

**DESTIN CITY COUNCIL MEETING
DECEMBER 16, 2025
ANNEX COUNCIL CHAMBERS
6:00 PM**

****Core Value of the Month - Integrity****

CALL TO ORDER

*** INVOCATION**

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

- 1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / **PUBLIC PRESENTATIONS / ANNOUNCEMENTS**
 - A. 2025 Christmas Parade Winners
 - B. Destin Youth Council - Workplan Presentation
- 2. PUBLIC COMMENTS (Section 5 - Public Hearings has separate public comments time for these items)** (Note: Individual speakers will be limited to 3 minutes. At the discretion of the mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)
- 3. *** CONSENT AGENDA**
 - A. Amendment to interlocal agreement between Okaloosa County and the City of Destin for the dredging of Destin Harbor.
 - B. Appointment of two Public Works/Safety Committee members to the East Pass Bridge Advisory Committee
 - C. Miscellaneous Concrete Continuing Services, authorization to renew contract
 - D. Reimbursement to Mayor Wagner for expenses incurred while attending the 2025 Florida League of Cities Legislative Conference from December 3–5 in Orlando, Florida.
 - E. Reimbursement to Councilmember Trammell for expenses incurred while attending the 2025 Florida League of Cities Legislative Conference from December 2–5 in Orlando, Florida.
 - F. Resolution 25-24 - Publishing the Dates of the Regular City Council Meetings in Calendar Year 2026
 - G. Approval of minutes of December 1, 2025, Council Executive Session
- 4. CITY MANAGER REPORTS Announcements**
 - A. Destin Optimization of Government Efficiencies (DOGE) Initiative Update
 - B. Update on 4th Street ROW Improvements, funding, authorization to issue a Purchase Order
 - C. Minutes of Standing Boards and Committees — Informational Only
 - D. Announcements
- 5. PUBLIC HEARINGS**
 - A. First reading of Ordinance 25-26-LC - Deleting Section 7.13.00, "*Nonconforming Uses and Structures*", and Section 16-08-00, "*Nonconforming Signs*" of the Land Development Code;

creating a new Article 3 of the Land Development Code entitled "*Nonconformities*"; providing for title, jurisdiction and intent, containing regulations related to nonconformities within the City of Destin.

- B. First reading of Ordinance 26-03-LC - 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.

6. COMMENTS / PRESENTATIONS FROM MAYOR, COUNCIL, AND CITY ATTORNEY

- A. Councilmember Braden
- B. Councilmember Trammell
- C. Councilmember Destin
- D. Councilmember Bagby
- E. Councilmember Hebert
- F. Councilmember Geile
 - 1) Projects Status/Updates
- G. Councilmember Schmidt
- H. Mayor Wagner
- I. City Attorney

- 1) Litigation. Executive Session to be held on Monday, January 5, 2026 at 5:30pm

7. PUBLIC COMMENTS

8. ADJOURN

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Presentation
AGENDA OUTLINE NUMBER: 1.A.

TO: City Council
THRU: Larry Jones , City Manager
FROM: Lisa Firth, Parks & Rec Director
DATE: 12/10/2025
SUBJECT: 2025 Christmas Parade Winners

I. BACKGROUND: The City of Destin Annual Christmas Parade brings Christmas joy the 2nd Saturday in December @ 10:00 am. Mayor and City Council present the winners with a plaque at the first Council meeting following the parade.

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:** Enhancing the quality of life for residents and visitors of Destin.
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):** The Destin Christmas Parade attracts thousands of spectators and participants annually. The City continues in its effort to provide quality programs that enhance the quality of life for residents, businesses, and visitors.
- D. Legislative Sponsor:**
- E. Business Impact Statement:**

III. CONCLUSION: Announce Parade Winners

IV. RECOMMENDED MOTION: N/A

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Presentation
AGENDA OUTLINE NUMBER: 1.B.

TO: City Council
THRU: Larry Jones , City Manager
FROM: Rey Bailey, City Clerk
DATE: December 9, 2025
SUBJECT: Destin Youth Council - Workplan Presentation

I. BACKGROUND: According to the Destin Youth Council By-Laws, the chairperson or their designee shall make a report to the Destin City Council of the activities and business of the Youth Council at least once each calendar year.

II. DISCUSSION:

The Youth Council discussed a priority initiative — the Youth Labor Rights Project — which they hope to pursue for the majority of their term. They are requesting the City Council’s approval to move forward with this project.

A. Link to Strategic Goals / Objectives: Enhanced Quality of Life

B. Effect on Budget (EOB): None at this time. This is a volunteer committee.

C. Level of Service (LOS): Improved quality of life not only for Destin's youths but for all its residents.

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION:

The Youth Council is requesting the City Council’s approval to move forward with this project.

IV. RECOMMENDED MOTION: I move that the City Council approve the Youth Council’s request to pursue the Youth Labor Rights Project as their primary initiative for this term.

ITEM # 2025-1433

Attachments:

1. Destin Youth Council
- Youth Labor Rights
Project
2. Youth Labor Safety
System
3. Florida Child Labor
Laws

Authored by Estella Scoma

Destin City Youth Council

-“Youth Labor Rights Project”-

Proposed by: Estella Scoma

Organization: Destin City Youth Council

Date: 11/5 Regular Meeting, 4:45pm

This version had been amended to fit modifications requested by members at the regular Youth Council meeting on 10/22/2025

1. Purpose & Overview

As a member of the Destin City Youth Council, I am proposing the Youth Labor Rights Project, an initiative created to educate, empower, and protect young workers in our community. Many teens in Destin enter the workforce for the first time with little to no knowledge of their rights as employees. This lack of awareness leaves them vulnerable to unfair treatment, unsafe work conditions, and labor law violations.

The Youth Labor Rights Project will combine education, outreach, and partnership to make sure that every young person in our community has access to fair, safe, and lawful employment. This project will raise awareness about youth employment rights, connect students with reliable job resources, and encourage local businesses to commit to fair labor practices for minors. This project aligns with the city’s strategic goals: “Enhanced quality of life and safety for families.”

2. Problem Statement

Across our city, state, and nation, countless teenagers face challenges at their first jobs, from being scheduled during school hours to being denied proper breaks to working in unsafe conditions. Most of these issues come to play not just from bad intentions, but from a lack of knowledge on both sides.

Authored by Estella Scoma

In Destin, where many teens find work in retail, hospitality, and restaurants, young workers often start without understanding Florida's child labor laws. There is currently no local program dedicated to closing this information gap. The Youth Labor Rights Project seeks to fill that void through proactive education and city to youth collaboration.

3. Goals & Objectives

The Youth Labor Rights Project aims to:

1. **Educate** local teens about their rights and responsibilities in the workplace.
2. **Promote** fair and lawful youth employment practices within the Destin business community.
3. **Establish** partnerships between the City of Destin, schools, and local employers to create safe, youth-friendly job opportunities.
4. **Empower** students to advocate for themselves and seek guidance when workplace concerns happen.
5. **Create** lasting resources that can be used by future youth employees and employers.

4. Project Plan & Implementation

1. Youth Workers' Outreach Event (Main Event)

- **Overview:** Host an educational assembly at local high schools to teach students about the importance of teen employment education, youth labor rights, and workplace readiness. The program will also provide resources and outreach to help students pursue safe and meaningful employment opportunities.
- **Location:** Local high schools, including Destin High School, Niceville High School, and Fort Walton Beach High School. City Youth Council members decided on the regular meeting on 10/22/25 that hosting the event outside of school would likely reduce attendance, so bringing the program directly to students is essential.
- **Activities:**

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- Guest speakers from the Florida Department of Labor and local workforce boards.
- Presentations by youth-friendly employers highlighting job opportunities and workplace expectations.
- Participation by City Youth Council members, who will speak about their personal work experiences, the value of youth employment, and answer student questions.
- Q&A time for students to address questions about teen employment.
- Educational outreach booths at local school job fairs to inform students about their rights and assist with applications for Youth-Safe jobs offered at the fairs.
- **Target Schools for Collaboration:**
Destin High School, Fort Walton Beach High School, Niceville High School.

2. Youth-Safe Employer Partnership Program

- **Goal:** Create a recognition system for businesses that demonstrate fair labor practices and provide safe, positive environments for teen workers.
- **Implementation:**
 - Youth Council develops criteria (adhering to labor laws, offering mentorship, promoting safety)
 - Businesses can apply or be nominated
 - Recognized employers receive a “**Youth-Safe Employer**” window decal and are featured on the city’s website and social media. We will promote these businesses so young people can more easily find safe first jobs.

3. Resource Guide & Awareness Campaign

- **Purpose:** Develop both print and digital materials to help teens understand their workplace rights and find supportive employers.
- **Features:**
 - Simplified breakdown of Florida child labor laws
 - Steps for reporting unsafe or unfair work conditions
 - Contact information for support services
 - A list of participating Youth-Safe Employers
- **Distribution:** Schools, libraries, city websites, social media, and local businesses.

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4. Ongoing Education & Collaboration

- Partner with school programs and city economic development staff to offer mini-presentations or classroom visits throughout the year.
- Encourage Youth Council members to serve as ambassadors, sharing resources and feedback from their peers.

5. Community Impact

The Youth Labor Rights Project will benefit the Destin community by:

- Reducing cases of labor law violations involving minors.
- Strengthening communication between youth, employers, and city leaders.
- Promoting safer and more equitable workplaces.
- Encouraging young residents to stay civically engaged and informed about their rights.
- Building long-term trust and collaboration between the City of Destin and its youth workforce.

6. Partners & Resources

Potential collaborators include:

- **Florida Department of Labor and Employment Security**
- **Okaloosa County School District Career Services**
- **Destin Chamber of Commerce**
- **Local small business associations**
- **City of Destin Economic Development Office**

Resources needed may include venue space, printing funds for resource materials, social media promotion (through City of Destin and involved schools' pages), and volunteer support for event coordination.

Timeline

Phase	Timeframe	Description
Planning & Partnerships	November–December	Meet with city staff, identify partners, and outline fair details.
Resource Creation	January	Design educational materials and employer program guidelines.
Promotion & Outreach	February	Announce event and partnerships through schools and city media.
Program Expansion	April–May	Finalize the Youth-Safe Employer Program and publish digital resources.
Main Event Launch	March	Host the Youth Workers' Rights Fair and events.
Review & Evaluation	Summer	Gather feedback from participants, employers, and schools.

7. Evaluation & Success Indicators

Success will be measured by:

- Attendance numbers at events and workshops
- Number of businesses recognized as Youth-Safe Employers
- Distribution and online engagement with resource materials
- Feedback surveys from teens, employers, and community members

The ultimate measure of success will be an increased awareness among young workers of their rights combined with a stronger culture of fair youth employment across Destin.

Youth Labor Safety System

- The Youth Labor Safety System is one half of the two prong Youth Labor Safety Project. The other half is The Young Workers fair, to be facilitated with local schools. In this document, I will discuss parts of the YLSS.
- This system creates a certification process for businesses to voluntarily go through to receive official recognition. Once completing this, they will receive official certification that they are a Youth Safe Employer, earning recognition for their efforts. This certification will bring in more capable and reliable young employees who are looking for a safe first job.

Possible Steps for Certification:

Step 1:	Apply through online website or physical worksheet through City of Destin
Step 2:	(entity) will review business applications and set a training date for company management.
Step 3:	A YLSS Trainer will go to the business site and train all necessary management employees using certification training resources.
Step 4:	Once training is complete, the company may complete certification. They will receive recognition through our website as well as a sticker to display in windows.
After Certification	We can conduct occasional surveys with employees for businesses to sustain their certification. Any found violations may result in further action (?)

Things to Consider

- Will we run the website through the City of Destin? Can we partner with an outside organization like the Chamber of Commerce to facilitate certification?
- Will the Youth Council oversee review of applications and completion of certification?
- Should the YLSS trainers be youth council members?
- How will we develop the resources for the training?
- We will need to design a sticker for certification.

Ways Businesses Violate Child Labor Laws

Source: [Child Labor Poster.pdf](#)

- **Exceeding work hours:** Allowing minors to work beyond the legal limits. Students may not work during school hours (with some exceptions), more than 15-30 weekly

hours (depending on age category) during the school year, or before and after certain times of day. Workers are required breaks depending on age group.

- **Working in dangerous conditions:** Employing children in unsafe or hazardous working conditions that are not permitted.
- **Failing to comply with regulations:** Not adhering to federal or other youth laws applying to minors.
- **Ignoring child labor laws:** Not taking action to address or prevent child labor violations within their supply chains.
- **Repercussions:** “PENALTIES Florida: Employment of minors in violation of Florida Child Labor laws may result in fines up to \$2,500 per offense and/or be guilty of a second-degree misdemeanor. FLSA: Maximum fines up to \$11,000 per minor / per violation.” myfloridalicense.com
- **Paying under minimum wage:** When a company pays its employees under the minimum wage, it faces several legal and financial consequences. Employees who have been underpaid can file back pay, which is the difference between the actual wages earned and the minimum wage owed. Employers may suffer a loss of reputation and may face legal action from private citizens and/or the Department of Labor.

It is important to remember that YLSS is not designed to punish employers. It is built to educate and empower workers and businesses, sustaining a symbiotic relationship. While young workers receive a guarantee of safe labor practices, businesses receive an advantage in the hiring market and recognition for their efforts. All certifications are voluntary.

Common Workplace Safety Systems

- There are several widely used workplace safety metric systems that benefit companies and protect employees. Two of the most important are the Employer Experience Modification Rate (EMR) and Total Recordable Incident Rate (TRIR).
- EMR gives companies a competitive edge over insurance costs and helps secure lower rates and a less expensive payroll.
- TRIR closely tracks safety incidents to ensure that businesses meet average standards in their industry.

Name	Purpose	Employee Benefit	Employer Benefit
Employer Experience Modification Rate (EMR)	Measurement used by insurance companies to evaluate the risk of an employer and determine the cost of workers' compensation insurance. Based on a company's actual past claims history compared to similar businesses.	The workers' compensation provides an accurate reflection of the risk associated with the job. Also, this system helps check that premiums are charged in accordance with the estimate of future claims.	Lower EMRs can lead to lower insurance costs and a less expensive payroll, encouraging improved safety. Employers with lower EMRs gain a competitive advantage to insurers, usually getting better rates and terms.
Total Recordable Incident Rate (TRIR)	A metric measuring the number of OSHA incidents per 100 full time employees over one year. It is used to evaluate workplace safety performance, compare against industry benchmarks, and track trends over time.	Employees have a better understanding of safety risks. Better workplace safety leads to better employee morale and productivity. This metric protects employees by keeping close track of a company's safety violations.	Allows companies to compare their safety performance with industry average to find ways to improve. A lower TRIR score leads to less frequent OSHA inspections, thus resulting in less chances for scrutiny and penalties.

We can compare these commonly used work-safety systems to the possibility of what the Youth Labor Safety System could achieve. The overall goal of YLSS is to protect and empower young workers while giving businesses a competitive edge through hiring processes and elevated respect in the community. By creating a reciprocal relationship between employees and employers in this system, we can stimulate Destin's economy by bringing in a stronger workforce and ensuring young Destinians have a safe place to work.

Source: safetystage.com

Source: hsestudyguide.com

Source: myfloridalicense.com



CHILD LABOR LAWS

The State of Florida and the Federal Fair Labor Standards Act (FLSA) Protecting the Health, Education and Welfare of Minors in the Workplace.

This chart summarizes the child labor laws of the State of Florida.
The Federal Fair Labor Standards Act (FLSA) may be more restrictive.

	Minors 16 & 17	Minors 14 & 15
SCHOOL ATTENDANCE	May NOT work during school hours unless they meet a criterion of the Hour Restrictions listed below.	Florida: May not work during school hours (some exceptions apply). <i>As provided in 450.021(1), no person 13 years or younger shall be employed, permitted or suffered to work in any gainful occupation at any time (See Age Restrictions)</i>
PERMITS TO WORK	Not required under Florida Law.	
HOURS OF WORK, WHEN SCHOOL IS IN SESSION	May work up to 30 hours per week. Not before 6:30 a.m. or later than 11 p.m. and for no more than 8 hours a day when school is scheduled the following day, except on a holiday or Sunday. On days when school does not follow, there are no hour restrictions.	May work up to 15 hours per week. Not before 7 a.m. or after 7 p.m. and for no more than 3 hours a day on school days, when a school day follows. May work up to 8 hours on Friday, Saturday, Sunday, and on non-school days, when school days do not follow, until 9 p.m. Daily maximum of 3 hrs. on school days, 8 hours non-school days; weekly maximum is 18 hours; not before 7 a.m. or after 7 p.m. Note: Application of state law allows this age group to work up to 8 hours on days when school days do not follow, until 7 p.m.
HOURS OF WORK, WHEN SCHOOL IS NOT IN SESSION (summer vacation; winter and spring breaks)	No Limitations Note: Hazardous occupations still apply for minors.	Florida: May work up to 8 hrs. per day and up to 40 hrs. per week; may not work before 7 a.m. or after 9 p.m.
DAYS PER WEEK	15 yrs. or younger may not work more than 6 consecutive days in any one week.	
BREAKS	15 yrs. or younger without a 30-minute break after working 4 consecutive hours, applicable to 17/16 years of age when working 8 hours or more.	
AGRICULTURE	Florida: Minors participating in farm work, not on their parents or guardian's farm, must comply with the same restrictions as in other work.	
RESTRICTED OCCUPATIONS This section represents Chapter 450.061- Hazardous Occupations Prohibited, Exemptions. Note that HB917 (2024) authorizes minors aged 16/17 to work in residential construction if the minor: has earned his/her OSHA 10 certification; is under the direct supervision of a person 21 years of age with at least 2 years of related experience and has his/her OSHA 10 Certification; is not working on any scaffolding, roof, superstructure, or ladder above 6 feet; and is not in violation of any OSHA rules or federal law related to minors in the workplace. The State of Florida has incorporated the 17 Hazardous Occupations (HOs) of the FLSA into the Florida Child Labor Rule. For more info on FLSA HOs, contact the U.S. Department of Labor, Wage and Hour Division, <u>Child Labor U.S. Department of Labor (dol.gov)</u>		
Minors under the age of 18 may not work in below occupations: <ul style="list-style-type: none"> • Working in or around explosives or radioactive substances • Operating Motor vehicles • Logging or sawmilling • Operating power-driven meat processing machines to include meat and vegetable slicers, slaughtering, meat packing, processing or rendering • Working on any scaffolding, roofs or ladders above 6 feet; or non-residential building construction • Wrecking, demolition or excavation • Mining occupations • Operating power-driven bakery; metal-forming, punching, and shearing machines; woodworking, paper products or hoisting machines • Manufacturing brick and tile products • Operating circular saws, band saws, & guillotine shears • Working with compressed gases exceeding 40 p.s.i. • Working in or around toxic substances, corrosives or pesticides • Firefighting • Working with electrical apparatus or wiring • Operating or assisting to operate tractors over 20 PTO horsepower, forklifts, earthmoving equipment, any harvesting, planting, or plowing machinery or any moving machinery 		Minors 14 and 15 may not work in these occupations: <ul style="list-style-type: none"> • Operating any power-driven machinery other than office machines, including all power mowers and cutters • Maintaining or repairing, machines, or equipment • Working in freezers or meat coolers • Operating, setting up, adjusting, or cleaning power-driven meat or vegetable slicers, grinders, food choppers, and cutters, and bakery-type mixers. • Operating motor vehicles • Manufacturing, mining, or processing occupations where goods are manufactured, mined, or processed. • Cooking (some exceptions apply) & baking. • Working in occupations in Transportation, Warehouse & Storage, Communications, and Construction (except clerical); boiler or engine rooms • Loading and unloading trucks • Working in public messenger services • Handling certain dangerous animals • Conducting door-to-door sales of products as employment (some exceptions) • Spray painting
EXEMPTIONS Hour Restrictions – (from hour restrictions only; hazard restrictions apply until 18 yrs.) <ul style="list-style-type: none"> • Minors who have been married • Minors who have either graduated from an accredited high school or hold a high school equivalency diploma. • Minors 16/17yrs. who are enrolled in a home education program, or an approved virtual instruction school program. • Minors 16/17 yrs. who have obtained a waiver allowing them to work more than 30hrs/week. The 40-hour limitation still applies. • Minors who hold waivers from a K-12 Public School or Child Labor Compliance with <u>specified hours restrictions</u>. • A court order may authorize an exemption from hourly restrictions. 		EXEMPTIONS Age Restrictions — (from age requirements; hazard restrictions still apply until 18 yrs.) <ul style="list-style-type: none"> • Minors who work for their parents who owned the business in occupations not declared hazardous. • Pages in the Florida legislature • Minors in the entertainment industry registered with Child Labor Compliance as prescribed in ss. 450.012 and 450.132, F.S. • A court order may authorize an exemption from age restrictions.
PARTIAL WAIVERS The Florida Child Labor law is designed to serve and protect minors and encourage them to remain in school. At times, some minors may feel that the law conflicts with their best interest or their life circumstances; therefore, they have the right to request an exemption from the law. If a minor is attending the K-12 public school, a waiver may be obtained and granted by the local school district. All other minors may request an application by contacting the Department of Business and Professional Regulation Child Labor Program. Waiver applications are reviewed and granted on a case-by-case basis. To qualify, applicants must demonstrate that certain requirements of Florida law need to be waived. Employers must keep a copy of partial waivers of employed minors.		
PENALTIES Florida: Employment of minors in violation of Florida Child Labor laws may result in fines up to \$2,500 per offense and/or be guilty of a second-degree misdemeanor. FLSA: Maximum fines up to \$11,000 per minor / per violation.		
WORKERS' COMPENSATION Florida: If an injured minor is employed in violation of any provisions of the Child Labor laws of Florida, an employer may be subject to up to double the compensation otherwise payable under Florida Workers' Compensation law.		
POSTING REQUIREMENTS Florida: All employers of minors must post in a conspicuous place on the property or place of employment, where it may be easily read, a poster notifying minors of Florida Child Labor laws.		
For information on Florida laws contact: Florida Department of Business and Professional Regulation • Child Labor Program 2601 Blair Stone Road • Tallahassee, FL 32399-2212 • Telephone 850.488.3131; Toll-Free 1.800.226.2536 • <u>www.myfloridalicense.com</u> For information on Federal laws contact: U.S. Department of Labor, Wage & Hour Division, listed in the telephone directory under U.S. Government; <u>Child Labor U.S. Department of Labor (dol.gov)</u>		
Florida Department of Business and Professional Regulation and the United States Department of Labor "Working Together for Florida's Workforce"		
04/2024 s.450.045(2), F.S.		

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Action Item
AGENDA OUTLINE NUMBER: 3.A.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Jeffrey Cozadd, Projects, Grants and Contracts Manager

DATE: 12/8/2025

SUBJECT: Amendment to interlocal agreement between Okaloosa County and the City of Destin for the dredging of Destin Harbor.

I. BACKGROUND: The original interlocal is dated February 3, 2025. The project needed to be delayed until this offseason, so the original interlocal requires an amendment providing an extension.

II. DISCUSSION: This amendment to the interlocal extends the interlocal from January 1, 2026 to September 30, 2026.

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):** Dredging the Harbor was budgeted for FY 2026 as follows:

\$400,000 305.5430.546003 Grant#500027 BOCC Dredging Grant Expenditures
\$100,000 305.5430.546003 Grant#500013 FDEP Dredging Grant Expenditures
\$110,000 102.5430.546003 NPEB Destin Harbor Dredging
\$325,000 001.5430.546003 General Fund Water Transportation Channels Dredging
=====

- \$935,000 total FY 2026 budget
- C. Level of Service (LOS):**
- D. Legislative Sponsor:**
- E. Business Impact Statement:**

III. CONCLUSION: Staff recommends approval of the amendment.

IV. RECOMMENDED MOTION: I move that City Council approve the agreement amendment and authorize the mayor to execute the FDEP Dredging Grant time amendment.

Attachments:

1. Amendment - Destin Harbor Dredging
2. C25-4092-TDD Dredging of Destin Harbor

**AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
OKALOOSA COUNTY AND THE CITY OF DESTIN FOR THE
DREDGING OF DESTIN HARBOR**

THIS AMENDMENT ("Amendment") to the Interlocal Agreement ("Agreement") dated _____ is entered into by and between **OKALOOSA COUNTY, FLORIDA**, a political subdivision of the State of Florida (the "County") and the **CITY OF DESTIN**, a municipality organized under the laws of the State of Florida (the "City") (collectively, the County and City will hereinafter be referred to as the "Parties").

WHEREAS, the Board of County Commissioners and the City Council agree that the maintenance of the East Pass Channel and the Destin Harbor Channel are preeminent goals, the furtherance of which ensures the continued economic viability of the City and County as a whole, as well as specific benefits to tourism and the general public; and

WHEREAS, in furtherance of this preeminent goal, the County and the City desire to work together to dredge the Destin Harbor Channel ("Harbor"); and

WHEREAS, the City has issued a Request for Bids (RFB) to perform this project and anticipates the work to be complete in Spring 2026; and

WHEREAS, the Parties desire to extend the project completion date accordingly.

NOW, THEREFORE, in consideration of the above recitals, mutual covenants, promises and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the County and the City agree to amend the Agreement as follows:

SECTION 1. AUTHORITY. This Amendment is entered into pursuant to the provisions of Chapter 163.01, Florida Statutes, and other applicable provisions of law.

SECTION 2. RECITALS. The above recitals are true and accurate and are incorporated herein as essential terms of the Amendment.

SECTION 3. SECTION 7. EFFECTIVE DATE/TERM AMENDMENT. Section 7. Effective Date/Term of the Agreement shall be amended as follows, where strikethroughs indicate deletions and underlines indicate additions: "The warranties and covenants described herein shall continue until project completion or ~~Jan 1~~ September 30, 2026 whichever occurs first."

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Amendment on the date and year last written below.

////////////////// **Signature Pages Follow** //////////////////

OKALOOSA COUNTY, FLORIDA

By: _____
Paul Mixon, Chairman

Date: _____

ATTEST:

Brad E. Embry, Clerk of Court

APPROVED AS TO FORM FOR
OKALOOSA COUNTY ONLY:

Lynn M. Hoshihara, County Attorney

CITY OF DESTIN, FLORIDA

By: _____
Bobby Wagner, Mayor

Date: _____

ATTEST:

Rey Bailey, Clerk

APPROVED AS TO FORM FOR THE
CITY OF DESTIN ONLY:

Kimberly Romano Kopp, City Attorney

**INTERLOCAL AGREEMENT BETWEEN OKALOOSA
COUNTY AND THE CITY OF DESTIN FOR THE
DREDGING OF DESTIN HARBOR**

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into by and between **OKALOOSA COUNTY, FLORIDA**, a political subdivision of the State of Florida (the "County") and the **CITY OF DESTIN**, a municipality organized under the laws of the State of Florida (the "City") (collectively, the County and City will hereinafter be referred to as the "Parties").

WHEREAS, the Board of County Commissioners and the City Council agree that the maintenance of the East Pass Channel and the Destin Harbor Channel are preeminent goals, the furtherance of which ensures the continued economic viability of the City and County as a whole, as well as specific benefits to tourism and the general public; and

WHEREAS, in furtherance of this preeminent goal, the County and the City desire to work together to dredge the Destin Harbor Channel ("Harbor"); and

WHEREAS, the City has completed much of the ground work by securing permits, obtaining estimates, and laying out a plan as shown in various attachments in Attachment A; and

WHEREAS, the City's dredging plan has laid out a project consisting of the dredging of approximately 10,000 cubic yards via a Baskerville-Donovan, Inc. survey ("Project"); and

WHEREAS, the Parties agree the dredging is needed now and both desire the implementation of this dredging to occur in near future, as soon as possible; and

WHEREAS, the City has previously performed a harbor dredging project and has agreed to be the lead on this dredging project through procurement, Project oversight and closeout, and all other activities necessary to complete the Project; and

WHEREAS, the County has agreed to providing funding for 50% of the dredging costs for external expenses up to a maximum of \$400,000 dollars, with the City being responsible for any overage; and

WHEREAS, both Parties agree this is a valid tourism expenditure that further promotes tourism and facilitates the promotion of the many tourism activities located within the harbor; and

WHEREAS, this Agreement is intended to formalize the Parties' relationship and describe how the Project will proceed forward.

NOW, THEREFORE, in consideration of the above recitals, mutual covenants, promises and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the County and the City agree as follows:

SECTION 1. AUTHORITY. This Agreement is entered into pursuant to the provisions of Chapter 163.01, Florida Statutes, and other applicable provisions of law.

SECTION 2. RECITALS. The above recitals are true and accurate and are incorporated herein as essential terms of the Agreement.

SECTION 3. PARTIES. The Parties to this Agreement are the County and the City.

SECTION 4. DETAILS OF THE PROJECT.

A. The Project is permitted and must follow FDEP permit 0288799-003-JC, which expires February 26, 2030 and is hereby incorporated by reference.

B. Additionally, the Project is based on the 2-page survey dated November 7, 2023, a 2-page cut/fill report from the City Engineer, and a 5-page "Destin Harbor Maintenance Dredging" design plan. The survey, Cut/fill Report and the Plan are all part of Attachment A of the Destin Harbor Maintenance Dredging design plan and incorporated herein by reference.

C. City shall handle all aspects of the Project, including design, permitting, public coordination, procurement, scheduling, contracting for dredging, inspection, etc. The County is responsible solely for providing funding for half of the estimated project costs capped at \$400,000 dollars. The Parties agree to coordinate on major decisions and provide necessary support to ensure project success.

D. The Parties intend to work collaboratively throughout all phases of this Project.

E. Public credit for the Project shall be equally shared by the City, County, and Destin-Fort Walton Beach Tourism in press releases, signage, website, interviews, social media, and other public information disseminated from the Parties. The Parties agree to use their best efforts to coordinate with each other on all media related releases.

SECTION 5. FUNDING/EXPENDITURES OF THE PROJECT.

A. Funding and Use of Funds. The Parties agree to fund the Project engineer's estimate for up to \$800,000 in total, with 50% in funding from each Party, including contingency. Any additional amount in excess of that total shall be the responsibility of the City. None of the funds shall be used for employees of either Party, any attorney/legal fees, design/permit costs, or costs already incurred prior to the approval of this Agreement. Funds that are unexpended at the conclusion of the Project shall be no longer considered pledged.

B. Expenditure of funds - The City shall be reimbursed by the County as expenses are incurred and paid. The City may bill the County monthly for its portion of any permitted costs, providing detailed invoices and proof of payment. The County shall process and reimburse the City within 30 days of receiving the invoice, once determined to be complete and accurate. The City may expend eligible Project funds any time after the effective day of this Agreement.

SECTION 6. TIME IS OF THE ESSENCE. The Parties agree to utilize best efforts to timely complete this Project as quickly as possible, but still in a fiscally responsible manner.

SECTION 7. EFFECTIVE DATE/TERM. This Agreement shall take effect upon full execution by both Parties and recording of this Agreement as set forth in Section 21 below. The warranties and covenants described herein shall continue until project completion or Jan 1, 2026 whichever occurs first.

SECTION 8. RECORDS AND REPORTING.

A. The Parties agree to maintain books, records, documents, and other evidence according to generally accepted governmental accounting principles, procedures, and practices, which sufficiently and properly reflect all costs and expenditures of any nature incurred in connection with the Project. Records shall be maintained for a minimum of five years after the completion of the Project, or for as long as the State Retention schedule in effect at the time of completion of the Project requires, whichever is longer.

B. Neither the City nor the County shall assume any responsibility for the other entity's failure to respond, timely, or at all, to a public records request. A request upon one entity shall not be deemed to be a request on the other entity.

SECTION 9. REPRESENTATIONS AND WARRANTIES. Each party hereby represents and warrants to the other that it has all requisite power, authority and authorization to enter into this Agreement, has taken all necessary actions required to enter into this Agreement, and to fulfill any and all of its obligations, duties, and responsibilities provided for or required of it by this Agreement, whether exercised individually or collectively.

SECTION 10. AMENDMENTS. Neither this Agreement nor any portion of it may be modified or waived orally. The provisions hereof may be amended or waived only pursuant to a written instrument approved by the City Council and the Board of County Commissioners, and jointly executed by the Parties. This Agreement shall be enforced and be binding upon, and inure to the benefits of, the Parties hereto and their respective survivors and assigns, if any. This Agreement shall not be assigned without the prior written permission of all Parties to the Agreement.

SECTION 11. DISPUTE RESOLUTION AND VENUE. The Parties shall first attempt to resolve any dispute that arise under this Agreement in good faith by participating in mediation. This mediation shall be in lieu of the requirements of the "Florida Governmental Conflict Resolution Act." The mediator shall be mutually agreed upon by the Parties and the cost of mediation shall be borne equally between the Parties. In the event the matter is not resolved through the mediation process, each party shall be free to pursue any of its available remedies. Upon failure of such mediation, venue for disputes shall be in the circuit courts of Okaloosa County, Florida for state law matters, and the Northern District of Florida for federal matters.

SECTION 12. JURY TRIAL WAIVER. IN THE EVENT THAT LITIGATION IS FILED BY ANY PARTY TO ENFORCE ANY TERMS OF THIS AGREEMENT, THEN ALL

PARTIES AGREE THAT THEY HEREBY WAIVE ANY RIGHT TO A JURY TRIAL ON ANY ISSUES ARISING OUT OF THIS AGREEMENT.

SECTION 13. ATTORNEY'S FEES AND COSTS. If litigation is instituted seeking to enforce the terms of this Agreement, or in any way related to this Agreement, then the prevailing party shall be entitled to recover its reasonable attorney's fees and costs incurred in the litigation, including fees and cost incurred in any resulting appeal, and any fees and costs incurred litigating entitlement to and the reasonableness of any attorney's fees and costs.

SECTION 14. SEVERABILITY. If any one or more of the provisions of this Agreement shall be held contrary to any express provision of law or contrary to any policy of express law, then the remainder of this Agreement shall remain in full force and effect.

SECTION 15. GOVERNING LAW. The validity, construction and performance of this Agreement shall be governed by the laws of the State of Florida.

SECTION 16. NOTICE. If written notice to a party is required under this Agreement, such notice shall be given by hand delivery, recognized overnight delivery service, or by first class mail, registered and return receipt requested.

As to the County as follows:

County Administrator
Okaloosa County
1250 Eglin Pkwy N
Suite 102
Shalimar, FL 32579

As to the City as follows:

City Manager
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

With a copy to:

Kimberly Romano Kopp, City Attorney
Romano Kopp Law, P.A.
P.O. Box 5524
Destin, Florida 32541

SECTION 17. NO MEMBER LIABILITY. Neither the members of the governing body of the County, the City, nor anyone executing this Agreement, shall be liable personally or shall be subject to any accountability for reason of the execution by the County, the City or any executing authority of the County or the City for any act pertaining thereto.

SECTION 18. SOVEREIGN IMMUNITY. The Parties further agree that nothing contained herein is intended to nor shall be construed a waiver of the County or City's rights and immunities under the common law or section 768.28, Florida Statutes, as amended from time to time.

SECTION 19. INSURANCE, LIABILITY AND INDEMNIFICATION.

A. Each party agrees to be fully responsible for all claims, liabilities, damages, costs, actions, suits or proceedings at law or in equity which may occur as a result of the wrongful or negligent acts of their respective officers, employees, representatives, and agents.

B. Any contractor or consultant engaged by the City or County for work on the Project shall be required to protect, defend, indemnify, and hold both the City and County harmless from all claims, demands, causes of action, or liability resulting from injury to or death of persons or damage to or loss of property sustained as a consequence of the Project and arising from said contractor's operations or as a proximate result of the acts or omissions of the contractor or their employees. Such agreement by the contractor or consultant shall include their indemnification as to any assessment of an administrative fine or penalty by a governmental entity for a violation of conditions of the permit and authorization related to their actions or failure to act in carrying out their contractual duties. The City and County shall require the provisions of this section to be included in all contracts between the City and County and its contractors and consultants for work or services to occur on the Project. The minimum insurance requirements for contractors and consultants shall include general liability insurance of \$1,000,000 per occurrence, \$2,000,000 aggregate, and workers' compensation insurance as required by law.

SECTION 20. CONSTRUCTION. The Parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

SECTION 21. RECORDING. The County and the City are hereby authorized and directed after approval, to record this Agreement with the Clerk of the Circuit Court of Okaloosa County, Florida, in the public records of Okaloosa County, Florida as provided in Section 163.01 (11), Florida Statutes.

SECTION 22. WAIVER. No waiver of any provision hereof shall be effective unless made in writing and signed by the waiving party. The failure of any party to require the performance of any term or obligation of this Agreement, or the waiver by any party of any breach of this Agreement, shall not prevent any subsequent enforcement of such term or obligation or be deemed a waiver of any subsequent breach.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement on the date and year last written below.

////////////////// **Signature Pages Follow** //////////////////

OKALOOSA COUNTY, FLORIDA

By: *Paul Mixon*
Paul Mixon, Chairman



Date: 1/7/2025

ATTEST:


Brad E. Embry
Brad E. Embry, Clerk




APPROVED AS TO FORM FOR
OKALOOSA COUNTY ONLY:

Lynn M. Hoshihara
Lynn M. Hoshihara, County Attorney

CITY OF DESTIN, FLORIDA

By: 
Bobby Wagner, Mayor

Date: February 3, 2025

ATTEST:

Rey Bailey, Clerk

APPROVED AS TO FORM FOR THE
CITY OF DESTIN ONLY:



Kimberly Romano Kopp, City Attorney

EXHIBIT "A" - Topographic Survey, Cut Fill Report, Project Dredge Plans, and the Cover Page of the Permit

K:\SURVEY\482 City of Destin\48206.D1 Destin harbor hydro\48206.01 Destin Hydro.dwg, 11/10/2023 8:46:38 AM, drc:hntm



K:\SURVEY\402 City of Destin\40206\01 Destin Harbor hydro\Dwg\40206.01 Destin Hydro.dwg 1/10/2003 8:46:17 AM dschm1r1

TOPOGRAPHIC SURVEY
A PORTION OF THE CITY OF DESTIN, KENNESHAW 2 SURVEY,
RANGE 32 WEST, BAKER COUNTY, FLORIDA



LEGEND
ST - 2002 SURVEY POINT
SP - 2002 SURVEY POINT
P - 2002 SURVEY POINT

TOPOGRAPHIC SURVEY A PORTION OF THE CITY OF DESTIN, KENNESHAW 2 SURVEY, RANGE 32 WEST, BAKER COUNTY, FLORIDA	DATE: 1/10/2003	TIME: 8:46:17 AM	USER: dschm1r1
	PROJECT: DESTIN HARBOR HYDRO	DRAWING: 40206.01 DESTIN HYDRO	SCALE: AS SHOWN
BASBERRVILLE-BONDYAN, INC. ENGINEERS THE SOUTH SINCE 1927 1000 W. 10TH AVENUE, SUITE 100 TALLAHASSEE, FLORIDA 32304 TEL: 904.209.1111 FAX: 904.209.1112	APPROVED FOR THE CITY OF DESTIN:		
	APPROVED FOR THE ENGINEER:		

Cut/Fill Report

Generated: 2023-12-27 13:41:37
By user: rscott
Drawing: C:\Users\rscott\City Of Destin, FL\Engineering - Documents\CAD\Drawings\City Projects\Destin Harbor Dredging\Plans\C:\Users\rscott\City Of Destin, FL\Engineering - Documents\CAD\Drawings\City Projects\Destin Harbor Dredging\Plans\Proposed Surface -8 Depth.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
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Totals							
				2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total				502243.97	2634.37	106032.17	103397.80<Fill>

* Value adjusted by cut or fill factor other than 1.0



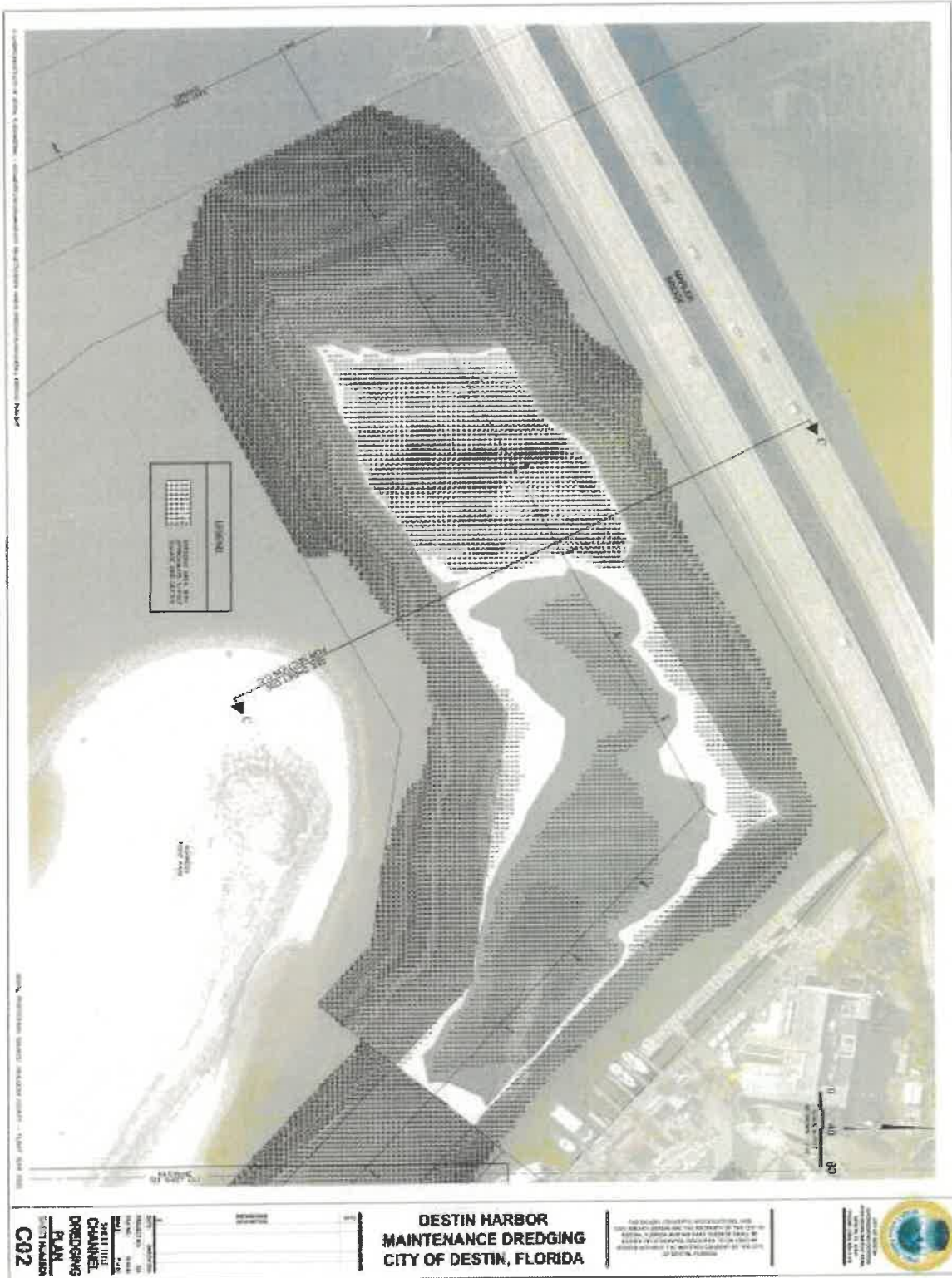
DESTIN HARBOR
MAINTENANCE DREDGING
CITY OF DESTIN, FLORIDA

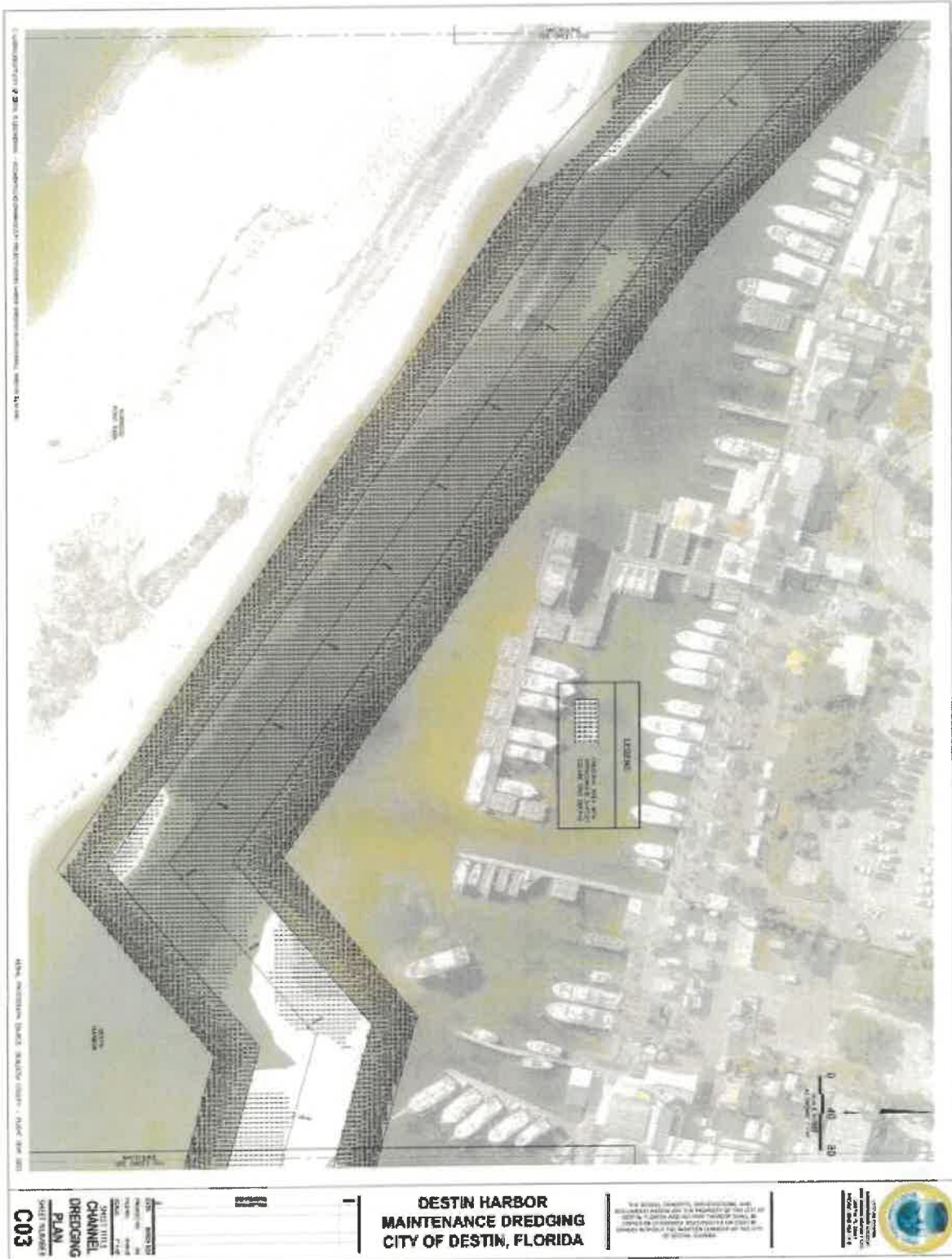
SHEET NO. **001**
 OF **001**
 DATE **11/11/2011**
 SCALE **AS SHOWN**
 PROJECT NO. **11-001**
 DRAWN BY **...**
 CHECKED BY **...**
 APPROVED BY **...**

DESTIN HARBOR
MAINTENANCE DREDGING
CITY OF DESTIN, FLORIDA

THIS DOCUMENT IS THE PROPERTY OF THE CITY OF DESTIN, FLORIDA. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF DESTIN, FLORIDA.







C03
PLAN
DREDGING
CHANNEL

**DESTIN HARBOR
 MAINTENANCE DREDGING
 CITY OF DESTIN, FLORIDA**

THE DESIGN, CONSTRUCTION, MAINTENANCE, AND
 OPERATION OF THIS PROJECT IS THE SOLE
 RESPONSIBILITY OF THE CONTRACTOR. THE CITY OF
 DESTIN, FLORIDA, AND ALL OTHER PARTIES SHALL BE
 EXEMPTED FROM LIABILITY FOR ANY DAMAGE OR
 LOSS OF PROPERTY OR PERSONAL INJURY THAT
 MAY OCCUR AS A RESULT OF THE USE
 OF THESE PLANS.

DATE: 10/20/08
 BY: [Signature]





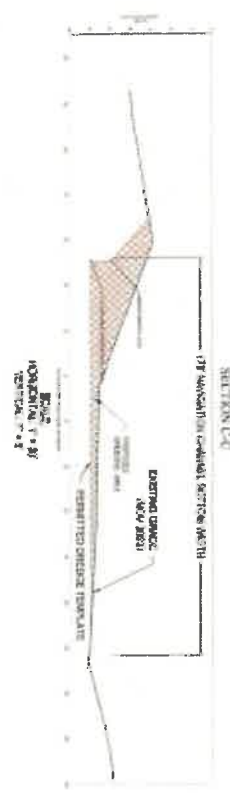
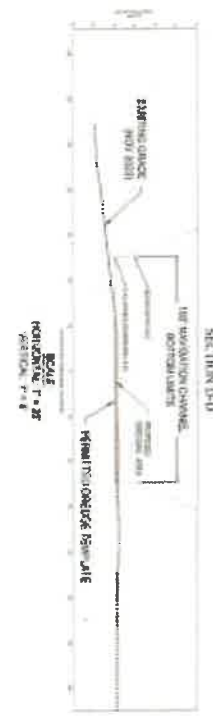
SHEET NO. **C04**
 PROJECT NO. **11-00000000**
 DATE **11/11/11**
 DRAWN BY **CHANDLER**
 CHECKED BY **SMITH**
 APPROVED BY **SMITH**

**DESTIN HARBOR
 MAINTENANCE DREDGING
 CITY OF DESTIN, FLORIDA**

THIS PLAN SHOWS CONCEPTUAL DREDGING AND
 RECONSTRUCTION AREAS FOR THE PROJECT. THE EXACT
 LOCATION OF THE DREDGING AREAS WILL BE DETERMINED
 BY THE ENGINEER IN CHARGE TO BE SHOWN IN
 A SEPARATE PLAN TO BE SUBMITTED TO THE CITY OF
 DESTIN, FLORIDA.



11/21/2017 10:00 AM



C05
 DREDGE SECTIONS
 SHEET 15 OF 15

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	11/21/2017
2	ISSUED FOR PERMIT	11/21/2017
3	ISSUED FOR PERMIT	11/21/2017
4	ISSUED FOR PERMIT	11/21/2017
5	ISSUED FOR PERMIT	11/21/2017
6	ISSUED FOR PERMIT	11/21/2017
7	ISSUED FOR PERMIT	11/21/2017
8	ISSUED FOR PERMIT	11/21/2017
9	ISSUED FOR PERMIT	11/21/2017
10	ISSUED FOR PERMIT	11/21/2017

**DESTIN HARBOR
 MAINTENANCE DREDGING
 CITY OF DESTIN, FLORIDA**

THIS DRAWING IS THE PROPERTY OF THE CITY OF DESTIN, FLORIDA. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF DESTIN, FLORIDA.





**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
BOB MARTINEZ CENTER
2600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2400

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
I.T. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

**CONSOLIDATED JOINT COASTAL PERMIT AND
SOVEREIGN SUBMERGED LANDS AUTHORIZATION**

PERMITTEE:

City of Destin
Attn.: Greg Kisela, City Manager
4200 Indian Bayou Trail
Destin, Florida 32541

PERMIT INFORMATION:

Permit Number: 0288799-003-JC

Project Name: East Pass and Destin Harbor
Maintenance Dredging

AGENT:

Taylor Engineering, Inc.
Attn.: Matt Trammell
1221 Airport Road, Suite 210
Destin, Florida 32541

County: Okaloosa

Issuance Date: February 26, 2015

Expiration Date: February 26, 2030

REGULATORY AUTHORIZATION:

This permit is issued under the authority of Chapter 161 and Part IV of Chapter 373, Florida Statutes (F.S.), and Title 62, Florida Administrative Code (F.A.C.). Pursuant to Operating Agreements executed between the Department of Environmental Protection (Department) and the water management districts, as referenced in Chapter 62-113, F.A.C., the Department is responsible for reviewing and taking final agency action on this activity.

PROJECT DESCRIPTION:

The project is to perform periodic maintenance dredging of the federally authorized East Pass and Destin Harbor navigation channels. The dredging limits are as follows:

- For the Exterior East Pass Entrance Channel, from Station 0+00 (in the Gulf of Mexico) to Station 38+99 (at the southern end of the East Pass jetties), 180 feet wide, to a maximum allowable depth of -22 feet mean lower low water (MLLW), which includes a design depth of -20 feet, with 2 feet of allowable overdepth;
- For the Interior East Pass Entrance Channel and 2 turning wideners, from Station 39+00 (at the southern end of the East Pass jetties) to Station 146+00 (at the northern terminus of the channel in Choctawhatchee Bay), 180 feet wide in the channel and up to 450 feet wide in the main channel and 350 feet wide in Destin Harbor at the wideners, to a maximum allowable depth of -16 feet MLLW, which includes a design depth of -14 feet, with 2 feet of allowable overdepth;
- For the Old Pass Lagoon Exterior Channel and turning widener, from Station 0+90 (on the south side of the U.S. Highway 98 Bridge) to Station 13+00 (near the northwestern end of Norriego Point), with widths of 175 feet at the western end of the channel, up to

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.B.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director
Rey Bailey, City Clerk

DATE: 12/08/2025

SUBJECT: Appointment of two Public Works/Safety Committee members to the East Pass Bridge Advisory Committee

I. BACKGROUND: City Council established the East Pass Bridge Advisory Committee comprised of two members of the Harbor CRA Advisory Board, two members of the Harbor/Waterways Committee, and two members of the Public Works/Public Safety Committee.

II. DISCUSSION: At their meeting of December 9, 2025, Nancy Weidenhamer and Marcie Bell were selected to represent the Public Works/Public Safety Committee on the East Pass Bridge Advisory Committee.

A. Link to Strategic Goals / Objectives: I. Financially Sound City providing Service Excellence

IV. Effective, Efficient, and Aesthetically Pleasing Infrastructure

B. Effect on Budget (EOB): None at this time.

C. Level of Service (LOS): No change in the level of service.

D. Legislative Sponsor: N/A

E. Business Impact Statement: N/A

III. CONCLUSION: By approving these selections, Nancy Weidenhamer and Marcie Bell will be able to attend and contribute to the design and other aspects of the future bridge.

IV. RECOMMENDED MOTION: I move that Nancy Weidenhamer and Marcie Bell be approved as the Public Works/Public Safety Committee's representative to the East Pass Bridge Advisory Committee.

ITEM # 2025-1437

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.C.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director
Krystal Strickland, Finance Director

DATE: 11/19/2025

SUBJECT: Miscellaneous Concrete Continuing Services, authorization to renew contract

I. BACKGROUND: The Public Works Department has limited staff and is not equipped to perform concrete services. For more extensive projects, it is necessary to outsource the work to vendors who have the equipment, expertise, and personnel.

II. DISCUSSION: The execution of this contract extension by the City in no way guarantees the City will, nor obligates the City to, expend its funds. It merely authorizes the City to utilize the contractor if funds are allocated by City Council. As per our policy, any project totaling more than \$35,000 will come before City Council for approval. The renewal is the 4th of 4 possible extensions with no price adjustments.

A. Link to Strategic Goals / Objectives: I. Financially Sound City providing Service Excellence
 II. Enhanced Quality of Life and Safety for Families
 IV. Effective, Efficient, and Aesthetically Pleasing Infrastructure
 V. Improve Mobility and Connectivity

B. Effect on Budget (EOB): Funding for miscellaneous concrete services is available in the City's Renewal and Replacement program, CIP budget for a specific project, and in the operating account for the responsible Department, as applicable for small repair projects. Any budgeted work orders greater than \$35,000 will be brought forth for Council approval before proceeding. No unit price increases were requested for this 4th and final extension. Price information from 2023 is included for informational purposes, with no proposed changes.

C. Level of Service (LOS): The LOS shall be enhanced by improved pedestrian pathways, park facilities, and rights-of-ways.

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION: This action allows for the execution of a one-year contract extension with S.H. Hayes Enterprises, LLC for concrete services.

IV. RECOMMENDED MOTION: I move that the City Manager be authorized to execute a one-year contract extension with S.H. Hayes Enterprises, LLC through December 31, 2026.

Attachments:

1. Proposed Contract Amendment: SH Hayes Enterprises LLC Misc Concrete Services CY26 Contract Extension (3)
2. EXHIBIT A TO AMENDMENT: SH Hayes Anti-Human Trafficking Affidavit December 2025
3. Original Contract: SH Hayes Enterprises LLC 2021-2022 Contract - Misc Concrete
4. SH Hayes Concrete Unit Pricing 2023

CONTRACT EXTENSION AGREEMENT

This contract extension agreement (“Extension”) dated the 1st day of January, 2026, is between the City of Destin, Florida (“City”), a Florida municipal corporation, of 4200 Indian Bayou Trail, Destin, Florida, 32541 and S.H. Hayes Enterprises LLC. The purpose of this agreement is to extend for an additional one-year term that certain contract for services dated September 20, 2021 (as amended) between the City of Destin and S.H. Hayes Enterprises LLC “Contract” to provide miscellaneous concrete services for the City. This agreement will begin on January 1, 2026 and will extend through December 31, 2026.

This is the **4th of 4** possible extensions.

Additionally, the Human Trafficking Affidavit is attached to this Contract as Exhibit “A” and is fully incorporated herein.

It is expressly agreed by the parties that this Extension is made a part of the Contract as though expressly rewritten, incorporated, and included herein. To the extent of any conflict between this Extension and the Contract, this extension prevails, but all other terms and conditions of the Contract remain in full force and effect.

It is understood that final authorization for this Extension must be made by the Destin City Council, and that either party may cancel this Extension with 30 days written notice, without penalty.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

Witnesses:

City of Destin

(Signature)

By: _____
Larry Jones
City Manager

(Signature)

ATTEST: _____
Rey Bailey
City Clerk

Witnesses:

S.H. Hayes Enterprises LLC

(Signature)

By: _____
(Signature)

(Signature)

(Name & Title)

ATTEST: _____
(Signature)

(Name & Title)

ANTI-HUMAN TRAFFICKING AFFIDAVIT

DIRECTIONS: All nongovernmental entities that are or potentially will be contracting, renewing or extending contracts with the City of Destin must have an officer or representative fully execute this affidavit. Note, this is a mandatory requirement of s 787.06(13), Florida Statutes effective July 1, 2024.

I _____LESLIE HAYES_____ (insert name) as
_____OWNER_____ (insert title) on behalf of _____
S.H. HAYES ENTERPRISES, LLC_____ (insert entity name) under
penalty of perjury hereby attest as follows:

1. I am over 21 years of age and have personal knowledge of the matters set forth in this affidavit.
2. _____S.H. HAYES ENTERPRISES, LLC_____ (insert entity name) does not use coercion for labor or services as defined in s. 787.06(2)(a), Florida Statutes.
3. More particularly __S.H. HAYES ENTERPRISES, LLC_____ (insert entity name) does not participate in any of the following actions:
 - a. Using or threatening to use physical force against any person.
 - b. Restraining, isolating or confining or threatening to restrain, isolate or confine any person without lawful authority and against her or his will.
 - c. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of the labor or services are not respectively limited and defined;
 - d. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
 - e. Causing or threatening to cause financial harm to any person;
 - f. Enticing or luring any person by fraud or deceit; or

- g. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03, Florida Statutes to any person for the purpose of exploitation of that person.

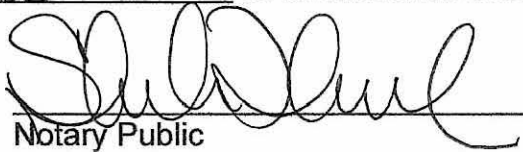
FURTHER AFFIANT SAYETH NAUGHT.



Printed Name: LESLIE HAYES
Title: OWNER
Nongovernmental Entity: S.H. HAYES ENTERPRISES, LLC
Date: 12/8/2025

STATE OF FLORIDA
COUNTY OF WASHINGTON

SWORN TO AND SUBSCRIBED before me in person or _____ remote notarization by _____ as _____ on behalf of _____, who is personally known to me or who produced Drivers License as identification this 8th day of December 2025.



Notary Public

(Notary Seal)



CITY OF DESTIN, FLORIDA

CONTRACT

**MISCELLANEOUS CONCRETE
CONTINUING SERVICES CONTRACT**

On SEPTEMBER 20, 2021, THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, herein referred to as the **City**, accepted the bid of S.H. Hayes Enterprises LLC, herein referred to as the **Contractor**, to supply miscellaneous concrete services. The Contractor's Cost Schedule for the terms of their engagement is included in their entirety by reference at Exhibit "A" and as completely as if incorporated herein.

TERMS AND CONDITIONS OF CONTRACT FOR THE MISCELLANEOUS CONCRETE SERVICES

1. **Entire Contract:**

This Contract represents the entire and integrated Contract between the City and Contractor and supersedes all prior negotiations, representations or contracts, either written or oral. Provisions of this Contract may be amended only by written instrument approved by the Destin City Council and signed by the City Manager and Contractor.

2. **Intent of Contract:**

This Contract is for supplying the City with all applicable miscellaneous concrete services for specific City projects. The Scope of Work, herein referred to as the **Work**, encompasses the foregoing and all descriptive work components described within Exhibit "A".

3. **Term of Contract and Time Extensions:**

This contract will be in effect from **October 1, 2021** through **December 31, 2022** and is for supplying the City with miscellaneous concrete services. Upon the agreeance of both parties, this contract is eligible for up to four one-year renewals.

4. **Time for Performance:**

The Contractor agrees to provide miscellaneous concrete services to the satisfactory approval and acceptance by the City.

5. **Compensation:**

All payments upon contract are contingent upon the Contractor's Work being acceptable to the City. For satisfactory completion and acceptance of the Work, the City agrees to pay the Contractor in accordance with the terms of this Contract and the Contractor's Cost Schedule as identified in the Bid Form submitted by the Contractor, as may have been adjusted at the time of contract approval and incorporated herein.

a. **Requests for Compensation (Invoices) shall be accompanied by the following:**

1. A description of the Work performed and a copy of email (or similar) that initiated said Work;
2. An itemized list of goods or services to include materials, flat fees, billable man-hours with rates, and any other payable items identified in Exhibit "A"; and
3. Dates when these services were performed and the names of Contractor's staff who performed billable Work.

6. **Changes in the Work:**

The City shall have the right at any time during the progress of the Work to increase or decrease the Work. Promptly after having been notified of a change, the Contractor shall submit an itemized estimate of any costs and/or time increases or savings it foresees as a result of the change. No additions or changes to the Work shall be made except upon written order of the City and the City shall not be liable to Contractor for any increased compensation without such written order.

7. Insurance:

Contractor shall, during the performance of the contract, maintain Worker's Compensation Insurance sufficient to secure benefits of the Florida Workmen's Compensation Law for all employees and any of the work sublet to any vendor or subcontractor, Comprehensive General Liability Insurance, Auto Liability Insurance, Builder's Risk Insurance, all with companies and in the form and amounts acceptable to the City. Said certificates of insurance of contractor are attached hereto and made a part hereof by reference. If any part of the work is sublet, similar insurance shall be provided by and in behalf of any subcontractors.

Evidence of Insurance: Contractor shall provide the City Certificates of Insurance naming the City as an additional insured. All binders, policies, or certificates of insurance shall provide for at least ten days notice from insurers to the City of any cancellation or amendment to any of the insurance policies.

8. Indemnification:

Contractor shall indemnify, defend, save, and hold the City, its agents, officers and employees, harmless of and from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including reasonable attorney's fees (including regulatory and appellate fees), arising out of, because of, or due to any accidents arising in any manner on account of the exercise or attempted exercise of Contractor's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of the City.

Contractor shall indemnify, defend, save and hold the City, its agents, officers and employees, harmless of and from and against any and all liens, claims, damages, demands, suits and liabilities, attorney's fees and costs, including appellate attorney's fees and costs, of and for mechanics and materialmen furnishing labor and materials in the performance of this contract.

9. Licensing:

The Contractor shall obtain all permits and maintain at his expense all professional and business certificates and licenses required by law and as necessary to perform services under this Contract. If Contractor performs any Work without obtaining, or contrary to, permits and licenses, Contractor shall bear all costs arising therefrom. The City may waive fees for City controlled permits, but in no instance can the City waive permit requirements nor fees beyond their control.

10. Cancellation:

This contract may be canceled by either party with a thirty day written notice and is contingent upon the annual appropriation by the City of legally available funds. City's obligation to pay the amount due hereunder in any fiscal year is contingent upon the appropriation by the City Council of legally available funds for the purposes set forth in this contract.

11. Performance of Work/Responsibilities:

For each task, the Contractor will be issued a work order by the City's Public Works Director or designee. The Public Works Director or designee will issue verbal work orders only in emergency situations. The Contractor shall commence work in a reasonable length of time and shall complete the

work in an expeditious manner. In emergency situations, the Contractor shall endeavor to commence work immediately. All work shall be done under the supervision of the City's Public Works Director or designated representative. The performance of Work and responsibilities hereto are outlined and made a part hereof as identified in Exhibit "A".

12. Termination for Default:

The Contract will remain in force for the full period specified and until the City Manager or his designee determines that all requirements and conditions have been satisfactorily met and the City Manager or his designee has accepted the work under the Contract Documents following the initial contract terms and all subsequent contract terms, including warranty and guarantee periods. However, the City Manager will have the right to terminate this Contract sooner if the Contractor has failed to perform satisfactorily the work required or comply with the other requirements of the Contract.

In the event the City Manager decides to terminate this Contract for the Contractor's failure to perform satisfactorily or meet its other responsibilities under the Contract, the City Manager will give the Contractor five (5) days' notice, whereupon the Contract will terminate, unless during the notice period the Contractor cures the failure to perform or meets its other responsibilities under the Contract to the satisfaction of the City Manager.

Upon Contract termination for the Contractor's failure to provide satisfactory contract performance, the Contractor will be entitled to receive compensation for Contract services satisfactorily performed by the Contractor and allocable to the Contract and accepted by the City Manager or his designee prior to such termination. However, an amount equal to all additional costs required to be expended by the City to complete the Work covered by the Contract, including costs of delay in completing the project, shall be either subtracted from any amount due or amount charged to the Contractor in the event the City Manager terminates the Contract.

Except as otherwise directed by the City Manager, or in the case of termination for default (in which event the Contractor may be entitled to cure, at the option of the City Manager), the Contractor shall stop work on the date of receipt of the notice or other date specified in the notice, place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the work not terminated, and terminate all contractor and subcontracts and settle all outstanding liabilities and claims.

In the event that any termination for default shall be found to be improper or invalid by any court of competent jurisdiction, then such termination shall be deemed to have been a termination for convenience.

13. Termination for Convenience:

The performance of work under this Contract may be terminated by the City Manager in whole or in part whenever the City Manager, in their discretion, determines that such termination is in the City's best interest. Any such termination shall be effected by the City Manager giving at least five (5) days' notice to the Contractor, specifying the extent to which performance of the work under this Contract is terminated and the date upon which such termination becomes effective.

As to termination for convenience, after receipt of the date of termination, the Contractor shall stop all work as specified in the notice; place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the Work not terminated; immediately transfer all documentation and paperwork for terminated work to the City; and terminate all contractors and subcontracts and settle all outstanding liabilities and claims.

14. Disclosure:

Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Contract.

15. Miscellaneous:

15.1 Governing Law

The parties intend that this Contract and the relationship of the parties shall be governed by the laws of the State of Florida. Venue for any action arising out of this contract shall be in Okaloosa County Florida and no where else.

15.2 Severability

If any section, subsection, term or provision of this Contract or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Contract or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable, shall not be affected thereby and each remaining section, subsection, term or provision of this Contract shall be valid or enforceable to the fullest extent permitted by law.

15.3 Sovereign Immunity

The parties further agree, nothing contained herein is intended nor shall be construed to waiver the City of Destin's rights and immunities under the Florida constitution, common law or Florida Statutes 768.28, as amended from time to time.

15.4 Construction

The Parties have participated jointly in the negotiation and drafting of this Contract. In the event an ambiguity or question of intent or interpretation arises, this Contract shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provision of this contract.

15.5 Jury Trial Waiver

CONTRACTOR AND CITY AGREE TO WAIVE THEIR RIGHTS TO A TRIAL BY JURY REGARDING ANY LAWSUIT INVOLVING THE INTERPRATION, CONSTRUCTION, ENFORCEMENT, OR GOVERNANCE OF THIS CONTRACT, AND FOR ANY LAWSUIT RELATED IN ANY WAY TO THIS CONTRACT OR FOR THE WORK PERFORMED PURSUANT TO THIS CONTRACT.

15.6 Attorney's Fees

In any dispute relating to this contract each party shall be responsible for their respective attorney's fees and costs.

15.7 Notices

All notices under the Contract shall be in writing and shall be effective when mailed by certified mail, return receipt requested, or when delivered personally, as provided hereafter, or to such other addresses as may be designated by notice:

15.8 Public Records

Contractor shall comply with Florida Public Records Laws, specifically to:

- a) Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
- b) Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
- c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- d) Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.

As to the City:


Lance A. Johnson
4200 Indian Bayou Trail
Destin, Florida 32541

As to the Contractor:

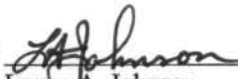
S.H. Hayes Enterprises, LLC
707 W 8th Street Circle
Lynn Haven, FL 32444

IN WITNESS WHEREOF, the City hereunto caused these presents to be subscribed and the Contractor has affixed their name and seal, this the 30th day of September, 2021.

ATTEST:


Rey Bailey
City Clerk

CITY OF DESTIN

By: 
Lance A. Johnson
City Manager

SEAL

As to Legal Form:

Kyle Bauman, Esq.
City Attorney

S.H. Hayes Enterprises, LLC

Samuel A. Hayes
Witness

Dawn Mickel
Witness

CONTRACTOR:

By:

(Signature)

(Printed Name)

Its:

(Title)

Leslie Hayes
Leslie Hayes
Owner

EXHIBIT A – BID FORM

PART I Bid submitted by:

Company: S.H. Hayes Enterprises, LLC
 Address: 707 W 8th Street Circle
 City & State: Lynn Haven, FL Zip Code: 32444
 Telephone: (850) 814-9139 Fax: ()
 Number of Years in Business: 45 Email: Shayes1218@yahoo.com

PART II Bidding RFB No. 21-05-PS, Miscellaneous Concrete Continuing Services:

Contractor shall provide proper signs and traffic control measures as per Florida Department of Transportation's Manual on Uniform Traffic Control Devices and the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), current edition. All construction, methods of measurement, and basis of payment shall be in accordance with Division II and III of the Florida Department of Transportation Standards Specifications for Road and Bridge Construction (current edition), copies of which are available from the Florida Department of Transportation. Contractor must be FDOT Maintenance of Traffic (MOT) certified and use those traffic controls identified in FDOT Standard Plans (102-600 series). Contractor will perform sidewalk work consistent with the FDOT's Local Agency Program (LAP) concrete specifications for formwork, joint placement/depth/material, and concrete finishing and will comply with the FDOT's Standard Plans for Curbing (520-001) and Sidewalk (522-001).

SERVICE DESCRIPTION AND SPECIFICATIONS

Item	Unit	Unit Price
Concrete Driveway, 6 inches thick*	Square Foot	\$ 8.95
Concrete Sidewalk, 4 inches thick*	Square Foot	\$ 10.25
Concrete Flat/Ribbon Curb (12" wide by 8" deep)*	Linear Foot	\$ 18.00
Concrete Type "D" Curb*	Linear Foot	\$ 18.00
Concrete Type "E" Curb & Gutter*	Linear Foot	\$ 24.00
Concrete Type "F" Curb & Gutter*	Linear Foot	\$ 30.00
Concrete Modified (18") Type "F" Curb & Gutter*	Linear Foot	\$ 30.00
Concrete Pads <1000 square feet*	Square Foot	\$ 10.25
Concrete Pads ≥1000 square feet*	Square Foot	\$ 5.75
Fill Dirt provided, delivered, spread, and compacted	Cubic Yard	\$ 24.00
FDOT qualified Traffic Control (MOT) cost	Per Day	\$ 200.00
Bermuda Sod installed	Square Foot	\$ 2.75 AT

Initials of Bidder: YH

City of Destin – RFB 21-05-PS

Miscellaneous Concrete Continuing Services

St Augustine Sod installed	Square Foot	\$ 8.75 1.97	VH
Centipede Sod installed	Square Foot	\$ 7.75 .86	VH
Removal of Concrete 4 inches thick	Square Foot	\$ 2.00	
Removal of Concrete 6 inches thick	Square Foot	\$ 3.00	
Removal of Asphalt (up to 4 inches thick)	Square Foot	\$ 2.00	
Clear & Grub	Square Foot	\$ 2.50	
Debris Hauling	Cubic Yard	\$ 40.00	
Silt Fence	Linear Foot	\$ 4.25	
Asphalt Cut with Abrasive Blade	Linear Foot	\$ 4.50	
Concrete Cut with Abrasive Blade	Linear Foot	\$ 5.50	
Concrete (sidewalk joint) Grinding	Linear Foot	\$ 12.00	
Tree trimming	Per Hour	\$ 100.00	
Aluminum Pipe Guiderail (FDOT Index 870)	Linear Foot	\$ 40.00	
Irrigation Repair	Per hour	\$ 60.00	
American Disabilities Act (ADA) truncated dome "cast-in-place" paver unit installation, yellow <i>materials provided by City to match</i>	24" x 48" (each)	\$ 372.00	
	24" x 60" (each)	\$ 408.00	
	24" x 72" (each)	\$ 455.00	
	24" x 96" (each)	\$ 555.00	
	24" x 120" (each)	\$ 700.00	
Swale Installation (grading)	Cubic Foot	\$ 11.50	
Additional Services not previously described			
Item	Unit	Unit Price	
Manhole Adjustments	one ring + lid	\$ 475.00	
Asphalt Patching (Hot mix)	Sq. FF X 2" thick	\$ 34.50	
		\$	
		\$	
		\$	

*All concrete installations shall be fiber-reinforced 4000psi.

Materials and Supplies will be billed at the contractor's wholesale price or contractor's wholesale price plus 15 %. Preference may be given to contractors providing materials at cost. The contractor shall supply materials invoices upon request.

SAFETY NOTE

All work associated with this bid must be conducted with safety in mind. It is expected that the contractor will provide all necessary personal protective equipment that will be utilized by their staff while performing work for the City of Destin. In addition, the contractor will ensure that all FDOT, OSHA and other applicable State and Federal workplace safety guidelines are adhered to while working on behalf of the City of Destin.

The contractor will ensure that work vehicles, equipment and trailers are properly outfitted with proper, adequate, and working signage, lightbars, arrow boards, etc.

Initials of Bidder: VH

Approved in 2023. (No changes proposed at this time)

City of Destin, FL
Department of Public Works & Emergency Management
Continuing Services Concrete Contract Pricing

Item (*all concrete items are 4000psi w/ reinforcement fiber)	Unit	Current Unit Prices
Concrete Driveway 6" thick*	Square Foot	\$11.99
Concrete Sidewalk, 4" thick*	Square Foot	\$8.37
Concrete Flat/Ribbon Curb (12"W x 8"D)*	Linear Foot	\$24.12
Concrete Curb Type "D"*	Linear Foot	\$24.12
Concrete Type "E" Curb & Gutter*	Linear Foot	\$32.16
Concrete Type "F" Curb & Gutter*	Linear Foot	\$40.20
Concrete Mod. Type "F" Curb & Gutter*	Linear Foot	\$40.20
Fill Dirt Provided, Delivered, Spread, and Compacted	Cubic Yard	\$31.44
FDOT Qualified Traffic Control (MOT)	Per day	\$250.00
Bermuda Sod Installed	Square Foot	\$0.97
St. Augustine Sod Installed	Square Foot	\$0.87
Centipede Sod Installed	Square Foot	\$0.86
Removal of concrete 4" thick	Square Foot	\$2.62
Removal of concrete 6" thick	Square Foot	\$3.93
Removal of Asphalt (up to 4" thick)	Square Foot	\$2.62
Clear & Grub	Square Foot	\$3.27
Debris Hauling	Cubic Yard	\$52.40
Silt Fence	Linear Foot	\$4.25
Asphalt Cut w/ Abrasive Blade	Linear Foot	\$5.89
Concrete Cut w/ Abrasive Blade	Linear Foot	\$7.20
Tree Trimming	Per Hour	\$131.00
Aluminum Pipe Guardrail (FDOT Index 870)	Linear Foot	\$183.40
Irrigation Repair	Per Hour	\$60.00
Manhole Adjustments	One Ring & Lid	\$475.00
Asphalt Patching (Hot Mix)	Square Foot (2" thick)	\$34.50
Excavation	Square Foot	\$2.50
Curb Removal	Square Foot	\$6.50

**CITY OF DESTIN
TRAVEL EXPENSE LOG**

Name: Bobby Wagner

Travel Dates: 12/3/2025 to 12/6/2025

Date:	Wednesday 3-Dec-25	Thursday 4-Dec-25	Friday 5-Dec-25	Saturday 6-Dec-25	Total
Meals:					
Partial Per Diem:					
Daily Per Diem:		\$ 80.00	\$ 80.00	\$ 80.00	\$ 320.00
Total Meals		\$ 80.00	\$ 80.00	\$ 80.00	\$ 320.00
Transportation:					
Airfare:					
Car Rental:					
Fuel Expenses:					
Taxi:					
Personal Miles: \$ 0.700		\$ 294.00		\$ 294.00	\$ 588.00
Total Transportation		\$ 294.00		\$ 294.00	\$ 588.00
Lodging:					
Hotel Charges:		\$ 207.94	\$ 207.94	\$ 207.94	\$ 623.82
		\$ 207.94	\$ 207.94	\$ 207.94	\$ 623.82
Misc. Expenses:					
Parking:					
Tolls:					
WIFI:					
Other: Explain: Conf. Reg.		\$ 325.00			\$ 325.00
Other: Explain:					
Total Misc. Expenses		\$ 325.00			\$ 325.00
Grand Total		\$ 906.94	\$ 287.94	\$ 287.94	\$ 374.00
					\$ 1,856.82

City of Destin
Travel Expense Claim

Name: Bobby Wagner

Department: Mayor

Travel: Place/Purpose FLC 2025 Legislative Conference

Date: 12/3/25 - 12/6/25

Note: All expenses must be supported by a receipt except meal per diems and must be supported by a Travel Expense Log.

Meals/Per Diem: \$ 320.00

Airfare: \$ -

Car Rental: \$ -

Fuel Expenses \$ -

Taxi: \$ -

Personal Miles: \$ 588.00 POV

Lodging: \$ 623.82

Parking: _____

Tolls: \$ -

WIFI: \$ -

Other: Itemize \$ 325.00 Conference Registration

Other: Itemize \$ -

\$ -

\$ -

Total Reimbursable Expenses: \$ 1,856.82

Less: Purchasing Card Charges \$ 948.82

Less: Purchasing Card Charges _____

Balance Due Traveler _____

Reimburse City for fuel cost _____

Net Due Traveler \$ 908.00

Finance Director: Krystal Strickland

Account #: 001.5110.540000

City Manager: Larry Jones

Date: 12/10/2025

**CITY OF DESTIN
TRAVEL EXPENSE LOG**

Name: Sandy Trammell

Travel Dates: 12/2/25 - 12/5/25

Date:	Tuesday 2-Dec-25	Wednesday 3-Dec-25	Thursday 4-Dec-25	Friday 5-Dec-25	Total
Meals:					
Partial Per Diem:					
Daily Per Diem:		\$ 80.00	\$ 80.00	\$ 80.00	\$ 320.00
Total Meals		\$ 80.00	\$ 80.00	\$ 80.00	\$ 320.00
Transportation:					
Airfare:					
Car Rental:					
Fuel Expenses					
Taxi:					
Personal Miles: \$ 0.700		\$ 294.00		\$ 294.00	\$ 588.00
Total Transportation		\$ 294.00		\$ 294.00	\$ 588.00
Lodging:					
Hotel Charges:		\$ 252.38	\$ 252.38	\$ 252.38	\$ 757.14
		\$ 252.38	\$ 252.38	\$ 252.38	\$ 757.14
Misc. Expenses:					
Parking:			\$ 21.30	\$ 21.30	\$ 42.60
Tolls:					
WIFI:					
Other: Explain: Conf. Reg.		\$ 325.00			\$ 325.00
Other: Explain:					
Total Misc. Expenses		\$ 325.00	\$ 21.30	\$ 21.30	\$ 367.60
Grand Total		\$ 951.38	\$ 353.68	\$ 353.68	\$ 374.00
					\$ 2,032.74

City of Destin
Travel Expense Claim

Name: Sandy Trammell

Department: Council

Travel: Place/Purpose FLC 2025 Legislative Conference

Date: 12/2/2025 - 12/5/2025

Note: All expenses must be supported by a receipt except meal per diems and must be supported by a Travel Expense Log.

Meals/Per Diem: \$ 320.00

Airfare: \$ -

Car Rental: \$ -

Fuel Expenses \$ -

Taxi: \$ -

Personal Miles: \$ 588.00 POV

Lodging: \$ 757.14

Parking: \$ 42.60

Tolls: \$ -

WIFI: \$ -

Other: Itemize \$ 325.00 Conference Registration

Other: Itemize \$ -

\$ -

\$ -

Total Reimbursable Expenses: \$ 2,032.74

Less: Purchasing Card Charges \$ 1,082.14

Less: Purchasing Card Charges

Balance Due Traveler \$ 950.60

Reimburse City for fuel cost

Net Due Traveler \$ 950.60

Finance Director: Krystal Strickland

Account #: 001.5110.540000

City Manager: Larry Jones

Date: 12/10/2025

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.F.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Rey Bailey, City Clerk

DATE: December 9, 2025

SUBJECT: Resolution 25-24 - Publishing the Dates of the Regular City Council Meetings in Calendar Year 2026

I. BACKGROUND: Due to the intensive budget season and holidays, the city council previously directed city staff to propose regular meeting schedules for an upcoming calendar year tailored to address these potential limitations. Council Resolution 22-08 states that, "At a regularly scheduled meeting in December of each year, the city council shall adopt a resolution publishing the dates of its regular meetings for the next 12 months. This resolution adopting the meeting schedule may be amended from time to time at the council's discretion so long as it complies with the City's Charter and Florida Law. Generally, regular meetings will be held on the first and third Mondays of each month except for national holidays, which fall on a Monday, when the regular meetings will be on the next Tuesday. However, the council may adopt any regular meeting schedule for the next 12 months as it sees fit, so long as it schedules at least one regular meeting each month in accordance with the City's Charter.

II. DISCUSSION: Proposed Resolution 25-24 (Atch 1) specifies the dates the city council will hold its regular meetings for the calendar year 2026. Specifically, city staff recommends the city council conduct its regular meetings on the following days, beginning at the dual 6:00 p.m. start time.

- January 5, 2026
- January 20, 2026 (Tuesday meeting) (January 19th – MLK Birthday).
- February 2, 2026
- February 17, 2026 (Tuesday meeting) (February 16th – Presidents' Day)
- March 2, 2026
- March 16, 2026
- April 7, 2026 (Tuesday Meeting). (Staff recommends April 7th because Monday

(April 6) immediately follows Easter Sunday (April 5), which is a major holiday to many residents, staff, and council members. Holding a meeting the very next day may create scheduling challenges due to holiday travel, and family commitments. Avoiding a meeting on this date helps ensure full participation, adequate preparation time, and effective public engagement).

- April 20, 2026

- May 4, 2026
- May 18, 2026
- June 1, 2026
- June 15, 2026
- July 6, 2026
- July 20, 2026
- August 3, 2026
- August 17, 2026
- September 8, 2026 (Tuesday Meeting) (September 7 – Labor Day)
- September 21, 2026
- October 5, 2026
- October 19, 2026
- November 2, 2026
- November 16, 2026
- December 7, 2026
- December 21, 2026

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

III. CONCLUSION: City staff recommends the city council adopt the meeting schedule specified in proposed Resolution 25-24.

IV. RECOMMENDED MOTION: I move to adopt Resolution 25-24.

Attachments:

1. 24 - City Council Meeting Schedule - 2026

RESOLUTION 25-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN ADOPTING ITS REGULAR MEETING SCHEDULE FROM JANUARY 2026 THROUGH DECEMBER 2026; PROVIDING FOR AUTHORITY; PROVIDING FOR AMENDMENTS TO REGULAR MEETING SCHEDULE; AND AN EFFECTIVE DATE.

WHEREAS, the city council recognizes that the budget season and the holiday season may impact the council’s ability to meet for calendar year 2026; and

WHEREAS, to minimize disruptions to the city council’s regular meeting schedule and provide ample notice to the public of the council’s regular meeting schedule, the council desires to adopt the following meeting schedule for the calendar year 2026; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Destin does hereby adopt the following meeting schedule for calendar year 2026:

1. **Authority.** The authority for this resolution is the City Charter and Section 286.0114, Florida Statutes.

2. **City Council Regular Meetings for Calendar Year 2026.** The city council shall meet on the following days for the calendar year 2024.
 - January 5, 2026
 - January 20, 2026 (Tuesday meeting) (January 19th – MLK Birthday).
 - February 2, 2026
 - February 17, 2026 (Tuesday meeting) (February 16th – Presidents’ Day)
 - March 2, 2026
 - March 16, 2026
 - April 7, 2026 (Tuesday Meeting)*
 - April 20, 2026
 - May 4, 2026
 - May 18, 2026
 - June 1, 2026
 - June 15, 2026
 - July 6, 2026
 - July 20, 2026
 - August 3, 2026
 - August 17, 2026
 - September 8, 2026 (Tuesday Meeting) (September 7 – Labor Day)
 - September 21, 2026
 - October 5, 2026

- October 19, 2026
 - November 2, 2026
 - November 16, 2026
 - December 7, 2026
 - December 21, 2026
3. **Amendments to this Calendar:** The city council may amend this resolution at any time so long as such amendment complies with the City’s Charter and Florida Law.
 4. **Supersedes Resolution 25-24.** The city council is adopting new procedures relating to the adoption of its regular meeting schedule through Resolution 22-08. This resolution supersedes and controls the council’s meeting schedule in the event of any conflict with Resolution 22-08.
 5. **Effective Date.** This resolution shall be effective immediately upon adoption by the city council.

SO DONE THIS THE 16TH DAY OF DECEMBER 2025

By: _____

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

**Approved as to legal form and sufficiency
for the City of Destin, only.**

Kimberly Romano Kopp, City Attorney

**MINUTES
EXECUTIVE SESSION
CITY COUNCIL
DECEMBER 1, 2025
5:30 PM
CITY HALL ANNEX COUNCIL CHAMBERS**

The Council of the City of Destin met at an executive session with the following members and staff present:

Council Present

Mayor Bobby Wagner

Councilmember Torey Geile

Councilmember Terésa Hebert

Councilmember Sandy Trammell

Councilmember Kevin Schmidt

Councilmember Jim Bagby

Councilmember Rodney Braden

Staff Present

City Manager Larry Jones

City Clerk Rey Bailey

City Attorney Kimberly Romano Kopp

Litigation Attorney Eric A. Krebs, Esq

Others Present

Racheal Callahan, Court Reporter

CALL TO ORDER

1. EXECUTIVE ATTORNEY-CLIENT SESSION: Pursuant to Section 286.011(8), Florida Statutes, the City's Special Counsel will be seeking the advice of the City Council regarding settlement negotiations and/or strategy related to litigation expenditures concerning the pending litigation:

**F129 v. City of Destin (2023-CA-003643), in the Circuit Court
of Okaloosa County, Florida.**

Mayor Wagner convened the meeting and announced that:

"This session of the Destin City Council is hereby convened as noticed by publication in a newspaper of general circulation, The Daily News, on Wednesday November 26, 2025."

The City Attorney states as follows:

"Pursuant to §286.011(8), Florida Statutes, at this time, I would like to request that we adjourn to executive session so that I, the attorney of record for the City of Destin in:

F129 v. City of Destin (2023-CA-003643), in the Circuit Court of Okaloosa County, Florida.

may receive the Council's advice regarding the strategy to be used in this case and the type of expenses to be incurred."

The entire session would be recorded by a court reporter, the transcript would be filed with the City Clerk, and available to the public at the conclusion of the litigation discussed today. A copy of the published notice of this executive session is hereby identified as Exhibit A and will be attached to the transcript of this executive session.

In addition to the Mayor Pro Tem and City Council members in attendance tonight, the following individuals will attend the session:

Attorneys for the City: ***Eric A. Krebs, Esq.***
Warner Law Firm, P.A.
P.O. Box 1820
Panama City, Florida 32401

Kimberly Romano Kopp, Esq., LEED AP
Romano Kopp Law, PA.
P.O. Box 5524
Destin, Florida 32541-0445

City Manager ***Larry Jones"***

The City Attorney (Cont.)

"At this time will the Mayor and council members in attendance please identify yourselves for the record?"

The following members of the city council each announced their presence:

Councilmember Rodney Braden
Councilmember Sandy Trammell
Councilmember Jim Bagby
Mayor Bobby Wagner
Councilmember Terésa Hebert
Councilmember Torey Geile
Councilmember Kevin Schmidt

The City Attorney (Cont.)

I estimate that this executive session will take approximately 30 minutes. At the conclusion of the executive session, the Council will reconvene the public hearing, accept any motions if applicable, and the mayor will end the session."

Mayor Wagner states that:

“At this time, we will recess the public portion of tonight’s meeting and convene the executive session.

Individuals whose names are not listed in the published notice left the room and the executive session convened.

Once the closed session ended and the City Clerk has returned, the Mayor states:

“We will now reconvene the public portion of this meeting and I will accept any motions from the council.”

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to direct counsel to proceed directly to summary judgement, passed 6-0.

ADJOURNMENT:

Having no further business at this time, the Mayor adjourned the meeting at 6:02 PM.

ADOPTED THIS 16TH DAY OF OCTOBER 2025

By:

Bobby Wagner, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.A.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director
Krystal Strickland, Finance Director

DATE: 11/07/2025

SUBJECT: Destin Optimization of Government Efficiencies (DOGE) Initiative Update

I. BACKGROUND: The Destin Optimization of Government Efficiencies (DOGE) program has been established to proactively identify and implement measures that improve operational efficiency, enhance accountability, and ensure fiscal responsibility across all City Departments. This initiative aligns with Council’s ongoing focus on transparency, data-driven management, and resident-centered service delivery.

The DOGE framework mirrors recent state and regional reviews of local government operations, such as the Bay County audit model, covering areas including procurement, personnel compensation, property management, utilities, community services, and grant administration.

II. DISCUSSION: The DOGE initiative focuses on delivering smarter, faster, and more accountable City services by:

- Reviewing all agreements and spending above \$10,000.
- Conducting efficiency audits of staffing, overtime, and compensation history.
- Evaluating the use and condition of City-owned properties and leases.
- Assessing the cost-effectiveness of utility, transportation, and environmental programs.
- Ensuring transparency and alignment of all programs with the City’s core mission.

DOGE also emphasizes public narrative control, proactively communicating the City’s efficiency achievements to the community, local media, and oversight entities. This positions Destin as a model of intentional, resident-focused governance and reduces the risk of external audit findings or state-imposed cost-cutting measures.

Benefits include:

- Improved operational performance through modernization and process mapping.
- Reduced administrative waste and better control of overhead expenses.
- Enhanced eligibility for state or federal modernization grants.
- Employee engagement, including small financial awards for staff-proposed efficiency ideas (up to \$2,500 annually).

Moving forward, each DOGE initiative requiring Council action will be presented to Council using a uniform structure that includes data analysis, recommended actions, technology needs, expected outcomes, and measurable benefits.

A. Link to Strategic Goals / Objectives: I. Financially Sound City providing Service Excellence

B. Effect on Budget (EOB): Implementation of DOGE is being completed within existing departmental budgets using staff resources. Any potential costs, such as technology tools or consulting support, will be offset by expected savings and process improvements identified through the program.

Reforms are expected to produce measurable long-term savings through reduced waste, optimized resource allocation, and streamlined workflows.

C. Level of Service (LOS): DOGE enhances the City's ability to:

- Deliver high-quality public services with fewer resources.
- Maintain or improve service levels even during budget constraints.
- Strengthen internal controls and fiscal oversight.
- Reduce redundancy and the frequency of corrective maintenance or administrative "rework."

Ultimately, the program supports a culture of continuous improvement, helping City departments operate more effectively while ensuring accountability to residents.

D. Legislative Sponsor: N/A

E. Business Impact Statement: N/A

III. CONCLUSION: The DOGE initiative positions Destin as a leader in proactive government modernization and transparency. By formalizing and tracking efficiency efforts, the City can identify cost savings, improve internal workflows, and demonstrate to residents and oversight agencies that resources are managed responsibly and strategically.

This is a long-term investment in Operational Excellence and Public Trust.

IV. RECOMMENDED MOTION: In the absence of Council discretion, no further action is required at this time.

Attachments:

ITEM # 2025-1330

1. DOGE Presentation
for 121625 for Council
2. DOGE Presentation
for 121625 item
details

Destin Optimization of Government Efficiencies (DOGE)

Delivering Smarter, Faster, and More Accountable City Services

Update to City Council - December 16, 2025



DOGE Overview

Delivering Smarter, Faster,
Transparent City Services

Why it Matters: growing
service demands, limited
budgets, and the push for
data-driven, accountable
governance

Statewide Context & Risks

Audits now focusing on Procurement, Compensation, Property, Utilities, DEI, Environmental Spending, Grants, Transportation, Homelessness, and more.

Risks if We're Not Ready include: Negative Headlines and Public Perception, State-imposed cuts or program shutdowns, and Loss of Control over local Budget Priorities

Shaping the Public Narrative

DOGE is co-authoring our
Story; we must lead it.

How we get there...

- + Share Data, Progress, and Successes Openly
- + Frame DOGE as proactive efficiency + resident-focused governance
- + Highlight wins to City Council, Committees, and Media Outlets

Efficiency as a Culture

Efficiency is long-term:

Proactive > Reactive

How We get There...

+ Regular Audits keep us Ahead

+ Modernize, Digitize,
Humanize Service Delivery

Tier 0: Wins Already Delivered

WINS

\$641,676



Direct Purchasing of CIP Materials (Tax Savings for recent projects):

$\$12,552 + \$43,540 + \$69,537 = \$125,629$

HR Improvements:

Hiring Process Redesign: **\$7,200/yr**

Workers Comp Reclasses: **\$44,000**

Health Insurance Plan Optimization: **\$431,185**

Library Program Delivery Efficiencies: Grants + Subscription Reductions + RFID Transition = **\$12,662** in 2025

IT Subscription Reductions, Decommissioning of Tyler Tech, **\$7,484.54**

Parks & Rec Improvements:

In-House CPO Certifications (**saves ~\$21,000/year**), LED Upgrades, Refillable Bottle Stations, Electric Hand-Dryers, Grant-funded Staff

Tier 1: Quick Wins (<6 months)

Budget Book Simplification/Elimination: Saves **300+ man-hours/Year**

Fleet Idling Policy: Expected **\$3,000-\$5,000 savings/year**

Utility and Telecom Audit: Remove unused meters/lines saves **\$5,000-\$8,000/year**

Road Resurfacing Packaging: Saves **\$24,000-\$28,000/year**

Janitorial Supply Strategy: Shift to Amazon Business saves **\$8,000/year**

Purchasing Card Limit Upgrades: Reduces delays and paperwork; improves operational performance

Tier 2: Medium- Term (6-18 months)

Fleet Utilization Analysis: Retire low-use vehicles

Lease Modernization: Update 20–30-year-old agreements; ensure fairness & cost-sharing

Harbor District Paid Parking Expansion

Fuel Card & GPS Tracking Audits: Monitor Usage, detect waste, strengthen accountability

Tier 3: Strategic (18+ Months)

Close-Out & Warranty Tracking Initiative

- + Standardize Project Close-Outs
 - + Require As-Builts, O&M Manuals, Warranties Upfront
 - + Centralized Digital Tracking
- = Faster Project Completion, Better Contractor Accountability, Protects long-term, City Investments

The **BIG** Picture

DOGE is already producing **real, measurable** results, and the roadmap accelerates a City-wide Culture of Efficiency.

By taking ownership of the narrative and continuing reforms, we will build a smarter, more transparent, more resident-focused government.

City of Destin, FL Destin Optimization of Government Efficiencies (DOGE)

Delivering Smarter, Faster and More Accountable City Services

Update to City Council - December 16, 2025

Project Details, Supplementary Material



DOGE Initiatives

(Batch 1)

Tier 0: Items already accomplished
or in-place

Tier 1: Quick Wins (<6 months,
High Impact + High Feasibility)

Tier 2: Medium Term (6-18
months)

Tier 3: Strategic or Longer Term
(18+ months)

Direct Purchase Initiative

Human Resources Program Changes

Destin Public Library Efficiencies

IT Subscription Reductions, Tyler Decommissioning

Parks & Recreation Initiatives

Budget Book Elimination

Vehicle Idling

Utility Bill and Telecom Audit

Road Project Packaging

Janitorial Supplies Purchasing

Procurement Threshold Review & Streamlining

Fleet Utilization and Telematics

Building Lease Evaluation

Harbor District Paid Parking Expansion

Fuel Card and Usage Audit

Accelerated Close-Out and Warranty Tracking

Direct Purchase Initiative (Tier 0)

*Saving Sales Tax on Capital
Project Materials*

- City can directly purchase large materials to avoid sales tax.
- This saves ~7% (sales tax) normally passed on by contractors.
- City already implemented direct purchase on three major projects.
- Pickleball Facility: saved **\$12,552** through direct procurement.
- Morgan Sports Center Field Lighting: realized **\$43,540** in tax-exempt savings.
- Crosstown Connector Phase 1: saved **\$69,537** in material costs.
- **Action:** Identify opportunities and continue direct purchase of qualifying capital project materials to leverage the City's tax-exempt status, reduce overall construction costs, and maximize budget efficiency.

Human Resources (Tier 0)

*Improving Hiring, Benefits,
and Workforces Systems to
reduce costs and
strengthen operations*

- **Streamlined Interview & Assessment Process**
Redesigned the hiring process, reducing external testing reliance.
Savings: \$1,800 in four months (\$7,200/yr)
- **Worker's Compensation Class Code Reclassification**
Corrected outdated WC codes across departments.
Savings: \$44,000 (or **\$72,000** when including avoided rate increases)
- **Health Insurance Optimization – Difference Card**
Implemented cost-offsetting plan structure to avoid a 13.1% premium increase.
Guaranteed savings: \$431,185
- **Internal Certification & Capacity Building**
Increased internal training to reduce contractor dependence and support citywide operational savings.

Destin Public Library (Tier 0)

*Advancing Community
Services through grants,
subscription reductions,
and technology efficiencies*

- **Florida Humanities Grant (May 2025)**
Supporting annual Summer Reading Program materials.
Savings/offset: \$3,000
- **Dollar General Literacy Grant (Aug 2025)**
Funded technology-hybrid books for the children's collection.
Savings/offset: \$4,000
- **Dollar General Grant – Summer Programs (May 2025)**
Covers supplies and program materials.
Savings/offset: \$2,500
- **Adobe Software License Consolidation (Sept 2025)**
Discontinued standalone license; sharing license with Planning.
Savings: \$400
- **Encyclopedia Britannica Subscription Cancellation (Sept 2025)**
Low utilization; discontinued subscription.
Savings: \$1,000
- **Tumble Books + Teen Book Cloud Cancellation (Sept 2025)**
Eliminated low-use digital subscriptions.
Savings: \$1,000
- **RFID System Transition (Dec 2025)**
Switching from Envisionware RFID to Bibliotheca RFID for improved service,
lower annual licensing costs.
Annual savings: \$762
- **Total 2025 Library Savings: \$12,662**
- **Ongoing Savings: \$3,162/yr**

Tyler Technologies Extension Analysis (Tier 0)

*Review of Module
Utilization and Resulting
Reduction of Extension
Costs*

- Departments evaluated module usage and confirmed which systems remained essential for operations.
- Reduction in required modules and user licenses lowered the extension cost from \$54,289.08 to \$46,804.54.
- Cost-saving recommendations included removing unused modules (e.g., Inventory) and limiting user access.
- Extension planning ensured continued access for critical needs such as HR/payroll, permitting, and public records compliance.
- **Savings of \$7,484.50** by eliminating licenses and modules as the City starts the decommissioning process with Tyler Technologies

Parks & Recreation

(Tier 0)

Delivering Smarter Facilities Management, Energy Savings, and developing In-House Capabilities

- **In-House Pool Maintenance Certification**
Trained internal staff to replace subcontracted pool maintenance.
Annual savings: \$21,720
- **Energy Efficiency Upgrades (LED Conversions)**
Converted Parks & Recreation facilities to LED lighting. Reduces energy consumption and maintenance costs.
- **Bottle Filling Stations Installed at Parks**
Eliminated bottled spring water purchases.
Ongoing operational cost reductions.
- **Electric Hand Dryers in All Public Restrooms**
All 11 restrooms now operate paper-free.
Savings from eliminated paper product purchases and reduced waste.
- **Grant-Funded Staffing**
Six employees funded through grants, reducing General Fund labor expenses.

Budget Book Elimination

(Tier 1)

*Reducing Director Time for
Budget Book Preparation
and Publication*

- Past Years: estimated 450 hours/year of directors' time to enter budget and write up budget book summaries
- Simplification of Posted Budget Book could save 300 hours of directors' time
- Annual savings potential: **\$24,000/year** by requiring only bare basics required by Florida Statute and \$500/year by not participating in GFOA Budget Book Review program
- **Action:** Approve discontinuance of GFOA Budget Book Review program and approve simplified budget book.

Fleet Idling Reduction Initiative (Tier 1)

*Reducing Fuel Waste and
Extending Vehicle Life*

- Fleet recorded **1,283 idle hours**, wasting over **\$2,400 in fuel annually**.
- Establish a **5-minute idling limit** for all City-owned vehicles.
- Monitor performance using the **Verizon Reveal telematics tracking system**.
- Expected savings: **\$3,000–\$5,000 yearly** through fuel and maintenance reductions.
- Policy improves **fleet reliability, sustainability, and employee accountability**.
- Implementation planned for **January 2026** across all City departments.

Utility Bill & Telecom Audit Initiative

(Tier 1)

Reducing Waste through Utility and Communications Efficiency Review

- Conduct annual audit of power and telecom accounts citywide.
- Identify underused or inactive power meters showing no kWh usage.
- Remove or consolidate unused electrical service accounts to reduce base fees.
- Review phone and fax lines; disconnect inactive or obsolete services.
- Example: City still maintains fax line with no operational need.
- Estimated annual savings \$5,000–\$8,000 through meter and line elimination.
- **Action:** Authorize staff to complete a comprehensive utility and telecom audit, remove or consolidate unused meters and lines, and report verified savings to Council in FY26.

Road Resurfacing Packaging (Tier 1)

*Reducing Mobilization
Costs and Streamlining
Street Improvements*

- Current resurfacing projects are bid individually, increasing annual mobilization costs.
- Contractors charge separate setup fees for each small paving location.
- Combine multiple streets into larger resurfacing “packages” bid once annually.
- Expected savings from 6–7 avoided mobilizations: **\$24,000–\$28,000** per year.
- Fewer mobilizations reduce scheduling delays and community traffic disruptions.
- Streamlined contracting delivers more lane-miles paved within existing budget.
- **Action:** Approve road resurfacing packaging strategy and direct staff to implement citywide in FY 2025 to maximize savings and operational efficiency.

Janitorial Supplies Purchasing Initiative

(Tier 1)

*Reducing Costs for Paper
and Cleaning Products*

- City maintains eight public restrooms serving over one million visitors yearly.
- Current vendor Imperial Dade supplies paper and janitorial products citywide.
- Analysis compared Imperial Dade costs to Amazon Business pricing alternatives.
- Annual savings potential: ~ **\$8,000 (32%)** by shifting select purchases.
- Greatest savings from paper towels (~**\$5,600**) and cleaning supplies (~**\$2,000**).
- Recommendation: Procure paper towels + cleaning supplies via Amazon Business.
- **Action:** Approve adjustment of janitorial supply purchasing strategy to include Amazon Business for high-volume consumables while evaluating toilet paper procurement case-by-case for reliability and cost control.

Purchasing Card Limit Adjustment Initiative

(Tier 1)

*Streamlining Small
Purchases and Reducing
Administrative Delays*

- Current purchasing card limit: **\$1,000**, requiring memos for larger buys.
- Purchases above limit need two quotes, routing, and multi-step approvals. Required of the Public Works Department **19 times** in FY25.
- Process delays urgent repairs and small operational purchases.
- Allow select positions: City Mechanic, Public Works Director, Parks Director up to **\$2,000**.
- Raise all other card limits from **\$1,000 to \$1,500**.
- Change reduces paperwork while maintaining oversight and audit tracking.
- **Action:** Approve adjustment to purchasing card limits as outlined to improve efficiency, reduce administrative burden, and expedite operational purchases under existing procurement policy controls.

Fleet Utilization & Telematics Initiative (Tier 2)

Using Telematics to identify under- and over-utilized vehicles and save costs

- Deploy Verizon Connect Reveal telematics across the fleet for analytics.
- Track vehicle usage, engine hours, idle time, and maintenance costs.
- Identify vehicles below utilization benchmarks and subject to reassignment/retirement. Identify vehicles above utilization benchmarks/hours.
- Estimated savings: retire 5 low-use assets @ ~\$12,000 each = ~\$60k.
- Monitor data weekly and adjust fleet size based on real-time utilization.
- Improve service readiness while reducing spend and eliminating waste.
- **Action:** Set benchmarks, identify low-use vehicles, and report semi-annually to Council on savings and service improvements.

Building Lease Evaluation Initiative (Tier 2)

*Modernizing City Facility
Leases for Fairness and
Accountability*

- Several City leases date back **20–30 years** with outdated terms (Fishing Museum, Old Post Office, Sheriff’s Substation, Fishing Rodeo).
- City retains responsibility for property insurance, structural repairs and building maintenance under existing leases, even when wear or damage results from tenant use.
- Sheriff’s Office lease (1998) not updated after County EMS moved in.
- EMS occupies space but bears no maintenance or cost responsibility.
- Other leases (Fishing Museum, Post Office, Rodeo) also favor tenants.
- Recommend renegotiating all leases to ensure shared maintenance, inclusion of inspection rights, and fair rent.
- **Action:** Direct staff to review and renegotiate outdated facility leases to align with current use, transfer maintenance liability where appropriate, and ensure equitable cost-sharing for all occupants.

Harbor District Parking Expansion Initiative (Tier 2)

*Expanding Paid Parking and
Reinvesting in the Harbor
CRA*

- Harbor District visitation has increased parking demand year-round.
- Identify City-owned lots for daily and event paid parking operations.
- Three sites: Upper & Lower Cemetery Lots + Fishing Museum Lot (after 5pm daily).
- **53** total spaces projected to generate **≈ \$116,000** annually.
- **50%** of proceeds dedicated to the Harbor Community Redevelopment Agency (\$58,000).
- Remaining funds support maintenance, enforcement, and parking program improvements/expansion.
- **Action:** Approve expansion of Harbor District paid parking program, authorize staff to implement operations and signage, and allocate **50% of proceeds** to the Harbor CRA for reinvestment in district infrastructure and beautification.

Fuel Card & Usage Audit (Tier 2)

*Enhancing Accountability
and Detecting Fuel Waste
or Misuse*

- City utilizes U.S. Bank Voyager cards for all fuel purchases.
- Voyager platform provides detailed transaction reports by user and vehicle.
- Reports include fuel type, gallons, location, date, and frequency.
- Audit data reveals fuel efficiency trends and unusual purchase activity.
- Identify potential fraud, waste, or abuse through transaction analysis.
- Implement monthly reviews and random audits to strengthen oversight.

Fuel Card & Usage Audit (Tier 2)

- **Key Metrics Monitored**
 - Fuel type purchased vs. assigned vehicle type.
 - Gallons and dollars per fill-up.
 - Time and location of transaction (after-hours or off-route).
 - Vehicle miles per gallon and usage frequency.
 - Duplicate or same-day refueling patterns.
 - Total fuel cost by Department or User.
- **Action:** Authorize staff to conduct regular Voyager fuel card audits, monitor these metrics, and report quarterly to Council on anomalies, savings, and policy compliance.

Accelerated Close-Out & Warranty Tracking Initiative

(Tier 3)

*Protecting City Investments
and Improving Project
Completion Efficiency*

- Capital projects often close slowly, delaying final payments and documentation.
- Missing or late warranty records reduce accountability for contractors and vendors.
- Establish a standard close-out checklist for all capital improvement projects.
- Require submission of as-built drawings, O&M manuals, and warranty certificates as part of the procurement process.
- Implement centralized digital tracking for warranty expirations and coverage dates. *Leverage existing database for contract management.*
- Accelerated close-outs free staff time and protect the City's assets.
- **Action:** Approve implementation of an accelerated close-out and warranty tracking procedure to ensure timely documentation, preserve warranty value, and improve capital project management efficiency.

Conclusion Building a Smarter, More Efficient Destin

- DOGE strengthens fiscal discipline, transparency, and accountability in city operations
- Each initiative delivers measurable savings, efficiency, or service improvements
- Staff-driven ideas are turning efficiency into a citywide culture
- Early results show real returns on innovation and collaboration
- Together, we are shaping a forward-looking, resident-focused government

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.B.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: Michael Burgess, Public Works Director
Robert Tomasek, City Engineer

DATE: 11/21/2025

SUBJECT: Update on 4th Street ROW Improvements, funding, authorization to issue a Purchase Order

I. BACKGROUND: The City of Destin owns an unimproved waterfront right-of-way located at the end of 4th Street. Over time, the area has become heavily vegetated with invasive undergrowth, small-diameter trees, vines, and accumulated debris. The City Council directed staff to evaluate the cost and feasibility of clearing the property while preserving significant existing trees and preparing the site for future low-impact public use.

The right-of-way also contains an existing gravel driveway that provides access to two private residences (700 & 702 Beach Drive). This driveway is to remain in place and protected throughout the clearing process. Long-term, the area is envisioned to serve as a small neighborhood “pocket park,” with possible amenities such as passive seating, natural shoreline views, and a walking path.

II. DISCUSSION: Public Works staff have developed a scope of work and requested quotes from qualified tree and landscape contractors. The intent is to remove excessive vegetation and create a safe, accessible, and maintainable space while preserving healthy native trees.

The proposed scope includes:

- Removal of all trees less than 6 inches DBH.
- Identification and removal of any trees greater than 6 inches DBH that are diseased, damaged, or structurally compromised.
- Limbing remaining healthy trees greater than 6 inches DBH to a minimum height of 10 feet for clearance and visibility.

- Removal of all undergrowth, vines, and invasive vegetation.
- Grinding of stumps and removal of larger roots within the area where a future walking path is planned.
- Full site cleanup, including the removal of litter, debris, leaves, and fallen material.
- Protection of the existing gravel driveway that serves as access to two homes.

As noted in Mr. Johnson's email/quote, the four items he mentions are as follows (included in the solicitation email staff sent):

- 1. Removal of all trees less than 6" DBH, those trees >6" that are damaged/diseased, and all undergrowth. Remaining >6" trees will be limbed up to 10' minimum. Damaged trees >6" for potential removal will be noted in the quote.*
- 2. Grinding of stumps, removal of large roots for #1, as a walking path will be provided later.*
- 3. Removal of all vines.*
- 4. Removal of debris, litter, leaves, etc.*

Staff received three quotes to perform this work per our Purchasing Policy (solicited quotes from five firms). The received quotes are attached.

This initial clearing effort will help define the property limits, improve safety, and lay the groundwork for future public access improvements consistent with the pocket park concept.

A. Link to Strategic Goals / Objectives: I. Financially Sound City providing Service Excellence
II. Enhanced Quality of Life and Safety for Families

B. Effect on Budget (EOB): Coastline's quote was for \$15,000
This item is not in the FY 2026 budget.

If council chooses to proceed, we can use council contingency funds or budget to do this project in Fy 2027.

C. Level of Service (LOS): The proposed clearing will bring the right-of-way up to a more maintainable and consistent level of service by:

- Reducing overgrowth and fire hazards.
- Increasing visibility and security.
- Providing access for pedestrians and passive recreational use without requiring extensive new infrastructure.
- Preserving healthy canopy trees to support long-term environmental and aesthetic value.

Following this initial clearing, the site can be maintained using routine mowing, trimming, and debris removal typical of other low-impact City parks and green spaces.

D. Legislative Sponsor: N/A

E. Business Impact Statement: N/A

III. CONCLUSION: Clearing the unimproved waterfront right-of-way on 4th Street is a proactive step toward creating a functional, safe, and attractive public space. The work will remove hazardous and unwanted vegetation, protect existing healthy trees, preserve access for

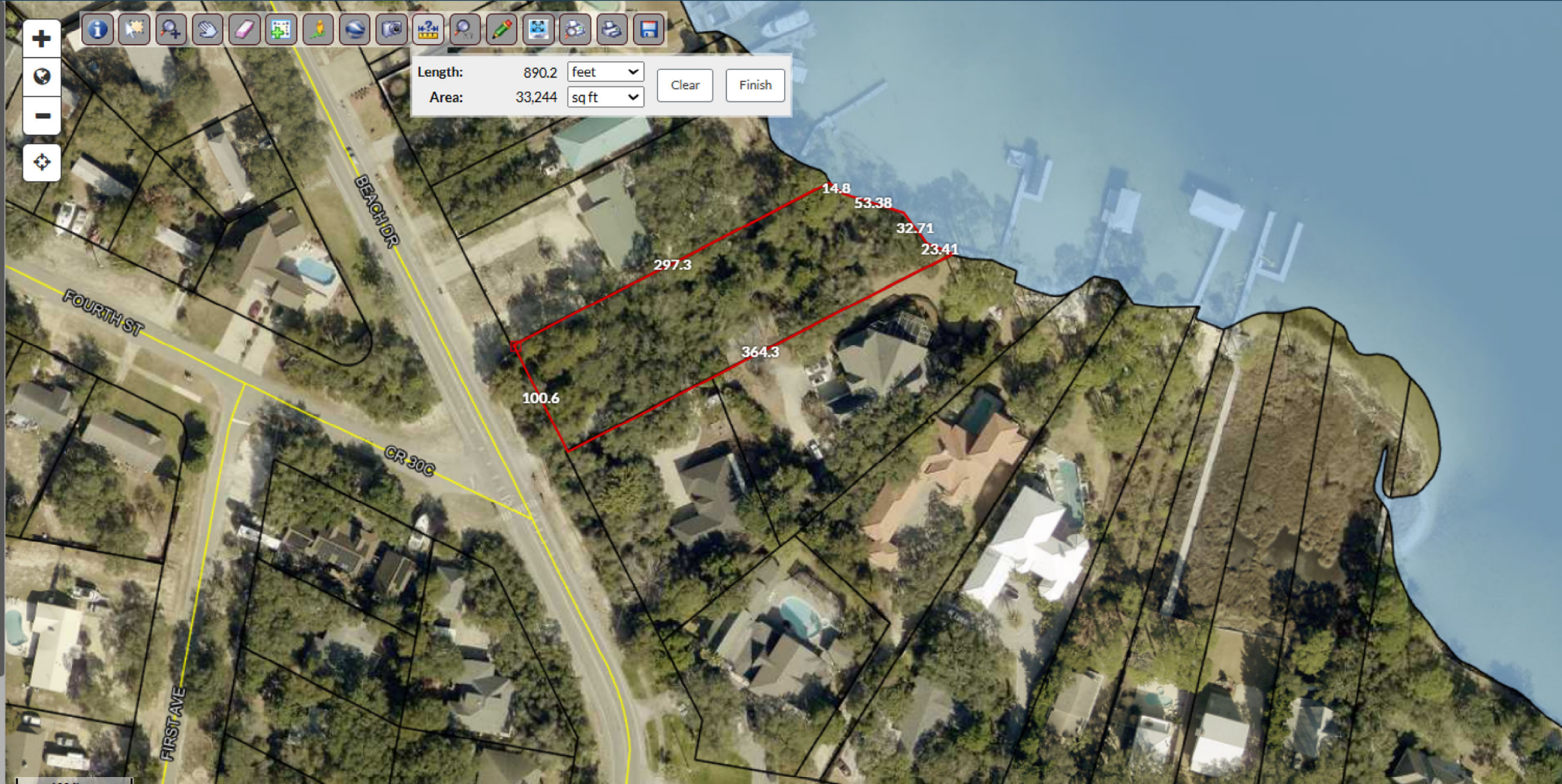
adjacent residents, and prepare the area for future development as a neighborhood pocket park.

IV. RECOMMENDED MOTION: I move to authorize the City Manager to proceed with clearing the unimproved 4th Street waterfront right-of-way according to the proposed scope of work, removing undergrowth, small-diameter trees, damaged/diseased trees over 6 inches DBH, grinding stumps and roots as needed, clearing debris, and preserving the existing access driveway by issuing a purchase order to Coastline Tree Service & Landscaping in the amount of \$15,000.

Attachments:

1. 4th Street ROW map
112125
2. Robert Johnson 4th St
ROW Clearing quote
3. Backridge Tree 4th St
ROW Clearing quote
4. Coastline Quote 4th St
ROW Clearing quote

- Map
- Layers
- Members
- rs
- er Areas
- rdway (FLOOD)
- (FLOOD)
- ttlands



Length: 890.2 feet
Area: 33,244 sq ft
Clear Finish

Michael Burgess

From: Robert Johnson <robert@robertjohnsonpainting.com>
Sent: Friday, December 5, 2025 10:12 AM
To: Michael Burgess
Subject: Lot Clearing

The price includes the following break down.

- 1) \$3,500.00
- 2) \$4,000.00
- 3) \$4,300.00
- 4) \$4,500.00

The numbered items are a price for your list for the scope of work.

There is a lot of unseen debris out there on the lot.

Concrete blocks, dock lumber etc. My price includes those , if we get the job I will list everything. We aren't Arborist so before we started we would need to meet someone out there to decide which trees are dead or diseased.

Thank You

Robert Johnson

850-499-9493

Sent from my iPad

Total of 1-4: \$16,300 (mgb)



Backridge Tree Service, Inc
 14 Robinwood Dr SW
 Fort Walton Beach, FL 32548

Proposal #19034
 Created: 11/18/2025
 From: Rob Calley BCMA

Proposal For

Michael Burgess main: (850) 837-6869
 17000 Emerald Coast pkwy, mobile: 850-837-4242
 Destin, Florida mburgess@cityofdestin.com

Location

704 Beach Dr
 Destin, FL 32541

704 Beach Dr 32541

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
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Pruning and Tree Removal	1	\$ 30,275.00	\$ 30,275.00
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REMOVALS

- 1) Remove all tree greater than approximately 6" DBH and all undergrowth from street to waterfront.
- 2) Remove dead trees greater than 6" DBH.
- 3) Grind stumps on all tree removals 3" diameter and greater.

PRUNING PRESCRIPTION

Pruning Objectives:

- Increase vertical clearance of green foliage over ground.
- Decrease vines below 10'

Branches to Prune:

- Use .5" to 5" diameter reduction and removal cuts to create up to 10' vertical clearance of green foliage over ground.
- Cut vines stems below 10' from ground.

Limitations:

- Make removal cuts on first order branches.
- This proposal does not include complete de-vining of the tree canopy.
- This is not a lot clearing proposal. No root raking shall occur.

Specific Instructions:

- Client (City of Destin) shall ensure that the neighboring property owners are aware of the work, and any delays due to neighbor interference shall be billed to the Client.

Price includes hauling of all debris and a thorough cleanup.

All work will be performed by an ISA Certified Arborist and will be performed in accordance with the ANSI A300 pruning standards and the ANSI Z133.1 safety requirements for the tree care industry.



Backridge Tree Service, Inc
14 Robinwood Dr SW
Fort Walton Beach, FL 32548

Proposal #19034
Created: 11/18/2025
From: Rob Calley BCMA

Client Notes

Vacant property is located between 704 and 700 Beach Dr

All work will be completed in accordance with these plans unless subsequent changes are agreed upon in writing. Balances not paid by the due date are subject to late fees.

TOTAL \$ 30,275.00

Signature

x

Date:

Please sign here to accept the terms and conditions

Assigned To

Production Crew 1
stevenbrown1600@yahoo.com

Sales Reps

Rob Calley BCMA
myarborist@backridgetreeservice.com



ID	DESCRIPTION	COLOR
-	-	

Michael Burgess

From: Michael Burgess
Sent: Monday, November 24, 2025 7:58 AM
To: Larry Jones; Robert Tomasek; Lisa Firth
Subject: 4TH ST ROW - Estimate 20250928 from Coastline Tree Service & Landscaping of Destin, Inc

For the clearing of the 4th Street ROW.



From: Coastline Tree Service & Landscaping of Destin, Inc <quickbooks@notification.intuit.com>
Sent: Friday, November 21, 2025 5:04 PM
To: Michael Burgess <mburgess@cityofdestin.com>
Subject: Estimate 20250928 from Coastline Tree Service & Landscaping of Destin, Inc



Your estimate is ready!

Total \$15,000.00

Please find your estimate details here. Feel free to contact us if you have any questions. We look forward to working with you.

Have a great day!
Coastline Tree Service & Landscaping of Destin, Inc

Review and approve

Coastline Tree Service & Landscaping of Destin, Inc

PO Box 247
Destin, FL 32540-0247

coastlinetree@gmail.com
+1 (850) 865-8733

<https://www.coastlinetreeservice.com/>

If you receive an email that seems fraudulent, please check with the business owner before paying, or you can forward the email to security@intuit.com so we can look into it. Read more at security.intuit.com.



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CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 4.C.

TO: City Council
THRU: Larry Jones , City Manager
FROM: Rey Bailey, City Clerk
DATE: December 10, 2025
SUBJECT: Minutes of Standing Boards and Committees — Informational Only

I. BACKGROUND: The Harbor & Waterways Board met on November 10th, the Harbor CRA Advisory Committee met on November 12th, and th Town Center CRA Advisory Committee met on November 19, 2025. Attached are minutes of these meetings.

II. DISCUSSION: At the Harbor & Waterways Board meeting, **Board member Holloway moved to recommend that the City Council approve the proposed residential marine construction project located at 5 Cross Court, for the removal of the existing dock and the construction of a new residential dock, measuring 76 LF in length, with two boat slips and a roof overhang, with the following conditions:**

1. **Both revised Federal and State approvals illustrating the reduced dock length of 76 LF shall be submitted with the Marine Construction Permit application; and**
2. **All regulations of the city's Marina Siting LDC Section 11.05.00 shall be followed at all times.**

Motion was seconded by Vice Chair Stephens and passed 6-0.

The Board also unanimously approved the nomination of **Board Chairman Jim Green and Board member Bill McKissick** to the East Pass Bridge Committee.

At the Harbor CRA Advisory Committee meeting, the committee unanimously approved the nomination of **Committee Chairman John Stephens and Committee member Guy Tadlock** to the East Pass Bridge Committee.

At the Town Center CRA Advisory Committee meeting, the committee unanimously approved

the following motion.

Motion by Committee member Green to recommend approval of the Mattie M. Kelly Connector Work Plan to the city council was seconded by Committee member Avery and passed unanimously, 5-0.

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

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. 11-10-25 HB
2. 11-12-25 - hcraac
3. 11-19-2025 tcraac meeting

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**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL ANNEX
NOVEMBER 10, 2025 - 5:30 P.M.**

1. CALL TO ORDER:

Chairman Green called the meeting of the Thursday, November 10, 2025, Destin Harbor and Waterways Board meeting to at approximately 5:30 p.m., at Destin City Hall Annex, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present:

John Stephens
Jerrod Hayden
Jim Green
Guy Tadlock
Ryan Holloway
Bill McKissick

Staff:

Rey Bailey, City Clerk
Daniel Butler, Principal Planner
David Prichard, Director of Community Dev Dept
Kim Kopp, City Attorney

3. AGENDA APPROVAL

Agenda Item 5B was added to nominate two Harbor and Waterways Board members to serve on the newly formed bridge committee.

Motion by Board member Holloway, seconded by Board member Green, to approve the agenda, as amended, passed 6-0.

4. APPROVAL OF MINUTES – None

5. CURRENT BUSINESS

A) 5 Cross Court Residential Marine Construction

Staff presented that the applicant initially proposed a dock length of 95.6 linear feet, which exceeded the maximum allowed under section 11.0501F of the Land Development Code. The applicant revised the plan to comply, proposing a dock length of 76 linear feet with two slips, covering approximately 2,330 square feet of new impervious area. Staff recommended approval with the condition that updated federal and state approvals reflecting the reduced dock length be submitted with the marine construction permit application, and that all regulations of the Marina Siting Section 11.05 be followed.

Board members raised questions regarding the riparian lines, channel location, and submerged land leases. It was noted that previous diagrams from 2021 appeared inconsistent with current plans, expressing concern about the dock's proximity to the 25-foot setback and the actual channel location. Staff clarified that staff reviews applications only against current code and

DRAFT

certified surveys, and that any disputes over riparian lines or submerged land leases would be a private matter between property owners.

Public comments included detailed input from Mike Buckingham, who stated that the 2021 riparian survey was inaccurate. Mr. Buckingham explained that he had commissioned an extensive \$40,000 survey by a University of Florida expert in riparian rights to establish correct boundaries. He affirmed that the proposed dock is well within the legal riparian line and that he supports the project. Mr. Buckingham also noted that no formal channel exists in Marler Bayou, and residents navigate the bayou based on personal preference rather than a maintained channel.

Mr. Bruce Ming, an adjoining property owner, also spoke, stating that the revised dock location addresses his concerns, noting that the bayou has not historically had a dredged or maintained channel, and he is satisfied with the amended plan.

The board discussed procedural questions regarding permits and the timing of dock construction relative to building a principal structure, confirming that a demolition permit had been issued for the existing house, and the dock can be approved prior to house construction as long as the future house location is submitted with the building permit application.

Board member Holloway moved to recommend that the City Council approve the proposed residential marine construction project located at 5 Cross Court, for the removal of the existing dock and the construction of a new residential dock, measuring 76 LF in length, with two boat slips and a roof overhang, with the following conditions:

- 1. Both revised Federal and State approvals illustrating the reduced dock length of 76 LF shall be submitted with the Marine Construction Permit application; and**
- 2. All regulations of the city's Marina Siting LDC Section 11.05.00 shall be followed at all times.**

Motion was seconded by Vice Chair Stephens and passed 6-0.

B) Nomination of Members to the newly Formed Bridge Committee.

The board considered appointments to the new bridge committee, formed by the City Council, to participate in planning for the future Destin bridge project. After brief discussion and expressions of interest, the board **unanimously approved the nomination of Chairman Jim Green and Board member Bill McKissick** as its two representatives, with an indication that another member could serve as an alternate if needed.

During closing comments, Board member Tadlock discussed the resent presentation by the bridge architect and expressed optimism that Destin might qualify for a higher aesthetic classification for the future bridge – potentially allowing for a more visually appealing landmark structure and exploring possibilities like altering the federal channel alignment. He emphasized

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the importance of pursuing an attractive design to protect downtown Destin’s character, even though the bridge timeline may extend a decade or more into the future.

6. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:10 p.m.

Adopted and approved this _____ day of _____ 2025.

Jim Green, Chairman

Rey Bailey, City Clerk

DRAFT

MINUTES

**HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
NOVEMBER 12, 2025 - 5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

1. CALL TO ORDER:

The Harbor Community Redevelopment Agency Advisory Committee meeting was called to order by Chairman John Stephens in the Destin City Hall Annex Council Chambers at 5:30 p.m., on November 12, 2025, followed immediately with the Pledge of Allegiance.

2. ROLL CALL:

<u>Present</u>	<u>Absent</u>	<u>Staff Present</u>
John Stephens	Mariam Paulino	Rey Bailey, City Clerk
Lance Johnson	Jim Green	Steve o'Connor CD Deputy Director
Guy Tadlock		Jesse Hernandez Senior Planner
Casey Jones		
Jay Howard (phone)		

3. AGENDA APPROVAL:

Chairman Stephens moved to amend the agenda by adding Item 4B regarding Destin Bridge Committee nominations for two representatives to serve with Committee member Jones providing the second. The motion passed unanimously 4-0.

4. APPROVAL OF MINUTES: October 8, 2025

Motion to approve the minutes of the October 8, 2025 minutes as written was made by Committee member Tadlock with Committee member Johnson providing the second, the motion passed 4-0.

5. CURRENT BUSINESS:

(A) Development Projects and City Projects - Update

Principal Planner Jesse Hernandez provided an update on current development projects in the City:

- No major changes citywide
- Completion of lighting improvements at the Morgan Sports Complex.
- In the Harbor District, Alice Destin development on Calhoun Avenue requested a reduction in required parking spaces from 201 to 196 by re-designating certain six-person rental vessels as private slips, reducing parking obligations accordingly.
- Harborwalk Village submittals had been received and were awaiting a quasi-judicial hearing tentatively set for December 16, pending staff reviews.

DRAFT

- Development orders were issued for Destin Elementary School additions and Crystal Beach, and that the Graceville County District major development order application was moving forward.

(B) Destin Bridge Committee nominations.

Motion by Committee member Jones, seconded by Committee member Johnson, to nominate Committee member Tadlock and Chairman Stephens to the Destin Bridge Committee passed 4-0.

6. COMMITTEE MEMBER COMMENTS:

Chairman Stephens provided the following updates:

- The mooring field work plan, which was well-received by the CRA Board, is expected on the February agenda.

The completion of the 2026 Destin Harbor Annual Report

- Upcoming Holiday activities:
 - The Holly Jolly on the Harbor *Event* on December 14 with a holiday market, musical performances by local schools,
 - Educational oyster-ornament crafting.
 - The Destin Boat Parade and a longer parade route extending to Harbor Docks with the addition of two judging stations to ensure full participation along the harbor.

Members discussed concerns regarding county actions related to the potential purchase and future development of Norriego Point, noting that while zoning and the existing development order currently prohibit commercial operations, the county has shown interest in moving quickly. Several members expressed concerns about possible impacts on the north side of the harbor if fuel docks or commercial maritime operations.

7. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 5:50 PM.

Adopted and approved this _____ day of _____ 2025

John Stephens, Chairman

Rey Bailey, City Clerk

DRAFT

MINUTES
TOWN CENTER COMMUNITY
REDEVELOPMENT AGENCY
ADVISORY COMMITTEE WORKSHOP
NOVEMBER 19, 2025 - 5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS

1. CALL TO ORDER:

Chairman Wernet called the meeting to order at 5:30 PM on Wednesday, November 19, 2025, in a Workshop setting at the Destin City Hall Annex Council Chambers with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

Lockwood Wernet
Iris Bethea
Kyle Davis
Preston Green
Margie Avery

Members Absent

Corlene Ziegler

Staff Present

Kim Montgomery Deputy City Clerk
Steve O’connor Deputy CD Director
Jesse Hernandez, Senior Planner
Kim Kopp City Attorney

3. CURRENT BUSINESS:

➤ **Development & City Projects Update**

• **Linear Trail**

- Easement acquisition issues were discussed, particularly a section near Twin Lakes and HOA property.
- Committee member Green inquired about a grassy strip area to possibly have some park equipment.
- Staff confirmed the HOA was not receptive to incorporating additional amenities into their property; as such, amenities were removed from the plans.

• **Drury Plaza Hotel**

- Scheduled for City Council approval in December.

- Currently there is no construction timeline available; staff will provide further updates at their next meeting.

• **PD&E Study for Hwy 98/Marler Bridge - Ongoing.**

• **Intersection Improvements – Airport Rd and Commons Drive**

- Concerns about safety and slope were discussed.
- A member proposed applying high-friction pavement instead of a complete redesign to improve traction in wet conditions.
- Staff clarified the project scope and limitations of modifying approved project scopes.
- The intersection improvements are identified as priority #6 in the CRA Master Plan.

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- Members discussed options for proposing improvements using CRA funds or city budget allocations.

➤ **Member Comments:**

- **Kyle Davis**
- **Improved Mobility and Connectivity – Mattie Kelly Connector Road**
The plan proposes connecting North and South Mattie Kelly Boulevard through a new 0.06-mile street, intersecting with the Linear Park.
- Davis clarified the project aligns with the CRA Master Plan and addresses an identified lack of street network connectivity, a contributing factor to blight.
- The timeline was adjusted by one year (to FY 2026–2028) to reflect realistic planning, engineering, and funding expectations.

Motion by Committee member Green to approve the Mattie M. Kelly Connector Work Plan presented by Committee member Davis with Committee member Avery providing the second. The motion passed 5-0.

➤ **Holiday Lighting on Main Street Work Plan**

Committee member Davis proposed a second work plan to install permanent holiday lights on Main Street.

- Highlighted a longstanding absence of holiday lighting in Destin, especially compared to surrounding communities.
- Identified 37 streetlights along Main Street as potential installation points.
- The proposal aims to improve aesthetics, increase visibility and foot traffic, and foster economic development along Main Street.

Staff clarified that CRA TIF funds cannot be used for seasonal decorations under current Florida Statutes unless explicitly tied to the CRA Master Plan.

- However, a recommendation can be made to the City Council to use general city funds.
- Staff encouraged committee members to act as “champions” and coordinate with local businesses for donations or support.
- Debate occurred over whether decorative lighting is permissible under the Master Plan. References to page 62 of the CRA Plan suggest street lighting with banner arms is a valid streetscape element, but ambiguity remains regarding temporary or seasonal lighting.
- Ultimately, staff advised proceeding with the work plan as a recommendation to City Council for funding outside the CRA budget

Motion by Committee member Green, seconded by Committee member Avery to approve the Holiday Lighting Work Plan item. The motion passed 5-0.

➤ **Draft Annual Report**

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Staff explained that their draft Annual Report was provided to them via email earlier for their review, as well as it was loaded in their packet for this meeting, and briefly reviewed what all it covered including their motions from their meetings past year

4. PUBLIC COMMENT:

There was no one in the audience to provide any public participation. Next meeting will be December 17, 2025.

5. ADJOURNMENT:

Having no further discussions, the meeting was adjourned at 5:46 PM.

Adopted and approved _____ day of _____ 2025.

Lockwood Wernet Chairman

Kim Montgomery Deputy City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Public Hearing
AGENDA OUTLINE NUMBER: 5.A.

TO: City Council

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

FROM: David Prichard, Community Development Director
 Steve O'Connor, Deputy Community Development Director

DATE: December 4, 2025

SUBJECT: First reading of Ordinance 25-26-LC - Deleting Section 7.13.00, "*Nonconforming Uses and Structures*", and Section 16-08-00, "*Nonconforming Signs*" of the Land Development Code; creating a new Article 3 of the Land Development Code entitled "*Nonconformities*"; providing for title, jurisdiction and intent, containing regulations related to nonconformities within the City of Destin.

I. BACKGROUND:

On April 5, 2021, the City Council approved the scope of work and budget for a full rewrite of the Land Development Code (LDC). After internal and public reviews, beginning in early 2023, staff presented a draft of Article 3 to the City Council at its workshop on December 3, 2024 (see *Background Article 3 December 3, 2024 Draft*). Incorporating the City Council's input, staff created a final draft. Further refinements have been made based on re-reviews by new staff (see *Background Article 3 Working Draft*).

In addition to the staff report, the staff has provided:

- a draft ordinance and Exhibit A (proposed subdivision replacement article and the subdivision article to be replaced – struck through)
- background documents,
 - the draft discussed at the city council workshop
 - the current working draft, which includes the input from the city council workshop and the re-review conducted by staff
 - a listing of changes, reorganizations, and consolidations

This will be the format for all further submissions.

II. DISCUSSION:

The updated code incorporates clearer language, better organization, and more efficient processes. The key improvements include consolidation and revisions to language, format, and structure.

Key Changes

3.01 – Intent & Applicability

- Removed unnecessary lists and a redundant subsection.
- Overall cleanup to simplify the applicability section.

3.02 – Nonconforming Lots

- Consolidated overlapping paragraphs.
- Added a new provision (3.02.01.D) preventing combined lots from being later split back into nonconforming configurations.

3.03 – Nonconforming Uses

- Entire section was reorganized for clarity.
- Key edits include:
 - Clarification that nonconforming uses **shall not be enlarged**.
 - Removal of outdated or redundant provisions.
 - Elimination of “Nonconforming Uses Under Special Exception” since these uses are now handled as conditional uses in all zoning districts.

3.04 – Nonconforming Structures

- Major restructuring separating:
 - **General regulations**
 - **Primary structures**
 - **Accessory and minor structures**
- Significant revisions include:
 - Structures destroyed by **more than 50%** of replacement cost must be rebuilt **conformingly**.
 - Structures destroyed by **less than 50%** may be rebuilt **as nonconforming**.
- Repairs and maintenance (formerly in 3.08) moved into this section; the single-family/duplex exemption was removed.

3.05 – Nonconforming Site Elements

- New section addressing elements such as:
 - Access
 - Parking
 - Landscaping

- Focused on clarification and improved organization.

3.06 – Nonconforming Signs

- Minor changes for clarity, with content consolidated from old Section 16.08.00.

3.07 – Nonconformities Due to Public Agency Action

- New section added to clarify that this applies to physical public agency actions (e.g., road construction), not regulatory amendments.
- Ensures consistency by adding subsection numbering.

3.08 – Repairs and Maintenance

- Moved into Section 3.04.03 and reorganized.

Summary of Article 3 (amended)

3.01 - Intent & Applicability [of Article 3]

Nonconformities may exist due to development predating the code or changes to the code.

Article 3 implements Comprehensive Plan policies that prohibit:

- Expanding nonconforming uses
- Development that intensifies nonconforming conditions
- Increasing nonconforming structural features

3.02 - Nonconforming Lots

- Lots legally created before March 11, 1974, may still be developed with a single-family home and accessory structures after the primary dwelling is built.
- Setback variances must go through the Board of Adjustment.
- Nonconforming lots may be altered only to reduce nonconformity.
- Once combined to meet the current code, lots cannot be separated back into nonconforming parcels.

3.03 - Nonconforming Uses

A legally established use that becomes nonconforming may continue, but:

- May not expand or occupy a larger area.
- May not relocate to another portion of the property.
- After six months of discontinuation, the property owner must comply with current zoning.

3.04 - Nonconforming Structures

Nonconforming structures may continue, but:

- Cannot be enlarged or altered in ways that increase nonconformity.
- May be altered to reduce nonconformity.

If damaged or modified:

- $\geq 50\%$ of replacement cost → must be rebuilt conforming to the current code.
- $< 50\%$ of replacement cost → may be rebuilt to the same dimensions, if:
 - o A complete building permit application is submitted within:
 - 6 months for non-residential structures
 - 1 year for residential structures

Moving any structure to a new lot requires full compliance with current zoning.

Existing mobile/manufactured home parks may continue operation, but:

- No new units may exceed the number of existing prepared sites.
- If an individual mobile home is removed for more than six months, any new use must conform to zoning.
- A bounded lot (with mutually agreed boundaries and street frontage) may be sold and continue its existing use unless abandoned.

Repair and Maintenance

- Safety repairs required by officials are allowed.
- Floodplain regulations still apply.
- Primary structures / ADUs / guest houses: Repairs allowed which do not increase cubic content, square footage, or footprint.
- Accessory/minor structures: Only non-structural repairs allowed.
- Fences: Any repair requires bringing the fence into full code compliance.

3.05 - Nonconforming Site Elements

Site elements such as parking, landscaping, lighting, stormwater, access, utilities, and open space may remain nonconforming unless:

- The use of the site changes or intensifies (formal change of use), or
- The existing structure is expanded, or modified, in a way that affects the nonconforming site element.

3.06 - Nonconforming Signs

Nonconforming signs:

- May not be enlarged or altered to increase nonconformity.
- May be altered to reduce nonconformity.
- May receive ordinary repair and maintenance up to 50% of replacement value (excluding structural materials).
- Structural modifications, increasing sign area/height, adding lighting, or adding electronic features are prohibited.
- If destroyed or needing structural repair, they must comply with the current sign code.
- May not be relocated or disassembled and re-erected.
- Structurally unsafe signs must be removed.
- Billboards/off-site signs that are destroyed may not be rebuilt.

3.07 - Nonconformities Due to Public Agency Action

If a government action (not a regulatory code change) creates a nonconformity:

- The property may remain as-is, with no owner's action required.
 - The nonconformity cannot be increased.
 - If the public action creates a health or safety risk, the public agency:
 - Must mitigate the risk to the maximum feasible extent, or

- Acquire the affected property if mitigation is not feasible.

Consolidation:

All regulations pertaining to nonconformities, Sec. 7.13.00 & nonconforming signs in Sec. 16.08.00 are included in Article 3. For a full list of consolidations, please refer to the attachment titled *Background Article 3 Changes, Reorganization, and Consolidation*.

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: N/A

E. Business Impact Statement: *City of Destin Business Impact Statement – Ord 25-26-LC*

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance:

Ord. 25-26-LC repeals and replaces Article 7, Section 7.13.00 - Nonconformities, and Article 16, Section 16.08.00 - Nonconforming Signs of the current Land Development Code (LD) for the City of Destin. It provides updates on how the City handles nonconforming structures, lots, site elements, and signs, and on their maintenance.

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

There is no expected direct economic impact of the proposed ordinance on private, for-profit businesses within the City of Destin, as the City currently has an adopted LDC that regulates nonconformities.

3. Estimate of direct compliance costs that businesses may reasonably incur:

There are no direct compliance costs associated with adopting this proposed ordinance.

4. Any new charge or fee imposed by the proposed ordinance:

The adoption of this proposed ordinance imposes no new fees.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

There is no regulatory cost associated with adopting this proposed ordinance.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Any business, existing or future, will be regulated by the proposed ordinance as well as any amendments to the Land Development Code in the future.

III. CONCLUSION: Article 3 provides comprehensive guidance on how lawful, pre-existing conditions may continue while disallowing the expansion of a nonconformity. Approval of Article 3 - Nonconformities will establish a new, updated version in the Land Development Code, at a date to be determined.

LPA Recommendation:

The Local Planning Agency (LPA) met on Thursday, December 4, 2025, and reviewed the proposed Article 3 replacement and recommended, 6-0, that the City Council approve the amended ordinance.

IV. RECOMMENDED MOTION:

I move that the City Council approve Ordinance 25-26-LC as presented.

ALTERNATIVE MOTION:

I move that the City Council approve Ordinance 25-26-LC, with the changes discussed.

Attachments:

1. Ord. 25-26-LC for Article 3 12.16.25 Council Meeting
2. EXHIBIT A TO ORD 25-26-LC Article 3 - Nonconformities
3. Background Article 3 December 3, 2024 Draft
4. Background Article 3 Working Draft
5. Background Article 3 Changes, Reorganization, and Consolidation
6. Article 11 - Glossary - WORKING DRAFT 11.21.24.
7. City Council Minutes 12-03-2024 Workshop
8. LDC Approval Timeline - 12.09.25

ORDINANCE NO. 25-26-LC

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

SECTION 1. AUTHORITY.

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

SECTION 2. FINDINGS OF FACT.

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

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

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

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

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

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

significantly since the relevant regulations were last updated; and

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on November 20, 2025, for the purpose of providing recommendations to the City Council with regard to this Ordinance 25-26-LC, and recommended that the City Council adopt the Ordinance amending the Land Development Code; and

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

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

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

SECTION 3. Section 7.13.00. “Nonconforming uses and structures” and Section 16.08.00. “Nonconforming signs”, of the Land Development Code, are hereby repealed in their entirety and replaced by Article 3 - Nonconformities as shown in “Exhibit A” to this Ordinance. Exhibit “A” to this Ordinance constitutes Article 3 of the City of Destin’s Land Development Code as of the Effective Date of this Ordinance.

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

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

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

SECTION 7. EFFECTIVE DATE. This Ordinance 25-26-LC shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 25-26-LC by the City Council and signature by the Mayor; AND (2) subsequent adoption of Ordinance 26-10-LC by the City Council and signature by the Mayor.

(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

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City of Destin, FL - Article 3 - Nonconformities

ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

- A. 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:
 - 1. Any structure or portion thereof may be altered to decrease its nonconformity.

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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, demolished, or modified, etc. by any means to an extent of fifty percent (50%) or more of the appraised replacement cost of the structure, at time of destruction, demolition, or modification, etc. it shall only be allowed to be replaced by a conforming structure.
4. Should such nonconforming structure or nonconforming portion of structure be destroyed, demolished, modified, etc. by any means to an extent of less than fifty percent (50%) of the appraised replacement cost of the structure, at time of destruction, demolition, or modification, etc., 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.
- B. The intent of this section is not to supersede or nullify any federal or state improvement requirements for flood plain improvements.

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City of Destin, FL - Article 3 - Nonconformities

- 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, ADUs, & Guest Houses: 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 or otherwise increase the nonconformity in any manner
- 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

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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.
- 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.

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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.

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:

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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

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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

EXHIBIT "A"

City of Destin, FL - Article 3 - Nonconformities

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)

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 nonconforming 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 nonconforming. 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.

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City of Destin, FL - Article 3 - Nonconformities

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)

December 3, 2024 DRAFT

City of Destin, FL - Land Development Code

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City of Destin, FL - Land Development Code

ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

- A. Within the districts established by the City of Destin, legal nonconformities exist which were 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:
 1. Lot(s)
 2. Land use(s)
 3. Structure(s)
 4. Site Elements
 5. Signs
- B. This Article intends to implement policies 1-3.6.2 and 1-3.6.3 of the Comprehensive Plan, prohibiting
 1. The expansion of nonconforming land uses
 2. Development that intensifies a nonconforming use
 3. Increases or exacerbates the intensities of a nonconforming feature of a building or structure.
- C. The following standards shall require that plans for alterations to nonconforming structures incorporate improvements to bring the subject structure into compliance to the greatest reasonable and practical extent.

SECTION 3.02 NONCONFORMING LOTS

SECTION 3.02.01 LOTS OF RECORD

- A. If a nonconforming lot of record existed by way of plat, subdivision or contract of purchase prior to March 11, 1974, and a single-family dwelling is a permitted use of the applicable zoning district, then;
 1. The owner shall be allowed to construct a single-family dwelling, and
 2. Customary accessory structures if the primary dwelling is established on the property.
- B. Any variance of setback requirements shall be obtained only through action of 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.

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:
 1. 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.
 2. The nonconforming use shall 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.

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3. 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.
4. 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, 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. 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 50 percent of its replacement cost at time of destruction, 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. Should any 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.

SECTION 3.04.02 MOBILE OR MANUFACTURED HOMES

- A. Where, 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:

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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 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 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** of this Code.

SECTION 3.05 NONCONFORMING SITE ELEMENTS

SECTION 3.05.01 LEGAL NONCONFORMING SITE ELEMENTS

- A. Legal nonconforming site elements listed in Paragraph C. below may be continued on-site so long as it remains otherwise lawful, unless the existing on-site uses, structures, or other elements do not require site modifications to meet this Code requirements.
- B. Legal nonconforming site elements shall be brought into compliance with this Code if;
 1. The use of the site changes, expands, or increases that the Change of Use process per **Article 2**, applies.
 2. The existing structure is modified, expanded, and increased to affect the existing condition of the legal nonconforming element.
- C. Legal nonconforming 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,

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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 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 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** 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 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

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- A. In the event that an action by a public agency (City of Destin, Florida Department of Transportation, etc.) 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. 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 a nonconformity is created by public agency action that results in a risk to public health, safety or welfare, the City Manager or designee may require certain LDC provisions to be met to the maximum degree physically and financially feasible, at the cost of the public agency that created the nonconformity.
 - a. The public agency shall rectify or mitigate the created risk at the time the risk is identified.
 - b. If the risk cannot be reasonably mitigated then the public agency shall be responsible for acquiring the entire property where the risk is created.

SECTION 3.08 REPAIRS AND MAINTENANCE

- A. Nonconforming Multifamily or non-residential structures, including townhouse structures or portion of a structure containing a nonconforming use, 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;
 - a. Ordinary repairs
 - b. Repair or replacement of nonbearing walls
 - c. Fixtures
 - d. Wiring
 - e. plumbing,
- B. Paragraph A above does not apply to Single-Family or Duplex dwellings.
 - a. The intent of Paragraph A is not to supersede or nullify any Federal or State improvement requirements for Flood Plain improvements.
- C. For any nonconforming structure, declared to be unsafe or unlawful to use by any duly authorized official, no permits shall be issued to restore, repair, rebuild, modify, remodel, or for similar improvements.
 - a. Any permit for a structure declared unsafe, shall be in full compliance with the currently adopted Land Development Code.
- D. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any conforming building or part of a nonconforming structure thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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City of Destin, FL - Article 3 - Nonconformities

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City of Destin, FL - Article 3 - Nonconformities

ARTICLE 3 - NONCONFORMITIES

SECTION 3.01 INTENT AND APPLICABILITY

SECTION 3.01.01 INTENT

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

~~1. Lot(s)~~

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

~~3. Structure(s)~~

~~4. Site Elements~~

~~5. A. Signs~~

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

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

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

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

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

SECTION 3.02 NONCONFORMING LOTS

SECTION 3.02.01 LOTS OF RECORD

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

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

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

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

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

~~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:~~

Section 3.01 Intent and Applicability

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

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

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

SECTION 3.04 NONCONFORMING STRUCTURES

SECTION 3.04.01 ~~LEGAL~~ NONCONFORMING STRUCTURES

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

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City of Destin, FL - Article 3 - Nonconformities

- 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~~Code.
 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.~~

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- B. The intent of this section is not to supersede or nullify any federal or state improvement requirements for flood plain improvements.
- C. Any permit for a structure declared unsafe must include all work to render the structure in full compliance with the LDC.
- D. Primary Structures, ADUs, & Guest Houses: 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 or otherwise increase the nonconformity in any manner. 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-Non~~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~~ requirements.
- B. ~~Legal-Non~~nonconforming site elements shall be brought into compliance with this ~~c~~Code if;
 - 1. The use of the site changes, expands, or increases, ~~requiring that thea formal Change-change of Use-use process~~ per Article 2, ~~applies or,~~
 - 2. The existing structure is modified, expanded, and increased ~~to-which~~ affects the ~~existing condition of the legal~~ nonconforming ~~site~~ element.
- C. ~~Legal-n~~Nonconforming ~~site~~ elements may include, but are not limited to;
 - 1. Off-street parking
 - 2. Landscaping
 - 3. Lighting
 - 4. Stormwater
 - 5. Access (ingress or egress)
 - 6. Utilities
 - 7. Open space

SECTION 3.06 NONCONFORMING SIGNS

SECTION 3.06.01 ~~LEGAL~~ NONCONFORMING SIGNS

- A. All ~~legal~~ nonconforming signs shall be subject to the following restrictions:
 - 1. ~~No nonconforming sign may be enlarged or altered in a way which increases its nonconformity,~~
1. ~~Nonconforming signs shall not be enlarged.~~
 - 2. A sign, or portion thereof, may be altered to decrease its nonconformity, ~~or for ordinary repair and maintenance as provided for herein.~~
 - 3. Ordinary repair and maintenance of nonconforming signs is permitted, up to 50% of the cost of replacement, as follows:

Section 3.05 Nonconforming Site Elements

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City of Destin, FL - Article 3 - Nonconformities

- 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 City Building 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~~**UE TO PUBLIC AGENCY ACTION**

A. SECTION 3.07.01. NON-REGULATORY PUBLIC AGENCY ACTION

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City of Destin, FL - Article 3 - Nonconformities

- 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

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~~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.~~

City of Destin, FL - Article 3 - Nonconformities: Changes, Reorganization, and Consolidation

Changes and Reorganization

Below is an overview of the organizational and language changes made to Article 3 since the council workshop in December 2024.

- **3.01 - Intent & Applicability**
 - 3.01.01.A.1-5 - Removed the list of elements the Article applies to.
 - 3.01.01.C. - Removed due to redundancy.
- **3.02 - Nonconforming Lots**
 - 3.02.01.A.1 & 2 - Consolidated
 - 3.02.01.D. - Added paragraph D to prevent combined lots from being split back into nonconforming lots.
- **3.03 - Nonconforming Uses**
 - 3.03.01. reorganized to provide clarity
 - Paragraph B. previously A.1.
 - B.1 - previously A.2. added the word "not" to clarify that nonconforming uses shall not be enlarged.
 - B.2. - previously A.3. changed for clarity
 - Previous 3.03.01.A.4. - Removed as if it was redundant.
 - 3.03.02. Nonconforming Uses Under Special Exception - removed because it is no longer relevant as law enforcement, fire and rescue, utilities, and public services are all conditional uses in all zoning districts and therefore do not need a "special exception."
- **3.04 - Nonconforming Structures**
 - This section was changed to provide clarity between primary, accessory, and minor structures. The Section was split into three: "General," "Nonconforming Primary Structures," and "Nonconforming Accessory and Minor Structures."
 - 3.08.01.A. - previously 3.08.D.
 - 3.08.01.B. - previously 3.08.B.a.
 - 3.08.01.C. - previously 3.08.C.a.
 - 3.04.01.A.3 & .4
 - Paragraph .3 was changed to require replacement of structure with a conforming structure if destroyed by more than 50% of replacement cost.

City of Destin, FL - Article 3 - Nonconformities: Changes, Reorganization, and Consolidation

- Paragraph .4 was created to allow for replacement of structures as nonconforming if destroyed by less than 50% of replacement cost.
- 3.04.01.A.5.a & .b - previously 3.04.01.A.3.b.1&2.
- 3.04.02.A.3. was moved to 3.04.02.A. and the original 3.04.02.A. was deleted for clarity.
- 3.04.03 - Repairs and Maintenance was moved and reorganized from Section 3.08 and the single-family/duplex exemption was removed.
- **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

Consolidation: Brought together all elements of the current LDC relating to nonconformities to one article. Specifically *Section 7.13.00 Nonconforming Structures and uses* and *Section 16.08.00 - Nonconforming signs*.

- **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**

City of Destin, FL - Article 3 - Nonconformities: Changes, Reorganization, and Consolidation

- 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

WORKING DRAFT

City of Destin, FL - Article 11 - Glossary - WORKING DRAFT 11.21.24.

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

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SECTION 11.01 GENERAL

SECTION 11.01.01 RULES FOR CONSTRUCTION OF LANGUAGE

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

SECTION 11.01.02 INTERPRETATION OF UNDEFINED TERMS

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

SECTION 11.02 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrator: The City Manager or their designee.

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

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

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

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

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

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

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

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

The Destin-Ft. Walton Beach Airport.

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

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

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

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

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

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

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

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

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

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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).

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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).

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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.

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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.

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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.

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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.

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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.

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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

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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

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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.

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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.

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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.

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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.

Commented [S01]: This is not density this is the maximum units allowed by the development. I don't think this is needed here.

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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~~

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~~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.~~

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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

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any natural or artificial mechanism, which typically aligns in proximate location with a similar dune on adjacent gulf-fronting properties.

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

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

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

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

Dwelling, duplex: Two primary attached single dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Groundwater: Water beneath the surface of the ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IESNA: Illuminating Engineering Society of North America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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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.

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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.

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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.

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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

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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 Kempf* (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.

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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.

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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.

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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: ~~legal. A use, structure, or lot in which the use, structure, or lot was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or 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 use, structure, or lot which is inconsistent with the provisions of this Code, or amendments thereto.~~

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.

Commented [SO2]: Remove "legal"

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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

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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.

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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

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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.

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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.

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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.

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road: See Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Setback area: See "Yard."

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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 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

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physical design of the center is very sophisticated, emphasizing a rich decor and high-quality landscaping. These centers usually are found in trade areas having high income levels. Specialty shopping centers shall range in size from 80,000 square feet to 250,000 square feet. The primary trade area for a specialty shopping center is five to 15 miles.

Shopping center, neighborhood: A center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. These anchors are supported by stores offering drugs, sundries, snacks, and personal services. A neighborhood center is usually configured as a straight-line strip with no enclosed walkway or mall area, although a canopy may connect the storefronts. Neighborhood shopping centers shall range in size from 30,000 square feet to 100,000 square feet. The primary trade area for a neighborhood shopping center is three miles.

Shopping center, outlet: Usually located in rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a "village cluster." Outlet shopping centers shall range in size from 50,000 square feet to 400,000 square feet. The primary trade area for an outlet shopping center is 25 to 75 miles.

Shopping center, power: A power center is dominated by several large anchors, including discount department stores, off-price stores, warehouse clubs, or "category killers" (i.e., stores that offer tremendous selection in a particular merchandise category at low prices). The center typically consists of several freestanding (unconnected) anchors and only a minimum number of small tenants. Power shopping centers shall range in size from 250,000 square feet to 600,000 square feet. The primary trade area for a power center shopping center is five to ten miles.

Shopping center, regional: A center that provides general merchandise (a large percentage of which is apparel) and services in full depth and variety. Its main attractions are traditional/mass merchandise anchors, discount department stores, fashion stores or specialty stores. A typical regional center is usually enclosed with an inward orientation of the stores connected by a common walkway and parking surrounds the outside perimeter. Regional shopping centers shall range in size from 400,000 square feet to 800,000 square feet. The primary trade area for a regional shopping center is five to 15 miles.

Shopping center, super regional: Similar to a regional center, but because of its larger size, a super regional center has more anchors and a deeper selection of merchandise, and draws from a larger population base. As with regional centers, the typical configuration is as an enclosed mall, frequently with multiple levels. Super regional shopping centers are greater than 800,000 square feet in size. The primary trade area for a super regional shopping center is five to 25 miles.

Shopping center, theme/festival: A shopping center that employs a unifying theme carried out by the individual shops in their architectural design and, to an extent, in their merchandise. The biggest appeal of these centers is to tourists. Center can be anchored by restaurants and entertainment facilities. These centers, generally located in urban areas, tend to be adapted from older, sometimes historic buildings, and can be a part of mixed-use projects. Theme/festival shopping centers shall range in size from 80,000 square feet to 250,000 square feet.

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Shopping mall: Malls are typically enclosed, with a climate-controlled walkway between two facing strips of stores. The term represents the most common design mode for regional and super-regional shopping centers and has become an informal term for these types of centers.

Shore or Shoreline: The interface of land and water.

Shoreline protection zone: The areas defined in Article 7 for Bay and Gulf Shoreline protection.

The area that commences at the mean high water and runs to and including the primary dune system.

Short-term or Temporary: A period of one-hundred and eighty (180) days or less.

Shrub: A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base. (A listing of suggested indigenous plants and shrubs shall be maintained by the City, a copy of which is adopted by reference.)

Shrub, large: A shrub that is no taller than four feet (4').

Shrub, medium: A shrub that is a minimum four feet (4') to a maximum eight feet (8') tall.

Shrub, small: A shrub that is eight feet (8') or taller.

Sidewalk, external: A sidewalk that is located in a public or private right-of-way or in a public easement. An external sidewalk is typically considered a public sidewalk and provides safe and convenient pedestrian access to transit stops, on-street parking spaces and connections to the internal sidewalk system of privately or publicly owned lots or parcels.

Sidewalk, internal: A sidewalk that is not located in a public or private right-of-way or in a public easement and that is located on a lot or parcel. An internal sidewalk typically provides safe and convenient pedestrian access to buildings, common open space, transit stops, parking areas, adjacent properties, and connections to the external sidewalk system.

Sign: Any writing, graphic or pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device, including the sign structure and sign face area, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known, and which is visible from any street, right-of-way, sidewalk, alley, or other public property. The term "sign" shall not be construed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign, abandoned or discontinued: Any sign which, for a period of 180 consecutive calendar days, is no longer being used and is not being maintained.

Any sign which, for a period of 180 consecutive calendar days, is no longer being used, and which sign is not being maintained shall be considered an abandoned or discontinued sign.

Sign, Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

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.

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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

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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.

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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

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the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Sound absorption: Capacity of materials and furnishings in a room to absorb sound. For the purposes of this article, the sound absorption is equal to 0.05 times the room volume in cubic feet divided by the measured reverberation time in seconds determined with an octave band of noise centered at 500 hertz.

Sound level: In decibels, the quantity measured by an instrument satisfying the requirements of American Standard Specification for Type I Sound Level Meters. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighting "A" and the standard dynamic characteristic "Slow."

Sound level reduction (SLR): The difference in decibels between the sound level outside a building and the sound level inside a designated room of the building which is caused by exterior noise.

Special conditions or circumstances: Unique situations, naturally occurring or not caused by the property owner current or previous, which is specific to a property, lot, etc. that may affect the constructability or use of a site, parcel, lot, or land or the application of any other required elements of this code.

Special event: A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars. **A permit is required for a Special Event per Article 2 of this Code**

Entertainment, educational, and cultural events generally involving the outdoor assembly of 50 or more people. Such events may include but not be limited to circuses, fairs, carnivals, festivals, art shows, grand openings, bazaars, or other similar events that (1) run for longer than one day but not longer than 30 days (may also repeat on the same day of the week over an extended period of weeks), (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Speed: Rate at which an object covers distance over time.

Spire: The tapering termination of a roof tower or roof form to a point, as on a steeple.

Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Standard: Any form which displays what is commonly referred to as a "nation's flag" or "colors" for a country, state, county, city, other political subdivision, military or religious entity, or other similar entity. This definition does not include any commercial branding on a "flag."

Stairway: One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

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Stairway, exterior: A stairway that is open on at least one side, except for required structural columns, beams, handrails and guards. The adjoining open areas shall be either yards, courts or public ways. The other sides of the exterior stairway need not be open.

Stairway, interior: A stairway not meeting the definition of an exterior stairway.

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348).

Stormwater: The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater discharge associated with industrial activity: The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes discharges from facilities or activities excluded from the NPDES program under 40 CFR parts 122 (As defined at 40 CFR part 401).

Stormwater facilities: Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site.

Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site. A stormwater management system may include, but is not limited to stormwater ditches, sewers, canals, drains, detention facilities and retention facilities.

Stormwater pollution prevention plan (SWPPP): A plan required by a permit to discharge stormwater associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility.

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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.

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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.

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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 be 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.

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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

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~~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.

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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.

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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.

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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.

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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.

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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,

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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

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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.

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**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.

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❖ **Digital Signs:**

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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B. Draft Article 11 – Glossary

Changes

Proposed Modified Definition → **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

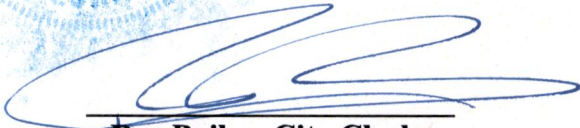
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

PUBLIC COMMENTS:

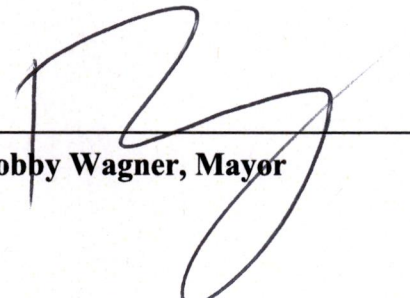
ADJOURNMENT

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

ATTEST:

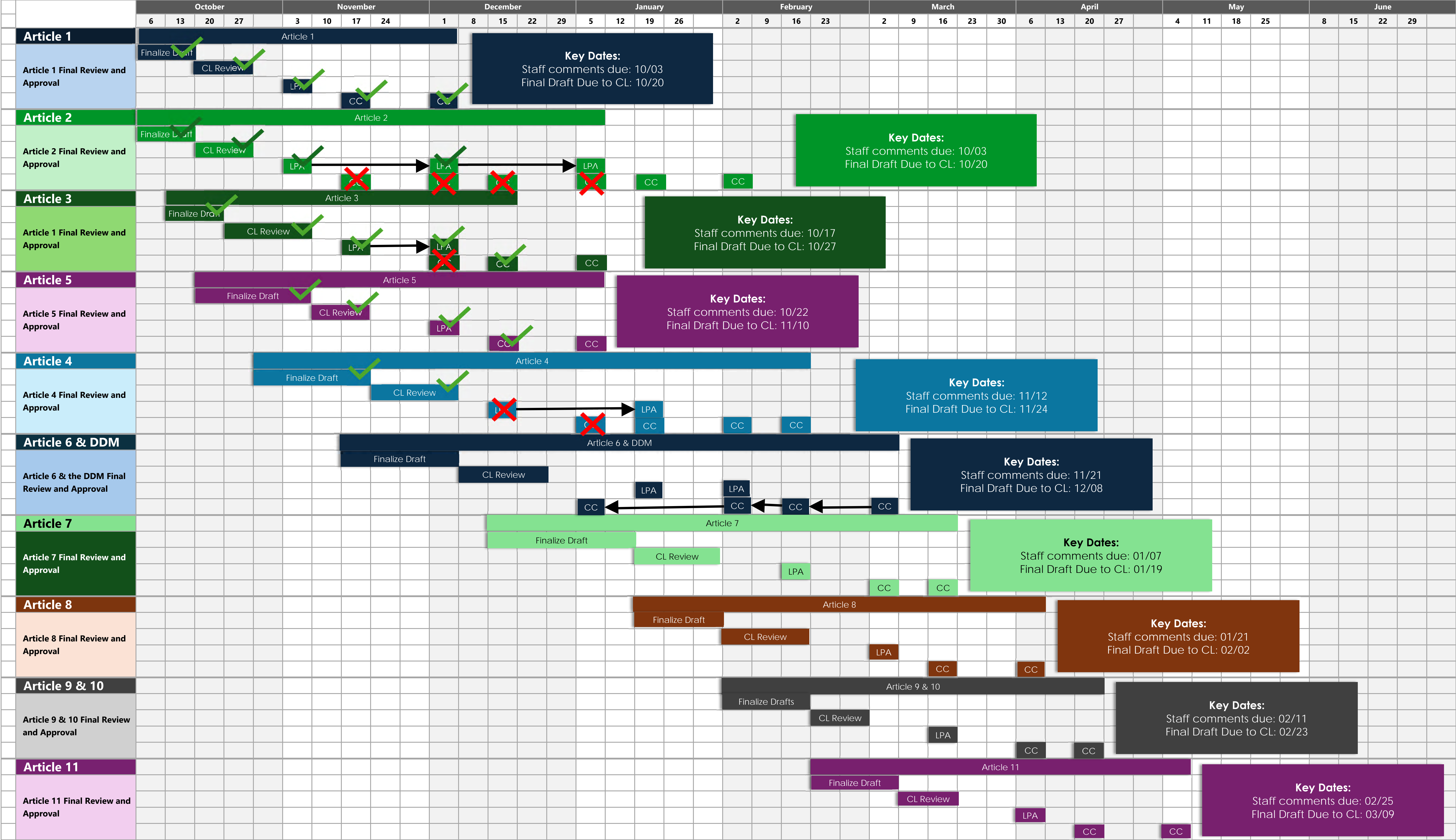


Rey Bailey, City Clerk



Bobby Wagner, Mayor

City of Destin LDC Rewrite Approval Timeline



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Public Hearing
AGENDA OUTLINE NUMBER: 5.B.

TO: City Council

THRU: Larry Jones , City Manager
Kimberly Kopp, City Attorney

FROM: David Prichard, Community Development Director
Steve O'Connor, Deputy Community Development Director

DATE: December 4, 2025

SUBJECT: First reading of Ordinance 26-03-LC - 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.

I. BACKGROUND:

On April 5, 2021, the City Council approved the scope of work and budget for a full rewrite of the Land Development Code (LDC). After internal and public reviews, beginning in early 2023, staff presented a draft of Article 5 to the City Council at its workshop on December 3, 2024 (see *Background Article 5 December 3, 2024 Draft*). Based on that input, staff created the “final draft”. Further refinements have been made based on re-reviews by new staff (see *Background Article 5 Working Draft*).

In addition to the staff report, the staff has provided:

- a draft ordinance and Exhibit A (proposed subdivision replacement article and the subdivision article to be replaced – struck through)
- background documents
 - the draft discussed at the city council workshop
 - the current working draft, which includes the input from the city council workshop and the re-review conducted by staff
 - a list of changes, reorganizations, and consolidations

This will be the format for all further submissions.

II. DISCUSSION:

The proposed Article 5 – Subdivision Regulations replaces and modernizes the subdivision requirements currently located in Article 7.08 of the Land Development Code (LDC). The update reorganizes and clarifies standards, aligns regulations with the City’s adopted comprehensive plan, enhances internal consistency within the LDC, and incorporates best practices in engineering, stormwater management, and development.

Key Changes

5.01 – Purpose & Intent

- Updated to clearly state that the article applies to subdivision regulations.

5.02 – General Standards

Development of Subdivisions

- Sections A & B merged and clarified.
- Requirements for when common ownership associations are needed were simplified and consolidated.

Preservation of Land and Conformance

- Deleted a subsection allowing relief because the LDC already provides a variance process.

Streets

- Reorganized and cleaned up by removing a redundant list describing “projects under single ownership.”

Development Blocks

- Fully updated to increase clarity.
- Block size minimum increased from 660’ to 800’.
- Mid-block pedestrian crossings required for blocks exceeding 400’.

5.03 – Stormwater

- Both 5.03.01 and 5.03.02 were simplified, improving clarity and removing unnecessary lists.

5.04 – Utilities

General

- Added requirement for 15’ minimum utility easements.
- Utility easements must now be non-exclusive.

5.04.02

- Clarifies that developers must connect to the local sewer system.
- Updated prohibition language to include “other non-centralized sewer systems.”

5.05 – Accessways

- Removed City Manager’s authority to waive accessway requirements.
- Any variance to access must be recorded as a public record.

5.06 – Requirements for Improvements

- 5.06.01.A.2 revised for clarity and simplification.

5.07 – Dedication of Roads / Streets / Rights-of-Way

- Removed a redundant subsection for consistency.

5.08 – Exceptions

- Cleaned up redundant wording.

Summary of Article 5 (amended)

5.01 – Purpose and Intent

The subdivision regulations ensure new development is responsibly designed, protects surrounding properties, and mitigates any negative impacts of growth.

5.02 – General Standards

Development Requirements:

- All new lots must have safe access via a street or access easement.
- Developers must propose street names for approval; the city council shall name unnamed streets.
- If facilities aren't dedicated to the city, a legal entity (e.g., an owners' association) must be created to own and maintain them.
- The developer shall submit infrastructure maintenance plans and budgets to the city engineer for approval.

Preservation and Conformance

- Subdivisions shall follow natural topography, drainage patterns, and existing site features.
- Lots must meet dimensional standards in Article 4.
- Density limits apply as per Article 2.
- Accessways must meet code; noncompliant existing accessways must be consolidated, closed, or reconstructed.

Street Standards

- Public streets must follow the city's design manual.
- Private streets are allowed if:
 - A statutory HOA is created.
 - Streets meet city design/construction standards.
- The city will not accept private streets that fail to meet minimum right-of-way standards.
- Access points for private streets must meet lighting standards.

Development Blocks

- Maximum block length: 800 ft, unless FDOT requirements supersede.
- Blocks over 400 ft must include a mid-block pedestrian crossing.
- Rights-of-way must form a connected network and include stub-outs to undeveloped adjacent land.
- Cul-de-sacs and dead ends are allowed only when connections are physically infeasible.
- Subdivisions ≥ 5 acres must have more than one connection to the collector/arterial network.

- Residential blocks should accommodate two tiers of lots, unless topography prevents it.

5.03 – Stormwater

Plans

- All new subdivisions must submit a stormwater master plan.
- Redevelopments ≥ 5 acres also require a stormwater master plan.
- Any new or redeveloped subdivision five (5) acres or more shall not collect stormwater on individual lots.
- Plans must show the site can fully manage runoff.

Easements

- Drainage easements are required when water flows off-site or from streets to private systems.
- Standard easement width: 15 ft, with additional width for open channels.
- Materials and construction must follow FDOT specifications.

5.04 – Utilities

General

- All utilities must be installed underground.
- Utility easements must be at least 15 ft wide and available for all utilities.

Sewer

- Developers must connect to the local sewer provider and install required components.
- Septic systems are prohibited in the city.
- Sewer lines must be inspected and approved by the local authority and the city.

Water

- Connection to existing water systems is required where capacity exists.
- Wells or community water systems require state environmental approval (FDEP).
- Water lines must be approved by the water provider and the city.

Streetlights

- Required per the design manual.

5.05 – Accessways

Ingress/Egress Requirements

- More than one access point is required for:
 - Single-family/duplex subdivisions over 5 acres
 - All multifamily, non-residential, or mixed-use developments
- Emergency-only access points do not satisfy the above requirement.

Variances

- Any deviation requires a variance under Article 2 and must be recorded before a development order is issued.

5.06 – Requirements for Improvements

Before a final plat is approved, developers must:

- Install all required improvements, or
- Submit a performance surety per Article 2.

5.07 – Dedication of Right-of-Way

- Projects adjoining a transportation corridor listed in the city’s five-year CIP must dedicate necessary right-of-way.
- Dedication must be proportionate to project impacts.
- Developers may receive mobility fee credits for dedicated ROW.

5.08 – Exceptions

The following exceptions are narrowly interpreted; if any part is invalidated, the entire exception is void.

- Exempt roads must still meet city construction and paving standards to be accepted for maintenance.
- Land divisions through inheritance are exempt if not platted but must still meet minimum code requirements.

Consolidation: All subdivision regulations are in Article 5 (this includes sections 7.08, 8.04, and 10.01-10.04. For a more comprehensive list of consolidations, please refer to the attachment titled *Background Article 5 Changes, Reorganization, and Consolidation*.

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: In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance:

Ord. 26-03-LC repeals and replaces Article 7, Section 7.08.00 - Regulation of the subdivision of land of the current Land Development Code (LD) for the City of Destin. It provides updates to the City’s subdivision development regulations and review criteria.

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

There is no expected direct economic impact of the proposed ordinance on private, for-profit businesses within the City of Destin as the City currently has an adopted LDC with legal provisions.

3. Estimate of direct compliance costs that businesses may reasonably incur:

There are no direct compliance costs related with the adoption of this proposed ordinance.

4. Any new charge or fee imposed by the proposed ordinance:

There are no new fees imposed by the adoption of this proposed ordinance
5. Estimate of the City’s regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

There is no regulatory cost associated with the adoption of this proposed ordinance.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Any business, existing or future will be regulated by the proposed ordinance as well as any amendments to the Land Development Code in the future.

III. CONCLUSION:

The purpose of tonight’s action is for the City Council to consider approval of Ord. 26-03-LC - Article 5 - Subdivision Regulations.

At the December 4, 2025, meeting, the LPA unanimously recommended approval of Ord. 26-03-LC with a vote of 6-0. They recommended one formatting change to Section 5.02.04.A.1 – to consolidate it with Section 5.02.04.A.1.

IV. RECOMMENDED MOTION: I move that the City Council approve Ordinance 26-03-LC as presented.

ALTERNATIVE MOTION:

I move that the City Council approve Ordinance 26-03-LC, with the changes discussed.

Attachments:

1. Ord. 26-03-LC LDC REWRITE ARTICLE 5 12.16.25 Council meeting
2. EXHIBIT A TO ORD 26-03-LC Article 5 - Subdivision Regulations
3. Background Article 5 December 3, 2024 Draft
4. Background Article 5 Working Draft
5. Background Article 5 Changes, Reorganization, and Consolidation
6. City Council Minutes 12-03-2024 Workshop
7. Article 11 - Glossary -

WORKING DRAFT

11.21.24.

8. LDC Approval Timeline
- 12.09.25

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 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

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

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

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

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

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

WHEREAS, the City Council endeavors to modernize the LDC by addressing items that

will result in structural improvements to the LDC or areas where best practices have changed significantly since the relevant regulations were last updated; and

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

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

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

WHEREAS, 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, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Land Development Code that have been skipped and remain unchanged.**

SECTION 3. Section 7.08.00. - 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 “Exhibit A” 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. SECTION 7. EFFECTIVE DATE. This Ordinance 26-03-LC shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 26-03-LC by the City Council and signature by the Mayor; AND (2) subsequent adoption of Ordinance 26-10-LC by the City Council and signature by the Mayor.

**ADOPTED THIS ____ DAY OF _____,
2025.**

By: _____
Bobby Wagner, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney for the City of Destin, only.

DRAFT

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

EXHIBIT "A"

City of Destin, FL - SUBDIVISION REGULATIONS

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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 applicable 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.

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- 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. 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.

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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

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- 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

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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.

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1. In no instance shall a lot or parcel created through inheritance be noncompliant with the minimum regulations and requirements of this code.

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

~~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.)~~

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- 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.*

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- 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

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City of Destin, FL - SUBDIVISION REGULATIONS

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)

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ARTICLE 5 – SUBDIVISION REGULATIONS

SECTION 5.01 PURPOSE AND INTENT

SECTION 5.01.01 PURPOSE

- A. The purpose and intent of the Subdivision Regulations is to assure future growth, development and redevelopment in the city conforms to certain minimum criteria implementing the policies of the City's adopted Comprehensive Plan. Standards provided under this Code are designed to ensure new development benefits 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 development or use.

SECTION 5.02 GENERAL STANDARDS

SECTION 5.02.01 DEVELOPMENT OF SUBDIVISIONS

- A. Every building erected or moved shall be located on a lot adjacent to a street or 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. 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 application.
- D. The City Council shall name unnamed streets or private ways, as shown on the approved subdivision or planned unit development plan.

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. 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.

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- (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. No subdivision of land may exceed the maximum allowable density, except as provided in Section 2.07 of this Code.
- D. Accessway
1. All proposed accessways shall be compliant with this Code.

Existing accessways shall be closed, consolidated, and reconstructed to bring them into compliance with this Code.

SECTION 5.02.03 STREETS

A. Public Streets:

1. All proposed public streets shall conform to the City's Design Manual standards.

B. Private streets:

1. Private streets may be allowed in a subdivision as a primary means of access to any lot in any subdivision, provided that:
 - a. A homeowners' association, complying with state statutes, is established.
 - b. The streets meet the minimum design and construction standards per this Code and the adopted Design Manual
2. In the case of projects or development under single 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. 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.
4. 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.
5. Lighting:
 - a. All access points for private streets and rights-of-way shall be lit to meet the standards listed in **Section 5.04.04**.

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SECTION 5.02.04 DEVELOPMENT BLOCKS

- A. 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 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.

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- 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. 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.

SECTION 5.04.02 SEWER

- A. The developer shall provide necessary collection lines, lift stations, etc., to provide sanitary collection service to each home located in the subdivision.
 - 1. Septic tanks 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.
 - 3. Water lines within the city right-of-way or within easements must be inspected and approved by Destin Water Users, Inc., and the City

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City of Destin, FL - Land Development Code

SECTION 5.04.05 STREETLIGHTS

- A. Developer shall provide streetlighting in accordance with the Destin 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.
 - 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 process in **Article 2**.
- B. If a variance from this section is approved, a 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 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** 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

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City of Destin, FL - Land Development Code

- 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 impact fee structure, the value of dedicated right-of-way may be a credit against transportation impact fees assessed to the proposed project.
 1. If the impact 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 impact 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 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 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.

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

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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 ~~S~~ubdivision ~~R~~egulations ~~is~~are to assure future ~~growth, development and redevelopments~~subdivisions in the city ~~conforms~~conform to certain minimum criteria implementing the policies of the City's adopted ~~C~~omprehensive ~~P~~lan. Standards provided under this ~~C~~ode are designed to ensure new ~~development subdivisions~~benefits the ~~C~~ity, 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 uses~~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 .Sstatutes.~~, common facilities and property shall be conveyed to the ~~condominium~~ association pursuant to ~~the appliabeat~~ 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.
- Such covenants shall be included with the request for 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.

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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 Ccode.~~

D. Accessway

1. All proposed accessways shall be compliant with this Ccode.
2. Existing accessways shall be closed, consolidated, or reconstructed to bring them into compliance with this Ccode.

SECTION 5.02.03 STREETS

~~A. Public Streets:~~

- ~~1.A. All proposed public streets shall conform to the City's Design-design mManual standards.~~

~~B. Private streets:~~

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

- ~~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 ~~e~~City.
- ~~4.E.~~ The ~~e~~City shall not, ~~however,~~ accept a private street by dedication as a public street which fails to meet the minimum right-of-way standards ~~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. 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.

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

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~~

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

- ~~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.~~

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

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 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

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

- 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, ~~at 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.

WORKING DRAFT

City of Destin, FL - SUBDIVISION REGULATIONS

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 regulations ~~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~~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 ~~c~~Code.

City of Destin, FL - Article 5 - Subdivision Regulations: Changes, Reorganization, and Consolidation

Changes and Reorganization

Below is an overview of the organizational and language changes made to Article 5 since the council workshop in December 2024.

Changes made since December 2024 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 & 2 Block 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
 - 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.

City of Destin, FL - Article 5 - Subdivision Regulations: Changes, Reorganization, and Consolidation

- **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 together 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

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 3, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Pro Tem Dewey Destin
Councilmember Kevin Schmidt
Councilmember Sandy Trammell

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

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

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

WORKSHOP

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

A. Draft Article 8 – Sign Regulations

Language

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

Format, organization, and Consolidation

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

Supreme Court Case

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

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

DISCUSSION/SUMMARY:

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

The draft Article 8 introduces classifications for signs based on:

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

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➤ **Permanent & Temporary Signs:**

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

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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



❖ **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

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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

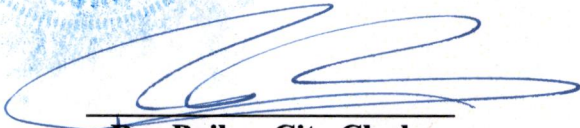
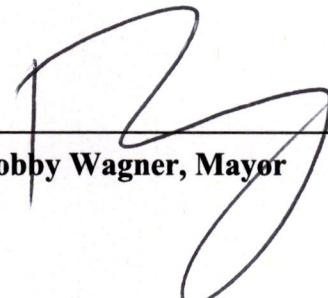
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

PUBLIC COMMENTS:

ADJOURNMENT

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

ATTEST:


Rey Bailey, City Clerk
Bobby Wagner, Mayor

WORKING DRAFT

City of Destin, FL - Article 11 - Glossary - WORKING DRAFT 11.21.24.

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

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SECTION 11.01 GENERAL

SECTION 11.01.01 RULES FOR CONSTRUCTION OF LANGUAGE

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

SECTION 11.01.02 INTERPRETATION OF UNDEFINED TERMS

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

SECTION 11.02 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

Administrator: The City Manager or their designee.

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

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

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

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

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

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

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

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

The Destin-Ft. Walton Beach Airport.

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

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

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

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

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

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

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

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

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

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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).

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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).

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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.

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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.

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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.

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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.

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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.

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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

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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

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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.

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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.

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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.

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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.

Commented [S01]: This is not density this is the maximum units allowed by the development. I don't think this is needed here.

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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~~

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~~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.~~

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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

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any natural or artificial mechanism, which typically aligns in proximate location with a similar dune on adjacent gulf-fronting properties.

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

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

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

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

Dwelling, duplex: Two primary attached single dwellings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Groundwater: Water beneath the surface of the ground.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IESNA: Illuminating Engineering Society of North America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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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.

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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-adjointing property lines abutting upon a street or streets.

A lot having two non-adjointing 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.

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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.

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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

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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 Kempfi* (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.

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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.

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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.

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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: ~~legal. A use, structure, or lot in which the use, structure, or lot was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or 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.~~

Commented [SO2]: Remove "legal"

Nonconforming use/structure/lot: ~~Any preexisting use, structure, or lot which is inconsistent with the provisions of this Code, or amendments thereto.~~

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.

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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

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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.

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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

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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.

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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.

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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.

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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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road: See Street.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Setback area: See "Yard."

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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

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physical design of the center is very sophisticated, emphasizing a rich decor and high-quality landscaping. These centers usually are found in trade areas having high income levels. Specialty shopping centers shall range in size from 80,000 square feet to 250,000 square feet. The primary trade area for a specialty shopping center is five to 15 miles.

Shopping center, neighborhood: A center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. These anchors are supported by stores offering drugs, sundries, snacks, and personal services. A neighborhood center is usually configured as a straight-line strip with no enclosed walkway or mall area, although a canopy may connect the storefronts. Neighborhood shopping centers shall range in size from 30,000 square feet to 100,000 square feet. The primary trade area for a neighborhood shopping center is three miles.

Shopping center, outlet: Usually located in rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not anchored. A strip configuration is most common, although some are enclosed malls, and others can be arranged in a "village cluster." Outlet shopping centers shall range in size from 50,000 square feet to 400,000 square feet. The primary trade area for an outlet shopping center is 25 to 75 miles.

Shopping center, power: A power center is dominated by several large anchors, including discount department stores, off-price stores, warehouse clubs, or "category killers" (i.e., stores that offer tremendous selection in a particular merchandise category at low prices). The center typically consists of several freestanding (unconnected) anchors and only a minimum number of small tenants. Power shopping centers shall range in size from 250,000 square feet to 600,000 square feet. The primary trade area for a power center shopping center is five to ten miles.

Shopping center, regional: A center that provides general merchandise (a large percentage of which is apparel) and services in full depth and variety. Its main attractions are traditional/mass merchandise anchors, discount department stores, fashion stores or specialty stores. A typical regional center is usually enclosed with an inward orientation of the stores connected by a common walkway and parking surrounds the outside perimeter. Regional shopping centers shall range in size from 400,000 square feet to 800,000 square feet. The primary trade area for a regional shopping center is five to 15 miles.

Shopping center, super regional: Similar to a regional center, but because of its larger size, a super regional center has more anchors and a deeper selection of merchandise, and draws from a larger population base. As with regional centers, the typical configuration is as an enclosed mall, frequently with multiple levels. Super regional shopping centers are greater than 800,000 square feet in size. The primary trade area for a super regional shopping center is five to 25 miles.

Shopping center, theme/festival: A shopping center that employs a unifying theme carried out by the individual shops in their architectural design and, to an extent, in their merchandise. The biggest appeal of these centers is to tourists. Center can be anchored by restaurants and entertainment facilities. These centers, generally located in urban areas, tend to be adapted from older, sometimes historic buildings, and can be a part of mixed-use projects. Theme/festival shopping centers shall range in size from 80,000 square feet to 250,000 square feet.

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Shopping mall: Malls are typically enclosed, with a climate-controlled walkway between two facing strips of stores. The term represents the most common design mode for regional and super-regional shopping centers and has become an informal term for these types of centers.

Shore or Shoreline: The interface of land and water.

Shoreline protection zone: The areas defined in Article 7 for Bay and Gulf Shoreline protection.

The area that commences at the mean high water and runs to and including the primary dune system.

Short-term or Temporary: A period of one-hundred and eighty (180) days or less.

Shrub: A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base. (A listing of suggested indigenous plants and shrubs shall be maintained by the City, a copy of which is adopted by reference.)

Shrub, large: A shrub that is no taller than four feet (4').

Shrub, medium: A shrub that is a minimum four feet (4') to a maximum eight feet (8') tall.

Shrub, small: A shrub that is eight feet (8') or taller.

Sidewalk, external: A sidewalk that is located in a public or private right-of-way or in a public easement. An external sidewalk is typically considered a public sidewalk and provides safe and convenient pedestrian access to transit stops, on-street parking spaces and connections to the internal sidewalk system of privately or publicly owned lots or parcels.

Sidewalk, internal: A sidewalk that is not located in a public or private right-of-way or in a public easement and that is located on a lot or parcel. An internal sidewalk typically provides safe and convenient pedestrian access to buildings, common open space, transit stops, parking areas, adjacent properties, and connections to the external sidewalk system.

Sign: Any writing, graphic or pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device, including the sign structure and sign face area, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known, and which is visible from any street, right-of-way, sidewalk, alley, or other public property. The term "sign" shall not be construed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign, abandoned or discontinued: Any sign which, for a period of 180 consecutive calendar days, is no longer being used and is not being maintained.

Any sign which, for a period of 180 consecutive calendar days, is no longer being used, and which sign is not being maintained shall be considered an abandoned or discontinued sign.

Sign, Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

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.

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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

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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.

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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

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the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Sound absorption: Capacity of materials and furnishings in a room to absorb sound. For the purposes of this article, the sound absorption is equal to 0.05 times the room volume in cubic feet divided by the measured reverberation time in seconds determined with an octave band of noise centered at 500 hertz.

Sound level: In decibels, the quantity measured by an instrument satisfying the requirements of American Standard Specification for Type I Sound Level Meters. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighting "A" and the standard dynamic characteristic "Slow."

Sound level reduction (SLR): The difference in decibels between the sound level outside a building and the sound level inside a designated room of the building which is caused by exterior noise.

Special conditions or circumstances: Unique situations, naturally occurring or not caused by the property owner current or previous, which is specific to a property, lot, etc. that may affect the constructability or use of a site, parcel, lot, or land or the application of any other required elements of this code.

Special event: A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars. **A permit is required for a Special Event per Article 2 of this Code**

Entertainment, educational, and cultural events generally involving the outdoor assembly of 50 or more people. Such events may include but not be limited to circuses, fairs, carnivals, festivals, art shows, grand openings, bazaars, or other similar events that (1) run for longer than one day but not longer than 30 days (may also repeat on the same day of the week over an extended period of weeks), (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Speed: Rate at which an object covers distance over time.

Spire: The tapering termination of a roof tower or roof form to a point, as on a steeple.

Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Standard: Any form which displays what is commonly referred to as a "nation's flag" or "colors" for a country, state, county, city, other political subdivision, military or religious entity, or other similar entity. This definition does not include any commercial branding on a "flag."

Stairway: One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

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Stairway, exterior: A stairway that is open on at least one side, except for required structural columns, beams, handrails and guards. The adjoining open areas shall be either yards, courts or public ways. The other sides of the exterior stairway need not be open.

Stairway, interior: A stairway not meeting the definition of an exterior stairway.

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348).

Stormwater: The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater discharge associated with industrial activity: The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes discharges from facilities or activities excluded from the NPDES program under 40 CFR parts 122 (As defined at 40 CFR part 401).

Stormwater facilities: Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site.

Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site. A stormwater management system may include, but is not limited to stormwater ditches, sewers, canals, drains, detention facilities and retention facilities.

Stormwater pollution prevention plan (SWPPP): A plan required by a permit to discharge stormwater associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility.

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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.

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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.

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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 be 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.

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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

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~~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.

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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.

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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.

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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.

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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.

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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,

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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

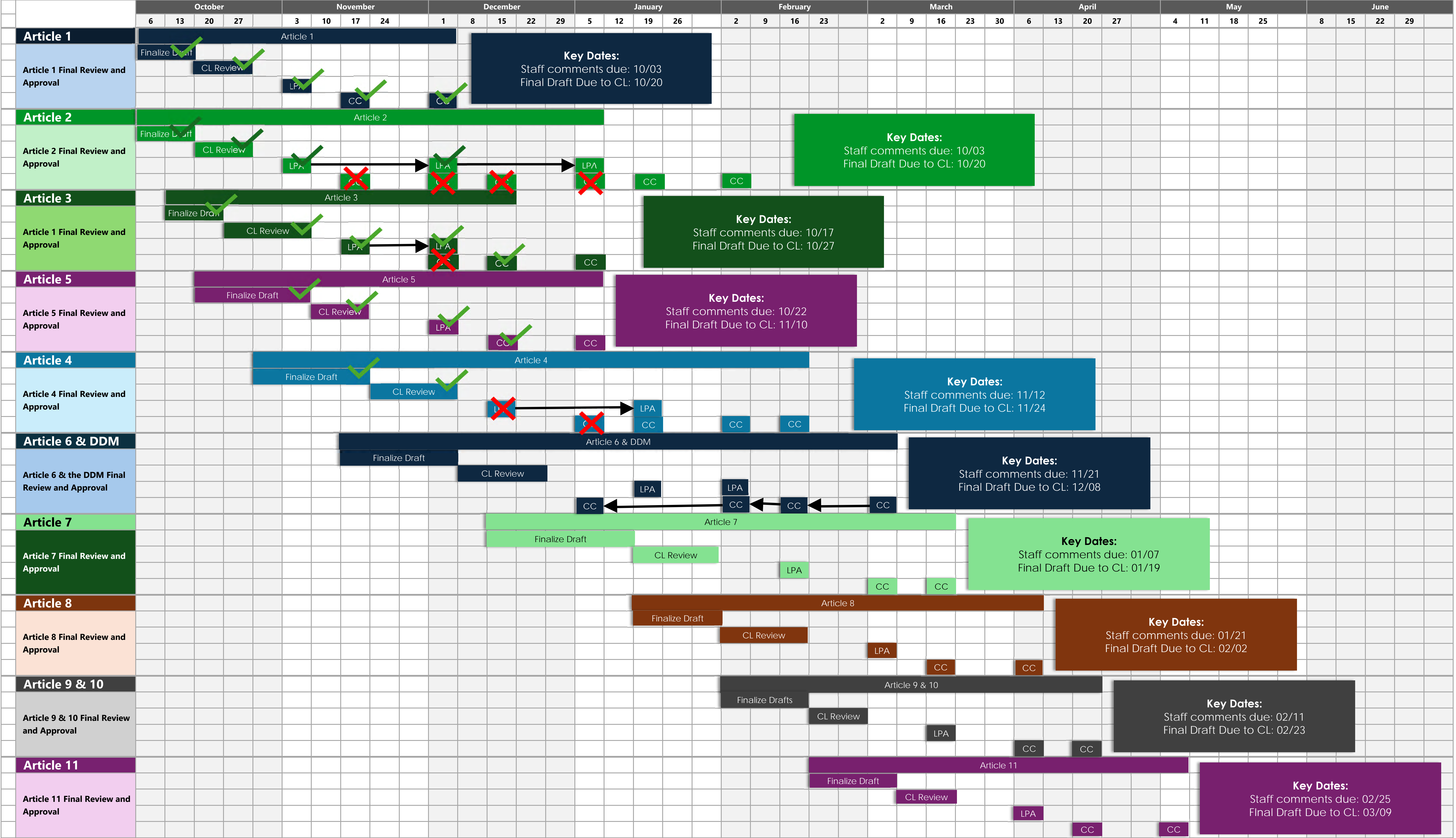
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yard" nor the term "rear yard" clearly applies. In such cases, the City Manager or his or her designee shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply 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.

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City of Destin LDC Rewrite Approval Timeline



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: December 16, 2025
TYPE OF AGENDA ITEM: Announcement
AGENDA OUTLINE NUMBER: 6.I.

TO: City Council
THRU: Larry Jones , City Manager
FROM: Kimberly Kopp, City Attorney
DATE: December 10, 2025
SUBJECT: 1) Litigation. Executive Session to be held on Monday, January 5, 2026 at 5:30pm

I. BACKGROUND:

II. DISCUSSION:

A.

Pursuant to Section 286.011(8), *Florida Statutes*, the City Attorney desires the advice of the City Council in the case of CLAUDE PERRY ENTERPRISES, LLC and MARLER HARBOR PROPERTY, LLC, v. CITY OF DESTIN, Case No. 2025-CA-002694-F **Okaloosa County, Florida Circuit Court 2025**), and as such, is calling for an Executive Session to be held in the City Council Chambers at the Destin City Hall Annex, 4100 Indian Bayou Trail, Destin, FL 32541, on Monday, January 5, 2026, at 5:30 PM Central, or as soon thereafter as the issue may be heard.



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B.

Present at the Executive Session will be a court reporter, Mayor Bobby Wagner; City Council Members Kevin Schmidt, Torey Geile, Terésa Hebert, Jim Bagby, Dewey Destin, Sandy Trammell, and Rodney Braden; City Manager Larry Jones; William Warner, Litigation Attorney for the City of Destin; and City Attorney Kimberly Romano Kopp.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None