivision shall complete the Preliminary Plat prior to submitting development or building permits for the required infrastructural permits. The City Manager or designee may waive the requirement for a preliminary plat for a minor subdivision. Final Plat approval shall be completed prior to submitting any application for building permits.

SECTION 2.05.01 GENERAL PROCEDURES FOR SUBDIVISION OR RESUBDIVISON OF LAND

A. The administrative authority to receive, review, and process plat or replat submittals shall be the City Manager or designee. The City Manager or designee is responsible for approving, approving with conditions, or denying the proposed plat or replat.

B. Except as provided by Article 5 - Subdivision Regulations, no person shall divide any parcel of property into two or more parcels without complying with the provisions of this section.
C. Final Approval of any corresponding plats for a subdivisions shall follow the requirements of Section 2.05.01. & 2.05.02.
D. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.
E. Right-of-way dedication, identified by the Community Development Director, may be required if any lot abuts a street right-of-way that does not conform to current City Standards.
    1. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

SECTION 2.05.02 PLAT APPROVAL PROCESS

A. The developer shall submit to the community development department one physical copy or other reproducible drawing of the plat as prescribed by F.S. § 177.071, size 24 inches by 36 inches, duly signed as required.
B. Upon receipt of a plat application submittal, the City shall provide written notice in response to the submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes. Requirements of the plat approval process may include but are not limited to approvals by the Community Development Department, City Engineer, Destin Water Users, and the local fire control district.
C. The City Manager or City Manager's designee must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. Denial must be accompanied by an explanation citing unmet requirements. The city may not request or require the applicant to file a written extension of time but may grant an extension of time requested by the applicant.
D. A plat or replat submitted under this part must be administratively approved if the plat or replat complies with the requirements of section 177.091, Florida Statues.
E. Development Plans: The developer shall submit to the community development department, simultaneously with its plat application, a copy of the development plan conforming to the requirements set forth in Article 5 - Subdivision Regulations, Article 6 - General Development Regulations, and the Destin Design Manual including specifications for drainage, streets and other improvements, and applicable laws and regulations. Final drawings and specifications shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida.
F. Recording Plats: If approved, the plat will then be submitted by the developer to the office of the clerk of court for recording. After recording, one recorded digital copy (size 24 inches by 36 inches) and one copy of the recorded homeowner's association documents, if applicable, shall be filed with the community development department within ten days.
G. Disapproval. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

EXHIBIT "A"

SECTION 2.05.03 LOT SPLIT

A. A lot split is the division of a lot that results in either:
   1. A lot line adjustment between two platted lots or tracts of land
   2. The creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
      a. The lot to be split is platted or has a legal description of record; and
      b. Each lot proposed either:
         1. Abuts a public or approved private street.
         2. Has a recorded perpetual cross-access easements existing on the lot to be split.
            (i) If necessary, a recorded perpetual cross-access easement can be created by the lot split and shall be clearly shown on the recorded lot split.
      c. The lot split shall meet the criteria in the City Land Development Code.

B. A Lot Split may not require a development order as determined by the City Manager or designee.

C. Lot Split Approval Process
   1. Formal application to the community development department, accompanied with the following:
      a. Application fee
      b. One digital copy of the proposed lot split
      c. A statement that no new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land
      d. Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division and all structures shall be prepared by a duly licensed land surveyor registered in the state
   2. Upon approval of the lot split by the City Manager or designee, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.
   3. No further division of any lot approved lot split is permitted under this Section, unless a plat is prepared and approved in accordance with this Code.
   4. All plats shall meet state statute and the Destin Design Manual standards.
   5. The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split.

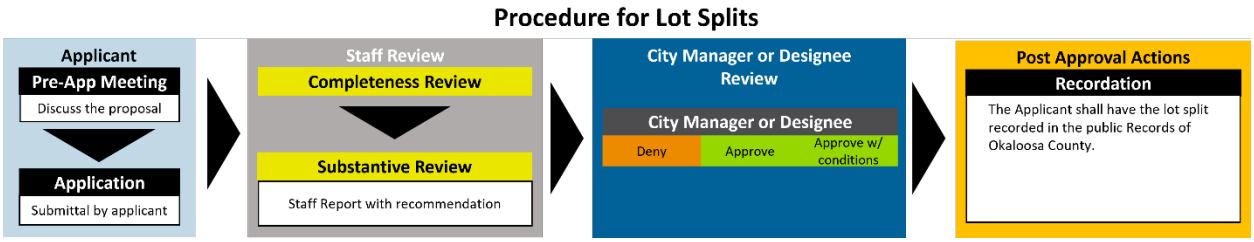


Figure 2-1: Lot Split - One additional lot example

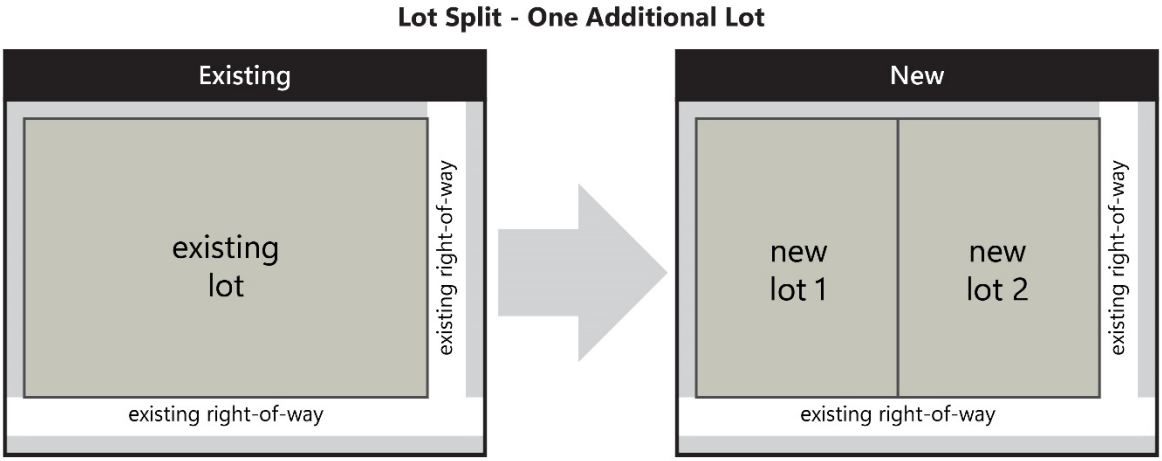
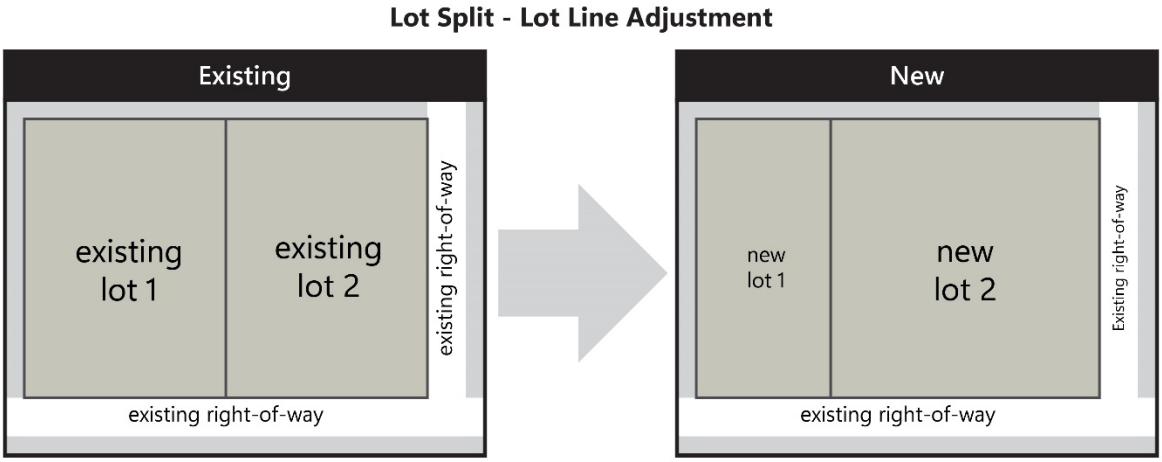


Figure 2-2: Lot Split - Lot Line Adjustment example



SECTION 2.05.04 REPLAT

A. A replat is the subdivision of a platted parcel or platted parcels within the same platted subdivision, that complies with the following requirements:
   1. Reduces the number of lots involved.
   2. Increases the area of two or more adjacent lots or parcels of land.
   3. No roadway, drainage, or other improvements are required.
   4. The final lot configuration complies with the standards of this Code.

B. A Replat may require a development order as determined by the City Manager or designee.
C. Replat Approval Process
   1. Replats require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. Replats shall follow the same approval process as a minor development per Section 2.06.03.

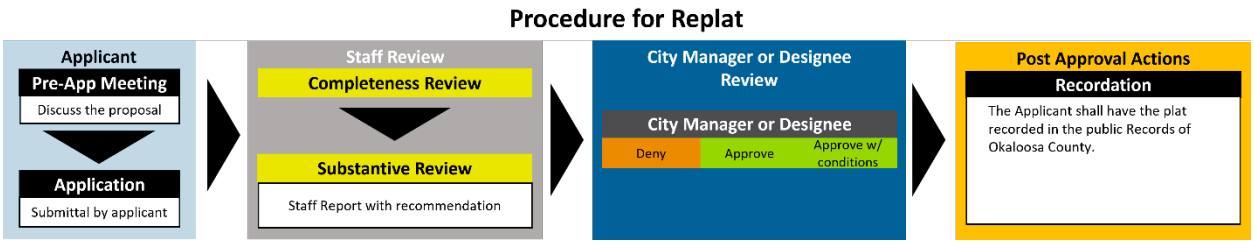
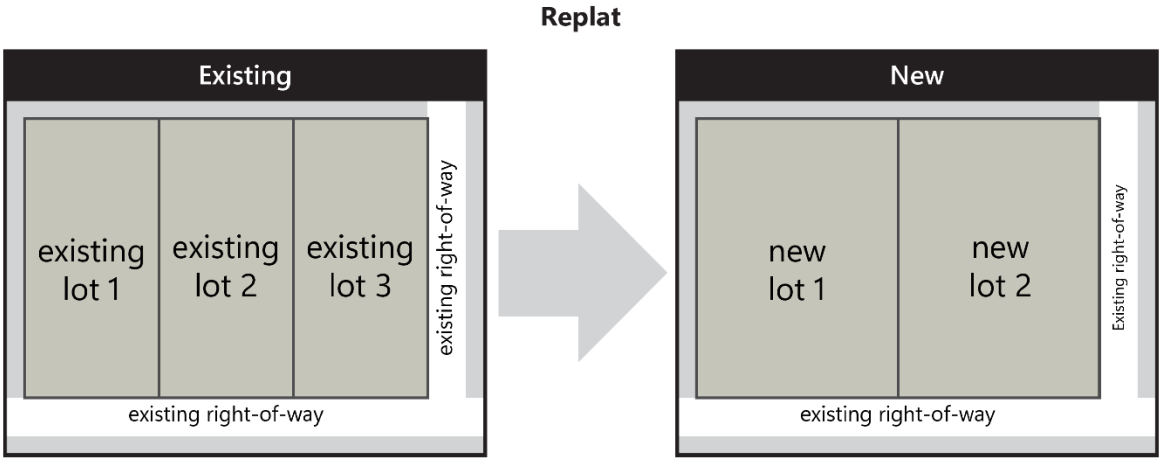


Figure 2-3: Replat example



SECTION 2.05.05 MINOR SUBDIVISION

A. A minor subdivision is the division of land whether previously platted or not, that results in nine (9) or fewer lots; and
   1. All lots front on an existing public or private right-of-way: and
   2. There is no dedication of land to the city or an owners' association.
B. Minor Subdivision Approval Process
   1. Minor subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. Minor subdivisions shall follow the same approval process as a minor development per Section 2.06.03.

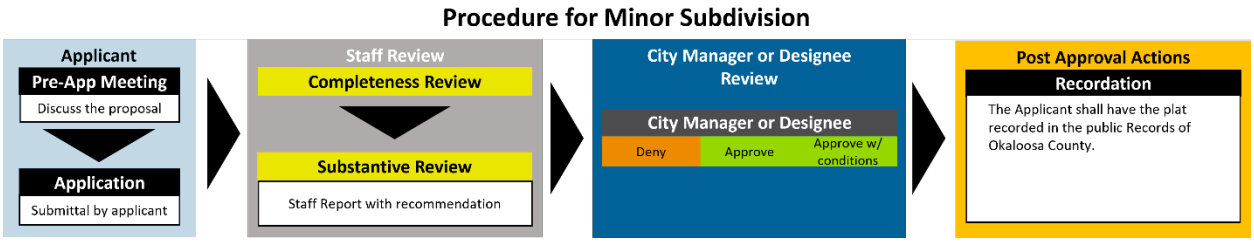
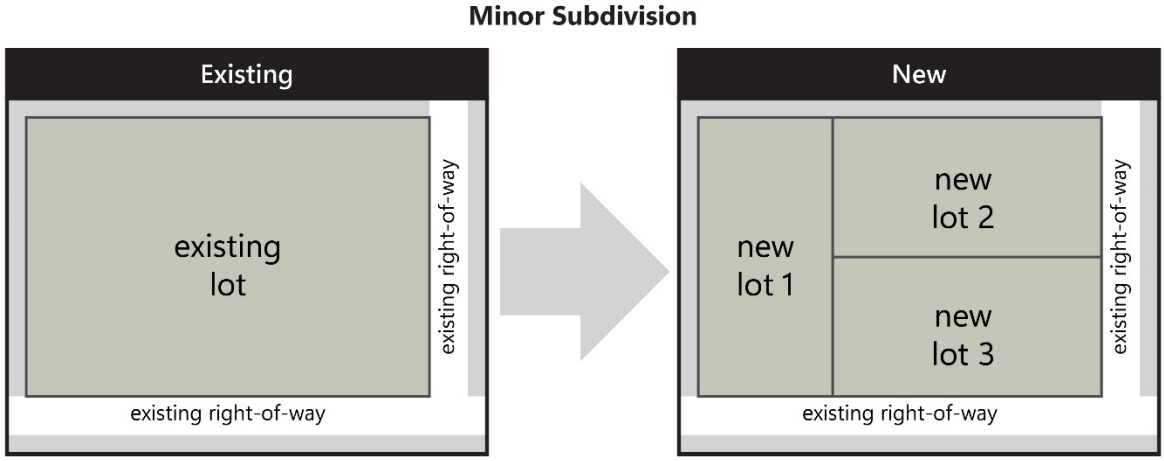


Figure 2-4: Minor Subdivision example



SECTION 2.05.06 MAJOR SUBDIVISION

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

B. Major Subdivision Approval Process
   1. Major subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. Major subdivisions shall follow the same approval process as a major development per Section 2.06.04.

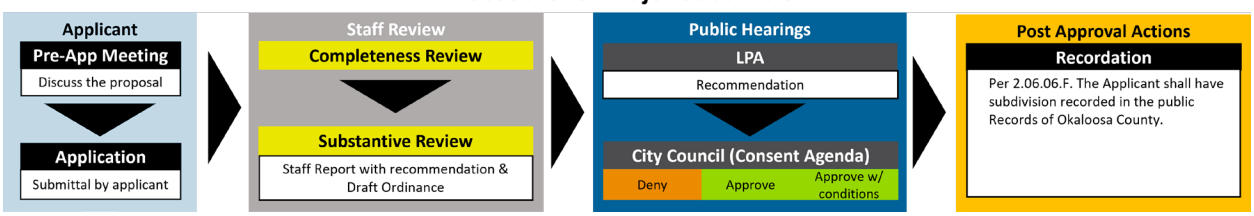
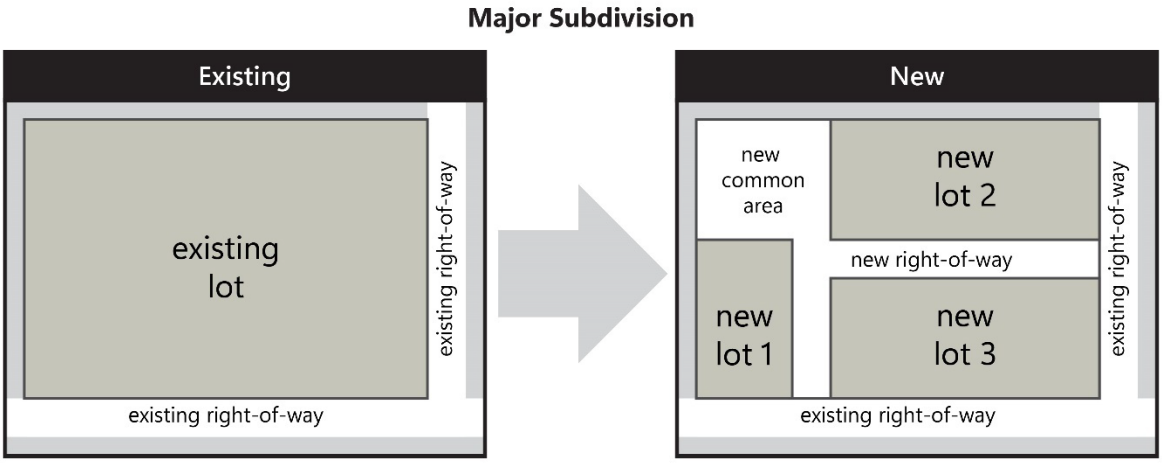


Figure 2-5: Major Subdivision example



SECTION 2.06. LAND DEVELOPMENT APPLICATIONS AND REVIEW PROCESS

The following are development application types that do not include the division of land.

SECTION 2.06.01 GENERAL REQUIREMENTS

A. All proposed developments shall meet current comprehensive plan and LDC requirements for site development.

B. If development is proposed on a site that does not meet the Comprehensive Plan, then:
   1. All new proposed development on site shall meet current comprehensive plan and LDC requirements, and
   2. The site shall elements for access shall be brought up to current regulations, and
   3. No expansion of non-conforming or non-compliant elements shall be allowed.

C. If the proposal is approved, approved with conditions, by the appropriate approval process, the City Manager shall authorize the issuance of a development order that complies with Section 2.02.

D. If the proposal is approved with modifications, the City Manager shall authorize the issuance of a development order that complies with Section 2.02 once the required modifications have been completed and approved by the appropriate TRC members.

E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, and the applicant will lose in-line priority consideration for concurrency.

SECTION 2.06.02 SIMPLE DEVELOPMENTS

A. There is existing development on site, and it does not have a valid or vested development order on the property, lot(s), or parcel(s).

B. The proposed changes do not require review by any external Technical Review Committee agency or entity.

C. The proposed application meets one of the following criteria:
   1. Proposes a change to the use of any structure or land, and the proposed change of use does not require additional parking spaces beyond those already existing on the site.

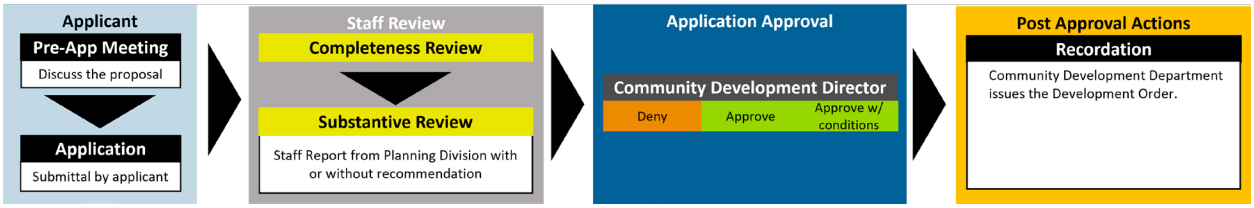
2. Or any proposed changes to existing development will not increase impervious surface area beyond 750 square feet. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements outlined in the City of Destin Design Manual.
3. Does not meet any of the criteria of a minor development per Section 2.05.03 or major development per Section 2.05.04.

D. Simple developments do not apply to the change of use of a single-family home to a Short-term rental.

E. If a property has any previously approved simple development or deviation and the new proposed development after approval would exceed the thresholds established in this Section, it no longer qualifies as a simple development.

F. Simple Development Approval Process
1. Simple developments require notification to adjacent property owners and a notice posted on the property per Section 2.01.04.
2. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed application identified as simple developments.
3. City staff shall make a recommendation to the City Manager or designee based upon the review of compliance with the City's LDC, Comprehensive Plan, other city regulations, or any applicable development order.
4. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with Section 2.02.
5. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code, the application can:
   a. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or
   b. Become null and void.
      1. The applicant will lose in-line priority consideration for concurrency.

Procedure for Simple Developments & Deviations



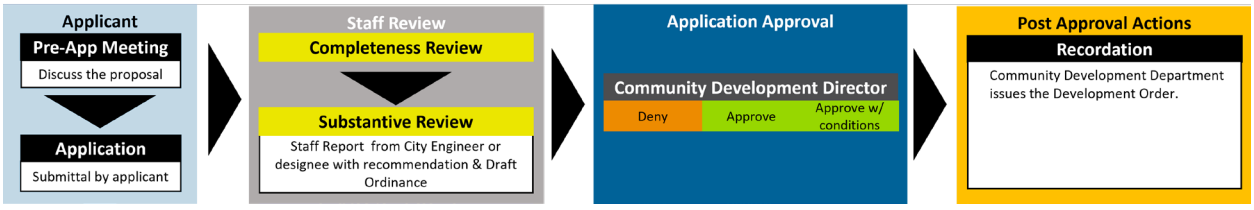
SECTION 2.06.03 MINOR DEVELOPMENTS

A. A development application shall be designated as a minor development if it satisfies one or more of the following criteria:
1. Commercial, industrial, or mixed-use development plans proposing development of 9,999 square feet or less of gross floor area.
2. Development activity of 9,999 square feet or less, such as a park, active recreation, open air development, or similar development, which involves either:
   a. Any change in land use
   b. Any construction of buildings or structures
   c. Any change in the use of any structure or land that generates vehicle trips.

3. Residential development plans consisting of 9 or fewer dwelling units.
4. Minor subdivisions development plans
5. Demolition of a multi-family or non-residential structure or building, unless determined as unsafe by the building official or other regulatory agency.
6. Any application determined by the City Manager or designee needing higher level of review beyond the simple deviation due to:
    a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
    b. It is identified as being of significant interest to the general public.

B. Minor Development Review Process
1. Minor developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
2. Upon review and recommendation of approval by city staff and approval by the TRC, The Community Development Director may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as minor developments.
3. City staff shall make a recommendation to the Community Development Director based upon the review of compliance with the City's LDC, Comprehensive Plan, other city regulations, or any applicable development order.
    a. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.
4. If the proposal is approved or approved with conditions, the City Manager or designee shall authorize the issuance of a development order.
5. If the proposal is approved with modifications, a development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
    a. The applicant will lose in-line priority consideration for concurrency.

Procedure for Minor Developments & Deviations



SECTION 2.06.04 MAJOR DEVELOPMENTS

A. A development application shall be deemed a major development if it satisfies one or more of the following criteria:
1. Non-residential and mixed-use proposing development equal to or greater than 10,000 square feet or more of gross floor area.
2. 10,000 square feet or more of development activity such as a park, active recreation, open air development, or similar development, which involves either:
    a. Any change in land use,

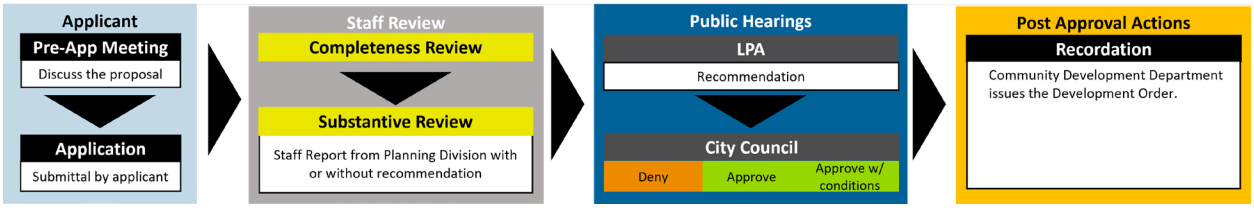
b. Any construction of buildings or structures, or
c. Any change in the use of any structure or land that generates vehicle trips.

3. Residential development plans consisting of ten or more dwelling units.
4. Major subdivisions development plans
5. All Planned Unit Developments (PUDs).
6. New telecommunications towers.
7. Any application submittal identified by the City Manager or designee as needing City Council review due to:
   a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
   b. It is identified as being of significant interest to the general public.

B. Major Development Approval Process

1. Major developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
2. Once the application has been reviewed and approved, approved with conditions, or approved with modifications by the TRC and city staff, staff shall prepare a staff report through the City Manager to the Local Planning Agency (LPA).
3. The LPA, at a publicly noticed quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed development based on the,
   a. Staff Report
   b. The City's Land Development Code,
   c. The City's Comprehensive Plan,
   d. City Ordinances
   e. Public testimony
   f. Information given by the applicant
4. The City Council, at a publicly noticed quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, table, or deny the proposed development after review and consideration of the proposed development based on the,
   a. The LPA's recommendation
   b. Staff Report
   c. The City's Land Development Code
   d. The City's Comprehensive Plan,
   e. City Ordinances
   f. Public testimony
   g. Information given by the applicant.

Procedure for Major Developments & Deviations



SECTION 2.06.05 DEVIATIONS TO DEVELOPMENT

For those applications or properties with active or vested development orders, all changes shall be approved by the City through a deviation to the existing development order.

A. Technical Deviation: Modifications or amendments that become necessary due to technical or engineering considerations, or unknown site conditions that are not in conflict with the criteria for a minor or major deviation listed in this Section.
   1. Technical deviations cannot propose any deviation from the intent and purpose of the approved development order
   2. Any technical deviation shall be the minimum modification to overcome the particular difficulty.
   3. Technical deviations shall not be approved if it conflicts with or cause a violation of any standard or requirement of the Comprehensive Plan, a CRA Master Plan, or the LDC.
   4. Such deviations shall be limited to modifying the following elements:
      a. The distance shown on the approved development plan between any structure or group of structures, and any other structure or group of structures within the approved development.
         1. Deviations to reduce setbacks to the external property line or structure not within the development shall follow the appropriate deviation process as determined by the City Manager or designee.
      b. Vehicular circulation elements
      c. The relocation or increasing the size of any open space
      d. Any stormwater element
      e. Any final grade
      f. The types of landscaping elements and their arrangement within the required landscaping buffer area
      g. Relocation or construction of accessory structures
   5. Technical deviation applications shall follow the same procedures for a simple development as outlined in Section 2.06.02.

B. Simple Deviations to a Development Order: A simple deviation to a development order is an application that requires review only by city staff members involved in the development review process.
   1. Simple deviations to a development order shall be determined by the City Manager or designee using the following criteria:
      a. Proposed changes to the previously approved development do not require review by any external TRC member or entity.
      b. The proposed changes to the development plan only include rearranging or reducing, any:
         1. driveways/accessways,
         2. number of parking spaces,
         3. impervious surface, or
         4. buildings on the subject property.
      c. The proposed changes will bring the property into compliance with the existing stormwater regulations as described in the LDC and the City of Destin Design Manual, without exceeding criteria for other deviations listed below.
   2. Simple deviations application shall follow the same procedures for a simple development as outlined in Section 2.06.02.

C. Minor Deviation to a Development Order: A deviation to a development order shall be deemed minor if it satisfies one or more of the following criteria:

1. A change from the development order that requires the review of external Technical Review Committee members.
2. The addition of floor area or impervious surface for Commercial, Industrial, or Mixed-use developments not to exceed 9,999 square feet total in combination with existing floor area or impervious surface.
3. The addition of land development activity not to exceed 9,999 square feet or less in combination with existing development, of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
   a. Any change in land use
   b. Any construction of buildings or structures
   c. Any change in the use of any structure
4. Demolition of a non-residential or multi-family building, unless determined as unsafe by the building official or other regulatory agency.
5. Minor deviation applications shall follow the same procedures for a minor development as outlined in Section 2.06.03.

D. Major Deviations to a Development Order: A deviation to a development order shall be deemed major if it satisfies at least one of the following criteria:
   1. The addition of gross floor area for Commercial, Industrial, or Mixed-use developments exceeding 10,000 square feet total in combination with existing floor area.
   2. The addition of land development activity exceeding 10,000 square feet of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
      a. Any change in land use
      b. Any construction of buildings or structures
      c. Any change in the use of any structure
   3. Residential development plans proposing additional units that total ten or more dwelling units in combination with existing dwelling units.
   4. Any change to a condition in the development order that was expressly imposed by the City Council.
   5. Any proposed change that adversely affects the compatibility of the existing development.
   6. Any proposed change that the City Manager or designee, determines should be reviewed by the City Council due to the community impact.
   7. Major deviations application shall follow the same procedures for a major development as outlined in Section 2.06.04.

SECTION 2.06.06 DEVELOPMENT AGREEMENTS

A. Development agreements as specified in this Code are proposed developments that require negotiations between local, state, or federal governments, public utility providers, taxing districts and other related agencies, and not to be used for private development.
B. Development agreements are processed by submission of an application by either the City or other entity involved in the development.
C. Based on the proposed development, the Community Development Director shall identify if it is a simple, minor, or major development and the appropriate materials will be required for application submittal per the development checklist in the City of Destin's Design Manual.

1. The corresponding fee shall also apply.
2. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

D. Negotiation of development agreements:
   1. The City Manager or designee shall review the application package and negotiate such further terms and conditions as the City Manager or designee shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
   2. Once the parties agree on the terms and conditions of a development agreement, or if further negotiations are not anticipated, the City Manager or designee and staff shall draft a staff report, including:
      a. Land use types
      b. Density or intensity
      c. Placement of proposed buildings, improvements, and impervious ground cover on the site.
      d. Location, type, and method of maintenance of open space and public use areas, if any.
      e. Preservation of natural features or protection of sensitive lands, if any.
      f. Proposed parking areas and internal traffic circulation
      g. Stormwater management
      h. Water and sewage distribution, collection, and treatment systems.
   3. The existence of a tentative agreement, staff report, or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that,
      a. Any further expenditures by either party would vest any right to continue development.
      b. Nor shall such actions constitute partial performance entitling any party to a continuation or extension of the development agreement.
   4. The City Council, by majority vote, may act to adopt, amend, extend, modify, revoke, or cancel any proposed or existing development agreement at a publicly noticed hearing.
      a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties doing so only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.
      b. In the event state or federal laws are enacted after the execution of a development agreement that creates a non-conformity or non-compliance with the terms or conditions of the agreement, then the agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

E. Development Agreement Requirements:
   1. All development agreements shall, at a minimum, include the following:
      a. A legal description of the land subject to the agreement.
      b. A statement identifying the legal and equitable interest of all parties having any interest in the property described in a. above.
         1. Such statements shall be certified by an attorney-at-law licensed to practice in the State of Florida.
      c. The development uses permitted on the land,
      d. Densities and intensities
      e. Building height.

f. The land use designation under the City of Destin Comprehensive Plan for all property included within the terms of the proposed agreement.
g. The current zoning classification of the property.
h. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
i. The date any new facilities, if needed, will be constructed.
j. A schedule to ensure public facilities will be available and sufficient to meet the development's impacts.
k. A description of any reservations or dedications of land for public purposes.
l. A description of all local development permits approved or needed to be approved for the development of the land.
m. A finding that the development permitted or proposed is consistent with the City of Destin Comprehensive Plan and land development regulations, as required by F.S. § 163.3231.
n. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens.
o. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the parties from complying with the laws and regulations governing permitting requirements, conditions, terms, or restrictions.

2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.

F. Recording the development agreement:
1. Within 14 days after the city enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the official records of Okaloosa County.

G. Periodic review:
1. The city shall review the land and progress of development subject to the development agreement at least once every 12 months to determine compliance with the terms and conditions of the agreement.
2. Fourteen (14) days Prior to the city's review of the status of a development agreement, the developer shall submit a progress report to the City indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.
3. If during the periodic review the City finds based on substantial competent evidence a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Sections 2.01.04. and 2.15 may:
a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
b. Revoke the agreement to protect the public's interest, health, safety, or welfare.

H. Legal status of development agreements:
1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

2. The city's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.
3. The city may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the city determines any one of the following:
    a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
    b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
    c. That such laws and policies are essential to public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or
    d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
    e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

I. Enforcement:
1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. § 163.3220—163.3242:
    a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
    b. The state land planning agency.

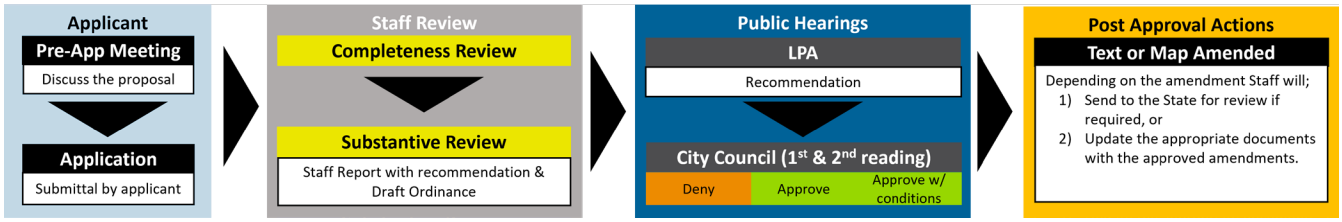
SECTION 2.07 MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW PROCESS

SECTION 2.07.01 PROCEDURES FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, ZONING MAP, OR FUTURE LAND USE MAP

A. The text of this Code, Comprehensive Plan and the official zoning district map or the Future Land Use Map boundaries may be amended or supplemented.
B. Proposed changes may be suggested or recommended by:
    1. City Council
    2. City Manager
    3. Local Planning Agency
    4. Community Development Director
    5. By a property owner
    6. By petition of the owners of 51 percent or more of the area or properties involved in the proposed change.
C. The Community Development Department will review and forward the application and a staff report and draft ordinance with or without a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review at a public hearing, along with a draft ordinance.
D. The LPA will forward the staff report with its recommendation and a draft ordinance to the City Council for consideration at a public hearing.

E. The City Council shall then approve, approve with conditions, table, or deny the application.
F. If approved on first reading at city council, a second reading will be heard at the next available city council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
   1. If State review is required, then the second reading shall occur within thirty (30) days of receiving State approval.

Procedure for LDC text, Zoning or FLUM map, or Comprehensive Plan Amendment

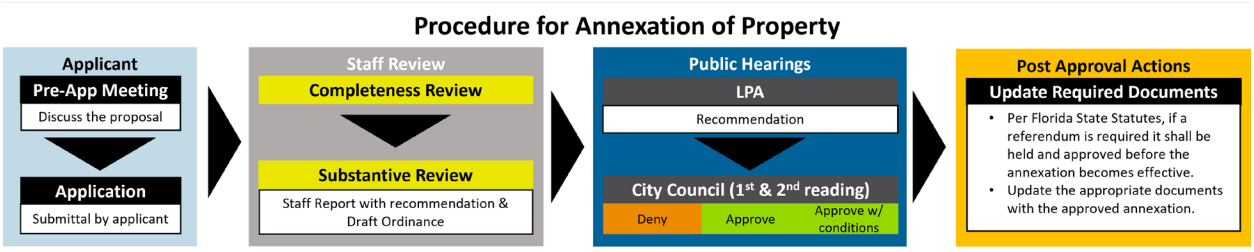


SECTION 2.07.02 ANNEXATION OF PROPERTY

A. Annexation into the city may be initiated by either the City of Destin or by individuals or groups of property owners.
   1. In any instance of annexation, the property proposed to be annexed shall be contiguous to the city limits.
B. The City shall manage growth of the physical city limits without creating hardships and unnecessary costs for existing residents and business owners by properly assessing any city initiated or property owner-initiated request of annexation through:
   1. The promotion of orderly growth by facilitating long-range planning for the provision of municipal services to proposed development and redevelopment areas.
   2. The application of appropriate land use regulations, development and property maintenance standards, fire, and construction codes and environmental regulations.
   3. Ensuring that residents and businesses outside the corporate limits share the tax and maintenance for facilities, streets, and utilities necessary to meet the demand.
C. Annexations may be initiated by:
   1. Any property owner may request annexation into the city if contiguous to the city limits.
   2. The city may initiate annexation of contiguous, compact, unincorporated land in the following ways:
      a. The City may annex enclaves of 110 acres or less through an interlocal agreement with Okaloosa County; except for undeveloped or unimproved real property, pursuant to F.S. § 171.046.
      b. The City may annex an enclave with fewer than 25 registered voters by city ordinance when the annexation is approved in a referendum by at least 60 percent of the registered voters who reside in the enclave, except for undeveloped or unimproved real property, pursuant to F.S. § 171.046.
      c. The city may annex land by referendum election, pursuant to the procedures set forth in F.S. § 171.0413.
D. Annexations Applications:
   1. Annexations whether property owner-initiated or city initiated, shall address in the application, the criteria listed in Section 2.07.02.B. above, and the following if applicable:
      a. Elimination of enclaves. Enclaves are areas of county jurisdiction that are surrounded by the city.

b. Enhance the city economic and tax base: The request shall demonstrate how annexing the proposed area into the city will benefit the City's tax base and not create a deficit in the City's revenue, budget, or create any other financial burden on the City or residents.
c. Impacts on the city's infrastructure: The request shall demonstrate how annexing the proposed area will not create a negative impact upon the City's infrastructure, including but not limited to:
    1. Roads and streets
    2. Stormwater facilities
    3. Other city services

2. The Community Development Department shall develop a staff report and ordinance for review by:
    1. The Local Planning Agency at a public hearing for a recommendation and consideration to City Council.
    2. City Council shall consider at a public hearing the recommendation and determine whether to approve, approve with conditions, table, or deny the request on First reading,
        (i) If approved on first reading at city council, a second reading will be heard at the next available city council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
        (ii) If the Annexation meets the criteria of Section 2.07.02.C.2.c. then the referendum per F.S. § 171.0413 shall be held and approved before the annexation becomes effective.



SECTION 2.07.03 RIGHT-OF-WAY/EASEMENT VACATION

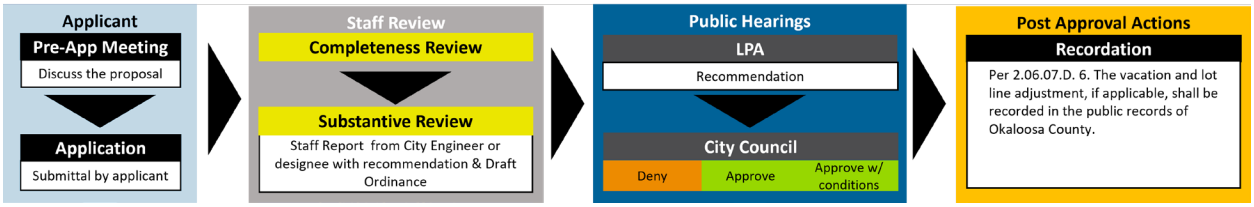
A. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.
B. A Right-of-Way (ROW) or easement vacation involves the abandonment of a Public or Private ROW or easement across or on a lot, parcel, property, or other land.
C. The vacation of ROW results in the directly adjoining property owners of the subject ROW to gain property either:
    1. Fully across the ROW if there is no property subjected to the original plat across the ROW.
    2. To centerline of the ROW if there is a property subjected to the original plat across the ROW
D. The vacation of an easement abandons the rights of the easement holder and releases the property owner of any encumbrances the easement held on or across the subject lot, parcel, property, or other land.

E. Any vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division application type.
   1. If a plat is not applicable, then the most appropriate Land Division process shall be initiated in conjunction with the vacation application at the applicant's expense.

F. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.

G. Right-of-Way/Easement Vacation Approval Process
   1. Vacations require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. If vacated, the right-of-way is divided equally to adjacent property owners. It is the responsibility of the applicant(s) to complete all required applications and approvals which may result from such a vacation.
   3. All applications for a right-of-way or easement vacation shall follow the following procedures:
      a. If the request requires the reconfiguration of lot lines or the subdivision of a parcel or a lot of land, the appropriate application per Section 2.05. shall be applied for and run concurrently with the vacation application.
      b. City staff shall contact all utility providers or various stakeholders for input on the proposed vacation.
      c. The City Engineer or designee shall forward a staff report with a recommendation to the Local Planning Agency (LPA) at a public hearing.
      d. The LPA shall forward a recommendation to approve, approve with conditions, or deny the request to the City Council.
      e. City Council may, upon receiving the recommendation of the LPA, approve, approve with conditions, table, or deny the application to vacate a ROW/easement based upon the following criteria:
         1. The requested vacation is consistent with the Comprehensive Plan.
         2. The ROW does not provide sole access to any property.
         3. The vacation would not jeopardize the current or future location of any utility.
         4. The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.
         5. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.
         6. Any proposed vacation of Scenic Highway 98 shall require a voter approved ballot referendum.
      f. If City Council approves or approves the application with conditions, the applicant shall record the new lot configuration in the public records of Okaloosa County.
      g. If the City Council denies a vacation request, the applicant shall wait one (1) year before reapplying for reconsideration.

Procedure for Right-of-Way / Easement Vacation



SECTION 2.08 PLANNED UNIT DEVELOPMENT APPLICATION AND REVIEW PROCESS

SECTION 2.08.01 PURPOSE AND INTENT

A. The Purpose of a Planned Unit Development (PUD) is to implement the purpose statement of the zoning district and Planning Area in which the project is located, utilizing an alternative approach to the design of the property, and related physical facilities. A PUD incorporates special development characteristics, which help achieve city goals identified in the adopted Strategic Plan, Comprehensive Plan, and Master Plans of the Community Redevelopment Areas (CRA), if applicable, and provide an overall benefit to the community as determined by the PUD objectives.

B. The intent of the proposed PUD shall:
   1. Encourage efficient use of land and resources, promoting greater efficiency in public and utility services.
   2. Encourage innovative development through new planning and building practices or trends.
   3. Develop an enhanced product that exceeds the minimum requirements of the LDC compared to a development implementing the strict application of the LDC.
   4. Implement compatibility with adjacent and nearby land developments.

SECTION 2.08.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

A. The City Council may approve, approve with conditions, or deny a PUD based upon the following standards:
   1. PUD Objectives: The PUD shall meet the purpose statement of the PUD, and
      a. Shall achieve at least five (5) of the strategies from the objectives as outlined in Section 2.08.04.
         1. No more than two (2) strategies can be utilized per objective to meet the minimum of five (5) strategies.
         2. No strategy may be utilized more than once per PUD proposal.
      b. Demonstrate why modifications to the zoning regulations are necessary to meet the purpose and intent for a PUD.
      c. The City Council should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a PUD, and
   2. Compatibility and Design: The proposed PUD is appropriately designed, consistent, and compatible with:
      a. Adopted policies set forth in the City of Destin Comprehensive Plan and appropriate Planning Area.
      b. Adopted Community Redevelopment Area Master Plan applicable to the site where the PUD will be located.
      c. The proposed PUD shall meet the purpose and intent of the Planning Area where the project is located.
   3. Design and Compatibility: The proposed PUD will be located and is designed to achieve a more enhanced product, design, and compatibility by demonstrating:

a. The project will result in a more enhanced product than would be achievable through strict application of the land use regulations.
b. The scale, mass, and intensity of the proposal is compatible with the neighborhood and Planning Area where the PUD will be located.
c. The proposal is compatible with the building and site design policies stated in an applicable Comprehensive Plan/Master Plan.
d. The building orientation in the proposal is compatible with the neighborhood where the PUD will be located and/or the policies stated in the Comprehensive Plan and/or applicable Master Plan related to building and site design.
e. The building setbacks along the perimeter of the development:
    1. Maintain the visual character of the neighborhood and the character described in the Comprehensive Plan and/or applicable Master Plan.
    2. Provide sufficient space for private amenities.
    3. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
    4. Provide adequate sight lines to streets, driveways, and sidewalks.
    5. Provide sufficient space for maintenance.
f. The building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction.
g. The lighting is designed for safety and visual interest while minimizing impacts on surrounding property.
h. The dumpsters, loading docks and/or service areas are appropriately located and screened.
i. The parking areas and internal vehicular networks are appropriately buffered from adjacent uses.

4. Landscaping: The proposed PUD preserves, maintains and/or provides native landscaping where appropriate by demonstrating:
    a. That mature native trees located along the periphery of the property and along the street will be preserved and maintained.
    b. That existing landscaping that provides additional buffering to the abutting properties will be maintained and preserved.
    c. That proposed landscaping is designed to lessen potential impacts created by the proposed PUD.
    d. Whether proposed landscaping is appropriate for the scale of the development.
5. Mobility: The proposed PUD supports citywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood by demonstrating:
    a. The drive access to local streets will not negatively impact the safety, purpose, and character of the street.
    b. The site design considers safe circulation for a range of transportation options including:
        1. Safe and accommodating pedestrian environment and pedestrian-oriented design, and orientation to transit where available; and
        2. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
        3. Minimizing conflicts between different transportation modes.
    c. The site design of the proposed development promotes or enables access to adjacent uses and amenities.
    d. The proposed design provides adequate emergency vehicle access; and

e. The loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.

6. Existing Site Features: The proposed PUD preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.
7. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
8. Supplemental Standards:
   a. Where a proposed PUD is directly adjacent to either the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, and bayous, or the property encompasses private beach, the proposed PUD shall include the following and will count towards two (2) of the five strategies required:
      1. A ten-foot (10') wide minimum public access easement(s) from publicly accessible land to the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach; and
      2. Dedication of land or beach property or a public easement to the city for the purposes of public use of Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach, at a minimum of:
         (i) one-hundred feet (100') land ward from wet sand or shoreline; and
         (ii) one-hundred feet (100') of beach front.
            (a) If the project consists of less than one-hundred feet (100') of beach front, then the entire beach front access shall be dedicated or provided by a public access easement.
      3. A minimum of ten parking space per one-hundred feet of beach front and shall meet ADA standards.
   b. Where a PUD is proposed in the Town Center CRA (TCCRA) Objective 3, Strategy 1 shall be utilized with 20% of the units set to 80% AMI and will satisfy all five (5) required points.
      1. The affordable housing shall also be maintained by deed restrictions or other documentation that holds the affordability in perpetuity.
   c. If a PUD is proposed in the Town Center Commons Planning Area but outside of the TCCRA, affordable housing shall be implemented.
      1. Points will be awarded towards the required five (5) points based on the percentage of units offered at 80% AMI or below as shown in Table 2.08-2 of Section 2.08.04.

B. When approving a PUD, City Council may change, alter, modify, or waive the following provisions of LDC:
   1. Zoning And Subdivision Regulations: Any provisions of the city's zoning or subdivision regulations as they apply to the proposed PUD.
      a. Exceptions: The following elements of the zoning or subdivision regulations shall not be changed, altered, modified, or waived by the PUD process
         1. Uses: City Council shall not approve any use that is not allowed in the zoning district in which the PUD is located.
         2. Parking: The parking facility must be located within the PUD area and can only be used for the uses within the PUD.
         3. Building Height: Building height shall not exceed the allowed maximum height of the underlying zoning district.
         4. Density: Residential PUDs shall not exceed the density limitation of the zoning district or Future Land Use Designation of the Comprehensive Plan where the PUD is proposed except as allowed below.

(i) The calculation of PUD density may include open space acreage that is provided as Community Benefit and public amenity, open to the public, whether privately owned or dedicated to the public.

b. Screening: Screening for solid waste, mechanical equipment, or other elements as required by the LDC or Design Manual.

c. Signs: Signs shall not be reviewed or approved through the PUD process. Additionally, requests to exceed any dimensional limitation of signage shall not be considered in any review of a PUD application.

d. Landscaping: Landscaping shall meet the minimum requirement of the underlying zoning district.

SECTION 2.08.03 MINIMUM AREA

A. A proposed PUD shall have a minimum net lot area of five (5) acres or more for any parcel or tract of land under single ownership or control.

SECTION 2.08.04 COMMUNITY BENEFIT

A. A PUD shall apply and implement the following objectives per Section 2.08.02.A.1, through the PUD process. Each objective includes strategies that are intended to be used to determine if an objective has been accomplished through a specific proposal of the PUD:

1. Objective 1 - Open Space and Natural Lands: Preserving, protecting, or creating open space and natural lands:
   a. Strategies:
      1. Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds, public beaches, or other similar types of facilities.
      2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
      3. Development of connected greenways and/or wildlife corridors.
      4. Daylighting, or exposing streams, creeks, drainage areas or other water bodies that have been covered, filled, or piped.
      5. Inclusion of local food production areas, such as community gardens.
      6. Clustering of development to preserve open spaces.
2. Objective 2 - Historic Preservation: Preserving, protecting, or creating historic areas within the city.
   a. Strategies:
      1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
      2. Preservation of, or enhancement of, historically significant landscapes that contributes to the character of the city and contributes to the general welfare of the city's residents.
3. Objective 3 - Housing: Providing affordable housing or types of housing that helps achieve the city's housing goals and policies:
   a. Strategies:
      1. Affordable housing developed for those with incomes that are at or below eighty percent (80%) of the Area Median Income (AMI).
      2. The proposal includes housing types, excluding detached single-family housing, which are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.

3. The following points will be awarded, at the following rates, towards the required five (5) points based on percentage of units offered at 80% AMI or below.

Table 2.08-2 Points awarded for Affordable Housing
a. 2 points for 5% of units
b. 3 points for 10% of units
c. 4 points for 15% of units
d. 5 points for 20% of units

4. Objective 4 - Mobility: Enhances accessibility and mobility:
   a. Strategies:
      1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.
      2. Improvements that encourage transportation options other than just the automobile which excludes the required transportation infrastructure.
5. Objective 5 - Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:
   a. Strategies:
      1. Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
      2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.
      3. Site Planning: Design and inclusion of a mix of uses to encourage the reduction of resource consumption and impacts to public facilities or services.
6. Objective 6 - Comprehensive Plan/Master Plan Implementation: A project that implements a specific Goal, Objective, or Policy of the adopted Comprehensive Plan or Master Plan.
   a. Strategies:
      1. A project that implements a specific goal, objective, or policy of the adopted Comprehensive Plan or Master Plan not related to compliance standards listed in Section 2.08.02.

SECTION 2.08.05 PROCEDURES

A. Application: The applicant must file a complete application for PUD review with the Community Development Department containing the following information. Certain information may be deemed unnecessary to adequately evaluate the application by the Community Development Director.
   1. A complete written description, with supporting graphics, of the proposed PUD including:
      a. How the proposed PUD meets the purpose and Intent of these PUD regulations.
      b. The zoning regulations being modified in the PUD.
      c. The Comprehensive Plan or CRA Master Plan objectives, goals, and policies being met.
      d. How the proposed PUD is compatible with other properties in the neighborhood(s).
      e. What and how the proposed PUD provides and meets the community benefit requirement per Section 2.08.04.
   2. Existing conditions surveys
   3. Site plan depicting all proposed development
   4. Architectural graphics including elevations, profiles, conceptual floor plans and cross sections

5. Preliminary subdivision plat or final plat, if applicable or required
6. Traffic impact analysis
7. A statement describing the care and maintenance of all open space or recreational facilities.
8. Other information or documentation the Community Development Director may deem necessary for proper review and analysis of a particular application.

B. Application Review
   1. Review of the application will follow the same procedures as the major development process per Section 2.06.03.
   2. Any other required supplemental applications for a proposed PUD, such as subdivision or plat of land, will follow the applicable process per this Article.

C. Authority: The City Council, following a recommendation from the Local Planning Agency, may approve PUDs for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this Article and other regulations applicable to the district in which the property is located.

D. City Council Decision:
   1. A request for a PUD does not constitute an assurance or presumption of approval.
   2. A proposed PUD shall be evaluated on an individual basis, in relation to its compliance with the following to determine whether the PUD is appropriate and compatible in the proposed location:
      a. The standards of this Section
      b. The standards for the zoning district in which it is located
      c. Other standards and regulations within this Code
      d. Comprehensive Plan and other city ordinances
   3. The City Council may approve or approve with conditions as necessary or appropriate for the PUD to comply with the standards and factors set forth in this Section.
   4. The City Council may approve any PUD with modifications, and the subsequent development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
   5. The City Council may deny an application for PUD if it finds that the proposal does not meet any of the criteria below:
      a. Does not meet the intent of the base zoning district.
      b. It is not appropriate or compatible with the Planning Area as outlined in the city's adopted Comprehensive Plan.
      c. Does not meet the purpose and intent of this Article.
      d. It is not consistent with the standards and factors set forth in this section.
      e. Other criteria not listed here but linked to any Strategic or Comprehensive Plan goal, policy, or objective, or if it does not meet the minimum criteria of the LDC.

E. Any person adversely affected by a final decision of the City Council may appeal per Section 2.12.02.

SECTION 2.08.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT

A. No PUD approval shall be valid for a period longer than one year unless:
   1. A building permit has been issued, or
   2. Complete building plans have been submitted to the Building Division of the Community Development Department and are under review.

B. If a PUD expires, the applicant loses rights to all approvals pertaining to the proposed PUD.

C. The City Manager or designee may grant one extension of a PUD for up to one additional year from previous approval date:

1. The application materials required for an extension request shall meet the same requirements for a development order extension as outlined in Section 2.02.02.H.
2. PUD Extension requests must be submitted 60 calendar days prior to the expiration of the PUD approval.

D. If a PUD expires the applicant may request to reinstate the PUD for twelve (12) months, by requesting a public hearing before City Council, within six (6) months after expiration.
   1. The application materials required for an extension request shall meet the same requirements for a development order extension as outlined in Section 2.03.02.E.
   2. If a PUD expires and is reinstated, it shall not be allowed to request an extension or another reinstatement.

SECTION 2.08.07 DEVIATIONS TO A PLANNED UNIT DEVELOPMENT

A. Following PUD approval, the development plan approved by the City Council shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the PUD process.
B. Deviations or amendments to the PUD may be allowed pursuant to this Section.
   1. No deviation shall be made in the construction, development, or use without a new application under the provisions of this Article.
   2. Any deviation to the approved development plan not authorized by the original approval or any subsequent approved modification or amendment of this section shall be considered a modification.
   3. Major Deviations:
      a. Major deviations are deviations from a final approved development plan, including any change; to
         1. A condition in the development order that was expressly imposed by the City Council; or
         2. Any change that adversely affects the compatibility of the proposed project; or
         3. Any change that the City Manager or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change; or
         4. Any characteristic of the approved PUD including but not limited to the following:
            (i) Any increase of the total building footprint by 10% or more.
            (ii) Any increase in density, not to exceed the underlying zoning district, or Future Land Use Designation in the city's comprehensive plan.
            (iii) Any decrease in open space.
            (iv) Any increase or decrease in parking spaces by 10% or more.
            (v) Request for additional uses not previously considered in the original approval.
            (vi) Any increase of an originally approved use by, square footage, parking requirements, slip count or increase of capacity of use.
            (vii) Any reduction of external setbacks, not to exceed the minimum setbacks as required by the underlying zoning district.
            (viii) Any reduction of approved landscaping or tree canopy cover by 10% or more, not to exceed the required minimum landscaping requirement.
            (ix) Any alteration of the overall design theme or defining exterior or site architectural characteristics.
      b. Such major deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to achieve the intent of the deviation and shall

not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.

c. Major deviations applications shall follow the same procedures as a major development application outline in Section 2.06.04. of this Article.

C. Minor Deviations:
   1. Minor deviations are deviations to an approved PUD that is not a major deviation nor a technical deviation as identified in Section 2.06.04.
   2. Such minor deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
   3. Minor deviation applications shall follow the same procedures for a minor development as outlined in Section 2.06.03.

D. Technical Deviation: Deviations that appear necessary considering technical or engineering considerations and not in conflict with any minor deviation per Section 2.06.03 or a major deviation per Section 2.06.04.
   1. Such technical modifications shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
   2. Such deviations shall be limited to modifying the following elements:
      a. The distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures.
         1. Except, a modification that decreases the setback between a proposed building and an existing building or property line external to the proposed PUD.
      b. Vehicular circulation element
      c. The location or increasing the size of any open space
      d. Any stormwater element
      e. Final grade
      f. The types of landscaping elements and their arrangement within the required landscaping buffer area
      g. Relocation or construction of accessory structures

E. Technical modifications or amendments application shall follow the same procedures for a simple development as outlined in Section 2.06.02.

SECTION 2.08.08 DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED UNIT DEVELOPMENTS

A. PUDs, approved under this Article, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.
   1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer shall calculate initial cost estimates for maintenance and capital improvements of all infrastructure for the PUD for a period of fifty (50) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the PUD, whichever is later.
      a. The initial disclosure estimates shall cover all private infrastructure items and shall be prepared for five (5) increments of ten (10) years each.

b. Infrastructure cost estimates shall include roads, sidewalks, curbs, gutters, water, and sewer pipes and related facilities, drainage systems, landscaped or paved common areas, and other similar facilities ("infrastructure")

2. Initial Estimate Disclosure: The following measures shall be incorporated to ensure owners and future owners receive adequate disclosure of potential infrastructure maintenance and replacement costs:
   a. The cost estimate shall be recorded with and referenced on the recorded plat for any PUD.
   b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned, and the maintenance, repair, replacement, and operation of the infrastructure is the responsibility of the property owners or owner association and shall not and will not be assumed by the city.
   c. If there is no plat associated with the PUD, then a notice shall be recorded in the public Records of Okaloosa County on all properties affected and involved in the PUD.
   d. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, and upon all future purchases for the duration of the fifty (50) year period.
3. Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the PUD of:
   a. The estimated yearly expenditures for maintenance, repair, operation, or replacement of infrastructure
   b. The actual expenditures incurred, for maintenance, repair, operation, or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
4. Maintenance Responsibilities: The property owners in a PUD shall be collectively and individually responsible, on a pro-rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the PUD is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

SECTION 2.09 MARINE CONSTRUCTION APPLICATIONS

SECTION 2.09.01 PURPOSE AND INTENT

A. Marine construction in Destin requires compliance with the Marina Siting in Section 7.02 and may require review by the Harbor and Waterways Board (HWB) and or City Council, to preserve and protect one of Destin's premier natural resources, the Destin Harbor and waterways that fall within the city's jurisdiction.

B. The bodies of water and waterways under the jurisdiction of the City of Destin for the purposes of enforcement of this Code are:
   1. The Destin Harbor
   2. The canals of Holiday Isle
   3. Indian Bayou (If the upland property is within the city limits)
   4. Joe's Bayou
   5. Marler Bayou

6. Choctawhatchee Bay (If the upland property is within the city limits)

SECTION 2.09.02 MARINE CONSTRUCTION PROJECT CATEGORY

A. Marine Construction Classification: The following includes the three categories and category criteria:
   1. Category 1: Marine Construction projects shall be considered Category 1 if one of the following criteria applies:
      a. Residential docks eligible for self-certification from Florida Department of Environmental Protection (FDEP)
      b. Boat lifts in existing slips
      c. Upland slips
      d. Seawalls that are upland of the declared mean high-water line
      e. Seawalls that are waterward of the declared mean high-water line that are exempt from Florida Department of Environmental Protection review.
   2. Category 2: Marine Construction projects shall be considered Category 2 if any of the following criteria applies:
      a. Residential docks not qualifying for FDEP self-certification
      b. Residential docks with 3-9 slips
      c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval
      d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties
      e. Seawalls that are waterward of the declared mean high-water line that are not exempt from Florida Department of Environmental Protection review.
   3. Category 3: Marine Construction projects shall be considered Category 3 if any of the following criteria applies:
      a. Residential docks with 10 or more slips
      b. Commercial docks
      c. Other non-residential docks
      d. Oil abatement plans
      e. Dredge and/or Fill requests
         1. Application Materials require proof of submittal to state and federal agencies as applicable.
         2. Proposed dredge and fill applications require a Marine Construction Permit review and shall have state and federal approvals at time of Marine Construction permit application submittal.

SECTION 2.09.03 HARBOR AND WATERWAYS BOARD REVIEW

A. Written notice for all Harbor and Waterways Board reviews shall be required by Certified mail and shall only be provided to:
   1. Adjacent property owners
   2. Owners of property on the opposing shore for water bodies less than 100 feet in width
B. Category 1 Marine construction applications do not require Harbor and Waterways Board review and are reviewed through a building or marine construction permit application as outlined in Section 2.09.05.

C. All marine construction applications deemed Category 2 shall require submittal of a Harbor and Waterways Board application.
   1. Category 2 and 3 applications are reviewed by the HWB during a public hearing for recommendation to City Council.
   2. A complete application must be received a minimum of 30 days prior to the Harbor and Waterways Board meeting.
      a. Applications will not be scheduled for a meeting until all required materials have been received.
   3. All objections received before the meeting will be forwarded to the HWB prior to the public hearing.
   4. All objections heard during a public hearing of the HWB will be forwarded to City Council.

D. All marine construction applications deemed Category 3 shall require review by the Harbor and Waterways Board for recommendation to City Council for review at a public hearing.

Section 2.09.04 City Council Review

A. All marine construction applications deemed Categories 2 or 3 shall require review and approval by City Council prior to the issuance of any building permits and the start of construction.
   1. Category 2 applications shall be reviewed by City Council on the Consent Agenda during a publicly noticed meeting.
   2. Category 3 applications shall be reviewed by City Council at a publicly noticed meeting during a public hearing per Sections 2.01.04. and 2.15.

B. The City Council shall approve, approve with conditions, or deny the application at the next available regularly scheduled City Council meeting.

C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

Section 2.09.05 Marine Construction Permits

A. All marine construction permits must be obtained within one (1) year of final approval by the City.
   1. If construction permits are not obtained within one (1) year, the applicant may resubmit a new marine construction application.
   2. All marine construction permits must remain valid or be completed. If any permit becomes invalid, an applicant must follow any process and review required by Section 2.09 to reinitiate construction.

B. Approval of all applicable state or federal permits is required at the time of marine construction permit application submittal.

C. The project will be subject to all current regulations of the city at the time of permit submittal.

D. Marine Construction permits must be obtained in accordance with Section 2.14.03.

Section 2.10 Conditional Use and Certificate of Appropriateness Review Process

Section 2.10.01 Conditional Uses

A. The following shall apply to all applications for a conditional use in any zoning district:
   1. A complete application for any conditional use shall be filed and approved before any development permit or change of use can be approved.

2. An application for a conditional use shall include:
   a. A narrative describing how the proposed development meets the following criteria.
      1. Land use compatibility: The applicant shall demonstrate the conditional use is compatible and harmonious with adjacent land uses and the general character of the area. This includes but is not limited to:
         (i) An analysis of the proposed scale, density or intensity, traffic-generating characteristics, and off-site impacts.
         (ii) A statement and description of compatibility of the proposed use(s) with adjacent land uses and how the use(s) will not adversely impact land use activities in the immediate vicinity.
      2. Sufficient Size: The site shall meet the minimum standards required per the applicable zoning district and will be capable to accommodate urban design enhancements such as, but not limited to:
         (i) Screening, buffers, landscaping, and open space
         (ii) Off-street parking, efficient internal traffic circulation
         (iii) Infrastructure needed to mitigate against potential adverse impacts of the proposed use.
      3. Mitigative Techniques: The applicant shall demonstrate that the conditional use and site plan are designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses.
         (i) The design scheme shall address all off-site impacts to the immediate vicinity, including community infrastructure, to ensure the adverse impacts are not detrimental to the general public health, safety, and welfare.
      4. Hazardous Waste: No use generating hazardous waste or using hazardous materials shall be located in the city unless the location is consistent with the Comprehensive Plan and this Code.
         (i) Any proposed use generating hazardous waste or that requires hazardous materials for its operations shall use city, state, or federally approved mitigative techniques to prevent all adverse impacts to the general health, safety, and welfare.
         (ii) If hazardous waste or materials are generated or utilized, all applicable state and federal regulations shall be met.
         (iii) The site plan shall identify all hazardous waste and hazardous material areas and shall utilize the best management principles and practices.
         (iv) The use shall not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
      5. Proliferation of Uses: Over-proliferation of similar uses within a zoning district shall not be permitted. The applicant shall demonstrate the use is not being overproliferated with their proposal.
         (i) The City Council shall review the existing uses within the zoning district to determine whether a conditional use shall be approved or denied.
      6. Compliance with applicable laws, regulations, and ordinances: The applicant shall demonstrate compliance with all applicable local, state, or federal laws, regulations, and ordinances.

(i) If permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use to protect the public health, safety, and welfare.

b. The narrative shall also describe the following characteristics:
   1. Traffic generation
   2. Square feet of enclosed building for each specific use
   3. Proposed employment
   4. Proposed number and type of service vehicles
   5. Off-street parking needs
   6. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
   7. Include a description of any measures proposed to mitigate any possible adverse impacts on properties in the immediate vicinity

c. A site plan that shows the nature of the proposed development identifying the following if applicable:
   1. Land use types
   2. Density or intensity
   3. Placement of proposed buildings, improvements, and impervious ground cover on the site
   4. Location, type, and method of maintenance of open space and public use areas if any
   5. Preservation of natural features or protection of sensitive lands if any
   6. Proposed parking areas and internal traffic circulation
   7. Stormwater management
   8. Water and sewage distribution, collection, and treatment systems.
   9. Open space
   10. Setbacks from adjacent properties
   11. Screening and buffers
   12. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites

d. Off-site improvements required to mitigate impacts of the conditional use such as but not limited to:
   1. Utilities
   2. Public facilities, especially any improvements required to ensure compliance with concurrency management
   3. Roadway or signalization improvements, or other similar improvements
   4. Accessory structures or facilities
   5. Other unique facilities/structures proposed as part of site improvements

3. If any of the above-listed characteristics or on or off-site elements do not apply to the project, the applicant shall state in the narrative why it is not applicable.

B. Approval for Conditional Uses:
   1. The LPA, at a quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed conditional use based upon the applicable criteria, this Code, the comprehensive plan, and city ordinances.

2. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed development after review and consideration of the proposed development based on the LPA's recommendation, applicable criteria, this Code, the comprehensive plan, and city ordinances.
3. Conditional use shall be denied if the City Council determines whether the proposed conditional use does not meet the criteria provided in this section or the proposed conditional use is averse to the public's interest.

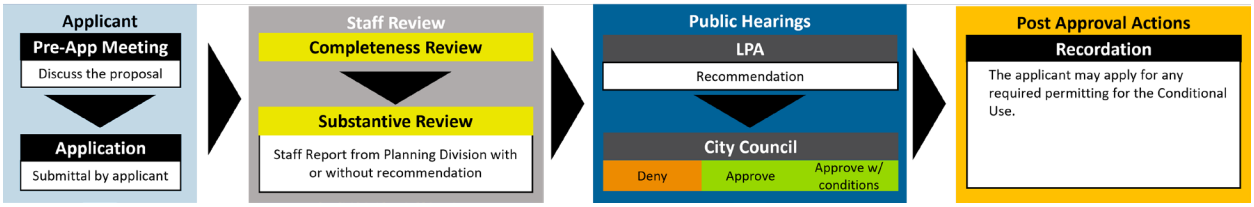
C. If the proposed conditional use requires a development order the appropriate development application type shall be identified per this Article and the appropriate application process shall be followed.

D. If the proposed conditional use requires any development order, the conditional use and development order shall run concurrently, and one shall not be approved before the other.

E. If an applicant desires to change the use of an existing structure on a site and the property is located within the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay, the applicant is required to apply for a certificate of appropriateness with the conditional use per Section 2.10.03.

F. Appeals of the City Council on a conditional use application are by writ of certiorari to the circuit court.

Procedure for Conditional Uses



SECTION 2.10.02. CONDITIONAL USES IN OVERLAY DISTRICTS

A. In addition to the criteria and processes outlined in Section 2.10.01. Conditional uses proposed in the Harbor or Zerbe-Calhoun Historic Overlay Districts should meet the following intents and standards.

1. The Harbor District Overlay and the and the Zerbe-Calhoun Historic District Overlay intend to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history, or by providing significant examples of architectural styles of the past. To accomplish this the district may develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses in these overlay districts should meet one or more of the following criteria:
   a. Historical significance: Proposed changes of use, developments, or redevelopments in the overlay district, should show character, interest, or value as part of the development, heritage, or cultural characteristics of the harbor area, or exemplify the cultural, political, economic, or social heritage of the City of Destin.
   b. Architectural significance: Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s)

and embody those distinguishing characteristics of an architectural type and contain elements of architectural design, detail, materials, or craftsmanship that represent a significant era in the history of the Destin Harbor area.

c. Environmental significance in the Harbor District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-mad environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.

d. Environmental significance in the Zerbe-Calhoun Historic District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Zerbe-Calhoun area by the protection of the unique natural and manmade environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the Bay.

e. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the overlay, the provisions of the underlying zoning district shall apply.

SECTION 2.10.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS

A. The certificate of appropriateness intends to allow the preservation of historically significant structures and/or property in the Harbor and Zerbe-Calhoun Overlay Districts.

B. The City Council may grant a certificate of appropriateness to an applicant seeking to preserve an existing structure constructed prior to 1975 on a site which is deemed historically, architecturally, or environmentally significant.

C. A certificate of appropriateness shall meet one or more of the criteria listed in Section 2.10.02.

D. To further the intent and purpose of Harbor District Overlay and Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify the following requirements of this Code:
   1. Parking requirements
   2. Requirements for lot area, width, depth
   3. Building setbacks
   4. Open space

E. The City Manager or designee may determine there is a serious threat to public health, safety or welfare, and the waivers listed in paragraph D of this section shall not be granted.

F. A property owner may apply to designate a structure or site as significant pursuant to this section. Such an application may include a request for a conditional use, if applicable.

G. Applications for a certificate of appropriateness (with or without a conditional use) shall be submitted to the Community Development Department and shall include:
   1. A narrative detailing why the property or structure is historically, architecturally, or environmentally significant.
   2. A narrative demonstrating the property or structure meets the criteria listed in Section 2.10.02.
   3. A signed, sealed survey of the existing conditions of subject property, dated within six (6) months of the application date.

H. City staff and the City Land Use Attorney shall review a certificate of appropriateness (with or without a conditional use) application for sufficiency and shall forward the request to the City Council through the City Manager.

I. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed certificate of appropriateness after review and consideration of the applicable criteria, this Code, the comprehensive plan, and city ordinances.

J. If the proposal is approved, the City Council shall issue a certificate of appropriateness by final order as evidence of the approval under the terms of the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay.
   1. The order shall include findings of fact and conclusions of law detailing:
      a. The certificate of appropriateness (with or without a conditional use) approves the,
         1. Uses
         2. Structures
         3. Parking, (as applicable)
         4. Any other items depicted on the survey
         5. Any city code waivers authorized by approval of the survey submitted by the applicant,
         6. The change of use and development or re-development depicted on the survey has been made are approved by the City Council
         7. Any action by applicants following issuance of a certificate of appropriateness shall be in accord with the application and material approved and any conditions or modifications approved by the City Council.
      b. The elements listed above may continue use as is until such time that the applicant abandons the uses for a period of at least 180 days.

K. Nothing in this section releases the applicant from any requirement to obtain a Business Tax Receipt on the subject property, if applicable.

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

SECTION 2.11 CHANGE OF USE APPLICATION AND REVIEW PROCESS

SECTION 2.11.01 CHANGE OF USE APPLICABILITY AND CRITERIA

A. Existing developments are required to be consistent with existing development order(s) and city, state, or federal regulations as applicable when changes in the use or modifications to the site are proposed.

B. A change of use permit shall be required for any property, lot, parcel of land, structure, or site for the following changes, which includes all permanent, temporary, and seasonal uses:
   1. A property, structure, or portion thereof is, or is proposed to be, a different land use than the approved use or existing use.
   2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to:

a. Additional required parking
b. Structure or site modifications
c. Impacts affecting the public welfare, as determined by the City Manager or designee.

3. The addition of a use to a site with a single-use or multiple uses currently in operation.
4. The addition of more of impervious surface or gross floor area to any structure.
5. Any change of use upon the property affecting the current condition of the property, any structure, or any pervious or impervious surface.
6. Any change of use/development of building/structure/parcel of land that generates vehicle trips above current levels at the property location.

C. Proposed changes or expansions to a space may be permitted once reviewed and approved through the change of use process and:
   1. The property is compliant with applicable city, state, or federal regulations as applicable, or with an applicable development order.
D. The City Manager or designee may determine whether a development order is necessary if the proposed change of use meets any of the land development application types criteria listed in Section 2.06.

SECTION 2.11.02 CHANGE OF USE APPLICATION REVIEW AND APPROVAL

A. Any proposed change of use shall require an application to be submitted to the City for review of the existing conditions against the new proposed condition and impacts.
   1. Staff may require review by any TRC member if the change of use is identified as affecting their services.
      a. If the TRC member charges a fee for their review or there is a 3rd party review required, the applicant will be required to pay for this extra cost.
B. An application must include all information and supplemental items required in the City of Destin Checklist at a minimum.
   1. Additional materials may be requested and required by the City Manager or designee if determined that more information is required for City staff to fully assess the proposed scope of the change of use.
C. The City Manager or designee may require any additional applications to be submitted as part of the change of use permitting process, as necessary, pursuant to this Code or other city ordinance.
D. Once an application is determined to comply with local, state, or federal codes, regulations, or conditions of applicable development orders, City staff may approve the change of use.
E. An application for a change of use permit shall be denied if one (or more) of the following conditions exist:
   1. There is a pending code compliance violation on the subject property.
      a. Unless a change of use is required to come into compliance.
   2. A recorded code compliance lien exists on the subject property.
   3. There is a development order on the property, and the City Manager or designee determines that the property is not currently in compliance with such existing development order.
   4. Any of the criteria or requirements for a change of use permit application is/are not met.

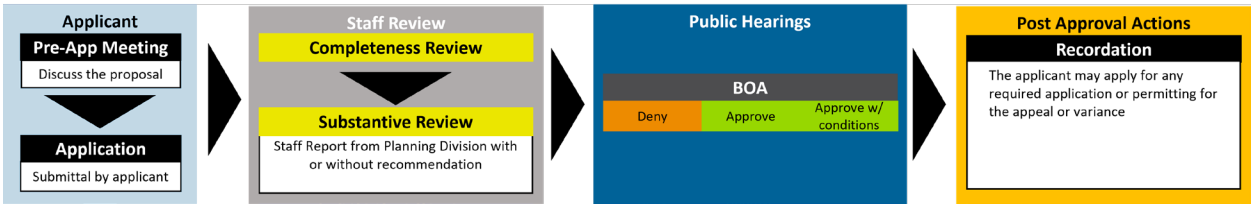
SECTION 2.12 APPEAL, SPECIAL EXCEPTION, AND VARIANCE APPLICATION AND REVIEW PROCESS

SECTION 2.12.01 APPEALS OF ADMINISTRATIVE OFFICIALS

A. All appeals of any requirement, decision, or determination made by an administrative official or the Local Planning Agency enforcing the Code of Ordinances or this Code, shall be taken before the Board of Adjustment (BOA).
B. The BOA may, upon appeal, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
C. The BOA may hear any dispute including, but not limited to:
    1. A finding of concurrency deficiency
    2. Refusal on the part of the city to issue a development order
    3. An appeal by an affected person or party
    4. Determination or interpretation of this Code made by any city official or board.
D. Appeals by any affected person or party must be applied for within 30 calendar days of rendition of the order, requirement, decision, or determination in question.
E. The appellant must include a narrative for the reason of an appeal in the application.
F. The City Manager, or designee, shall arrange for an appeal hearing before the BOA and notify the appellant of the date, time, and place of the hearing.
G. The appellant has the burden of demonstrating the decision in question was in error.
H. The administrative official(s) involved, or the LPA, shall have the opportunity to present information and arguments to support their decision.
I. A majority vote of all the members present of the board at the hearing shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.
J. The BOA shall base its decision on the requirements of the City of Destin Comprehensive Plan and the Land Development Code or Code of Ordinances at the time of the appeal.
K. The Board shall make its decision based upon its usual voting procedures.
L. The decision shall be issued in writing stating the reasoning involved.
M. The BOA order shall be rendered within 60 calendar days of the close of the hearing.
N. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.
O. Appeal Review Procedures:
    1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, administrative official, board, or bureau of the city affected by an interpretation of this Code.
        a. The Community Development Department shall provide all the documents, plans, papers, or other materials from which the decision was made, to the BOA.
        b. An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from.
            1. Except in situations where the appropriate official determines and certifies to the BOA that a stay would cause imminent peril to life or property.
            2. In such cases, proceedings or work shall not be stayed except by a restraining order, granted by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2. All appeals must have a complete application submitted thirty (30) calendar days prior to the next available scheduled Board of Adjustment hearing.
3. City staff shall notify all parties when the appeal scheduled for presentation to the Board of Adjustment
4. Any party may appear in person, by agent, or by attorney.
5. All administrative appeals shall be quasi-judicial public hearings and be conducted in accordance with Section 2.15.

Procedure for Appeals & Variances



SECTION 2.12.02 APPEALS OF CITY COUNCIL

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

SECTION 2.12.03 SPECIAL EXCEPTIONS

A. A property owner may apply for a special exception as authorized by this Code in certain instances as identified.
B. The procedures and fees for a special exception review shall follow the same as an appeal of administrative official per Section 2.12.01 above.
C. The City Manager or designee shall require the criteria for a conditional use per Section 2.10 of this Article to be the basis of review for a special exception unless other criteria are identified to be more appropriate.

SECTION 2.12.04 VARIANCES

A. A property owner or authorized agent may request a variance from the terms of any regulation in the Land Development Code not contrary to the public interest.
   1. Under no circumstances shall the BOA grant a variance to elements of the zoning or subdivision regulations listed below. Any application requesting a variance from the following will be rejected by the Community Development Department and all fees returned to the applicant.
      a. Any provision or requirement of the Comprehensive Plan.
      b. Building height
      c. Density or intensity.
      d. Dimensional limitation of signage.
      e. Number of signs allowed per property.
      f. Required landscaping.
      g. Screening for solid waste, mechanical equipment, or other required screening elements.

h. Uses per the underlying zoning district of the property except as allowed in Article 3 – Nonconformities of this Code.

2. The BOA may grant a variance to the items c. and f. listed in paragraph A.1. above on property that is subject to Article 3 – Nonconformities due to Public Agency Action, only if a variance would not have been required prior to the public agency action.
3. Approval of a variance for any element in the same zoning district or in other zoning districts shall not be considered grounds for the authorization of a variance.

B. To authorize any variance from the regulations of this Code as allowed per this section, the BOA shall find:
   1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
   2. That the special conditions and circumstances do not result from the actions of the applicant.
   3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
   4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
   5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
   6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
C. Each request for a variance shall be the subject matter of a separate application.
D. The BOA may approve an exception for docks and pilings to be extended beyond the maximum length limits and slip density, Per LDC Section 7.02. Marina Siting, provided that, in addition to the criteria listed in Section 2.12.04.B., the following criteria are also met:
   1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
   2. That site specific environmental conditions exist prohibiting dredging.
   3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
   4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.
E. It shall be the responsibility of the applicant for variances to the Land Development Code to demonstrate and each application shall contain statements of fact establishing the criteria prescribed above.
F. Each request for a variance as allowed by Section 2.12.04 shall be originated by the filing of an application with the Community Development Department.
G. The application must be supported by the appropriate materials to support the request. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application. The application at a minimum shall include the following:
   1. Letter of request from the applicant which contains the request(s) for variance(s), or appeal(s) of an administrative decision.

2. Statements of fact setting out compliance with the criteria established by Section 2.12.04.B when required.
3. Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.
4. A complete legal description of the parcel of land for which the request is sought.
5. A current survey dated and stamped no less than 180 days illustrating the existing site conditions.
6. A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements, and proposed improvements.
7. Any other documents or requirements which are mandated by city regulation or deemed necessary by staff in reference to the specific request made. This may include but is not limited to the structure location or ancillary mechanical equipment location of the request.

H. The City Manager, or designee, shall have the discretion to refuse to accept an application which does not include supporting documents required by this section or other regulation.

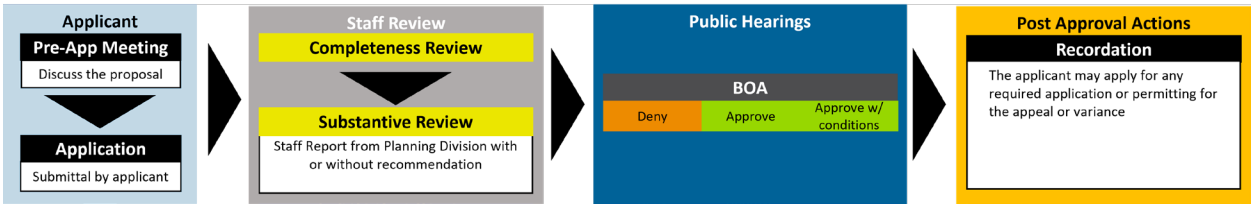
I. The application and any supporting materials must demonstrate the need and the requirements of Section 2.12.04.B.

J. Findings: The Board of Adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in Section 2.12.04.B. are met.
   1. In granting any variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with any zoning ordinance.
      a. Violation of any condition safeguard of an approved variance shall be deemed a violation of the zoning ordinance.
      b. The BOA may approve a reasonable time limit for applicant action to vest the approved variance by either setting a start or completion date.
         1. Any approved timeline in conjunction with a building or other development permit shall follow the limits required per the building code.

K. Action time limit: An action for which a variance is required shall begin no later than six months and completed no later than 12 months from the grant of variance, or time limit determined by the BOA.

L. Public Hearing: All public hearings shall be quasi-judicial and conducted in accordance with Section 2.15.

Procedure for Appeals & Variances



SECTION 2.12.05 APPEALS OF THE BOARD OF ADJUSTMENT

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

SECTION 2.13 TELECOMMUNICATION AND WIRELESS FACILITIES

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

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

A. No new telecommunications tower facility shall be installed, erected, or constructed until:
    1. A development order has been issued pursuant to Section 2.02. of this Article.
    2. A building permit has been issued.
B. All plans for new commercial telecommunications towers shall be submitted to the Community Development Department.
    1. The review and approval procedure shall be consistent with the procedures outlined in Section 2.06.04. – Major Developments of the Land Development Code and the standards set forth herein.
C. The City shall consider the following in the review and consideration of an application and imposition of reasonable approval conditions:
    1. Applications to place a telecommunications facility on public or private property shall contain all required submittal materials for a major development, and:
        a. any additional information requested by the city that is found reasonably necessary to review the application.
    2. No new telecommunication tower shall be permitted unless the applicant demonstrates that no existing tower or alternative tower structure, regardless of whether it is located within the city, can accommodate the applicant's proposed antenna.
        a. All evidence submitted shall be prepared by appropriately licensed professionals or qualified industry experts.
        b. Evidence submitted shall demonstrate that no existing towers or approved, or suitable alternative structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements, and shall consist of one or more of the following:
            1. That existing towers or alternative tower structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Florida professional engineer.
            2. The planned equipment would exceed the structural capacity of the existing or approved tower or alternative tower structures, as documented by a qualified and licensed Florida professional engineer, and

(i) The existing or approved tower, or alternative tower structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

3. That the applicant's proposed antenna(s) would cause electromagnetic interference with the antennas on the existing towers or alternative tower structures, or the antennas on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
4. That the cost or contractual provisions required by the tower owner to use an existing tower or structure or to adapt an existing tower or alternative tower structure for shared use are unreasonable.
   (i) Costs exceeding new tower development are presumed to be unreasonable as demonstrated by a commercial real estate appraisal from a MAI certified appraiser.
5. That other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved alternative tower structure.

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

h. All telecommunications facilities shall comply with and abide by all applicable provisions of the state, federal, and city laws, regulations, and ordinances, in placing or maintaining a telecommunications facility on private property.

SECTION 2.13.02 EXISTING OR COLLOCATED TELECOMMUNICATIONS FACILITIES

A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Building Permit review.
   1. Application review shall follow Florida State Statutes and federal regulations.
      a. Within fourteen (14) days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
      b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
         1. If no decision is sent to the applicant within sixty (60) days, the application shall be deemed approved.

B. Additional antennas shall be allowed in any zoning district if located on an existing tower or alternative tower structure and shall not be considered an expansion to an existing tower or alternative tower structure.
   1. The addition of an antenna to an existing tower or alternative tower structure shall require certification from a professional engineer that the design capacity of the tower or alternative tower structure will safely accommodate the additional antenna prior to the issuance of a building permit.

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

SECTION 2.13.03 TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Right-of-Way (ROW) Permit review.
   1. Application review shall follow Florida State Statutes and federal regulations.
      a. Within ten (10) business days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
      b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
         1. If no decision is sent to the applicant within sixty (60) calendar days, the application shall be deemed approved.
   2. Within ten (10) business days after the date of submitting a complete application, the city may request the proposed location of a facility be moved to another location in the public rights-of-way, and placed on an alternative:
      a. City pole
      b. Existing structure
      c. Wireless support structure
      d. Place a new utility pole

3. The City and applicant may negotiate the alternative location for thirty (30) calendar days after the date of the request.
    a. At the end of the thirty (30) calendar day negotiation period, if the alternative location is agreed upon by the applicant, the applicant will notify the City of this acceptance.
    b. The application is deemed granted for any new location where there is agreement, and all other locations in the application.
4. If no agreement is reached, the applicant will notify the city of the nonagreement.
    a. The City shall approve or deny the original application within ninety (90) calendar days after the date the application was filed.
5. A request for an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.
6. The City and applicant may agree to extend the sixty (60) calendar day application review period.

B. The City will notify the applicant of approval or denial.
1. The City shall specify, in writing, any basis for denial, including the specific code provisions on which the denial was based.
2. Applicants may cure the deficiencies identified by the City and resubmit the application within thirty (30) calendar days after notice of the denial is sent to applicant.
3. The City shall approve or deny the revised application within thirty (30) calendar days after receipt, or the application will be deemed approved.
4. City may deny a proposed telecommunications facility change, modification, or expansion in the ROW if the proposed change, modification, or expansion:
    a. Materially interferes with the safe operation of traffic control equipment.
    b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
    c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
    d. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
    e. Fails to comply with city's applicable codes.

C. Emergency: In the case of an emergency, an applicant may restore its damaged facilities in the public rights-of-way to their pre-emergency condition or replace its destroyed facilities in the public rights-of-way with facilities of the same size, character, and quality, all without first applying for or receiving a permit.
1. The term "emergency" shall mean a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing service.
2. Applicants shall provide prompt notice to the city of the repair or replacement of a wireless facility in the public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency.

D. If the installation and/or the operation of any telecommunication facility is determined by the City Building Official, to be inherently dangerous, or a demonstrable health hazard, the facility shall be declared to be a nuisance, and all operation thereof shall cease.
1. The telecommunication provider and/or owner of the facility shall be provided with a thirty (30) calendar day opportunity to cure.

a. Operation of the facility may continue unless there is imminent danger of the structure collapsing.
b. This provision shall be applicable to telecommunication facilities located in the city prior to adoption of this Land Development Code.

SECTION 2.14 SITE DEVELOPMENT AND BUILDING PERMIT REVIEW

SECTION 2.14.01 SITE DEVELOPMENT PERMITS

A. After a development order has been issued, the applicant may apply for the necessary site development permits.
B. The site development permits may include, right-of-way, infrastructure, or site disturbance.
C. The city shall issue the necessary site development permits if applied for within 12 months and they are consistent with the approved development order.
D. If the application for a site development permit deviates from the development plan the city shall notify the applicant within the identified and appropriate review deadlines.

SECTION 2.14.02 BUILDING PERMITS

A. A building permit application is required for review, approval, and issuance by the City Manager or designee for any structure that is:
   1. Erected
   2. Moved
   3. Modified
   4. Structurally altered
B. All applications for building permits shall be accompanied by all items required per the City of Destin's applicable checklists and scaled and dimensioned:
   1. Building plans, if applicable
   2. Site plans
   3. Site survey dated within one year and application date
   4. The issued building permit shall conform and comply with the provisions of this Code, unless the applicant is issued an order approving any special exception or variance from the Board of Adjustment.
C. A 12-month construction trailer permit may be issued for a lot during active construction of a permanent structure on such lot.
   1. The construction trailer shall be removed within two weeks following the issuance of a Certificate of Occupancy or Certificate of Completion.
   2. The renewal of a 12-month permit shall be at the discretion of the City Manager or designee.
D. All construction involving the paving or increasing of impervious coverage of properties requires a building permit subject to approval by the City Engineer or designee.
E. Marine Construction permits are required for docks, piers, boathouses, bulkheads and seawalls, and dredge and fill operations, which are allowed in all zoning districts and shall follow review procedures in Section 2.14.03.
   1. Commercial docks are only allowed on properties that allow for commercial uses.
   2. Applications for marine construction shall follow the requirements and procedures outlined in Section 2.14.03.
   3. Approvals by other concerned agencies are required for all structures in or adjacent to the water.

SECTION 2.14.03 MARINE CONSTRUCTION PERMITS

A. Marine construction projects are required to be reviewed in accordance with Section 2.09 prior to obtaining a marine construction permit, if applicable.
B. All categories of marine construction are required to obtain a building permit from the city.
    1. Docks on private lakes are exempt from Harbor & Waterways Board review and do not require a marine construction permit.
C. Any recommendation for approval or approval by the Harbor and Waterways Board or City Council does not exempt the applicant from the requirement of obtaining a building permit or other approvals or authorizations from the city and/or other state and federal agencies.
D. All applicable state and federal approvals or authorizations shall be submitted with all marine construction permits.
    1. Any application without these approvals will be incomplete and the City will hold off on reviewing the application until these approvals are submitted.
E. The following procedures shall be adhered to by any applicant proposing to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock in the Harbor or waterways of Destin and shall require a permit from the city:
    1. Persons desiring to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock shall apply for, obtain a permit, and appropriate approvals as identified in Section 2.09 of this Article, from the city prior to construction.
    2. Each application shall be complete and include all required supplemental items as indicated in the City of Destin's application checklists.
    3. All marine construction permit applications shall contain all required documents, including state and federal approval as necessary or applicable. Permit applications for marine construction shall include, but are not limited to, the following:
        a. A Boundary Survey or Plat, to include:
            1. Location of the mean high-water line (MHWL)
            2. Linear feet of water frontage
        b. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock, in addition to:
            1. Linear feet and/or total square footage of the proposed project
            2. Boathouse height, if applicable
            3. Identification of environmentally sensitive areas, if applicable (i.e., sea grass)
        c. Accurate location of applicant's shoreline, and the opposing shoreline with corresponding measurements, if applicable (i.e., Destin Harbor, Joe's Bayou, Indian Bayou)
        d. Riparian setbacks from property lines.
        e. Other site-specific information.
F. Proposed projects located within the Destin Harbor and adjacent canals require a Net Positive Environmental Benefit (NPEB) fee, equal to twenty-five percent (25%) of the cost of construction paid to the City of Destin by the applicant prior to issuance of a Marine Construction or Building Permit.
G. Upon completion of a dock, or other structure requiring a permit, a final inspection shall be conducted by the city. After the final inspection is complete, a certificate of completion will be issued for such dock or structure.
H. Joint ownership docks: Permits may be granted for joint ownership of a dock at the common riparian boundary for two adjacent property owners, subject to the following conditions:

1. No permits shall be granted to persons other than the title of record owners of the abutting upland properties.
2. The permit application must be signed by the owners of record of all abutting upland properties that have access to the facility.
3. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this Code.
4. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines or implied riparian line.

I. The City may issue permits for maintenance or cosmetic improvement to existing and previously approved docks or marine facilities.
   1. No permit shall be issued for maintenance or cosmetic improvements to docks or marina facilities which propose to repair or replace more than 50% a non-conforming dock or marina facility.
   2. Any proposed repairs to a non-conforming dock or marine facility that exceeds 50% of the square footage of the dock or marine facility shall be brought into conformance.
   3. Any dock that is required to come into conformance shall follow the appropriate approval process identified in Section 2.09.

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

K. The city reserves full rights, power, and authority to revoke a permit at any time for good cause.
   1. If the permittee fails to remove said structure within the time specified upon revocation of the permit, the city shall have the right to immediately remove the structure or structures, at the cost and expense of the permittee.
   2. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.

L. Dredging and filling requires recommendation by the Harbor and Waterways Board, and approvals by the City Council and concerned agencies are required.

SECTION 2.14.04 SIGN PERMITS

A. Review of permits for signs are required as identified in Article 8 of this code.

B. Permit applications shall include:
   1. All applicants or owners contact information.
   2. Designer of record's contact and licensure information
   3. The name, address, telephone number and license number of the sign contractor and or manufacturer.
   4. The address and name of the business where the sign is to be erected.
   5. Zoning district
   6. Building façade square footage/frontage for building or attached signs of the tenant space and or the road frontage for ground or free-standing signs of the premises.
   7. Plans prepared by a Florida registered professional engineer or design professional and sealed by the same that include at a minimum:
      a. The type of sign
      b. Sign square footage of proposed and existing signage

c. Height and location of proposed and existing signage
d. A fully dimensioned and scaled site plan showing:
   i. Lot frontage,
   ii. Building frontage,
   iii. Parking areas
   iv. Location of all existing and proposed signs.
   v. For ground signs, the site plan must show the distance of the leading edge and foundation to the property line/right-of-way line and edge of pavement.
   vi. Structure, type of construction, sign supports.
   vii. Wind load calculations and footer details as required by the City's adopted building code.

8. Summary table listing location type and area of any existing and proposed signs.
9. For building signs, provide an elevation of the building, showing placement of all proposed and existing signage.
10. If the sign is to be electrically lit, additional information is to be provided regarding the testing laboratory or the ETL Number, and the name and address of the electrical contractor.
    a. An electrical permit showing electrical details shall be submitted in addition to the sign permit.

SECTION 2.14.05 INSPECTIONS AND CERTIFICATES OF OCCUPANCY

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

SECTION 2.14.06 SURVEYS FOR CERTAIN WORK

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

D. Vertical construction shall not commence before review and approval of the foundation survey by the Community Development Department.
   1. Any work undertaken prior to submission and approval of the foundation survey shall be done at the builder's risk and remediated if the foundation survey is found to be out of compliance.
   2. A revised site plan may be submitted for review.
      a. If the new plan meets the development standards of this Code, the Community Development Department may approve the plans.
      b. If the new plans do not meet the development standards of this Code, the Community Development Department shall not approve the plans.

E. Any work completed that was not permitted with the original approval shall require review by City staff.
   1. If found not in compliance with this Code all work shall be stopped and remediated.

F. As-built survey: The following project types shall require an as-built survey to be submitted to the City Building Division prior to the issuance of a certificate of occupancy:
   1. All building projects which require a foundation survey,
   2. All projects proposing a swimming pool.

G. The as-built survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.

H. No certificate of occupancy shall be issued until the Community Development Department has received, reviewed, and approved the survey.
   1. If a violation is determined to exist,
      a. No Certificate of Occupancy shall be issued.
      b. No permanent electric power shall be connected.
      c. The structure shall not be occupied until the violation has been remedied.

SECTION 2.14.07 FIRE DISTRICT REVIEW

A. Review of applications and projects located in the City of Destin by the local fire control district is required.

B. All building permits for non-residential and multi-family projects shall be approved by the local fire control district.

C. Approvals or disapprovals by the fire control district are required prior to the issuance of a certificate of completion or occupancy.

SECTION 2.14.08 RIGHT-OF-WAY PERMITS

A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and are an important amenity that is critical to the travel and transport of persons and property in the city.

B. The public rights-of-way must be regulated, managed, and controlled in a manner that ensures minimal inconvenience to the public, and enhances the health, safety and general welfare of the city and its citizens.

C. No unauthorized encroachment shall be permitted onto existing rights-of-way.

D. Strict adherence to the building setback requirements described in Article 4 of this Code shall serve to protect rights-of-way from encroachment.

E. All activities (e.g., paving, landscaping, etc.), in a public ROW is prohibited unless:

1. A ROW permit is submitted to the Community Development Department and reviewed and approved by the City Engineer or designee.
2. The following activities conducted in the right-of-way are not required to obtain a ROW permit:
   a. The installation and repair of mailboxes
   b. Installation of sod
   c. Irrigation

SECTION 2.14.09. UTILITIES IN THE RIGHT-OF-WAY

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

SECTION 2.15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS

SECTION 2.15.01 PUBLIC HEARING PROCEDURES

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

SECTION 2.15.02 GENERAL PUBLIC HEARING

A. Public hearings and meetings regarding any matter shall be conducted to encourage and afford members of the public a reasonable opportunity to present their views on any matter under consideration.
B. The chairman may, at their discretion, rule out-of-order public comments deemed repetitious or not germane to the matter under discussion.

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

SECTION 2.15.03 QUASI-JUDICIAL PUBLIC HEARING

A. Quasi-judicial hearings are used to guarantee that the applicant, the City, and any interested party have due process.
B. Order of proceeding with public hearing:
    1. The order of proceeding with the public hearing as specified hereinafter on an application before the board shall be followed, but may be varied from, in the exercise of discretion of the chairman or by majority vote of the board.
    2. The chairman, or his or her designee, shall read into the record the notice of the public hearing, unless waived in whole or in part by the interested parties present, and shall examine the proof of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.
    3. The chairman, or his or her designee, shall read into the record the application, and any additional information which the applicant has attached to the application, and shall announce the attachment of any supporting documents with a brief description of each.
    4. The chairman, or his or her designee, shall then read into the record any deficiencies which the staff has determined exist in the application.
        a. If the deficiencies have been cured by the applicant, such should be noted on the record, and the public hearing should proceed.

b. If the deficiencies have not been cured, and the applicant is unable to cure them within the time of publication of the notice of public hearing, the chairman may ask if the applicant wishes to continue, postpone, or recess the public hearing.
c. If the deficiencies are a result of the board or staff, the board may continue, postpone, or recess the matter for a reasonable time sufficient to cure the deficiencies.
d. If, in the opinion of the legal advisor, the deficiencies are such that no action on the application would cure the deficiencies, then the board may deny the request, after giving the applicant an opportunity to be heard on curing the deficiencies, if applicable.

5. The chairman shall then read into the record any and all comments of the staff.
6. The chairman shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
7. The chairman shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
8. The chairman shall then call upon the public for any comments, testimony, information, and documents in support of granting the application.
9. The chairman shall then call upon the public for any comments, testimony, information, and documents against granting the application.
10. The chairman shall then call upon the applicant for any rebuttal.
11. The chairman shall then call upon the staff for any rebuttal.
12. The chairman shall then call upon the public for any rebuttal.

SECTION 2.15.04 BOARD DELIBERATION

A. The board shall deliberate upon the application and testimony and other evidence of the applicant, staff, and members of the public.
B. The board during deliberation may call upon the applicant, staff, or members of the public to answer questions which the board may have regarding the application.
C. The board may postpone, continue, or recess deliberation on the application, until a time when the board believes that the matter may be disposed of in a prompt fashion. Such a situation may occur when the staff, legal advisor or the applicant are unable to answer questions from the board and require additional time to provide information.
D. Deliberation may continue so long as the board has questions of the applicant, staff, or members of the public.
E. Deliberation may be ended in the same manner as for closing debate, with the exception of only a majority vote needed or upon announcement by the chairman without objection from a member of the board.
F. Evidence at the hearing:
    1. The burden of proof shall be upon the applicant to establish the standards per Section 2.12. of this Code for the granting of a variance.
    2. The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use per Section 2.10. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is not in the public interest.
    3. The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.

G. Testimony commonly is not under oath; however, by filing the application, preparing the comments, or participating in the public hearing, the applicant, staff, and members of the public certify the testimony or evidence which they give, or proffer is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.
H. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
I. The members of the board, applicant, staff, or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.
J. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
K. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the chairman.
L. Any member of the board may question any person presenting evidence or testimony to the board.
M. All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.
N. Any ruling by the chairman may be challenged and overturned by a majority vote of the board.
O. Motion to grant or deny:
    1. After deliberation on the application is closed, a motion may be made to grant or deny the application.
    2. The motion shall state the objective findings of fact upon which the board bases its decision.
    3. The motion shall briefly state what evidence was relied upon in making the findings of fact.
    4. The board may consult with the legal advisor to determine if any additional requirements must be met to grant or deny the application.
    5. The motion may contain other factors which the board considered in making its decision, such as, but are not limited to commencing construction without a permit, defective plans, etc.
    6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect public health, safety, and welfare.
    7. Pursuant to Section 2.12.04.K., the motion may also contain time frames within which any activity, pursuant to a variance, is commenced and completed.
    8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.
    9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested and commences the time for filing an appeal to such order.
    10. When the board passes a motion denying the application, the chairman or designee should advise the applicant of the appeal rights provided in Section 2.12 of this Article.
    11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the City Clerk shall compile the motion into written form and present the order to the chairman for execution.

SECTION 2.16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES

SECTION 2.16.01 TECHNICAL REVIEW COMMITTEE (TRC)

A. The City shall establish and maintain a Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development applications.
B. The TRC members may be provided items to review in relation to their areas of expertise and shall confine their review to the areas so designated.
C. The TRC shall review applications for compliance with the provisions of this City Land Development Code, and all applicable federal, state, and local building codes.
D. City staff may hold meetings with individual or multiple TRC members as needed.
E. Membership:
    1. The membership shall include:
        a. The City Attorney
        b. An appropriate individual from the following city departments, as applicable:
            1. Community Development Department, Principal Planner, or designee
            2. Community Development Department, Chief Building Official, or designee
            3. Community Development Department, City Engineer, or designee
            4. Public Services Department
            5. Parks and Recreation Department
        c. An appropriate individual from the following agencies:
            1. Destin Fire Control District (nominee must have experience as a firefighter)
            2. Okaloosa County School District (for new residential subdivisions and long-term multi-dwelling developments only)
        d. An appropriate individual from the following utilities:
            1. Water utility provider Users (nominees must have technical experience in the area of water utilities)
            2. Gas utility provider (nominee must have technical experience in the area of gas utilities)
            3. Local electrical utility provider (nominee must have technical experience in the area of electrical utilities)
            4. Wastewater utility servicer (nominee must have technical experience in the area of wastewater utilities)
        e. The City Manager or designee may appoint and remove the City staff representatives and include any additional TRC members that may be necessary for the review of a proposed development or application.
F. Membership on the TRC shall be terminated if any conditions below applies to a TRC Member:
    1. Files a lawsuit against the city
    2. Is convicted of a felony, or a crime involving moral turpitude.
    3. Fails to review projects timely to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.
G. Conduct of TRC meetings:
    1. The City Manager or designee will determine if a TRC meeting is required for an application.
    2. If a meeting is required:

a. The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.
b. The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. The attendance of the applicant or agent is not required but is encouraged.
c. On development applications to be reviewed by the TRC, the City Manager or designee, shall be responsible for the following:
    1. Agenda preparation and distribution
    2. Chairing the meeting
    3. Notification to applicants of the regularly scheduled date, time, and place for consideration of the application.
    4. Written summary to applicants of the TRC review.
d. The City Clerk shall be responsible for the recording of the minutes of each TRC meeting.

SECTION 2.16.02 LOCAL PLANNING AGENCY (LPA)

A. In accordance with the adopted City of Destin Comprehensive Plan and with the Community Planning Act, F.S. § 163.3161 et seq., and chapter 163, part II the Local Planning Agency (LPA) serves as the land development regulation commission.
B. The City shall establish and maintain the LPA consisting of seven members who shall be appointed by the City Council.
C. The terms of members of the Local Planning Agency shall run concurrently with the appointees.
D. All members shall reside in the City of Destin.
E. The LPA shall also include an ex-officio member who is a representative of a military installation on behalf of all military installations located within the jurisdiction.
    1. The military installation representative shall serve as a non-voting member.
    2. The City Manager or designee will comply with the notice requirements, as required by F.S. § 163.3175, by providing the commanding officer of the local military installation with information relating to:
        a. Proposed changes to the Comprehensive Plan, or plan amendments
        b. Proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.
    3. The military installation shall have the opportunity to review and comment on the proposed changes.
F. The Local Planning Agency shall elect a chairman and vice-chairman.
    1. Terms of the chairman and vice-chairman shall be for one year, with eligibility for re-election.
G. The Local Planning Agency shall adopt rules necessary to conduct its affairs and in keeping with applicable laws and regulations.
H. The Local Planning Agency shall perform the following functions, duties, and responsibilities:
    1. Perform the functions, duties, and responsibilities prescribed by F.S. § 163.3174(4).
    2. Perform any other functions, duties, and responsibilities assigned to it by the City Council or by general or special law.
I. Proceedings and process:
    1. A quorum is necessary at any meeting for the LPA to take official action.

2. The Local Planning Agency shall either recommend the City Council approve, approve with conditions, or deny, or table any item under consideration for its action.
    a. The Local Planning Agency may continue, for future action, any item under consideration for its actions a maximum of 60 days from the date that the item was first heard.
3. The Local Planning Agency's public hearing and public meetings regarding any matter shall be conducted in accordance with Section 2.15.02 or 2.15.03.
4. After the Local Planning Agency makes a recommendation regarding any matter described, the City Council shall hold at least one public hearing to consider the recommendation.
    a. The hearing may be continued to a date certain upon a majority vote.
5. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.
6. The City Council public hearings shall be conducted in accordance with Section 2.15.02. or 2.15.03.

SECTION 2.16.03 BOARD OF ADJUSTMENT (BOA)

A. The City shall establish and maintain a Board of Adjustment (BOA) consisting of seven members who shall be appointed by the City Council.
B. The terms of members of the Board of Adjustment shall run concurrently with the appointees.
C. All members shall reside in the City of Destin.
D. The Board of Adjustment shall have the following powers and duties:
    1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
    2. To authorize special exception requests as authorized in this Code per Section 2.12.03.
    3. To authorize variance requests from the LDC or zoning ordinance per Section 2.12.04.
    4. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed regarding dock length and slip density, provided that the criteria in Section 2.12.04.D is met.
E. All public hearings before the Board of Adjustment shall be quasi-judicial hearings and conducted in accordance with Section 2.15.03 of this Article.

SECTION 2.16.04 HARBOR AND WATERWAYS BOARD (HWB)

A. The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.
B. The City of Destin establishes and shall maintain the Destin Harbors and Waterways Board consisting of seven members who shall be appointed by the City Council.
    1. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified.
C. All members shall reside in the City of Destin.
D. The board membership shall include, to the extent possible,
    1. One (1) commercial fisherman
    2. One (1) pleasure boat owner
    3. One (1) environmentalist

4. One (1) sports fisherman
5. One (1) layman.

E. Powers: The board is empowered to:
   1. Monitor the overall condition of the harbors and waterways of Destin including, but not limited to:
      a. Water depths
      b. Water quality
      c. Dredging activities of public or private entities
      d. Violations of litter laws
      e. Sanitation requirements
      f. Laws, ordinances, rules, or regulations affecting activities in the harbors and waters of Destin.
   2. Recommend to the City Manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.
   3. Discuss city issues related to the water quality and condition of the Destin Harbor and surrounding waterways and make recommendations to the City Council related to such issues.
   4. Make policy recommendations to the Comprehensive Plan and Land Development Code related to future development surrounding the Destin Harbor and restoration of the harbor and waterways of Destin.
   5. Review and make recommendations to City Council on proposed marine construction in the Destin Harbor and surrounding waterways.

F. City Council Review
   1. The board shall submit to the City Council, during the month of November, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years.
   2. After the Harbor and Waterways Board makes a recommendation regarding any matter described, the City Council shall consider the recommendation by either:
      a. A public hearing in the case of a Category 3 HWB review
      b. On their consent agenda in the case of Category 2 HWB review
   3. The City Council public hearings shall be conducted in accordance with Section 2.15.

Section 2.16.05 Advisory Committees

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

Section 2.17 Procedures for Addressing

Section 2.17.01 Naming of Streets

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

EXHIBIT "A"

SECTION 2.17.02 STREET NAME CHANGE REQUESTS

A. All street name changes shall be processed according to the following procedures.
   1. Street name change requests as a matter of preference must be submitted to the Community Development Department.
   2. An application for a preference request street name change must include the following:
      a. An explanation of how the requested street name will be compatible with adjacent street locations, historical character, or theme.
      b. Written proof of notification to:
         1. All Utility providers
         2. Florida Department of Transportation
         3. County Address Coordinator with statement of simplicity for the emergency system
         4. United States Post Office
      c. A non-refundable application fee for processing the request is due at the time of submission of application.
      d. Notarized signatures of at least 75% of the abutting property owners.
      e. The impact (cost) on public/private utilities, business, and property owners for undertaking change.
      f. Compatibility with adjacent streets: location and historical character or theme.
         1. Consideration shall be given to commemorating local distinguished citizens, national heroes, typical fishes, animals, trees, shrubs, and flowers.
      g. Ease of locating the street for people new to or unfamiliar with the area.
   3. Application review process. Once an application has been submitted to the Community Development Department and deemed complete, City staff shall take the following actions:
      a. The Community Development Department will distribute the application to the following divisions, departments, and agencies:
         1. Planning Division, Principal Planner
         2. Building Division, Chief Building Official
         3. Engineering Department, City Engineer
         4. Code Compliance Division
         5. Public Services Department, Public Services Director
         6. Clerk's Office, City Clerk
         7. Destin Fire Department
         8. Okaloosa County Sheriff's Office
         9. Okaloosa County Emergency Response Department
         10. Okaloosa County Geographic Information Systems (GIS) Department
      b. Once received, all representatives will review the application based on their specific technical criteria or regulations.
         1. Recommendations from all representatives regarding the application shall be returned to the Community Development Department within 30 calendar days.
      c. The City Manager, or designee, shall review the recommendations and forward all petition information and recommendations through the City Manager's office to the City Council for final approval or denial.
      d. The City Council shall then schedule a public hearing to review the application, which shall be conducted in accordance with Section 2.15. of this Article.

e. Upon approval of any preference request, the petitioner will be responsible for reimbursing the City of Destin for the actual cost of completing required changes including any cost of updating official documents and installation of all applicable street signs.

SECTION 2.17.03 SYSTEM ESTABLISHED

A. A uniform system of numbering buildings identified by the title "Numbering System" in the City's Design Manual shall be established and maintained on file by the Community Development Department.

B. The official property numbering maps maintaining the "numbering system" are hereby adopted, incorporated herein by reference, and made a part of this Article. The Planning Division shall administratively accomplish future amendments.

SECTION 2.17.04 ADMINISTRATION AND NUMBER ASSIGNMENT.

A. The City's GIS Division will be responsible for managing, coordinating, and maintaining the "numbering system." Administrative procedures for assigning numbers shall include as a minimum:
   1. The owner or occupant of any building to which a number has been assigned will be notified in writing of the number assigned.
   2. Should an existing property or building have, exhibit or be addressed by a number in conflict with the uniform "numbering system," notice shall be given to the owner or occupant whose building is in conflict.
   3. The city will take the appropriate steps to properly readdress the property or building not in compliance with the numbering system.

B. Standards: All principal buildings, docks and piers in the city shall be assigned and have their assigned numbers displayed, whether or not mail is delivered to such locations.
   1. Numbers need not be displayed on accessory buildings.
   2. Docks and piers shall be assigned the same number as the principal building, or, for vacant lots, the same number as would be assigned a principal building if existing.
   3. Physical numbering shall conform to the following minimum standards:
      a. Assigned numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts, with Arabic numerals not less than three inches in height and one-half inch in width.
      b. Numbers must be in a color contrasting to the building or other background.
      c. In the case of a principal building which has multiple entrances, the assigned number shall be displayed on each separate front entrance.
      d. Any different numbers which might be mistaken for or confused with the number assigned in accordance with the "numbering system" shall be removed.
      e. Assigned numbers for principal buildings which are not visible from the street or private way shall additionally be displayed at the intersection of the driveway and servicing street, and attached to a post, wall, fence, or mailbox at a level to ensure visibility.
      f. Assigned numbers for all docks and piers shall be displayed in such a fashion so as not to be confused with channels or other marine markers at their waterward extremity, facing away from the dock or pier.
         1. Numbers shall be positioned to be constantly between five and eight feet above the mean high-water line.

C. No building permit shall be issued for any principal building, dock or pier until the owner has procured the required number or numbers for the premises, building, dock, or pier.
D. No certificate of occupancy shall be issued until the owner has displayed the required number or numbers in accordance with this Article.

SECTION 2.18 DEVELOPMENT REVIEW FEES

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

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

EXHIBIT "A"

ARTICLE 2 ADMINISTRATION[1]

2.01.00. Administrator.

A. The City Manager or his or her designee shall administer and enforce this Code.

B. It is the intent of this Code that all questions of interpretation and enforcement shall be first presented to the City Manager or his or her designee, and that recourse from the decisions of the City Manager or his or her designee shall be to the Board of Adjustment.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.02.00. Procedures for ordinance or rezoning amendments.

The regulations, restrictions, and zoning district boundaries set forth in the land development code may be amended, supplemented, or changed. Proposed changes may be suggested by the City Council, the City Manager or designee, by a single property owner, or by petition of the owners of 51 percent or more of an area involved in the proposed change. Applications for an ordinance or rezoning amendment must be submitted to the Community Development Department. The Community Development Department will then review and forward the application and a staff report with a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review. The LPA, after a public hearing and due public notice, will then forward its staff report and recommendation to the City Council for approval, approval with conditions, or denial. The City Council shall then approve, approve with conditions, or deny the application. If an application for an ordinance or rezoning amendment is disapproved by the City Council, the applicant shall not reapply for the same ordinance or rezoning amendment for a period of one year from the date of disapproval by the City Council.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.03.00. General administration procedures.

This article sets forth application and review procedures required for obtaining development orders and permits as may be required. Procedures for appealing decisions also are provided.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.04.00. Withdrawal of applications.

An application for development approval may be withdrawn at any time. Caution: The withdrawal of any application for development approval which occurs after the publication of any notices which may be required by this Code or other law will result in the application losing its relative position in priority for plan review and will require the applicant to resubmit its application at the initial step in the development review process required for the particular development. Such resubmittal will require payment of the necessary fees in order to activate the plan review process and reestablish relative position and priority for plan review.

Note: Nothing in this section shall be construed to prevent the Local Planning Agency (LPA) or the City Council from delaying action or decision on any application. In the event the LPA or City Council votes to delay review or decision on any application, said application will retain its relative position and priority for plan review purposes.

---

[1]Editor's note(s)—Ord. No. 04-23-LC, § 3, adopted August 16, 2004, amended Art. 2, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Art. 2 pertained to similar subject matter. See also the Land Development Code Comparative Table.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 18-06-LC, § 2, 11-5-18)

2.05.00. Authorization for development permit.

No development activity may be commenced without a final development order.

2.05.01. *Prerequisites to issuance of a development permit.* No development order or permit shall be issued unless the proposed development activity:

A. Is authorized by a development order issued pursuant to this Code; and
B. Conforms to the Florida building codes and fire codes as adopted by the City; and
C. Conforms to the engineering standards labeled "TECHNICAL CONSTRUCTION STANDARDS" and any other engineering standard for stormwater, sewage, water, streets, traffic and other engineering concerns as may be adopted by the City of Destin.

2.05.02. *Exceptions to the requirement for a development order.* A construction permit may be issued without a development order if any of the following conditions apply:

A. Construction has begun or was approved prior to the adoption of this ordinance;
B. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site;
C. The construction or alteration of a one-or two-family dwelling on a lot in a valid recorded subdivision, approved prior to the adoption of this Code;
D. The resurfacing of a vehicle use area that conforms to all requirements of this Code;
E. A minor replat granted pursuant to procedures in Section 2.19.01 of this Code;
F. Clearing and grading of land:

1. *Single-family lots:* the clearing and grading is limited to the proposed development area. The applicant shall submit a site plan indicating the proposed development area prior to issuance of the clearing permit.
2. *All other lots:* the clearing and grading is limited to the proposed development area. The applicant shall submit:

a. A site plan indicating the proposed development area;
b. An existing tree survey with all trees of 12-inch diameter at breast height or greater;
c. A landscape plan, in accordance with Section 12.04.07, which identifies the trees and landscaping to be replanted (reforestation, front perimeter, common areas, and soil erosion control) after the clearing and grading is completed;
d. An erosion and sedimentation control plan; and
e. All applicable federal and state permits.

All items identified within the submitted landscape plan must be planted within 30 days after the completion of the clearing/grading. Clearing, grading, and replanting activities shall be completed within 90 days of the issuance of the permit. Failure to satisfy these requirements will result in a code violation and the doubling of the required tree counts for the site; and

G. Minor alterations to existing improved properties, for which a development order has not been previously issued, that will alter gross floor area, use of structure or land, or change/add to the impervious surface of the site provided that:

1. The proposed change does not require additional parking spaces beyond those already existing on the site;
2. The proposed change cannot increase impervious surface area beyond 750 square feet. An increase in impervious surface up to 750 square feet must meet the requirements of Section 10.03.02.I.2.b.;
3. The proposed change does not exceed de minimis level of service standards for concurrency; and
4. Sufficient information (site plan drawn to scale, existing versus proposed development, existing conditions, etc.) generally in accordance with Section 2.18.02. General plan requirements must be provided at the time a building permit application is submitted to the City.

It is the intent of this subsection to exempt projects that adhere to the criteria listed in numbers 1, 2, and 3 above from the formal development order process, but not the requirements of the Land Development Code. This process moves the review of a project against the Land Development Code requirements from the Development Order stage to the Building Permit stage. A building permit cannot be issued for a project that does not meet the requirements of the Land Development Code.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-24-LC, § 2, 9-8-04; Ord. No. 04-26-LC, § 3, 9-8-04; Ord. No. 18-06-LC, § 2, 11-5-18)

2.06.00. Pre-application procedures.

Prior to filing for a formal and scheduled review of proposed development plans, if required by this Code, by the Technical Review Committee, the applicant shall request the Community Development Director, or designee, to set a time for discussion of the proposed development. Checklists set forth in Article 17 appropriate to the proposed development shall be provided to the applicant by the Planning Director, or designee. In addition, the applicant shall be directed to the appropriate City departments or other agencies so that the applicant may obtain information from such department(s) and/or agency(s) prior to filing for formal review, if necessary, by the City Technical Review Committee.

Note: No comment made by any persons associated with the City during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development or development plans.

2.06.01. *Designation of plans as minor or major developments.* Before submitting a development plan for formal review, the applicant shall provide the City with sufficient information to make a determination as to whether or not the plan will be designated a major or minor development. For purposes of these procedures, all development plans shall be designated, in writing, by the City Manager, or his designee, as either exempt from the development order process (in accordance with Section 2.05.02), a minor development, or major development according to the criteria below.

A. *Major development.* A development order application shall be deemed a major development if it satisfies one or more of the following criteria:

1. Non-residential and mixed-use development plans consisting of more than 10,000 square feet of gross floor area.
2. Ten thousand square feet or more of "land development activity generating traffic." "Land development activity generating traffic" means (a) any change in land use, (b) any construction of buildings or structures, or (c) any change in the use of any structure, that generates vehicle trips.
3. Residential development plans consisting of ten or more dwelling units.

4. Subdivisions.
5. All planned unit developments (PUDs).

B. *Minor development.* A development plan shall be designated as a minor development if it is neither a major development nor a development exempt under Section 2.05.02 of this Code.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 05-13-LC, § 3, 8-22-05; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

2.07.00. Procedures for development review.

All applications for a major or minor development order or a major or minor deviation to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This shall entail prompt review and responses from both the applicant and the City. No property shall have more than one development order application under review by the City at any one time. The applicant shall adhere to the following procedures when seeking approval for a major or minor development order or a major or minor deviation to a development order:

A. A pre-application meeting is required prior to the submittal of a Development Order Application. The applicant for a proposed development order shall submit a complete application package (i.e. application, development plans, applicable fees, etc. ...) to the Community Development Department.

B. Within 30 working days of receipt of the application package for review, the Community Development Department shall perform an application completeness review and either:

1. Determine that the application package is incomplete and inform the developer, in writing, of the deficiencies. The applicant shall submit an amended application package for application completeness review by the Community Development Department within 30 days. If the applicant fails to submit an amended application package within 30 calendar days, the application is considered withdrawn; or
2. Determine that the application package is complete as received, inform the developer, in writing of completeness, or of the TRC meeting date, if such a meeting is required in the discretion of the community development director.
3. Within 120 days after the City has deemed the application complete or 180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the City must approve, approve with conditions, or deny the application. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. An approval, approval with conditions, or denial of the application must include written findings supporting the City's decision, which shall be reviewed by the City Land Use Attorney prior to finalization.

C. *TRC Procedures.* The Community Development Department shall make available to each TRC member a copy of the application package, which at a minimum shall contain all information which is pertinent to the member's functional area(s) and the TRC meeting date at which the application submittal comments will be reviewed. The TRC members shall review the proposed application package and submit comments, if any, in writing to the Community Development Department. Each TRC member shall limit their review to their area of expertise, which shall be

defined at the time the TRC member's appointment is approved by the City Council. Staff shall either approve, approve with conditions, approve with modifications, or deny and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in subsection B. above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.
3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating a recommendation to either approve, approve with conditions, approve with modifications or deny the application.

2.07.01. Major developments. The following procedures, in addition to those listed in Section 2.07.00, shall apply to all major development order applications:

A. Once the application has been to the TRC meeting and each individual TRC member, as it pertains to their area of expertise, has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications or denied, the Community Development Department shall prepare and forward each TRC member's written recommendation, through the City Manager to the City Council. A list of all pending Major developments shall be provided by the Community Development Director to the City Council, each month, prior to the first regularly scheduled Council meeting, or the tenth day of the month, whichever occurs first. In addition to the written recommendations of each TRC member, information provided to the City Council in the technical staff report shall include, but not be limited to, the following:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site and surrounding land uses.
2. Impact on concurrency requirements and level of service standards (LOS).
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas, if any; the preservation of natural features or protection of sensitive lands, if any; proposed parking areas; internal traffic circulation systems, if any; the approximate total ground coverage of paved areas and structures; stormwater management, and water and sewage distribution, collection and treatment systems.
4. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable regulations.
5. Other applicable factors, rules, regulations or criteria prescribed by the Comprehensive Plan, this Code or other law.

B. Following the required public notice and hearing, the City Council shall either approve, approve with conditions, approve with modifications or deny the Community Development staff's recommendation and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated in A. above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.

FINAL DRAFT

3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.
4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with Section 2.08.00
5. If the proposal is approved with modifications, a development order may be authorized by the City Manager, or his designee, once the required modifications have been completed and approved by the appropriate TRT members.
6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

2.07.02. Minor developments. The following procedures, in addition to those listed in Section 2.07.00, shall apply to all minor development order applications:

A. Once the application has been reviewed and each individual TRC member, as it pertains to their area of expertise, has come to the conclusion that the proposal can be approved, approved with conditions, approved with modifications, or denied, the Community Development Department shall authorize the issuance of a development order that complies with Section 2.08.00. A list of all pending Minor developments shall be provided by the Community Development Director to the City Council, each month, prior to the first regularly scheduled Council meeting, or the tenth day of the month, whichever occurs first.
B. If the proposal is approved with modifications, a development order may be authorized by the Community Development Director, or his designee, once the required modifications have been completed and approved by the appropriate TRC members.
C. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

2.07.03. Major or minor deviations to a development order. Deviations to a development order may constitute either a major deviation or a minor deviation, as defined within Article 3, Definitions of this Land Development Code. The following regulations establish the procedures for processing such deviations.

A. Deviations which have been determined as a minor deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.02.
B. Deviations which have been determined as a major deviation(s) shall necessitate a formal amendment of such order. Such an amendment shall be reviewed and processed pursuant to the following requirements:

1. Major deviations to an existing minor development order shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.02. However, should the deviation satisfy any of the criteria set forth in Section 2.06.01 A., when combined with the initial approval and any other authorized deviations, the deviation shall then be reviewed and processed pursuant to the requirements of Section 2.07.01.
2. Major deviations to an existing major development order shall be reviewed and processed pursuant to the requirements of Sections 2.07.00 and 2.07.01.

2.07.04. Simple deviations to a development order. A simple deviation to a development order is a project that does not require review by the Technical Review Team (TRT) members, but instead requires review only by City staff members involved in the development review process. Simple deviations to a final development order shall be determined by the Community Development Director or designee using the following criteria:

A. Changes to the previously approved development plan cannot require approval by non-City staff members of the (TRT) (e.g. Destin Water Users, Destin Fire Control District, Okaloosa Gas Company, etc...). If a proposed change triggers this requirement then the application is required to be processed according to the procedures stated in Section 2.07.00 and either Section 2.07.01, 2.07.02 or 2.07.03; and
B. The proposed changes to the development plan only include rearranging or reducing, in accordance with Code provisions, any driveways/accessways, parking, impervious surface, stormwater management facilities, or buildings on the subject property.

Vending, whether permanent, temporary, or mobile, on the exterior of a developed site shall be considered a change of use and shall be processed as a simple deviation unless it does not meet the criteria listed in Subsections A. and B. listed above.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04; Ord. No. 05-04-LC, § 3, 4-4-05; Ord. No. 07-32-LC, § 3, 5-7-07; Ord. No. 07-30-LC, §§ 3—7, 9-4-07; Ord. No. 11-14-LC, § 3, 1-17-12; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

2.08.00. Development order.

Provided the development plan meets all requirements of the Land Development Code and Code of Ordinances the City shall issue a development order to the developer within seven calendar days from the approval date of said development order application. The development order is not a construction permit. An approved development order is required prior to the City's issuance of any construction permit(s). A development order shall, as a minimum, include the following:

A. An approved final development plan with findings and conclusions;
B. A listing of federal, state or regional permits, if any, which must be obtained prior to the issuance of any development permit;
C. If modifications must be made to the development plan before a development order may be issued, a listing of those modifications and the time limit for submitting a modified plan (not more than 14 calendar days);
D. Notification that development shall commence within a 12-month period and continue until completion in accordance with terms and conditions of approval;
E. If necessary to maintain concurrency, a schedule of construction phasing consistent with the availability of capacity of one or more services and/or facilities;

F. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods;
G. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument;
H. A security in the amount of 120 percent of the cost of any public improvements required as a result of the anticipated impact of the development or as required by regulations in this Code or other law; and
I. Such other conditions as may be required to assure compliance with this Code, the comprehensive plan or other law.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

2.09.00. Procedures for the coordination of plat and development plan approval.

This procedure applies to all projects that require plat and development plan approval. This procedure is established to ensure efficient processing of approved developments seeking building permits and will also eliminate piecemeal plat approvals.

1. Plats and development plans may be processed simultaneously through the required approval procedures identified in Sections 2.07.00. Procedures for development plan review and 2.19.00. Procedures for subdivision or resubdivision of land.
2. If the applicant wishes to process these items (plat and development plan) separately, approval of the plat will be required prior to the approval of the development plan.
3. At no time will the City approve a site plan, which requires plat, prior to the plat being approved by the appropriate approving body (e.g., City Manager or City Council).
4. Projects approved prior to the effective date of this code that, as a condition, require plat approval prior to issuance of building permits are not affected by this Code. However, any requests for amendments to active development orders will not be processed until the required plat has been approved.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

2.10.00—2.14.00. Reserved.

Ord. No. 24-20-LC, § 3, adopted January 6, 2025, repealed §§ 2.10.00—2.14.00, which pertained to construction permits, post-permit changes; building permits; application for building permit; expiration of building permit and derived from Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04.

2.15.00. Certificates of zoning compliance for new, altered, or nonconforming uses.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefore by the City Manager or his designee stating that the proposed use of the building or land conforms to the requirements of this article. Failure to obtain a certificate of zoning compliance shall be a violation of this article.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.16.00. Construction and use to be as provided in application, plans, permits, and certificates of zoning compliance.

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the City Manager or his designee authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.17.00. Notice.

A. Written notice shall be provided to owners of property within 300 feet of land subject to all development related applications. Development related applications shall include all of the following types of applications: deed of gift, lot reconfigurations, minor replats, major and minor subdivisions, major and minor development orders, major and minor deviations to previously approved development orders, conditional uses, variances, right-of-way vacations, future land use map amendments and zoning map amendments. Notice for Harbor and Waterways Board applications need only be provided to adjacent property owners. The written notice shall include, at a minimum, the following: the name of the owner of the property, the name of the authorized agent (if applicable), the address of the subject property or tax parcel identification number if an address has not been issued for the property, project description, location map of the subject property, and a statement informing the public of the location where the proposed application package can be viewed, unless otherwise provided in Florida Statutes. Unless otherwise provided by law, regulation or decision, addresses for a mailed notice required by this code shall be obtained from the records of the Okaloosa County Tax Collector. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.

B. Any development related application or applicant requiring a public meeting with the Local Planning Agency or Board of Adjustment shall post a sign, meeting the following requirements, on the property:

1. The sign must be prominently placed on the development site, shall be visible from the adjacent right-of-way and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way;
2. Such sign shall be not larger than 24 inches by 36 inches and not smaller than 18 inches by 24 inches in size;
3. The sign must clearly indicate the name of the project, name of the applicant, and 24 hours a day, seven days a week emergency contact phone number of the responsible party for said development site; and
4. The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 09-14-LC, § 3, 8-17-09; Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)

2.18.00. Submittals.

2.18.01.*Applications.* Applications for development review shall be available from the Community Development Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan. Signatures by other parties will be accepted with notarized proof of

authorization by the owners. In the case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

2.18.02. *General plan requirements.* All preliminary and final development plans submitted pursuant to this code shall conform to the following standards:

A. All plans shall be drawn to a scale of one-inch equals 20 feet, unless the City Manager, or his designee, determines that a different scale is sufficient or necessary for proper review of the proposal.

B. For all multifamily residential and all nonresidential development proposals, the trimline sheet size shall be 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.

C. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.

D. The front cover sheet of each plan shall include:

1. A general vicinity or location map drawn to scale showing the position of the proposed development in the section, township and range, together with the principal roads, City limits, and any other pertinent orientation information.
2. A complete legal description of the property.
3. The name(s), address(es) and telephone number(s) of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
4. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).

E. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.

F. The plan shall show the boundaries of the property with a metes and bounds description referenced to a section, township and range and tied to a section or quarter section or subdivision name and lot numbers.

G. The area of the property shown in square feet and acres.

H. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review.

I. Applicants for all developments shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the developer (applicant) to submit sufficient information in a form that allows ready determination of whether the requirements of this code have been met.

J. Unless otherwise noted, plans for all development projects shall contain:

1. The location of existing property or right-of-way lines, both for private and public property, streets, buildings, transmission lines, sewers, sidewalks, airports, bridges, culverts, drainpipes, water mains, fire hydrants, and any other public or private easements.
2. Any land rendered unusable for development purposes by deed restrictions or other legally enforceable covenants or limitations.
3. All watercourses, water bodies, floodplains, wetlands, important natural features, wildlife areas, soil types and vegetative cover on or adjacent to the site.

4. The location of environmentally sensitive lands designated pursuant to article 11 of this code, if any.
5. Existing land use, the zoning district of the subject site, and the land use category under the comprehensive plan.
6. The location and intensity or density of the proposed development.
7. A general parking and circulation plan.
8. Points of ingress and egress and any planned public or private roads, rights-of-way, pedestrian ways, bicycle paths or transportation facilities.
9. The existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public stormwater management systems.
10. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development.
11. Proposed open space areas on the development site and types of activities proposed to be permitted on such open space areas.
12. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
13. A description of how the plan mitigates or avoids potential conflicts between land uses including a compatibility review (if required) as provided in Section 7.09.01.
14. Architectural elevations of all buildings sufficient to convey the basic architectural intent of the proposed improvements.
15. A soils map of the site.
16. A recent aerial photograph encompassing the project area and identifying the project area and total land areas. The scale shall be no smaller than one inch equals 400 feet.
17. A map of vegetative cover including the location and identity, by common name, of all protected trees.
18. A topographic map of the site clearly showing the location, identification and elevation of benchmarks, including at least one benchmark for each major water control structure.
19. A map showing the locations of any soil borings or percolation tests as may be required by this Code.
20. The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.
21. The 100-year flood elevation boundaries, the CCCL, CHHA, and shoreline protection zone, where appropriate.
22. Total area calculation with percentage of total site to be covered by impervious surface(s) and landscaping.
23. Grading plans specifically including perimeter grading.
24. Construction phase lines.
25. Building plans showing the location, dimensions, gross floor area, floor plan for multifamily residential structures including hotels and motels, and proposed use of buildings. For the purposes of this criteria, hotel and motel dwelling units are considered residential floor space.
26. Building setback distances from property lines, abutting rights-of-way and all adjacent buildings and structures.
27. Minimum floor elevations of buildings within the 100-year floodplain, if any.
28. The location, dimensions, type, composition and intended use of all ancillary structures.
29. The location and specifications of any proposed refuse dumpsters or containers.

30. Cross sections and specifications of all proposed pavement.
31. Typical and special roadway and drain sections and summaries of quantities.
32. Information sufficient to determine compliance with the landscape and tree protection regulations of this Code (reference article 12).
33. The location, accompanied by all necessary drawings, construction plans, wiring plans, etc., of all proposed signs.
34. The proposed number, minimum area and location of lots, if the development involves a subdivision of land.
35. All lots shall be numbered either by progressive numbers or in blocks progressively numbered or lettered except that blocks in numbered editions bearing the same name may be numbered consecutively throughout several editions.
36. All interior excluded parcels shall be indicated and labeled accordingly.
37. All contiguous property shall be identified by development title, plat book and page, or if the land is unplatted it shall be so designated.
38. Total number and type of residential units categorized according to number of bedrooms. The total number of residential units per gross acre shall be given.
39. Location of on-site potable water wells, if any, and potable water wells within 200 feet of any property line, if any.
40. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, buffer strips and the like shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.
41. If the development includes private streets, an ownership and maintenance association document shall be submitted with the final development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the City or any other public agency.
42. If the development is to be phased for any reason, a master plan for the entire project shall be submitted with the development plan for the first phase or phases for which approval is sought. In addition, a schedule indicating approximate development phasing, including the sequence for each phase, shall be included.
43. The manner in which historic and archeological sites on or near the site will be protected.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 04-26-LC, § 3, 9-8-04)

2.19.00. Procedures for subdivision or resubdivision of land.

2.19.01. *Generally.*

A. These regulations shall be administered by the community development and engineering departments. It is the responsibility of such community development and engineering departments to carry out the provisions of this section and make recommendations as to the suitability of proposed subdivisions.
B. Except as provided by Section 7.08.08, no person shall divide any parcel of property into two or more parcels without complying with the provisions of this section.

2.19.02. *Preliminary approval.*

FINAL DRAFT

A. Preliminary approval is not required. However, the developer is encouraged to request preliminary approval whenever the developer is not certain that the proposed subdivision will meet all requirements of applicable laws and regulations. Preliminary submittals shall consist of three copies of drawings or other data indicating the concept of the proposed subdivision. The Community Development Director or designee will return comments, if any, from the Technical Review Committee to the developer.

B. The public hearing, after the due public notice requirement specified in Section 4.01.00 is fulfilled for any given project when advertised and held in the preliminary approval process and any later consideration on preliminary or final approval, may be considered without readvertising under old business.

C. Upon preliminary approval the developer may proceed with producing the required documents and request final approval.

D. If the proposed subdivision is disapproved upon consideration for preliminary approval, before further consideration the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

2.19.03. *Final approval.*

A. *Final plat requirements.* The developer shall submit to the community development department three copies of the mylar or other reproducible drawing of the final plat as prescribed by F.S. § 177.071, size 24 inches by 36 inches, duly signed as required.

B. *Construction drawings.* The developer shall submit to the community development department three copies of the final construction drawings conforming to the requirements set forth in Section 7.08.00 including specifications for drainage, streets and other improvements, and applicable laws and regulations. Final drawings and specifications shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida. One copy of the final drawings will be returned to the developer.

C. *Other approvals.* Approvals by the City Engineer, Destin Water Users, Inc., and the Destin Fire Department are required. Approvals by other concerned agencies may be required.

D. *Final action by City Council.* Where proposed major development includes the subdivision or resubdivision of land and the dedication of right-of-way, final approval of such subdivision or resubdivision shall be made by the City Council in accordance with this Code and general law. Upon receiving the recommendation of the technical review committee, the City Council will consider the subdivision for approval.

E. *Recording plats.* The plat will then be submitted by the developer to the office of the clerk of court for recording. After recording, one recorded mylar copy (size 24 inches by 36 inches), two paper copies of the recorded copy (size 24 inches by 36 inches), two reduced paper copies of the recorded copy (size 11 inches by 17 inches) and one copy of the recorded homeowners association documents, if applicable, shall be filed with the community development department within ten days.

F. *Disapproval.* If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

2.19.04. *Minor replats/minor subdivisions.* Where development involves a minor replat or minor subdivision as defined in Article 3, the City may issue a construction permit without requiring a final development order. However, City approval of the minor replat or minor subdivision is required prior to the issuance of a construction

FINAL DRAFT

permit. Minor replats or minor subdivisions do not follow the procedures outlined in Sections 2.19.02 or 2.19.03, but rather follow the procedures outlined in this subsection only.

A. Submittals consisting of an application and supporting documentation (agent affidavit, proof of ownership, etc...) three copies of drawings and other data indicating the concept of the proposed subdivision shall be delivered to the Community Development Department. The City Manager or designee will return comments, if any, to the developer.

B. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:

1. Each proposed lot must conform to the requirements of this Code,adopted ordinances of the City, and those standards specified by F.S. chapter 177.
2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

C. In the case of minor replats/minor subdivisions which involve a total of three or fewer lots, one single-family residential structure shall be permitted on each lot as a matter of right, provided the minimum lot size, dimension, and setback requirements of this Code are met.

D. After receiving City approval, the developer is required to record the minor replat or minor subdivision in the official county records at no expense to the City. After recording, one recorded mylar copy (size 24 inches by 36 inches), two paper copies of the recorded copy (size 24 inches by 36 inches), two reduced paper copies of the recorded copy (size 11 inches by 17 inches) and one copy of the recorded homeowners association documents, if applicable, shall be filed with the Community Development Department within ten days.

E. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

2.19.05. *Lot splits.* The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split:

A. For purposes of this section, the term "lot split" shall mean a division of a tract of land or lot that will result in either a lot line adjustment between two platted lots or tracts of land or the creation of exactly one (1) additional lot or tract of land provided the following conditions are met:

1. The lot or tract of land to be split is a previously platted lot or legal description of record.
2. Each lot or tract of land created hereunder shall abut a public or approved private street, unless perpetual cross-access easements already exist on the lot to be split or are determined not to be necessary, or, if necessary, are provided by separate instrument.
3. The lot split shall in every respect meet the criteria established elsewhere in this chapter and the City Land Development Code for the category of zoning and other relevant Codes under which the property is zoned.

B. Every lot split shall be processed in the following manner:

1. An application form provided by the community development department shall be completed and filed with the department, accompanied with the following:

a) An application fee approved by the city council by resolution;
b) Three paper copies of the proposed lot split;
c) A statement indicating whether new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land; and
d) Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division shall be prepared by a duly licensed land surveyor registered in the state. If a lot or tract of land contains any principal or accessory structures, a survey showing the structures on the lot or tract of land shall accompany the application.

2. Upon approval of the lot split by determination of the Community Development Director, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.

C. No further division of an approved lot split is permitted under this section, unless a plat is prepared and approved in accordance with this chapter.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 4, 5-7-07; Ord. No. 19-36-LC, § 3, 12-16-19; Ord. No. 20-03-LC, § 3, 2-18-20)

2.20.00. Guarantees and sureties.

A. *Applicability*. The provisions of this section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions and private developments.

1. Nothing in this section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the comprehensive plan.
2. Any item which may be deemed as a health, safety and welfare issue by the City Manager, or his or her designee, is not subject to the posting of security/surety.
3. Infrastructure is the only items which are subject to the posting of a security/surety. No buildings or portions thereof shall be applicable for the posting of security/surety under this section. Securities/sureties may be posted for provisions of the landscape plan in accordance with Section 12.04.07.E.
4. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

B. *Improvements, agreements required*. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, street lights, signage, striping, parking facilities, sidewalks, open space and recreation facilities shall be satisfactorily constructed according to the approved development plan. The following information shall be provided by applicant:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five years from the recording

FINAL DRAFT

of the plat or 30 percent occupancy of the development, whichever comes first. NOTE: Nothing in this section shall be construed to relieve the applicant of meeting any concurrency requirements applicable to the project.

3. The projected total cost for each improvement. Cost for construction shall be proposed by an estimate prepared and provided by a Florida-registered Professional Engineer (signed, sealed and dated).
4. Specification of the improvements to be made together with the time table for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making said improvements, the City shall utilize the security/surety provided in connection with the agreement.
6. The amount and type of security/surety provided to insure performance.
7. Provisions that the amount of the security/surety may be reduced periodically as construction proceeds and improvements are made.
8. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officer, employees and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
9. Developers agree to provide property access to City employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
10. Prior to release of bond or security/surety, the City shall review the project account records for any unpaid invoices or fees due to the City. All developers and applicants agree and consent to the City recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.

C. *Amount and type of security/surety:*

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security or any other form of guarantee.
2. Security/Surety requirements may be met but are not limited to the following:

    a. Deposit in the form of Cash, Certified Check, Cashier's Check or Money Order (required for Certificate of Occupancy);
    b. Irrevocable letter(s) of credit (Commercial/Designated Places of Assembly/Multi-Family only);
    c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida (Commercial/Designated Places of Assembly/Multi-Family, subdivision, P.U.D., Plat release only); or
    d. Certificates of Deposit issued by State or Federally licensed banks provided that the Certificate of Deposit can be converted to cash (or any other asset) only with the prior approval of the City (for Commercial/Designated Places of Assembly/Multi-Family only). NOTE: Interest earned on the Certificate of Deposit shall be retained by the applicant if the applicant completes the required improvements secured by the Certificate of Deposit within

the time limits established in the Final Development Order. The City shall retain all interest earnings on the Certificate of Deposit if, for any reason, the City is required to use the Certificate of Deposit, or any portion thereof, for completion of improvements required of the applicant. Use of this technique will require evidence of agreement between the applicant, the bank issuing the Certificate of Deposit, and the City.

3. The amount of security/surety for single family residential development shall be a minimum of $1,500.00 or 120 percent, whichever is greater, of the total construction costs for the required improvements (public and private). The amount of security/surety for all other developments shall be a minimum of $5,000.00 or 200 percent, whichever is greater, of the total construction costs for the required improvements (public and private). Upon approval of the City Manager, or his or her designee, the amount of security/surety may be reduced commensurate with the completion and final acceptance of required improvements not more than once during the term of the improvements. In no case, however, shall the amount of the security/surety be reduced to less than the designated minimum, necessary for completing the remaining required improvements. The following conditions also will apply to the posting of any security/surety:

   a. Amount of security/surety which will be permitted shall not exceed 10% of the project cost provided on the building permit application.
   b. Administrative fee of $250.00 shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.
   c. Security/surety handling fee of ten percent of the total amount of security/surety shall be assessed and paid prior to reduction or release of said security/surety.
   d. Inspection fees are outlined in most current fee resolution and shall be assessed and paid prior to reduction or release of security/surety.

4. Security/surety documents must reflect the names of the subdivision or planned unit development and the developer and developer's authorized agents.
5. Security/surety shall be provided prior to the issuance of the final development order.
6. Expiration of surety may be extended in time, not more than two occasions for a total of 16 months, after which the security/surety shall be forfeited in accordance with this section. Extension of time shall be based on merits of completion of bonded items as inspected and determined by the City Manager or his or her designee.

D. *Inspection of improvements.*

1. Inspection of the following phases of construction may be conducted by the City Engineer. These phases shall be inspected and certified by the developer's engineer:

   a. Subgrade or stabilized subgrade;
   b. Curbs and concrete work;
   c. Roadway base;
   d. Surface course;
   e. Drainage structures and systems.

2. The developer's engineer shall provide certification(s) that all infrastructure, including potable water and wastewater systems, have been constructed in accordance with the approved development plan. Testing documentation shall be provided to the City Engineer, along with

copies of DEP certification(s). Inspection by the developer's engineer will not preclude the City Engineer from inspecting any and all aspects of construction.

3. The City Engineer shall be given 48-hour advance notification of scheduled inspections.
4. The City Engineer shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.
5. If a developer does not schedule any inspections required by this section, the inspection fees for that unscheduled inspection shall be triple the usual inspection fee.

E. *Procedures for acceptance by the City.*

1. *Preliminary acceptance.* Preliminary acceptance of physical improvements is subject to:

   a. Within two weeks prior to presentation to City Council for preliminary acceptance, the City Engineer shall inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.
   b. The developer has posted the required security/surety as specified in section 2.20.00.F.1.c to insure maintenance for a period of one year from the date of preliminary acceptance by the City Council. The security/surety provided for the installation of physical improvements as specified in Section 2.20.00.B shall not expire until the installation of physical improvements has been preliminarily accepted by the City. Responsibility of acquiring preliminary acceptance shall be the developer's.

2. *Permanent acceptance.* The infrastructure will not be permanently accepted into the City's maintenance program until all defects are corrected by the developer within 60 days of notification of deficiencies by the City Engineer. In addition, failure to make required corrections specified by the City Engineer shall result in a forfeiture of securities/sureties. Responsibility for acquiring permanent acceptance shall be the developer's.
3. The City of Destin shall establish a administrative procedure for the acceptance of developments in the City. These developments shall include, but not be limited to subdivisions, planned unit developments (PUD's), private road subdivisions and private developments.

F. *Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments).*

1. A maintenance agreement and security/surety shall be provided for all streets to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to roads, streets, stormwater drainage, sidewalks, street lights, open space and recreation areas.

   a. There shall be a minimum maintenance period of one year.
   b. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements. (section E. herein)
   c. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer and a representative of the developer. These inspections shall be scheduled at mid-year and prior to permanent acceptance by the City Council. The City Engineer shall advise the developer, in writing, of any corrective measures to be made

during the maintenance period. It shall be the developer's responsibility to make required corrections prior to the expiration of the maintenance security/surety.

d. The security/surety shall be in an amount equal to 25 percent of the construction cost of the improvements and will be held for a period of 18 months or upon permanent acceptance, which ever is greater.

2. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium association pursuant to that law.

b. When no condominium is to be organized, an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.

c. When a development requires an owner's association, proof of the establishment of the association must be filed with the community development director prior to a development order being issued. A recorded copy of the documents must be provided to the City before preliminary acceptance.

d. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenant shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City.

G. *Penalty.* Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this article shall be punished as provided in Section 1-9 of Destin's Code of Ordinances.

2.20.01. *Future improvement payment.*

A. *Applicability:* The provisions of this section apply to all proposed developments in the City of Destin or adjacent to public rights-of-way.

1. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

2. This section does not modify existing agreements between a developer and the City for final development orders granted prior to the effective date of this section.

3. This section shall apply to situations when improvements can not be installed or constructed within a public right of way, easement, or City owned property within the City of Destin, due to circumstances outside of the City of Destin or the developer's immediate control. Examples of such situations include, but are not limited to improvements to and along the U.S. Highway 98 corridor, including Emerald Coast Parkway and unimproved public rights of way within the City of Destin and when a City improvement schedule coincides with an adjacent development.

B. *Improvements required:* The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public ROW, easement, or City owned property, including, but not limited to, sidewalks, pedestrian tracks or pathways, signage other than traffic control, handrails and permanent striping will be constructed according to the approved development plan at an undisclosed later date by the City of Destin. The following information shall be provided by the developer:

1. The projected total cost for each improvement. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Florida Professional Engineer.
2. The amount and type of payment provided to assure construction.

C. *Amount and type of future improvement payment:*

1. The City Manager, or his or her designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.
2. Payment requirements shall be one of the following:

   a. Certified check;
   b. Cashiers check;
   c. Money order; or
   d. Cash.

3. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
4. In addition to the future improvement payment, developer shall pay an administrative fee.

D. *Future improvement payment* shall be made prior to the to issuance of a development order for commercial projects or a building permit for residential projects.

E. *Future improvement payment.* At such time that the improvements can be made to the public right-of-way, easement, or City-owned property, the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements. After completion of the improvements, any unused portion of the future improvement payment shall be returned to developer. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the City.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 07-32-LC, § 5, 5-7-07)

2.21.00. Final development order and extension of the commencement of construction deadline.

A final development order is valid for a period of one year from the date of issuance. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one year period after which the permitted development activity may be completed provided the conditions of this section continue to be satisfied. If a building permit is not issued within one year from the date of issuance of the final development order or a building permit is issued and construction has not commenced within one year from the date of issuance of the final development order, then the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related

to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void. No extensions to this deadline shall be allowed, except as set forth in section 2.21.01.

2.21.01. *Criteria for a request to extend the 12-month deadline to obtain a building permit and commence construction.*

A. An applicant who desires to extend the 12-month deadline shall submit a written request to the community development department, no less than 30 days, prior to the expiration of the 12-month deadline to obtain a building permit and commence construction.
B. An applicant may receive only one extension, and such extension shall not exceed one year.
C. As a condition of approval for such an extension, the applicant's project shall meet any and all applicable code requirements that were adopted subsequent to the approval of the final development order for which an extension is being requested. The applicant will have to file an application, to amend to the previously approved development order, with the City prior to the issuance of any City permit for the subject property.
D. *Special economic condition extension.* An applicant who desires to extend a previously approved active final development order shall submit a written request to the community development department, no later than April 30, 2014, which extension shall be deemed automatically granted. The extension shall commence from the current expiration date of the active final development order for a period of one year. Nothing herein shall be deemed to affect any other extension otherwise allowed by either this Code or general law, except that it is expressly intended the expiration date of a final development order that has been previously extended by operation of general law may be further extended by operation of this subsection.

2.21.02. *Determination regarding request for extension.* All applications for extensions, as identified in section 2.21.01, shall be reviewed by the community development director with input from the appropriate technical review committee members for approval, approval with conditions, or disapproval.

2.21.03. *Establishing an application fee*. The City reserves the right to establish, by resolution, an application fee, for processing and reviewing requests for extensions of time authorized by section 2.21.01.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 09-17-LC, § 3, 10-19-09; Ord. No. 14-01-LC, § 3, 3-3-14)

2.22.00. Appeals.

When it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official or the local planning agency in the enforcement of any requirement of this code, the Code of Ordinances or Land Development Code, now existing or to be promulgated in the future by the City, the issue in dispute shall be taken before the Board of Adjustment. Such issue may include, but it not limited to, a finding of concurrency deficiency or refusal on the part of the City to issue a final development order.

2.22.01. Any appeal by any citizen must be filed in writing with the City Manager, or designee, within 30 calendar days of rendition of the decision in question, and the reasons for such appeal shall be set forth therein. The City Manager, or designee, shall arrange for an appeal hearing before the Board of Adjustment and notify the appellant in writing of the date, time and place of the hearing.

2.22.02. The appellant shall have the burden of affirmatively demonstrating that the decision in question was in error. The administrative official(s) involved, or chairman of the Planning Commission, shall have the opportunity to present information and argument to support their decision.

2.22.03. The Board of Adjustment shall base its decision on the requirements of the City's Comprehensive Plan and this Code. The Board shall make its decision based upon its usual voting procedures, the decision shall be issued in writing stating the reasoning involved, and it shall be rendered within 60 days of the close of the hearing. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.23.00. Reserved.

Editor's note(s)—Ord. No. 04-26-LC, § 3, adopted Sept. 8, 2004, repealed § 2.23.00, which pertained to deviations to a final development order. See also the Land Development Code Comparative Table.

2.24.00. Development agreements.

A. *Definitions.* For the purpose of this section, the definitions set forth in F.S. § 163.3221, are hereby adopted by reference and shall apply and control all development agreements entered into by the City of Destin.

B. *Development agreement requirements.*

1. All development agreements shall, at a minimum, include the following:

   a. A legal description of the land subject to the agreement.
   b. A statement identifying the legal and equitable interest of all persons having any interest in the property described in a. above. The statement of ownership interests of any joint ventures, partnerships or corporations shall reveal all principals or directors and officers, as appropriate. Such statements shall be certified by a title company or an attorney-at-law licensed to practice in the State of Florida.
   c. The duration of the agreement, which shall meet the terms set forth in subsection C. of this section.
   d. The development uses permitted on the land, including population densities, and building intensities and height.
   e. The land use designation under the City's Comprehensive Plan for all property included within the terms of the proposed agreement.
   f. The current zoning classification of the property.
   g. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
   h. The date any new facilities, if needed, will be constructed.
   i. A schedule to assure public facilities are available concurrent with impacts of the development.
   j. A description of any reservations or dedications of land for public purposes.
   k. A description of all local development permits approved or needed to be approved for the development of the land.
   l. A finding that the development permitted or proposed is consistent with the City's comprehensive plan and land development regulations, as required by Section 163.3231 of the Act.
   m. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the City for the public health, safety or welfare of its citizens.

n. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the development of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions.

2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.

C. *Duration of development agreements.* The term of a development agreement shall not exceed five years. A development agreement may only be extended by mutual consent of the City Council and the developer, subject to public hearings in accordance with Section D. No extension shall exceed five years or such time as the Act may provide.

D. *General requirements for notices and hearings.*

1. Before entering into, amending, modifying, canceling, or revoking a development agreement, the City shall conduct at least two public hearings, one of which shall be held by the local planning agency prior to a final public hearing before the City Council.
2. The day, time and place at which the next scheduled public hearing will be held shall be announced at the prior public hearing.
3. Notice of intent to consider a development agreement at a scheduled public hearing shall be provided:

   a. By advertising the required notice in a newspaper of general circulation and readership in Okaloosa County approximately seven days before each public hearing on the application;
   b. By mailing no sooner than 14 calendar days prior to the first public hearing to all property owners of record as listed in the Okaloosa County Property Appraiser's office records, whose property lies within 300 feet of the subject property;
   c. In writing, to adjacent or affected local governments or their agencies pursuant to policies in the Intergovernmental Coordination Element of the Comprehensive Plan; and
   d. By posting on the property to be developed.

4. Required notice of intent to consider a development agreement shall specify:

   a. The time, place, and location of the scheduled hearings (2);
   b. The location of the land subject to the development agreement;
   c. The development uses proposed on the property, including the proposed population densities and proposed building intensities and height; and
   d. Instructions for obtaining further information, including the place(s) where a copy of the proposed agreement can be obtained.

E. *Development agreement procedures.*

1. *Submission of development agreement packages; fees.*

   a. Applications requesting consideration by the City of a developer's proposed or amended development agreement shall be submitted on such forms as may be provided by the City. In addition to the information required by Subsection B. of this section, the application shall contain such information as is reasonably necessary to process and fully consider the application.

b. Application packages shall be accompanied by such fees and charges as may be imposed by the City Council by resolution for proper filing and processing.
c. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

2. *Negotiation of development agreements.*

a. The City Manager and City staff shall review the developer's application package and negotiate such further terms and conditions as the City Manager shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
b. Once a tentative agreement has been reached as to the terms and conditions of a development agreement, or further negotiations are not anticipated or will not reach a consensus on the development agreements' terms or conditions, the City Manager and staff shall draft a report, including any recommendations, of the City Council consideration along with the tentative agreement.
c. The existence of a tentative agreement, staff report or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that further expenditures by a developer would vest any right to continue development; nor shall such actions constitute partial performance entitling the owner to a continuation or extension of the development agreement.

3. *Adoption, amendment, extension, modification, revocation and cancellation procedures:*

a. Following such notice and public hearings as may be otherwise required, the City Council by majority vote, may act to adopt, amend, extend, modify, revoke or cancel any proposed or existing development agreement.
b. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.

F. *Recording the development agreement.*

1. Within 14 days after the City enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the Official Records of Okaloosa County.
2. A copy of the recorded development agreement and any recorded action on the agreement shall be submitted to the Florida Department of Community Affairs within 14 days after the agreement is recorded.
3. Pursuant to F.S. § 163.3239, no development agreement shall be effective until 30 days after having been received by the Department of Community Affairs.
4. Prior to the City's review of the status of a development agreement, the developer or property owner shall, within 14 days of the City's annual review of the development agreement, submit to the City a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.

G. *Periodic review.*

1. The City may review the land and progress of development subject to the development agreement at least once every 12 months to determine if there has been compliance with the terms and conditions of the development agreement during the period under review. The agreement shall continue in force as is, pending the next review.
2. If as part of its review, the City makes a finding on the basis of substantial competent evidence that there has been a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Subsection D., may:

    a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
    b. Revoke the agreement in order to protect the public's interest, health, safety or welfare.

H. *Amendment, modification, extension, revocations and cancellation of agreements.*

1. In addition to being extended pursuant to Subsection C. development agreements may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest upon proper notice and hearing set forth in Subsection D.
2. In the event state or federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms or conditions of a development agreement, then such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws upon proper notice and hearing set forth in Subsection D.

I. *Legal status of development agreements.*

1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.
2. The City's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.
3. The City may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the City determines any one of the following:

    a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
    b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
    c. That such laws and policies are essential to the public health, safety or welfare, and expressly state that they shall apply to existing development agreements; or
    d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
    e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

J. *Enforcement.*

1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. §§ 163.3220—163.3242:

a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
b. The state land planning agency.

2. Violations of this section or a development agreement shall be subject to penalties provided in Section 1-9 of the Code of Ordinances.

(Ord. No. 04-23-LC, § 3, 8-16-04)

2.25.00. Board of adjustment.

2.25.01. *Establishment; appointment.* There is hereby established a board of adjustment consisting of seven members who shall be appointed by the City Council.

2.25.02. *Terms of members.* After the first seven appointments to the board, all succeeding appointments shall be for a term of three years, or until their successors are appointed and qualified.

2.25.03. *Functions, duties and responsibilities.* The board of adjustment shall have the following powers and duties:

A. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
B. To hear and decide such conditional uses as the board of adjustment is specifically authorized to pass on under the terms of any zoning ordinance, to decide such questions as are involved in the determination of when conditional uses should be granted, and to grant conditional uses with appropriate conditions and safeguards or to deny conditional uses when not in harmony with the purpose and intent of any zoning ordinance. When reviewing an application for a conditional use, the following criteria shall be considered. Any applicant for a proposed conditional use shall provide plans that demonstrate compliance with the following general criteria:

1. *Size, Location, or Number of Conditional Uses.* Size, location, or number of conditional uses in an area shall be limited so as to maintain the overall character of the district in which said conditional uses are located. The proposed conditional use(s) shall be compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, drainage, dust, lighting, appearance, etc.
2. *Hours of Operation.* Hours of operation may be limited by the board of adjustment to ensure compatibility with adjoining properties. For instance, hours of operation may be restricted to avoid potential adverse impacts on a conforming residential use or on an adjacent single-family residential zoning district.
3. *Factors Impacting Scale and Intensity of Conditional Uses.* The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure, and similar site plan improvements needed to mitigate potential adverse impacts of the proposed use, including its design, mass, height, and scale. The board of adjustment may impose conditions that require supplemental development standards to ensure compatibility with surrounding development.

In granting any conditional use, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the zoning ordinance.

The board of adjustment may prescribe a reasonable time limit within which the action for which the conditional use is required shall be begun or completed or both.

C. To authorize upon appeal such variance from the terms of any zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. In order to authorize any variance from the terms of the conditions, the board of adjustment must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with any zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance.

The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

D. Under no circumstances, except as permitted above, shall the board of adjustment grant a variance to permit a use not generally or by conditional uses permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

2.25.04. *Applications.* It shall be the responsibility of the applicant for conditional uses or variances to ordinances to demonstrate and each application shall contain statements of fact establishing the criteria prescribed in Subsections 2.25.03(B) through (J), as applicable. Each request for conditional uses or variance, and each decision appealed, shall be the subject matter of a separate application.

2.25.05. *Findings.* The board of adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in Subsections 2.25.03(B) through (J), as applicable, are met, and whether or not the request is consistent with the City's comprehensive plan, and no issuance of any conditional use or variance to any City ordinance shall issue unless the applicable criteria and plan compliance are met.

2.25.06. *Action time limit.* An action for which a variance or conditional use is required shall be begun no later than six months and completed no later than 12 months from the grant of variance or conditional use, or such other reasonable time limit as shall be determined for the grant of variance or conditional use by the board of adjustment.

2.25.07. *Review of administrative orders.* In exercising its powers, the board of adjustment may, upon appeal, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance, and may make any necessary order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

2.25.08. *Appeal from decision of administrative official.* Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board, or bureau of the City affected by any decision of an administrative official under any zoning ordinance. Such appeal shall be taken within 30 days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was taken.

2.25.09. *Stay of work and proceedings on appeal.* An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

2.25.10. *Hearing of appeals.* The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, or by attorney. For procedural purposes, an application for a special exception shall be handled by the board of adjustment the same as for appeals.

2.25.11. *Judicial review of decisions.* Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any officer, department, board, commission, or bureau of the City, may apply to the circuit court for judicial relief within 30 days after rendition of the decision by the board of adjustment. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

2.25.12. *Rules of procedure for the board of adjustment.*

A. *Definitions.* For the purpose of this section the following terms, phrases, words, abbreviations and their derivations shall have the following meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in Section 1-2 of the codified ordinances of the City.

FINAL DRAFT

1. *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.
2. *Application* shall mean the application form and supporting documents and, where the context so requires, the variance requested by the application, or special exception required by the application, or the administrative action or interpretation being reviewed by the application.
3. *Board* shall mean the Board of Adjustment of the City of Destin.
4. *Chairman* shall mean the chairman of the Board of Adjustment of the City of Destin.
5. *Code* shall mean the codified ordinances of the City of Destin, Florida, unless otherwise designated.
6. *Legal advisor* shall mean the City Attorney or other attorney appointed by the City Council to serve in the capacity of legal advisor to the Board of Adjustment of the City of Destin.
7. *Site plan* shall mean a drawing, to scale, which accurately depicts the property and proposed improvements.
8. *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.

B. *Application requirements.*

1. Each request for a variance, conditional use, or appeal of an administrative decision as allowed by Section 2.25.03 shall be originated by the filing of an application with the community development director or his or her designee.
2. The form of the application shall be approved by the legal advisor and the board.
3. The application must be supported by the following:

    a. Letter of request from the applicant which contains the request(s) for variance(s), conditional use(s), or appeal(s) of an administrative decision.
    b. Statements of fact setting out compliance with the criteria established by Section 2.25.03 of the Code when required.
    c. Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.
    d. A complete legal description of the parcel of land for which the request is sought.
    e. A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements and proposed improvements. The applicant may provide a current survey (not older than 90 days) which provides the same information, in lieu of a site plan.
    f. Any other documents or requirements which are mandated by the Code or deemed necessary by staff in reference to the specific request made. By way of example and not of limitation, such requirements might be a drawing of the structure of a sign as required by the sign ordinance or, in the case of a swimming pool, a drawing of the location of the pump and filter equipment.

4. The community development director, or designee, shall have the discretion to refuse to accept an application which does not include support documents required by this section or the Code.

5. The application and any supporting materials must demonstrate the need and the requirements of Section 2.25.03(B) through (J) of the Code as applicable. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application.

C. *City staff responsibilities.*

1. The City staff, hereinafter referred to as "staff," has the responsibility for the everyday business of the City, and as regards matters that may come before the board, to insure compliance with ordinances of the City.
2. Staff shall provide assistance to the applicant of a technical nature regarding the requirements of the Code and identification of elements of plan noncompliance with the Code.
3. Staff must review all applications for technical completeness and report its opinion to the board.
4. Staff, as designated by the Community Development Director, must review the site plan or survey attached to the application and provide a statement that staff has viewed the property and finds that the site plan accurately depicts the property, to the best of the staff's knowledge. It is understood that staff should not act as a surveyor or in any way guarantee the site plan(s) attached to the application, but should provide the board with information that the site plan(s) does or does not accurately depict the property for the purposes of the specific request and disposition by the board.

D. *Public hearings generally.*

1. Pursuant to Section 2.25.10 of this Code, the board shall fix a reasonable time for hearing the specific request.
2. Pursuant to the provisions of Section 2-29 of the Code of Ordinances, the public hearing on any application shall be conducted in accordance with Robert's Rules of Order. However, as the hearings held by the board are quasi-judicial, certain additional rules and procedures are proper. These rules are to guarantee that the applicant, the City, and any interested party have due process. In addition, the rules will provide a forum for the hearing which is easy to follow, provides evidence in a logical progression, and provides the board an opportunity to dispose of applications in a reasonable time.
3. The agenda for each regular meeting shall be followed as prepared by the Community Development Director or his or her designee. The chairman may, in the exercise of his or her discretion, or upon majority vote of the board, alter the agenda to dispose of items in a prompt and efficient manner. The chairman may in the exercise of his or her discretion, or upon a consensus of the board, also request, but may not compel, an applicant to postpone, continue or recess a matter to a later time or date. The board may, for good cause, continue a matter to a later time or date.
4. The City Clerk or his or her designee is responsible to keep minutes of the public hearings and meetings of the board. These minutes shall include, but are not limited to: the evidence presented by the applicant, the staff and members of the public; deliberation of the board; and the decision of the board. The minutes are not verbatim transcripts of the proceedings.

5. The applicant is responsible for ensuring that a verbatim record of the proceeding is made if required for his or her purposes.

E. *Order of proceeding with public hearing.*

1. The order of proceeding with the public hearing as specified hereinafter on an application before the board shall be followed, but may be varied from, in the exercise of discretion of the chairman or by majority vote of the board.
2. The chairman, or his or her designee, shall read into the record the notice of the public hearing, unless waived in whole or in part by the interested parties present, and shall examine the proof of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.
3. The chairman, or his or her designee, shall read into the record the application, and any additional information which the applicant has attached to the application, and shall announce the attachment of any supporting documents with a brief description of each.
4. The chairman, or his or her designee, shall then read into the record any deficiencies which the staff has determined exist in the application.

    a. If the deficiencies have been cured by the applicant, such should be noted on the record and the public hearing should proceed.
    b. If the deficiencies have not been cured, and the applicant is unable to cure them within the time of publication of the notice of public hearing, the chairman may ask if the applicant wishes to continue, postpone or recess the public hearing.
    c. If the deficiencies are a result of the board or staff, the board may continue, postpone, or recess the matter for a reasonable time sufficient to cure the deficiencies.
    d. If, in the opinion of the legal advisor, the deficiencies are such that no action on the application would cure the deficiencies, then the board may deny the request, after giving the applicant an opportunity to be heard on curing the deficiencies, if applicable.

5. The chairman shall then read into the record any and all comments of the staff.
6. The chairman shall then call upon the applicant. The applicant shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
7. The chairman shall then call upon the staff. Staff shall then be given an opportunity to make a statement and present any additional testimony, information and supporting documents.
8. The chairman shall then call upon the public for any comments, testimony, information and documents in support of granting the application.
9. The chairman shall then call upon the public for any comments, testimony, information and documents against granting the application.
10. The chairman shall then call upon the applicant for any rebuttal.
11. The chairman shall then call upon the staff for any rebuttal.
12. The chairman shall then call upon the public for any rebuttal.

F. *Board deliberation.*

1. The board shall deliberate upon the application and testimony and other evidence of the applicant, staff and members of the public.

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

G. *Evidence at the hearing.*

1. *Variance.* The burden of proof shall be upon the applicant to establish the standards required in Section 2.25.03 (G) of this Code for the granting of a variance.
2. *Conditional uses.* The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is adverse to the public interest.
3. *Administrative decision appeal.* The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.
4. Testimony commonly is not under oath; however, by filing the application, preparing the comments or participating in the public hearing, the applicant, staff and members of the public certify the testimony or evidence which they give or proffer is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.
5. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.
6. The members of the board, applicant, staff or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.
7. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.
8. Irrelevant, immaterial or unduly repetitious evidence shall be excluded by the chairman.
9. Any member of the board may question any person presenting evidence or testimony to the board.
10. All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.
11. Any ruling by the chairman may be challenged and overturned by a majority vote of the board.

H. *Motion to grant or deny.*

1. After deliberation on the application is closed, a motion may be made to grant or deny the application.
2. The motion shall state the objective findings of fact, prescribed in Sections 2.25.03(B) through (J), as applicable, upon which the board bases its decision.
3. The motion shall briefly state what evidence was relied upon in making the findings of fact.
4. The board may consult with the legal advisor to determine if any additional requirements must be met in order to grant or deny the application.
5. The motion may contain other factors which the board considered in making its decision, such as, but not limited to: commencing construction without a permit, defective plans, etc.
6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect the public health, safety and welfare.
7. Pursuant to Section 2.25.06 of this Code, the motion may also contain time frames within which any activity, pursuant to a variance or special exception, are commenced and completed.
8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.
9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested, and commences the time for filing an appeal to such order.
10. When the board passes a motion denying the application, the chairman or his designee should advise the applicant of the appeal rights provided in Section 2.25.11, "Judicial review of decisions," of this Code.
11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the planning and zoning secretary shall compile the motion into written form and present the order to the chairman for execution.

(Ord. No. 04-23-LC, § 3, 8-16-04; Ord. No. 06-01-LC, § 4, 12-18-06; Ord. No. 10-11-LC, § 3, 12-20-10)

2.26.00. Vested rights determinations.

For purposes of this entire chapter on vested rights determinations, the term "and" is conjunctive, and the term "or" is disjunctive.

2.26.01. *Intent.* This chapter is intended to provide implementing land development regulations consistent with Policy 1-2.1.5 of the City's adopted Comprehensive Plan.

A. The intent of the procedure for vested rights determinations is to provide for a fair and equitable process for the determination of whether a property owner has vested rights as of April 2, 2018.
B. The purchase of property in reliance on then existing zoning, without more, shall not vest the purchaser's right to develop in accordance with said zoning.
C. The City does not deem there are any applicants eligible for Vested Rights within the City, wherein the claimed vested right would allow a property owner to not provide parking onsite of the proposed development, for 100 percent of the maximum allowed occupancy, whether commercial or residential, of the proposed project.

D. The City deems that no applicants shall receive recognition of a Vested Right that impermissibly obligates the City to provide its credit for the benefit of the applicant.

2.26.02. *Eligibility to apply for a vested rights determination.*

A. This process is only available to property owners who personally, or through their predecessors in title, can provide written proof that prior to June 8, 2018, they applied to the City of Destin to build something on the property that was never built on a specific parcel of property, and that they are able to meet one of the four categories of applications set forth below in section 2.26.03.

B. The scope of any such request for a vested right shall be limited to what was applied for in the original application filed with the City prior to June 8, 2018, and shall be further limited to any written input or opinions provided by staff at the time of the denial or approval. Any application relied upon by the applicant, along with any input or opinions from staff, must be attached to any application submitted under this chapter.

C. One may not apply if they are seeking a determination as to anything that was subject to an unexpired development order, which was pending as of June 8, 2018, and any building heights, density, and/or intensity requirements in the unexpired development order shall continue to be legal after the date of the adoption of the Comprehensive Plan, and shall expire on the expiration date contained within the development order.

D. An applicant may only submit one application for a vested rights determination per parcel, which will require the applicant to indicate which category the applicant is applying under. The categories are mutually exclusive, and applicants shall only select one category for their application. If an applicant selects more than one category, then the application shall be summarily denied if not corrected within three months of the effective date of this chapter.

2.26.03. *Application categories.* A property owner may make application to the City Council for a vested rights determination if they fall within one of the four categories listed below:

A. *Category One.*

i. The applicant received a development order, which expired sometime in the five calendar years prior to April 2, 2018, and prior to expiration of the development order, the applicant conveyed and constructed a tangible public benefit, for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the development order, with the applicant incurring ascertainable monetary costs at the time of conveyance or construction.

ii. Any such written agreement evincing the development order must be attached to the application, and failure to do so will result in a summary denial of the application.

iii. This category of applicant shall be eligible for a one year revival of the expired development order subject to modifications of the design of the project within the development order, consistent with this section of the code.

iv. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.

v. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

vi. An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

B. *Category Two.*

i. The applicant is party to, or is the assignee of a party named to a fully performed written annexation agreement, and is/was promised certain development rights within the annexation agreement, said development rights not having a defined expiration/termination date within the annexation agreement.
ii. Any applicant in this category shall be eligible to apply for an amendment to the annexation agreement that will provide a vesting recognition of the development rights within the annexation agreement, with a maximum five-year expiration/termination of the development rights conferred within the annexation agreement.
iii. If the annexation agreement contains express and identifiable parking specifications that contradict Section A.iv., above, then the contents of the annexation agreement shall control.
iv. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.
v. An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

C. Category Three.

i. The applicant previously applied for a development order, which was denied.
ii. Despite the denial, the applicant can produce an express written agreement that expressly sets forth, on the face of the document itself, an identifiable vested development right benefitting the applicant.
iii. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.
iv. The applicant shall be required to prove the following:

a. The applicant, prior to April 2, 2018, made a substantial change in position or has incurred extensive obligations or expenses.
b. The following are not considered development expenditures or obligations:

1. Expenditures for legal and other professional services that are not related to the design or construction of improvements;
2. Any form of taxes paid, or incurred;
3. Expenditures for acquisition of the land, including purchase price and all closing costs.
4. Obligations to any third parties, including but not limited to investors or creditors of the applicant.

v. This category of applicant shall be eligible for a one year revival of the expired development order subject to modifications of the design of the project within the development order.
vi. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, footprint, or square footage of the project.
vii. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.
viii. An order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

D. *Category Four.*

i. The applicant duly applied for a development order prior to June 8, 2018, and did not receive a final decision for approval or denial prior to June 8, 2018. A formal written application and payment of appropriate applicable fees must have been received by the City prior to June 8, 2018.

ii. Category Four applications for vested rights determinations are subject to the following limitations:

a. The application is for a minor development; and

b. The gross floor area of the proposed structure is less than 4,000 square feet; and

iii. This category of applicant shall be required to submit an application for a vested rights determination by (insert date that is six months after effective date of this ordinance).

2.26.04. *Procedure for applying and determining vested rights.*

A. Applications for a vested rights determination shall be submitted to the city manager on a form to be provided by the City.

B. Such application must be filed within six months after the Council passes this ordinance on second reading.

C. Failure to file an application within the required period will constitute an abandonment of any claim to vested rights.

D. The owner of the subject property must either sign the application or give written authorization

E. Judicial relief will not be available unless administrative remedies set forth in this article are exhausted.

F. The City Manager, in consultation with the City Land Use Attorney, and City Attorney, and City Staff, shall review a vested rights determination application for sufficiency, shall forward the request to the City Council once it is deemed the application includes all required information.

G. The City Manager shall schedule a public hearing before the City Council, which hearing shall be held not later than 45 days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause.

H. Written notice of the date, time, place and purpose of the hearing shall be mailed by the City Clerk to all owners of property located within 150 feet of the boundaries of the property for which vested rights are sought, according to the latest certified tax roll. (For purposes of this article, such an owner is deemed a "party of record"). Said notice shall be mailed not later than 15 days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten days prior to the public hearing.

I. The applicant shall provide a proposed order to the City Council a minimum of ten days prior to the hearing on the application.

J. The City Council shall render an order to either issue or deny a vested rights determination on the application.

K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) what rights, if any, are vested; (ii) what laws or regulations those rights are vested against; and (iii) what limitations or requirements apply for the applicant to preserve those vested rights.

2.26.05. *Appeals.*

A. Any appeal of a City Council decision on a vested rights determination shall be by petition for certiorari review to the Circuit Court of Okaloosa County, Florida, based solely on the record of the hearing before the City Council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.
B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.
C. Such an appeal must be filed within 30 days after the date the City renders its order.

2.26.06. *Prohibited clauses within proposed order.* Any proposed Order provided to the City Council shall not include:

A. Any change to add a new land use or to change the vested mix of land uses that alters the basic character of the vested development; or
B. Any change in access to the project that would increase the development's transportation impacts.

2.26.07. *Ultra vires revocation.* A vested rights determination shall be revoked by operation of law if the applicant, the applicant's predecessor in interest, the applicant's principals or officers, or the applicant's predecessor in interest's principals or officers, are found to have engaged in criminal or fraudulent activities during the negotiation, execution, or performance of any agreements related to either the application submitted under this chapter, or within the actions that led to the formation of the proposed project as originally presented to the City prior to April 2, 2018.

2.26.08. *Notice of this ordinance.* Any individual or entity who has applied to the City of Destin for any Development Order within the last five years, whom (1) owns waterfront property within the SHMU, CMU, or NHMU, (2) owns any undeveloped property along Highway 98, or (3) owns any undeveloped property south of Highway 98, shall be provided a copy of this ordinance mailed by certified mail return receipt requested.

(Ord. No. 18-16-LC, § 2, 9-5-18; Ord. No. 18-26-LC, § 2, 12-17-18)

2.27.00. Technical Review Committee (TRC).

2.27.01. *Establishment.* There is hereby created a committee to be known as the Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development order applications as specified under section 2.26.03 of this Code.

2.27.02. *Membership.*

A. The initial membership on the TRC shall be capped at nine members, and terms on the committee shall be for four years, unless the member resigns from the committee, is removed from the committee by a majority vote of the City Council, or has their membership terminated pursuant to subsection B.
B. Membership on the TRC shall be terminated if the member: (1) files a lawsuit against the City, (2) is convicted of a felony, or a crime involving moral turpitude, or (3) fails to timely review projects to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.
C. The membership shall include:

1. The City Land Use Attorney;

An appropriate individual from the following city departments, as applicable:

FINAL DRAFT

2. Community Development Department, Planning;
3. Public Services Department;
4. Parks and Recreation Department;
5. Community Development Department, Building Official or Building Official's designee;

An appropriate individual from following agencies:

6. Destin Fire Control District (nominee must have experience as a firefighter);

An appropriate individual from following utilities:

7. Destin Water Users (nominee must have technical experience in the area of water utilities);
8. Okaloosa Gas District (nominee must have technical experience in the area of gas utilities);
9. Gulf Power (nominee must have technical experience in the area of electrical utilities).

D. The City Manager may appoint and remove the City Staff representatives, under Section 2.06.02.C.2.—5. above, as the City Manager may deem appropriate.
E. Other than the City Land Use Attorney, the City Manager shall provide the names of the nominees for the other four positions to the City Council, for the City Council's approval by a majority vote. The consideration and vote by City Council shall not be part of the Consent Agenda.

2.27.03. *Functions, duties and responsibilities of TRC.* The TRC members may be provided items to review in relation to their areas of expertise, and shall confine their review to the areas so designated. Subject to these limitations, the TRC shall review the following applications for compliance with the provisions of this City Land Development Code, and all applicable building codes:

1. Major/Minor development order;
2. Major/Minor deviations to development orders;
3. Major subdivisions; and
4. Planned unit developments.

2.27.04. *Conduct of TRC meetings.*

A. The TRC staff shall hold regular monthly meetings at the established time and place unless cancelled due to lack of items to be discussed or acted upon.
B. The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.
C. The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. Attendance of the applicant or agent is not required but is encouraged.
D. On development applications to be reviewed by the TRC, the Community Development Director, or other person designated by the City Manager, shall be responsible for the following:

1. Agenda preparation and distribution;
2. Chairing the meeting;
3. Recording the minutes;
4. Notification to applicants of the regularly scheduled date, time and place for consideration of the application;
5. Written notification to applicants of the outcome of the TRC review.

FINAL DRAFT

~~E. At the second City Council meeting each month, the City Land Use Attorney shall provide a brief monthly update, under City Land Use Attorney's designated portion of the Agenda, summarizing the activities of the TRC.~~

~~(Ord. No. 18-06-LC, § 2, 11-5-18; Ord. No. 19-19-LC, § 2, 10-21-19)~~

~~2.28.00. Intent of process for change of use permits.~~

~~When the use of a space changes, the risk factors and neighborhood impacts associated with the space can also change. Alterations to the existing building/space may be required to meet the requirements of the City Land Development Code, Comprehensive Plan, Code of Ordinances, and/or building or fire code requirements for the new use. Alterations to the existing building and/or site may therefore be required to meet the Land Development Code requirements for the new use. The change of use permit process is intended to help identify those requirements and protect the public health, safety and welfare.~~

~~Development and redevelopment opportunities exist within the City. Existing developments are required to be consistent with existing development order(s) and expansion or changes to a space should not be permitted if a property is not currently in compliance with applicable city or state codes, or with an applicable development order.~~

~~A change of use review process is intended to allow the City to address all allowable past, present and future uses, where changes have occurred or are proposed to occur on the property. This process is intended to allow the City to ensure compliance with all current land use regulations, and to allow the City to consider and address potential impacts related to access, fire protection, lighting, noise, parking, signage, traffic, traffic safety, and vehicular access, and other impacts affecting the public health, safety or welfare.~~

~~*2.28.01. Change of use permits.*~~

~~A. *Applicability and criteria.* A change of use permit shall be required for the following types of changes, which includes all permanent, temporary, and seasonal uses:~~

~~1. A property or structure (including portions of a property or structure) is, or is proposed to be, a different land use than the approved use or existing use. (Examples may include, but are not limited to, a new retail use where a warehouse use was previously approved or permitted, or an amenity proposed for a residential use has been changed to a commercial use.)~~
~~2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to additional required parking, structure or site modifications, or other impacts affecting the public welfare, as determined by the Community Development Director or designee (Examples may include, but are not limited to, a retail center allowing a mobile vendor to operate).~~
~~3. The addition of a use to a site with a number of different uses current in operation, resulting in multiple uses on one site. (Examples may include, but are not limited to, a commercial building with multiple suites that may include commercial, retail, or restaurant uses.)~~
~~4. Establishment of new or expanded home occupations. (Examples may include, but are not limited to, home offices for businesses or realtors, or computer software consultants that provide technical assistance to customers).~~

~~B. *Prima facie evidence of change of use.* The following shall be prima facie evidence of a change of use:~~

~~1. The addition of 750 square feet or more of gross floor area to any structure or impervious surface.~~
~~2. Any change of use upon the property affecting 750 square feet or more of the property, of any structure, or of any pervious or impervious surface.~~
~~3. Any change of use/development of building/structure/parcel of land that generates vehicle trips above the current concurrency levels at the property location.~~

C. *Additional applications.* The City may require additional applications be submitted as part of the change of use permitting process, including but not limited to applications for a development order, development order exemption, major or minor amendment to a development order, conditional use, or any other application determined to be necessary by the Community Development Director or designee, pursuant to any city code or ordinance.

D. *Eligibility.* An application for a change of use permit shall be denied if any one (or more) of the following conditions exist:

a. There is a pending code compliance violation on the subject property; or
b. A recorded code compliance lien exists on the subject property; or
c. There is a development order on the property and the Community Development Director or designee determines that the property is not currently in compliance with such existing development order; or
d. The application submitted is not complete, is missing any information, and/or is missing any required fee; or
e. Any of the criteria or requirements set forth in section 2.28.01(A) or (B) for a change of use permit application is/are not met.

2.28.02. Change of use permit application requirements.

1. A complete application must include the following information, at a minimum, and the Community Development Director or designee may require additional information if the Community Development Director or designee determines that more information is needed based on the scope of the change of use:

a. Identification of the type of change of use (i.e., properties and structures requesting a different land use; increases in density/intensity; addition of a use to a site with a different use current in operation resulting in multiple uses on one site; home occupations; and off-site businesses.
b. Applicant information.
c. Owner information.
d. Subject property address and parcel ID.
e. Detailed description of proposed change of use.
f. Current and/or previous use of property.
g. Duration of change of use (permanent, seasonal or temporary).

2. Owner authorization.
3. Proof of ownership.
4. List of all shared parking agreements for subject property from property owner (if applicable).
5. List of all uses on the property, as well as the gross floor area of each use.
6. Floor plan (if applicable).
7. Site plan, drawn to scale to include:

a. Property lines.
b. All existing structures.
c. Parking space layout.

(Ord. No. >19-16-LC, § 2, 10-21-19)

EXHIBIT “A”

City of Destin, FL - Article 2 - Administration

FINAL DRAFT

Table of Contents

ARTICLE 2 - ADMINISTRATION 4

SECTION 2.01 GENERAL ADMINISTRATION 4

SECTION 2.01.01 ADMINISTRATOR 4

SECTION 2.01.02. PURPOSE AND INTENT 4

SECTION 2.01.03 SUBMITTALS 4

SECTION 2.01.04 NOTICE TO THE PUBLIC 4

SECTION 2.01.05 WITHDRAWAL OF APPLICATIONS 6

SECTION 2.02. DEVELOPMENT ORDERS 7

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT ORDERS 7

SECTION 2.02.02 DEVELOPMENT ORDERS 7

SECTION 2.03. GUARANTEES, SURETIES, AND FUTURE IMPROVEMENT PAYMENTS 9

SECTION 2.03.01 GUARANTEES AND SURETIES 9

SECTION 2.03.02 FUTURE IMPROVEMENT PAYMENT (FEE IN-LIEU OF) 12

SECTION 2.04. PLANNING APPLICATIONS AND GENERAL REVIEW PROCESSES 13

SECTION 2.04.01 GENERAL REVIEW PROCEDURES FOR ALL APPLICATIONS 13

SECTION 2.04.02 APPLICATION DENIAL 15

SECTION 2.04.03 PLANNING APPLICATION TABLE 15

SECTION 2.05. LAND DIVISION APPLICATIONS AND REVIEW PROCESSES 17

SECTION 2.05.01 GENERAL PROCEDURES FOR SUBDIVISION OR RESUBDIVISON OF LAND 17

SECTION 2.05.02 PLAT APPROVAL PROCESS 17

SECTION 2.05.03 LOT SPLIT 18

SECTION 2.05.04 REPLAT 19

SECTION 2.05.05 MINOR SUBDIVISION 20

SECTION 2.05.06 MAJOR SUBDIVISION 21

SECTION 2.06. LAND DEVELOPMENT APPLICATIONS AND REVIEW PROCESS 22

SECTION 2.06.01 GENERAL REQUIREMENTS 22

SECTION 2.06.02 SIMPLE DEVELOPMENTS 22

SECTION 2.06.03 MINOR DEVELOPMENTS 23

SECTION 2.06.04 MAJOR DEVELOPMENTS 24

SECTION 2.06.05 DEVIATIONS TO DEVELOPMENT 26

SECTION 2.06.06 DEVELOPMENT AGREEMENTS 27

SECTION 2.07 MISCELLANEOUS PLANNING APPLICATIONS AND REVIEW PROCESS 30

SECTION 2.07.01 PROCEDURES FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN, ZONING MAP, OR FUTURE LAND USE MAP 30

SECTION 2.07.02 ANNEXATION OF PROPERTY 31

SECTION 2.07.03 RIGHT-OF-WAY/EASEMENT VACATION 32

SECTION 2.08 PLANNED UNIT DEVELOPMENT APPLICATION AND REVIEW PROCESS 34

SECTION 2.08.01 PURPOSE AND INTENT 34

SECTION 2.08.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS 34

SECTION 2.08.03 MINIMUM AREA 37

SECTION 2.08.04 COMMUNITY BENEFIT 37

SECTION 2.08.05 PROCEDURES 39

SECTION 2.08.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT 40

Section 2.08.07 Deviations to a Planned Unit Development....40
Section 2.08.08 Disclosure of Private Infrastructure Costs for Planned Unit Developments....42
Section 2.09 Marine Construction Applications....43
Section 2.09.01 Purpose and Intent....43
Section 2.09.02 Marine Construction Project Category....43
Section 2.09.03 Harbor and Waterways Board Review....44
Section 2.09.04 City Council Review....44
Section 2.09.05 Marine Construction Permits....45
Section 2.10 Conditional Use and Certificate of Appropriateness Review Process....45
Section 2.10.01 Conditional Uses....45
Section 2.10.02. Conditional Uses in Overlay Districts....48
Section 2.10.03 Certificate of Appropriateness in Overlay Districts....49
Section 2.11 Change of Use Application and Review Process....50
Section 2.11.01 Change of Use Applicability and Criteria....50
Section 2.11.02 Change of Use Application Review and Approval....51
Section 2.12 Appeal, Special Exception, and Variance Application and Review Process....51
Section 2.12.01 Appeals of Administrative Officials....51
Section 2.12.02 Appeals of City Council....53
Section 2.12.03 Special Exceptions....53
Section 2.12.04 Variances....53
Section 2.12.05 Appeals of the Board of Adjustment....55
Section 2.13 Telecommunication and Wireless Facilities....56
Section 2.13.01 New Telecommunication Facilities (Towers) on Public or Private property....56
Section 2.13.02 Existing or Collocated Telecommunications Facilities....58
Section 2.13.03 Telecommunications Facilities in the Right-of-Way....58
Section 2.14 Site Development and Building Permit Review....60
Section 2.14.01 Site Development Permits....60
Section 2.14.02 Building Permits....60
Section 2.14.03 Marine Construction Permits....61
Section 2.14.04 Sign Permits....62
Section 2.14.05 Inspections and Certificates of Occupancy....63
Section 2.14.06 Surveys for Certain Work....63
Section 2.14.07 Fire District Review....64
Section 2.14.08 Right-of-Way Permits....64
Section 2.14.09. Utilities in the Right-of-Way....65
Section 2.15 Procedures for Public Hearings or Meetings....66
Section 2.15.01 Public Hearing Procedures....66
Section 2.15.02 General Public Hearing....66
Section 2.15.03 Quasi-Judicial Public Hearing....66
Section 2.15.04 Board deliberation....67
Section 2.16 Establishment of City Boards and Advisory Committees....69
Section 2.16.01 Technical Review Committee (TRC)....69
Section 2.16.02 Local Planning Agency (LPA)....70
Section 2.16.03 Board of Adjustment (BOA)....71
Section 2.16.04 Harbor and Waterways Board (HWB)....72
Section 2.16.05 Advisory Committees....73

SECTION 2.17 PROCEDURES FOR ADDRESSING 73
SECTION 2.17.01 NAMING OF STREETS 73
SECTION 2.17.02 STREET NAME CHANGE REQUESTS 73
SECTION 2.17.03 SYSTEM ESTABLISHED 74
SECTION 2.17.04 ADMINISTRATION AND NUMBER ASSIGNMENT. 74
SECTION 2.18 DEVELOPMENT REVIEW FEES 75
SECTION 2.18.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES 75

ARTICLE 2 - ADMINISTRATION

SECTION 2.01 GENERAL ADMINISTRATION

SECTION 2.01.01 ADMINISTRATOR

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

SECTION 2.01.02. PURPOSE AND INTENT

The purpose of this Code is to protect the health, safety, and the public welfare of the citizens of Destin. This Code was enacted to provide a consolidated reference source for land development regulations of the City of Destin. It implements those development related policies mandated by the Florida ~~S~~statutes ~~related to development~~ and the City's policies outlined in the ~~C~~Comprehensive ~~P~~Plan. Where a conflict exists between the Land Development Code (LDC) and other city ordinances, the Land Development Code takes precedence. ~~Therefore, where a conflict exists between this Code and existing ordinances, the Land Development Code (this Code or LDC) shall take precedence.~~ The LDC and the supplemental City of Destin Design Manual (Design Manual) establish site design criteria and provide review procedures for development ~~projects~~ and~~and~~ permit applications ~~required for development~~. Procedures ~~to~~ for appeal~~ing~~ decisions are ~~also~~ provided in Section 2.12 of this article.

SECTION 2.01.03 SUBMITTALS

A. Applications for development review shall be submitted through the Community Development Department.
B. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan.
   1. In the case of corporate ownership, the authorized signature shall be accompanied by a letter showing proof of the authorized individual role or office in the corporation on the corporate letterhead.
   2. Signatures by other parties will be accepted with notarized proof of authorization by the owners.
C. All preliminary and final development plans submitted shall conform to the standards outlined in the City of Destin's Development and Subdivision checklists in the Design Manual and shall be submitted electronically.

SECTION 2.01.04 NOTICE TO THE PUBLIC

A. Written notice shall be provided to owners of property within 300 feet of land subject to applications which require a public hearing.
B. The Okaloosa County Property Appraiser's address records will be utilized to identify addresses for notification purposes.
C. Written notice shall be provided to owners of property within 300 feet of land subject development-related applications including but not limited to:

1. Lot Split
2. Replat
3. Minor Subdivision
4. Major Subdivision
5. Simple Development
6. Minor Development
7. Major Development
8. Technical Deviation
9. Simple Deviation
10. Minor Deviation
11. Major Deviation
12. Development Agreements
13. Planned Unit Development
14. Amendments to the LDC or comprehensive plan including the zoning or future land use maps
15. ROW / Easement Vacation
16. Conditional Use
17. Special Exception
18. Variance
19. Marina Siting Exception
20. Any application deemed by the City Manager or designee to have enough public impact that it warrants a notice to the public.

D. The following applications do not require a notice to the public:
   1. Change of Use
   2. Right-of-Way Construction
   3. Administrative Appeal
   4. Appeals of City Council

E. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.

F. Sign notice posted on property:
   1. All applications shall post a sign on the property, meeting the criteria below:
      a. The placement on the subject property shall be a maximum of five feet from the adjacent right-of-way, and clearly visible and legible from the right-of-way.
      b. The minimum size of the sign shall be 24 inches by 36 inches.
      c. The sign shall clearly indicate the following:
         1. Project Name or Number
         2. Applicant's or Agent's name
         3. Emergency contact phone number of the responsible party for said development site who is available 24 hours a day, seven days a week.
   2. The sign must be posted at least two (2) weeks prior to the public hearing and must remain on-site until final approval and shall be removed within five days of approval.

G. Notice Procedures for Public Hearings
   1. All public hearings and public meetings shall be held at regularly scheduled times and days, as indicated by the City.

2. All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.
   a. The advertisement shall include:
      1. An identification of who is holding the hearing or meeting.
      2. The date, time, and place.
      3. General subject of the hearing or meeting.
      4. The location where copies of the proposed matter may be reviewed; and
      5. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
   b. The first published notice of a public hearing or meeting shall appear ten (10) to twenty-one (21) days prior to the date of the hearing or meeting.
   c. The second published notice of public hearing shall appear five (5) to eight (8) days prior to the hearing or meeting.
3. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of this Section.
   a. Emergency enactment procedures for land use plans adopted shall be pursuant to state statutes Part II, Ch. 163.
   b. Exceptions: No emergency ordinance or resolution shall be enacted that:
      1. Establishes or amends any Future Land Use or Zoning map designation of a parcel or parcels of land.
      2. Changes the permitted, conditional, or prohibited uses within a zoning district.
4. Additional Noticing Requirements:
   a. Amendments to the Comprehensive Plan, Land Development Code, or the official zoning map require the following additional noticing requirements:
      1. A written notice shall be sent at least 30 days prior to the first public hearing date and shall contain:
         (i) How the proposed amendment affects property owners.
         (ii) The time and place for one or more public hearings on such ordinance.
      2. For ordinances involving a parcel or parcels of land less than ten contiguous acres, the City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.
      3. For ordinances involving a parcel or parcels of land greater than ten contiguous acres.
         (i) The City Council shall hold two advertised public hearings on the proposed ordinances.
         (ii) The second public hearing shall be held at least ten days after the first public hearing.

SECTION 2.01.05 WITHDRAWAL OF APPLICATIONS

A. An application for development approval may be withdrawn at any time by the applicant or their representative.
B. The City may declare an application withdrawn if resubmittal of materials is not received within thirty (30) calendar days from receipt of comments from the City.
   1. The City shall notify the applicant seven (7) calendar days before an application is declared withdrawn.

2. An extension may be requested by the applicant for up to thirty (30) calendar days.
   a. No more than two (2) extensions, for a maximum of sixty (60) calendar days, may be requested by the applicant during the application review process.
   b. An extension request shall be submitted no later than seven (7) days prior to submittal deadline.
   c. Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.

C. The withdrawal of any application for development review will result in the application losing its position in the Community Development Department's plan review queue.

D. To restart review of a withdrawn application, the applicant must submit a new application with all required materials and repayment of all application or other required review fees.

SECTION 2.02. ~~GENERAL ADMINISTRATION PROCEDURES~~DEVELOPMENT ORDERS

SECTION 2.02.01 AUTHORIZATION FOR DEVELOPMENT ~~PERMITS AND~~ ORDERS

A. All development ~~activity~~ plans shall require~~s~~ a development order, ensuring that all proposed activities comply with this LDC, the Destin Design Manual, and any applicable ~~S~~state and/or ~~F~~federal requirements.
   1. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin

B. Development activity is authorized through a development permit if the proposed development conforms to:
   1. The City of Destin's Land Development Code and design manual
   2. The engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as adopted and amended by the City of Destin
   3. The Florida Building Code and fire codes as adopted and amended by the City of Destin

SECTION 2.02.02 DEVELOPMENT ORDERS

A. A development order is an order granting, denying, or granting with conditions an application for approval of development.
   1. Development orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.
   2. An approved development order is required prior to the city's issuance of any development permit(s). The development order is not a development permit.

B. No property shall have more than one development order application under review by the City at any one time.

C. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Code of Ordinances, the City shall issue a development order to the developer within ten (10) business days from the approval date of said development order application.

D. An approved development order is required prior to the city's issuance of any required development permit(s). The development order is not a development permit.

E. A development order is valid for a period of one year from the date of issuance.

F. Development orders that require a permit for development:

1. Any permit needed must be obtained by issuance from the city for either the construction of infrastructure or construction of the entire project.
2. If a building permit is not issued within one year from the date of issuance of the development order, then the development order becomes null and void.
3. Construction must commence within six (6) months after issuance of building permit or development permit.
4. If construction activity ceases for a period of one-hundred and eighty (180) days after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void.

G. Exemptions from Development Orders:
1. A development permit may be issued without a development order if any of the following conditions apply:
   a. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site.
   b. The construction or alteration of one attached or detached single family dwelling.
   c. The resurfacing with the same material of a vehicle use area that conforms to all requirements of this Code.
   d. The land, parcel or property of the proposed project is subject to a replat, or lot split granted pursuant to procedures in Sections 2.05 of this Article.
   e. Determination by the City Manager or designee
      1. A determination shall not conflict with any requirement or provision of the LDC or the Comprehensive plan.

H. Development Order Extension:
1. The applicant may request one extension to a development order, not to exceed 12 months from the date of original expiration.
2. An applicant shall submit an application for extension no less than forty-five (45) calendar days prior to expiration of the original development order.
3. The application shall include:
   a. Proof of ownership and agent affidavit (if applicable),
   b. A narrative describing why development has not commenced.
4. Once an application is received, it will be forwarded to the Community Development Director for final determination.
5. The fee for an extension is half (1/2) the cost of the original application.

I. An approved development plan or permit must be issued prior to or in conjunction with a clearing permit before clearing of land. It is the intent of this paragraph to prohibit any clearing, grading, or demolition of land or structures without first having an approved development with a corresponding approved site plan conforming to all applicable city regulations and this Code.
1. A clearing Permit can only be issued if in conjunction with a building permit or development permit.
2. If the building permit or development permit becomes null and void so does the clearing, grading, or demolition permit.

3. If a clearing permit is issued and the lot, land, or parcel is cleared, but no construction occurs within one (1) month of completion of clearing, grading, or demolition, the site shall comply with Section 6.04.06. or 6.04.07. as applicable and be stabilized with:
   a. Sod
   b. Hydroseeding
   c. Or other City Engineer approved alternative.

~~A. Development activity can be authorized through a Development Permit or Development Order if the proposed development:~~

~~1. Is authorized by a development order issued pursuant to this Code; and~~

~~2. Conforms to the Florida Building Codes and fire codes as adopted by the City; and~~

~~3. Conforms to the engineering standards for stormwater, sewage, water, streets, traffic, and other engineering concerns as may be adopted by the City of Destin; and~~

~~4. Conforms to the City of Destin Design Manual.~~

~~B. Any development that requires a Minor Subdivision or Major Subdivision shall complete the Final Plat before submitting any application for construction or permitting.~~

~~Section 2.02.02 Submittals~~

~~A. Applications for development review shall be submittedavailable through the Community Development Department.~~

~~B. A completed application shall be signed by all owners, or their agent, of the property subject to the proposed development plan.~~

~~1. Signatures by other parties will be accepted with notarized proof of authorization by the owners.~~

~~2. In the case of corporate ownership, the authorized signature shall be accompanied by a letter showing proof of the authorized individual role or office in the corporation on the corporate letterhead.~~

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

~~Section 2.02.03 Notice~~

~~A. Written notice:~~

~~1. Written notice shall be provided to owners of property within 300 feet, or as specifically identified below, for of land subject to development- related applications or any applications which require a public hearing. that must be considered and approved by the:~~

~~Board of Adjustment,~~

~~a. Local Planning Agency,~~

~~b. Harbor and Waterways Board~~

~~1. Written notice with Certified mail shall only be provided to:~~

~~(i) Adjacent property owners~~

(ii) Owners of property on the opposing shore for water bodies less than 100 feet in width

c. City Council

d. City Manager or designee

e. Community Development Director

2. The written notice shall include, at a minimum, the following:

a. The name of the owner of the property,

b. The name of the authorized agent (if applicable),

c. The address of the subject property or tax parcel identification number if an address has not been issued for the property,

d. Project description,

e. Location map of the subject property, and

f. A statement informing the public of the location where the proposed application package can be viewed, unless otherwise provided in Florida Statutes.

3. The failure of any person to receive notice shall not invalidate an action if a good faith effort was made to comply with the notice requirements of this code.

B. Sign notice posted on property:

1. All applicants of Major Development Order applications shall post a sign on the property, meeting the below criteria:applications which require a public hearing, or involve the development of land shall post a sign on the subject property with the following exceptions:

a. Development Order Exemption

b. Simple Development Order or Deviation

c. Lot Split

d. Change of Use

e. Code Text Amendment

2. The sign shall meet the following requirements:

a. The placement on the subject property shall be a maximum of five feet from the adjacent right-of-way, and clearly visible and legible from the right-of-way.

b. The minimum size of the sign shall be 24 inches by 36 inches.

c. The sign shall clearly indicate the following:

1. Project Name or Number

2. Applicant's or Agent's name

3. Emergency contact phone number of the responsible party for said development site who is available 24 hours a day, seven days a week.

3. The sign must be posted at least two (2) weeks prior to the public hearing, and must remain on-site until final approval and shall be removed within five days of approval.

4. A sign for Commercial, Industrial, or Multi-family developments shall be posted prior to construction until a Certificate of Occupancy or Certificate of Completion is issued and shall be removed within five days of issuance.

a. This sign shall meet the requirements listed above in Section 2.02.03.B.2.

C. Notice Procedures for Public Hearings

1. All public hearings and public meetings shall be held at regularly scheduled times and days, as indicated by the City.

2. Workshops may be held at other times deemed appropriate.

a. Workshops may be held without advertising.

3. All public hearings require a published advertisement in a newspaper of general paid circulation, interest, and readership within the city.
   a. The advertisement shallwill include:
      1. An identification of who is holding the hearing or meeting.
      2. The date, time, and place.
      3. General subject of the hearing or meeting.
      4. The location where copies of the proposed matter may be reviewed; and
      5. The advertisement will encourage the public to provide written and/or verbal comments on the matters under consideration.
   b. The first published notice of a public hearing or meeting shall appear ten (10) to twenty-one (21) days prior to the date of the hearing or meeting.
   c. The second published notice of public hearing shall appear five (5) to eight (8) days prior to the hearing or meeting.
4. Notice of all public hearings shall also be posted on the City of Destin website not less than ten days prior to the hearing or meeting.
5. All noticed public hearings or meetings will be posted in a conspicuous place in city hall at least seven days prior to the hearing or meeting.
6. Notice will be given to the appropriate media representatives at least twenty-four (24) hours before all public hearings, public meetings, and workshops.
   a. Workshops may be held without the seven-day notice.
7. A ten (10) day advance notice must be provided to any person, group, agency, or government that registers to receive notices for any public hearing or meeting, or workshop.
   a. The group, agency, or government receiving the advanced notice is responsible for notifying their members of the particulars involved.
8. The City Council may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of Section 2.02.03.C.
   a. Emergency enactment procedures for land use plans adopted shall be pursuant to F.S. pt. II, ch. 163.
   b. Exceptions: No emergency ordinance or resolution shall be enacted that:
      1. Establishes or amends any Future Land Use or Zoning map designation of a parcel or parcels of land.
      2. Changes the permitted, conditional, or prohibited uses within a zoning district.
   9. Amendments to the Comprehensive Plan, Land Development Code, or the Official Zoning Map require the following additional noticing requirements:
      a. A written notice shall be sent at least 30 days prior to the first public hearing date and shall contain:
         1. How the proposed amendment affects property owners.
         2. The time and place for one or more public hearings on such ordinance.
      b. For ordinances involving a parcel or parcels of land less than ten contiguous acres.
         1. The City shall mail a notice to all real property owners whose land will be re-designated by enactment of the ordinance.
      c. For ordinances involving a parcel or parcels of land greater than ten contiguous acres.

1. The City Council shall hold two advertised public hearings on the proposed ordinances.
2. The second public hearing shall be held at least ten days after the first public hearing.

e. The latest ad valorem tax records will be utilized for mailing addresses of affected property owners.

SECTION 2.02.04 STAFF REPORTS

A. ALL APPLICATIONS AND PROCESSES REGULATED BY THIS ARTICLE THAT MUST BE REVIEWED BY A CITY COMMITTEE, BOARD, OR CITY COUNCIL SHALL HAVE A STAFF REPORT DEVELOPED FOR CONSIDERATION.

B. THE STAFF REPORT SHALL INCLUDE BUT IS NOT LIMITED TO THE FOLLOWING, IF APPLICABLE.

1. CHARACTERISTICS OF THE SITE AND SURROUNDING AREA.

a. IMPORTANT NATURAL AND MANMADE FEATURES

b. THE SIZE AND ACCESSIBILITY OF THE SITE AND

c. SURROUNDING LAND USES

2. IMPACT ON LEVEL OF SERVICE STANDARDS (LOS)

3. THE NATURE OF THE PROPOSED DEVELOPMENT.

a. LAND USE TYPES

b. DENSITY OR INTENSITY

c. PLACEMENT OF PROPOSED BUILDINGS, IMPROVEMENTS, AND IMPERVIOUS GROUND COVER ON THE SITE

d. LOCATION, TYPE, AND METHOD OF MAINTENANCE OF OPEN SPACE AND PUBLIC USE AREAS IF ANY

e. PRESERVATION OF NATURAL FEATURES OR PROTECTION OF SENSITIVE LANDS, IF ANY.

f. PROPOSED PARKING AREAS AND INTERNAL TRAFFIC CIRCULATION

g. STORMWATER MANAGEMENT, AND

h. WATER AND SEWAGE DISTRIBUTION, COLLECTION, AND TREATMENT SYSTEMS.

4. CONFORMITY OF THE PROPOSED DEVELOPMENT WITH THE COMPREHENSIVE PLAN, THIS CODE, AND OTHER APPLICABLE REGULATIONS.

5. OTHER APPLICABLE FACTORS, RULES, REGULATIONS, OR CRITERIA PRESCRIBED BY THE COMPREHENSIVE PLAN, THIS CODE OR OTHER LAW.

6. PROPER PUBLIC NOTICING COMPLIANCE SHALL BE ADDRESSED.

SECTION 2.02.05 WITHDRAWAL OF APPLICATIONS

A. An application for development approval may be withdrawn at any time by the applicant or their representative.

B. The City may declare an application withdrawn if resubmittal of materials is not received within thirty (30) calendar days from receipt of comments from the City.

1. The City shall notify the applicant seven (7) calendar days before an application is declared withdrawn.

2. An extension may be requested by the applicant for up to thirty (30) calendar days.

~~a. No more than two (2) extensions, for a maximum of sixty (60) calendar days, may be requested by the applicant during the application review process.~~

~~b. An extension request shall be submitted no later than seven (7) days prior to submittal deadline.~~

~~C. The withdrawal of any application for development review will result in the application losing its position in the Community Development Department's plan review queue.~~

~~D. To restart review of a withdrawn application, the applicant must submit a new application with all required materials and repayment of all application or other required review fees.~~

~~E. Any requested and approved extension extends any decision deadline requirement by the number of days the extension is approved for.~~

~~S~~SECTION 2.03.~~2.06~~ GUARANTEES, ~~AND~~ SURETIES, AND FUTURE IMPROVEMENT PAYMENTS

SECTION 2.03.01 GUARANTEES AND SURETIES

A. Purpose

1. The purpose of this section is twofold. First to ensure that the infrastructure that will serve an approved development, whether public or private, will get installed, constructed, or built, in a prompt and timely manner. Second it ensures that those elements required to support the approved development will be free and clear of defects for the life of the maintenance period.
2. Nothing in this Section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.
3. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.

~~A. Guarantees and Sureties:~~

B. Applicability

1. The provisions of this Section apply to all proposed developments in the city, including, but not limited to, subdivisions, PUD's, private road subdivisions, and private developments having any of the following conditions:
   a. Requesting approval of final plat prior to completion of infrastructure.
   b. Providing a roadway, multi-modal or pedestrian corridor as identified as a need by the city.
   c. Providing or modifying public or private right-of-way (ROW) for single-family or multi-family subdivisions.
2. The developer, after any development order is issued but before any construction permit is issued, shall provide the surety to ensure that all required infrastructure is satisfactorily constructed according to the approved development plan.

C. Requirements

1. Signed agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code and approved plans.
2. The projected total cost, to include materials and labor for installation, for each improvement proposed. This cost shall be prepared and provided by a Florida-licensed Professional Engineer and shall be signed, sealed, and dated.

a. Separate projected costs for:
1. Private infrastructure elements
(i) Common areas
(ii) Regional retention/detention ponds
2. Private ROW infrastructure improvements
3. Public ROW infrastructure improvements

3. The terms of the agreement shall indicate that all required improvements shall be satisfactorily constructed within the period stipulated.
a. The term shall not exceed the timelines identified in the development order.
b. Any extension to time must be in writing and must be approved by the City Engineer.
c. Failure to complete the work in the time allocated, the developer forfeits the surety, and the City shall use the funds to construct any infrastructure that is remaining.
4. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officers, employees, and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.
5. Developers agree to provide property access to city employees and/or authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.

~~1. Applicability: The provisions of this Section apply to all proposed developments in the City, including, but not limited to, subdivisions, PUD's, private road subdivisions, and private developments that either:~~
~~a. Request approval of Final Plat prior to construction of infrastructure.~~
~~b. Provide roadway, street, multi-modal or pedestrian corridor as identified as a need by the city.~~
~~c. Provide or modify Public or Private Right of way for Single-family or multi-family subdivisions.~~

D. Surety Type & Amount:
1. The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.
2. All sureties shall be no less than one hundred twenty-five percent (125%) of the cost of construction identified in paragraph C.2 above.
a. The City Manager, on the recommendation of the City Engineer or designee, may require a higher contingency amount for any surety.
3. Should the surety be utilized for any reason, and the funds from the surety are not sufficient to complete all required work, the developer shall be responsible for any fund amount above the original surety.
4. Surety requirements may be met but are not limited to the following:
a. Deposit in the form of cash, certified check, cashier's check, money order (required for Certificate of Occupancy).
b. Irrevocable letter(s) of credit.
c. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida
5. The following conditions shall apply to the posting or reduction of any surety.

a. An administrative fee is added to the cost of surety. This amount may be found in accordance with the latest adopted Fee Resolution and shall be assessed at the time of application and post surety. The Administrative fee does not include any inspection fees.
b. A ten percent (10%) surety handling fee will be added to any surety in accordance with the latest adopted Fee Resolution.

6. Upon approval of the City Manager or designee, the amount of security/surety may be reduced, not more than once during the term of the improvements, before the completion and final acceptance of required improvements. In no case, shall the amount of the security/surety be reduced by one of the following, whichever is higher:
   a. Less than fifty percent (50%) of the original surety amount.
   b. The amount necessary for completing the remaining infrastructure improvements plus twenty-five percent (25%).
7. Surety documents must reflect:
   a. The names of the subdivision or development
   b. The developer and developer's authorized agents

~~2. Nothing in this Section shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.~~

E. Acceptance of work.

1. Preliminary acceptance of public infrastructure improvements:
   a. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the City Engineer shall make a recommendation to Council to preliminary approve said infrastructure at the next available meeting.
   b. The City Council, at their discretion, will approve/disapprove the preliminary acceptance of the infrastructure subject to a warranty period.
   c. Forty-five (45) calendar days after City Council approval, the developer and contractor shall provide a clean lien certificate from the county clerk's office. The developer may request release of original surety once all the following takes place:
      1. These certificates are received by the engineering department, and
      2. The developer obtains the maintenance surety as outlined in this section, and
      3. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
         (i) A physical survey of locations and elevations shall be provided of all infrastructure.
         (ii) Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.
   d. Developer agrees to warranty the public infrastructure for a period of one (1) year or whenever all warranty work is completed, whichever is longer.
   e. The one-year warranty period shall begin upon acceptance by the City Council above.
   f. Developer must post a new maintenance surety in an amount equal to twenty-five percent (25%) of the total construction cost of the improvements to ensure maintenance is completed.

2. Initial Acceptance of private infrastructure improvements:
    a. The developer shall work with the Engineering Department to inspect milestones during construction.
    b. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved plan(s).
        1. A physical survey of locations and elevations shall be provided of all infrastructure.
        2. Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.
        3. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting aspects during construction.
    c. The City Engineer, or designee, shall perform a final walk-through of construction with developer. Upon determination that the project improvements were built to approved plans and specifications, the city shall issue an acceptance for release of surety.
    d. Developer provides documentation that a legal entity has been established under Chapter 718, 719, or 720 of Florida Statues to maintain the ROW and common areas. (Further discussion elsewhere in L.D.C.)
3. Maintenance (Warranty) Period Public Infrastructure
    a. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.
4. Permanent Acceptance Public Infrastructure improvements
    a. The below does not resolve the developer from the requirements of the warranty period above.
    b. Responsibility for acquiring permanent acceptance shall be the developer's.
    c. Sixty (60) calendar days before expiration of the warranty period, the developer shall contact the city's Engineering Department to walk through project to identify deficiencies.
    d. Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.
    e. The developer shall have sixty (60) calendar days from notification of any deficiency by the Engineering Department to repair said deficiency. For failure, by the developer, to properly repair the deficiency in a timely manner, the developer shall forfeit the maintenance surety, and the city will use the surety to complete said work.
    f. Once developer has completed repairs, the City Engineer, or designee, shall perform a final walk-through of the project. Upon determination that the project is no longer has outstanding issues, the City Engineer shall make a recommendation to Council to permanently approve said infrastructure at the next available meeting.
    g. The City Council, at their discretion, will approve/disapprove the permanent acceptance of the infrastructure.
    h. After City Council approval, the developer may request release of maintenance surety.

~~3. The City retains the right to refuse an applicant or developer the option of posting security/surety based upon the past performance of an applicant.~~

4. The approval of any development plan shall be subject to the developer providing assurance that all required improvements shall be satisfactorily constructed according to the approved development plan, including, but not limited to:
   a. Storm drainage facilities,
   b. Streets and highways accessways,
   c. Water and sewer lines,
   d. Streetlights,
   e. Signage,
   f. Striping,
   g. Parking facilities,
   h. Sidewalks,
   i. Open space and recreation facilities.
5. Applicant shall provide the following information:
   a. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
   b. The projected total cost, to include materials and labor, for each improvement proposed, prepared, and provided by a Florida-registered Professional Engineer (signed, sealed, and dated).
      1. Separate projected costs for:
         (i) On-site, common area, or private infrastructure elements
         (ii) New Private ROW improvements required.
         (iii) New Public ROW or off-site infrastructure elements required.
         (iv) Existing Public ROW or off-site improvement required.
   c. The terms of the agreement indicate that all required improvements shall be satisfactorily constructed within the period stipulated.
      1. The term shall not exceed the timelines identified in the Development Order.
         (i) If the Development Order expires:
            (ii) The security/surety for on-site private improvements shall be released back to the developer.The security/surety identified for critical or existing public infrastructure will be retained by the City and shall be used to construct such infrastructure.
   d. Developers agree to provide property access to city employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.
   e. Prior to release of bond or security/surety, the city shall review the project account records for any unpaid invoices or fees due to the city. All developers and applicants agree and consent to the city recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.
   f. Contingency: All securities/sureties shall be in the amount of no less than one hundred twenty-five percent (125%) of the cost of construction identified in Section 2.02.06.A.5.b above.

~~(i) Administrative fee can be found in accordance with the latest adopted Fee Resolution and shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.~~

~~(a) The handling fee shall be paid prior to reduction or release of said security/surety.~~

~~2. The names of the subdivision or development~~

~~THE DEVELOPER AND DEVELOPER'S AUTHORIZED AGENTS~~SECTION 2.03.02 FUTURE IMPROVEMENT PAYMENT (FEE IN-LIEU OF)

A. Purpose

1. The provisions of this section may apply to any proposed developments in the city adjacent to public ROW, public easements, or city owned property; when the required infrastructure cannot be installed or constructed, due to circumstances outside of the city or the developer's immediate control. Examples include, but not limited to:
   a. Improvements to and along the U.S. 98 corridor
   b. Improvements required by this code on current unimproved public ROW or easement
   c. Improvements impacted by an upcoming public project.
   d. Other circumstances deemed by the City Manager or City Engineer

B. Nothing herein shall be construed as relieving the developer or applicant of any requirement in the LDC.

C. This Section does not modify any existing agreements between a developer and the City for development orders granted prior to the effective date of this Section.

D. If a circumstance is granted in accordance with this section, the applicant shall provide the projected total cost for each improvement that is granted.

1. Each Item shall have the cost for materials and labor (construction).
2. The City Engineer shall determine if price is current with prevailing rates.
3. The City Engineer reserves the right to require ~~requests for~~ future improvement payments be provided by a licensed Florida Professional Engineer.

E. Amount and type of future improvement payment:

1. Payment requirements shall be the form of either cash, certified check, cashier's check, money order.
2. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").
3. In addition to the future improvement payment, developers shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.

F. Future improvement payment shall be made prior to the issuance of construction or development permits.

G. Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property; the City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.

1. If the future improvement payment is not sufficient to pay for the improvements, developers shall pay any shortfall to the city.

~~3.~~

~~(a)~~

~~(b) The security/surety identified for critical or existing public infrastructure will be retained by the City and shall be used to construct such infrastructure.~~

~~1. If the final plat was approved and released, then only this subparagraph (b) applies, and the City will retain what is necessary to complete the infrastructure improvements.~~

~~4. If the applicant fails to construct required improvements according to the schedule for constructing improvements, the city shall utilize the security/surety provided in connection with the agreement.~~

~~g. All developers upon application shall sign an agreement to indemnify and hold harmless the City, its officers, employees, and agents who perform improvements not fulfilled by the developer or owner as identified in security/surety documents.~~

~~h. Developers agree to provide property access to city employees and/or their authorized agents who perform improvements not fulfilled by the developer or owner and identified in security/surety documents. Property access will be unrestricted to areas necessary to complete necessary work elements.~~

~~i. Prior to release of bond or security/surety, the city shall review the project account records for any unpaid invoices or fees due to the city. All developers and applicants agree and consent to the city recovering all unpaid invoices and fees from the security/surety prior to the release of security/surety.~~

~~6. Amount and type of security/surety:~~

~~a. The City Manager or designee shall be responsible for determining the adequacy of the security/surety proposed to be provided by the developer.~~

~~b. Contingency: All securities/sureties shall be in the amount of no less than one hundred twenty-five percent (125%) of the cost of construction identified in Section 2.02.06.A.5.b. above.~~

~~1. The City Manager, at the recommendation from the Community Development Director or designee, may require a higher contingency amount for any security/surety.~~

~~c. Should the security/surety be forfeited and, for any reason, the funds from the security/surety are not sufficient to complete all required work, the developer and/or contractor shall be responsible for any fund amount above the original surety, security, or any other form of guarantee.~~

~~d. Security/Surety requirements may be met but are not limited to the following:~~

~~1. Deposit in the form of Cash, Certified Check, Cashier's Check, Money Order (required for Certificate of Occupancy) or online payment.~~

~~2. Irrevocable letter(s) of credit.~~

~~3. Performance or surety (insurance) bond(s) issued by insurance companies licensed to do business in the State of Florida~~

~~e. Upon approval of the City Manager or designee, the amount of security/surety may be reduced, not more than once during the term of the improvements, with the completion and final acceptance of required improvements.~~

~~1. In no case, shall the amount of the security/surety be reduced to less than the designated minimum, or not reduced to less than twenty-five pecent (25%), necessary for completing the remaining required improvements.~~

~~2. The following conditions shall apply to the posting of any security/surety.~~

~~(i) Administrative fee can be found in accordance with the latest adopted Fee Resolution and shall be assessed and paid at the time of application and post of security/surety. The Administrative fee does not include any inspection fees.~~

~~(ii) A ten percent (10%) Security/surety handling fee will be added to any security/surety in accordance with the adopted and amended Fee Resolution.~~

~~(a) The handling fee shall be paid prior to reduction or release of said security/surety.~~

~~f. Security/surety documents must reflect:~~

~~1. The names of the subdivision or development~~

~~2. The developer and developer's authorized agents~~

~~g. Security/surety shall be provided prior to the issuance of the development order.~~

~~7. Inspection of improvements:~~

~~a. The City Engineer or designee shall be given 48-hour advance notification of scheduled inspections.~~

~~1. If an inspection is requested within 24 hours, that inspection shall be triple the usual inspection fee.~~

~~b. Inspection of the following phases of construction shall be inspected and certified by the developer's engineer:~~

~~1. Subgrade or stabilized subgrade~~

~~2. Curbs and concrete work~~

~~3. Roadway base~~

~~4. Surface course~~

~~5. Drainage structures and systems~~

~~c. The developer's engineer shall provide certification(s) that all infrastructure was constructed in accordance with the approved development plan.~~

~~1. Testing documentation shall be provided to the City Engineer or designee, along with copies of Florida Department of Environmental Protection (FDEP) certification(s) or other certifications provided by State agencies.~~

~~2. Inspection by the developer's engineer will not preclude the City Engineer or designee from inspecting any and all aspects of construction.~~

~~d. The City Engineer or designee shall have the authority to reject materials or suspend work when not in conformity with approved plans and specifications.~~

8. Procedures for acceptance by the City.
   a. Preliminary acceptance of physical improvements is subject to:
      1. Within two weeks prior to presentation to City Council for preliminary acceptance, the City Engineer or designee shall:
   (i) Inspect the facilities, review all documentation, including test data, submitted by the developer and determine that the project improvements were built to approved plans and specification.
      2. The developer has posted the required security/surety in an amount equal to twenty-five percent (25%) of the construction cost of the improvements to ensure maintenance for a period of one year from the date of preliminary acceptance by the City Council.
      3. The security/surety provided for the installation of physical improvements as specified in this Section shall not expire until the installation of physical improvements has been permanently accepted by the City.
         (i) Responsibility for acquiring permanent acceptance shall be the developer's.
   b. Infrastructure will only be permanently accepted into the city's maintenance program once all identified defects are corrected by the developer.
      1. The developer shall have sixty (60) calendar days from notification of deficiencies by the City Engineer or designee.
      2. Failure to make required corrections specified by the City Engineer shall result in a forfeiture of securities/sureties.
      3. Responsibility for acquiring permanent acceptance shall be the developer's
9. Maintenance of improvements (subdivisions, planned unit developments (PUD's), private road subdivisions or private developments):
   a. A maintenance agreement and security/surety shall be provided for all infrastructure to assure the City that all required improvements shall be maintained by the developer according to the requirements of this Code, including but not limited to:
      1. Roads or streets
      2. Stormwater drainage
      3. Sidewalks, pedestrian tracks, or pathways
      4. Streetlights
      5. Open space and recreation areas
      6. traffic control devices on private property
      7. Handrails
      8. Permanent striping
   b. There shall be a minimum maintenance period of one year.
   c. The maintenance period shall begin with the preliminary acceptance by the City Council of construction of the improvements.
   d. During the maintenance period, the developer shall schedule bi-annual inspections to be done jointly by the City Engineer or designee and a representative of the developer.
      1. These inspections shall be scheduled at mid-year and thirty (30) days prior to permanent acceptance by the City Council.
   e. The City Engineer or designee shall advise the developer, in writing, of any corrective measures to be made during the maintenance period.

1. It shall be the developer's responsibility to make required corrections prior to the release of the maintenance security/surety.

f. Whenever proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

1. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium association pursuant to that law.

2. When no condominium is to be organized under Chapter 719, F.S., an owner's association shall be created, and all common facilities and properties shall be conveyed to that association.

(i) When a development requires an owner's association, a recorded copy of the documents must be provided to the City before preliminary acceptance.

3. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer or designee.

g. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land.

1. Such covenants shall be included with the request for final plat.

2. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

B. Future improvement payment (fee in-lieu of):

a. The provisions of this Section apply to all proposed developments in the City or adjacent to public rights-of-way when improvements cannot be installed or constructed, due to circumstances outside of the City or the developer's immediate control, within a:

1. Public right of way
2. Easement
3. City owned property within the city.
4. Examples of such situations include, but are not limited to, improvements to and along the U.S. Highway 98 corridor, including Emerald Coast Parkway and unimproved public rights of way within the City of Destin and when a city improvement schedule coincides with an adjacent development.

b. Nothing herein shall be construed as relieving the developer or applicant of any requirement relating to concurrency or maintenance of level of service as may be required by this Code or the Comprehensive Plan.

c. This Section does not modify any existing or agreements between a developer and the City for development orders granted prior to the effective date of this Section.

2. Improvements required: The approval of any development plan shall be subject to the developer providing an assurance payment that all required improvements within a public ROW, easement, or city owned property will be constructed according to the approved development plan at an undisclosed later date by the City, including, but not limited to:

a. Roads or streets

~~b. Stormwater drainage~~
~~c. Sidewalks, pedestrian tracks, or pathways~~
~~d. Streetlights~~
~~e. Open space and recreation areas~~
~~f. Signage other than traffic control,~~
~~g. Handrails~~
~~h. Permanent striping~~

~~3. The developer shall provide the projected total cost for each improvement:~~

~~4. Cost for construction shall be proposed by a signed and sealed and dated estimate prepared and provided by the developer's Florida Professional Engineer.~~

~~a. The amount and type of payment provided to assure construction.~~

~~5. Amount and type of future improvement payment:~~

~~a. The City Manager, or designee, shall be responsible for determining the adequacy of the amount of the payment proposed to be provided by the developer.~~

~~1. Payment requirements shall be the form of either, certified check, cashier's check, money order, cash, or online payment.~~

~~b. The amount of payment shall be 120 percent of the total construction cost for the required improvements ("future improvement payment").~~

~~c. In addition to the future improvement payment, developer shall pay an administrative fee which can be found in accordance with the latest adopted Fee Resolution.~~

~~6. Future improvement payment shall be made prior to the issuance of a development order for commercial projects or a building permit for residential projects.~~

~~7. Future improvement payment: At such time that the improvements can be constructed within the public right-of-way, easement, or city-owned property:~~

~~a. The City shall construct such improvements and use the future improvement payment to pay for the costs of the improvements.~~

~~b. After completion of the improvements, any unused portion of the future improvement payment shall be returned to the developer.~~

~~c. If the future improvement payment is not sufficient to pay for the improvements, developer shall pay any shortfall to the city.~~

SECTION 2.~~03~~04. ~~USER'S GUIDE~~PLANNING APPLICATIONS AND GENERAL REVIEW PROCESSES

SECTION 2.04.01 GENERAL REVIEW PROCEDURES FOR ALL APPLICATIONS

A. All application types listed in Table 2.04-1 Planning Application Types Table shall follow the procedures in this section unless specifically identified elsewhere in this Article.

B. All applications for development orders or deviations to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This entails prompt reviews and responses from both the applicant and the city.
   1. No property shall have more than one development order application under review by the city at any one time.

C. Pre-application meeting: The purpose of the Pre-Application Meeting is to facilitate coordination of the proposed development, or other process, between city staff, applicable external agencies, and the applicant(s).
   1. A Pre-application meeting is required before submitting an application or development plan.
      a. The following applications do not require a pre-application review:
         1. Building or any type of construction permit
         2. Appeal of City Council or the Board of Adjustment
         3. Final Plat
         4. Change of Use
         5. Certificate of Appropriateness
   2. City staff will direct the applicant to all appropriate Technical Review Committee agencies for a preliminary review prior to filing for formal city review, if necessary. This includes but is not limited to:
      a. Destin Water Users
      b. Destin Fire Control
      c. Florida Power & Light
   3. A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days.
   4. The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.
   5. The City reserves the right to provide more comments at the time of formal application review.
   6. No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.

D. Formal Application Submittal
   1. Submittal of all applications for review shall be submitted through the City's online application portal.
      a. All materials required by city staff or in the application checklist shall be submitted for review.
      b. Payment of the application is required at time of submittal.
         1. Fees for development applications can be found in the City's Schedule of Fees

E. Completeness Review:
   1. Once an application is submitted, staff will conduct a completeness review to ensure all required materials were submitted as identified by staff and or in the development application checklist.
   2. If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.

3. If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.
    a. Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date for:
        1. Simple development or deviation
        2. Lot split
        3. Replat
4. The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.
    a. If the applicant does not submit within thirty (30) days, the application will be deemed withdrawn per Section 2.01.05.

F. Substantive Application Review:
1. Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:
    a. Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.
    b. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending either approve, approve with conditions, approve with modifications, or deny the application.
2. Technical Review Committee (TRC) Review:
    a. Once an application is deemed complete Staff will forward the application to the appropriate TRC members.
        1. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their appointed role on the TRC.
    b. The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.
    c. The following application types are exempt from TRC review, unless determined necessary by the City Manager or designee.
        1. Annexation
        2. Zoning and FLUM Map Amendments
        3. LDC or Comprehensive Plan Amendments
        4. Lot Split or Lot Line Adjustment
        5. Simple Development Order
        6. Simple Deviation
        7. Change of Use, except as otherwise identified in this Code.
        8. Conditional Use
        9. Certificate of Appropriateness
        10. Harbor & Waterways Board applications
        11. Board of Adjustment Applications
    d. The TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.

1. If staff identifies the need for more review time, a request will be made to the applicant.

e. TRC members shall provide comments to city staff pertaining to the specific professional expertise.

1. If a TRC member does not provide comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.

f. City staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).

g. If the TRC approves the application, staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.

h. If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.

i. Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.

j. If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.

SECTION 2.04.02 APPLICATION DENIAL

A. If, after the appropriate approval body review, an application is denied, no future application for the same or similar request or procedure may be processed within the time frame listed below:

1. One (1) year for any application requiring City Council approval.
2. Three (3) months for all other applications.

SECTION 2.~~03~~04.0~~3~~1. PLANNING ~~DEVELOPMENT PROJECT~~APPLICATION ~~TYPE CLASSIFICATION~~ TABLE

~~A. The classification of development project types depends on multiple factors including, but not limited to, the scope, history, location, and community interest in the project.~~

~~B. T~~Application type will be determined by the City Manager or designee after a preliminary review of the proposed planning application, development, or project. ~~able 2-1 Project Type Classification Table directs the user to the criteria and procedures for the applicable section of the Land Development Code for the proposed project.~~

~~1. Final project classification type will be determined by the City Manager or their designee after a preliminary review of the project.~~

~~C. The regulations in this code include the criteria established for a project to be classified as a specific Development Project type.~~

~~D. Development in the City falls into two primary categories: Land Division and Land Development.~~

~~E. A Development Order is an order granting, denying, or granting with conditions an application for approval of development.~~

~~1.~~A. ~~Development Orders are generally required for all new developments, substantive and substantial changes, or additions and deviations to an existing development.~~

Table 2.04-1 ~~Project Type Classification~~Planning Application Types Table

~~Map and Code Amendments~~			
~~Project Classification~~	**~~Prior DO Issued~~**	**~~Project Details~~**	**~~Final Approval Authority~~**
~~Zoning Map Amendment~~	~~N/A~~	~~2.06.03~~	~~City Council~~

~~Miscellaneous Projects~~			
~~Project Classification~~	~~Prior DO Issued~~	~~Project Details~~	~~Final Approval Authority~~
~~Annexation~~	~~N/A~~	~~2.06.04~~	~~City Council~~
Land Division Applications			
~~Project Classification~~Type	Prior DO Issued	~~Project~~ Application Details	Final Approval Authority
Plat Approval	Yes	2.05.02	City Manager or designee
Lot Split	N/A	2.04~~0~~05.03~~1, 2.06.05~~	City Manager or designee~~Community Development Director~~
~~Minor~~ Replat	N/A	2.04~~0~~5.0~~24, 2.06.06~~	City Manager or designee
Minor Subdivision	N/A	2.054.05~~3, 2.06.06~~	City Manager or designee
Major Subdivision	N/A	2.054.06~~4, 2.06.07~~	City Council
~~ROW or Easement Vacation~~	~~N/A~~	~~2.04.05, 2.06.08~~	~~City Council~~
Land Development Applications			
~~Project Classification~~Type	Prior DO Issued	~~Project~~ Application Details	Final Approval Authority
Simple Development ~~Order~~	No	2.06~~5~~.01~~, 2.06.09~~	City Manager or designee~~Community Development Director~~
Minor Development ~~Order~~	No	2.06~~5~~.02~~, 2.06.10~~	City Manager or designee~~Community Development Director~~
Major Development ~~Order~~	No	2.06~~5~~.03~~, 2.06.11~~	City Council
Technical Deviation	Yes	2.06~~5~~.04.A~~, 2.06.09~~	City Manager or designee~~Community Development Director~~
Simple Deviation	Yes	2.06~~5~~.04.B~~, 2.06.09~~	City Manager or designee~~Community Development Director~~
Minor Deviation	Yes	2.06~~5~~.04.C~~, 2.06.10~~	City Manager or designee~~Community Development Director~~
Major Deviation	Yes	2.06~~5~~.04.D~~, 2.06.11~~	City Council
Development Agreements	No	2.06.05~~2.06.12~~	City Council
Planned Unit Development	No	~~2.07~~2.08	City Council
Miscellaneous Planning Applications			
Type	Prior DO Issued	Application Details	Final Approval Authority
Amendments			
Zoning Map Future Land Use Map LDC Text Comp Plan Text	N/A	2.07.01	City Council
Annexation	N/A	2.07.02	City Council

ROW / Easement Vacation	N/A	2.07.03	City Council
Land Use ~~Requests~~Applications			
~~**Project Classification**~~**Type**	**Prior DO Issued**	~~**Project**~~ **Application Details**	**Final Approval Authority**
Conditional Use	N/A	2.~~09~~10.01	City Council
Certificate of Appropriateness	N/A	2.~~09~~10.02; 2.~~09~~10.03	City Council
Change of Use	N/A	2.~~10~~11.02	City Manager or designee~~City Staff~~
Special Construction Applications			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Marine Construction / Harbor and Waterways Board	N/A	2.09 2.14.03	Chief Building Official or City Council depending on scope of project
Right-of-Way Construction	N/A	2.14.08	City Manager or designee
Appeals, Exceptions, and Variances			
Type	**Prior DO Issued**	**Application Details**	**Final Approval Authority**
Administrative Appeal	N/A	2.11.01	Board of Adjustment
Appeals of City Council	N/A	2.11.02	Circuit Court
Special Exception	N/A	2.11.03	Board of Adjustment
Variance	N/A	2.11.04	Board of Adjustment
Marina Siting Exception	N/A	2.11.04	Board of Adjustment
Appeals of the BOA	N/A	2.11.05	Circuit Court
~~***Special Construction Permits***~~			
~~**Project Classification**~~	~~**Prior DO Issued**~~	~~**Project Details**~~	~~**Final Approval Authority**~~
~~Marine Construction / Harbor and Waterways Board~~	~~N/A~~	~~2.08~~	~~Chief Building Official or City Council depending on scope of project~~
~~Right-of-Way Construction~~	~~N/A~~	~~2.12~~	~~Community Development Director~~
~~***Board of Adjustment***~~			
~~**Project Classification**~~	~~**Prior DO Issued**~~	~~**Project Details**~~	~~**Final Approval Authority**~~
~~Administrative Appeal~~	~~N/A~~	~~2.11.01~~	~~Board of Adjustment~~
~~Appeals of City Council~~	~~N/A~~	~~2.11.02~~	~~Circuit Court~~
~~Special Exception~~	~~N/A~~	~~2.11.03~~	~~Special Exception~~
~~Variance~~	~~N/A~~	~~2.11.04~~	~~Board of Adjustment~~
~~Marina Citing Exception~~	~~N/A~~	~~2.11.04~~	~~Board of Adjustment~~
~~Appeals of the BOA~~	~~N/A~~	~~2.11.05~~	~~Circuit Court~~

~~SECTION 2.06.01 GENERAL REVIEW PROCEDURES FOR ALL PROJECTS~~

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

~~All applications for development orders or deviations to a development order shall be processed in a timely manner and in accordance with F.S. § 166.033. This entails prompt review and responses from both the applicant and the City.~~

~~No property shall have more than one development order application under review by the city at any one time.~~

~~Pre-Application Meeting: The purpose of the Pre-Application Meeting is to facilitate coordination of the proposed development, or other process, between City Staff, Applicable external Agencies, and the Applicant(s).~~

~~A Pre-Application meeting is required before filing for a formal review of all proposed projects or development plans.~~

~~City Staff will direct the applicant to all appropriate Technical Review Committee agencies for a preliminary review prior to filing for formal city review, if necessary. This includes but is not limited to:~~

~~Destin Water Users~~

~~Destin Fire Control~~

~~Florida Power & Light~~

~~A Pre-Application Meeting Summary will be provided to the applicant within ten (10) business days. The summary will include:~~

~~The appropriate review procedures and fees, if enough information on the project was provided prior to or during the Pre-Application meeting.~~

~~If the appropriate procedure is not determined with the first Pre-application meeting, City Staff may require a follow-on Pre-Application Meeting before formal submittal of any application.~~

~~Brief description of the proposed development, if provided.~~

~~Major Land Development Code sections of concern.~~

~~Development Checklists~~

~~Any comments from internal or external agencies or departments, if provided.~~

~~The meeting summary is preliminary and shall not be considered a comprehensive review or final comments. The City reserves the right to provide more comments at the time of formal application review.~~

~~No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.~~

~~Formal Development Application Submittal~~

~~Submittal of all development applications for City review shall be submitted through the City's online application portal.~~

~~All materials required by City Staff or in the Development Application Checklist shall be submitted for review.~~

~~Payment of the application is required at time of submittal.~~

~~Fees for development applications can be found in the City's Schedule of Fees~~

~~Completeness Review:~~

~~Once an application is submitted City Staff will conduct a completeness review to ensure all required materials were submitted as identified by City Staff and or in the Development Application Checklist.~~

~~If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.~~

~~If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.~~

~~Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date.~~

~~Simple Development or Deviation~~

~~Lot Split~~

~~Minor Replat~~

~~The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.~~

~~If the applicant does not submit within the thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.~~

~~Substantive Application Review:~~

~~Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:~~

~~Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.~~

~~Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending to either approve, approve with conditions, approve with modifications, or deny the application.~~

~~Technical Review Committee (TRC) Review:~~

~~Once an application is deemed complete Staff will forward the application to the appropriate TRC members. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their appointed role on the TRC.~~

~~The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.~~

~~The following Project Types are exempt from TRC review, unless determined necessary by the City Manager or their designee.~~

~~Annexation~~

~~Zoning and FLUM Map Amendments~~

~~LDC or Comprehensive Plan Amendments~~

~~Lot Split or Lot Line Adjustment~~

~~Development Order Exemption~~

~~Simple Development Order~~

~~Simple Deviation~~

~~Change of Use, except as otherwise identified in this Code.~~

~~Conditional Use~~

~~Certificate of Appropriateness~~

~~Harbor & Waterways Board applications~~

~~Board of Adjustment Applications~~

~~The TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.~~

~~If Staff identifies the need for more review time, a request will be made to the applicant.~~

~~TRC members shall provide comments to City Staff pertaining to the specific professional expertise.~~

~~If a TRC member does not provide comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.~~

~~City Staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).~~

~~If the TRC approves the application, Staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.~~

If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.

Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.

If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05

SECTION 2.03.02 DEVELOPMENT ORDERS:

A. No property shall have more than one development order application under review by the City at any one time.

B. Provided the development plan meets or exceeds all applicable requirements of the Land Development Code, City Comprehensive Plan, and City Ordinances the City shall:

1. Issue a development order to the developer within ten (10) business days from the approval date of said development order application.

a. An approved development order is required prior to the city's issuance of any construction permit(s). The development order is not a construction permit.

b. A development order shall include, but is not limited to, the following if applicable:

1. An approved final development plan with findings and conclusions.
2. A listing of federal, state, or regional permits, if any, which must be obtained prior to the issuance of certificate of occupancy.
3. If modifications to the development plan are required, the development order shall not be issued prior to such modified plan is submitted and approved by the city.
4. Notification that development shall commence within a 12-month period and continue until completion in accordance with terms and conditions of approval.
5. A phasing plan and schedule of construction consistent with the availability of capacity of one or more services and/or facilities.
6. If necessary or required, a schedule of public services or public facilities to be provided by the applicant, prior to the issuance of any certificate of occupancy or within specified time periods.
7. Any alternate service impact mitigation measures to which the applicant has committed in a recordable written instrument.
8. Any required guarantees or sureties for required public improvements as a result of the anticipated impact of the development or as required by regulations in this Code or other law.
9. Such other conditions as may be required to assure compliance with this Code, the comprehensive plan or other law.
10. Characteristics of the site and surrounding area.
    (i) Important natural and manmade features
    (ii) The size and accessibility of the site
    (iii) Surrounding land uses
11. Impact on requirements for level of service standards (LOS).
    (i) The nature of the proposed development
    (ii) Land use types
    (iii) Density or intensity

(iv) Placement of proposed buildings, improvements, and impervious ground cover on the site

(v) Location, type, and method of maintenance of open space and public use areas if any

(vi) Preservation of natural features or protection of sensitive lands if any

(vii) Proposed parking areas and internal traffic circulation

(viii) Stormwater management, and

(ix) Water and sewage distribution, collection, and treatment systems.

12. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.

13. Other applicable factors, rules, regulations, or criteria prescribed by the Comprehensive Plan, this Code or other law.

C. Exemptions from Development Orders:

1. A construction permit may be issued without a development order if any of the following conditions apply:

a. Alterations to existing improved properties that will not alter gross floor area, use of structure or land, or change/add to the impervious surface of the site.

b. The construction or alteration of one attached or detached single family dwelling.

c. The resurfacing with the same material of a vehicle use area that conforms to all requirements of this Code.

d. The land, parcel or property of the proposed project is subject to a minor replat, or lot split granted pursuant to procedures in Section 2.06 of this Article.

e. Determination by the City Manager or designee

1. A determination shall not conflict with any requirement or provision of this Article or the Comprehensive plan.

D. Development Orders:

1. A development order is valid for a period of one year from the date of issuance.

2. A building permit must be obtained by issuance from the City for either the construction of infrastructure or construction of the entire project.

3. If a building permit is not issued within one year from the date of issuance of the development order, then the development order becomes null and void.

a. Construction must commence within six (6) months after issuance of building or construction permit.

4. If construction activity ceases for a period of one-hundred and eighty (180) days after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void.

E. Development Order Extension:

1. The applicant may request one extension to a development order, not to exceed 12 months from the date of original expiration.

2. An applicant shall submit an application for extension no less than forty-five (45) calendar days prior to expiration of the original development order.

3. The application shall include:

a. Proof of ownership and agent affidavit (if applicable),

b. A narrative describing why development has not commenced.

4. Once an application is received, it will be forwarded to the Community Development Director for a final determination.

5. The fee for an extension is half (1/2) the cost of the original application.

F. An approved Development Order or construction permit must be issued prior to or in conjunction with a clearing permit before clearing of land. It is the intent of this paragraph to prohibit any clearing, grading, or demolition of land or structures without first having an approved development with a corresponding approved site plan conforming to all applicable City regulations and this Code.

1. A clearing Permit can only be issued if in conjunction with a building permit or construction permit.

2. If the building permit or construction permit becomes null and void so does the clearing, grading, or demolition permit.

3. If a clearing permit is issued and the lot, land, or parcel is cleared, but no construction occurs within one (1) month of completion of clearing, grading, or demolition, the site shall comply with Section 6.04.06. or 6.04.07. as applicable and be stabilized with:

a. Sod

b. Hydroseeding

c. Or other City Engineer approved alternative.

SECTION 2.0405. LAND DIVISION PROJECT APPLICATIONSTYPES AND REVIEW PROCESSES

The following projectapplication types involve rearranging established lot lines or dividing land into two or more parcels. Any development that requires a mMinor sSubdivision or MmajorSsubdivision shall complete the Preliminary Plat prior to submitting construction development or building permits for the required infrastructural permits. The City Manager or designee may waive the requirement for a preliminary plat for a minor subdivision. Final Plat approval shall be completed prior to submitting any application for building permits.

SECTION 2.05.01 GENERAL PROCEDURES FOR SUBDIVISION OR RESUBDIVISON OF LAND

A. The administrative authority to receive, review, and process plat or replat submittals shall be the City Manager or designee. The City Manager or designee is responsible for approving, approving with conditions, or denying the proposed plat or replat.

B. Except as provided by Article 5 - Subdivision Regulations, no person shall divide any parcel of property into two or more parcels without complying with the provisions of this section.

C. Final Approval of any corresponding plats for a subdivisions shall follow the requirements of Section 2.05.01. & 2.05.02.

D. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.

E. Right-of-way dedication, identified by the Community Development Director, may be required if any lot abuts a street right-of-way that does not conform to current City Standards.

1. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

SECTION 2.05.02 PLAT APPROVAL PROCESS

A. The developer shall submit to the community development department one physical copy or other reproducible drawing of the plat as prescribed by F.S. § 177.071, size 24 inches by 36 inches, duly signed as required.

B. Upon receipt of a plat application submittal, the City shall provide written notice in response to the submittal within seven days acknowledging receipt, identifying any missing documents or information required, and providing information regarding the approval process including requirements and timeframes. Requirements of the plat approval process may include but are not limited to approvals by the Community Development Department, City Engineer, Destin Water Users, and the local fire control district.

C. The City Manager or City Manager's designee must approve, approve with conditions, or deny the submittal within the timeframe identified in the initial written notice. Denial must be accompanied by an explanation citing unmet requirements. The city may not request or require the applicant to file a written extension of time but may grant an extension of time requested by the applicant.

D. A plat or replat submitted under this part must be administratively approved if the plat or replat complies with the requirements of section 177.091, Florida Statues.

E. Development Plans: The developer shall submit to the community development department, simultaneously with its plat application, a copy of the development plan conforming to the requirements set forth in Article 5 - Subdivision Regulations, Article 6 - General Development Regulations, and the Destin Design Manual including specifications for drainage, streets and other improvements, and applicable laws and regulations. Final drawings and specifications shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida.

F. Recording Plats: If approved, the plat will then be submitted by the developer to the office of the clerk of court for recording. After recording, one recorded digital copy (size 24 inches by 36 inches) and one copy of the recorded homeowner's association documents, if applicable, shall be filed with the community development department within ten days.

G. Disapproval. If the proposed subdivision is disapproved, upon final consideration, before further consideration, the developer must resubmit his plans as a completely new design indicating substantial differences from the disapproved design.

SECTION 2.~~04~~05.~~01~~03 LOT SPLIT~~:~~

A. A lot split is the division of a ~~tract of land or~~ lot that results in either:
   1. A lot line adjustment between two platted lots or tracts of land
   2. The creation of exactly one (1) additional lot or tract of land provided the following conditions are met:
      a. The ~~tract of land or~~ lot to be split is platted or has a legal description of record; and
      b. Each lot ~~or tract of land~~ proposed either:
         1. Abuts a public or approved private street.
         2. Has a recorded perpetual cross-access easements existing on the lot to be split.
            (i) If necessary, a recorded perpetual cross-access easement can ~~created~~be created by the lot split and shall be clearly shown on the recorded lot split.

c. The lot split shall meet ~~all relevant zoning~~the criteria ~~established in this code~~in the City Land Development Code.

B. A Lot Split may not require a development order as determined by the City Manager or ~~their~~ ~~D~~designee.

C. Lot Split Approval Process

1. Formal application to the community development department, accompanied with the following:
   a. Application fee
   b. One digital copy of the proposed lot split
   c. A statement that no new streets, water, sewer, drainage structures, or other infrastructure are required off-site to provide sufficient access and services to the subject land
   d. Legal descriptions and acreage of the two proposed lots or tracts of land and a scaled drawing showing the intended division and all structures shall be prepared by a duly licensed land surveyor registered in the state
2. Upon approval of the lot split by the City Manager or designee, the determination shall be duly recorded in the public records of Okaloosa County and recorded on the appropriate city maps and documents.
3. No further division of any lot approved lot split is permitted under this Section, unless a plat is prepared and approved in accordance with this Code.
4. All plats shall meet state statute and the Destin Design Manual standards.
5. The Community Development Director may grant waivers from the platting requirements of this chapter for divisions of land that constitute a lot split.

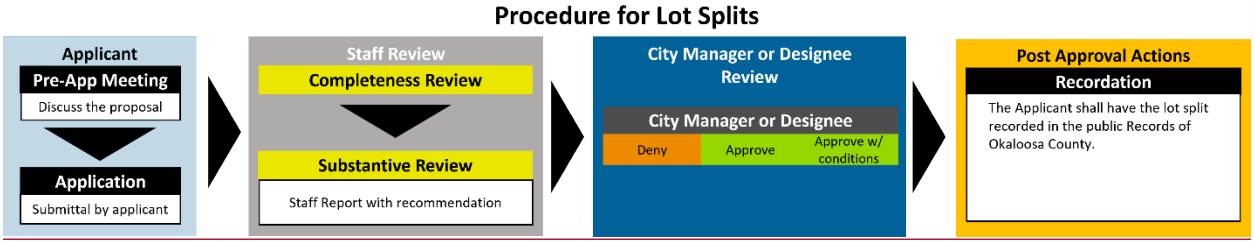


Figure 2-1: Lot Split - One additional lot example

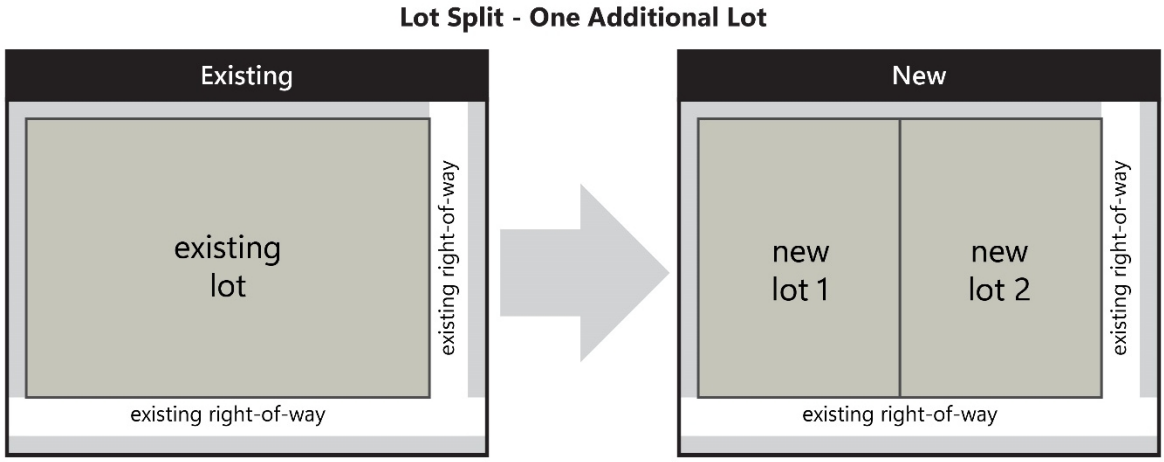
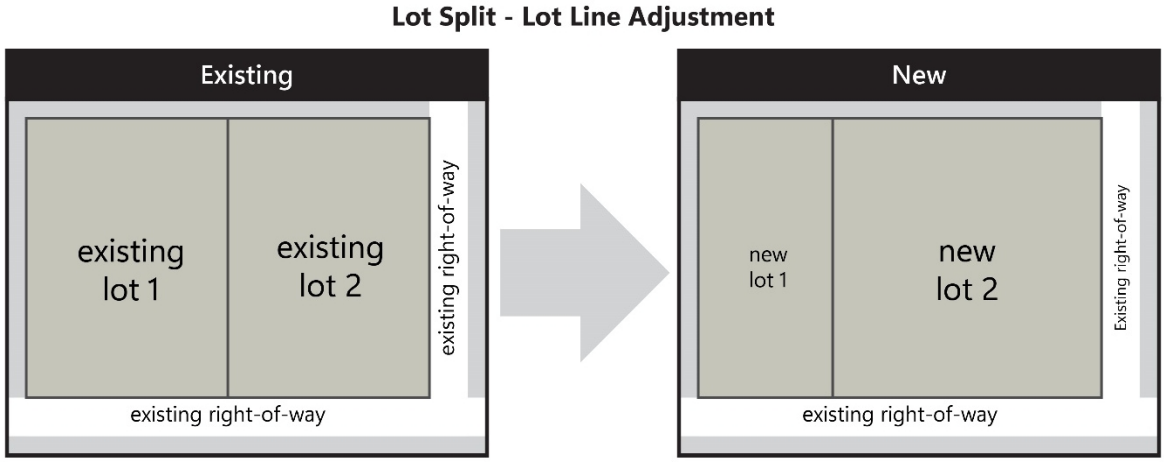
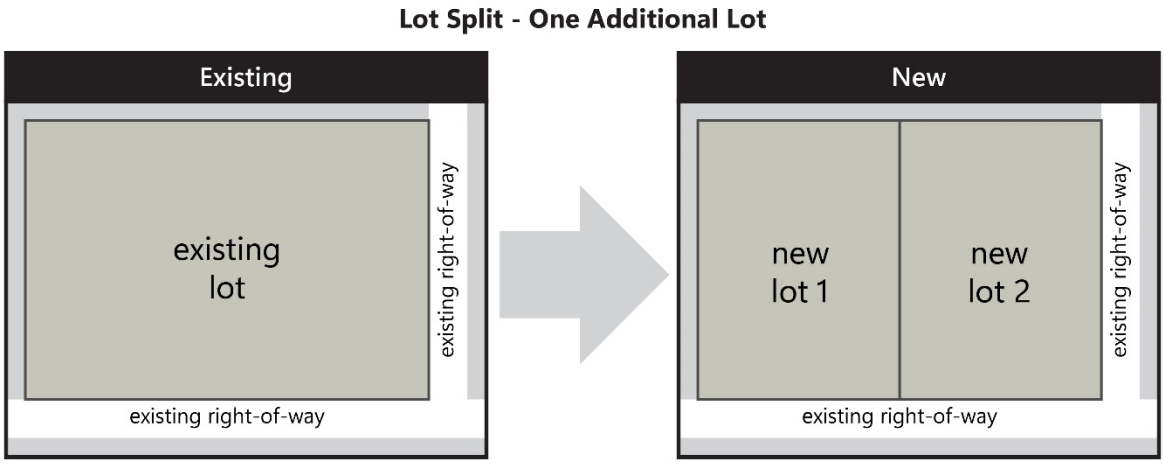


Figure 2-2: Lot Split - Lot Line Adjustment example



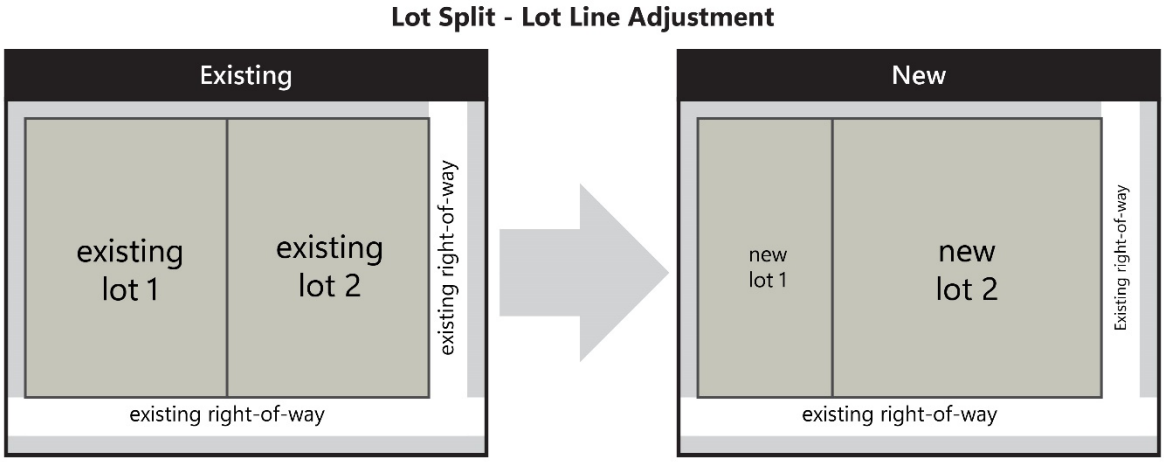
B.

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



THIS SPACE INTENTIONALLY LEFT BLANK

FIGURE 2-2: LOT SPLIT - LOT LINE ADJUSTMENT EXAMPLE



SECTION 2.06.05 LOT SPLITS OR LOT LINE ADJUSTMENTS

LOT SPLITS OR LOT LINE ADJUSTMENTS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03.

THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE PLATTING REQUIREMENTS OF THIS CODE FOR DIVISIONS OF LAND THAT CONSTITUTE A LOT SPLIT.

~~TO WAIVE THE PLATTING REQUIREMENTS FOR A LOT SPLIT, THE PROPOSED LOT SPLIT SHALL MEET THE MINIMUM ZONING AND ACCESS REQUIREMENTS WITHOUT THE NEED FOR A VARIANCE.~~

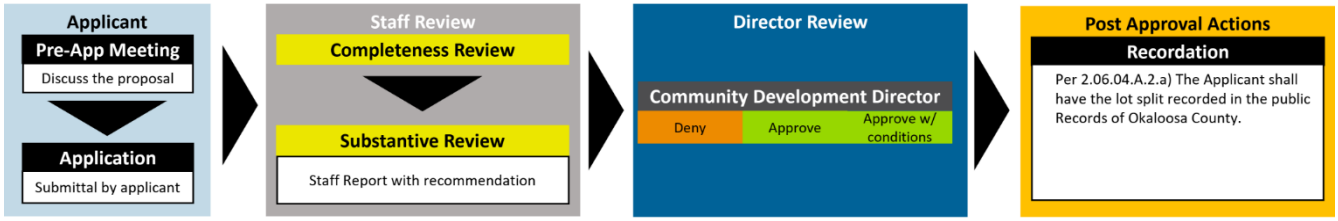
~~UPON REVIEW BY CITY STAFF AND RECOMMENDATION TO THE COMMUNITY DEVELOPMENT DIRECTOR, THE DIRECTOR MAY APPROVE THE LOT SPLIT OR LOT LINE ADJUSTMENT.~~

~~THE DIRECTOR'S APPROVAL AND MYLAR(S) SHALL BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY.~~

~~NO FURTHER DIVISION OF ANY LOT APPROVED LOT SPLIT IS PERMITTED UNDER THIS SECTION, UNLESS A PLAT IS PREPARED AND APPROVED IN ACCORDANCE WITH THIS CODE.~~

~~ALL MYLARS SHALL MEET STATE STATUTE AND THE CITY OF DESTIN DESIGN MANUAL STANDARDS.~~

Procedure for Lot Splits



SECTION 2.~~04~~05.~~02~~ 04 ~~MINOR~~ REPLAT:

A. A ~~minor~~ replat is the subdivision of a platted parcel or platted parcels within the same platted subdivision, that complies with the following requirements:
   1. Reduces the number of lots involved.
   2. Increases the area of two or more adjacent lots or parcels of land.
   3. No roadway, drainage, or other improvements are required.
   4. The final lot configuration complies with the standards of this Code.

B. A ~~Minor~~ Replat may ~~not~~ require a development order as determined by the City Manager or ~~their~~ ~~D~~designee.

C. Replat Approval Process
   1. Replats require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. Replats shall follow the same approval process as a minor development per Section 2.06.03.

Procedure for Replat

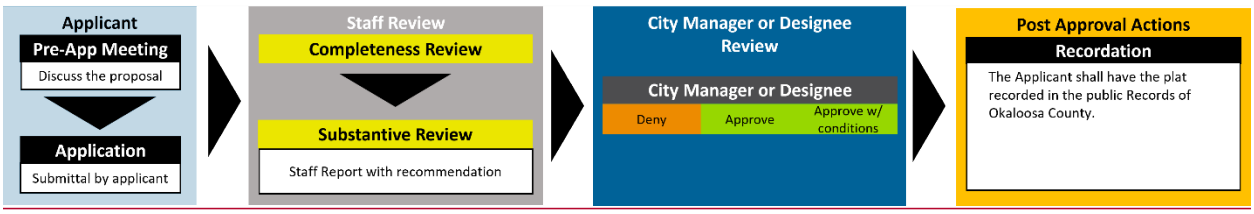
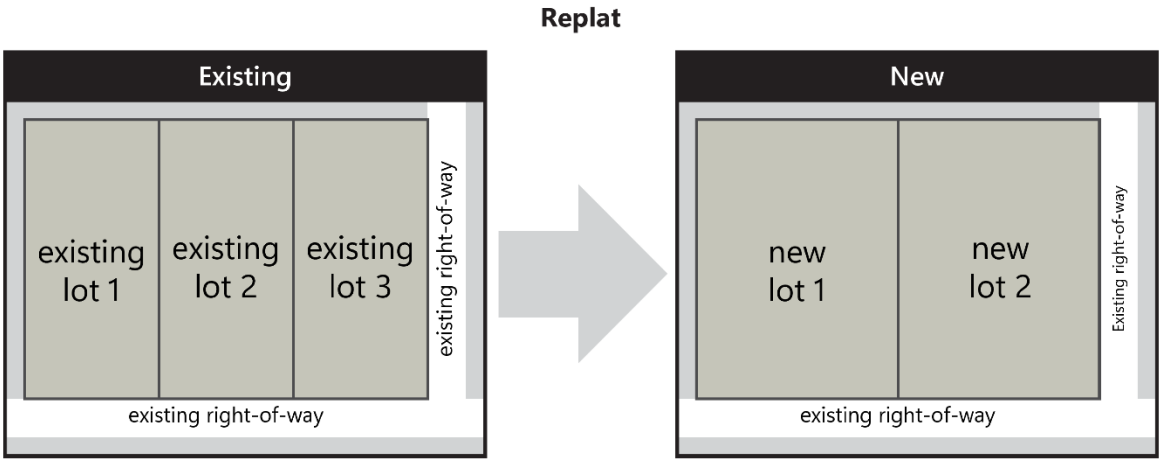
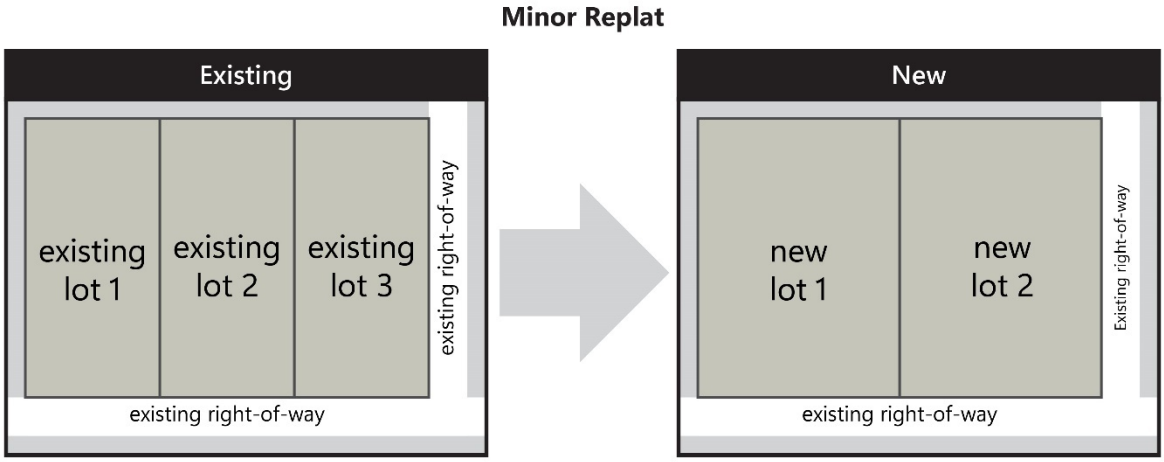


Figure 2-3: Replat example



B.

FIGURE 2-3: MINOR REPLAT EXAMPLE



SECTION 2.0405.03-05 MINOR SUBDIVISION:

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

B. Minor Subdivision Approval Process
   1. Minor subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.

2. Minor subdivisions shall follow the same approval process as a minor development per Section 2.06.03.

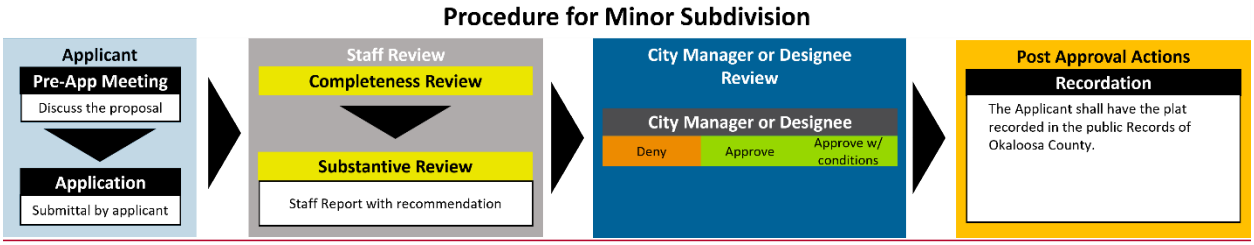
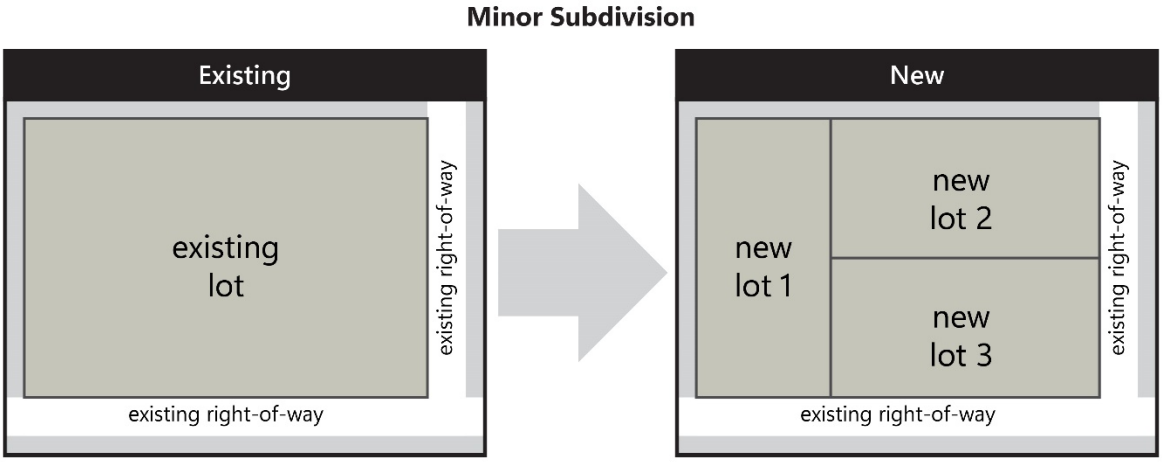
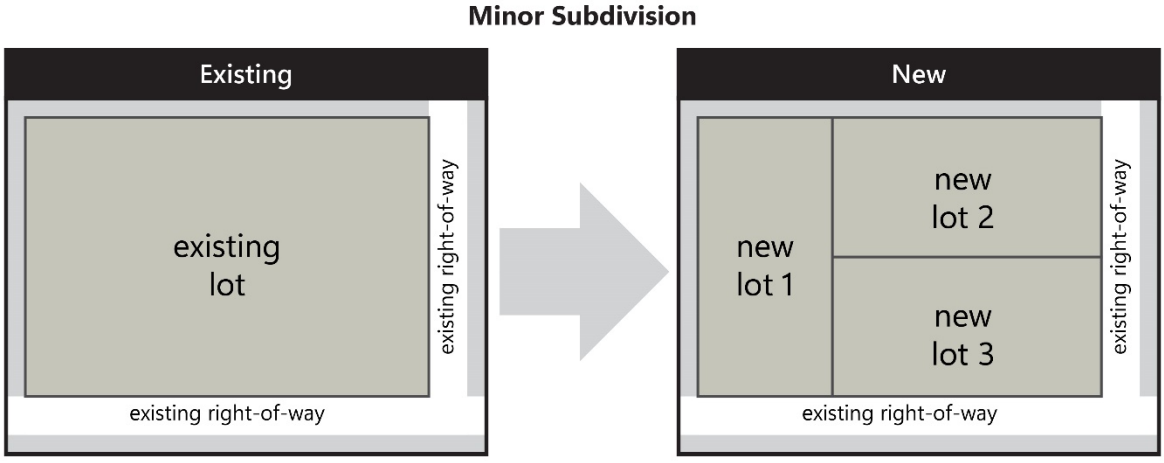


Figure 2-4: Minor Subdivision example



2.

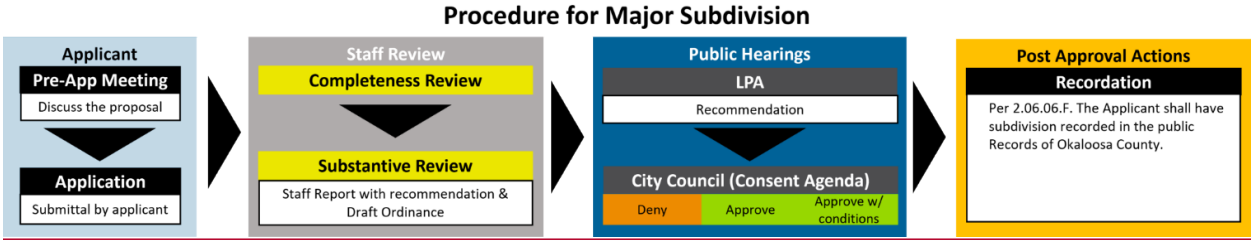
~~FIGURE 2-4: MINOR SUBDIVISION EXAMPLE~~



SECTION 2.~~04~~05.~~04~~06 MAJOR SUBDIVISION:

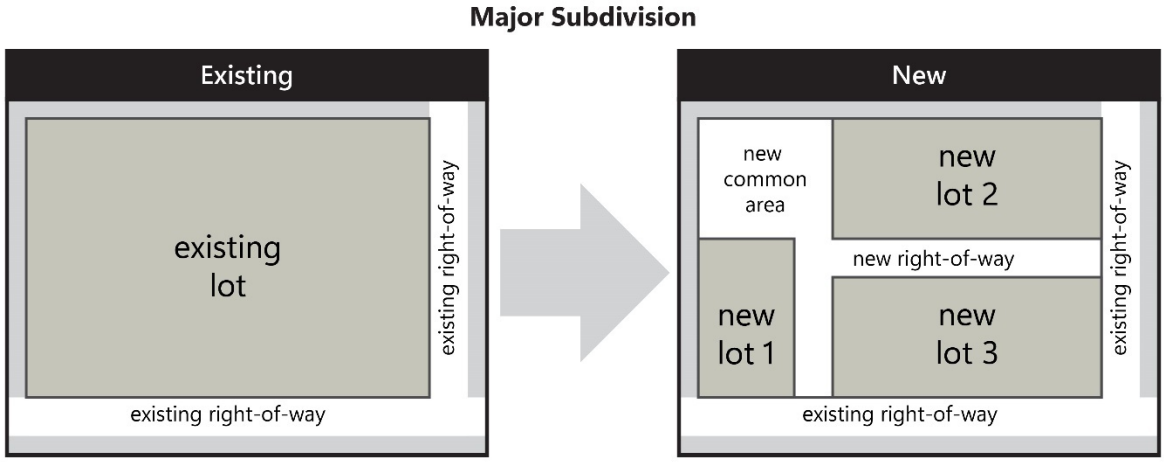
A. A major subdivision is the division of land resulting in either:
   1. Ten (10) or more new lots.
   2. The subdivision requires the dedication of future public or private right-of-way, to either the ~~City~~city or an owners' association.

B. Major Subdivision Approval Process
   1. Major subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.01.04 once approved by the TRC.
   2. Major subdivisions shall follow the same approval process as a major development per Section 2.06.04.



~~2.~~

Figure 2-5: Major Subdivision example



~~Section 2.06.08 Final Plat Approval and Release of Plat~~

~~A. The applicant or developer shall submit a Release of Plat application to the Community Development Department and receive final approval before any lot can be sold or any building permit can be issued in a proposed subdivision.~~

~~B. The Release of Plat application shall include the following:~~
   ~~1. One mylar with all required signatures blocks signed.~~
      ~~a. This does not include (County or City representative signatures)~~
      ~~b. Proof that one of the following situations has been completed.~~

1. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.

c. The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer.

1. Such a bond shall be released upon satisfactory installation of all improvements.

C. Once a Release of Plat application is deemed complete it shall be placed on the City Council Consent Agenda for final approval.

D. All mylars shall meet State Statute and The City of Destin Design Manual standards.

E. Mylar(s) shall be recorded in the public records of Okaloosa County.

F. Once final approval is received, the developer shall record the approved plat and submit to the Community Development department one (1) digital copy of the final recorded plat (as prescribed by F.S. § 177.091).

G. Any development that requires a Major Subdivision shall complete the Plat before submitting any application for non-infrastructure construction or permitting.

SECTION 2.04.05 RIGHT-OF-WAY OR EASEMENT VACATION:

A. A Right-of-Way (ROW) or easement vacation involves the abandonment of a Public or Private ROW or easement across or on a lot, parcel, property, or other land.

B. The vacation of ROW results in the directly adjoining property owners of the subject ROW to gain property either:

1. Fully across the ROW if there is no property subjected to the original plat across the ROW.
2. To centerline of the ROW if there is a property subjected to the original plat across the ROW

C. The vacation of an easement abandons the rights of the easement holder and releases the property owner of any encumbrances the easement held on or across the subject lot, parcel, property, or other land.

D. Any vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division process.

1. If a plat is not applicable, then the most appropriate Land Division process shall be initiated in conjunction with the vacation application at the applicant's expense.

SECTION 2.~~05~~06. LAND DEVELOPMENT ~~PROJECT~~ APPLICATIONS ~~TYPES~~AND REVIEW PROCESS

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

SECTION 2.06.01 GENERAL REQUIREMENTS

A. All proposed developments shall meet current comprehensive plan and LDC requirements for site development.

B. If development is proposed on a site that does not meet the Comprehensive Plan, then:

1. All new proposed development on site shall meet current comprehensive plan and LDC requirements, and

2. The site shall elements for access shall be brought up to current regulations, and
3. No expansion of non-conforming or non-compliant elements shall be allowed.

C. If the proposal is approved, approved with conditions, by the appropriate approval process, the City Manager shall authorize the issuance of a development order that complies with Section 2.02.

D. If the proposal is approved with modifications, the City Manager shall authorize the issuance of a development order that complies with Section 2.02 once the required modifications have been completed and approved by the appropriate TRC members.

E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, and the applicant will lose in-line priority consideration for concurrency.

SECTION 2.~~05~~06.~~01~~02 SIMPLE DEVELOPMENTS~~:~~

A. There is existing development on site, and it does not have a valid or vested development order on the property, lot(s), or parcel(s).

B. The proposed changes do not require review by any external Technical Review Committee agency or entity.

C. The proposed application meets one of the following criteria:

1. Proposes a change to the use of any structure or land, and the proposed change of use does not require additional parking spaces beyond those already existing on the site.
2. Or any proposed changes to existing development will not increase impervious surface area beyond 750 square feet. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements outlined in the City of Destin Design Manual.
3. Does not meet any of the criteria of a minor development per Section 2.05.03 or major development per Section 2.05.04.

D. Simple developments do not apply to the change of use of a single-family home to a Short-term rental.

E. If a property has any previously approved simple development or deviation and the new proposed development after approval would exceed the thresholds established in this Section, it no longer qualifies as a simple development.

F. Simple Development Approval Process

1. Simple developments require notification to adjacent property owners and a notice posted on the property per Section 2.01.04.
2. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed application identified as simple developments.
3. City staff shall make a recommendation to the City Manager or designee based upon the review of compliance with the City's LDC, Comprehensive Plan, other city regulations, or any applicable development order.
4. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with Section 2.02.
5. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code, the application can:
   a. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or

b. Become null and void.

The applicant will lose in-line priority consideration for concurrency.

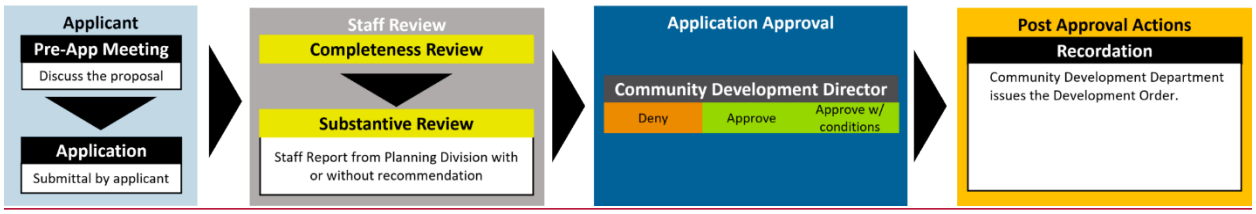
A. A development project shall be designated as a Simple Development if the following criteria are met:

1. There is existing development on site, and it does not have a valid or vested Development Order on the property, lot(s), or parcel(s),
2. The proposed changes do not require review by any external Technical Review Committee agency or entity.
3. The proposed project meets one of the following criteria:
   a. Proposes a change to the use of any structure or land, and
      1. The proposed change of use does not require additional parking spaces beyond those already existing on the site.
   b. Or any proposed changes to existing development cannot will not increase impervious surface area beyond 750 square feet.
      1. Any increase in impervious surface up to 750 square feet must meet all applicable stormwater requirements outlined in the City of Design Manual.
   c. Does not meet any of the criteria of a Minor Development per Section 2.05.02 or Major Development per Section 2.05.03.
4. Simple Development Orders do not apply to the Change of Use of a Single-Family Home to a Short-Term Rental.

B. STo qualify as a simple Developments developments the site shall currently meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.
   1. If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements.

C. If the proposed development exceeds the thresholds established in this Section, then it shall be deemed a Minor or Major Development.
   1. If a property has any previously approved Simple Development or Deviation and the new proposed development after approval would exceed the thresholds established in this Section, it no longer qualifies as a Simple Development.

Procedure for Simple Developments & Deviations



D.

SECTION 2.0506.02 03 MINOR DEVELOPMENTS:

A. A development project application shall be designated as a mMinor Ddevelopment if it satisfies one or more of the following criteria:
   1. Commercial, iIndustrial, or mMixed-use development plans proposing developmentdevelopment of less than 10,0009,999 square feet or less of gross floor area.

~~a. Any development that is equal to or greater than 10,000 square feet shall be deemed a Major Development. (see Section 2.05.03 below)~~

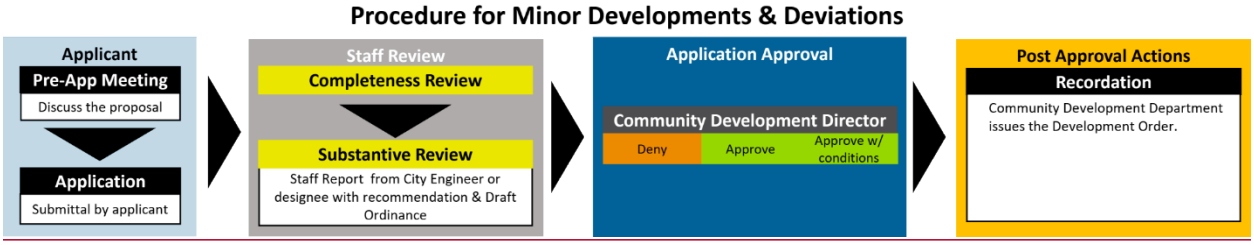
2. Development ~~activity~~activity of 9,999 square feet or less, ~~less than 10,000 square feet~~ such as a park, active recreation, open air development, or similar development, which involves either:
   a. Any change in land use
   b. Any construction of buildings or structures
   c. Any change in the use of any structure or land that generates vehicle trips.
3. Residential development plans consisting of 9 or fewer dwelling units.
4. Minor ~~s~~Subdivisions development plans
5. Demolition of a multi-family or non-residential structure or building, unless determined as unsafe by the ~~B~~building ~~O~~official or other regulatory agency.
6. Any ~~project~~ application ~~submittal identified~~determined by the ~~Community Development Director~~City Manager or designee needing higher level of review beyond the ~~s~~Simple ~~D~~deviation due to:
   a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
   b. ~~Is~~It is identified as being of significant interest to the general public.

~~B. Minor Developments shall meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.~~

~~1. If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements.~~

~~B. If the proposed development exceeds the thresholds established in this Section, then it shall be deemed Major Development.~~ Minor Development Review Process

1. Minor developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
2. Upon review and recommendation of approval by city staff and approval by the TRC, The Community Development Director may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as minor developments.
3. City staff shall make a recommendation to the Community Development Director based upon the review of compliance with the City's LDC, Comprehensive Plan, other city regulations, or any applicable development order.
   a. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.
4. If the proposal is approved or approved with conditions, the City Manager or designee shall authorize the issuance of a development order.
5. If the proposal is approved with modifications, a development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
   a. The applicant will lose in-line priority consideration for concurrency.



SECTION 2.~~0506~~.~~03~~ 04 MAJOR DEVELOPMENTS~~:~~

A. A development ~~project~~ application shall be deemed a major development if it satisfies one or more of the following criteria:
   1. Non-residential and mixed-use proposing development equal to or greater than 10,000 square feet or more of gross floor area.
   2. 10,000 square feet or more of development activity such as a park, active recreation, open air development, or similar development, which involves either:
      a. Any change in land use,
      b. Any construction of buildings or structures, or
      c. Any change in the use of any structure or land that generates vehicle trips.
   3. Residential development plans consisting of ten or more dwelling units.
   4. Major s~~S~~ubdivisions development plans~~.~~
   5. All Planned Unit Developments (PUDs).
   6. New telecommunications towers.
   7. Any ~~project~~ application submittal identified by the City Manager or designee as needing City Council review due to:
      a. Having an impact upon the surrounding properties or community by virtue of the proposed development, or
      b. ~~Is~~It is identified as being of significant interest to the general public.

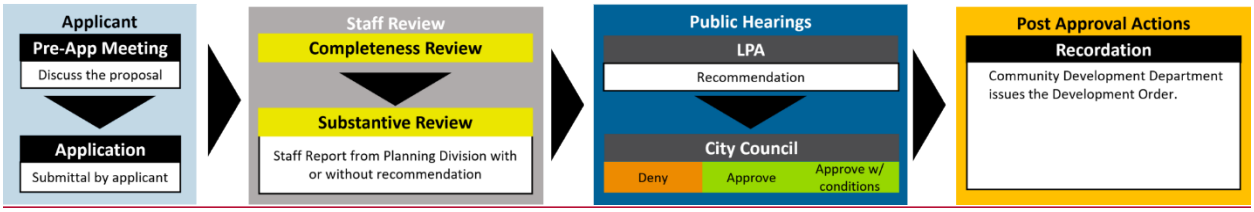
~~B. Major Developments shall meet Comprehensive Plan requirements for site development, specifically, open space, height, and density/intensity.~~

B. ~~If the site does not meet the Comprehensive Plan, then any new proposed development shall meet the regulations of this Code and any applicable Comprehensive Plan requirements.~~ Major Development Approval Process
   1. Major developments require notification to property owners and a notice posted on the property per Section 2.01.04. once the project is sent to the TRC.
   2. Once the application has been reviewed and approved, approved with conditions, or approved with modifications by the TRC and city staff, staff shall prepare a staff report through the City Manager to the Local Planning Agency (LPA).
   3. The LPA, at a publicly noticed quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed development based on the,
      a. Staff Report
      b. The City's Land Development Code,
      c. The City's Comprehensive Plan,
      d. City Ordinances

e. Public testimony
f. Information given by the applicant

4. The City Council, at a publicly noticed quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, table, or deny the proposed development after review and consideration of the proposed development based on the,
   a. The LPA's recommendation
   b. Staff Report
   c. The City's Land Development Code
   d. The City's Comprehensive Plan,
   e. City Ordinances
   f. Public testimony
   g. Information given by the applicant.

Procedure for Major Developments & Deviations



~~1.~~

SECTION 2.~~05~~06.~~04~~05 DEVIATIONS TO DEVELOPMENT~~:~~

For those ~~projects~~ applications or properties with active or vested d~~D~~evelopment ~~O~~orders, all changes shall be approved by the City through a deviation to the existing development order.

A. Technical Deviation: Modifications or amendments that become necessary due to technical or engineering considerations, or unknown site conditions that are not in conflict with the criteria for a m~~M~~inor or m~~M~~ajor d~~D~~eviation listed in this Section.
   1. Technical ~~D~~deviations cannot propose any deviation from the intent and purpose of the approved d~~D~~evelopment ~~O~~order
   2. Any t~~T~~echnical d~~D~~eviation shall be the minimum modification to overcome the particular difficulty.
   3. Technical d~~D~~eviations shall not be approved if it conflicts with or cause a violation of any standard or requirement of the Comprehensive Plan, a CRA Master Plan, or the LDC.
   4. Such deviations shall be limited to modifying the following elements:
      a. The distance shown on the approved development plan between any structure or group of structures, and any other structure or group of structures within the approved development.
         ~~a.~~1. Deviations to reduce setbacks to the external property line or structure not within the development shall follow the appropriate deviation process as determined by the City Manager or designee.
         ~~1. Any modification that decreases any building setbacks to any external property line of the development will require a Simple, Minor, or Major deviation depending on the original approval process.~~
      b. Vehicular circulation elements

c. The relocation or increasing the size of any open space
d. Any stormwater element
e. Any final grade
f. The types of landscaping elements and their arrangement within the required landscaping buffer area
g. Relocation or construction of accessory structures

5. Technical dDeviations applications shall follow the same procedures for a sSimple Deviation development as outlined in Section 2.0606.0902.

B. Simple Deviations to a Development Order: A simple deviation to a development order is an project application that requires review only by city staff members involved in the development review process.

1. Simple deviations to a development order shall be determined by the City Manager or designee using the following criteria:
   a. Proposed changes to the previously approved development do not require review by any external TRC member or entity.Changes to the previously approved development plan cannot require approval by non-city staff members of the TRC.
   b. The proposed changes to the development plan only include rearranging or reducing, any:
      1. driveways/accessways,
      2. number of parking spaces,
      3. impervious surface, or
      4. buildings on the subject property.
   c. The proposed changes will bring the property into compliance with the existing stormwater regulations as described in the LDC and the City of Destin Design Manual, without exceeding criteria for other deviations listed below.

c.2. Simple deviations application shall follow the same procedures for a simple development as outlined in Section 2.06.02.

C. Minor Deviation to a Development Order: A deviation to a development order shall be deemed minor if it satisfies one or more of the following criteria:

1. A change from the development order that requires the review of external Technical Review Committee members.
2. The addition of floor area or impervious surface for Commercial, Industrial, or Mixed-use developments not to exceed 9,999 square feet total in combination with existing floor area or impervious surface.
3. The addition of land development activity not to exceed 9,999 square feet or less in combination with existing development, of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to:
   a. Any change in land use
   b. Any construction of buildings or structures
   c. Any change in the use of any structure
4. Demolition of a nonresidentialnon-residential or multi-family building, unless determined as unsafe by the Bbuilding oOfficial or other regulatory agency.

4.5. Minor deviation applications shall follow the same procedures for a minor development as outlined in Section 2.06.03.

D. Major Deviations to a Development Order: A deviation to a development order shall be deemed major if it satisfies at least one of the following criteria:
   1. The addition of gross floor area for Commercial, Industrial, or Mixed-use developments exceeding 10,000 square feet total in combination with existing floor area.
   2. The addition of land development activity exceeding 10,000 square feet of development activity such as a park, active recreation, open air development, or similar development, which means, but is not limited to: to:
      a. Any change in land use
      b. Any construction of buildings or structures
      c. Any change in the use of any structure
   3. Residential development plans proposing additional units that total ten or more dwelling units in combination with existing dwelling units.
   4. Any change to a condition in the development order that was expressly imposed by the City Council.
   5. Any proposed change that adversely affects the compatibility of the existing development.
   6. Any proposed change that the City Manager, or designee, determines should be reviewed by the City Council due to the community impact.
   7. Major deviations application shall follow the same procedures for a major development as outlined in Section 2.06.04.

SECTION 2.066.0613 DEVELOPMENT AGREEMENTS

A. Development aAgreements as specified in this Code are proposed developments that require negotiations between local, state, or federal governments, public utility providers, taxing districts and other related agencies, and not to be used for private development.
B. Development aAgreements are processed by submission of an application by either the City or other entity involved in the development.
C. Based on the proposed development, the Community Development Director shall identify if it is a sSimple, MminorMinor, or MmajorMajor DdevelopmentDevelopment and the appropriate materials will be required for application submittal per the dDevelopment CchecklistChecklist in the City of Destin's Design Manual.
   1. The corresponding fee shall also apply.
   2. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.
D. Negotiation of development agreements:
   1. The City Manager or designee and City Staff shall review the application package and negotiate such further terms and conditions as the City Manager or designee shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
   2. Once the parties agree on the terms and conditions of a development agreement, or if further negotiations are not anticipated, the City Manager, or designee and sStaff shall draft a sStaff rReport, including:
      a. Land use types
      b. Density or intensity
      c. Placement of proposed buildings, improvements, and impervious ground cover on the site.
      d. Location, type, and method of maintenance of open space and public use areas, if any.

e. Preservation of natural features or protection of sensitive lands, if any.
f. Proposed parking areas and internal traffic circulation
g. Stormwater management
h. Water and sewage distribution, collection, and treatment systems.

3. The existence of a tentative agreement, staff report, or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that,
   a. Any further expenditures by either party would vest any right to continue development.
   b. Nor shall such actions constitute partial performance entitling any party to a continuation or extension of the development agreement.
4. The City Council, by majority vote, may act to adopt, amend, extend, modify, revoke, or cancel any proposed or existing development agreement at a publicly noticed hearing ~~per~~ Sections ~~2.02.03. and 2.15~~.
   a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties doing so ~~so doing~~ only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.
   b. In the event state or federal laws are enacted after the execution of a development agreement that creates a non-conformity or non-compliance with the terms or conditions of the agreement, then the agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

E. Development A~~a~~greement R~~r~~equirements:
1. All development agreements shall, at a minimum, include the following:
   a. A legal description of the land subject to the agreement.
   b. A statement identifying the legal and equitable interest of all parties having any interest in the property described in a. above.
      1. Such statements shall be certified by an attorney-at-law licensed to practice in the State of Florida.
   c. The development uses permitted on the land,
   d. Densities and intensities
   e. Building height.
   f. The land use designation under the City of Destin Comprehensive Plan for all property included within the terms of the proposed agreement.
   g. The current zoning classification of the property.
   h. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
   i. The date any new facilities, if needed, will be constructed.
   j. A schedule to ensure public facilities will be available and sufficient to meet the development's impacts.
   k. A description of any reservations or dedications of land for public purposes.
   l. A description of all local development permits approved or needed to be approved for the development of the land.
   m. A finding that the development permitted or proposed is consistent with the City of Destin Comprehensive Plan and land development regulations, as required by F.S. § 163.3231.

n. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens.
o. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the parties from complying with the laws and regulations governing permitting requirements, conditions, terms, or restrictions.

2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.

F. Recording the development agreement:
1. Within 14 days after the city enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the ~~O~~official r~~R~~ecords of Okaloosa County.

G. Periodic review:
1. The city shall review the land and progress of development subject to the development agreement at least once every 12 months to determine compliance with the terms and conditions of the agreement.
2. Fourteen (14) days Prior to the city's review of the status of a development agreement, the developer shall submit a progress report to the City indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.
3. If during the periodic review the City finds based on substantial competent evidence a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Sections 2.~~02~~01.~~03~~04. and 2.15 may:
a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
b. Revoke the agreement to protect the public's interest, health, safety, or welfare.

H. Legal status of development agreements:
1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.
2. The city's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.
3. The city may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the city determines any one of the following:
a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
c. That such laws and policies are essential to ~~the public~~public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or

d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or

e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

I. Enforcement:

1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. § 163.3220—163.3242:

a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or

b. The state land planning agency.

~~b.~~

~~6.~~

SECTION 2.~~06~~ 07 ~~DEVELOPMENT PROJECT~~MISCELLANEOUS PLANNING APPLICATIONS AND ~~REVIEW~~ REVIEW ~~PROCEDURES~~PROCESS

~~SECTION 2.06.01 GENERAL REVIEW PROCEDURES FOR ALL PROJECTS~~

~~A. ALL APPLICATIONS OR PROJECT TYPES LISTED IN TABLE 2-1: PROJECT TYPE CLASSIFICATION TABLE SHALL FOLLOW THE FOLLOWING PROCEDURES UNLESS SPECIFICALLY IDENTIFIED IN THE RESPECTIVE DEVELOPMENT PROJECT REVIEW PROCEDURES OF THIS SECTION.~~

~~B. ALL APPLICATIONS FOR DEVELOPMENT ORDERS OR DEVIATIONS TO A DEVELOPMENT ORDER SHALL BE PROCESSED IN A TIMELY MANNER AND IN ACCORDANCE WITH F.S. § 166.033. THIS ENTAILS PROMPT REVIEW AND RESPONSES FROM BOTH THE APPLICANT AND THE CITY.~~

~~1. NO PROPERTY SHALL HAVE MORE THAN ONE DEVELOPMENT ORDER APPLICATION UNDER REVIEW BY THE CITY AT ANY ONE TIME.~~

~~C. PRE-APPLICATION MEETING: THE PURPOSE OF THE PRE-APPLICATION MEETING IS TO FACILITATE COORDINATION OF THE PROPOSED DEVELOPMENT, OR OTHER PROCESS, BETWEEN CITY STAFF, APPLICABLE EXTERNAL AGENCIES, AND THE APPLICANT(S).~~

~~1. A PRE-APPLICATION MEETING IS REQUIRED BEFORE FILING FOR A FORMAL REVIEW OF ALL PROPOSED PROJECTS OR DEVELOPMENT PLANS.~~

~~2. CITY STAFF WILL DIRECT THE APPLICANT TO ALL APPROPRIATE TECHNICAL REVIEW COMMITTEE AGENCIES FOR A PRELIMINARY REVIEW PRIOR TO FILING FOR FORMAL CITY REVIEW, IF NECESSARY. THIS INCLUDES BUT IS NOT LIMITED TO:~~

~~a. DESTIN WATER USERS~~

~~b. DESTIN FIRE CONTROL~~

~~c. FLORIDA POWER & LIGHT~~

~~3. A PRE-APPLICATION MEETING SUMMARY WILL BE PROVIDED TO THE APPLICANT WITHIN TEN (10) BUSINESS DAYS. THE SUMMARY WILL INCLUDE:~~

a. The appropriate review procedures and fees, if enough information on the project was provided prior to or during the Pre-Application meeting.

1. If the appropriate procedure is not determined with the first Pre-application meeting, City Staff may require a follow-on Pre-Application Meeting before formal submittal of any application.

b. Brief description of the proposed development, if provided.

c. Major Land Development Code sections of concern.

d. Development Checklists

e. Any comments from internal or external agencies or departments, if provided.

4. The meeting summary is preliminary and shall not be considered a comprehensive review or final comments.

5. The City reserves the right to provide more comments at the time of formal application review.

6. No comment made by any persons associated with the city during any pre-application meeting, discussion, or summary shall be considered either as approval or rejection of the proposed development or development plans.

D. Formal Development Application Submittal

1. Submittal of all development applications for City review shall be submitted through the City's online application portal.

a. All materials required by City Staff or in the Development Application Checklist shall be submitted for review.

b. Payment of the application is required at time of submittal.

1. Fees for development applications can be found in the City's Schedule of Fees

E. Completeness Review:

1. Once an application is submitted City Staff will conduct a completeness review to ensure all required materials were submitted as identified by City Staff and or in the Development Application Checklist.

2. If all materials are submitted and fees paid, Staff will begin the Substantive review of the application per the appropriate procedures per specific application type in the proceeding sections.

3. If any required materials are missing or fees are not paid, Staff will notify the applicant via a Completeness Review letter of all the missing items within thirty (30) calendar days of application, except as listed below.

a. Staff shall provide a Completeness Letter within twenty-one (21) days from application submittal date.

1. Simple Development or Deviation

2. Lot Split
3. Minor Replat
4. The applicant must provide the missing materials within thirty (30) days of the date of the Completeness Review letter.
a. If the applicant does not submit within the thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.
F. Substantive Application Review:
1. Once an application is deemed complete Staff will conduct a substantive review of the application materials, and staff shall:
a. Determine conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable requirements.
b. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable when recommending to either approve, approve with conditions, approve with modifications, or deny the application.
2. Technical Review Committee (TRC) Review:
a. Once an application is deemed complete Staff will forward the application to the appropriate TRC members.
1. Each TRC member shall limit their review to their area of expertise pertaining to their professional and functional experience of their appointed role on the TRC.
b. The Community Development Director will determine if a TRC meeting will be required for an application at any time during the review of an application.
c. The following Project Types are exempt from TRC review, unless determined necessary by the City Manager or their designee.
1. Annexation
2. Zoning and FLUM Map Amendments
3. LDC or Comprehensive Plan Amendments
4. Lot Split or Lot Line Adjustment
5. Development Order Exemption
6. Simple Development Order
7. Simple Deviation
8. Change of Use, except as otherwise identified in this Code.
9. Conditional Use
10. Certificate of Appropriateness
11. Harbor & Waterways Board applications
12. Board of Adjustment Applications

~~d. The TRC shall be allowed a thorough review of application materials from a minimum of two (2) weeks to a maximum of four (4) weeks, based on the scope of the proposed development.~~

~~1. If Staff identifies the need for more review time, a request will be made to the applicant.~~

~~e. TRC members shall provide comments to City Staff pertaining to the specific professional expertise.~~

~~1. If a TRC member does not provide comment(s) within the allotted time specified for the review, it is assumed the TRC member approves the development.~~

~~f. City Staff will provide the applicant with all TRC review comments within ten (10) calendar days of the end of the identified TRC review period through a Development Review Report (DRR).~~

~~g. If the TRC approves the application, Staff will prepare the application for the appropriate approval procedure identified in the proceeding sections.~~

~~h. If the TRC denies the application, comments will be provided to the applicant for their review and resubmittal of materials.~~

~~i. Resubmittal of application materials shall be required within thirty (30) days of receipt of the Corrections Report.~~

~~j. If the applicant does not resubmit within thirty (30) days, the application will be deemed withdrawn per Section 2.02.05.~~

~~Section 2.06.02 Application Denial~~

~~A. If, after the appropriate approval body review, an application is denied, no future application for the same or similar request or procedure may be processed within the time frame listed below:~~

~~1. One (1) year for any application requiring City Council approval.~~

~~2. Six (6) months for any application requiring Local Planning Agency approval.~~

~~3. Three (3) months for all other applications.~~

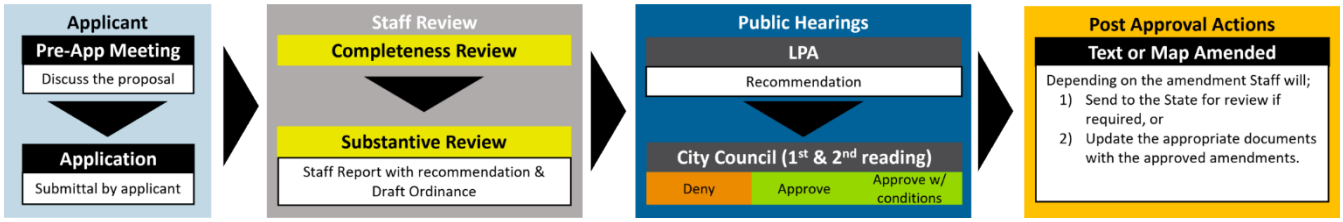
Section 2.~~06~~07.~~03~~01 Procedures for Amendments to the Land Development Code, Comprehensive Plan, Zoning Map, or Future Land Use Map

A. The text of this Code, Comprehensive Plan and the ~~O~~official ~~Z~~zoning ~~D~~district ~~M~~map or the Future Land Use Map boundaries may be amended or supplemented.

B. Proposed changes may be suggested or recommended by:
   1. City Council
   2. City Manager
   3. Local Planning Agency
   4. Community Development Director
   5. By a property owner
   6. By petition of the owners of 51 percent or more of the area or properties involved in the proposed change.

C. The Community Development Department will review and forward the application and a staff report and draft ordinance with or without a recommendation for approval, approval with conditions, or denial to the Local Planning Agency (LPA) for its review at a public hearing, along with a draft ordinance.
D. The LPA will forward the staff report with its recommendation and a draft ordinance to the City Council for consideration at a public hearing.
E. The City Council shall then approve, approve with conditions, table, or deny the application.
F. If approved on ~~First~~ first ~~Reading~~ reading at ~~City~~ city ~~Council~~council, a ~~Second~~ second ~~Reading~~ reading will be heard at the next available ~~City~~ city ~~Council~~ council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
    1. If State review is required, then the second reading shall occur within thirty (30) days of receiving State approval.

Procedure for LDC text, Zoning or FLUM map, or Comprehensive Plan Amendment



SECTION 2.~~06~~07.0~~2~~4 ANNEXATION OF PROPERTY

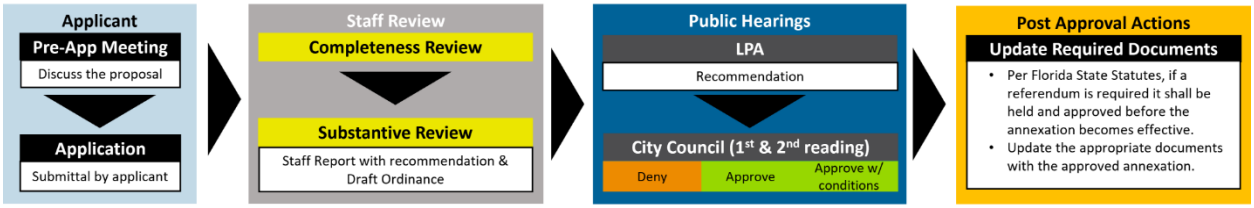
A. Annexation into the city may be initiated by either the City of Destin or by individuals or groups of property owners.
    1. In any instance of annexation, the property proposed to be annexed shall be contiguous to the c~~C~~ity l~~L~~imits.
B. The City shall manage growth of the physical city limits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

c. The ~~City~~city may annex land by referendum election, pursuant to the procedures set forth in F.S. § ~~Section~~ 171.0413~~, Florida Statutes.~~

D. Annexations Applications:

1. Annexations whether property owner-initiated or c~~C~~ity initiated, shall address in the application, the criteria listed in Section 2.~~06~~07.~~04~~02.B. above, and the following if applicable:
   a. Elimination of e~~E~~nclaves~~:~~. ~~(~~Enclaves are areas of county jurisdiction that are surrounded by the ~~City~~city~~)~~.
   b. Enhance the c~~C~~ity ~~E~~economic and ~~T~~tax b~~B~~ase: The request shall demonstrate how annexing the proposed area into the city will benefit the City's tax base and not create a deficit in the City's revenue, budget, or create any other financial burden on the City or residents.
   c. Impacts on the c~~C~~ity's i~~I~~nfrastructure: The request shall demonstrate how annexing the proposed area will not create a negative impact upon the City's infrastructure, including but not limited to:
      1. Roads and streets
      2. Stormwater facilities
      3. Other c~~C~~ity services
2. The Community Development Department shall develop a staff report and ordinance for review by:
   1. The Local Planning Agency at a public hearing for a recommendation and consideration to City Council.
   2. City Council shall consider at a public hearing the recommendation and determine whether to approve, approve with conditions, table, or deny the request on First reading,
      (i) If approved on ~~First~~ first ~~Reading~~ reading at ~~City~~ city ~~Council~~council, a ~~Second~~ second ~~Reading~~ reading will be heard at the next available ~~City~~ city ~~Council~~ council meeting. (all the scheduled hearings must meet noticing requirements, so no need to include)
      (ii) If the Annexation meets the criteria of Section 2.~~06~~07.~~04~~02.C.2.c. then the referendum per F.S. § ~~Florida State Statutes~~ 171.0413 shall be held and approved before the annexation becomes effective.

Procedure for Annexation of Property



~~SECTION 2.06.05 LOT SPLITS OR LOT LINE ADJUSTMENTS~~

~~A. LOT SPLITS OR LOT LINE ADJUSTMENTS REQUIRE NOTIFICATION TO ADJACENT PROPERTY OWNERS AND A NOTICE POSTED ON THE PROPERTY PER SECTION 2.02.03.~~

~~B. THE COMMUNITY DEVELOPMENT DIRECTOR MAY WAIVE THE PLATTING REQUIREMENTS OF THIS CODE FOR DIVISIONS OF LAND THAT CONSTITUTE A LOT SPLIT.~~

1. To waive the platting requirements for a lot split, the proposed lot split shall meet the minimum zoning and access requirements without the need for a variance.

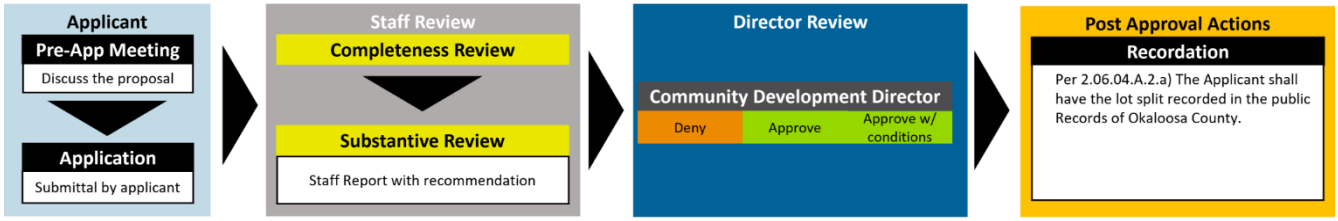
C. Upon review by City Staff and recommendation to the Community Development Director, the Director may approve the lot split or lot line adjustment.

1. The Director's approval and mylar(s) shall be recorded in the public records of Okaloosa County.

D. No further division of any lot approved lot split is permitted under this Section, unless a plat is prepared and approved in accordance with this Code.

E. All mylars shall meet State Statute and The City of Destin Design Manual standards.

Procedure for Lot Splits



Section 2.06.06 Minor Replats/Minor Subdivisions

A. Minor Replats or Subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.02.03 once approved by the TRC.

B. Preliminary Approval

1. Prior to approval of a minor replat or minor subdivision by the City Manager or designee, the following standards shall be met:

a. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.

2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

3. Right-of-way dedication, identified by the Community Development Director, may be required if any lot abuts a street right-of-way that does not conform to current City Standards.

a. If Right-of-Way is determined to be required, the application automatically becomes a major subdivision and shall follow those procedures.

b. The Applicant is still responsible for the fees for the major subdivision application, but the fees paid for the minor subdivision will be credited towards the major subdivision.

4. Once reviewed and approved by all applicable TRC members, the developer shall submit to the Community Development Department:

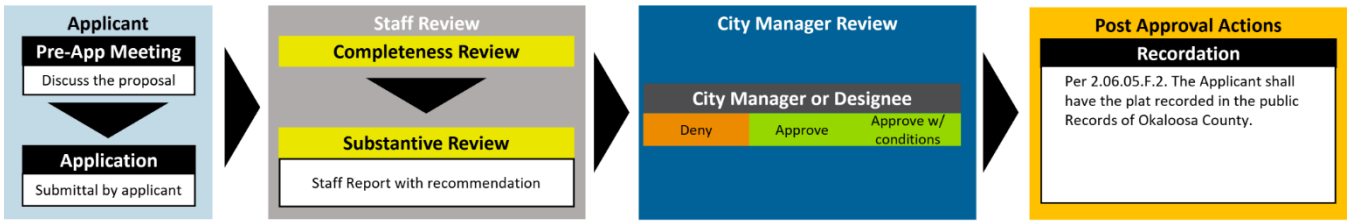
a. One digital and one paper copy of the proposed final plat (as prescribed by F.S. § 177.091)

5. Final review and approval of minor replats or minor subdivisions shall be made by the City Manager or designee upon receiving the recommendation of the TRC.

6. The City Manager's or designee's determination shall be sent to the applicant via written letter on City of Destin Letter Head with the City Manager determination and any conditions of approval.

C. Final Approval of all Minor Subdivisions shall follow the requirements of Section 2.06.08.

Procedure for Minor Replat or Minor Subdivision



Section 2.06.07 Major Subdivisions

A. Major Subdivisions require notification to adjacent property owners and a notice posted on the property per Section 2.02.03 once approved by the TRC.

B. Preliminary Approval:

1. Prior to approval of a major subdivision by the City the following standards shall be met:

a. Each proposed lot must conform to the requirements of this Code, the City's Comprehensive Plan, City Ordinances, and those standards specified by F.S. chapter 177.

2. Once a major subdivision is reviewed for compliance by Staff and receives approval from the TRC, Staff will prepare a Staff Report for review and consideration for recommendation by the Local Planning Agency (LPA) at a public hearing.

3. The LPA will forward their recommendation to the City Council for their review and consideration of Preliminary approval at a public hearing.

4. The applicant may request preliminary and final approval under two public hearings, one with the LPA and one with City Council

a. The applicant shall submit a Release of Plat application that will be processes and reviewed by City Council at the same time as the preliminary plat.

b. If the applicant receives preliminary plat approval, the final plat may be approved with the preliminary approval at the City Council public hearing.

5. If the proposed subdivision is denied upon consideration for preliminary approval the developer must resubmit as a new design indicating substantial differences from the previous design.

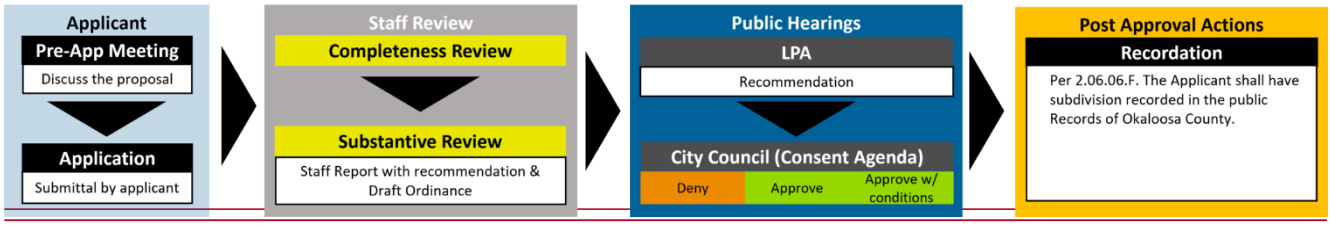
6. CITY COUNCIL MAY, UPON RECEIVING THE RECOMMENDATION OF THE LPA, APPROVE, APPROVE WITH CONDITIONS, TABLE, OR DENY THE APPLICATION.

7. IF THE PROPOSED SUBDIVISION MEETS THE CRITERIA FOR ANY LAND DEVELOPMENT PROJECT OR DEVELOPMENT ORDERS AS IDENTIFIED IN SECTION 2.05, BOTH APPLICATIONS MAY BE PROCESSED SIMULTANEOUSLY BY THE APPROPRIATE PROCEDURES IDENTIFIED IN THIS ARTICLE.

a. ANY REQUESTS FOR AMENDMENTS TO ACTIVE DEVELOPMENT ORDERS WILL NOT BE PROCESSED UNTIL THE REQUIRED PLAT HAS BEEN APPROVED IF APPLICABLE.

8. FINAL APPROVAL OF ALL MAJOR SUBDIVISIONS SHALL FOLLOW THE REQUIREMENTS OF SECTION 2.06.08.

Procedure for Major Subdivision



SECTION 2.06.08 FINAL PLAT APPROVAL AND RELEASE OF PLAT

H. THE APPLICANT OR DEVELOPER SHALL SUBMIT A RELEASE OF PLAT APPLICATION TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND RECEIVE FINAL APPROVAL BEFORE ANY LOT CAN BE SOLD OR ANY BUILDING PERMIT CAN BE ISSUED IN A PROPOSED SUBDIVISION.

I. THE RELEASE OF PLAT APPLICATION SHALL INCLUDE THE FOLLOWING:

1. ONE MYLAR WITH ALL REQUIRED SIGNATURES BLOCKS SIGNED.

a. THIS DOES NOT INCLUDE (COUNTY OR CITY REPRESENTATIVE SIGNATURES)

b. PROOF THAT ONE OF THE FOLLOWING SITUATIONS HAS BEEN COMPLETED.

1. THE DEVELOPER MAY SECURE ANY NECESSARY PERMITS AND INSTALL ALL IMPROVEMENTS AS SHOWN ON THE APPROVED CONSTRUCTION DRAWINGS AND CERTIFIED BY THE DEVELOPER'S ENGINEER.

c. THE DEVELOPER MAY POST A PERFORMANCE BOND ACCOUNTABLE TO THE CITY COUNCIL TO COVER THE FULL COST OF IMPROVEMENTS AS ESTIMATED BY THE DEVELOPER'S ENGINEER AND APPROVED BY THE CITY ENGINEER.

1. SUCH A BOND SHALL BE RELEASED UPON SATISFACTORY INSTALLATION OF ALL IMPROVEMENTS.

J. ONCE A RELEASE OF PLAT APPLICATION IS DEEMED COMPLETE IT SHALL BE PLACED ON THE CITY COUNCIL CONSENT AGENDA FOR FINAL APPROVAL.

K. ALL MYLARS SHALL MEET STATE STATUTE AND THE CITY OF DESTIN DESIGN MANUAL STANDARDS.

L. MYLAR(S) SHALL BE RECORDED IN THE PUBLIC RECORDS OF OKALOOSA COUNTY.

M. ONCE FINAL APPROVAL IS RECEIVED, THE DEVELOPER SHALL RECORD THE APPROVED PLAT AND SUBMIT TO THE COMMUNITY DEVELOPMENT DEPARTMENT ONE (1) DIGITAL COPY OF THE FINAL RECORDED PLAT (AS PRESCRIBED BY F.S. § 177.091).

~~N. ANY DEVELOPMENT THAT REQUIRES A MAJOR SUBDIVISION SHALL COMPLETE THE PLAT BEFORE SUBMITTING ANY APPLICATION FOR NON-INFRASTRUCTURE CONSTRUCTION OR PERMITTING.~~

SECTION 2.~~06~~07.0~~3~~9 RIGHT-OF-WAY/EASEMENT VACATION

A. The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.

B. A Right-of-Way (ROW) or easement vacation involves the abandonment of a Public or Private ROW or easement across or on a lot, parcel, property, or other land.

C. The vacation of ROW results in the directly adjoining property owners of the subject ROW to gain property either:

1. Fully across the ROW if there is no property subjected to the original plat across the ROW.
2. To centerline of the ROW if there is a property subjected to the original plat across the ROW

D. The vacation of an easement abandons the rights of the easement holder and releases the property owner of any encumbrances the easement held on or across the subject lot, parcel, property, or other land.

E. Any vacation of ROW or an easement shall require any subject plat to be updated through the most appropriate Land Division application type.

1. If a plat is not applicable, then the most appropriate Land Division process shall be initiated in conjunction with the vacation application at the applicant's expense.

~~B.~~ The vacation of city right-of-way or easement shall mean the subject right-of-way or easement is transferred to the adjacent private property owner(s) if no longer used by the city or general public, or easement holder.

F.

G. Right-of-Way/Easement Vacation Approval Process

~~C.~~1. Vacations require notification to adjacent property owners and a notice posted on the property per Section 2.~~02~~01.~~03~~-04 once approved by the TRC.

~~D.~~2. If vacated, the right-of-way is divided equally to adjacent property owners. It is the responsibility of the applicant(s) to complete all required applications and approvals which may result from such a vacation.

~~E.~~3. All applications for a right-of-way or easement vacation shall follow the following procedures:

~~1.~~a. If the request requires the reconfiguration of lot lines or the subdivision of a parcel or a lot of land, the appropriate application per Section 2.~~04~~05. shall be applied for and run concurrently with the vacation application.

~~2.~~b. City ~~s~~Staff shall contact all utility providers or various stakeholders for input on the proposed vacation.

~~3.~~c. The City Engineer or designee shall forward a ~~s~~Staff ~~r~~Report with a recommendation to the Local Planning Agency (LPA) at a public hearing.

~~4.~~d. The LPA shall forward a recommendation to approve, approve with conditions, or deny the request to the City Council.

5.e. City Council may, upon receiving the recommendation of the LPA, approve, approve with conditions, table, or deny the application to vacate a ROW/easement based upon the following criteria:

a.1. The requested vacation is consistent with the Comprehensive Plan.

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

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

d.4. The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.

e.5. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.

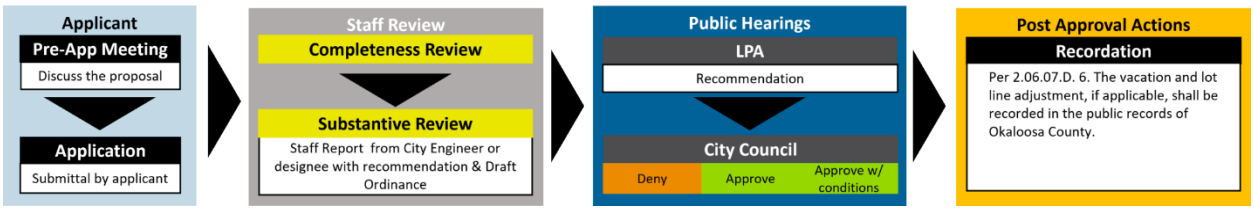
f.6. Any proposed vacation of Scenic Highway 98 shall require a voter approved ballot referendum.

6.f. If City Council approves or approves the application with conditions, the applicant shall record the new lot configuration in the public records of Okaloosa County.

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

7.

Procedure for Right-of-Way / Easement Vacation



~~SECTION 2.06.10 SIMPLE DEVELOPMENTS AND DEVIATIONS~~

~~A. Simple Developments and Deviations require notification to adjacent property owners and a notice posted on the property per Section 2.02.03.~~

~~B. The City Manager or designee may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as Simple Developments.~~

~~C. City Staff shall make a recommendation to the City Manager or designee based upon the review of compliance with the City's LDC, Comprehensive Plan, other City Ordinances, or any applicable Development Order.~~

~~D. If the proposal is approved, the Community Development Director shall authorize the issuance of a development order that complies with Section 2.03.02.~~

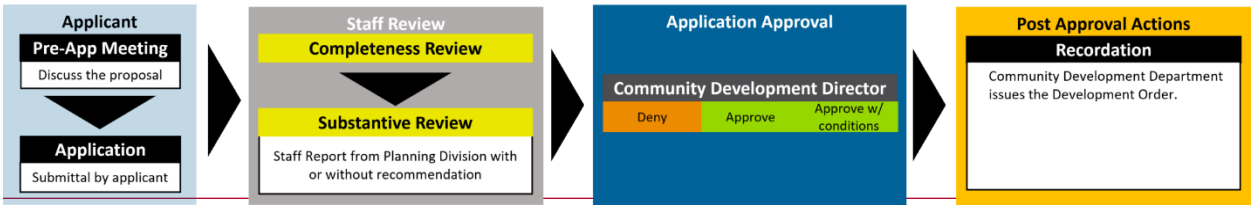
~~E. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code, the application can:~~

~~1. Be reevaluated if the applicant submits materials that meet the requirements of this Code, or~~

~~2. Become null and void.~~

~~a. The applicant will lose in-line priority consideration for concurrency.~~

Procedure for Simple Developments & Deviations



~~Section 2.06.11 Minor Developments and Deviations~~

~~A. Minor Developments and Deviations require notification to property owners and a notice posted on the property per Section 2.02.03. once the project is sent to the TRC.~~

~~B. Upon review and recommendation of approval by City Staff and approval by the TRC, The Community Development Director may approve, approve with conditions, approve with modifications, or deny any proposed projects identified as Minor Developments.~~

~~C. City Staff shall make a recommendation to the Community Development Director based upon the review of compliance with the City's LDC, Comprehensive Plan, other City Ordinances, or any applicable Development Order.~~

~~1. The recommendation shall include any TRC comments not resolved or recommendations from the TRC.~~

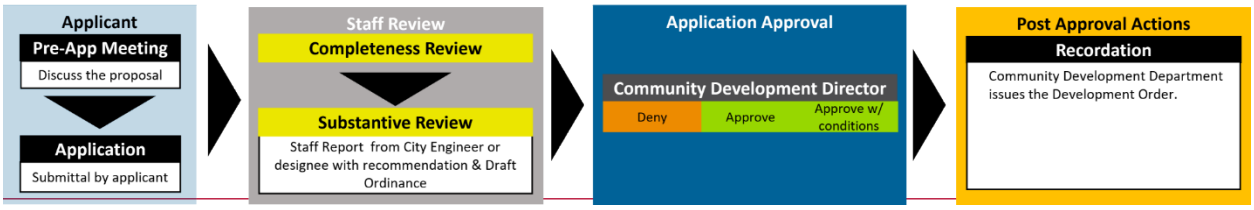
~~D. If the proposal is approved, approved with conditions, the Community Development Director shall authorize the issuance of a development order that complies with Section 2.03.02.~~

~~E. If the proposal is approved with modifications, a development order may be authorized by the Community Development Director once the required modifications have been completed and approved by the appropriate TRC members.~~

~~F. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,~~

~~1. The applicant will lose in-line priority consideration for concurrency.~~

Procedure for Minor Developments & Deviations



~~Section 2.06.12 Major Development and Deviations~~

~~A. Major Developments and Deviations require notification to property owners and a notice posted on the property per Section 2.02.03. once the project is sent to the TRC.~~

~~B. Once the application has been reviewed and approved, approved with conditions, or approved with modifications by the TRC and City Staff, Staff shall prepare a Staff Report through the City Manager to the Local Planning Agency (LPA).~~

~~C. The LPA, at a publicly noticed quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed development based on the,~~

1. Staff Report
2. The City's Land Development Code,
3. The City's Comprehensive Plan,
4. City Ordinances
5. Public testimony
6. Information given by the applicant

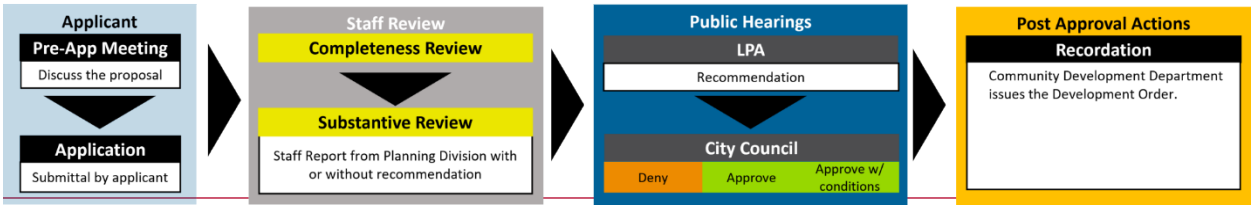
D. The City Council, at a publicly noticed quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, table, or deny the proposed development after review and consideration of the proposed development based on the,
   1. The LPA's recommendation
   2. Staff Report
   3. The City's Land Development Code
   4. The City's Comprehensive Plan,
   5. City Ordinances
   6. Public testimony
   7. Information given by the applicant.

E. If the proposal is approved, approved with conditions, the City Council shall authorize the issuance of a development order that complies with Section 2.03.02.

F. If the proposal is approved with modifications, a development order may be authorized once the required modifications have been completed and approved by the appropriate TRC members.

G. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void,
   1. the applicant will lose in-line priority consideration for concurrency.

Procedure for Major Developments & Deviations



SECTION 2.06.13 DEVELOPMENT AGREEMENTS

J. Development Agreements as specified in this Code are proposed developments that require negotiations between local, state, or federal governments, public utility providers, taxing districts and other related agencies, and not to be used for private development.

K. Development Agreements are processed by submission of an application by either the City or other entity involved in the development.

L. Based on the proposed development, the Community Development Director shall identify if it is a Simple, Minor, or Major Development and the appropriate materials will be required for application submittal per the Development Checklist in the City of Destin's Design Manual.
   1. The corresponding fee shall also apply.

2. Payment of application fees, submission of applications, engineering plans, surveys or any other expenditures shall not vest any rights to complete development or to obtain any requested zoning or land use classification amendments.

M. Negotiation of development agreements:

1. The City Manager and City Staff shall review the application package and negotiate such further terms and conditions as the City Manager or designee shall deem to be appropriate and necessary to protect the public's interest, safety, health or welfare.
2. Once the parties agree on the terms and conditions of a development agreement, or further negotiations are not anticipated, the City Manager, or designee and Staff shall draft a Staff Report, including:
   a. Land use types
   b. Density or intensity
   c. Placement of proposed buildings, improvements, and impervious ground cover on the site.
   d. Location, type, and method of maintenance of open space and public use areas, if any.
   e. Preservation of natural features or protection of sensitive lands, if any.
   f. Proposed parking areas and internal traffic circulation
   g. Stormwater management
   h. Water and sewage distribution, collection, and treatment systems.
3. The existence of a tentative agreement, staff report, or recommendation shall not be sufficient governmental acts upon which reliance may be placed, such that,
   a. Any further expenditures by either party would vest any right to continue development.
   b. Nor shall such actions constitute partial performance entitling any party to a continuation or extension of the development agreement.
4. The City Council, by majority vote, may act to adopt, amend, extend, modify, revoke, or cancel any proposed or existing development agreement at a publicly noticed hearing per Sections 2.02.03. and 2.15.
   a. Where mutual consent is required by law, the City Council may act to authorize such consent prior to all other parties so doing only upon the condition that the act is not complete or official until a binding agreement is contemporaneously signed by the mayor and the representatives of all other parties.
   b. In the event state or federal laws are enacted after the execution of a development agreement that creates a non-conformity or non-compliance with the terms or conditions of the agreement, then the agreement shall be modified or revoked as necessary to comply with the relevant state or federal laws.

N. Development agreement requirements:

1. All development agreements shall, at a minimum, include the following:
   a. A legal description of the land subject to the agreement.
   b. A statement identifying the legal and equitable interest of all parties having any interest in the property described in a. above.
      1. Such statements shall be certified by an attorney-at-law licensed to practice in the State of Florida.
   c. The development uses permitted on the land,
   d. Densities and intensities

e. Building height.
f. The land use designation under the City of Destin Comprehensive Plan for all property included within the terms of the proposed agreement.
g. The current zoning classification of the property.
h. A description of public facilities that will service the development, including who shall provide and maintain such facilities.
i. The date any new facilities, if needed, will be constructed.
j. A schedule to ensure public facilities will be available and sufficient to meet the development's impacts.
k. A description of any reservations or dedications of land for public purposes.
l. A description of all local development permits approved or needed to be approved for the development of the land.
m. A finding that the development permitted or proposed is consistent with the City of Destin Comprehensive Plan and land development regulations, as required by F.S. § 163.3231.
n. A description of any conditions, restrictions, terms, or other requirements determined to be necessary by the city for the public health, safety, or welfare of its citizens.
o. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction, shall not relieve the parties from complying with the laws and regulations governing permitting requirements, conditions, terms, or restrictions.

2. A development agreement may provide that the entire development or any phase thereof be commenced or concluded within a specific period of time.

O. Recording the development agreement:

1. Within 14 days after the city enters into, extends, amends, modifies, revokes, or cancels a development agreement, the City Clerk shall have the agreement or the action on the agreement recorded with the Clerk of the Circuit Court in the Official Records of Okaloosa County.

P. Periodic review:

1. The city shall review the land and progress of development subject to the development agreement at least once every 12 months to determine compliance with the terms and conditions of the agreement.
2. Fourteen (14) days Prior to the city's review of the status of a development agreement, the developer shall submit a progress report to the City indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report.
3. If during the periodic review the City finds based on substantial competent evidence a failure to comply with the terms of the development agreement, the City, following the notice and hearing provisions of Sections 2.02.03. and 2.15 may:
   a. Modify the agreement as necessary to obtain and ensure compliance with the terms of the agreement; or
   b. Revoke the agreement to protect the public's interest, health, safety, or welfare.

Q. Legal status of development agreements:

1. The burdens of a development agreement shall be binding upon, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

2. The city's regulations and policies governing the development of land in effect at the time of execution of a development agreement shall govern the development of all land specified in the development agreements for its stated duration.
3. The city may only apply subsequently adopted laws and policies to then existing development agreements if, after one duly noticed public hearing, the city determines any one of the following:
   a. That such laws and policies are specifically anticipated and provided for in a development agreement; or
   b. That such laws and policies are not in conflict with the prior laws and policies governing existing development agreements, and do not prevent development of the land uses, intensities, or densities set forth in existing development agreements; or
   c. That such laws and policies are essential to the public health, safety, or welfare, and expressly state that they shall apply to existing development agreements; or
   d. That substantial changes have occurred in pertinent conditions existing at the time of approval of certain development agreements; or
   e. That certain development agreements were based upon substantially inaccurate information supplied by the owner/developer.

R. Enforcement:

1. The following may file an action for injunctive relief in the Circuit Court of Okaloosa County to enforce the terms of a development agreement with the provisions of F.S. § 163.3220—163.3242:
   a. Any aggrieved or adversely affected party as defined in F.S. § 163.3215(2); or
   b. The state land planning agency.

SECTION 2.07 08 PLANNED UNIT DEVELOPMENT APPLICATIONREVIEW AND REVIEW PROCESS

SECTION 2.0708.01 PURPOSE AND INTENT

A. The Purpose of a Planned Unit Development (PUD) is to implement the purpose statement of the zoning district and Planning Area in which the project is located, utilizing an alternative approach to the design of the property, and related physical facilities. A PUD incorporates special development characteristics, which help achieve city goals identified in the adopted Strategic Plan, Comprehensive Plan, and Master Plans of the Community Redevelopment Areas (CRA), if applicable, and provide an overall benefit to the community as determined by the PUD objectives.

B. The intent of a the proposed PUD shall:
   1. Encourage efficient use of land and resources, promoting greater efficiency in public and utility services.
   2. Encourage innovative development through new planning and building practices or trends.
   3. Develop an enhanced product that exceeds the minimum requirements of the LDC compared to a development implementing the strict application of the LDC.
   4. Implement compatibility with adjacent and nearby land developments.

SECTION 2.0708.02 STANDARDS FOR PLANNED UNIT DEVELOPMENTS

A. The City Council may approve, approve with conditions, or deny a PUD based upon the following standards:

1. PUD Objectives: The PUD shall meet the purpose statement of the PUD, and
    a. Shall achieve at least five (5) of the strategies from the objectives as outlined in Section 2.~~07~~08.04.
        1. No more than two (2) strategies can be utilized per objective to meet the minimum of five (5) strategies.
        2. No strategy may be utilized more than once per PUD proposal.
    b. Demonstrate why modifications to the zoning regulations are necessary to meet the purpose and intent for a PUD.
    c. The City Council should consider the relationship between the proposed modifications to the zoning regulations and the purpose of a PUD, and
2. Compatibility and Design: The proposed PUD is appropriately designed, consistent, and compatible with:
    a. Adopted policies set forth in the City of Destin Comprehensive Plan and appropriate Planning Area.
    b. Adopted Community Redevelopment Area Master Plan applicable to the site where the PUD will be located.
    c. The proposed PUD shall meet the purpose and intent of the Planning Area where the project is located.
3. Design and Compatibility: The proposed PUD will be located and is designed to achieve a more enhanced product, design, and compatibility by demonstrating:
    a. The project will result in a more enhanced product than would be achievable through strict application of the land use regulations.
    b. The scale, mass, and intensity of the proposal is compatible with the neighborhood and Planning Area where the PUD will be located.
    c. The proposal is compatible with the building and site design policies stated in an applicable Comprehensive Plan/Master Plan.
    d. The building orientation in the proposal is compatible with the neighborhood where the PUD will be located and/or the policies stated in the Comprehensive Plan and/or applicable Master Plan related to building and site design.
    e. The building setbacks along the perimeter of the development:
        1. Maintain the visual character of the neighborhood and the character described in the Comprehensive Plan and/or applicable Master Plan.
        2. Provide sufficient space for private amenities.
        3. Provide sufficient open space buffering between the proposed development and neighboring properties to minimize impacts related to privacy and noise.
        4. Provide adequate sight lines to streets, driveways, and sidewalks.
        5. Provide sufficient space for maintenance.
    f. The building facades offer ground floor transparency, access, and architectural detailing to facilitate pedestrian interest and interaction.
    g. The lighting is designed for safety and visual interest while minimizing impacts on surrounding property.
    h. The dumpsters, loading docks and/or service areas are appropriately located and screened.
    i. The parking areas and internal vehicular networks are appropriately buffered from adjacent uses.
4. Landscaping: The proposed PUD preserves, maintains and/or provides native landscaping where appropriate by demonstrating:

a. That mature native trees located along the periphery of the property and along the street will be preserved and maintained.
b. That existing landscaping that provides additional buffering to the abutting properties will be maintained and preserved.
c. That proposed landscaping is designed to lessen potential impacts created by the proposed PUD.
d. Whether proposed landscaping is appropriate for the scale of the development.

5. Mobility: The proposed PUD supports c~~C~~itywide transportation goals and promotes safe and efficient circulation within the site and surrounding neighborhood by demonstrating:
   a. The drive access to local streets will not negatively impact the safety, purpose, and character of the street.
   b. The site design considers safe circulation for a range of transportation options including:
      1. Safe and accommodating pedestrian environment and pedestrian-oriented design, and orientation to transit where available; and
      2. Bicycle facilities and connections where appropriate, and orientation to transit where available; and
      3. Minimizing conflicts between different transportation modes.
   c. The site design of the proposed development promotes or enables access to adjacent uses and amenities.
   d. The proposed design provides adequate emergency vehicle access; and
   e. The loading access and service areas are adequate for the site and minimize impacts to the surrounding area and public rights-of-way.
6. Existing Site Features: The proposed PUD preserves natural and built features that significantly contribute to the character of the neighborhood and/or environment.
7. Utilities: Existing and/or planned utilities will adequately serve the development and not have a detrimental effect on the surrounding area.
8. Supplemental Standards:
   a. Where a proposed PUD is directly adjacent to either the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, and bayous, or the property encompasses private beach, the proposed PUD shall include the ~~following, and~~following and will count towards two (2) of the five strategies required ~~in Section 2.07.02.A.1.a~~:
      1. A ten-foot (10') wide minimum public access easement(s) from publicly accessible land to the Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach; and
      2. Dedication of land or beach property or a public easement to the city for the purposes of public use of Gulf of Mexico, Choctawhatchee Bay, The Destin Harbor, bayous, or properties that encompass private beach, at a minimum of:
         (i) one-hundred feet (100') land ward from wet sand or shoreline; and
         (ii) one-hundred feet (100') of beach front.
            (a) If the project consists of less than one-hundred feet (100') of beach front, then the entire beach front access shall be dedicated or provided by a public access easement.
      3. A minimum of ten parking space per one-hundred feet of beach front and shall ~~met~~meet ADA standards.
   b. Where a PUD is proposed in the Town Center CRA (TCCRA) Objective 3, Strategy 1 shall be utilized with 20% of the units set to 80% AMI and will satisfy all five (5) required points.

1. The affordable housing shall also be maintained by deed ~~restriction~~restrictions or other documentation that holds the affordability in perpetuity.

c. If a PUD is proposed in the Town Center Commons Planning Area but outside of the TCCRA, affordable housing shall be implemented.

1. Points will be awarded towards the required five (5) points based on the percentage of units offered at 80% AMI or below as shown in Table 2-3.08-2 of Section 2.~~07~~08.04.~~A.3.~~

B. When approving a PUD, City Council may change, alter, modify, or waive the following provisions of LDC:

1. Zoning And Subdivision Regulations: Any provisions of the city's zoning or subdivision regulations as they apply to the proposed PUD.

a. Exceptions: The following elements of the zoning or subdivision regulations shall not be changed, altered, modified, or waived by the PUD process

1. Uses: City Council shall not approve any use that is not allowed in the zoning district in which the PUD is located.
2. Parking: The parking facility must be located within the PUD area and can only be used for the uses within the PUD.
3. Building Height: Building height shall not exceed the allowed maximum height of the underlying zoning district.
4. Density: Residential PUDs shall not exceed the density limitation of the zoning district or Future Land Use Designation of the Comprehensive Plan where the PUD is proposed except as allowed below.

(i) The calculation of PUD density may include open space acreage that is provided as Community Benefit and public amenity, open to the public, whether privately owned or dedicated to the public.

b. Screening: Screening for solid waste, mechanical equipment, or other elements as required by the LDC or Design Manual.

c. Signs: Signs shall not be reviewed or approved through the PUD process. Additionally, requests to exceed any dimensional limitation of signage shall not be considered in any review of a PUD application.

d. Landscaping: Landscaping shall meet the minimum requirement of the underlying zoning district.

SECTION 2.~~07~~08.03 MINIMUM AREA

A. A proposed PUD shall have a minimum net lot area ~~as listed in Table 2.07-1 of~~ five (5) acres or more for any parcel or tract of land under single ownership or control. ~~in certain Planning Areas.~~

~~Table 2.07-1: Minimum Area for a Planned Unit Development~~	
~~Planning Area~~	~~Minimum Acreage~~
~~Airport Planning Area~~	~~N/A~~
~~Crystal Beach Planning Area~~	~~.75 acre~~
~~Gulf Resort Planning Area~~	~~4 acres~~
~~Harbor Planning Area~~	~~.5 acre~~
~~Henderson Beach Planning Area~~	~~N/A~~
~~Holiday Isle Planning Area~~	~~2 acres~~
~~Town Center Commons Planning Area~~	~~2 acres~~
~~Village Planning Area~~	~~5 acres~~

SECTION 2.0708.04 COMMUNITY BENEFIT

A. A PUD shall apply and implement the following objectives per Section 2.0708.02.A.1, through the PUD process. Each objective includes strategies that are intended to be used to determine if an objective has been accomplished through a specific proposal of the PUD:

1. Objective 1 - Open Space and Natural Lands: Preserving, protecting, or creating open space and natural lands:
   a. Strategies:
      1. Inclusion of community gathering places or public recreational opportunities, such as new trails or trails that connect to existing or planned trail systems, playgrounds, public beaches, or other similar types of facilities.
      2. Preservation of critical lands, watershed areas, riparian corridors and/or the urban forest.
      3. Development of connected greenways and/or wildlife corridors.
      4. Daylighting, or exposing streams, creeks, drainage areas or other water bodies that have been covered, filled, or piped.
      5. Inclusion of local food production areas, such as community gardens.
      6. Clustering of development to preserve open spaces.
2. Objective 2 - Historic Preservation: Preserving, protecting, or creating hHistoric areas within the city.
   a. Strategies:
      1. Preservation, restoration, or adaptive reuse of buildings or structures that contribute to the character of the city either architecturally and/or historically, and that contribute to the general welfare of the residents of the city.
      2. Preservation of, or enhancement of, historically significant landscapes that contributes to the character of the city and contributes to the general welfare of the city's residents.
3. Objective 3 - Housing: Providing affordable housing or types of housing that helps achieve the city's housing goals and policies:
   a. Strategies:
      1. Affordable housing developed for those with incomes that are at or below eighty percent (80%) of the Area Median Income (AMI).
      2. The proposal includes housing types, excluding detached single-family housing, which are not commonly found in the existing neighborhood but are of a scale that is typical to the neighborhood.
      3. The following points will be awarded, at the following rates, towards the required five (5) points based on percentage of units offered at 80% AMI or below.

Table 2.0708-2 Points awarded for Affordable Housing
a. 2 points for 5% of units
b. 3 points for 10% of units
c. 4 points for 15% of units
d. 5 points for 20% of units

4. Objective 4 - Mobility: Enhances accessibility and mobility:
   a. Strategies:
      1. Creating new interior block walkway connections that connect through a block or improve connectivity to transit or the bicycle network.

2. Improvements that encourage transportation options other than just the automobile which excludes the required transportation infrastructure.

5. Objective 5 - Sustainability: Creation of a project that achieves exceptional performance with regards to resource consumption and impact on natural systems:
   a. Strategies:
      1. Energy Use and Generation: Design of the building, its systems, and/or site that allow for a significant reduction in energy usage as compared with other buildings of similar type and/or the generation of energy from an on-site renewable resource.
      2. Reuse Of Priority Site: Locate on a brownfield where soil or groundwater contamination has been identified, and where the local, State, or national authority (whichever has jurisdiction) requires its remediation. Perform remediation to the satisfaction of that authority.
      3. Site Planning: Design and inclusion of a mix of uses to encourage the reduction of resource consumption and impacts to public facilities or services.
6. Objective 6 - Comprehensive Plan/Master Plan Implementation: A project that implements a specific Goal, Objective, or Policy of the adopted Comprehensive Plan or Master Plan.
   a. Strategies:
      1. A project that implements a specific goal, objective, or policy of the adopted Comprehensive Plan or Master Plan not related to compliance standards listed in Section 2.~~07~~08.02.

SECTION 2.~~07~~08.05 PROCEDURES

A. Application: The applicant must file a complete application for PUD review with the Community Development Department containing the following information. Certain information may be deemed unnecessary to adequately evaluate the application by the Community Development Director.
   1. A complete written description, with supporting graphics, of the proposed PUD including:
      a. How the proposed PUD meets the purpose and Intent of these PUD regulations.
      b. The zoning regulations being modified in the PUD.
      c. The Comprehensive Plan or CRA Master Plan objectives, goals, and policies being met.
      d. How the proposed PUD is compatible with other properties in the neighborhood(s).
      e. What and how the proposed PUD provides and meets the community benefit requirement per Section 2.~~07~~08.04.
   2. Existing conditions surveys
   3. Site plan depicting all proposed development
   4. Architectural graphics including elevations, profiles, conceptual floor plans and cross sections
   5. Preliminary subdivision plat or final plat, if applicable or required
   6. Traffic impact analysis
   7. A statement describing the care and maintenance of all open space or recreational facilities.
   8. Other information or documentation the Community Development Director may deem necessary for proper review and analysis of a particular application.

B. Application Review
   1. Review of the application will follow the same procedures as the m~~M~~ajor ~~D~~development process per Section 2.06.~~11~~03.
   2. Any other required supplemental applications for a proposed PUD, such as subdivision or plat of land, will follow the applicable process per this Article.

C. Authority: The City Council, following a recommendation from the Local Planning Agency, may approve PUDs for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this Article and other regulations applicable to the district in which the property is located.

D. City Council Decision:
   1. A request for a PUD does not constitute an assurance or presumption of approval.
   2. A proposed PUD shall be evaluated on an individual basis, in relation to its compliance with the following to determine whether the PUD is appropriate and compatible in the proposed location:
      a. The standards of this Section
      b. The standards for the zoning district in which it is located
      c. Other standards and regulations within this Code
      d. Comprehensive Plan and other cCity Oordinances
   3. The City Council may approve or approve with conditions as necessary or appropriate for the PUD to comply with the standards and factors set forth in this Section.
   4. The City Council may approve any PUD with modifications, and the subsequent development order may be authorized by the City Manager or designee once the required modifications have been completed and approved by the appropriate TRC members.
   5. The City Council may deny an application for PUD if it finds that the proposal does not meet any of the criteria below:
      a. Does not meet the intent of the base zoning district.
      b. IsIt is not appropriate or compatible with the Planning Area as outlined in the city's adopted Comprehensive Plan.
      c. Does not meet the purpose and intent of this Article.
      d. IsIt is not consistent with the standards and factors asfactors set forth in this section.
      e. Other criteria not listed here but linked to any Strategic or Comprehensive Plan goal, policy, or objective, or if it does not meet the minimum criteria of the LDC.

E. Any person adversely affected by a final decision of the City Council may appeal per Section 2.121.02.

SECTION 2.0708.06 TIME LIMIT ON APPROVED PLANNED UNIT DEVELOPMENT

A. No PUD approval shall be valid for a period longer than one year unless:
   1. A building permit has been issued, or
   2. Complete building plans have been submitted to the Building Division of the Community Development Department and are under review.

B. If a PUD expires, the applicant loses rights to all approvals pertaining to the proposed PUD.

C. The Community Development DirectorCity Manager or designee may grant one extension of a PUD for up to one additional year from previous approval date:
   1. The application materials required for an extension request shall meet the same requirements for a dDevelopment Oorder Eextension as outlined in Section 2.0302.02.E.H.
   2. PUD Extension requests must be submitted 60 calendar days prior to the expiration of the PUD approval.

D. If a PUD expires the applicant may request to reinstate the PUD,PUD for twelve (12) months, by requesting a pPublic Hhearing before City Council, within six (6) months after expiration.

1. The application materials required for an extension request shall meet the same requirements for a development order extension ~~Development Order Extension~~ as outlined in Section 2.03.02.E.
2. If a PUD expires and is reinstated, it shall not be allowed to request an extension or another reinstatement.

SECTION 2.~~07~~08.07 DEVIATIONS TO A PLANNED UNIT DEVELOPMENT

A. Following PUD approval, the development plan approved by the City Council shall constitute the site design in relation to building placement and design, landscaping, mobility and circulation elements, and any elements that were approved as zoning modifications through the PUD process.
B. Deviations or amendments to the PUD may be allowed pursuant to this Section.
   1. No deviation shall be made in the construction, development, or use without a new application under the provisions of this Article.
   2. Any deviation to the approved development plan not authorized by the original approval or any subsequent approved modification or amendment of this section shall be considered a modification.
   3. Major ~~d~~Deviations:
      a. ~~-~~Major deviations are deviations from a final approved development plan, including any change; to
         1. A condition in the development order that was expressly imposed by the City Council; or
         2. Any change that adversely affects the compatibility of the proposed project; or
         3. Any change that the City Manager~~,~~ or his designee, determines should be reviewed by the City Council due to the community impact of the proposed change; or
         4. Any characteristic of the approved PUD including but not limited to the following:
            (i) Any increase of the total building footprint by 10% or more.
            (ii) Any increase in density, not to exceed the underlying zoning district, or Future Land Use Designation in the ~~C~~city's ~~C~~comprehensive ~~P~~plan~~., except as allowed by Section 2.07.02.B.1.a.4. of this Article.~~
            (iii) Any decrease in open space.
            (iv) Any increase or decrease in parking spaces by 10% or more.
            (v) Request for additional uses not previously considered in the original approval.
            (vi) Any increase of an originally approved use by, square footage, parking requirements, slip count or increase of capacity of use.
            (vii) Any reduction of external setbacks, not to exceed the minimum setbacks as required by the underlying zoning district.
            (viii) Any reduction of approved landscaping or tree canopy cover by 10% or more, not to exceed the required minimum landscaping requirement.
            (ix) Any alteration of the overall design theme or defining exterior or site architectural characteristics.
      ~~3.~~b. Such major deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to achieve the intent of the deviation and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
      ~~4.~~c. Major deviations applications shall follow the same procedures as a m~~M~~ajor ~~Deviation~~ development application outline in Section 2.06.~~11 of 04.~~ of this Article.
      ~~5. Noticing: shall follow the requirements per Section 2.02.03 of this Article.~~

C. Minor Deviations:
   1. Minor deviations are deviations to an approved PUD that is not a mMajor deviation nor a technical deviation ~~amendment as~~ as identified in Section 2.0706.0704.A.2., ~~nor a Technical modification as identified in Section 2.07.07.C.~~
   2. Such minor deviations shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
   3. Minor deviation applications shall follow the same procedures for a mMinor ~~Deviation~~ development as outlined in Section 2.06.~~10~~03.

D. Technical Deviation: Deviations that appear necessary considering technical or engineering considerations and not in conflict with any minor deviation per Section 2.06.03 or a m~~M~~ajor ~~D~~deviation ~~as Identified in~~per Section 2.~~07~~06.0~~47~~.~~A.2 above.~~
   1. Such technical modifications shall be consistent with the intent and purpose of the approved PUD plan and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of Comprehensive Plan, CRA Master Plan, or LDC.
   2. Such deviations shall be limited to modifying the following elements:
      ~~E.~~a. The distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures.
         1. Except, a modification that decreases the setback between a proposed building and an existing building or property line external to the proposed PUD.
      ~~F.~~b. Vehicular circulation element
      ~~G.~~c. The location or increasing the size of any open space
      ~~H.~~d. Any stormwater element
      ~~I.~~e. Final grade
      ~~J.~~f. The types of landscaping elements and their arrangement within the required landscaping buffer area
      ~~K.~~g. Relocation or construction of accessory structures

~~L.~~E. Technical modifications or amendments application shall follow the same procedures for a s~~S~~imple ~~Deviation~~ development as outlined in Section 2.06.~~09~~02.

SECTION 2.~~07~~08.08 DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED UNIT DEVELOPMENTS

A. PUDs, approved under this Article, shall include provisions for disclosure of future private infrastructure maintenance and replacement costs to unit owners.
   1. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer shall calculate initial cost estimates for maintenance and capital improvements of all infrastructure for the PUD for a period of fifty (50) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the PUD, whichever is later.
      a. The initial disclosure estimates shall cover all private infrastructure items and shall be prepared for five (5) increments of ten (10) years each.
      b. Infrastructure cost estimates shall include roads, sidewalks, curbs, gutters, water, and sewer pipes and related facilities, drainage systems, landscaped or paved common areas, and other similar facilities ("infrastructure")

2. Initial Estimate Disclosure: The following measures shall be incorporated to ~~assure~~ensure owners and future owners receive adequate disclosure of potential infrastructure maintenance and replacement costs:
   a. The cost estimate shall be recorded with and referenced on the recorded plat for any PUD.
   b. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned, and the maintenance, repair, replacement, and operation of the infrastructure is the responsibility of the property owners or owner association and shall not and will not be assumed by the city.
   c. If there is no plat associated with the ~~PUD~~PUD, then a notice shall be recorded in the public Records of Okaloosa County on all properties affected and involved in the ~~PUD .~~PUD.
   d. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the PUD, upon initial purchase, ~~and also~~and upon all future purchases for the duration of the fifty (50) year period.
3. Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the PUD of:
   a. The estimated yearly expenditures for maintenance, repair, operation, or replacement of infrastructure
   b. The actual expenditures incurred, for maintenance, repair, operation, or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.
4. Maintenance Responsibilities: The property owners in a PUD shall be collectively and individually responsible, on a pro-rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the PUD is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent.

SECTION 2.~~08~~09 ~~PROCEDURES FOR HARBOR AND WATERWAYS BOARD REVIEW~~MARINE CONSTRUCTION APPLICATIONS

SECTION 2.~~08~~09.01 PURPOSE AND INTENT

A. Marine construction in Destin requires compliance with the Marina Siting in Section 7.02 and may require review by the Harbor and Waterways Board (HWB) and or City Council, to preserve and protect one of Destin's premier natural resources, the Destin Harbor and waterways that fall within the ~~C~~city's jurisdiction.

B. The bodies of water and waterways under the jurisdiction of the City of Destin for the purposes of enforcement of this Code are:
   1. The Destin Harbor
   2. The canals of Holiday Isle
   3. Indian Bayou (If the upland property is within the city limits)
   4. Joe's Bayou
   5. Marler Bayou

6. Choctawhatchee Bay (If the upland property is within the city limits)

SECTION 2.~~08~~09.02 MARINE CONSTRUCTION PROJECT CATEGORY

A. Marine Construction Classification: The following includes the three categories and category criteria:
   1. Category 1: Marine Construction projects shall be considered Category 1 if one of the following criteria applies:
      a. Residential docks eligible for self-certification from Florida Department of Environmental Protection (FDEP)
      b. Boat lifts in existing slips
      c. Upland slips
      d. Seawalls that are upland of the declared mean high-water line
      e. Seawalls that are waterward of the declared mean high-water line that are exempt from Florida Department of Environmental Protection review.
   2. Category 2: Marine Construction projects shall be considered Category 2 if any of the following criteria applies:
      a. Residential docks not qualifying for FDEP self-certification~~,~~
      b. Residential docks with 3-9 slips~~,~~
      c. Residential docks requiring U.S. Army Corps of Engineers (USACE) approval
      d. Residential docks proposed within twenty-five feet (25') of any established or implied riparian setback from adjacent properties
      e. Seawalls that are waterward of the declared mean high-water line that are not exempt from Florida Department of Environmental Protection review.
   3. Category 3: Marine Construction projects shall be considered Category 3 if any of the following criteria applies:
      a. Residential docks with 10 or more slips
      b. Commercial docks
      c. Other non-residential docks
      d. Oil abatement plans
      e. Dredge and/or Fill requests
         1. Application Materials require proof of submittal to ~~S~~state and fe~~F~~ederal agencies as applicable.
         2. Proposed dredge and fill applications require a Marine Construction Permit review and shall have ~~S~~state and f~~F~~ederal approvals at time of Marine Construction permit application submittal.

SECTION 2.~~08~~09.03 HARBOR AND WATERWAYS BOARD REVIEW

A. Written notice for all Harbor and Waterways Board reviews shall be required by Certified mail and shall only be provided to:
   1. Adjacent property owners
   2. Owners of property on the opposing shore for water bodies less than 100 feet in width

~~A.~~B. Category 1 Marine construction applications do not require Harbor and Waterways Board review and are reviewed through a building or marine construction permit application as outlined in Section 2.0~~9~~8.0~~5~~05.

B.C. All marine construction applications deemed Category 2 shall require submittal of a Harbor and Waterways Board application.

1. Category 2 and 3 applications are reviewed by the HWB during a public hearing for recommendation to City Council.
2. A complete application must be received a minimum of 30 days prior to the Harbor and Waterways Board meeting.
   a. Applications will not be scheduled for a meeting until all required materials have been received.
3. All objections received before the meeting will be forwarded to the HWB prior to the public hearing.
4. All objections heard during a public ~~Hearing~~ hearing of the HWB will be forwarded to City Council.

C.D All marine construction applications deemed Category 3 shall require review by the Harbor and Waterways Board for recommendation to City Council for review at a ~~P~~public h~~H~~earing.

SECTION 2.~~08~~09.04 CITY COUNCIL REVIEW

A. All marine construction applications deemed Categories 2 or 3 shall require review and approval by City Council prior to the issuance of any building permits and the start of construction.
   1. Category 2 applications shall be reviewed by City Council on the Consent Agenda during a publicly noticed meeting.
   2. Category 3 applications shall be reviewed by City Council ~~during~~ at a publicly noticed meeting during a public hearing per Sections 2.0~~1~~2.0~~4~~3. and 2.15.

B. The City Council shall approve, approve with conditions, or deny the application at the next available regularly scheduled City Council meeting.

C. All objections received before the public hearing will be forwarded to the City Council prior to the scheduled meeting.

SECTION 2.~~08~~09.05 MARINE CONSTRUCTION PERMITS

A. All marine construction permits must be obtained within one (1) year of final approval by the City ~~Council~~.

1. If construction permits are not obtained within one (1) year, ~~both the Harbor and Waterways Board and City Council must reconsider the proposed construction.~~the applicant may resubmit a new marine construction application.

~~1.~~2. All marine construction permits must remain valid or be completed. If any permit becomes invalid, an applicant must follow any process and review required by Section 2.09 to reinitiate construction.

B. Approval of all applicable ~~s~~State or ~~F~~federal permits is required at the time of marine construction permit application submittal.

C. The project will be subject to all current regulations of the city at the time of permit submittal.

D. Marine Construction permits must be obtained in accordance with Section 2.14.03.

SECTION 2.~~09~~ 10 ~~CRITERIA AND PROCEDURES FOR~~ CONDITIONAL USE AND CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS

SECTION 2.~~09~~10.01 CONDITIONAL USES

A. The following shall apply to all applications for a conditional use in any zoning district ~~district within the City of Destin~~:

1. A complete application for any c~~C~~onditional ~~U~~use shall be filed and approved before any ~~construction~~ development permit or change of use can be approved.
2. An application for a conditional use shall include:
   a. A narrative describing how the proposed development meets the following criteria.
      1. Land use compatibility: The applicant shall demonstrate the conditional use is compatible and harmonious with adjacent land uses and the general character of the area. This includes but is not limited to:
         (i) An analysis of the proposed scale, density or intensity, traffic-generating characteristics, and off-site impacts.
         (ii) A statement and description of compatibility of the proposed use(s) with adjacent land uses and how the use(s) will not adversely impact land use activities in the immediate vicinity.
      2. Sufficient Size: The site shall meet the minimum standards required per the applicable zoning district and ~~capable~~~~is~~will be capable to accommodate urban design enhancements such as, but not limited to:
         (i) Screening, buffers, landscaping, and open space
         (ii) Off-street parking, efficient internal traffic circulation
         (iii) Infrastructure needed to mitigate against potential adverse impacts of the proposed use.
      3. Mitigative Techniques: The applicant shall demonstrate that the conditional use and site plan are designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses.
         (i) The design scheme shall address all off-site impacts to the immediate vicinity, including community infrastructure, to ensure the adverse impacts are not detrimental to the general public health, safety, and welfare.
      4. Hazardous Waste: No use generating hazardous waste or using hazardous materials shall be located in the city unless the location is consistent with the Comprehensive Plan and this Code.
         (i) Any proposed use generating hazardous waste or that requires hazardous materials for its operations shall use c~~C~~ity, ~~S~~state, or ~~F~~federally approved mitigative techniques to prevent all adverse impacts to the general health, safety, and welfare.
         (ii) If hazardous waste or materials are generated or utilized, all applicable ~~S~~state and f~~F~~ederal regulations shall be met.
         (iii) The site plan shall identify all hazardous waste and hazardous material areas and shall utilize the best management principles and practices.
         (iv) The use shall not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
      5. Proliferation of Uses: Over-proliferation of similar uses within a zoning district shall not be permitted. The applicant shall demonstrate the use is not being ~~over proliferated~~overproliferated with their proposal.

(i) The City Council shall review the existing uses within the zoning district to determine whether a conditional use shall be approved or denied.

6. Compliance with applicable laws, regulations, and ordinances: The applicant shall demonstrate compliance with all applicable local, Sstate, or Ffederal laws, regulations, and ordinances.
   (i) If permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to an approval of a conditional use to protect the public health, safety, and welfare.

b. The narrative shall also describe the following characteristics:
   1. Traffic generation
   2. Square feet of enclosed building for each specific use
   3. Proposed employment
   4. Proposed number and type of service vehicles
   5. Off-street parking needs
   6. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts
   7. Include a description of any measures proposed to mitigate any possible adverse impacts on properties in the immediate vicinity

c. A site plan that shows the nature of the proposed development identifying the following if applicable:
   1. Land use types
   2. Density or intensity
   3. Placement of proposed buildings, improvements, and impervious ground cover on the site
   4. Location, type, and method of maintenance of open space and public use areas if any
   5. Preservation of natural features or protection of sensitive lands if any
   6. Proposed parking areas and internal traffic circulation
   7. Stormwater management
   8. Water and sewage distribution, collection, and treatment systems.
   9. Open space
   10. Setbacks from adjacent properties
   11. Screening and buffers
   12. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites

d. Off-site improvements required to mitigate impacts of the cConditional uUse such as but not limited to:
   1. Utilities
   2. Public facilities, especially any improvements required to ensure compliance with concurrency management
   3. Roadway or signalization improvements, or other similar improvements
   4. Accessory structures or facilities
   5. Other unique facilities/structures proposed as part of site improvements

3. If any of the above-listed characteristics or on or off-site elements do not apply to the project, the applicant shall state in the narrative why it is not applicable.

B. ~~Approvals~~Approval for Conditional Uses:
   1. The LPA, at a quasi-judicial public hearing, shall forward a recommendation of approval, approval with conditions, approval with modifications, or denial to the City Council after review and consideration of the proposed conditional use based upon the applicable criteria, this Code, the ~~C~~comprehensive ~~P~~plan, and ~~C~~city ~~O~~ordinances.
   2. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed development after review and consideration of the proposed development based on the LPA's recommendation, applicable criteria, this Code, the c~~C~~omprehensive ~~P~~plan, and ~~C~~city ~~O~~ordinances.
   3. C~~C~~onditional use shall be denied if the City Council ~~determines~~determines whether the proposed conditional use does not meet the criteria provided in this section or the proposed conditional use is averse to the public's interest.

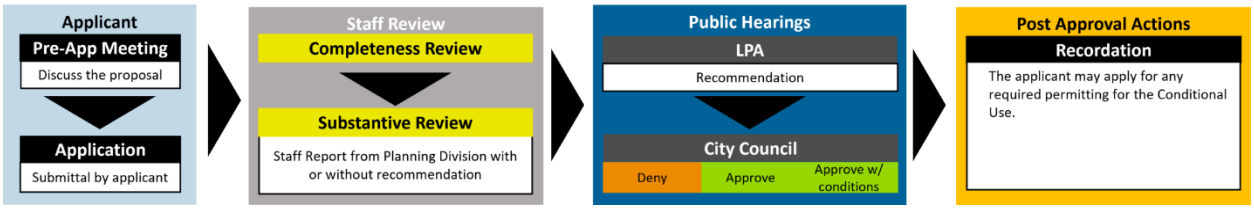
C. If the proposed conditional use requires a d~~D~~evelopment o~~O~~rder the appropriate d~~D~~evelopment ~~Project~~ application t~~T~~ype shall be identified per ~~Section 2.05~~this Article and the appropriate ~~procedure per Section 2.06~~application process shall be followed.

D. If the proposed conditional use requires any d~~D~~evelopment ~~O~~order, the conditional use and development order shall run concurrently, and one shall not be approved before the other.

E. If an applicant desires to change the use of an existing structure on a site and the property is located within the Harbor District Overlay or Zerbe-Calhoun Historic District Overlay, the applicant is required to apply for a c~~C~~ertificate of ~~A~~appropriateness with the conditional use per Section 2.10~~09~~.03.

F. Appeals of the City Council on a conditional use application are by writ of certiorari to the circuit court.

Procedure for Conditional Uses



SECTION 2.~~09~~10.02. CONDITIONAL USES IN ~~HISTORIC~~ OVERLAY DISTRICTS

A. In addition to the criteria and processes outlined in Section 2.10~~09~~.01. Conditional u~~U~~ses proposed in the Harbor or Zerbe-Calhoun Historic Overlay Districts should meet the following intents and standards.
   1. The Harbor District Overlay and the and the Zerbe-Calhoun Historic District Overlay intend to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history, or by providing significant examples of architectural styles of the past. To accomplish this the district may develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist

trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses in these overlay districts should meet one or more of the following criteria:

a. Historical significance: Proposed changes of use, developments, or redevelopments in the overlay district, should show character, interest, or value as part of the development, heritage, or cultural characteristics of the ~~Harbor~~ harbor area, or exemplify the cultural, political, economic, or social heritage of the City of Destin.
b. Architectural significance: Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s) and embody those distinguishing characteristics of an architectural type and contain elements of architectural design, detail, materials, or craftsmanship that represent a significant era in the history of the Destin Harbor area.
c. Environmental significance in the Harbor District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Harbor area by the protection of the unique natural and man-mad environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the harbor boardwalk and charter fishing opportunities for the public.
d. Environmental significance in the Zerbe-Calhoun Historic District Overlay: Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Zerbe-Calhoun area by the protection of the unique natural and manmade environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the Bay.
e. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the ~~Historic Ov~~overlay, the provisions of the underlying zoning district shall apply.

SECTION 2.~~09~~10.03 CERTIFICATE OF APPROPRIATENESS IN OVERLAY DISTRICTS

A. The c~~C~~ertificate of a~~A~~ppropriateness intends to allow the preservation of historically significant structures and/or property in the Harbor and Zerbe-Calhoun Overlay Districts.
B. The City Council may grant a c~~C~~ertificate of a~~A~~ppropriateness to an applicant seeking to preserve an existing structure constructed prior to 1975 on a site which is deemed historically, architecturally, or environmentally significant.
C. A certificate of a~~A~~ppropriateness shall meet one or more of the criteria listed in Section 2.10~~09~~.02.
D. To further the intent and purpose of Harbor District Overlay and Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify the following requirements of this Code:
    1. Parking requirements
    2. Requirements for lot area, width, depth
    3. Building setbacks
    4. Open space
E. The ~~Community Development Director, the Building Official, or the City Engineer~~City Manager or designee may determine there is a serious threat to ~~the public~~public health, safety or welfare, and the waivers listed in p~~P~~aragraph D of this section shall not be granted.

F. A property owner may apply to designate a structure or site as significant pursuant to this section. Such an application may include a request for a conditional use, if applicable.

G. Applications for a certificate of appropriateness (with or without a conditional use) shall be submitted to the Community Development Department and shall include:
   1. A narrative detailing why the property or structure is historically, architecturally, or environmentally significant.
   2. A narrative demonstrating the property or structure meets the criteria listed in Section 2.10~~09~~.02.
   3. A signed, sealed survey of the existing conditions of subject property, dated within six (6) months of the application date.

H. City s~~S~~taff and the City Land Use Attorney shall review a certificate of appropriateness (with or without a conditional use) application for sufficiency and shall forward the request to the City Council through the City Manager.

I. The City Council, at a quasi-judicial public hearing, shall approve, approve with conditions, approve with modifications, or deny the proposed certificate of appropriateness after review and consideration of the applicable criteria, ~~this Code, the Comprehensive Plan, and City Ordinances~~this Code, the comprehensive plan, and city ordinances.

J. If the proposal is approved, the City Council shall issue a c~~C~~ertificate of a~~A~~ppropriateness by f~~F~~inal o~~O~~rder as evidence of the approval under the terms of the Harbor District ~~Historic~~ Overlay or Zerbe-Calhoun Historic District Overlay.
   1. The order shall include findings of fact and conclusions of law detailing:
      a. The certificate of appropriateness (with or without a conditional use) approves the,
         1. Uses
         2. Structures
         3. Parking, (as applicable)
         4. Any other items depicted on the survey
         5. Any c~~C~~ity c~~C~~ode waivers authorized by approval of the survey submitted by the applicant,
         6. The change of use and development or re-development depicted on the survey has been made are approved by the City Council
         7. Any action by applicants following issuance of a certificate of appropriateness shall be in accord with the application and material approved and any conditions or modifications approved by the City Council.
      b. The elements listed above may continue use as is until such time that the applicant abandons the uses for a period of at least 180 days.

K. Nothing in this section releases the applicant from any requirement to obtain a Business Tax Receipt on the subject property, if applicable.

L. Appeals:
   1. Any appeal of a City Council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County. Florida, based solely on the record of the hearing before the City Council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.
   2. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

3. Such an appeal must be filed within 30 days after the date the city renders its order.

~~3.~~

SECTION 2.~~10~~ 11 ~~PROCEDURES FOR~~ CHANGE OF USE ~~AND SPECIAL EVENT~~APPLICATION AND REVIEW PROCESS

SECTION 2.~~10~~11.01 CHANGE OF USE APPLICABILITY AND CRITERIA

A. Existing developments are required to be consistent with existing development order(s) and ~~C~~city, ~~S~~state, or ~~F~~federal regulations as applicable when changes in the use or modifications to the site are proposed.

B. A change of use permit shall be required for any property, lot, parcel of land, structure, or site for the following changes, which includes all permanent, temporary, and seasonal uses:

1. A property, structure, or portion thereof is, or is proposed to be, a different land use than the approved use or existing use.
2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to:
   a. Additional required parking
   b. Structure or site modifications
   c. Impacts affecting the public welfare, as determined by the City Manager or designee.
3. The addition of a use to a site with a single-use or multiple uses currently in operation.
4. The addition of more of impervious surface or gross floor area to any structure.
5. Any change of use upon the property affecting the current condition of the property, any structure, or any pervious or impervious surface.
6. Any change of use/development of building/structure/parcel of land that generates vehicle trips above current levels at the property location.

~~B.~~C. Proposed changes or expansions to a space may be permitted once reviewed and approved through the c~~C~~hange of ~~U~~use ~~P~~process and:

1. The property is compliant with applicable ~~C~~city, ~~S~~state, or ~~F~~federal regulations as applicable, or with an applicable development order.

~~C.~~D. The City Manager or designee may ~~determine~~determine whether a d~~D~~evelopment ~~O~~order is necessary if the proposed change of use meets any of the l~~L~~and d~~D~~evelopment ~~Project~~ application ~~T~~types criteria listed in Section 2.0~~5~~6. ~~of this Article.~~

~~D. A chan ge of use permit shall be required for any property, lot, parcel of land, structure, or site for the following changes, which includes all permanent, temporary, and seasonal uses:~~

~~1. A property, structure, or portion thereof is, or is proposed to be, a different land use than the approved use or existing use.~~
~~2. Properties and/or structures where the intensity of a use is increased, which results in additional impacts including but not limited to:~~
   ~~a. Additional required parking~~
   ~~b. Structure or site modifications~~
   ~~c. Impacts affecting the public welfare, as determined by the City Manager or designee~~
~~3. The addition of a use to a site with a single-use or multiple uses currently in operation.~~
~~4. The addition of more of impervious surface or gross floor area to any structure.~~

~~5. Any change of use upon the property affecting the current condition of the property, any structure, or any pervious or impervious surface.~~

~~6. Any change of use/development of building/structure/parcel of land that generates vehicle trips above current levels at the property location.~~

SECTION 2.~~10~~11.02 CHANGE OF USE APPLICATION REVIEW AND APPROVAL

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

B. An application must include all information and supplemental items required in the City of Destin Checklist at a minimum.
   1. Additional materials may be requested and required by the City Manager or designee if determined that more information is required for City s~~S~~taff to fully assess the proposed scope of the ~~C~~change of ~~U~~use.

C. The City Manager or designee may require any additional applications to be submitted as part of the change of use permitting process, as necessary, pursuant to this Code or other c~~C~~ity o~~O~~rdinance.

D. Once an application is determined to comply with local, ~~S~~state, or ~~F~~federal codes, regulations, or conditions of applicable development orders, City s~~S~~taff may approve the ~~C~~change of ~~U~~use.

E. An application for a change of use permit shall be denied if one (or more) of the following conditions exist:
   1. There is a pending code compliance violation on the subject ~~property~~property.
      ~~1.~~a. Unless a change of use is required to come into compliance.
   2. A recorded code compliance lien exists on the subject ~~property~~property.
   3. There is a development order on the ~~property~~property, and the City Manager or designee determines that the property is not currently in compliance with such existing development ~~order~~order.
   4. Any of the criteria or requirements for a change of use permit application is/are not met.

~~4.~~

~~SECTION 2.10.03 SPECIAL EVENT APPLICABILITY AND CRITERIA~~

~~A. This Section intends to allow the City to protect and promote the health, welfare, and safety of citizens and visitors during and in vicinity of the special event.~~

~~B. Special events often attract a large gathering of people and may impact public health and safety, requiring appropriate regulations and conditions of approval to ensure reasonable limits on noise and light pollution.~~

~~C. This section intends to ensure special event operators provide adequate sanitation or waste disposal facilities, public safety support, parking, traffic control, crowd control, sound mitigation, and other concerns in the interest of public safety and public health.~~

D. An application is required for any Special Event that would impact the surrounding properties or neighborhoods.
   1. An application for a special event permit shall be filed not less than ninety (90) days prior to the proposed event with the Community Development Department.
E. The Special Event process and application is not intended and shall not be used to approve regular or occasional uses that would normally not be permitted in the zoning district where the event is proposed.

SECTION 2.10.04 SPECIAL EVENT APPLICATION REVIEW AND APPROVAL

A. Permits Required
   1. All applications for a Special Event Permit shall be submitted:
      a. Sixty (60) days prior to the event start date if not requesting to close any portion of Right-of-way.
      b. Ninety (90) days prior to the event start date if requesting to close an portion of Right-of-way or if City Council approval is require per this Section.
   2. Special events are subject to the permitting provisions of this Section.
      a. No special event may be permitted for more than three (3) consecutive days, and no parcel of land may be permitted to have more than three (3) special events in any twelve-month period, unless otherwise authorized by the City Council.
      b. At the end of the period for which the special event was permitted, the use of the approved location(s) must be discontinued, all temporary structures involved must be removed and all permanent structures may be used only as permitted under applicable pre-existing development approvals.
      c. The sale of admission or seating tickets in excess of the approved attendance shall be prohibited.
      d. In addition to the special event permit, the operator of a special event is responsible for obtaining all other required permits and authorizations from all applicable departments and agencies.
      e. Any security measures required by the Okaloosa County Sheriff shall be implemented and paid for by the event operator or applicant.
      f. Any public safety measures required by the Fire Marshal shall be implemented and paid for by the event operator or applicant.
B. The following documents are required for a Special Event application.
   1. The City reserves the right to request more documentation as deemed necessary by the City Manager or their designee based on information needed to fully evaluate the impacts of the proposed Special Event.
   2. If any of the documents are not applicable to the Special event, the applicant shall provide a narrative detailing why the document or material are not applicable. This in no way alleviates the applicant from being required to provide the document or materials if deemed necessary by the City Manager or their designee.
   3. Required materials
      a. Application fee as may be established by the City Council.
      b. Proof of ownership of the subject property.

c. Name, address and phone number of the contact person(s) for the event. This individual must be able to be contacted at the provided phone number by any City representative throughout the duration of the event. If this is different than the property owner, an Agent Affidavit to submit the application is required.
d. The special event permit shall contain an appropriate indemnification provision to indemnify, defend, and hold the County harmless from certain acts and omissions of the Applicant or any incident resulting from the special event.
e. If off-site parking is proposed, the property owners of the locations must provide an Agent Affidavit authorizing use of the parking depicted on the parking plan for the duration of the event.
f. Proposed date(s) and hours of the special event.
g. Anticipated attendance at the special event at any one time and total for the duration of the entire event.
h. Descriptions of all performances at the event, including any activities involving noise production exceeding what is permitted by Chapter 14, Article 2 Noise of the City Code of Ordinances.
i. Description of all sound amplification equipment, signs or other attention-getting devices which will be utilized in connection with the event.
j. A plan for all signs to be placed on or off-site must be submitted with the application. The plan shall include the types, locations, and sizes of the proposed signs.
k. Description of any proposed outdoor lighting that will be brought onsite for the event, including spotlights and/or laser lights.
l. Description of how security and traffic control will be provided.
m. Any necessary licenses for the serving of food and/or beverages.
n. The following information must be provided on a scaled and dimensioned site plan. Any items that are not applicable to the proposed event can be listed in the application as Not Applicable:
    i. Areas for the serving of food and/or beverages
    ii. Location(s) of existing and proposed structure(s), including any temporary structures such as tents, stages and amusement rides or activities
    iii. Points of ingress and egress to the site
    iv. Location of music or other noise source(s) in relation to residential areas
    v. Location of fireworks, including the staging area and the viewing area
    vi. Location of proposed light sources
    vii. Location of portable restrooms
    viii. Location of dumpsters and trash receptacles
    ix. Sanitation service plan showing how service vehicles can maneuver and turnaround onsite
    x. Parking plan, including off-site parking and travel routes for any shuttle vehicles, demonstrating that traffic/parking areas are safely separated from pedestrians and shuttles can maneuver and turnaround on the event site
    xi. Pedestrian circulation plan
    xii. Location of medical facilities if required by the Fire Marshal

xiii. Additional information as the Council or Community Development Director may require based upon the anticipated impacts of the event

o. Beach events must provide the following additional information:

i. Dune system and vegetation area must be shown on the site plan.

ii. Sea Turtle protection disclosure (required if the event takes place between April through September):

(a) Acknowledgement of Florida State Statute 370.12 - Protection of Marine Turtles

(b) An affidavit declaring the event organizer or property owner as the responsible party for any act prohibited in Florida State Statute 370.12.

iii. Letter from Emerald Coast Turtle Patrol detailing:

(a) Acknowledgement of the event

(b) Staff or volunteer availability to survey the property for the two days leading up to the event

(c) Ability to conduct a survey post event should a nest be identified prior to the event.

iv. Signed acknowledgement of the Beach Rules and restrictions:

(a) No activities of the event may occur or be set up within 100' of any identified or marked turtle nest, either in or out of season.

(b) Glass, mirrors, ceramics, or other materials that can shatter are not allowed on the beach.

(c) Restrictions on animals on the beach. It shall be unlawful for any person owning, or having under his or her control any animal, to permit such animal upon the beach, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing-impaired persons shall be allowed on the beach at all times.

(d) No bonfires, fire pits, or grills.

(e) No overnight camping on the beach.

(f) No petroleum products or other toxic materials.

(g) No staining materials on the beach.

(h) Leave only your footprints. Clean up all items, including trash, before you leave.

(i) No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct.

(j) No motor vehicles permitted on the beach. The following are permitted: Baby strollers weighing less than 100 lbs; wagons/wheelbarrows/handcarts/pull-carts that are pushed/pulled by a human; wheelchairs weighing less than 300 lbs.

(k) No generators.

(l) Artificial petals and other similar items, as well as helium balloons, floating lanterns and other similar items are considered litter and are prohibited.

(m) No Structures, stages, or other vertical items that require assembly or digging into the sand for stability. Pop-up beach tents are excluded from this restriction. See Sections 6-46 and 6-47, City Code of Ordinances.
(n) Events cannot be set up within the 15' emergency access corridor at the water's edge seaward.
(o) Events cannot be set up within 20' of the water's edge landward.
(p) Events cannot be set up in front of any beach access boardwalk.
(q) Start and End Times:
(i) Set-up can only begin 1 hour before event time.
(ii) Take down must be completed within 1 hour of the conclusion of the event.
(iii) Permits will not be issued for events beginning prior to 8:00 AM Central Time.
(iv) All events shall conclude by 10:00 PM Central Time
(v) All items must be removed from the beach by midnight.
(vi) During sea turtle nesting season, no lights other than flashlights are permitted and the event must adhere to any FDEP and FWC guidelines for sea turtle nesting season.

C. Standards of Approval
1. All standards in this section are used to determine compliance with the requirements for a special event for compliance as part of the permitting process. Any deviations to these standards may only be permitted by action of the City Council.
a. Signs
i. Signs may be used to announce, identify, or direct attendees to the location of an approved special event in compliance with the Sign regulations of Article 8 and subject to the following requirements:
(a) A plan for all signs to be placed on or off-site, announcing or identifying the special event, must be submitted with the application.
(b) The plan shall include:
(c) types, locations, and sizes of the proposed signs. Evaluation of this plan will consider traffic visibility; visibility of adjacent business signs and/or traffic signs and signals; disturbance to adjacent properties; and other appropriate considerations as determined by the Community Development Director. In the circumstance when a special event application is not required, the property owner shall be mindful of the foregoing considerations, to not create a negative impact when placing on-site signs.
2. The site must be configured so that any proposed shuttles or required service vehicles can enter, exit, maneuver, and turnaround on the event property, without having to back-in to the right-of-way. Where service vehicles must enter event activity areas, such servicing must occur outside of the event hours of operations to protect pedestrians. Shuttle drop-off areas must be designated on-site and separated from the event activity areas by barricades to protect pedestrians.
3. Portable restrooms are permitted for temporary use during a City-authorized special event. The number and type of restrooms must meet Florida Building Code requirements and must have any required Okaloosa County Health Department permits.

4. Parking must be provided at a rate of one (1) space per 150 sq. ft. of gross ground area. ADA parking spaces must be provided as required by federal law. Off-site parking in non-residential zoning districts may be used to meet the minimum parking requirements, provided that all ADA parking spaces must be provided on the event site, the proposed off-site parking area must be approved and permitted for parking, and the parking spaces proposed for use must be above and beyond what is required for the primary use they are associated with or the hours of operation must not conflict with the special event hours of operation.
5. Search lights and laser lights may be permitted for a special event so long as they do not create a potential distraction, flash blindness, vision impairment, or visual interference for aircraft pilots or navigators, and would not cause a potential unreasonable risk for flight safety or interfere with any public or military airport operation or with ground activities at a military installation. Additionally, the applicant must provide copies of the special event application and supporting documents to the Okaloosa County Airport Manager and to the Community Planner at the 96th Civil Engineer Group - 501 DeLeon Road Suite 120 - Eglin AFB, Florida 32542-5498 along with a request that the application be reviewed within five business days. If search lights and/or laser lights are proposed, the following information is required as part of the application:
   a. Type, wattage and lumen output of lamp(s)
   b. Type and shielding of proposed fixtures
   c. The hours of operation (not to occur between midnight CST and sunrise).
6. In no case shall signage be located within the right-of-way.
7. An application that includes a request to close a section of the public right-of way to vehicular and/or pedestrian traffic must include letters of authorization from any property owners adjacent to the section proposed for closure.

D. Review and Approval Process.

1. Upon receiving a complete application, the application shall be disseminated for review to other appropriate reviewers and or agencies as deemed necessary including, but not limited to the:
   a. Building Official
   b. City Engineer
   c. Public Works Director
   d. Parks and Recreation Director
   e. Destin Fire Control District
   f. Okaloosa County Sherrif's Department.
2. Special events expected to draw less than one hundred (100) people as participants or spectators at any given time during the event may be administratively approved by the City Manager or their designee.
   a. The City Manager or their designee may refer any special event permit application to the City Council based on anticipated impacts.
3. In approving any special event permit, the City Manager or their designee shall make a determination that the proposed event:
   a. Is reasonably compatible with nearby existing development

b. Does not pose an unreasonable safety or health risk for patrons or neighbors.

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

SECTION 2.11 12 PROCEDURES FOR APPEALS, SPECIAL EXCEPTIONS, AND VARIANCES APPLICATION AND REVIEW PROCESS

SECTION 2.1112.01 APPEALS OF ADMINISTRATIVE OFFICIALS

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

in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

J. The BOA shall base its decision on the requirements of the City of Destin Comprehensive Plan and the Land Development Code or Code of Ordinances at the time of the appeal.

K. The Board shall make its decision based upon its usual voting procedures.

L. The decision shall be issued in writing stating the reasoning involved.

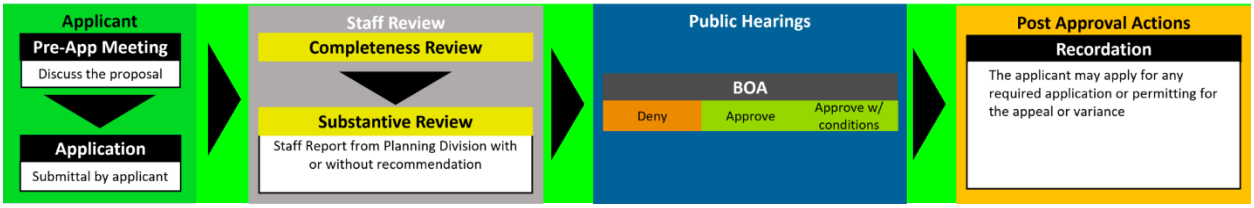
M. The BOA o~~O~~rder shall be rendered within 60 calendar days of the close of the hearing.

N. No further administrative appeal is available beyond this stage, though the appellant retains the right of appeal through the judicial system as provided by law.

O. Appeal Review Procedures:

1. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, administrative official, board, or bureau of the city affected by an interpretation of this Code.
   a. The Community Development Department shall provide all the documents, plans, papers, or other materials from which the decision was made, to the BOA.
   b. An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from.
      1. Except in situations where the appropriate official determines and certifies to the BOA that a stay would cause imminent peril to life or property.
      2. In such cases, proceedings or work shall not be stayed except by a restraining order, granted by the BOA or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
2. All appeals must have a complete application submitted thirty (30) calendar days prior to the next available scheduled Board of Adjustment hearing.
3. City s~~S~~taff shall notify all parties when the appeal s~~will be~~cheduled for present~~ed~~ation to the Board of Adjustment
4. ~~Upon the hearing, a~~Any party may appear in person, by agent, or by attorney.
5. All administrative appeals shall be quasi-judicial public hearings and be conducted in accordance with Section 2.15.

Procedure for Appeals & Variances



SECTION 2.~~11~~12.02 APPEALS OF CITY COUNCIL

A. A decision of the City Council may be appealed to the appropriate circuit court of the state within 30 days of rendition of the City Council's final order.

B. During the pendency of any appeal, no further action shall be taken on the application except pursuant to an order of the court or after final determination by the court as to the merits of the appeal.

C. If an application is denied by the City Council, it may not be resubmitted to the City or reconsidered by the City Council for one (1) calendar year, except pursuant to an order of a court of competent jurisdiction.

SECTION 2.~~11~~12.03 SPECIAL EXCEPTIONS

A. A property owner may apply for a ~~S~~special ~~E~~exception as authorized by this Code in certain instances as identified.

B. The procedures and fees for a ~~s~~Special ~~E~~exception review shall follow the same as an ~~a~~Appeal of ~~a~~Administrative ~~O~~official per Section 2.~~11~~12.01 above.

C. The City Manager or ~~their~~ designee shall require the criteria for a ~~c~~Conditional ~~u~~Use per Section 2.~~09~~ 10 of this Article to be the basis of review for a ~~s~~Special ~~E~~exception unless other criteria are identified to be more appropriate.

SECTION 2.~~11~~12.04 VARIANCES

A. A property owner or authorized agent may request a variance from the terms of any regulation in the Land Development Code not contrary to the public interest.

1. Under no circumstances shall the BOA grant a variance to elements of the zoning or subdivision regulations listed below. Any application requesting a variance from the following will be rejected by the Community Development Department and all fees returned to the applicant.
   a. Any provision or requirement of the Comprehensive Plan.
   b. Building height
   c. Density or intensity.
   d. Dimensional limitation of signage.
   e. Number of signs allowed per property.
   f. Required landscaping.
   g. Screening for solid waste, mechanical equipment, or other required screening elements.
   h. Uses per the underlying zoning district of the property except as allowed in Article 3 – Nonconformities of this Code.
2. The BOA may grant a variance to the items c. and f. listed in ~~p~~Paragraph A.1. above on property that is subject to Article 3 – Nonconformities due to Public Agency Action, only if a variance would not have been required prior to the public agency action.
3. Approval of a variance for any element in the same zoning district or in other zoning districts shall not be considered grounds for the authorization of a variance.

B. To authorize any variance from the regulations of this Code as allowed per this section, the BOA shall find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. That the special conditions and circumstances do not result from the actions of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.
4. That literal interpretation of the provisions of any zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance and would work unnecessary and undue hardship on the applicant.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. That the grant of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

C. Each request for a variance shall be the subject matter of a separate application.

D. The BOA may approve an exception for docks and pilings to be extended beyond the maximum length limits and slip density, Per LDC Section 7.02. Marina Siting, provided that, in addition to the criteria listed in Section 2.~~11~~12.~~03~~04.B., the following criteria ~~is~~are also met:

1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
2. That site specific environmental conditions exist prohibiting dredging.
3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.

E. It shall be the responsibility of the applicant for variances to the Land Development Code to demonstrate and each application shall contain statements of fact establishing the criteria prescribed above.

F. Each request for a variance as allowed by Section 2.~~11~~12.~~03~~ 04 shall be originated by the filing of an application with the Community Development Department.

G. The application must be supported by the appropriate materials to support the request. Failure to provide complete information will permit the board to continue or dismiss, without prejudice, any application. The application at a minimum shall include the following:

1. Letter of request from the applicant which contains the request(s) for variance(s), or appeal(s) of an administrative decision.
2. Statements of fact setting out compliance with the criteria established by Section 2.~~11~~12.~~03~~04.B when required.
3. Proof by the applicant of ownership or interest in the land for which the request is sought, if applicable.
4. A complete legal description of the parcel of land for which the request is sought.
5. A current survey dated and stamped no less than 180 days illustrating the existing site conditions.
6. A site plan, to scale, showing the proposed improvement or location of the specific request. The site plan shall contain an affidavit that the plan accurately depicts the property, improvements, and proposed improvements.
7. Any other documents or requirements which are mandated by city regulation~~the Code~~ or deemed necessary by staff in reference to the specific request made. This may include but is not limited to the structure location or ancillary mechanical equipment location of the request.

H. The City Manager, or designee, shall have the discretion to refuse to accept an application which does not include supporting documents required by this section or ~~the Code~~other regulation.

I. The application and any supporting materials must demonstrate the need and the requirements of Section 2.~~11~~12.~~03~~04.B.

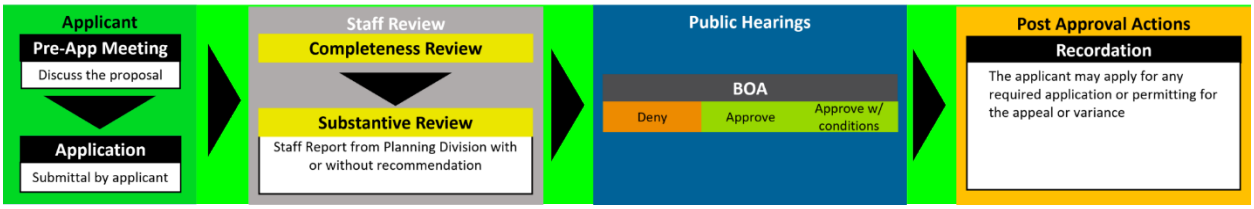
J. Findings: The Board of Adjustment shall make objective findings of fact and report in its minutes the findings of fact relied upon in concluding whether or not the criteria described in Section 2.1~~2~~1.~~03~~04.B. are met.

1. In granting any variance, the Board of Adjustment may require appropriate conditions and safeguards in conformity with any zoning ordinance.
   a. Violation of any condition safeguard of an approved ~~V~~variance shall be deemed a violation of the zoning ordinance.
   b. The BOA may approve a reasonable time limit for applicant action to vest the approved variance by either setting a start or completion date.
      1. Any approved timeline in conjunction with a building or other ~~construction~~ development permit shall follow the limits required per the b~~B~~uilding ~~C~~code.

K. Action time limit: An action for which a variance is required shall begin no later than six months and completed no later than 12 months from the grant of variance, or time limit determined by the BOA.

L. Public Hearing: All public hearings shall be quasi-judicial and conducted in accordance with Section 2.15.

Procedure for Appeals & Variances



SECTION 2.~~11~~12.05 APPEALS OF THE BOARD OF ADJUSTMENT

A. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may apply to the Circuit Court for judicial relief within 30 days after rendition of the decision by the board of adjustment.

B. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

~~B.~~

~~SECTION 2.12 PROCEDURES FOR RIGHT-OF-WAY CONSTRUCTION REVIEW~~

~~SECTION 2.12.01 RIGHT-OF-WAY CONSTRUCTION PERMITS~~

~~A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and important amenity that are critical to the travel and transport of persons and property in the city.~~

~~B. The public rights-of-way must be regulated, managed, and controlled in a manner that ensures minimal inconvenience to the public, and enhances the health, safety and general welfare of the city and its citizens.~~

~~C. No unauthorized encroachment shall be permitted onto existing rights-of-way.~~

~~D. Strict adherence to the building setback requirements described in Article 4 of this Code shall serve to protect rights-of-way from encroachment.~~

~~E. All activity (e.g., paving, landscaping, etc.), in a public ROW is prohibited unless:~~

~~1. A ROW permit is submitted to the Community Development Department and reviewed and approved by the City Engineer or designee.~~

2. The following activities conducted in the right-of-way are not required to obtain a ROW construction permit:
   a. The installation and repair of mailboxes
   b. Installation of sod
   c. Irrigation

SECTION 2.12.02. UTILITIES IN THE RIGHT-OF-WAY

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

SECTION 2.~~13~~13 TELECOMMUNICATION AND WIRELESS FACILITIES

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

SECTION 2.~~13~~13.01 NEW TELECOMMUNICATION FACILITIES (TOWERS) ON PUBLIC OR PRIVATE PROPERTY

A. No new telecommunications tower facility shall be installed, erected, or constructed until:
   1. A development order has been issued pursuant to Section 2.0~~3~~2. of th~~e~~is Article.
   2. A building permit has been issued.
B. All plans for new commercial telecommunications towers shall be submitted to the Community Development Department.

1. The review and approval procedure shall be consistent with the procedures outlined in Section 2.06.~~10~~4. – Major Developments of the Land Development Code and the standards set forth herein.

C. The City shall consider the following in the review and consideration of an application and imposition of reasonable approval conditions:

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

a. The applicant shall demonstrate, using the latest technological evidence, why the antenna or tower must be placed in a proposed location to serve its necessary function in the company's grid system.
   1. Part of the demonstration shall include a drawing showing the boundaries of the area around the proposed location which would also permit the antenna to function properly in the company's grid system. The area shall be considered the allowable zone.

b. The applicant shall demonstrate that the telecommunication tower is no higher than necessary to function satisfactorily and to accommodate the co-location requirement.
   1. All towers shall be designed to accommodate the co-location of other telecommunication antennas as follows:
      (i) For towers up to 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least two providers; and
      (ii) For towers greater than 150 feet in height, the tower and telecommunication equipment building shall be designed to accommodate at least three providers.

c. Telecommunication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

d. All telecommunication towers shall be fitted with anti-climbing devices as approved by the manufacturers.

e. Screening per Article 6 of this Code shall be required around the telecommunication facility unless the antenna is mounted on an existing structure.

f. Adequate parking shall be required for users of the tower and such maintenance personnel as normal operations require. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift.

g. The owner of property used as a telecommunication facility shall maintain such property and all structures in good condition and free of trash, outdoor storage, weeds, and other debris.

h. All telecommunications facilities shall comply with and abide by all applicable provisions of the ~~s~~State, ~~F~~federal, and ~~c~~City laws, regulations, and ordinances, in placing or maintaining a telecommunications facility on private property.

SECTION 2.~~13~~13.02 EXISTING OR COLLOCATED TELECOMMUNICATIONS FACILITIES

A. Any existing telecommunications facility or the collocation of telecommunications equipment, expansion, or modification shall only require Building Permit review.
   1. Application review shall follow Florida ~~S~~State ~~S~~Statutes and ~~F~~federal ~~R~~regulations.
      a. Within fourteen (14) days after receiving an application, the city must determine and notify the applicant, by electronic mail, if the application is deemed complete.
      b. Approval, approval with conditions, or denial shall be given within sixty (60) days.
         1. If no decision is sent to the applicant within sixty (60) days, the application shall be deemed approved.

B. Additional antennas shall be allowed in any zoning district if located on an existing tower or alternative tower structure and shall not be considered an expansion to an existing tower or alternative tower structure.
   1. The addition of an antenna to an existing tower or alternative tower structure shall require certification from a professional engineer that the design capacity of the tower or alternative

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

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

SECTION 2.~~13~~13.03 TELECOMMUNICATIONS FACILITIES IN THE RIGHT-OF-WAY

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

B. The City will notify the applicant of approval or denial.
   1. The City shall specify, in writing, any basis for denial, including the specific code provisions on which the denial was based.

2. ~~Applicant~~Applicants may cure the deficiencies identified by the City and resubmit the application within thirty (30) calendar days after notice of the denial is sent to applicant.
3. The City shall approve or deny the revised application within thirty (30) calendar days after receipt, or the application will be deemed approved.
4. City may deny a proposed telecommunications facility change, modification, or expansion in the ROW if the proposed change, modification, or expansion:
   a. Materially interferes with the safe operation of traffic control equipment.
   b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
   c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
   d. Materially fails to comply with the most current edition of the FDOT Utility Accommodation Manual.
   e. Fails to comply with city's applicable codes.

C. Emergency: In the case of an emergency, an applicant may restore its damaged facilities in the public rights-of-way to their pre-emergency condition or replace its destroyed facilities in the public rights-of-way with facilities of the same size, character, and quality, all without first applying for or receiving a permit.
   1. The term "emergency" shall mean a condition that affects the public's health, safety, or welfare, which includes an unplanned out-of-service condition of a pre-existing service.
   2. ~~Applicant~~Applicants shall provide prompt notice to the city of the repair or replacement of a wireless facility in the public rights-of-way in the event of an emergency and shall be required to obtain an after-the-fact permit if a permit would have originally been required to perform the work undertaken in the public rights-of-way in connection with the emergency.

D. If the installation and/or the operation of any telecommunication facility is determined by the City Building Official, to be inherently dangerous, or a demonstrable health hazard, the facility shall be declared to be a ~~nuisance~~nuisance, and all operation thereof shall cease.
   1. The telecommunication provider and/or owner of the facility shall be provided with a thirty (30) calendar day opportunity to cure.
      a. Operation of the facility may continue unless there is imminent danger of the structure collapsing.
      b. This provision shall be applicable to telecommunication facilities located in the city prior to adoption of this Land Development Code.

~~b.~~

SECTION 2.~~14~~ 14 ~~PROCEDURES FOR CONSTRUCTION~~SITE DEVELOPMENT AND BUILDING PERMIT REVIEW

SECTION 2.~~14~~14.01 ~~CONSTRUCTION~~ SITE DEVELOPMENT PERMITS

A. After a development order has been issued, the applicant may apply for the necessary ~~construction~~ site development permits.

~~B.~~ The ~~necessary construction~~site development permits may include, right-of-way, infrastructure, ~~building permits,~~ or site disturbance~~marine construction permits and engineering permits~~.

B.

C. The city shall issue the necessary ~~construction~~ site development permits if~~:~~

~~1.~~ Aapplied for within 12 months and they are ~~of the issuance of the development order, or approved extension.~~

~~2.~~C. ~~The proposed construction is~~ consistent with ~~and approved pursuant to~~ the approved development order.

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

SECTION 2.~~14~~14.02 BUILDING PERMITS

A. A building permit application is required for review, approval, and issuance by the City Manager or ~~their~~ designee for any structure that is:
   1. Erected
   2. Moved
   3. Modified
   4. Structurally altered

B. All applications for building permits shall be accompanied by all items required per the City of Destin's applicable checklists and scaled and dimensioned:
   1. Building plans, if applicable
   2. Site plans
   3. Site survey dated within one year and application date
   4. The issued building permit shall conform and comply with the provisions of this Code, unless the applicant is issued an order approving any special exception or variance from the Board of Adjustment.

C. A 12-month construction trailer permit may be issued for a lot during active construction of a permanent structure on such lot.
   1. The construction trailer shall be removed within two weeks following the issuance of a Certificate of Occupancy or Certificate of Completion.
   2. The renewal of a 12-month permit shall be at the discretion of the City Manager or ~~their~~ designee.

D. All construction involving the paving or increasing of impervious coverage of properties requires a building permit subject to approval by the City Engineer or designee.

E. Marine Construction permits are required for docks, piers, boathouses, bulkheads and seawalls, and dredge and fill operations, which are allowed in all zoning districts and shall follow review procedures in Section 2.1~~4~~3.0~~3~~4.
   1. Commercial docks are only allowed on properties that allow for commercial uses.
   ~~1.~~2. Applications for marine construction shall follow the requirements and procedures outlined in Section 2.1~~4~~3.0~~4~~3.
   ~~2.~~3. Approvals by other concerned agencies are required for all structures in or adjacent to the water.

SECTION 2.~~14~~14.03 MARINE CONSTRUCTION PERMITS

A. Marine construction projects are required to be reviewed in accordance with Section 2.0~~9~~8 prior to obtaining a marine construction permit, if applicable.

B. All categories of marine construction are required to obtain a building permit from the city.
   1. Docks on private lakes are exempt from Harbor & Waterways Board review and do not require a marine construction permit.

C. Any recommendation for approval or approval by the Harbor and Waterways Board or City Council does not exempt the applicant from the requirement of obtaining a building permit or other approvals or authorizations from the city and/or other state and federal agencies.

D. All applicable ~~S~~state and ~~f~~Federal approvals or authorizations shall be submitted with all m~~M~~arine c~~C~~onstruction permits.
   1. Any application without these approvals will be incomplete and the City will hold off on reviewing the application until these approvals are submitted.

E. ~~Permitting Procedures:~~ The following procedures shall be adhered to by any applicant proposing to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock in the Harbor or waterways of Destin and shall require a permit from the city:
   1. Persons desiring to construct a new dock or alter, remodel, add riprap to, or reconstruct an existing dock shall apply for, obtain a permit, and appropriate approvals as identified in Section 2.0~~98~~ of this Article, from the city prior to construction.
   2. Each application shall be complete and include all required supplemental items as indicated in the City of Destin's application checklists.
   3. All marine construction permit applications shall contain all required documents, including state and federal approval as necessary or applicable. Permit applications for marine construction shall include, but are not limited to, the following:
      a. A Boundary Survey or Plat, to include:
         1. Location of the mean high-water line (MHWL)
         2. Linear feet of water frontage
      b. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock, in addition to:
         1. Linear feet and/or total square footage of the proposed project
         2. Boathouse height, if applicable
         3. Identification of environmentally sensitive areas, if applicable (i.e., sea ~~grasses~~grass)
      c. Accurate location of applicant's shoreline, and the opposing shoreline with corresponding measurements, if applicable (i.e., Destin Harbor, Joe's Bayou, Indian Bayou)
      d. Riparian setbacks from property lines.
      e. Other site-specific information.

F. Proposed projects located within the Destin Harbor and adjacent canals require a Net Positive Environmental Benefit (NPEB) fee, equal to twenty-~~five percent~~five percent (25%) of the cost of construction paid to the City of Destin by the applicant prior to issuance of a Marine Construction or Building Permit.
   ~~1. No permit will be issued until the required NPEB funds are paid, if applicable.~~

G. Upon completion of a dock, or other structure requiring a ~~construction~~ permit, a final inspection shall be conducted by the city. After the final inspection is complete, a certificate of completion will be issued for such dock or structure.

H. Joint ownership docks: Permits may be granted for joint ownership of a dock at the common riparian boundary for two adjacent property owners, subject to the following conditions:

1. No permits shall be granted to persons other than the title of record owners of the abutting upland properties.
2. The permit application must be signed by the owners of record of all abutting upland properties that have access to the facility.
3. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this Code.
4. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines or implied riparian line.

I. The City may issue permits for maintenance or cosmetic improvement to existing and previously approved docks or marine facilities.
   1. No permit shall be issued for maintenance or cosmetic improvements to docks or marina facilities which propose to repair or replace more than 50% a non-conforming dock or marina facility.
   2. Any proposed repairs to a non-conforming dock or marine facility that ~~exceed~~exceeds 50% of the square footage of the dock or marine facility shall be brought into conformance.
   3. Any dock that is required to come into conformance shall follow the appropriate approval process identified in Section 2.0~~9~~8.

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

K. The city reserves full ~~right~~rights, power, and authority to revoke a permit at any time for good cause.
   1. If the permittee fails to remove said structure within the time specified upon revocation of the permit, the city shall have the right to immediately remove the structure or structures, at the cost and expense of the permittee.
   2. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.

L. Dredging and filling requires~~,~~ recommendation by the Harbor and Waterways Board, and approvals by the City Council and concerned agencies are required.

SECTION 2.~~14~~14.04 SIGN PERMITS

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

a. The type of sign
b. Sign square footage of proposed and existing signage
c. Height and location of proposed and existing signage
d. A fully dimensioned and scaled site plan showing:
   i. Lot frontage,
   ii. Building frontage,
   iii. Parking areas
   iv. Location of all existing and proposed signs.
   v. For ground signs, the site plan must show the distance of the leading edge and foundation to the property line/right-of-way line and edge of pavement.
   vi. Structure, type of construction, sign supports.
   vii. Wind load calculations and footer details as required by the City's adopted building code.

8. Summary table listing location type and area of any existing and proposed signs.
9. For building signs, provide an elevation of the building, showing placement of all proposed and existing signage.
10. If the sign is to be electrically lit, additional information is to be provided regarding the testing laboratory or the ETL Number, and the name and address of the electrical contractor.
    a. An electrical permit showing electrical details shall be submitted in addition to the sign permit.

SECTION 2.~~14~~14.05 INSPECTIONS AND CERTIFICATES OF OCCUPANCY

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

SECTION 2.~~14~~14.06 SURVEYS FOR CERTAIN WORK

A. A foundation survey shall be submitted to the Community Development Department after the foundation inspection has been completed and before vertical construction commences for structures involving habitable space, and either a:
   1. Poured foundation
   2. Pile foundation showing:
      a. Location of all piles
      b. Finished Floor Elevation
      c. Placement of lowest structural member
      d. Placement of all exterior decks

B. The foundation survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
C. All surveys shall utilize NAD83 Florida State Planes, North Zone, US Foot.
D. Vertical construction shall not commence before review and approval of the foundation survey by the Community Development Department.
   1. Any work undertaken prior to submission and approval of the foundation survey shall be done at the builder's risk and remediated if the foundation survey is found to be out of compliance.
   2. A revised site plan may be submitted for review.
      a. If the new plan meets the development standards of this Code, the Community Development Department may approve the plans.
      b. If the new plans do not meet the development standards of this Code, the Community Development Department shall not approve the plans.
E. Any work completed that was not permitted with the original approval shall require review by Cc~~c~~ity s~~S~~taff.
   1. If found not in compliance with th~~e~~is Code all work shall be stopped and remediated.
F. As-built survey: The following project types shall require an as-built survey ~~be~~to be submitted to the City Building Division prior to the issuance of a certificate of occupancy:
   1. All building projects which require a foundation survey,
   2. All projects ~~containing~~ proposing a swimming pool.
G. The as-built survey shall be prepared by or under the direct supervision of a registered land surveyor and certified by same.
H. No certificate of occupancy shall be issued until the Community Development Department has received, reviewed, and approved the survey.
   1. If a violation is determined to exist,
      a. No Certificate of Occupancy shall be issued.
      b. No permanent electric power shall be connected.
      c. The structure shall not be occupied until the violation has been remedied.

SECTION 2.~~14~~14.07 FIRE DISTRICT REVIEW

A. Review of applications and projects located in the City of Destin by ~~such district~~the local fire control district is required.
B. All building permits for non-residential and multi-family projects shall be approved by the local ~~Destin F~~fire c~~C~~ontrol ~~D~~district.
C. Approvals or disapprovals by the ~~F~~fire control ~~D~~district are required prior to the issuance of a certificate of completion or occupancy.

SECTION 2.14.08 RIGHT-OF-WAY PERMITS

A. Purpose: The public rights-of-way within the City of Destin are a unique and physically limited resource and are an important amenity that is critical to the travel and transport of persons and property in the city.
B. The public rights-of-way must be regulated, managed, and controlled in a manner that ensures minimal inconvenience to the public, and enhances the health, safety and general welfare of the city and its citizens.
C. No unauthorized encroachment shall be permitted onto existing rights-of-way.

D. Strict adherence to the building setback requirements described in Article 4 of this Code shall serve to protect rights-of-way from encroachment.

E. All activities (e.g., paving, landscaping, etc.), in a public ROW is prohibited unless:

1. A ROW permit is submitted to the Community Development Department and reviewed and approved by the City Engineer or designee.
2. The following activities conducted in the right-of-way are not required to obtain a ROW permit:
   a. The installation and repair of mailboxes
   b. Installation of sod
   c. Irrigation

SECTION 2.14.09. UTILITIES IN THE RIGHT-OF-WAY

A. No public utility shall commence any construction or maintenance project which involves work in a public place within the city without first obtaining a permit from the city.

B. Application:

1. Any public utility seeking a permit for a construction project shall submit a ROW permit to the Community Development Department for review and approved by the City Engineer or designee.
2. The application shall include all required documentation as stated in the Design Manual, and any additional information that is deemed necessary for a particular project by the City Manager or designee.

C. The City Manager or designee may require the permit holder for projects, determined to have a community wide impact, to post a construction warranty or surety performance and indemnity bond, at the election of the utility provided.

1. The Bond shall ensure restoration of public property and rights-of-way to the satisfaction of the City Manager, or his designee.
2. Public utilities chartered by the state legislature are excluded from the requirements of this section.

D. If the public utility elects to issue its construction warranty to the City as provided for in paragraph C, above, it shall be in the form prescribed by the City.

E. Bond: If the public utility elects to file a bond as provided in paragraph C, it shall be in the form of a performance and indemnity bond.

1. The required warranty or bond shall be filed with the city prior to start of the project by the public utility.

~~C.~~

SECTION 2.~~15~~ 15 PROCEDURES FOR PUBLIC HEARINGS OR MEETINGS

SECTION 2.~~15~~15.01 PUBLIC HEARING PROCEDURES

A. Pursuant to the provisions of Section 2-29 of the Code of Ordinances, the public hearing on any application shall be conducted in accordance with the most recent edition of Robert's Rules of Order.

B. Regular hearing types at public meetings are general public hearings and quasi-judicial public hearings. The following includes the procedures for each type of public hearing.

SECTION 2.~~15~~15.02 GENERAL PUBLIC HEARING

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

SECTION 2.~~15~~15.03 QUASI-JUDICIAL PUBLIC HEARING

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

of publication of the notice and announce that the notice was properly published, indicating the dates published and the newspaper in which such notice occurred.

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

SECTION 2.~~15~~15.04 BOARD DELIBERATION

A. The board shall deliberate upon the application and testimony and other evidence of the applicant, staff, and members of the public.
B. The board during deliberation may call upon the applicant, staff, or members of the public to answer questions which the board may have regarding the application.
C. The board may postpone, continue, or recess deliberation on the application, until a time when the board believes that the matter may be disposed of in a prompt fashion. Such a ~~case~~ situation may occur when the staff, legal advisor or the applicant are unable to answer questions from the board and require additional time to provide information.
D. Deliberation may continue so long as the board has questions of the applicant, staff, or members of the public.

E. Deliberation may be ended in the same manner as for closing debate, with the exception of only a majority vote needed or upon announcement by the chairman without objection from a member of the board.

F. Evidence at the hearing:
   1. The burden of proof shall be upon the applicant to establish the standards ~~required in~~per Section 2.12~~1~~. of this Code for the granting of a variance.
   2. The burden of proof shall be upon the applicant to establish evidence to support the granting of a conditional use per Section 2.10. Once evidence is established supporting the granting of the conditional use, the burden of proof shifts to the staff to demonstrate by competent substantial evidence that the conditional use requested is not in the public interest.
   3. The burden of proof shall be upon the applicant to establish, by a preponderance of the evidence, an error when such applicant is appealing an administrative decision.

G. Testimony commonly is not under oath; however, by filing the application, preparing the comments, or participating in the public hearing, the applicant, staff, and members of the public certify the testimony or evidence which they give, or proffer is true and correct to the best of their knowledge and belief. However, the chairman, in the exercise of his or her discretion, or on a majority vote of the board, reserves the right to swear in any witness.

H. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern the proceedings.

I. The members of the board, applicant, staff, or public shall be free to challenge the testimony or evidence of any party presenting the same. The board shall be free to disregard testimony or evidence that it feels is without merit.

J. All evidence of a type commonly relied upon by a reasonable, prudent person in the conduct of his affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state.

K. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the chairman.

L. Any member of the board may question any person presenting evidence or testimony to the board.

M. All questions or challenges to evidence shall be presented to the chairman. The chairman may, in the exercise of his discretion, allow questions directly to the person whose testimony or evidence is being challenged.

N. Any ruling by the chairman may be challenged and overturned by a majority vote of the board.

O. Motion to grant or deny:
   1. After deliberation on the application is closed, a motion may be made to grant or deny the application.
   2. The motion shall state the objective findings of fact upon which the board bases its decision.
   3. The motion shall briefly state what evidence was relied upon in making the findings of fact.
   4. The board may consult with the legal advisor to determine if any additional requirements must be met to grant or deny the application.
   5. The motion may contain other factors which the board considered in making its decision, such as, but ~~not~~are not limited to commencing construction without a permit, defective plans, etc.
   6. The motion may also contain safeguards or conditions which are required to assure conformity with the ordinances and protect public health, safety, and welfare.

7. Pursuant to Section 2.121.034.K., the motion may also contain time frames within which any activity, pursuant to a variance, is commenced and completed.
8. The motion may also make the granting of the application contingent upon the applicant complying with certain conditions and safeguards.
9. When the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested and commences the time for filing an appeal to such order.
10. When the board passes a motion denying the application, the chairman or designee should advise the applicant of the appeal rights provided in Section 2.121.04 of this Article.
11. After the board has passed a motion which either grants or denies the application with or without conditions, and no appeal has been made, the City Clerk shall compile the motion into written form and present the order to the chairman for execution.

SECTION 2.~~16~~ 16 ESTABLISHMENT OF CITY BOARDS AND ADVISORY COMMITTEES

SECTION 2.~~16~~16.01 TECHNICAL REVIEW COMMITTEE (TRC)

A. The City shall establish and maintain a Technical Review Committee (TRC) for the purpose of providing for the professional and technical review of development applications.
B. The TRC members may be provided items to review in relation to their areas of expertise and shall confine their review to the areas so designated.
C. The TRC shall review applications for compliance with the provisions of this City Land Development Code, and all applicable federal, state, and local building codes.
D. City ~~S~~staff may hold meetings with individual or multiple TRC members as needed.
E. Membership:
    1. The membership shall include:
        a. The City Attorney
        b. An appropriate individual from the following city departments, as applicable:
            1. Community Development Department, Principal Planner, or designee
            2. Community Development Department, Chief Building Official, or designee
            3. Community Development Department, City Engineer, or designee
            4. Public Services Department
            5. Parks and Recreation Department
        c. An appropriate individual from the following agencies:
            1. Destin Fire Control District (nominee must have experience as a firefighter)
            2. Okaloosa County School District (for new residential subdivisions and long-term multi-dwelling developments only)
        d. An appropriate individual from the following utilities:
            1. Water utility provider Users (~~nominee~~nominees must have technical experience in the area of water utilities)
            2. Gas utility provider (nominee must have technical experience in the area of gas utilities)
            3. Local electrical utility provider (nominee must have technical experience in the area of electrical utilities)
            4. Wastewater utility servicer (nominee must have technical experience in the area of wastewater utilities)

e. The City Manager or designee may appoint and remove the City ~~s~~Staff representatives and include any additional TRC members that may be necessary for the review of a proposed development or application.

F. Membership on the TRC shall be terminated if any ~~condition~~conditions below applies to a TRC Member:
   1. Files a lawsuit against the city
   2. Is convicted of a felony, or a crime involving moral turpitude.
   3. Fails to review projects timely to such a degree that the City Manager, Community Development Director, and Land Use Attorney all three agree is causing a detriment to the function of the TRC.

G. Conduct of TRC meetings:
   1. The City Manager or designee will determine if a TRC meeting is required for an application.
   2. If a meeting is required:
      a. The TRC agenda shall be distributed to the members and applicants at least seven working days prior to the regularly scheduled meeting.
      b. The meetings shall be open to the public and reasonable notice of the time, place and agenda shall be given and posted. The attendance of the applicant or agent is not required but is encouraged.
      c. On development applications to be reviewed by the TRC, the ~~Community Development Director, or other person designated by the City Manager~~City Manager or designee, shall be responsible for the following:
         1. Agenda preparation and distribution
         2. Chairing the meeting
         3. Notification to applicants of the regularly scheduled date, time, and place for consideration of the application.
         4. Written summary to applicants of the TRC review.
      d. The City Clerk shall be responsible for the recording of the minutes of each TRC meeting.

SECTION 2.~~16~~16.02 LOCAL PLANNING AGENCY (LPA)

A. In accordance with the adopted City of Destin Comprehensive Plan and with the Community Planning Act, F.S. § 163.3161 et seq., and chapter 163, part II the Local Planning Agency (LPA) serves as the land development regulation commission.

B. The City shall establish and maintain the LPA consisting of seven members who shall be appointed by the City Council.

~~B.~~C. The terms of members of the Local Planning Agency shall run concurrently with the appointees.

D. All members shall reside in the City of Destin.

~~C.~~

~~D.~~E. The LPA shall also include an ex-officio member who is a representative of a military installation on behalf of all military installations located within the jurisdiction.
   1. The military installation representative shall serve as a non-voting member.
   2. The City Manager or ~~their~~ designee will comply with the notice requirements, as required by F.S. § 163.3175, by providing the commanding officer of the local military installation with information relating to:

a. Proposed changes to the Comprehensive Plan, or plan amendments
b. Proposed changes to land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation.

3. The military installation shall have the opportunity to review and comment on the proposed changes.

~~E.F. The terms of members of the Local Planning Agency shall run concurrently with the appointees.~~

F.G. The Local Planning Agency shall elect a chairman and vice-chairman.

1. Terms of the chairman and vice-chairman shall be for one year, with eligibility for re-election.

~~G.~~H. The Local Planning Agency shall adopt rules necessary to conduct its affairs and in keeping with applicable laws and regulations.

~~H.~~I. The Local Planning Agency shall perform the following functions, duties, and responsibilities:

1. Perform the functions, duties, and ~~responsibilities of~~responsibilities prescribed by F.S. § 163.3174(4).
2. Perform any other functions, duties, and responsibilities assigned to it by the City Council or by general or special law.

~~I.~~J. Proceedings and process:

1. A quorum is necessary at any meeting for the LPA to take official action.
2. The Local Planning Agency shall either recommend the City Council approve, approve with conditions, or deny, or table any item under consideration for its action.
   a. The Local Planning Agency may continue, for future action, any item under consideration for its actions a maximum of 60 days from the date that the item was first heard.
3. The Local Planning Agency's public hearing and public meetings regarding any matter shall be conducted in accordance with Section 2.15.02 or 2.15.03.
4. After the Local Planning Agency makes a recommendation regarding any matter described, the City Council shall hold at least one public hearing to consider the recommendation.
   a. The hearing may be continued to a date certain upon a majority vote.
5. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.
6. The City Council public hearings shall be conducted in accordance with Section 2.15.02. or 2.15.03.

SECTION 2.~~16~~16.03 BOARD OF ADJUSTMENT (BOA)

A. The City shall establish and maintain a Board of Adjustment (BOA) consisting of seven members who shall be appointed by the City Council.

B. The terms of members of the Board of Adjustment shall run concurrently with the appointees.

C. ~~After the first seven appointments to the board, all succeeding appointments shall be for a term of three years, or until their successors are appointed and qualified.~~All members shall reside in the City of Destin.

~~1.~~

~~B.~~D. The Board of Adjustment shall have the following powers and duties:

1. To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.
2. To authorize special exception requests as authorized in this Code per Section 2.12.03.
2.3. To authorize variance requests from the LDC or zoning ordinance ~~as outlined in~~per Section 2.12~~1~~.03~~4~~.
3.4. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed regarding dock length and slip density, provided that the criteria in Section 2.12~~1~~.04~~3~~.D is met.

~~C~~.E. All public hearings before the Board of Adjustment shall be quasi-judicial hearings and conducted in accordance with Section 2.15.03 of this Article.

SECTION 2.~~16~~16.04 HARBOR AND WATERWAYS BOARD (HWB)

A. The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.
B. The City of Destin establishes and shall maintain the Destin Harbors and Waterways Board consisting of seven members who shall be appointed by the City Council.
   1. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified.
C. All members shall reside in the City of Destin.
D. The board membership shall include, to the extent possible,
   1. One (1) commercial fisherman
   2. One (1) pleasure boat owner
   3. One (1) environmentalist
   4. One (1) sports fisherman
   5. One (1) layman.
E. Powers: The board is empowered to:
   1. Monitor the overall condition of the harbors and waterways of Destin including, but not limited to:
      a. Water depths
      b. Water quality
      c. Dredging activities of public or private entities
      d. Violations of litter laws
      e. Sanitation requirements
      f. Laws, ordinances, rules, or regulations affecting activities in the harbors and waters of Destin.
   2. Recommend to the City Manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.
   3. Discuss city issues related to the water quality and condition of the Destin Harbor and surrounding waterways and make recommendations to the City Council related to such issues.

4. Make policy recommendations to the Comprehensive Plan and Land Development Code related to future development surrounding the Destin Harbor and restoration of the harbor and waterways of Destin.
5. Review and make recommendations to City Council on proposed marine construction in the Destin Harbor and surrounding waterways.

F. City Council Review

1. The board shall submit to the City Council, during the month of ~~August~~November, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years.
2. After the Harbor and Waterways Board makes a recommendation regarding any matter described, the City Council shall consider the recommendation by either:
   ~~a.~~ A public hearing in the case of a Category 3 HWB review~~, or~~
   ~~1.~~a. ~~The hearing may be continued to an announced time certain upon a majority vote. An agenda for the hearing shall be posted in, or near, the meeting room and be generally available to those in attendance.~~
   b. On their consent agenda in the case of Category 2 HWB review
3. The City Council public hearings shall be conducted in accordance with Section 2.15.

SECTION 2.~~16~~16.05 ADVISORY COMMITTEES

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

~~A.~~

SECTION 2.~~17~~ 17 PROCEDURES FOR ADDRESSING

SECTION 2.~~17~~17.01 NAMING OF STREETS

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

SECTION 2.~~17~~17.02 STREET NAME CHANGE REQUESTS

A. All street name changes shall be processed according to the following procedures.
   1. Street name change requests as a matter of preference must be submitted to the Community Development Department.
   2. An application for a preference request street name change must include the following:
      a. An explanation of how the requested street name will be compatible with adjacent street locations, historical character, or theme.
      b. Written proof of notification to:
         1. All Utility providers
         2. Florida Department of Transportation

3. County Address Coordinator with statement of simplicity for the emergency system
4. United States Post Office

c. A non-refundable application fee for processing the request is due at the time of submission of application.
d. Notarized signatures of at least 75% of the abutting property owners.
e. The impact (cost) on public/private utilities, business, and property owners for undertaking change.
f. Compatibility with adjacent streets: location and historical character or theme.
   1. Consideration shall be given to commemorating local distinguished citizens, national heroes, typical fishes, animals, trees, shrubs, and flowers.
g. Ease of locating the street for people new to or unfamiliar with the area.

3. Application review process. Once an application has been submitted to the Community Development Department and deemed complete, City sStaff shall take the following actions:
   a. The Community Development Department will distribute the application to the following divisions, departments, and agencies:
      1. Planning Division, Principal Planner
      2. Building Division, Chief Building Official
      3. Engineering ~~Division~~Department, City Engineer
      4. Code Compliance ~~Department, Code Compliance Director~~Division
      5. Public Services Department, Public Services Director
      6. Clerk's Office, City Clerk
      7. Destin Fire Department
      8. Okaloosa County Sheriff's Office
      9. Okaloosa County Emergency Response Department
      10. Okaloosa County Geographic Information Systems (GIS) Department
   b. Once received, all representatives will review the application based on their specific technical criteria or regulations.
      1. Recommendations from all representatives regarding the application shall be returned to the Community Development Department within 30 calendar days.
   c. The City Manager, or designee, shall review the recommendations and forward all petition information and recommendations through the City Manager's office to the City Council for final approval or denial.
   d. The City Council shall then schedule a public hearing to review the application, which shall be conducted in accordance with Section 2.15. of this Article.
   e. Upon approval of any preference request, the petitioner will be responsible for reimbursing the City of Destin for the actual cost of completing required changes including any cost of updating official documents and installation of all applicable street signs.

SECTION 2.~~17~~17.03 SYSTEM ESTABLISHED

A. A uniform system of numbering buildings identified by the title "Numbering System" in the City's Design Manual shall be established and maintained on file by the Community Development Department.

B. The official property numbering maps maintaining the "numbering system" are hereby adopted, incorporated herein by reference, and made a part of this Article. The Planning Division shall administratively accomplish future amendments.

SECTION 2.~~17~~17.04 ADMINISTRATION AND NUMBER ASSIGNMENT.

A. The City's GIS Division will be responsible for managing, coordinating, and maintaining the "numbering system." Administrative procedures for assigning numbers shall include as a minimum:
   1. The owner or occupant of any building to which a number has been assigned will be notified in writing of the number assigned.
   2. Should an existing property or building have, exhibit or be addressed by a number in conflict with the uniform "numbering system," notice shall be given to the owner or occupant whose building is in conflict.
   ~~2.~~3. The city will take the appropriate steps to properly readdress the property or building not in compliance with the numbering system.

B. Standards: All principal buildings, docks and piers in the city shall be assigned and have their assigned numbers displayed, whether or not mail is delivered to such locations.
   1. Numbers need not be displayed on accessory buildings.
   2. Docks and piers shall be assigned the same number as the principal building, or, for vacant lots, the same number as would be assigned a principal building if existing.
   3. Physical numbering shall conform to the following minimum standards:
      a. Assigned numbers for principal buildings shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts, with Arabic numerals not less than three inches in height and one-half inch in width.
      b. Numbers must be in a color contrasting to the building or other background.
      c. In the case of a principal building which has multiple entrances, the assigned number shall be displayed on each separate front entrance.
      d. Any different numbers which might be mistaken for or confused with the number assigned in accordance with the "numbering system" shall be removed.
      e. Assigned numbers for principal buildings which are not visible from the street or private way shall additionally be displayed at the intersection of the driveway and servicing street, and attached to a post, wall, fence, or mailbox at a level to ensure visibility.
      f. Assigned numbers for all docks and piers shall be displayed in such a fashion so as not to be confused with ~~channel~~channels or other marine markers at their waterward extremity, facing away from the dock or pier.
         1. Numbers shall be positioned to be constantly between five and eight feet above the mean high-water line.

C. No building permit shall be issued for any principal building, dock or pier until the owner has procured the required number or numbers for the premises, building, dock, or pier.

D. No certificate of occupancy shall be issued until the owner has displayed the required number or numbers in accordance with this Article.

SECTION 2.~~18~~ 18 DEVELOPMENT REVIEW FEES

SECTION 2.~~18~~18.01 LAND DEVELOPMENT AND RIGHT-OF-WAY CONSTRUCTION FEES

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

MINUTES
WORKSHOP
DESTIN CITY COUNCIL
SEPTEMBER 23, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM

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

Destin City Council

Mayor Bobby Wagner
Councilmember Jim Bagby
Councilmember Kevin Schmidt
Councilmember Dewey Destin
Councilmember Terésa Hebert

City of Destin Staff

Interim City Manager Larry Jones
Community Development Director Tina Deater
Projects/Grants/Contract Manager Jeffrey Cozadd
Senior Planner Daniel Butler
Planner Jesse Hernandez
City Attorney Kyle Bauman
City Clerk Rey Bailey
Finance Director Krystal Strickland
Principal Planner Steve O'Connor
Planner Sheri Burney
Planner Ashley Dominguez

PUBLIC COMMENTS:

Ms. Monica Wallis, representing Destin Water Users, informed the council of a few minor issues related to utilities and Article II of the Land Development Code, specifically involving the right-of-way permit and the TRC (Technical Review Committee) process. She noted that these were likely minor errors, such as typographical mistakes, and overall, the document looked good.

WORKSHOP

A. **Article 1: General Provisions/Legal**
B. **Article 2: Administration**

The city's Principal Planner Steve O'Connor provided an overview of proposed updates to Articles 1 and 2 in the city's Land Development Code (LDC).

Article 1 will retain most of its current provisions but will incorporate elements from the existing Article 2, specifically vested rights. Additionally, a new citation authority will be added, clarifying the city's power to cite and enforce the updated LDC.

Article 2 will retain its core elements and integrate portions from the current Article 4, such as noticing requirements, public involvement protocols, and boards and committees' procedures. Two major changes in Article 2 include:

Special Event Process: A new formal process will address special events, an area currently lacking procedural guidelines. This change was spurred by recent challenges involving unregulated events, such as a church carnival, which had to be managed under a temporary "change of use" process.

Certificate of Appropriateness: Previously combined with conditional use and historical district provisions in Article 4, the certificate of appropriateness will now have a distinct process to streamline historic district regulations.

Additionally, Mr. O'Connor outlined a formalized process for special exceptions, particularly for dual-zoned properties. This process, reviewed by the Board of Adjustment, allows for boundary adjustments of up to 50 feet between zones as needed. Updates also include new PUD (Planned Unit Development) regulations and enhancements in address assignment practices.

Language and Format Enhancements: The revised LDC aims to be more accessible by reducing legal jargon, reformatting to improve readability, and ensuring clear references for each section and subsection. Unlike the previous code, which often lacked clarity, the new structure includes explicit section references to reduce confusion. Additionally, the updated LDC incorporates more graphics, like flowcharts, to visually represent procedural steps, enhancing overall user comprehension.

Planned Unit Development (PUD) Regulation Changes: Current PUD guidelines allow broad flexibility, permitting developers to request variances on any aspect of the LDC, subject only to City Council approval. This lack of restriction creates an environment where developers may bypass standard regulations with little oversight or criteria, leading to inconsistent applications of the code.

The proposed updates to the PUD regulations introduce stricter requirements, enhancing City Council's and staff's control over PUD applications. Key changes include:

- **Minimum Land Size**: A specified minimum land area is required to apply for a PUD.
- **Scope of Requests**: Clear limitations on the types of variances developers can request within a PUD.
- **Public Benefit Requirement**: Developers must fulfill a public benefit criterion based on a new point system. Each PUD must accumulate at least five points from predefined strategies and objectives in the updated regulations, ensuring each PUD contributes positively to the community.
- **Point System Rules**: Points are structured to prevent over-reliance on any single strategy within a specific objective, ensuring balanced and meaningful contributions.

DISCUSSION:

A detailed discussion focused on updates to the PUD process, centering on proposed regulations in Section 207. Mr O'Connor highlighted that the updated section is designed to enhance the city's control over PUD applications, mandating minimum land sizes based on planning areas to restrict smaller parcels from applying for PUDs. He cited the need for

substantial land to ensure that PUDs deliver significant public benefits, pointing to newly established minimum land requirements that vary by area. For example, the Town Center and Gulf Resort areas require a minimum of five acres.

Councilmember Bagby expressed concerns about some minimum lot sizes, particularly in high-density areas like the Harbor planning area, where the minimum size is set at 0.5 acres. He emphasized that small parcels lack the capacity to offer meaningful public benefits, particularly given the PUD's aim to allow exceptions from standard zoning rules in exchange for substantial community benefits. Councilmember Destin also questioned the value of allowing PUDs for small lots, observing that such allowances could undermine the PUD process if exceptions are granted to developers without ample space to provide robust public benefits.

The council members discussed increasing minimum acreage requirements, suggesting a threshold of 5 acres across the board and proposing even higher minimums for specific commercial hubs. Councilmember Destin supported this adjustment, advocating for higher standards to ensure PUD projects make significant contributions to the city's infrastructure and recreational offerings, rather than allowing developers to avoid standard zoning rules on smaller parcels.

Regarding the public benefits required of PUD projects, Mr. O'Connor noted that developments in certain zones, such as Town Center Mixed-Use areas, must provide affordable housing, designating at least 20% of units at an affordability level of 80% of the Area Median Income (AMI). Councilmember Bagby inquired about the specificity of the AMI standard, suggesting it could be narrowed by ZIP code for greater relevance, to which the city attorney confirmed legality. Mr. O'Connor clarified that the PUD's objectives, particularly around open space and recreational amenities, are designed to demand larger lot sizes to meet goals for accessible community spaces, parking, and potentially community gardens or local food production areas.

Further discussion touched on the inclusion of public spaces as PUD benefits. Council members voiced concerns over the adequacy of such benefits in previous projects, referencing instances where proposed parks or gardens lacked general accessibility, particularly parking, making them less beneficial for the wider community. They emphasized that benefits should be clearly defined to ensure developers provide accessible and meaningful public amenities.

The city attorney reinforced the updates by noting that the new PUD standards are more objective, reducing subjectivity in approvals and ensuring legally defensible standards. Concluding, the council members agreed to pursue further refinement of the acreage requirements and public benefit standards to align with the community's long-term goals, reinforcing that the revised PUD process should prioritize significant, measurable public contributions rather than flexible zoning leniency alone.

Special Event Approval Process: The current code mentions special event approvals in various sections without defining a formal approval process. When applicants propose events that do not align with standard uses, they have typically applied under the temporary change of use process. However, this process often triggers stringent requirements, potentially making it challenging for temporary events to meet current development standards.

The revised code introduces a dedicated special event approval process focused on specific criteria:

- **Event Feasibility**: Evaluation criteria include parking availability, restroom facilities, and other event-specific needs.
- **Conditional Approvals**: The new process gives staff and city council the authority to set conditions on special event approvals when warranted to address site-specific concerns, ensuring events can be managed without imposing undue burdens.

DISCUSSION:

Council members discussed regulations and exemptions for special event permits, focusing on events held by churches and schools, as well as defining thresholds for when special event permits are required. Key issues addressed included the need to balance community impact and regulatory oversight without unnecessarily encumbering routine gatherings at religious and educational institutions.

Mr. O'Connor explained that the current LDC lacked specific guidance for events such as church carnivals, which led staff to seek council review. This proposal aimed to codify a process for assessing special event permits, ensuring that community-impacting events are reviewed without burdening small gatherings.

Councilmember Destin raised concerns over the criteria for requiring special event permits, especially for routine activities like Vacation Bible School, which typically would not require extensive permitting. He suggested creating specific thresholds based on attendance numbers or other criteria, proposing that activities with under 100 attendees might not necessitate a permit.

Councilmember Schmidt echoed the need for clear thresholds, mentioning that large events with hundreds of attendees would likely need regulation due to their impact on traffic and surrounding communities.

The council explored whether certain institutions, like churches and schools, should be exempt from special event permits, unless events reached a size or impact level significant enough to warrant review. It was suggested that while small, routine church events should be exempt, larger-scale events impacting neighborhood traffic and parking should be regulated.

Mr. O'Connor clarified that under the proposed standards, institutions such as schools with large, recurring events (e.g., football games) would not typically trigger special event permitting, as such uses are already included in their development orders.

Councilmember Hebert noted the importance of addressing safety for large gatherings at schools or other high-traffic areas and ensuring coordination with local law enforcement as part of the permit review.

Councilmember Schmidt proposed that attendance numbers and operational hours could be used as criteria to determine when a permit is required. For instance, events expecting more than 100 people per day or continuing beyond 8 p.m. could be subject to special event permits to minimize neighborhood disruption. Council members agreed that these thresholds would allow for common sense in enforcement while preserving community safety and standards. Mr. O'Connor also emphasized that these thresholds would be flexible based on council feedback and could include specific exemptions for regular community activities.

The Council discussed the timing for special event permit applications, with a 90-day advance submission for large events and flexibility for smaller gatherings. Councilmember Bagby raised concerns about ensuring fair enforcement and consistency, especially to prevent applicants from underreporting attendance to bypass stricter review.

Mr. O'Connor assured the council that the current proposal includes mechanisms for enforcement, including citation authority for code violations and the ability to shut down events that exceed approved attendance numbers. He confirmed that enforcement responsibilities would primarily rest with property owners or event coordinators.

Councilmember Bagby questioned the designation of the City Manager's authority in permit approvals, emphasizing the need for a clear hierarchy and accountability in enforcement. Mr. O'Connor clarified that the City Manager could delegate approval authority to the Community Development Director, but significant or impactful decisions could still be referred to the council for final determination.

Mr. O'Connor suggested that organizations hosting regular, recurring events apply for a minor Development Order (DO) amendment rather than repeat special event permits. Examples included car shows at The Palms and weekly beach services, where a standing amendment could simplify compliance and reduce administrative overhead. Council members supported this approach as a practical solution for regular events, reducing the need for repetitive applications and permitting processes.

Addressing noise, Mr. O'Connor confirmed that noise ordinances under Chapter 14, Article 2, would remain in effect. This included restrictions on excessive noise and specific requirements for events involving amplified sound. Council members expressed confidence in this aspect, ensuring consistency in managing noise complaints and public safety.

In summary, the council aligned on the importance of creating clear, fair, and enforceable standards for special events while minimizing unnecessary regulation for routine or smaller gatherings. They emphasized striking a balance between flexibility for the community's regular events and protecting public safety and neighborhood tranquility. Staff committed to refining the criteria based on council guidance and ensuring that both the permitting process and enforcement actions are reasonable and effective.

Next, Mr. O'Connor provided an update on the review process for major subdivisions and related developmental projects. He presented that the Local Planning Agency (LPA) recommended major subdivisions undergo LPA review as a preliminary advisory step rather than proceeding directly to the city council. This would enable a structured pathway where the LPA acts as a recommending body, allowing the city council to make final approvals after an initial review by the LPA. Council members generally agreed, noting this structure would avoid potential delays if projects needed substantial revisions following council review.

Harbor and Waterways Board Review

A comprehensive discussion unfolded regarding the Harbor and Waterways Board's review process for marine construction projects. Mr. O'Connor outlined three distinct project categories, each with varying requirements:

1. **Category 1**: Primarily residential dock projects that meet state-level self-certification. These would proceed directly to marine construction permitting without needing Harbor and Waterways Board review.

2. **Category 2**: Includes residential docks requiring more oversight (three to nine slips) or seawalls not qualifying for exemption, which would necessitate review by the Harbor and Waterways Board and would then proceed to the city council as part of the consent agenda.

3. **Category 3**: Covers non-residential and multifamily marine developments or residential slips with ten or more slips, requiring both Harbor and Waterways Board and city council public meetings.

Council members discussed potential complexities with seagrass and state permits, questioning how these environmental factors might impact projects under these categories. Mr. O'Connor noted that any non-self-certifiable project involving state-regulated marine areas would likely fall under Category 2, demanding Harbor and Waterways Board review.

Simplifying the Public Notice Process

Several council members voiced support for standardizing public notice timeframes to simplify administration and enhance public accessibility. They noted inconsistencies in current notice requirements, which span from 24-hour to 21-day advance notices based on project type and medium (newspapers, websites, or physical postings).

Mr. O'Connor explained that the range in timing was partly to prevent excessively early notices (e.g., six months in advance), which may reduce public awareness by meeting only minimum notice standards close to a hearing date. The council members agreed that standardizing notice times—such as adopting a consistent 10-day minimum—could reduce confusion, streamline compliance, and improve transparency.

Councilmember Schmidt suggested leveraging additional digital platforms and online public notice postings, which may increase accessibility for residents. The City Attorney proposed implementing QR codes on public notice signs to allow residents easier access to detailed project information.

Addressing Quorum and Committee Attendance

The council also engaged in a robust discussion about challenges in maintaining quorums for committee meetings. Ms. Sandy Trammell, current committee member and former councilmember, highlighted the issue of absentee members leading to frequent quorum issues, noting that some members seldom attend meetings, while others attend only briefly to be marked "present." She advocated for stronger council oversight to address attendance patterns and suggested mandatory workshops for more essential committee matters to ensure participation.

Councilmember Bagby supported enforcing attendance requirements by implementing a system where members are contacted after three absences, allowing them an opportunity to resign if they cannot consistently participate.

Councilmember Schmidt raised the possibility of reducing the number of committees or consolidating overlapping responsibilities to alleviate the administrative burden on staff. He noted that boards like the Harbor and Waterways Board have stringent requirements for diverse roles (e.g., sports fisherman, environmentalist) that may complicate the recruitment process.

Other members of the council expressed support for exploring simplification opportunities, especially given the strain on staff resources; noting that consolidating tasks and revisiting the roles of some committees could indeed make council actions more efficient.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:00 PM.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

City of Destin, FL - [Document title]

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 →

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.

Current Definition **(proposed to be removed)** →

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

Proposed New Definition →

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.

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.~~

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.

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.

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.

> *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.

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.

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,

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*

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.~~

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*

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.

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.*

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 maritime), 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.~~

~~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

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.~~

~~**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,

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.

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.~~

~~**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.

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.*

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.

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, multi~~family~~:*** *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.

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.~~

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.

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.

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.

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.

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 ration, 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.*

~~**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

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.

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.

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.

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.

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.

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.

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.

~~**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.

~~**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 Kempi (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.

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.

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.

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.

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.*

~~**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.

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.*

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.

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

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.

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.*

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.

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.

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.

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 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.

~~**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~~

~~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.~~

~~**hopping 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.~~

~~**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.

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.

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.

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.*

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.

~~**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

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.).

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.*

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

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

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

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.~~

~~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.

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

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.

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.*

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*

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.

Article 2 - Administration

Community Development
Planning Division
December 4, 2025

Overview

- What can be found in Article 2?
- Major Changes
  - Language
  - Format
  - Organization
    - Changes since CC workshop
    - Special Event (removed from Art. 2 and will be located in the CoO)
  - Consolidation
- September 23, 2024 City Council workshop

What is in Article 1 & 2?

- Article 2 - contains all of Articles 2 & 4
  - Addition of procedures or processes mentioned in the LDC
    - Certificate of Appropriateness
    - Special Exceptions
    - Addressing
  - Revamped PUD 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

- 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

- **2.01 - General Administration**
  - 2.01.03 moved from 2.02.02
  - 2.01.04 moved from 2.02.03 - Renamed "Notice to the Public"
    - B. Clarified which applications require notice to the public.
    - B.25 added specific exemptions
  - 2.01.05 moved from 2.02.05
  - *2.02.04 Staff Reports - removed and turned into a policy letter*
- **2.02 - Development Orders**
  - 2.02.01. updated and includes more specific regulations.
  - 2.02.02. moved from 2.03.02
    - 2.02.02.A. more clearly defines a development order and when they are required.
    - 2.02.02.B. moved from 2.03.02.A.
    - 2.02.02.C. moved from 2.03.02.B. and consolidated with B.1.
      - *2.03.02.B.1.b. "required elements of a development order" - removed and turned into a policy letter*
    - 2.02.02.D., E., & F. moved from 2.03.02.D
- **2.03 - Guarantees, Sureties, and Future Improvement Payments**
  - 2.03.01 moved from 2.02.06.A.
    - *2.02.06.9.f. & g. - moved to **Article 5,** Section 5.02.01.E. & F.*
  - 2.03.02 moved from 2.02.06.B.
- **2.04 - Planning Application Types and General Review Processes** (previously Sec. 2.03)
  - 2.04.01 - moved from 2.03.01 Table 2-1 and updated to reflect the reorganization.
  - 2.04.02 - moved from 2.06.01.
    - 2.04.02.C.1.a. - includes specific exemptions for Pre-application meetings.
    - *2.06.01.C.3.a. - e. - removed and turned into a policy letter*
  - 2.04.03 - moved from 2.06.02
- **2.05 - Land Division Applications and Review Process**
  - 2.05.01 & 2.05.02 are created out of the new language per Ordinance 25-17-LC.
  - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.05.
    - 2.05.03. moved from 2.06.05
    - 2.05.04. & 2.04.05. moved from 2.06.06.
    - 2.05.06. moved from 2.06.07.
    - 2.05.07. moved from 2.06.08.
    - *2.06.08. Final Plat Approval and Release of Plat - replaced with 2.05.01 & 02.*
- **2.06 - Land Development Applications and Review Process**
  - 2.06.01 is a combination of the previous 2.06.01 but also elements were consolidated here with redundant requirements for Land Development applications.
  - All sections in 2.06 pertaining to the review process for land division applications were consolidated into the corresponding Section 2.06.
    - 2.06.02. moved from 2.05.01 & 2.06.10.
    - 2.06.03. moved from 2.05.02 & 2.06.11.
    - 2.06.04. moved from 2.05.03 & 2.06.12.
    - 2.06.05. moved from 2.04.05. & 2.06.10., .11, & .12
    - 2.06.06. moved from 2.06.13.

Organization, cont.

- **2.07. - Miscellaneous Planning Application and Review Process**
  - 2.07.01. moved from 2.06.03.
  - 2.07.02. moved from 2.06.04.
  - 2.07.03. moved from 2.06.09.
- **2.08. - Planned Unit Development Application and Review Process** *(previously Sec 2.07)* - set minimum size to 5 acres across the city.
- **2.09. - Marine Construction Applications and Review Process** *(previously Sec 2.08)*
  - 2.09.03. moved from 2.02.03.A.1.c.
- **2.10. - Conditional Use and Certificate of Appropriateness Review Process** *(previously Sec 2.09)*
  - *No Change*
- **2.11. - Change of Use and Special Event Application and Review Process** *(previously Sec 2.10)*
  - *2.10.03. & .04. "Special Events" will be moved to the Code of Ordinances*
- **2.12. - Appeals, Special Exception, and Variance Application and Review Process** - *(previously Sec 2.11)*
  - *Section 2.12 was "Procedures for Right-of-Way Construction Review" and moved to Section 2.14.08. & 09.*
- **2.13. - Telecommunications and Wireless Facilities** - *No Change*
- **2.14. - Site Development and Building Permit Review** *(previously Procedures for Construction and Building Permit Review)*
  - 2.14.01. was changed to "Site Development Permits and previous paragraphs A. & B. were reorganized into A., B., C., & D. to facilitate site development specificity
  - 2.14.08 moved from 2.12.01.
  - 2.14.09. moved from 2.12.02.
- **2.15. - Procedures for Public Hearings or Meetings** - *No Change*
- **2.16. - Establishment of City Boards and Advisory Committees -**
  - Added requirements for members to be City of Destin residents to all boards.
- **2.17. - Procedures for Addressing** - *No Change*
- **2.18. - Development Review Fees** - *No Change*

Consolidation

- **Article 2 - Administration**
  - **Section 2.01 - General Administration**
    - Current Section 2.01, 2.03, 2.04, 2.17, & 2.18
  - **Section 2.02 - Development Orders**
    - Current Sections 2.08 & 2.21
  - **Section 2.03 - Guarantees, Sureties, & Future Improvement Payments**
    - Current Section 2.20
    - New Fee in Lieu regulations
  - **Section 2.04 - Planning Applications and General Review Process**
    - Current Sections 2.05 and portions of 2.06 & 2.21
    - Inclusion of a user chart with hyperlinks to specific procedural sections
  - **Section 2.05 - Land Division Applications and Review Process**
    - Portions of current Sections 2.05, 2.06, 2.09, & 2.19
  - **Section 2.06 - Land Development Applications and Review Process**
    - Portions of current Sections 2.05, 2.06 2.07, 2.08, 2.09, & 2.24
  - **Section 2.07 - Miscellaneous Planning Applications and Review Process**
    - Current Sections 2.02 and 8.01.00
    - New Annexation process
  - **Section 2.08 - Planned Unit Developments**
    - New regulations for PUDs & portions of 7.14
  - **Section 2.09 - Marine Construction Applications**
    - Portions of Current Section 11.05
  - **Section 2.10 - Condition Use and Certificate of Appropriateness Review Process**
    - Portions of Current Sections 2.25
  - **Section 2.11 - Change of Use application and Review Process**
    - Current Section 2.28, and Current Historic Overlays procedures in Section 7.12.06
  - **Section 2.12 - Appeal, Special Exception, and Variance Applications and Review Process**
    - Current Section 2.25
    - New language on appeals of City Council and BOA
    - New process for Special Exceptions
  - **Section 2.13 - Telecommunications and Wireless Facilities**
    - Current Section 7.19.
  - **Section 2.14 - Site Development and Building Permit Review**
    - Portions of previous Article 20 (moved Building Regulations from LDC to COO)
    - Portions of current Section11.05
    - Portions of current Section 8.01.00
  - **Section 2.15 - Procedures for Public Hearings or Meetings**
    - Portions of current Article 4
  - **Section 2.16 - Establishment of City Boards and Advisory Committees**
    - Portions of current Article 4
  - **Section 2.17 - Procedures for Addressing**
    - New addressing requirements and regulations
  - **Section 2.18 - Development Review Fees**
    - Reference to the adopted Schedule of Fees

ITEM # 2025-1375

CITY OF DESTIN – COMMUNITY DEVELOPMENT

AGENDA ITEM

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

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: December 2, 2025

SUBJECT: Proposed Ordinance 26-03-LC Land Development Code Article 5 – Subdivision Regulations

---

I. BACKGROUND: On April 5, 2021, City Council unanimously approved the scope of work and budget to completely rewrite the Land Development Code (LDC). 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 5 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 have been working with the City's selected consultant, 3TP Ventures, LLC, to get this effort to the finish line. Efforts from both sides have been critical in getting this project to this point. As Councilmember's and other individuals review these draft articles there may be several instantly recognizable changes, compared to the current LDC and some that may not be readily apparent, but the main areas of change include Language, Format, Organization, and Consolidation.

Article 5 – Subdivision Regulations consists of current LDC Section 7.08.00 and various other elements of required development. The Article consolidates and reorganizes all the regulations that govern subdivisions or the division of land within the City of Destin. The draft Article 5 also provides clarity of the current regulations and updates requirements to existing industry standards or safety requirements. The main areas where the draft provides clarity are:

1. The minimum standards for any new subdivision
2. The final approval requirements before lots can be sold

The LPA recommended approval of Draft ***Article 5 – Subdivision Regulations*** on April 11, 2024.

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.

Changes since the Council Workshop on December 3, 2024

- 5.01. Purpose & Intent - Updated language to specify subdivisions
- 5.02 General Standards
    - 5.02.01 Development of Subdivisions
        - A & B were merged and modified to provide clarity.
        - C.1 & 2 were consolidated and modified to provide clarity in circumstances when common ownership associations are required.
    - 5.02.02 - B.2. - deleted since we already have a variance process to go through to request relief from the LDC requirements.
    - 5.02.03 - Reorganized for clarity and removed a redundant list of examples of "Projects or developments under single ownership"
    - 5.02.04 - Entire section was updated, providing more clarity
        - A.1 & 2Block minimum size was increased from 660' to 800': requiring mid-block crossing for any block exceeding 400'
- 5.03. Stormwater
    - 5.03.01 - Entire section was simplified and provides clarity, and removed unnecessary lists
    - 5.03.02 - Entire section was simplified and provides clarity.
- 5.04. Utilities
    - 5.04.01
        - C. - Requires a minimum of 15' easement for all utility easements.
        - D. - Added to require all utility easements to be non-exclusive.
    - 5.04.02
        - A. - Provides specificity for developers, requiring them to attach to

the local sewer system.
    - A.1. - Updated to include "other non-centralized sewer systems."
- 5.05 Accessways
    - 5.05.01.A.2.a - Removed City Manager's ability to waive this requirement.
    - 5.05.02.B - Clarifies that any approved variance to access must be recorded against each lot for sale in the subdivision.
- 5.06 Requirements for Improvements
    - 5.06.01.A.2 - Was updated to simplify and provide clarity.
- 5.07 Dedication of Road(s), Street(s), or Right(s)-of-Way
    - 5.07.01.C.1 - Removed as this is redundant with paragraph C.
- 5.08 Exceptions
    - 5.08.01.A - Cleaned up redundant language.

Consolidation: Brought to gather all regulations pertaining to the development of new subdivisions.

- 5.01 - Purpose and Intent
    - 7.08.01

- 5.02 - General Standards
    - 7.08.02
    - 7.08.10
- 5.03 - Stormwater
    - 7.08.03
    - Portions of 10.03.00
- 5.04 - Utilities
    - 7.08.04
    - 7.08.05
    - 7.08.06
    - 7.08.09
    - Portions of 10.01.00 - 10.04.00
- 5.05 - Accessways
    - New requirements for ingress/egress for subdivisions as a whole (not individual lots)
- 5.06 - Requirements for Improvements
    - Portions of 7.08.10 - refers to Article 2 for final plat and surety approval
- 5.07 - Dedication of Roads
    - 8.01.00.E.2 & 6
- 5.08 - Exceptions
    - 7.08.08

III. RECOMMENDATIONS: The purpose of tonight's action is to forward the LPA's formal recommendation of "Article 5 - Subdivision Regulations" to City Council.

IV. RECOMMENDED MOTION: I move that the LPA recommend approval of Ordinance 26-03-LC to the City Council.

ALTERNATIVE MOTION:

I move that the LPA recommend approval of Ordinance 26-03-LC to the City Council, with the changes discussed.

Attachments:

1. Ord. 26-03-LC LDC REWRITE ARTICLE 5
2. EXHIBIT A TO ORD Article 5 - Subdivision Regulations - FINAL DRAFT 11.25 - with strikethrough
3. Article 5 - Subdivision Regulations - Working Draft 11.25
4. City Council Minutes 12-03-2024 Workshop
5. Article 11 - Glosarry - WORKING DRAFT 11.25.
6. Article 5 Ordinance Presentation

ORDINANCE NO. 26-03-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING SECTION 7.08.00, REGULATION OF THE SUBDIVISION OF LAND, OF THE LAND DEVELOPMENT CODE; REPLACING SECTION 7.08.00 BY CREATING A NEW ARTICLE 5, SUBDIVISION REGULATIONS, OF THE LAND DEVELOPMENT CODE; 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 l.0l (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, on April 13, 2021, 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 5 of the LDC to the City's Land Planning Agency and incorporated recommendations from the LPA into the proposed Article 5; and

WHEREAS, from 2022 to 2024, City Staff held multiple workshops before the City's Land Planning Agency and incorporated recommendations from the LPA 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 26-03-LC deletes and replaces in its entirety the existing Article 7, Section 7.08.00 entitled "REGULATION OF THE SUBDIVISION OF LAND" of the City Land Development Code; and

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on December 4, 2025, for the purpose of providing recommendations to the City Council with regard to this Ordinance amending the Land development Code 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, <u>underline language</u> 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 7.08.00. - Regulation of the subdivision of land of the Land Development Code are hereby repealed in their entirety and replaced by Article 5 - Subdivision Regulations as shown in <u>"Exhibit A"</u> to this Ordinance. Exhibit "A" to this Ordinance constitutes Article 5 of the City of Destin's Land Development Code as of the Effective Date of this Ordinance.

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

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

SECTION 6. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective on October 1, 2026, provided it is adopted by the City Council and signed by the Mayor prior to October 1, 2026.

ADOPTED THIS ____DAY OF _____, 2025.

By: _____
Bobby Wagner, Mayor

ATTEST:

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

DRAFT

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____
Second Reading: _____

EXHIBIT "A"

City of Destin, FL - SUBDIVISION REGULATIONS

Table of Contents

ARTICLE 5 – SUBDIVISION REGULATIONS 2
SECTION 5.01 PURPOSE AND INTENT 2
SECTION 5.01.01 PURPOSE 2
SECTION 5.02 GENERAL STANDARDS 2
SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS 2
SECTION 5.02.02 PRESERVATION OF LAND AND CONFORMANCE 2
SECTION 5.02.03 STREETS 3
SECTION 5.02.04 DEVELOPMENT BLOCKS 3
SECTION 5.03 STORMWATER 4
SECTION 5.03.01 STORMWATER PLAN 4
SECTION 5.03.02 EASEMENTS 4
SECTION 5.03.04 MATERIAL SPECIFICATIONS AND CONSTRUCTION STANDARDS 4
SECTION 5.04 UTILITIES 4
SECTION 5.04.01 GENERAL 4
SECTION 5.04.02 SEWER 5
SECTION 5.04.03 WATER 5
SECTION 5.04.05 STREETLIGHTS 5
SECTION 5.05 ACCESSWAYS 5
SECTION 5.05.01 INGRESS AND EGRESS REQUIREMENTS 5
SECTION 5.05.02 DEVIATION FROM ACCESS REQUIREMENTS 5
SECTION 5.06 REQUIREMENTS FOR IMPROVEMENTS 6
SECTION 5.06.01 FINAL PLAT REQUIREMENTS 6
SECTION 5.07 DEDICATION OF ROAD(S), STREET(S), OR RIGHT(S)-OF-WAY 6
SECTION 5.07.01 DEDICATION REQUIREMENTS 6
SECTION 5.08 EXCEPTIONS 6
SECTION 5.08.01 EXCEPTIONS TO COMPLIANCE WITH LAND SUBDIVISION REGULATIONS 6

EXHIBIT "A"

City of Destin, FL - SUBDIVISION REGULATIONS

ARTICLE 5 – SUBDIVISION REGULATIONS

SECTION 5.01 PURPOSE AND INTENT

SECTION 5.01.01 PURPOSE

A. The purpose and intent of the subdivision regulations are to assure future subdivisions in the city conform to certain minimum criteria implementing the policies of the City's adopted comprehensive plan. Standards provided under this code are designed to ensure new subdivisions benefit the city, guard against the negative impacts of growth, and to protect neighboring properties as well as the general public from potential adverse impacts from a proposed new subdivision.

SECTION 5.02 GENERAL STANDARDS

SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS

A. Every lot created shall be located adjacent to a street or access easement that provides safe and convenient access for servicing, fire protection and required off-street parking. The developer shall submit suggested street and private way names to the City as part of the subdivision or planned unit development application.

B. The City Council shall name unnamed streets or private ways, as shown on the approved subdivision or planned unit development plan.

C. Whenever a proposed subdivision development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements in perpetuity.

   1. When the proposed development is to be organized as a condominium, or other common ownership entity, under the provisions of Chapters 718, 719, 720, and 721 of Florida statutes, common facilities and property shall be conveyed to the association pursuant to the appliable law and a recorded copy of the documents must be provided to the City before preliminary acceptance.
   2. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer or designee.

D. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land.

   1. Such covenants shall be included with the request for final plat.
   2. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

SECTION 5.02.02 PRESERVATION OF LAND AND CONFORMANCE

A. Developers shall:

   1. Make every effort to maintain and conform to the existing topography and features of the tract by:
      a. Following natural or existing topographic features when establishing the size, area and shape of blocks and lots.

b. Maintaining all natural or established drainage or hydrologic elements on-site.

B. All lots shall adhere to the dimensional requirements as applicable and listed in Article 4.
C. No subdivision of land may exceed the maximum allowable density, except as provided in Article 2, Section 2.08 of this code.
D. Accessway
   1. All proposed accessways shall be compliant with this code.
   2. Existing accessways shall be closed, consolidated, or reconstructed to bring them into compliance with this code.

SECTION 5.02.03 STREETS

A. All proposed public streets shall conform to the City's design manual standards.
B. Private streets may be allowed in a subdivision as a primary means of access to any lot in any subdivision, provided that:
   1. A homeowners' association, complying with state statutes, has been established.
   2. The streets meet the minimum design and construction standards per this code and the design manual.
C. In the case of projects or development under single ownership, or with common area under association ownership, the owner, homeowners' association, or other managing agency shall be responsible for construction, maintenance, and control of such roadways.
D. Nothing herein shall be construed to require the expansion of right-of-way for private streets installed as of March 3, 1986, which meet minimum pavement width, roadway base, surface course, and material specifications and construction standards of the City.
E. The City shall not, accept a private street by dedication as a public street which fails to meet the minimum right-of-way standards.
F. All access points for private streets and rights-of-way shall be lit to meet the standards listed in Section 5.04.04.

SECTION 5.02.04 DEVELOPMENT BLOCKS

A. General requirements
   1. No block shall exceed eight hundred feet (800') in length.
      a. Unless otherwise required by Florida Department of Transportation along state rights-of-way.
   2. Blocks proposed to exceed four hundred feet (400') in length shall place a mid-block pedestrian crosswalk.
   3. All blocks shall provide pedestrian and vehicular access surrounding all blocks.
   4. All rights-of-way must terminate at other rights-of-way forming a network.
   5. Where adjoining areas are not developed, rights-of-way in new subdivisions should be extended to the project boundary line and a stub-out for the future projection of rights-of-way into the adjoining areas shall be required.

6. Cul-de-sacs and dead ends are only allowed where no connection is feasible to an existing adjacent subdivision or a natural or man-made barrier, such as a waterway, or unusual topography, exists that prevents connection. Exceptions must be approved by City Engineer.
7. New or redeveloped subdivisions five (5) acres or more must have more than one (1) connection to collector or arterial street network as determined by the City Engineer.

B. Residential Development Blocks
1. Blocks shall have sufficient width to provide for two tiers of lots except when prevented by unique topographic or natural conditions.

SECTION 5.03 STORMWATER

SECTION 5.03.01 STORMWATER PLAN

A. A stormwater master plan is required for every new subdivision.
B. Redeveloped subdivisions five (5) acres or over shall have an approved stormwater master plan.
C. Any new or redeveloped subdivision five (5) acres or more shall not collect stormwater on individual lots.
D. Stormwater master plans shall demonstrate the capability of the system to collect, control, and dispose of stormwater runoff from the entirety of the development (including the individual lots).
E. Stormwater design shall be in accordance with the design manual and as set forth in Article 6, Section 6.04.

SECTION 5.03.02 EASEMENTS

A. Any drainage exiting the right-of-way shall be provided with an easement.
B. Any connection from a public street to any private stormwater facility shall belong to private stormwater owner, not the city.
C. Drainage easements shall be a minimum of fifteen feet (15') in width and approved by City Engineer.
D. For any open channels the drainage easement shall include five feet (5') from top of bank on one side and fifteen feet (15') from top of bank on the other in addition to the width required for the open channel.

SECTION 5.03.04 MATERIAL SPECIFICATIONS AND CONSTRUCTION STANDARDS

A. All material and construction shall conform to Florida Department of Transportation specifications and requirements.

SECTION 5.04 UTILITIES

SECTION 5.04.01 GENERAL

A. The developer shall place all utilities underground.

B. An easement for utilities, if required, shall be provided.
C. Utility easements shall meet the minimum requirements of the utility provider, if required, but shall not be less than fifteen feet (15') in width.
D. All utility easements shall be dedicated for all utilities and shall not be exclusive.

SECTION 5.04.02 SEWER

A. The developer shall provide necessary collection lines, lift stations, etc., providing sanitary collection service to each home located in the subdivision attaching to the sewer system of the local sewer provider.
    1. Septic tanks or other non-centralized sewer systems are prohibited within the city limits.
B. Sewer lines within the city right-of-way or within easements must be inspected and approved by the local sewer authority, and the City.

SECTION 5.04.03 WATER

A. Subdivisions developed in the vicinity of operating water systems shall connect into that system if capacity is adequate.
    1. Where operating water systems are not accessible, approval shall be obtained from the Florida Department of Environmental Protection and other concerned agencies for individual wells for each lot.
    2. Developers may install a community water system upon the approval of the Florida Department of Environmental Protection or other agencies concerned.
    3. Water lines within the city right-of-way or within easements must be inspected and approved by local water authorities or providers and the City.

SECTION 5.04.05 STREETLIGHTS

A. Developers shall provide streetlighting in accordance with the design manual.

SECTION 5.05 ACCESSWAYS

SECTION 5.05.01 INGRESS AND EGRESS REQUIREMENTS

A. More than one means of ingress/egress shall be provided for the following proposed development:
    1. Single-family or duplex development of more than five (5) acres
    2. Multi-family, non-residential or mixed-use development.
B. Access points designated for emergency use only shall not be used to meet the ingress and egress requirement.

SECTION 5.05.02 DEVIATION FROM ACCESS REQUIREMENTS

A. A deviation or variance from the access point (ingress/egress) requirements stated in this subsection must be obtained through the variance process in Article 2.

B. If a variance from this section is approved the variance shall be recorded by the developer in the public records prior to the issuance of a development order allowing construction of access to the development.
   1. The notice shall include the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

SECTION 5.06 REQUIREMENTS FOR IMPROVEMENTS

SECTION 5.06.01 FINAL PLAT REQUIREMENTS

A. Before any final plat can be approved and before any lot can be sold or any building permit issued in a proposed subdivision, one of the following shall be satisfactorily completed:
   1. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.
   2. The developer may post a performance surety as per Article 2, Section 2.03.

B. See Article 2, Section 2.05 for final approval process and other requirements.

SECTION 5.07 DEDICATION OF ROAD(S), STREET(S), OR RIGHT(S)-OF-WAY

SECTION 5.07.01 DEDICATION REQUIREMENTS

A. Projects proposed adjacent to or abutting a transportation corridor for which improvements are shown in the current five-year capital improvements program, shall, as a condition of approval, dedicate lands within the project site, which are necessary for that right-of-way to the City of Destin. Such dedication shall occur by recordation on the plat, deed, grant of easement, or other method acceptable to the City of Destin.

B. Land to be dedicated shall be only that shown to be necessary for the planned improvements. The amount of land required to be dedicated also shall not exceed the amount that is roughly proportionate to the transportation impacts to be generated by the proposed project unless the landowner is to be compensated in some fashion for any additional dedicated land.

C. If the cost of right-of-way acquisition is included in the mobility fee structure, the value of dedicated right-of-way may be a credit against mobility fees assessed to the proposed project.

SECTION 5.08 EXCEPTIONS

SECTION 5.08.01 EXCEPTIONS TO COMPLIANCE WITH LAND SUBDIVISION REGULATIONS

A. The following exceptions to compliance with the subdivision regulations shall be strictly construed and should any requirement for the granting of the exception be held illegal or invalid, then the exception shall be null and void in its entirety and compliance shall be required with the remaining provisions of the subdivision regulations.

1. Roads.
    a. For any roads which are exempt under this section from provisions of this code to be accepted into the city maintenance system, the road shall be constructed and paved in accordance with the provisions of this code and the adopted Design Manual.
2. Inheritance.
    a. Any divisions of land directly from inheritance, either by testate or intestate, shall be exempted from the provisions of this section, provided that such division is not accomplished through recorded plats.
        1. In no instance shall a lot or parcel created through inheritance be noncompliant with the minimum regulations and requirements of this code.

***

~~7.08.00. Regulation of the subdivision of land.~~

~~7.08.01. *Purpose.* Purpose and intent of subdivision regulation is to assure that the future growth, development and redevelopment in the city conform to certain minimum criteria. Standards provided under this Code are designed to protect the general health, safety, and welfare of the city and its citizens; to ensure the beneficial impacts of growth and guard against the negative impacts of growth, and to protect neighboring properties as well as the general public from potential adverse impacts from a proposed use.~~

~~7.08.02. *General design standards.* (See also article 8, section 8.03.00.)~~

~~A. Developers shall make every effort to conform to the natural topography and features of the tract, and in establishing the size, area and shape of blocks and lots. The developer should also take steps to ensure the preservation of the land. Minimum lot area, width and depths are specified in the section 7.12.02.~~

~~B. Private streets, as a principal means of access to individually owned lots in subdivisions that are required to comply with the provisions of this article, shall be prohibited unless the developer establishes a homeowners' association complying with state statutes. This requirement does not apply to the provision of roadways within shopping centers, industrial districts, apartment projects or townhouse projects, and other developments under single ownership. In such cases, the owner or homeowners' association shall be responsible for construction, maintenance and control of such roadways. Private streets are required to be constructed in accordance with applicable standards. Nothing herein shall be construed to require the expansion of right-of-way for private streets installed as of March 3, 1986, which meet minimum pavement width, roadway base, surface course, and material specifications and construction standards of the city. The city shall not, however, accept a private street by dedication as a public street which fails to meet the minimum right-of-way standard of the city.~~

~~C. Residential blocks shall not be more than 1,500 feet in length. Where block length exceeds 800 feet, consideration will be given to the installation of a pedestrian crosswalk.~~

~~1. Blocks shall have sufficient width to provide for two tiers of lots except when prevented by unique topographic or natural conditions.~~

~~2. Lot area, width and depth shall conform to the requirements of section 7.12.02.~~

~~7.08.03. *Drainage.*~~

~~A. *Generally.* A complete drainage plan shall be submitted by the developer and approved by the city engineer. These plans shall show sufficient documentation to demonstrate the capability of the drainage system to collect, control, and dispose of storm runoff. The drainage system will include all catchbasins, manholes, inlets, headwalls, street grades, bridges, pipes, settling basins, greenbelted open space, etc., to include stormwater calculations used in the design and other significant details deemed necessary by the city engineer. The drainage system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below. Rainfall data shall be obtained from the state department of transportation's rainfall curves.~~

~~1. Bridges and bridge culverts (on major streets/roads), 50 years.~~

~~2. Bridges and bridge culverts (on collector streets/roads), 25 years.~~

~~3. Retention basins, 25 years.~~

4. All other facilities, ten years.

B. *Open channels and outfall ditches.* Design will be provided so channels and ditches will not overflow their banks; where flow velocities exceed two feet per second, ditch pavement or other permanent protection against scour shall be provided. All ditches not protected with a permanent material will be dressed and seeded to provide an erosion resistant embankment.

C. *Easements.* Easements will be provided for the drainage of stormwater; easements for drainage will be no less than 15 feet in width except for open channels and ditches where a width of 15 feet plus the top width of the ditch will be provided with such 15 feet to lie wholly along one side of the ditch.

D. *Material specifications and construction standards.* All material and construction shall conform to the state department of transportation's Standard Specifications for Road and Bridge Construction.

7.08.04. *Utilities.* The developer is required to place all utilities underground.

7.08.05. *Sewer.*

A. Subdivisions developed in the vicinity of operating collector systems shall connect into that system if sewage capacity exists. The developer must provide necessary collection lines, lift stations, etc., to provide sanitary collection service to each home located in the subdivision.

1. Where sewer lines or treatment capacity are not accessible to the subdivision, approval shall be obtained from the health department and other concerned agencies to provide individual septic tanks for each lot.

2. Developers may install a collection system and an approved sewerage treatment facility. Such facility shall be designed to tie in with a central system upon the construction of a central facility.

3. Septic tanks are prohibited in coastal high-hazard areas (policy 11.A.6.2).

4. Sewer lines within the city right-of-way or within easements must be inspected and approved by Destin Water Users, Inc.

7.08.06. *Water.*

A. Subdivisions developed in the vicinity of operating water systems shall connect into that system if capacity is adequate.

1. Where operating water systems are not accessible, approval shall be obtained from the Northwest Florida Water Management District and other concerned agencies for individual wells for each lot.

2. Developers may install a community water system upon the approval of the Northwest Florida Water Management District, or other concerned agencies.

3. Water lines within the city right-of-way or within easements must be inspected and approved by Destin Water Users, Inc.

7.08.07. *Utility easements (objective 7.A.9; policy 7.A.9.1).*

A. An easement for utilities, if required, shall be made available at no expense to the city and shall be at least 15 feet in width. Easements of greater width may be required for the extension of water or sewer lines, or other utilities.

B. Where utility facilities such as sewer lift stations are required for a service area greater than the subdivision subject to development, the city may acquire land from the developer under negotiated terms approved by the City Council.

7.08.08. *Exceptions.* The following exceptions to compliance with the requirements of the subdivision regulation provisions shall be strictly construed, and should any requirement for the granting of the exception be held illegal or invalid, then the exception shall be null and void in its entirety and compliance will be required with the remaining provisions of the subdivision regulations.

A. *Roads.* In order for any roads which are exempt under this section from provisions of this code to be accepted into the city maintenance system, the road shall be constructed and paved in accordance with the provisions of this section 8.03.00 of this code.

B. *Inheritance.* Any divisions of land directly from inheritance, either by testate or intestate, shall be exempted from the provisions of this section, provided that such division is not accomplished through recorded plats.

C. *Deed of gift.* Any deed of gift for any one parcel of land within a 12-month period given without valuable consideration to any member of the donor's immediate family, and approved by the City Council within 120 days of execution of the deed or other instrument of conveyance, shall be exempted from the provisions of this section. However, any subsequent division shall not be exempted, except in compliance herewith. The deed or other instrument of conveyance shall contain the following words: "This deed is in accordance with the provisions of subsection 7.08.08(D), Deed of gift, of the Code of Ordinances and the grantee agrees that the parcel of land described herein shall not be deeded or conveyed by other instrument to another party or parties for a period of two years from the date of approval by the City Council."

D. *Campgrounds; mobile home parks; travel trailer parks.* Campgrounds, mobile home parks or travel trailer parks on parcels of land in one ownership providing rental spaces are exempt from the provisions of this section.

7.08.09. *Streetlights.* In all areas outside of the MMTD, the developer shall install streetlights approximately every 300 feet along the road right-of-way. The developer shall pay the additional facilities charges associated with the installation of the streetlights. Prior to release of the mylar, the developer must provide the city with proof that the additional facilities charges have been paid. For all areas inside the MMTD, please refer to section 8.09.03 of this code. Additionally, for developments proposed in close proximity to the shoreline, please refer to Section 7.17.01 of this code.

7.08.10. *General requirements for improvements.* Before any final plat can be approved and before any lot can be sold or any building permit issued in a proposed subdivision, one of the following shall be satisfactorily completed:

A. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.

B. The developer may post a performance bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer. Such bond shall be released upon satisfactory installation of all improvements.

C. The developer may sell or lease lots on contract and construct buildings provided that he agrees that all monies received from sale, lease, or other transfer shall be placed in escrow or other satisfactory account until such time as improvements are completed and approved by the city engineer. No deeds shall be issued or recorded until such approval has been obtained.

D. The developer may post a letter of credit acceptable to the City Council for an amount necessary to complete all improvements required in the approval plans. Such letter of credit shall be released on satisfactory installation of all improvements.

E. The developer may post with the City Council proof that a development loan has been approved by a recognized and approved lending institution, such development loan to be sufficient to cover the cost

~~of improvements required in the approved plans, and the lender is bound to advance the funds as the work is completed, thereby providing for correction if the developer defaults.~~

~~(Ord. No. 231, § III, 1-19-93; Ord. No. 04-13-LC, § 4, 8-2-04; Ord. No. 08-14-LC, § 7, 1-20-09)~~

City of Destin, FL - SUBDIVISION REGULATIONS

Table of Contents

ARTICLE 5 – SUBDIVISION REGULATIONS 2
SECTION 5.01 PURPOSE AND INTENT 2
SECTION 5.01.01 PURPOSE 2
SECTION 5.02 GENERAL STANDARDS 2
SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS 2
SECTION 5.02.02 PRESERVATION OF LAND AND CONFORMANCE 3
SECTION 5.02.03 STREETS 4
SECTION 5.02.04 DEVELOPMENT BLOCKS 5
SECTION 5.03 STORMWATER 5
SECTION 5.03.01 STORMWATER PLAN 6
SECTION 5.03.02 EASEMENTS 7
SECTION 5.03.04 MATERIAL SPECIFICATIONS AND CONSTRUCTION STANDARDS 7
SECTION 5.04 UTILITIES 7
SECTION 5.04.01 GENERAL 7
SECTION 5.04.02 SEWER 7
SECTION 5.04.03 WATER 7
SECTION 5.04.05 STREETLIGHTS 8
SECTION 5.05 ACCESSWAYS 8
SECTION 5.05.01 INGRESS AND EGRESS REQUIREMENTS 8
SECTION 5.05.02 DEVIATION FROM ACCESS REQUIREMENTS 8
SECTION 5.06 REQUIREMENTS FOR IMPROVEMENTS 8
SECTION 5.06.01 FINAL PLAT REQUIREMENTS 8
SECTION 5.07 DEDICATION OF ROAD(S), STREET(S), OR RIGHT(S)-OF-WAY 9
SECTION 5.07.01 DEDICATION REQUIREMENTS 9
SECTION 5.08 EXCEPTIONS 9
SECTION 5.08.01 EXCEPTIONS TO COMPLIANCE WITH LAND SUBDIVISION REGULATIONS 9

ARTICLE 5 – SUBDIVISION REGULATIONS

SECTION 5.01 PURPOSE AND INTENT

SECTION 5.01.01 PURPOSE

A. The purpose and intent of the ~~S~~subdivision ~~R~~regulations ~~is~~are to assure future ~~growth, development and redevelopment~~subdivisions in the city ~~conforms~~conform to certain minimum criteria implementing the policies of the City's adopted ~~C~~comprehensive ~~P~~plan. Standards provided under this ~~C~~code are designed to ensure new ~~development~~ subdivisions benefit~~s~~ the ~~C~~city, guard against the negative impacts of growth, and to protect neighboring properties as well as the general public from potential adverse impacts from a proposed new ~~development or use~~subdivision.

SECTION 5.02 GENERAL STANDARDS

SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS

~~A.~~ Every lot created shall be located adjacent to a street or access easement that provides safe and convenient access for servicing, fire protection and required off-street parking. ~~Every building erected or moved shall be located on a lot adjacent to a street or access easement as specified in this article.~~

~~B. All structures shall be placed or constructed on lots that provide safe and convenient access for servicing, fire protection, and required off-street parking.~~

~~C.~~A. ~~In new developments, t~~The developer shall submit suggested street and private way names to the City as part of the subdivision or planned unit development application.

~~D.~~B. The City Council shall name unnamed streets or private ways, as shown on the approved subdivision or planned unit development plan.

~~E.~~C. Whenever a proposed subdivision development provides for the creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements in perpetuity.

~~1.~~ When the proposed development is to be organized as a condominium, or other common ownership entity, under the provisions of Chapters 718, 719, 720, and 721 of Florida ~~.S~~statutes~~.~~, common facilities and property shall be conveyed to the ~~condominium~~ association pursuant to the applicable~~at~~ law~~.~~

~~2. When no condominium is to be organized under Chapter 719, F.S., an owner's association shall be created, and all common facilities and properties shall be conveyed to that association~~ and~~.~~

~~a.~~1. ~~When a development requires an owner's association,~~ a recorded copy of the documents must be provided to the City before preliminary acceptance.

~~3.~~2. The developer shall submit a proposed infrastructure maintenance plan and budget. The proposed budget must be submitted for review by the City Engineer or designee.

~~F.~~D. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land.

1. Such covenants shall be included with the request for final plat.
2. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the city.

City of Destin, FL - SUBDIVISION REGULATIONS

SECTION 5.02.02 PRESERVATION OF LAND AND CONFORMANCE

A. Developers shall:
   1. Make every effort to maintain and conform to the existing topography and features of the tract by:
      a. Following natural or existing topographic features when establishing the size, area and shape of blocks and lots.
      b. Maintaining all natural or established drainage or hydrologic elements on-site.
      ~~c. The developer should also take steps to ensure the preservation of the land.~~

~~B. Lot dimensions~~

~~1.~~B. All lots shall adhere to the dimensional requirements as applicable and listed in Article 4.

~~2. When natural features limit a lot from meeting the minimum width or depth, but can meet minimum area:~~

~~a. The developer may request a waiver for a replat, lot split, or other Minor Subdivision, or a recommendation for approval, in the case of a Major Subdivision, from the City Manager or their designee.~~

~~1. When approving a waiver, the City Manager or their designee shall determine that the waiver is compatible with the intended purpose of the subdivision and in the community's best interest by establishing the following:~~

~~(i) There is a reasonable area for development of a primary structure.~~

~~(ii) A primary structure intended for the primary use of the development can be built within the required setbacks of the lot without the need for a variance.~~

~~(iii) There is independent and compliant access, from the right-of-way to the lot without the need for any easement or access agreement.~~

~~(iv) All minimum stormwater requirements shall be met.~~

~~(v) In no case can a waiver allow any increase of density.~~

~~C. Density~~

~~1.~~C. No subdivision of land may exceed the maximum allowable density, except as provided in Article 2, Section 2.~~07~~ 08 of this ~~C~~code.

D. Accessway
   1. All proposed accessways shall be compliant with this ~~C~~code.
   2. Existing accessways shall be closed, consolidated, or reconstructed to bring them into compliance with this ~~C~~code.

SECTION 5.02.03 STREETS

~~A. Public Streets:~~

~~1.~~A. All proposed public streets shall conform to the City's ~~Design~~ design m~~M~~anual standards.

~~B. Private streets:~~

~~1.~~B. Private streets may be allowed in a subdivision as a primary means of access to any lot in any subdivision, provided that:

~~a.~~1. A homeowners' association, complying with state statutes, ~~is~~has been established.

~~b.~~2. The streets meet the minimum design and construction standards per this ~~C~~code and the ~~adopted D~~design ~~Manual~~manual.

~~2.~~C. In the case of projects or development under single ownership, or with common area under association ownership, the owner, homeowners' association, or other managing agency shall be responsible for construction, maintenance, and control of such roadways.

~~a. Projects or developments under single ownership, include but are not limited to:~~

~~1. Shopping centers,~~

~~2. Industrial districts,~~

~~3. Multi-family or townhouse projects~~

~~3.~~D. Nothing herein shall be construed to require the expansion of right-of-way for private streets installed as of March 3, 1986, which meet minimum pavement width, roadway base, surface course, and material specifications and construction standards of the ~~c~~City.

~~4.~~E. The ~~c~~City shall not, ~~however,~~ accept a private street by dedication as a public street which fails to meet the minimum right-of-way standard~~s of the city~~.

~~5. Lighting:~~

~~a.~~F. All access points for private streets and rights-of-way shall be lit to meet the standards listed in Section 5.04.04.

SECTION 5.02.04 DEVELOPMENT BLOCKS

A. General requirements

1. No block shall exceed eight hundred feet (800') in length.
   a. Unless otherwise required by Florida Department of Transportation along state rights-of-way.
2. Blocks proposed to exceed four hundred feet (400') in length shall place a mid-block pedestrian crosswalk.
3. All blocks shall provide pedestrian and vehicular access surrounding all blocks.
4. All rights-of-way must terminate at other rights-of-way forming a network.
5. Where adjoining areas are not developed, rights-of-way in new subdivisions should be extended to the project boundary line and a stub-out for the future projection of rights-of-way into the adjoining areas shall be required.
6. Cul-de-sacs and dead ends are only allowed where no connection is feasible to an existing adjacent subdivision or a natural or man-made barrier, such as a waterway, or unusual topography, exists that prevents connection. Exceptions must be approved by City Engineer.

7. New or redeveloped subdivisions five (5) acres or more must have more than one (1) connection to collector or arterial street network as determined by the City Engineer.

B. Residential Development Blocks

~~A.~~ Blocks shall have sufficient width to provide for two tiers of lots except when prevented by unique topographic or natural conditions.~~General requirements~~

~~1. No block shall exceed 660 feet in length.~~

~~a. Unless otherwise required by Florida Department of Transportation along state rights-of-way.~~

~~b. Blocks proposed to exceed 600 feet in length may be given consideration to install a pedestrian crosswalk.~~

~~1. This will be determined by the City Manager or their designee.~~

~~2. All blocks shall provide pedestrian and vehicular access surrounding all blocks.~~

~~B. Residential Development Blocks~~

~~1. Blocks shall have sufficient width to provide for two tiers of lots except when prevented by unique topographic or natural conditions.~~

SECTION 5.03 STORMWATER

SECTION 5.03.01 STORMWATER PLAN

A. A stormwater master plan is required for every new subdivision.

B. Redeveloped subdivisions five (5) acres or over shall have an approved stormwater master plan.

C. Any new or redeveloped subdivision five (5) acres or more shall not collect stormwater on individual lots.

D. Stormwater master plans shall demonstrate the capability of the system to collect, control, and dispose of stormwater runoff from the entirety of the development (including the individual lots).

E. Stormwater design shall be in accordance with the design manual and as set forth in Article 6, Section 6.04.

~~A. A complete stormwater system master plan shall be submitted by the developer and approved by the City Engineer.~~

~~B. Stormwater system plans shall demonstrate the capability of the system to collect, control, and dispose of stormwater runoff from the entirety of the development (including the individual lots).~~

~~C. The stormwater system plan shall include the following, as needed:~~

~~1. Bridges~~

~~2. Catch basins~~

~~3. Green belt or other natural vegetated open space, etc.~~

~~4. Headwalls~~

~~5. Inlets~~

~~6. Manholes~~
~~7. Pipes~~
~~8. Settling basins~~
~~9. Stormwater calculations used in the design~~
~~10. Street grades~~
~~11. Topography~~
~~12. Other significant details deemed necessary by the City Engineer.~~

~~D. The stormwater system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below.~~

~~E. Development - Basin with an outfall: 1" over the entire site, or 25 year-24-hour storm event, whichever is greater. Development - Basin without an outfall: 100 year-96-hour storm event. Rainfall data shall be obtained from the state department of transportation's rainfall curves, or other approved agencies.~~

~~F. Design shall be provided so channels and ditches shall not overflow their banks for a 3 year-1 hour storm event; where flow velocities exceed two feet per second, ditch pavement or other permanent protection against scour shall be provided.~~

~~G. All ditches not protected with a permanent material shall be sodded to provide an erosion resistant embankment.~~

SECTION 5.03.02 EASEMENTS

A. Any drainage exiting the right-of-way shall be provided with an easement.
B. Any connection from a public street to any private stormwater facility shall belong to private stormwater owner, not the city.
C. Drainage easements shall be a minimum of fifteen feet (15') in width and approved by City Engineer.
D. For any open channels the drainage easement shall include five feet (5') from top of bank on one side and fifteen feet (15') from top of bank on the other in addition to the width required for the open channel.

~~A. Easements shall be provided for the drainage of stormwater.~~

~~B. Easements for drainage shall be no less than 15 feet in width. The exception shall be for open channels and ditches where a width greater than 15 feet from top of bank to top of bank exists. Additionally, a 15-foot maintenance access shall be provided along one continuous side of the ditch.~~

SECTION 5.03.04 MATERIAL SPECIFICATIONS AND CONSTRUCTION STANDARDS

A. All material and construction shall conform to Florida Department of Transportation specifications and requirements.

SECTION 5.04 UTILITIES

SECTION 5.04.01 GENERAL

A. The developer shall place all utilities underground.
B. An easement for utilities, if required, shall be provided.
C. Utility easements shall meet the minimum requirements of the utility provider, if required, but shall not be less than fifteen feet (15') in width.
~~C.~~D. All utility easements shall be dedicated for all utilities and shall not be exclusive.~~.~~

SECTION 5.04.02 SEWER

A. The developer shall provide necessary collection lines, lift stations, etc., ~~to provide~~ providing sanitary collection service to each home located in the subdivision attaching to the sewer system of the local sewer provider.
   1. Septic tanks or other non-centralized sewer systems are prohibited within the city limits.
B. Sewer lines within the city right-of-way or within easements must be inspected and approved by the local sewer authority, and the City.

SECTION 5.04.03 WATER

A. Subdivisions developed in the vicinity of operating water systems shall connect into that system if capacity is adequate.
   1. Where operating water systems are not accessible, approval shall be obtained from the Florida Department of Environmental Protection and other concerned agencies for individual wells for each lot.
   2. Developers may install a community water system upon the approval of the Florida Department of Environmental Protection or other ~~concerned agencies~~agencies concerned.
   3. Water lines within the city right-of-way or within easements must be inspected and approved by local water ~~authority~~authorities or ~~provider~~providers and the ~~City~~City.

SECTION 5.04.05 STREETLIGHTS

A. ~~Developer~~Developers shall provide streetlighting in accordance with the ~~Destin d~~Design ~~M~~manual.

SECTION 5.05 ACCESSWAYS

SECTION 5.05.01 INGRESS AND EGRESS REQUIREMENTS

A. More than one means of ingress/egress shall be provided for the following proposed development:
   1. Single-family or duplex development of more than five (5) acres
   2. Multi-family, non-~~R~~residential or mixed-use development.
      ~~a. The City Manager or designee may waive this requirement based on site constraints.~~

B. Access points designated for emergency use only shall not be used to meet the ingress and egress requirement.

SECTION 5.05.02 DEVIATION FROM ACCESS REQUIREMENTS

A. A deviation or variance from the access point (ingress/egress) requirements stated in this subsection must be obtained through the ~~Variance~~ variance process in Article 2.

B. If a variance from this section is approved ~~,~~ ~~a~~the variance shall be ~~notice to all future property owners must be~~ recorded by the developer in the public records prior to the issuance of a development order allowing construction of access to the development.

1. The notice shall include the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

SECTION 5.06 REQUIREMENTS FOR IMPROVEMENTS

SECTION 5.06.01 FINAL PLAT REQUIREMENTS

A. Before any final plat can be approved and before any lot can be sold or any building permit issued in a proposed subdivision, one of the following shall be satisfactorily completed:

1. The developer may secure any necessary permits and install all improvements as shown on the approved construction drawings and certified by the developer's engineer.
2. The developer may post a performance surety as per Article 2, Section 2.03. ~~bond accountable to the City Council to cover the full cost of improvements as estimated by the developer's engineer and approved by the city engineer.~~
   ~~a. Such a bond shall be released upon satisfactory installation of all improvements.~~

B. See Article 2, Section 2.05 for ~~F~~final approval process and other requirements.

SECTION 5.07 DEDICATION OF ROAD(S), STREET(S), OR RIGHT(S)-OF-WAY

SECTION 5.07.01 DEDICATION REQUIREMENTS

A. Projects proposed adjacent to or abutting a transportation corridor for which improvements are shown in the current five-year capital improvements program, shall, as a condition of approval, dedicate lands within the project site, which are necessary for that right-of-way to the City of Destin. Such dedication shall occur by recordation on the ~~face of the~~ plat, deed, grant of easement, or other method acceptable to the City of Destin.

B. Land to be dedicated shall be only that shown to be necessary for the planned improvements. The amount of land required to be dedicated also shall not exceed the amount that is roughly proportionate to the transportation impacts to be generated by the proposed project unless the landowner is to be compensated in some fashion for any additional dedicated land.

C. If the cost of right-of-way acquisition is included in the mobility fee structure, the value of dedicated right-of-way may be a credit against mobility fees assessed to the proposed project.

~~1. If the mobility fees calculated for the proposed project are greater than the lands within the project site (the site prior to any dedication or other set-aside) needed for future right-of-way, only the amount of land representing a value approximately equal to the mobility fee shall be required to be dedicated.~~

SECTION 5.08 EXCEPTIONS

SECTION 5.08.01 EXCEPTIONS TO COMPLIANCE WITH LAND SUBDIVISION REGULATIONS

A. The following exceptions to compliance with ~~the requirements of~~ the subdivision regulation<u>s</u> ~~provisions~~ shall be strictly construed and should any requirement for the granting of the exception be held illegal or invalid, then the exception shall be null and void in its entirety and compliance shall be required with the remaining provisions of the subdivision regulations.

1. Roads.
    a. For any roads which are exempt under this section from provisions of this code to be accepted into the city maintenance system, the road shall be constructed and paved in accordance with the provisions of this c<u>C</u>~~C~~ode and the adopted Design Manual.
2. Inheritance.
    a. Any divisions of land directly from inheritance, either by testate or intestate, shall be exempted from the provisions of this section, provided that such division is not accomplished through recorded plats.
        1. In no instance shall a lot or parcel created through inheritance be noncompliant with the minimum regulations and requirements of this c<u>C</u>~~C~~ode.

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.

- **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.

❖ **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.

❖ **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.

❖ **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

B. Draft Article 11 – Glossary

Changes

Proposed Modified Definition → **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.

Current Definition **(proposed to be removed)** → *Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the lot in question.*

Proposed New Definition → **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.

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.~~

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.

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

City of Destin, FL - [Document title]

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 →

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.

Current Definition **(proposed to be removed)** →

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

Proposed New Definition →

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.

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.~~

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.

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.

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.

> *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.

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.

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,

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*

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.~~

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*

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.

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.*

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 maritime), 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.~~

~~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

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.~~

~~**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,

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.

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.~~

~~**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.

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.*

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.

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, multi~~family~~:*** *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.

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.~~

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.

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.

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.

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.

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 ration, 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.*

~~**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

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.

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.

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.

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.

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.

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.

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.

~~**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.

~~**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 Kempi (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.

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.

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.

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.

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.*

~~**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.

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.*

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.

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

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.

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.*

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.

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.

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.

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 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.

~~**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~~

~~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.~~

~~**hopping 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.~~

~~**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.

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.

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.

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.*

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.

~~**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

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.).

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.*

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

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

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

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.~~

~~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.

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

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.

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.*

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*

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.

Article 5 – Subdivision Regulations

Community Development
Planning Division
December 4, 2025

Overview

- What can be found in Article 5?
- Major Changes
  - Language
  - Format
  - Organization
    - Changes since CC workshop
  - Consolidation
- December 3, 2024 City Council workshop

What is in Article 3?

- Article 5 – contains:
  - All of current section 7.08.00 – Regulation of the subdivision of land
  - Includes portions of Article 10 for infrastructure

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

- **5.01 – Purpose & Intent**
  - 7.08.01
- **5.02 – General Standards**
  - 7.08.02 – General Design Standards
- **5.03 – Stormwater**
  - 7.08.03 - Drainage
- **5.04 – Utilities**
  - 7.08.04 - Sewer & 10.01.00 – Sanitary sewer
  - 7.08.05 - Water & 10.04.00 – Potable water
  - 7.08.06 - Utility Easements
  - 7.08.09 - Streetlights
- **5.05 – Accessways**
  - New requirements for ingress/egress
- **5.06 – Requirements for Improvements**
  - 7.08.10 - General requirements for improvements
- **5.07 – Dedication of Road(s), Street(s), or Right(s)-of-way**
  - 8.01.00.E.2 - Right-of-way dedication
- **5.08 - Exceptions**
  - 7.08.08 - Exceptions

Changes Since City Council Workshop

- **5.01. Purpose & Intent -**
  - Updated language to specify subdivisions
- **5.02 General Standards**
  - 5.02.01 Development of Subdivisions
    - A & B were merged and modified to provide clarity.
    - C.1 & 2 were consolidated and modified to provide clarity in circumstances when common ownership associations are required.
  - 5.02.02 - B.2. - deleted since we already have a variance process to go through to request relief from the LDC requirements.
  - 5.02.03 - Reorganized for clarity and removed a redundant list of examples of "Projects or developments under single ownership."
  - 5.02.04 - Entire section was updated, providing more clarity
    - A.1 & 2Block minimum size was increased from 660' to 800': requiring mid-block crossing for any block exceeding 400'
- **5.03. Stormwater**
  - 5.03.01 - Entire section was simplified and provides clarity, and removed unnecessary lists
  - 5.03.02 - Entire section was simplified and provides clarity.
- **5.04. Utilities**
  - 5.04.01
    - C. - Requires a minimum of 15' easement for all utility easements.
    - D. - Added to require all utility easements to be non-exclusive.
  - 5.04.02
    - A. - Provides specificity for developers requiring them to attach to the local sewer system.
    - A.1. - Updated to include "other non-centralized sewer systems."
- **5.05 Accessways**
  - 5.05.01.A.2.a - Removed City Manager's ability to waive this requirement.
  - 5.05.02.B - Clarifies that any approved variance to access must be recorded against each lot for sale in the subdivision.
- **5.06 Requirements for Improvements**
  - 5.06.01.A.2 - Was updated to simplify and provide clarity.
- **5.07 Dedication of Road(s), Street(s), or Right(s)-of-Way**
  - 5.07.01.C.1 - Removed as this is redundant with paragraph C.
- **5.08 Exceptions**
  - 5.08.01.A - Cleaned up redundant language.