



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, JANUARY 22, 2026
5:30 PM
ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
 - A. December 4, 2025 Minutes**
- 4. CURRENT BUSINESS**
 - A. Land Development Code (LDC) Text Amendment Application: Adding Coffee and Tea Manufacturing Use to Table 7-2**
 - B. Proposed Ordinance 26-05-LC - Revising Parking Reductions (Article 8 Update)**
 - C. Proposed Ordinance 26-04-LC - Land Development Code Article 6 - General Development Regulations**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: February 5, 2026**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

**LOCAL PLANNING AGENCY MEETING MINUTES
DECEMBER 4, 2025 - 5:30 P.M.
DESTIN CITY HALL ANNEX CHAMBERS**

1. CALL TO ORDER & PLEDGE OF ALLEGIENCE:

Chairman Wood called the Local Planning Agency meeting to order on Thursday, December 4, 2025, at 5:30 p.m., in the Destin City Annex Chambers; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Todd Buhr
Jay Purut
Marcie Bell
Ken Wampler
Bree Uptigrove

Members Absent

Tammy Weidenhamer

Staff Members Present

Kim Montgomery Deputy City Clerk
Steve O'Connor Deputy CD Director
Jesse Hernandez Senior Planner
Sherry Burney Planner
David Prichard, CD Director
Kim Kopp City Attorney

3. AGENDA APPROVAL:

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

4. APPROVAL OF MINUTES: October 6, 2025

Agency member Buhr stated for the record that the minutes were not a part of the packet they received via email from staff.

Motion to approve the minutes of the October 6, 2025 meeting as written was made by Agency member Bell, with Agency member Wampler providing the second. The motion passed 5-1, with Agency member Buhr casting the dissenting vote.

5. CURRENT BUSINESS:

A. Proposed Ordinance 25-26-LC Land Development Code Article 3 – Nonconformities

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 3.04.03 – Repairs and Maintenance (formerly 9-4B, Section 308)

Mr. o’Connor reminded the board that on November 6, 2025 meeting there was a lengthy discussion about Section 308 of the LDC, focused on repairs and maintenance of nonconforming structures. Additionally, based on the LPA’s recommendations, staff initially proposed changes but upon post-meeting review, reorganized and restructured the section for better clarity.

Additionally, after that meeting, staff came up with Section 308, ‘Repairs and Maintenance,’ and moved it to section 3.04.03, under ‘Nonconforming Structures, with the following changes:

- 25% Threshold Removed: Staff acknowledged that the 25% threshold (which previously triggered required conformance) was ambiguous and caused confusion.
- Exception for Single-Family/Duplex Dwellings Removed: The removal promotes consistency in treatment of structure types.
- Permit Language Removed: Clarified the City’s intent to regulate land use, not enforce building permit requirements related to Florida Building Code.

There was a question regarding the distinction between primary and accessory structures and why repair limits were stricter for the latter. According to staff, primary structures can be repaired structurally, but accessory structures can only have non-structural elements fixed. The reasoning being, that the intention was to allow livable spaces such as ADUs/guest houses to be maintained, but limit maintenance of non-livable accessory structures, such as sheds, to prevent prolonging outdated or unsafe uses.

Agency member Buhr raised the concern that eliminating the 25% threshold could lead to property owners circumventing compliance by disguising large-scale redevelopment as "repairs." Pointing out that if someone spends \$400,000 to repair a \$500,000 home, they’re essentially rebuilding it but avoiding conformance.

Mr. o’Connor acknowledged the concern and proposed creating a clear definition of “destroyed” to be tied to cost or structural loss.

After much debate, the members agreed to defining "destroyed" to include both voluntary and involuntary destruction, e.g., hurricanes, fire, or deliberate demolition. Additionally, the

members agreed that “Destruction” should mean by any means, if it’s more than 50%, they should be required to conform, and to add all terms in the code, e.g. demolished, modified, removed, etc. The members also agreed to replacing “more than 50%” with “50% or more” to remove any ambiguity about the threshold.

There was additional discussion about how replacement cost is calculated. The members agreed that replacement cost should be tied to the structure, not land by using the property appraiser’s building value.

Staff agreed and proposed adding this as a definition in Article 11, so it can be applied across the LDC consistently.

The Chairman opened the hearing to the public, with no public present, he closed the public portion of the hearing and called on the Agency members for comment or a motion.

Motion by Agency Member Buhr, seconded by Agency member Bell for the Local Planning Agency to recommend approval of Ordinance 25-26-LC to the City Council, with the changes or additions discussed for the definition of destroyed, demolished, modified, the 50% language, and replacement cost definition. The motion passed with a 6-0 vote.

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

ORDINANCE NO. 25-24-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 2, ADMINISTRATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE THE EXISTING ARTICLE 2 IN ITS ENTIRETY; DELETING ARTICLE 4, PUBLIC PARTICIPATION, OF THE LAND DEVELOPMENT CODE TO REMOVE AND REPLACE ARTICLE 4 IN ITS ENTIRETY; PROVIDING FOR REGULATIONS RELATING TO GENERAL ADMINISTRATION; DEVELOPMENT ORDERS; GUARANTEES, SURETIES AND FUTURE IMPROVEMENT PAYMENTS; PROVIDING FOR REVIEW PROCESSES FOR PLANNING APPLICATIONS AND GENERAL REVIEW, LAND DIVISION APPLICATIONS; MISCELLANEOUS PLANNING APPLICATIONS, PLANNED UNIT DEVELOPMENTS, MARINE CONSTRUCTION APPLICATIONS, CONDITIONAL USES, CERTIFICATES OF APPROPRIATENESS, CHANGE OF USES, APPEALS, SPECIAL EXCEPTIONS, VARIANCES; PROVIDING FOR REGULATIONS RELATING TO TELECOMMUNICATIONS AND WIRELESS FACILITIES; PROVIDING FOR SITE DEVELOPMENT AND BUILDING PERMIT REVIEW; PROVIDING FOR PUBLIC PROCEDURES AND MEETINGS; ESTABLISHING CITY BOARDS AND COMMITTEES; PROVIDING FOR PROCEDURES FOR ADDRESSING AND PROVIDING FOR DEVELOPMENT FEES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING

PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

❖ **Article 2 – Revisions to General LDC Sections**

➤ **Summary of Changes by Staff**

Staff reviewed five updates made in response to the previous meeting discussions:

- Minimum acreage for PUDs set to 5 acres citywide.
- Improved notification language in public hearings.
- Formatting fixes.
- Updated language around LPA references throughout.
- Added provisions for sureties and guarantees.

On Page 47, a sentence in Section 2.10.01(B)(3) was flagged as being unclear.

The language states that if the City Council determines whether the proposed use and the word “*whether*” should be removed. Staff and other board members agreed, and the change was approved.

- **Military Representation (Ex Officio)**

Agency member Buhr spoke of how in the current LDC language it speaks of requiring an ex officio military member on the LPA, though no such representative has attended in recent memory.

According to Mr. Prichard, it should be clarified that this is an ad hoc role only, and they are only needed to provide input when military interests are involved. The consensus was to revise the language to reflect that the military member is included, on an as needed basis, and not a permanent member.

- **Committee Membership Limits**

Agency member Buhr noted a lack of the language that limits members from serving on multiple boards, as required in the City Code, and questioned if shouldn't it reference that you can't be on more than two boards? Staff confirmed that this rule exists in the Code of Ordinances, not the LDC. No change needed.

➤ **Change of Use – Expiration Period and Impact Fee Discussion**

- Short-Term Rentals (STRs) in residential neighborhoods:
 - Before applying for an STR license, property owners must submit a Change of Use (COU) application.
 - In past years, the impact fee was low (nominal).
 - As of September 1, current impact fee is \$43,000, depending on house size.

❖ Main Concerns Raised

- Does a Change of Use expire?
 - No expiration or “recency” language exists in the current code.
 - What happens if a COU is approved but not used for several years?
- Examples raised:
 - STR owner who only rents during summers, if they skip a year or two, do they lose COU status?
 - A property with COU approved in 2022, but STR use begins in 2026 would that trigger new fees?
- Concern over fairness:
 - Concern was expressed of the unfairness of being penalized for not renting for a short period due to personal reasons.

➤ Staff clarified the following:

- If a short-term rental registration lapses for a year, the property is treated as if starting over.
- For new construction permitted as STR, a COU isn’t needed—but the permit itself expires if unused for 2 years.
- The impact fee applies based on whether the change in use causes a greater impact on city systems, not just whether a form was filed.

❖ Proposal Introduced: Add Expiration for Change of Use

Staff proposed adding expiration language:

- If the approved use isn’t established within a certain time (e.g., occupancy, permit, or operations), the COU becomes null and void.
- **Justification:**
 - Avoids confusion and unexpected fee assessments.
 - Sets clear expectations for applicants.

❖ Suggested Timeframes & Debate

- Options debated: 1 year vs. 2 years vs. 3 years.
- Arguments for 1 year:
 - Aligns with development order and building permit timeframes.
 - Reflects high turnover of investment properties.
- Arguments for 2–3 years:
 - Allows flexibility for homeowners dealing with life events (e.g., family crises, delayed plans).
 - Avoids penalizing owners for non-use during personal use or transitional periods.
- Final Consensus:

- 2 years was selected as a reasonable compromise.

❖ Policy Additions

- Expiration Clause:
 - A Change of Use approval will expire after 2 years if the use is not established.
 - "Established" means initiating the approved use, such as:
 - Occupying as STR
 - Operating the approved business
 - Pulling and acting on a permit
- Vesting Provision:
 - Once the COU is established, it is vested.
 - Later lapses or temporary non-use (e.g., not renting for a year) do not trigger new COU or new fees.
- Applies Universally:
 - Rule applies to all changes of use, not just STRs.
 - Covers residential and commercial transitions (e.g., office to restaurant).

❖ Additional Clarifications

- Impact fee already paid stays with the property, not the owner:
 - Example: If Owner A pays impact fee for STR use, then sells the property, Owner B does not repay the fee if STR use resumes.
- Site condition matters:
 - Example: A site previously used as a restaurant maintains required parking for any future restaurant use, and may not require a new COU.

Consensus Points

- Change of Use = 2-year validity period, starting at date of approval.
- No need to reapply if:
 - The use is already established.
 - There's dormancy, but no change in site conditions or structure.
- Property owner protections:
 - Vesting language ensures fairness during life changes or STR cycles.
- City benefits:
 - Avoids misuse of old COUs under new fee structures.
 - Ensures uses align with the most current LDC provisions.

The Chairman opened the hearing to the public, with no public present, he closed the public portion of the hearing and called on the Agency members for comment or a motion.

Motion by Agency member Purut, seconded by Agency member Wampler to bring back Article Two with the addressed changes for further review by the LPA. The motion passed 6-0.

**C. Proposed Ordinance 26-03-LC Land Development Code Article 5,
Subdivision Regulations:**

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.

❖ Article 5 – Subdivision Regulations

Mr. o’Connor introduced Article 5, a new standalone section of the LDC created by reorganizing and relocating content previously buried within Article 7 and 8. The intent is to give subdivisions proper attention and clarity, improving guidance for development of streets, utilities, stormwater systems, and overall layout.

➤ Content Migration:

- Section 708 from Article 7.
- Portions of Article 8 related to right-of-way dedications.
- Utilities guidance from Article 10.

➤ Discussion Points:

- **Preservation Language:** A previously included sentence *“the developer should take steps to ensure the preservation of the land”* was removed. While some felt it expressed positive intent, the group ultimately agreed the language was too vague and potentially redundant.
- **Readability Edit:**
 - In Section 5.02.04(1), the sentence was revised for clarity to read: ***“No block shall exceed 800 feet in length, unless otherwise required by FDOT.”***

The Chairman opened the hearing to the public, with no public present, he closed the public portion of the hearing and called on the Agency members for comment or a motion.

Motion by Agency member Buhr, seconded by Agency member Bell, the members voted 6-0 to recommend City Council approve Article Ordinance 26-03-LC, Article 5, with the readability of Section 5.02.04(1) language added, as discussed.

➤ **Staff Comments:**

Mr. o’Connor noted that Article 2 will return for further review with the updated change-of-use language and other agreed revisions.

6. PUBLIC COMMENTS: None

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:40 p.m.

Adopted and approved this _____ day of _____ 2026.

James Wood, Jr.

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 22, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
 David Prichard, Community Development Director
 Daniel Butler, Principal Planner

FROM: Jesse Hernandez, Planner

DATE: January 7, 2025

SUBJECT: Land Development Code (LDC) Text Amendment Application: Adding Coffee and Tea Manufacturing Use to Table 7-2

I. BACKGROUND:

On November 7, 2025, staff received an application for a Land Development Code (LDC) Text Amendment. The applicant, Webb Rouse of Perfect Cupp, LLC, is requesting to add the use of “Coffee and Tea Manufacturing” (NAIC 311920) to ***LDC Article 7, Table 7-2: Table of Allowable Uses*** as a permitted use within the Industrial (IN) zoning district.

The applicant provided the following statement with the application submittal:

“Perfect Cupp, LLC is going to provide toll roasting and private labeling services to the coffee industry. It has been determined that coffee roasting and related coffee processing/packaging services are not called out specifically in the Destin land use record. Based on Perfect Cupp's strong desire to establish the business in our community we are submitting this request to add the land use (Currently understood as NAICS 311) to our existing facility with accommodations for expansion based on growth forecasts.”

II. DISCUSSION:

The purpose and intent of the Industrial (IN) Zoning District is outlined ***LDC Section 7.12.06.X***, which provides the following:

“The Industrial zoning district is intended to provide the city with strategically located sites, principally within the southeast quadrant of main street and airport road, designed to accommodate arrangements of industrial and limited commercial development types. It is

the intent of the IN zoning district to specifically not allow permanent or seasonal residential uses, except for residences for night watchmen or custodians whose presence on industrial sites is necessary for security.”

The purpose and intent are derived from ***Future Land Use Element Policy 1-2.5.1*** of the ***Comprehensive Plan***. This policy further articulates that industrial uses include:

“Manufacturing, assembling and distribution activities; warehousing and storage activities; general commercial activities, and other similar land uses that shall be regulated through appropriate LDC procedures and substantive Policy. Potentially harmful environmental impacts shall be mitigated prior to development approval. These uses typically generate heavy truck traffic, require significant acreage, are difficult to screen and buffer from residential areas, and therefore, should be located in more sparsely developed unincorporated areas.”

Additionally, the Comprehensive Plan states:

*“The City shall work with industrial interest groups to pursue selective industrial expansion as set forth herein in **Policy 1-1.4.3**.”*

Policy 1-1.4.3 provides the following:

“Selective Industrial Expansion Policy. *The City shall pursue a strategy of selective expansion of its industrial base. The City shall encourage industries that contribute optimally to the City's economy and that of the Emerald Coast. Highest priority shall be directed toward recruiting industries which:*

- 1. Generate high levels of employment together with higher than average wage and salaries.*
- 2. Promote an industrial mix to counterbalance the impact of cyclical economic changes.*
- 3. Produce services/products that complement the needs and resources of existing industry within the City and the region.*
- 4. Provide industry and service activities required to support and attract prime industrial land uses which are compatible with the City's growth management and resource conservation goals, objectives and Policies.*
- 5. Contribute net revenue to the City of Destin and thus enhance the fiscal capacity of the City.*
- 6. Do not adversely impact the City's natural resources, including groundwater quality; preservation of air quality; infrastructure; and public facility improvement needs.”*

Based on the Comprehensive Plan, Staff has determined that coffee and tea manufacturing meets the purpose and intent of the Industrial zoning district as outlined in both the LDC and the Comprehensive Plan. Furthermore, allowing coffee and tea manufacturing would align with many facets of the intent of “Selective Industrial Expansion” as articulated

in *Comprehensive Plan Policy 1-1.4.3*.

While the amendment request offers several opportunities and benefits, Staff has identified a number of moderate concerns. Coffee and tea manufacturing, depending on the filtration systems used, can produce emissions and strong odors that may be unsettling or bothersome to individuals.

For this reason, Staff recommends adding “Coffee and Tea Manufacturing” to *LDC Article 7, Table 7-2: Table of Allowable Uses* as a “conditional use” rather than a “permitted use.” Given the proximity of certain parcels within the Industrial zoning district to residential areas, Staff believes that potential emissions and odors can be more effectively mitigated through the conditional use process outlined in *LDC Section 7.12.10*. This process will allow the Local Planning Agency and City Council to review and approve each coffee or tea manufacturing proposal on a case-by-case basis, ensuring that applicants provide adequate site plans and appropriate mitigation measures to minimize adverse impacts on surrounding residential districts

III. RECOMMENDATIONS:

Staff recommends that the Local Planning Agency forward a recommendation of approval to the City Council for the proposed LDC text amendment adding “Coffee and Tea Manufacturing” as a “conditional use” within the Industrial zoning district in *Table 7-2: Table of Allowable Uses of the Land Development Code*. This amendment is consistent with the adopted Comprehensive Plan, aligns with the purpose and intent of the Industrial zoning district, and supports “Selective Industrial Expansion” as outlined in *Comprehensive Plan Policy 1-1.4.3*.

Designating this activity as a “conditional use” will allow the City Council to evaluate each proposal individually and ensure that appropriate mitigation measures are implemented to minimize potential adverse impacts on nearby residential districts.

IV. RECOMMENDED MOTION:

I move that the Local Planning Agency recommend City Council approve the proposed LDC Text Amendment adding “Coffee and Tea Manufacturing” as a “conditional use” within the Industrial zoning district in *Table 7-2: Table of Allowable Uses of the Land Development Code*.

V. ALTERNATIVE MOTION:

I move that the Local Planning Agency recommend City Council approve/deny the LDC Text Amendment as proposed.

Attachments:

1. Property Sign Posting Picture
2. Property Postin Affidavit

CITY OF DESTIN
PUBLIC NOTICE
FOR
PROPOSED DEVELOPMENT

LAND DEVELOPMENT CODE TEXT AMENDMENT
PROJECT NUMBER PZ-2025-22

• AUTHORIZED AGENT: WEBB ROUSSE •
AGENT'S PHONE NUMBER: (901) 834-8800
PROJECT PLANS CAN BE
REQUESTED VIA THE CITY CLERK AT
(850)837-4242, OR
WWW.CITYOFDESTIN.COM

**AFFIDAVIT
POSTING OF PROPERTY**

BEFORE ME, the undersigned authority, personally appeared: Webb Rouse
the owner and/or authorized agent of the following described property: 150 Industrial Park
Rd, Suite #11, Destin FL 32541 -who deposes and says as follows:

1. That the subject site described above has a sign posted by the owner and/or authorized agent for the owner, notifying the public of the development activity, city project number, and authorized agent and phone number.
2. That the posted sign meets the dimensional requirements set by the City.
3. That the posted sign was placed and will be maintained upon the property in the correct location and not less than fourteen (14) days from the date of the City's Completeness Letter.
4. That a photo of the sign depicting the location of the sign in relation to the road right-of-way is attached.
5. This affidavit will be forwarded to the City's Planning Division no later than seven (7) working days from the posting of the sign.

I have completed the said requirements as described in the City of Destin Land Development Code.

Webb Rouse
Signed Name of Owner/Agent

Webb Rouse
Printed Name of Owner/Agent

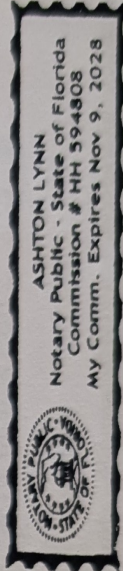
STATE OF Florida
COUNTY OF Walton

The foregoing instrument was acknowledged before me by means of physical presence or online notarization
on this 28 day of November, 2025.

By: Ashton Lynn Webb Rouse
(Print name)

Personally known OR Produced Identification FLDL

Notary Signature [Signature] Seal:



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 22, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

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

FROM: David Prichard, Community Development Director
Daniel Butler, Principal Planner

DATE: January 15, 2025

SUBJECT: Proposed Ordinance 26-05-LC - Revising Parking Reductions (Article 8 Update)

I. BACKGROUND:

On December 1, 2025, City Council requested an amendment to the Land Development Code removing all provisions for parking reductions and shared parking agreements.

II. DISCUSSION:

Parking and traffic congestion have long presented challenges within the City of Destin due to its physical constraints and those of the surrounding unincorporated county areas. These impacts are most pronounced along the U.S. Highway 98/Harbor Boulevard corridor, where continued growth in non-residential development has intensified parking demand. As development increases and attracts additional visitors, these challenges are increased.

Under the current Land Development Code (LDC), parking reduction provisions and shared parking agreements have allowed developers and property owners to reduce the amount of required on-site parking. Specifically, non-residential properties located within the Old Destin Multi-Modal Transportation District (MMTD) are automatically eligible for a 20 percent parking reduction. In addition, developers may request further reductions by submitting a parking analysis demonstrating factors such as “internal capture” or overlapping uses with non-concurrent operating hours. While intended to provide flexibility, these provisions have created enforcement challenges for staff and have contributed to ongoing parking deficiencies. These challenges are further compounded by the frequent turnover and change in land uses, which can significantly alter parking demand over time.

In response to these identified issues and pursuant to City Council’s direction to remove parking

reduction provisions, staff recommends the following amendments to Article 8 – Transportation of the Land Development Code. The proposed ordinance language is provided in Exhibit A.

Section 8.06.02

Add language requiring all development to provide parking for each individual use.

Section 8.06.10.A

Remove the reference to “non-MMTD parking standards” and apply these provisions citywide to ensure uniform parking requirements throughout the City. This amendment, in conjunction with the proposed changes to *Sections 8.06.10.B & 8.06.12.D.*, eliminates the automatic 20 percent parking reduction currently permitted within the MMTD.

Section 8.06.10.B

Delete, in its entirety, this section which contains the MMTD parking reduction provisions and establishes maximum parking limits within the district. Removal would eliminate both the reduction and the parking maximum.

Section 8.06.12(A), (B), (C), and (D)

These subsections contain the current parking reduction allowances within the LDC. subsection (A) permits shared parking for mixed-use or joint-use developments; subsection (B) allows reductions based on a low percentage of leasable floor area for certain areas; subsection (C) allows parking reductions for the preservation of protected trees; and subsection (D) permits parking reductions within the MMTD through shared parking, internal capture, and the automatic 20 percent reduction. Staff, at the direction of City Council, recommends removing subsection (B) and (C) in their entirety; amending subsection (A) to allow City Council to approve shared parking for mixed and joint use on a case-by-case basis; and moving the language regarding shared parking agreements (currently subsection D) to be subsection (B), which will allow off-site shared parking agreements if approved by City Council on a case-by-case basis and recorded via a major development order or deviation, if applicable. (language specific to shared parking reduction in the MMTD will be removed as these reductions will apply to the City in its entirety, so long as they are approved by City Council).

Sections 8.09.00, 8.09.01, and 8.09.02

Remove references to the MMTD and revise these sections to apply to Commercial, Mixed-Use, Multifamily, and Transit-Oriented Development citywide. These provisions would apply to all development types except single-family and institutional uses.

Section 8.09.03.A.4.c

Delete this subsection to remove parking maximum limitations currently applicable within the MMTD.

Section 8.09.03.A.5

This subsection contains alternative parking provisions that reference *Section 8.06.12*. Accordingly, this subsection should also be deleted.

Sections 8.09.03.B.2 and 8.09.03.B.3

Delete these subsections, as they address parking alternatives and reduction allowances specific to the Crystal Beach Multi-Modal Transportation District.

A. Link to Strategic Goals / Objectives:

- #3. Improve mobility and connectivity
- #4. Enhanced quality of life and safety for families
- #6. Effective, efficient, and aesthetically pleasing infrastructure

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

C. **Level of Service (LOS)**: Will increase on-site parking availability.

D. 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. 26-05-LC proposes amendments to Article 8 - *Transportation*, specifically *Section 8.06.00 and 8.09.00* to remove certain parking reductions allowed in the Multimodal Transportation District and shared parking agreements to help mitigate the increased traffic and parking demand due to non-residential development.

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 that currently exist or have been approved for development, within the City of Destin. New non-residential development will be affected by having to provide the appropriate amount of parking on site per the uses allowed in any proposed development.

3. Estimate of direct compliance costs that businesses may reasonably incur: There is 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 new business in Destin, or businesses that expand their operations that require more parking in the future will be regulated by the proposed ordinance as well as any amendments to the Land Development Code.

D. **Legislative Sponsor**:

E. **Business Impact Statement**:

III. **CONCLUSION**:

To mitigate the impacts from non-residential development on parking and traffic, staff is recommending the amendments, as presented, to the current LDC Article 8 - *Transportation*. These amendments will simplify parking requirements and would allow only City Council to approve any proposed shared parking agreements. The approved amendments will also be included in Draft Article 6 - *General Development Regulations*, of the ongoing Land Development Code rewrite.

IV. RECOMMENDED MOTION:

I move that City Council approve Ord. 26-05-LC on first reading as presented.

Alternative Motion:

I move that City Council approve Ord. 26-05-LC on first reading with the modifications as discussed.

Attachments:

1. Ord. 26-05-LC Parking Reduction Revisions
2. Business Impact Statement - Ord. 26-05-LC

ORDINANCE NO. 26-05-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 8, “TRANSPORTATION”, OF THE LAND DEVELOPMENT CODE; AMENDING SECTION 8.06.00 “VEHICLE AND PARKING STANDARDS” AND SECTION 8.09.00 “MULTIMODAL TRANSPORTATION DISTRICT”; DELETING MULTIMODAL TRANSPORTATION DISTRICT (MMTD) AND REPLACING WITH “PARKING STANDARDS FOR COMMERCIAL MIXED-USE, MULTIFAMILY AND TRANSIT ORIENTED DEVELOPMENT”; AMENDING AND REMOVING PARKING REDUCTION OPTIONS; REMOVING ON-SITE PARKING MAXIMUMS; REMOVING ALTERNATIVE PARKING OPTIONS AS SET FORTH HEREIN; DELETING MAP 8-4 MULTIMODAL TRANSPORTATION DISTRICT MAP”; 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, this Ordinance 26-05-LC modifies and updates provisions of Article 8, of the City Land Development Code relating to parking; and

WHEREAS, the City Council desires to efficiently and effectively regulate parking standards in a manner that balances the public health safety and welfare with land owners' private property rights; and

WHEREAS, the City Council has determined that the regulation of parking is necessary to protect the public welfare; and

WHEREAS, the City Council recognizes that the City of Destin is severely deficient in available parking throughout the City; and

WHEREAS, the City Council has determined that due to such existing parking deficiencies that are harmful to the public health, safety and welfare, existing regulations relating to parking are no longer viable, including regulations setting forth parking reductions and parking maximums and other regulations as set forth more specifically in this Ordinance 26-05-LC; and

WHEREAS, the Local Planning Agency held a public hearing, with all required public notice on January 22, 2026, 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.

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

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. Article 8 - Transportation

Section 8.06.00. - Vehicle and bicycle parking standards.

8.06.02. *Parking facilities required for all development.* Parking facilities shall be provided for all development and individual uses within a development within the City pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. Only vehicles in operating condition shall occupy such spaces. Automotive vehicles, without current license plates, shall not be parked or stored on any residentially zoned property other than in enclosed buildings. It shall be unlawful for any owner or operator of any building or land use affected by the code to cause or permit the discontinuance or reduction of required parking without the establishment of alternative parking facilities which meet the requirements of and are in compliance with this article and approved by the City Manager or his or her designee. Handicapped parking spaces are required and shall be consistent with the requirements of F.S. § 553.5041.

8.06.10. *Number of vehicle and bicycle parking spaces required.*

- A. ~~Non-MMTD~~ Parking standards. For all those lots or parcels located outside of the Multimodal Transportation District (MMTD) within the City, the number of vehicle parking spaces required shall be equal to at least the minimum requirements for the specific use or

uses, which may have multiple applications to a particular parcel, as set forth in Table 8-6: Number of vehicle and bicycle parking spaces required. It is important to note that bicycle parking spaces are not required for those developments located outside of the boundaries of the MMTD as indicated on Map 8-4: Multimodal Transportation District Map.

- B. ~~MMTD parking standards. Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site shall not exceed the maximums and shall not be less than 80 percent of the minimums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required, for the specific use or uses. Outside of the Old Destin MMTD sub-area, the number of vehicle parking spaces required shall be equal to at least the minimum requirements as listed in Table 8-6 for the specific use or uses, which may have multiple applications to a particular parcel. Within both the Old Destin and Crystal Beach MMTD sub-areas, bicycle parking spaces are required. The number of required bicycle parking spaces shall be equal to at least the minimum requirements indicated in Table 8-6 for the specific use or uses.~~

8.06.12. *Reduction of the required number of vehicle parking spaces.* The following options may be used to reduce the number of required vehicle parking spaces for a development:

- A. Reduction for mixed or joint use of vehicle parking spaces. ~~The city manager or his or her designee shall~~ City Council may authorize a reduction in the total number of required vehicle parking spaces for two or more uses jointly providing on-site parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use ~~shall~~ may be approved if the following conditions are met:
1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
 2. The developer submits a legal agreement, in which the city shall be a party with enforcement authority, approved by the City Attorney guaranteeing the joint use of the on-site parking spaces signed by all property owners involved as long as the uses requiring parking are in existence and there is not a conflict of traffic between the uses that would result in a violation of the minimum standards of this Article or until the required parking is provided elsewhere in accordance with the provisions of this Article. The agreement shall include provisions for maintenance of the parking facility. The agreement shall contain covenants running with the lands of both the dominant and subordinate parcels.
- B. Off-site shared parking. A reduction in the number of required on-site parking spaces may be approved by City Council when shared parking is provided by a separate, neighboring development through a shared parking agreement. A shared parking analysis shall be submitted in accordance with the standards in 8.06.12.A and must demonstrate that the shared parking spaces on the neighboring site will be available during the times during which the parking demand is in excess of the on-site parking supply. Direct and continuous sidewalks

and crosswalks shall be constructed between the off-site shared parking area and a primary on-site building entrance.

Any shared parking agreement must be submitted, reviewed and approved by the City prior to the approval of the development order application. Said shared parking agreement shall be detailed within an approved development order and recorded in the public records of Okaloosa County, Florida, prior to the issuance of any building permit. Additionally, the shared parking agreement cannot be considered null and void until the property owner who needs the parking has secured required parking either on his/her site or an alternative site, which must be subject to a new shared parking agreement. The parking accessway agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:

a. A detailed site plan which at a minimum shall consist of the following: property boundary lines, adjacent right-of-way, the shared parking area and the number of spaces that will be provided to the applicant, adjacent improvements, sidewalks, landscaped areas, drainage swales.

b. A written statement indicating who is entitled to use and who is responsible for maintenance of the shared parking.

c. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such shared parking area to become inoperable by either party either through the erection of a physical barrier, neglecting maintenance for said area or other means.

d. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that the shared parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.

- B. Reduction for low percentage of leasable space. The requirements of Section 8.06.12 of this part assume an average percentage of gross leasable building to total gross building area (approximately 85 percent). If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the City Manager or his or her designee may reduce the vehicle parking requirements if the following conditions are met:
1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.

2. ~~The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to meet this Article.~~

C. ~~Reduction for preservation of protected trees. The city manager or his or her designee shall authorize a reduction in the total number of required vehicle parking spaces for the preservation of protected trees provided the applicant meets the following provisions:~~

1. ~~The preservation of a protected tree with a trunk of 12 inches in diameter or greater.~~

2. ~~The reduction in the total number of required vehicle parking spaces will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following reduction schedule listed in Table 8-7: Vehicle parking space reduction schedule for preservation of protected trees shall apply:~~

TABLE 8-7: VEHICLE PARKING SPACE REDUCTION SCHEDULE FOR PRESERVATION OF PROTECTED TREES	
Number of Required Vehicle Parking Spaces	Reduction of Required Vehicle Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

3. ~~The actual reduction in the total number of vehicle parking spaces shall be the minimum number of spaces needed to preserve the protected tree(s). Should the protected tree(s) die, then the property owner shall be required to replant a new tree(s) or the planting area shall be converted to a parking area.~~

4. ~~The parking area reduction used for the preservation of protected trees shall not be counted as part of the minimum required open space indicated in Section 12.04.02.~~

D. ~~Multimodal Transportation District (MMTD) parking reduction options. The following options for the reduction of the required number of vehicle parking spaces are available to those properties located within the MMTD:~~

1. ~~Reduction for Old Destin MMTD sub-area. Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site may be reduced to 80 percent of the maximums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required for the specific use or uses. Properties located outside of the Old Destin MMTD sub-area cannot take advantage of this provision.~~

2. ~~Off-site shared parking. A reduction in the number of required on-site parking spaces shall be allowed when shared parking is provided by a separate, neighboring development through a~~

~~shared parking agreement. A shared parking analysis shall be submitted in accordance with the standards in 8.06.12 and must demonstrate that the shared parking spaces on the neighboring site will be available during the times during which the parking demand is in excess of the on-site parking supply. Direct and continuous sidewalks and crosswalks shall be constructed between the off-site shared parking area and a primary on-site building entrance.~~

~~The applicant shall enter into a shared parking agreement with the owner(s) of the adjacent parcel(s) prior to the approval of the development order application. The shared parking agreement must be submitted, reviewed and approved by the City prior to the approval of the development order application. Said shared parking agreement shall be recorded in the public records of Okaloosa County, Florida, prior to the issuance of any building permit. Additionally, the shared parking agreement cannot be considered null and void until the property owner who needs the parking has secured required parking either on his/her site or an alternative site, which must be subject to a new shared parking agreement. The parking accessway agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:~~

- ~~a. A detailed site plan which at a minimum shall consist of the following: property boundary lines, adjacent right-of-way, the shared parking area and the number of spaces that will be provided to the applicant, adjacent improvements, sidewalks, landscaped areas, drainage swales.~~
 - ~~b. A written statement indicating who is entitled to use and maintenance of the shared parking.~~
 - ~~c. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such shared parking area to become inoperable by either party either through the erection of a physical barrier, neglecting maintenance for said area or other means.~~
 - ~~d. A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that the shared parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.~~
- ~~3. On-site parking reduction for providing on-street parking spaces within the public right-of-way. On-site parking may be reduced by the number of public on-street parking spaces located adjacent to the property. Public on-street parking spaces may be existing on-street parking spaces or proposed on-street parking spaces to be constructed by the applicant in accordance with the regulations in Section 8.06.04.D. In order for an on-street parking space to be counted against the parking requirement for a development, said on-street parking space shall be located on the same side of the street as the development in question and be directly adjacent~~

~~to the property line of said development. Additionally, the applicant shall be required to provide landscape islands at each end of the existing or proposed on-street parking area. All landscape islands shall be in accordance with the landscaping requirements set forth in Section 12.04.04. If the applicant proposes to build public on-street parking spaces, such parking spaces shall be constructed and accepted by the City prior to the issuance of any certificate of occupancy or completion. For approval of the on-street parking reduction, the applicant shall submit an analysis indicating the number of on-street parking spaces that can reasonably meet the needs of on-site uses.~~

- ~~4. In-lieu parking fees. Within designated special parking districts (refer to Section 8.06.13) an applicant shall be required to contribute fees, as established by the City Council, in lieu of providing dedicated on- or off site parking spaces. For properties whose primary building entrance is located within 600 feet from an existing or proposed City parking facility, a minimum of 30 percent and maximum of 50 percent of the required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 600 feet but less than 1,200 feet away from an existing or proposed City parking facility, a minimum of 15 percent and a maximum of 25 percent of required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 1,200 feet away from an existing or proposed City parking facility, in-lieu parking fees are not an option. The distance requirements of this subsection shall be measured from the primary building entrance of the subject property to property line of the City parking facility. Sidewalks and crosswalks shall be required to connect between the primary building entrances and the parking facility. Residential uses cannot use in-lieu parking fees for required on-site parking.~~
- ~~5. Substitution of vehicle parking with bike parking. New and pre-existing developments may convert up to ten percent of the total vehicle parking spaces to unrequired additional bicycle parking, as long as the spaces are conveniently located near a building entrance. Converted vehicle parking spaces must yield at least six bicycle parking spaces per vehicle parking space. The bicycle parking spaces that are created as a result of converted vehicle parking spaces must also be in compliance with the provisions stated in section 8.06.04(C)(4) and (F).~~
- ~~6. Substitution of required vehicle parking spaces with boat parking spaces. New and pre-existing developments may substitute up to 15 percent of the total required vehicle parking spaces for nonresidential uses for boat parking spaces, as long as the spaces are located in the submerged land lease area associated with the upland property in question. Said boat parking spaces must have signage that clearly indicates they are open to the public, but that overnight docking is prohibited. Residential uses do not qualify for this substitution of required vehicle parking spaces.~~
- ~~7. Reduction for Crystal Beach MMTD Sub-area. Within the Crystal Beach sub-area, the number of vehicle parking spaces provided on site may be reduced to 80 percent of the spaces required in Table 8-6 ("Number of vehicle and bicycle parking spaces required"), by contributing a fee~~

~~of \$20,000.00 for the reduction of every required ten vehicle parking spaces or fraction thereof. Said fee shall be used to make improvements to the City's transit system in the Crystal Beach sub-area first and if no improvements can be made in this sub-area, funds shall be used in the Old Destin sub-area.~~

~~***~~

~~8.09.00. --Multimodal transportation district. Commercial, Mixed-Use, Multifamily, and Transit Oriented Development.~~

~~8.09.01. Purpose and intent. The purpose of these standards is to encourage a mix of land uses, support transportation options, and promote pedestrian-oriented site and building design consistent with Comprehensive Plan Objective 2-1.3. All commercial, mixed-use, and multifamily developments ~~in the multimodal transportation district (MMTD)~~ are required to contribute to the bicycle, pedestrian and transit network in order to minimize vehicle trips and provide options for travel.~~

~~8.09.02. Applicability. This section shall apply to all commercial, mixed-use, and multifamily development located within the MMTD, as designated on Map 8-4: Multimodal Transportation District Map of the Land Development Code. Map 8-4 delineates the overall boundary of the MMTD as well as the boundaries of the two sub-areas, Old Destin and Crystal Beach.~~

~~8.09.03. Multimodal Transportation District Design Standards. All proposed non-residential development located in the MMTD must demonstrate adherence to the following standards.~~

~~A. Old Destin MMTD sub-area—Mixed-use, nonresidential, and multifamily residential. All mixed-use, nonresidential, and multifamily residential development located within the Old Destin MMTD sub-area, shall be subject to the following standards.~~

~~***~~

~~4. On-site parking.~~

~~***~~

~~c. On-site parking maximum. Providing parking in excess of the standards indicated in Section 8.06.10 Number of vehicle and bicycle parking spaces required of this Code is not permitted. The parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.~~

~~***~~

~~5. Alternative parking options.~~

~~a. Reduction for the required number of parking spaces. For a reduction in the number of required on-site parking spaces, refer to the standards indicated in Section 8.06.12, Reduction for the required number of parking spaces.~~

B. *Crystal Beach MMTD-sub-area—Mixed-use, nonresidential, and multifamily residential.* All mixed-use, nonresidential, and multifamily residential development located within the Crystal Beach MMTDsub-area shall be subject to the following standards:

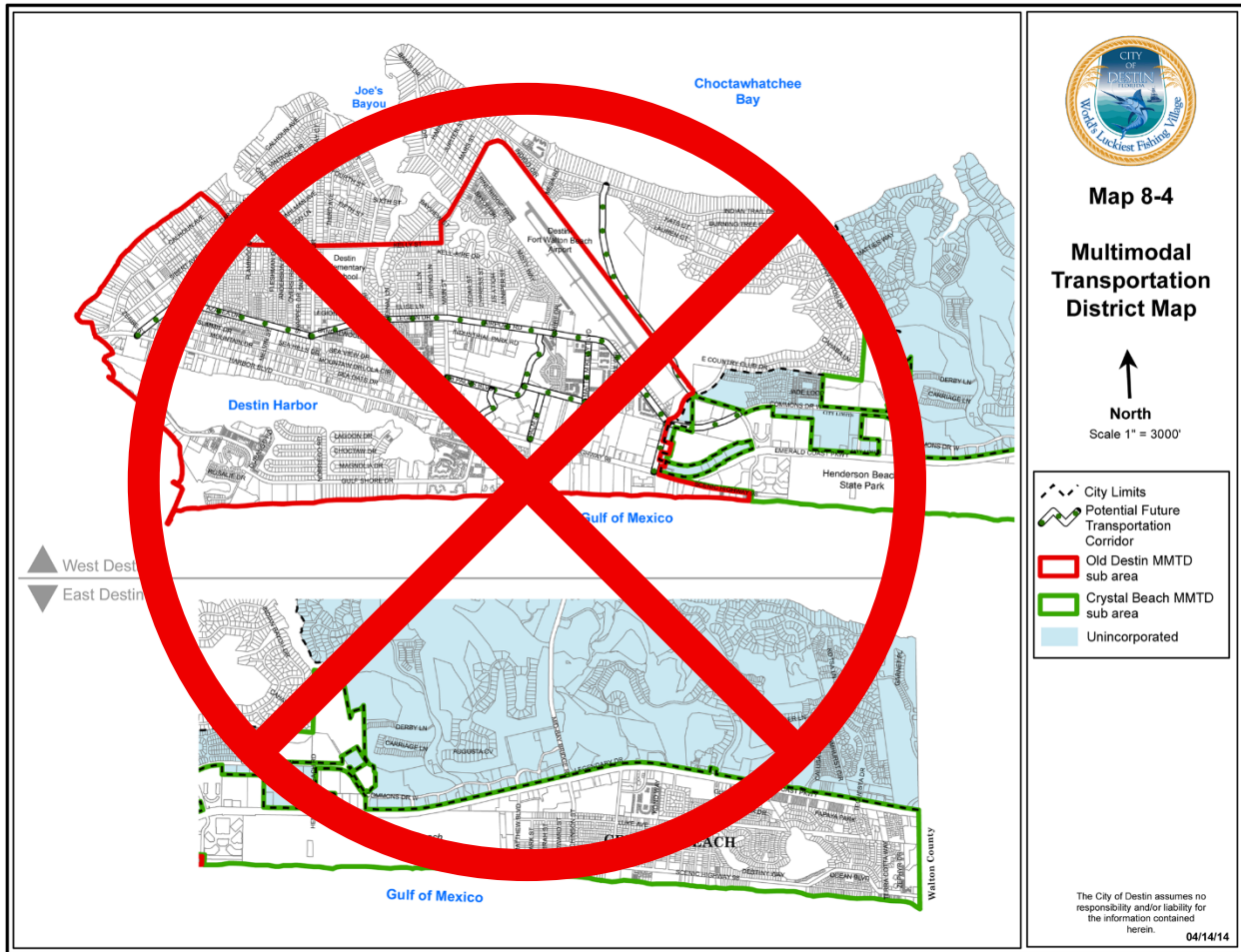
2. *On-site parking.*

~~e. On-site parking maximum. Providing parking in excess of the standards indicated in Section 8.06.10 Number of vehicle and bicycle parking spaces required of this Code is permitted. The parking standards listed in Section 8.06.10 are considered the minimum parking required and not parking maximums. Parking maximums do not apply to the Crystal Beach MMTD sub-area.~~

~~3. Alternative parking options.~~

~~a. Reduction for the required number of parking spaces. For a reduction in the number of required on-site parking spaces, refer to the standards indicated in Section 8.06.12 Reduction for the required number of parking spaces.~~

SECTION 4. Map 8-4 “Multimodal Transportation District Map” is deleted in its entirety and removed from the Land Development Code.



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

SECTION 6. CONFLICTING PROVISIONS. City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall

not affect the validity of the remaining portions thereof.

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

**ADOPTED THIS ____ DAY OF _____,
2026.**

By: _____
Bobby Wagner, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney for the City of Destin, only.

Kimberly Romano Kopp, City Attorney

Rey Bailey, City Clerk

First Reading: January 5, 2026
Second Reading: _____

City of Destin Business Impact Statement – Ord 26-05-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. 26-05-LC proposes amendments to Article 8 - *Transportation*, specifically *Section 8.06.00 and 8.09.00* to remove certain parking reductions allowed in the Multimodal Transportation District and shared parking agreements to help mitigate the increased traffic and parking demand due to non-residential development.

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 that currently exist or have been approved for development, within the City of Destin. New non-residential development will be affected by having to provide the appropriate amount of parking on site per the uses allowed in any proposed development.

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

There is 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 new business in Destin, or businesses that expand their operations that require more parking in the future will be regulated by the proposed ordinance as well as any amendments to the Land Development Code.

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 22, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Action Item
OUTLINE NUMBER: 4.C.

TO: Local Planning Agency

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

FROM: Daniel Butler, Principal Planner

DATE: January 16, 2026

SUBJECT: Proposed Ordinance 26-04-LC - Land Development Code Article 6 - General Development Regulations

I. BACKGROUND:

On April 5, 2021, Staff brought the Scope of Work and Budget to completely rewrite the Land Development Code (LDC) for approval to the City Council, both of which were approved unanimously. This work to date has involved the following:

- **Review of comprehensive plan policies**
- **Developing planning areas and their associated intent statements**
- **Review of the LDC text chapter by chapter**

Following extensive internal and public review since early 2023, the final staff draft of Article 6 was presented to the City Council at its workshop on August 26, 2024. Public comments and recommendations from the Local Planning Agency (LPA) and other boards have been incorporated. Staff used the discussion and guidance provided at the Council workshop and any applicable changes.

II. DISCUSSION:

Article 6 - General Development Regulations

The draft of **Article 6 – General Development Regulations** (Article 6) consists of various elements of development that are required across many current articles such as Article 7, 8, 10, and 12. The Article consolidates and reorganizes all regulations that govern

the minimum requirements for all development and redevelopment. Draft Article 6 also provides clarity of the current regulations and updates the requirements to existing industry standards or safety minimums.

The main areas where the draft provides clarity are:

1. **The minimum standards for any new development or redevelopment**
2. **Reorganized in a useable manner for all users**
3. **Updates standards based on current policy and direction**

What to expect in the new LDC: As council members and other individuals review these draft articles, there will be several instantly recognizable changes compared to the current LDC, and some that may not be as readily apparent, but the primary areas of change are language, format, organization, and consolidation.

Language: Currently, one of the challenges with the LDC is that the language is often cumbersome and sometimes ambiguous, which has led to inconsistent interpretations and challenges in enforcement. The LDC rewrite project makes the LDC easier to read and interpret. The proposed language of the new LDC is also more readable. This makes it easier for users to understand the regulations.

Format: At first glance you will notice a significant deviation from the current LDC format and, in general, an easier to read and better flowing document. The multi-sentence run-on paragraphs have been eliminated to the extent possible while maintaining the integrity of the regulations. Further, when using the documents online, the sections are bookmarked and there are hyperlinks within the use charts that take you to the sections referenced for ease of reference.

Many of the dimensional regulations that currently exist are in paragraph format which makes it difficult to find regulations for specific topics because they are buried among a multitude of other regulations. Further, when charts are used, they are large and most take a great deal of time to get to the information needed. To that end, condensed and focused charts are used throughout the new draft.

Organization: Another major shift for the LDC is an overhaul of the organization. The current organization is not the easiest to work with and takes quite some time for users, new staff and even seasoned staff to filter through and find specific regulations.

Further, the following elements were significantly reorganized and consolidated.

1. **Landscaping:** The multiple locations for landscaping in the current have been consolidated.
2. **Fences:** Fence regulations are now more coherent.
3. **Buffers:** Buffer requirements have been consolidated and refined.
4. Below is an overview of what regulations draft Article 6 includes from the current LDC:

Article 6 - General Development Regulations

Includes regulations from Current LDC Sections:

Section 6.02

Includes Access Management from current LDC Sections 8.00 -

- 8.10
Updates many regulations that are currently not in compliance with
FDOT, NFPA or general engineering standards
Clear Zones and Sight Triangles – 8.03.00 & 8.07.00
Access (Ingress/Egress) Section – 8.04.00
- Section 6.03
Reorganized and formatted Parking regulations for agreements,
shared and off-site parking requirements – 8.06.00
- Section 6.04
Utility infrastructure (Sewer, Water) from current Article 10
- Section 6.05
Lighting Regulations – 7.17.00, 8.09.00, 12.02.00
- Section 6.06
Reorganizes all Landscaping requirements from current Article 12
- Section 6.07
Consolidates all fences and gates from various sections throughout
the current LDC
- Section 6.08
Reorganizes, reformats, consolidates and deconflicts all current
buffer regulations
- Section 6.09
Consolidates the environmental control plans such as erosion,
vibration, and dust control
- Section 6.10
Adds regulations that clarify standards for easements
- Section 6.11
Provides clarity on the Harbor Boardwalk development requirements
that are currently not properly placed or readily known – 8.09.00
- Section 6.12
Clarifies construction activity requirements
- Section 6.13
Reorganizes the CMS regulations – 15.03.00
- Section 6.14
Reorganizes the adopted LOS – 15.02.00

August 26, 2024 City Council Article 6 Workshop:

Below is a brief overview of the major topics of discussion during the August 26, 2024 City Council Workshop concerning Article 6. The minutes from this workshop are also attached.

• **Tandem Parking**

- Currently, residential properties are not allowed more than two (2) cars parked tandem. However, per the direction of LPA and City Council, the draft Article 6 allows residential properties (including STRs) to utilize tandem parking of more than two (2) if certain criteria is met. The criteria include maximum parking lane width, located on one side of the residence only, required buffers, and landscape/open space protection of the area between the ROW and the front of the residence.

- **Shuttle Parking**

- This topic centered around the idea of allowing reduced parking for businesses that utilize a shuttle to bring patrons to and from the site. Staff, LPA, and City Council agreed that while this is a beneficial option for businesses, this should not be used to justify reduced parking requirements, due to the potential future parking shortages if the service is discontinued by a subsequent owner. Therefore, shuttle parking is not mentioned in the draft Article 6.

- **Sewer Connections**

- Per discussions with LPA and City Council, Staff has retained the requirement for properties to connect to the sewer system within a year, if service is available. This will need to be actively enforced.

- **Tree Removal**

- Based on the discussion, single-family residential properties are not required to obtain a permit for tree removal, unless the tree is thirty-six inches (36") or more in diameter. Non-residential properties are required to have a licensed and insured landscape professional submit a permit, including a tree survey that illustrates all trees twelve inches (12") in diameter and greater.

- **Common Boundary Buffer**

- Currently, the LDC requires all properties (with the exception of properties within the Old Destin Multi-Modal Transportation District, or MMTD) to provide and maintain at least a five foot (5') common boundary buffer along all property lines. Based on the discussions, single-family dwellings and duplexes are no longer required to provide a common boundary buffer between these similar uses. Multi-family and non-residential developments are still required to provide a landscaped buffer, as well as now a masonry wall if abutting a residential zoning district or adjacent to any kind of residential development.

- **Fences**

- Currently, the code requires that fences which are located within the first five feet (5') of a front property line (referred to as the Front Perimeter Landscape Area, or FPLA) be three feet (3') tall or less. However, similar to the common boundary buffer exemption, properties located within the Old Destin MMTD were exempt from the fence height requirement within the FPLA. Based on discussions, staff has created exceptions that would allow a fence taller than 3' within the FPLA if the fence is for a single-family dwelling or duplex property that is located within the Village, Harbor, or Holiday Isle Planning Areas, or if the building code requires a taller fence (for a pool, for example).

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):

Budget for this work is already approved.

C. Level of Service (LOS):

Develop and implement processes for consistent and streamlined application of codes and procedures.

D. 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. 26-04-LC repeals and replaces Article 7, Section 7.01.00 Mitigation of development activity impacts, Section 7.02.00 Mitigation of vibration impacts, Section 7.17.00 Outdoor lighting standards, Article 8 - transportation, Article 9, Section 9.06.05. Fences, general, Article 11, Section 11.09.03 Erosion and sediment control plan, Section 11.09.04 Litter control, Section 11.10.00 Air quality, Article 12 - Recreation and landscape development, and Article 15 - Levels of service, of the current Land Development Code (LD) for the City of Destin. It provides updates to the city's development regulations for on-site development.
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.

D. Legislative Sponsor:

E. Business Impact Statement:

III. CONCLUSION:

Article 6 reorganizes and provides clarity on General Development Regulations while implementing and complying with the **City's Comprehensive Plan** goals, policies, and objectives.

The purpose of tonight's action is to forward the LPA's formal recommendation of Article 6, General Development Regulations, in the form of an ordinance.

IV. RECOMMENDED MOTION:

I move that the LPA recommend approval of Ordinance 26-04-LC to the City Council.

Attachments:

1. Draft Ordinance 26-04-LC
2. EXHIBIT A to ORD 26-04-LC Article 6 - General Development Regulations
3. Background Working Draft - Article 6 - General Development Regulations
4. Art. 6 City Council Workshop Minutes
5. Article 11 - Glossary - WORKING DRAFT 01.26
6. Business Impact Statement - Ord. 26-04-LC
7. LDC Approval Timeline_01.13.26

ORDINANCE NO. 26-04-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 7, SECTION 7.01.00 MITIGATION OF DEVELOPMENT ACTIVITY IMPACTS, SECTION 7.02.00 MITIGATION OF VIBRATION IMPACTS, SECTION 7.17.00 OUTDOOR LIGHTING STANDARDS, ARTICLE 8 - TRANSPORTATION, ARTICLE 9, SECTION 9.06.05. FENCES, GENERAL, ARTICLE 11, SECTION 11.09.03 EROSION AND SEDIMENT CONTROL PLAN, SECTION 11.09.04 LITTER CONTROL, SECTION 11.10.00 AIR QUALITY, ARTICLE 12 - RECREATION AND LANDSCAPE DEVELOPMENT, ARTICLE 15 - LEVELS OF SERVICE, OF THE LAND DEVELOPMENT CODE TO REPLACE WITH ARTICLE 6 GENERAL DEVELOPMENT REGULATIONS, CONCERNING SITE SPECIFIC DEVELOPMENT REQUIREMENTS AND MITIGATION ACTIVITIES FOR STREETS, PARKING, UTILITIES, LIGHTING, LANDSCAPING, FENCES, BUFFERS, AND OTHER APPLICABLE REGULATIONS FOR DEVELOPMENT, PROVIDING FOR A BUSINESS IMPACT ESTIMATE; 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, 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, from 2022 to 2024, City Staff held multiple workshops before the City Council and incorporated policies discussed at the City Council workshops into the proposed LDC; and

(ADDITIONAL WHEREAS CLAUSES MAY BE ADDED DEPENDING ON WHICH AMENDMENTS WILL BE INCLUDED)

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, the Local Planning Agency held a public hearing, with all required public notice on January 22, 2026, 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. Article 7, Section 7.01.00 titled Mitigation of development activity impacts, Section 7.17.00 titled Outdoor lighting standards, Section 7.02.00 titled Mitigation of vibration impacts, of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 4. Article 8 - Transportation of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 5. Article 9, Section 9.06.05. titled Fences, general of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 6. Article 11, Section 11.09.03 titled Erosion and sediment control plan, Section 11.09.04 titled Litter control, Section 11.10.00 titled Air quality, of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 7. Article 12 - Recreation and Landscape Development of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 8. Article 15 - Levels of Service of the Land Development Code is hereby repealed in its entirety and replaced by Article 6 General Development Regulations as shown in Exhibit A to this Ordinance.

SECTION 9. 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 10. 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 11. 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 12. 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 13. EFFECTIVE DATE. This ordinance shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 26-04-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"

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ARTICLE 6 - GENERAL DEVELOPMENT REGULATIONS

SECTION 6.01 PURPOSE, APPLICABILITY, AND GENERAL STANDARDS

SECTION 6.01.01 PURPOSE

- A. The purpose and intent of the General Development Regulations is to assure future growth, development and redevelopment in the city conforms to the minimum criteria, regulations, or standards of the Land Development Code (LDC) through implementation of the policies of the City's adopted comprehensive plan.
- B. All right-of-way (ROW) design and construction, including but not limited to striping and signage, shall meet Florida Department of Transportation (FDOT) Greenbook, FDOT Standard Plans, Manual on Uniform Traffic Control Devices (MUTCD) latest editions and city standards.
- C. Private use of a public ROW is prohibited.

SECTION 6.01.02 APPLICABILITY

- A. The criteria, regulations and standards, provided in this Article are designed to ensure new development, redevelopment, or change of uses meet the needs of property owners, the City of Destin, and provide for the general health, safety, and welfare of the public.
- B. All development, redevelopment, or change of uses shall meet and provide the minimum regulations and standards as required per this Article and city standards as applicable or as identified by the City Manager or designee.
 1. Nothing in this Article shall relieve any developer of their responsibility to provide the minimum required facilities nor prohibit them from pursuing an alternative solution either:
 - a. By variance application if applicable
 - b. Provides and meets the minimum or better-quality facilities as approved by the City Manager or designee.

SECTION 6.01.03 AMERICANS WITH DISABILITIES ACT

- A. All improvements shall meet the minimum Americans with Disabilities Act (ADA) requirements (latest edition).

SECTION 6.02 ACCESS MANAGEMENT AND STREETS

SECTION 6.02.01 PURPOSE

- A. The purpose and intent of this section is to require development, redevelopment, or change of uses to provide the minimum access required for vehicles, pedestrians, or other alternative modes of transportation, ensuring a high level of localized connectivity while minimizing delay and conflicts on roadways that need to carry significant volumes of traffic, by:
 1. Encouraging, or requiring, consolidation of accessways through shared access to adjacent parcels.
 2. Provide a system of interconnected local streets that accommodate short, local trips parallel to the major street system.
 3. Use roundabouts instead of signals where roundabouts:
 - a. Provide an equal or improved level of service over a traffic signal
 - b. Calm vehicle traffic
 - c. Provide equal or better safety and connectivity for all modes of transportation.

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4. Use continuous, raised medians to restrict left hand turns and direct turning vehicles to optimal locations.
5. Provide minimum spacing standards for accessways, median openings, and signals.
6. Use a turning radius at intersections appropriate to the context of the corridor.
7. Provide incentives for developed properties to retrofit with improved access design.
- B. Provide a safe environment for pedestrians, bicyclists and motorists by reducing and consolidating driveway conflict points, encouraging joint planning of development projects to facilitate cross-access between adjoining properties and the use of shared accessways.
- C. Nothing in this section shall be interpreted as denying reasonable access to private property. All developments with right-of-way frontage, regardless of the amount of right-of-way frontage, are allowed one point of ingress/egress.
- D. Stormwater facilities must be established along the entire property frontage, meeting the minimum city standards.

SECTION 6.02.02 RIGHT-OF-WAY PROTECTION

- A. Unauthorized Right-of-Way Encroachment
 1. No unauthorized encroachment shall be permitted onto existing rights-of-way. This includes but is not limited to objects or items such as:
 - a. Buildings or structures
 - b. Landscaping except for sod, grass, or similar ground cover, and required street trees and irrigation that supports landscaping per this section.
 - c. Signs except those required for traffic control
 - d. Items or objects that are not a part of any right-of-way infrastructure or function.
 2. All activities such as but not limited to paving, landscaping, or other similar development within the ROW, shall submit a ROW permit for the City's review.
 - a. Exceptions: The installation and repair of mailboxes, sod, irrigation systems, and other landscape features in compliance with the city standards.
 3. It shall be the responsibility of the abutting property owner or maintenance entity to maintain all permitted object(s), structure(s), and/or landscaping within or over any Right-of-Way.
 - a. It shall be the responsibility of the owner of the abutting property whose drive accessway or other entrance to that property extends into the public ROW, to maintain said drive accessway or other entrance within the public ROW.
 - b. If the city, or another governmental entity, or a franchised utility operating within the scope of its easement, determines that any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping that was placed in the public ROW must be removed or modified, it shall be the responsibility of the abutting property owner or maintenance entity to remove or modify the same and to bear all costs associated herewith, including the cost of replacement.
 - c. If the City directs an abutting property owner or maintenance entity to remove or modify, within a prescribed period of time, any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping, and the owner fails or refuses to comply with such directive, the City may cause the work to be done and assess the costs thereof as a charge and lien against the property.

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4. The developer and/or owner developing a property abutting a ROW or doing work on the ROW shall adhere to all applicable safety standards outlined by the FDOT and shall comply with the following additional requirements:
 - a. Follow Code of Ordinances Section 18-21 requirements regarding unloading, loading and use of the right-of-way for construction activities.
 - b. Restore the ROW to original or better condition.
 - c. Construct the accessways in such a way to minimize sediment tracked or discharged onto the roadways.
 - d. Replace existing infrastructure, including, but not limited to, concrete curbing, driveways or sidewalks in the ROW, which are damaged during construction. Such replacement shall be replaced to the nearest joint within ten working days or prior to the completion of construction in the area, whichever is earlier. Damage to road paving or stormwater facilities shall be repaired within five working days of such damage. No pedestrian or vehicle hazard shall be allowed.
 - e. Maintain open handicapped accessible pedestrian way during construction at all times.
5. Any use or encroachment within a ROW for business or private purposes without prior city approval shall be prohibited. The subject use or encroachment may be removed by the city at the expense of the owner.
6. Dumping of debris within a ROW shall be prohibited.
7. Parking of a vehicle in a ROW shall be limited to designated areas that have been stabilized with an all-weather surface. Parking in other ROW areas is prohibited except for occasional parking in areas zoned residential. Occasional is defined as an irregular or infrequent occurrence.
8. Storage of trailers or vehicles in ROW is prohibited.
9. Building materials, disabled machinery, disabled vehicles, excavations and like objects in the ROWs between the period of sunset and sunrise, shall be properly identified by amber warning lights.
10. The prohibition of placing or maintaining any building, object or materials in the public ROW shall not apply to the city or its authorized agents, nor shall they apply to franchised utilities operating within the scope of their easements or franchise.

SECTION 6.02.03. SITE TRIANGLE AND CLEAR/RECOVERY ZONE

- A. All sight triangles shall be in compliance with Florida DOT Greenbook and city standards.
- B. All clear/recovery zones shall be in compliance with FDOT Standard Plans (latest edition) if in the FDOT right-of-way. All other rights-of-way shall be in compliance with the Florida Greenbook (latest edition).
- C. Development Within the Clear/Recovery Zone
 1. The following development types may be allowed within the clear/recovery zone provided they strictly adhere to the required standards identified in for each development type.
 - a. Landscaping, Trees, Shrubs, Grasses, or other Plants
 - i. Shall not create a safety hazard.
 - ii. Shall be trimmed or pruned in a manner to not block the clear zone between two feet (2') above the ground to no lower than fifteen feet (15') above the ground.
 - iii. It is the adjoining property owners' responsibility to maintain any clear/recovery zone adjacent to their accessway(s).

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- iv. The City shall require any violation of this section to be rectified, and if not taken care of within seven (7) days of notification, the City may require the clearing, trimming, or pruning of the plants at the expense of the adjacent property owner.
2. No object, structure, building, or other developments shall be permitted or allowed to occupy the clear/recovery zone or vision triangle.
 - a. In no circumstance shall any rope or other continuous or connecting element be used within the right-of-way.
 - b. Exceptions: The following may be allowed through review of a Right-of-way permit and a Hold Harmless Agreement between the property owner and the City.
 - i. Rounded or blunt objects or structures which do not exceed eight inches above the edge of road, with six feet (6') of separation between each object
 - ii. Raised curbing with or without sidewalk
 - iii. Mailbox columns, which will break-away and have a column cross-section of 16 square inches or less and have a column profile of no more than twelve inches (12") wide
 - (a) The face of a frangible mailbox shall be placed 8" off the back of a raised curb. All other mailboxes shall place the face of the mailbox four feet (4') from the back of a flush curb or the roadway edge of pavement (whichever is more restrictive).
 - iv. Bicycle lanes
 - v. Guard railing approved by the City Engineer
 - vi. Drive accessway approved by the City Engineer
 - vii. Temporary placement of garbage or trash or recyclable receptacles under one cubic yard in size (this is allowed without a permit or hold harmless agreement).
3. Existing non-confirming mailboxes which are replaced or damaged by more than fifty percent (50%) shall be required to be reconstructed to conform to this section.

SECTION 6.02.04 INGRESS/EGRESS REQUIREMENTS

- A. All access to private properties from rights-of-ways within the city shall have accessway/driveway aprons paved with solid surfaces from the edge of the road pavement to the property line.
- B. All accessway/driveway aprons shall intersect with the roadway at ninety (90) degrees or as close as physically possible based on lot layout and current conditions.
- C. Minimum accessway spacing between adjacent accessways.
 1. Adjacent accessways located on the same side of a right-of-way shall meet the minimum accessway spacing standard (refer to Table 6.02-1 Access Management Table of Dimensions below) as measured from centerline-to-centerline of the accessways. For arterial streets, the minimum standard may vary between a range of 440 feet and 660 feet.
- D. The City Manager or designee shall use the minimum Florida Department of Transportation recommendations in determining the minimum accessway spacing required.
- E. Minimum accessway spacing from an intersection.
 1. Accessways located adjacent to an intersection of two or more rights-of-way shall meet the minimum accessway spacing standard from an intersection as measured from the centerline of the intersection to the centerline of the accessway.
 2. Corner lots at a street intersection that cannot meet this requirement because of lot width shall place the accessways as far from the street intersection as possible.
 - a. If a corner lot has frontage on a cul-de-sac, which said cul-de-sac has a total length of 500 feet or less, the lot shall be accessed from the cul-de-sac.

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- b. Corner lots fronting on streets with different classifications shall be accessed from the street with the lower classification.
- c. The City Manager or designee may allow different driveway placement based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.
- d. For U.S. Highway 98, please refer to FDOT specifications.
- F. Adjacent accessways located on opposite sides of a roadway from each other shall meet the minimum offset accessway spacing standard as measured from centerline-to-centerline of the accessways, varying by the posted speed limit of the roadway.
- G. Median openings that permit only one-way turning movements shall meet the minimum directional median opening spacing standards as measured from centerline-to-centerline of the median opening. Median openings that permit unrestricted turning movements shall meet the minimum full median opening spacing standards as measured from centerline-to-centerline of the median opening.
- H. Adjacent traffic signals shall meet the minimum signal spacing standard as measured from centerline-to-centerline of the signalized intersections.
 - 1. The City Manager or designee shall evaluate the feasibility and effectiveness of constructing a roundabout concurrently with any analysis to evaluate the feasibility and effectiveness of installing a traffic signal.
- I. Preference shall be given to roundabouts for intersections where they are found to be feasible and effective.
- J. For U.S. Highway 98, refer to FDOT specifications.
- K. For a right-in or right-out only accessways, the minimum spacing shall be 115'.
- L. Single-dwelling or duplex developments may provide the following types of ingress/egress, provided they meet all minimum separation requirements and minimum city standards. No more than two (2) ingress/egress points shall be permitted on any residential lot, parcel or property.
 - 1. Single accessway
 - 2. Two Accessways
 - a. Where deemed appropriate by the City Engineer, the impact of multiple driveway cuts to the right-of-way stormwater facilities shall be offset by requiring either swales deeper than the minimum requirements or a combination of drainage piping and swales.
 - b. For pull-through or Looping Accessways
 - 1. The site plan shall depict the proposed traffic pattern showing in a manner to discourage backing into the right-of-way.
 - 3. Joint accessway
 - a. A joint accessway may be allowed if all the following criteria are met:
 - 1. An agreement that includes a maintenance plan identifying the responsible parties is recorded with Okaloosa County on both properties.
 - 2. All ingress and egress requirements are met as identified in this Article and meets the design criteria for residential accessways.
 - 3. The accessway does not exceed the maximum width for a single accessway.
- M. More than one means of ingress/egress may be provided with the following criteria:
 - 1. All additional ingress/egress points shall meet the minimum separation requirements for access management as described in Table 6.02-1 Access Management Table of Dimensions below.

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2. Any development five (5) acres or more shall provide a minimum of two (2) means of ingress/egress.
 3. A second ingress/egress required to meet minimum emergency service requirements.
- N. Cul-de-sacs and Dead-end Streets
1. See Section 5.02.04.A.3-6
 2. Cul-de-sacs and streets resulting in dead-ends shall not exceed four hundred feet (400').
- O. Accessway Widths
1. Non-residential and multi-dwelling developments shall not exceed twenty-seven feet (24') wide unless approved by the City Manager or designee.
 2. Single-dwelling or duplex residential driveway cuts shall not exceed twenty-seven feet (27') wide. For multiple driveway cuts the collective driveway widths shall not exceed thirty feet (30') in the aggregate.
- P. Accessway Setbacks
1. All accessways shall be setback from any property line it does not intersect with the minimum distance needed to meet the design requirements of this Code, but no closer than five foot (5') to the property line.
 - a. Exception: If there is a recorded Joint Accessway Agreement as described in this Section.
- Q. Accessway Stormwater Runoff
1. No accessway shall allow or be allowed to discharge stormwater runoff onto any neighboring property.
 2. In the following instances, existing accessways shall be required to meet current Land Development Code requirements:
 3. Except for individual single-family detached or townhome dwelling units all existing developments located on any arterial or any collector road which: (1) change or add a land use, or (2) are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 20 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with requirements listed in Section 8.04.00. Cost plus contracts may be deemed as equal to or exceeding 20 percent of the total tax assessed value of the property.
 4. Single-family detached or townhome dwelling units which are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 50 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with current codes.

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Table 6.02-1 Access Management Table of Dimensions								
Functional Classification	Minimum accessway spacing	Minimum accessway spacing from an intersection	Minimum offset accessway spacing			Minimum median opening spacing		Minimum traffic signal spacing
		Approaching/ Departing	<26 mph	26-44 mph	>44 mph	Directional	Full	
Arterial streets	440'- 660' ¹	230'	N/A	440'	660'	1320'	2640'	2640'
Collector streets	250' ¹	230'	250'	440'	N/A	660'	1320'	1320'
Local streets	125' ¹	115'	N/A	N/A	N/A	N/A	N/A	1320'

1: Where minimums cannot be met, only one accessway may be granted for a property and, if granted, shall have the furthest separation possible for the conditions present. Exceptions shall be approved by the City Manager or designee.

SECTION 6.02.05 STREETS, SIDEWALKS, AND MULTI-USE PATHS OR TRAILS

A. Public Streets

1. Shall have a minimum lane width of ten feet (11') wide (center of stripe to center of stripe).
2. All streets shall be developed per the minimum city standards.

B. Public Sidewalks

1. All sidewalks shall meet the minimum city standards.
2. All sidewalks shall be concrete.
3. All sidewalks shall be placed at the back of right-of-way or as far away from vehicular traffic as possible.
4. A minimum of one (1) sidewalk connection from the private property internal sidewalk system shall connect to the public sidewalk on each public road frontage for the private property. Land uses that create or utilize pedestrian traffic may require additional connections.
5. Sidewalks widths
 - a. Arterial and Collector roadways: shall be a minimum of ten feet (10') wide.
 - b. All other sidewalks shall be a minimum of five feet wide.
6. Pedestrian Crosswalks
 - a. Pedestrian crosswalks shall be provided at the intersections of all non-residential accessways, where sidewalks cross internal driveways and at any additional key pedestrian crossing points as identified by the City Manager or designee.
 - b. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white paint striping, and/or reflective materials.
 - c. The placement and striping for all pedestrian crosswalks shall be in accordance with the latest Florida adopted Manual on Uniform Traffic Control Devices (MUTCD) standards.
 - d. All permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.
7. Residential Development Sidewalk Requirement
 - a. Owners or developers of new single-dwelling detached or duplex residential structures shall be required to construct sidewalks consistent with this article when any one of the following criteria is met:

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1. When any new residential development is constructed. This subsection shall not be applicable if a waiver has been granted for a lot or lots on the same side of the street in accordance with subsection b. below.
2. If a property does not meet the criteria stated in subsections 1. listed above but is scheduled to receive sidewalks within the next three years, as indicated in the latest copy of the City's 5-year Capital Improvements Plan, then the owner or developer of the new single-dwelling detached or duplex residential structure will have to install a sidewalk consistent with this article.
- b. Waiver: Sidewalk construction may be waived at the discretion of the City Manager, based upon input from the review and approval recommendation by the Community Development Director, City Engineer, and Public Works Director if the following criteria are met:
 1. There is a threat to public health, safety, or welfare or the owner or developer establishes that the required sidewalk would result in undue hardship.
 2. The owner or developer remits to the City the cost of the sidewalk installation to support future City sidewalk/pathway construction.
 - (i) If the waiver is granted, the cost of the sidewalk construction will be determined based on current City continuing service contract pricing and those funds shall then be paid by the owner or developers specifically for City initiated installation, replacement or maintenance of sidewalk/pathways within the public right-of-way or granted public easement based on prioritization by City Council.
 3. Undue hardship or threats to public safety may include but are not limited to insufficient right-of-way, significant utility conflicts, extreme topography, incompatible natural features (preserved or protected trees), complete absence of existing or planned sidewalks on a city classified "local street (residential)", or an unsafe pedestrian environment caused by vehicle proximity and speed.
- C. Multi-use Paths and Trails
 1. All multi-use paths shall meet the minimum city standards.
 - a. Multi-use paths or trails may be concrete or asphaltic concrete.
 - b. All multi-use paths and trails shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.
 - c. All signs shall be placed in accordance with the latest Florida adopted MUTCD standards.
- D. Bicycle Lanes and Facilities
 1. All bicycle lanes shall be per the minimum FDOT requirements per Standards Plans 711 (Latest Edition) and minimum widths shall be measured from the edge of curb on streets without on-street parking.
 2. Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development.
 3. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, Impact Fee Study and Mobility Plan.
- E. Pedestrian Amenities
 1. All developments, except single-dwelling or duplexes residences, shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities in groups of two in any combination:

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- a. Benches.
- b. Bicycle racks.
- c. Decorative water or drinking fountains
- d. Pedestrian lighting fixtures
- e. Public Art sculptures in accordance with any City Public Art program

SECTION 6.02.06 TRANSIT NETWORK

- A. All developments shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:
 1. Future transit stop locations.
 - a. The Mobility Plan and The Okaloosa County Transit Development Plan identify potential future transit stops to support Public Transit for the region.
 - i. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location.
 - ii. For any proposed development within 200 feet of a proposed transit stop, the applicant shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.
 2. Transit stop connection.
 - a. All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with this Code and other required city standards, from the development to the transit stop if a continuous sidewalk does not exist.
 - b. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement.
 - c. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the building nearest to the transit stop and the transit stop itself.
 - d. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.
 3. Transit Stop Amenities, Design, and Easements.
 - a. For any site that has been identified as a location for a transit stop, transit stop amenities shall be required and include:
 - i. A passenger shelter equipped with a bench that accommodates a minimum of eight (8) people and an area to accommodate one wheelchair.
 - ii. A bike rack that accommodates at least three bikes.
 - iii. Sufficient outdoor lighting for safe pedestrian movement at night.
 - iv. A location/information sign that at a minimum shows the location of the transit stop regarding other transit stops located in the transit system.
 - v. A sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.

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- b. For any site that has been identified as a location for a transit stop, the transit stop shall be designed in accordance with the recommendations per the Okaloosa County transit authority and the following requirements.
 - i. These transit stops shall include a dedicated area for safe and convenient bus access.
 - ii. Transit stops consist of three types:
 - (a) Curbside stops
 - (i) Curbside stops shall be located in the travel lane of the adjacent road.
 - (b) Bus stops
 - (i) Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length.
 - (c) Queue jumper bus bay stops.
 - (i) Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road.
 - (d) Any off-street transit areas shall provide a circulation route and a twelve-foot (12') wide by forty-foot (40') long bus loading zone.
 - (e) The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet (40') to accommodate bus movement.
 - (f) The bus loading zone must be located outside of the normal parking/access circulation pattern.
 - (g) The shelter and waiting area shall provide six feet (6') of width of the adjacent sidewalk free of obstructions.
 - (h) The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet (8') in depth.
 - (i) An unobstructed loading path with a minimum of five feet (5') in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.
- c. For any site that has been identified as a potential location for a transit stop, a public ingress and egress easement shall be required to provide space for this stop.
4. Maintenance of items required by this section, including, but not limited to, sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of Section 2.02.06 Guarantees and Sureties of this Code.

SECTION 6.03 ON-SITE PARKING AND LOADING STANDARDS

SECTION 6.03.01 GENERAL STANDARDS

- A. Parking standards for uses not listed specifically in this Article shall meet the on-site vehicle, and bicycle, if applicable, parking requirements of the uses listed in this Article which are similar or as determined by the City Manager or designee.
- B. Parking areas shall be designed in accordance with ADA Standards for Accessible Design, including required number of handicap-accessible spaces, dimensions, and signage.
- C. For the purposes of this article, "boat parking spaces" may replace no more than 15% of required vehicular parking for non-commercial uses on property zoned SHMU, CMU, and INST.
 1. New and pre-existing developments may substitute up to 15% of the total required vehicle parking spaces for nonresidential uses for boat parking spaces.

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- a. The spaces shall be located within the submerged land lease of the upland property associated with the upland property/use in question.
- b. Any boat parking spaces used for substitution must have signage that clearly indicates they are for use for the associated upland property/use.
- c. No commercial moorage, activity, or use shall occupy any boat parking space utilized for upland parking reductions at any time.
- d. Overnight docking is prohibited.
- e. Residential uses do not qualify for this substitution of required vehicle parking spaces.
- D. Parking, loading, or accessway areas used or set aside for parking, loading, accessways or service and utility areas shall not be located within ten feet of the property line when such property line abuts single-dwelling, duplex, townhouse, or multi-dwelling uses.
- E. Multiple uses
 1. If there are multiple uses or accessory uses provided within a building or on a property or development additional parking shall be provided for those accessory uses at the rate of the requirements for such uses as required in the required parking regulations.
- F. Computation of vehicle and bicycle parking spaces
 - a. When the number of required vehicle or bicycle parking spaces results in a fractional space, the required number shall be rounded up to the next highest whole number.
- G. All on-site and on-street parking areas shall be landscaped in accordance with the landscaping and tree protection requirements per this Article 6.
- H. Surface Materials
 1. The following materials may be utilized for parking and accessways in accordance with the this Article, however, all site ADA accessways parking, loading, and pathway areas shall be constructed of solid surfaces, not including pavers, and meet Fire Code standards.
 - a. Gravel
 - i. Designed to not be tracked off-site.
 - (a) If gravel is tracked off-site, property owner will be subject to the maximum enforcement allowed by this Code.
 - ii. Shall not be installed within the right-of-way.
 - b. Asphalt Pavement
 - c. Concrete
 - d. Paver systems
 - i. Within the right-of-way shall require a Hold Harmless Agreement
 - e. Other material as approved by the City Manager or designee and may require a Hold Harmless Agreement.
- I. Maintenance of Parking Facilities and Accessways
 1. All parking facilities shall be maintained as approved and permitted.
 2. On-site, and on-street parking in the case of private rights-of-way, vehicle parking facilities shall:
 - a. Be well maintained
 - b. Be free of potholes, debris, weeds, broken curbs, and broken wheel stops
 - c. Be clearly striped, if paved
 - d. Have one wheel stop per space,
 - e. Have all lighting in working condition

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- J. All parking spaces, except parallel spaces, shall have wheel stops and shall prevent damage to or encroachment into pedestrian pathways, landscaping, fencing, other parked vehicles and buildings.
1. Curbing may be utilized as a wheel stop if the pathway or sidewalk is six feet (6') wide and there is a remainder 3 feet (3') of pathway remaining from the vehicle overhang area.

SECTION 6.03.02 VEHICLE PARKING STANDARDS

- A. The purpose and intent of this section is to require vehicle and bicycle parking facilities for all land uses in sufficient number, size, and arrangement to adequately meet the needs created by those land uses to:
1. Alleviate or prevent the congestion of vehicle traffic on streets caused by a lack of adequate parking spaces.
 2. Promote general traffic and pedestrian safety by minimizing conflicts between moving and parking vehicles and vehicles and pedestrians.
- B. Parking facilities shall be provided for all development within the City pursuant to the requirements of this code and article.
- C. It shall be unlawful for any owner or operator of any building or land use affected by this code to cause or permit the discontinuance or reduction of required parking.
- D. No storage, waste facilities, maintenance of any equipment, parking of business/company vehicles, or other non-parking activities may occur within, block, or otherwise obstruct any required parking space, on or off-site.
- E. A property owner may propose alternative parking plans with a shared parking agreement meeting the requirements of Section 4.09.05 6.03.05 and is in compliance with this article. Such parking agreement may be approved by the Manager or designee the City Council on a case-by-case basis, and shall be recorded via a major development order application, or deviation thereof.
1. If a parking agreement is part of a development application, it shall be approved through the process the proposed development is running through per Article 2.
- F. ADA or handicapped parking spaces are required and shall be consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and or F.S. § 553.5041, whichever requires more accessibility.
1. Refer to the latest ADAAG addition regarding exceptions and additional requirements.
 2. ADA or handicapped parking shall be located on the same lot or parcel it is intended to serve.
 3. No ADA space can be located in an off-site parking lot.
 4. Even if a use utilizes public parking to meet the parking requirement, the same amount of ADA parking as would be required if the lot was on site, shall be provided for at the location of the proposed use.
- G. Only vehicles in operating condition shall occupy such spaces.
1. Automotive vehicles, without current license plates, shall not be parked or stored on any residentially zoned property other than in enclosed buildings.
 2. No vehicle with "vehicle" signs may be parked in any required parking lot for the purposes of advertising.
- H. Location of On-site parking facilities. The following regulations shall apply to all development in the City which requires vehicle and bicycle parking:
- I. Location of vehicle parking. The on-site vehicle parking facilities required by this article shall be located on the same lot or parcel of land they intend to serve.

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1. This requirement does not apply to those areas designated as special parking districts as specified in Section 6.03.06 Off-Site Parking and Section 6.03.07 Special Parking Districts or as part of a shared parking agreement per Section 6.03.05.
2. On-street vehicle parking shall be in accordance with Section 6.03.06.
- J. Additional parking spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.
 1. Buildings, structures, docks, marinas or uses may be modernized, altered, or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site and/or on-street vehicle parking spaces in accordance with this code.
 2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site and/or on-street vehicle parking spaces, shall be brought into compliance with the vehicle parking space requirements for the entire building, structure, dock, marina, or use.
- K. Parking spaces required for multiple uses
 1. Where multiple uses or purposes exist on a parcel or lot, the parking space requirements for each use shall be calculated separately and the requirements combined for a single total number of parking spaces needed.
 - a. Shopping centers are based on gross floor area.
- L. Tandem or end-to-end vehicle parking
 1. Nonresidential uses shall only be allowed to utilize tandem through an approved and recorded parking agreement per Section 6.03.05, and shall follow all the following requirements:
 - a. Shall include valet parking for all tandem spaces serving customers and patrons.
 1. Nonresidential uses without valet parking are prohibited from using tandem or end-to-end vehicle parking.
 - b. Tandem or end-to-end vehicle parking stalls shall not exceed more than three vehicle parking spaces placed end-to-end for nonresidential uses.
 - c. Each tandem or end-to-end vehicle parking stall shall have clearly designated pavement markings.
 - d. Signs shall be posted clearly designating which spaces are tandem and what entity the spaces are designated for.
 2. Tandem Parking for Residential Uses may be allowed to use tandem parking that exceeds two vehicles end to end if the following criteria are met.
 - a. A residential property, to include Short-term Rentals in residentially zoned districts, utilizing tandem parking exceeding more than two end-to-end vehicles in any configuration, shall not include more than 1 column of end-to-end parking.
 1. The parking area for the tandem parking shall not exceed twelve feet (12') in width.
 - b. Tandem parking is only allowed on one side of the residence.
 - c. On corner lots, the tandem parking shall not be placed between the ROW and the residence.
 - d. This section shall not preclude a property from getting an accessway to the maximum width as identified in Section 6.02.04. to be able to park multiple vehicles across in one row side by side where the driveway meets the ROW line.

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- e. Tandem parking shall be set back a minimum of one foot (1') from the property line, unless there is a recorded joint access agreement that meets the requirements of 6.02.04.
 - f. Landscape/Open Space Protection
 - 1. Any property utilizing this parking configuration shall provide a landscaped/open space area between the ROW and the front of the residence.
 - (i) This area cannot include other buffers or setback areas.
 - 2. This area shall not be developed for any use other than landscaping or open space.
 - 3. The area required shall equal 50% of the total tandem vehicle parking area
- M. Low Speed Vehicle Parking
- 1. Low-Speed Vehicle (LSV) parking spaces are only allowed on City-Owned Property.
 - 2. LSV parking spaces shall not count towards the required vehicular parking count based on the uses onsite.
 - 3. LSV parking spaces shall be located in one or more continuous areas that are separated from and not intermixed with. spaces designed for full-size vehicles.
 - 4. Each LSV parking space shall be clearly designated by either white pavement marking stating "LSV" or signs stating "Low-Speed Vehicle Parking Only".
 - 5. The minimum dimensions of LSV parking stalls and driving aisles shall be as follows:
 - a. LSV parking stalls shall measure a minimum of 6' wide by 12' deep.
 - 1. The complete stall dimension shall be paved and no deduction shall be obtained for bumper overhang.
 - 2. These dimensions apply to all LSV parking angles.
 - b. LSV driving aisles shall measure a minimum of 20' wide (two-way) to accommodate emergency response vehicles.

SECTION 6.03.03 BICYCLE PARKING STANDARDS

- A. All uses, unless specified below, require a minimum of ten percent (10%) of the required vehicle parking spaces.
 - 1. Elementary, middle, or high school (public or private)
 - a. 1 space per 9 students
 - 2. Post secondary, professional trade training, or non-traditional university facilities
 - a. 1 space per 15 students
 - 3. Parks
 - a. 5 spaces
- B. Location:
 - 1. All bicycle parking shall be located within 20 feet of building entrances.
 - a. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the number of vehicle and bicycle parking spaces required of this Code.
 - 2. In highly visible well-lighted areas to minimize theft and vandalism and shall be at least as convenient as the majority of vehicle parking spaces provided.
 - 3. In a manner that shall not impede pedestrian or vehicular circulation.
- C. Bicycle parking facilities within vehicle parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.
- D. The design of bicycle parking shall be harmonious with their environment both in color and design and incorporated into building design or street furniture whenever possible.

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- E. Bicycle parking facilities shall be provided consistent with the requirements of this code where buildings, structures, docks, marinas, or uses are enlarged in gross floor area, capacity, or ground area.
- F. When the use of a building or land is changed, additional bicycle parking spaces shall be provided to the extent that the number of parking spaces required for the new use exceeds the number of parking spaces required for the previous use.

SECTION 6.03.04 STACKING AND LOADING STANDARDS

- A. Facilities that provide a drop-off or drive-through facility shall provide a minimum stacking lane capacity for five (5) vehicles before the menu board, drop-off area, or other similar facility.
- B. Loading and stacking areas shall provide clear ingress and egress.
- C. No more than thirty percent (30%) of the total required number of parking spaces or five (5) parking spaces, whichever is less, when placed in a stacking lane, may be credited to the required number of off-street parking spaces.
- D. A stacking lane space shall be ten feet (10') wide by twenty-two feet (22') deep.

SECTION 6.03.05 PARKING AGREEMENTS

- A. All parking agreements shall include at a minimum:
 - 1. An acknowledgment that all required parking spaces are accounted for and will be maintained throughout the life of the agreement.
 - 2. Parking lot layout of both on-site and off-site facilities, if applicable
- B. Any parking agreement shall be recorded against the property and shall be valid until:
 - 1. The uses specified in the agreement cease
 - 2. Both parties agree to nullify the agreement.
- C. No property shall enter into more than one (1) parking agreement at any one point in time.
- D. All required parking spaces per use shall be accounted for in all parking agreements.
- E. Shared parking agreements shall be recorded via a major development order application and may be approved on a case-by-case basis by City Council. Any change to an existing parking agreement shall require a major development order application, or deviation thereof, if applicable.

SECTION 6.03.06 PARKING REDUCTIONS

- A. Parking Reduction for Preservation of Protected Trees
 - 1. The City Manager or designee shall authorize a reduction in the total number of vehicle parking spaces required for the preservation of native protected trees provided the applicant meets the following provisions:
 - a. The site plan shall be approved by a licensed arborist to ensure the site is being developed in a manner that will protect and maintain the tree(s).
 - b. The preservation of a protected tree with a trunk of 12 inches in diameter or greater.
 - c. The reduction in the total number of required vehicle parking spaces will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following reduction schedule listed in Table 8-7: Vehicle parking space reduction schedule for preservation of protected trees shall apply:

Table 6.03-1 Vehicle Parking Space Reduction Allowance	
<u>Number of Required Vehicle Parking Spaces</u>	<u>Reduction of Required Vehicle Parking Spaces Allowable</u>
<u>1-4</u>	<u>0</u>

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5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

2. The actual reduction in the total number of vehicle parking spaces shall be the minimum number of spaces needed to preserve the protected tree(s). Should the protected tree(s) die, then the property owner shall be required to replant a new tree(s) of the same species, or the planting area shall be converted to a parking area.
3. The parking area reduction used for the preservation of protected trees shall not be counted as part of the minimum required open space per the applicable zoning district.

TABLE 6.03-2 Tree Preservation & Parking Reduction		
Tree Species	Tree width	Requirement/Reduction
Oak	0-12"	Can be removed and do not have to be replaced
Magnolia	12"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.
All other tree species	0-12"	Can be removed and do not have to be replaced
	12"-24"	Trees can be removed but must be replaced elsewhere on-site.
	24"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.

SECTION 6.03.07 VALET PARKING

- A. Any proposed valet parking shall require a Parking Agreement as outlined in Section 6.03.05.
- B. Shall only be used to provide up to 50 percent of the total required number of parking spaces.
- C. All required ADA spaces shall be located on-site and in compliance with all federal, state, and local ADA regulations.
- D. The parking area where the valet parking spaces are located can be on-site or off-site, provided the off-site parking area is located in accordance with the requirements of Section 4.09.07.
- E. The valet parking attendants may utilize tandem or end-to-end parking stalls to park vehicles.
 1. Tandem parking stalls shall not accommodate more than three cars parked end-to-end.
 2. This parking arrangement shall only be used for the following uses, as listed in Table 8-6: Bicycle and Vehicle Parking Standards: 721110 Hotels and motels, 721191 Bed-and-breakfast inns, 721199 Other traveler accommodations, 7213 Rooming and boarding houses, 722110 Full-service restaurants, 7224 Drinking places, alcoholic beverages, and 713930.c Fare-carrying vessels.
- F. Requirements and contents of valet parking agreement
 1. Permission for such valet parking shall be by a valet parking agreement which has been submitted, reviewed, and approved by the City prior to being recorded in the public records of Okaloosa County, Florida.
 2. Said valet parking agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:
 - a. A detailed site plan of the proposed valet parking operation which shall include, but not be limited to:
 - i. The proposed pick-up/drop-off area parking

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- ii. The location of valet parking spaces
 - iii. The total capacity of the valet parking facility
 - b. A written detailed valet parking operations plan, including:
 - i. Hours and days of operations
 - ii. Routes to and from the parking area(s)
 - iii. The minimum number of valet parking attendants
 - iv. Location and design of the proposed valet parking sign.
 - c. A statement from the owner or other authorized agent indicating their understanding that they will be committing a penal offense to cause or permit such valet parking area to be operated or used without providing the services of attendants.
 - d. A statement from the owner or other authorized agent indicating their understanding that the valet parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.
3. After the valet parking area has been constructed, inspected and approved by the City, it shall be a penal offense by the owner or operator of such building to cause or permit such parking area to be operated or used without providing the services of attendants, provided that if the area wherein the building is constructed pursuant hereto is subsequently included in an area declared exempt from the requirements of this section, the building may take advantage of this exception and use the area set aside for on-site parking for any permissible use under the zoning for the applicable district, and the City will execute a recordable release to evidence the release of such on-site parking restrictions. Violations of this section shall be subject to the general penalty provisions of section 1-9 of the Code of Ordinances. Each day that such attendant service is not provided for and maintained shall be a new offense.
4. In the event any building in existence or under construction can qualify for the use of valet parking under the requirements in this Article, then the required off-street parking for such building may be modified accordingly.

SECTION 6.03.08 OFF-SITE PARKING

- A. The City Council may designate special parking districts as listed in Section 6.03.07 where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.
- B. The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:
 1. Nonresidential uses are the only uses allowed to utilize off-site parking.
 2. Those portions of a mixed-use development that contain long-term residential uses, as defined in comprehensive plan, are required to have all required parking spaces located on-site.
 3. All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided on-site.
- C. Maximum distance:
 1. The maximum distance for off-site parking facilities allowed is one-half mile (1/2 mi.) or 2,640 feet.
 - a. The measurement of this shall be measured starting at the front or main entrance of the property along the nearest pedestrian network to the furthest point of any location along the property line of the off-site parking facility.

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- b. If a pedestrian network does not exist or is missing elements or sections, the developer, owner or applicant requesting the off-site parking shall be responsible for developing or completing the pedestrian network.
- c. If any portion of the network is out of compliance with the Americans with Disabilities Act at the time of permitting, the affected pedestrian network shall be brought into compliance.
- D. Off-site or On-street public parking facilities.
 - 1. For development proposed in the special parking districts per Section 6.03.07, that wish to take advantage of City owned and maintained parking lots/garages, the City Manager or designee may allow the developer to pay an in-lieu parking fee instead of providing the spaces required by this article.
 - 2. The fee shall be a one-time, non-refundable fee per parking space avoided, paid to the City prior to the issuance of a certificate of occupancy.
 - 3. The fee shall be determined by the City Council and shall be equal to the land acquisition, construction, and maintenance costs of parking spaces that are deferred by this provision.
 - 4. The City shall use these fees solely for the purchase, construction, operation and maintenance of public parking facilities.
 - 5. The City Council may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking facilities.
- E. Until such time as the City has acquired sites for public parking as generally identified in the Harbor CRA Plan, the City shall annually review the parking standards pertaining to the uses within the special parking districts per Section 6.03.07 to determine the adequacy of those parking requirements.
- F. Off-site private parking facilities.
 - 1. For development proposed in these districts that wish to take advantage of privately owned and maintained parking garages or surface parking lots, such parking spaces must be under the ownership or common control of the property owner proposing to place required parking spaces off-site in order to meet the parking requirement for that property.
 - 2. The ownership or common control of the parking spaces may be in the form of simple fee ownership or long-term lease (30 years or more).

SECTION 6.03.09 SPECIAL PARKING DISTRICTS

- A. Off-site parking districts. The following off-site parking districts are hereby established:
 - 1. Harbor Area Parking District
 - a. The Harbor Area Parking District encompasses all land designated as CMU, CTS, NHMU, and SHMU on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the CMU, CTS, NHMU, and SHMU zoning districts shall be located in the CMU, CTS, NHMU, or SHMU zoning district and must be located as required in Section 6.03.08 of this Article. ~~within one thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.~~
 - ~~1. The measurement of one thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.~~
 - ~~2. The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.~~
 - 2. Town Center Parking District.

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- a. The Town Center Parking District encompasses all land designated as TCMU on the zoning map.
- b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the TCMU zoning district shall be located as required in Section 6.03.06 of this Article. ~~within one thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.~~
 1. ~~The measurement of one thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.~~
 2. ~~The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.~~
3. Institutional Parking Districts.
 - a. Institutional Parking Districts encompass all land designated as INST on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated Institutional on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 2. The offsite parking shall also meet the regulations in Section 6.03.08 for pedestrian accessway.
4. Crystal Beach Parking District.
 - a. The Crystal Beach Parking District encompasses all land designated as Crystal Beach Neighborhood (CBN) or Crystal Beach Resort (CBR) on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated CBN or CBR on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 2. The offsite parking shall also meet the regulations in Section 6.03.08. for pedestrian accessway distances.
 - c. Short-term rentals or seasonal rentals shall not be allowed to utilize off-site parking within the Crystal Beach parking district.

SECTION 6.03.10 ON-SITE LOADING STANDARDS

- A. All development requiring on-site loading shall adhere to the standards of this Article.
- B. The on-site loading spaces shall be maintained as long as the use exists that the facilities were designed to serve.
- C. Only vehicles making deliveries shall occupy such spaces.
- D. It shall be unlawful for any owner or operator of any building or land use affected by this Code to cause or permit the discontinuation or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and comply with this article and also approved by the City Manager or designee.
- E. Loading spaces required for all development.
 1. On-site loading spaces shall be provided for all development within the City pursuant to the requirements indicated in this Article.

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2. Loading spaces shall be maintained as long as the use exists that the spaces were designed to serve.
 3. Loading spaces shall not be used as a parking space, for the storage of vehicles or materials or for meeting parking requirements.
 4. Loading spaces shall only be used by vehicles that are loading or unloading items that the occupant of the building, structure, or land requires delivery or pick-up.
 5. Single-dwelling detached, duplex and townhome dwellings are expressly exempt from providing loading spaces.
- F. Location of on-site loading spaces.
1. The on-site loading spaces required by this section shall be located on the same lot or parcel of land they are intended to serve.
 2. In no case shall the location of any required loading space not be located on the same lot or parcel it is intended to serve.
 3. Loading spaces shall be located in such a manner as to provide the simplest and most convenient means of loading and unloading material or goods to the building, structure, or lot it is intended to serve.
- G. As set forth below in the table, and Article 4, all lots or parcels are required to meet at least the minimum requirements for the specific use or uses, which may have multiple applications to a particular parcel.
1. Uses not specifically mentioned in Article 4 or below shall meet the loading space requirements for the use that is most similar, comparable, or compatible, as determined by the City Manager or designee.

TABLE 6.03-2 Number Of On-Site Loading Spaces Required	
<u>Use</u>	<u>Loading Spaces Required</u>
<u>Schools, hospitals, nursing homes, and other similar institutional uses and mid and high rise residential</u>	<u>1 space for the first 100,000 sq. ft. of gross floor area or fraction thereof and one space for each additional 100,000 sq. ft. or fraction thereof</u>
<u>Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly</u>	<u>1 space for the first 20,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 100,000 sq. ft. or fraction thereof</u>
<u>Offices and financial institutions</u>	<u>1 space for the first 75,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 25,000 sq. ft. or fraction thereof</u>
<u>Retail commercial, service, road service, and commercial entertainment</u>	<u>1 space for the first 10,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 20,000 sq. ft. or fraction thereof</u>
<u>Industrial uses</u>	<u>1 space for every 10,000 sq. ft. of gross floor area or fraction thereof</u>

- H. Loading space study.
1. If an applicant is proposing a use that is not listed in Paragraph G. and is not satisfied with the City's application of the loading space standard that is most similar or compatible to the use in question, then the applicant may submit to the City Manager or designee a loading space study to determine the actual number of loading spaces needed for the proposed use.

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2. Said loading space study shall be submitted in writing to the City Manager or designee who shall review the study and give written determination to the applicant as to whether said study is approved or disapproved.
3. The loading space study shall include, but not be limited to the following:
 - a. Estimates of loading space requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.
 - b. An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development and whether or not the impact will have a negative impact on the purpose of providing the required number of loading spaces as specified in Table 6.03-2. NOTE: In no case shall a study be approved which would allow for a use listed in Table 6.03-2 to not have at least one loading space.
- I. Additional loading spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.
 1. Buildings, structures, docks, marinas or uses may be modernized, altered, or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site loading spaces in accordance with this Code.
 2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site loading spaces, as specified herein, shall be brought into compliance with the loading space requirements for the entire building, structure, dock, marina, or use.
- J. Additional loading spaces required for a change of use.
 1. When the use of a building or land is changed, additional on-site loading facilities shall be provided to the extent that the number of loading spaces required for the new use exceeds the number of loading spaces required for the previous use.
- K. Loading spaces required for multiple uses.
 1. Where multiple uses or purposes exist on a parcel or lot, the loading space requirements for each use shall be calculated separately and the requirements combined for a single total number of loading spaces needed, except for shopping centers.

SECTION 6.04 UTILITIES

SECTION 6.04.01 GENERAL

- A. The developer shall place all utilities underground and shall observe minimum setbacks as required by utility companies or regulatory agencies.
- B. All utilities shall be placed within a right-of-way or a designated easement.
- C. All utilities shall be placed in the back of the ROW and outside of pedestrian facilities and roadways as practical.
- D. Any utilities within a sidewalk or crosswalk shall be flush mounted and meet applicable ADA requirements.
- E. All out of service utilities shall be grouted in place as necessary or removed as determined by the City Engineer and shall remain the utility owner's responsibility to maintain records of abandoned facilities.
- F. Utility Main and Conduit Lines

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1. All undergrounded utilities shall be a minimum of thirty-six inches (36") below finished grade.
 2. All utilities shall go no deeper than is necessary based on minimum separation requirements for installation by open trench.
 3. Directional drilling shall meet all FDOT specifications.
- G. Utility Service and Lateral Lines
1. All service and lateral utility lines shall be a minimum of twelve inches (12") below finished grade.
 2. In the event of a service or lateral line in vicinity of a stormwater or drainage utility, the utility lines shall be twenty-four inches (24") below the finish grade of the stormwater or drainage utility.
- H. All methods of installation other than directional drilling or open trenching shall be approved by the City Manager or designee with express written approval.
1. Missile boring (also referred to as pneumatic or impact boring) is prohibited within City rights-of-way.
- I. All above and below ground utility work shall be conducted by a licensed contractor, and they shall be listed on the 811 locate documents.

SECTION 6.04.02 SEWER

- A. Wastewater treatment in Destin is provided by private entities.
- B. The developer shall connect to the nearest sanitary sewer system provided by the utility company.
- C. All new sewer systems shall utilize gravity mains and connections.
1. No non gravity systems are allowed for new subdivisions.
 - a. If a gravity system is not feasible, the designer of record shall submit designs for review to the City Engineer and the sewer provider for approval during the development or permitting process whichever is applicable.
 - b. The designs shall provide the following:
 1. A narrative explaining why a gravity system is not feasible.
 2. A design showing how the proposed design will tie into the sewer system.
 3. A maintenance and operations plan for the system for each individual lot shall be recorded through Okaloosa County in the Official Public Records.
- D. All proposed grinder stations shall require a backup generator as well.
- E. Sewer and stormwater infrastructure shall not be combined within the city.
- F. The following measures on the part of the City are intended to conserve the capacity of the treatment facility.
1. Use of treated wastewater for irrigation shall be utilized when the infrastructure is in place and available.
 2. The City shall require that all septic tank users to connect to the central sewer system within one year of sewer availability.
 - a. Prior to taking action to enforce compliance with this Code, the City shall after one year has elapsed notify the property owner(s) in question by registered mail stating the delinquency and providing a grace period of no more than 60 days in which to comply with this Code.
 - b. If connections are not voluntarily made to a central sewer system before the end of the grace period, the City shall use its regulatory powers to enforce compliance. This may take the form of any one or more of the following steps:

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1. Inspection of all properties not in compliance shall occur upon the sale or resale of the property or upon the disconnection of power to the property as the result of a change in occupancy. As part of the minimum standards inspection performed by the building inspector, connection to an available central system shall be required before the property is approved for occupancy.
2. Permits for property improvement or alteration shall be withheld until compliance with this Code is achieved.
3. The City shall coordinate with the private utility companies to maintain a listing of the addresses of all properties not in compliance with this Code and shall provide copies to all persons or agencies requesting same.
4. Upon receipt of evidence by the building inspector that appropriate fees have been paid to accomplish taps to a central sewage system, any penalties or restrictions affecting the property pertinent to septic tank use shall be removed by the City.

SECTION 6.04.03 WATER

- A. Potable water in Destin is provided by private entities.
- B. The City's comprehensive plan encourages the protection and conservation of the City's potable water resources through the following actions.
 1. Backflow prevention assemblies shall be utilized to protect the public system from contamination caused by back pressure or back-siphonage.
 2. Cross connections of water lines from private wells or reclaimed water to public water supply lines shall be prohibited.
- C. The Northwest Florida Water Management District Water Supply Plan is incorporated into this Code by reference.
- D. Rule 40A-2 Florida Administrative Code (FAC), is incorporated in this Code by reference.

SECTION 6.04.04 PRIVATE IRRIGATION WELLS

- A. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In order to determine whether to allow the proposed withdrawal, NFWMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:
 1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet;
 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet;
 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
 6. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only and may not be located within 25 feet of another shallow well.

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SECTION 6.04.05 SOLID WASTE AND RECYCLING

- A. Solid waste and recycling services are provided through the City's franchise agreement with the chosen solid waste provider.
- B. All development shall provide the appropriate facilities for amount of solid waste and recyclable products produced by the land uses within the development.
 - 1. Nonresidential developments, to include multi-dwelling developments, shall not utilize residential roller style waste bins.
- C. All solid waste and recycling facilities shall;
 - 1. Be located on private property and not allowed within any right-of-way. A variance cannot be requested to place any waste facility within the right-of-way.
 - 2. All pick-up and dumping access of solid waste and recycling facilities shall occur on private property and not within any right-of-way for multi-dwelling and non-residential uses.
 - 3. Not be blocked by or located in front or behind any parking or loading spaces.
 - 4. All solid waste and recycling facilities shall be screened by 100% opaque screening material.
- D. Oil, grease, paint, products shall not be commingled with ordinary household solid waste.
 - 1. Used motor oil shall be taken to oil collection centers or picked up by a collection service.
- E. Setbacks:
 - 1. Front: Setback enough to meet all requirements in paragraph C above
 - 2. Side & Rear:
 - a. Adjacent to residential or duplex use: ten feet (10')
 - b. Adjacent to multifamily or non-residential use five feet (5')

SECTION 6.04.06 NON-RESIDENTIAL DEVELOPMENT STORMWATER REQUIREMENTS

- A. The purpose of this section is to protect water quality and control ground erosion on non-residential developments by containing the maximum volume of stormwater runoff possible on the development site.
- B. All development, shall provide sufficient stormwater collection, retention, or detention facilities on-site, unless the property has rights to stormwater facilities off-site.
- C. All sites that add pervious areas, a new stormwater plan shall be required and must meet current code.
- D. All stormwater management plans submitted pursuant to this code shall conform to the standards and provide all the information as required by this Article or as identified by the City Manager or designee.
- E. All stormwater collection, retentions, or detention facilities shall be maintained for the life of the development and can only be changed through a permit submitted to the Community Development Department for compliance review against the regulations of the LDC and the comprehensive plan.
- F. The stormwater system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below.
 - 1. Drainage basin with an outfall: one inch (1") of rainfall over the entire site, or 25 year-24-hour storm event, whichever is greater.
 - 2. Drainage basin without an outfall: 100 year-96-hour storm event.
 - 3. Uncontrolled release from a drainage basin is prohibited up to a 100 year, 96-hour storm event.
 - 4. The site post discharge rate shall not exceed pre-development discharge rate.
 - 5. Any drainage basin with an outfall must ensure that capacity exists in the existing network to which the basin discharges.

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- G. Rainfall data shall be obtained from the state department of transportation's rainfall curves, or other approved agencies.
- H. All stormwater systems shall treat runoff prior to any off-site discharge.
- J. Open Channels and Outfall Ditches
 - a. Where flow velocities exceed two feet per second, ditch pavement or other permanent protection against scour shall be provided.
 - b. All open channels and ditches not protected with a permanent material shall be sodded to provide an erosion resistant embankment.
 - c. Open channels or ditches shall not overwhelm or inundate any downstream system(s).
- K. The continued maintenance of the stormwater management system for all projects shall be the responsibility of the property owner.
- L. Stormwater Master Plans are required for all new or redeveloped properties meeting the standards as set forth in this Article.

SECTION 6.04.07 RESIDENTIAL DEVELOPMENT STORMWATER REQUIREMENTS

- A. The purpose of this section is to protect water quality and control ground erosion on residential developments by containing the maximum volume of stormwater runoff possible on the development site.
- B. This section shall apply to single-family detached and duplex developments. For all other developments, the requirements in 6.04.06 shall apply.
- C. A stormwater plan shall be submitted to the City for all residential projects that add impervious area or modify pervious area whether City Council approval is required or not.
 - 1. A one-time exemption to a required stormwater plan may be allowed per property not to exceed the addition of more than two-hundred and fifty (250) square feet of impervious surface.
- D. All stormwater management plans submitted pursuant to this code shall conform to the standards and provide all the information as required by this Article or as identified by the City Manager or designee.
- E. All stormwater collection, retentions, or detention facilities shall be maintained for the life of the development and can only be altered after obtaining a city-issued permit for the proposed alteration or modification.
- F. Single-dwelling and Duplex Stormwater Table
 - 1. Use the following Single-dwelling Stormwater Table if the following criteria are applicable:
 - a. Single-dwelling/duplex lot 1 acre or less
 - b. When a percolation rate of ten inches an hour (10"/hour) or greater can be achieved with the native soils.

<i>Stormwater percentage capture requirement</i>	
<u>55% or less Impervious</u>	<u>1.6" over the site</u>
<u>55.1 - 65% Impervious</u>	<u>1.8" over the site</u>
<u>65.1 - 75% Impervious</u>	<u>2.0" over the site</u>

- 2. The maximum depth of the stormwater system shall be eighteen (18) inches, and side slopes shall not exceed a ratio of three (3) feet horizontal to one (1) foot vertical.

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3. The applicant for approval of a plan under this section shall be required to adhere strictly to the stormwater management plan as permitted. Any changes or amendments to the plan must be approved by the City prior to beginning construction. After completion of a project, the City shall inspect the project using the approved plans. Any deviations in the final construction from the approved plans shall constitute grounds for withholding the final inspection approval and the certificate of occupancy. Only after a revised stormwater management plan has been submitted, reviewed, and approved by the City, shall the final inspection approval and the certificate of completion or occupancy be issued.
4. The continued maintenance of the stormwater management system for all projects shall be the responsibility of the property owner.
- G. A professional engineer may be utilized in lieu of using the Single-Dwelling and Duplex Stormwater Table. If a professional engineer is utilized, the stormwater management plan shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida. Provided retention shall retain the first inch of rainfall on-site up to and including a 25-year, 24-hour storm event. If a professional engineer is utilized, the stormwater management plan shall contain the following information:
 1. Location map
 2. Existing environmental and hydrologic conditions of the site and/or receiving waters or wetlands.
 3. The location of areas on the site where stormwater collects or percolates into the ground
 4. Groundwater levels, including seasonal fluctuations
 5. Topography
 6. Soils
 7. Proposed alterations of the site described in detail, to include changes in topography, areas where vegetation will be cleared or otherwise removed or killed, areas that will be covered with an impervious surface and a section of the surfacing material, and the size and location of any building or other structures.
 8. All components of the drainage system and any measures for the detention, retention, or infiltration of water, or for the protection of water quality described in detail..." and the rest of LDC 10.03.02.C.
- H. A stormwater plan may be required by the City after a permit is issued if the conditions on site necessitate further review as determined by the City Manager or designee.
- I. A professional engineer is required to design residential stormwater systems if any of the following conditions exist or apply:
 1. Native soil has a lower percolation rate than ten inches and hour (10"/hour)
 2. A sub-surface stormwater system is proposed
 3. The groundwater table needs to be verified via a geotechnical report
 4. The overall site/development contains minimal impervious surface
 5. The site is over one acre in size.
- J. The City, at its discretion, may accept maintenance of certain stormwater management systems which benefit portions of the City. The acceptance of any stormwater management system by the City shall require approval of the City Council, after receiving the recommendation of the City Manager's or designee. All areas and structures to be maintained by the City must be dedicated to the City by plat or separate instrument and accepted by the City Council. All systems to be dedicated to the City shall be maintained by the owner for a minimum of one year from

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completion of construction and acceptance by the City. The systems to be maintained by the owner shall have adequate easements to permit the City to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Should an owner fail to properly maintain his system, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the owner fail, within 30 days from the date of the notice, to take corrective action satisfactorily to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs thereon.

SECTION 6.05 LIGHTING

SECTION 6.05.01 GENERAL SITE LIGHTING REGULATIONS

- A. All non-residential and multi-dwelling developments shall provide site lighting in accordance with this Code.
- B. Off-site Illumination
 - 1. Unless otherwise specified elsewhere in this Code, the maximum light level shall be:
 - a. Zero point two (0.2) maintained foot candles at any property line on a residential use area, or on a lot occupied by a dwelling, congregate care or congregate living structure.
 - b. Five (5) maintained foot candles at all street rights-of-way.
- C. Measurement of Lighting
 - 1. Light levels are specified, calculated and measured in foot candles (FC).
 - 2. All FC values listed are maintained foot candles.
 - 3. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated.
 - 4. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant.
 - 5. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up.
 - 6. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.
 - 7. Measurements shall be taken by a Code Enforcement Officer or other designated City Staff with a light meter that has been calibrated within the year.

SECTION 6.05.02 SITE LIGHTING STANDARDS

- A. General standards for non-residential and multi-dwelling site lighting
 - 1. All parking areas serving the public or users of non-residential and multi-dwelling developments shall provide site lighting across all parking and pedestrian areas.
 - a. Maximum fc:
 - i. Non-residential no brighter than 3.2fc
 - ii. Residential no brighter than 1.8fc
 - iii. Fueling stations no brighter than 22fc
 - (a) Lighting shall be shielded in a way that the light source is not visible while standing at the property line from a height of four feet (4').
 - b. Lighting level shall be a minimum of zero point two footcandles (0.2fc) at ground level.
 - 2. In no instance shall a light be utilized in a manner to project skyward, except as allowed by Sections 6.05.04 and 6.05.06.B.
 - 3. All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures, and:

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- a. Prohibit upward directed light
- b. All lighting requires shields to avoid and minimize glare and the light source shall not be visible while standing at the property line at a height of four feet (4') of height.
- c. All sights shall utilize only the amount of lighting required to avoid and minimize over-lighting
- d. Utilize dimming and other appropriate lighting controls
- e. No site lighting shall exceed 5,000K temperature to minimize short-wavelength (bluish) light in the nighttime environment.
4. Directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.
5. Other than flood lights, all outdoor area and parking lot lighting fixtures generating more than 2,000 lumens shall be cutoff fixtures or comply with at least one of the exception provisions in Paragraph 9. below.
6. For all new development and redevelopment, the mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed:
 - a. Sixteen feet (16') above finished grade in residentially zoned areas and in pedestrian use areas; and shall be mounted as low as possible
 - b. Thirty feet (30') above finished grade in nonresidential areas.
7. Electrical service for all new outdoor lighting shall be installed underground.
8. No operation or activity shall produce glare in excess of the amounts permitted below.
 - a. All commercial and manufacturing districts site lighting shall not glare or bleed onto:
 - i. Single-dwelling, duplex, or multi-dwelling, congregate care or congregate living structure development at a level of more than zero point two footcandles (0.2fc) at the property line.
 - ii. Public or private ROW at a level of more than five footcandle (5fc) at the ROW line
 - (a) Flood lights and display lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
 - b. All vertically mounted directional lights (floodlights and spotlights) shall be installed so that either:
 - i. The fixture is aimed down at least 45 degrees from vertical
 - ii. The front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield.
 - c. All horizontally mounted directional lights (floodlights and spotlights) emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
 - d. All wall pack fixtures shall be full cutoff fixtures.
9. Exemptions:
 - a. The following are exceptions to Section 6.04.01.A.5., however in no circumstance can these exceptions supersede any required regulation in Section 6.04.05 Sea Turtle Lighting Standards.
 - i. Non-cutoff fixtures may be used when the maximum lumens generated by each fixture does not exceed 2,000 lumens per fixture and:
 - (a) Are set on a timer or other automatic shut-off switch
 - (b) Shall not be utilized for nightly illumination

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- ii. All metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.
- iii. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.
- iv. All nonresidential non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that eliminate glare and up light.
- v. Lighting for sports fields
- vi. Approved special events

SECTION 6.05.03 VEHICLE CANOPY LIGHTING

- A. Areas under a vehicular canopy shall have a maximum point of horizontal luminance of twenty two footcandles (22fc).
- B. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
 1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
 2. Light fixture incorporating shields or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.
 3. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.
 4. Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.
 5. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy.
 - a. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.
- C. Areas outside the vehicular canopy shall be regulated by the standards of Section 6.04.01. above.

SECTION 6.05.04 BUILDING ILLUMINATION OR DECORATIVE AND LANDSCAPE LIGHTING

- A. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused away from adjoining properties and all street rights-of-way and exclusively on the:
 1. Building facade,
 2. Plantings,
 3. Other intended site features
- B. Lighting regulated by this section shall not shine, glare, or otherwise bleed onto any public or private street ROW.
- C. This section shall not be construed in any way to regulate decorative lighting for the purpose of decorating for any holiday or special event.

SECTION 6.05.05 SEA TURTLE LIGHTING STANDARDS

- A. This Section intends to protect marine turtle hatchlings from the adverse effects of artificial lighting to provide overall improvement in nesting habitat degraded by light pollution, and to increase successful nesting activities and production of hatchlings on the beaches located within the Marine Turtle Conservation Zone within the City Limits of the City of Destin.

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- B. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone are adopted:
1. Exterior artificial lighting fixtures shall be designed for and positioned so that:
 - a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
 2. Exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if designed and installed completely shielded down light only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less), "bug" type bulbs and non-reflective interior surface. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used if they are in compliance with paragraphs 1.a., b., and c. above.
 3. Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
 4. No lighting other than approved turtle friendly lights installed appropriately shall be allowed on dune walkovers.
 5. Exterior lights used expressly for safety or security purposes must comply with paragraphs 1.a., b., and c. above and shall be limited to the minimum number of configurations required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required.
 6. Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - a. Set on a base which raises source of light no higher than 48 inches off the ground; and
 - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of light feature is not visible from the beach and does not directly or indirectly illuminate the beach.
 7. Parking area lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence or cause short or long-term damage to the beach/dune system.
 8. Tinted glass shall be installed on all windows and glass doors on single or multi-story structures within line-of-sight of the beach.
- C. Use of appropriately shielded low-pressure sodium vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways providing security, and similar applications.
- D. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.
- E. Before granting any building permit, the Community Development Department shall determine that all proposed developments comply in all respects with the standards imposed in this section.
- F. Utility lease lighting shall comply to all respects with the standards imposed in this ordinance, with the exception that appropriately shielded, full-cut off-feature high-pressure sodium lights may be installed for utility lease lighting until the utility provider offers functional low-pressure sodium lighting.
- G. Standards for existing lighting. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for existing artificial light sources,

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including utility leased lighting, within the Marine Turtle Conservation Zone shall be brought into compliance by May 1, 2005:

1. Existing artificial light fixtures shall be repositioned, modified, disconnected, or removed so that:
 - a. The point source of light or any reflected surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
2. Existing artificial light fixtures that are replaced for any reason shall comply with this Section, and the following measures shall be taken:
 - a. Reposition fixtures so that the point source of light or any reflected surface of the light fixture is no longer visible from the beach;
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 50 watts;
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward sides so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - f. Replace pole lamps with low profile, low-level luminaries so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - g. Replace incandescent, fluorescent, and high-intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;
 - h. Plant or improve vegetation buffers between the light source and beach to screen light from the beach;
 - i. Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.
3. The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - a. Apply window tint or film that meets the standards tinted glass;
 - b. Rearrange lamps and other movable fixtures away from windows;
 - c. Use window treatment (i.e., blind, curtains) to shield interior light from the beach; and
 - d. Turn off unnecessary lights.
4. Public awareness
 - a. Any person applying for coastal construction activities within a Marine Turtle Conservation Zone shall be informed of the existence of and the requirements concerning artificial lighting and marine turtle protection by the City of Destin's Community Development Department.
5. Prohibitions
 - a. The following activities are considered prohibited:
 - i. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising unless approved by temporary lighting permit as provided by Section 6.05.05.B.
 - ii. The operation of searchlights or beacons is prohibited unless approved by temporary lighting permit as provided by Section 6.05.05.B.
 - iii. Nuisance Lighting and Glare

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- (a) All outside light sources shall be installed so that the illumination is controlled and not directed across any bounding property line of less than 200 linear feet. The allowable maximum intensity measured at the property line of a Single-dwelling or duplex residential use in a residential district may not exceed 0.2-foot candles.
- iv. It shall be unlawful to place or maintain on private property any light source of such intensity or brilliance within the field of view of a driver so as to impair his/her vision upon the public roadway, or to interfere otherwise with the operation of a motor vehicle.
 - (a) The brilliance of any light source less than ten degrees from a passenger car driver's line of sight, either along the roadway ahead or toward each traffic control device, sign, or signal, shall not exceed the brilliance of the headlight low beams of an oncoming passenger car whose extended centerline lies ten feet to the driver's left, when the car is between 60 and 100 feet from the driver.
- 6. Nonconforming Lighting
 - a. The following regulations address nonconforming outdoor lighting.
 - i. Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to Subsection ii. below.
 - ii. All outdoor lighting that fails to conform to this ordinance that is damaged in excess of 50 percent of its market value shall be discontinued, removed, made to conform to this ordinance, or replaced with lighting that conforms to this ordinance.
 - iii. Notwithstanding the above, any fixture that, due to excessive glare, produces Nuisance lighting and glare, or produces Glare on roadways as prohibited in Paragraph 5, shall be required to either discontinue use of the fixture in question or replace the fixture with one that conforms with the requirements of this Section.
- 7. Exemptions.
 - a. No provision of this Section shall take precedence over the Outdoor Lighting Standards for the Marine Turtle Conservation Zone in this Section.
 - b. Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules and regulations take precedence over these provisions.
 - c. The following are exempted from the provisions of the Outdoor Lighting Regulations.
 - i. A detached single-dwelling home, and any project requiring only a building permit, shall be exempt from Section 6.05.05, but shall otherwise be required to comply with the other requirements of this Section.
 - ii. Public schools.
 - iii. Municipal streetlights.

SECTION 6.05.06 OUTDOOR LIGHTING PLAN

- A. Outdoor lighting plan, permit procedure and certificate of occupancy.
 - 1. Whenever the provisions of this section are applicable, an outdoor lighting permit shall be required.
 - 2. Ensure compliance with the provisions of this section, an outdoor lighting plan that is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida shall be submitted to the Planning Division for approval prior to the issuance of any

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development order. For a listing of which uses are exempt from these provisions, please refer to Section 6.05.01.A.9. Exemptions.

3. Contents of outdoor lighting plan. Applicants shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the applicant to submit sufficient information in a form that allows ready determination of whether the requirements of this Code have been met. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review. The outdoor lighting plan shall include, as a minimum, the following:
 - a. All plans shall be drawn to one of the following scales that will produce a legible plan. scale. The Community Development Director may require any plan to be provided at a different scale if it is needed for Staff to conduct a proper review.
 - i. 1:10
 - ii. 1:20
 - iii. 1:30
 - iv. 1:40
 - v. 1:50
 - vi. 1:60
 - b. The trimline sheet size shall be 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.
 - c. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
 - d. The name, business address and telephone number of the individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.
 - f. Relationships of the site to adjacent public or private rights-of-way, abutting properties and any public or private easements.
 - g. The location of all buildings and/or structures, transmission lines, refuse dumpsters or containers and size and type of wall or fences.
 - h. Location and area of off-street parking and vehicular use areas.
 - i. Points of ingress and egress and any planned public or private roads, rights-of-way, sidewalks or multiuse pathways, bicycle lanes or paths, transit stop shelters, or other transportation facilities.
 - j. Location and dimensions of all landscape buffers, internal landscaping, and the number, placement, height and species of all trees required (due to their effect on outdoor lighting).
 - k. Proposed open space areas on the development site.
 - l. The location of environmentally sensitive lands designated pursuant to Article 7 of this Code, if any.
 - m. A point-by-point foot candle array in a printout format overlaid on the site plan. The point-by-point foot candle printout shall indicate compliance with the maximum-maintained foot candles required by this Code. This overlay shall also include contours indicating the light source at the property lines and ten feet into adjoining properties, including right-of-way.
 - n. A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or

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- electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]
- o. The location and height of the lighting fixtures (pole and/or wall mounts), the proposed wattage of the light bulbs, the direction of illumination (e.g. straight down, outwards, etc.), the method of shielding and the area of illumination.
4. Permit procedures.
 - a. The following procedures and requirements shall be followed by the applicant and the City:
 - i. Applications for outdoor lighting shall be submitted to the City's Community Development Department.
 - ii. No building permit for the installation of new outdoor lighting, or replacement of existing outdoor lighting erected prior to the effective date of this Section, shall be issued unless and until the City has reviewed and approved the outdoor lighting plan unless the project does not require a development order. Regardless of whether a lighting project does or does not require a development order, the installation of new outdoor lighting, or replacement of existing outdoor lighting must comply with the requirements of Section 6.05. of this Article
 - iii. A copy of the approved outdoor lighting plan shall be available on-site during installation.
 5. Certificate of completion or occupancy.
 - a. No certificate of completion or occupancy shall be issued unless and until the Planning Division has determined, after final inspection, that the required outdoor lighting has been installed according to the approved application and plan; provided, however, that if circumstances preclude completion of the outdoor lighting plan at the time of application for the certificate of completion or occupancy, then guarantees and sureties per Article 2 shall apply.
- B. Temporary outdoor lighting permit.
1. Temporary outdoor lighting permits for search lights and laser lights may be issued for:
 - a. Special events
 - b. Construction activities
 - c. Temporary outdoor lighting needs for public assembly or public safety
 2. Temporary outdoor lighting permits may be issued, so long as the outdoor lighting does not create or cause any of the following potential distraction by any means or methods;
 - a. Flash blindness,
 - b. Vision impairment,
 - c. Visual interference for aircraft pilots or navigators and would not cause a potential unreasonable risk for flight safety or interfere with any public or military airport operation or with ground activities at military installations.
 3. A temporary outdoor lighting permit may be issued for one premises or multiple-occupancy complex for a period not to exceed thirty (30) consecutive or non-consecutive calendar days per year.
 4. The City shall not issue more than five (5) temporary permits for any one (1) calendar day.
 - a. If there are more than five (5) applications or application extensions for the same calendar day or days then five (5) shall be selected randomly.
 5. The City Manager or designee may grant a permit for temporary outdoor lighting, as defined herein, if they find the following:
 - a. The lighting proposed will be used not more than 30 consecutive or non-consecutive days within one calendar year;

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- b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;
- c. The proposed lighting will comply with the general intent of this article; and
- d. The permit will be in the public interest.
6. The application for the temporary lighting permit shall include, at a minimum the following information:
 - a. Name and address of applicant and property owner;
 - b. Location of proposed fixtures;
 - c. Type, wattage and lumen output of lamp(s);
 - d. Type and shielding of proposed fixtures;
 - e. Intended use of the lighting;
 - f. Specific calendar days requested;
 - g. The hours of operation (not to occur between midnight CST and sunrise);
 - h. The nature of the activity or event;
 - i. Previous temporary outdoor lighting permits granted to this applicant, if any, and addresses of premises there under (Only one temporary outdoor lighting permit per year is to be granted to a multiple-occupancy complex); and
 - j. Such other information as the City Manager or designee may request.
7. Review of application
 - a. Copies of the permit application and supporting documents shall be distributed to
 - i. Okaloosa County Sherriff's office – Destin Office
 - ii. Okaloosa County Airport Manager
 - iii. Destin Fire Control District
 - iv. Destin Public Works Department
 - v. Destin Parks & Recreation Department
 - vi. 96th Civil Engineer Group (Community Planner)
 - b. The City Manager or designee approve, approve with conditions, or deny the application within sixty (60) days from the date of submission of the application.
 - i. The City Manager or designee may grant one (1) renewal of the permit for an additional ten (10) days if they finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest.
 - ii. The City Manager is not authorized to grant more than one (1) temporary permit and one renewal for a ten-day period for the same property within one calendar year.

SECTION 6.05.07 STREETLIGHTS

- A. Developer shall provide streetlighting in accordance with the city standards as required by City Manager or designee.
- B. Maximum pole height is thirty feet (30').
- C. Maximum mounting height is twenty-three feet (23').
- D. All street lighting shall be shielded and directed downward.
- E. Streetlights located within three-hundred feet (300') of a primary dune of a beach must meet the minimum Florida Fish & Wildlife Commission Sea Turtle Lighting guidelines.

SECTION 6.06 LANDSCAPING

SECTION 6.06.01 PURPOSE

- A. The landscape development regulations will serve to protect, maintain and enhance both the immediate and long-term health, safety, economic stability and general welfare of the present and future citizens of the City. These regulations have the following objectives:

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1. To aid in stabilizing the environment's ecological balance by contributing to the processes of oxygen regeneration, groundwater recharge, air purification and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
2. To ensure that the local stock of native vegetation is replenished.
3. To clearly delineate and buffer the bounds of abutting vehicular use areas, particularly public rights-of-way, so that distractions of movement, noise and glare from one area do not adversely affect the activity of another area.
4. To limit physical site access to established points of ingress and egress.
5. To promote energy conservation by maximizing the shading and cooling effects of trees and shrubs.
6. To promote and protect property values within the community by conserving and creating a more aesthetically pleasing and functional environment.

SECTION 6.06.02 GENERAL STANDARDS

- A. All development and redevelopment shall provide landscaping to the standards as set forth in this section.
- B. All landscaping shall be installed in a sound finished workmanlike manner per any applicable approved plan and or according to generally accepted good planting practices.
- C. All elements of landscaping, not including plant material except hedges, shall be installed so as to meet all other applicable requirements.
- D. All landscaping shall be maintained and kept alive at all times.
- E. If a required landscape element dies, is removed, or is otherwise removed from the site, it shall be replaced.
- F. Adequate irrigation is required for all developments (including right-of-way frontage) to maintain live vegetation.
- G. All areas of a development, property, land, parcel or lot, not utilized for structures, vehicular or pedestrian access or circulation, or other ancillary use shall be landscaped and permanently maintained with trees, shrubs, indigenous plants and ground cover, including but not limited to:
 1. Grass or sod
 2. Mulch, pine straw, or other loose material (must be stabilized and maintained in the intended location and shall not wash or be blown into any right-of-way or another property.)
 3. Artificial turf (on private property only)
 4. Landscape rock (on private property only)
- H. Landscaping south of the Coastal Construction Control Line (CCCL).
 1. Development area(s) between the CCCL and the Gulf of Mexico shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Protection.
 2. For development areas on the same property that is not beyond the CCCL shall meet the minimum requirements set forth in this section.
- I. A minimum of seventy-five percent (75%) of all plant material used to satisfy the requirements of this section shall be native to the Northwest Florida area.
 1. Native species shall be selected as identified in the in the "Atlas of Florida Plants" which is maintained by Institute for Systemic Botany at the University of Southern Florida for Okaloosa or Walton County.
 2. Portions of a development left in the natural state shall be credited in meeting these landscaping requirements.

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- J. Invasive Species
 - 1. In no circumstances shall any invasive species to Florida, Georgia, or Alabama as identified by any City, State, or Federal agency be utilized for plantings.
 - 2. This section is not intended to prohibit any individual the ability to keep unique plantings in a standalone pot and not planted in the ground.
 - a. If any individual maintains an invasive species on site it shall be kept in a manner so that the plant is contained and controlled to not spread, multiply, or otherwise threaten the local native vegetative ecosystem.
- K. At any street intersection, no plant, tree, shrubbery or any other obstruction shall be allowed to grow in a manner which would impede or restrict the vision of pedestrians or vehicle operators to oncoming traffic.
- L. The type of vegetation used in complying with these requirements shall be indigenous or of a noncompeting exotic species.

SECTION 6.06.03 OPEN SPACE

- A. The minimum required open space within all zoning districts shall be as required in the appropriate zoning district per Article 4.
- B. Synthetic Turf
 - 1. Synthetic turf is subject to the following regulations and Florida Department of Environmental Protection (FDEP) regulations whichever are more restrictive.
 - 2. Non-residential, mutli-dwelling residential, single-dwelling residential over one acre, or ROW adjacent to these.
 - a. Synthetic turn is not allowed.
 - 3. For ROW use adjacent to single family residential properties one acre or less.
 - a. Must be a natural "grass colored" green. No other colors of any kind are allowed.
 - b. All provisions of the FDEP Rule 62-308 must be followed.
 - c. Property Owner, or it's agent, must certify that all FDEP rules are being followed.
 - d. Maintenance and Hold Harmless Agreement for Synthetic Turf form must be signed by property owner and City of Destin.
 - i. Property Owner is responsible for ensuring all proper signatures are received.
 - ii. Property Owner is responsible for filing completed document with the County Clerk's Office.
 - iii. Property Owner is responsible for obtaining a certified copy of document filed with County Clerk's Office and present to the Engineering Department for their records.
 - iv. This step must be completed before permit is issued.
 - 4. For use for single family residential properties one acre or less.
 - a. For existing housing properties.
 - i. Engineered drainage report required to ensure adherence to storm management system approved for property. This includes ensuring any retention that is required is maintained and any site modifications that are proposed.
 - b. For new housing properties.
 - i. Engineered drawings required for storm management system and all requirements set forth in LDC.
 - ii. Front and side yards must be a natural "grass colored" green. Other colors are allowed in backyards that are not visible from roadway.

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- iii. All provisions of the FDEP Rule 62-308 must be followed.
- iv. Property Owner, or it's agent, must certify that all rules are being followed.
- 5. Synthetic turf is still subject to the Property Maintenance Code and shall be maintained in a functional and clean manner.
- C. Paver systems and other Hardscape elements
 - 1. Paver and hardscape elements are considered impervious surface and shall be included in any stormwater calculations as such.
- D. Open Space Reduction Incentive
 - 1. Within the North Harbor (NHMU), South Harbor (SHMU), and Town Center Mixed Use (TCMU) districts the minimum required open space can be reduced to not less than 12 percent through adherence to the following requirements:
 - a. Developments that provide, on their property, a pedestrian information kiosk at the Harbor Boulevard-side terminus of a pedestrian walkway and/or pedestrian/bicycle pathway to the Harbor Boardwalk in conjunction with a mass transit pull-off or public access easement (one percent).
 - b. The use of drip irrigation for all shrubs and ground cover areas, where appropriate, on the subject property (two percent).
 - c. The use of 100 percent (100%) plant species native to northwest Florida in all landscaped areas on the subject property (five percent).
 - d. Developments that consolidate their existing accessway in such a way as to eliminate one accessway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
 - e. Adjacent developments that consolidate their accessway in such a way as to eliminate one accessway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
 - f. Developments located in the SHMU area that contain no permanent/long-term residential units (four percent).
 - g. Developments located in the NHMU and TCMU areas that contain at least 50 percent of the total number of dwelling units as permanent/long-term residential units (four percent).
 - h. Developments that dedicate 70 percent of the first floor of every building on site to "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.). First floor shall mean the first floor of the building as viewed from Harbor Boulevard/Emerald Coast Parkway. Structured garage parking can account for up to 40 percent of the "publicly leasable commercial space" located on the first floor. For those projects located in the SHMU district, this provision shall be in addition to the requirement of the comprehensive plan for "publicly leasable commercial space" along the Harbor front (six percent).
 - i. Developments that provide 70 percent of all parking spaces on site in structured parking garages (six percent).
 - j. The total area of all pedestrian and/or vehicular easements or rights-of-way dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront and along Harbor Boulevard shall be credited towards the open space landscape requirement of the development.
 - k. The total area provided for a transit stop, as specified in Section 6.02.06, located either on-site or adjacent to Harbor Boulevard/Emerald Coast Parkway will be given 100 percent credit for area dedicated to the transit stop.

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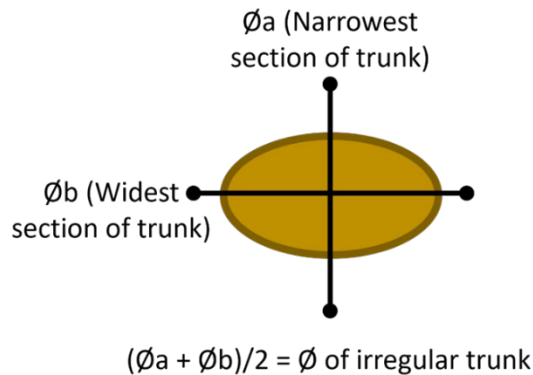
SECTION 6.06.04 TREES

- A. The number of reforestation trees required on any developed area shall be determined by using the ratio of one (1) tree for each one-tenth of an acre
- B. All required trees shall be a minimum of:
 - 1. Twelve feet (12') in height
 - 2. Three and one-half-inch (3.5") caliper at the time of planting.
- C. Palm trees cannot comprise more than forty percent (40%) percent of the total number of all required trees.
- D. If any palm tree species are utilized for required trees then two palms shall be utilized to equal one required tree and must be grouped together to account for a twenty foot (20') crown spread at maturity.
- E. Tree Protection, Preservation, and Restoration
 - 1. Credit shall be received on the reforestation requirement of this section by preserving existing trees.
 - 2. Trees required for reforestation are in addition to other required trees within this section.
 - 3. No credit will be given for nonindigenous trees.
 - 4. Exclusive of the principal structure area, no "preserved tree" may be removed except as provided in this section.
 - 5. The reforestation requirements shall be credited for existing trees at the following rate as measured at breast height (which ever is less) above the natural grade:

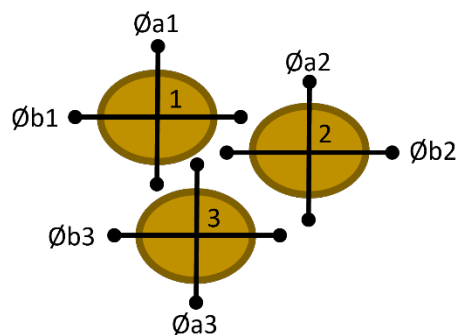
<u>Diameter of Existing Tree</u>	<u>Number of Trees Credited</u>
<u>20" or more</u>	<u>5</u>
<u>13" - 19.9"</u>	<u>4</u>
<u>7" - 12.9"</u>	<u>3</u>
<u>2" - 6.9"</u>	<u>2</u>

- 6. Measurement of Trees:
 - a. Trees shall be measured at Diameter Breast Height (DBH)
 - b. In the case of an irregular shaped tree or trunk at DBH, the following method shall be utilized.
 - i. The average of the widest and the narrowest diameter of the tree at DBH (see example below).

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- c. In the case of multiple trunks or limbs at DBH, the following method shall be utilized.
 i. The total diameter of all trunks/limbs at DBH (see example below).



$\varnothing 1 + \varnothing 2 + \varnothing 3 = \varnothing$ of tree with multiple trunks/limbs

7. Fifty percent of the area within the dripline of preserved trees which are eligible for credit pursuant to this section shall be maintained in either vegetative landscape material or pervious cover.
8. During development activity, preserved trees shall be protected from activities which may injure or kill them. Tree protection techniques found in the Tree Protection Manual for Builders and Developers, Florida Department of Agriculture and Consumer Services, Division of Forestry, or equivalent techniques shall be used.
9. Exclusive of the principal structure area, when a "protected tree" must be removed or relocated, an indigenous tree(s) shall be replaced.
10. No protected or preserved tree may be removed or relocated without a removal permit as provided in. See Section 6.06.05.

SECTION 6.06.05 TREE REMOVAL

A. Permit Required

1. The removal of any tree on private property requires a Clearing and Grading Permit approval from the Community Development Department.
2. For non-residential properties, a licensed and insured landscape professional shall submit the permit along with a tree survey for all trees twelve inches (12") in diameter or greater.
3. For residential properties a licensed and insured landscape professional shall submit the permit for any tree removal that does not meet the exemptions below.
4. Exemptions

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- a. Any tree on any Single-dwelling or duplex lot that is thirty-five inches (35") in diameter or less.
 - b. Any tree on a platted townhome lot (Single-dwelling unit) that is thirty-five inches (35") in diameter or less.
 - c. These exemptions are not intended to exempt any apartment complex, condominium complex, or other multi-dwelling complex, or commonly owned property within a Single-dwelling development.
- B. Hazardous or Dangerous Conditions
1. In the event that any tree on Public Property or within the Public ROW, is determined to be in any hazardous or dangerous condition so as to endanger health or safety, the City Manager or designee shall require immediate removal of the tree.
 2. In the event a tree poses a hazard or dangerous condition on Private Property, private property affecting other private property, or private property affecting the public right-of-way, the City Manager or designee may require the removal of the tree.
 - a. A licensed arborist or licensed landscape architect shall make a recommendation in writing to the City Manager for the removal of the tree that poses a hazardous or dangerous condition.
 3. The City Manager or designee shall make a final determination upon receiving the recommendation from the licensed arborist or licensed landscape architect.
 - a. Any determination made by the City Manager shall become effective five (5) days after the determination is rendered.
 - b. An aggrieved party, withstanding the final determination of the City Manager or designee, shall have up to five (5) days from date of determination to apply to the City Manager for appeal of the determination.
 - c. The City Manager's decision constitute the final determination of the City.
 4. A permit is not required at the moment to rectify a hazardous or dangerous condition, however, a permit shall be applied for retroactively within thirty (30) days of approval to remove the hazardous tree.
 5. During the period of declared emergencies such as hurricane, windstorm, flood, freeze, disease epidemic, or other disasters, the requirements of this section may be waived by the City Manager, for a certain period of time and may not be for an indefinite period of time.

SECTION 6.06.06 GROUND COVER, HEDGES, AND SHRUBS

- A. Vines, ground cover, grasses, artificial plant material and architectural planters shall be subject to the following:
1. Grasses shall be subject to the following:
 - a. Grasses and ground cover, and vines planted for credit on the landscaping requirements, shall be perennial species capable of thriving in Okaloosa County.
 - b. Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
 2. All required plantings shall be living or natural.
 - a. No credit shall be granted for use of artificial plant material.
 - b. Artificial turf may be utilized for ground cover where ground cover is required, except within swales, retention basins, or in the right-of-way.

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3. Credit shall be granted for use of above-grade planters, when such planters are physically attached to and made a part of the building/structure upon which they rest. In no case shall above-grade planters be removed from the property or converted to another use, unless approval is granted by the City.
 4. Endangered plants shall be protected under the provisions of applicable federal and state laws.
- B. Shrubs shall be a minimum of 12 inches in height when measured immediately after planting.

SECTION 6.06.07 PUBLICLY OWNED PROPERTY AND RIGHT-OF-WAY

- A. The table displayed below constitutes the official street and park tree species for Destin, Florida.
- B. Prior to street tree planting, all applicable right-of-way permits shall be obtained.
- C. Any tree or shrub that grows over a publicly accessible sidewalk or street shall have a vertical clearance of a minimum of fifteen feet (15') as measured from the grade below the tree or shrub.
- D. No species other than those included in the table below may be planted as street trees without written permission of the Public Works & Safety Committee.
 1. If Live oaks are utilized as street tree, they shall be installed per city standards along with the following:
 - a. A root barrier with a depth of eighteen inches (18") below grade
 - b. A minimum of a five-foot (5') radius clear area surrounding the tree with no utilities in the clear area for thirty-six inches (36") below grade.

Table 6.06-1 Public Property and Right-of-Way Trees		
<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large trees</u>
<u>Southern Wax Myrtle (Myrica cerifera)</u>	<u>Dahoon Holly (Ilex cassine)</u>	<u>Maple (Acer rubrum)</u>
<u>Fringe Tree (Chionanthus virginicus)</u>	<u>Turkey Oak (Quercus laevis)</u>	<u>Southern Live Oak (Quercus virginiana)</u>
<u>Pindo Palm (Butia capitata)</u>	<u>Cabbage Palm (Sabal palmetto) *State Tree</u>	<u>Majesty Palm (Ravenea rivularis)</u>
	<u>Washington Palm (Washingtonia robusta)</u>	<u>Canary Island Date Palm (Phoenix canariensis)</u>
		<u>Wild Date Palm (Phoenix sylvestris)</u>

- E. No species other than those included in the table below may be planted as park tree without written permission of the Parks & Recreation Committee.

Table 6.06-2 Park Trees		
<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large trees</u>
<u>Anise Tree (Pimpinella anisum)</u>	<u>Ash _____ (Fraxinus spp.)</u>	<u>Bald Cypress _____ (Taxodium discithum)</u>
<u>Black Pine (Pinus nigra)</u>	<u>Cedar _____ (Cedrus atlantica)</u>	<u>Bay Magnolia _____ (Magnolia virginiana)</u>
<u>Bottlebrush (Callistemon citrinus)</u>	<u>Cherry Laurel _____ (Prunus caroliniana)</u>	<u>Canary Island Date Palm (Phoenix canariensis)</u>
<u>Crepe Myrtle (Lagerstroemia indica)</u>	<u>Holly Tree _____ (Ilex cassine)</u>	<u>Elm _____ (Ulmus spp.)</u>
<u>Dogwood (Cornus florida)</u>	<u>Persimmon _____ (Diospyros virginiana)</u>	<u>Hickory _____ (Carya spp.)</u>
<u>Fringe (Chionanthus virginicus)</u>	<u>Plum _____ (Prunus cerasifera)</u>	<u>Maple _____ (Acer rubrum)</u>
<u>Ginkgo (Ginkgo biloba)</u>	<u>Redbud _____ (Cercis canadensis)</u>	<u>Oak _____ (Quercus spp.)</u>
<u>Jerusalem Thorn</u>	<u>River Birch _____</u>	<u>Pecan _____</u>

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(<i>Parkinsonia aculeata</i>)	(<i>Betula nigra</i>)	(<i>Carya glabra</i>)
Ligustrum Tree (<i>Ligustrum japonicum</i>)	Sweetgum (<i>Liquidambar styraciflua</i>)	Pine (<i>Pinus elliotii</i>)
Loquat (<i>Eriobotrya japonica</i>)	Tulip Magnolia (<i>Liriodendron tulipifera</i>)	Southern Magnolia (<i>Magnolia grandiflora</i>)
Pindo Palm (<i>Butia capitata</i>)		Sycamore (<i>Platanus acerfolia</i>)
Red Buckeye (<i>Aesculus pavia</i>)		Walnut (<i>Juelans nigra</i>)
Wax Myrtle (<i>Myrica cerifera</i>)		

- F. Any tree or plant declared or deemed an invasive species by the State of Florida shall not be allowed to be planted within any right-of-way or park within the city.
1. The following list of species is also not permitted.
 - a. Chinese tallow (*Triadica sebifera*)
 - b. Yucca tree (*Yucca*)
 - c. Any species of tree or plant that has a spike, thorn, spine, or other similar hazard.
- G. Protection of Public Trees
1. No tree within any public right-of-way, park, or other publicly owned property shall be removed without a permit from the Community Development Department.
 2. The City Manager or designee may require approval by the Parks & Recreation or Public Works & Safety committees as appropriate.

SECTION 6.06.08 PARKING LOT LANDSCAPING

- A. The following criteria shall apply regarding interior parking landscape:
1. Vehicles may overhang no more than two feet into landscape areas. The overhang area shall not be included as part of the landscape requirement.
 2. No parking bay shall contain more than fifteen (15) continuous parking spaces without being broken up by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One-hundred and seventy-five (175) square feet in area
 - c. Planted with one tree that meets the requirements in Section 6.06.04.
 - d. This provision does not apply to subterranean or above-grade parking structures.
 3. Each row of interior parking spaces shall be terminated at each end by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One hundred (100) square feet in area
 - c. Planted with one tree that meets the requirements in Section 6.06.04.
 - d. This provision does not apply to subterranean or above-grade parking structures.
 - e. Exception: When abutting parking rows each have five or less parking spaces, landscaped areas with breadths of ten feet between the rows may be substituted for the landscaped areas at each end.
 4. All interior landscaping areas shall be protected from vehicular encroachment by either f-type curbing or other similar means (stabilized rail road ties, landscaping timbers, etc....).
 5. Interior portions of off-street parking facilities which are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use.
 - a. These areas shall be planted and permanently maintained with trees and shrubs and finished with ground cover or other landscape material.

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- B. Exemption. Single-dwelling detached and duplex residences are exempt from interior parking landscape requirements.

SECTION 6.06.09 NATIVE PLANTINGS LANDSCAPE REDUCTION INCENTIVE

- A. The minimum landscaping requirement regarding the number of trees, and shrubs may be reduced by 20% if the plan proposes 100% native species to North West Florida for Okaloosa or Walton County as identified in the "Atlas of Florida Plants" as amended, which is maintained by Institute for Systemic Botany at the University of South Florida.

SECTION 6.06.10 LANDSCAPING MAINTENANCE AND USE STANDARDS

- A. Landscaping shall be maintained as follows:
 - 1. All required plant material shall be maintained in a healthy and viable condition.
 - 2. Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.
 - 3. All landscaped areas shall be provided with an irrigation system or a readily available water supply located on-site.
 - 4. All landscaping planted abutting sidewalks, multiuse pathways, pedestrian gathering areas, bicycle lanes or vehicular use areas shall be trimmed so as to not interfere in the use of said areas.
- B. Dead plant material shall be replaced in accordance with the provisions of this section and within a time period appropriate to the growing season of the species in question, not exceeding one year.
- C. No required landscape area shall be used for parking, except encroachment that provides for accessways, structures, typical mechanical equipment, garbage or trash collection or any functional uses contrary to the intent and purposes of this section.
 - 1. In no instance shall a property be permitted not meeting the minimum open space requirements per the appropriate zoning district as required in Article 4.

SECTION 6.07 FENCES AND GATES

SECTION 6.07.01 FENCES

- A. Fences must be resistant to decay, corrosion and termite infestation.
- B. No fence shall be located in the clear visibility triangle. No exceptions shall supersede this regulations, any variance requested or application submitted to not comply with this regulation shall not be accepted or approved.
- C. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- D. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
- E. Any fence containing barbed wire or razor wire material shall be prohibited from being erected or maintained on any lot that contains single dwelling detached, duplex, town home or multifamily residences.
- F. Height and Setbacks:
 - 1. Front Yard:
 - a. No fence may exceed three feet (3') in height when located within five feet (5') of the front property line.
 - b. Exceptions:

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1. If Building Code requires a fence higher than three feet.
2. Single dwelling or duplex dwelling residential properties located within the Village, Harbor, or Holiday Isle Planning Areas as defined and identified in the comprehensive plan.
- c. Multi-Frontage Lots or Properties
 1. Subparagraph a. above applies only to the primary frontage, i.e., driveway access, addressed street, or dwelling orientation.
2. Side Yards:
 - a. Fences, walls and hedges may be permitted in any required side yard or along the side property lines not to exceed eight feet in height.
 - b. Fences in or along the side yards may not be taller than three feet (3') when located within five feet (5') of the front property line.
 - c. Exceptions:
 1. If Building Code requires a fence higher than three feet.
 2. Single dwelling or duplex dwelling residential properties located within the Village, Harbor, or Holiday Isle Planning Areas as defined and identified in the comprehensive plan.
3. Rear Yards:
 - a. Fences, walls and hedges may be permitted in any required rear yard or along the rear property lines not to exceed eight feet in height.
- G. A fence for safety or hazard protection identified by the City Manager or designee may not be subject to height limitations.
 1. Approval to exceed maximum height standards may be given by the City Manager or designee, upon receipt of satisfactory evidence of the need to exceed height standards.

SECTION 6.07.02 GATES

- A. The City Engineer shall review and approve all gated accessways which shall meet the requirements listed below. However, the City Engineer may allow different configurations based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.
- B. General Requirements:
 1. Gates must be resistant to decay, corrosion, and termite infestation.
 2. Gates shall not open into any right-of-way or onto adjacent property.
 3. No gate shall be located in the clear visibility triangle.
- C. Setbacks and Dimensional Limitations:
 1. All gated entry ways shall provide a minimum of fifty-seven feet (57') of off-street stacking from key pad or a manned gate house (which ever is applicable) to the outer edge of the travel way.
 2. No gate shall exceed eight feet (8') in height.
 3. Total gate opening, as measured from the face of the gatepost to face of the gatepost, shall be two feet wider than the accessway.
 4. A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the accessway passing thru the gated area.
- D. Nonresidential, Multi-dwelling, or Subdivision Gate Requirements

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1. Prior to any gated entry way there shall be a minimum unobstructed fifteen foot (15') inside turning radius for turnaround, egress, or other method to allow a vehicle the ability to leave the site if the gate does not open.
2. A pedestrian Gate shall be provided and shall meet all ADA requirements.
- E. All single-dwelling and/or duplex properties with gated accessways shall provide a minimum of forty feet (40') of stacking from outer edge of the travel way to the key pad, call box, or front of gate which ever is closer to the travel way.

SECTION 6.08 BUFFERS

SECTION 6.08.01 NON-RESIDENTIAL BUFFERS AND SUPPLEMENTAL SETBACKS

- A. In the following cases supplemental setbacks or buffers shall be provided as detailed in this section.
 1. All non-residential development or use shall provide supplemental setbacks or buffers when abutting or adjacent to any residential development or use as detailed in this section.
 2. All non-residential development or use shall provide the following supplemental setbacks or buffers when abutting or adjacent to any residential zoning district as detailed in this section.
 3. Multi-dwelling, condominium, or apartment style development shall provide the same buffer and supplemental setbacks as non-residential when adjacent to or abutting single-dwelling, duplex dwelling, or townhome development or residential zoning district as detailed in this section.
 4. Non-residential development when adjacent to mixed-use developments that include residential units are not required to adhere to this section.
- B. It shall be the responsibility of the higher density/intensity use to provide and maintain the buffer zone.
 1. It shall not be the responsibility of the higher density/intensity zoning district property owner to provide a buffer if the development was in place and being utilized before the less density/intensity zoning use located adjacent to the higher density/intensity zoning district property.
- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. Supplemental Setbacks
 1. Any portion of a building that abuts single-dwelling, duplex or townhome uses shall provide a setback from those uses that is equal to one foot for every foot in height (e.g. 75-foot tall project will have an 75-foot setback).
- E. Front Property Boundary Buffer
 1. All nonresidential and multi-dwelling properties shall provide a minimum ten-foot (10') wide buffer within the front yard abutting the right-of-way.
 - a. Exception: Any nonresidential or multi-dwelling development required to place their buildings within ten feet (10') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 2. Width of sidewalks may be included within the Front Property Boundary Buffer if the sidewalk is placed within private property.
 3. The remainder of the front perimeter landscape shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants, excluding paving.
- F. Common Boundary Buffer

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1. A five-foot (5') buffer with living vegetated ground cover, and other living plants such as trees and shrubs meeting the requirements of Section 6.06., shall be provided along all property lines.
2. Wall Requirement
 - a. All nonresidential development, whether in the same zoning district or not, shall provide a six feet (6') to eight feet (8') tall masonry wall to be located within five feet (5') of the property line when:
 - i. The development is adjacent to existing single-dwelling, duplex, or multi-dwelling development
 - ii. The development is adjacent to a residential zoning district
 - b. Where a wall is required within a buffer per Article 6, the tree requirement shall not apply, however the shrub requirement still applies.
- G. Waterfront Buffer
 1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:
 - a. Prevent erosion
 - b. Trap the sediment in overland runoff
 - c. Provide access to the water body
 - d. Allow for periodic flooding without damage to the structures
 2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
 3. Manmade water bodies are excluded from this vegetated buffer requirement.
- H. Wetland Buffers shall follow the standards as required in Article 7 of this Code
- I. Buffer Landscaping Requirements
 1. All buffers shall include the following landscaping requirements.
 2. All buffer areas shall be covered with grass, ground cover, trees, shrubs, or other landscape materials, excluding paving or other hard surfacing where allowed. All materials shall be organic materials.
 3. Tree Requirement:
 - a. One (1) small tree shall be planted for every twenty-five linear feet (25') or fraction thereof, of buffer.
 - b. Trees shall meet the standards listed in Section 6.06. of this article.
 4. Shrub Requirement:
 - a. Four (4) shrubs shall be planted for every ten linear feet (10') or fraction thereof, of buffer
 - b. Shrubs shall meet the standards listed in Section 6.06. of this article.
 5. Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard.
 6. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.
 7. Exceptions:

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- a. A certified Arborist or Landscape Architect may submit a plan that is not in compliance with this section if the environment will not support the required landscape elements.
- b. The plan shall be approved by the City Manger or designee before development order, building permit, or other construction permit, which ever comes first.
- c. The alternative plan:
 - i. Shall detail and show that it still meets the intent of this section
 - ii. Cannot propose to not plant any vegetation or groundcover
 - iii. Shall detail canopy spread of the proposed alternative plan that is equal to or greater than the requirements of this section.

SECTION 6.08.02 RESIDENTIAL BUFFERS

- A. The following buffers are required for all single-dwelling and/or duplex developments.
- B. Multi-dwelling developments, when abutting or adjacent to single-dwelling or duplex development shall provide the buffer and setback requirements as required in Section 6.08.01.
- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. All buffer areas shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants.
 1. The list below are examples of landscape elements or materials not allowed in buffer areas but it is not limited to this list.
 - a. Rocks or pebbles
 - b. Hardscaping such as concrete or asphalt
 - c. Pavers or stepping stones
 - d. Materials similar in make-up or character as listed above
 - e. No vehicular use area shall be placed within any buffer area except where an approved accessway is located.
- E. Front Property Boundary Buffer
 1. All residential and single-dwelling properties shall provide a minimum five-foot (5') wide buffer within the front yard from the right-of-way/front property line in-ward of the private property.
 2. No fence higher than three feet (3') in height may be permitted within the Front Property Perimeter Buffer except when in conflict with the Florida Building Code, or as allowed in Section 6.07.01.F.
 3. Exception
 - a. Any multi-dwelling development required to place their buildings within five feet (5') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 4. Width of sidewalks shall not be included within the front property perimeter buffer.
- F. Driveway Buffer
 1. All driveways shall be located a minimum of one foot (1') from any property line.
 - a. Exception: If there is a recorded joint accessway agreement as described in Section 6.02.04 of this article, driveways may be within the driveway buffer.
- G. Waterfront Buffer
 1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:

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- a. Prevent erosion
- b. Trap the sediment in overland runoff
- c. Provide access to the water body
- d. Allow for periodic flooding without damage to the structures
2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
3. Manmade water bodies are excluded from this vegetated buffer requirement.
- H. Wetland Buffers shall follow the standards as required in Article 7 of this Code.
- I. Buffer Landscaping Requirements
 1. All buffer areas shall be covered with grass, ground cover, trees , shrubs, or other landscape materials, excluding paving or other hard surfacing. All materials shall be organic materials.
 2. Front Property Boundary Buffer
 - a. Tree Requirement:
 - i. One (1) small or medium tree shall be planted for every fifty linear feet (50') or fraction thereof.
 - ii. Trees shall meet the standards listed in Section 6.06. of this article.
 - b. Shrub Requirement:
 - i. Four (4) shrubs shall be planted for every fifty linear feet (50') or fraction thereof.
 - ii. Shrubs shall be setback five feet (5') from the front property line.
 - iii. Shrubs shall meet the standards listed in Section 6.06. of this article.
 3. Existing native trees may be credited toward the standards of this Section.
 4. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.

SECTION 6.09 ENVIRONMENTAL CONTROL PLANS

SECTION 6.09.01 EROSION AND SEDIMENT CONTROL PLAN

- A. An erosion and sediment control plan (ESCP) approved by the City Engineer, or designee, shall be required for all development or redevelopment activities.
- B. The ESCP plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate and include;
 1. The environmental characteristics of the affected areas
 2. The potential impacts of the proposed grading on water resources
 3. Measures proposed to minimize soil erosion and off-site sedimentation
 4. Or other elements as required by the City Manger or designee
- C. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan.
- D. All projects disturbing land area over one (1) acre shall also provide a copy of the stormwater pollution prevention plan (SWPPP) in addition to the ESCP. All projects disturbing less than one acre shall provide an ESCP.
- E. All ESCPs shall contain, as a minimum, the following

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1. An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.
 2. An indication of the scale used.
 3. The contact information of the owner and/or developer, and contractor of the property where the land disturbing activity is proposed.
 4. A 24-hour contact person's phone number. That person shall have demonstrated ability in maintenance of erosion control measures.
 5. Suitable contours for the existing and proposed topography.
 6. The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
 7. A clear and definite delineation of any areas of vegetation or trees to be saved.
 8. A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.
 9. A clear and definite delineation of any 100-year floodplain on or near the site.
 10. Storm drain system, including quantities of flow and site conditions around all points of surface water discharge from the site.
 11. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.
 12. Any proposed temporary erosion control structures.
 13. Any proposed permanent erosion control structures.
 14. A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.
 15. The City Engineer may require any reasonable additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed reasonably necessary to ensure compliance with this section.
 16. A description of, and specifications for, sediment retention structures.
 17. A description of, and specifications for, surface runoff and erosion control devices.
 18. A description of permanent erosion control measures.
 19. The applicant may propose the use of any erosion and sediment control techniques in a final plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Florida Department of Environmental Protection Florida Stormwater Erosion and Sedimentation Control Inspection Manual (latest edition).
 20. Proof of all federal and/or state approvals (as applicable) is required prior to obtaining any City permit.
- F. Exemptions.
1. The following activities are exempt from providing an ESCP.
 - a. Cemetery graves.
 - b. Emergencies posing an immediate danger to life or property, or substantial floor or fire hazards.
 - c. Any activity where the total volume of material disturbed, stored, disposed of, or used as fill, does not exceed five cubic yards. Or, the area disturbed does not exceed 750 square feet provided it does not obstruct a watercourse, and is not located in a floodplain. Erosion and sediment control devices may be required pending a site evaluation by the City Engineer.

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- G. Construction site or other grading and/or filling activities
1. All work at construction sites or other site work involving grading and/or filling activities shall be governed by the following regulations:
 - a. Ground cover. All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.
 - i. Minimize the amount of existing vegetation that you must disturb for construction.
 - ii. Keep out of critical areas and their buffers.
 - iii. Areas not being worked on for 30 calendar days or more shall be vegetated and/or stabilized using BMPs.
 - iv. Slopes and stockpiles 3H:1V or steeper and more than ten feet of vertical relief shall be covered if they are un-worked for more than 48 hours.
 - v. Areas that are being hydro-seeded shall have a tackifier mixed into the hydro-seed to help stabilize mixture onto the soil.
 2. Perimeter Protection is required for all development or redevelopment activities.
 - a. Perimeter protection to filter sediment for sheet flow washout shall be located down slope of all disturbed areas and be properly installed prior to upslope grading.
 3. Environmentally sensitive area (ESA) restrictions shall include but not be limited to all wetlands, open water bodies and beaches.
 - a. Phasing and more conservative Best Management Practices (BMPs) must be evaluated for construction activities near environmentally sensitive areas.
 - b. A minimum of two rows of properly installed erosion control devices are required to protect from sediment inflow and wind-borne debris from entering these areas.
 4. Surface water controls are required when development activity is:
 - a. Within 15 feet of the shoreline of an open water body.
 - b. In and/or over an open water body.
 5. Traffic area stabilization
 - a. One temporary construction accessway/driveway entrance is allowed per construction site and shall be located such to minimize motor vehicle and pedestrian impacts on the adjacent properties and rights-of-way.
 - b. Multiple entrances may be approved if the developer can prove that more are needed to protect the health, safety, and welfare of the general public.
 - c. The following regulations apply to all temporary construction accessway/driveways:
 - i. Temporary construction accessway/driveway entrances, access roads, and parking areas used by construction traffic shall be stabilized to minimize erosion and prevent tracking mud or soil from the site.
 - ii. Before clearing and grading, construction entrance(s) shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within the site that is open to the public.
 - iii. Construction entrance(s) shall be set up so that all traffic leaving a job site is required to travel the entire length of entrance.
 - iv. Additional techniques to reduce soil tracking off a site and onto a roadway such as wheel washing stations may be required.
 - v. Any sediment that is tracked onto the road pavement shall be removed immediately and placed back on-site (prior to the end of the workday) by sweeping.
 - vi. The pavement shall not be cleaned by washing/flushing streets.

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6. Sediment retention
 - a. All sediments/soils shall remain on site. The following sediment retention regulations are required on all areas of development and redevelopment activities:
 - i. Sediment retention facilities shall be installed before grading.
 - ii. If sediment retention facilities need to be removed for grading, additional ponds/traps/systems to accommodate storage capacity need to be installed on site. This will be done prior to removal of existing facility.
 - iii. Catch basin protections are to be used to prevent sediments from entering drainage system. Inserts are to be inspected and cleaned weekly and after each rainfall event.
 - b. Catch basins need to be checked for buildup of sediments. If sediment trap (area between pipe invert and bottom of basin) is 1/3 or more filled with sediments, they are to be cleaned out and sediments removed or stabilized on-site.
- H. Maintenance of erosion control devices
 1. The following maintenance of erosion control device regulations are required on all areas of development or redevelopment activities:
 - a. All projects shall have a designated erosion and sediment control (ESC) supervisor who will be responsible for ESC review, maintenance, and compliance.
 - b. The ESCP shall be installed, implemented, and maintained at all times through the entire duration of the project until issuance of Certificate of Occupancy or Certificate of Completion, whichever is applicable.
 - c. ESC shall be maintained and inspected in accordance with all FDEP/NPDES requirements.
 - d. The ESC supervisor must be available, 24 hours, for rapid response to ESC problems and emergencies.
 - e. A 24-hour phone number for the ESC Supervisor shall be posted in a clearly visible location on the project site.
- I. Final stabilization conditions
 1. The following final stabilization conditions must be met prior to final construction approval:
 - a. All temporary construction accessway/driveway entrances shall be removed and the right-of-way re-graded, restored, and re-vegetated to original or better condition.
 - b. All disturbed areas of the site shall be vegetated or otherwise permanently stabilized.
 - c. Structural measures such as silt fence, slope drains, etc. shall be removed from site.
 - d. All permanent stormwater facilities including catch basins, pipes, etc. shall be cleaned. Drainage system videoing may be required at the request of the city engineer.
 - e. Any off-site catch basins or curb inlets that require protection shall be cleaned.
- J. Post construction erosion monitoring and maintenance
 1. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
 - a. Sediment/soil erosion leaving a site or property shall be prohibited.
 - b. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.

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- c. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
- d. Tracking sediment or soil onto a roadway shall be prohibited.
- e. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the owner fail, within 30 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred. The City may also require a Special Magistrate Hearing to rectify the situation

SECTION 6.09.02 POST CONSTRUCTION EROSION MONITORING AND MAINTENANCE

- A. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
- B. The following activities are prohibited:
 - 1. Sediment/soil erosion leaving a site or property shall be prohibited.
 - 2. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
 - 3. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
 - 4. Tracking sediment or soil onto a roadway shall be prohibited.
- C. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy.
- D. Should the owner fail, within 10 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred.

SECTION 6.09.03 DUST CONTROL PLANS

- A. A dust control plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- C. The following dust control regulations are required on all areas of development or redevelopment activities:
 - 1. If water truck is used to control dust on dirt/graded areas only, water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction. No run-off is to be generated.
 - 2. Controlling dust on paved roadways will be done using a sweeper with water-jet sprayers. Only enough water should be applied to control dust while sweeping. Do not generate run-off from sprayers that run into catch basins.
- D. Dust Control Plan requirements
 - 1. How grading operations will be handled/suspended when winds exceed 30 miles per hour.
 - 2. How water will be applied to all surfaces prior to, and if necessary during, excavation.

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3. How water or a covering will be applied to all particulate materials contained in open-bodied trucks, trailers or other vehicles transporting particulate matter prior to operation of the vehicle, in order to prevent as much dust as possible from becoming airborne during transportation.
 4. How water or a covering will be applied to all stockpiles of particulate material to prevent as much dust as possible dust from becoming airborne during high wind conditions.
 5. How transfer processes involving free fall of soil or other particulate matter will be performed in order to minimize free fall distance and thus reduce dust emissions.
 6. How and when water will be applied to unpaved surfaces, including adjacent rights-of-way, or any other surface that can create airborne dust in order adequately to control dust emissions.
 7. How and when ground cover on the development site will be reestablished prior to final occupancy.
 8. The designated routes within the job site that will be used by vehicles transporting soil or other materials to and from the site.
 9. How soil, sand, dirt and any other particulate matter will be removed from vehicle tires and undercarriages prior to leaving the development site, in order to prevent the tracking out of said soil, sand, dirt, etc., onto the adjacent rights-of-way.
 10. The maximum speed limit on unpaved roads through the construction site and how and where speed limit signs will be posted along the haul road routes so that they are visible to vehicles entering and leaving the development site.
 11. How and when soil, sand and other particulate material deposited or emitted onto any right-of-way near the development site will be removed.
 12. How dust control systems and/or devices, including but not limited to water application systems, filter replacement, or daily removal of excess dust from containment areas, will be maintained.
 13. How and when opacity monitoring will be performed by a properly trained and certified individual in order to make sure that dust emissions do not exceed 30 percent over a six-minute period; and how remedial actions to address excess opacity will be immediately managed and documented.
- E. In addition to providing the dust control plan, the contractor shall provide to the City a copy of the daily dust control checklist on which the contractor will document the compliance of the mitigation activities detailed in the dust control plan.
- F. The contractor shall make the dust control plan and the daily dust control checklist available at the job site for periodic review, inspection and copying by the City's representatives.

SECTION 6.09.04 VIBRATION MITIGATION PLANS

- A. A vibration mitigation plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. A Vibration mitigation plan is required for all non-residential and multi-dwelling development.
 1. Single-dwelling and duplex developments are exempt from this section.
- C. All vibration mitigation plan must meet the requirements stated in this section
- D. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- E. Vibration Mitigation Plan requirements
 1. a description of the control processes that the Contractor will implement in order to address the following:

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- a. How to ensure that any activity will not transmit vibrations to sensitive receptor structures at or above the Federal Transit Administration (FTA) approximate vibration damage threshold of 95 Vibration Decibels (VdB).
- b. How to minimize the impact on surrounding areas for any activity exceeding the approximate FTA vibration annoyance threshold of 80 VdB.

SECTION 6.09.05 LITTER CONTROL

- A. The purpose of this section is to provide a sanitary and satisfactory method of handling, collecting, and disposing of litter, and for the maintenance of public and private property that may negatively impact the health and safety of the community.
- B. Construction site.
 1. Litter prohibited.
 - a. It shall be unlawful for any owner, agent, or contractor of a construction site to cause, or allow, the presence of litter on such site outside of a proper receptacle or to cause, or allow, litter or waste to be spilled, discharged, or blown by wind or carried away by water.
 - b. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.
 2. Receptacles required.
 - a. The owner, agent, or contractor in charge of a construction site shall furnish on site, receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste.
 - b. All receptacles shall be conveniently available, maintained and secured or covered.
 3. The number and capacity of receptacles should be determined by the primary contractor, but not less than one receptacle for worker's litter and no less than one receptacle for construction waste shall be placed at each construction site.
 - a. Receptacles required under this subsection shall be not less than 50 gallon capacity.
 4. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced when full.

SECTION 6.09.06 MATERIAL MANAGEMENT

- A. The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways.
- B. Construction sites.
 1. Paint/solvent storage shall not be within 50 feet of an environmentally sensitive area (ESA) and shall be enclosed in weather/leak proof storage facility.
 2. Fuel storage tanks shall be located 75 feet or more from an ESA or storm drain and shall be in a state approved leak proof container.
 3. All above ground tanks for fueling shall be secondarily contained.
 4. Portable waste receptacles must be on the construction site and must be serviced on a regular basis.
 5. Construction site accessway/driveways can be installed with or without wheel washing stations, but must prevent construction site vehicle wheels from transporting soil and sediment off of construction site and onto roadways.
 6. All hazardous waste material shall be disposed of in a manner specified by federal, state, local regulations, and manufacturer's specifications.

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7. All on-site vehicles and tanks shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products shall be stored in tightly sealed containers, which are clearly labeled. Storage shall be at least 75 feet from an ESA or storm drain, inlet, or infiltration structure.
8. Any pesticide and herbicide usage shall be applied by a state licensed applicator and shall not be applied to ESA except by governmental authorized mosquito control programs or approved projects subject to FS 373.451 (Surface Water Improvement and Management Act).
9. Pesticides and herbicides shall not be stored within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway.
10. Fertilizers used shall be applied only in the minimum amount recommended by the manufacturer and shall not be applied within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway.
11. Fertilizers Shall not be stored within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway. If stored on-site covered storage shall be provided. Any contents of any partially used bags of fertilizers shall be transferred to a sealable container.

SECTION 6.10 EASEMENTS

SECTION 6.10.01 EASEMENTS

- A. Easements shall be provided for all utilities, facilities, or services which are required for development which include but are not limited to:
 1. Access (Vehicular or Pedestrian)
 2. Communications
 3. Conservation
 4. Drainage or Stormwater
 5. Electrical
 6. Potable Water
 7. Waste Water

SECTION 6.11 HARBOR BOARDWALK AND AMENITIES

SECTION 6.11.01 REQUIRED HARBOR BOARDWALK DEVELOPMENT

- A. The following requirements only apply to development projects located in the SHMU zoning district:
 1. Pedestrian easements dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront are required.
 2. For the north-south access, developments have the option to provide either an exclusive pedestrian easement with a minimum width of ten feet when such easement is not located next to an adjoining property line or a five-foot wide easement when it is located next to an adjoining property line of the development.
 3. For east-west access, developments must provide a pedestrian easement for the Harbor Boardwalk and Promenade with a minimum width as indicated in subsection b, listed below. All pedestrian areas shall be constructed of pavers, asphalt, concrete, stamped and colored concrete, boards or other impervious surfaces.

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4. Additionally, all pedestrian easements dedicated to the public for access shall have adequate outdoor lighting to help ensure the health, safety, and welfare of the public at night.
- B. Design and Construction
1. Each development is responsible for constructing that portion of the Harbor Boardwalk and Promenade fronting its property to the following minimum standards listed below.
 - a. Harbor Boardwalk and Promenade materials:
 - i. Development of The Harbor Boardwalk and Promenade shall reviewed and approved by the CRA Board.
 - b. Width and Height of Pedestrian Walking Surface
 - i. Fifteen feet minimum with an average of 25 feet.
 - ii. No structures, other than canopies, may extend over the pedestrian walking surface.
 - iii. A minimum vertical clearance of ten feet (10') must be provided when canopies protrude over the pedestrian walking surface.
 - iv. Height of Pedestrian Walking Surface
 - (a) Four feet (4') to twelve feet (12') above mean high water line.
 - (b) Height of pedestrian walking surface may vary from the previously mentioned standard to be compatible with the height of the Harbor Boardwalk and Promenade fronting adjacent properties and to comply with the Americans with Disabilities Act requirements.
 2. Design and construction of waterfront amenities/improvements.
 - a. Lighting, benches, drinking fountains, trash containers, planters, and other hardscape items shall be as per the standards and specifications approved by the CRA Board.
 - b. Lateral connections to the Harbor Boardwalk Promenade must meet the above standards for walking surface height, hardscape, and vertical boardwalk features.
 - c. Each development shall erect and maintain a historical or informational display board for every 150 linear feet or fraction thereof of Boardwalk. Historical or informational display boards shall be constructed per the standards and specifications approved by the CRA Board.
- C. Water Taxi Stop
1. All commercial, mixed use and multifamily development that border the Destin Harbor, the East Pass or Choctawhatchee Bay shall provide a minimum of one loading and unloading area or slip which shall be reserved for use by a water taxi.
 2. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi. Additionally, water taxi amenities shall be provided in conjunction with the water taxi stop.
 3. Water taxi amenities shall include:
 - a. A bench or combination of benches that accommodates a minimum of eight people;
 - b. A trash receptacle;
 - c. Sufficient outdoor lighting for safe pedestrian movement at night;
 - d. A location/information sign that at a minimum shows the location of the water taxi stop in regard to other water taxi stops, transit stops, and public parking garages; and
 - e. A boardwalk/sidewalk that connects the water taxi stop area to the internal (development site) and, if applicable, external (public) sidewalk system.

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SECTION 6.12 CONSTRUCTION AND DEVELOPMENT ACTIVITY

SECTION 6.12.01 SIGNAGE

A. Signage

1. A sign, meeting the following requirements, shall be posted on the property:
 - a. The sign must be prominently placed on the development site and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way
 - b. Such sign shall be a minimum of eighteen inches by twenty-four inches (18" x 24") in size;
 - c. The sign must clearly indicate the following:
 - i. Name of the responsible Emergency Contact
 - ii. A phone Number that is accessible 24 hours a day, seven days a week
 - iii. Permit Number
 - d. The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).

SECTION 6.12.02 SCREENING

- A. All construction sites, active or inactive, shall provide site screening fence, along all property lines.
- B. The screen material shall:
 1. Be made of an opaque material capable of allowing air to pass but semi-pervious to dust and dirt.
 2. Be of a fineness such that no material over one-eighth (1/8) inch in size shall pass through the mesh.
 3. Be securely affixed to the construction fence.
 4. Have a minimum height of five (5) feet and a maximum height of eight (8) feet.
- C. The screening material shall be maintained in good condition and taut throughout the allotted permit time.
- D. The screening must be kept secure from any wind action.
- E. In cases where the finished grade of the development site is higher by more than one (1) foot or more than the grade of the adjoining properties, said fence screening shall be placed at the finished grade and not the existing grade.
- F. Any image placed on the construction fence screening must be of a non-commercial nature and not promote any activity or entity supporting or providing goods and services.
- G. All construction screening must be removed upon:
 1. The building permit being completed and before issuance of the Certificate of Occupancy or Completion.
 2. The project becoming inactive, and the site is restabilized.
 3. The issuance of a hurricane warning for the greater Destin area by the National Hurricane Center.

SECTION 6.12.03 CONSTRUCTION VEHICLE PARKING MITIGATION PLAN

- A. All construction and development activity must provide a Construction Vehicle Parking Mitigation Plan in accordance with the Code of Ordinances, Article 2 Chapter 18, Section 21.

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SECTION 6.13 CONCURRENCY MANAGEMENT

SECTION 6.13.01 CONCURRENCY MANAGEMENT SYSTEM

- A. The purpose of the City of Destin's Concurrency Management System (CMS) is to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.
- B. Prior to the issuance of a development order (permit), the system shall ensure that the adopted level of service standards in this Code for, potable water, sanitary sewer, solid waste, drainage, recreation and open space will be maintained.
- C. The City Manager or designee shall be responsible for ensuring developer compliance with the concurrency management system and shall report on such compliance to the Local Planning Agency and City Council as required.

SECTION 6.13.02 GENERAL REQUIREMENTS

- A. If a proposed development meets the criteria set forth in Article 2, Section 2.05.01, then concurrency compliance shall be met. The burden of showing concurrency compliance shall be upon the developer. Such information shall be compiled and quantified prior to requesting a review of a development order application.
- B. Capacity allocation
 - 1. Capacity shall be allocated on a first come-first served basis, i.e. reservation of capacity goes to the developer that first obtains approval to perform construction on the site. The allocation of capacity, however, shall be subject to the following sunset provisions:
 - a. Capacity approved and assigned to a development project shall remain valid for a period of not more than one year from the date of the approved development order. The date of the approved development order is the date from which it is issued by the community development department. However, a building permit must be issued for either the construction of infrastructure or construction of the entire project and construction must commence within said one-year period or the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void and capacity assigned to the development will be returned to the pool of available capacity.
 - b. If construction of infrastructure is not commenced within one year after allocation of capacity, capacity assigned to an approved development will be returned to the pool of available capacity and the development order will be considered expired. An extension to the one year deadline to obtain a building permit, as defined in Section 6.01.00.B.1.a, is allowed provided that a building permit is obtained in accordance with procedures outlined in Article 2, Section 2.15.00, extension of a final development order. Vested capacity associated with developer development agreements or development orders issued pursuant to Chapter 380 Florida Statutes are exempt from this paragraph and shall be subject to the specific terms stated therein, or in applicable City ordinances.

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- c. If a property and its associated development order is sold to an individual or company its concurrency shall remain vested, provided that the original developer has complied with all other provisions of this article.
- d. Capacity cannot be reserved by the payment of impact fees (i.e., parks, public library, police protection, road, water, sewer, tap fees).
2. In the event of withdrawal of capacity following the issuance of a final development order or a building permit, it shall be incumbent upon the developer to reapply for capacity allocation if a continuation of the project is desired.
- C. Concurrency for all categories shall be evaluated by the Technical Review Team members. For all projects determined to meet the criteria for a major development order, the test for concurrency must be met prior to development order application being advertised for any public hearing. If an applicant disputes a determination that concurrency has not been met, then the applicant may request that the application to be scheduled for the next available public hearing of the City Council. For projects determined to be a minor development order, the test for concurrency must be met prior to the issuance of a development order.
- D. Projects deemed to have a de minimis impact pursuant to the comprehensive plan shall not be subject to concurrency requirements.

SECTION 6.13.03 DETERMINATION OF CONCURRENCY

- A. Determination of concurrency in all measurable categories by the city occurs during the initial review of the development order application by the technical review committee.
- B. Concurrency determination shall be evaluated against the requirements of this Article specifically and generally by this Code.
- C. Developer concurrence assessment shall be in accordance with Section 6.13.
- D. In no case shall any proposed development proceed without a finding of concurrency which establishes that levels of service (LOS) will not be degraded, unless degradation is allowed pursuant to a policy in the adopted comprehensive plan.

SECTION 6.13.04 MINIMUM REQUIREMENTS

- A. As a minimum, at least one of the following standards will be met prior to issuance of a development order:
 1. The necessary facilities and services are in place at the time a development permit is issued
 2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur
 3. The necessary facilities are under construction at the time a permit is issued
 4. The necessary facilities and services as they relate to parks, recreational facilities and roads are the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time that the development permit is issued.
 - a. Construction of the facilities and services shall commence within one year of the issuance of the building permit.
 5. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. 163.3220 or an agreement or development order issued pursuant to F.S. ch. 380. Any such agreement shall include provisions pursuant to subparts A., B., or C. above.

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SECTION 6.13.05 QUANTIFYING CONCURRENCY

A. Adding Capacity

1. Add total capacity of existing facilities (sanitary sewer, solid waste, drainage, potable water, recreation and open space).
2. Add to the above, total capacity of new facilities, or facility expansions that will result from planned activity. Capacity of new facilities shall be counted only under one or more of the following conditions:
 - a. Construction of the new facilities is underway at the time of the issuance of a development order.
 - b. The new facilities are the subject of a binding contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
3. If the development application is for the redevelopment of improved property, add to the above the capacity created by the change in demand created by the redevelopment activity.
4. Capacity credit shall be given for reduction in demand on facilities.

B. Subtracting capacity.

1. From the sum calculated above, subtract the following:
 - a. The demand for the service or facility created by existing development as documented by the provider of such facility or in the foundation documents of the comprehensive plan plus the demand upon any new facility, expansions, or improvements anticipated as a result of the planned activity.

C. Demand

1. Demand shall be calculated using the following adopted LOS(s)
 - a. Sanitary sewer: includes collection and treatment
 - i. Residential: 255 gallons per residential unit per day
 - ii. Non-residential: 80% of the potable water usage
 - b. Solid waste: Five pounds per capita per day.
 - c. Drainage: Retain the first inch of runoff on-site; and post-development runoff shall not exceed the pre-development rate for a 25-year storm event, up to an including an event with a 24-hour duration.
 - d. Potable water:
 - i. Residential: 294 gallons per household per day on an average annual basis
 - ii. Commercial: 166 gallons per day for every 1,000 square feet
 - e. Recreation and open space:
 - i. Neighborhood park: 1.0 acre per 1,000 functional population
 - ii. Community park: Two acres per 1,000 population.

D. Deficient capacity

1. Where capacity is shown to be deficient, the following methods may be used to maintain adopted levels of service.
 - a. The developer may agree to provide necessary capacity improvements to maintain levels of service.
 - b. The planned activity may be reduced in scope so that demand does not exceed capacity.
 - c. The developer may petition the city to provide required infrastructure to maintain LOS.
 - i. Such petition must accompany the application for development approval, either preliminary or final.

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- ii. Such a request, if financed from the general fund, can be granted only under the following conditions:
 - (a) Planned activity will result in multiple benefits for the community, whether economic, cultural, recreational or social.
 - (b) If such an expenditure is authorized, the resulting capacity improvement shall be available to any other developer who may have been previously denied a development order for an identical capacity deficiency (or deficiencies).
- d. Additional capacity for state-maintained roadways may be counted if capacity improvements are included within the first three years of the Florida Department of Transportation's five-year work program, as the work program exists at the time of application for development approval (see article 8 of this Code).

SECTION 6.14 LEVELS OF SERVICE

SECTION 6.14.01 ADOPTED LEVELS OF SERVICE

- A. All levels of service (LOS) are adopted in the City's comprehensive plan which shall be utilized in the analysis of concurrency if required or a proposed development's impact on the existing infrastructure or systems and the potential degradation.
- B. In no case shall any proposed development proceed without approval of the project a determination from the TRC of either no impact to the LOS or the impacts are an acceptable and there is minimal degradation to the existing infrastructure or systems below the adopted levels of service pursuant to the comprehensive plan.
- C. Degradation of LOS during construction is expected and allowed so long as the approved LOS returns once construction is complete.
- D. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

SECTION 6.14.02 MAINTAINING AND MONITORING OF LEVELS OF SERVICE

- A. For the purposes of concurrency and required reporting the City shall require adherence to concurrency requirements for drainage, potable water, sanitary sewer, and solid waste.
- B. The levels of service for parks, open space, and recreation shall be monitored and mitigated by appropriate means by the developer to maintain the adopted levels of service as part of any proposed development approval.
 - 1. Appropriate means include but is not limited to:
 - a. Building new playground equipment.
 - b. Dedicating land.
 - c. Building infrastructure for vehicles or other multi-modal transportation needs
 - d. Other means or elements to mitigate the degradation of the levels of service as needed.

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

7.01.00. Mitigation of development activity impacts.

~~7.01.01. Purpose. The purpose of this section is to mitigate the impacts of development activity of a particular nonresidential or multifamily residential development site on surrounding properties. This section regulates and therefore reduces potential undesirable impacts such as noise, vibration, air quality, and aesthetics.~~

~~7.01.02. Development activity mitigation standards. Prior to commencement of construction for all nonresidential or multifamily residential development sites, the following regulations shall be met:~~

~~A. — The owner or owners' representative shall install construction site screening, in accordance with the regulations stated in Code of Ordinances, Chapter 6, Buildings and Building Regulations, Article III, Construction Site Screening, along all property lines.~~

~~B. — A sign, meeting the following requirements, shall be posted on the property:~~

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1. ~~_____ The sign must be prominently placed on the development site and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way;~~

2. ~~_____ Such sign shall be not larger than 18 inches by 24 inches and not smaller than 16 inches by ten inches in size;~~

3. ~~_____ The sign must clearly indicate the name, and 24 hours a day, seven days a week emergency contact phone number of the responsible party for said development site; and~~

4. ~~_____ The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).~~

C. ~~_____ A dust control plan, which is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval. Said dust control plan must meet the requirements stated in Section 11.10.03 of this Code. After the City has approved the dust control plan, said plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.~~

D. ~~_____ A vibration impact mitigation plan, which is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval. Said vibration impact mitigation plan must meet the requirements stated in Section 7.02.03 of this Code. After the City has approved the vibration impact mitigation plan, said plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.~~

E. ~~_____ A construction vehicle parking mitigation plan must be submitted to the City for review and approval. Said construction vehicle parking mitigation plan must indicate the location on the property where all motorized construction vehicles will be parked at the end of the work day. All motorized construction vehicles shall be located as far away from adjoining residential dwellings as possible.~~

(Ord. No. 08-21-LC, § 4, 12-15-08)

7.02.00. Mitigation of vibration impacts.

~~7.02.01. *Purpose.* The purpose of this section is to mitigate vibration impact of development activity of a particular site on surrounding properties. This section requires construction activity planning and methods to prevent vibratory levels from causing structural damage and to minimize vibratory levels annoyance.~~

~~7.02.02. *Applicability.* The provisions of this section shall apply to nonresidential or multifamily residential development sites where development activity is capable of generating unacceptable levels of vibrations.~~

~~7.02.03. *Vibration impact mitigation plan.* Prior to the commencement of construction for all nonresidential or multifamily residential development sites, the Contractor shall provide to the City for review and approval a written vibration impact mitigation plan.~~

A. ~~_____ *Vibration impact mitigation requirements.* The vibration impact mitigation plan shall include, but not be limited to, a description of the control processes that the Contractor will implement in order to address the following:~~

1. — How to ensure that any activity included but not limited to pile driving, earthwork compaction, concrete and asphalt breaking will not transmit vibrations to sensitive receptor structures at or above the Federal Transit Administration (FTA) approximate vibration damage threshold of 95 Vibration Decibels (VdB).

2. — How to minimize the impact on surrounding areas for any activity exceeding the approximate FTA vibration annoyance threshold of 80 VdB.

(Ord. No. 08-21-LC, § 5, 12-15-08)

7.17.00. Outdoor lighting standards.

7.17.01. Purpose and intent. This Section is intended to reduce the problems created by existing and proposed improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, eliminate light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor lighting fixtures can illuminate and by limiting the total allowable illumination of lots located within the City of Destin. All business, residential, and community luminaries should be installed with the idea of being a "good neighbor," with the intent to keep unnecessary direct light from shining onto abutting properties or streets.

7.17.02. Light measurement. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent. Measurements shall be taken by a Code Enforcement Officer or other designated City Staff with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in foot candles (FC). All FC values listed are maintained foot candles.

7.17.03. General lighting standards.

A. — *No off-site illumination.* Unless otherwise specified below, the maximum light level shall be zero point two (0.2) maintained foot candles at any property line in a residential use area, or on a lot occupied by a dwelling, congregate care or congregate living structure, and no greater than five maintained foot candles at all street rights-of-way.

B. — *Limitations on glare.* No operation or activity producing glare in excess of the amounts permitted below:

1. — *All commercial and manufacturing districts:* Any operation or activity producing glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of zero foot candles when measured at grade at the property line with an adjacent residential use area.

2. — All vertically mounted directional lights (floodlights and spotlights) shall be installed so that the fixture shall be aimed down at least 45 degrees from vertical, or the front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield. Flood lights and display

lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.

3. — All horizontally mounted directional lights (floodlights and spotlights) emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

4. — All wall pack fixtures shall be full cutoff fixtures.

C. — Lighting in parking lots and outdoor areas.

1. — All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures. Forward throw fixtures are required within 25 feet of all street rights of way. Alternatively, directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.

2. — Other than flood lights, all outdoor area and parking lot lighting fixtures generating more than 2,000 lumens shall be cutoff fixtures, or comply with at least one of the exception provisions in Subsection 4. below.

3. — For all new development and redevelopment, the mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed 16 feet above finished grade in residentially zoned areas and in pedestrian use areas; and shall be mounted as low as possible, but not exceed 30 feet above finished grade in nonresidential areas.

4. — Electrical service for all new outdoor lighting shall be installed underground.

5. — Exceptions:

a. — Non-cutoff fixtures may be used when the maximum lumens generated by each fixture does not exceed 2,000 lumens per fixture.

b. — All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

c. — All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

d. — All nonresidential non-cutoff fixture open bottom lights shall be equipped with full cutoff fixture shields that eliminate glare and up light.

D. — Lighting for vehicular canopies. Areas under a vehicular canopy shall have a maximum point of horizontal luminance of 24 foot candles (FC). Areas outside the vehicular canopy shall be regulated by the standards of Subsection D. above. Lighting under vehicular canopies shall be dep-signed so as not to create glare off-site. Acceptable methods include one or more of the following:

1. — Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

2. — Light fixture incorporating shields, or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.

3. — Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.

4. — Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.

5. — Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

E. — *Lighting of buildings and landscaping.* Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and all street rights-of-way; and generate no off-site glare.

7.17.04. Outdoor lighting standards for the marine turtle conservation zone.

A. — *Purpose and intent.* This ordinance is intended to protect marine turtle hatchlings from the adverse effects of artificial lighting to provide overall improvement in nesting habitat degraded by light pollution, and to increase successful nesting activities and production of hatchlings on the beaches located within the Marine Turtle Conservation Zone within the City Limits of the City of Destin. The provisions of Section 7.17.00 apply during the nesting season as defined in Article 3, Section 3.00.00.

B. — *Standards for new construction activities.* In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone are adopted:

1. — Exterior artificial lighting fixtures shall be designed for and positioned so that:

a. — The point source of light or any reflective surface of the light fixture is not directly visible from the beach;

b. — Areas seaward of the frontal dune are not directly or indirectly illuminated; and

c. — Areas seaward of the frontal dune are not cumulatively illuminated.

2. — Exterior artificial light fixtures within direct line of sight of the beach will be permitted only if designed and installed completely shielded down light only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less), "bug" type bulbs and non-reflective interior surface. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used if they are in compliance with subsection (1)(a), (b), and (c) above.

3. — Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.

4. — No lighting other than approved turtle friendly lights installed appropriately shall be allowed on dune walkovers.

~~5. Exterior lights used expressly for safety or security purposes must comply with subsections (1)(a) and (b) above and shall be limited to the minimum number of configurations required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required.~~

~~6. Only low intensity lighting shall be used in parking areas within line of sight of the beach. Such lighting shall be:~~

~~a. Set on a base which raises source of light no higher than 48 inches off the ground; and~~

~~b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of light feature is not visible from the beach and does not directly or indirectly illuminate the beach.~~

~~7. Parking area lighting shall be shielded from the beach through the use of ground level barriers. Ground level barriers must not interfere with marine turtle nesting or hatchling emergence, or cause short or long-term damage to the beach/dune system.~~

~~8. Tinted glass shall be installed on all windows and glass doors on single or multi-story structures within line of sight of the beach.~~

~~9. Use of appropriately shielded low pressure sodium vapor lamps and fixtures shall be required for high intensity lighting applications such as lighting parking areas and roadways providing security, and similar applications.~~

~~10. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.~~

~~11. Before granting any building permit, the Community Development Department shall determine that all proposed development complies in all respects with the standards imposed in this section.~~

~~12. Utility lease lighting shall comply to all respects with the standards imposed in this ordinance, with the exception that appropriated shielded, full cut off feature high pressure sodium lights may be installed for utility lease lighting until the utility provider offers functional low pressure sodium lighting.~~

~~C. *Standards for existing lighting.* In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for existing artificial light sources, including utility leased lighting, within the Marine Turtle Conservation Zone shall be brought into compliance by May 1, 2005:~~

~~1. Existing artificial light fixtures shall be repositioned, modified, disconnected, or removed so that:~~

~~a. The point source of light or any reflected surface of the light fixture is not directly visible from the beach;~~

~~b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and~~

~~c. Areas seaward of the frontal dune are not cumulatively illuminated.~~

~~2. Existing artificial light fixtures that are replaced for any reason shall comply with Subsection B, Standards for New Construction Activities and the following measures shall be taken:~~

- a. ~~Reposition fixtures so that the point source of light or any reflected surface of the light fixture is no longer visible from the beach;~~
- b. ~~Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;~~
- c. ~~Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 50 watts;~~
- d. ~~Replace non-directional fixtures with directional fixtures that point down and away from the beach;~~
- e. ~~Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward sides so that the light source of any reflective surface of the light fixture is not visible from the beach;~~
- f. ~~Replace pole lamps with low profile, low-level luminaries so that the light source of any reflective surface of the light fixture is not visible from the beach;~~
- g. ~~Replace incandescent, fluorescent, and high-intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;~~
- h. ~~Plant or improve vegetation buffers between the light source and beach to screen light from the beach;~~
- i. ~~Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.~~

3. ~~The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:~~

- a. ~~Apply window tint or film that meets the standards tinted glass;~~
- b. ~~Rearrange lamps and other movable fixtures away from windows;~~
- c. ~~Use window treatment (i.e., blind, curtains) to shield interior light from the beach; and~~
- d. ~~Turn off unnecessary lights.~~

D. ~~*Public awareness.* Any person submitting an application for coastal construction activities within a Marine Turtle Conservation Zone shall be informed of the existence of and the requirements concerning artificial lighting and marine turtle protection by the City of Destin's Community Development Department.~~

7.17.05. ~~*Prohibitions.* The following activities are considered prohibited:~~

A. ~~*Laser source light.* The use of laser source light or any similar high intensity light for outdoor advertising unless approved by temporary lighting permit as provided by Section 7.17.09.~~

B. ~~*Searchlight/beacon.* The operation of searchlights or beacons is prohibited unless approved by temporary lighting permit as provided by Section 7.17.09.~~

C. ~~*Nuisance glare.* All outside light sources shall be installed so that the illumination is controlled and not directed across any bounding property line of less than 200 linear feet. The allowable maximum intensity~~

measured at the property line of a single family or duplex residential use in a residential district may not exceed 0.2 foot candles.

~~D. — *Glare on roadways.* It shall be unlawful to place or maintain on private property any light source of such intensity or brilliance within the field of view of a driver so as to impair his/her vision upon the public roadway, or to interfere otherwise with the operation of a motor vehicle. The brilliance of any light source less than ten degrees from a passenger car driver's line of sight, either along the roadway ahead or toward each traffic control device, sign, or signal, shall not exceed the brilliance of the headlight low beams of an oncoming passenger car whose extended centerline lies ten feet to the driver's left, when the car is between 60 and 100 feet from the driver.~~

~~7.17.06. *Nonconformities.* The following regulations address nonconforming outdoor lighting:~~

~~A. — Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to Subsection B. below.~~

~~B. — All outdoor lighting that fails to conform to this ordinance that is damaged in excess of 50 percent of its market value shall be discontinued, removed, made to conform to this ordinance, or replaced with lighting that conforms to this ordinance.~~

~~C. — Notwithstanding the above, any fixture that, due to excessive glare, produces Nuisance glare as prohibited in Section 7.17.05.C, or produces Glare on roadways as prohibited in Section 7.17.05.D, shall be required to either discontinue use of the fixture in question or replace the fixture with one that conforms with the requirements of Section 7.17.03.B and C.~~

~~7.17.07. *Exemptions.* The following are exempted from the provisions of the Outdoor Lighting Regulations:~~

~~A. — A detached single family home, and any project requiring only a building permit, shall be exempt from Section 7.17.08, but shall otherwise be required to comply with the requirements of Section 7.17.03.~~

~~B. — Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules and regulations take precedence over these provisions.~~

~~C. — No provision of this Section shall take precedence over the Outdoor Lighting Standards for the Marine Turtle Conservation Zone.~~

~~D. — Public schools.~~

~~E. — Municipal street lights.~~

~~7.17.08. *Outdoor lighting plan, permit procedure and certificate of occupancy.*~~

~~A. — *Generally.* Whenever the provisions of this section are applicable, an outdoor lighting permit shall be required.~~

~~B. — *Submission of outdoor lighting plan.* To ensure compliance with the provisions of this section, an outdoor lighting plan that is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida shall be submitted to the Planning Division for approval prior to the issuance of any~~

development order. For a listing of which uses are exempt from these provisions, please refer to Section 7.17.07 Exemptions.

~~C. — Contents of outdoor lighting plan. Applicants shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the applicant to submit sufficient information in a form that allows ready determination of whether the requirements of this Code have been met. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review. The outdoor lighting plan shall include, as a minimum, the following:~~

- ~~1. — All plans shall be drawn to a scale of one inch equals 20 feet, unless the City Manager, or his designee, determines that a different scale is sufficient or necessary for proper review of the proposal.~~
- ~~2. — The trimline sheet size shall be 24 inches by 36 inches. A one half inch margin shall be provided on all sides except for the left binding side(s) where a two inch margin shall be provided if multiple sheets are used.~~
- ~~3. — If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.~~
- ~~4. — The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).~~
- ~~5. — Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.~~
- ~~6. — Relationships of the site to adjacent public or private rights-of-way, abutting properties and any public or private easements.~~
- ~~7. — The location of all building and/or structures, transmission lines, refuse dumpsters or containers and size and type of wall or fences.~~
- ~~8. — Location and area of off-street parking and vehicular use areas.~~
- ~~9. — Points of ingress and egress and any planned public or private roads, rights-of-way, sidewalks or multiuse pathways, bicycle lanes or paths, transit stop shelters, or other transportation facilities.~~
- ~~10. — Location and dimensions of all landscape buffers, internal landscaping, and the number, placement, height and species of all trees required (due to their effect on outdoor lighting).~~
- ~~11. — Proposed open space areas on the development site.~~
- ~~12. — The location of environmentally sensitive lands designated pursuant to Article 11 of this Code, if any.~~
- ~~13. — A point-by-point foot candle array in a printout format overlaid on the site plan. The point-by-point foot candle printout shall indicate compliance with the maximum maintained foot candles required by this Code. This overlay shall also include contours indicating the light source at the property lines and ten feet into adjoining properties, including right-of-way.~~

~~14. — A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]~~

~~15. — The location and height of the lighting fixtures (pole and/or wall mounts), the proposed wattage of the light bulbs, the direction of illumination (e.g. straight down, outwards, etc...), the method of shielding and the area of illumination.~~

~~D. — *Permit procedures.* The following procedures and requirements shall be followed by the applicant and the City:~~

~~1. — Applications for outdoor lighting shall be submitted to the City's Community Development Department.~~

~~2. — No building permit for the installation of new outdoor lighting, or replacement of existing outdoor lighting erected prior to the effective date of this Section, shall be issued unless and until the City has reviewed and approved the outdoor lighting plan unless the project does not require a development order. Regardless of whether a lighting project does or does not require a development order, the installation of new outdoor lighting, or replacement of existing outdoor lighting must comply with the requirements of Section 7.17.03.~~

~~3. — A copy of the approved outdoor lighting plan shall be available on-site during installation.~~

~~E. — *Certificate of completion or occupancy.* No certificate of completion or occupancy shall be issued unless and until the Planning Division has determined, after final inspection, that the required outdoor lighting has been installed according to the approved application and plan; provided, however, that if circumstances preclude completion of the outdoor lighting plan at the time of application for the certificate of completion or occupancy, then the provisions of Section 2.20.00. Guarantees and sureties shall apply.~~

~~7.17.09. *Temporary outdoor lighting permit.* Temporary outdoor lighting permits for search lights and laser lights may be issued for special events, construction activities, or temporary outdoor lighting needs for public assembly or public safety so long as the outdoor lighting does not create a potential distraction, flash blindness, vision impairment, or visual interference for aircraft pilots or navigators and would not cause a potential unreasonable risk for flight safety or interfere with any public or military airport operation or with ground activities at military installations. A temporary outdoor lighting permit may be issued for one premises or multiple-occupancy complex for a period not to exceed 30 consecutive or non-consecutive calendar days per year. Not more than five temporary permits shall be issued for any one calendar day. If there are more than five applications or application extensions for the same calendar day or days then five shall be selected randomly.~~

~~A. — The Community Development Director may grant a permit for temporary outdoor lighting, as defined herein, if he/she finds the following:~~

~~1. — The lighting proposed will be used not more than 30 consecutive or non-consecutive days within one calendar year;~~

~~2. — The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;~~

~~3. The proposed lighting will comply with the general intent of this article; and~~

~~4. The permit will be in the public interest.~~

~~B. The application for the temporary lighting permit shall include, at a minimum the following information:~~

~~1. Name and address of applicant and property owner;~~

~~2. Location of proposed fixtures;~~

~~3. Type, wattage and lumen output of lamp(s);~~

~~4. Type and shielding of proposed fixtures;~~

~~5. Intended use of the lighting;~~

~~6. Specific calendar days requested;~~

~~7. The hours of operation (not to occur between midnight CST and sunrise);~~

~~8. The nature of the activity or event;~~

~~9. Previous temporary outdoor lighting permits granted to this applicant, if any, and addresses of premises there under (Only one temporary outdoor lighting permit per year is to be granted to a multiple-occupancy complex); and~~

~~10. Such other information as the Community Development Director may request.~~

~~C. Copies of the permit application and supporting documents must be submitted to the Okaloosa County Airport Manager and to the Community Planner at the 96th Civil Engineer Group – 501 DeLeon Road Suite 120 – Eglin AFB, Florida 32542-5498 along with a request that the application be reviewed within five business days. Prior to issuing a temporary outdoor lighting permit, the Community Development Director shall consider comments and recommendations from the County Airport Manager or from the local military installations, as may be applicable.~~

~~D. The Community Development Director shall endeavor to rule on the application within seven business days from the date of submission of the request and notify the applicant in writing of his/her decision. The Community Development Director may grant one renewal of the permit for an additional ten days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The Community Development Director is not authorized to grant more than one temporary permit and one renewal for a ten-day period for the same property within one calendar year.~~

~~7.17.10. Violation and enforcement. Any alleged violation of Section 7.17.00 or any of its subsections shall be processed in accordance with procedures set forth in City's Code of Ordinances, Chapter 14, Article III, Code Enforcement Board. In addition to the above remedies, the City shall have the option to require that any violation of Section 7.17.05 D, Glare on roadways be abated immediately without the necessity of first obtaining an Order of the Code Enforcement Board; but the City shall thereafter, unless the responsible party voluntarily consents to such abatement, follow the procedures the Code of Ordinances, Chapter 14, Code Enforcement, for a formal determination regarding such violation.~~

(Ord. No. 03-40-LC, § 4, 2-17-04; Ord. No. 10-11-LC, §§ 5-13, 12-20-10; Ord. No. 11-06-LC, §§ 4-7, 9-19-11)

Article 8 TRANSPORTATION

8.00.00. Purpose.

1. ~~The purpose of this article is to provide for the safe and convenient on-site traffic circulation. Important elements of consideration include:~~
 - A. ~~Right of way (ROW) protection;~~
 - B. ~~Provide adequate setbacks along all roadways;~~
 - C. ~~Limit new access points to arterial and collector roads by including distance requirements for driveways and median cuts;~~
 - D. ~~Provide labor-intensive transportation facilities and sufficient vehicular parking in all new development.~~
 - F. ~~Ensure that sites developed within the Multimodal Transportation District (MMTD) are designed to support access by walking, biking, and transit; and~~
 - G. ~~Provide transit stops, shelters, and amenities along the City's existing and future transit corridors.~~

(Ord. No. 08-14-LC, § 11, 1-20-09)

8.01.00. Right-of-way (ROW) protection.

~~A. — No unauthorized encroachment shall be permitted onto existing rights-of-way. Further, strict adherence to the building setback requirements described in Article 7 of this Code shall serve to protect rights-of-way from encroachment. All activity (e.g. paving, landscaping, sprinkler system installation, etc.), with the exception of the installation and repair of mailboxes, installation of sod, or installation of streets trees and other streetscape features in compliance with the design standards for the Multimodal Transportation District located in Section 8.09.03 in a public ROW is prohibited unless the applicant submits a plan detailing the proposed activity to the City Engineer's office and obtains a ROW and/or building construction permit, prior to the undertaking of said activity. A copy of said permit shall be available on-site for the duration of the project.~~

~~1. — It shall be the responsibility of the abutting property owner or maintenance entity to maintain all permitted object(s), structure(s), and/or landscaping.~~

~~a. — It shall be the responsibility of the owner of the abutting property whose drive accessway or other entrance to that property extends into the public ROW, to maintain said drive accessway or other entrance within the public ROW.~~

~~b. — If the city, or another governmental entity, or a franchised utility operating within the scope of its easement, determines that any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping that was placed in the public ROW must be removed or modified, it shall be the responsibility of the abutting property owner or maintenance entity to remove or modify the same and to bear all costs associated herewith, including the cost of replacement.~~

~~c. — If the city directs an abutting property owner or maintenance entity to remove or modify, within a prescribed period of time, any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping, and the owner fails or refuses to comply with such directive, the city may cause the work to be done and assess the costs thereof as a charge and lien against the property.~~

~~2. — The minimum width of the clear zone shall be in accordance with Table 3-12, Minimum width of clear zone of the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways" (a.k.a. Florida Green Book – Latest Edition) and shall be measured from the outside edge of each side of all streets (including curb, if any) and shall be located within a public or private ROW.~~

~~a. — Landscaping located on abutting properties and in the ROW shall not create a safety hazard, and shall be trimmed or pruned to allow the full width of the clear zone on each side of the roadway, and if said landscaping overhangs the ROW, it shall be trimmed or pruned to provide the minimum vertical clear zone with a height of 15 feet above grade.~~

~~b. — No object, structure, shrub, or tree shall be placed in the clear zone, with the following exceptions:~~

~~(1) — Rounded or blunt objects or structures which do not exceed eight inches above the edge of road, as approved by the city engineer;~~

~~(2) — Raised curbing;~~

~~(3) — Mailbox columns, which will break away and have a column cross-section of 16 square inches or less and have a column profile of no more than 12 inches wide;~~

~~(4) — Sidewalks with raised curbing and objects or structures, which do not exceed eight inches above the edge of road;~~

~~(5) — Bicycle lanes;~~

~~(6) — Guard railing, as approved by the city engineer;~~

~~(7) — Drive accessway onto a abutting property, as approved by the city engineer;~~

~~(8) — Temporary placement of garbage or trash or recyclable receptacles under one cubic yard in size.~~

~~c. — Existing non-confirming mailboxes which are replaced or damaged more than 50 percent shall be required to be reconstructed to conform to this section.~~

~~3. — The developer and/or owner of a property abutting a ROW doing work on the ROW shall adhere to all applicable safety standards outlined by the FDOT and shall restore the right-of-way to original or better condition.~~

~~4. — Any use or encroachment within a ROW for business or private purposes without prior city approval shall be prohibited. The subject use or encroachment may be removed by the city at the expense of the owner.~~

~~5. — Dumping of debris within a ROW shall be prohibited.~~

~~6. — Parking of a vehicle in a ROW shall be limited to designated areas that have been stabilized with an all weather surface. Parking in other ROW areas are prohibited except for occasional parking in areas zoned residential. Occasional is defined as an irregular or infrequent occurrence. Storage of trailers or vehicles in ROW is prohibited.~~

~~7. — Building materials, disabled machinery, disabled vehicles, excavations and like objects in the ROWs between the period of sunset and sunrise, shall be properly identified by amber warning lights.~~

~~8. — The prohibition of placing or maintaining any building, object or materials in the public ROW, shall not apply to the city or it's authorized agents, nor shall they apply to franchised utilities operating within the scope of their easements or franchise.~~

~~B. — Use of rights of way for public or private utilities, including, but not limited to, sanitary sewer, reclaimed water, potable water, telephone wires, cable television wires, fiber optic cable, trash collection, gas lines, or electricity transmission, shall be allowed subject to the placement specifications included in applicable city regulations. A city ROW construction permit is required.~~

~~1. — All new utilities shall be placed underground. Reconstructed overhead utilities more than 500 feet in length are encouraged to be placed underground. All renovated utilities are encouraged to be placed underground. All utilities installed in the right-of-ways shall provide for the health, safety and welfare of the public. All utilities with above ground components shall be placed outside of the road, clear zone and sidewalks.~~

~~2. — Screening vegetation shall not be placed within five feet and maintain a minimum foliage clearance of three feet of any utility structure(s) including but not limited to water meters, valves, electrical/communication panels or poles, and shall not be placed around any water hydrant that could be used for fire protection.~~

~~3. — Curb-side, trash dumpster pick-up for one c.y. or larger dumpsters shall be prohibited within a ROW. All trash dumpsters shall be placed inside the property such that the trash collection operation is not in the ROW.~~

~~C. — Sidewalks, recreational trails, multiuse pathways and bicycle ways shall be permissible in ROWs.~~

~~1. — Landscaping located on abutting properties to sidewalks, recreational trails, and bicycle ways shall not create a safety hazard, and shall be trimmed or pruned to allow full width plus one foot on each side of the sidewalks, recreational trails, and bicycle ways, and the minimum vertical height of ten feet above grade, is clear.~~

~~D. — Right-of-way/easement vacation. No city right-of-way, or any portion thereof, may be vacated if any portion of the city's right-of-way shares a boundary with a water body.~~

~~The following requirements and procedures shall apply to all requests to vacate a ROW or an easement:~~

~~1. — A completed application by the abutting property owner(s) or their authorized agent(s) shall be submitted to the city engineer's office. The application shall contain the following:~~

~~a. — A letter to the city requesting the ROW/easement vacation and stating the reasons for said request.~~

~~b. — An application fee and all related fees, including, but not limited to, legal advertisements, and certified mailings, shall be paid by the applicant.~~

~~c. — A legal description and survey of the ROW/easement to be vacated and identify all abutting properties. If the survey shows that any portion of the city's right-of-way shares a boundary with a water body, the application and any application fee shall be returned to the applicant.~~

~~d. — A certificate of projected property value from the property appraiser.~~

~~e. — A list of the names and addresses of the owners of property located within a 300-foot radius of requested ROW/easement vacation on the property appraiser's letterhead. A letter of announcement of requested ROW/easement vacation shall be mailed, at the expense of the applicant, to each address on the list of property owners. The notice shall be sent by certified mail return receipt requested and all return receipts shall be filed with the city, by the applicant, prior to the city council's consideration.~~

~~f. — Letters from all franchised utility companies stating no objection, or recommending disapproval for reason including, but not limited to, Gulf Power Company, Destin Water Users, South Walton Utility Company, AT&T Telephone Company, Sprint Telephone Company, New South Telecommunications, Okaloosa Gas Company, and Cox Cable Communications.~~

~~g. — Letter from the Destin Fire Control District official with authority to approve, stating no objection, or recommending disapproval for reason.~~

~~2. — The city attorney shall review the application for legal sufficiency. The city engineer shall provide a recommendation to the local planning agency. The local planning agency shall provide a recommendation on the application to the city council. The city council may approve the application to vacate a ROW/easement based upon a finding that all of the following requirements are met:~~

~~a. — The requested vacation is consistent with the comprehensive plan.~~

b. ~~_____ The ROW does not provide the sole access to any property.~~

c. ~~_____ The vacation would not jeopardize the current or future location of any utility.~~

d. ~~_____ The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.~~

e. ~~_____ No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.~~

E. ~~_____ Transportation corridor management plan map. the intent of this ordinance is to preserve, protect, and/or acquire rights-of-way and transportation corridors that are necessary to provide future transportation facilities and facility improvements to meet the needs of growth projected in the City of Destin's Comprehensive Plan and to coordinate land use and transportation planning. These rights-of-way and corridors are part of a network of transportation facilities and systems, which provide mobility between and access to businesses, homes, and other land uses throughout the jurisdiction, the region and the state. The city council recognizes that the provision of an adequate transportation network is an essential public service. The plan for that transportation network is described in the city's comprehensive plan, and implemented through a capital improvements program, other policies and procedures, and through regulations on land use and development as well as regulations to preserve and protect the corridors and rights-of-way for the transportation network. The purpose of this ordinance is to foster and preserve public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and beneficial development of Destin in accordance with the comprehensive plan.~~

1. ~~_____ Consistency of proposed development with the transportation corridor management plan map.~~

a. ~~_____ All development shall be consistent with the transportation corridor management plan map.~~

b. ~~_____ Site plans and subdivision plats submitted for review shall include information regarding the location of any corridors designated on the transportation corridor management plan map. All development shall be consistent with the transportation corridor management plan map. Improvements which cross, abut, or are within 1,000 feet of any transportation corridor shall be shown on the site plan.~~

c. ~~_____ Final approval of the development order shall include findings regarding the consistency of a proposed project with any transportation corridor, and shall note any impacts that may be anticipated from the proposed project, along with recommendations for mitigating such impacts. If the proposed project is inconsistent it will not be approved. However, it is intended that corridor locations shall have some flexibility so as to be compatible with proposed development, so long as the basic intent to provide continuity of the corridor is met.~~

2. ~~_____ Right-of-way dedication.~~

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. 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.

b. ——— 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. In the event that 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.

3. ——— *Right of way and Corridor Preservation:*

a. ——— Corridors designated in the Transportation Corridor Management Plan Map shall be protected from encroachment by structures, parking areas, or drainage facilities except as otherwise allowable in this ordinance and the comprehensive plan.

b. ——— The setbacks as described in Section 7.12.02 of the Land Development Code shall be considered sufficient for preservation of the right-of-way.

c. ——— Where the exact alignment of a transportation corridor has not been determined through an engineering study, the location of the roadway right-of-way shall be established during the review of proposed projects in proximity to transportation corridors. Alignments shall be continuous so as to provide for a continuous travel corridor of a width consistent with that specified on the Transportation Corridor Management Plan Map.

d. ——— Transportation Corridor Management Plan Map East-West alignments are generally described as follows:

i. ——— Section 1 Alignments:

a. ——— The primary east-west alignment shall begin at the intersection of Airport Road and U.S. Highway 98 and extend north and west along the centerline of the existing Airport Road right-of-way to Main Street.

b. ——— The secondary east-west alignment shall begin where 98 Palms Boulevard currently ends and extend eastward to connect with the future extension of Mattie M. Kelly Boulevard. The exact alignment for this roadway shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.

ii. ——— Section 2 Alignment:

a. ——— The east-west alignment shall begin where centerline of the existing Legion Drive right-of-way at its intersection with Main Street currently ends and extend westward across Beach Drive to connect with the future extension of Azalea Drive at its intersection with Benning Drive. The exact alignment for this roadway shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for the portion of the alignment between Main Street and Beach Drive shall not exceed 66 feet. The width of the right-of-way for the portion of the alignment between Beach Drive and Benning Drive shall not exceed 80 feet.

iii. ——— Section 3 Alignment:

a. ——— The east-west alignment shall begin where Azalea Drive intersects with Benning Drive and extend westward to connect with Stahlman Avenue. The east-west alignment shall then extend southwest to U.S.

Highway 98. The exact alignment for this roadway shall follow and lie totally within the existing right-of-way of Azalea Drive. However, Stahlman Avenue will require an additional 20 feet of right-of-way in the southeast section of its intersection with Mountain Drive.

e. ~~Transportation Corridor Management Plan Map North-South alignments are generally described from as follows:~~

i. ~~Section 1 Alignments:~~

a. ~~The Mattie M. Kelly Boulevard alignment shall begin at the intersection of Mattie M. Kelly Boulevard and Airport Road and extend south to where that roadway currently ends. Between where it currently ends and U.S. Highway 98 the alignment for Mattie M. Kelly Boulevard shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.~~

b. ~~The westward most access road shown on the plat of Twin Lakes Subdivision shall begin at the centerline of the Twin Lakes subdivision driveway intersection with Airport Road and follow the western property boundary to connect with the westward extension of 98 Palms Boulevard. The width of the right-of-way for this alignment shall be a minimum of 80 feet.~~

c. ~~The Palms Street alignment shall extend north to connect with the extension of 98 Palms Boulevard. This alignment shall be established pursuant to Section 8.01.00.E.3.c. The width of the right-of-way for this alignment shall be a minimum of 80 feet.~~

ii. ~~Section 2 Alignment: None.~~

iii. ~~Section 3 Alignment: None.~~

f. ~~The following techniques shall be administered for protecting the corridor from encroachment:~~

i. ~~Site plans or subdivision plats shall show all designated transportation corridors (future right-of-way) on the project site plan.~~

ii. ~~The alignment shall be the basis for applying normal setbacks as specified in Section 8.01.00.E.3.b. Should the alignment be adjusted due to findings of an engineering study the setback may be reduced through administrative approval by the City Engineer up to, but not exceeding, ten percent of the otherwise required setback, provided that such reduction is necessitated solely by the final alignment of the right-of-way.~~

iii. ~~Reduction of required setbacks adjacent to the corridor (future right-of-way) may be considered in order to ensure that the location of structures do not encroach into future corridors (future right-of-way). A reduction of up to, but not exceeding, ten percent of the otherwise required setback may be approved administratively by the City Engineer, provided such reduction is necessitated solely by the proposed alignment of the corridor (future right-of-way). Setback reductions of greater than ten percent must be approved by the Board of Adjustments.~~

4. ~~*Interim uses to be relocated.*~~

a. ~~The purpose of this section is to allow certain uses for a specified period of time within portions of a site designated as future right-of-way, or within a future corridor. The allowance of uses on an interim~~

basis allows the property owner to make economic use of the property until such time as the right-of-way is needed for facilities or improvements.

b. ~~The following uses, directly related to the primary use of the project site, may be allowed on an interim basis, provided that the use is specifically allowed by the zoning district in which the property is located:~~

i. ~~Stormwater retention, wet or dry, to serve the project site.~~

ii. ~~Parking areas to serve the project site.~~

iii. ~~Entry features for projects such as signage, gatehouses, architectural features, fountains, walls and the like.~~

iv. ~~Temporary sales or leasing offices for the project site.~~

c. ~~The following conditions shall apply to the approval of interim uses:~~

i. ~~As a condition of development order, the applicant agrees to relocate these uses elsewhere on the project site. A developer's agreement shall specify the terms and conditions, including timing, of the relocations required by this section.~~

ii. ~~Relocation of approved interim uses shall be beyond the setback area, subject to the provisions of Section 8.01.00.E.3.b above.~~

iii. ~~Relocation sites shall be identified on the development plans submitted with the development order application. Sites identified for future relocation shall be reserved for that purpose.~~

d. ~~The stormwater retention facility may, at the discretion of the City of Destin, be incorporated into the design of the future transportation facility retention facilities. Should this option be chosen by the city, the developer need not relocate the storm water retention.~~

5. ~~*Interim uses to be discontinued.*~~

a. ~~The following interim uses, not necessarily directly related to the principal use of the site, may be allowed on an interim basis, provided that the use is specifically allowed by the zoning district in which the property is located:~~

i. ~~Recreational facilities such as playgrounds, ball fields, outdoor courts, exercise trails, walking paths, bridal paths, similar outdoor recreational uses.~~

ii. ~~Produce stands, produce markets, farmers markets, and the like.~~

iii. ~~Periodic uses such as boat shows, automobile shows, RV shows, "tent" sales and the like.~~

iv. ~~Periodic events such as festivals, carnivals, community fairs, and the like.~~

v. ~~Plan nurseries and landscape materials yards.~~

vi. ~~Storage yards for equipment, machinery, and supplies for building and trades contractors, and similar outdoor storage.~~

b. ~~The following conditions shall apply to interim uses:~~

i. ~~As a condition of a development order, the applicant agrees to discontinue these uses on the project site by a specified date. A developer's agreement shall specify the terms and conditions of both the approval of interim uses pursuant to this section and the discontinuance of interim uses as required in this section.~~

ii. ~~Landscaping shall be provided, consistent with provisions of section 12.04.03, in order to ensure compatibility of interim uses with other uses adjacent or nearby.~~

iii. ~~Interim uses shall meet site design requirements for setbacks for the district.~~

iv. ~~Impervious surface ratios for interim uses shall not exceed 20.0 percent of the specified interim use site.~~

6. ~~*Right of way acquisition.*~~

a. ~~Voluntary dedication of future right-of-way.~~

i. ~~The provisions of this section apply to projects proposed adjacent to or abutting a future corridor or right-of-way for which improvements are anticipated beyond the five-year period of the capital improvements program. A property owner may, at any time during the application process for approval for a project, voluntarily dedicate lands within the project site that are in the future corridor or right-of-way.~~

b. ~~Purchase of future corridors and rights-of-way.~~

i. ~~The City of Destin may enter into an agreement to purchase, in fee simple, the lands designated as a future corridor or right-of-way.~~

ii. ~~The city may enter into an agreement to purchase the development rights to lands designated as future corridor or right-of-way. Development rights are defined as either the number of residential units allowable on the portion of the site designated, or as the total floor area allowable in non-residential uses of the portion of the site designated.~~

iii. ~~The city may enter into an agreement to purchase a perpetual easement including lands designated as a future corridor or right of way.~~

7. ~~*Public notification, variance, and appeal process.*~~

a. ~~Public notification process.~~

i. ~~Major amendments to the transportation corridor management plan map are subject to the notice and public hearing provisions set forth in Article 4 of the Land Development Code. Major amendments are defined as those changes that affect five percent or more of the total area within the proposed corridors.~~

ii. ~~Minor amendments to the transportation corridor management plan map are not subject to the notice and public hearing provisions, except that property owners directly affected by changes in a minor amendment must be notified by mail. Minor amendments are defined as those changes that affect less than five percent of the total area within the proposed corridors.~~

b. ~~Variance process and appeal process.~~

i. ~~Applications for variances and appeals shall be applied for and processed as regulated by the city.~~

F. — Use of public or private rights-of-way for mobile vending, as defined in section 3.00.00 Definitions, is prohibited. Notwithstanding the prohibition herein, any mobile vendor engaged in the sale of ice cream products who had either a current city business license, or had an application for a business license pending, as of the effective date of this ordinance, may continue to engage in such business upon public rights-of-way for residential access streets and residential subcollector streets only. Additionally, the right of a mobile vendor to continue engaging in the sale of ice cream products as recognized hereunder may only be sold or transferred as part of the sale of the vending business to a new owner, but such right shall not be otherwise be transferred, assigned or franchised. Failure to renew and keep a current business license for such business shall be deemed an abandonment of the right to continue ice cream vending sales hereunder and thereafter such activities shall be prohibited.

G. — Trenchless technologies.

1. — Directional boring or guided boring, also referred to as horizontal directional drilling (HDD), is a minimal impact trenchless method of installing underground utilities such as pipe, conduit, or cables in a relatively shallow arc or radius along a prescribed underground path using a surface-launched drilling rig and shall be the only approved trenchless method allowed in the city's rights-of-way, boring technologies that are not guided or controlled shall not be used within the city rights-of-way.

2. — Boring, augering or any other type subsurface means of utility installation shall be used for the following:

a. — Installation of new underground utilities in areas that have established vegetation, i.e., landscaping, established lawns, etc. Replacement or upgrading of existing utilities where the existing utility shall remain in place and/or abandoned.

b. — Road crossings except where conditions prohibit the process of directional drilling or boring.

c. — Installation of new underground utilities in areas that are within the drip line of any trees on the right-of-way. A minimum depth of three feet is required to protect the roadbed and critical root zone for trees unless otherwise approved due to subsurface conditions. The city engineer shall be notified of any trenching/cutting required within the drip line of a tree before the work is begun.

3. — Any and all work performed in the city's rights-of-way shall be performed by a contractor appropriately licensed by the State of Florida and all applicable rights-of-way permits shall be obtained by the current facility owner or their representative. All utility owner's contractors and subcontractors (regardless of tier) doing work within the city should be registered with city's building division and are responsible for keeping that information correct and up to date.

4. — Any person or entity that causes damage to a public street or other public infrastructure while working in the public right-of-way must repair the street or infrastructure at the person's or entity's sole cost and expense in accordance with current city standards and specifications. The damaged street or infrastructure must be returned as close to its original condition as practicable or to current city standards and specifications and the repair maintained for a minimum of one year.

5. — Drilling mud produced, backwash created by directional boring shall be controlled by use of proper erosion control measures including capture and proper disposal of backwash using a vacuum truck or other pre-approved methods. Backwash shall not be discharged into any part of the storm sewer system including ditches, swales, retention areas, or onto the street, gutter or sidewalk.

6. ~~_____ Pavement cuts. If a pavement cut is made to a city street, the following minimum requirements apply:~~

a. ~~_____ The permittee must apply an asphalt mill and overlay/inlay pavement treatment to the full width of all lanes of an arterial, collector, or local street impacted by the cut(s). All repairs shall comply with FDOT specifications, the treatment must extend a minimum of 15 feet in both directions from the pavement cut(s);~~

b. ~~_____ The disturbed roadbed shall be refilled and compacted in six-inch lifts compacted to 98 percent of the Maximum Standard Proctor Density (ASTM D698);~~

c. ~~_____ Inside White Sand Zones, provide 12-inch compacted base (no clay or staining material can be used in the white sand zones) to 98 percent of the Maximum Standard Proctor Density;~~

d. ~~_____ Provide three-inch FDOT SP 9.5 asphalt in two 1½" lifts;~~

e. ~~_____ Associated certified compaction and core testing results shall be required to confirm these requirements are met;~~

f. ~~_____ Provide thermoplastic striping to match what was existing; and~~

g. ~~_____ Sidewalks cut or damaged must be replaced with a minimum of four inches of concrete and only in full panels. City staff will inspect the forms prior to the concrete being delivered. In the case where the sidewalk is six feet or wider, 4,000 psi fiber reinforced concrete must be used.~~

~~(Ord. No. 152-42, § 3, 4-1-02; Ord. No. 03-06-LC, § 6, 7-7-03; Ord. No. 03-14-LC, § 3, 11-3-03; Ord. No. 03-15-LC, § 3, 11-17-03; Ord. No. 04-15-LC, § 3, 8-2-04; Ord. No. 04-35-LC, § 3, 10-18-04; Ord. No. 05-04-LC, § 5, 4-4-05; Ord. No. 08-14-LC, § 12, 1-20-09; Ord. No. 20-23-LC, § 3, 7-20-20; Ord. No. 20-14-LC, § 3, 10-5-20; Ord. No. 24-01-LC, § 3, 5-20-24)~~

8.02.00. Provide adequate setbacks along all roadways.

2. ~~_____ Setbacks or ROW requirements serve the needs of a development project and anticipated future needs of the City. Table 8-1: Roadway Design Standards, provides a summary of street type, design speed, traffic lane width, median width, parking lane width, bike lane width, buffer width and total right-of-way width. Section 8.03.00 provides design standards for new and reconstructed roads and streets.~~

~~(Ord. No. 08-14-LC, § 13, 1-20-09)~~

8.03.00. Design standards for new and reconstructed roads and streets.

3. ~~_____ All streets, except U.S. Highway 98, shall be designed to meet the standards indicated in Table 8-1: Roadway design standards and the "Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways" (a.k.a. the Florida Green Book). Flexibility is allowed in the application of these standards to address right-of-way constraints or other special conditions. The "Florida Green Book" and Institute of Traffic Engineers (ITE) "Context Sensitive Solutions in Designing Major Urban Thoroughfares for Walkable Communities" shall be utilized when diverging from these standards. Any modifications to U.S. Highway 98 shall be in accordance with the Florida Department of Transportation (FDOT) Design Standards.~~

A. — Streets will intersect at angles no less than 75 degrees. Unaligned intersections shall be separated by a minimum of 150 feet between centerlines. Intersections involving more than four basic street approaches shall be prohibited.

B. — Nothing in this article shall prevent more stringent federal or state standards from being used.

C. — All improvements and construction activities required under this section shall take place according to plans approved by the City Engineer. The plans submitted to the City Engineer shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida.

TABLE 8-1: ROADWAY DESIGN STANDARDS ⁽¹³⁾											
Street type ⁽⁹⁾	Design Speed	Number of Traffic Lanes	Traffic Lane Width	Median Width		Parking Lane Width ⁽¹⁾	Bike Lane Width ⁽¹⁾	Sidewalk Width ⁽¹⁾		Buffer Width ⁽²⁾	Total ROW Width ⁽³⁾
				Min.	Max.			Old Destin	Crystal Beach		
Major arterial — (6-lane)	45 mph	6	12'	# ⁽¹¹⁾		n/a	5'	10' ⁽⁵⁾	8'	6'	139
Major arterial — (4-lane)	45 mph	4	12'	# ⁽¹¹⁾		n/a	5'	10' ⁽⁵⁾	8'	6'	115
Minor arterial	35 mph	4	11'	6'	16'	n/a	5'	10'	8'	6'	111
Major collector	35 mph	4	11'	6'	12'	8'	5' ⁽⁴⁾	10' ⁽⁶⁾	8' ⁽⁶⁾	6' ⁽⁷⁾	110
Minor collector	35 mph	2	11'	6'	12'	8'	5' ⁽⁴⁾	10' ⁽⁶⁾	8' ⁽⁶⁾	6' ⁽⁷⁾	88
Local street (commercial)	25 mph	2	10'	n/a ⁽¹²⁾		8'	5' ⁽⁴⁾	10'	8'	6' ⁽⁷⁾	70
Local street (residential)	25 mph	2	10'	n/a ⁽¹²⁾		7'	n/a	5'	5'	4'	48
Alley (2-way)	15 mph	2	10'	n/a ⁽¹²⁾		n/a	n/a	n/a	n/a	n/a	24
Alley (1-way)	15 mph	1	12'	n/a ⁽¹²⁾		n/a	n/a	n/a	n/a	n/a	16

Footnotes:

- ~~(1) Parking lanes, bicycle lanes, and sidewalk are assumed to be included on both sides of the street. The width of parking and bike lanes are measured from the edge of curb to the outside stripe. When bike lanes are provided on a street with on-street parking, the bike lane width is measured from the on-street parking stripe to the outer bike lane stripe.~~
- ~~(2) The buffer shall include a clear zone free of any roadside objects within the first 4' from the back of curb along U.S. Highway 98 and within the first 1.5' from the curb for all other streets.~~
- ~~(3) The total ROW width includes 2' for curb and gutter at each edge of pavement. Total ROW width varies depending on the width of the parking lane, bike lane, sidewalk and buffer. The total ROW width listed is the maximum and takes into account that the ROW is located in the Old Destin MMTD.~~
- ~~(4) Minimum bike lane width shall be 4' on streets without on-street parking.~~
- ~~(5) Minimum sidewalk width shall be 8' on U.S. Highway 98 east of Indian Bayou Trail to the Walton County Line.~~
- ~~(6) Minimum sidewalk width shall be 5' for collectors located outside of the MMTD.~~
- ~~(7) A minimum buffer width of 4' is required on streets with a sidewalk less than 10' in width.~~
- ~~(8) Residential uses are those uses described in section 8.09.03.C. MMTD — Single-family detached residential.~~
- ~~(9) Map 8-1: Street Classifications indicates the location of existing and proposed street types in the City of Destin.~~
- ~~(10) The specifications listed in this table shall apply to all roadway total reconstruction or expansion projects.~~
- ~~(11) Medians must be in accordance with FDOT specifications for Road and Bridge Construction.~~
- ~~(12) No medians allowed on these roads after entrance median (150 feet maximum).~~
- ~~(13) For multiuse pathway specifications, please refer to section 8.05.05(B) of this Code.~~

8.03.01. *Street classifications.* The following streets are hereby classified as follows and as indicated on Map 8-1: Street Classifications:

A. ——— *Major arterial (6-lane):*

U.S. Highway 98, east of Airport Road to the City limits

B. ——— *Major arterial (4-lane):*

U.S. Highway 98, west of Airport Road to the City limits

C. ——— *Minor arterial:*

None, as of March of 2008

D. ——— *Major collector:*

Stahlman Avenue (U.S. Highway 98 to Azalea Dr.)
Benning Drive (U.S. Highway 98 to Kelly St.)
Beach Drive (U.S. Highway 98 to Kelly St.)
Main Street (U.S. Highway 98 to Kelly St.)
Gulf Shore Drive (U.S. Highway 98 to Eastern edge of Holiday Isle subdivision)
Matthew Boulevard
Hutchinson Street
Kelly Street
Azalea Drive
Azalea Drive Extension (Benning Dr. to Beach Dr.)
Legion Drive (Beach Dr. to Main St.)
Airport Road
Commons Boulevard (that portion within the City limits)
Scenic Highway 98 East (East of Matthew Blvd.)
E. ——— *Minor collector:*
Calhoun Avenue (U.S. Highway 98 to Kelly St.)
Sibert Avenue (Calhoun Ave. to Kelly St.)
Cross Street
Stahlman Avenue (Azalea Dr. to Kelly St.)
Mountain Drive
Gulf Shore Drive (Eastern edge of Holiday Isle subdivision to Noriego Point)
Legion Drive (Benning Dr. to Beach Drive)
Main Street (Kelly St. to Indian Trail Dr.)
Indian Trail Drive (Main St. to Deerfield Dr.)
98 Palms Boulevard (existing and future)
Mattie M. Kelly Boulevard (existing and future)
Sunchase Boulevard (future road north of the Airport)
Indian Bayou Trail
Restaurant Row

Scenic Highway 98 West (West of Henderson Beach State Park)

Scenic Highway 98 East (West of Matthew Blvd.)

Crystal Beach Drive

Dolphin Street

F. ~~Local street:~~ All other streets not listed in subsections A through E above or G below.

G. ~~Alleyway:~~ None, as of March of 2008

4. ~~For the minimum right-of-way requirements for the streets listed in this section, please refer to Table 8-1: Roadway design standards.~~

~~8.03.02. Pavement thickness.~~ The following specifications for pavement thickness shall be used as a minimum for new and reconstructed roadways:

A. ~~Arterial streets:~~ To be designed by a registered engineer.

B. ~~Collector streets:~~ To be designed by a registered engineer.

C. ~~Local streets:~~ Six-inch base.

D. ~~Alleys:~~ Six-inch base.

5. ~~8.03.03. Curbing.~~

A. ~~Major streets.~~ Ribbon Curbing shall be 12 inches (W) x 8 inches (D).

B. ~~Collector streets.~~ Ribbon Curbing shall be 12 inches (W) x 8 inches (D).

C. ~~Minor streets.~~ Ribbon Curbing shall be 12 inches (W) x 8 inches (D). Curb and Gutter shall be 24 inches (W) x 6 inches (T).

D. ~~Culs-de-sac.~~ 12 inches (W) x 8 inches (D).

E. ~~Curbing shall be composed of 2,500-PSI concrete, or better, as described in section 522, 1986 Department of Transportation Standard Specifications for Road and Bridge Construction, and all revisions thereto, which is made a part hereof by reference.~~

6. ~~8.03.04. General design standards.~~

A. ~~Roadway base.~~ A properly prepared subgrade for minor residential roads and an approved base material shall be provided. Recommended base materials are as follows: sand-clay, sand-asphalt hot mix, compacted limerock, stabilized shell. Bases for major streets and collectors shall be designed by a registered engineer. The city shall be notified for approval of each phase of construction. Tests for subgrade bearing capacity (limerock bearing ratio 30 minimum) and compaction (95 percent of maximum density as determined by AASHTO T 180) shall be made at intervals of no more than 300 feet; staggered to the left, right, and on centerline. The base material shall be compacted to a density of not less than 98 percent of maximum density as determined by AASHTO T 180. The method of making the density determination shall be modified as follows: The density determinations, both laboratory and field, shall be made on the completely mixed material, sampled after the final mixture on the project, with no elimination of any

screened material. The thickness of base shall be measured at intervals of not less than 300 feet by [by] means of holes drilled in the base, or at the time of test, coring the surface course.

B. ~~Surface course.~~ The surface course for flexible pavements shall be type S-1 asphaltic concrete surface. Minor streets shall have a minimum thickness of 1½ inches. Culs-de-sac shall have a minimum thickness of two inches. Surfaces for major and collector streets shall be designed by a registered engineer. The city shall be notified so that it may inspect the asphalt placement operation. Test for pavement thickness shall be performed at the following intervals, and taken at random points on the cross-sections. If the total length of the road is:

1. ~~Less than 500 feet, including all culs-de-sac, a minimum of three tests shall be taken.~~
2. ~~Above 500 feet, tests shall be taken every 200 feet.~~

~~Cores shall be taken for thickness determination. If a core is found to be of insufficient thickness, a second core will be taken within a three-foot radius of the first core. The greater thickness of the two cores shall be used for thickness averaging or for deficiency determination. If the second core is found to be deficient, the pavement shall be removed for the entire width of the roadway and for a length of 50 feet on each side of the core. The base shall be recompacted and the asphalt replaced to the specified thickness using a mechanical spreader to insure uniformity of pavement surface. If 25 percent or more of the cores taken are below ten percent thickness, the complete length of the roadway shall be overlaid with a minimum of one inch of type II asphaltic concrete at the contractor's expense over a prepared asphalt surface. The prepared asphalt must be free from all sand, or loose material, and a tack coat shall be applied.~~

~~All corrective measures necessary to comply with the minimum thickness criteria shall be performed at the contractor's expense.~~

C. ~~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.

D. ~~The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological vegetative patterns and minimizing erosion potential, runoff and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.~~

E. ~~Streets shall be laid out to avoid environmentally sensitive areas.~~

F. ~~Private streets may be allowed within developments which will remain under common ownership, provided they are designed and constructed pursuant to the standards in the technical construction standards manual.~~

G. ~~The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.~~

H. ~~Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.~~

I. ~~Residential streets shall be arranged to discourage through traffic.~~

J. ~~Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.~~

K. ~~New intersections on an existing street shall, where possible, coincide with existing intersections. Refer to section 8.04.01.~~

L. ~~Reserved.~~

M. ~~Alternate street designs submitted by registered engineers may be approved by the city.~~

7. ~~8.03.05. Roadway shoulders. Shoulders, where required, shall measure at least four feet in width and shall be required on each side of streets and shall be located within the right-of-way (shoulders on state roads shall be a minimum of six feet). Shoulders shall consist of stabilized turf or other material permitted by the technical construction standards manual. Shoulders and/or drainage swales are required as follows:~~

A. ~~Shoulders are required on residential access and residential subcollector streets only where necessary for stormwater management or road stabilization.~~

B. ~~All residential collector streets shall provide two four-foot-wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.~~

C. ~~Where shoulders are required by the FDOT.~~

D. ~~Collector streets where curbing is not required.~~

E. ~~Arterial streets where curbing is not required.~~

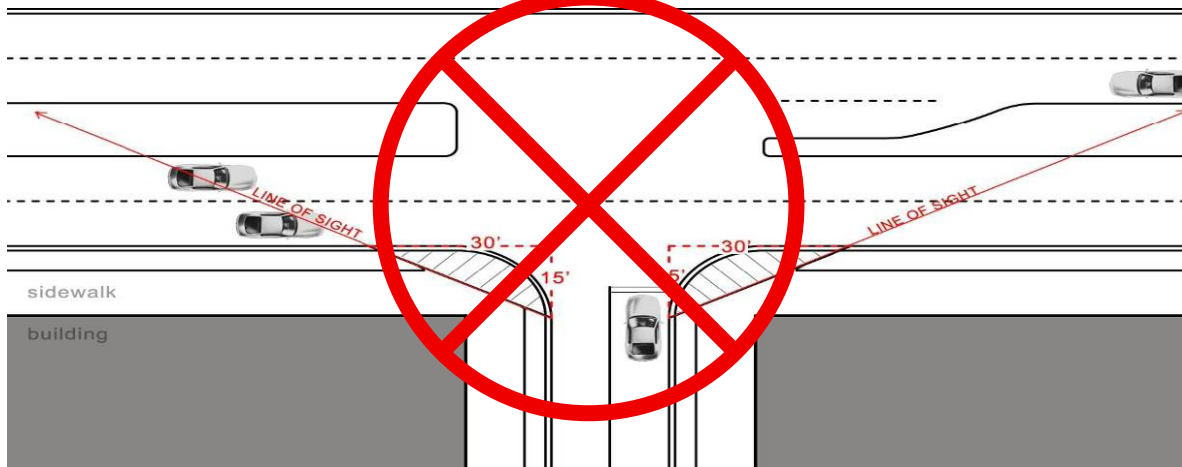
~~8.03.06. Clear visibility triangle. In order to provide a clear view to motorists at the intersection of two or more rights-of-way and/or the intersections of an accessway and a right-of-way, the following standards shall be met:~~

A. ~~Generally. All lots shall maintain a clear visibility triangle at the intersection of two or more right-of-ways (refer to Figure 8-1A: Clear Visibility Triangle) and/or the intersections of an accessway and a right-of-way (refer to Figure 8-1B: Clear Visibility Triangle) for the purpose of traffic safety. The term "right-of-way" shall refer to all rights-of-way, both public and private. Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and eight and a half feet above the grade, measured at the centerline of the intersection, except preserved and protected trees. Preserved or protected trees shall be allowed to remain in a clear visibility triangle provided all branches and foliage is removed between a height of two feet and eight and a half feet above the grade. It is also important to remember that buildings and structures must observe setbacks, as set forth in Section 7.12.06, Table 7-2: Table of Allowable Uses, in addition to the clear visibility triangle standards. In the event of a conflict between the clear visibility triangle standards and building setback standards, the more stringent of the two shall apply.~~

B. ~~Determination and implementation. The following two methods shall be used in determining/implementing the clear visibility triangle regulations:~~

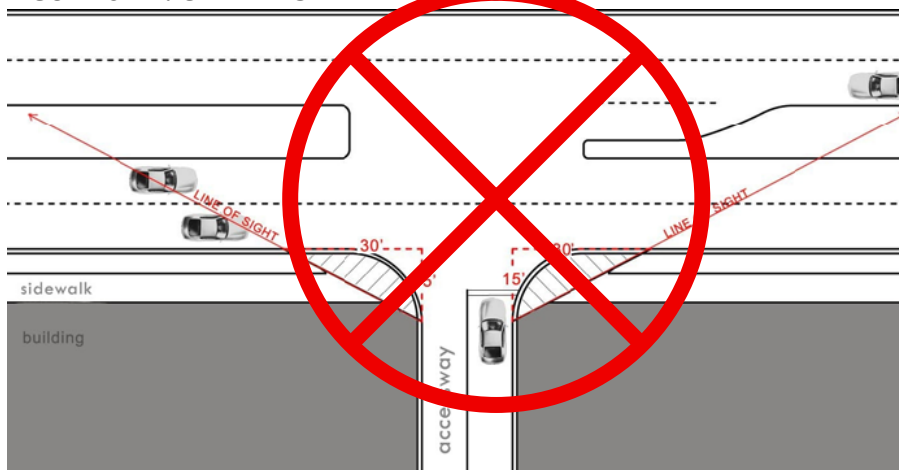
1. At the intersection of two or more rights-of-way, the clear visibility triangles shall be defined as the areas within the boundaries determined by measuring 15 feet along both sides of the right-of-way and 30 feet along the intersecting right-of-way in both directions and diagonally connecting the ends of the two lines of each to form two triangles.

FIGURE 8-1A: CLEAR VISIBILITY TRIANGLE



2. At the intersections of an accessway and a right-of-way, the clear visibility triangles shall be defined as the areas within the boundaries determined by measuring 15 feet along both sides of the accessway and 30 feet along the side property line and diagonally connecting the ends of the two lines of each to form two triangles.

FIGURE 8-1B: CLEAR VISIBILITY TRIANGLE



C. *Maintenance of the clear visibility triangle.* It is the responsibility of the owner or tenant of the property to maintain the clear vision triangle by trimming or removing the cause of any sight obstruction within said clear visibility triangle.

8.03.07. *Signage and signalization.* The developer shall deposit with the city sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the city, based upon city or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction.

The design of street name signs shall be consistent, of a style appropriate to the community and of a uniform size and color.

~~8.03.08. *Pavement markings.* All permanent paint striping in a ROW shall be thermo-plastic reflective paint in accordance with the current edition of FDOT's Standard Specifications for Road and Bridge Construction. All pavement markings shall be in accordance with the current edition of FDOT's Standard Specifications for Road and Bridge Construction and the Manual on Uniform Traffic Control Devices for streets and highways as applicable.~~

~~(Ord. No. 152.12, §§ 2—6, 9-6-94; Ord. No. 152.42, § 4, 4-1-02; Ord. No. 04-13-LC, § 5, 8-2-04; Ord. No. 08-14-LC, §§ 14—17, 1-20-09)~~

8.04.00. Access management.

~~8.04.01. *Purpose and intent.* The purpose and intent of having access management regulations are to ensure a high level of localized connectivity while minimizing delay and conflicts on roadways that need to carry significant volumes of traffic:~~

~~Consolidate driveways through shared driveway access to adjacent parcels;~~

~~Provide a system of interconnected local streets that accommodate short, local trips parallel to the major street system;~~

~~Use roundabouts instead of signals where roundabouts:~~

~~Provide an equal or improved level of service over a traffic signal~~

~~Calm vehicle traffic~~

~~Provide equal or better safety and connectivity for all modes of transportation;~~

~~Use continuous, raised medians to restrict turns and direct turning vehicles to optimal locations;~~

~~Provide minimum spacing standards for accessways, median openings, and signals;~~

~~Use a turning radius at intersections appropriate to the context of the corridor; and~~

~~Provide incentives for developed properties to retrofit with improved access design.~~

~~8.04.02. *Limit access points to arterial, collector, local streets and alleys.* The intent of this section is to provide a safe environment for pedestrians, bicyclists and motorists by reducing and consolidating driveway conflict points, encouraging joint planning of development projects to facilitate cross-access between adjoining properties and the use of shared accessways. Nothing in this section shall be interpreted as denying reasonable access to private property.~~

~~A. *Minimum accessway spacing between adjacent accessways.* Adjacent accessways located on the same side of a right-of-way shall meet the minimum accessway spacing standard (refer to Table 8-2) as measured from centerline to centerline of the accessways. For arterial streets, the minimum standard may vary between a range of 440 feet and 660 feet. The City Manager or designee shall use the Florida Department of Transportation, Plans Preparation Manual, 2008 Edition in determining the minimum accessway spacing required.~~

B. *Minimum accessway spacing from an intersection.* Accessways located adjacent to an intersection of two or more rights-of-way shall meet the minimum accessway spacing standard from an intersection as measured from the centerline of the intersection to the centerline of the accessway. Corner lots at a street intersection that cannot meet this requirement because of lot width shall place the accessways as far from the street intersection as possible. If a corner lot has frontage on a cul-de-sac, which said cul-de-sac has a total length of 500 feet or less, the lot shall be accessed from the cul-de-sac. Corner lots fronting on streets with different classifications, as defined in Article 8, Table 8-1, shall be accessed from the street with the lower classification. The City Engineer may allow different driveway placement based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other construct ability considerations. For U.S. Highway 98, please refer to FDOT specifications.

C. *Minimum offset accessway spacing.* Adjacent accessways located on opposite sides of a roadway from each other shall meet the minimum offset accessway spacing standard as measured from centerline-to-centerline of the accessways, varying by the posted speed limit of the roadway.

D. *Minimum median spacing.* Median openings that permit only one-way turning movements shall meet the minimum directional median opening spacing standards as measured from centerline-to-centerline of the median opening. Median openings that permit unrestricted turning movements shall meet the minimum full median opening spacing standards as measured from centerline-to-centerline of the median opening.

E. *Minimum traffic signal spacing.* Adjacent traffic signals shall meet the minimum signal spacing standard as measured from centerline-to-centerline of the signalized intersections. The City Manager or designee shall evaluate the feasibility and effectiveness of constructing a roundabout concurrently with any analysis to evaluate the feasibility and effectiveness of installing a traffic signal. Preference shall be given to roundabouts for intersections where they are found to be feasible and effective.

TABLE 8-2									
Functional classification	A. Minimum accessway spacing	B. Minimum accessway spacing from an intersection ³		C. Minimum offset accessway spacing			D. Minimum median opening spacing		E. Minimum traffic signal spacing
		Approaching ¹	Departing ²	<26 mph	26-44 mph	>44 mph	Directional	Full	
Arterial streets	440'—660'	230'	230'	N/A	440'	660'	1320'	2640'	2640'
Collector streets	250'	230'	230'	250'	440'	N/A	660'	1320'	1320'
Local streets	125'	115'	115'	N/A	N/A	N/A	N/A	N/A	1320'
Alleys	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

¹For a right-in only accessway, the minimum spacing shall be 115'.

²For a right-out only accessway, the minimum spacing shall be 115'.

³For U.S. Highway 98, please refer to FDOT specifications.

F. ~~_____ Cross-access. Reserved.~~

G. ~~_____ Access to U.S. Highway 98. In addition to Florida Department of Transportation approval, direct access to U.S. Highway 98 shall only be permitted upon approval by the City Manager or designee where parcels have no opportunities for alternative access. In these cases, a temporary accessway shall be permitted until a time that access can be provided through other means such as cross-access with an adjacent development, shared accessway with an adjacent development or a new street connection. At that time, the temporary accessway shall be closed and replaced with a sidewalk and landscaping consistent with the sidewalk and landscape requirements of the Land Development Code.~~

H. ~~_____ Shared-accessway. For parcels that cannot construct an exclusive, direct accessway meeting the minimum accessway spacing standards and where cross-access can be provided by an adjacent parcel, recorded shared-accessway agreements shall be required in lieu of providing an exclusive, direct accessway. For parcels where a shared-accessway cannot be provided by an adjacent parcel, an exclusive, direct accessway may be permitted under the following conditions:~~

1. ~~_____ The City Manager or designee shall review the City's Access Management Plan to determine if the applicant's accessway will be permanent, with adjacent parcels sharing the accessway in the future, or temporary, with the applicant's parcel sharing an adjacent accessway in the future.~~

2. ~~_____ Internal streets and/or access aisles shall be designed to stub to adjacent parcels in a manner that will allow a shared accessway connection at the time of redevelopment of neighboring parcels.~~

3. ~~_____ The applicant shall enter into a shared accessway agreement with the owner(s) of the adjacent parcel(s) prior to the approval of the development order application. The shared accessway agreement must be submitted, reviewed and approved by the City prior to the approval of the development order application. Said shared accessway agreement shall be recorded in the public records of Okaloosa County, Florida prior to the issuance of any building permit. The shared accessway agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:~~

a. ~~_____ A detailed site plan which at a minimum shall consist of the following: property boundary lines, adjacent right-of-way, the shared accessway area, adjacent improvements, sidewalks, landscaped areas, drainage swales.~~

b. ~~_____ A written statement indicating who is entitled to use and maintenance of the shared accessway.~~

c. ~~_____ A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such shared accessway area to become inoperable by either party either through the erection of a physical barrier, neglecting maintenance for said area or other means.~~

d. ~~_____ A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a Limited Liability Company, indicating~~

their understanding that the shared accessway agreement is a covenant running with the land and that it cannot be amended without the consent of the City.

4. — In cases where a temporary accessway is permitted, the applicant shall agree to open the shared accessway connection and close the exclusive accessway within 90 days of the approval of the certificate of occupancy for the development to which shared accessway is provided.

5. — In cases where a permanent accessway is permitted, the applicant shall agree to open the shared accessway connection within 30 days of the approval of the development order for the development to which shared accessway is provided.

I. — *Closing and consolidating accessways.* During subdivision, resubdivision, development, or major redevelopment of large parcels of land, existing accessways shall be closed and consolidated to the greatest extent as possible in order to bring them into compliance with the existing requirements. Major redevelopment is defined as reconstruction of a property involving 50 percent or more of that same property. Maps 8-2.1 through 8-2.20 indicate opportunities for closing and consolidating accessways from the City's Access Management Plan.

J. — *Existing accessways reconstructed to meet current requirements.* In the following instances existing accessways will be required to meet current requirements:

1. — Except for individual single-family detached or townhome dwelling units all existing developments located on any arterial or any collector road which: (1) change or add a land use, or (2) are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 20 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with requirements listed in Section 8.04.00. Cost plus contracts may be deemed as equal to or exceeding 20 percent of the total tax assessed value of the property.

2. — Single-family detached or townhome dwelling units which are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 50 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with current codes.

K. — *Credit for existing developments who convert existing parking areas into cross-access and/or shared accessway.* For those existing developments that do not trigger the requirement to provide cross-access and/or shared accessway, but want to provide either or both of these voluntarily, the following requirements shall apply. The area (e.g. parking spaces, landscape area, stormwater retention area, open space, etc.) of the development that must be altered to implement a new cross-access and/or shared accessway shall not have to [be] relocated elsewhere on the subject property, provided the new cross-access and/or shared accessway meets current code requirements.

8.04.03. *Accessway design.* Access points are defined as the location of the means of ingress and egress (accessway) to a parcel of land from a ROW.

A. — All accessways, except those for single-family detached and townhome dwelling units, that connect to right-of-way shall meet the following dimensional requirements:

1. — One-way accessways shall be a minimum of 20 feet wide and a maximum of 25 feet and shall be paved. The minimum twenty-foot wide one-way accessway shall consist of a fifteen-foot wide minimum driving lane with a five-foot wide fire lane or a fifteen-foot wide minimum driving lane between two five-

foot wide maximum fire lanes or any other combination otherwise approved by the city engineer. Fire lanes shall be striped in permanent, reflective paint and shall include, but not be limited to, the words "Fire Lane No Parking." The city manager or designee may approve multiple lane one-way ingresses and/or egresses if an applicant demonstrates that such ingresses and/or egresses are necessary for public safety purposes.

2. ~~Two-way accessways shall be a minimum of 22 feet wide and a maximum of 27 feet wide and shall be paved.~~

3. ~~Multiple lane two-way accessways shall be a minimum of 33 feet wide and a maximum of 36 feet wide, and shall be paved. The city manager or designee may approve wider multiple lane two-way accessways provided a detailed engineering study is submitted which utilizes the latest FDOT design standards and guidelines. Said engineering study shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida and shall only be approved if it is found that the proposed design is necessary for public safety and improves the functionality of the accessway in relation to the specific land uses and street classification.~~

4. ~~All accessways shall have a minimum vertical clearance of 15 feet, except as otherwise required by the FDOT.~~

B. ~~Accessway flares located within the right-of-way. All commercial, designated areas of assembly, or public accessway flares shall not exceed two and one-half times the access width, except as otherwise required by the FDOT, or one and one-half times the access width for residential.~~

C. ~~Required traffic control devices. All developments, except those for single-family detached and townhome dwelling units, shall be required to provide a FDOT standard, reflective, stop sign and a twenty-four-inch wide white thermo-plastic reflective painted stop bar across all egresses that access all rights-of-way.~~

D. ~~Gated accessways. The City Engineer shall review and approve all gated accessways which shall meet the following requirements listed below. However, the city engineer may allow different configurations based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.~~

1. ~~All nonresidential and multifamily properties with accessways connecting to a major streets, collector streets, and minor streets shall adhere to all of the following provisions for the construction of gated vehicular accessways:~~

a. ~~Total gate opening, as measured from the face of the gatepost to face of the gatepost, shall be two feet wider than the accessway.~~

b. ~~A minimum of 40 feet of total vehicular stacking distance shall be required from the edge of the right-of-way to the closest point of the gate.~~

c. ~~Gates shall swing away from the ROW toward the interior of the property.~~

d. ~~Postconstruction inspection by the engineering department of all driveway gates shall be required prior to issuance of a certificate of completion.~~

e. ~~A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the accessway passing thru the gated area.~~

2. ~~———— All single-family and/or duplex properties with accessways connecting to a major street or collector street shall adhere to all of the provisions listed in section D.1 above.~~

3. ~~———— All single-family and/or duplex properties with accessways connecting to a minor street shall adhere to all of the following provisions for the construction of gated vehicular driveway access:~~

a. ~~———— Total gate opening, as measured from the face of the gatepost to face of the gatepost, shall be two feet wider than the accessway.~~

b. ~~———— A minimum of 30 feet of total vehicular stacking distance shall be required from the edge of street pavement or back of curb to the closest point of the gate with a minimum of ten feet of the total 30 feet shall be required to be within the property and out of the ROW.~~

c. ~~———— Gates shall swing away from the ROW toward the interior of the property.~~

d. ~~———— Postconstruction inspection by the engineering department of all driveway gates shall be required prior to issuance of a certificate of completion.~~

e. ~~———— A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the accessway passing thru the gated area.~~

E. ~~———— *Minimum throat clearance.* All nonresidential and multifamily properties shall have a minimum throat clearance of 40 feet into the property and out of a ROW. Throat clearance is defined as safe vehicle stacking on an accessway off of the ROW. No parking spaces, loading zones, or like activities shall be permitted in this area. The city engineer may allow different throat clearance based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.~~

F. ~~———— *Accessway placement.* Accessways are encouraged to be placed near the center of a property or placed on the property line to utilize a joint access between two or more properties. Accessways that are not joint accessways shall be a minimum of ten feet from the side property line, measured from closest edge of the paving to the property line. All single-family and/or duplex properties with accessways connecting to a minor street are exempt from this requirement; provided that accessway flares within the ROW shall not cross the extension of the side property line to the edge of pavement.~~

G. ~~———— *Accessways for single-family detached and duplex dwellings.* Individual single-family detached and/or duplex properties shall have a minimum ten-foot wide and a maximum twenty-seven-foot wide accessway. The city engineer may approve multiple residential accessways for single-family and/or duplex properties if an applicant demonstrates that such accessways are necessary for public safety purposes. Such multiple accessways shall be separated by four feet and multiple accessway flares that are located within the right-of-way, to the edge of the pavement, shall not overlap. Unpaved accessways for single-family and/or duplex properties shall have a paved (concrete or asphalt) apron, which extends from the edge of the street pavement to the right-of-way/property line.~~

8.04.04. ~~*Reserved.*~~

(Ord. No. 152.12, § 7, 9-6-94; Ord. No. 152.42, § 5, 4-1-02; Ord. No. 03-23-LC, § 3, 11-17-03; Ord. No. 08-14-LC, §§ 18—22, 1-20-09)

8.05.00. Provide a variety of transportation facilities.

~~8.05.01. *Purpose and intent.* The purpose and intent of this section is to provide standards for sidewalks, multi-use pathways, bicycle lanes for all developments located outside of the multimodal transportation district in order to enhance the health, safety and welfare of the citizens using such sidewalks, multi-use pathways and bicycle lanes and to contribute to the completion of an adequate transportation system that provides for a variety of options for people to use in order to travel throughout the city.~~

~~8.05.02. *Applicability.* This section shall apply to all development located outside the multimodal transportation district (MMTD), as designated on Map 8-4: Multimodal Transportation District Map of the Land Development Code. Where a proposed development includes improvements to or new construction of collector or arterial facilities, facility designs shall include sidewalks, multi-use pathways and bicycle lanes. Multi-use pathway and bicycle lanes are required only if a need for them is identified in the City's Comprehensive Plan, Master Pathways Plan, or Transportation Impact Fee Study.~~

~~8.05.03. *Sidewalk specifications.* The following standards shall be adhered to when constructing, replacing or repairing sidewalks within the City:~~

~~A. — *External sidewalks.* Developments abutting a public or private right-of-way shall provide sidewalks running the full length of any roadway frontage directly adjacent to the site. Sidewalks shall be constructed within the right-of-way whenever possible. However, where it is not possible to construct the sidewalk within the right-of-way either wholly or in part, the entire sidewalk or remaining portion thereof shall be constructed on the subject property. If any portion of a public sidewalk is located on private property, then a public sidewalk easement shall be required prior to the issuance of any certificate of completion or occupancy. Stormwater runoff generated by the sidewalk located within the public sidewalk easement shall be satisfied in the adjacent right-of-way. All sidewalks shall be five feet in width and shall remain unobstructed by benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.~~

~~B. — *Internal sidewalks.* Nonresidential and multifamily residential developments shall be responsible for providing, constructing and maintaining a continuous on-site sidewalk network, to be provided throughout the development and connecting to adjacent developments. Single-family detached and duplex residential developments are not required to provide internal (on-site) sidewalks, but are required to provide external sidewalks as stated in subsection 8.05.03.A above. The sidewalk network shall connect to all buildings, common open space, transit stops, parking areas, adjacent properties, and public sidewalks. Internal accessways shall include sidewalks on at least one side of the accessway. Sidewalks shall be a minimum of five feet in width and shall be raised and curbed along buildings and within parking lots. Internal sidewalks may be located within landscaping buffers when necessary to achieve connectivity.~~

~~C. — *General sidewalk construction requirements.* All sidewalks shall be constructed in accordance with section 522, 2004 Department of Transportation Standard Specifications for Road and Bridge Construction, and all revisions thereto, which is made a part hereof by reference. Sidewalks constructed, replaced or repaired in connection with nonresidential, multifamily residential developments, single-family detached and duplex residential developments, buildings or structures shall be a minimum of four inches in thickness.~~

~~D. — *Sidewalks required for expansion of existing developments, buildings or structures and infill development.* All expansions of existing developments, buildings or structures and infill development are required to adhere to the following requirements:~~

~~1. Sidewalks required when expanding an existing nonresidential or multifamily residential developments, buildings or structures. All existing nonresidential and multifamily residential developments, buildings or structures that are expanded or renovated at a cost of 20 percent or more of the total assessed property value shall include provisions for sidewalks in their plans. The sidewalks shall span the entire property on which the improvements are made, be located adjacent to the property line and on the city right-of-way. The sidewalks shall be constructed as part of such expansion or renovation.~~

~~2. Sidewalks required for single-family detached and duplex infill development. The owners or developers of new single-family detached or duplex residential structures shall be required to construct sidewalks consistent with this article when any one of the following criteria is met:~~

~~a. The owners or developers of new single-family detached and duplex residential structures constructed in existing neighborhoods (infill houses) are required to construct sidewalks consistent with this article when 50 percent or more of the developed lots on the same side of the street within the same block have sidewalks.~~

~~b. When more than 50 percent of lots on the same side of the street in the same block are undeveloped then the owners or developers shall construct sidewalks. This subsection shall not be applicable if a waiver has been granted for a lot or lots on the same side of the street in accordance with subsection d. below.~~

~~c. If a property does not meet the criteria stated in subsections a. or b. listed above but is scheduled to receive sidewalks within the next three years, as indicated in the latest copy of the City's 5-year Capital Improvements Plan, then the owner or developer of the new single-family detached or duplex residential structure will have to install a sidewalk consistent with this article.~~

~~d. Waiver: Sidewalk construction may be waived at the discretion of the City Manager, based upon input from the review and approval recommendation by the Community Development Director and Public Services Director if (1) there is a threat to public health, safety, or welfare or the owner or developer establishes that the required sidewalk would result in undue hardship and (2) the owner or developer remits to the City the cost of the sidewalk installation to support future City sidewalk/pathway construction. If the waiver is granted, the cost of the sidewalk construction will be determined based on current City continuing service contract pricing and those funds shall then be paid by the owner or developers into the City's general fund earmarked specifically for City initiated installation, replacement or maintenance of sidewalk/pathways within the public right-of-way or granted public easement based on prioritization by City Council. NOTE: Granting of a waiver does not preclude the City from installing planned and approved sidewalk/pathway improvements within any public right-of-way or granted public easement.~~

~~i. Undue hardship or threats to public safety may include but are not limited to: insufficient right-of-way, significant utility conflicts, extreme topography, incompatible natural features (preserved or protected trees), complete absence of existing or planned sidewalks on a city classified "local street (residential)", or an unsafe pedestrian environment caused by vehicle proximity and speed.~~

~~E. Sidewalk buffer. A minimum buffer area of four feet is required between the street (back of street curb) and the required sidewalk width when the posted speed limit on the adjacent street is 25 mph or greater, with the exception of U.S. Highway 98 where a minimum buffer area of six feet and six inches is required. This buffer area may be landscaped or may also contain sidewalk; however, any sidewalk within this buffer area shall not contribute to the required sidewalk width. Where on-street parking is not present,~~

no fixed objects shall be located within the first four feet of buffer along U.S. Highway 98 or within the first one foot and six inches of buffer on all other streets as measured from the back of curb. "Fixed objects" as used in herein shall include any of the following items: benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

F. — ~~Pedestrian crosswalks.~~ Pedestrian crosswalks shall be provided at the intersections of all rights-of-way with accessways, where sidewalks cross internal accessways and at any additional key pedestrian crossing points as identified by the City Manager or designee. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white paint striping, and/or reflective materials. The placement and striping for all pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards. Additionally, all permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.

G. — ~~Sidewalk installation timetable.~~ All external sidewalks, internal sidewalks, sidewalks required for expansion of existing developments, buildings or structures and infill development, sidewalk buffers and pedestrian crosswalks shall be installed prior to the issuance of any certificate of completion or certificate of occupancy for a development project.

~~8.05.04. Sidewalk request from existing single-family detached and duplex residential development.~~ Citizens who own existing single-family detached and duplex residential lots or parcels, who do not currently have sidewalks adjacent to their property and who desire the City to install sidewalks adjacent to their property, are encouraged to request construction pursuant to Article I, Section 1.01(i)(1) and (2) of the City Charter.

~~8.05.05. Implement bicycle/multi-use pathway plans.~~ Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities identified in the City's Master Pathways Plan, Comprehensive Plan, and Transportation Impact Fee Study.

A. — ~~Bicycle lane specifications.~~ All bicycle lanes shall be a minimum of four feet in width as measured from the edge of curb on streets without on-street parking. All bicycle lanes shall be a minimum of five feet in width as measured from the edge of curb on streets with on-street parking.

B. — ~~Multi-use pathway specifications.~~ All multi-use pathways shall be a minimum of ten feet in width. The minimum of ten feet in width for the multi-use pathway shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.

(Ord. No. 152.4, §§ 1, II, 10-13-92; Ord. No. 152.12, § 8, 9-6-94; Ord. No. 152.22.1, § 3, 9-16-02; Ord. No. 02-07-LC, § 4, 12-2-02; Ord. No. 04-02-LC, §§ 4, 5, 3-15-04; Ord. No. 08-14-LC, §§ 23—28, 1-20-09; Ord. No. 12-08-LC, § 3, 6-3-13)

Editor's note(s)—Ord. No. 04-02-LC, § 4, adopted March 15, 2004, repealed § 8.05.00, which pertained to provide labor-intensive transportation facilities and sufficient parking facilities. Section 5 of said ordinance enacted provisions designated as a new § 8.05.00 to read as herein set out. See also the Code Comparative Table.

~~8.06.00. Vehicle and bicycle parking standards.~~

~~8.06.01. *Purpose and intent.* The purpose and intent of this section is to require vehicle, and bicycle where applicable, parking spaces for all land uses in sufficient number, size and arrangement to adequately meet the needs created by those land uses, to alleviate or prevent the congestion of vehicle traffic on streets caused by a lack of adequate parking spaces, and to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving and parking vehicles and vehicles and pedestrians.~~

~~8.06.02. *Parking facilities required for all development.* Parking facilities shall be provided for all development within the City pursuant to the requirements of this code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. Only vehicles in operating condition shall occupy such spaces. Automotive vehicles, without current license plates, shall not be parked or stored on any residentially zoned property other than in enclosed buildings. It shall be unlawful for any owner or operator of any building or land use affected by the code to cause or permit the discontinuance or reduction of required parking without the establishment of alternative parking facilities which meet the requirements of and are in compliance with this article and approved by the City Manager or his or her designee. Handicapped parking spaces are required and shall be consistent with the requirements of F.S. § 553.5041.~~

~~8.06.03. *Location of on-site parking facilities.* The following regulations shall apply to all development in the City which requires vehicle and bicycle parking:~~

~~A. — *Location of vehicle parking.* The on-site vehicle parking facilities required by this article shall be located on the same lot or parcel of land they are intended to serve. This requirement does not apply to those areas designated as Special Parking Districts as specified in section 8.06.13, Special parking districts.~~

~~B. — *Handicapped parking.* Handicapped parking shall be located on the same lot or parcel it is intended to serve. Additionally, the on-site location of said handicapped parking space(s) shall be consistent with the requirements of F.S. § 553.5041.~~

~~C. — *Location of bicycle parking.* The number of bicycle parking spaces shall be provided on-site and in accordance with the bicycle parking standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this code. Bicycle parking spaces shall be located within 20 feet of building entrances. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this code. Bicycle parking facilities shall be located in highly visible well-lighted areas to minimize theft and vandalism and shall be at least as convenient as the majority of vehicle parking spaces provided. Bicycle parking facilities shall not impede pedestrian or vehicular circulation, and shall be harmonious with their environment both in color and design. Parking facilities shall be incorporated whenever possible into building design or street furniture.~~

~~8.06.04. *Parking design standards.* All development, including that which is located within and outside of the City's Multimodal Transportation District, shall conform to the following parking design standards:~~

~~A. — *Vehicle and bicycle parking surface standards.* All vehicle and bicycle parking areas shall have durable surfaces for vehicle use areas, shall be properly drained and shall be designed with regard to pedestrian safety. A durable surface shall consist of an improved surface, including concrete, asphalt, stone, compacted shell and other permanent surfaces. Each parking space shall be directly accessible from an access aisle, in the case of on-site vehicle parking, or roadway, in the case of on-street parking.~~

B. *On-site vehicle turning and maneuvering areas.* For all properties, except those that contain single-family detached, duplex, and townhome dwellings, that have direct access to a public or private right-of-way, turning and maneuvering space shall be provided on-site so that no vehicle shall be required to back onto the right-of-way.

C. *On-site parking spaces.* The design standards for on-site parking spaces are as follows:

1. *Full-size vehicle parking spaces.* The minimum dimensions of full-size vehicle parking stalls and aisles shall be as indicated in the Table 8-3: Minimum on-site parking design standards for full-size vehicle parking spaces.

TABLE 8-3: MINIMUM ON-SITE PARKING DESIGN STANDARDS FOR FULL-SIZE VEHICLE PARKING SPACES					
Parking Angle (degrees)	Width of Stall (feet)	Depth of Stall (feet and inches)	Minimum Access Aisle Width (feet)*		Length of Curb per Car (feet and inches)
			1-way	2-way	
0°	9'	22'	12'	21'	22'
45°	9'	19'	13'	22'	12'-9"
60°	9'	20'	15'	22'	10'-5"
90°	9'	19'	20'	24'	9'

* NOTE: Aisle widths may be different than accessway widths. For accessway width requirements, please refer to Section 8.04.01.A.

2. *Compact-size vehicle parking spaces.*

a. *Maximum percentage of total required parking spaces.* Up to ten percent of the total required vehicle parking spaces for a lot or parcel may be designed for use by vehicles smaller than full-size, hereinafter called "compact cars."

b. *Additional open space required.* For any reduction in total parking area obtained as a result of using compact-sized vehicle parking spaces, an equal area of open space shall be provided in addition to the minimum open space required elsewhere in this Code.

c. *Location.* Compact-size vehicle parking spaces shall be located in one or more continuous areas and shall not be intermixed with spaces designed for full-size vehicles.

d. *Identification.* Each compact-size vehicle parking space shall be clearly designated by either pavement marking stating "COMPACT" or signs stating "Parking for compact vehicles only."

e. *Dimensions.* The minimum dimensions of compact-size vehicle parking stalls and aisles shall be as indicated in the Table 8-4: Minimum on-site parking design standards for compact size vehicle parking

spaces. The complete stall dimension shall be paved and no deduction shall be obtained for bumper overhang.

TABLE 8-4: MINIMUM ON-SITE PARKING DESIGN STANDARDS FOR COMPACT SIZE VEHICLE PARKING SPACES					
Parking Angle (degrees)	Width of Stall (feet)	Depth of Stall (feet and inches)	Minimum Access Aisle Width (feet)*		Length of Curb per Car (feet and inches)
			1-way	2-way	
0°	8'	20'	12'	21'	20'
45°	8'	16'	13'	22'	11'-5"
60°	8'	17'	15'	22'	9'-6"
90°	8'	16'	20'	24'	8'

* NOTE: Aisle widths may be different than accessway widths. For accessway width requirements, please refer to section 8.04.01(A).

3. ~~Tandem or end-to-end vehicle parking.~~ Tandem or end-to-end vehicle parking is allowed only for single-family detached and multifamily residential uses, both long and short term, and for nonresidential uses with valet parking. Nonresidential uses without valet parking are strictly prohibited from using tandem or end-to-end vehicle parking. Tandem or end-to-end vehicle parking stalls shall not consist of more than two vehicle parking spaces placed end-to-end for residential uses or three vehicle parking spaces placed end-to-end for nonresidential uses. Additionally, residential developments shall not be allowed to combine parking for separate dwelling units in a tandem vehicle parking area. If an applicant chooses to design a project with tandem or end-to-end vehicle parking in mind, then each tandem or end-to-end vehicle parking stall shall be clearly designated by either pavement marking or signs stating "reserved parking for unit (insert unit number here)". Additionally, guest parking shall be clearly designated by either pavement marking or signs stating "guest parking."

4. ~~Bicycle parking facilities.~~

a. ~~Bicycle parking spaces shall be at least one foot by six feet. An access aisle of at least five feet shall be provided in each bicycle parking facility and may be collocated with the sidewalk. Such bicycle parking spaces shall have a vertical clearance of at least six feet.~~

b. ~~Bicycle parking shall be clustered in lots not to exceed 18 spaces each.~~

c. ~~Racks must not be placed close enough to a wall or other obstruction so as to make use of said bicycle parking difficult. There must be sufficient space (at least 24 inches) beside each parked bike that allows access. This access may be shared by adjacent bicycles. An aisle or other space shall be provided to bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.~~

d. ~~Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.~~

e. ~~Bicycle parking facilities shall support bicycles in a stable position without damage to wheels, frame or other components. Bicycle racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel, such as standard 'wire racks' are damaging to wheels and thus are not acceptable.~~

f. ~~Paving is not required, but the outside ground surface shall be finished or planted in a way that avoids mud and dust.~~

g. ~~Bicycle parking facilities within vehicle parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.~~

h. ~~Bicycle parking facilities shall not be located in landscape islands.~~

All on-site vehicle parking spaces shall meet the requirements of Tables 8-3 and 8-4 and must be striped as designated in the table to provide sufficient depth and width for vehicles. For areas where parking is limited or not allowed, "No Parking" street signs shall be required in accordance with section 8.06.04(F)(5).
NOTE: Accessways shall meet fire code requirements when adjacent to buildings.

D. ~~On-street vehicle parking spaces. The design standards for on-street vehicle parking spaces are listed in Table 8-5 Minimum on-street vehicle parking design standards as follows:~~

TABLE 8-5: MINIMUM ON-STREET VEHICLE PARKING DESIGN STANDARDS					
Parking Angle (degrees)	Width of Stall (feet)	Depth of Stall (feet and inches)	Minimum Driving Lane Width (feet)*		Length of Curb per Car (feet and inches)
			1-way	2-way	
0°	8'	22'	12'	22'	22'
45°	8'	19'	13'	22'	12'-9"
60°	8'	19'	15'	22'	10'-5"
90°	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

* NOTE: Driving lanes may be different than accessway widths. For accessway width requirements, please refer to section 8.04.01(A).

All on-street vehicle parking spaces shall meet the requirements of Table 8-5 and must be striped as designated in the table to provide sufficient depth and width for vehicles. For streets where vehicle parking is limited or not allowed, "No Parking" street signs shall be required in accordance with section 8.06.04(F)(5).

1. — *Angled on-street vehicle parking.* Angled vehicle parking may be approved at an angle of 45 or 60 degrees. In no case shall on-street vehicle parking be approved at an angle of 90 degrees. The vehicle parking spaces must be striped or otherwise clearly distinguishable by a change in the color of materials or other methods approved by the City Engineer or designee. When angled vehicle parking is located on a public street, it must be pre-approved by the City Engineer or designee. All angled vehicle parking spaces on a street shall be designed for vehicles to back in to park and pull out facing forward.

a. — *On an approach to an intersection:* When maneuvering into an angle vehicle parking space, at no time can a vehicle use any part of the crosswalk for this purpose there must be a minimum thirty-foot clearance from the parking space to the stop line or parking space.

b. — *On the departure from an intersection:* When maneuvering out of an angled vehicle parking space there must be a minimum of 30 feet between the back-edge line of the crosswalk and the beginning point of the angled parking space. This is to allow a vehicle room to wait while another vehicle is backing into the parking space.

2. — *Accessway clearance.* A vehicle parking space within the roadway shall be designated with a minimum clearance of five feet from the edge of the accessway, unless otherwise indicated. Sight distance is a major factor when exiting mid-block parking lots. There must be a minimum of five-foot clearance on each side of these accessways. Existing mid-block driveways require a minimum of five-foot clearance on each side unless special sight distance problems exist. The City Engineer or designee will make the final determination of the clearance required for the driveway.

3. — *Intersection clearance.* A vehicular parking space within the roadway shall be designed with a minimum clearance of 30 feet from the stop bar. Depending on traffic conditions, the City Engineer or designee may require a greater clearance to enhance safety of the motorist. NOTE: No parking is allowed within an intersection.

4. — *Parking in proximity to a fire hydrant.* No parking shall be designated in front of a fire hydrant and for ten feet in either direction from the centerline of the fire hydrant.

5. — *Location of on-street vehicle parking spaces.* On-street vehicle parking spaces may be permitted on arterial, collector and local streets provided all of the requirements listed in this section are met and the location of on-street vehicle parking spaces will not pose a risk to the health, safety and welfare of the public as determined by the City Engineer using best engineering practices. However, in no case are on-street vehicle parking spaces allowed in rights-of-way that are constructed to alleyway specifications.

E. — *Parking design standards for single-family detached and duplex dwellings.* All vehicles must be parked in the driveway, garage or other City approved parking space for the dwelling unit and clear of all landscaped areas and sidewalk sections for pedestrian traffic. Additionally, single-family detached, duplex and townhouse developments may have tandem or end-to-end parking areas for each dwelling unit, but shall not combine parking for separate dwelling units in tandem or end-to-end parking areas.

F. — *Striping and marking.* All vehicle and bicycle facilities must be striped in accordance with the design standards for minimum width and depth as indicated in Tables 8-3 and 8-4 and shall also adhere to the following requirements for striping and marking:

1. — All parking spaces shall be marked by a minimum three-inch wide stripe of durable white paint designed for that purpose.

2. ~~———— All handicapped spaces shall be striped and marked in accordance with the applicable federal and state standards.~~

3. ~~———— The placement and striping for all stop bars shall be striped in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards. Additionally, all permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.~~

4. ~~———— When striping is used to designate compact-sized parking spaces instead of signs, as required in section 8.06.04(C)(2)(d), the striping shall be a minimum three inch wide stripe of durable white paint designed for that purpose and shall state "COMPACT" in all caps. The size of the lettering shall be a minimum 18 inches in height and a minimum nine inches in width.~~

5. ~~———— For areas where parking is not allowed on a permanent basis, the proposed development shall stripe the no parking area with "No Parking" and vertical stripes. The size of the lettering shall be a minimum 18 inches in height and a minimum nine inches in width. The size of the vertical stripes shall be a minimum three inches in width and durable yellow paint designed for that purpose shall be used. Additionally, the City Manager or designee may require "No Parking" signs, meeting the MUTCD standards, to be placed on site if he or she feels that it would be in the best interest of the public for health, safety or welfare reasons.~~

6. ~~———— For areas where parking is not allowed due to that area being designated as a "fire lane" by the Fire Chief or designee, the proposed development shall stripe the fire lane area with "No Parking — Fire Lane" and vertical stripes. The size of the lettering shall be a minimum 18 inches in height and a minimum nine inches in width. The size of the vertical stripes shall be a minimum three inches in width and durable yellow paint designed for that purpose shall be used. Additionally, the City Manager or designee may require "No Parking — Fire Lane" sign(s) to be installed adjacent to the fire lane area if he or she feels that it would be in the best interest of the public for health, safety or welfare reasons. Said sign shall be 12 inches by 18 inches with the words "No Parking Fire Lane" in red lettering, the background in white and the edge of the sign in red.~~

7. ~~———— For areas that have a high volume of pedestrian activity having to cross an access aisle to enter a business (e.g. supermarkets, big box retail stores, restaurants, etc.), the proposed development shall stripe the pedestrian crossing area in front of the entrance to the business and within the vehicle access aisle with "Ped Xing" and vertical stripes. The size of the lettering shall be a minimum 18 inches in height and a minimum nine inches in width. The size of the vertical stripes shall be a minimum three inches in width and durable yellow paint designed for that purpose shall be used. Additionally, the City Manager or designee may require a pedestrian crossing sign(s) to be installed adjacent to the pedestrian crossing area if he or she feels that it would be in the best interest of the public for health, safety or welfare reasons. Said sign shall be in conformance with the MUTCD specifications for a pedestrian crossing sign (W11A-2).~~

8. ~~———— A bicycle parking sign shall be installed adjacent to bicycle parking spaces and shall be in conformance with the MUTCD specifications for a bicycle parking area sign (D4-3).~~

9. ~~———— For areas that are used for transit stops, the proposed development shall stripe the no parking — transit stop area with "No Parking — Transit Stop" and vertical stripes. The size of the lettering shall be a minimum 18 inches in height and a minimum nine inches in width. The size of the vertical stripes shall be a minimum three inches in width and durable yellow paint designed for that purpose shall be used. Additionally, the City Manager or designee may require "No Parking — Transit Stop" signs, meeting the~~

MUTCD standards, to be placed on site if he or she feels that it would be in the best interest of the public for health, safety or welfare reasons.

10. — ~~For all parking areas not constructed using concrete or asphalt, but instead use another city-approved durable surface (e.g., stone, compacted shell and other permanent surfaces) all parking spaces shall be delineated by one wheel stop per space.~~

G. — ~~Curbing and/or wheel stops for vehicle parking spaces. All vehicle parking spaces must be equipped with suitable curbs or wheel stops to protect sidewalks, walls, fences, landscaped areas, and to prevent parking where not permitted. Curbing and wheel stops shall be in accordance with the following requirements:~~

1. — ~~Curbing. If curbing is used instead of wheel stops, then such curbing shall be F-type curbing meeting FDOT specifications.~~

2. — ~~Location of wheel stops. Wheel stops shall be installed at least 30 inches from an adjacent sidewalk, wall, fence, or landscaped areas.~~

3. — ~~Wheel stop specifications. The stops shall be at least six feet in length, six inches in height and nine inches in width and permanently affixed to a foundation, a continuous concrete curb, or other appurtenances or design features that keep vehicles from obstructing sidewalks or making contact with walls, fences or landscaped areas.~~

H. — ~~Handicapped parking facilities. All handicapped vehicle parking spaces must comply with F.S. § 553.5041(5)(c)1 and F.S. § 553.5041(6).~~

~~8.06.05. Additional parking spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.~~

A. — ~~Vehicle parking.~~

1. — ~~Buildings, structures, docks, marinas or uses may be modernized, altered or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site and/or on-street vehicle parking spaces in accordance with this code.~~

2. — ~~Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site and/or on-street vehicle parking spaces, as specified herein, shall be brought into compliance with the vehicle parking space requirements for the entire building, structure, dock, marina, or use.~~

B. — ~~Bicycle parking. Bicycle parking facilities shall be provided consistent with the requirements of this code where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area.~~

~~8.06.06. Additional vehicle and/or bicycle parking spaces required for a change of use. When the use of a building or land is changed, additional bicycle and on-street and/or on-site vehicle parking spaces shall be provided to the extent that the number of parking spaces required for the new use exceeds the number of parking spaces required for the previous use. On-street vehicle parking shall be in accordance with section 8.09.03(A)5(c) or (B)3(c) if applicable. This requirement shall apply both within and outside of the City's Multimodal Transportation District.~~

~~8.06.07. *Parking spaces required for multiple uses.* Where multiple uses or purposes exist on a parcel or lot, the parking space requirements for each use shall be calculated separately and the requirements combined for a single total number of parking spaces needed, except for shopping centers. The total number of parking spaces may be reduced by conducting a mixed-use parking analysis as outlined in section 8.06.12. This requirement shall apply both within and outside of the City's Multimodal Transportation District.~~

~~8.06.08. *Maintenance of vehicle parking facilities.* All on-site, and on-street parking in the case of private rights-of-way, vehicle parking facilities shall be well maintained; free of potholes, debris, weeds, broken curbs, and broken wheel stops; clearly striped, if paved; or one wheel stop per space; and with all lighting in working condition.~~

~~8.06.09. *Landscaping for parking facilities.* All on-site and on-street parking areas shall be landscaped in accordance with the landscaping and tree protection regulations in this code.~~

~~8.06.10. *Number of vehicle and bicycle parking spaces required.*~~

~~A. — *Non-MMTD parking standards.* For those lots or parcels located outside of the Multimodal Transportation District (MMTD), the number of vehicle parking spaces required shall be equal to at least the minimum requirements for the specific use or uses, which may have multiple applications to a particular parcel, as set forth in Table 8-6: Number of vehicle and bicycle parking spaces required. It is important to note that bicycle parking spaces are not required for those developments located outside of the boundaries of the MMTD as indicated on Map 8-4: Multimodal Transportation District Map.~~

~~B. — *MMTD parking standards.* Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site shall not exceed the maximums and shall not be less than 80 percent of the minimums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required, for the specific use or uses. Outside of the Old Destin MMTD sub-area, the number of vehicle parking spaces required shall be equal to at least the minimum requirements as listed in Table 8-6 for the specific use or uses, which may have multiple applications to a particular parcel. Within both the Old Destin and Crystal Beach MMTD sub-areas, bicycle parking spaces are required. The number of required bicycle parking spaces shall be equal to at least the minimum requirements indicated in Table 8-6 for the specific use or uses.~~

~~C. — *Parking standards for uses not listed.* Other uses not specifically mentioned in Table 8-6: Number of vehicle and bicycle parking spaces required, shall meet the on-site vehicle, and bicycle, if applicable, parking requirements of the uses listed in Table 8-6 which are similar or compatible. For the purposes of this article, "boat parking spaces" as described in section 8.06.12 (D)6, Substitution of required vehicle parking spaces with boat parking spaces, do not require vehicle or bicycle parking spaces.~~

~~D. — *Handicapped parking standards.* The number of handicapped parking spaces shall be consistent with the requirements of F.S. § 553.5041, which states "The number of accessible parking spaces must comply with the requirements in the American's with Disabilities Act Accessibility Guidelines (ADAAG) 4.1," as generally provided in the following table:~~

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Refer to ADGGA 4, Accessible Elements and Spaces: Scope and Technical Requirements, regarding exceptions and additional requirements.

TABLE 8-6: NUMBER OF VEHICLE AND BICYCLE PARKING SPACES REQUIRED			
Uses		Maximum Vehicle Parking (within Old Destin MMTD); otherwise, Minimum Vehicle Parking	Minimum Bicycle Parking
Residential Use Designations			
Permanent or long-term residential uses			
	Single-family detached dwelling	2 spaces per dwelling unit	0%
	Multi-family attached dwelling		
	a) Studio/efficiency/1 bedroom	1.50 spaces per dwelling unit	10%
	b) 2 bedrooms	2.25 spaces per dwelling unit	10%
	c) 3 bedrooms or more	2.5 spaces per dwelling unit	10%
	Mobile home dwelling	2.25 spaces per dwelling unit	0%

	Mobile home development	2.25 spaces per dwelling unit	0%
	Guest house	1 space per dwelling unit	0%
	Accessory dwelling	1 space per dwelling unit	0%
	Custodian or night watchman dwelling	1 space per dwelling unit	0%
	Single-room occupancy housing	1 space per rental room	0%
Seasonal or short-term residential uses			
	Single-family detached dwelling		
	a) 2 bedrooms or less	2 spaces per dwelling unit	0%
	b) 3 bedrooms	3 spaces per dwelling unit	0%
	c) 4 bedrooms or more	1 space per bedroom	0%
	Luxury motor home resort	1 space per dwelling unit/pad	0%
	Multi-family attached dwelling		
	a) Studio/efficiency/1 bedroom	1 space per dwelling unit	10%
	b) 2 bedrooms or more	1 space per bedroom	10%
Other residential uses			
	Community residential home, small (1—6)	1 space per 4 beds, plus 1 space for each employee on maximum shift	0%
	Community residential home, large (7—14)	1 space per 4 beds, plus 1 space for each employee on maximum shift	5%

	Family day care home	2 spaces per dwelling unit	0%
Sector 22 Utilities			
	2211 Electric power generation, transmission, and distribution	1 space for every 200 square feet of gross floor area	5%
	-221111 Hydroelectric power generation		
	-221112 Fossil fuel electric power generation		
	-221113 Nuclear electric power generation		
	-221119 Solar electric power generation		
	-221119 Wind electric power generation	1 space for every 200 square feet of gross floor area	5%
	221122 Distribution electric substation	None	0%
	2212 Natural gas distribution		
	2213 Water, sewage and other systems		
Sector 23 Construction			
	-236 Residential and nonresidential contractors	1 space for every 400 square feet of gross floor area	5%
	237 Heavy and civil engineering contractors	1 space for every 400 square feet of gross floor area	5%
	238 Specialty trade contractors	1 space for every 400 square feet of gross floor area	5%
Sector 31-33 Manufacturing			
	-323 Printing and related support activities	1 space for every 1,000 square feet of gross floor area devoted to manufacturing, plus the required parking for square footage	5%

		devoted to other uses	
Sector 42 Wholesale Trade			
	424460 Fish and seafood merchant wholesalers	1 space for every 1,000 square feet of gross floor area	5%
Sector 44-45 Retail Trade			
441 Motor vehicle and parts dealers			
	4411 Automobile dealers	1 space for every 400 square feet of gross floor area	5%
	4412 Other motor vehicle dealers	1 space for every 400 square feet of gross floor area	5%
	4413 Auto parts, accessories, and tire stores	1 space for every 200 square feet of gross floor area (each service bay may count toward a space)	5%
	441310 Parts & accessories dealers—Automotive and marine	1 space for every 200 square feet of gross floor area (each service bay may count toward a space)	5%
	442 Furniture and home furnishings stores	1 space for every 500 square feet of retail gross floor area and 1 space for every 1000 square feet of warehouse area	5%
	443 Electronics and appliance stores	1 space for every 500 square feet of gross floor area	5%
	444 Building material and garden equip. and supply dealer		

	a) Lumberyards	1 space for every 500 square feet of gross floor area, plus 1 space for every 1,000 square feet of outdoor ground storage/display area	5%
	b) Nurseries	1 space for every 500 square feet of gross floor area, plus 1 space for every 2,000 square feet of outdoor ground storage/display area plus 1 space for each acre of growing area	5%
	44190 Kitchen cabinet stores	1 space for every 500 square feet of gross floor area	5%
	445 Food and beverage stores		
	4451 Grocery stores	1 space for every 250 square feet of gross floor area	10%
	a) Convenience stores (without fuel pumps)	1 space for every 200 square feet of gross floor area	15%
	4452 Specialty food stores	1 space for every 250 square feet of gross floor area	15%
	4453 Beer, wine, and liquor stores	1 space for every 250 square feet of gross floor area	15%
	446 Health and personal care stores	1 space for every 250 square feet of gross floor area	15%
	447 Gasoline stations (without convenience store)	1 space per 4 pumps, plus 1 space for each employee on maximum shift (fuel	5%

		stations are not to be included as a parking space)	
	Gasoline stations (with convenience store)	1 space for every 200 square feet of gross floor area (fuel stations are not to be included as a parking space)	10%
	448 Clothing and clothing accessories stores	1 space for every 250 square feet of gross floor area	10%
	451 Sporting goods, hobby, book and music stores		
	4511 Sporting goods and musical instrument stores	1 space for every 250 square feet of gross floor area	10%
	4512 Book, periodical, and music stores	1 space for every 250 square feet of gross floor area	10%
	452 General merchandise stores		
	4521 Department stores	1 space for every 250 square feet of gross floor area	10%
	4529 Other general merchandise stores	1 space for every 250 square feet of gross floor area	10%
	a) Shopping center, neighborhood:	1 space for every 300 square feet of gross floor area	10%
	b) Shopping center, fashion/specialty:	1 space for every 300 square feet of gross floor area	5%
	c) Shopping center, theme/festival:	1 space for every 300 square feet of gross floor area	10%

	d) Shopping center, community:	1 space for every 250 square feet of gross floor area	10%
	e) Shopping center, outlet:	1 space for every 200 square feet of gross floor area	5%
	f) Shopping center, power:	1 space for every 250 square feet of gross floor area	10%
	g) Shopping center, regional:	1 space for every 250 square feet of gross floor area	10%
	h) Shopping center, super regional:	1 space for every 250 square feet of gross floor area	10%
453 Miscellaneous store retailers			
	4531 Florists	1 space for every 300 square feet of gross floor area	10%
	4532 Office supplies, stationery, and gift stores	1 space for every 250 square feet of gross floor area	10%
	4533 Used merchandise stores	1 space for every 250 square feet of gross floor area	10%
	-453310 Thrift stores	1 space for every 250 square feet of gross floor area	10%
	-453310 Thrift stores, large	1 space for every 250 square feet of gross floor area	10%
	4539 Other miscellaneous store retailers	1 space for every 250 square feet of gross floor area	10%

	4854 School and employee bus transportation	1 space for each employee on maximum shift	5%
	4855 Charter bus industry	1 space for each employee on maximum shift, plus 1 space for each service vehicle	0%
	4859 Other ground passenger transportation	1 space for each employee on maximum shift	5%
487 Scenic and sightseeing transportation			
	4871 Scenic and sightseeing transportation, land	1 space for each 3 seats in the vehicle	10%
	4872 Scenic and sightseeing transportation, water	1 space for each 4 seats on the boat or 1 space for each 75 square feet of gross floor area, whichever is greater.	10%
	4879 Scenic and sightseeing transportation, other	1 space for each 3 seats in the vehicle	10%
488 Support activities for transportation			
	4881 Support activities for air transportation	1 space for every 300 sq. ft. of terminal/office/ fixed base operation area	0%
	48841 Motor vehicle towing	1 space for every 500 square feet of gross floor area, plus 1 space for every 5,000 square feet of outdoor storage area	0%
	491 Postal service	1 space for every 250 square feet of gross floor area, plus 1 space for each employee	10%

492 Couriers and messengers	1 space for every 500 square feet of gross floor area, plus 1 space for each vehicle used in operation	5%	
493 Warehousing and storage			
	4931 General warehousing and storage	1 space for every 1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehousing; 1 space for every 2,000 square feet of gross floor area for the second 20,000 square feet; 1 space for every 4,000 square feet of gross floor area in excess of 40,000 square feet; plus 1 space for every 300 square feet of office area in excess of the 25% allowance	0%
Sector 51 Information			
511 Publishing industries, except internet			
	512131 Motion picture theaters		
	a) Single-screen	1 space for every 3 seats, plus 5 spaces for employees	10%
	b) Multi-screen	1 space for every 4 seats, plus 5 spaces for employees	10%
515 Broadcasting, except internet	1 space for every 300 square feet of gross floor area	5%	

516 Internet publishing and broadcasting	1 space for every 250 square feet of gross floor area	5%
517 Telecommunications	1 space for every 2 employees on the maximum shift, plus 1 space per each company vehicle	5%
518 ISPs, search portals, and data processing	1 space for every 250 square feet of gross floor area	10%
519 Other information services	1 space for every 250 square feet of gross floor area	10%
Sector 52 Finance and Insurance	1 space for every 250 square feet of gross floor area, plus each drive-in teller window shall have a minimum storage lane capacity of 5 motor vehicles	10%
-522298 Pawn shops	1 space for every 250 square feet of gross floor area	10%
Sector 53 Real Estate and Rental and Leasing		
-531 Real estate services	1 space for every 250 square feet of gross floor area	10%
531120 Conference/convention center	1 space for every 3 persons allowed within the maximum occupancy as determined by building, fire, and/or health codes or 1 space for every 45 square feet, whichever is greater.	0%

	531130 Drive-up mini-warehouse and self-storage leasing	No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided. Parking shall be required for the square footage devoted to other uses on the site.	0%
	531130 Walk-in mini-warehouse and self-storage leasing	1 space for every 50 self-storage units, plus parking shall be required for the square footage devoted to other uses on the site.	0%
	531190 Boat, vehicle, equipment, etc., storage leasing (outdoor)	1 parking space for every 10,000 square feet of outdoor storage area. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers; plus 1 space for every 300 square feet of office area.	0%
532 Rental and leasing services			
	5321 Automotive equipment rental and leasing	1 space for every 400 square feet of gross floor area	5%
	5322 Consumer goods rental	1 space for every 400 square feet of gross floor area	5%

	5323 General rental centers	1 space for every 400 square feet of gross floor area	5%
	5324 Machinery and equipment rental and leasing	1 space for every 400 square feet of gross floor area	5%
Sector 54 Professional and technical services			
	541 Professional and technical services	1 space for every 250 square feet of gross floor area	5%
	541940 Veterinary services	1 space for every 250 square feet of gross floor area	5%
Sector 55 Management of Companies and Enterprises			
	551 Management of companies and enterprises	1 space for every 250 square feet of gross floor area	10%
Sector 56 Administrative and Waste Services			
	561 Administrative and support services	1 space for every 250 square feet of gross floor area	10%
	561730 Landscaping services	1 space for every 2 employees on the largest shift, plus 1 space for each company vehicle, plus 1 space for every 2,000 square feet of outdoor ground storage/display area	5%
	562 Waste management and remediation services	1 space for every 1000 square feet of gross floor area, plus 1 space for each company vehicle	5%
Sector 61 Educational Services			

611 Educational services			
6111 Elementary and secondary schools			
	a) Elementary/junior high schools	2 spaces for every classroom	1 space per 9 students
	b) Senior high schools	1 space for every faculty member and employee, plus 1 space for every 6 students	1 space per 9 students
6112 Junior colleges		5 spaces for every faculty member and employee, plus 1 space for every 3 students	1 space per 15 students
6113 Colleges and universities		5 spaces for every faculty member and employee, plus 1 space for every 3 students	1 space per 15 students
6114 Business, computer and management training		1 space for every 300 square feet of gross floor area	1 space per 15 students
6115 Technical and trade schools		5 spaces for every faculty member and employee, plus 1 space for every 3 students	1 space per 15 students
6116 Other schools and instruction		1 space for every 300 square feet of gross floor area	10%
6117 Educational support services		1 space for every 300 square feet of gross floor area	10%
	a) Libraries	1 space for every 300 square feet of gross floor area	20%
Sector 62 Health Care and Social Assistance			

621 Ambulatory health care services/physician's office		1 space for every 250 square feet of gross floor area	5%
622 Hospitals		2 spaces for every bed	5%
623 Nursing and residential care facilities			
	6231 Nursing care facilities	1 space for every 4 beds, plus one space per staff person working the largest shift	5%
	6232 Residential mental health facilities	1 space for every 4 beds, plus one space per staff person working the largest shift	5%
	6233 Community care facilities for the elderly	1 space for every 4 beds, plus one space per staff person working the largest shift	5%
	6239 Other residential care facilities	1 space for every 4 beds, plus one space per staff person working the largest shift	5%
624 Social assistance		1 space for every 250 square feet of gross floor area	5%
	6244 Child day care services	1 space for every 250 square feet of facility gross floor area. In addition, such facilities may provide a drop-off facility with a minimum stacking lane capacity for 2 vehicles adjacent to	5%

		the building providing clear ingress and egress. Up to 30 percent of the total required number of parking spaces or 5 parking spaces, whichever is less, when placed in a stacking lane, may be credited to the required number of off-street parking spaces. A stacking lane space shall be 9 feet in width by 19 feet in depth.	
Sector 71 Arts, Entertainment, and Recreation			
	711 Performing arts and spectator sports	1 space for every 3 seats or 1 space for every 35 square feet of gross floor area where there are no fixed seats	10%
	712 Museums, historical sites, zoos, and parks		
	a) Neighborhood mini-parks	Minimum 1 handicap parking space per park	4 spaces
	713 Amusements, gambling, and recreation		
	713110 Amusement and theme parks	1 space for every 4 seats in facilities available for patron use; or 1 space for every 150 square feet of gross floor area or ground area; or 1 space for every 4 patrons based on design capacity of the facility, whichever is	10%

		applicable to the facility.	
	713120 Amusement arcades	1 space for every 250 square feet of gross floor area	15%
	713910 Golf courses and country clubs	6 spaces for every tee, plus required parking for any other uses on the site	5%
	a) Driving range	1 space for every tee, plus required parking for any other uses on the site	5%
	b) Miniature golf	3 spaces for every hole, plus required parking for any other uses on the site	10%
	713930 Marinas	In addition to parking requirements for other uses specified herein, commercial marinas shall have 1 additional parking space for each boat slip not housing fare-carrying vessels charter fishing boats, or rental watercraft	0%
	a) Dry boat storage facilities	1 parking space for every 4 boat storage spaces. Required auto parking spaces cannot be used for wash and dry racks or for boats or trailers.	0%
	b) Dry dock facilities	2 parking spaces for each dry dock.	0%

	e) Charter fishing boats – small (1–6 passenger capacity)	2 parking spaces for passengers plus 1.5 parking spaces for crew.	10%
	d) Charter fishing boats – large (7 or more passenger capacity)	1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity plus 2.25 spaces for crew.	10%
	e) Fare-carrying vessels	1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity.	10%
	f) Rental watercraft	1 parking space for each 4 passengers based on maximum U.S. Coast Guard rated passenger capacity or 1 parking space for every 4 personal watercraft.	10%
	713940 Fitness and recreational sports centers	1 space for every 200 square feet of gross floor area	15%
	713950 Bowling centers	3.75 spaces for every alley, plus 2 spaces for each billiard table, plus spaces required for other uses on the site	10%
	713990 All other amusement and recreation industries	1 space for every 4 seats in facilities available for patron use; or 1 space for each 150 square feet of gross floor area or ground area;	10%

		whichever is applicable to the facility.	
	a) Indoor shooting ranges	1 space for every shooting lane plus 1 space for every 250 square feet of retail sales gross floor area	10%
	b) Skating rinks	1 space for every 200 square feet of gross floor area	10%
	c) Stables	1 space for every 5 horses boarded on-site	0%
	d) Tennis, handball, and racquetball facilities	2 spaces for every court, plus required parking for additional uses on-site	10%
Sector 72 Accommodation and Food Services			
721 Accommodation			
	721110 Hotels and motels	1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	5%

	721191 Bed and breakfast inns	1 space for every room for rent	5%
	721199 Other traveler accommodation, C.T.L.A.	1 space for every sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections.	5%
	7212 RV parks and recreational camps	1 space for every lot or campsite	0%
	7213 Rooming and boarding houses	1 space for every room for rent, plus 2 spaces	5%
	722110 Full-service restaurants (quality or high turnover sit-down)	1 space for every 100 square feet of gross floor area	10%
	722211 Limited-service restaurants (delivery/carry-out/drive-in)	1 space for every 150 square feet of gross floor area	5%
	722211 Limited-service restaurants (fast-food)	1 space for every 75 square feet of gross floor area	10%
	7224 Drinking places, alcoholic beverages (cocktail lounges)	1 space for every 75 (85) square feet of gross floor area	5%
Sector 81 Other Services, Except Public Administration			
	811 Repair and maintenance		
	8111 Automotive repair and maintenance	1 space for every 400 square feet of gross floor area	5%

	811192 Car washes (self-service)	2.5 spaces for every washing stall	0%
	811192 Car washes (automated)	1 space for every 200 square feet of office/employee support area, plus stacking for 3 vehicles.	0%
	81149 Other personal and household goods repair	1 space for every 400 square feet of gross floor area	5%
	811491 Boat and motorcycle repair	1 space for every 400 square feet of gross floor area	5%
	812 Personal and laundry services	1 space for every 1,000 square feet of gross floor area, plus 1 space for every 1.5 employees on the largest shift	5%
	a) Barbershops or beauty parlors	1 space for every 150 square feet of gross floor area	5%
	b) Laundromat (coin operated)	1 space for every 2 washing machines	5%
	8122 Death care services	1 space for every 50 square feet plus 1 space for every 2 employees	5%
	812910 Pet care (except veterinary) services	1 space for every 250 square feet of gross floor area	0%
	812930 Parking lots and garages (public and private)	Not applicable	Not applicable
	813 Membership associations and organizations	1 space per 150 square feet; or 1 space for every 4 seats in the largest assembly area	10%

	8131 Religious organizations	1 space for every 3 seats within the main auditorium or, if there are no fixed seats, 1 space for every 35 square feet of gross floor area within the main auditorium	10%
Sector 92 Public Administration			
	-921 Executive, legislative and general government	1 space for every 300 square feet of gross floor area, or if public assembly is provided on site, 1 space for every 3 seats within the main auditorium or 1 space for every 35 square feet of gross floor area where there are no fixed seats.	10%
	922 Justice, public order, and safety activities		
	923 Administration of human resource programs		
	924 Administration of environmental programs		
	925 Administration of housing programs, urban planning and community development		
	926 Administration of economic programs		
	927 Space research and technology		
	928 National security and international affairs		
Miscellaneous Uses			
-Sexually oriented businesses			
	(a) Adult stores	1 space for every 250 square feet of gross floor area	10%
	(b) Adult cabaret	1 space for every 150 square feet of gross floor area	10%
	(c) Adult motel	1 space for first sleeping room and 0.50 space for each additional sleeping room in a unit, plus 1 space per 20 units (for support staff), plus if there are accessory uses	5%

			provided therein, additional parking shall be provided for those accessory uses at the rate of the requirements for such uses provided in other subsections	
		(d) Adult motion picture theater	1 space for every 3 seats, plus 5 spaces for employees	10%
		(e) Escort service	1 space for every 250 square feet of gross floor area	10%
		(f) Semi-nude model studio	1 space for every 150 square feet of gross floor area	10%
		(g) Sexual encounter center	1 space for every 150 square feet of gross floor area	10%
		Tattoo parlors	1 space for every 250 square feet of gross floor area	10%
		Passive recreation	1 space for every 5,000 square feet of usable land area	20%

8.06.11. *Computation of required number of vehicle and bicycle parking space.*

A. *Number of vehicle parking spaces.* When determination of the number of vehicle parking spaces required by this Code results in a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one parking space.

B. *Places of public assembly.*

1. *Benches and pews.* In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each 20 inches of the seating facilities shall be counted as one seat.

2. *Fixed seats and assembly seats.* In cases where a place of assembly has both fixed and open assembly area, requirements shall be computed separately for each type and added together.

~~C. — *Number of bicycle parking spaces.* Minimum requirements for bicycle parking are calculated as a percentage of the number of spaces required for vehicle parking for each land use indicated in Table 8-6: Number of vehicle and bicycle parking spaces required. When determination of the number of bicycle parking spaces required by this code results in a fractional space, the fraction of one-half or less may be disregarded, and a fraction in excess of one-half shall be counted as one bicycle parking space. In all cases where bicycle parking is required, no fewer than two spaces shall be required.~~

~~8.06.12. *Reduction of the required number of vehicle parking spaces.* The following options may be used to reduce the number of required vehicle parking spaces for a development:~~

~~A. — *Reduction for mixed or joint use of vehicle parking spaces.* The city manager or his or her designee shall authorize a reduction in the total number of required vehicle parking spaces for two or more uses jointly providing on-site parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:~~

~~1. — The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.~~

~~2. — The developer submits a legal agreement, in which the city shall be a party with enforcement authority, approved by the City Attorney guaranteeing the joint use of the on-site parking spaces signed by all property owners involved as long as the uses requiring parking are in existence and there is not a conflict of traffic between the uses that would result in a violation of the minimum standards of this Article or until the required parking is provided elsewhere in accordance with the provisions of this Article. The agreement shall include provisions for maintenance of the parking facility. The agreement shall contain covenants running with the lands of both the dominant and subordinate parcels.~~

~~B. — *Reduction for low percentage of leasable space.* The requirements of Section 8.06.12 of this part assume an average percentage of gross leasable building to total gross building area (approximately 85 percent). If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the City Manager or his or her designee may reduce the vehicle parking requirements if the following conditions are met:~~

~~1. — The developer submits a detailed floor plan describing how all of the floor area in the building will be used.~~

~~2. — The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to meet this Article.~~

~~C. — *Reduction for preservation of protected trees.* The city manager or his or her designee shall authorize a reduction in the total number of required vehicle parking spaces for the preservation of protected trees provided the applicant meets the following provisions:~~

~~1. — The preservation of a protected tree with a trunk of 12 inches in diameter or greater.~~

~~2. — The reduction in the total number of required vehicle parking spaces will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following~~

reduction schedule listed in Table 8-7: Vehicle parking space reduction schedule for preservation of protected trees shall apply:

TABLE 8-7: VEHICLE PARKING SPACE REDUCTION SCHEDULE FOR PRESERVATION OF PROTECTED TREES	
Number of Required Vehicle Parking Spaces	Reduction of Required Vehicle Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

3. The actual reduction in the total number of vehicle parking spaces shall be the minimum number of spaces needed to preserve the protected tree(s). Should the protected tree(s) die, then the property owner shall be required to replant a new tree(s) or the planting area shall be converted to a parking area.

4. The parking area reduction used for the preservation of protected trees shall not be counted as part of the minimum required open space indicated in Section 12.04.02.

D. *Multimodal Transportation District (MMTD) parking reduction options.* The following options for the reduction of the required number of vehicle parking spaces are available to those properties located within the MMTD:

1. *Reduction for Old Destin MMTD sub-area.* Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site may be reduced to 80 percent of the maximums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required for the specific use or uses. Properties located outside of the Old Destin MMTD sub-area cannot take advantage of this provision.

2. *Off-site shared parking.* A reduction in the number of required on-site parking spaces shall be allowed when shared parking is provided by a separate, neighboring development through a shared parking agreement. A shared parking analysis shall be submitted in accordance with the standards in 8.06.12 and must demonstrate that the shared parking spaces on the neighboring site will be available during the times during which the parking demand is in excess of the on-site parking supply. Direct and continuous sidewalks and crosswalks shall be constructed between the off-site shared parking area and a primary on-site building entrance.

The applicant shall enter into a shared parking agreement with the owner(s) of the adjacent parcel(s) prior to the approval of the development order application. The shared parking agreement must be submitted, reviewed and approved by the City prior to the approval of the development order application. Said shared parking agreement shall be recorded in the public records of Okaloosa County, Florida, prior to the issuance of any building permit. Additionally, the shared parking agreement cannot be considered null and void until the property owner who needs the parking has secured required parking either on his/her site or an

~~alternative site, which must be subject to a new shared parking agreement. The parking accessway agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:~~

~~a. — A detailed site plan which at a minimum shall consist of the following: property boundary lines, adjacent right-of-way, the shared parking area and the number of spaces that will be provided to the applicant, adjacent improvements, sidewalks, landscaped areas, drainage swales.~~

~~b. — A written statement indicating who is entitled to use and maintenance of the shared parking.~~

~~c. — A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such shared parking area to become inoperable by either party either through the erection of a physical barrier, neglecting maintenance for said area or other means.~~

~~d. — A statement from each of the owners of the property who are parties to this agreement, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that the shared parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.~~

~~3. — *On-site parking reduction for providing on-street parking spaces within the public right-of-way.* On-site parking may be reduced by the number of public on-street parking spaces located adjacent to the property. Public on-street parking spaces may be existing on-street parking spaces or proposed on-street parking spaces to be constructed by the applicant in accordance with the regulations in Section 8.06.04.D. In order for an on-street parking space to be counted against the parking requirement for a development, said on-street parking space shall be located on the same side of the street as the development in question and be directly adjacent to the property line of said development. Additionally, the applicant shall be required to provide landscape islands at each end of the existing or proposed on-street parking area. All landscape islands shall be in accordance with the landscaping requirements set forth in Section 12.04.04. If the applicant proposes to build public on-street parking spaces, such parking spaces shall be constructed and accepted by the City prior to the issuance of any certificate of occupancy or completion. For approval of the on-street parking reduction, the applicant shall submit an analysis indicating the number of on-street parking spaces that can reasonably meet the needs of on-site uses.~~

~~4. — *In-lieu parking fees.* Within designated special parking districts (refer to Section 8.06.13) an applicant shall be required to contribute fees, as established by the City Council, in lieu of providing dedicated on- or off-site parking spaces. For properties whose primary building entrance is located within 600 feet from an existing or proposed City parking facility, a minimum of 30 percent and maximum of 50 percent of the required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 600 feet but less than 1,200 feet away from an existing or proposed City parking facility, a minimum of 15 percent and a maximum of 25 percent of required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 1,200 feet away from an existing or proposed City parking facility, in-lieu parking fees are not an option. The distance requirements of this subsection shall be measured from the primary building entrance of the subject property to property line of the City parking facility. Sidewalks and crosswalks shall be required to~~

connect between the primary building entrances and the parking facility. Residential uses cannot use in-lieu parking fees for required on-site parking.

5. ~~Substitution of vehicle parking with bike parking.~~ New and pre-existing developments may convert up to ten percent of the total vehicle parking spaces to unrequired additional bicycle parking, as long as the spaces are conveniently located near a building entrance. Converted vehicle parking spaces must yield at least six bicycle parking spaces per vehicle parking space. The bicycle parking spaces that are created as a result of converted vehicle parking spaces must also be in compliance with the provisions stated in section 8.06.04(C)(4) and (F).

6. ~~Substitution of required vehicle parking spaces with boat parking spaces.~~ New and pre-existing developments may substitute up to 15 percent of the total required vehicle parking spaces for nonresidential uses for boat parking spaces, as long as the spaces are located in the submerged land lease area associated with the upland property in question. Said boat parking spaces must have signage that clearly indicates they are open to the public, but that overnight docking is prohibited. Residential uses do not qualify for this substitution of required vehicle parking spaces.

7. ~~Reduction for Crystal Beach MMTD Sub-area.~~ Within the Crystal Beach sub-area, the number of vehicle parking spaces provided on-site may be reduced to 80 percent of the spaces required in Table 8-6 ("Number of vehicle and bicycle parking spaces required"), by contributing a fee of \$20,000.00 for the reduction of every required ten vehicle parking spaces or fraction thereof. Said fee shall be used to make improvements to the City's transit system in the Crystal Beach sub-area first and if no improvements can be made in this sub-area, funds shall be used in the Old Destin sub-area.

8.06.13. ~~Special parking districts.~~ The City Council may designate special parking districts where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.

A. ~~Off-site vehicle parking facilities requirements.~~ The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:

1. ~~Nonresidential and short-term residential uses are the only uses that are allowed to take advantage of having required vehicle parking spaces located off-site.~~

2. ~~Those portions of a mixed-use development that contain long-term residential uses, as defined in Comprehensive Plan: 2010, are required to have all required parking spaces located on-site.~~

3. ~~All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided for on-site.~~

B. ~~Off-site public parking facilities.~~ For development proposed in these districts that wish to take advantage of City owned and maintained parking lots/garages, the City Manager or his or her designee may allow the developer to pay an in-lieu parking fee instead of providing the spaces required by this article. The fee shall be a one-time, nonrefundable fee per parking space avoided, paid to the City prior to the issuance of a certificate of occupancy. The amount of the fee shall be determined by the City Council and shall be equal to the land acquisition, construction and maintenance costs of parking spaces that are deferred by this provision. These fees shall be used by the City solely for the purchase, construction, operation and maintenance of parking facilities serving the area of the development. The City Council may,

at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking facilities.

C. ~~— [Annual review.] Until such time as the City has acquired sites(s) for public parking as generally identified in the Harbor CRA Plan, the City shall annually review the parking standards pertaining to the uses within the Old Destin MMTD to determine the adequacy of those parking requirements.~~

D. ~~— Off-site private parking facilities. For development proposed in these districts that wish to take advantage of privately owned and maintained parking garages or surface parking lots, such parking spaces must be under the ownership or common control of the property owner proposing to place required parking spaces off-site in order to meet the parking requirement for that property. The ownership or common control of the parking spaces may be in form of simple fee ownership or long-term lease (30 years or more).~~

E. ~~— Off-site parking districts. The following off-site parking districts are hereby established:~~

1. ~~— Harbor area parking district. The Harbor Area Parking District encompasses all land designated as CMU, NHMU, and SHMU on the zoning map. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the CMU, NHMU, and SHMU zoning districts shall be located in the NHMU zoning district and must be located within 1,200 feet of the property for which the off-site surface parking lot or garage serves. The measurement of 1,200 feet shall be from primary building entrance of the subject property to property line of the parking facility.~~

2. ~~— Town center parking district. The Town Center Parking District encompasses all land designated as TCMU on the zoning map. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for nonresidential uses in the TCMU zoning district shall be located in the TCMU zoning district and must be located within 1,200 feet of the property for which the off-site surface parking lot or garage serves. The measurement of 1,200 feet shall be from primary building entrance of the subject property to property line of the parking facility.~~

3. ~~— Institutional parking districts. Institutional Parking Districts encompass all land designated as INST on the zoning map. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated Institutional on the zoning map must be located within 150 feet of the property for which the off-site surface parking lot or garage serves. The measurement of 150 feet shall be from property line to property line.~~

4. ~~— Crystal Beach Resort parking district. The Crystal Beach Resort Parking District encompasses all land designated as Crystal Beach Resort (CBR) on the zoning map. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated CBR on the zoning map must be located within 150 feet of the property for which the off-site surface parking lot or garage serves. The measurement of 150 feet shall be from property line to property line.~~

8.06.14. ~~Vehicle and/or bicycle parking study. If an applicant is proposing a use that is not listed in Table 8-6: Number of vehicle and bicycle parking spaces required, and is not satisfied with the City's application of the vehicle and/or bicycle parking space standard that is most similar or compatible to the use in question, then the applicant may submit to the City Manager or designee a vehicle and/or bicycle parking space study to determine the actual number of vehicle and/or bicycle parking spaces needed for the proposed use. Said vehicle and/or bicycle parking space study shall be submitted in writing to the City Manager or designee~~

who shall review the study and give a written determination to the applicant as to whether said study is approved or disapproved. The vehicle and/or bicycle parking space study shall include, but not be limited to, the following:

A. ——— Estimates of vehicle and/or bicycle parking requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop recommendations.

B. ——— An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development and whether or not the impact will have a negative impact on the purpose of providing the required number of loading spaces as specified in Table 8-9: Number of on-site loading spaces required. NOTE: In no case shall a study be approved which would allow for a use listed in Table 8-9 to not have at least one loading space.

8.06.15. *Valet parking.* In cases of buildings or uses wherein the owners supply and maintain the services of valet parking attendants to receive, park and deliver the automobile of occupants, tenants, customers, and visitors, with or without charge, all on-site parking spaces need not be directly accessible as required per Section 8.06.01. The parking area where the valet parking spaces are located can be on-site or off-site, provided the off-site parking area is located in accordance with the requirements of Section 8.06.13, Special parking districts. Tandem or end-to-end parking stalls shall be utilized by the valet parking attendants to park vehicles, however said parking stalls shall not accommodate more than three cars parked end-to-end. This parking arrangement shall only be used for the following uses, as listed in Table 8-6: Bicycle and Vehicle Parking Standards: 721110 Hotels and motels, 721191 Bed and breakfast inns, 721199 Other traveler accommodations, 7213 Rooming and boarding houses, 722110 Full-service restaurants, 7224 Drinking places, alcoholic beverages, and 713930.c Fare-carrying vessels. Valet parking shall only be used to provide up to 50 percent of the total required number of parking spaces subject to the following conditions:

A. ——— Permission for such valet parking shall be by a valet parking agreement which has been submitted, reviewed and approved by the City prior to being recorded in the public records of Okaloosa County, Florida. Said valet parking agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:

1. ——— A detailed site plan of the proposed valet parking operation which shall include, but not be limited to: the proposed pick-up/drop-off area parking, the location of valet parking spaces, and the total capacity of the valet parking facility.

2. ——— A written detailed plan of the proposed valet operation, including hours and days of operations; routes to and from the parking area(s); the minimum number of valet parking attendants; location and design of the proposed "valet" parking sign.

3. ——— A statement from the owner, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that they will be committing a penal offense to cause or permit such valet parking area to be operated or used without providing the services of attendants.

~~4. — A statement from the owner, president, in the case of a corporation, or managing member, in the case of a limited liability company, indicating their understanding that the valet parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.~~

~~B. — After the valet parking area has been constructed, inspected and approved by the City, it shall be a penal offense by the owner or operator of such building to cause or permit such parking area to be operated or used without providing the services of attendants, provided that if the area wherein the building is constructed pursuant hereto is subsequently included in an area declared exempt from the requirements of this section, the building may take advantage of this exception and use the area set aside for on-site parking for any permissible use under the zoning for the applicable district, and the City will execute a recordable release to evidence the release of such on-site parking restrictions. Violations of this section shall be subject to the general penalty provisions of section 1-9 of the Code of Ordinances. Each day that such attendant service is not provided for and maintained shall be a new offense.~~

~~8. — In the event any building in existence or under construction can qualify for the use of attendant parking under the requirements hereof, then the required off-street parking for such building shall be modified accordingly.~~

~~(Ord. No. 04-02-LC, § 6, 3-15-04; Ord. No. 04-19-LC, § 4, 8-2-04; Ord. No. 05-13-LC, § 12, 8-22-05; Ord. No. 07-29-LC, § 3, 5-21-07; Ord. No. 07-32-LC, § 9, 5-7-07; Ord. No. 08-14-LC, §§ 29-54, 1-20-09; Ord. No. 09-12-LC, §§ 2-6, 6-15-09; Ord. No. 10-19-LC, § 5, 11-15-10; Ord. No. 11-07-LC, § 5, 10-17-11; Ord. No. 10-05-LC, § 6, 2-6-12; Ord. No. 12-02-LC, § 4, 6-4-12; Ord. No. 12-06-LC, § 4, 1-7-13; Ord. No. 15-02-LC, § 5, 3-2-15; Ord. No. 16-18-LC, § 4, 12-5-16; Ord. No. 20-02-LC, § 3, 2-18-20)~~

~~8.07.00. Approved transportation plans.~~

~~9. 8.07.01. Purpose and intent. All proposed developments which require capital improvements to transportation infrastructure shall be considered for development order approval on the basis that each shall be required to provide safe and convenient on-site vehicular and pedestrian traffic flow, labor-intensive transportation facilities (e.g. installation of signage, road striping, installation of sidewalks and/or bicycle lanes, etc....) and sufficient vehicular and bicycle (if applicable) parking to accommodate the needs of the development.~~

~~A. — Roadway, bicycle, pedestrian and transit improvements scheduled in the transportation improvement program (TIP) most recently approved by the Okaloosa-Walton Transportation Planning Organization (TPO) may be considered positively in the approval of development orders.~~

~~B. — Transportation improvements scheduled in the TIP program which require part or complete funding by local government shall be included in the local government's capital improvement program (CIP) before approval of development orders can be rendered.~~

~~C. — It shall be incumbent upon the local government to prioritize local roadway, bicycle, pedestrian and transit improvements with the TPO to maintain acceptable multimodal LOS standards within the City.~~

~~D. — Developments shall be responsible for constructing the segments of planned sidewalk, bicycle path and/or multi-use pathway facilities as required by the Land Development Code. Sidewalk, bicycle path and multi-use pathway facilities are identified in this section as well as the City's Pathways Master Plan, Comprehensive Plan, and Impact Fee Study.~~

10. 8.07.02. *Pathways Master Plan*. The Pathways Master Plan – 2009 Update (Plan), prepared for the City of Destin by Renaissance Planning Group, September, 2009, identifies and prioritizes those projects needed to complete the City of Destin Multi-modal Transportation network as well as to achieve and maintain acceptable multi-modal LOS standards. It provides a clear vision and strategy for the City to continue with the implementation of a system of pathways that will further enhance the quality of life in Destin by providing a non-vehicular alternative to automobile travel. The Plan is to be used as an implementation tool for the City and Developers to implement multi-modal transportation projects throughout the City. The project priorities identified in the Plan and reflected in tables 8-7A through 8-7C may be revised at the discretion of the City Council to address future needs, conditions, and resources regardless of the score that any particular project received.

11. Tables 8-7A, 8-7B and 8-7C list prioritized future pathway facility improvements that will:

- Improve the overall function and utilization of the pathways network;
- Provide the greatest return on investment;
- Enhance pedestrian safety;
- Respond to the consensual desires of residents, where possible;
- Strengthen non-vehicular transportation connections to important destinations; and
- Result in improved multimodal LOS throughout the City.

TABLE 8-7A: LEVEL ONE PRIORITY PLANNED IMPROVEMENTS				
PLANNED IMPROVEMENT		LOCATION / DESCRIPTION	PRIORITY RANKING	
MAP CODE	ROADWAY NAMES		TOTAL POINTS	RANK
BL-3	Hutchinson Street	Bicycle lanes along Hutchinson Street from Scenic Highway 98 to US Highway 98.	15	1
SW-15	Public easement, Azalea Dr, Stahlman Ave, Forest St, Sibert Ave, Calhoun Ave, US 98	Sidewalk from the west side of Beach Drive at Legion Drive extending generally westward across a future easement, eventually connecting to Azalea Drive at its east terminus; continuing westward along the south side of Azalea Drive to the west side of Stahlman Avenue, continuing northward along the west side of Stahlman Avenue to the south side of Forest Street, continuing westward along the south side Forest Street to the east side of Sibert Avenue, continuing southward along the east side of Sibert Avenue to the west side of Calhoun Avenue, continuing southward along the west side of	14	2-4

		Calhoun Avenue to the north side of US Highway 98, continuing westward along the north side of US Highway 98 to the Marler Bridge. This new sidewalk fills in incomplete segments of existing sidewalks along the route.		
BL-12	Public easement, Azalea Dr, Stahlman Ave, Forest St, Sibert Ave, Calhoun Ave, US 98	Bicycle lanes from Beach Dr. at Legion Dr. extending generally westward across a future easement, eventually connecting to Azalea Dr. at its east terminus; continuing westward along Azalea Dr. to Stahlman Ave, continuing northward along Stahlman Ave. to Forest St, continuing westward along Forest St. to Sibert Ave, continuing southward along Sibert Ave. to Calhoun Ave, continuing southward along Calhoun Ave. to US Highway 98, continuing westward along US Highway 98 to the Marler Bridge.	14	2-4
SW-8	Beach Drive	Sidewalk along the east side of Beach Drive from its current northern terminus south of Bent Arrow Drive, northward to the south side of Legion Drive.	13	5
SW-13	US Highway 98	Sidewalk along the south side of US Highway 98 from the west side of Crystal Beach Drive to the east side of Regions Way; and along the north side of US Highway 98 from the east side of Crystal Beach Drive, eastward to a point of connection with an existing sidewalk along the south side of Legendary Drive.	12	6-14
MUT-1	US Highway 98	Multi-use trail along north side of US Hwy. 98 from the east side of Main St. to west side Gulf Shore Dr. Replaces existing sidewalk on north side of US 98.	12	6-14
MUT-4	Durango Road, Gulf Shore Drive	Multi-use trail along west side of Durango Rd. from south side of Gulf Shore Dr, northward to the west side of Gulf Shore Dr, continuing to the end of Gulf Shore Dr. Replaces existing sidewalks on Durango Rd and Gulf Shore Dr.		
MUT-13	Gulf Power Easement	Multi-use trail along the Gulf Power Easement from the east side of US Highway 98, eastward to the Okaloosa County Limits and then northward along the County Limits to the south side of US Highway 98.	12	6-14

MUT-15	Crystal Beach Drive	Multi-use trail along the east side of Crystal Beach Drive from the north side of Scenic Highway 98 to the south side of US Highway 98.	12	6-14
MUT-16	Dolphin Street/ Regatta Bay Boulevard	Multi-use trail along east side of Dolphin Street from Scenic Highway 98, northward to Regatta Bay Boulevard, continuing generally northward to the south side of US Highway 98.	12	6-14
MUT-17	Hutchinson Street	Multi-use trail along the west side of Hutchinson Street from the north side of Scenic Highway 98 to the south side of US Highway 98.	12	6-14
BL-1	Sibert Avenue	Bicycle lanes along Sibert Avenue from Kelly Street to Calhoun Avenue.	12	6-14
BL-5	Beach Drive	Bicycle lanes along Beach Drive from Kelly Street to US Highway 98.	12	6-14
MUT-8	Indian Bayou Trail	Multi-use trail along the south side of Indian Bayou Trail from the south side of Commons Drive to the northwest side of the Indian Bayou Trail/Country Club Drive intersection. Replaces existing sidewalk segment on south side of Indian Bayou Trail.	9	24-27

12.

TABLE 8-7B: LEVEL TWO PRIORITY PLANNED IMPROVEMENTS				
PLANNED IMPROVEMENT		LOCATION / DESCRIPTION	PRIORITY RANKING	
MAP CODE	ROADWAY NAMES		TOTAL POINTS	RANK
SW-6	Sibert Avenue	Sidewalk along the east side of Sibert Avenue from the south side of Cross Street to the east side of Benning Drive.	11	15-18
MUT-2	Forest Street, easement	Multi-use trail along the south side of Forest Street from the east side of Sibert Avenue to the west side of Calhoun Avenue, continuing southward approximately 500 feet along the west side of Calhoun Avenue; extending generally west across potential future pathway easement through Clement	11	15-18

		Taylor Park to the northern terminus of the future Harbor Boardwalk, Phase Two. Replaces an incomplete segment of existing sidewalk on the south side of Forest Street.		
BL-4	Crystal Beach Drive	Bicycle lanes along Crystal Beach Drive from Scenic Highway 98 to US Highway 98.	11	15-18
BL-10	Dolphin Street/ Regatta Bay Boulevard	Bicycle lanes along Dolphin Street from Scenic Highway 98, northward to Regatta Bay Boulevard, continuing generally northward to US Highway 98.	11	15-18
MUT-3	Gulf Shore Drive	Multi-use trail along the west side of Gulf Shore Drive from the south side of US Highway 98 to approximately Sandpiper Cove Drive.	10	19-23
MUT-7	Public easement, Indian Trail	Multi-use trail connecting southward along an existing public easement from the south side of Indian Trail, southward to Indian Bayou North.	10	19-23
BL-9	Henderson Beach Road	Bicycle lanes along a vehicular access drive from Commons Drive to US Highway 98, at the intersection of Henderson Beach Road.	10	19-23
SW-12	US Highway 98	Sidewalk along the north side of US Highway 98 from the west side of Kelly Plantation Drive to the west side of Mid Bay Bridge Road (SR 293).	9	24-26
MUT-5	Gulf Power Easement	Multi-use trail along the Gulf Power Easement from the west side of Airport Road to the east side of Main Street.	9	24-26
SW-3	Stahlman Avenue	Sidewalk along the west side of Stahlman Avenue from the south side of Kelly Street to the south side of Hickory Street.	8	27-31
MUT-12	Matthew Boulevard	Multi-use trail along with west side of Matthew Boulevard from the south side of US Highway 98 to the north side of Commons Drive.	8	27-31
MUT-14	US Highway 98	Multi-use trail along the north side of US Highway 98 from the west side of Indian Bayou Trail to the west side of Kelly Plantation Drive.	8	27-31
BL-2	Gulf Shore Drive	Bicycle lanes along Gulf Shore Drive from US Highway 98 to approximately Sandpiper Cove Drive.	8	27-31

BL-8	Scenic Highway 98/ Restaurant Road	Bicycle lanes along Scenic Highway 98 from US Highway 98, eastward to Restaurant Road, then northward on Restaurant Road to US Highway 98.	8	27-31
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13.

TABLE 8-7B: LEVEL THREE PRIORITY PLANNED IMPROVEMENTS				
PLANNED IMPROVEMENT		LOCATION / DESCRIPTION	PRIORITY RANKING	
MAP CODE	ROADWAY NAMES		TOTAL POINTS	RANK
SW-4	Hickory Street	Sidewalk along the south side of Hickory Street from the west side Stahlman Avenue to the south side of the Lake Street/Sibert Avenue intersection.	7	32-34
MUT-6	98 Palms Blvd, Gulf Shore Drive	Multi-use trail connecting southward from a future multi-use trail along the Gulf Power Easement (MUT-6) to the west end of 98 Palms Boulevard, southward to the west side of Gulf Shore Drive at the north side of US Highway 98.	7	32-34
BL-6	Stahlman Avenue	Bicycle lanes along Stahlman Avenue from Forest Street to Kelly Street.	7	32-34
SW-1	Zerbe Street	Complete installation of sidewalks to finish the span along both sides of Zerbe Street from the west side of Stahlman Avenue to east side of Calhoun Avenue.	6	35-37
SW-7	Legion Drive	Complete installation of sidewalks to complete the span along both sides of Legion Drive from the west side of Beach Drive to the east side of Benning Drive.	6	35-37
SW-10	Country Club Drive	Sidewalk along the north side of Country Club Drive East, beginning at the western terminus of the existing sidewalk and continuing generally westward to the south side of the intersection with Indian Trail Drive.	6	35-37
SW-2	Stahlman Drive	Sidewalk along the west side of Stahlman Avenue from the south side of Pine Street to the existing sidewalk terminus near Primrose Lane.	5	38-40

SW-9	Indian Trail	Sidewalk along the south side of Indian Trail from the east side of Main Street to the east side of Bayou Drive.	5	38-40
SW-11	Paraiso Blvd.	Sidewalks along both sides of Paraiso Boulevard from the north side of US Highway 98 to the west side of Danny Wuerffel Way.	5	38-40
SW-14	Mattie Kelly Boulevard	Sidewalk along Mattie M. Kelly Boulevard from the south side of Airport Road to its current terminus, continuing further southward across a future multi-use trail along the Gulf Power Easement (MUT-6) to the north side of US Highway 98.	4	41-42
BL-11	Mattie Kelly Boulevard	Bicycle lanes along Mattie M. Kelly Boulevard from Airport Road to its current terminus, continuing further southward across a future multi-use trail along the Gulf Power Easement (MUT-6) to the north side of US Highway 98.	4	41-42
BL-7	Indian Trail Drive	Bicycle lanes along Indian Trail Drive from Indian Bayou Trail to Country Club Drive East.	1	43
SW-5	Pine Street	Sidewalk along the north side of Pine Street from the west side of Stahlman Avenue to the end of the street.	0	44
MUT-9	Commons Drive	Multi-use trail along the north side of Commons Boulevard from the west side of Indian Bayou Trail to the western terminus of the existing multi-use trail along the north side of Commons Boulevard north of Henderson Beach Boulevard.	14	2-4
MUT-10	Commons Drive	Multi-use trail along the north side of Commons Boulevard from the roundabout at Triumph Drive, eastward along the north side of Commons Boulevard to the west side of Kelly Plantation Road, replacing existing unconnected sidewalk segments.	10	19-23
MUT-11	Commons Drive	Multi-use trail along the north side of Commons Boulevard from the west side of Kelly Plantation Road, eastward to west side of Mid Bay Bridge Road (SR-293).	10	19-23

(Ord. No. 04-02-LC, § 7, 3-15-04; Ord. No. 08-14-LC, § 55, 1-20-09; Ord. No. 10-01-LC, §§ 3, 4, 3-15-10)

8.08.00. On-site loading standards.

~~8.08.01. *Purpose and intent.* The purpose and intent of section 8.08.00 is to require all development within the City to provide a safe and convenient area for on-site loading spaces, to alleviate or prevent the congestion of vehicle traffic on streets caused by a lack of loading spaces on-site, and to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles/pedestrians and vehicles loading or unloading. All on-site loading spaces shall be provided for pursuant to the requirements of this Code. The on-site loading spaces shall be maintained as long as the use exists that the facilities were designed to serve. Only vehicles making deliveries shall occupy such spaces. It shall be unlawful for any owner or operator of any building or land use affected by the Code to cause or permit the discontinuance or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and are in compliance with this article and approved by the City Manager or designee.~~

~~8.08.02. *Loading spaces required for all development.* On-site loading spaces shall be provided for all development within the City pursuant to the requirements indicated in Section 8.08.05. Loading spaces shall be maintained as long as the use exists that the spaces were designed to serve. Loading spaces shall not be used as a parking space, for the storage of vehicles or materials or for meeting parking requirements. Additionally, loading spaces shall only be used by vehicles that are loading or unloading items that the occupant of the building, structure, or land requires delivery or pick-up. It shall be unlawful for any owner or operator of any building, structure, or land use affected by the Code to cause or permit the discontinuance or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and are in compliance with this article and approved by the City Manager or designee. Single-family detached, duplex and townhome dwellings are expressly exempt from providing loading spaces.~~

~~8.08.03. *Location of on-site loading spaces.* The on-site loading spaces required by this section shall be located on the same lot or parcel of land they are intended to serve. In no case shall the location of any required loading space not be located on the same lot or parcel it is intended to serve. Loading spaces shall be located in such a manner as to provide the simplest and most convenient means of loading and unloading material or goods to the building, structure or lot it is intended to serve.~~

~~8.08.04. *Loading space design standards.* All development shall provide on-site loading spaces that conform to the following design standards:~~

~~A. *Loading space surface standards.* All loading spaces shall have durable surfaces, shall be properly drained and shall be designed with regard to pedestrian safety. A durable surface shall consist of an improved surface, including concrete, asphalt, stone, compacted shell and other permanent surfaces. Each loading space shall be directly accessible from an access aisle. In no case shall a vehicle have to cross a parking space to access a loading space.~~

~~B. *On-site vehicular turning and maneuvering areas for loading spaces.* All properties must provide sufficient turning and maneuvering space on-site so that no vehicle, attempting to access the on-site loading space, is required to back onto the right-of-way.~~

~~C. *Loading space dimensional requirements.* The dimensional requirements for on-site loading spaces are listed in Table 8-8: Minimum on-site loading space design standards, as follows:~~

TABLE 8-8: MINIMUM ON-SITE LOADING SPACE DESIGN STANDARDS					
Type of Loading Space	Width of Stall (feet)	Depth of Stall (feet and inches)	Minimum Access Aisle Width (feet)*		Minimum Vertical Clearance (feet)
			1-way	2-way	
Standard	10'	25'	12'	22'	15'
Large	12'	55'	15'	24'	15'

* NOTE: Loading spaces may be larger than the standards specified in this table; however the number of required spaces shall not be reduced on this account.

D. *Striping and marking.* All loading spaces shall be striped in accordance with the design standards for minimum width and depth as indicated in Table 8-8: Minimum on-site loading space design standards and shall also adhere to the following requirements for striping and marking:

1. All loading spaces shall be marked by a three-inch stripe of durable white paint designed for that purpose and shall state "LOADING ZONE — NO PARKING" in all caps. All lettering shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards.

2. The City Manager or designee may require "No Parking" signs, meeting the Manual on Uniform Traffic Control Devices (MUTCD) standards, to be placed adjacent to the on-site loading space if he or she feels that it would be in the best interest of the public to help deter the loading space from being used as a parking space.

E. *Curbing and/or wheel stops for loading spaces.* All loading spaces must be equipped with suitable curbs or wheel stops to protect sidewalks, walls, fences, landscaped areas, and to prevent loading where not permitted. Curbing and wheel stops shall be in accordance with the following requirements:

1. *Curbing.* If curbing is used instead of wheel stops, then such curbing shall be F-type curbing meeting FDOT specifications.

2. *Location of wheel stops.* Wheel stops shall be installed at least 30 inches from an adjacent sidewalk, wall, fence, or landscaped areas.

3. *Wheel stop specifications.* The stops shall be at least six feet in length, six inches in height and nine inches in width and permanently affixed to a foundation, a continuous concrete curb, or other appurtenances or design features that keep vehicles from obstructing sidewalks or making contact with walls, fences or landscaped areas.

F. *Maintenance of loading areas.* All loading areas shall be well maintained; free of potholes, debris, weeds, broken curbs, and broken wheel stops; clearly striped, if paved; or one wheel stop per stop; and with all lighting in working condition.

G. *Landscaping for loading spaces.* All loading areas shall be landscaped in accordance with the landscaping and tree protection regulations in this Code.

8.08.05. *Number of loading spaces required.* As set forth in Table 8-9: Number of on-site loading spaces required, all lots or parcels are required to meet at least the minimum requirements for the specific use or uses, which may have multiple applications to a particular parcel.

TABLE 8-9: NUMBER OF ON-SITE LOADING SPACES REQUIRED	
Uses	Loading Spaces Required
Schools, hospitals, nursing homes, and other similar institutional uses and mid- and high-rise residential	1 space for the first 100,000 sq. ft. of gross floor area or fraction thereof and one space for each additional 100,000 sq. ft. or fraction thereof
Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly	1 space for the first 20,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 100,000 sq. ft. or fraction thereof
Offices and financial institutions	1 space for the first 75,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 25,000 sq. ft. or fraction thereof
Retail commercial, service, road service, and commercial entertainment	1 space for the first 10,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 20,000 sq. ft. or fraction thereof
Industrial uses	1 space for every 10,000 sq. ft. of gross floor area or fraction thereof

B. — *Loading space standards for uses not listed.* Other uses not specifically mentioned in Table 8-9: Number of on-site loading spaces required, shall meet the loading space requirements for the use that is most similar or compatible.

C. — *Loading space study.* If an applicant is proposing a use that is not listed in Table 8-9: Number of on-site loading spaces required, and is not satisfied with the City's application of the loading space standard that is most similar or compatible to the use in question, then the applicant may submit to the City Manager or designee a loading space study to determine the actual number of loading spaces needed for the proposed use. Said loading space study shall be submitted in writing to the City Manager or designee who shall review the study and give a written determination to the applicant as to whether said study is approved or disapproved. The loading space study shall include, but not be limited to the following:

1. — Estimates of loading space requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

2. — An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development and whether or not the impact will have a negative impact on the purpose

of providing the required number of loading spaces as specified in Table 8-9. NOTE: In no case shall a study be approved which would allow for a use listed in Table 8-9 to not have at least one loading space.

~~8.08.06. Additional loading spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.~~

~~A. Buildings, structures, docks, marinas or uses may be modernized, altered or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site loading spaces in accordance with this Code.~~

~~B. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site loading spaces, as specified herein, shall be brought into compliance with the loading space requirements for the entire building, structure, dock, marina, or use.~~

~~8.08.07. Additional loading spaces required for a change of use. When the use of a building or land is changed, additional on-site loading facilities shall be provided to the extent that the number of loading spaces required for the new use exceeds the number of loading spaces required for the previous use.~~

~~8.08.08. Loading spaces required for multiple uses. Where multiple uses or purposes exist on a parcel or lot, the loading space requirements for each use shall be calculated separately and the requirements combined for a single total number of loading spaces needed, except for shopping centers.~~

~~(Ord. No. 04-02-LC, § 8, 3-15-04; Ord. No. 08-14-LC, §§ 56-68, 1-20-09)~~

8.09.00. Multimodal transportation district.

~~8.09.01. Purpose and intent. The purpose of these standards is to encourage a mix of land uses, support transportation options, and promote pedestrian-oriented site and building design consistent with Comprehensive Plan Objective 2-1.3. All developments in the multimodal transportation district (MMTD) are required to contribute to the bicycle, pedestrian and transit network in order to minimize vehicle trips and provide options for travel.~~

~~8.09.02. Applicability. This section shall apply to all development located within the MMTD, as designated on Map 8-4: Multimodal Transportation District Map of the Land Development Code. Map 8-4 delineates the overall boundary of the MMTD as well as the boundaries of the two sub-areas, Old Destin and Crystal Beach.~~

~~8.09.03. Multimodal Transportation District Design Standards. All proposed development located in the MMTD must demonstrate adherence to the following standards.~~

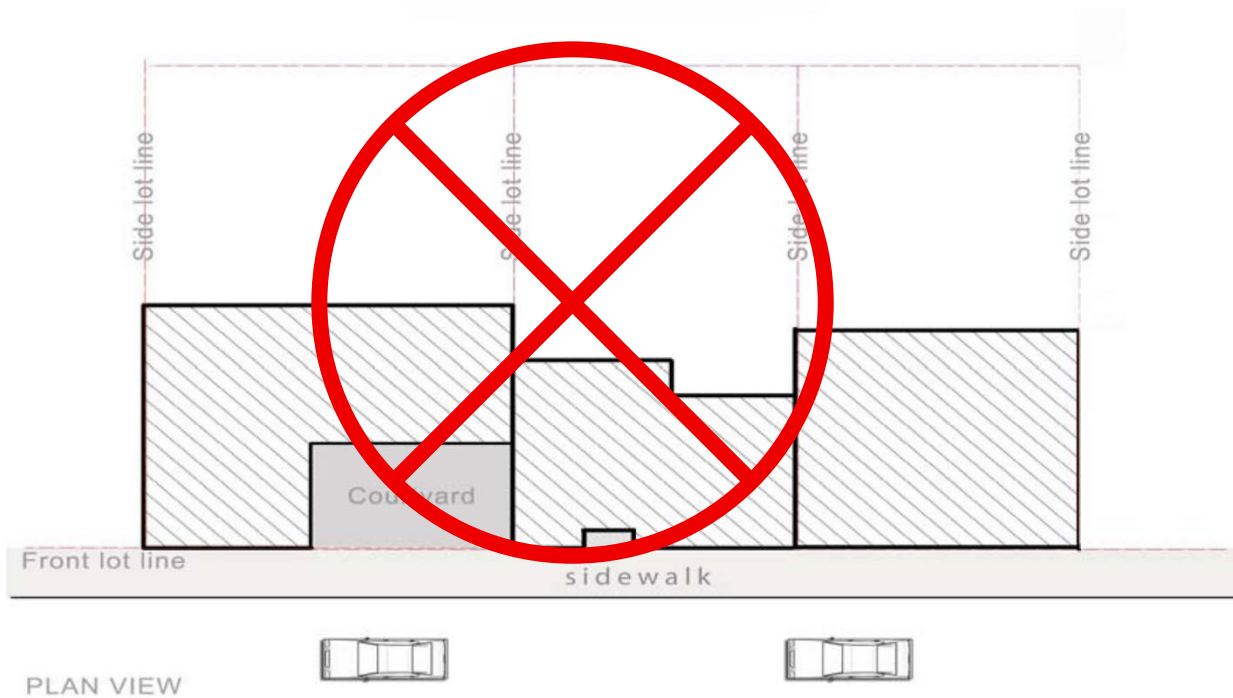
~~A. Old Destin MMTD sub-area—Mixed-use, nonresidential, and multifamily residential. All mixed-use, nonresidential, and multifamily residential development located within the Old Destin MMTD sub-area, shall be subject to the following standards.~~

~~1. Pedestrian-oriented building design.~~

~~a. Setbacks. Buildings shall be located directly adjacent to the public sidewalk (refer to Figure 8-2: Setbacks) and in accordance with the setbacks specified in Table 7-3: Schedule of dimensional requirement in zoning districts of this Code and outside of clear visibility triangle as stated in section 8.03.06. Exceptions to the requirement that buildings must be located directly adjacent to the public sidewalk may be granted~~

by the City Manager or designee to: 1) provide space for outdoor seating areas, plazas, markets, or other pedestrian-oriented outdoor activities; 2) buildings and or structures associated with gasoline stations; and 3) automobile and other motor vehicle dealers. Alternatively, if a project provides a frontage road or limited accessway between the existing road right-of-way and the front of its development (buildings), then the setback requirements shall be measured from the frontage road or limited accessway and not the existing road right-of-way. Side setbacks of zero shall be required so that adjacent buildings can be designed to adjoin and form a continuous street front. Exceptions to the zero side setback may be granted by the City Manager or designee for vehicular accessways and pedestrian sidewalks.

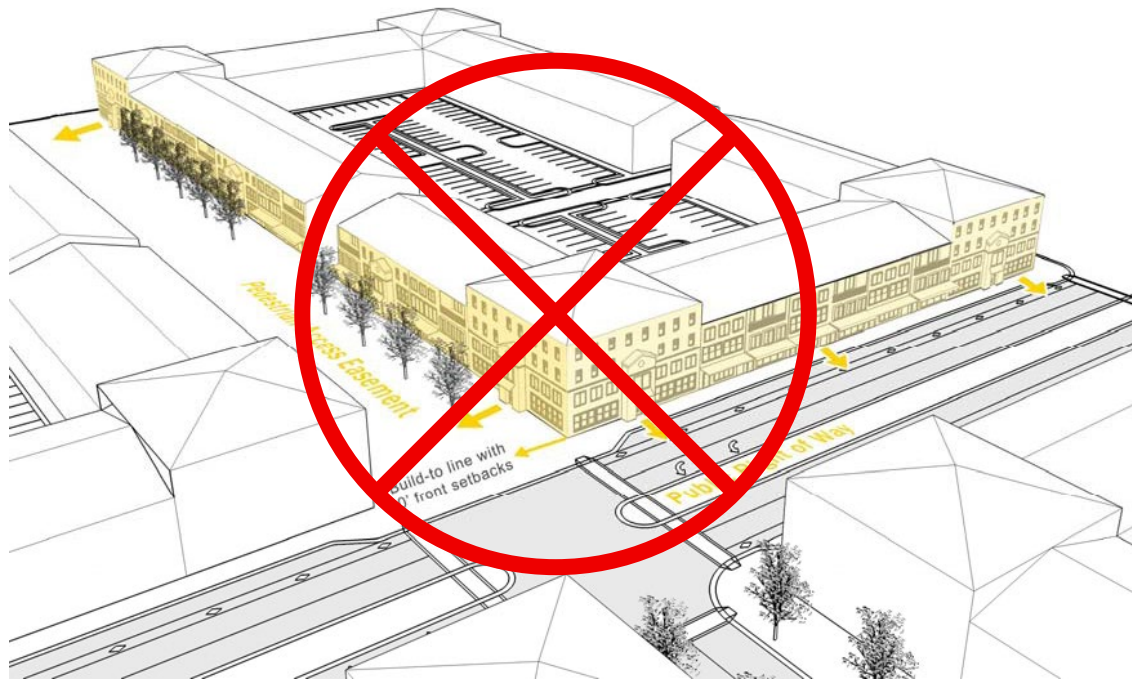
FIGURE 8-2: SETBACKS



b. — *Building orientation.* Each building shall include at least one pedestrian entrance oriented towards the primary pedestrian accessway leading from the adjacent right-of-way and include design elements to ensure that such entrance is identifiable and is integrated into the building architecture (refer to Figure 8-3: Building orientation). Such design elements shall include, but are not limited to canopies, wall recesses or projections, arcades, arches, and columns. Buildings fronting the Harbor boardwalk shall have at least one pedestrian entrance oriented towards the boardwalk. It is the intent of this section to have buildings oriented along the entire length of the adjacent rights-of-way except where vehicular accessways, or pedestrian accessways are required or needed. For those properties located in the SHMU zoning district, developments shall provide a nonresidential storefront equal to a minimum of 50 percent of the width of the property along the harbor front. Said nonresidential storefront may be distributed between the first three floors of the building facing the harbor and all three floors must be accessible by pedestrians from the harbor side of the development. The term "nonresidential storefront" as it is used herein, refers to that portion of a building which faces the harbor and is devoted to any use allowed in the zoning district in

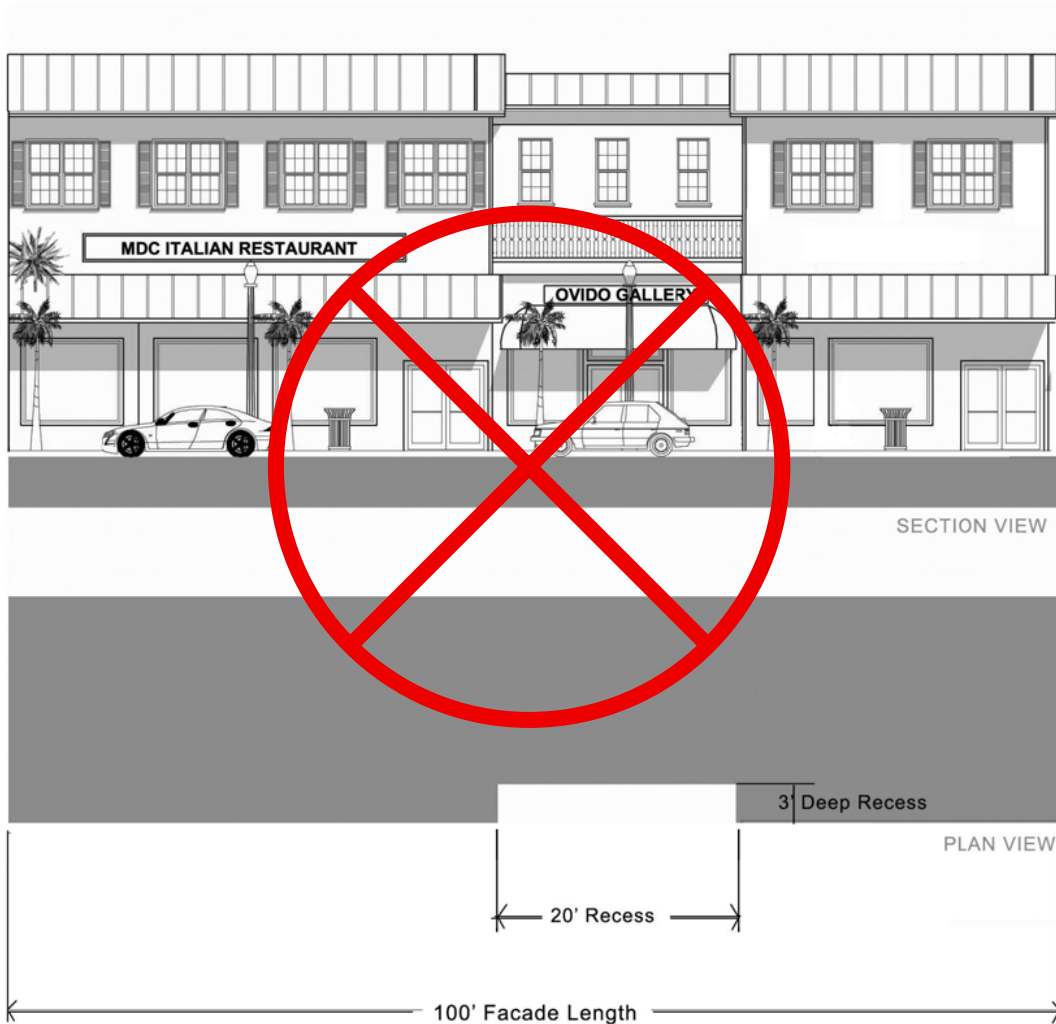
which the property in question is located, with the exception of long and short-term residential units, hotel/motels, bed and breakfast inns, other commercial transient living accommodations, rooming houses and boarding houses. The City strongly encourages property owners to orient the required nonresidential storefront next to the Harbor Boardwalk.

FIGURE 8-3: BUILDING ORIENTATION



c. ~~Facades.~~ Facades shall be designed to reduce the uniform monolithic scale and appearance of large unadorned walls, while providing a more pedestrian-oriented design and visual interest that will be consistent with the community's identity and character through the use of detail and scale and variations in rooflines and fenestration (i.e., character and interrelationships of facade design components including windows, dormers, doors, and roof design). To break up large unadorned walls, features such as windows, entryways, plane projections or recesses, arcades, colonnades, sidewalk displays, public art displays, or other such features that provide visual interest shall be used in the design and construction of facades. Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade (refer to Figure 8-4: Facades). Alternatively, for facades greater than 150 feet in length, measured horizontally, the three percent offset can be achieved by a series of smaller offsets that extend a minimum of 50 percent of the building facade cumulatively. Balcony projections from the building facade cannot represent more than half of the cumulative offset minimum. Note: when calculating wall plane projections and recesses results in a fraction, the fraction of one half or less may be disregarded and the fraction in excess of one half must be rounded up. Additionally, said wall plane projects must run vertically until they reach the top of the building. No uninterrupted length of any facade shall exceed 100 horizontal feet.

FIGURE 8-4: FACADES



d. ~~Transparency.~~ Window and door openings shall provide transparency into the ground floor of nonresidential development (refer to Figure 8-5: Transparency). For any facade that faces a right-of-way, a minimum of 50 percent to a maximum of 80 percent of the ground level facade shall be transparent (including windows and door openings) for any building containing nonresidential uses on the ground level. This requirement shall apply to both facades facing the right-of-way of a building on a corner lot.

FIGURE 8-5: TRANSPARENCY

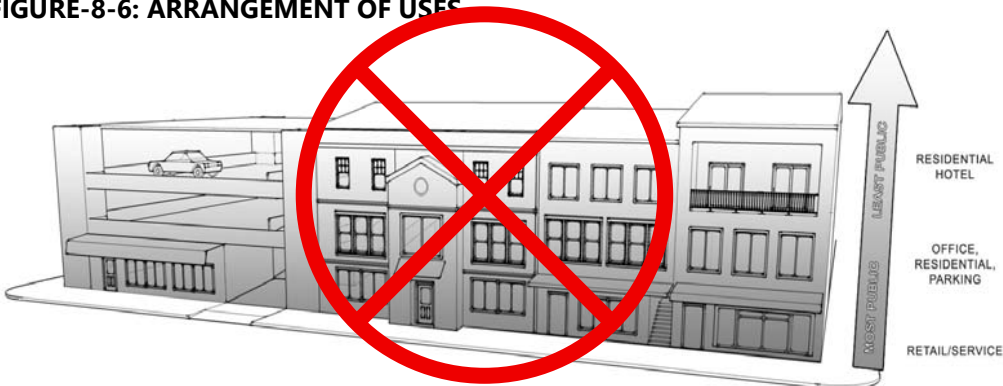


2. *Diverse and complementary land use.*

a. *Mixed use.* In ROI-GD, CMU, NHMU, SHMU, TCMU, HIMU, and GRMU zoning districts, a minimum of two distinct and complementary land uses shall be required. For the definition of "complementary land use", please refer to Section 3.00.01, Definitions. The City Manager or designee may grant an exception where a development provides a complementary use to adjacent existing developments.

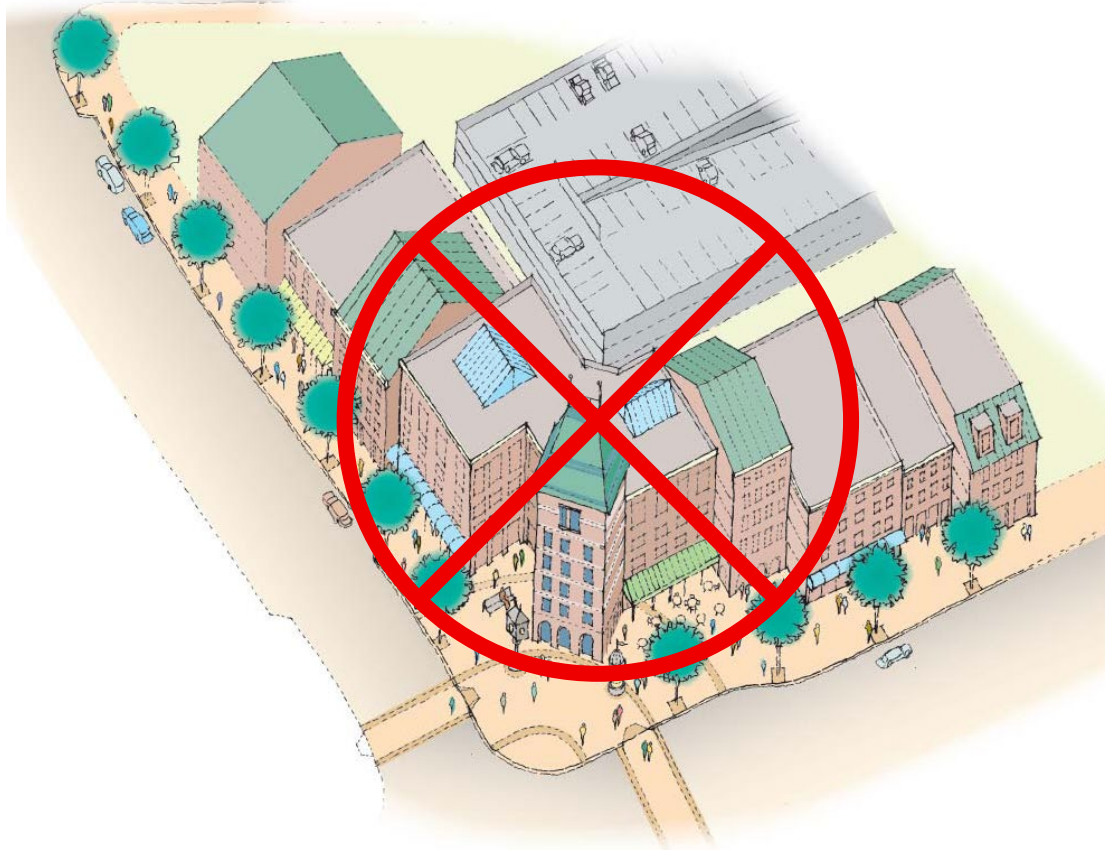
b. *Arrangement of uses.* Mixed-use buildings shall provide retail, service, restaurant, office or other nonresidential uses on the ground level in order to create pedestrian activity (refer to Figure 8-6: Arrangement of uses). Short-term residential, commercially licensed transient accommodations and long-term residential units shall not be placed on the ground level and shall be placed on floors above the ground level.

FIGURE 8-6: ARRANGEMENT OF USES



c. *Parking structures.* Parking structures shall be designed either interior to the block surrounded by nonresidential uses located on the ground level of the exterior and residential or nonresidential uses on the second and higher levels of the buildings (refer to Figure 8-7: Parking structures) or shall provide nonresidential uses on the ground level that attract pedestrian activity with the structured parking spaces located below ground level, above ground level, or on the interior of the ground level.

FIGURE 8-7: PARKING STRUCTURES



Where a parking structure has one or more walls facing the public right-of-way, the facade(s) of parking structures shall be designed to complement the existing character of surrounding buildings by meeting the following requirements:

1. Provide nonresidential uses along the ground floor of the public right of way (refer to Figure 8-8). Nonresidential uses should be designed to generate pedestrian-oriented activity, and may include restaurants, cafes, newsstands, and retail stores.

FIGURE 8-8



2. — Design the facade of the floors above the ground floor to complement the architectural features of the surrounding buildings (refer to Figure 8-9). Windows, trellis work, planter boxes, or other architectural features may be used to minimize the visual impact of parking structures. Alternatively, nonresidential or residential uses may be provided along the wall facing the public right-of-way. Additional methods of screening from those indicated here may be approved by the City Manager or designee.

FIGURE 8-9



3. Minimize the visual and functional impact of the parking garage entrance by subordinating the garage entrance to the pedestrian entrance in terms of prominence on the street, location, and design emphasis (refer to Figure 8-10).

FIGURE 8-10



4. Meet the standards for pedestrian-oriented building design as indicated in [Section] 8.09.03(A)(1).

3. *Vehicular network.*

a. *Maximum block length.* Development or redevelopment within existing large blocks shall be required to infill a local street network meeting the maximum vehicular block length standards indicated below (refer to Table 8-10: Vehicle network—Old Destin). Easements shall also be required to infill a sidewalk network within large parcels meeting the maximum pedestrian block length standards indicated below. For any developing or redeveloping parcels that exceed the dimensions of the maximum vehicular or pedestrian block length standards, the development shall meet the maximum block length standards within the development.

b. *Cul-de-sacs and dead-end streets.* Cul-de-sacs and streets resulting in dead-ends are prohibited within the MMTD.

c. *Maximum intersection and accessway turning radius.* The turning radius at intersections and accessways shall be the minimum needed to safely meet the operational demands of the intersection or accessway, and shall meet the maximum turning radius standard, varying by the posted speed limit of the roadway. The City Manager or designee may approve a maximum turning radius of 35 feet for any street type where truck, bus, or other large vehicle traffic is expected.

TABLE 8-10: VEHICULAR NETWORK—OLD DESTIN

Functional classification	a. Maximum block length		b. Maximum intersection and accessway turning radius		
	Vehicular	Pedestrian	<26 mph	26—44 mph	> 44 mph
Arterial streets	660'	330'	N/A	25'	35'
Collector streets	660'	330'	15'	25'	N/A
Local streets	660'	330'	15'	25'	N/A
Alleys	660'	330'	5'	N/A	N/A

d. ~~On-street parking.~~ On-street parking spaces shall be constructed in accordance with the regulations stated in Section 8.06.04.D of this Code.

4. ~~On-site parking.~~

a. ~~Parking location.~~ On-site surface parking spaces shall not be constructed between any building(s) and the adjacent right-of-way. On-site parking shall be located to the rear or side of a building to minimize the distance and barriers between the right-of-way and the building entrance. However, if a project provides a frontage road or limited accessway between the existing road right-of-way and the front of its development (buildings), then the requirements for on-site parking shall be measured from the frontage road or limited accessway and not the existing road right-of-way. Exceptions may be granted by the City Manager or designee in cases where site conditions do not allow this standard to be met (e.g. corner lots, through lots, etc.). Properties located in the SHMU zoning district that contain commercial marinas are allowed to have on-site parking areas located between buildings and the harbor boardwalk. Porte-cocheres may be located between the building and the adjacent right-of-way. However, no permanent parking spaces shall be allowed in conjunction with the porte-cochere. Only temporary parallel parking spaces shall line the accessway to, under and from the porte-cochere. Said temporary parallel parking spaces shall have signs posted which state that parking is limited to 30 minutes.

b. ~~Screening.~~ Where surface parking lots must abut the right-of-way, screening shall be provided to block the view of the surface parking lot from the right-of-way. Screening shall consist of either:

i. ~~Landscaping consisting of at least one shrub planted for every three feet of right-of-way frontage. All shrubs must be three feet in height at the time of planting and must be maintained at or below a height of four and one-half feet after planting. Said landscaping shall be planted in a landscape buffer that is at least five feet in width; or~~

ii. ~~A decorative, opaque, masonry wall that is a minimum of three feet to a maximum of four and one-half feet in height and one shrub, which is at least three feet in height at the time of planting (said shrubs must be maintained at or below a height of four and one-half feet in height after planting), planted for every six feet of right-of-way frontage. The required decorative, opaque, masonry wall shall be located in a landscape buffer that is at least five feet in width. The height of said wall shall be measured from the grade on side of the wall facing the adjoining sidewalk located in the adjoining right-of-way or easement area; or~~

iii. ~~— A combination of a decorative, opaque, masonry wall and landscaping as indicated in (i) and (ii) above.~~

~~Screening shall have one pedestrian walkway opening at least every 75 feet.~~

c. ~~— *On-site parking maximum.* Providing parking in excess of the standards indicated in Section 8.06.10 Number of vehicle and bicycle parking spaces required of this Code is not permitted. The parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.~~

d. ~~— *Handicapped parking and loading spaces.* All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided for on-site.~~

e. ~~— *Parking and loading space design.* All parking and loading spaces shall meet the requirements stated in Sections 8.06.04 and 8.08.04 respectfully.~~

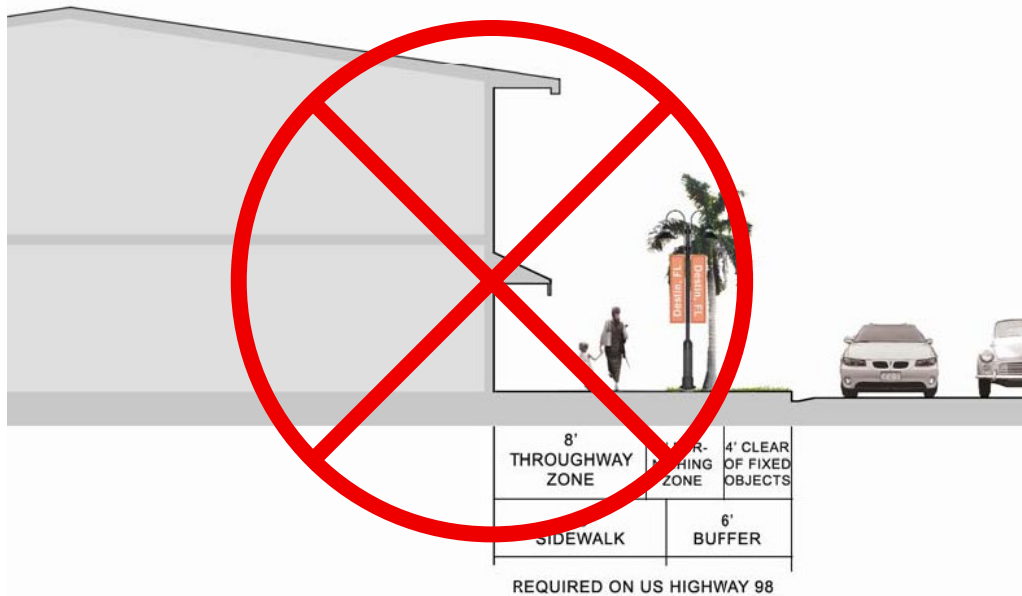
5. ~~— *Alternative parking options.*~~

a. ~~— *Reduction for the required number of parking spaces.* For a reduction in the number of required on-site parking spaces, refer to the standards indicated in Section 8.06.12, Reduction for the required number of parking spaces.~~

6. ~~— *Pedestrian network.*~~

a. ~~— *External sidewalks.* Developments abutting a public or private right-of-way shall provide sidewalks (refer to Figure 8-11: External sidewalks) running the full length of any roadway frontage directly adjacent to the site. Sidewalk widths vary depending on the street type and location; please refer to Table 8-1: Roadway Design Standards for the appropriate sidewalk width for your project. Sidewalks shall be constructed within the right-of-way whenever possible. However, where it is not possible to construct the sidewalk within the right-of-way either wholly or in part, the entire sidewalk or remaining portion thereof shall be constructed on the subject property. If any portion of a public sidewalk is located on private property, then a public sidewalk easement shall be required prior to the issuance of any certificate of completion or occupancy. Stormwater runoff generated by the sidewalk located within the public sidewalk easement shall be satisfied in the adjacent right-of-way. A minimum of eight feet in width shall remain unobstructed by benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.~~

FIGURE 8-11: EXTERNAL SIDEWALKS



b. *Sidewalk buffer.* A minimum buffer area of four feet is required between the street (back of street curb or edge of the pavement) and the required sidewalk width when the posted speed limit on the adjacent street is 25 mph or greater (refer to Figure 8-12A: Sidewalk buffer), with the exception of US Highway 98 where a minimum buffer area of six feet is required (refer to Figure 8-12B: Sidewalk buffer). This buffer area may be kept natural or may also contain sidewalk; however, any sidewalk within this buffer area shall not contribute to the required minimum sidewalk width. No fixed objects shall be located within the first two feet of the buffer when the posted speed limit on the adjacent street is 25 mph or greater, with the exception of US Highway 98 where no fixed objects shall be located within the first four feet of buffer. "Fixed objects" as used in herein shall include any of the following items: benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

FIGURE 8-12A: SIDEWALK BUFFER

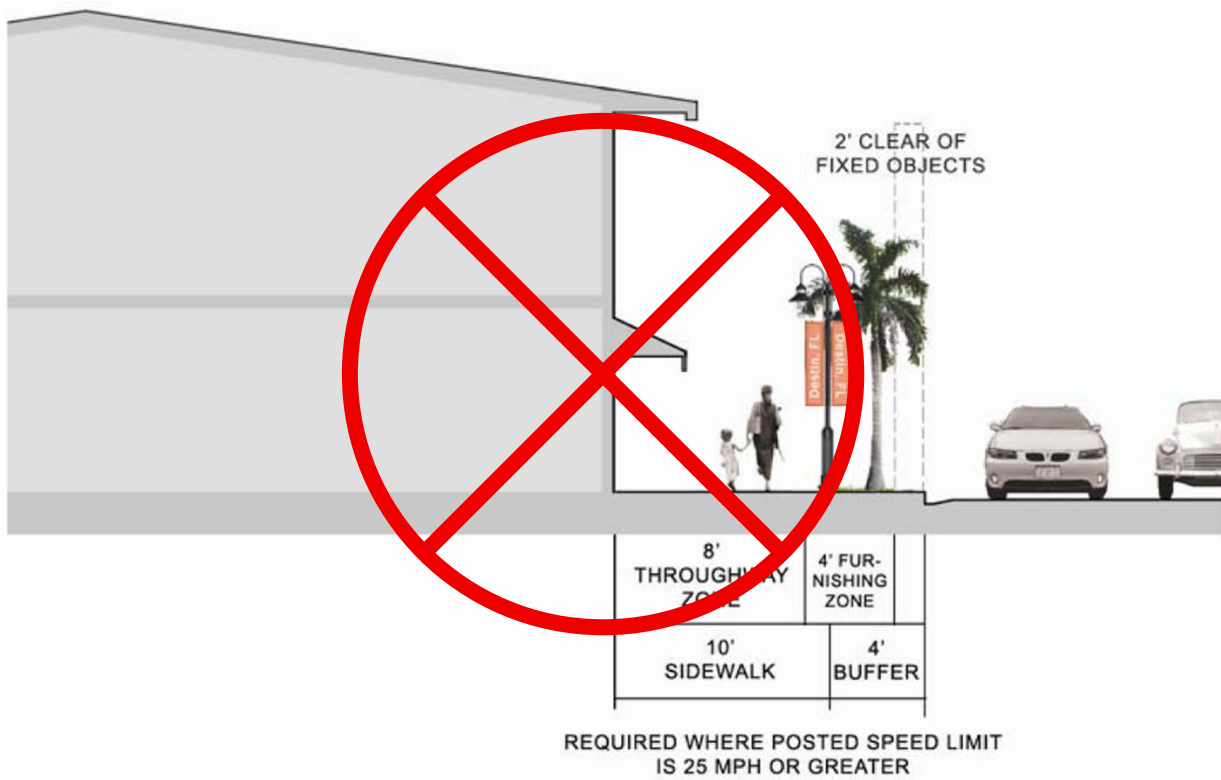
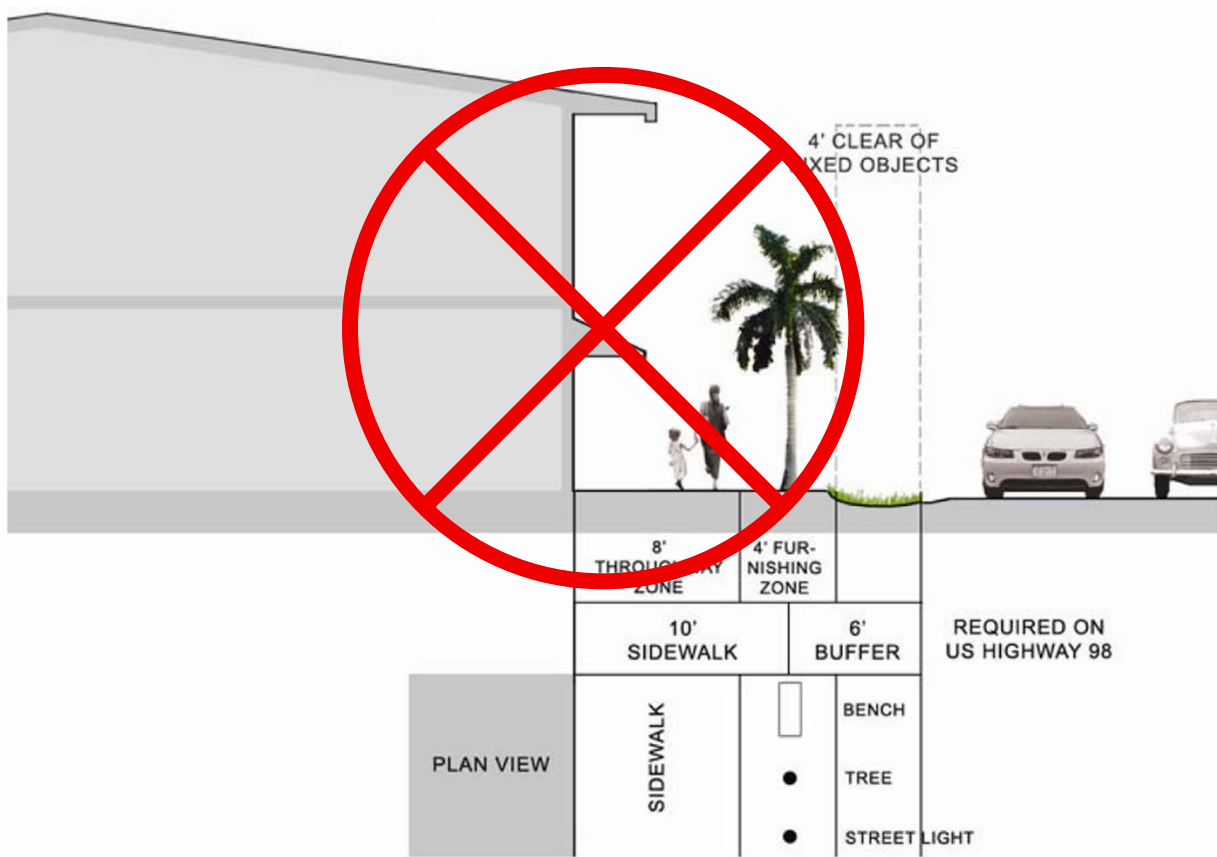
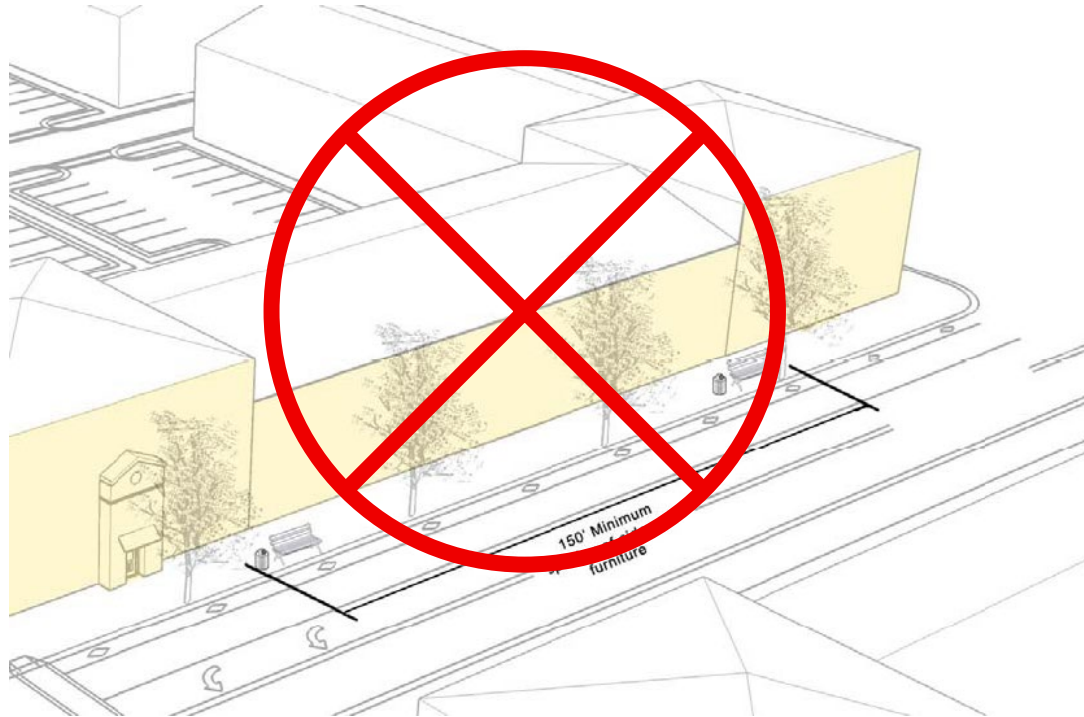


FIGURE 8-12B: SIDEWALK BUFFER



c. — *Pedestrian amenities.* A minimum of one bench and one other pedestrian amenity shall be located on either edge of the public sidewalk for every 150 horizontal feet of sidewalk (refer to Figure 8-13: Pedestrian amenities). Other pedestrian amenities may include benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other City-approved features of use or interest to pedestrians. All pedestrian amenities shall be designed according to the City's design standards to match the architecture of surrounding buildings, the character of the area, and with other elements of street furniture.

FIGURE 8-13: PEDESTRIAN AMENITIES



d. — *Street trees.* Approved street trees from Section 12.04.04 of this Code shall be planted along the public sidewalk at a spacing of 30 feet for small trees, 40 feet for medium trees, and 50 feet for large trees. The type and size of tree shall be chosen to provide consistency with the character and scale of the block, and to avoid root damage to sidewalks, streets, or underground utilities. Where the buffer between the street and sidewalk is at least four feet, trees may be planted within the buffer area; otherwise, trees shall be planted in either a four-by-four cutout in the sidewalk covered with a decorative grating or in a raised container in conformance with the City's design standards. A minimum of six feet of unobstructed sidewalk width shall be provided between the tree trunk or raised planter box edge and other obstructions, a minimum vertical clearance of ten feet shall be provided for branches overhanging a sidewalk and a minimum vertical clearance of 15 feet shall be provided for branches overhanging a street (refer to Figure 8-14: Street trees). Street trees shall not be planted within 20 feet of the corner of an intersection, within 12 feet of a fire hydrant or accessway apron, or in any location that impedes a driver's line of sight to other vehicles, signs, or signals.

FIGURE 8-14: STREET TREES



e. — *Lighting located within the right-of-way.* Pedestrian-scaled lighting at a height of no greater than 16 feet shall be placed along the public sidewalk in the buffer area or on the edge of the sidewalk nearest to the street. Light poles shall be spaced 80 feet on center. Lighting shall be located as close as possible to the center point between adjacent street trees to avoid interference by the tree canopy. Additionally, for developments proposed within 300 feet of the mean high water line, please refer to Section 7.17.01, Outdoor lighting standards for the marine turtle conservation zone of this Code to comply with additional lighting standards.

f. — *Internal sidewalks.* Developments shall be responsible for providing, constructing and maintaining a continuous on-site sidewalk network, to be provided throughout the development and connecting to adjacent developments. The sidewalk network shall connect to all buildings, common open space, transit stops, parking areas, adjacent properties, and public sidewalks. Internal accessways shall include sidewalks on both sides of the accessway. Sidewalks shall be a minimum of five feet in width and shall be raised and curbed along buildings and within parking lots. Internal sidewalks may be located within landscaping buffers when necessary to achieve connectivity.

g. — *Pedestrian crosswalks.* Pedestrian crosswalks shall be provided at the intersections of all rights-of-way with accessways, where sidewalks cross internal accessways and at any additional key pedestrian crossing points as identified by the City Manager or designee. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white thermal plastic striping, and/or reflective materials. The placement and striping for all pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards. Additionally, all permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.

~~h. — *General sidewalk construction requirements.* All sidewalks shall be constructed in accordance with section 522, 2004 Department of Transportation Standard Specifications for Road and Bridge Construction, and all revisions thereto, which is made a part hereof by reference. Sidewalks constructed, replaced or repaired in connection with nonresidential, multifamily residential developments, single-family detached and duplex residential developments, buildings or structures shall be a minimum of four inches in thickness.~~

~~i. — *Replacement and repair of sidewalks.* Any section of existing nonconforming four-foot residential or five-foot nonresidential sidewalks which must be replaced or repaired, must be built or reconstructed according to the public sidewalks standards specified in the subarea for which it is located (refer to Table 8-1: Roadway design standards), when such sidewalks are more than 40 feet in length. If the sidewalk in question is less than 40 feet in length then it can be replaced or repaired to the standards that it was originally constructed to.~~

~~j. — *Maintenance.* Maintenance of items required by this section, including, but not limited to, sidewalks, crosswalks, sidewalk furniture, street trees, and lighting, shall be governed by the provisions of Section 2.20.00, Guarantees and sureties of this Code.~~

~~7. — *Cycling network.*~~

~~a. — *Location of bicycle parking.* The number of bicycle parking spaces shall be provided on-site and in accordance with the bicycle parking standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code. Bicycle parking spaces shall be located within 20 feet of building entrances. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code.~~

~~b. — *Implement bicycle/multi-use pathway plans.* Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, and Impact Fee Study.~~

~~c. — *Bicycle lane specifications.* All bicycle lanes shall be a minimum of four feet in width as measured from the edge of curb on streets without on-street parking. For streets with on-street parking, all bicycle lanes shall be a minimum of five feet in width as measured from the edge of the on-street parking space.~~

~~d. — *Multi-use pathway specifications.* All multi-use pathways shall be a minimum of ten feet in width. The minimum of ten feet in width for the multi-use pathway shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.~~

~~8. — *Transit network.* All development shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:~~

~~a. — *Future transit stop locations.* Maps 8-5.1 through 8-5.17 identify approximate locations and recommended types of future transit stops along existing and potential transit routes. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location. For any proposed development within 200 feet of a proposed transit stop, the applicant~~

shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.

b. ——— *Transit stop connection.* All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with Section 8.09.03(A)(6)(a), from the development to the transit stop if a continuous sidewalk does not exist. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the building nearest to the transit stop and the transit stop itself. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.

c. ——— *Transit stop easements.* For any site that has been identified as a location for a transit stop (refer to Maps 8-5.1 through 8-5.17), a public ingress and egress easement shall be required to provide space for this stop.

d. ——— *Transit stop amenities.* For any site that has been identified as a location for a transit stop, transit stop amenities shall be required. Transit stop amenities shall include: i) a passenger shelter equipped with a bench that accommodates a minimum of eight people and an area to accommodate one wheelchair; ii) a bike rack that accommodates at least three bikes; iii) a trash receptacle; iv) sufficient outdoor lighting for safe pedestrian movement at night; v) a location/information sign that at a minimum shows the location of the transit stop in regard to other transit stops located in the transit system; and vi) a sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.

e. ——— *Transit stop design.* For any site that has been identified as a location for a transit stop, said transit stop shall be designed in accordance with the recommendations in Maps 8-5.1 through 8-5.17 and the following requirements. These transit stops shall include a dedicated area for a safe and convenient bus access. The transit stop types identified in Maps 8-5.1 through 8-5.17 are recommendations only; alternative designs may be considered during the site plan approval process. Transit stops consist of three types: 1) curbside stops; 2) bus bay stops; and 3) queue jumper bus bay stops. Curbside stops shall be located in the travel lane of the adjacent road. Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length. Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road. Off-street transit areas shall provide a circulation route and a twelve-foot wide by forty-foot long bus loading zone. The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet to accommodate bus movement. The bus loading zone must be located outside of the normal parking/access circulation pattern. The shelter and waiting area shall be located adjacent to the public sidewalk, if located in the right-of-way, or private on-site sidewalk, if located on the subject property, while allowing a minimum of six feet of width of the adjacent sidewalk free of obstructions. The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet in depth. An unobstructed loading path with a minimum of five feet in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.

f. ——— *Maintenance.* Maintenance of items required by this section, including, but not limited to, sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of Section 2.20.00 Guarantees and sureties of this Code.

9. ~~Harbor connections.~~ The following requirements only apply to development projects located in the SHMU zoning district:

a. ~~Dedicated pedestrian easements.~~ Pedestrian easements dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront are required. For the north-south access, developments have the option to provide either an exclusive pedestrian easement with a minimum width of ten feet when such easement is not located next to an adjoining property line or a five-foot wide easement when it is located next to an adjoining property line of the development. For east-west access, developments must provide a pedestrian easement for the Harbor Boardwalk and Promenade with a minimum width as indicated in subsection b, listed below. All pedestrian areas shall be constructed of pavers, asphalt, concrete, stamped and colored concrete, boards or other impervious surfaces. Additionally, all pedestrian easements dedicated to the public for access shall have adequate outdoor lighting to help ensure the health, safety, and welfare of the public at night.

b. ~~Design and construction of the Harbor Boardwalk and Promenade.~~ Each development is responsible for constructing that portion of the Harbor Boardwalk and Promenade fronting its property to the following minimum standards listed below:

i. ~~Harbor Boardwalk and Promenade materials:~~ The Harbor Boardwalk and Promenade shall be constructed of materials meeting the standards and specifications approved by the CRA Board.

ii. ~~Width of pedestrian walking surface:~~ Fifteen feet minimum with an average of 25 feet. No structures, other than canopies, may extend over the pedestrian walking surface. A minimum clearance of ten feet must be provided when canopies protrude over the pedestrian walking surface.

iii. ~~Height of pedestrian walking surface:~~ Four feet to 12 feet above mean high water line. Height of pedestrian walking surface may vary from the previously mentioned standard to be compatible with the height of the Harbor Boardwalk and Promenade fronting adjacent properties and to comply with the Americans with Disabilities Act requirements.

c. ~~Design and construction of waterfront amenities/improvements:~~

i. ~~Lighting, benches, drinking fountains, trash containers, planters, and other hardscape items shall be as per the standards and specifications approved by the CRA Board.~~

ii. ~~Lateral connections to the Harbor Boardwalk Promenade must meet the above standards for walking surface height, hardscape, and vertical boardwalk features.~~

iii. ~~Each development shall erect and maintain a historical or informational display board for every 150 linear feet or fraction thereof of Boardwalk. Historical or informational display boards shall be constructed per the standards and specifications approved by the CRA Board.~~

d. ~~Water taxi stop.~~ All nonresidential, mixed use and multifamily development that border the Destin Harbor, the East Pass or Choctawhatchee Bay shall provide a minimum of one loading and unloading area or slip which shall be reserved for use by a water taxi. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi. Additionally, water taxi amenities shall be provided in conjunction with the water taxi stop. Water taxi amenities shall include: i) a minimum of at least one bench that accommodates a minimum of eight people; ii) a trash receptacle; iii) sufficient outdoor lighting for safe pedestrian movement at night; iv) a location/information sign that at a minimum shows the location of the

water taxi stop in regard to other water taxi stops, transit stops, and public parking garages; and v) a boardwalk/sidewalk that connects the water taxi stop area to the internal (development site) and, if applicable, external (public) sidewalk system.

Additionally, for details on increasing the length of docks and pilings beyond the 200-foot limit in certain areas of the Destin Harbor please refer to section 11.05.09.

~~B. Crystal Beach MMTD sub-area Mixed-use, nonresidential, and multifamily residential. All mixed-use, nonresidential, and multifamily residential development located within the Crystal Beach MMTD sub-area shall be subject to the following standards:~~

~~1. Vehicular network.~~

~~a. Maximum block length. Development or redevelopment within existing large blocks shall be required to infill a local street network meeting the maximum vehicular block length standards indicated below. Easements shall also be required to infill a sidewalk network within large parcels meeting the maximum pedestrian block length standards indicated below. For any developing or redeveloping parcels that exceed the dimensions of the maximum vehicular or pedestrian block length standards, the development shall meet the maximum block length standards within the development.~~

~~b. Cul-de-sacs and dead-end streets. Cul-de-sacs and streets resulting in dead-ends are prohibited within the MMTD.~~

~~c. Maximum intersection and accessway turning radius. The turning radius at intersections and accessways shall be the minimum needed to safely meet the operational demands of the intersection or accessway, and shall meet the maximum turning radius standard, varying by the posted speed limit of the roadway. The City Manager or designee may approve a maximum turning radius of 35 feet for any street type where truck, bus, or other large vehicle traffic is expected.~~

TABLE 8-11: VEHICULAR NETWORK—CRYSTAL BEACH					
Functional classification	a. Maximum block length		b. Maximum intersection and accessway turning radius		
	Vehicular	Pedestrian	<26 mph	26—44 mph	> 44 mph
Arterial streets	660'	330'	N/A	25'	35'
Collector streets	660'	330'	15'	25'	N/A
Local streets	660'	330'	15'	25'	N/A
Alleys	660'	330'	5'	N/A	N/A

~~d. On-street parking. On-street parking spaces shall be constructed in accordance with the regulations stated in Section 8.06.04(D) of this Code.~~

~~2. On-site parking.~~

a. ~~—— *Parking location.* On-site surface parking spaces may be constructed between any building(s) and the adjacent right-of-way. The requirement to locate on-site parking to the rear or side of a building to minimize the distance and barriers between the right-of-way and the building entrance is not required within the Crystal Beach MMTD sub-area. However, the City strongly encourages on-site parking be located to the rear or side of a building to minimize the distance and barriers for pedestrian traffic between the right-of-way and the building entrance.~~

b. ~~—— *Screening.* Where surface parking lots must abut the right-of-way, screening shall be provided to block the view of the surface parking lot from the right-of-way. Screening shall consist of either:~~

i. ~~—— Landscaping consisting of at least one shrub planted for every three feet of right-of-way frontage. All shrubs must be three feet in height at the time of planting and must be maintained at or below a height of four and one-half feet after planting. Said landscaping shall be planted in a landscape buffer that is at least five feet in width; or~~

ii. ~~—— A decorative, opaque, masonry wall that is a minimum of three feet to a maximum of four and one-half feet in height and one shrub, which is at least three feet in height at the time of planting (said shrubs must be maintained at or below a height of four and one-half feet in height after planting), planted for every six feet of right-of-way frontage. The required decorative, opaque, masonry wall shall be located in a landscape buffer that is at least five feet in width. The height of said wall shall be measured from the grade on side of the wall facing the adjoining sidewalk located in the adjoining right-of-way or easement area; or~~

iii. ~~—— A combination of a decorative, opaque, masonry wall and landscaping as indicated in (i) and (ii) above.~~

Screening shall have one (1) pedestrian walkway opening at least every 75 feet.

c. ~~—— *On-site parking maximum.* Providing parking in excess of the standards indicated in Section 8.06.10 Number of vehicle and bicycle parking spaces required of this Code is permitted. The parking standards listed in Section 8.06.10 are considered the minimum parking required and not parking maximums. Parking maximums do not apply to the Crystal Beach MMTD sub-area.~~

d. ~~—— *Handicapped parking and loading spaces.* All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided for on-site.~~

e. ~~—— *Parking and loading space design.* All parking and loading spaces shall meet the requirements stated in Section 8.06.04 and 8.08.04 respectfully.~~

3. ~~—— *Alternative parking options.*~~

a. ~~—— *Reduction for the required number of parking spaces.* For a reduction in the number of required on-site parking spaces, refer to the standards indicated in Section 8.06.12 Reduction for the required number of parking spaces.~~

4. ~~—— *Pedestrian network.*~~

a. ~~—— *External sidewalks.* Developments abutting a public or private right-of-way shall provide sidewalks (refer to Figure 8-15; External sidewalks) running the full length of any roadway frontage directly adjacent to the site. Sidewalks widths vary depending on the street type and location; please refer to Table 8-1: Roadway Design Standards for the appropriate sidewalk width for your project. Sidewalks shall be~~

constructed within the right-of-way whenever possible. However, where it is not possible to construct the sidewalk within the right-of-way either wholly or in part, the entire sidewalk or remaining portion thereof shall be constructed on the subject property. If any portion of a public sidewalk is located on private property, then a public sidewalk easement shall be required prior to the issuance of any certificate of completion or occupancy. Stormwater runoff generated by the sidewalk located within the public sidewalk easement shall be satisfied in the adjacent right-of-way. A minimum of eight feet in width shall remain unobstructed by benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

FIGURE 8-15: EXTERNAL SIDEWALKS



b. *Sidewalk buffer.* A minimum buffer area of four feet is required between the street (back of street curb or edge of the pavement) and the required sidewalk when the posted speed limit on the adjacent street is 25 mph or greater (refer to Figure 8-16A: Sidewalk buffer), with the exception of US Highway 98 where a minimum buffer area of six feet is required (refer to Figure 8-16B: Sidewalk buffer). This buffer area may be kept natural or may also contain sidewalk; however, any sidewalk within this buffer area shall not contribute to the required minimum sidewalk width. No fixed objects shall be located within the first two feet of the buffer when the posted speed limit on the adjacent street is 25 mph or greater, with the exception of US Highway 98 where no fixed objects shall be located within the first four feet of buffer. "Fixed objects" as used in herein shall include any of the following items: benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

FIGURE 8-16A: SIDEWALK BUFFER

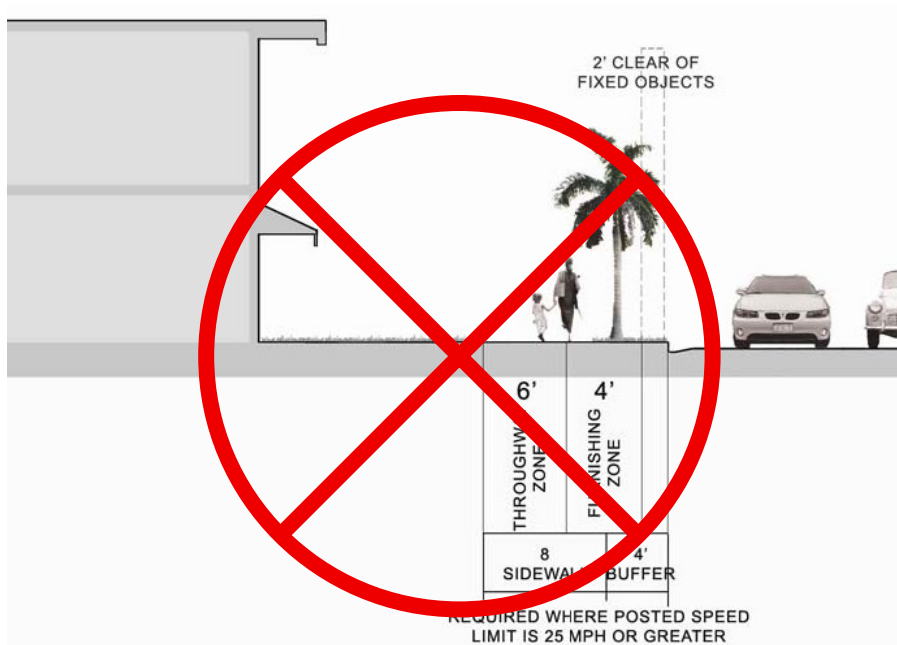
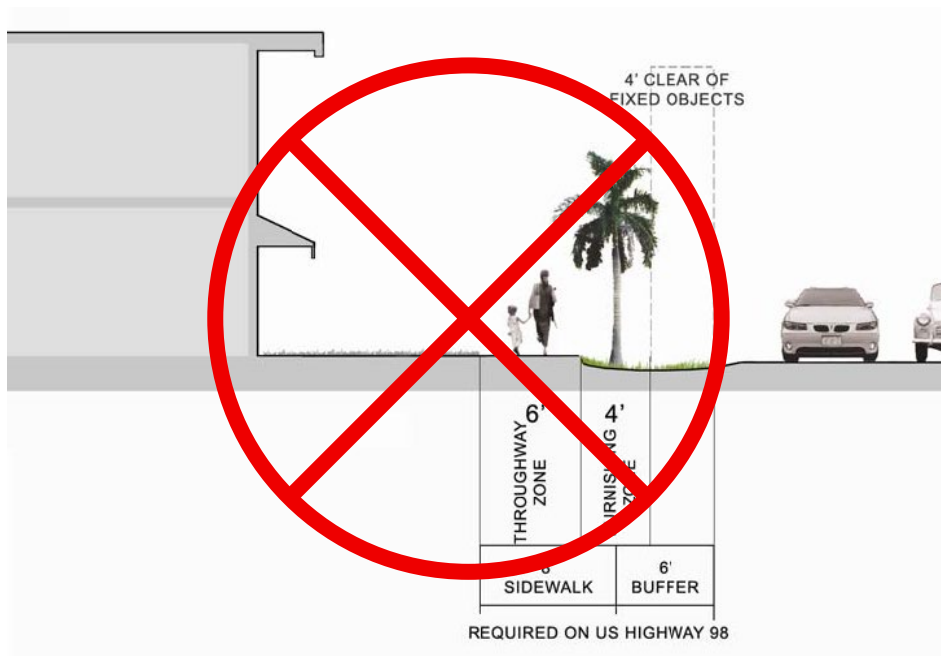
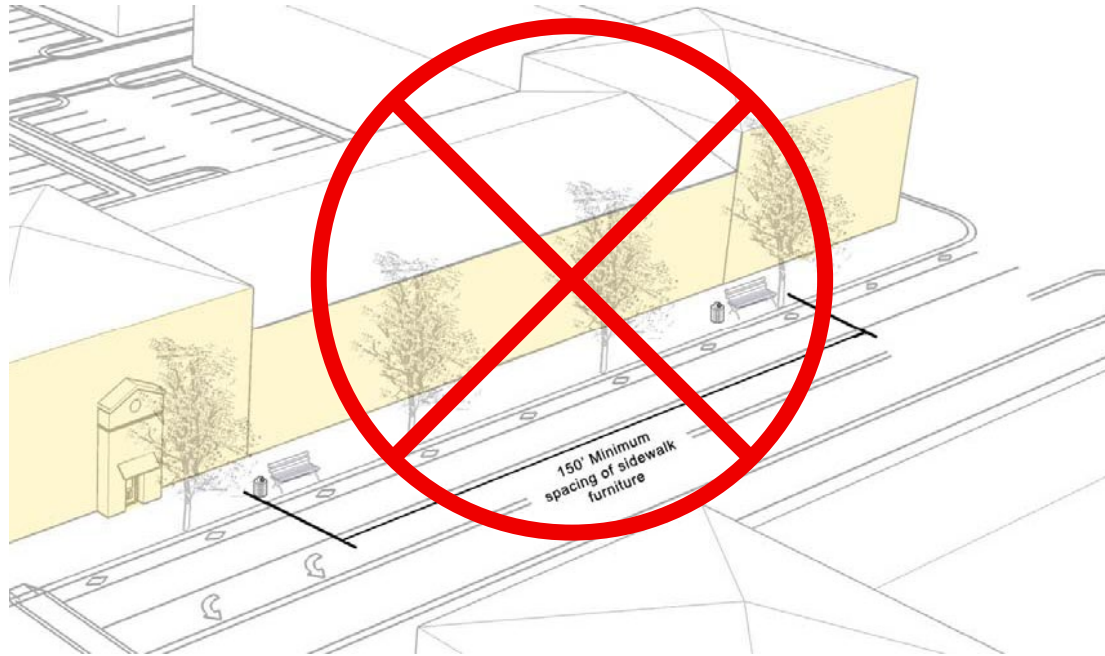


FIGURE 8-16B: SIDEWALK BUFFER



c. *Pedestrian amenities.* A minimum of one bench and one other pedestrian amenity shall be located on either edge of the public sidewalk for every 150 horizontal feet of sidewalk (refer to Figure 8-17: Pedestrian amenities). Other pedestrian amenities may include benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other City-approved features of use or interest to pedestrians. All pedestrian amenities shall be designed according to the City's design standards to match the architecture of surrounding buildings, the character of the area, and with other elements of street furniture.

FIGURE 8-17: PEDESTRIAN AMENITIES



d. ~~Street trees.~~ Approved street trees from Section 12.04.04 of this Code shall be planted along the public sidewalk at a spacing of 30 feet for small trees, 40 feet for medium trees, and 50 feet for large trees. The type and size of tree shall be chosen to provide consistency with the character and scale of the block, and to avoid root damage to sidewalks, streets, or underground utilities. Where the buffer between the street and sidewalk is at least four feet, trees may be planted within the buffer area; otherwise, trees shall be planted in either a four by four cutout in the sidewalk covered with a decorative grating or in a raised container in conformance with the City's design standards. A minimum of six feet of unobstructed sidewalk width shall be provided between the tree trunk or raised planter box edge and other obstructions, a minimum vertical clearance of ten feet shall be provided for branches overhanging a sidewalk and a minimum vertical clearance of 15 feet shall be provided for branches overhanging a street (refer to Figure 8-18: Street trees). Street trees shall not be planted within 20 feet of the corner of an intersection, within 12 feet of a fire hydrant or accessway apron, or in any location that impedes a driver's line-of-sight to other vehicles, signs, or signals.

FIGURE 8-18: STREET TREES



e. — *Lighting located within the right-of-way.* Pedestrian-scaled lighting at a height of no greater than 16 feet shall be placed along the public sidewalk in the buffer area or on the edge of the sidewalk nearest to the street. Light poles shall be spaced 80 feet on center. Lighting shall be located as close as possible to the center point between adjacent street trees to avoid interference by the tree canopy. Additionally, for developments proposed within 300 feet of the mean high water line, please refer to Section 7.17.01, Outdoor lighting standards for the marine turtle conservation zone of this Code to comply with additional lighting standards.

f. — *Internal sidewalks.* Developments shall be responsible for providing, constructing and maintaining a continuous on-site sidewalk network, to be provided throughout the development and connecting to adjacent developments. The sidewalk network shall connect to all buildings, common open space, transit stops, parking areas, adjacent properties, and public sidewalks. Internal accessways shall include sidewalks on both sides of the accessway. Sidewalks shall be a minimum of five feet in width and shall be raised and curbed along buildings and within parking lots. Internal sidewalks may be located within landscaping buffers when necessary to achieve connectivity.

g. — *Pedestrian crosswalks.* Pedestrian crosswalks shall be provided at the intersections of all rights-of-way with accessways, where sidewalks cross internal accessways and at any additional key pedestrian crossing points as identified by the City Manager or designee. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white thermal plastic striping, and/or reflective materials. The placement and striping for all pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards. Additionally, all permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance with Florida Department of Transportation (FDOT) specifications.

~~h. — *General sidewalk construction requirements.* All sidewalks shall be constructed in accordance with section 522, 2004 Department of Transportation Standard Specifications for Road and Bridge Construction, and all revisions thereto, which is made a part hereof by reference. Sidewalks constructed, replaced or repaired in connection with nonresidential, multifamily residential developments, single-family detached and duplex residential developments, buildings or structures shall be a minimum of four inches in thickness.~~

~~i. — *Replacement and repair of sidewalks.* Any section of existing nonconforming four-foot residential or five-foot nonresidential sidewalks which must be replaced or repaired, must be built or reconstructed according to the public sidewalks standards specified in the subarea for which it is located (refer to Table 8-1: Roadway Design Standards), when such sidewalks are more than 40 feet in length. If the sidewalk in question is less than 40 feet in length then it can be replaced or repaired to the standards that it was originally constructed to.~~

~~j. — *Maintenance.* Maintenance of items required by this section, including but not limited to sidewalks, crosswalks, sidewalk furniture, street trees, and lighting, shall be governed by the provisions of Section 2.20.00, Guarantees and sureties of this Code.~~

~~5. — *Cycling network.*~~

~~a. — *Location of bicycle parking.* The number of bicycle parking spaces shall be provided on-site and in accordance with the bicycle parking standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code. Bicycle parking spaces shall be located within 20 feet of building entrances. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code.~~

~~b. — *Implement bicycle/multi-use pathway plans.* Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, and Impact Fee Study.~~

~~c. — *Bicycle lane specifications.* All bicycle lanes shall be a minimum of four feet in width as measured from the edge of curb on streets without on-street parking. For streets with on-street parking, all bicycle lanes shall be a minimum of five feet in width as measured from the edge of the on-street parking space.~~

~~d. — *Multi-use pathway specifications.* All multi-use pathways shall be a minimum of ten feet in width. The minimum of ten feet in width for the multi-use pathway shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.~~

~~6. — *Transit network.* All development shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:~~

~~a. — *Future transit stop locations.* Maps 8-5.1 through 8-5.17 identify approximate locations and recommended types of future transit stops along existing and potential transit routes. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location. For any proposed development within 200 feet of a proposed transit stop, the applicant~~

shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.

b. ——— *Transit stop connection.* All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with Section 8.09.03(A)(6)(a), from the development to the transit stop if a continuous sidewalk does not exist. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the buildings nearest to the transit stop and the transit stop itself. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.

c. ——— *Transit stop easements.* For any site that has been identified as a location for a transit stop (refer to Maps 8-5.1 through 8-5.17), a public ingress and egress easement shall be required to provide space for this stop.

d. ——— *Transit stop amenities.* For any site that has been identified as a location for a transit stop (refer to Maps 8-5.1 through 8-5.17), transit stop amenities shall be required. Transit stop amenities shall include: i) a passenger shelter equipped with a bench that accommodates a minimum of eight people and an area to accommodate one wheelchair; ii) a bike rack that accommodates at least three bikes; iii) a trash receptacle; iv) sufficient outdoor lighting for safe pedestrian movement at night; v) a location/information sign that at a minimum shows the location of the transit stop in regard to other transit stops located in the transit system; and vi) a sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.

e. ——— *Transit stop design.* For any site that has been identified as a location for a transit stop, said transit stop shall be designed in accordance with the recommendations in Maps 8-5.1 through 8-5.17 and the following requirements. These transit stops shall include a dedicated area for a safe and convenient bus access. The transit stop types identified in Maps 8-5.1 through 8-5.17 are recommendations only; alternative designs may be considered during the site plan approval process. Transit stops consist of three types: 1) curbside stops; 2) bus bay stops; and 3) queue jumper bus bay stops. Curbside stops shall be located in the travel lane of the adjacent road. Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length. Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road. Off-street transit areas shall provide a circulation route and a twelve-foot wide by forty-foot long bus loading zone. The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet to accommodate bus movement. The bus loading zone must be located outside of the normal parking/access circulation pattern. The shelter and waiting area shall be located adjacent to the public sidewalk, if located in the right-of-way, or private on-site sidewalk, if located on the subject property, while allowing a minimum of six feet of width of the adjacent sidewalk free of obstructions. The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet in depth. An unobstructed loading path with a minimum of five feet in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.

f. ——— *Maintenance.* Maintenance of items required by this section, including but not limited to sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of Section 2.20.00, Guarantees and sureties of this Code.

~~C. — MMTD—Single-family detached and duplex residential. All single-family detached and duplex residential development located within the MMTD shall be subject to the following standards. This provision does not apply to single-family detached and duplex residential units built on previous approved lots.~~

~~1. — Vehicular network.~~

~~a. — Maximum block length. Development or redevelopment within existing large blocks shall be required to infill a local street network meeting the maximum vehicular block length standards indicated below. Easements shall also be required to infill a sidewalk network within large parcels meeting the maximum pedestrian block length standards indicated below. For any developing or redeveloping parcels that exceed the dimensions of the maximum vehicular or pedestrian block length standards, the development shall meet the maximum block length standards within the development.~~

~~b. — Cul de sacs and dead end streets. Cul de sacs and streets resulting in dead ends are prohibited within the MMTD.~~

~~c. — Maximum intersection and accessway turning radius. The turning radius at intersections and accessways shall be the minimum needed to safely meet the operational demands of the intersection or accessway, and shall meet the maximum turning radius standard, varying by the posted speed limit of the roadway. The City Manager or designee may approve a maximum turning radius of 35 feet for any street type where truck, bus, or other large vehicle traffic is expected.~~

TABLE 8-12: VEHICULAR NETWORK—SINGLE-FAMILY AND DUPLEX RESIDENTIAL DETACHED					
Functional classification	a. Maximum block length		b. Maximum intersection and accessway turning radius		
	Vehicular	Pedestrian	<26 mph	26—44 mph	> 44 mph
Arterial streets	660'	330'	N/A	25'	35'
Collector streets	660'	330'	15'	25'	N/A
Local streets	660'	330'	15'	25'	N/A
Alleys	660'	330'	5'	N/A	N/A

~~d. — On-street parking. On-street parking spaces shall be constructed in accordance with the regulations stated in Section 8.06.04(D) of this code.~~

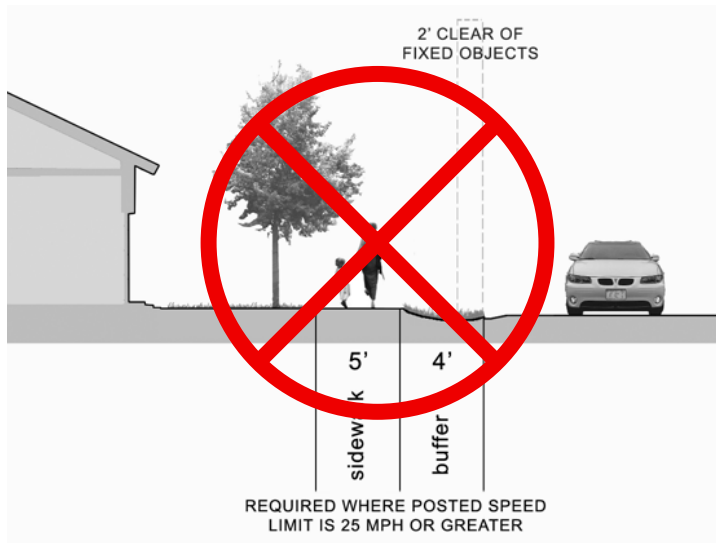
~~2. — On-site parking.~~

~~a. — Approved parking locations. The on-site vehicle parking facilities required by this article shall be located on the same lot or parcel of land they are intended to serve. All vehicles must be parked in the driveway, garage or other City-approved parking space for the dwelling unit and clear of all grassy/landscaped areas and sidewalk sections for pedestrian traffic pursuant to City of Destin Code of Ordinances, Section 19, Traffic and Motor Vehicles.~~

3. ——— *Pedestrian network.*

a. ——— *External sidewalks.* Developments abutting a public or private right-of-way shall provide sidewalks (refer to Figure 8-19; External sidewalks) running the full length of any roadway frontage directly adjacent to the site. Sidewalks widths vary depending on the street type and location; please refer to Table 8-1: Roadway Design Standards for the appropriate sidewalk width for your project. However, where it is not possible to construct the sidewalk within the right-of-way either wholly or in part, the entire sidewalk or remaining portion thereof shall be constructed on the subject property. If any portion of a public sidewalk is located on private property, then a public sidewalk easement shall be required prior to the issuance of any certificate of completion or occupancy. Stormwater runoff generated by the sidewalk located within the public sidewalk easement shall be satisfied in the adjacent right-of-way. A minimum of five feet in width shall remain unobstructed by benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

FIGURE 8-19: EXTERNAL SIDEWALKS



b. ——— *Sidewalk buffer.* A minimum buffer area of four feet is required between the street (back of street curb or edge of the pavement) and the required sidewalk when the posted speed limit on the adjacent street is 25 mph or greater (refer to Figure 8-20A: Sidewalk buffer), with the exception of US Highway 98 where a minimum buffer area of six feet is required (refer to Figure 8-20B: Sidewalk buffer). This buffer area may be kept natural or may also contain sidewalk; however, any sidewalk within this buffer area shall not contribute to the required minimum sidewalk width. No fixed objects shall be located within the first two feet of the buffer when the posted speed limit on the adjacent street is 25 mph or greater, with the exception of US Highway 98 where no fixed objects shall be located within the first four feet of buffer. "Fixed objects" as used in herein shall include any of the following items: benches, bike racks, street lights, street trees, trash receptacles, drinking fountains, planter boxes, newspaper boxes, historical or location/information markers, passenger shelter for transit stops or other barriers to pedestrian movement.

FIGURE 8-20A: SIDEWALK BUFFER

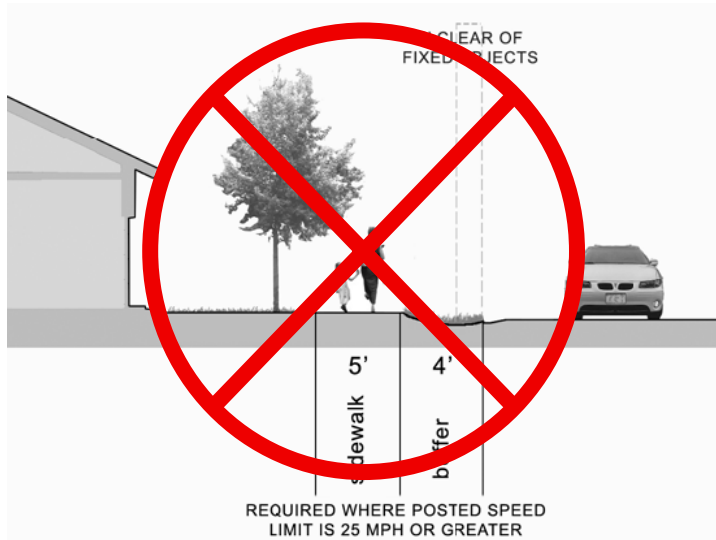
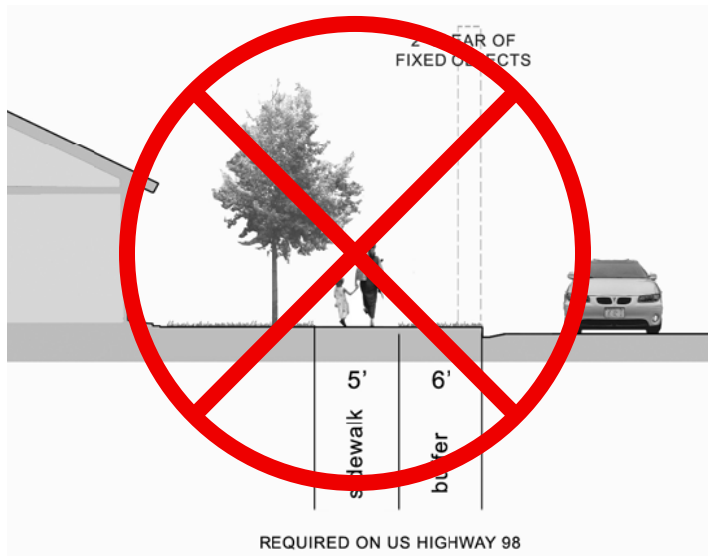


FIGURE 8-20B: SIDEWALK BUFFER



c. *Street trees.* Approved street trees from Section 12.04.04 of this Code shall be planted along the public sidewalk at a spacing of 30 feet for small trees, 40 feet for medium trees, and 50 feet for large trees. The type and size of tree shall be chosen to provide consistency with the character and scale of the block, and to avoid root damage to sidewalks, streets, or underground utilities. Where the buffer between the street and sidewalk is at least four feet, trees may be planted within the buffer area; otherwise, trees shall be planted in either a four-by-four cutout in the sidewalk covered with a decorative grating or in a raised container in conformance with the City's design standards. A minimum of six feet of unobstructed sidewalk width shall be provided between the tree trunk or raised planter box edge and other obstructions, a minimum vertical clearance of ten feet shall be provided for branches overhanging a sidewalk and a minimum vertical clearance of 15 feet shall be provided for branches overhanging a street (refer to Figure 8-21: Street trees). Street trees shall not be planted within 20 feet of the corner of an intersection, within 12 feet of a fire hydrant or accessway apron, or in any location that impedes a driver's line-of-sight to other vehicles, signs, or signals.

FIGURE 8-21: STREET TREES



e. — *Lighting located within the right-of-way.* Pedestrian-scaled lighting at a height of no greater than 16 feet shall be placed along the public sidewalk in the buffer area or on the edge of the sidewalk nearest to the street. Light poles shall be spaced 80 feet on center. Lighting shall be located as close as possible to the center point between adjacent street trees to avoid interference by the tree canopy. Additionally, for developments proposed within 300 feet of the mean high water line, please refer to Section 7.17.01, Outdoor lighting standards for the marine turtle conservation zone of this Code to comply with additional lighting standards.

f. — *Internal sidewalks.* Developments shall be responsible for providing, constructing and maintaining a continuous on-site sidewalk network, to be provided throughout the development and connecting to adjacent developments. The sidewalk network shall connect to all buildings, common open space, transit stops, parking areas, adjacent properties, and public sidewalks. Internal accessways shall include sidewalks on both sides of the accessway. Sidewalks shall be a minimum of five feet in width and shall be raised and curbed along buildings and within parking lots. Internal sidewalks may be located within landscaping buffers when necessary to achieve connectivity.

g. — *Pedestrian crosswalks.* Pedestrian crosswalks shall be provided at the intersections of all rights-of-way with accessways, where sidewalks cross internal accessways and at any additional key pedestrian crossing points as identified by the City Manager or designee. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white thermal plastic striping, and/or reflective materials. The placement and striping for all pedestrian crosswalks shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) standards. Additionally, all permanent striping located within rights-of-

way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.

~~h. — *General sidewalk construction requirements.* All sidewalks shall be constructed in accordance with section 522, 2004 Department of Transportation Standard Specifications for Road and Bridge Construction, and all revisions thereto, which is made a part hereof by reference. Sidewalks constructed, replaced or repaired in connection with nonresidential, multifamily residential developments, single-family detached and duplex residential developments, buildings or structures shall be a minimum of four inches in thickness.~~

~~i. — *Replacement and repair of sidewalks.* Any section of existing nonconforming four-foot residential or five-foot nonresidential sidewalks which must be replaced or repaired, must be built or reconstructed according to the public sidewalks standards specified in the subarea for which it is located (refer to Table 8-1: Roadway Design Standards), when such sidewalks are more than 40 feet in length. If the sidewalk in question is less than 40 feet in length then it can be replaced or repaired to the standards that it was originally constructed to.~~

~~j. — *Maintenance.* Maintenance of items required by this section, including but not limited to sidewalks, crosswalks, sidewalk furniture, street trees, and lighting, shall be governed by the provisions of Section 2.20.00, Guarantees and sureties of this Code.~~

~~4. — *Cycling network.*~~

~~a. — *Location of bicycle parking.* The number of bicycle parking spaces shall be provided on-site and in accordance with the bicycle parking standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code. Bicycle parking spaces shall be located within 20 feet of building entrances. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the standards in Table 8-6: Number of vehicle and bicycle parking spaces required of this Code.~~

~~b. — *Implement bicycle/multi-use pathway plans.* Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, and Impact Fee Study.~~

~~c. — *Bicycle lane specifications.* All bicycle lanes shall be a minimum of four feet in width as measured from the edge of curb on streets without on-street parking. For streets with on-street parking, all bicycle lanes shall be a minimum of five feet in width as measured from the edge of the on-street parking space.~~

~~d. — *Multi-use pathway specifications.* All multi-use pathways shall be a minimum of ten feet in width. The minimum of ten feet in width for the multi-use pathway shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.~~

~~5. — *Transit network.* All development shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:~~

~~a. — *Future transit stop locations.* Maps 8-5.1 through 8-5.17 identify approximate locations and recommended types of future transit stops along existing and potential transit routes. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will~~

depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location. For any proposed development within 200 feet of a proposed transit stop, the applicant shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.

b. ~~Transit stop connection.~~ All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with Section 8.09.03(A)(6)(a), from the development to the transit stop if a continuous sidewalk does not exist. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the buildings nearest to the transit stop and the transit stop itself. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.

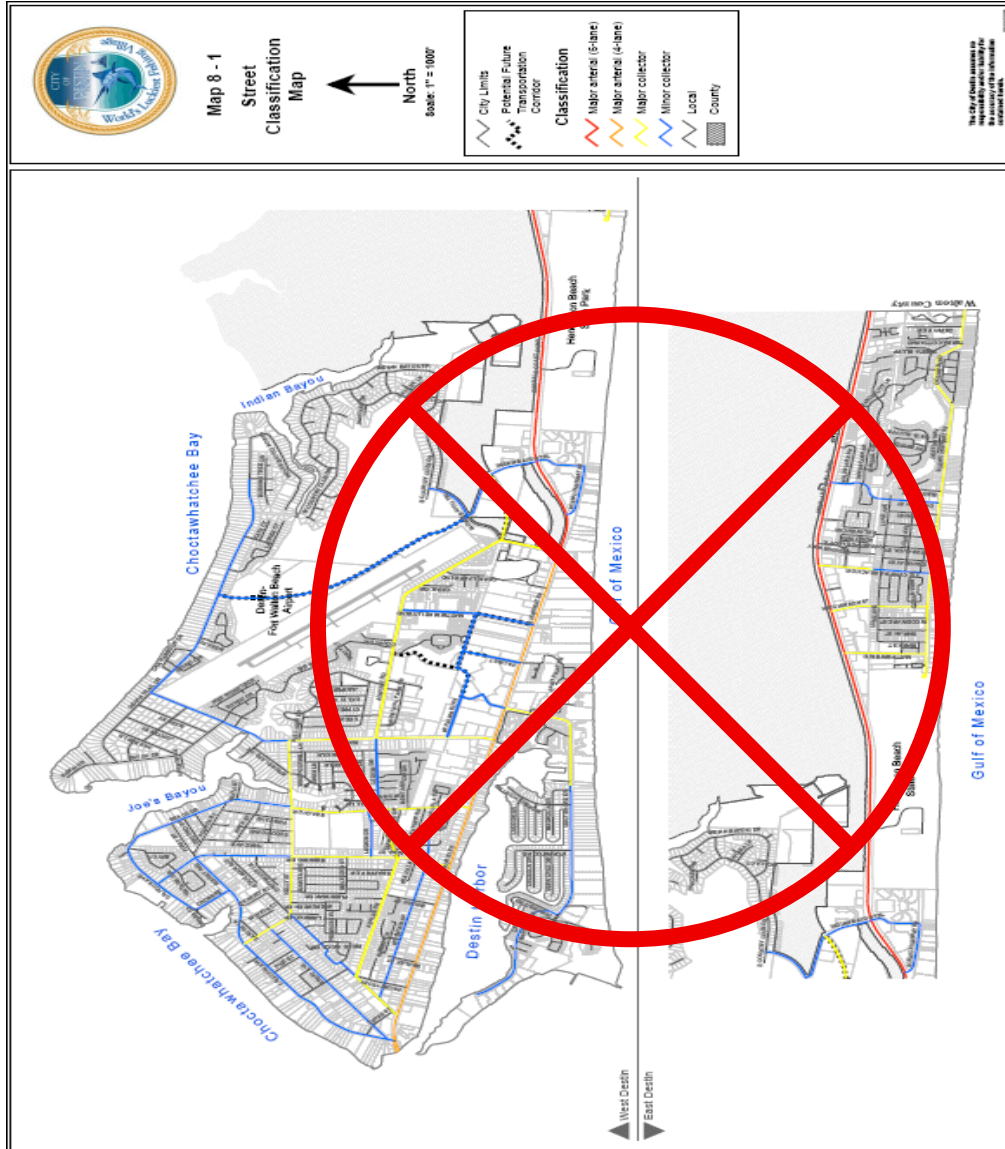
c. ~~Transit stop easements.~~ For any site that has been identified as a location for a transit stop (refer to Maps 8-5.1 through 8-5.17), a public ingress and egress easement shall be required to provide space for this stop.

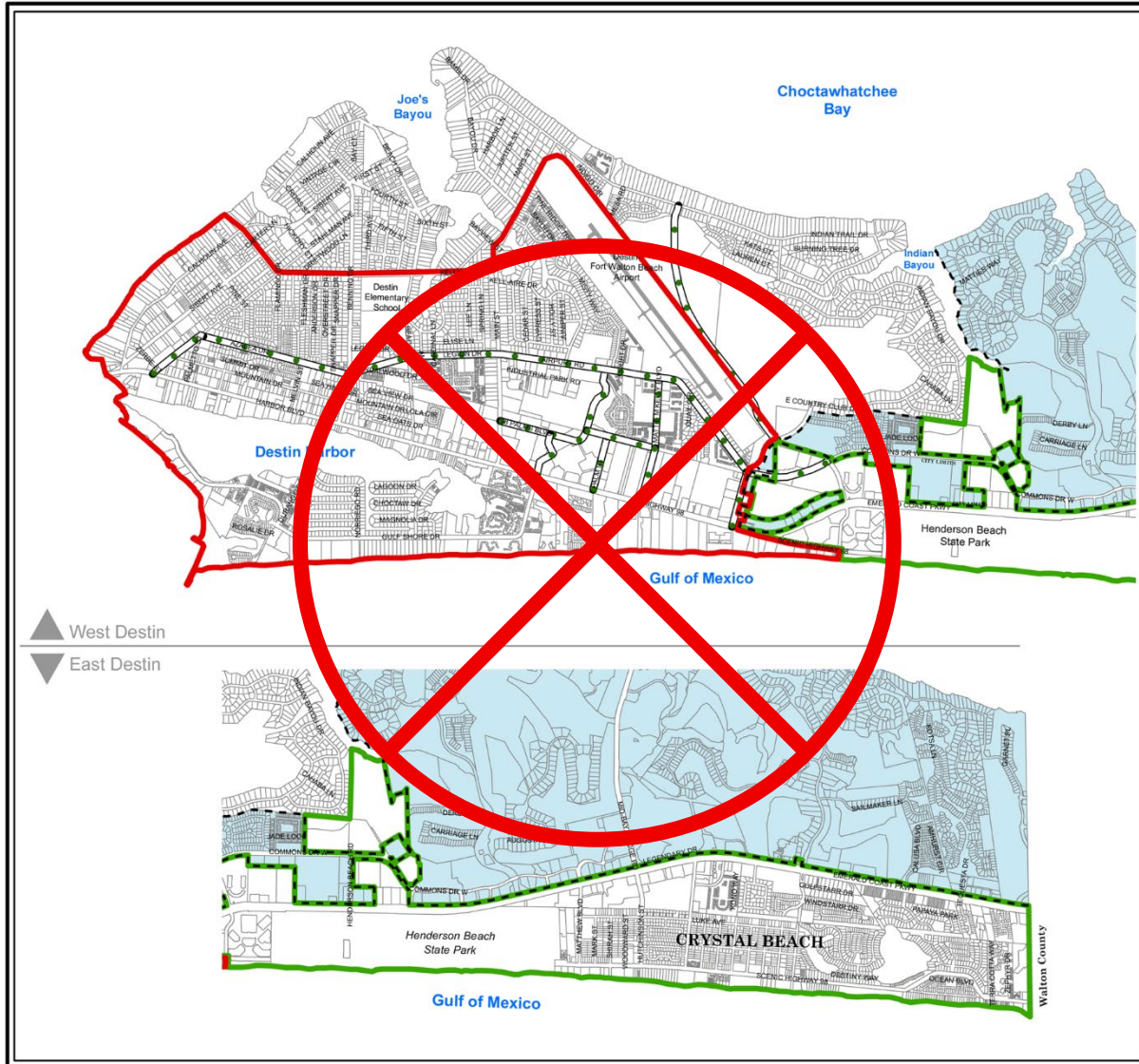
d. ~~Transit stop amenities.~~ For any site that has been identified as a location for a transit stop (refer to Maps 8-5.1 through 8-5.17), transit stop amenities shall be required. Transit stop amenities shall include: i) a passenger shelter equipped with a bench that accommodates a minimum of eight people and an area to accommodate one wheelchair; ii) a bike rack that accommodates at least three bikes; iii) a trash receptacle; iv) sufficient outdoor lighting for safe pedestrian movement at night; v) a location/information sign that at a minimum shows the location of the transit stop in regard to other transit stops located in the transit system; and vi) a sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.

e. ~~Transit stop design.~~ For any site that has been identified as a location for a transit stop, said transit stop shall be designed in accordance with the recommendations in Maps 8-5.1 through 8-5.17 and the following requirements. These transit stops shall include a dedicated area for a safe and convenient bus access. The transit stop types identified in Maps 8-5.1 through 8-5.17 are recommendations only; alternative designs may be considered during the site plan approval process. Transit stops consist of three types: 1) curbside stops; 2) bus bay stops; and 3) queue jumper bus bay stops. Curbside stops shall be located in the travel lane of the adjacent road. Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length. Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road. Off-street transit areas shall provide a circulation route and a twelve-foot wide by forty-foot long bus loading zone. The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet to accommodate bus movement. The bus loading zone must be located outside of the normal parking/access circulation pattern. The shelter and waiting area shall be located adjacent to the public sidewalk, if located in the right-of-way, or private on-site sidewalk, if located on the subject property, while allowing a minimum of six feet of width of the adjacent sidewalk free of obstructions. The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet in depth. An unobstructed loading path with a minimum of five feet in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.

f. ~~_____~~ *Maintenance*. Maintenance of items required by this section, including but not limited to sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of Section 2.20.00, Guarantees and sureties of this Code.

(Ord. No. 08-14-LC, §§ 56—73, 1-20-09; Ord. No. 20-02-LC, § 3, 2-18-20)





Map 8-4

Multimodal Transportation District Map



North

Scale 1" = 3000'

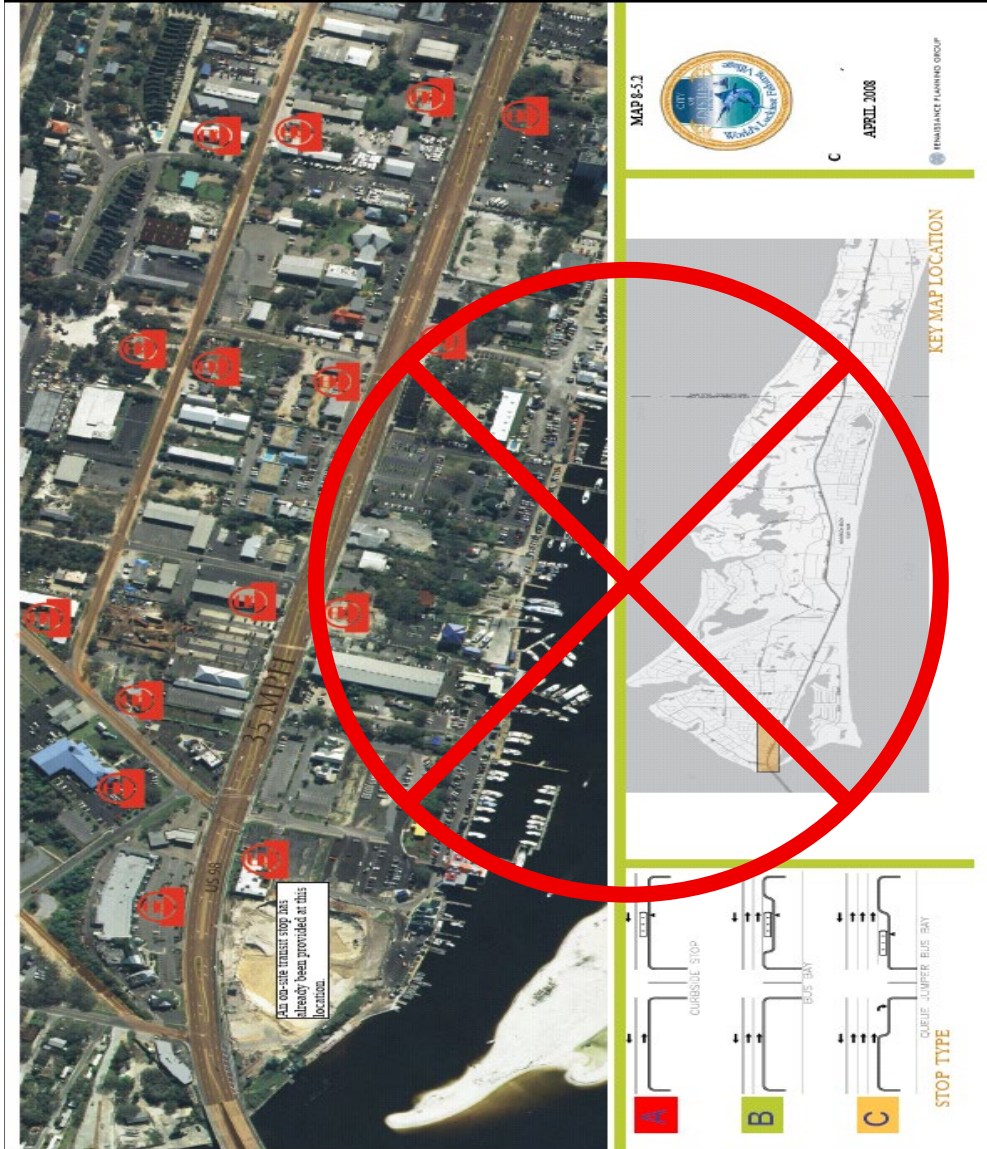
- City Limits
- Potential Future Transportation Corridor
- Old Destin MMTD sub area
- Crystal Beach MMTD sub area
- Unincorporated

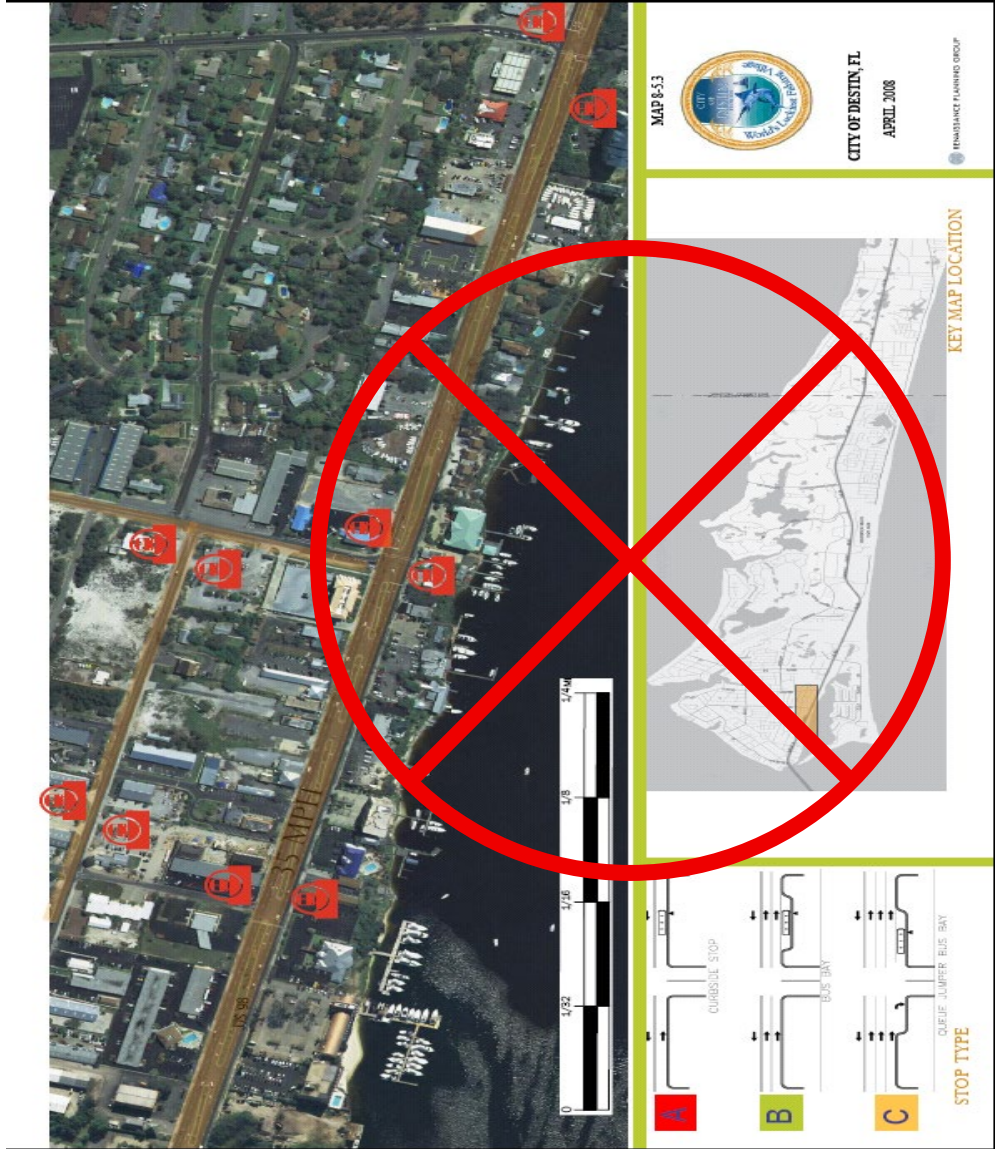
The City of Destin assumes no responsibility and/or liability for the information contained herein.

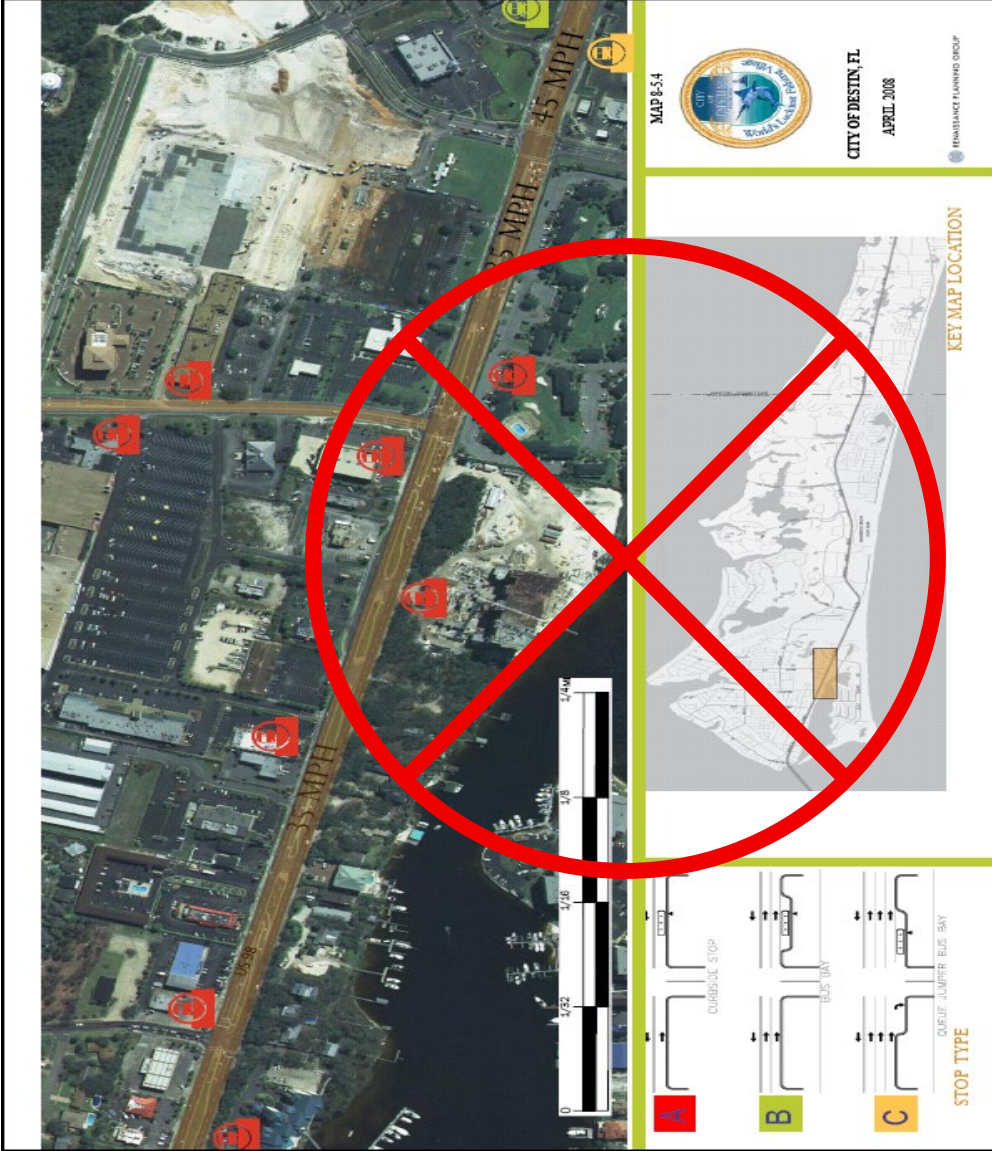
04/14/15

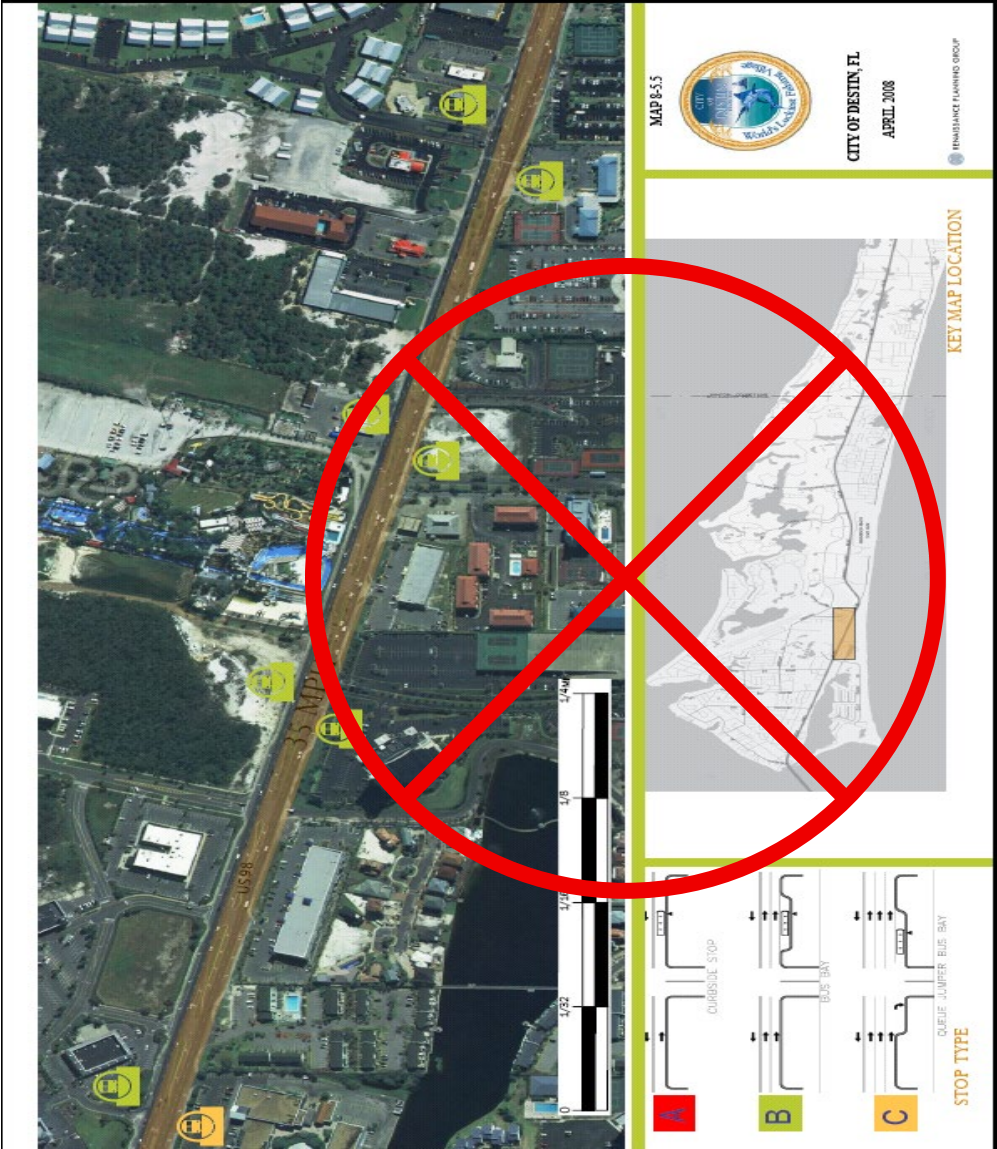
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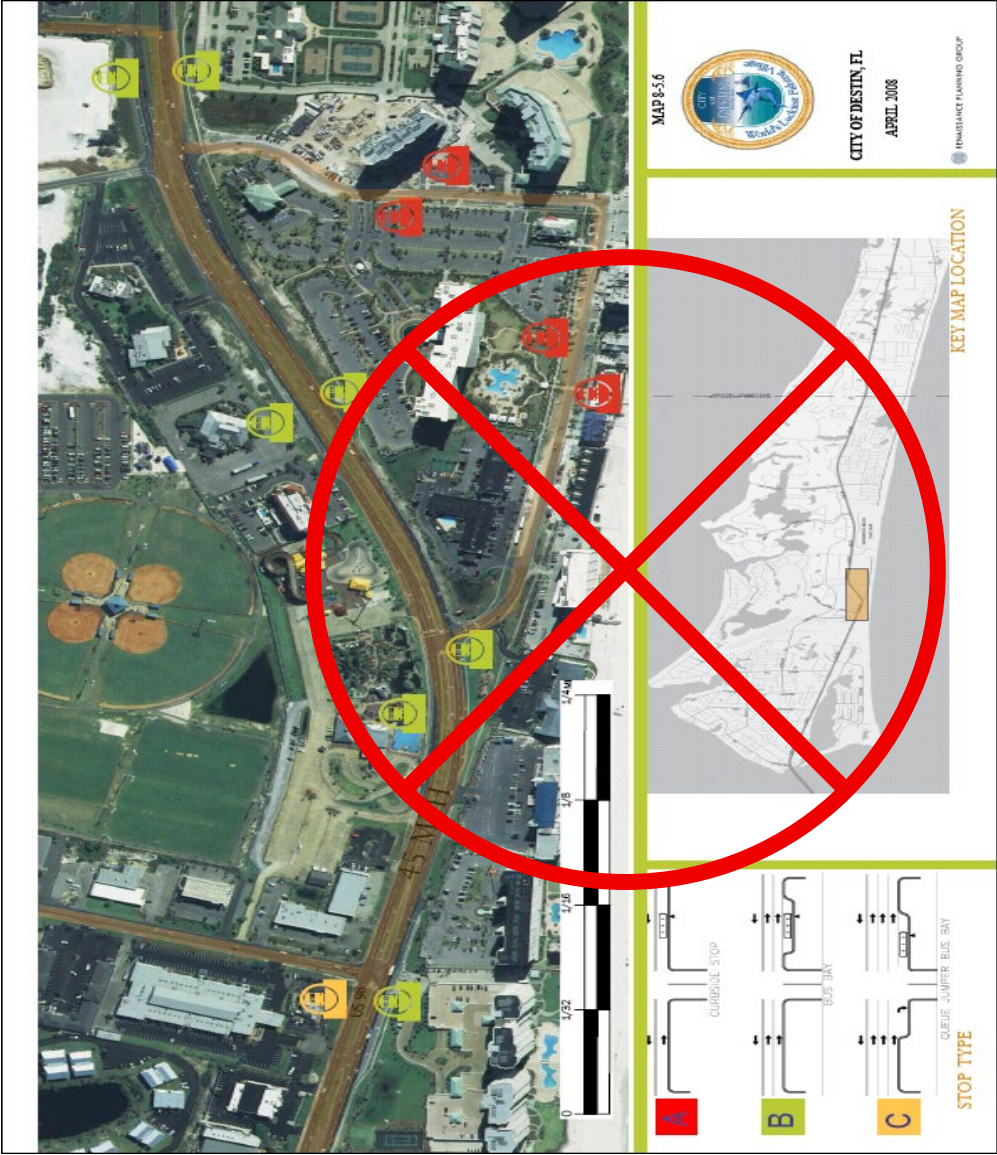




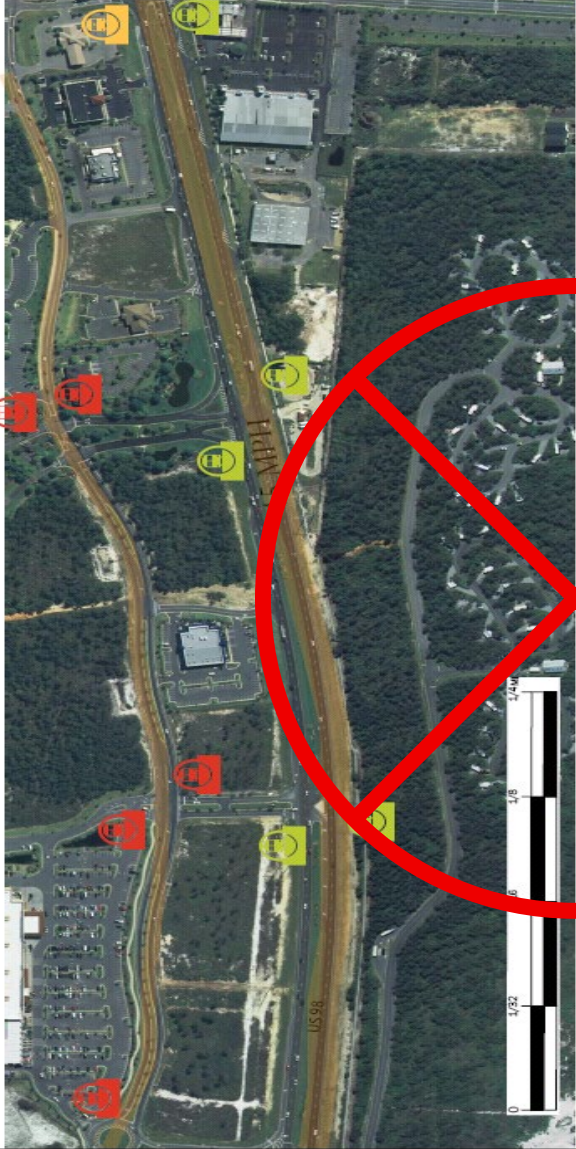












MAP 6-53

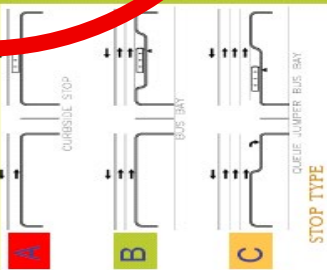


CITY OF DESTIN, FL
APRIL, 2008

FINNANCE PLANNING GROUP



KEY MAP LOCATION



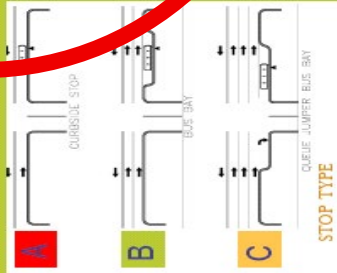


MAP E-19

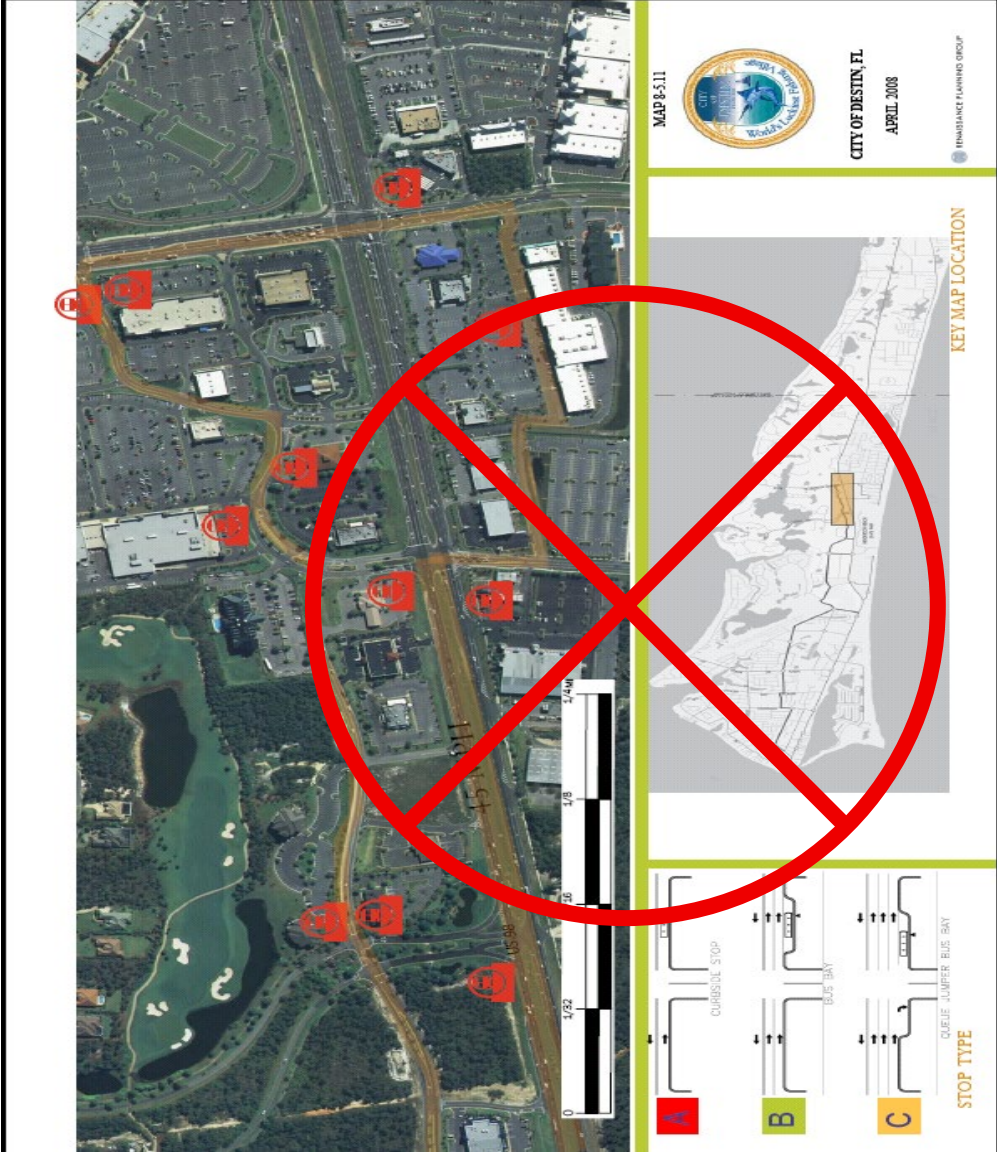


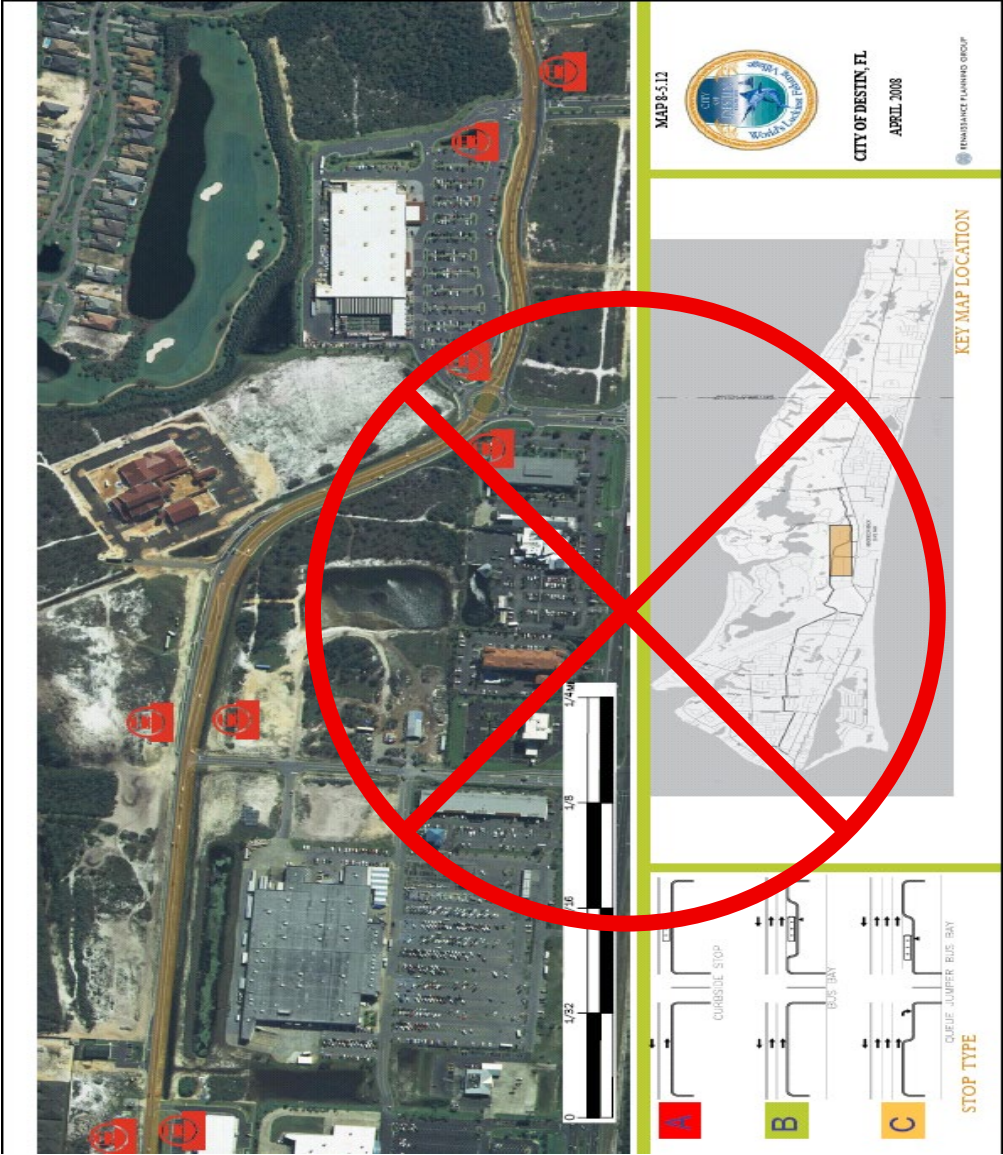
CITY OF DESTIN, FL
APRIL 2008

FINNISHNET FURNISHED GROUP













MAP P-514

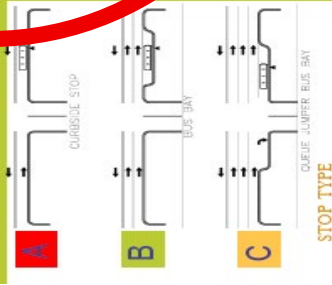


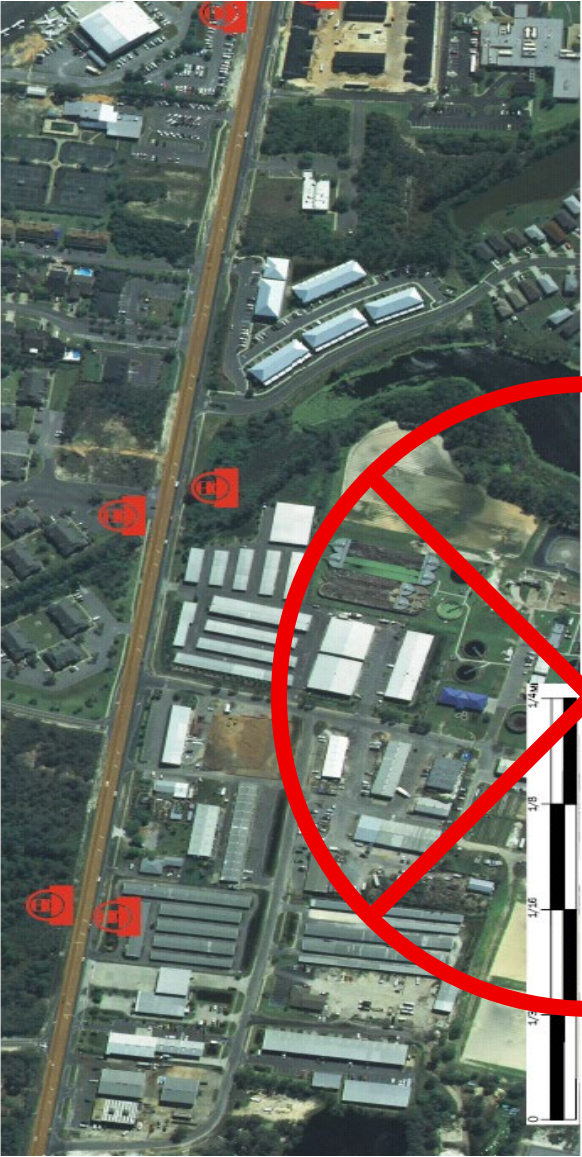
CITY OF DESTIN, FL
APRIL 2008

FINNANCE PLANNING GROUP



KEY MAP LOCATION



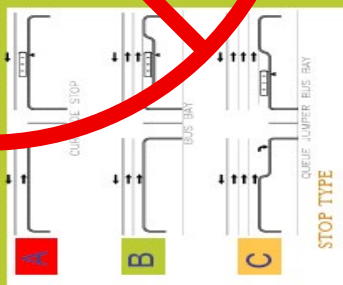


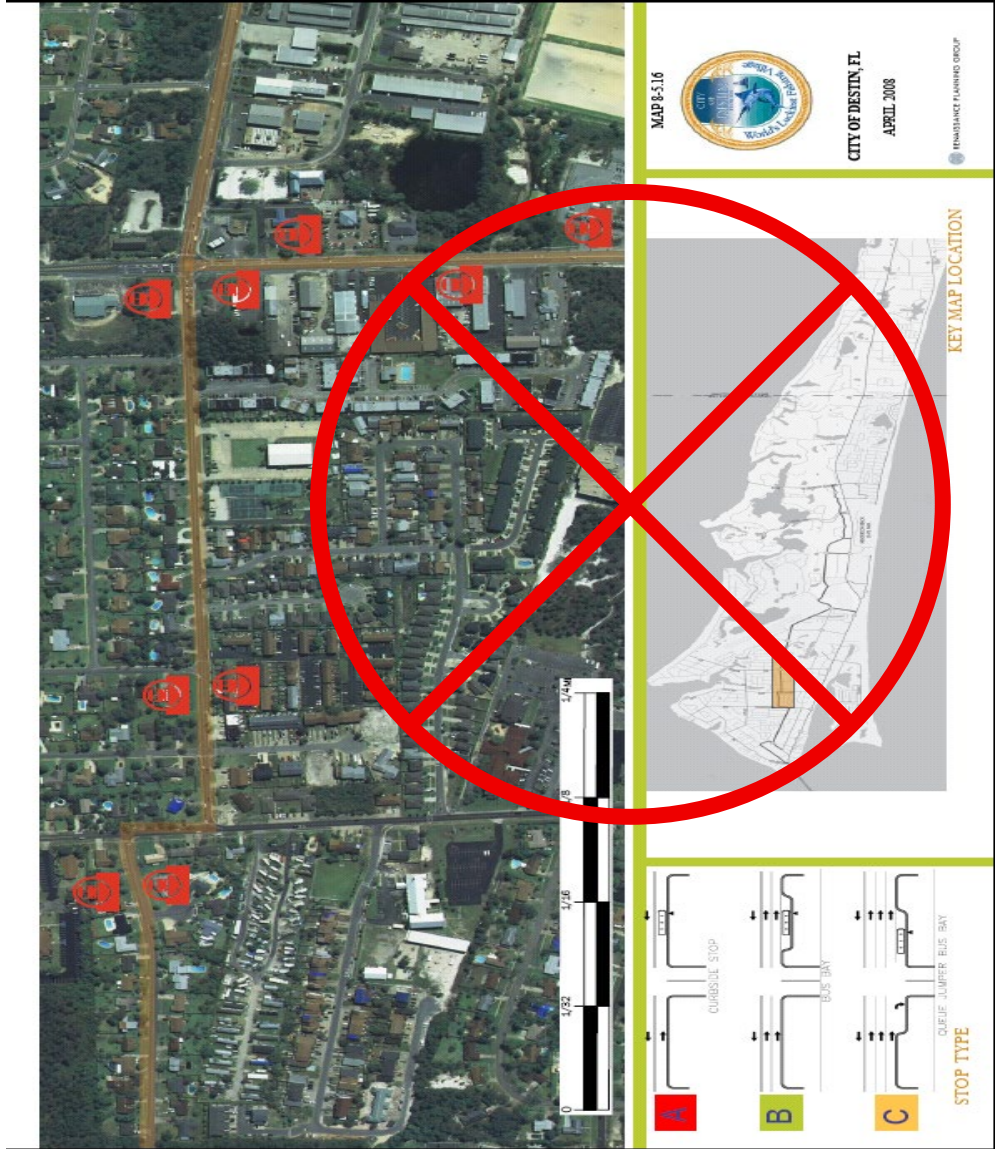
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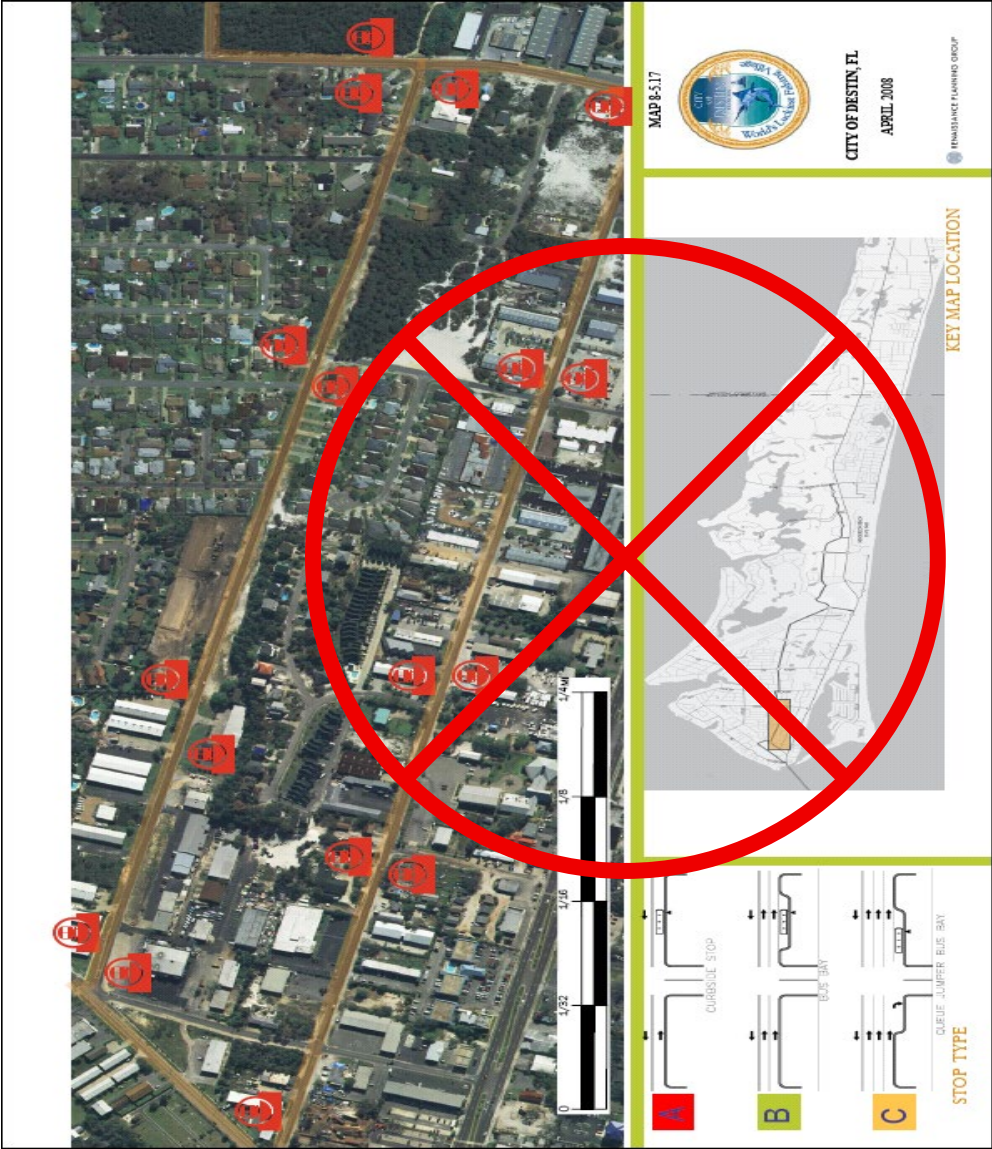


CITY OF DESTIN, FL
APRIL 2008

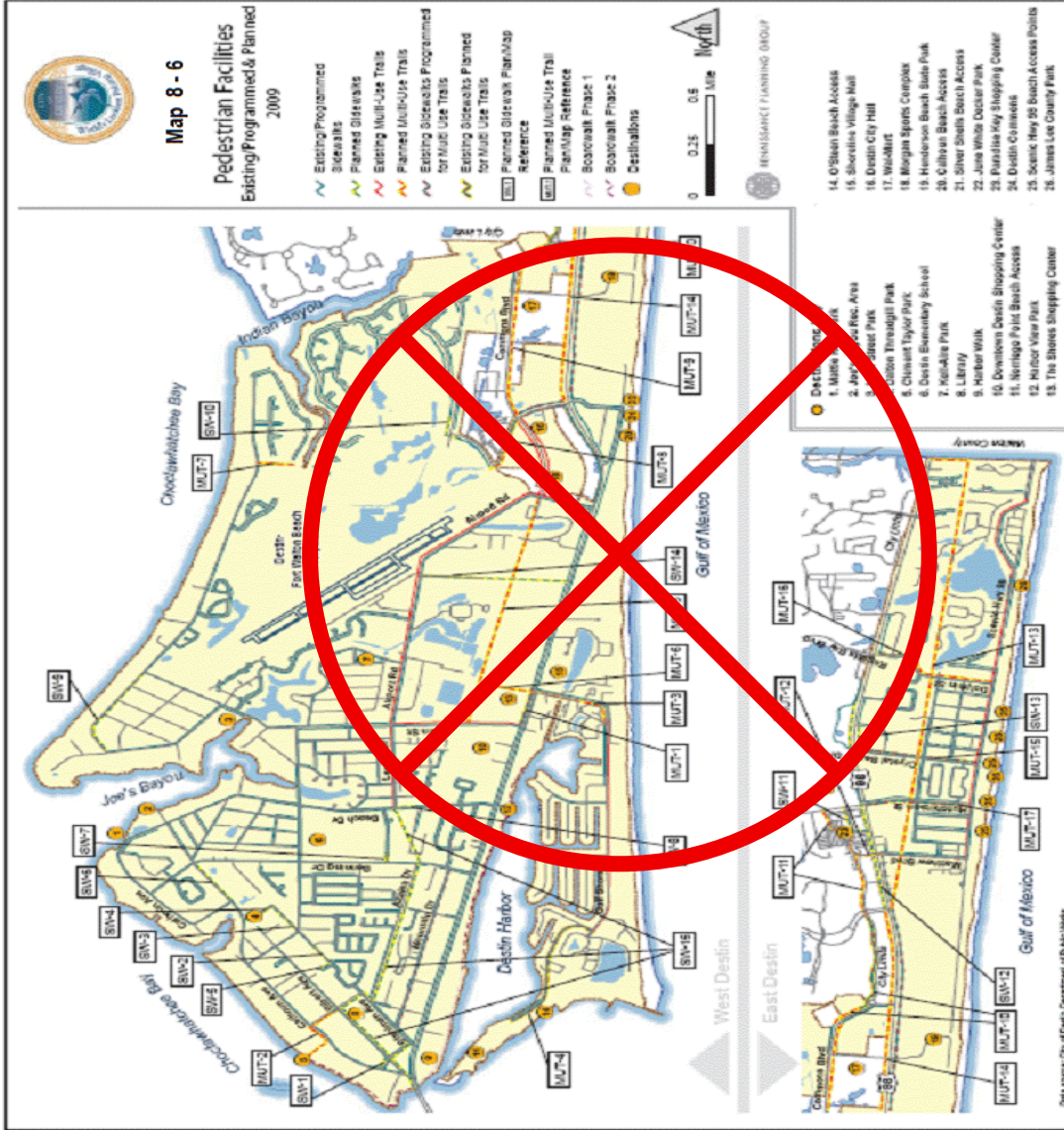
TRANSIT PLANNING GROUP



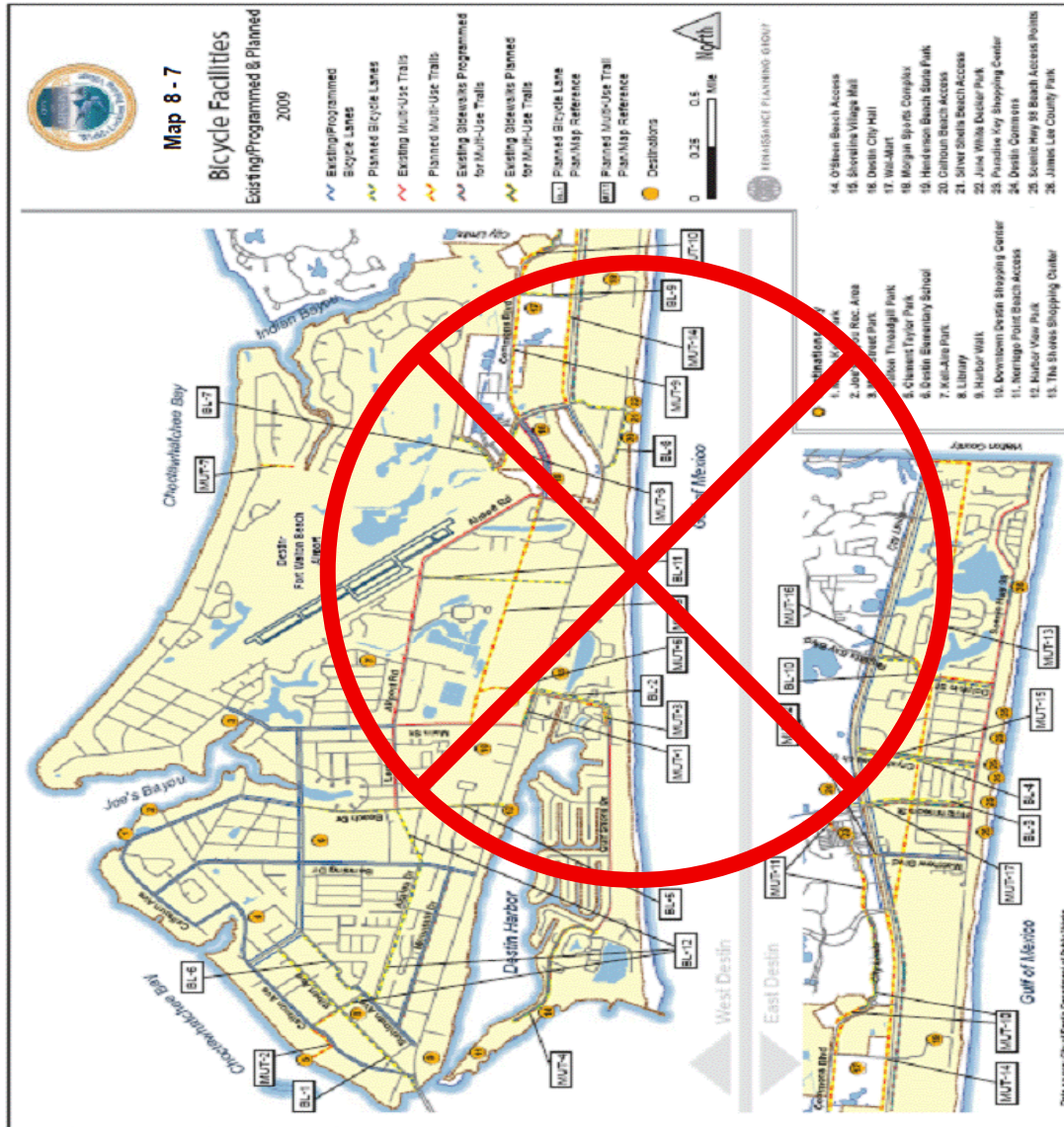








(Ord. No. 10-01-LC, § 5, 3-15-10)



(Ord. No. 10-01-LC, § 5, 3-15-10)

8.10.00. Pay-to-park facilities.

A. ——— *Purpose and intent.* The City seeks to clearly and unequivocally prohibit the collection of parking fees at entrances to pay to park facilities in order to promote general traffic and pedestrian safety by minimizing potential accidents and conflicts between moving vehicles and pedestrians, and between vehicles in line to pay fees to parking facilities. Further, the intent of this section is to alleviate or prevent the back-up of vehicles at the entrance to pay-to-park facilities, and to further prevent spillover and congestion of traffic onto the roads, streets and highways. The City's purpose is to balance the comfort and convenience of residents, tourists and business-owners with the need to protect the health, safety and welfare of those on the roads, streets and highways.

B. ——— *Application.* This section applies to all parking facilities, including but not limited to all parking structures and parking lots.

~~C. — Payment to be collected in designated parking spaces or at exit of parking facility. Pay to park facilities shall require patrons to pay for parking either (1) after the vehicle is parked in a designated parking spot or (2) upon exiting the parking facility, when the vehicle is in the exit lane of the parking facility. In no case shall payments for parking be permitted to be made at the entrance to the parking facility, or within any accessway or drive area in the parking facility, other than the exit lane as specified herein. Any pay-to-park facility in violation of this subsection is subject to the civil and criminal penalties set forth herein.~~

~~D. — Backup and spillover of vehicles. The entrance or exit lane(s) of a pay-to-park facility may not be obstructed such that congestion of vehicles spills over onto any city, state or federal highway, road or street. A pay-to-park facility that, in violation of this ordinance, causes or allows vehicles to back-up and spillover on to any city, state or federal highway, road or street is subject to the civil and criminal penalties set forth herein. However, provided payment is made pursuant to Section 8.10.00(C), no enforcement shall take place for such backup or spillover of vehicles unless it is shown that such backup or spillover is aggravated or caused (in whole or in any part) by actions of the property owner or property owner's authorized agents.~~

~~E. — Enforcement.~~

~~1. — Code compliance. The Code Compliance Department may enforce the terms of this Section 8.10.00 by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and F.S. ch. 162, pt. 1. The Special Magistrate or Code Enforcement Board, whichever is applicable, and the Code Compliance Department, are authorized to impose fines on a per-vehicle basis.~~

~~2. — Civil citation. The Code Compliance Department, or other duly authorized officer or authority, may enforce the terms of this Section 8.10.00 through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and F.S. ch. 162, pt. 2. The Code Compliance Department is authorized to issue citations on a per-vehicle basis.~~

~~3. — Criminal penalties: A violation of this Section 8.10.00 shall be punishable as a misdemeanor by a fine of up to \$500.00 per violation and a definite term of imprisonment of not more than 60 days as provided in F.S. § 162.22.~~

~~4. — Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with this Section 8.10.00, including but not limited to: (a) Pursuit of injunctive and/or declaratory relief in a court of law; and (b) Utilizing any other action or enforcement method allowable by law.~~

~~(Ord. No. 19-04-LC, § 3, 5-6-19)~~

8.11.00. Prohibition and attrition of the rental of motor scooters.

~~14. The act of providing, renting, or delivering a motor scooter, or the solicitation of that service or good, or the rental or hire of a motor scooter, within the city is prohibited.~~

~~(Ord. No. 20-18-LC, § 3, 12-21-20)~~

Article 9 - Housing

9.06.00. - Accessory structures and uses.

~~9.06.05. Fences, general.~~

~~A. — All fences to be built shall comply with the Standard Building Code. Fences must be resistant to decay, corrosion and termite infestation.~~

~~B. — In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no fence shall be located in the clear visibility triangle.~~

~~C. — Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.~~

~~D. — A fence for safety or hazard protection by any public entity may not be subject to height limitations. Approval to exceed maximum height standards may be given by the city manager, or designee, upon receipt of satisfactory evidence of the need to exceed height standards.~~

~~E. — No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.~~

~~F. — Any fence containing barbed wire or razor wire material shall be prohibited from being erected or maintained on any lot that contains single family detached, duplex, town home or multifamily residences.~~

~~Editor's note(s) — Following this section in the land development code was an appendix A that consisted of a photocopy of the 1985 edition of the Standard Unsafe Building Abatement Code. Such appendix has not been included in this publication of the land development code.~~

Article 11 - Coastal Management and Conservation

11.09.00. - Illicit discharge detection and elimination.

~~11.09.03. Erosion and sediment control plan. An erosion and sediment control plan (ESCP) approved by the City Engineer shall be required for all development or redevelopment activities. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. All projects disturbing land area over one acre shall provide a copy of the stormwater pollution prevention plan (SWPPP) in lieu of a ESCP. All projects disturbing less than one acre shall provide an ESCP.~~

A. ~~All erosion and sediment control plans shall contain, as a minimum, the following:~~

- ~~1. A letter of transmittal, which includes a project narrative.~~
- ~~2. An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.~~
- ~~3. An indication of the scale used.~~
- ~~4. The name, address, and telephone number and fax number of the owner and/or developer of the property where the land disturbing activity is proposed.~~
- ~~5. A 24-hour contact person's phone number. That person shall have demonstrated ability in maintenance of erosion control measures.~~
- ~~6. Suitable contours for the existing and proposed topography.~~
- ~~7. The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.~~
- ~~8. A clear and definite delineation of any areas of vegetation or tress to be saved.~~
- ~~9. A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.~~
- ~~10. A clear and definite delineation of any 100-year floodplain on or near the site.~~
- ~~11. Storm drain system, including quantities of flow and site conditions around all points of surface water discharge from the site.~~
- ~~12. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.~~
- ~~13. Design details for temporary erosion control structures.~~
- ~~14. Design details of permanent erosion control structures.~~
- ~~15. Details of temporary and permanent stabilization measures including a construction note on the plan stating: "Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven calendar days on all perimeter dikes, swales, ditches, perimeter slopes and all slopes greater than 3 horizontal to 1 vertical (3:1); embankments of ponds, basins, and traps; and within 14 calendar days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being performed."~~
- ~~16. A chronological construction schedule and time frame including, as a minimum, the following activities:
 - ~~a. Clearing and grubbing for those areas necessary for installation of perimeter erosion control devices.~~
 - ~~b. Construction of perimeter erosion control devices.~~~~

- c. ~~Remaining interior site clearing and grubbing.~~
 - d. ~~Installation of permanent and temporary stabilization measures.~~
 - e. ~~Road grading.~~
 - f. ~~Grading for the remainder of the site.~~
 - g. ~~Utility installation and whether storm drains will be used or blocked after construction.~~
 - h. ~~Building, parking lot, and site construction.~~
 - i. ~~Final grading, landscaping or stabilization.~~
 - j. ~~Implementation and maintenance of final erosion control structures.~~
 - k. ~~Removal of temporary erosion control devices.~~
17. ~~A statement noting that the contractor, developer, and/or owner shall request the erosion control inspector to inspect and approve work completed in accordance with the approved ESCP, and in accordance with the ordinance. The contractor, developer, or owner shall be required to obtain written approval by the City Inspector at the stages of development as outlined in the conditions of the development order or building permit.~~
18. ~~A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.~~
19. ~~The City Engineer may require any reasonable additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed reasonably necessary to ensure compliance with this section.~~
20. ~~A description of, and specifications for, sediment retention structures.~~
21. ~~A description of, and specifications for, surface runoff and erosion control devices.~~
22. ~~A description of vegetative measures.~~
23. ~~The applicant may propose the use of any erosion and sediment control techniques in a final plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Florida Department of Environmental Protection Florida Stormwater Erosion and Sedimentation Control Inspection Manual.~~
24. ~~Proof of all federal and/or state approvals (as applicable) is required prior to obtaining any City permit.~~
- B. ~~Exemptions. The following activities are exempt from providing an ESCP.~~
- 1. ~~Cemetery graves.~~
 - 2. ~~Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.~~
 - 3. ~~Any activity where the total volume of material disturbed, stored, disposed of or used as fill does not exceed five cubic yards or the area disturbed does not exceed 750 square feet provided it does not~~

obstruct a watercourse, and is not located in a floodplain. Erosion and sediment control devices may be required pending a site evaluation by the City Engineer.

C. ~~Construction site or other grading and/or filling activities.~~ All work at construction sites or other site work involving grading and/or filling activities shall be governed by the following regulations:

1. ~~Ground cover.~~ All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.

a. ~~Minimize the amount of existing vegetation that you must disturb for construction. Keep out of critical areas and their buffers.~~

b. ~~All disturbed areas shall be covered and/or mulched within 12 hours, if they are to remain un-worked for more than two calendar days.~~

c. ~~Areas not being worked for 30 calendar days or more shall be vegetated, unless the City determines that winter weather makes vegetation establishment infeasible. If this is the case, it must still be more permanently stabilized, using methods such as bonded fiber matrix, or other more stable BMPs.~~

d. ~~Slopes and stockpiles 3H:1V or steeper and more than ten feet of vertical relief shall be covered if they are un-worked for more than 48 hours.~~

e. ~~Areas that are being hydro-seeded shall have a tackifier mixed into the hydro-seed to help stabilize mixture onto the soil.~~

f. ~~Enough cover material to sufficiently protect all disturbed areas shall be stockpiled on the site at the beginning of the wet season.~~

2. ~~Perimeter Protection.~~ Perimeter Protection is required for all development or redevelopment activities.

a. ~~Perimeter protection to filter sediment for sheet flow washout shall be located down slope of all disturbed areas and be properly installed prior to upslope grading.~~

b. ~~A minimum of 100 linear feet of silt fence per acre and the necessary stakes to hold the fence in place shall be stockpiled on-site.~~

3. ~~Environmentally sensitive area (ESA) restrictions.~~ ESA Restrictions shall include but not be limited to all wetlands, open water bodies and beaches.

a. ~~Phasing and more conservative Best Management Practices (BMPs) must be evaluated for construction activities near environmentally sensitive areas.~~

b. ~~A minimum of two rows of properly installed erosion control devices are required to protect from sediment inflow and wind-borne debris from entering these areas.~~

4. ~~Surface water controls.~~ Surface water controls are required when development activity is:

a. ~~Within 15 feet of a shore line of an open water body.~~

b. ~~In and/or over an open water body.~~

5. ~~————~~ *Traffic area stabilization.* One temporary construction driveway entrance is allowed per construction site and shall be located such to minimize motor vehicle and pedestrian impacts on the adjacent properties and right-of-ways. Multiple entrances may be approved if the developer can prove that more are needed to protect the health, safety and welfare of the general public. The following regulations apply to all temporary construction driveways:

a. ~~————~~ Non surfaced temporary construction driveway entrances, access roads and parking areas used by construction traffic shall be stabilized to minimize erosion and prevent tracking mud or soil from the site.

b. ~~————~~ Stabilized construction entrance(s) shall be installed as the first step of clearing and grading.

c. ~~————~~ Construction entrance(s) shall be set up so that all traffic leaving a job site is required to travel the entire length of entrance.

d. ~~————~~ Roads and parking areas shall be stabilized immediately after the initial grading.

e. ~~————~~ Additional techniques to reduce soil tracking off of a site and onto a roadway such as wheel washing stations may be required.

f. ~~————~~ Construction entrance(s) shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within the site that is open to the public.

g. ~~————~~ Any sediment that is tracked onto road pavement shall be removed immediately (prior to the end of the work day) by sweeping. The sediment collected by sweeping shall be removed from the roadway and stabilized on-site.

h. ~~————~~ The pavement shall not be cleaned by washing/flushing streets.

6. ~~————~~ *Sediment retention.* All sediments/soils shall remain on site. The following sediment retention regulations are required on all areas of development and redevelopment activities:

a. ~~————~~ Sediment retention facilities shall be installed before grading.

b. ~~————~~ If sediment retention facilities need to be removed for grading, additional ponds/traps/systems to accommodate storage capacity need to be installed on site. This will be done prior to removal of existing facility.

c. ~~————~~ Catch basin inserts are to be used to prevent sediments from entering drainage system. Inserts are to be inspected and cleaned weekly and after each rainfall event.

d. ~~————~~ Catch basins need to be checked for build up of sediments. If sediment trap (area between pipe invert and bottom of basin) is 1/3 or more filled with sediments, they are to be cleaned out and sediments removed or stabilized on-site.

7. ~~————~~ *Dust control.* The following dust control regulations are required on all areas of development or redevelopment activities:

a. ~~————~~ If water truck is used to control dust on dirt/graded areas only, water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction. No run-off is to be generated.

~~b. Controlling dust on paved roadways will be done by use of sweeper with water-jet sprayers. Only enough water should be applied to control dust while sweeping. Do not generate run-off from sprayers that runs into catch basins.~~

~~8. Maintenance of erosion control devices. The following maintenance of erosion control device regulations are required on all areas of development or redevelopment activities:~~

~~a. All projects shall have a designated erosion and sediment control (ESC) supervisor who will be responsible for ESC review, maintenance and compliance.~~

~~b. ESC shall be inspected in accordance with all FDEP/NPDES requirements.~~

~~c. The ESC supervisor must be available, 24 hours, for rapid response to ESC problems and emergencies.~~

~~d. A 24-hour phone number for the ESC Supervisor shall be posted in a clearly visible location on the project site.~~

~~e. A copy of all federal, state, county and City permits (as applicable) shall be posted in a clearly visible location on the project site.~~

~~9. Final stabilization conditions. The following final stabilization conditions must be met prior to final construction approval:~~

~~a. All temporary construction driveway entrances shall be removed and the right-of-way re-graded, restored and re-vegetated to original or better condition.~~

~~b. All disturbed areas of the site shall be vegetated or otherwise permanently stabilized.~~

~~c. Structural measures such as silt fence, slope drains, etc. shall be removed from site.~~

~~d. All permanent stormwater facilities including catch basins, pipes, etc. shall be cleaned.~~

~~e. Any off-site catch basins or curb inlets that required protection shall be cleaned.~~

~~f. If only the infrastructure of the site has been developed such as subdivisions, with building construction to occur under a different permit, then the critical area buffers, tracts, and setbacks shall be clearly marked.~~

~~D. Post construction erosion monitoring and maintenance. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.~~

~~1. Sediment/soil erosion leaving a site or property shall be prohibited.~~

~~2. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.~~

~~3. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.~~

~~4. Tracking sediment or soil onto a roadway shall be prohibited.~~

Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the owner fail, within 30 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred.

~~11.09.04. Litter control.~~ The purpose of this section is to provide a sanitary and satisfactory method of handling, collecting and disposing of litter and for the maintenance of public and private property free of litter in a clean, orderly and sanitary condition for the appearance, health and safety of the community.

A. ~~Construction site.~~

~~1. Litter prohibited.~~ It shall be unlawful for any owner, agent, or contractor of a construction site to cause, or allow the presence of litter on such site outside of a proper receptacle or to cause, or allow litter or waste to be spilled, discharged, or blown by wind or carried away by water. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.

~~2. Receptacles required.~~ The owner, agent, or contractor in charge of a construction site shall furnish on site, receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste. All receptacles shall be conveniently available, maintained and secured or covered.

~~a.~~ The number and capacity of receptacles should be determined by the primary contractor, but not less than one receptacle for worker's litter and no less than one receptacle for construction waste shall be placed at each construction site.

~~b.~~ Receptacles required under this subsection shall be not less than 32 gallons capacity.

~~c.~~ All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced when full.

B. ~~Prohibition against littering on public or private property or waters.~~

~~1.~~ It is unlawful for any person or persons to dump, deposit, throw, or leave, or cause to or permit the dumping, depositing, placing, throwing or leaving of litter in or upon any street, sidewalk, or other public or private property or any waters within the City except in public or private receptacles or in an authorized private receptacle for collection.

~~2.~~ Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements any public or private property or waters.

~~3.~~ It is unlawful for any person or persons to dump, deposit, throw, or leave, or cause to or permit dumping, depositing, placing, throwing, or leaving in any catch basin, inlet, gutter, street, or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk and/or road right-of-way adjacent to and abutting their private property free of litter.

4. ~~It is unlawful for any person or persons to dump, deposit, throw, or leave, or cause to or permit the dumping, depositing, placing, throwing or leaving of litter in any park within the City. Where public receptacles are full or not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.~~

5. ~~It is unlawful for any person or persons to dump, deposit, throw, or leave, or cause to or permit the dumping, depositing, placing, throwing or leaving of litter in any pond, lake, stream, bay, or any other body of water or ESA within the City.~~

6. ~~The owner or person in control of public or private property may maintain authorized public or private receptacles for litter.~~

7. ~~The owner shall be responsible for the removal of litter from the property.~~

8. ~~The owner or person in control of any public or private property shall at all times maintain the property free of litter.~~

9. ~~This section shall not prohibit the storing of litter in authorized public or private receptacles for collection.~~

C. ~~*Vehicle loads causing litter.* No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.~~

D. ~~*Notice to remove.* The City is hereby authorized and empowered to notify the owner of any private property within the City or the agent of such owner to properly dispose of litter located on such owner's property and/or adjacent and abutting sidewalk and/or road right-of-way. Such notice shall be by registered or certified mail, addressed to said owner at the address as shown on the tax records of the Okaloosa County.~~

E. ~~*Action upon noncompliance.* Upon the failure, neglect or refusal of any person so notified, to properly dispose of litter within five calendar days after receipt of written notice provided for in subsection (a) above, or within ten calendar days after the date of such notice in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the City Manager or designee is hereby authorized and empowered to pay for the disposing of such litter at the person's expense.~~

F. ~~*Notice of violation.* The City may commence enforcement of any provision of this section by notifying in writing the owner, lessee, occupant, or person in responsible charge or in possession of a property or premises, of the existence of an unlawful condition on such property or premises. Such written notice shall be sent to the owner, lessee, occupant, or person in responsible charge or in possession of a property by registered or certified mail, or may be served by the sheriff, to the last known address of the owner as indicated in the County's current real estate tax assessment records. Such notice shall contain a description of the nature of the violation; any corrective action needed to be taken by such person to come into compliance with this section; and the time frame within which such corrective action shall be completed. The amount of time allowed to abate, correct, or eliminated the unlawful condition shall not exceed ten calendar days.~~

G. — *Upsetting or tampering with receptacles.* No person shall cause the unauthorized removal, upsetting, mutilation or defacing of, or tamper with any receptacle, or cause the contents thereof to be spilled or to be strewn in or upon any public or private property.

H. — *Abatement required.* Every owner, lessee, occupant, or person in responsible charge or in possession of a property or premises shall, upon written notice of an unlawful condition, abate, correct and eliminate such condition within the time frame required by such notice.

11.10.00. Air quality.

11.10.01. — *Purpose.* The purpose of this section is to improve the air quality in the City of Destin by reducing the amount of particulate matter entering the ambient air as a result of development activity by requiring actions to prevent, reduce or mitigate fugitive dust emissions.

11.10.02. — *Applicability.* The provisions of this section shall apply to nonresidential or multifamily development sites where any activity or manmade condition is capable of generating fugitive dust emissions.

11.10.03. — *Dust control plan.* Prior to the commencement of construction for all nonresidential or multifamily development sites, the contractor shall provide to the City for review and approval a written dust control plan.

A. — *Dust control plan requirements.* The dust control plan shall include, but not be limited to, a description of the control processes that the contractor will implement in order to address the following:

1. — How grading operations will be handled/suspended when winds exceed 30 miles per hour.
2. — How water will be applied to all surfaces prior to, and if necessary during, excavation.
3. — How water or a covering will be applied to all particulate materials contained in open-bodied trucks, trailers or other vehicles transporting particulate matter prior to operation of the vehicle, in order to prevent as much dust as possible from becoming airborne during transportation.
4. — How water or a covering will be applied to all stockpiles of particulate material to prevent as much dust as possible dust from becoming airborne during high wind conditions.
5. — How transfer processes involving free fall of soil or other particulate matter will be performed in order to minimize free fall distance and thus reduce dust emissions.
6. — How and when water will be applied to unpaved surfaces, including adjacent rights-of-way, or any other surface that can create airborne dust in order adequately to control dust emissions.
7. — How and when ground cover on the development site will be reestablished prior to final occupancy.
8. — The designated routes within the job site that will be used by vehicles transporting soil or other materials to and from the site.
9. — How soil, sand, dirt and any other particulate matter will be removed from vehicle tires and undercarriages prior to leaving the development site, in order to prevent the tracking out of said soil, sand, dirt, etc., onto the adjacent rights-of-way.

~~10. — The maximum speed limit on unpaved roads through the construction site and how and where speed limit signs will be posted along the haul road routes so that they are visible to vehicles entering and leaving the development site.~~

~~11. — How and when soil, sand and other particulate material deposited or emitted onto any right-of-way near the development site will be removed.~~

~~12. — How dust control systems and/or devices, including but not limited to water application systems, filter replacement, or daily removal of excess dust from containment areas, will be maintained.~~

~~13. — How and when opacity monitoring will be performed by a properly trained and certified individual in order to make sure that dust emissions do not exceed 30 percent over a six-minute period; and how remedial actions to address excess opacity will be immediately managed and documented.~~

~~B. — *Dust control plan compliance.* In addition to providing the dust control plan, the contractor shall provide to the City a copy of the daily dust control checklist on which the contractor will document the compliance of the mitigation activities detailed in the dust control plan.~~

~~C. — *Documentation availability.* The contractor shall make the dust control plan and the daily dust control checklist available at the job site for periodic review, inspection and copying by the City's representatives.~~

~~(Ord. No. 08-21-LC, § 6, 12-15-08)~~

~~***~~

~~**12.00.00. Recreation.**~~

~~12.00.01. Parks and recreation facilities are categorized as either resource-based or activity-based as defined below. Level of service (LOS) standards are prescribed for activity-based facilities (policy 12.A.3.1). The City shall continue to ensure that ample recreational facilities are acquired and maintained for public use and enjoyment.~~

~~**12.01.00. Resource-based facilities.**~~

~~A. — Resource-based facilities are oriented to natural resources such as beaches, lakes, bays and bayous. These facilities usually fall under the purview and management of federal and state agencies. It is the responsibility, however, of local governments to preserve and protect such resources within its political jurisdiction and to enhance public access to such facilities. Article 11, Coastal Management, provides for public recreational use and access to resource-based facilities consistent with regulations to protect the shoreline and environmentally sensitivity [sensitive] areas. Policies set forth in Chapter 12 of the comprehensive plan repeated under subsection 12.04.00 are referred to Article 11.~~

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12.02.00. Active and passive facilities.

A. — Active recreation areas includes boat launching facilities, basketball courts, tennis courts, baseball and softball fields, meeting halls, and the like. The intensity of development of such sites shall be consistent with all setback, parking, landscaping, and open space requirements as defined within this Code. Also, buffering to prevent intrusive noise, light, glare, vibration, or other nuisance factors shall be required on all newly developed recreation sites. Impervious cover shall be limited to 75 percent of the site.

B. — Passive recreation areas include open spaces, wilderness, and wetland preserves, scenic vistas, and Clement Taylor Park. Uses allowed in these areas shall be strictly passive in nature, and impervious cover shall be limited to not more than 20 percent of the site.

Note: Development of all City-owned public recreation facilities within the City shall be reviewed and approved by the City Council prior to development of such sites.

(Ord. No. 152.15, § 2, 4-18-94)

12.03.00. Acquiring public recreational facilities.

A. — The City shall periodically seek funding through the Florida Recreation and Development Assistance Program (FRDAP), the conservation and recreational lands trust fund (CARL) administered by the department of natural resources (DNR), and the Save Our Coast program also administered by DNR to acquire environmentally endangered lands and other lands for recreation and open space.

B. — The City shall periodically seek funding from the division of marine resources, DNR, for the construction of artificial saltwater fishing reefs.

C. — The City shall periodically seek the cooperation and assistance from the department of transportation (DOT) to identify and construct new bicycle route corridors.

12.04.00. Landscape development.

12.04.01. *Purpose.* The landscape development regulations will serve to protect, maintain and enhance both the immediate and longterm health, safety, economic stability and general welfare of the present and future citizens of the City. These regulations have the following objectives:

A. — *Environmental benefits.* To aid in stabilizing the environment's ecological balance by contributing to the processes of oxygen regeneration, groundwater recharge, air purification and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.

B. — *Native vegetation.* To ensure that the local stock of native vegetation is replenished.

C. — *Vehicle use areas.* To clearly delineate and buffer the bounds of abutting vehicular use areas, particularly public rights-of-way, so that distractions of movement, noise and glare from one area do not adversely affect the activity of another area.

D. — *Access to site.* To limit physical site access to established points of ingress and egress.

E. — *Energy conservation.* To promote energy conservation by maximizing the shading and cooling effects of trees and shrubs.

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F. ~~Property values.~~ To promote and protect property values within the community by conserving and creating a more aesthetically pleasing and functional environment.

~~12.04.02. Open space.~~ The minimum required open space within all zoning districts shall be 25 percent except for conservation, which shall be 80 percent. Notwithstanding, within the North Harbor, South Harbor, and Town Center Mixed Use districts the minimum required open space can be reduced to not less than 12 percent through adherence to the requirements of the "open space incentive program" as stated in section 12.04.03 of this Code.

~~12.04.03. Open space incentive program.~~

A. ~~Purpose and intent.~~ The purpose of the "open space incentive program" is to allow for a reduction in open space below the required minimum for properties that meet supplemental standards established herein.

B. ~~Applicability.~~ This section shall apply to all development located within the NHMU, SHMU and TCMU districts.

C. ~~Minimum required open space.~~ No development located within the NHMU, SHMU and TCMU districts shall be approved with less than 12 percent open space.

D. ~~Supplemental standards required.~~ The following list indicates the incentives and their associated percentage amount that the overall open space requirement can be reduced by:

1. ~~Developments that provide, on their property, a pedestrian information kiosk at the Harbor Boulevard side terminus of a pedestrian walkway and/or pedestrian/bicycle pathway to the Harbor Boardwalk in conjunction with a mass transit pull-off or public access easement (one percent).~~

2. ~~The use of drip irrigation for all shrubs and ground cover areas, where appropriate, on the subject property (two percent).~~

3. ~~The use of at least 90 percent plant species native to northwest Florida in all landscaped areas on the subject property (three percent).~~

4. ~~Developments that consolidate their existing driveways in such a way as to eliminate one driveway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).~~

5. ~~Adjacent developments that consolidate their driveways in such a way as to eliminate one driveway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).~~

6. ~~Developments located in the SHMU area that contain no permanent/long-term residential units (four percent).~~

7. ~~Developments located in the NHMU and TCMU areas that contain at least 50 percent of the total number of dwelling units as permanent/long-term residential units (four percent).~~

8. ~~Developments that dedicate 70 percent of the first floor of every building on site to "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.). First floor shall mean the first floor of the building as viewed from Harbor Boulevard/Emerald Coast Parkway. Structured garage parking can account for up to 40 percent of the "publicly leasable commercial space" located on the first floor. For those projects~~

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located in the SHMU district, this provision shall be in addition to the requirement of the Comprehensive Plan for "publicly leasable commercial space" along the Harbor front (six percent).

9. ——— Developments that provide 70 percent of all parking spaces on-site in structured parking garages (six percent).

10. ——— The total area of all pedestrian and/or vehicular easements or rights-of-way dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront and along Harbor Boulevard shall be credited towards the open space landscape requirement of the development.

11. ——— The total area provided for a transit stop, as specified in section 7.09.03.G.2a.iv.a, located either on-site or adjacent to Harbor Boulevard/Emerald Coast Parkway will be given 100 percent credit for area dedicated to the transit stop.

12.04.04. *Categories.* Landscape developments shall consist of seven landscape development categories: open space landscape, front perimeter/common boundary landscape, interior parking landscape, buffer zone landscape, publicly owned property, public utility development, and telecommunications tower sites.

A. ——— *Open space landscape.* All land not utilized for principal structures, accessory structures and vehicular use areas, shall be landscaped and permanently maintained with trees, shrubs, indigenous plants and ground cover.

B. ——— *Front perimeter/common boundary landscape.* All nonresidential and multifamily properties shall provide a minimum ten-foot wide landscape area abutting the right-of-way. Single-family detached and duplex properties shall provide a minimum five-foot wide landscape area abutting the right-of-way. Width of sidewalks shall not be included within the ten-foot or five-foot wide front boundary perimeter landscape area. A minimum five-foot wide common boundary landscape area abutting adjacent property lines shall be landscaped. These regulations do not apply within the Old Destin MMTD sub-area.

1. ——— *Material requirements.*

a. ——— *Tree count.* The total tree count requirement within the front setback perimeter landscape area shall be determined by using a ratio of one tree for each 25 linear feet of lot frontage, or major portion thereof, with 75 percent of said trees being indigenous trees. Single-family detached and duplex properties are exempt from this requirement.

b. ——— *Landscaped buffer yard.* The remainder of the front perimeter landscape shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants, excluding paving. A visual screen of vegetation running the entire length of all common boundaries shall be installed within the five-foot side yard landscaped strip. Such vegetation shall provide a minimum of 50 percent opacity for that area between the finished grade level at the common boundary line and six feet above said level and horizontally along the length of all common boundaries within three years of planting. Single family detached and duplex properties are exempt from the "visual screen of vegetation" requirement.

All landscaping shall be installed in a sound workmanlike manner and according to generally accepted good planting practices. Adequate irrigation is required. The type of vegetation used in complying with these requirements shall be indigenous or of a noncompeting exotic species.

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Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, acts of God or vandalism must be replaced within 30 days after notification of a violation of this section.

Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.

~~2. Use of front perimeter landscape.~~

~~a. Overhang areas. Vehicles may overhang no more than two feet into perimeter landscape areas.~~

~~b. Fencing. Fencing shall not be located forward of the required front perimeter landscape area except for single-family detached and duplex residences. Single-family detached and duplex properties may have up to a three-foot tall fence located in the five-foot front perimeter landscape area. The City Manager or designee may approve up to an eight-foot fence located in the five-foot front perimeter landscape area of a single-family or duplex property provided that it is determined that the fence height will not impact safety of pedestrians, bicyclists, or motorists.~~

~~c. Accessways. All accessways through the front perimeter landscape areas of nonresidential and multi-family properties shall meet the following aisle width maximums and minimums: One-way accessways shall be a minimum of 20 feet wide and a maximum of 25 feet wide and shall be paved. Two-way accessways shall be a minimum of 22 feet wide and a maximum of 27 feet wide and shall be paved. Multiple lane two-way (one ingress and two egresses or vice-versa) accessways shall be a minimum of 33 feet wide and a maximum of 36 feet wide, and shall be paved. The Community Development Department Director, in conjunction with the City Engineer, may approve multiple lane two-way ingresses and egresses through the front/common boundary perimeter landscape area if an applicant demonstrates that such ingresses and egresses are necessary for public safety purposes. All accessways through the front perimeter landscape areas of single-family or duplex properties shall have a minimum width of ten feet and a maximum width of 27 feet.~~

~~The Community Development Director may, based upon criteria listed below, authorize an exception to the aisle width maximums and separation minimums for an emergency service use upon the property of an emergency service use provider. No right of entitlement is hereby created in the developer. To request such an exception, the developer shall submit the following:~~

~~(1) Documentation that enforcement of the aisle width maximums and separation minimums would unduly interfere with the ability of emergency service use vehicles to enter and/or exit the property of the emergency use provider upon which the emergency service use is proposed.~~

~~(2) Documentation that the proposed deviation from the aisle width maximums and separation minimums is the minimal deviation necessary to accommodate the emergency service use.~~

~~Such exception shall terminate if the property no longer contains an emergency service use. At such time, the property owner shall bring the property into full compliance with the aisle width maximums and separation minimums allowed for a non-emergency service use.~~

~~Common ingress and egress to parking areas owned by adjacent landowners are permitted. Such common entryways to parking areas will be treated as a single parking area and must meet all requirements of this section. Such common entries will only be permitted if there is a written agreement among the owners of the parking areas, which is acceptable to the City, and a copy of the agreement is filed with the Director of~~

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Planning and Zoning. Such agreement shall be created in perpetuity, by written instrument in a form recordable in the public records of Okaloosa County, Florida, and be an irrevocable covenant running with the land, with authority vested in the City to enforce the covenant.

3. ~~Exemptions.~~

~~a. Properties located in the North Harbor Mixed Use, South Harbor Mixed Use, Town Center Mixed Use, High Density Residential, Calhoun Mixed Use, Holiday Isle Mixed Use, Commercial General, Crystal Beach Resort, and Gulf Resort Mixed Use zoning districts are exempt from the front perimeter/common boundary landscape requirements. However, in lieu of planting shrubs in the common boundary landscape area, these properties have to provide four shrubs for every tree required on site by this Code.~~

~~b. Single family detached and duplex properties located on corner lots, where the total frontage of the lot consists more than 60 percent of the total perimeter of the lot, shall only be required to provide the front perimeter landscape area along a property line abutting a right-of-way where one or more of the following conditions exists or is proposed:~~

~~(1) An accessway/driveway intersects the property line and connects to the street,~~

~~(2) The main formal entry door to the building is oriented toward the abutting right-of-way, or~~

~~(3) The name of the abutting right-of-way/street is used in the assigned address.~~

~~c. Single family detached and duplex properties located on reverse frontage lots shall only be required to provide the front perimeter landscape area along a property line abutting any right-of-way where one or more of the following conditions exists or is proposed:~~

~~(1) An accessway/driveway intersects the property line and connects to the street,~~

~~(2) The main formal entry door to the building is oriented toward the abutting right-of-way, or~~

~~(3) The name of the abutting right-of-way/street is used in the assigned address.~~

~~C. Interior parking landscape. The following criteria shall apply regarding interior parking landscape:~~

~~1. Overhang areas. Vehicles may overhang no more than two feet into landscape areas. The overhang area shall not be included as part of the landscape requirement.~~

~~2. Generally. Interior portions of off-street parking facilities which are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use. Said areas shall be planted and permanently maintained with trees and shrubs and finished with ground cover or other landscape material.~~

~~3. Maximum number of continuous parking spaces. Landscaping areas with a minimum breadth of ten feet and a minimum total area of 175 square feet shall be provided to break up excessively long, continuous runs of parking spaces. No parking bay shall contain more than 15 continuous parking spaces without being broken up by a landscaped area. These landscaped areas must have one tree a minimum height of ten feet at the time of planting. This provision does not apply to subterranean or above-grade parking structures.~~

~~4. Termination of parking rows. Each row of interior parking spaces shall be terminated at each end by a landscaped area which shall be a minimum of 100 square feet with a minimum breadth of ten feet. These~~

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landscaped areas must have one tree of a minimum height of ten feet at the time of planting. This provision does not apply to subterranean or above-grade parking structures.

Exception: When abutting parking rows each have five or less parking spaces, landscaped areas with breadths of ten feet between the rows may be substituted for the landscaped areas at each end.

5. ~~Encroachment.~~ All interior landscaping areas shall be protected from vehicular encroachment by either f-type curbing or other similar means (stabilized rail road ties, landscaping timbers, etc....).

6. ~~Exemption.~~ Single-family detached residences are exempt from interior parking landscape requirements.

D. ~~Buffer zone landscape.~~ The following criteria shall apply to buffer zone landscape requirements:

1. ~~Buffer zone landscaping shall be required between multifamily and single-family zones and between industrial or commercial and any residential zone. It shall be the responsibility of the higher density/intensity zoning district property owner to provide and maintain the buffer zone. In no instance shall it be the responsibility of the single-family zoning district property owner. These regulations do not apply within the Old Destin MMRT sub-area.~~

a. ~~A landscaped buffer zone consisting of shrubs, hedges, trees, vines, grass, ground cover or other landscape treatment at least ten feet in depth shall be provided. Such landscaped buffer shall be designed not less than six feet in height to form a continuous, opaque screen between the zoning districts. Such landscaped barrier shall be located adjacent to the common lot line. Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard.~~

b. ~~A six-foot high masonry wall or wooden fence set in a ten-foot wide landscaped buffer area may be substituted for the required six-foot high planted buffer. It shall be the responsibility of the higher density/intensity zoning district property owner to provide and maintain the wall or fence. In addition, one tree shall be provided for each 25 linear feet of such landscaped barrier or fractional part thereof. Each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required tree.~~

2. ~~Buffer zones on waterfront property.~~ Vegetated buffer strips shall be retained in their natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront. Manmade water bodies are excluded from this vegetated buffer requirement. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, provide access to the water body and allow for periodic flooding without damage to the structures. These areas may be mowed or trimmed as desired. The purpose of the buffer zone is to assist in stormwater management and, toward this end, engineering/design solutions may be approved in lieu of the buffer when such proposed solutions inhibit erosion, trap the sediment in runoff, allow access to the water body and inhibit flood damage to waterfront structures.

E. ~~Publicly owned property.~~

1. ~~Street and park trees to be planted.~~ Tables 12-1 and 12-2 constitute the official street and park tree species for Destin, Florida. No species other than those included in tables 12-1 and 12-2 may be planted as street and/or park trees without written permission of the City tree board. Prior to street tree planting, all applicable right-of-way permits shall be obtained.

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TABLE 12-1: APPROVED STREET TREES					
Small Trees		Medium Trees		Large Trees	
Southern Wax Myrtle	(<i>Myrica cerifera</i>)	Dahoon Holly	(<i>Ilex cassine</i>)	Maple	(<i>Acer rubrum</i>)
Fringe Tree	(<i>Chionanthus virginicus</i>)	Turkey Oak	(<i>Quercus laevis</i>)	Southern Live Oak	(<i>Quercus virginiana</i>)
Sparkleberry	(<i>Vaccinium arboreum</i>)	Cabbage Palm (state tree)	(<i>Sabal palmetto</i>)	Majesty Palm	(<i>Ravenea rivularis</i>)
Pindo Palm	(<i>Butia capitata</i>)	Washington Palm	(<i>Washingtonia robusta</i>)	Canary Island Date Palm	(<i>Phoenix canariensis</i>)
				Wild-Date Palm	(<i>Phoenix sylvestris</i>)

TABLE 12-2: APPROVED PARK TREES					
Small Trees		Medium Trees		Large Trees	
Pindo Palm	(<i>Butia capitata</i>)			Maple	(<i>Acer rubrum</i>)
Ligustrum Tree	(<i>Ligustrum japonicum</i>)	River Birch	(<i>Betula nigra</i>)	Pine	(<i>Pinus elliotii</i>)
Dogwood	(<i>Cornus florida</i>)	Cabbage Palm (State Tree)	(<i>Sabal palmetto</i>)	Oak	(<i>Quercus spp.</i>)
Loquat	(<i>Eriobotrya japonica</i>)				
Ginkgo	(<i>Ginkgo biloba</i>)	Redbud	(<i>Cercis canadensis</i>)	Bald Cypress	(<i>Taxodium discithum</i>)
Anise Tree	(<i>Pimpinella anisum</i>)	Holly Tree	(<i>Ilex cassine</i>)	Bay Magnolia	(<i>Magnolia virginiana</i>)
Wax Myrtle	(<i>Myrica cerifera</i>)	Sweetgum	(<i>Liquidambar styraciflua</i>)	Southern Magnolia	(<i>Magnolia grandiflora</i>)
Crepe Myrtle	(<i>Lagerstroemia indica</i>)	Cherry Laurel	(<i>Prunus caroliniana</i>)	Walnut	(<i>Juelans nigra</i>)

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Jerusalem Thorn	(Parkinsonia aculeata)	Bradford Pear	(Pyrus calleryana "Bradford")	Sycamore	(Platanus acerfolia)
Black Pine	(Pinus nigra)	Tulip Magnolia	(Liriodendron tulipifera)	Elm	(Ulmus spp.)
Bottlebrush	(Callistemon citrinus)	Cedar	(Cedrus atlantica)	Hickory	(Carya spp.)
		Plum	(Prunus cerasifera)		
Fringe	(Chionanthus virginicus)	Ash	(Fraxinus spp.)	Pecan	(Carya glabra)
Sparkleberry	(Vaccinium arboreum)	Persimmon	(Diospyros virginiana)	Canary Island Date Palm	(Phoenix canariensis)

Native trees are preferred and xeriscaping is recommended to emphasize water conservation. Must comply with standards set forth in sections 12.04.04 and .05.

2. ~~Spacing.~~ The spacing of street trees will be in accordance with the three species classes listed in this section, and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; Large trees, 50 feet; except in special plantings designed by a Florida-certified landscape architect and approved by the City Manager or his or her designee. When trees of different species are planted together, the spacing distance used shall be the average of the two species.

3. ~~Distance from curb or sidewalk.~~ The distance trees shall be planted from curbs or curblines and sidewalks shall be no closer than five feet and must comply with section 12.04.05.E. This regulation does not apply to the planting of street trees to meet the design standards of the Multimodal Transportation District in Section 8.09.03.

4. ~~Distance from street corners and fire hydrants.~~ No street tree shall be planted closer than 20 feet from any right-of-way corner, measured from the right-of-way corner away from the intersection. All plantings must comply with the clear visibility triangle regulations as stated in Section 8.03.06. No tree can be planted closer than 12 feet to a fire hydrant.

5. ~~Public tree care.~~ The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all right-of-ways and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City manager or his or her designee shall recommend removal to the City Manager or designee of any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric lines, gas line, water lines or other public improvements, or is affected with any injurious fungus, insect or pest. This section does not prohibit the planting of street trees by adjacent property owners in the right-of-way providing that the selection and location of said trees is in accordance with Sections 7 through 10 of this section and Article 8, Section 8.01.00.

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6. ~~Tree topping.~~ It shall be unlawful as a normal practice of any person, firm or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. ~~Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempt from this section at the determination of the City Tree Board.~~

7. ~~Pruning, corner clearance.~~ Every owner of any tree overhanging any right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and shall provide a clear zone of ten feet above the grade of the sidewalk and 15 above the grade of the streets or motor vehicle ways. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, or interferes with visibility of any traffic control device or sign.

8. ~~Diseased or dead tree removal on private property.~~

a. ~~The City shall have the right to cause the removal of any diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Manager or his or her designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner.~~

b. ~~The City shall have the right to cause the removal of any dead trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Manager or his or her designee will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within six months after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the owner.~~

9. ~~Hazardous and dangerous conditions.~~

a. ~~In the event that any tree shall be determined to be in hazardous or dangerous condition so as to endanger health or safety, the City Manager or his or her designee shall require immediate removal. The City Tree Board shall make a recommendation to the City Manager or his or her designee as to the removal of tree that is in hazardous or dangerous condition. The City Manager or his or her designee will make a final determination upon receiving the recommendation from the City Tree Board. An aggrieved party, withstanding the final determination of the City Manager or his or designee, may within 30 days apply to the Board of Adjustment for appeal of the administrative determination.~~

b. ~~During the period of emergencies such as hurricane, windstorm, flood, freeze, disease epidemic, or other disasters, the requirements of this section may be waived by the City Manager. Said waiver must be for a time certain and may not be for an indefinite period.~~

10. ~~Species prohibited on public property.~~ Specifically prohibited from planting on public property are the following species of trees:

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a. ~~Chinese Tallow;~~

b. ~~Yucca Tree;~~

F. ~~*Public utility development area.* A public utility development area shall be developed in compliance with this section. Electric distribution and transmission substations are exempt from this requirement however they are subject to the regulations stated in section 7.09.02.B.13. Additionally, each public utility development area shall comply on each side and back line with the buffer zone landscape requirements as required between industrial or commercial and any residential zone. It shall be the responsibility of the public utility to provide and maintain the buffer zone.~~

G. ~~*Telecommunications tower sites.* The following criteria shall govern landscaping surrounding all telecommunication towers:~~

1. ~~A landscaped buffer zone consisting of shrubs, hedges, trees, vines, grass, ground cover or other landscape treatment at least ten feet in depth shall be provided. Such landscaped buffer shall be designed not less than six feet in height to form a continuous, opaque screen around the telecommunications tower site. Such landscaped buffer shall be located adjacent to the common lot line. Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard; or~~

2. ~~A six-foot high masonry wall or wooden fence set in a ten-foot wide landscaped buffer area may be substituted for the required six-foot high planted buffer mentioned above. In addition, one (1) tree shall be provided for each 25 linear feet of such landscaped buffer or fractional part thereof. Additionally, said ten (10) foot wide landscaped buffer area shall include one (1) shrub for each five (5) feet of landscaped buffer or fractional part thereof. Said shrub shall be on average, three (3) foot high at the time of planting. Grass, ground cover or other landscape material, excluding paving or gravel, shall be planted in addition to the required trees and shrubs.~~

12.04.05. ~~*Landscape development standards.* To ensure the attainment of the objectives of this section, the design and installation of required landscaping shall be consistent with the following standards, unless it can be demonstrated that alternative design and installation plans will meet the objectives of this section. The landscape development standards contained herein shall apply whenever a landscape plan is required.~~

A. ~~*Installation.* All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting practice with the quality of plant materials as hereinafter described. All elements of landscaping, not including plant material except hedges, shall be installed so as to meet all other applicable requirements.~~

B. ~~*Visibility at intersections in all districts.* At any street intersection, no plant, tree, shrubbery or any other obstruction shall be allowed to grow in a manner which would impede or restrict the vision of pedestrians or vehicle operators to oncoming traffic.~~

C. ~~*Preservation and restoration.* The number of reforestation trees required on any developed area shall be determined by using the ratio of one tree for each one-tenth of an acre. Credit shall be received on the reforestation requirement of this section by preserving existing trees. Trees required for reforestation are in addition to other required trees within this section. No credit will be given for nonindigenous trees.~~

1. ~~Exclusive of the principal structure area, no "preserved tree" may be removed except as provided in this section.~~

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2. The reforestation requirements shall be credited for existing trees at the following rate:

Diameter of Tree Trunk of Existing Tree*	Number of Trees Credited
20—24 inches	5
13—19 inches	4
7—12 inches	3
2—6 inches	2

*Measured at a DBH above the natural grade.

3. Fifty percent of the area within the dripline of preserved trees which are eligible for credit pursuant to this section shall be maintained in either vegetative landscape material or pervious cover.

D. Tree protection.

1. During development activity, preserved trees shall be protected from activities which may injure or kill them. Tree protection techniques found in the Tree Protection Manual for Builders and Developers, Florida Department of Agriculture and Consumer Services, Division of Forestry, or equivalent techniques shall be used.

2. Exclusive of the principal structure area, when a "protected tree" must be removed or relocated, an indigenous tree(s) shall be replaced. No "protected tree" may be removed or relocated without a removal permit as hereinafter provided.

E. Plant material standards.

1. *Quality.* Unless otherwise provided herein, plant material as described in Grades and Standards for Nursery Plants, 1963, Part I and Part II, of the State of Florida, Department of Agriculture, Tallahassee, shall be credited on the landscape development requirements of this section.

2. *Native vegetation.* A minimum of 75 percent of all plant material used to satisfy the requirements of this section shall be native to the Northwest Florida area. Portions of a development left in the natural state shall be credited in meeting these landscaping requirements.

3. *Shrubs and hedges.* Shrubs shall be a minimum of 12 inches in height when measured immediately after planting.

4. *Trees.* Trees shall be subject to the following:

a. *Size.* Trees shall be a minimum of ten feet in height and have a two and one-half caliper at the time of planting. Trees having an average mature spread of crown less than 20 feet may be arranged in groupings

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so as to create the equivalent of a 20-foot crown spread. If sabal palms are used for required trees, then two sabal palms must be grouped together to count towards the required tree with a 20-foot crown spread at maturity.

b. — ~~Tree planting area.~~ The planting area for each tree shall be a minimum of 100 square feet with a minimum width of five feet measured from the center of the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.

c. — ~~Trees damaging to public works.~~ Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, except willow trees shall be no closer than 50 feet to those public works.

5. — ~~Vines, ground cover, lawn grasses, synthetic plant material and planters.~~ Vines, ground cover, lawn grasses, synthetic plant material and architectural planters shall be subject to the following:

a. — ~~Lawn grasses.~~ Lawn grasses shall be subject to the following:

(1) — ~~Lawn grasses and ground cover, and vines planted for credit on the landscaping requirements, shall be perennial species capable of thriving in Okaloosa County.~~

(2) — ~~Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.~~

b. — ~~Synthetic plant material.~~ No credit shall be granted for use of artificial plant material.

c. — ~~Above-grade planters.~~ Credit shall be granted for use of above-grade planters, when such planters are physically attached to and made a part of the building/structure upon which they rest. In no case shall above-grade planters be removed from the property or converted to another use, unless approval is granted by the City.

d. — ~~Indigenous endangered plants.~~ Endangered plants shall be protected under the provisions of applicable federal and state laws.

12.04.06. ~~Landscaping maintenance and use standards.~~ The landscaping maintenance and use standards set forth in this section shall apply to all development which receives a development order from the City.

A. — ~~Maintenance.~~ Landscaping shall be maintained as follows:

1. — ~~All required plant material shall be maintained in a healthy and viable condition.~~

2. — ~~Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.~~

3. — ~~All landscaped areas shall be provided with an irrigation system or a readily available water supply located on-site.~~

4. — ~~All landscaping planted abutting sidewalks, multiuse pathways, pedestrian gathering areas, bicycle lanes or vehicular use areas shall be trimmed so as to not interfere in the use of said areas.~~

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~~B. — *Replacement.* Dead plant material shall be replaced in accordance with the provisions of this section and within a time period appropriate to the growing season of the species in question, not exceeding one year.~~

~~C. — *Use of landscape area.* No required landscape area shall be used for parking, except encroachment as provided in this section, or for accessways, structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this section.~~

~~12.04.07. *Landscape plan, permit procedure and certificate of occupancy.*~~

~~A. — *Generally.* Whenever the provisions of this section are applicable, a landscape permit shall be required.~~

~~B. — *Submission of landscape plan.* A landscape plan that is prepared, signed, dated and sealed by a professional landscape architect registered in the State of Florida shall be submitted to the City for approval prior to the issuance of any building and/or clearing permit, except for single family detached or duplex dwelling units, to ensure compliance with the provisions of this section.~~

~~C. — *Contents of landscape plan.* The landscape plan shall include as a minimum the following:~~

- ~~1. — Location and dimensions of all required landscape buffers.~~
- ~~2. — Location and dimensions of all required internal landscaping.~~
- ~~3. — The number, placement and species of all trees required.~~
- ~~4. — Primary dune system and shoreline protection zone, where applicable.~~
- ~~5. — Relationships of the site to adjacent public or private streets and properties.~~
- ~~6. — Location and area of off-street parking and vehicular use areas.~~
- ~~7. — Location of principal structures.~~
- ~~8. — Irrigation plan.~~

~~D. — *Permit procedures.* The following procedures and requirements shall be followed by the applicant and the City:~~

- ~~1. — Applications for approval of landscape plans shall be made to the City.~~
- ~~2. — No building permit for new construction or redevelopment, if required, shall be issued unless and until the City has approved the landscape plan.~~
- ~~3. — A copy of the approved landscape plan shall be available on-site during implementation.~~

~~E. — *Certificate of occupancy.* No certificate of occupancy shall be issued unless and until the Community Development Department has determined, after final inspection, that the required site landscape has been installed according to the approved application and plan; provided, however, that if circumstances preclude completion of the landscape plan at the time of application for the certificate of occupancy, then the applicant shall post a bond deposit in an escrow account in favor of the City in an amount equal to 120 percent of the estimated costs of the landscape improvements. Estimated costs of the landscape~~

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~~improvements shall be prepared and provided by a Florida registered landscape architect (signed, sealed and dated). Such bond or escrow account shall be considered sufficient upon the approval of the City Manager or his designee. If the provisions of the landscape plan are not completed within 30 calendar days, unless a one-time extension of an additional 30 calendar days is approved by the City Manager or his designee, after the certificate of occupancy is issued, the bond of or escrow shall be forfeited to the City.~~

~~12.04.08. Violation and enforcement.~~

~~A. — Violation. Whenever the City determines that a violation of this section exists, the City shall give written notice indicating the nature of the violation to the occupant, applicant and the owner shown on the most recent tax roll of the county.~~

~~1. — Content. The notice shall include, but not be limited to, the following:~~

~~a. — A legal description of the property;~~

~~b. — The name of the person upon whom the notice of violation is served; and~~

~~c. — A statement advising that, upon failure to comply with the requirements of the notice, the City shall take such enforcement procedures as may be required under this section.~~

~~2. — Service. The written notice required above shall be served upon the person violating the section and the person owning the land by either personal delivery or certified mail.~~

~~B. — Enforcement. Should an owner, agent or person having charge of or occupying any lot or premises covered by this section refuse or neglect, for a period of 90 days after receiving notice from the City of any violation of this section, or fail to resolve such violation, the City may act to resolve such violation without further notice.~~

~~1. — The City may cause the work of removal, replacement and/or cutting to be done and the cost of such work shall forthwith be paid by such owner, agent or other person.~~

~~2. — The City shall place a lien against the property pursuant to law and such lien shall be subordinate only to a subsequent first mortgage.~~

~~3. — Notice required by this section shall be mailed by registered mail with a return receipt to the owner of record as shown on the tax roll of Okaloosa County.~~

~~12.04.09. Penalties. Any alleged violation of this section may be processed in accordance with procedures set forth in City's Code of Ordinances chapter 14, article III, Code Enforcement Board.~~

~~12.04.10. Continuation of establishment of the City Environmental Committee/Tree Board. The City Environmental Committee/Tree Board is continued as presently constituted as an acting standing committee and board.~~

~~A. — Duties and responsibilities.~~

~~1. — It shall be the responsibility of the Board to study, investigate, counsel, and develop and update annually, and administer a plan for the care, preservation, pruning, planting, re-planting, removal, or disposition of trees and shrubs in parks, in City rights-of-way, and in all other public areas. Such plan will~~

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~~be presented annually to the City Council and, upon approval and funding, shall constitute the official Comprehensive Tree Plan for the City of Destin, Florida.~~

~~2. — The Board, when requested by the City Council of the City of Destin, shall consider, investigate, make findings of fact, report, and make recommendations upon any special matter or question coming within the scope of its duties.~~

~~12.04.11. *Interference with City.* It shall be unlawful for any person to prevent, delay or interfere with the City, or any of its employees, agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street or park tree, as authorized in this section.~~

~~(Ord. No. 02-12-LC, §§ 5, 6, 1-6-03; Ord. No. 03-28-LC, § 3, 1-20-04; Ord. No. 04-05-LC, §§ 6, 8, 3-15-04; Ord. No. 05-13-LC, §§ 14-17, 8-22-05; Ord. No. 07-32-LC, § 3, 5-7-07; Ord. No. 07-39-LC, § 3, 9-4-07; Ord. No. 08-14-LC, §§ 75-77, 1-20-09; Ord. No. 09-16-LC, § 3, 8-17-09; Ord. No. 10-09-LC, § 17, 1-18-11; Ord. No. 10-05-LC, § 7, 2-6-12; Ord. No. 20-02-LC, § 3, 2-18-20)~~

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ARTICLE 6 - GENERAL DEVELOPMENT REGULATIONS

SECTION 6.01 PURPOSE, APPLICABILITY, AND GENERAL STANDARDS

SECTION 6.01.01 PURPOSE

- A. The purpose and intent of the General Development Regulations is to assure future growth, development and redevelopment in the city conforms to the minimum criteria, regulations, or standards of the Land Development Code (LDC) through implementation of the policies of the City's adopted comprehensive plan.
- B. All right-of-way (ROW) design and construction, including but not limited to striping and signage, shall meet Florida Department of Transportation (FDOT) Greenbook, FDOT Standard Plans, Manual on Uniform Traffic Control Devices (MUTCD) latest edition, and city standards.
- C. Private use of a public ROW is prohibited.

SECTION 6.01.02 APPLICABILITY

- A. The criteria, regulations and standards, provided in this Article are designed to ensure new development, redevelopment, or change of uses meet the needs of property owners, the City of Destin, and provide for the general health, safety, and welfare of the public.
- B. All development, redevelopment, or change of uses shall meet and provide the minimum regulations and standards as required per this Article ~~and city standards~~ as applicable or as identified by the City Manager or designee.
 1. Nothing in this Article shall relieve any developer of their responsibility to provide the minimum required facilities nor prohibit them from pursuing an alternative solution either:
 - a. By variance application if applicable
 - b. Provides and meets the minimum or better-quality facilities as approved by the City Manager or designee.

SECTION 6.01.03 AMERICANS WITH DISABILITIES ACT

- A. All improvements shall meet the minimum Americans with Disabilities Act (ADA) requirements (latest edition).


SECTION 6.02 ACCESS MANAGEMENT AND STREETS

SECTION 6.02.01 PURPOSE

- A. The purpose and intent of this section is to require development, redevelopment, or change of uses to provide the minimum access required for vehicles, pedestrians, or other alternative modes of transportation, ensuring a high level of localized connectivity while minimizing delay and conflicts on roadways that need to carry significant volumes of traffic, by:
 1. Encouraging, or requiring, consolidation of accessways through shared access to adjacent parcels.
 2. Provide a system of interconnected local streets that accommodate short, local trips parallel to the major street system.
 3. Use roundabouts instead of signals where roundabouts:
 - a. Provide an equal or improved level of service over a traffic signal
 - b. Calm vehicle traffic
 - c. Provide equal or better safety and connectivity for all modes of transportation.


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4. Use continuous, raised medians to restrict left hand turns and direct turning vehicles to optimal locations.
 5. Provide minimum spacing standards for accessways, median openings, and signals.
 6. Use a turning radius at intersections appropriate to the context of the corridor.
 7. Provide incentives for developed properties to retrofit with improved access design.
- B. Provide a safe environment for pedestrians, bicyclists and motorists by reducing and consolidating driveway conflict points, encouraging joint planning of development projects to facilitate cross-access between adjoining properties, and the use of shared accessways.
- C. Nothing in this section shall be interpreted as denying reasonable access to private property. All developments with right-of-way frontage, regardless of the amount of right-of-way frontage, are allowed one point of ingress/egress.
- D. Stormwater facilities must be established in the right-of-way along the entire property frontage, meeting the minimum city standards. 

SECTION 6.02.02 RIGHT-OF-WAY PROTECTION

A. Unauthorized Right-of-Way Encroachment

1. No unauthorized encroachment shall be permitted onto existing rights-of-way. This includes but is not limited to objects or items such as:
 - a. Buildings or structures
 - b. Landscaping, except for sod, grass, or similar live ground cover, required street trees, and irrigation that supports landscaping per this section. 
 - c. Signs except those required for traffic control
 - d. Items or objects that are not a part of any right-of-way infrastructure or function.
2. All activities such as but not limited to paving, landscaping, or other similar development within the ROW, shall submit a ROW permit for the City's review.
 - a. Exceptions: The installation and repair of mailboxes, sod, irrigation systems, and other landscape features in compliance with the city standards.
3. It shall be the responsibility of the abutting property owner or maintenance entity to maintain all permitted object(s), structure(s), and/or landscaping within or over any Right-of-Way.
 - a. It shall be the responsibility of the owner of the abutting property whose drive accessway or other entrance to that property extends into the public ROW, to maintain said drive accessway or other entrance within the public ROW.
 - b. If the city, or another governmental entity, or a franchised utility operating within the scope of its easement, determines that any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping that was placed in the public ROW must be removed or modified, it shall be the responsibility of the abutting property owner or maintenance entity to remove or modify the same and to bear all costs associated herewith, including the cost of replacement.
 - c. If the City directs an abutting property owner or maintenance entity to remove or modify, within a prescribed period of time, any encroaching item, including, but not limited to, object(s), structure(s), and/or landscaping, and the owner fails or refuses to comply with such directive, the City may cause the work to be done and assess the costs thereof as a charge and lien against the property.

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4. The developer and/or owner developing a property abutting a ROW, or doing work on the ROW, shall adhere to all applicable safety standards outlined by the FDOT and shall comply with the following additional requirements:
 - a. Follow **Code of Ordinances Section 18-21** requirements regarding unloading, loading and use of the right-of-way for construction activities.
 - b. Restore the ROW to original or better condition.
 - c. Construct the accessways in such a way to minimize sediment tracked or discharged onto the roadways.
 - d. Replace existing infrastructure, including, but not limited to, concrete curbing, driveways or sidewalks in the ROW, which are damaged during construction. Such replacement shall be replaced to the nearest joint within ten working days or prior to the completion of construction in the area, whichever is earlier. Damage to road paving or stormwater facilities shall be repaired within five working days of such damage. No pedestrian or vehicle hazard shall be allowed.
 - e. Maintain open **handicapped** accessible pedestrian way during construction at all times.
5. Any use or encroachment within a ROW for business or private purposes without prior city approval shall be prohibited. The subject use or encroachment may be removed by the city at the expense of the owner.
6. Dumping of debris within a ROW shall be prohibited.
7. Parking of a vehicle in a ROW shall be limited to designated areas that have been stabilized with an all-weather surface. Parking in other ROW areas is prohibited except for occasional parking in areas zoned residential. Occasional is defined as an irregular or infrequent occurrence.
8. Storage of trailers or vehicles in ROW is prohibited.
9. Building materials, disabled machinery, disabled vehicles, excavations and like objects in the ROWs between the period of sunset and sunrise, shall be properly identified by amber warning lights.
10. The prohibition of placing or maintaining any building, object or materials in the public ROW shall not apply to the city or its authorized agents, nor shall they apply to franchised utilities operating within the scope of their easements or franchise.

SECTION 6.02.03. SITE TRIANGLE AND CLEAR/RECOVERY ZONE

- A. All sight triangles shall be in compliance with Florida DOT Greenbook and city standards.
- B. All clear/recovery zones shall be in compliance with FDOT Standard Plans (latest edition) if in the FDOT right-of-way. All other rights-of-way shall be in compliance with the Florida Greenbook (latest edition).
- C. Development Within the Clear/Recovery Zone
 1. The following development types may be allowed within the clear/recovery zone provided they strictly adhere to the required standards for each development type.
 - a. Landscaping, Trees, Shrubs, Grasses, **or other Plants**
 - i. Shall not create a safety hazard.
 - ii. Shall be trimmed or pruned in a manner to not block the clear zone between two feet (2') above the ground to no lower than fifteen feet (15') above the ground.

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- iii. It is the adjoining property owners' responsibility to maintain any clear/recovery zone adjacent to their accessway(s).
- iv. The City shall require any violation of this section to be rectified, and if not taken care of within seven (7) days of notification, the City may require the clearing, trimming, or pruning of the plants at the expense of the adjacent property owner.
2. No object, structure, building, or other developments shall be permitted or allowed to occupy the clear/recovery zone or vision triangle.
 - a. In no circumstance shall any rope or other continuous or connecting element be used within the right-of-way.
 - b. Exceptions: The following may be allowed through review of a Right-of-way permit and a Hold Harmless Agreement between the property owner and the City.
 - i. Rounded or blunt objects or structures which do not exceed eight inches above the edge of road, with six feet (6') of separation between each object
 - ii. Raised curbing with or without sidewalk
 - iii. Mailbox columns, which will break-away and have a column cross-section of 16 square inches or less and have a column profile of no more than twelve inches (12") wide
 - (a) The face of a frangible mailbox shall be placed 8" off the back of a raised curb. All other mailboxes shall place the face of the mailbox four feet (4') from the back of a flush curb or the roadway edge of pavement (whichever is more restrictive).
 - iv. Bicycle lanes
 - v. Guard railing approved by the City Engineer
 - vi. Drive accessway approved by the City Engineer
 - vii. Temporary placement of garbage or trash or recyclable receptacles under one cubic yard in size (this is allowed without a permit or hold harmless agreement).
3. Existing non-confirming mailboxes which are replaced or damaged by more than fifty percent (50%) shall be required to be reconstructed to conform to this section.

SECTION 6.02.04 INGRESS/EGRESS REQUIREMENTS

- A. All access to private properties from rights-of-ways within the city shall have accessway/driveway aprons paved with solid surfaces from the edge of the road pavement to the property line.
- B. All accessway/driveway aprons shall intersect with the roadway at ninety (90) degrees or as close as physically possible based on lot layout and current conditions.
- C. Minimum accessway spacing between adjacent accessways.
 1. Adjacent accessways located on the same side of a right-of-way shall meet the minimum accessway spacing standard (refer to **Table 6.02-1 Access Management Table of Dimensions** below) as measured from centerline-to-centerline of the accessways. For arterial streets, the minimum standard may vary between a range of 440 feet and 660 feet.
- D. The City Manager or designee shall use the minimum Florida Department of Transportation recommendations in determining the minimum accessway spacing required.
- E. Minimum accessway spacing from an intersection.
 1. Accessways located adjacent to an intersection of two or more rights-of-way shall meet the minimum accessway spacing standard from an intersection as measured from the centerline of the intersection to the centerline of the accessway.

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2. Corner lots at a street intersection that cannot meet this requirement because of lot width shall place the accessways as far from the street intersection as possible.
 - a. If a corner lot has frontage on a cul-de-sac, which said cul-de-sac has a total length of 500 feet or less, the lot shall be accessed from the cul-de-sac.
 - b. Corner lots fronting on streets with different classifications shall be accessed from the street with the lower classification.
 - c. The City Manager or designee may allow different driveway placement based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.
 - d. For U.S. Highway 98, please refer to FDOT specifications.
- F. Adjacent accessways located on opposite sides of a roadway from each other shall meet the minimum offset accessway spacing standard as measured from centerline-to-centerline of the accessways, varying by the posted speed limit of the roadway.
- G. Median openings that permit only one-way turning movements shall meet the minimum directional median opening spacing standards as measured from centerline-to-centerline of the median opening. Median openings that permit unrestricted turning movements shall meet the minimum full median opening spacing standards as measured from centerline-to-centerline of the median opening.
- H. Adjacent traffic signals shall meet the minimum signal spacing standard as measured from centerline-to-centerline of the signalized intersections.
 1. The City Manager or designee shall evaluate the feasibility and effectiveness of constructing a roundabout concurrently with any analysis to evaluate the feasibility and effectiveness of installing a traffic signal.
- I. Preference shall be given to roundabouts for intersections where they are found to be feasible and effective.
- J. For U.S. Highway 98, refer to FDOT specifications.
- K. For a right-in or right-out only accessways, the minimum spacing shall be 115'.
- L. Single-dwelling or duplex developments may provide the following types of ingress/egress, provided they meet all minimum separation requirements and minimum city standards. No more than two (2) ingress/egress points shall be permitted on any residential lot, parcel or property.
 1. Single accessway
 2. Two Accessways
 - a. Where deemed appropriate by the City Engineer, the impact of multiple driveway cuts to the right-of-way stormwater facilities shall be offset by requiring either swales deeper than the minimum requirements or a combination of drainage piping and swales.
 - b. For pull-through or Looping Accessways
 1. The site plan shall depict the proposed traffic pattern showing in a manner to discourage backing into the right-of-way.
3. Joint accessway
 - a. A joint accessway may be allowed if all the following criteria are met:
 1. An agreement that includes a maintenance plan identifying the responsible parties is recorded with Okaloosa County on both properties.
 2. All ingress and egress requirements are met as identified in this Article and meets the design criteria for residential accessways.

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3. The accessway does not exceed the maximum width for a single accessway.
- M. More than one means of ingress/egress may be provided with the following criteria:
1. All additional ingress/egress points shall meet the minimum separation requirements for access management as described in Table 6.02-1 Access Management Table of Dimensions below.
 2. Any development five (5) acres or more shall provide a minimum of two (2) means of ingress/egress.
 3. A second ingress/egress required to meet minimum emergency service requirements.
- N. Cul-de-sacs and Dead-end Streets
1. See Section 5.02.04.A.3-6
 2. Cul-de-sacs and streets resulting in dead-ends shall not exceed four hundred feet (400').
- O. Accessway Widths
1. Non-residential and multi-dwelling developments shall not exceed twenty-seven feet (24') wide unless approved by the City Manager or designee.
 2. Single-dwelling or duplex residential driveway cuts shall not exceed twenty-seven feet (27') wide. For multiple driveway cuts the collective driveway widths shall not exceed thirty feet (30') in the aggregate.
- P. Accessway Setbacks
1. All accessways shall be setback from any property line it does not intersect with the minimum distance needed to meet the design requirements of this Code, but no closer than five foot (5') to the property line.
 - a. Exception: If there is a recorded Joint Accessway Agreement as described in this Section.
- Q. Accessway Stormwater Runoff
1. No accessway shall allow or be allowed to discharge stormwater runoff onto any neighboring property.
 2. In the following instances, existing accessways shall be required to meet current Land Development Code requirements:
 3. Except for individual single-family detached or townhome dwelling units all existing developments located on any arterial or any collector road which: (1) change or add a land use, or (2) are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 20 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with requirements listed in Section 8.04.00. Cost plus contracts may be deemed as equal to or exceeding 20 percent of the total tax assessed value of the property.
 4. Single-family detached or townhome dwelling units which are expanded, reconstructed, or renovated at a cost of redevelopment equal to or exceeding 50 percent of the total tax assessed value of the property shall include provisions to reconstruct accessways to comply with current codes.

Table 6.02-1 Access Management Table of Dimensions						
Function Classification	Minimum access way	Minimum accessway spacing from an intersection	Minimum offset accessway spacing	Minimum median opening spacing	Minimum traffic	

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		Approaching/ Departing	<26 mph	26-44 mph	>44 mph	Directional	Full	
Arterial streets	440'- 660' ¹	230'	N/A	440'	660'	1320'	2640'	2640'
Collector streets	250' ¹	230'	250'	440'	N/A	660'	1320'	1320'
Local streets	125' ¹	115'	N/A	N/A	N/A	N/A	N/A	1320'

1: Where minimums cannot be met, only one accessway may be granted for a property and, if granted, shall have the furthest separation possible for the conditions present. Exceptions shall be approved by the City Manager or designee.

SECTION 6.02.05 STREETS, SIDEWALKS, AND MULTI-USE PATHS OR TRAILS

A. Public Streets

1. Shall have a minimum lane width of ten feet (11') wide (center of stripe to center of stripe).
2. All streets shall be developed per the minimum city standards.

B. Public Sidewalks

1. All sidewalks shall meet the minimum city standards.
2. All sidewalks shall be concrete.
3. All sidewalks shall be placed at the back of right-of-way or as far away from vehicular traffic as possible.
4. A minimum of one (1) sidewalk connection from the private property internal sidewalk system shall connect to the public sidewalk on each public road frontage for the private property. Land uses that create or utilize pedestrian traffic may require additional connections.
5. Sidewalks widths
 - a. Arterial and Collector roadways: shall be a minimum of ten feet (10') wide.
 - b. All other sidewalks shall be a minimum of five feet wide.
6. Pedestrian Crosswalks
 - a. Pedestrian crosswalks shall be provided at the intersections of all non-residential accessways, where sidewalks cross internal driveways and at any additional key pedestrian crossing points as identified by the City Manager or designee.
 - b. Pedestrian crosswalks shall be characterized by a change in pavement color, pavement texture, white paint striping, and/or reflective materials.
 - c. The placement and striping for all pedestrian crosswalks shall be in accordance with the latest Florida adopted Manual on Uniform Traffic Control Devices (MUTCD) standards.
 - d. All permanent striping located within rights-of-way, both public and private, shall be thermoplastic in accordance Florida Department of Transportation (FDOT) specifications.
7. Residential Development Sidewalk Requirement
 - a. Owners or developers of new single-dwelling detached or duplex residential structures shall be required to construct sidewalks consistent with this article when any one of the following criteria is met:
 1. When any new residential development is constructed. This subsection shall not be applicable if a waiver has been granted for a lot or lots on the same side of the street in accordance with subsection b. below.
 2. If a property does not meet the criteria stated in subsections 1. listed above but is scheduled to receive sidewalks within the next three years, as indicated in the latest

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copy of the City's 5-year Capital Improvements Plan, then the owner or developer of the new single-dwelling detached or duplex residential structure will have to install a sidewalk consistent with this article.

- b. Waiver: Sidewalk construction may be waived at the discretion of the City Manager, based upon input from the review and approval recommendation by the Community Development Director, City Engineer, and Public Works Director if the following criteria are met:
 1. There is a threat to public health, safety, or welfare or the owner or developer establishes that the required sidewalk would result in undue hardship.
 2. The owner or developer remits to the City the cost of the sidewalk installation to support future City sidewalk/pathway construction.
 - (i) If the waiver is granted, the cost of the sidewalk construction will be determined based on current City continuing service contract pricing and those funds shall then be paid by the owner or developers specifically for City initiated installation, replacement or maintenance of sidewalk/pathways within the public right-of-way or granted public easement based on prioritization by City Council.
 3. Undue hardship or threats to public safety may include but are not limited to insufficient right-of-way, significant utility conflicts, extreme topography, incompatible natural features (preserved or protected trees), complete absence of existing or planned sidewalks on a city classified "local street (residential)", or an unsafe pedestrian environment caused by vehicle proximity and speed.
- C. Multi-use Paths and Trails
 1. All multi-use paths shall meet the minimum city standards.
 - a. Multi-use paths or trails may be concrete or asphaltic concrete.
 - b. All multi-use paths and trails shall remain unobstructed by sidewalk furniture, street trees, planter boxes, newspaper boxes, retail displays or other barriers to pedestrian or bicycle movement.
 - c. All signs shall be placed in accordance with the latest Florida adopted MUTCD standards.
- D. Bicycle Lanes and Facilities
 1. All bicycle lanes shall be per the minimum FDOT requirements per Standards Plans 711 (Latest Edition) and minimum widths shall be measured from the edge of curb on streets without on-street parking.
 2. Developments shall be responsible for constructing the segments of planned bicycle or multi-use pathway facilities located on the property of the proposed development.
 3. Bicycle and multi-use pathway facilities are identified in the City's Master Pathways Plan, Comprehensive Plan, Impact Fee Study and Mobility Plan.
- E. Pedestrian Amenities
 1. All developments, except single-dwelling or duplexes residences, shall provide gathering/sitting areas that at a minimum include the following decorative pedestrian amenities in groups of two in any combination:
 - a. Benches.
 - b. Bicycle racks.
 - c. Decorative water or drinking fountains
 - d. Pedestrian lighting fixtures

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- e. Public Art sculptures in accordance with any City Public Art program

SECTION 6.02.06 TRANSIT NETWORK

- A. All developments shall contribute to the creation and/or reinforcement of a pedestrian-friendly transit system by adhering to the following requirements:
 - 1. Future transit stop locations.
 - a. The Mobility Plan and The Okaloosa County Transit Development Plan identify potential future transit stops to support Public Transit for the region.
 - i. These locations represent an ideal spacing of transit stops along the transit routes, although the precise final location will depend on a number of factors including land availability for bus bays, shelters, and other transit amenities, the demand for transit service at the location, and the provision of transit, pedestrian, and vehicular safety at the location.
 - ii. For any proposed development within 200 feet of a proposed transit stop, the applicant shall coordinate with the City Manager or designee to determine the exact location of the transit stop, or alternatively, may decide that the transit stop would be more appropriately located elsewhere, in which case the applicant will be required to provide alternative multimodal mitigation.
 - 2. Transit stop connection.
 - a. All developments located within a one-quarter-mile radius of an existing or proposed transit stop location must provide a sidewalk connection, in conformance with this Code and other required city standards, from the development to the transit stop if a continuous sidewalk does not exist.
 - b. If a continuous sidewalk does exist, then the development is relieved from having to meet this requirement.
 - c. For a transit stop located on or immediately adjacent to the site, the sidewalk shall directly connect the building nearest to the transit stop and the transit stop itself.
 - d. For a transit stop located off-site, the sidewalk shall connect the on-site sidewalk network to the public sidewalk that leads to the transit stop.
 - 3. Transit Stop Amenities, Design, and Easements.
 - a. For any site that has been identified as a location for a transit stop, transit stop amenities shall be required and include:
 - i. A passenger shelter equipped with a bench that accommodates a minimum of eight (8) people and an area to accommodate one wheelchair.
 - ii. A bike rack that accommodates at least three bikes.
 - iii. Sufficient outdoor lighting for safe pedestrian movement at night.
 - iv. A location/information sign that at a minimum shows the location of the transit stop regarding other transit stops located in the transit system.
 - v. A sidewalk that connects the transit stop area to the internal (development site) and external (public) sidewalk system.
 - b. For any site that has been identified as a location for a transit stop, the transit stop shall be designed in accordance with the recommendations per the Okaloosa County transit authority and the following requirements.
 - i. These transit stops shall include a dedicated area for safe and convenient bus access.

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- ii. Transit stops consist of three types:
 - (a) Curbside stops
 - (i) Curbside stops shall be located in the travel lane of the adjacent road.
 - (b) Bus stops
 - (i) Bus bay stops shall be located outside of the travel lanes of the adjacent road and provide enough room for a deceleration/acceleration lane and a bus loading zone that is 12 feet wide by 40 feet in length.
 - (c) Queue jumper bus bay stops.
 - (i) Queue jumper bus bay stops shall be located in an acceleration lane of the adjacent road.
 - (d) Any off-street transit areas shall provide a circulation route and a twelve-foot (12') wide by forty-foot (40') long bus loading zone.
 - (e) The circulation route for the bus to enter and exit the subject property must contain a turning radius of 40 feet (40') to accommodate bus movement.
 - (f) The bus loading zone must be located outside of the normal parking/access circulation pattern.
 - (g) The shelter and waiting area shall provide six feet (6') of width of the adjacent sidewalk free of obstructions.
 - (h) The waiting area shall be wide enough to accommodate the bench and wheelchair with a minimum of eight feet (8') in depth.
 - (i) An unobstructed loading path with a minimum of five feet (5') in width shall be provided connecting between the waiting area to the edge of the curb to provide direct access to a stopped bus.
- c. For any site that has been identified as a potential location for a transit stop, a public ingress and egress easement shall be required to provide space for this stop.
4. Maintenance of items required by this section, including, but not limited to, sidewalks, transit shelters, benches, and lighting, shall be governed by the provisions of **Section 2.02.06** Guarantees and Sureties of this Code.

SECTION 6.03 ON-SITE PARKING AND LOADING STANDARDS

SECTION 6.03.01 GENERAL STANDARDS

- A. Parking standards for uses not listed specifically in this **Article** shall meet the on-site vehicle, and bicycle, if applicable, parking requirements of the uses listed in this **Article** which are similar or as determined by the City Manager or designee.
- B. Parking areas shall be designed in accordance with ADA Standards for Accessible Design, including required number of handicap-accessible spaces, dimensions, and signage.
- C. For the purposes of this article, "boat parking spaces" may replace no more than 15% of required vehicular parking for non-commercial uses on property zoned SHMU, CMU, and INST.
 1. New and pre-existing developments may substitute up to 15% of the total required vehicle parking spaces for nonresidential uses for boat parking spaces.
 - a. The spaces shall be located within the submerged land lease of the upland property associated with the upland property/use in question.

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- b. Any boat parking spaces used for substitution must have signage that clearly indicates they are for use for the associated upland property/use.
 - c. No commercial moorage, activity, or use shall occupy any boat parking space utilized for upland parking reductions at any time.
 - d. Overnight docking is prohibited.
 - e. Residential uses do not qualify for this substitution of required vehicle parking spaces.
 - D. Parking, loading, or accessway areas used or set aside for parking, loading, accessways or service and utility areas shall not be located within ten feet of the property line when such property line abuts single-dwelling, duplex, townhouse, or multi-dwelling uses.
 - E. Multiple uses
 - 1. If there are multiple uses or accessory uses provided within a building or on a property or development additional parking shall be provided for those accessory uses at the rate of the requirements for such uses as required in the required parking regulations.
 - F. Computation of vehicle and bicycle parking spaces
 - a. When the number of required vehicle or bicycle parking spaces results in a fractional space, the required number shall be rounded up to the next highest whole number.
 - G. All on-site and on-street parking areas shall be landscaped in accordance with the landscaping and tree protection requirements per this Article 6.
 - H. Surface Materials
 - 1. The following materials may be utilized for parking and accessways in accordance with the this Article, however, all site ADA routes parking, and loading areas, shall be constructed of solid surfaces, not including pavers, and meet Fire Code standards.
 - a. Gravel
 - i. Designed to not be tracked off-site.
 - (a) If gravel is repeatedly seen to be tracked off-site, property owner will be subject to the maximum enforcement allowed by this Code.
 - ii. Shall not be installed within the right-of-way.
 - b. Asphalt Pavement
 - c. Concrete
 - d. Paver systems
 - i. Within the right-of-way shall require a Hold Harmless Agreement
 - e. Other material as approved by the City Manager or designee and may require a Hold Harmless Agreement.
- I. Maintenance of Parking Facilities and Accessways
 - 1. All parking facilities shall be maintained as approved and permitted.
 - 2. On-site, and on-street parking in the case of private rights-of-way, vehicle parking facilities shall:
 - a. Be well maintained
 - b. Be free of potholes, debris, weeds, broken curbs, and broken wheel stops
 - c. Be clearly striped, if paved
 - d. Have one wheel stop per space,
 - e. Have all lighting in working condition
- J. All parking spaces, except parallel spaces, shall have wheel stops and shall prevent damage to or encroachment into pedestrian pathways, landscaping, fencing, other parked vehicles and buildings.

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1. Curbing may be utilized as a wheel stop if the pathway or sidewalk is six feet (6') wide and there is a remainder 3 feet (3') of pathway remaining from the vehicle overhang area.

SECTION 6.03.02 VEHICLE PARKING STANDARDS

- A. The purpose and intent of this section is to require vehicle and bicycle parking facilities for all land uses in sufficient number, size, and arrangement to adequately meet the needs created by those land uses to:
 1. Alleviate or prevent the congestion of vehicle traffic on streets caused by a lack of adequate parking spaces.
 2. Promote general traffic and pedestrian safety by minimizing conflicts between moving and parking vehicles and vehicles and pedestrians.
- B. Parking facilities shall be provided for all development within the City pursuant to the requirements of this code and article.
- C. It shall be unlawful for any owner or operator of any building or land use affected by this code to cause or permit the discontinuance or reduction of required parking.
- D. No storage, waste facilities, maintenance of any equipment, parking of business/company vehicles, or other non-parking activities may occur within, block, or otherwise obstruct any required parking space, on or off-site.
- E. A property owner may ~~establish~~ propose alternative parking plans with a shared parking agreement meeting the requirements of ~~Section 4.09.05-6.03.05~~ and is in compliance with this article. Such parking agreement shall be approved by the City Manager or designee the City Council on a case-by-case basis, and shall be recorded via a major development application, or deviation thereof.
 1. If a parking agreement is part of a development application, it shall be approved through the process the proposed development is running through per Article 2.
- F. ADA or handicapped parking spaces are required and shall be consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and or F.S. § 553.5041, whichever requires more accessibility.
 1. Refer to the latest ADAAG addition regarding exceptions and additional requirements.
 2. ADA or handicapped parking shall be located on the same lot or parcel it is intended to serve.
 3. No ADA space can be located in an off-site parking lot.
 4. Even if a use utilizes public parking to meet the parking requirement, the same amount of ADA parking as would be required if the lot was on site, shall be provided for at the location of the proposed use.
- G. Only vehicles in operating condition shall occupy such spaces.
 1. Automotive vehicles, without current license plates, shall not be parked or stored on any residentially zoned property other than in enclosed buildings.
 2. No vehicle with "vehicle" signs may be parked in any required parking lot for the purposes of advertising.
- H. Location of On-site parking facilities. The following regulations shall apply to all development in the City which requires vehicle and bicycle parking:
- I. Location of vehicle parking. The on-site vehicle parking facilities required by this article shall be located on the same lot or parcel of land they intend to serve.

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1. This requirement does not apply to those areas designated as special parking districts as specified in Section 6.03.06 Off-Site Parking and Section 6.03.07 Special Parking Districts or as part of a shared parking agreement per Section 6.03.05.
 2. On-street vehicle parking shall be in accordance with Section 6.03.06.
- J. Additional parking spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.
1. Buildings, structures, docks, marinas or uses may be modernized, altered, or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site and/or on-street vehicle parking spaces in accordance with this code.
 2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site and/or on-street vehicle parking spaces, shall be brought into compliance with the vehicle parking space requirements for the entire building, structure, dock, marina, or use.
- K. Parking spaces required for multiple uses
1. Where multiple uses or purposes exist on a parcel or lot, the parking space requirements for each use shall be calculated separately and the requirements combined for a single total number of parking spaces needed.
 - a. Shopping centers are based on gross floor area.
- L. Tandem or end-to-end vehicle parking
1. Nonresidential uses shall only be allowed to utilize tandem through an approved and recorded parking agreement per Section 6.03.05, and shall follow all the following requirements:
 - a. Shall include valet parking for all tandem spaces serving customers and patrons.
 1. Nonresidential uses without valet parking are prohibited from using tandem or end-to-end vehicle parking.
 - b. Tandem or end-to-end vehicle parking stalls shall not exceed more than three vehicle parking spaces placed end-to-end for nonresidential uses.
 - c. Each tandem or end-to-end vehicle parking stall shall have clearly designated pavement markings.
 - d. Signs shall be posted clearly designating which spaces are tandem and what entity the spaces are designated for.
 2. Tandem Parking for Residential Uses may be allowed to use tandem parking that exceeds two vehicles end to end if the following criteria are met.
 - a. A residential property, to include Short-term Rentals in residentially zoned districts, utilizing tandem parking exceeding more than two end-to-end vehicles in any configuration, it shall not include more than 1 column of end-to-end parking.
 1. The parking area for the tandem parking shall not exceed twelve feet (12') in width.
 - b. Tandem parking is only allowed on one side of the residence.
 - c. On corner lots, the tandem parking shall not be placed between the ROW and the residence.
 - d. This section shall not preclude a property from getting an accessway to the maximum width as identified in Section 6.02.04. to be able to park multiple vehicles across in one row side by side where the driveway meets the ROW line.

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- e. Tandem parking shall be set back a minimum of one foot (1') from the property line, unless there is a recorded joint access agreement that meets the requirements of 6.02.04.
- f. Landscape/Open Space Protection
 - 1. Any property utilizing this parking configuration shall provide a landscaped/open space area between the ROW and the front of the residence.
 - (i) This area cannot include other buffers or setback areas.
 - 2. This area shall not be developed for any use other than landscaping or open space.
 - 3. The area required shall equal 50% of the total tandem vehicle parking area

SECTION 6.03.03 BICYCLE PARKING STANDARDS

- A. All uses, unless specified below, require a minimum of ten percent (10%) of the required vehicle parking spaces.
 - 1. Elementary, middle, or high school (public or private)
 - a. 1 space per 9 students
 - 2. Post secondary, professional trade training, or non-traditional university facilities
 - a. 1 space per 15 students
 - 3. Parks
 - a. 5 spaces
- B. Location:
 - 1. All bicycle parking shall be located within 20 feet of building entrances.
 - a. For sites with multiple land uses and/or multiple building entrances, bicycle parking shall be distributed between the various uses or entrances proportionate to the number of vehicle and bicycle parking spaces required of this Code.
 - 2. In highly visible well-lighted areas to minimize theft and vandalism and shall be at least as convenient as the majority of vehicle parking spaces provided.
 - 3. In a manner that shall not impede pedestrian or vehicular circulation,
- C. Bicycle parking facilities within vehicle parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops, poles or other similar features.
- D. The design of bicycle parking shall be harmonious with their environment both in color and design and incorporated into building design or street furniture whenever possible.
- E. Bicycle parking facilities shall be provided consistent with the requirements of this code where buildings, structures, docks, marinas, or uses are enlarged in gross floor area, capacity, or ground area.
- F. When the use of a building or land is changed, additional bicycle parking spaces shall be provided to the extent that the number of parking spaces required for the new use exceeds the number of parking spaces required for the previous use.

SECTION 6.03.04 STACKING AND LOADING STANDARDS

- A. Facilities that provide a drop-off or drive-through facility shall provide a minimum stacking lane capacity for five (5) vehicles before the menu board, drop-off area, or other similar facility.
- B. Loading and stacking areas shall provide clear ingress and egress.
- C. No more than thirty percent (30%) of the total required number of parking spaces or five (5) parking spaces, whichever is less, when placed in a stacking lane, may be credited to the required number of off-street parking spaces.
- D. A stacking lane space shall be ten feet (10') wide by twenty-two feet (22') deep.

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SECTION 6.03.05 PARKING AGREEMENTS

- A. All parking agreements shall include at a minimum:
 - 1. An acknowledgment that all required parking spaces are accounted for and will be maintained throughout the life of the agreement.
 - 2. Parking lot layout of both on-site and off-site facilities, if applicable
- B. Any parking agreement shall be recorded against the property and shall be valid until:
 - 1. The uses specified in the agreement cease
 - 2. Both parties agree to nullify the agreement.
- C. No property shall enter into more than one (1) parking agreement at any one point in time.
- D. All required parking spaces per use shall be accounted for in all parking agreements.
- E. Shared Parking agreements shall be recorded via a major development order application and may be approved on a case-by-case basis by City Council. Any change to an existing parking agreement shall require a major development order application, or deviation thereof, if applicable.

SECTION 6.03.06 PARKING REDUCTIONS

A. ~~Parking Reduction for Preservation of Protected Trees~~

- 1. ~~The City Manager or designee shall authorize a reduction in the total number of vehicle parking spaces required for the preservation of native protected trees provided the applicant meets the following provisions:~~
 - a. ~~The site plan shall be approved by a licensed arborist to ensure the site is being developed in a manner that will protect and maintain the tree(s).~~
 - b. ~~The preservation of a protected tree with a trunk of 12 inches in diameter or greater.~~
 - c. ~~The reduction in the total number of required vehicle parking spaces will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following reduction schedule listed in Table 8-7: Vehicle parking space reduction schedule for preservation of protected trees shall apply:~~

Table 6.03-1 Vehicle Parking Space Reduction Allowance	
Number of Required Vehicle Parking Spaces	Reduction of Required Vehicle Parking Spaces Allowable
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees preserved)

- 2. ~~The actual reduction in the total number of vehicle parking spaces shall be the minimum number of spaces needed to preserve the protected tree(s). Should the protected tree(s) die, then the property owner shall be required to replant a new tree(s) of the same species, or the planting area shall be converted to a parking area.~~
- 3. ~~The parking area reduction used for the preservation of protected trees shall not be counted as part of the minimum required open space per the applicable zoning district.~~

TABLE 6.03-2 Tree Preservation & Parking Reduction

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Tree Species	Tree width	Requirement/Reduction
Oak Magnolia	0-12"	Can be removed and do not have to be replaced
	12"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.
All other tree species	0-12"	Can be removed and do not have to be replaced
	12" - 24"	Trees can be removed but must be replaced elsewhere on-site.
	24"+	Trees shall be maintained on-site and parking reduction granted only for the site of the tree.

SECTION 6.03.07 VALET PARKING

- A. Any proposed valet parking shall require a Parking Agreement as outlined in [Section 6.03.05](#).
- B. Shall only be used to provide up to 50 percent of the total required number of parking spaces.
- C. All required ADA spaces shall be located on-site and in compliance with all federal, state, and local ADA regulations.
- D. The parking area where the valet parking spaces are located can be on-site or off-site, provided the off-site parking area is located in accordance with the requirements of [Section 4.09.07](#).
- E. The valet parking attendants may utilize tandem or end-to-end parking stalls to park vehicles.
 1. Tandem parking stalls shall not accommodate more than three cars parked end-to-end.
 2. This parking arrangement shall only be used for the following uses, as listed in Table 8-6: Bicycle and Vehicle Parking Standards: 721110 Hotels and motels, 721191 Bed-and-breakfast inns, 721199 Other traveler accommodations, 7213 Rooming and boarding houses, 722110 Full-service restaurants, 7224 Drinking places, alcoholic beverages, and 713930.c Fare-carrying vessels.
- F. Requirements and contents of valet parking agreement
 1. Permission for such valet parking shall be by a valet parking agreement which has been submitted, reviewed, and approved by the City prior to being recorded in the public records of Okaloosa County, Florida.
 2. Said valet parking agreement shall be deemed a covenant running with the land and shall at a minimum contain the following provisions:
 - a. A detailed site plan of the proposed valet parking operation which shall include, but not be limited to:
 - i. The proposed pick-up/drop-off area parking
 - ii. The location of valet parking spaces
 - iii. The total capacity of the valet parking facility
 - b. A written detailed valet parking operations plan, including:
 - i. Hours and days of operations
 - ii. Routes to and from the parking area(s)
 - iii. The minimum number of valet parking attendants
 - iv. Location and design of the proposed valet parking sign.
 - c. A statement from the owner or other authorized agent indicating their understanding that they will be committing a penal offense to cause or permit such valet parking area to be operated or used without providing the services of attendants.

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- d. A statement from the owner or other authorized agent indicating their understanding that the valet parking agreement is a covenant running with the land and that it cannot be amended without the consent of the City.
3. After the valet parking area has been constructed, inspected and approved by the City, it shall be a penal offense by the owner or operator of such building to cause or permit such parking area to be operated or used without providing the services of attendants, provided that if the area wherein the building is constructed pursuant hereto is subsequently included in an area declared exempt from the requirements of this section, the building may take advantage of this exception and use the area set aside for on-site parking for any permissible use under the zoning for the applicable district, and the City will execute a recordable release to evidence the release of such on-site parking restrictions. Violations of this section shall be subject to the general penalty provisions of section 1-9 of the Code of Ordinances. Each day that such attendant service is not provided for and maintained shall be a new offense.
4. In the event any building in existence or under construction can qualify for the use of valet parking under the requirements in this Article, then the required off-street parking for such building may be modified accordingly.

SECTION 6.03.08 OFF-SITE PARKING

- A. The City Council may designate special parking districts as listed in **Section 6.03.07** where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.
- B. The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:
 1. Nonresidential uses are the only uses allowed to utilize off-site parking.
 2. Those portions of a mixed-use development that contain long-term residential uses, as defined in comprehensive plan, are required to have all required parking spaces located on-site.
 3. All required handicap parking spaces and loading spaces for all developments are not allowed to be located off-site and must be provided on-site.
- C. Maximum distance:
 1. The maximum distance for off-site parking facilities allowed is one-half mile (½ mi.) or 2,640 feet.
 - a. The measurement of this shall be measured starting at the front or main entrance of the property along the nearest pedestrian network to the furthest point of any location along the property line of the off-site parking facility.
 - b. If a pedestrian network does not exist or is missing elements or sections, the developer, owner or applicant requesting the off-site parking shall be responsible for developing or completing the pedestrian network.
 - c. If any portion of the network is out of compliance with the Americans with Disabilities Act at the time of permitting, the affected pedestrian network shall be brought into compliance.
- D. Off-site or On-street public parking facilities.
 1. For development proposed in the special parking districts per Section 6.03.07, that wish to take advantage of City owned and maintained parking lots/garages, the City Manager or designee may allow the developer to pay an in-lieu parking fee instead of providing the spaces required by this article.

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2. The fee shall be a one-time, non-refundable fee per parking space avoided, paid to the City prior to the issuance of a certificate of occupancy.
 3. The fee shall be determined by the City Council and shall be equal to the land acquisition, construction, and maintenance costs of parking spaces that are deferred by this provision.
 4. The City shall use these fees solely for the purchase, construction, operation and maintenance of public parking facilities.
 5. The City Council may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking facilities.
- E. Until such time as the City has acquired sites for public parking as generally identified in the Harbor CRA Plan, the City shall annually review the parking standards pertaining to the uses within the special parking districts per **Section 6.03.07** to determine the adequacy of those parking requirements.
- F. Off-site private parking facilities.
1. For development proposed in these districts that wish to take advantage of privately owned and maintained parking garages or surface parking lots, such parking spaces must be under the ownership or common control of the property owner proposing to place required parking spaces off-site in order to meet the parking requirement for that property.
 2. The ownership or common control of the parking spaces may be in the form of simple fee ownership or long-term lease (30 years or more).

SECTION 6.03.09 SPECIAL PARKING DISTRICTS

- A. Off-site parking districts. The following off-site parking districts are hereby established:
1. Harbor Area Parking District
 - a. The Harbor Area Parking District encompasses all land designated as CMU, CTS, NHMU, and SHMU on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the CMU, CTS, NHMU, and SHMU zoning districts shall be located in the CMU, CTS, NHMU, or SHMU zoning district and must be located as required in Section 6.03.08 of this Article. ~~within one thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.~~
 1. ~~The measurement of one thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.~~
 2. ~~The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.~~
 2. Town Center Parking District.
 - a. The Town Center Parking District encompasses all land designated as TCMU on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the TCMU zoning district shall be located as required in Section 6.03.06 of this Article. ~~within one thousand two hundred feet (1,200') of the property for which the off-site surface parking lot or garage serves.~~
 1. ~~The measurement of one thousand two hundred feet (1,200') shall be from primary building entrance of the subject property to property line of the parking facility.~~
 2. ~~The offsite parking shall also meet the regulations in Section 6.03.06.C. for pedestrian accessway distances.~~

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3. Institutional Parking Districts.
 - a. Institutional Parking Districts encompass all land designated as INST on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated Institutional on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 2. The offsite parking shall also meet the regulations in **Section 6.03.08** for pedestrian accessway.
4. Crystal Beach Parking District.
 - a. The Crystal Beach Parking District encompasses all land designated as Crystal Beach Neighborhood (CBN) or Crystal Beach Resort (CBR) on the zoning map.
 - b. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for uses located on property designated CBN or CBR on the zoning map must be located within one-hundred and fifty feet (150') of the property for which the off-site surface parking lot or garage serves.
 1. The measurement of one-hundred and fifty feet (150') shall be from property line to property line.
 2. The offsite parking shall also meet the regulations in **Section 6.03.08** for pedestrian accessway distances.
 - c. Short-term rentals or seasonal rentals shall not be allowed to utilize off-site parking within the Crystal Beach parking district.

SECTION 6.03.10 ON-SITE LOADING STANDARDS

- A. All development requiring on-site loading shall adhere to the standards of this Article.
- B. The on-site loading spaces shall be maintained as long as the use exists that the facilities were designed to serve.
- C. Only vehicles making deliveries shall occupy such spaces.
- D. It shall be unlawful for any owner or operator of any building or land use affected by this Code to cause or permit the discontinuation or reduction of required loading spaces without the establishment of alternative loading spaces which meet the requirements of and comply with this article and also approved by the City Manager or designee.
- E. Loading spaces required for all development.
 1. On-site loading spaces shall be provided for all development within the City pursuant to the requirements indicated in this Article.
 2. Loading spaces shall be maintained as long as the use exists that the spaces were designed to serve.
 3. Loading spaces shall not be used as a parking space, for the storage of vehicles or materials or for meeting parking requirements.
 4. Loading spaces shall only be used by vehicles that are loading or unloading items that the occupant of the building, structure, or land requires delivery or pick-up.
 5. Single-dwelling detached, duplex and townhome dwellings are expressly exempt from providing loading spaces.
- F. Location of on-site loading spaces.

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1. The on-site loading spaces required by this section shall be located on the same lot or parcel of land they are intended to serve.
 2. In no case shall the location of any required loading space not be located on the same lot or parcel it is intended to serve.
 3. Loading spaces shall be located in such a manner as to provide the simplest and most convenient means of loading and unloading material or goods to the building, structure, or lot it is intended to serve.
- G. As set forth below in the table, and Article 4, all lots or parcels are required to meet at least the minimum requirements for the specific use or uses, which may have multiple applications to a particular parcel.
1. Uses not specifically mentioned in Article 4 or below shall meet the loading space requirements for the use that is most similar, comparable, or compatible, as determined by the City Manager or designee.

TABLE 6.03-2 Number Of On-Site Loading Spaces Required	
Use	Loading Spaces Required
Schools, hospitals, nursing homes, and other similar institutional uses and mid and high rise residential	1 space for the first 100,000 sq. ft. of gross floor area or fraction thereof and one space for each additional 100,000 sq. ft. or fraction thereof
Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly	1 space for the first 20,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 100,000 sq. ft. or fraction thereof
Offices and financial institutions	1 space for the first 75,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 25,000 sq. ft. or fraction thereof
Retail commercial, service, road service, and commercial entertainment	1 space for the first 10,000 sq. ft. of gross floor area or fraction thereof and 1 space for each additional 20,000 sq. ft. or fraction thereof
Industrial uses	1 space for every 10,000 sq. ft. of gross floor area or fraction thereof

- H. Loading space study.
1. If an applicant is proposing a use that is not listed in Paragraph G. and is not satisfied with the City's application of the loading space standard that is most similar or compatible to the use in question, then the applicant may submit to the City Manager or designee a loading space study to determine the actual number of loading spaces needed for the proposed use.
 2. Said loading space study shall be submitted in writing to the City Manager or designee who shall review the study and give written determination to the applicant as to whether said study is approved or disapproved.
 3. The loading space study shall include, but not be limited to the following:
 - a. Estimates of loading space requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.

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- b. An analysis of the extent to which the study's recommendation will lessen the loading space requirement for the development and whether or not the impact will have a negative impact on the purpose of providing the required number of loading spaces as specified in **Table 6.03-2**. NOTE: In no case shall a study be approved which would allow for a use listed in **Table 6.03-2** to not have at least one loading space.
- I. Additional loading spaces required for expansion of existing buildings, structures, commercial docks, marinas, and uses.
 - 1. Buildings, structures, docks, marinas or uses may be modernized, altered, or repaired, provided there is no increase in gross floor area or capacity, or ground area, without providing additional on-site loading spaces in accordance with this Code.
 - 2. Where buildings, structures, docks, marinas, or uses are enlarged in gross floor area or capacity or ground area, on-site loading spaces, as specified herein, shall be brought into compliance with the loading space requirements for the entire building, structure, dock, marina, or use.
- J. Additional loading spaces required for a change of use.
 - 1. When the use of a building or land is changed, additional on-site loading facilities shall be provided to the extent that the number of loading spaces required for the new use exceeds the number of loading spaces required for the previous use.
- K. Loading spaces required for multiple uses.
 - 1. Where multiple uses or purposes exist on a parcel or lot, the loading space requirements for each use shall be calculated separately and the requirements combined for a single total number of loading spaces needed, except for shopping centers.

SECTION 6.04 UTILITIES

SECTION 6.04.01 GENERAL

- A. The developer shall place all utilities underground and shall observe minimum setbacks as required by utility companies or regulatory agencies. Reconstructed overhead utilities more than 500 feet in length are encouraged to be placed underground.
- B. All utilities shall be placed within a right-of-way or a designated easement.
- C. All utilities shall be placed in the back of the ROW and outside of pedestrian facilities and roadways as practical.
- D. Any utilities within a sidewalk or crosswalk shall be flush mounted and meet applicable ADA requirements.
- E. All utilities with above ground components shall be placed outside of roads, accessways, the clear zone, and sidewalks.
- F. All out of service utilities shall be grouted in place as necessary or removed as determined by the City Engineer and shall remain the utility owner's responsibility to maintain records of abandoned facilities.
- G. Utility Main and Conduit Lines
 - 1. All undergrounded utilities shall be a minimum of thirty-six inches (36") below finished grade.
 - 2. All utilities shall go no deeper than is necessary based on minimum separation requirements for installation by open trench.
 - 3. Directional drilling shall meet all FDOT specifications.
- H. Utility Service and Lateral Lines

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1. All service and lateral utility lines shall be a minimum of twelve inches (12") below finished grade.
2. In the event of a service or lateral line in vicinity of a stormwater or drainage utility, the utility lines shall be twenty-four inches (24") below the finish grade of the stormwater or drainage utility.
- I. All methods of installation other than directional drilling or open trenching shall be approved by the City Manager or designee with express written approval.
 1. Missile boring (also referred to as pneumatic or impact boring) is prohibited within City rights-of-way.
- J. All above and below ground utility work shall be conducted by a licensed contractor, and they shall be listed on the 811 locate documents.

SECTION 6.04.02 SEWER

- A. Wastewater treatment in Destin is provided by private entities.
- B. The developer shall connect to the nearest sanitary sewer system provided by the utility company.
- C. All new sewer systems shall utilize gravity mains and connections.
 1. No non gravity systems are allowed for new subdivisions.
 - a. If a gravity system is not feasible, the designer of record shall submit designs for review to the City Engineer and the sewer provider for approval during the development or permitting process whichever is applicable.
 - b. The designs shall provide the following:
 1. A narrative explaining why a gravity system is not feasible.
 2. A design showing how the proposed design will tie into the sewer system.
 3. A maintenance and operations plan for the system for each individual lot shall be recorded through Okaloosa County in the Official Public Records.
- D. All proposed grinder stations shall require a backup generator as well.
- E. Sewer and stormwater infrastructure shall not be combined within the city.
- F. The following measures on the part of the City are intended to conserve the capacity of the treatment facility.
 1. Use of treated wastewater for irrigation shall be utilized when the infrastructure is in place and available.
 2. The City shall require that all septic tank users connect to the central sewer system within one year of sewer availability.
 - a. Prior to taking action to enforce compliance with this Code, the City shall after one year has elapsed notify the property owner(s) in question by registered mail stating the delinquency and providing a grace period of no more than 60 days in which to comply with this Code.
 - b. If connections are not voluntarily made to a central sewer system before the end of the grace period, the City shall use its regulatory powers to enforce compliance. This may take the form of any one or more of the following steps:
 1. Inspection of all properties not in compliance shall occur upon the sale or resale of the property or upon the disconnection of power to the property as the result of a change in occupancy. As part of the minimum standards inspection performed by the building inspector, connection to an available central system shall be required before the property is approved for occupancy.

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2. Permits for property improvement or alteration shall be withheld until compliance with this Code is achieved.
3. The City shall coordinate with the private utility companies to maintain a listing of the addresses of all properties not in compliance with this Code and shall provide copies to all persons or agencies requesting same.
4. Upon receipt of evidence by the building inspector that appropriate fees have been paid to accomplish taps to a central sewage system, any penalties or restrictions affecting the property pertinent to septic tank use shall be removed by the City.

SECTION 6.04.03 WATER

- A. Potable water in Destin is provided by private entities.
- B. The City's comprehensive plan encourages the protection and conservation of the City's potable water resources through the following actions.
 1. Backflow prevention assemblies shall be utilized to protect the public system from contamination caused by back pressure or back-siphonage.
 2. Cross connections of water lines from private wells or reclaimed water to public water supply lines shall be prohibited.
- C. The Northwest Florida Water Management District Water Supply Plan is incorporated into this Code by reference.
- D. Rule 40A-2 Florida Administrative Code (FAC), is incorporated in this Code by reference.

SECTION 6.04.04 PRIVATE IRRIGATION WELLS

- A. The Northwest Florida Water Management District issues consumptive use permits for wells drawing water from the Florida [Floridan] Aquifer which meet certain withdrawal thresholds. In order to determine whether to allow the proposed withdrawal, NFWFMD staff must determine the impact of the well on adjacent property owners and the water resource. Rules generally state that the withdrawal of water from a well:
 1. Must not cause the level of the potentiometric surface under lands not owned, leased or otherwise controlled by the applicant to be lowered more than five feet;
 2. Must not cause the level of the water table under lands not owned, leased or otherwise controlled by the applicant to be lowered more than three feet;
 3. Must not cause the level of the surface of water in any lake or other impoundment to be lowered more than one foot; and
 4. Must not cause the potentiometric surface to be lowered below sea level (rule 40D-2.301(3), FAC).
 5. These regulations use the drawdown depth means of determining the impact on water resources since the quantity of consumptive use is the primary concern.
 6. Shallow wells which draw water from the sand-and-gravel aquifer shall be used for irrigation purposes only and may not be located within 25 feet of another shallow well.

SECTION 6.04.05 SOLID WASTE AND RECYCLING

- A. Solid waste and recycling services are provided through the City's franchise agreement with the chosen solid waste provider.
- B. All development shall provide the appropriate facilities for amount of solid waste and recyclable products produced by the land uses within the development.

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1. Nonresidential developments, to include multi-dwelling developments, shall not utilize residential roller style waste bins.
- C. All solid waste and recycling facilities shall;
 1. Be located on private property and not allowed within any right-of-way. A variance cannot be requested to place any waste facility within the right-of-way.
 2. All pick-up and dumping access of solid waste and recycling facilities shall occur on private property and not within any right-of-way for multi-dwelling and non-residential uses.
 3. Not be blocked by or located in front or behind any parking or loading spaces.
 4. All solid waste and recycling facilities shall be screened by 100% opaque screening material.
- D. Oil, grease, paint, products shall not be commingled with ordinary household solid waste.
 1. Used motor oil shall be taken to oil collection centers or picked up by a collection service.
- E. Setbacks:
 1. Front: Setback enough to meet all requirements in paragraph C above
 2. Side & Rear:
 - a. Adjacent to residential or duplex use: ten feet (10')
 - b. Adjacent to multifamily or non-residential use five feet (5')

SECTION 6.04.06 NON-RESIDENTIAL DEVELOPMENT STORMWATER REQUIREMENTS

- A. The purpose of this section is to protect water quality and control ground erosion on non-residential developments by containing the maximum volume of stormwater runoff possible on the development site.
- B. All development, shall provide sufficient stormwater collection, retention, or detention facilities on-site, unless the property has rights to stormwater facilities off-site.
- C. All sites that add pervious areas, a new stormwater plan shall be required and must meet current code.
- D. All stormwater management plans submitted pursuant to this code shall conform to the standards and provide all the information as required by this Article or as identified by the City Manager or designee.
- E. All stormwater collection, retentions, or detention facilities shall be maintained for the life of the development and can only be changed through a permit submitted to the Community Development Department for compliance review against the regulations of the LDC and the comprehensive plan.
- F. The stormwater system shall be based upon the facilities necessary to dispose of runoff according to the recurrence frequencies listed below.
 1. Drainage basin with an outfall: one inch (1") of rainfall over the entire site, or 25 year-24-hour storm event, whichever is greater.
 2. Drainage basin without an outfall: 100 year-96-hour storm event.
 3. Uncontrolled release from a drainage basin is prohibited up to a 100 year, 96-hour storm event.
 4. The site post discharge rate shall not exceed pre-development discharge rate.
 5. Any drainage basin with an outfall must ensure that capacity exists in the existing network to which the basin discharges.
- G. Rainfall data shall be obtained from the state department of transportation's rainfall curves, or other approved agencies.
- H. All stormwater systems shall treat runoff prior to any off-site discharge.
- K. Open Channels and Outfall Ditches

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- a. Where flow velocities exceed two feet per second, ditch pavement or other permanent protection against scour shall be provided.
- b. All open channels and ditches not protected with a permanent material shall be sodded to provide an erosion resistant embankment.
- c. Open channels or ditches shall not overwhelm or inundate any downstream system(s).
- L. The continued maintenance of the stormwater management system for all projects shall be the responsibility of the property owner.
- M. Stormwater Master Plans are required for all new or redeveloped properties meeting the standards as set forth in this Article.

SECTION 6.04.07 RESIDENTIAL DEVELOPMENT STORMWATER REQUIREMENTS

- A. The purpose of this section is to protect water quality and control ground erosion on residential developments by containing the maximum volume of stormwater runoff possible on the development site.
- B. This section shall apply to single-family detached and duplex developments. For all other developments, the requirements in 6.04.06 shall apply.
- C. A stormwater plan shall be submitted to the City for all residential projects that add impervious area or modify pervious area whether City Council approval is required or not.
 - 1. A one-time exemption to a required stormwater plan may be allowed per property not to exceed the addition of more than two-hundred and fifty (250) square feet of impervious surface.
- D. All stormwater management plans submitted pursuant to this code shall conform to the standards and provide all the information as required by this Article or as identified by the City Manager or designee.
- E. All stormwater collection, retentions, or detention facilities shall be maintained for the life of the development and can only be altered after obtaining a city-issued permit for the proposed alteration or modification.
- F. Single-dwelling and Duplex Stormwater Table
 - 1. Use the following Single-dwelling Stormwater Table if the following criteria are applicable:
 - a. Single-dwelling/duplex lot 1 acre or less
 - b. When a percolation rate of ten inches an hour (10"/hour) or greater can be achieved with the native soils.

<i>Stormwater percentage capture requirement</i>	
55% or less Impervious	1.6" over the site
55.1 - 65% Impervious	1.8" over the site
65.1 - 75% Impervious	2.0" over the site

- 2. The maximum depth of the stormwater system shall be eighteen (18) inches, and side slopes shall not exceed a ratio of three (3) feet horizontal to one (1) foot vertical.
- 3. The applicant for approval of a plan under this section shall be required to adhere strictly to the stormwater management plan as permitted. Any changes or amendments to the plan must be approved by the City prior to beginning construction. After completion of a project, the City shall inspect the project using the approved plans. Any deviations in the final construction from the approved plans shall constitute grounds for withholding the final inspection approval and the certificate of occupancy. Only after a revised stormwater

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- management plan has been submitted, reviewed, and approved by the City, shall the final inspection approval and the certificate of completion or occupancy be issued.
4. The continued maintenance of the stormwater management system for all projects shall be the responsibility of the property owner.
- G. A professional engineer may be utilized in lieu of using the Single-Dwelling and Duplex Stormwater Table. If a professional engineer is utilized, the stormwater management plan shall be prepared, signed, dated and sealed by a professional engineer registered in the State of Florida. Provided retention shall retain the first inch of rainfall on-site up to and including a 25-year, 24-hour storm event. If a professional engineer is utilized, the stormwater management plan shall contain the following information:
1. Location map
 2. Existing environmental and hydrologic conditions of the site and/or receiving waters or wetlands.
 3. The location of areas on the site where stormwater collects or percolates into the ground
 4. Groundwater levels, including seasonal fluctuations
 5. Topography
 6. Soils
 7. Proposed alterations of the site described in detail, to include changes in topography, areas where vegetation will be cleared or otherwise removed or killed, areas that will be covered with an impervious surface and a secretion of the surfacing material, and the size and location of any building or other structures.
 8. All components of the drainage system and any measures for the detention, retention, or infiltration of water, or for the protection of water quality described in detail..." and the rest of LDC 10.03.02.C.
- H. A stormwater plan may be required by the City after a permit is issued if the conditions on site necessitate further review as determined by the City Manager or designee.
- I. A professional engineer is required to design residential stormwater systems if any of the following conditions exist or apply:
1. Native soil has a lower percolation rate than ten inches and hour (10"/hour)
 2. A sub-surface stormwater system is proposed
 3. The groundwater table needs to be verified via a geotechnical report
 4. The overall site/development contains minimal impervious surface
 5. The site is over one acre in size.
- J. The City, at its discretion, may accept maintenance of certain stormwater management systems which benefit portions of the City. The acceptance of any stormwater management system by the City shall require approval of the City Council, after receiving the recommendation of the City Manager's or designee. All areas and structures to be maintained by the City must be dedicated to the City by plat or separate instrument and accepted by the City Council. All systems to be dedicated to the City shall be maintained by the owner for a minimum of one year from completion of construction and acceptance by the City. The systems to be maintained by the owner shall have adequate easements to permit the City to inspect and, if necessary, to take corrective action should the owner fail to properly maintain the system. Should an owner fail to properly maintain his system, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the

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owner fail, within 30 days from the date of the notice, to take corrective action satisfactorily to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs thereon.

SECTION 6.05 LIGHTING

SECTION 6.05.01 GENERAL SITE LIGHTING REGULATIONS



- A. All non-residential and multi-dwelling developments shall provide site lighting in accordance with this Code.
- B. Off-site Illumination
 - 1. Unless otherwise specified elsewhere in this Code, the maximum light level shall be:
 - a. Zero point two (0.2) maintained foot candles at any property line on a residential use area, or on a lot occupied by a dwelling, congregate care or congregate living structure.
 - b. Five (5) maintained foot candles at all street rights-of-way.
- C. Measurement of Lighting
 - 1. Light levels are specified, calculated and measured in foot candles (FC).
 - 2. All FC values listed are maintained foot candles.
 - 3. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated.
 - 4. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant.
 - 5. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up.
 - 6. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five percent.
 - 7. Measurements shall be taken by a Code Enforcement Officer or other designated City Staff with a light meter that has been calibrated within the year.

SECTION 6.05.02 SITE LIGHTING STANDARDS

- A. General standards for non-residential and multi-dwelling site lighting
 - 1. All parking areas serving the public or users of non-residential and multi-dwelling developments shall provide site lighting across all parking and pedestrian areas.
 - a. Maximum fc:
 - i. Non-residential no brighter than 3.2fc
 - ii. Residential no brighter than 1.8fc
 - iii. Fueling stations no brighter than 22fc
 - (a) Lighting shall be shielded in a way that the light source is not visible while standing at the property line from a height of four feet (4').
 - b. Lighting level shall be a minimum of zero point two footcandles (0.2fc) at ground level.
 - 2. In no instance shall a light be utilized in a manner to project skyward, except as allowed by **Sections 6.05.04 and 6.05.06.B.**
 - 3. All light fixtures shall meet the Illuminating Engineering Society of North America (IESNA) definition of cutoff fixtures, and:
 - a. Prohibit upward directed light
 - b. All lighting requires shields to avoid and minimize glare and the light source shall not be visible while standing at the property line at a height of four feet (4') of height.

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- c. All sights shall utilize only the amount of lighting required to avoid and minimize over-lighting
- d. Utilize dimming and other appropriate lighting controls
- e. No site lighting shall exceed 5,000K temperature to minimize short-wavelength (bluish) light in the nighttime environment.
4. Directional fixtures (such as flood lights) may be used provided they shall be aimed and shielded in accordance with this ordinance.
5. Other than flood lights, all outdoor area and parking lot lighting fixtures generating more than 2,000 lumens shall be cutoff fixtures or comply with at least one of the exception provisions in **Paragraph 9** below.
6. For all new development and redevelopment, the mounting height of all outdoor lighting, except outdoor sports field lighting and outdoor performance area lighting, shall not exceed;
 - a. Sixteen feet (16') above finished grade in residentially zoned areas and in pedestrian use areas; and shall be mounted as low as possible
 - b. Thirty feet (30') above finished grade in nonresidential areas.
7. Electrical service for all new outdoor lighting shall be installed underground.
8. No operation or activity shall produce glare in excess of the amounts permitted below.
 - a. All commercial and manufacturing districts site lighting shall not glare or bleed onto;
 - i.  Single-dwelling, duplex, or multi-dwelling, congregate care or congregate living structure development at a level of more than zero point two footcandles (0.2fc) at the property line.
 - ii.  Public or private ROW at a level of more than five footcandle (5fc) at the ROW line
 - (a) Flood lights and display lights shall be positioned so that any such fixture located within 50 feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed 15 degrees from perpendicular to the right-of-way.
 - b. All vertically mounted directional lights (floodlights and spotlights) shall be installed so that either;
 - i. The fixture is aimed down at least 45 degrees from vertical
 - ii. The front of the fixture is shielded so that no portion of the light bulb extends below the bottom edge of an external shield.
 - c. All horizontally mounted directional lights (floodlights and spotlights) emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.
 - d. All wall pack fixtures shall be full cutoff fixtures.
 9. Exemptions:
 - a. The following are exceptions to **Section 6.04.01.A.5**, however in no circumstance can these exceptions supersede any required regulation in **Section 6.04.05** Sea Turtle Lighting Standards.
 - i. Non-cutoff fixtures may be used when the maximum lumens generated by each fixture does not exceed 2,000 lumens per fixture and;
 - (a) Are set on a timer or other automatic shut-off switch
 - (b) Shall not be utilized for nightly illumination
 - ii. All metal halide, mercury vapor, fluorescent, induction, white high-pressure sodium and color improved high pressure sodium lamps used in non-cutoff fixtures shall be coated with an internal white frosting inside the outer lamp envelope.

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- iii. All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.
- iv. All nonresidential non-cutoff fixture open-bottom lights shall be equipped with full cutoff fixture shields that eliminate glare and up light.
- v. Lighting for sports fields
- vi. Approved special events

SECTION 6.05.03 VEHICLE CANOPY LIGHTING

- A. Areas under a vehicular canopy shall have a maximum point of horizontal luminance of twenty two footcandles (22fc).
- B. Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:
 - 1. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.
 - 2. Light fixture incorporating shields or shielded by the edge of the vehicular canopy itself, so that light is restrained to five degrees or more below the horizontal plane.
 - 3. Surface mounted fixture incorporating a flat glass that provides a cutoff fixture or shielded light distribution.
 - 4. Surface mounted fixture, typically measuring two feet by two feet, with a lens cover that contains at least two percent white fill diffusion material.
 - 5. Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy.
 - a. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.
- C. Areas outside the vehicular canopy shall be regulated by the standards of **Section 6.04.01** above.

SECTION 6.05.04 BUILDING ILLUMINATION OR DECORATIVE AND LANDSCAPE LIGHTING

- A. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused away from adjoining properties and all street rights-of-way and exclusively on the:
 - 1. Building facade,
 - 2. Plantings,
 - 3. Other intended site features
- B. Lighting regulated by this section shall not shine, glare, or otherwise bleed onto any public or private street ROW.
- C. This section shall not be construed in any way to regulate decorative lighting for the purpose of decorating for any holiday or special event.

SECTION 6.05.05 SEA TURTLE LIGHTING STANDARDS

- A. This Section intends to protect marine turtle hatchlings from the adverse effects of artificial lighting to provide overall improvement in nesting habitat degraded by light pollution, and to increase successful nesting activities and production of hatchlings on the beaches located within the Marine Turtle Conservation Zone within the City Limits of the City of Destin.
- B. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for artificial light sources on all new coastal construction seaward of the Coastal Construction Control Line (CCCL) in the Marine Turtle Conservation Zone are adopted:
 - 1. Exterior artificial lighting fixtures shall be designed for and positioned so that:

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- a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
2. Exterior artificial light fixtures within direct line-of-sight of the beach will be permitted only if designed and installed completely shielded down light only fixtures or recessed fixtures having low wattage (i.e., 50 watts or less), "bug" type bulbs and non-reflective interior surface. Other fixtures that have appropriate shields, louvers, or cutoff features may also be used if they are in compliance with paragraphs 1.a., b., and c. above.
 3. Floodlights, up lights or spotlights that are directly visible from the beach, or which indirectly or cumulatively illuminate the beach are prohibited.
 4. No lighting other than approved turtle friendly lights installed appropriately shall be allowed on dune walkovers.
 5. Exterior lights used expressly for safety or security purposes must comply with paragraphs 1.a., b., and c. above and shall be limited to the minimum number of configurations required to achieve their functional role(s). The use of motion detector switches that keep lights off except when approached and that switch lights on for the minimum duration possible are required.
 6. Only low intensity lighting shall be used in parking areas within line-of-sight of the beach. Such lighting shall be:
 - a. Set on a base which raises source of light no higher than 48 inches off the ground; and
 - b. Positioned or shielded so that the light is cast downward and the source of light or any reflective surface of light feature is not visible from the beach and does not directly or indirectly illuminate the beach.
 7. Parking area lighting shall be shielded from the beach through the use of ground-level barriers. Ground-level barriers must not interfere with marine turtle nesting or hatchling emergence or cause short or long-term damage to the beach/dune system.
 8. Tinted glass shall be installed on all windows and glass doors on single or multi-story structures within line-of-sight of the beach.
- C. Use of appropriately shielded low-pressure sodium vapor lamps and fixtures shall be required for high-intensity lighting applications such as lighting parking areas and roadways providing security, and similar applications.
 - D. Temporary lighting of construction sites during the marine turtle nesting season shall be restricted to the minimal amount necessary and shall incorporate all of the standards of this section.
 - E. Before granting any building permit, the Community Development Department shall determine that all proposed developments comply in all respects with the standards imposed in this section.
 - F. Utility lease lighting shall comply to all respects with the standards imposed in this ordinance, with the exception that appropriately shielded, full-cut off-feature high-pressure sodium lights may be installed for utility lease lighting until the utility provider offers functional low-pressure sodium lighting.
 - G. Standards for existing lighting. In order to provide the highest level of protection for nesting marine turtles and their hatchlings, the following standards for existing artificial light sources, including utility leased lighting, within the Marine Turtle Conservation Zone shall be brought into compliance by May 1, 2005:
 1. Existing artificial light fixtures shall be repositioned, modified, disconnected, or removed so that:

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- a. The point source of light or any reflected surface of the light fixture is not directly visible from the beach;
 - b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
 - c. Areas seaward of the frontal dune are not cumulatively illuminated.
2. Existing artificial light fixtures that are replaced for any reason shall comply with this Section, and the following measures shall be taken:
- a. Reposition fixtures so that the point source of light or any reflected surface of the light fixture is no longer visible from the beach;
 - b. Replace fixtures having an exposed light source with fixtures containing recessed light sources or shields;
 - c. Replace traditional light bulbs with yellow "bug" type bulbs not exceeding 50 watts;
 - d. Replace non-directional fixtures with directional fixtures that point down and away from the beach;
 - e. Replace fixtures having transparent or translucent coverings with fixtures having opaque shields covering an arc of at least 180 degrees and extending an appropriate distance below the bottom edge of the fixture on the seaward sides so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - f. Replace pole lamps with low profile, low-level luminaries so that the light source of any reflective surface of the light fixture is not visible from the beach;
 - g. Replace incandescent, fluorescent, and high-intensity lighting with the lowest wattage low-pressure sodium-vapor lighting possible for the specific application;
 - h. Plant or improve vegetation buffers between the light source and beach to screen light from the beach;
 - i. Permanently remove or permanently disable any fixture that cannot be brought into compliance with the provisions of these standards.
3. The following measures shall be taken as applicable to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
- a. Apply window tint or film that meets the standards tinted glass;
 - b. Rearrange lamps and other movable fixtures away from windows;
 - c. Use window treatment (i.e., blind, curtains) to shield interior light from the beach; and
 - d. Turn off unnecessary lights.
4. Public awareness
- a. Any person applying for coastal construction activities within a Marine Turtle Conservation Zone shall be informed of the existence of and the requirements concerning artificial lighting and marine turtle protection by the City of Destin's Community Development Department.
5. Prohibitions
- a. The following activities are considered prohibited:
 - i. Laser source light. The use of laser source light or any similar high intensity light for outdoor advertising unless approved by temporary lighting permit as provided by **Section 6.05.05.B**.
 - ii. The operation of searchlights or beacons is prohibited unless approved by temporary lighting permit as provided by **Section 6.05.05.B**.
 - iii. Nuisance Lighting and Glare
 - (a) All outside light sources shall be installed so that the illumination is controlled and not directed across any bounding property line of less than 200 linear feet. The allowable maximum intensity measured at the property line of a Single-

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dwelling or duplex residential use in a residential district may not exceed 0.2-foot candles.

- iv. It shall be unlawful to place or maintain on private property any light source of such intensity or brilliance within the field of view of a driver so as to impair his/her vision upon the public roadway, or to interfere otherwise with the operation of a motor vehicle.
 - (a) The brilliance of any light source less than ten degrees from a passenger car driver's line of sight, either along the roadway ahead or toward each traffic control device, sign, or signal, shall not exceed the brilliance of the headlight low beams of an oncoming passenger car whose extended centerline lies ten feet to the driver's left, when the car is between 60 and 100 feet from the driver.
6. Nonconforming Lighting
- a. The following regulations address nonconforming outdoor lighting.
 - i. Following application of this regulation, the installation of lighting, replacement of lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in strict compliance with this Code. Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens and other required components, is permitted for all existing fixtures not subject to **Subsection ii** below.
 - ii. All outdoor lighting that fails to conform to this ordinance that is damaged in excess of 50 percent of its market value shall be discontinued, removed, made to conform to this ordinance, or replaced with lighting that conforms to this ordinance.
 - iii. Notwithstanding the above, any fixture that, due to excessive glare, produces Nuisance lighting and glare, or produces Glare on roadways as prohibited in **Paragraph 5**, shall be required to either discontinue use of the fixture in question or replace the fixture with one that conforms with the requirements of this **Section**.
7. Exemptions.
- a. No provision of this Section shall take precedence over the Outdoor Lighting Standards for the Marine Turtle Conservation Zone in this Section.
 - b. Exemptions from the provisions of this ordinance are permitted when federal or state laws, rules and regulations take precedence over these provisions.
 - c. The following are exempted from the provisions of the Outdoor Lighting Regulations.
 - i. A detached single-dwelling home, and any project requiring only a building permit, shall be exempt from **Section 6.05.05**, but shall otherwise be required to comply with the other requirements of this **Section**.
 - ii. Public schools.
 - iii. Municipal streetlights.

SECTION 6.05.06 OUTDOOR LIGHTING PLAN

- A. Outdoor lighting plan, permit procedure and certificate of occupancy.
1. Whenever the provisions of this section are applicable, an outdoor lighting permit shall be required.
 2. Ensure compliance with the provisions of this section, an outdoor lighting plan that is prepared, signed, dated and sealed by a professional engineer registered in the State of Florida shall be submitted to the Planning Division for approval prior to the issuance of any development order. For a listing of which uses are exempt from these provisions, please refer to Section **6.05.01.A.9. Exemptions**.

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3. Contents of outdoor lighting plan. Applicants shall submit sufficient documentation which clearly conveys the required information. It is the responsibility of the applicant to submit sufficient information in a form that allows ready determination of whether the requirements of this Code have been met. The applicant shall submit a sufficient number of copies of the proposed plans, as determined by the Community Development Department, necessary to complete the review. The outdoor lighting plan shall include, as a minimum, the following:
 - a. All plans shall be drawn to one of the following scales that will produce a legible plan. scale. The Community Development Director may require any plan to be provided at a different scale if it is needed for Staff to conduct a proper review.
 - i. 1:10
 - ii. 1:20
 - iii. 1:30
 - iv. 1:40
 - v. 1:50
 - vi. 1:60
 - b. The trimline sheet size shall be 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.
 - c. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
 - d. The name, business address and telephone number of the individuals responsible for the preparation of the drawing(s).
 - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and date.
 - f. Relationships of the site to adjacent public or private rights-of-way, abutting properties and any public or private easements.
 - g. The location of all buildings and/or structures, transmission lines, refuse dumpsters or containers and size and type of wall or fences.
 - h. Location and area of off-street parking and vehicular use areas.
 - i. Points of ingress and egress and any planned public or private roads, rights-of-way, sidewalks or multiuse pathways, bicycle lanes or paths, transit stop shelters, or other transportation facilities.
 - j. Location and dimensions of all landscape buffers, internal landscaping, and the number, placement, height and species of all trees required (due to their effect on outdoor lighting).
 - k. Proposed open space areas on the development site.
 - l. The location of environmentally sensitive lands designated pursuant to **Article 7** of this Code, if any.
 - m. A point-by-point foot candle array in a printout format overlaid on the site plan. The point-by-point foot candle printout shall indicate compliance with the maximum-maintained foot candles required by this Code. This overlay shall also include contours indicating the light source at the property lines and ten feet into adjoining properties, including right-of-way.
 - n. A description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]

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- b. The proposed lighting is designed in such a manner as to minimize light pollution and trespass as much as is feasible;
 - c. The proposed lighting will comply with the general intent of this article; and
 - d. The permit will be in the public interest.
6. The application for the temporary lighting permit shall include, at a minimum the following information:
- a. Name and address of applicant and property owner;
 - b. Location of proposed fixtures;
 - c. Type, wattage and lumen output of lamp(s);
 - d. Type and shielding of proposed fixtures;
 - e. Intended use of the lighting;
 - f. Specific calendar days requested;
 - g. The hours of operation (not to occur between midnight CST and sunrise);
 - h. The nature of the activity or event;
 - i. Previous temporary outdoor lighting permits granted to this applicant, if any, and addresses of premises there under (Only one temporary outdoor lighting permit per year is to be granted to a multiple-occupancy complex); and
 - j. Such other information as the City Manager or designee may request.
7. Review of application
- a. Copies of the permit application and supporting documents shall be distributed to
 - i. Okaloosa County Sheriff's office – Destin Office
 - ii. Okaloosa County Airport Manager
 - iii. Destin Fire Control District
 - iv. Destin Public Works Department
 - v. Destin Parks & Recreation Department
 - vi. 96th Civil Engineer Group (Community Planner)
 - b. The City Manager or designee approve, approve with conditions, or deny the application within sixty (60) days from the date of submission of the application.
 - i. The City Manager or designee may grant one (1) renewal of the permit for an additional ten (10) days if they finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest.
 - ii. The City Manager is not authorized to grant more than one (1) temporary permit and one renewal for a ten-day period for the same property within one calendar year.

SECTION 6.05.07 STREETLIGHTS

- A. Developer shall provide streetlighting in accordance with the city standards as required by City Manager or designee.
- B. Maximum pole height is thirty feet (30').
- C. Maximum mounting height is twenty-three feet (23').
- D. All street lighting shall be shielded and directed downward.
- E. Streetlights located within three-hundred feet (300') of a primary dune of a beach must meet the minimum Florida Fish & Wildlife Commission Sea Turtle Lighting guidelines.

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SECTION 6.06 LANDSCAPING

SECTION 6.06.01 PURPOSE

- A. The landscape development regulations will serve to protect, maintain and enhance both the immediate and long-term health, safety, economic stability and general welfare of the present and future citizens of the City. These regulations have the following objectives:
 - 1. To aid in stabilizing the environment's ecological balance by contributing to the processes of oxygen regeneration, groundwater recharge, air purification and stormwater runoff retardation, while at the same time aiding in noise, glare and heat abatement.
 - 2. To ensure that the local stock of native vegetation is replenished.
 - 3. To clearly delineate and buffer the bounds of abutting vehicular use areas, particularly public rights-of-way, so that distractions of movement, noise and glare from one area do not adversely affect the activity of another area.
 - 4. To limit physical site access to established points of ingress and egress.
 - 5. To promote energy conservation by maximizing the shading and cooling effects of trees and shrubs.
 - 6. To promote and protect property values within the community by conserving and creating a more aesthetically pleasing and functional environment.

SECTION 6.06.02 GENERAL STANDARDS

- A. All development and redevelopment shall provide landscaping to the standards as set forth in this section.
- B. All landscaping shall be installed in a sound finished workmanlike manner per any applicable approved plan and or according to generally accepted good planting practices.
- C. All elements of landscaping, not including plant material except hedges, shall be installed so as to meet all other applicable requirements.
- D. All landscaping shall be maintained and kept alive at all times.
- E. If a required landscape element dies, is removed, or is otherwise removed from the site, it shall be replaced.
- F. Adequate irrigation is required for all developments (including right-of-way frontage) to maintain live vegetation.
- G. All areas of a development, property, land, parcel or lot, not utilized for structures, vehicular or pedestrian access or circulation, or other ancillary use shall be landscaped and permanently maintained with trees, shrubs, indigenous plants and ground cover, including but not limited to:
 - 1. Grass or sod
 - 2. Mulch, pine straw, or other loose material (must be stabilized and maintained in the intended location and shall not wash or be blown into any right-of-way or another property.)
 - 3. Artificial turf (on private property only)
 - 4. Landscape rock (on private property only)
- H. Landscaping south of the Coastal Construction Control Line (CCCL).
 - 1. Development area(s) between the CCCL and the Gulf of Mexico shall only meet the landscaping standards set forth in the permit issued by the Department of Environmental Protection.
 - 2. For development areas on the same property that is not beyond the CCCL shall meet the minimum requirements set forth in this section.

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- I. A minimum of seventy-five percent (75%) of all plant material used to satisfy the requirements of this section shall be native to the Northwest Florida area.
 1. Native species shall be selected as identified in the in the "Atlas of Florida Plants" which is maintained by Institute for Systemic Botany at the University of Southern Florida for Okaloosa or Walton County.
 2. Portions of a development left in the natural state shall be credited in meeting these landscaping requirements.
- J. Invasive Species
 1. In no circumstances shall any invasive species to Florida, Georgia, or Alabama as identified by any City, State, or Federal agency be utilized for plantings.
 2. This section is not intended to prohibit any individual the ability to keep unique plantings in a standalone pot and not planted in the ground.
 - a. If any individual maintains an invasive species on site it shall be kept in a manner so that the plant is contained and controlled to not spread, multiply, or otherwise threaten the local native vegetative ecosystem.
- K. At any street intersection, no plant, tree, shrubbery or any other obstruction shall be allowed to grow in a manner which would impede or restrict the vision of pedestrians or vehicle operators to oncoming traffic.
- L. The type of vegetation used in complying with these requirements shall be indigenous or of a noncompeting exotic species.

SECTION 6.06.03 OPEN SPACE

- A. The minimum required open space within all zoning districts shall be as required in the appropriate zoning district per Article 4.
- B. Synthetic Turf
 1. Synthetic turf is subject to the following regulations and Florida Department of Environmental Protection (FDEP) regulations whichever are more restrictive.
 2. Non-residential, mutli-dwelling residential, single-dwelling residential over one acre, or ROW adjacent to these.
 - a. Synthetic turn is not allowed.
 3. For ROW use adjacent to single family residential properties one acre or less.
 - a. Must be a natural "grass colored" green. No other colors of any kind are allowed.
 - b. All provisions of the FDEP Rule 62-308 must be followed.
 - c. Property Owner, or it's agent, must certify that all FDEP rules are being followed.
 - d. Maintenance and Hold Harmless Agreement for Synthetic Turf form must be signed by property owner and City of Destin.
 - i. Property Owner is responsible for ensuring all proper signatures are received.
 - ii. Property Owner is responsible for filing completed document with the County Clerk's Office.
 - iii. Property Owner is responsible for obtaining a certified copy of document filed with County Clerk's Office and present to the Engineering Department for their records.
 - iv. This step must be completed before permit is issued.
 4. For use for single family residential properties one acre or less.
 - a. For existing housing properties.

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- i. Engineered drainage report required to ensure adherence to storm management system approved for property. This includes ensuring any retention that is required is maintained and any site modifications that are proposed.
 - b. For new housing properties.
 - i. Engineered drawings required for storm management system and all requirements set forth in LDC.
 - ii. Front and side yards must be a natural "grass colored" green. Other colors are allowed in backyards that are not visible from roadway.
 - iii. All provisions of the FDEP Rule 62-308 must be followed.
 - iv. Property Owner, or it's agent, must certify that all rules are being followed.
 5. Synthetic turf is still subject to the Property Maintenance Code and shall be maintained in a functional and clean manner.
- C. Paver systems and other Hardscape elements
 1. Paver and hardscape elements are considered impervious surface and shall be included in any stormwater calculations as such.
- D. Open Space Reduction Incentive
 1. Within the North Harbor (NHMU), South Harbor (SHMU), and Town Center Mixed Use (TCMU) districts the minimum required open space can be reduced to not less than 12 percent through adherence to the following requirements:
 - a. Developments that provide, on their property, a pedestrian information kiosk at the Harbor Boulevard-side terminus of a pedestrian walkway and/or pedestrian/bicycle pathway to the Harbor Boardwalk in conjunction with a mass transit pull-off or public access easement (one percent).
 - b. The use of drip irrigation for all shrubs and ground cover areas, where appropriate, on the subject property (two percent).
 - c. The use of 100 percent (100%) plant species native to northwest Florida in all landscaped areas on the subject property (five percent).
 - d. Developments that consolidate their existing accessway in such a way as to eliminate one accessway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
 - e. Adjacent developments that consolidate their accessway in such a way as to eliminate one accessway cut on to Harbor Boulevard/Emerald Coast Parkway (three percent).
 - f. Developments located in the SHMU area that contain no permanent/long-term residential units (four percent).
 - g. Developments located in the NHMU and TCMU areas that contain at least 50 percent of the total number of dwelling units as permanent/long-term residential units (four percent).
 - h. Developments that dedicate 70 percent of the first floor of every building on site to "publicly leasable commercial space" (e.g., retail, office, restaurant, etc.). First floor shall mean the first floor of the building as viewed from Harbor Boulevard/Emerald Coast Parkway. Structured garage parking can account for up to 40 percent of the "publicly leasable commercial space" located on the first floor. For those projects located in the SHMU district, this provision shall be in addition to the requirement of the comprehensive plan for "publicly leasable commercial space" along the Harbor front (six percent).
 - i. Developments that provide 70 percent of all parking spaces on site in structured parking garages (six percent).

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- j. The total area of all pedestrian and/or vehicular easements or rights-of-way dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront and along Harbor Boulevard shall be credited towards the open space landscape requirement of the development.
- k. The total area provided for a transit stop, as specified in **Section 6.02.06**, located either on-site or adjacent to Harbor Boulevard/Emerald Coast Parkway will be given 100 percent credit for area dedicated to the transit stop.

SECTION 6.06.04 TREES

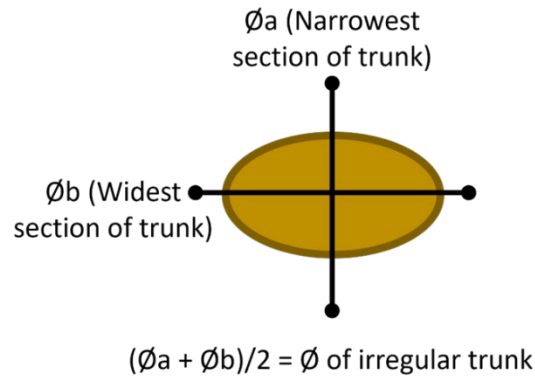
- A. The number of reforestation trees required on any developed area shall be determined by using the ratio of one (1) tree for each one-tenth of an acre
- B. All required trees shall be a minimum of:
 - 1. Twelve feet (12') in height
 - 2. Three and one-half-inch (3.5") caliper at the time of planting.
- C. Palm trees cannot comprise more than forty percent (40%) percent of the total number of all required trees.
- D. If any palm tree species are utilized for required trees then two palms shall be utilized to equal one required tree and must be grouped together to account for a twenty foot (20') crown spread at maturity.
- E. Tree Protection, Preservation, and Restoration
 - 1. Credit shall be received on the reforestation requirement of this section by preserving existing trees.
 - 2. Trees required for reforestation are in addition to other required trees within this section.
 - 3. No credit will be given for nonindigenous trees.
 - 4. Exclusive of the principal structure area, no "preserved tree" may be removed except as provided in this section.
 - 5. The reforestation requirements shall be credited for existing trees at the following rate as measured at breast height (which ever is less) above the natural grade:

Diameter of Existing Tree	Number of Trees Credited
20" or more	5
13" -19.9"	4
7" - 12.9"	3
2" - 6.9"	2

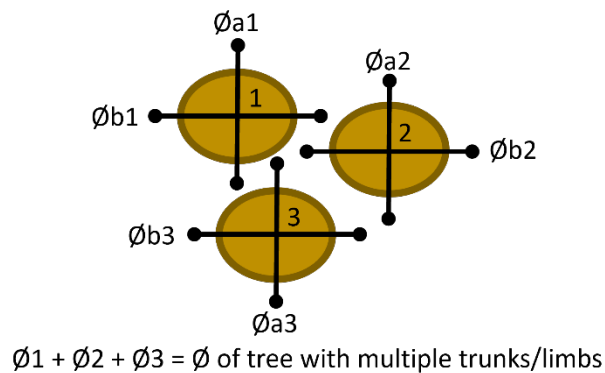
- 6. Measurement of Trees:
 - a. Trees shall be measured at Diameter Breast Height (DBH)
 - b. In the case of an irregular shaped tree or trunk at DBH, the following method shall be utilized.
 - i. The average of the widest and the narrowest diameter of the tree at DBH (see example below).

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- c. In the case of multiple trunks or limbs at DBH, the following method shall be utilized.
 - i. The total diameter of all trunks/limbs at DBH (see example below).



7. Fifty percent of the area within the dripline of preserved trees which are eligible for credit pursuant to this section shall be maintained in either vegetative landscape material or pervious cover.
8. During development activity, preserved trees shall be protected from activities which may injure or kill them. Tree protection techniques found in the Tree Protection Manual for Builders and Developers, Florida Department of Agriculture and Consumer Services, Division of Forestry, or equivalent techniques shall be used.
9. Exclusive of the principal structure area, when a "protected tree" must be removed or relocated, an indigenous tree(s) shall be replaced.
10. No protected or preserved tree may be removed or relocated without a removal permit as provided in. **See Section 6.06.05.**

SECTION 6.06.05 TREE REMOVAL

A. Permit Required

1. The removal of any tree on private property requires a Clearing and Grading Permit approval from the Community Development Department.
2. For non-residential properties, a licensed and insured landscape professional shall submit the permit along with a tree survey for all trees twelve inches (12") in diameter or greater.
3. For residential properties a licensed and insured landscape professional shall submit the permit for any tree removal that does not meet the exemptions below.
4. Exemptions

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- a. Any tree on any Single-dwelling or duplex lot that is thirty-five inches (35") in diameter or less.
 - b. Any tree on a platted townhome lot (Single-dwelling unit) that is thirty-five inches (35") in diameter or less.
 - c. These exemptions are not intended to exempt any apartment complex, condominium complex, or other multi-dwelling complex, or commonly owned property within a Single-dwelling development.
- B. Hazardous or Dangerous Conditions
1. In the event that any tree on Public Property or within the Public ROW, is determined to be in any hazardous or dangerous condition so as to endanger health or safety, the City Manager or designee shall require immediate removal of the tree.
 2. In the event a tree poses a hazard or dangerous condition on Private Property, private property affecting other private property, or private property affecting the public right-of-way, the City Manager or designee may require the removal of the tree.
 - a. A licensed arborist or licensed landscape architect shall make a recommendation in writing to the City Manager for the removal of the tree that poses a hazardous or dangerous condition.
 3. The City Manager or designee shall make a final determination upon receiving the recommendation from the licensed arborist or licensed landscape architect.
 - a. Any determination made by the City Manager shall become effective five (5) days after the determination is rendered.
 - b. An aggrieved party, withstanding the final determination of the City Manager or designee, shall have up to five (5) days from date of determination to apply to the City Manager for appeal of the determination.
 - c. The City Manager's decision constitute the final determination of the City.
 4. A permit is not required at the moment to rectify a hazardous or dangerous condition, however, a permit shall be applied for retroactively within thirty (30) days of approval to remove the hazardous tree.
 5. During the period of declared emergencies such as hurricane, windstorm, flood, freeze, disease epidemic, or other disasters, the requirements of this section may be waived by the City Manager, for a certain period of time and may not be for an indefinite period of time.

SECTION 6.06.06 GROUND COVER, HEDGES, AND SHRUBS

- A. Vines, ground cover, grasses, artificial plant material and architectural planters shall be subject to the following:
1. Grasses shall be subject to the following:
 - a. Grasses and ground cover, and vines planted for credit on the landscaping requirements, shall be perennial species capable of thriving in Okaloosa County.
 - b. Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
 2. All required plantings shall be living or natural.
 - a. No credit shall be granted for use of artificial plant material.
 - b. Artificial turf may be utilized for ground cover where ground cover is required, except within swales, retention basins, or in the right-of-way.

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3. Credit shall be granted for use of above-grade planters, when such planters are physically attached to and made a part of the building/structure upon which they rest. In no case shall above-grade planters be removed from the property or converted to another use, unless approval is granted by the City.
 4. Endangered plants shall be protected under the provisions of applicable federal and state laws.
- B. Shrubs shall be a minimum of 12 inches in height when measured immediately after planting.

SECTION 6.06.07 PUBLICLY OWNED PROPERTY AND RIGHT-OF-WAY

- A. The table displayed below constitutes the official street and park tree species for Destin, Florida.
- B. Prior to street tree planting, all applicable right-of-way permits shall be obtained.
- C. Any tree or shrub that grows over a publicly accessible sidewalk or street shall have a vertical clearance of a minimum of fifteen feet (15') as measured from the grade below the tree or shrub.
- D. No species other than those included in the table below may be planted as street trees without written permission of the Public Works & Safety Committee.
 1. If Live oaks are utilized as street tree, they shall be installed per city standards along with the following:
 - a. A root barrier with a depth of eighteen inches (18") below grade
 - b. A minimum of a five-foot (5') radius clear area surrounding the tree with no utilities in the clear area for thirty-six inches (36") below grade.

Table 6.06-1 Public Property and Right-of-Way Trees		
Small Trees	Medium Trees	Large trees
Southern Wax Myrtle (Myrica cerifera)	Dahoon Holly (Ilex cassine)	Maple (Acer rubrum)
Fringe Tree (Chionanthus virginicus)	Turkey Oak (Quercus laevis)	Southern Live Oak (Quercus virginiana)
Pindo Palm (Butia capitata)	Cabbage Palm (Sabal palmetto) *State Tree	Majesty Palm (Ravenea rivularis)
	Washington Palm (Washingtonia robusta)	Canary Island Date Palm (Phoenix canariensis)
		Wild Date Palm (Phoenix sylvestris)

- E. No species other than those included in the table below may be planted as park tree without written permission of the Parks & Recreation Committee.

Table 6.06-2 Park Trees		
Small Trees	Medium Trees	Large trees
Anise Tree (Pimpinella anisum)	Ash (Fraxinus spp.)	Bald Cypress (Taxodium discithum)
Black Pine (Pinus nigra)	Cedar (Cedrus atlantica)	Bay Magnolia (Magnolia virginiana)
Bottlebrush (Callistemon citrinus)	Cherry Laurel (Prunus caroliانا)	Canary Island Date Palm (Phoenix canariensis)
Crepe Myrtle (Lagerstroemia indica)	Holly Tree (Ilex cassine)	Elm (Ulmus spp.)
Dogwood (Cornus florida)	Persimmon (Diospyros virginiana)	Hickory (Carya spp.)
Fringe (Chionanthus virginicus)	Plum (Prunus cerasifera)	Maple (Acer rubrum)
Ginkgo (Ginko biloba)	Redbud (Cercis canadensis)	Oak (Quercus spp.)
Jerusalem Thorn	River Birch	Pecan

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(Parkinsonia aculeata)	(Betula nigra)	(Carya glabra)
Ligustrum Tree (Ligustrum japonicum)	Sweetgum (Liquidambar styraciflua)	Pine (Pinus elliotii)
Loquat (Eriobotrya japonica)	Tulip Magnolia (Liriodendron tulipifera)	Southern Magnolia (Magnolia grandiflora)
Pindo Palm (Butia capitata)		Sycamore (Platanus acerfolia)
Red Buckeye (Aesculus pavia)		Walnut (Juelans nigra)
Wax Myrtle (Myrica cerifera)		

- F. Any tree or plant declared or deemed an invasive species by the State of Florida shall not be allowed to be planted within any right-of-way or park within the city.
1. The following list of species is also not permitted.
 - a. Chinese tallow (*Triadica sebifera*)
 - b. Yucca tree (*Yucca*)
 - c. Any species of tree or plant that has a spike, thorn, spine, or other similar hazard.
- G. Protection of Public Trees
1. No tree within any public right-of-way, park, or other publicly owned property shall be removed without a permit from the Community Development Department.
 2. The City Manager or designee may require approval by the Parks & Recreation or Public Works & Safety committees as appropriate.

SECTION 6.06.08 PARKING LOT LANDSCAPING

- A. The following criteria shall apply regarding interior parking landscape:
1. Vehicles may overhang no more than two feet into landscape areas. The overhang area shall not be included as part of the landscape requirement.
 2. No parking bay shall contain more than fifteen (15) continuous parking spaces without being broken up by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One-hundred and seventy-five (175) square feet in area
 - c. Planted with one tree that meets the requirements in **Section 6.06.04**.
 - d. This provision does not apply to subterranean or above-grade parking structures.
 3. Each row of interior parking spaces shall be terminated at each end by a landscaped area, that shall be:
 - a. Ten feet (10') wide
 - b. One hundred (100) square feet in area
 - c. Planted with one tree that meets the requirements in **Section 6.06.04**.
 - d. This provision does not apply to subterranean or above-grade parking structures.
 - e. Exception: When abutting parking rows each have five or less parking spaces, landscaped areas with breadths of ten feet between the rows may be substituted for the landscaped areas at each end.
 4. All interior landscaping areas shall be protected from vehicular encroachment by either f-type curbing or other similar means (stabilized rail road ties, landscaping timbers, etc....).
 5. Interior portions of off-street parking facilities which are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicle use.

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- a. These areas shall be planted and permanently maintained with trees and shrubs and finished with ground cover or other landscape material.
- B. Exemption. Single-dwelling detached and duplex residences are exempt from interior parking landscape requirements.

SECTION 6.06.09 NATIVE PLANTINGS LANDSCAPE REDUCTION INCENTIVE

- A. The minimum landscaping requirement regarding the number of trees, and shrubs may be reduced by 20% if the plan proposes 100% native species to North West Florida for Okaloosa or Walton County as identified in the "Atlas of Florida Plants" as amended, which is maintained by Institute for Systemic Botany at the University of South Florida.

SECTION 6.06.10 LANDSCAPING MAINTENANCE AND USE STANDARDS

- A. Landscaping shall be maintained as follows:
 - 1. All required plant material shall be maintained in a healthy and viable condition.
 - 2. Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.
 - 3. All landscaped areas shall be provided with an irrigation system or a readily available water supply located on-site.
 - 4. All landscaping planted abutting sidewalks, multiuse pathways, pedestrian gathering areas, bicycle lanes or vehicular use areas shall be trimmed so as to not interfere in the use of said areas.
- B. Dead plant material shall be replaced in accordance with the provisions of this section and within a time period appropriate to the growing season of the species in question, not exceeding one year.
- C. No required landscape area shall be used for parking, except encroachment that provides for accessways, structures, typical mechanical equipment, garbage or trash collection or any functional uses contrary to the intent and purposes of this section.
 - 1. In no instance shall a property be permitted not meeting the minimum open space requirements per the appropriate zoning district as required in Article 4.

SECTION 6.07 FENCES AND GATES

SECTION 6.07.01 FENCES

- A. Fences must be resistant to decay, corrosion and termite infestation.
- B. No fence shall be located in the clear visibility triangle. No exceptions shall supersede this regulations, any variance requested or application submitted to not comply with this regulation shall not be accepted or approved.
- C. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
- D. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
- E. Any fence containing barbed wire or razor wire material shall be prohibited from being erected or maintained on any lot that contains single dwelling detached, duplex, town home or multifamily residences.
- F. Height and Setbacks:
 - 1. Front Yard:

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- a. No fence may exceed three feet (3') in height when located within five feet (5') of the front property line.
 - b. Exceptions:
 1. If Building Code requires a fence higher than three feet.
 2. Single dwelling or duplex dwelling residential units or properties located within the Village, Harbor, or Holiday Isle Planning Areas as defined and identified in the comprehensive plan.
 - c. Multi-Frontage Lots or Properties
 1. Subparagraph a. above applies only to the primary frontage, i.e., driveway access, addressed street, or dwelling orientation.
2. Side Yards:
 - a. Fences, walls and hedges may be permitted in any required side yard or along the side property lines not to exceed eight feet in height.
 - b. Fences in or along the side yards may not be taller than three feet (3') when located within five feet (5') of the front property line.
 - c. Exceptions:
 1. If Building Code requires a fence higher than three feet due.
 2. Single dwelling or duplex dwelling residential units or properties located within the Village, Harbor, or Holiday Isle Planning Areas as defined and identified in the comprehensive plan.
 3. Rear Yards:
 - a. Fences, walls and hedges may be permitted in any required rear yard or along the rear property lines not to exceed eight feet in height.
- G. A fence for safety or hazard protection identified by the City Manager or designee may not be subject to height limitations.
1. Approval to exceed maximum height standards may be given by the City Manager or designee, upon receipt of satisfactory evidence of the need to exceed height standards.

SECTION 6.07.02 GATES

- A. The City Engineer shall review and approve all gated accessways which shall meet the requirements listed below. However, the City Engineer may allow different configurations based on public safety, traffic volume, geometric constraints of topography, lot shape and dimensions, or other constructability considerations.
- B. General Requirements:
 1. Gates must be resistant to decay, corrosion, and termite infestation.
 2. Gates shall not open into any right-of-way or onto adjacent property.
 3. No gate shall be located in the clear visibility triangle.
- C. Setbacks and Dimensional Limitations:
 1. All gated entry ways shall provide a minimum of fifty-seven feet (57') of off-street stacking from key pad or a manned gate house (which ever is applicable) to the outer edge of the travel way.
 2. No gate shall exceed eight feet (8') in height.
 3. Total gate opening, as measured from the face of the gatepost to face of the gatepost, shall be two feet wider than the accessway.

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4. A minimum vertical clearance of 15 feet shall be provided and maintained over the full width of the accessway passing thru the gated area.
- D. Nonresidential, Multi-dwelling, or Subdivision Gate Requirements
 1. Prior to any gated entry way there shall be a minimum unobstructed fifteen foot (15') inside turning radius for turnaround, egress, or other method to allow a vehicle the ability to leave the site if the gate does not open.
 2. A pedestrian Gate shall be provided and shall meet all ADA requirements.
- E. All single-dwelling and/or duplex properties with gated accessways shall provide a minimum of forty feet (40') of stacking from outer edge of the travel way to the key pad, call box, or front of gate which ever is closer to the travel way.

SECTION 6.08 BUFFERS

SECTION 6.08.01 NON-RESIDENTIAL BUFFERS AND SUPPLEMENTAL SETBACKS

- A. In the following cases supplemental setbacks or buffers shall be provided as detailed in this section.
 1. All non-residential development or use shall provide supplemental setbacks or buffers when abutting or adjacent to any residential development or use as detailed in this section.
 2. All non-residential development or use shall provide the following supplemental setbacks or buffers when abutting or adjacent to any residential zoning district as detailed in this section.
 3. Multi-dwelling, condominium, or apartment style development shall provide the same buffer and supplemental setbacks as non-residential when adjacent to or abutting single-dwelling, duplex dwelling, or townhome development or residential zoning district as detailed in this section.
 4. Non-residential development when adjacent to mixed-use developments that include residential units are not required to adhere to this section.
- B. It shall be the responsibility of the higher density/intensity use to provide and maintain the buffer zone.
 1. It shall not be the responsibility of the higher density/intensity zoning district property owner to provide a buffer if the development was in place and being utilized before the less density/intensity zoning use located adjacent to the higher density/intensity zoning district property.
- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. Supplemental Setbacks
 1. Any portion of a building that abuts single-dwelling, duplex or townhome uses shall provide a setback from those uses that is equal to one foot for every foot in height (e.g. 75-foot tall project will have an 75-foot setback).
- E. Front Property Boundary Buffer
 1. All nonresidential and multi-dwelling properties shall provide a minimum ten-foot (10') wide buffer within the front yard abutting the right-of-way.
 - a. Exception: Any nonresidential or multi-dwelling development required to place their buildings within ten feet (10') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 2. Width of sidewalks may be included within the Front Property Boundary Buffer if the sidewalk is placed within private property.

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3. The remainder of the front perimeter landscape shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants, excluding paving.
- F. Common Boundary Buffer
1. A five foot (5') buffer with living vegetated ground cover, and may also provide other living plants such as trees and shrubs meeting the requirements of **Section 6.06**, shall be provided along all property lines.
 2. Wall Requirement
 - a. All nonresidential development, whether in the same zoning district or not, shall provide a six feet (6') to eight feet (8') tall masonry wall to be located within five feet (5') of the property line when:
 - i. The development is adjacent to existing single-dwelling, duplex, or multi-dwelling development
 - ii. The development is adjacent to a residential zoning district
 - b. Where a wall is required within a buffer per Article 6, the tree requirement shall not apply, however the shrub requirement still applies.
- G. Waterfront Buffer
1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:
 - a. Prevent erosion
 - b. Trap the sediment in overland runoff
 - c. Provide access to the water body
 - d. Allow for periodic flooding without damage to the structures
 2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
 3. Manmade water bodies are excluded from this vegetated buffer requirement.
- H. Wetland Buffers shall follow the standards as required in **Article 7** of this Code
- I. Buffer Landscaping Requirements
1. All buffers shall include the following landscaping requirements.
 2. All buffer areas shall be covered with grass, ground cover, trees, shrub, or other landscape materials, excluding paving or other hard surfacing where allowed. All materials shall be organic materials.
 3. Tree Requirement:
 - a. One (1) small tree shall be planted for every twenty-five linear feet (25') or fraction thereof, of buffer.
 - b. Trees shall meet the standards listed in **Section 6.06** of this article.
 4. Shrub Requirement:
 - a. Four (4) shrubs shall be planted for every ten linear feet (10') or fraction thereof, of buffer
 - b. Shrubs shall meet the standards listed in **Section 6.06** of this article.

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5. Existing native vegetation may be incorporated into buffer zones and credited toward the minimum standard.
6. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.
7. Exceptions:
 - a. A certified Arborist or Landscape Architect may submit a plan that is not in compliance with this section if the environment will not support the required landscape elements.
 - b. The plan shall be approved by the City Manger or designee before development order, building permit, or other construction permit, which ever comes first.
 - c. The alternative plan:
 - i. Shall detail and show that it still meets the intent of this section
 - ii. Cannot propose to not plant any vegetation or groundcover
 - iii. Shall detail canopy spread of the proposed alternative plan that is equal to or greater than the requirements of this section.

SECTION 6.08.02 RESIDENTIAL BUFFERS

- A. The following buffers are required for all single-dwelling, duplex developments.
- B. Multi-dwelling developments, when abutting or adjacent to single-dwelling or duplex development shall provide the buffer and setback requirements as required in **Section 6.08.01**.
- C. Nothing in this section is intended to prohibit access between abutting uses where appropriate for automotive and pedestrian movement, if approved by affected parties.
- D. All buffer areas shall be landscaped with grass, ground cover, shrubs, hedges, other landscaping treatment or native plants.
 1. The list below are examples of landscape elements or materials not allowed in buffer areas but it is not limited to this list.
 - a. Rocks or pebbles
 - b. Hardscaping such as concrete or asphalt
 - c. Pavers or stepping stones
 - d. Materials similar in make-up or character as listed above
 - e. No vehicular use area shall be placed within any buffer area except where an approved accessway is located.
- E. Front Property Boundary Buffer
 1. All residential and multi-dwelling properties shall provide a minimum five-foot (5') wide buffer within the front yard from the right-of-way/front property line in-ward of the private property.
 2. No fence higher than three feet (3') in height may be permitted within the Front Property Perimeter Buffer except when in conflict with the Florida Building Code, or as allowed in Section 6.07.01.F.
 3. Exception
 - a. Any multi-dwelling development required to place their buildings within five feet (5') of the property line due to zoning regulation setbacks are exempt from this requirement where the building or structure is located.
 4. Width of sidewalks shall not be included within the front property perimeter buffer.
- F. Common Boundary Buffer

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1. Multi-dwelling development, whether in the same zoning district or not, shall provide a minimum five-foot (5') wide buffer area along all adjacent property lines when abutting single-dwelling or duplex developments.
- G. Driveway Buffer
 1. All driveways shall be located a minimum of one foot (1') from any property line.
 - a. Exception: If there is a recorded joint accessway agreement as described in Section 6.02.04 of this article, driveways may be within the driveway buffer.
- H. Waterfront Buffer
 1. A vegetated buffer strip shall be retained in its natural state along the banks of all natural watercourses, water bodies, wetlands or beachfront to assist in stormwater management and it shall be sufficient in width to:
 - a. Prevent erosion
 - b. Trap the sediment in overland runoff
 - c. Provide access to the water body
 - d. Allow for periodic flooding without damage to the structures
 2. Engineering/design solutions may be approved in lieu of the waterfront buffer when such proposed solutions provide for all of the following:
 - a. Inhibit erosion
 - b. Trap the sediment in runoff
 - c. Allow access to the water body
 - d. Inhibit flood damage to waterfront structures
 3. Manmade water bodies are excluded from this vegetated buffer requirement.
- I. Wetland Buffers shall follow the standards as required in **Article 7** of this Code.
- J. Buffer Landscaping Requirements
 1. All buffer areas shall be covered with grass, ground cover, trees , shrubs, or other landscape materials, excluding paving or other hard surfacing. All materials shall be organic materials.
 2. Front Property Boundary Buffer
 - a. Tree Requirement:
 - i. One (1) small or medium tree shall be planted for every fifty linear feet (50') or fraction thereof.
 - ii. Trees shall meet the standards listed in Section 6.06. of this article.
 - b. Shrub Requirement:
 - i. Four (4) shrubs shall be planted for every fifty linear feet (50') or fraction thereof.
 - ii. Shrubs shall be setback five feet (5') from the front property line.
 - iii. Shrubs shall meet the standards listed in Section 6.06. of this article.
 3. Existing native trees may be credited toward the standards of this Section.
 4. Any vegetation that dies, becomes diseased or is damaged by vehicular traffic, natural disasters, or vandalism must be replaced within 30 days after notification of a violation of this section.

SECTION 6.09 ENVIRONMENTAL CONTROL PLANS

SECTION 6.09.01 EROSION AND SEDIMENT CONTROL PLAN

- A. An erosion and sediment control plan (ESCP) approved by the City Engineer, or designee, shall be required for all development or redevelopment activities.

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- B. The ESCP plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate and include;
 - 1. The environmental characteristics of the affected areas
 - 2. The potential impacts of the proposed grading on water resources
 - 3. Measures proposed to minimize soil erosion and off-site sedimentation
 - 4. Or other elements as required by the City Manger or designee
- C. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan.
- D. All projects disturbing land area over one (1) acre shall also provide a copy of the stormwater pollution prevention plan (SWPPP) in addition to the ESCP. All projects disturbing less than one acre shall provide an ESCP.
- E. All ESCPs shall contain, as a minimum, the following
 - 1. An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.
 - 2. An indication of the scale used.
 - 3. The contact information of the owner and/or developer, and contractor of the property where the land disturbing activity is proposed.
 - 4. A 24-hour contact person's phone number. That person shall have demonstrated ability in maintenance of erosion control measures.
 - 5. Suitable contours for the existing and proposed topography.
 - 6. The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
 - 7. A clear and definite delineation of any areas of vegetation or trees to be saved.
 - 8. A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.
 - 9. A clear and definite delineation of any 100-year floodplain on or near the site.
 - 10. Storm drain system, including quantities of flow and site conditions around all points of surface water discharge from the site.
 - 11. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.
 - 12. Any proposed temporary erosion control structures.
 - 13. Any proposed permanent erosion control structures.
 - 14. A signed statement on the plan by the owner, developer, and contractor that any clearing, grading, construction, or development, or all of these, will be done pursuant to the plan.
 - 15. The City Engineer may require any reasonable additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed reasonably necessary to ensure compliance with this section.
 - 16. A description of, and specifications for, sediment retention structures.
 - 17. A description of, and specifications for, surface runoff and erosion control devices.
 - 18. A description of permanent erosion control measures.
 - 19. The applicant may propose the use of any erosion and sediment control techniques in a final plan provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Florida Department of

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- Environmental Protection Florida Stormwater Erosion and Sedimentation Control Inspection Manual (latest edition).
20. Proof of all federal and/or state approvals (as applicable) is required prior to obtaining any City permit.
- F. Exemptions.
1. The following activities are exempt from providing an ESCP.
 - a. Cemetery graves.
 - b. Emergencies posing an immediate danger to life or property, or substantial floor or fire hazards.
 - c. Any activity where the total volume of material disturbed, stored, disposed of, or used as fill, does not exceed five cubic yards. Or, the area disturbed does not exceed 750 square feet provided it does not obstruct a watercourse, and is not located in a floodplain. Erosion and sediment control devices may be required pending a site evaluation by the City Engineer.
- G. Construction site or other grading and/or filling activities
1. All work at construction sites or other site work involving grading and/or filling activities shall be governed by the following regulations:
 - a. Ground cover. All bare ground, stripped of vegetation during the clearing/grading process, shall be covered to the maximum extent practicable.
 - i. Minimize the amount of existing vegetation that you must disturb for construction.
 - ii. Keep out of critical areas and their buffers.
 - iii. Areas not being worked on for 30 calendar days or more shall be vegetated and/or stabilized using BMPs.
 - iv. Slopes and stockpiles 3H:1V or steeper and more than ten feet of vertical relief shall be covered if they are un-worked for more than 48 hours.
 - v. Areas that are being hydro-seeded shall have a tackifier mixed into the hydro-seed to help stabilize mixture onto the soil.
 2. Perimeter Protection is required for all development or redevelopment activities.
 - a. Perimeter protection to filter sediment for sheet flow washout shall be located down slope of all disturbed areas and be properly installed prior to upslope grading.
 3. Environmentally sensitive area (ESA) restrictions shall include but not be limited to all wetlands, open water bodies and beaches.
 - a. Phasing and more conservative Best Management Practices (BMPs) must be evaluated for construction activities near environmentally sensitive areas.
 - b. A minimum of two rows of properly installed erosion control devices are required to protect from sediment inflow and wind-borne debris from entering these areas.
 4. Surface water controls are required when development activity is:
 - a. Within 15 feet of the shoreline of an open water body.
 - b. In and/or over an open water body.
 5. Traffic area stabilization
 - a. One temporary construction accessway/driveway entrance is allowed per construction site and shall be located such to minimize motor vehicle and pedestrian impacts on the adjacent properties and rights-of-way.
 - b. Multiple entrances may be approved if the developer can prove that more are needed to protect the health, safety, and welfare of the general public.

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- c. The following regulations apply to all temporary construction accessway/driveways:
 - i. Temporary construction accessway/driveway entrances, access roads, and parking areas used by construction traffic shall be stabilized to minimize erosion and prevent tracking mud or soil from the site.
 - ii. Before clearing and grading, construction entrance(s) shall be stabilized wherever traffic will be leaving a construction site and traveling on paved roads or other paved areas within the site that is open to the public.
 - iii. Construction entrance(s) shall be set up so that all traffic leaving a job site is required to travel the entire length of entrance.
 - iv. Additional techniques to reduce soil tracking off a site and onto a roadway such as wheel washing stations may be required.
 - v. Any sediment that is tracked onto the road pavement shall be removed immediately and placed back on-site (prior to the end of the workday) by sweeping.
 - vi. The pavement shall not be cleaned by washing/flushing streets.
6. Sediment retention
 - a. All sediments/soils shall remain on site. The following sediment retention regulations are required on all areas of development and redevelopment activities:
 - i. Sediment retention facilities shall be installed before grading.
 - ii. If sediment retention facilities need to be removed for grading, additional ponds/traps/systems to accommodate storage capacity need to be installed on site. This will be done prior to removal of existing facility.
 - iii. Catch basin protections are to be used to prevent sediments from entering drainage system. Inserts are to be inspected and cleaned weekly and after each rainfall event.
 - b. Catch basins need to be checked for buildup of sediments. If sediment trap (area between pipe invert and bottom of basin) is $\frac{1}{3}$ or more filled with sediments, they are to be cleaned out and sediments removed or stabilized on-site.
- H. Maintenance of erosion control devices
 1. The following maintenance of erosion control device regulations are required on all areas of development or redevelopment activities:
 - a. All projects shall have a designated erosion and sediment control (ESC) supervisor who will be responsible for ESC review, maintenance, and compliance.
 - b. The ESCP shall be installed, implemented, and maintained at all times through the entire duration of the project until issuance of Certificate of Occupancy or Certificate of Completion, whichever is applicable.
 - c. ESC shall be maintained and inspected in accordance with all FDEP/NPDES requirements.
 - d. The ESC supervisor must be available, 24 hours, for rapid response to ESC problems and emergencies.
 - e. A 24-hour phone number for the ESC Supervisor shall be posted in a clearly visible location on the project site.
- I. Final stabilization conditions
 1. The following final stabilization conditions must be met prior to final construction approval:

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- a. All temporary construction accessway/driveway entrances shall be removed and the right-of-way re-graded, restored, and re-vegetated to original or better condition.
 - b. All disturbed areas of the site shall be vegetated or otherwise permanently stabilized.
 - c. Structural measures such as silt fence, slope drains, etc. shall be removed from site.
 - d. All permanent stormwater facilities including catch basins, pipes, etc. shall be cleaned. Drainage system videoing may be required at the request of the city engineer.
 - e. Any off-site catch basins or curb inlets that require protection shall be cleaned.
- J. Post construction erosion monitoring and maintenance
1. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
 - a. Sediment/soil erosion leaving a site or property shall be prohibited.
 - b. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
 - c. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
 - d. Tracking sediment or soil onto a roadway shall be prohibited.
 - e. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy. Should the owner fail, within 30 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred. The City may also require a Special Magistrate Hearing to rectify the situation

SECTION 6.09.02 POST CONSTRUCTION EROSION MONITORING AND MAINTENANCE

- A. The continued monitoring and maintenance of erosion for all post development activities shall be the responsibility of the property owner or as prescribed in a recorded easement or legal agreement that runs with the land. This code applies to all current as well as future developments.
- B. The following activities are prohibited:
 1. Sediment/soil erosion leaving a site or property shall be prohibited.
 2. Sediment/soil erosion from uplands into environmentally sensitive areas shall be prohibited.
 3. Dumping or piling vegetative debris or clippings in environmentally sensitive areas shall be prohibited.
 4. Tracking sediment or soil onto a roadway shall be prohibited.
- C. Should the owner of a property fail to maintain their sediment or soil erosion, control facilities, the City shall give written notice to the owner stating the nature of the discrepancy and the recommended action necessary to correct the discrepancy.
- D. Should the owner fail, within 10 calendar days from the date of the notice, to take corrective action satisfactory to the City, the City may enter upon such lands and take such action necessary to correct the discrepancy and place a lien on the property of the owner for the costs incurred.

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SECTION 6.09.03 DUST CONTROL PLANS

- A. A dust control plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- C. The following dust control regulations are required on all areas of development or redevelopment activities:
 - 1. If water truck is used to control dust on dirt/graded areas only, water truck will only drop enough water to control the dust or reach the optimum moisture content of the soil for compaction. No run-off is to be generated.
 - 2. Controlling dust on paved roadways will be done using a sweeper with water-jet sprayers. Only enough water should be applied to control dust while sweeping. Do not generate run-off from sprayers that run into catch basins.
- D. Dust Control Plan requirements
 - 1. How grading operations will be handled/suspended when winds exceed 30 miles per hour.
 - 2. How water will be applied to all surfaces prior to, and if necessary during, excavation.
 - 3. How water or a covering will be applied to all particulate materials contained in open-bodied trucks, trailers or other vehicles transporting particulate matter prior to operation of the vehicle, in order to prevent as much dust as possible from becoming airborne during transportation.
 - 4. How water or a covering will be applied to all stockpiles of particulate material to prevent as much dust as possible dust from becoming airborne during high wind conditions.
 - 5. How transfer processes involving free fall of soil or other particulate matter will be performed in order to minimize free fall distance and thus reduce dust emissions.
 - 6. How and when water will be applied to unpaved surfaces, including adjacent rights-of-way, or any other surface that can create airborne dust in order adequately to control dust emissions.
 - 7. How and when ground cover on the development site will be reestablished prior to final occupancy.
 - 8. The designated routes within the job site that will be used by vehicles transporting soil or other materials to and from the site.
 - 9. How soil, sand, dirt and any other particulate matter will be removed from vehicle tires and undercarriages prior to leaving the development site, in order to prevent the tracking out of said soil, sand, dirt, etc., onto the adjacent rights-of-way.
 - 10. The maximum speed limit on unpaved roads through the construction site and how and where speed limit signs will be posted along the haul road routes so that they are visible to vehicles entering and leaving the development site.
 - 11. How and when soil, sand and other particulate material deposited or emitted onto any right-of-way near the development site will be removed.
 - 12. How dust control systems and/or devices, including but not limited to water application systems, filter replacement, or daily removal of excess dust from containment areas, will be maintained.
 - 13. How and when opacity monitoring will be performed by a properly trained and certified individual in order to make sure that dust emissions do not exceed 30 percent over a six-minute period; and how remedial actions to address excess opacity will be immediately managed and documented.

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- E. In addition to providing the dust control plan, the contractor shall provide to the City a copy of the daily dust control checklist on which the contractor will document the compliance of the mitigation activities detailed in the dust control plan.
- F. The contractor shall make the dust control plan and the daily dust control checklist available at the job site for periodic review, inspection and copying by the City's representatives.

SECTION 6.09.04 VIBRATION MITIGATION PLANS

- A. A vibration mitigation plan, prepared, signed, dated and sealed by a professional engineer registered in the State of Florida, must be submitted to the City for review and approval.
- B. A Vibration mitigation plan is required for all non-residential and multi-dwelling development.
 - 1. Single-dwelling and duplex developments are exempt from this section.
- C. All vibration mitigation plan must meet the requirements stated in this section
- D. The approved plan shall remain in effect on the property until a Certificate of Completion or Certificate of Occupancy (whichever applies) has been issued for the project.
- E. Vibration Mitigation Plan requirements
 - 1. a description of the control processes that the Contractor will implement in order to address the following:
 - a. How to ensure that any activity will not transmit vibrations to sensitive receptor structures at or above the Federal Transit Administration (FTA) approximate vibration damage threshold of 95 Vibration Decibels (VdB).
 - b. How to minimize the impact on surrounding areas for any activity exceeding the approximate FTA vibration annoyance threshold of 80 VdB.

SECTION 6.09.05 LITTER CONTROL

- A. The purpose of this section is to provide a sanitary and satisfactory method of handling, collecting, and disposing of litter, and for the maintenance of public and private property that may negatively impact the health and safety of the community.
- B. Construction site.
 - 1. Litter prohibited.
 - a. It shall be unlawful for any owner, agent, or contractor of a construction site to cause, or allow, the presence of litter on such site outside of a proper receptacle or to cause, or allow, litter or waste to be spilled, discharged, or blown by wind or carried away by water.
 - b. It shall be the responsibility of the owner or agent of the property and each contractor performing work on the site to keep the property free of litter.
 - 2. Receptacles required.
 - a. The owner, agent, or contractor in charge of a construction site shall furnish on site, receptacles sufficient to contain worker's litter and receptacles sufficient to contain all construction waste.
 - b. All receptacles shall be conveniently available, maintained and secured or covered.
 - 3. The number and capacity of receptacles should be determined by the primary contractor, but not less than one receptacle for worker's litter and no less than one receptacle for construction waste shall be placed at each construction site.
 - a. Receptacles required under this subsection shall be not less than 50 gallon capacity.

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4. All receptacles shall be emptied as necessary, but not less frequently than weekly, except that receptacles used exclusively to contain construction waste shall be serviced when full.

SECTION 6.09.06 MATERIAL MANAGEMENT

- A. The purpose of this section is to promote good housekeeping practices that are designed to significantly reduce and control stormwater runoff pollution which runs into storm drains, treatment facilities and local waterways.
- B. Construction sites.
 1. Paint/solvent storage shall not be within 50 feet of an environmentally sensitive area (ESA) and shall be enclosed in weather/leak proof storage facility.
 2. Fuel storage tanks shall be located 75 feet or more from an ESA or storm drain and shall be in a state approved leak proof container.
 3. All above ground tanks for fueling shall be secondarily contained.
 4. Portable waste receptacles must be on the construction site and must be serviced on a regular basis.
 5. Construction site accessway/driveways can be installed with or without wheel washing stations, but must prevent construction site vehicle wheels from transporting soil and sediment off of construction site and onto roadways.
 6. All hazardous waste material shall be disposed of in a manner specified by federal, state, local regulations, and manufacturer's specifications.
 7. All on-site vehicles and tanks shall be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products shall be stored in tightly sealed containers, which are clearly labeled. Storage shall be at least 75 feet from an ESA or storm drain, inlet, or infiltration structure.
 8. Any pesticide and herbicide usage shall be applied by a state licensed applicator and shall not be applied to ESA except by governmental authorized mosquito control programs or approved projects subject to FS 373.451 (Surface Water Improvement and Management Act).
 9. Pesticides and herbicides shall not be stored within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway.
 10. Fertilizers used shall be applied only in the minimum amount recommended by the manufacturer and shall not be applied within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway.
 11. Fertilizers Shall not be stored within 25 feet of an ESA or stormwater drain, inlet, or infiltration structure that have connection to a waterway. If stored on-site covered storage shall be provided. Any contents of any partially used bags of fertilizers shall be transferred to a sealable container.

SECTION 6.10 EASEMENTS

SECTION 6.10.01 EASEMENTS

- A. Easements shall be provided for all utilities, facilities, or services which are required for development which include but are not limited to:
 1. Access (Vehicular or Pedestrian)
 2. Communications
 3. Conservation

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4. Drainage or Stormwater
5. Electrical
6. Potable Water
7. Waste Water

SECTION 6.11 HARBOR BOARDWALK AND AMENITIES

SECTION 6.11.01 REQUIRED HARBOR BOARDWALK DEVELOPMENT

- A. The following requirements only apply to development projects located in the SHMU zoning district:
 1. Pedestrian easements dedicated to the public for access from Harbor Boulevard to the Harbor waterfront and between adjoining properties along the Harbor waterfront are required.
 2. For the north-south access, developments have the option to provide either an exclusive pedestrian easement with a minimum width of ten feet when such easement is not located next to an adjoining property line or a five-foot wide easement when it is located next to an adjoining property line of the development.
 3. For east-west access, developments must provide a pedestrian easement for the Harbor Boardwalk and Promenade with a minimum width as indicated in subsection b, listed below. All pedestrian areas shall be constructed of pavers, asphalt, concrete, stamped and colored concrete, boards or other impervious surfaces.
 4. Additionally, all pedestrian easements dedicated to the public for access shall have adequate outdoor lighting to help ensure the health, safety, and welfare of the public at night.
- B. Design and Construction
 1. Each development is responsible for constructing that portion of the Harbor Boardwalk and Promenade fronting its property to the following minimum standards listed below.
 - a. Harbor Boardwalk and Promenade materials:
 - i. Development of The Harbor Boardwalk and Promenade shall reviewed and approved by the CRA Board.
 - b. Width and Height of Pedestrian Walking Surface
 - i. Fifteen feet minimum with an average of 25 feet.
 - ii. No structures, other than canopies, may extend over the pedestrian walking surface.
 - iii. A minimum vertical clearance of ten feet (10') must be provided when canopies protrude over the pedestrian walking surface.
 - iv. Height of Pedestrian Walking Surface
 - (a) Four feet (4') to twelve feet (12') above mean high water line.
 - (b) Height of pedestrian walking surface may vary from the previously mentioned standard to be compatible with the height of the Harbor Boardwalk and Promenade fronting adjacent properties and to comply with the Americans with Disabilities Act requirements.
 2. Design and construction of waterfront amenities/improvements.
 - a. Lighting, benches, drinking fountains, trash containers, planters, and other hardscape items shall be as per the standards and specifications approved by the CRA Board.
 - b. Lateral connections to the Harbor Boardwalk Promenade must meet the above standards for walking surface height, hardscape, and vertical boardwalk features.

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- c. Each development shall erect and maintain a historical or informational display board for every 150 linear feet or fraction thereof of Boardwalk. Historical or informational display boards shall be constructed per the standards and specifications approved by the CRA Board.
- C. Water Taxi Stop
 1. All commercial, mixed use and multifamily development that border the Destin Harbor, the East Pass or Choctawhatchee Bay shall provide a minimum of one loading and unloading area or slip which shall be reserved for use by a water taxi.
 2. This water taxi stop must be clearly marked by signage stating that it is reserved for the water taxi. Additionally, water taxi amenities shall be provided in conjunction with the water taxi stop.
 3. Water taxi amenities shall include:
 - a. A bench or combination of benches that accommodates a minimum of eight people;
 - b. A trash receptacle;
 - c. Sufficient outdoor lighting for safe pedestrian movement at night;
 - d. A location/information sign that at a minimum shows the location of the water taxi stop in regard to other water taxi stops, transit stops, and public parking garages; and
 - e. A boardwalk/sidewalk that connects the water taxi stop area to the internal (development site) and, if applicable, external (public) sidewalk system.

SECTION 6.12 CONSTRUCTION AND DEVELOPMENT ACTIVITY

SECTION 6.12.01 SIGNAGE

- A. Signage
 1. A sign, meeting the following requirements, shall be posted on the property:
 - a. The sign must be prominently placed on the development site and shall not be located further than five feet from the adjacent right-of-way. The required content of the sign shall be legible as viewed from the adjacent right-of-way
 - b. Such sign shall be a minimum of eighteen inches by twenty-four inches (18" x 24") in size;
 - c. The sign must clearly indicate the following:
 - i. Name of the responsible Emergency Contact
 - ii. A phone Number that is accessible 24 hours a day, seven days a week
 - iii. Permit Number
 - d. The sign must be continuously on the property of the development site and shall be removed from said property within five working days after the issuance of Certificate of Completion or Certificate of Occupancy (whichever applies).

SECTION 6.12.02 SCREENING

- A. All construction sites, active or inactive, shall provide site screening fence, along all property lines.
- B. The screen material shall;
 1. Be made of an opaque material capable of allowing air to pass but semi-pervious to dust and dirt.
 2. Be of a fineness such that no material over one-eighth ($\frac{1}{8}$) inch in size shall pass through the mesh.
 3. Be securely affixed to the construction fence.
 4. Have a minimum height of five (5) feet and a maximum height of eight (8) feet.

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- C. The screening material shall be maintained in good condition and taut throughout the allotted permit time.
- D. The screening must be kept secure from any wind action.
- E. In cases where the finished grade of the development site is higher by more than one (1) foot or more than the grade of the adjoining properties, said fence screening shall be placed at the finished grade and not the existing grade.
- F. Any image placed on the construction fence screening must be of a non-commercial nature and not promote any activity or entity supporting or providing goods and services.
- G. All construction screening must be removed upon;
 - 1. The building permit being completed and before issuance of the Certificate of Occupancy or Completion.
 - 2. The project becoming inactive, and the site is restabilized.
 - 3. The issuance of a hurricane warning for the greater Destin area by the National Hurricane Center.

SECTION 6.12.03 CONSTRUCTION VEHICLE PARKING MITIGATION PLAN

- A. All construction and development activity must provide a Construction Vehicle Parking Mitigation Plan in accordance with the **Code of Ordinances, Article 2 Chapter 18, Section 21.**

SECTION 6.13 CONCURRENCY MANAGEMENT

SECTION 6.13.01 CONCURRENCY MANAGEMENT SYSTEM

- A. The purpose of the City of Destin's Concurrency Management System (CMS) is to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.
- B. Prior to the issuance of a development order (permit), the system shall ensure that the adopted level of service standards in this Code for, potable water, sanitary sewer, solid waste, drainage, recreation and open space will be maintained.
- C. The City Manager or designee shall be responsible for ensuring developer compliance with the concurrency management system and shall report on such compliance to the Local Planning Agency and City Council as required.

SECTION 6.13.02 GENERAL REQUIREMENTS

- A. If a proposed development meets the criteria set forth in Article 2, Section 2.05.01, then concurrency compliance shall be met. The burden of showing concurrency compliance shall be upon the developer. Such information shall be compiled and quantified prior to requesting a review of a development order application.
- B. Capacity allocation
 - 1. Capacity shall be allocated on a first come-first served basis, i.e. reservation of capacity goes to the developer that first obtains approval to perform construction on the site. The allocation of capacity, however, shall be subject to the following sunset provisions:
 - a. Capacity approved and assigned to a development project shall remain valid for a period of not more than one year from the date of the approved development order. The date of the approved development order is the date from which it is issued by the community development department. However, a building permit must be issued for either the

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construction of infrastructure or construction of the entire project and construction must commence within said one-year period or the development order becomes null and void. "Construction of infrastructure" shall be defined as site work, grading, or other construction activity (not including land clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations. If construction activity ceases for a period of one year after a building permit for construction of the infrastructure or construction of the entire project has been issued, the development order will be considered null and void and capacity assigned to the development will be returned to the pool of available capacity.

- b. If construction of infrastructure is not commenced within one year after allocation of capacity, capacity assigned to an approved development will be returned to the pool of available capacity and the development order will be considered expired. An extension to the one year deadline to obtain a building permit, as defined in Section 6.01.00.B.1.a, is allowed provided that a building permit is obtained in accordance with procedures outlined in Article 2, Section 2.15.00, extension of a final development order. Vested capacity associated with developer development agreements or development orders issued pursuant to Chapter 380 Florida Statutes are exempt from this paragraph and shall be subject to the specific terms stated therein, or in applicable City ordinances.
 - c. If a property and its associated development order is sold to an individual or company its concurrency shall remain vested, provided that the original developer has complied with all other provisions of this article.
 - d. Capacity cannot be reserved by the payment of impact fees (i.e., parks, public library, police protection, road, water, sewer, tap fees).
2. In the event of withdrawal of capacity following the issuance of a final development order or a building permit, it shall be incumbent upon the developer to reapply for capacity allocation if a continuation of the project is desired.
- C. Concurrency for all categories shall be evaluated by the Technical Review Team members. For all projects determined to meet the criteria for a major development order, the test for concurrency must be met prior to development order application being advertised for any public hearing. If an applicant disputes a determination that concurrency has not been met, then the applicant may request that the application to be scheduled for the next available public hearing of the City Council. For projects determined to be a minor development order, the test for concurrency must be met prior to the issuance of a development order.
- D. Projects deemed to have a de minimis impact pursuant to the comprehensive plan shall not be subject to concurrency requirements.

SECTION 6.13.03 DETERMINATION OF CONCURRENCY

- A. Determination of concurrency in all measurable categories by the city occurs during the initial review of the development order application by the technical review committee.
- B. Concurrency determination shall be evaluated against the requirements of this Article specifically and generally by this Code.
- C. Developer concurrence assessment shall be in accordance with **Section 6.13**.

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- D. In no case shall any proposed development proceed without a finding of concurrency which establishes that levels of service (LOS) will not be degraded, unless degradation is allowed pursuant to a policy in the adopted comprehensive plan.

SECTION 6.13.04 MINIMUM REQUIREMENTS

- A. As a minimum, at least one of the following standards will be met prior to issuance of a development order:
 - 1. The necessary facilities and services are in place at the time a development permit is issued
 - 2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of development occur
 - 3. The necessary facilities are under construction at the time a permit is issued
 - 4. The necessary facilities and services as they relate to parks, recreational facilities and roads are the subject of a binding executed contract for the construction of the facilities or the provision of the services at the time that the development permit is issued.
 - a. Construction of the facilities and services shall commence within one year of the issuance of the building permit.
 - 5. The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. 163.3220 or an agreement or development order issued pursuant to F.S. ch. 380. Any such agreement shall include provisions pursuant to subparts A., B., or C. above.

SECTION 6.13.05 QUANTIFYING CONCURRENCY

- A. Adding Capacity
 - 1. Add total capacity of existing facilities (sanitary sewer, solid waste, drainage, potable water, recreation and open space).
 - 2. Add to the above, total capacity of new facilities, or facility expansions that will result from planned activity. Capacity of new facilities shall be counted only under one or more of the following conditions:
 - a. Construction of the new facilities is underway at the time of the issuance of a development order.
 - b. The new facilities are the subject of a binding contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.
 - 3. If the development application is for the redevelopment of improved property, add to the above the capacity created by the change in demand created by the redevelopment activity.
 - 4. Capacity credit shall be given for reduction in demand on facilities.
- B. Subtracting capacity.
 - 1. From the sum calculated above, subtract the following:
 - a. The demand for the service or facility created by existing development as documented by the provider of such facility or in the foundation documents of the comprehensive plan plus the demand upon any new facility, expansions, or improvements anticipated as a result of the planned activity.
- C. Demand
 - 1. Demand shall be calculated using the following adopted LOS(s)

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- a. Sanitary sewer: includes collection and treatment
 - i. Residential: 255 gallons per residential unit per day
 - ii. Non-residential: 80% of the potable water usage
 - b. Solid waste: Five pounds per capita per day.
 - c. Drainage: Retain the first inch of runoff on-site; and post-development runoff shall not exceed the pre-development rate for a 25-year storm event, up to an including an event with a 24-hour duration.
 - d. Potable water:
 - i. Residential: 294 gallons per household per day on an average annual basis
 - ii. Commercial: 166 gallons per day for every 1,000 square feet
 - e. Recreation and open space:
 - i. Neighborhood park: 1.0 acre per 1,000 functional population
 - ii. Community park: Two acres per 1,000 population.
- D. Deficient capacity
1. Where capacity is shown to be deficient, the following methods may be used to maintain adopted levels of service.
 - a. The developer may agree to provide necessary capacity improvements to maintain levels of service.
 - b. The planned activity may be reduced in scope so that demand does not exceed capacity.
 - c. The developer may petition the city to provide required infrastructure to maintain LOS.
 - i. Such petition must accompany the application for development approval, either preliminary or final.
 - ii. Such a request, if financed from the general fund, can be granted only under the following conditions:
 - (a) Planned activity will result in multiple benefits for the community, whether economic, cultural, recreational or social.
 - (b) If such an expenditure is authorized, the resulting capacity improvement shall be available to any other developer who may have been previously denied a development order for an identical capacity deficiency (or deficiencies).
 - d. Additional capacity for state-maintained roadways may be counted if capacity improvements are included within the first three years of the Florida Department of Transportation's five-year work program, as the work program exists at the time of application for development approval (see article 8 of this Code).

SECTION 6.14 LEVELS OF SERVICE

SECTION 6.14.01 ADOPTED LEVELS OF SERVICE

- A. All levels of service (LOS) are adopted in the City's comprehensive plan which shall be utilized in the analysis of concurrency if required or a proposed development's impact on the existing infrastructure or systems and the potential degradation.
- B. In no case shall any proposed development proceed without approval of the project a determination from the TRC of either no impact to the LOS or the impacts are an acceptable and there is minimal degradation to the existing infrastructure or systems below the adopted levels of service pursuant to the comprehensive plan.

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- C. Degradation of LOS during construction is expected and allowed so long as the approved LOS returns once construction is complete.
- D. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

SECTION 6.14.02 MAINTAINING AND MONITORING OF LEVELS OF SERVICE

- A. For the purposes of concurrency and required reporting the City shall require adherence to concurrency requirements for drainage, potable water, sanitary sewer, and solid waste.
- B. The levels of service for parks, open space, and recreation shall be monitored and mitigated by appropriate means by the developer to maintain the adopted levels of service as part of any proposed development approval.
 - 1. Appropriate means include but is not limited to:
 - a. Building new playground equipment,
 - b. Dedicating land,
 - c. Building infrastructure for vehicles or other multi-modal transportation needs
 - d. Other means or elements to mitigate the degradation of the levels of service as needed.

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
AUGUST 26, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Bobby Wagner
Councilmember Jim Bagby
Councilmember Kevin Schmidt
Councilmember Johnny King

Councilmember Dewey Destin
Councilmember John Stephens
Councilmember Terésa Hebert

City of Destin Staff

Interim City Manager Larry Jones
Community Development Director Tina Deater
Public Information Director Tamara Young
Projects/Grants/Contract Manager Jeffrey Cozadd
Planner Ashley Dominguez
City Attorney Kimberly Romano Kopp

City Clerk Rey Bailey
Finance Director Krystal Strickland
Principal Planner Steve O'Connor
Principal Planner Daniel Butler
Planner Sheri Burney
City Engineer Ryan Scott

PUBLIC COMMENTS:

Mr. Jim Wood, Chairman of the Local Planning Agency, expressed his support for the Land Development Code (LDC) moving closer to adoption. He emphasized the importance of finalizing the LDC, which, along with the comprehensive plan, zoning map, Future Land Use Map (FLUM), and design manual, will provide a comprehensive framework for the community. He highlighted the main goals of the LDC revision, which include clearer language, improved organization and format for ease of use, and consolidation of subjects where possible, such as eliminating redundant zoning areas.

Mr. Wood acknowledged that no plan is perfect and unforeseen issues may arise after adoption, as the LDC is a "living, breathing document" subject to updates. He urged the council to continue progressing with the adoption process, stating that a good plan now is preferable to waiting for a perfect one. Wood also reminded the council that significant efforts had already been made in previous years, such as eliminating the tier system and lowering building heights, some of which were incorporated into the city charter. He concluded by encouraging the council to listen carefully to the staff's update on Article 6 and the design manual.

WORKSHOP

A. Article 6 – General Development Standards & The Destin Design Manual

The city's Principal Planner Steve O'Connor gave the following presentation:

Topics of Discussion:

- What is in Article 6:
- Major Changes
 - ❖ Language
 - ❖ Format
 - ❖ Organization & Consolidation
- Public Workshops and LPA Meetings
- What is the Destin Design Manual (DDM)?

What is in Article 6?

- A majority of current:
 - ❖ Article 8 – Transportation
 - ❖ Article 10 – Infrastructure
 - ❖ Article 15 – Levels of Service
- Elements of current:
 - ❖ Article 12 – Recreation and Landscape Development
 - 12.04.00 – Landscape Development
- Parking Agreements and Shared Parking Requirements
- All site development requirements (what must be done)

The Principal Planner discussed changes to Article 6, which now includes components from multiple other articles of the Land Development Code (LDC). Specifically, Article 6 incorporates content from Article 8 (Transportation), Article 10 (Infrastructure), and Article 15 (Levels of Service), along with elements from the landscape regulations, buffer regulations, and parking regulations originally found in Article 8. All these regulations have been consolidated into a single site design article. He also mentioned that they will explain how the design manual will complement this article by clarifying both the "what" and the "how" of the regulations.

Major Changes

- Language

The Principal Planner addressed the challenges with the current LDC highlighting that it is difficult to read and poorly organized. This disorganization makes it challenging for staff to enforce the regulations because relevant rules are scattered and hard to locate, leading to potential oversight. He emphasized that reorganizing and rewriting the LDC would facilitate consistent interpretation, making it easier not only for staff but also for residents and developers to understand and apply the regulations.

➤ Format

There is a significant deviation in the format of the current LDC. The existing LDC contains large paragraphs that lack specific section references, making it difficult to pinpoint particular regulations. The absence of numbered paragraphs adds to this challenge. The new approach aims to address these issues by incorporating more charts and graphics, particularly in the design manual, to improve clarity and usability.

➤ Organizational & Consolidation

- Section 6.02
 - Includes Access Management - **8.00.00 - 8.10.00**
 - Updates many regulations that are currently not in compliance with FDOT, NFPA or general engineering standards
 - Clear Zones and Sight Triangles - **8.03.00 & 8.07.00**
 - Access (Ingress/Egress) Section - **8.04.00**
- Section 6.03
 - Reorganized and formatted Parking regulations for agreements, shared and off-site parking requirements - **8.06.00**
- Section 6.04
 - Utility infrastructure (Sewer, Water) - **Article 10**
- Section 6.05
 - Lighting Regulations - **7.17.00, 8.09.00, 12.02.00**
- Section 6.06
 - Reorganizes all Landscaping requirements from current **Article 12**
- Section 6.07
 - Consolidates all fences and gates from various sections throughout the current LDC
- Section 6.08
 - Reorganizes, reformats, consolidates and deconflicts all current buffer regulations
- Section 6.09
 - Consolidates the environmental control plans such as erosion, vibration, and dust control.
- Section 6.10
 - Adds regulations that clarify standards for easements
- Section 6.11
 - Provides clarity on the Harbor Boardwalk development requirements that are currently not properly placed or readily known - **8.09.00**
- Section 6.12
 - Clarifies construction activity requirements
- Section 6.13
 - Reorganizes the Concurrency Management System regulations - **15.03.00**
- Section 6.14
 - Reorganizes the adopted LOS - **15.02.00**

The Principal Planner discussed the issue of disorganization in site development requirements, where information is scattered across various sources. He highlighted that the current situation is confusing, with requirements for different aspects like sewer, water, property access, mechanical equipment screening, and landscaping elements being spread out. He introduces a new article that consolidates all these requirements into one document, making it easier for developers to find and understand what is needed for their projects in one place.

Public Workshops and LPA Meetings

Staff conducted multiple workshops and public meetings discussing Article 6 and specific topics pertaining to article 6:

- February 13, 2024 – Public Works/Public Safety meeting (Street Trees)
- February 27, 2024 – Parks & Recreation meeting (Park Trees)
- March 21, 2024 – LPA meeting
- April 11, 2024 – LPA meeting
- May 2, 2024 – LPA meeting

- May 16, 2024 – LPA meeting (No substantive discussion, just an update on what had been added or changed)
- June 11, 2024 (Destin Design Manual only) – Public Works/Public Safety meeting
- August 8, 2024 – LPA meeting

Tandem Parking: Section 6.03.02:

The current regulations allow tandem parking for both residential and non-residential uses, with specific restrictions. For residential properties, tandem parking is limited to two vehicles in a line, meaning that if a car is parked in front, only one car can be parked behind it. This prevents a situation where two cars need to be moved to access the front vehicle. This rule generally applies to typical household parking arrangements.

For non-residential uses, tandem parking of up to three vehicles is permitted, but only if managed by a valet service, not for general use.

The LPA has recommended changes to these regulations, particularly for residential areas. They propose removing the tandem parking restriction from all residential districts. This recommendation reflects a desire to return to more traditional neighborhood designs, where tandem parking was more common and organic before the prevalence of cars. The Principal Planner references historic neighborhoods in cities like Denver, where houses often had small driveways running alongside the home, allowing for more flexible parking arrangements without impacting the street view.

DISCUSSION:

The council discussed issues related to tandem parking and residential district regulations. Councilmember Bagby expressed concern about accessory structures like garages causing water drainage onto neighboring properties. He suggested adding language to the regulations to require driveways to be sloped to retain water on the owner's property, which was agreed upon.

There was also a discussion on limiting tandem parking to one side of the house, as there are restrictions on having more than one access point for a residence unless justified by a traffic study. Councilmember Destin highlighted the impact of these regulations on short-term rentals (STRs), particularly how increased parking capacity could lead to more STRs, which is not desired. He considered whether they could enforce the parking rules specifically for long-term residents and suggested potential measures like requiring valet services for STRs to better manage parking.

Overall, the council was cautious about expanding parking options that might inadvertently encourage more STRs and undermine current regulations meant to limit them. The discussion ended with agreement to refine the language and explore more ways to control parking and ensure compliance, particularly in relation to short-term rentals.

See Section 6.03.02.L.

Shuttle Parking:

The conversation focused on the issue of parking requirements for businesses in the harbor area, specifically concerning the use of shuttle services as a means to reduce parking demand. The staff frequently receives inquiries from businesses interested in using shuttles to transport customers, thereby reducing the need for on-site parking.

- Shuttle Service Proposal:

Some businesses proposed using shuttle services to pick up customers from their homes, hotels, or rentals and bring them to their establishments. This would potentially reduce the need for on-site parking. The main challenge with allowing shuttle services to reduce parking demand is the risk associated with a business being sold. A new owner may not continue the shuttle service, leading to a parking deficit.

Staff could not find any existing regulations that adequately address this issue and prevent potential future parking shortages. After discussing the issue, the LPA recommended not allowing parking reductions based on shuttle services due to the potential future issues with parking deficits if ownership changes.

- Clarification of Current Regulations:

The city does not currently allow for reduced parking requirements in exchange for shuttle services. Businesses can still offer shuttle services, but they must meet the required on-site parking standards.

A suggestion was made to include language in business regulations that would make shuttle service requirements non-transferable upon the sale of the business. However, this was deemed impractical as it would still result in a parking deficit if a new owner did not continue the service.

The conversation referenced a similar issue with livery businesses, where all current operators meet their parking demands, but it remains a point of concern for future transfers.

An example was provided of existing businesses using shuttles voluntarily, such as the Destin Harbor Haulers, who partner with other businesses to provide customer transportation. This practice is allowed but does not qualify for parking reductions.

The staff and LPA concluded that while shuttle services are a beneficial option for businesses, they should not be used to justify reduced parking requirements due to the potential for creating future parking shortages if the service is discontinued by a subsequent owner. The City aims to protect the interests of current and future property owners by maintaining the standard parking requirements.

Sewer Connection Requirements: 6.04.02.D.2.

There was a discussion regarding the enforcement of sewer connection requirements for properties within a certain distance from existing sewer lines. According to both city regulations and state statutes, property owners must connect to the sewer system within a year if service is

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available. However, this has not been actively enforced by the city, leaving several homes still unconnected.

The main issue discussed was whether to actively enforce these regulations or to align solely with state statutes and collaborate with Destin Water Users (DWU) for enforcement. The LPA recommended maintaining the current city regulations and beginning active enforcement.

A DWU representatives stated that there are currently 33 homes with access to sewer services that have not connected, and 96 homes that do not yet have access. Questions were raised about the specifics of enforcement and the number of affected homes. The LPA suggested developing a one-year plan to notify property owners and enforce the connection requirement, with the current tap fee being \$2,800.

Further discussions touched on which areas have access to sewer, including Vintage Circle and Crystal Beach, where previous projects extended sewer lines. However, some areas like Main Street do not have sewer available yet, but there are plans for future expansion.

Tree Removal: 6.06.05

The discussion centered around the removal of trees on residential properties, a recurring issue for city staff. The LPA recommended that residential properties, including duplexes and single-family homes, should not require a permit to remove trees, regardless of the tree's age or size. There are no replanting requirements, though maintaining landscaping is encouraged.

Several concerns were raised about the impact of unrestricted tree removal, especially regarding large, old, and heritage trees. There was debate over the need for some regulation to protect significant trees while balancing property owners' rights. Suggestions included focusing on the size of trees, like heritage oaks, as a threshold for protection, and possibly exempting smaller trees from strict regulations.

City staff highlighted previous failed attempts to regulate tree removal due to strong public opposition, with residents expressing frustration over perceived bureaucratic overreach, such as requiring a licensed arborist for tree removal. It was noted that while the desire to protect trees is strong, any new regulation would need to be carefully considered to avoid backlash and ensure community buy-in.

Insurance companies' concerns were also mentioned, as they sometimes require tree limbs to be cut back from houses, complicating the issue further. The discussion concluded with an acknowledgment of the complexity of the topic and the need for thoughtful consideration if any new policies are to be proposed.

Common Boundary Buffer: 6.08.02.F.

The discussion addresses the issue of common boundary buffers in residential areas, which are meant to create a space between more intense and less intense uses. Staff noted that the current regulations require a 5-foot buffer between similar residential properties, even though setbacks are already mandated and often exceed this buffer. Staff and the LPA discussed the limitations these buffers impose, particularly the inability to install hardscaping like driveways within them. To address this, they proposed redistributing the required buffer space to other areas

The connection requirement will remain and will be enforced

The LPA did not recommend any new regulations

See Section 6.03.02.L.

on the property, such as the front yard, which must then be permanently vegetated. Despite these adjustments, the consensus was that the common boundary buffer serves little purpose for residential-to-residential properties due to existing setback requirements. As a result, the LPA recommended removing the common boundary buffer requirement altogether in residential districts where it applies between residential properties.

Fences: 6.07

The discussion centers around the removal of the old Destin MMTD (Multimodal Transportation District) and its impact on fencing regulations. The old MMTD exempted properties from the common boundary buffer and allowed fences taller than the usual three feet on front property lines. With its removal, many existing fences would become non-conforming, limiting repairs to 25% at a time or requiring compliance with the three-foot height limit for complete replacements. This has raised concerns among residents, as stricter regulations could cause dissatisfaction, especially after events like hurricanes, where fences may need to be rebuilt.

Several solutions were proposed, including exemptions from the three-foot rule for residential properties in specific planning areas. The LPA directed staff to develop regulations accommodating these solutions, allowing for eight-foot fences in certain areas. The council discussed potential issues with non-compliance and the impact on properties, particularly corner lots where taller fences provide necessary privacy. There was general agreement to adopt the new regulations to avoid widespread discontent among residents.

View Corridors: Comp Plan Policy 7-1.2.5

Policy emphasizes maintaining vertical open spaces and preserving Waterfront views and vistas that are crucial for both Destin residents' quality of life and the tourism economy. The policy requires the LDC to establish standards by 2019 to regulate site development, building mass, height, and fencing to promote Waterfront views. However, it was noted that these standards have not been implemented.

Although the policy called for the establishment of view corridors and specific regulations, none have been developed. Current regulations, such as setbacks and the 3-foot fence requirement, do not address the preservation of views adequately. There were concerns that introducing new regulations now, such as a mandatory buffer for view corridors, might infringe on existing property rights, given the current setback requirements. The LPA advised not to pursue view corridor regulations until specific corridors are identified. If no identification occurs, the policy should be removed from the comprehensive plan, as it is not being implemented under the current LDC.

Some council members supported maintaining view corridors and continuing efforts to protect views, especially along the Destin Harbor and beaches, despite past challenges with developers circumventing the intent by planting vegetation that obstructed views. The idea of keeping the policy in the comprehensive plan was supported to ensure the city continues to work toward creating view corridors, even if progress has been slow.

Staff noted that to implement view corridor regulations, a study by a consultant or extensive public workshops would be needed, which is not feasible in the immediate future. An evaluation and appraisal report of the comprehensive plan is due soon, possibly next year, to

ensure all regulations align with the plan. Adjustments to the language regarding view corridors may be considered during this process.

The discussion concluded with acknowledgment that while progress has been made on view corridors in certain areas, a more comprehensive city-wide approach is needed, and any future steps will require careful planning and community involvement.

What is the Destin Design Manual (DDM)?

- A supplemental document to the LDC
- Houses the design or development specifications for site design and elements
- The LDC is “*What*” you must do, the DDM is “*How*” you do it.
- Purpose and Intent
 - Implement city’s policies regarding:
 - Aesthetic
 - Infrastructure
 - Minimum design standards (Engineering Specifications & Drawings)
 - Easier to enforce
- Engineered Drawings
 - The design drawings are meant for design professionals to copy these specs into their plans.

The discussion is about the introduction of the proposed Destin Design Manual (DDM) as part of a broader effort to streamline planning and engineering processes. The DDM will contain detailed design standards and specifications, which were traditionally included within the regulations, but are now being separated into a manual that is adopted through the regulations. This approach is part of a trend in the planning and engineering community to simplify and clarify regulatory processes.

The manual will include design drawings for various requirements, such as access radii in residential districts, enabling developers to easily copy these standards into their plans. This reduces back-and-forth communication and ensures compliance with city codes. In addition to design specifications, the manual will cover procedural elements like numbering, house addressing, and street naming conventions, which are not directly related to site or land development but are necessary for city operations.

The relationship between the LDC and the DDM is that the LDC specifies what must be done, while the DDM outlines how to do it. The manual is designed to reflect current standards and industry trends, including safety and fire codes, and consists of 52 to 53 drawings covering a wide range of elements from city signage to parking lot wheel stops. This comprehensive approach aims to provide clear, standardized guidance for development projects within the city.

What is in the Destin Design Manual ?

- A majority of the design specifications from the MMTDs
 - Section 7.09.00 – Special design criteria

- Section 7.09.03 – Design review requirements
- Elements of Article 12 for Landscape development
- Article 17 – Checklists
- Design Details (Engineering Specifications & Drawings)
- New Addressing & Street Naming System & Processes
- All Measurements (how to measure)

The design manual consolidates valuable design specifications from previous documents, particularly the MMTD (Multi-Modal Transportation District), and integrates good existing design practices. It includes specific details, such as landscape development standards and development checklists from Article 17, along with clear instructions for measurements like tree diameter at breast height (DBH), with illustrations for various scenarios like multi-trunk trees.

The design manual will be a standalone document, separate from the LDC, allowing for streamlined updates and modifications without multiple public hearings. This approach facilitates quicker adoption of changes through ordinances directly presented to the city council, though public input is not excluded. If necessary, relevant boards and public hearings will still be involved in the process, ensuring transparency and adherence to industry standards and best practices.

DISCUSSION

The discussion focused on the city's policies and practices regarding tree planting in areas near sidewalks and impervious spaces, with specific reference to street tree requirements and design details outlined in the design manual. It was confirmed that while there are specific guidelines, there is also flexibility for alternatives as long as they meet the minimum requirements specified in the LDC.

Councilmember Destin expressed concerns about the speed of the design process, emphasizing that staff should not circumvent the legislative process, which typically includes public participation and oversight by the LPA. This concern was echoed by other council members, who were apprehensive that the rapid adoption of design details without adequate public input could diminish community involvement. They emphasized the importance of committees and public interaction to ensure that the community is informed and engaged in the decision-making process, advocating for routing the review through the LPA to increase transparency and public engagement.

GENERAL DISCUSSION

In this segment of the meeting transcript, various city council members and staff discuss design details and regulatory issues related to urban planning, landscaping, and transportation within the city.

Mayor Wagner inquired about canopy coverage of tree vegetation over impermeable surfaces like asphalt, particularly regarding mature tree canopy measurements. The concern is to mitigate heat islands in the city by ensuring sufficient tree cover over such areas. Staff indicate

that while there are standards for minimum tree height and caliper, there is not a specific standard for mature canopy coverage over asphalt.

Discussion shifts to the landscaping section of the code, specifically article 6, and its impact on code enforcement related to yard maintenance. Staff mentioned that the city is working on adopting the International Property Maintenance Code, which would address yard upkeep and other issues in more detail.

Council members discuss lane width as a mechanism for speed calming, indicating a preference for narrower lanes over traditional speed bumps or stop signs. This is connected to a broader conversation about neighborhood safety and traffic management.

The council discusses integrating various regulatory codes, such as the LDC, the Code of Ordinances, and design manuals. There is a need to clearly distinguish between these documents to avoid confusion and ensure proper enforcement of the regulations. Several sections of the code, such as section 6.11 related to harbor development, are being reorganized for clarity and enforcement efficiency. The staff aims to highlight key regulations that were previously buried in the code.

Councilmember Bagby debates the use of palm trees in the city, with concerns raised about their prevalence and lack of canopy cover compared to native trees. He suggests limiting their use to 5% of the total required trees in certain areas, down from 80%.

There is a discussion on the effectiveness of roundabouts versus speed bumps and stop signs for traffic calming in residential areas. Some council members support roundabouts based on national safety data, while others remain skeptical, advocating for more proven methods like speed bumps.

The City Engineer provides an overview of the feedback process on the design manual details, which included input from local engineers, contractors, and public safety committees.

PUBLIC COMMENTS

Ms. Sandy Trammell, a Destin resident and Parks & Recreation Committee Chair, addressed several concerns and suggestions regarding the LDC. She emphasized the issue with homes built diagonally, resulting in cluttered front yards filled with multiple vehicles and construction trailers, which are not adequately regulated under the current code. She suggested that the definition of the front yard should be clarified as the area facing the street, regardless of the house's orientation.

Ms. Trammell also advocated for the reduction of palm trees, particularly non-native species like Sego Palms, which are harmful to dogs. She highlighted the need for better shade trees on sidewalks due to increasing temperatures, as palm trees do not provide sufficient cover. She proposed raising the minimum height for tree limbs over sidewalks from 10 to 15 feet for the safety of cyclists.

Sharing her recent experience in Louisiana, Ms. Trammell mentioned a traffic calming method involving rumble strips on a narrow road, which effectively controlled speed without the need for speed bumps. She suggested this could be a viable alternative for local roads.

Additionally, Ms. Trammell discussed the use of small roundabouts with trees for traffic calming in some residential areas and country clubs. Regarding water taxis, She clarified that the Harbor CRA Advisory Committee previously decided not to recommend mandating water taxi stops for developments unless they involved over 50% redevelopment or new construction.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:25 PM.



ATTEST:

A blue ink signature of Rey Bailey, consisting of several loops and a long horizontal stroke at the end.

Rey Bailey, City Clerk

A blue ink signature of Bobby Wagner, featuring a large, stylized initial 'B' followed by a series of loops and a long horizontal stroke at the end.

Bobby Wagner, Mayor

WORKING DRAFT

City of Destin, FL - [Document title]

ARTICLE 11 - GLOSSARY

HOW TO READ THIS DRAFT ARTICLE 11 - GLOSSARY

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

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

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

Example:

Proposed Modified Definition	→	Abutting/Adjacent property: <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.

WORKING DRAFT

City of Destin, FL - [Document title]

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.

WORKING DRAFT

City of Destin, FL - [Document title]

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.

WORKING DRAFT

City of Destin, FL - [Document title]

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.

WORKING DRAFT

City of Destin, FL - [Document title]

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

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

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

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

Apartment: See dwelling, multi-unit definition.

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

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

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

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

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

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

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

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

WORKING DRAFT

City of Destin, FL - [Document title]

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

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

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

The area of special flood hazard shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Capital Improvements: Physical assets constructed or purchased to provide, improve, or replace a public facility which increases its value, extends its useful life, or enhances its functionality, and are generally large scale and high in cost including transportation planning, preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, and construction of all the necessary features for any transportation construction project including, but not limited to:

- (1) Construction of new through lanes;
- (2) Construction of new turn lanes;
- (3) Construction of new bridges;
- (4) Construction of new drainage facilities in conjunction with new roadway construction;
- (5) Purchase and installation of traffic signalization (including new and upgraded signalization);
- (6) Construction of curbs, medians, and shoulders;
- (7) Relocating utilities to accommodate new roadway construction;
- (8) Pedestrian improvements; and
- (9) Bikeway facility improvements.

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

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

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

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

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

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

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

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

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

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

Church: See place of worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**Common open space:** A parcel or parcels of land or area of water, or a combination of land and water within the site designated as a planned unit development, and designed and intended for the use or enjoyment of residents of the planned unit development. Common open space shall be improved to the~~

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~~extent necessary to complement the residential uses and may contain compatible and complementary structures for the benefit and enjoyment of the residents of the planned unit development.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contiguous land: See Abutting/Adjacent land.

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

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

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

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

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

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

The distance measured across the greatest diameter of a plant.

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

See "cupola".

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

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

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

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

Customary yard accessory, residential: A movable object no more than eight feet in height as measured from grade to the highest point. Customary yard accessories shall include, but not be limited to, benches, tables, fountains, wishing wells, planters, bird baths, bird feeders, movable playsets/swing sets, swings, decorative figures/statues, ornaments, trampolines, outdoor sports equipment, and yard lighting. ~~Customary yard accessories shall not be accessory structures requiring a building permit, such as gazebos, pergolas, arbors, structures affixed in the ground, or movable objects exceeding eight feet in height.~~

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

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

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

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

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

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

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

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

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

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

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

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

1. Construction
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction.
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.
5. Subdividing land into two or more parcels.
6. Erection of a permanent sign unless expressly exempted.
7. 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.

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

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

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

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

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

~~**Development permit:** See Building Permit.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or,

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

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

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

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

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

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

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

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

Dwelling, duplex: Two primary attached single dwellings.

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

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

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

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

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

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

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

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

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

Dwelling, 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

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roominghouse by the City. Roominghouses shall not include homes with foster children placed by the Florida Department of Children and Family Services, small community residential homes and large community residential homes.

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

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

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

Easement: A legal right to use another person's land for a specific limited purpose, without owning it. Easements are often granted for utilities, such as water, gas, electricity, and sewer lines, to cross private lands. They can also allow for private purposes, such as a driveway or access to a landlocked property. Easements are typically recorded in land records and can be transferred with the property, ensuring certain rights or uses are maintained over time.

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

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

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

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

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

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

Electric power generation, solar: An electric power generation facility that uses solar power to produce electric energy. The electric energy produced in these facilities is provided to electric power transmission systems or to electric power distribution systems. This definition does not include small scale solar energy

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conversion systems that have a maximum power output of 200 KW and are used primarily to reduce on-site consumption of utility power.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Expansion: The increase of the capacity, occupancy, square footage, cubic footage, or footprint of a building, facility, road, structure, and includes, but is not limited to, all road and intersection capacity enhancements extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.

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.

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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 or commencing a land development activity which generates traffic and which requires the issuance of a building permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the purposes of calculating floor area ratio, gross floor area shall be the sum of gross horizontal areas of each floor of a building or structure, measured from the exterior face of the exterior walls, or from the centerline of a walls separating two buildings. However, the following shall be excluded in the calculation of gross floor area: any space where the floor-to-ceiling height is less than six feet,

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basements, exterior open balconies, breezeways and open stairwells. Elevator shafts shall be counted only once in the calculation gross floor area, while fully enclosed stairwells shall be counted for each floor that they provide access to.

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

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

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

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

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

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

Groundwater: Water beneath the surface of the ground.

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

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

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

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

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

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

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

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

Commence at the intersection of the southerly right-of-way line of U.S. Highway 98 (State Road No. 30) (100-foot right-of-way as it exists in 1985) and the mean high-water line of the East Pass Inlet to the Gulf of Mexico; thence proceed southeasterly along such mean high-water line to the entrance of Destin Harbor, and the point of beginning; thence departing such mean high-water line proceed northeasterly at right angles to such mean high water line a distance of 100.00 feet; thence proceed easterly parallel to and 100.00 feet upland of the mean high-water line of Destin Harbor to a point 100.00 feet upland of the intersection of the mean high-water line of Destin Harbor and the finger canal as depicted on the plat of Sandpiper Cove Phase III as recorded in Plat Book 1, pages 161-170 of the public records of Okaloosa County, Florida; thence proceed easterly along a line 100.00 feet northerly and parallel to said finger canal to a point 100.00 feet north of the easternmost point of said finger canal; thence continue easterly along the projection of the line parallel to and 100.00 feet north of such canal to the centerline of Gulfshore Drive (100-foot right-of-way); thence proceed westerly along the centerline of Gulfshore Drive to a point of intersection with an extension of the centerline of a ten-foot-wide out parcel as recorded in O.R. Book 1142, page 1566, of the public records of Okaloosa County, Florida; thence proceed southerly along the centerline of such out parcel and the projection thereof to the mean high-water line of the East Pass Inlet to the Gulf of Mexico; thence proceed northwesterly along such mean high-water line to a point on the western extremity of the Holiday Isle peninsula; thence proceed northerly, traversing the entrance to Destin Harbor, to the point of beginning.

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

- ~~(1) The proposed occupant of the mobile home must be related to an occupant of the one family attached dwelling as grandparent, parent, brother, sister, child, grandchild, or parent-in-law.~~
- ~~(2) The applicant must have written consent of all property owners within 300 feet of the lot or parcel of property upon which the mobile home is to be located.~~
- ~~(3) The applicant must have an affidavit signed by a physician licensed to practice medicine in this state certifying that the proposed occupant of the mobile home is terminally ill or requires constant care as would be provided by a hospital.~~

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- ~~(4) The special exception will be granted for a period not to exceed one year but may be renewed by following the same procedure as for the granting of the same.~~
- ~~(5) The proposed mobile home must comply with all setback requirements of the district.~~
- ~~(6) Such other conditions and safeguards as deemed appropriate by the board of adjustment.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IESNA: Illuminating Engineering Society of North America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

An objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand

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on natural resources; and the measurement of the use of or demand on facilities and services. Additionally, intensity of development may be limited or regulated by performance standards, such as maximum floor area ratio for gross floor area allowed on a lot or parcel, lumens for lighting, or maximum decibels for sound.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lot split: See LDC Section 2.04.01

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

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

Low-income household: As defined by Florida State Statutes

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

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

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

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

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

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

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

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

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

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

Manufactured housing: Dwelling, modular

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

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

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

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

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

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

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

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

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

Marine turtle: Any marine-dwelling reptile of the families Cheloniidae or Dermochelyidae found in Florida waters or using the beach as nesting habitat, including the species: *Caretta caretta* (loggerhead); *Chelonia mydas* (green); *Dermochelys coriacea* (leatherback); *Eretmochelys imbricata* (hawksbill); and *Lepidochelys 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.

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

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

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

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

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

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

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

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

Minor replat: See LDC Section 2.04.02.

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

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

Mobile Vendor: A person who is in the business of selling food, beverages, flowers or other merchandise or services from a vehicle, except, however, that the provisions of this ordinance shall not apply to mobile caterers, generally defined as a person engaged in the business of transporting, in motor vehicles, food, beverages, or service equipment to residential, business and industrial establishments pursuant to

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prearranged schedules, and dispensing from the vehicles the items or services at retail, for the convenience of the personnel of such establishments. (Code of Ordinances, Section 13-160)

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

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

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

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

Motor home: See recreational vehicle.

Motor home pad: See Recreational vehicle pad.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NFWMD: Northwest Florida Water Management District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Off-site business: A sole proprietorship business whose primary physical operations (as distinguished from purely managerial activities) occur at a location other than the site of its permanent listed address. Such

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address shall be allowed to serve as an address of convenience for licensing purposes and for private management of business matters. However, the business shall involve no on-premises storage, no signs relating to the business activity and the business shall create no parking in addition to that normally associated with the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Party fishing boat: See fare carrying vessel.

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

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

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

An establishment wherein the business of a pawnbroker is conducted. A pawnbroker shall be any person who lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness; or, who deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price. A pawnshop shall not be deemed a retail sales establishment except for the purposes of determining off-street parking and other site requirements. Outside storage, outside display, and outside sales are prohibited. Such stores shall not be located within 500 feet of any other pawn shop, thrift store or used merchandise store, as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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approved military airport layout plan, any other FAA planning document, or military service's military airport planning document.

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

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

or,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public service antennas or facilities: Antennas or 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Road: See Street.

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

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

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

Roadway capacity: The maximum number of vehicles that can pass a given 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

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the City. Rooming houses shall not include homes with foster children placed by the Florida Department of Children and Family Services, small community residential homes and large community residential homes.

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

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

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

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

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

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

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

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

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

Setback area: See "Yard."

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

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

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

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

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

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

Shade tree: Any self-supporting woody plant which normally grows to an overall height of at least 25 feet and normally develops an average mature spread of crown greater than 20 feet in the northwest area of the state. (A listing of suggested shade trees shall be maintained by the City, a copy of which is adopted by reference.)

Shield (beach lighting): A nonreflective covering, canopy or other such device fitted over and extended below a light source preventing light from illuminating the beach.

Shopping center: A complex of retail stores, restaurants, professional or personal service uses and offices, grouped together having a common parking area, that contains a minimum of 30,000 square feet of gross floor area, and three or more establishments. Restaurants and lounges (eat in or take out) and medical uses other than offices, altogether, shall not occupy more than 30 percent of the gross floor area. Marina uses or marine-related service facilities, automotive services or automotive rentals, health and recreational services with outdoor facilities, and movie theaters shall be not be considered as a shopping center use.

Shopping center, community: A center that typically offers a wider range of apparel and other soft goods than the neighborhood center does. Among the more common anchors are supermarkets, super drugstores, and discount department stores. Community center tenants sometimes contain off-price retailers selling such items as apparel, home improvements/furnishings, toys, electronics, or sporting goods. The center is usually configured as a strip, in a strip line, or "L" or "U" shape. Community shopping centers shall range in size from 150,000 square feet to 350,000 square feet. The primary trade area for a community shopping center is three to six miles.

Shopping center, fashion/specialty: A center composed mainly of upscale apparel shops, boutiques, and craft shops carrying selected fashion or unique merchandise of high quality and price. These centers need not be anchored, although sometimes restaurants or entertainment can provide the draw of anchors. The physical design of the center is very sophisticated, emphasizing a rich decor and high-quality landscaping. These centers usually are found in trade areas having high income levels. Specialty shopping centers shall range in size from 80,000 square feet to 250,000 square feet. The primary trade area for a specialty shopping center is five to 15 miles.

Shopping center, neighborhood: A center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. These anchors are supported by stores offering drugs, sundries, snacks, and personal services. A neighborhood center is usually configured as a straight-line strip with no enclosed walkway or mall area, although a canopy may connect the storefronts. Neighborhood shopping centers shall range in size from 30,000 square feet to 100,000 square feet. The primary trade area for a neighborhood shopping center is three miles.

Shopping center, outlet: Usually located in rural or occasionally tourist locations, outlet centers consist mostly of manufacturers' outlet stores selling their own brands at a discount. These centers are typically not

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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.

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.)

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Shrub, large: A shrub that is no taller than four feet (4').

Shrub, medium: A shrub that is a minimum four feet (4') to a maximum eight feet (8') tall.

Shrub, small: A shrub that is eight feet (8') or taller.

Sidewalk, external: A sidewalk that is located in a public or private right-of-way or in a public easement. An external sidewalk is typically considered a public sidewalk and provides safe and convenient pedestrian access to transit stops, on-street parking spaces and connections to the internal sidewalk system of privately or publicly owned lots or parcels.

Sidewalk, internal: A sidewalk that is not located in a public or private right-of-way or in a public easement and that is located on a lot or parcel. An internal sidewalk typically provides safe and convenient pedestrian access to buildings, common open space, transit stops, parking areas, adjacent properties, and connections to the external sidewalk system.

Sign: Any writing, graphic or pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device, including the sign structure and sign face area, which is used to announce, direct attention to, identify, advertise, or otherwise make anything known, and which is visible from any street, right-of-way, sidewalk, alley, or other public property. The term "sign" shall not be construed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign, abandoned or discontinued: Any sign which, for a period of 180 consecutive calendar days, is no longer being used and is not being maintained.

Any sign which, for a period of 180 consecutive calendar days, is no longer being used, and ~~which sign is not being maintained shall be considered an abandoned or discontinued sign.~~

Sign, Banner: Any sign printed or displayed upon cloth or other flexible material, with or without frames.

Sign, Building: A sign displayed upon or attached to any part of the exterior of a building, including, but not limited to, walls, windows, doors, parapets, marquees, and window signs.

Sign, Construction: A sign erected on premises under construction detailing information or warnings related to the construction project.

Sign, Directional: A sign located at the exit or entrance of a premises that has two or more driveways.

Sign, exterior area: The area, measured in square feet, within a two-dimensional geometric figure coinciding with the edges of the walls that form the surface where the sign will be installed.

Sign face area: The portion of a sign used to identify, advertise, or communicate information or for visual representation that attracts the attention of the public for any purpose. Lighting or other ornamentation that is incorporated in the design of the sign, may be considered as part of the sign face area. Please refer to the Destin Design Manual to determine how sign face area is measured.

~~Sign, grand opening:~~ ~~A sign displayed on premises for which a grand opening is in progress.~~

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Sign, ground: A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Sign height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, off-premises: A sign relating in its subject matter to other than the premises on which it is located or to products, accommodations, or activities available on premises other than the site on which the sign is located. Any sign bearing a noncommercial message is not an off-premises sign and shall be deemed to describe activities on the premises where the sign is located.

A sign relating in its subject matter to other than the premises on which it is located or to products, accommodations, services or activities available on premises other than on the site on which the sign is located, including signs erected in the conduct of the outdoor advertising business.

Sign, on-premises: A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising business.

A sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. Freestanding signs are those which have structural support for the sign independent of support by buildings or other structures.

Sign, real estate: A sign erected on premises for sale, lease or exchange.

Sign, portable: A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse. Portable signs shall include but are not limited to signs mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure or motorized vehicle with or without wheels.

Any sign which is designed to be transported by a trailer or on its own wheels or to be mobile, when not permanently attached to a building or to the ground by means of a footing. The phrase "portable sign" includes a sign whose wheels have been removed and which has been converted to an A- or T-frame sign attached temporarily to the ground.

Sign, roof: A sign which is wholly or partially fastened to and supported by or on the roof, or which extends above the roof line or cornice line of the structure.

Sign structure: Any structure used or designed to support a sign.

Sign, temporary: Designed, constructed, and intended to be used on a short-term basis.

Sign, vehicle: A sign affixed to a vehicle that may range from magnetic signs and vinyl wraps to custom paint jobs. This does not include any sign area that was attached by welding, bolting, tying, suction, or otherwise attaching it in a manner not flush with the vehicles body.

Any sign affixed to a vehicle.

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Sign, waterfront: A type of signage specifically located along waterfronts designed to provide information, directions, or advertising related to the waterfront area.

A sign to be erected over a dock at a commercial boat rental slip within the business district along Destin Harbor as identified within the City's Comprehensive Plan.

Sign, window: A type of signage displayed on, affixed to, within, or visible through the windows of a building.

A type of signage displayed on or within the windows of a building, commonly used by businesses to advertise products, services, promotions, or operational information like business hours.

Or,

A sign that is visible through a window.

Significant adverse effect: Any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the area's beneficial functions.

Any modification, alteration, or effect upon a protected environmentally sensitive area which measurably reduces the area's beneficial functions as delineated in the conservation element of the City Comprehensive Plan.

Sill: The horizontal member that bears the upright portion of a frame, especially the horizontal member that forms the base of a window.

Single room occupancy housing: A form of affordable housing that provides private sleeping quarters for individual occupants, with shared facilities such as bathrooms and kitchens accessible to all residents.

A long-term single-family or multifamily dwelling unit wherein the owner must reside on the premises and where no more than two bedrooms are available for rental occupancy by single individuals.

Site: See Parcel/Lot.

Generally, any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Site Plan: A scaled and dimensioned drawing that outlines the layout and arrangement of a development project on a specific parcel of land. A site plan includes the positioning of buildings, roads, parking areas, landscaping, utilities, and other site features relative to the boundaries of the property (See the Destin Design Manual for site plan requirements).

Site plan shall mean a drawing, to scale, which accurately depicts the property and proposed improvements.

or,

The plan required to acquire a development, construction, building or stormwater permit which shows the means by which the developer will conform with applicable ordinances, rules or laws.

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Site-related improvements: Capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Direct access improvements include, but are not limited to, the following:

- (1) Access roads leading to the development;
- (2) Driveways and roads within the development;
- (3) Acceleration and deceleration lanes, and right and left turn lanes leading to those roads and driveways; and
- (4) Traffic control measures for those roads and driveways.

Site-specific analysis (SSA): The process by which a proposed land use in a designated aircraft noise-impacted area is examined for compliance with the county land use plan, the attached noise zone map and the land use guidance chart contained herein. Site-specific analysis enables the permit/plot applicant to be advised of the type of construction needed to meet the sound level reduction requirements.

Sleeping room: An area in a hotel/motel or Commercial Transient Living Accommodation (CLTA) unit used primarily for sleeping.

Slip: A parking, berthing, or landing space for one boat at a dock or pier.

Slips, fare carrying: ~~Boat slips reserved for the following types of watercraft: charter fishing, sightseeing (e.g. dolphin, sunset, diner cruises, etc.), sailing, parasail, pontoon, runabout, and jet skis.~~

Slips, transient: Boat slips available on a first come first serve basis, to promote non-automotive travel. This can include slips open to the general public for a limited amount of time or for short-term mooring for rent.

Boat slips reserved for the general public on a first come, first serve basis in order to promote non-automotive travel. Non-rental transient slips cannot have a rental fee attached to them and no boat may be parked in the slip for more than six hours. Short-term rental transient slips may have a rental fee, however no boat may be parked in the slip for more than seven days.

Solicit or canvas: Any act, delivery, or exchange not initiated by the prospective customer, or which directs attention to any business, mercantile, or commercial establishment, or any other commercial activity, for the purpose of directly or indirectly promoting commercial interests through sales, rentals, or any exchange of value.

Sound absorption: Capacity of materials and furnishings in a room to absorb sound. For the purposes of this article, the sound absorption is equal to 0.05 times the room volume in cubic feet divided by the measured reverberation time in seconds determined with an octave band of noise centered at 500 hertz.

Sound level: In decibels, the quantity measured by an instrument satisfying the requirements of American Standard Specification for Type I Sound Level Meters. The sound level shall be the frequency weighted sound pressure level obtained with the frequency weighting "A" and the standard dynamic characteristic "Slow."

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Sound level reduction (SLR): The difference in decibels between the sound level outside a building and the sound level inside a designated room of the building which is caused by exterior noise.

Special conditions or circumstances: Unique situations, naturally occurring or not caused by the property owner current or previous, which is specific to a property, lot, etc. that may affect the constructability or use of a site, parcel, lot, or land or the application of any other required elements of this code.

Special event: A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars. ***A permit is required for a Special Event per Article 2 of this Code***

Entertainment, educational, and cultural events generally involving the outdoor assembly of 50 or more people. Such events may include but not be limited to circuses, fairs, carnivals, festivals, art shows, grand openings, bazaars, or other similar events that (1) run for longer than one day but not longer than 30 days (may also repeat on the same day of the week over an extended period of weeks), (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Speed: Rate at which an object covers distance over time.

Spire: The tapering termination of a roof tower or roof form to a point, as on a steeple.

Spot light: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Standard: Any form which displays what is commonly referred to as a "nation's flag" or "colors" for a country, state, county, city, other political subdivision, military or religious entity, or other similar entity. This definition does not include any commercial branding on a "flag."

Stairway: One or more flights of stairs, either exterior or interior, with the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one level to another.

~~**Stairway, exterior:** A stairway that is open on at least one side, except for required structural columns, beams, handrails and guards. The adjoining open areas shall be either yards, courts or public ways. The other sides of the exterior stairway need not be open.~~

~~**Stairway, interior:** A stairway not meeting the definition of an exterior stairway.~~

Start of construction: The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied

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as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures. This definition does not apply to new construction or substantial improvements under the Coastal Barrier Resources Act (PL 97-348).

Stormwater: The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater discharge associated with industrial activity: ~~The discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term includes discharges from facilities or activities excluded from the NPDES program under 40 CFR parts 122 (As defined at 40 CFR part 401).~~

Stormwater facilities: Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site.

Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site. A stormwater management system may include, but is not limited to stormwater ditches, sewers, canals, drains, detention facilities and retention facilities.

Stormwater pollution prevention plan (SWPPP): A plan required by a permit to discharge stormwater associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with industrial activity at the facility.

Stormwater runoff: That portion of the stormwater that flows from the surfaces of a site.

That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Story: That portion of a building included between the surface of any floor or ground slab and the surface of the next floor above it, or, if there is no floor above it, then the space between the ceiling next above it.

Street: A way open to travel whether private or public, including, but not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards and also as set forth in Section 334.03, Florida Statutes.

A public or private right-of-way for vehicular traffic, including, but not limited to, highways, thoroughfares, lanes, roads, ways, and boulevards.

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Streets, arterial: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streets, collector: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streets, local: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Street, primary: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Street, secondary: Shall have the same meaning as set forth in Section 334.03, Florida Statutes.

Streetscape: The visual elements of a street and its surroundings, including the road, sidewalks, street furniture, trees, lighting, signage, and adjacent buildings.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels. Ground level parking lots are deemed not to be structures.

Structure, minor: Includes, but is not limited to, pile-supported, elevated dune and beach walkover structures; beach access ramps and walkways; stairways; lifeguard support stands and sand fences. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave, and storm forces.

Subdivision: The process of dividing a larger tract of land into smaller parcels or lots for the purpose of sale, development, or lease.

The division of one parcel of land into two or more lots.

Subdivision, major: A subdivision in which all or a majority of the lots resulting from said subdivision front on a future public or private right-of-way and which includes the dedication of land to the City or homeowners' association (e.g., right-of-way, park, drainage retention areas, parking area, access easements, etc.).

Subdivision, minor: A subdivision in which all lots resulting from said subdivision front on existing public or private rights-of-way.

Subdivision, nonresidential: A subdivision designed and used exclusively for nonresidential purposes.

Substantial improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of the structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the local register of historic places, or a state inventory of historic places, unless that alteration will cause the structure to lose its historical designation.

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Surface water: Water above the surface of the ground, whether or not flowing through definite channels, including wetlands.

Water above the surface of the ground, whether or not flowing through definite channels, including the following:

- A. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
- B. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed or banks; or
- C. Any wetland.

Survey, land: A comprehensive assessment conducted on a specific location to gather detailed information about its characteristics, conditions, and existing infrastructure, and may result in a plotted illustration prepared by a registered and certified land surveyor.

Survey shall mean a sketch or survey prepared by a registered land surveyor and certified within the last 90 days prior to the date of application.

Swale: A shallow, linear depression in the land designed to manage water runoff, enhance filtration, and facilitate the infiltration of stormwater into the ground.

A manmade trench which: a) has side slopes no steeper than one-foot vertical to three-foot horizontal; b) contains contiguous areas of standing or flowing water only during and following a rainfall event; c) is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and d) is designed to take into account the soil erodibility, percolation, slope, slope length and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Swimming Pool: Any structure that is intended for swimming or recreational bathing and contains water over 24 inches deep, including, but not limited to, in-ground, aboveground, and on-ground swimming pools; hot tubs; and nonportable spas.

A permanent receptacle for water or an artificial pool of water, having a depth, at any point, of more than two feet, intended for the purpose of immersion or a partial immersion therein of human beings, and including all pertinent equipment.

Tattoo parlor: An establishment which in whole or in part, either in terms of operation or as held out to the public, that is in the practice of one or more of the following: 1) placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration, with the exception of ear piercing.

An establishment which in whole or in part, either in terms of operation or as held out to the public, that is in the practice of one or more of the following: 1) placing designs, letters, figures, symbols, or

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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.

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.

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Telecommunication facility, public: A telecommunication facility owned, operated, or used by a public entity solely for any of the following services: public education, parks and recreation, fire and police protection, public works, and general government.

Telecommunications facility, small cell: Small cells or Distributed Antenna Systems (DAS) can be deployed to provide coverage in targeted locations (0.01 to 2 km in radius) by moving radios closer to the users, and to provide additional capacity in areas with higher demands for wireless voice and data services, which improves the quality of service and experience. They use components that are a fraction of the size of traditional cell tower deployments and can often be installed on utility poles, buildings, and other existing structures.

Temporary: Means a period of time less than 180 calendar days, in the context of change of use permit applications.

Temporary outdoor lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of not more than 30 consecutive or non-consecutive days in any one calendar year.

Thrift store: A retail establishment that sells second-hand goods at reduced prices. Used record stores, used bookstores, used furniture stores, antique stores, consignment stores, and collectible memorabilia, stores shall not be considered a thrift store.

A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 25 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated. A specialty retail store that sells used merchandise not donated for sale, including but not limited to; used record stores, used book stores, used furniture stores, and sports trading card stores, shall not be considered a thrift store for the purpose of this ordinance. Outside storage, outside display, and outside sales are prohibited. Such stores shall not be located within 500 feet of any other thrift store, pawn shop or used merchandise store as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question.

~~**Thrift store, large:** A profit or nonprofit business or organization that engages in or specializes in the sale or resale of previously owned or used goods and merchandise from an area greater than 50 percent of the total floor area devoted to retail sales and whose merchandise is donated or principally donated and is housed in a commercial structure of not less than 15,000 square feet of gross floor area. Such stores shall not be located within 1,000 feet of any other "thrift store, large" as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question. Such development or redevelopment shall comply with the requirements of section 8.09.03 A. Old Destin MMTD sub area, and shall apply such standards to any road or private accessway frontage facing other businesses.~~

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Tinted glass: Any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Total suspended solids (TSS): Solids that either float on the surface, or are in suspension in, water, wastewater, or other liquids. TSS is expressed in milligrams per liter.

Solids that either floats on the surface, or are in suspension in, water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device. TSS is expressed in milligrams per liter.

Tourist home: An establishment where lodging is provided for compensation for periods of less than one week, other than in dwelling units, for five to 19 persons, and with breakfast only served to guests, or with no meals served to guests. For transient lodging for 20 or more persons, see hotel (motel).

Tower, guyed: A telecommunication tower that is supported, in whole or in part, by guy wires and ground anchors.

Tower, lattice: A telecommunication tower that consists of multiple legs and cross-bracing of structural support beams.

Tower, monopole: A telecommunication tower consisting of a single pole or spire supported by a permanent foundation, constructed without guy wires, and ground anchors.

Tower, telecommunication: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guyed and free-standing lattice towers, monopole towers, and alternative tower structures. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone, and personal communication services (PCS) towers.

Townhouse: A style of dwellings that includes three or more independent dwellings separated by firewalls either attached side-by-side or stacked vertically and are occupied individually as a single dwelling.

A single-family residential dwelling unit which is attached to a series of other single-family residential dwelling unit(s) by not more than two party walls. At the point of attachment, dwelling units shall be separated from each other by firewalls extending from footings to roofs without openings which would permit the spread of fire from one building to another.

Traffic volume: The number of vehicles, and occasionally persons, passing a point on a roadway during a specified time period, often one hour.

Travel trailer: A recreational vehicle used for temporary housing by individuals and families during travel. This also includes campers, camping trailers, motor homes, and smaller mobile homes (up to a length of 28 feet exclusive of hitch) capable of being towed by a passenger motor car.

Travel trailer park: A development for the accommodation of tourists or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of the tenants. Spaces are not individually owned.

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Tree: A woody perennial plant, typically having a single stem or trunk, but may have multiple trunks, growing to a considerable height and bearing lateral branches at some distance from the ground.

Any living self-supporting woody plant of a species which normally grows to an overall height of at least 12 feet and normally develops an average mature spread of crown greater than 12 feet in the northwest area of the state.

Tree, evergreen: A tree with foliage that remains green year round.

Tree, large: A tree at maturity more than forty feet (40') in height.

Tree, medium: A tree at maturity more than fifteen feet (15') but less than forty feet (40') in height.

Tree, preserved: A living tree twenty-four inches (24") in diameter or seventy-five inches (75") in circumference inches or more at DBH.

A living tree 24 inches or more in diameter at a point 4½ feet above ground level.

Tree, protected: A living tree twelve inches (12") in diameter or thirty-seven inches (37") in circumference to less than twenty-four inches (24") or seventy-five inches (75") in circumference at DBH.

A living tree 12 to 24 inches in diameter at a point four and one-half feet above ground level.

Tree, small: A tree at maturity less than fifteen feet (15') in height.

Tree, street: Trees that are located within a right-of-way.

Trees that are on land lying between property lines on either side of all streets, avenues, or rights-of-way within the City.

Tree protection zone: A circular zone around each protected tree defined as follows:

- ~~A. If the dripline is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.~~
- ~~B. If the dripline is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full dripline around the tree.~~
- ~~C. If the dripline is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree or 50 percent, whichever is the greatest.~~

Uncontaminated: Not containing a harmful quantity of any substance.

Unit: That part of a multiple-occupancy complex housing one occupant.

Unit exterior area: The area, measured in square feet, within a two-dimensional geometric figure coinciding with the edges of the walls that form the surface where the sign will be installed.

Unit, commercial: A space within a building or property designated for business activities, such as retail sales, services, offices, or hospitality.

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Unit, hotel/motel: A single room or suite within a hotel, designed to provide temporary accommodation for guests. Each hotel unit typically includes sleeping areas and may also offer additional amenities such as a private bathroom, a small kitchenette, a living area, and in some cases, a balcony or terrace.

That part of a multiple-occupancy complex housing one occupant.

Unsafe building: Any building, structure or property that has any of the following conditions, such that life, health, property or safety of the general public or the building its occupants, either permanent or occasional, of the general public are endangered.

Upland retaining wall: A wall constructed to keep soil and/or earth from sliding or eroding, generally into a body of water.

A wall constructed to keep a bank of earth from sliding or eroding, located not closer than five feet landward of a non-aquatic vegetation line of a shoreline.

Used merchandise store: A retail establishment primarily engaged in the sale of used merchandise, antiques, and secondhand goods, such as household appliances (only if sold with a minimum 30-day warranty), furniture, books and rare manuscripts, musical instruments, office furniture, music listening devices and musical recordings, and store fixtures and equipment. This definition does not include pawnshops and thrift stores.

A retail establishment primarily engaged in the sale of used merchandise, antiques, and secondhand goods, such as household appliances (only if sold with a minimum 30 day warranty), furniture, books and rare manuscripts, musical instruments, office furniture, music listening devices and musical recordings, and store fixtures and equipment. This definition does not include pawnshops and thrift stores. Such stores shall not be located within 500 feet of any other used merchandise store, pawn shop, or thrift store, as measured from the closest exterior wall of one establishment to the closest exterior wall of another such establishment. Antique stores are not subject to any separation requirement. In cases where an establishment occupies a multi-unit building, the distance separation criteria shall be measured from the wall of the unit in question. Outside storage, outside display, and outside sales are prohibited in connection with any establishment selling used merchandise.

Utility company: Any private or public company engaged in providing a public service, such as water, electricity, sewage, garbage disposal, telephone service or natural gas.

Utility pole mounted antenna: An antenna attached to or upon an existing or replacement electric transmission or distribution pole, streetlight, traffic signal, athletic field light or other approved similar structure.

Variance: Relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship.

Relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. As used

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in this Code, a variance is authorized only for building height, lot area, setbacks; and establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in any adjoining zoning district.

VdB or vibration decibels: The root mean square vibration velocity in decibels relative to one micro-inch per second.

Vehicle sign: Any sign affixed to a vehicle.

Vehicular canopy: A structure designed to provide cover from the elements (sun, rain, sleet, etc....) for vehicles and which has open sides. For example, those canopies used over fuel pump islands at filling stations.

Vehicular encroachment: The protrusion of a vehicle outside of a parking space, display area, storage area, accessway or access aisle into a landscape, buffer, or other non-vehicle use area.

Vehicular encroachment: The protrusion of a vehicle outside of a parking space, display area, storage area, accessway or access aisle into a landscaped area.

Vehicular use area or vehicle use area: Any ground surface area, except public right-of-way, used by any type of vehicle, whether moving or at rest, for the purposes of, including, but not limited to, driving, parking, loading, unloading, storage or display, such as but not limited to, new and used car or boat lots, activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores and other vehicular uses under, on or within buildings except junk or automobile salvage yards.

Vending, mobile: A transportable retail or food service business that does not have a permanent/fixed location.

View corridor: A type of open space providing at least a partial view of a point of interest from a public right-of-way or other public property.

Vines: Any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form.

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Visual screen: A barrier or device used to block or alter the view of an area to enhance privacy, aesthetics, or security.

A barrier of living or nonliving landscape material put in place for the purpose of separating and obscuring from view those areas so screened.

Wall: A solid, structural element that defines an area by enclosing it.

A solid fence.

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Wall pack: A type of light fixture, typically flush-mounted on a vertical wall surface.

Warehouse: A facility primarily used for storing goods, products, and materials.

Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material inside a building or group of buildings, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

Warehouse, mini: Often referred to as a self-storage facility, providing individual storage units for personal or business storage which may provide facilities for drive-in or walk-in access. This may include refrigerated facilities.

A building or group of buildings divided into individual, self-contained units used to meet the temporary storage needs of individuals or small businesses and may include refrigerated facilities. All separate compartments are accessed directly from outside of the building in which they are housed. A business shall not be operated from a leased individual, self-contained unit.

~~**Warehouse, walk-in mini:** An enclosed storage facility containing individual, self-contained units that are leased to individuals or small businesses exclusively for long-term storage of their household goods or personal property and may include refrigerated facilities. A business shall not be operated from a leased individual, self-contained unit.~~

Wastewater: Water that has been used and contaminated through various household, industrial, commercial, or agricultural activities.

Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

~~**Watch tower:** A tall, generally narrow, stone or wooden structure used as a non-habitable rooftop architectural feature.~~

~~**Water or waters:** Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.~~

Water body: Any bays, bayous, lagoon, inlet, natural or artificial pond, lake, reservoir, or other area with discernable shoreline which ordinarily or intermittently contains water.

Watercourse: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks or other discernible boundary.

Waters of the State: Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the State of Florida or inside the jurisdiction of the State of Florida.

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Waters of the United States: All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR 122.2; but not including, any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

Water-taxi: A watercraft that ferries passengers along relatively short distances between boat docks approved by the City of Destin and the Florida Department of Environmental Protection for general public access. A water-taxi is piloted by a licensed United States Coast Guard Captain for ferrying passengers across state or coastal waters.

Wellhead protection area: An area designated by local government to provide land protection for the groundwater source for a potable water wellfield, including the surface and subsurface area surrounding the wellfield. Differing levels of protection may be established within the wellhead protection area commensurate with the capacity of the well and an evaluation of the risk to human health and the environment. Wellhead protection areas shall be delineated using professionally accepted methodologies based on the best available data and taking into account any zone of contribution described in existing data.

Wetland: A distinct ecosystem that is inundated by water, either permanently or seasonally, characterized by aquatic plants adapted to the unique hydric soil. Wetlands can include marshes, swamps, bogs, and fens, and are often vital habitats for a host of wildlife species. The term includes those lands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Protection, Northwest Florida Water Management District, or U.S. Army Corps of Engineers.

Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps and marine meadows. The term includes those lands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Regulation or U.S. Army Corps of Engineers.

Wheeled vehicle: Anything that moves on wheels, sleds, or treads, and is able to transport/carry things or people, and which utilizes a form of propulsion such as: (1) a motor that is gas powered, wind powered, coal powered, wood powered, solar powered, kinetically powered, or battery powered; (2) an internal combustion engine; or (3) pedals, chains, springs, or hydraulics for manual propulsion. Additionally, anything that is pulled by a horse, mule, camel, or donkey, and which transports things or people, is also a Wheeled vehicle for purposes of this section.

Yard: An area within a lot, parcel, or property, which is open, unoccupied, and unobstructed by any permanent accessory or principal structure or portion of any accessory or principal structure.

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A required open space, established in conjunction with the required setback, unoccupied and unobstructed by any accessory or principal structure or portion of any accessory or principal structure; provided, however, that fences, walls (see definition), poles (flag poles), posts, customary yard accessories, arbors (see definition) and furniture may be permitted in any yard subject to specified height limitations as provided herein. Accessory residential HVAC and pool equipment, with the equipment base or foundation installed on-grade may be permitted in the required yard.

Yard, front: An area of a lot, parcel or property extending between side lot lines across the front of a lot adjoining any street. In the case of through lots and corner lots, front yards shall be those adjoining both streets.

A yard extending between side lot lines across the front of a lot adjoining a public street. In the case of through lots and corner lots, front yards shall be those adjoining both streets, except as allowed by the Land Development Code.

Yard, rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line, except as allowed by the Land Development Code.

Yard, side: A yard extending from the rear line of the required front yard to the rear lot lines, or in the absence of any clearly defined rear lot lines to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full front yards on both streets have been established shall be considered side yards.

A yard extending from the rear line of the required front yard to the rear lot lines, or in the absence of any clearly defined rear lot lines to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full front yards on both streets have been established shall be considered side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line, except as allowed by the Land Development Code.

Yard, special: A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or so oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the City Manager or his or her designee shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

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City of Destin Business Impact Statement – Ord 26-04-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. 26-04-LC repeals and replaces Article 7, Section 7.01.00 Mitigation of development activity impacts, Section 7.02.00 Mitigation of vibration impacts, Section 7.17.00 Outdoor lighting standards, Article 8 - transportation, Article 9, Section 9.06.05. Fences, general, Article 11, Section 11.09.03 Erosion and sediment control plan, Section 11.09.04 Litter control, Section 11.10.00 Air quality, Article 12 - Recreation and landscape development, and Article 15 - Levels of service, of the current Land Development Code (LD) for the City of Destin. It provides updates to the City's development regulations for on-site development.

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.

