



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

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE**
- 2. AGENDA APPROVAL**
- 3. APPROVAL OF MINUTES**
- 4. CURRENT BUSINESS**
 - A. Proposed Ordinance 26-08-LC - AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 14 “CAPITAL IMPROVEMENTS” AND ARTICLE 8, SECTION 8.07.00 “APPROVED TRANSPORTATION PLANS” OF THE LAND DEVELOPMENT CODE, AND ADOPTING, BY REFERENCE, THE CITY OF DESTIN MOBILITY PLAN, BY CREATING A NEW ARTICLE 9 - TRANSPORTATION CORRIDOR MANAGEMENT, 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.**
 - B. Proposed Ordinance 26-09-LC - AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RENUMBERNG AND RENAMING THE CURRENT “ARTICLE 19 - IMPACT FEES”, OF THE LAND DEVELOPMENT CODE AS “ARTICLE 10 - IMPACT AND MOBILITY FEES,” PROVIDING FOR UPDATES AND AMENDMENTS RELATING TO IMPACT AND MOBILITY 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.**
- 5. PUBLIC COMMENTS**
- 6. NEXT MEETING DATE: TBD**

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

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: July 30, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Tina Deater, Community Development Director

FROM: Daniel Butler, Principal Planner

DATE: July 9, 2026

SUBJECT: Proposed Ordinance 26-08-LC - AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 14 “CAPITAL IMPROVEMENTS” AND ARTICLE 8, SECTION 8.07.00 “APPROVED TRANSPORTATION PLANS” OF THE LAND DEVELOPMENT CODE, AND ADOPTING, BY REFERENCE, THE CITY OF DESTIN MOBILITY PLAN, BY CREATING A NEW ARTICLE 9 - TRANSPORTATION CORRIDOR MANAGEMENT, 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.

I. BACKGROUND: On April 5, 2021, City Council unanimously approved the scope of work and budget to rewrite the Land Development Code (LDC). Since then, Staff has advanced the project through comprehensive review, public comment, and drafting. Major activities have included:

- Review of Comprehensive Plan Policies
- Developing Planning Areas and their associated Intent Statements
- Review of the LDC text chapter by chapter
- Public workshops with City Council, the Local Planning Agency (LPA), and other advisory boards

A draft of Article 9 was presented to the City Council at a public workshop on December 3, 2024, with the minutes provided herein.

II. DISCUSSION: Drafts of *Article 9 - Transportation Corridor Management* have been

available for public review since April 2024. Staff's previous draft of Article 9 was presented to City Council at its public workshop on December 3, 2024. Articles have gone through several review iterations with Community Development Staff, other Departments, the City Attorney, initial public review, and discussion at previous LPA meetings. Criteria for evaluating the existing and proposed LDC regulations include the LDC's purpose and intent, public comment, feedback from the City Council and LPA, and compliance with the City's adopted Comprehensive Plan and State Statutes.

Article 9 – Transportation Corridor Management establishes a comprehensive regulatory framework to manage the City of Destin's existing and future transportation network by integrating multimodal transportation planning, roadway classification, corridor preservation, and right-of-way acquisition strategies into the development review process. The intent of this article is to ensure that new development contributes to a safe, efficient, and connected transportation system that supports the mobility needs of residents, businesses, visitors, and emergency services. The regulations require development projects to consider and implement transportation improvements identified in the City's Comprehensive Plan, Mobility Plan, Pathways Master Plan, Capital Improvements Program, and adopted mobility fee or impact fee studies.

A primary purpose of Article 9 is to preserve future transportation corridors before development patterns make implementation difficult or cost-prohibitive. The article requires proposed developments to identify designated transportation corridors, evaluate potential transportation impacts, and demonstrate consistency with corridor management objectives as part of the development approval process. This ensures that future roadway alignments, pedestrian facilities, bicycle facilities, and other mobility improvements remain viable over time while allowing flexibility in final alignments based on engineering analysis and site-specific conditions.

III. RECOMMENDATIONS: Overall, the purpose of ***Article 9 - Transportation Corridor Management*** is to create a proactive transportation corridor management program that protects the City's long-term transportation investments, coordinates private development with public infrastructure needs, promotes multimodal connectivity, and ensures that future mobility improvements can be implemented in a financially responsible and orderly manner.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency (LPA) recommend City Council approval of proposed Ordinance 26-08-LC, as presented.

Attachments:

1. Ord. 26-08-LC - Article 9 - Transportation Corridor Management
2. EXHIBIT A - Article 9 - Transportation Corridor Management
3. Business Impact Statement - Ord. 26-08-LC
4. Working Draft - Article 9 - Transportation Corridor Management
5. City Council Minutes 12-03-2024

Workshop

ORDINANCE NO. 26-08-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, DELETING ARTICLE 14 “CAPITAL IMPROVEMENTS” AND ARTICLE 8, SECTION 8.07.00 “APPROVED TRANSPORTATION PLANS” OF THE LAND DEVELOPMENT CODE, AND ADOPTING, BY REFERENCE, THE CITY OF DESTIN MOBILITY PLAN, BY CREATING A NEW ARTICLE 9 - TRANSPORTATION CORRIDOR MANAGEMENT, 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

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 July 16, 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 14 – Capital Improvements, as well as Article 8, Section 8.07.00. - Approved Transportation Plans, of the Land Development Code is hereby repealed in its entirety and replaced by Article 9 - Transpiration Corridor Management Plans as shown in Exhibit A to this Ordinance.

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

SECTION 5. CONFLICTING PROVISIONS. 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 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 26-08-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 _____,
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.

DRAFT

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

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ARTICLE 9 – TRANSPORTATION CORRIDOR MANAGEMENT

SECTION 9.01 TRANSPORTATION MANAGEMENT

SECTION 9.01.01 PURPOSE & APPLICABILITY

- A. All proposed developments shall provide safe and convenient multimodal transportation systems, roadway networks, and sufficient vehicle and bicycle parking to accommodate the needs of the development.
- B. Developments shall be responsible for constructing the segments of planned multimodal transportation and roadway facilities identified in this section, as well as the City's Pathways Master Plan, Comprehensive Plan, Mobility Plan, and Impact Fee Study.
- C. All new infrastructure regulated by this article shall meet all minimum Florida Dept. of Transportation and city specifications. Where there is a conflict, the City Manager or designee shall determine which is required based on the evidence provided by the applicant and the recommendation of the City Engineer.

SECTION 9.01.02 STREET CLASSIFICATION

- A. The streets listed below are classified for the purposes the LDC only. These classifications are not FHWA or FDOT classifications and are not represented as part of the Federal Functional Classification System. For the minimum right-of-way (ROW) requirements for the streets listed in this section, please refer to Article 6. The streets outlined are hereby classified as follows:

Table 9-1 Street Classification		
<u>Urban Principal Arterial - Other</u>		<u>Urban Minor Collector</u>
	<u>US Hwy 98 (Harbor Blvd/US 98/Emerald Coast Pkwy) – Marlar Bridge to Walton County Line</u>	<u>98 Palms Blvd (existing and future)</u>
<u>Urban Major Collector</u>		
	<u>Airport Rd - Main St to US 98</u>	<u>Beach Dr - Harbor Blvd to Calhoun Ave</u>
	<u>Azalea Dr - Stahlman Ave to Beach Dr</u>	<u>Calhoun Ave - Cross St (East) to Beach Dr</u>
	<u>Beach Dr - Legion Dr (West) to Legion Dr (East)</u>	<u>Calhoun Ave - Harbor Blvd to Cross St (West)</u>
	<u>Benning Dr - Harbor Blvd to Calhoun Ave</u>	<u>Cross St - Calhoun Ave to Sibert Ave</u>
	<u>Commons Dr - Airport Rd to FL 293</u>	<u>Crystal Beach Dr</u>
	<u>Gulf Shore Dr - Sandpiper Cove to US 98</u>	<u>Dolphin St/Regatta Bay Blvd - Scenic Hwy 98 to Emerald Coast Pkwy</u>
	<u>Indian Bayou Trl - Emerald Coast Pkwy to Commons Dr</u>	<u>Gulf Shore Dr - Norriego Point to Sandpiper Cove</u>
	<u>Legion Dr - Beach Dr to Main St</u>	<u>Hutchinson St - Scenic Hwy 98 to Emerald Coast Pkwy</u>
	<u>Legion Dr - Benning Dr to Beach Dr</u>	<u>Indian Bayou Trl - Commons Dr to Country Club Dr</u>
	<u>Main St - Harbor Blvd to Kelly St</u>	<u>Kelly St - Calhoun Ave to Main St</u>
	<u>Scenic Hwy 98 - Henderson Beach State Park to Walton County Line</u>	<u>Main St - Kelly St to Indian Trl</u>
	<u>Scenic Hwy 98 - US 98 to Restaurant Row</u>	<u>Matthew Blvd - Scenic Hwy 98 to Commons Dr</u>
	<u>Stahlman Ave - Harbor Blvd to Azalea Dr</u>	<u>Mattie M. Kelly Blvd - US 98 to Airport Rd (existing and future)</u>
		<u>Mountain Dr - Stahlman Ave to Beach Dr</u>

Table 9-1 Street Classification - Cont.

<u>Urban Minor Collector</u>	<u>Urban Local Street</u>
<u>Restaurant Row - Scenic Hwy 98 to Emerald Coast Pkwy</u>	<u>All other streets not listed.</u>
<u>Sibert Ave - Cross St to Benning Dr</u>	
<u>Stahlman Ave - Azalea Dr to Kelly St</u>	

SECTION 9.02 MOBILITY & CORRIDOR MANAGEMENT

SECTION 9.02.01 MOBILITY PLAN

A. Purpose and Intent

1. The Destin Mobility Plan, as adopted and amended, is hereby adopted into the Land Development Code by reference.
 - a. The Destin Mobility Plan's intent is to ensure our transportation system meets the City's needs well into the future. The transportation projects described in the plan will provide additional capacity, enhance safety, and help make walking and bicycling safer and more convenient as travel options for residents, workers, and visitors.

SECTION 9.02.02 CORRIDOR MANAGEMENT

A. Purpose and Intent

1. The intent of Corridor Management is to preserve, protect, and/or acquire all necessary rights-of-way for transportation corridors as outlined in the mobility plan.
2. These rights-of-way and future corridors are part of the City's network of transportation facilities and systems, which provide mobility between and access to businesses, homes, recreational opportunities, and other land uses throughout the jurisdiction, the region and the state.
3. 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, the mobility plan, 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.

B. Applicability and Consistency

1. All developments shall be consistent with implementing the corridor management objectives.
2. Site plans and subdivision plats submitted for review shall include information regarding the location of any corridors designated in the mobility plan.
3. Final approval of any development order shall include findings, as applicable, regarding the consistency of a proposed project with any transportation impacts and shall note any impacts that may be anticipated from the proposed project, along with mitigative methods for such impacts.
4. If the proposed project is inconsistent with the corridor management objectives, it shall not be approved. However, it is intended that corridor locations shall have some flexibility to be compatible with proposed development, so long as the basic intent to provide continuity of the corridor is met.

SECTION 9.03 RIGHT-OF-WAY ACQUISITION & DEDICATION

SECTION 9.03.01. ACQUISITION OF RIGHT-OF-WAY

- A. The City of Destin may enter into an agreement to purchase, in fee simple, the lands designated as a future corridor or ROW.
- B. The city may enter into an agreement to purchase the development rights to land designated as future corridor or ROW. 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.
- C. The city may enter into an agreement to purchase a perpetual easement, including land designated as a future corridor or ROW.

SECTION 9.03.02 ACQUISITION OF RIGHT-OF-WAY BY DEDICATION

- A. Proposed projects adjacent to or abutting a future transportation corridor or right-of-way for which improvements are shown in Phase 1 of the Mobility Plan, shall, as a condition of approval, dedicate lands within the project site, which are necessary for that ROW, to the City of Destin.
- B. Proposed projects adjacent to or abutting a future transportation corridor or right-of-way for which improvements are shown in Phase 2 of the Mobility Plan and beyond may voluntarily dedicate lands within the project site at any time during the application review process.
- C. Such dedication shall occur by recording on the face of the plat, deed, grant of easement, or other method acceptable to the City of Destin.
 - 1. Land to be dedicated shall be only the amount of land necessary for the transportation improvements.
- D. If a mobility fee is required for a project, the value of the dedicated ROW may be used as a credit against the mobility fee assessed to the project. Such value shall be determined by a verified appraisal at the cost of the applicant.
- E. If the mobility fees calculated for the project are greater than the value of lands within the project site (the site prior to any dedication or other set-aside) needed for future ROW, only the amount of land representing a value approximately equal to the mobility fee shall be required to be dedicated.

SECTION 9.04 RIGHT-OF-WAY CORRIDOR PROTECTION & PRESERVATION

SECTION 9.04.01 PURPOSE & INTENT

- A. Corridors designated in the mobility plan for corridor management shall be protected from encroachment by structures, parking areas, or drainage facilities except as otherwise allowable in this Code and the Comprehensive Plan.
- B. The setbacks as described in the applicable zoning district per Article 4 shall be considered sufficient for preservation of the ROW.
- C. Where the exact alignment of any transportation corridor has not been determined through an engineering study, the location of the roadway ROW shall be established during the review of proposed projects in proximity to transportation corridors.
- D. Alignments shall provide a continuous travel corridor of a width consistent with that specified.

SECTION 9.04.02 RIGHT-OF-WAY PROTECTION

- A. The following techniques shall be administered for protecting the corridor from encroachment:

1. Site plans and/or subdivision plats shall show all designated transportation corridors (future ROW) on the document.
 2. The alignment shall be the basis for applying normal property setbacks as specified in Article 4. Should the alignment be adjusted due to findings of an engineering study, the setback may be reduced by the City Manager, or designee, 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 ROW. Setback reductions of greater than ten percent must be approved by the Board of Adjustment.
- B. Temporary Uses
1. 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:
 - a. Stormwater retention, wet or dry, to serve the project site.
 - b. Parking areas that provide spaces above the number of spaces required.
 - c. Entry features for projects such as signage, gatehouses, architectural features, fountains, walls, and the like.
 - d. Passive recreational areas.
 - e. Temporary sales or leasing offices for the project site.
 2. The following conditions shall apply to the approval of temporary uses:
 - a. As a condition of development order, the applicant agrees to relocate these uses elsewhere on the project site. The Development Order/PUD shall specify the terms and conditions, including timing, of the relocations required by this section.
 - b. Initial location and relocation of approved interim uses shall meet all dimensional limitations of the applicable zoning district per Article 4.
 - c. 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. Impervious surface ratios for interim uses shall not exceed 25 percent (25%) of the specified interim use site.
 3. Any stormwater retention facility may, as approved by the City Engineer and at the discretion of the City Council, be incorporated into the design of the future transportation facility retention facilities. Should this option be allowed by the City, the developer will not need to relocate the storm water retention.

Article 14 CAPITAL IMPROVEMENTS

14.00.00. Capital improvements.

14.00.01. The purpose of this article is to provide for a capital improvement program (CIP) that is designed to maintain adopted levels of service in facilities that provide sanitary sewer, solid waste, drainage, potable water, traffic circulation, recreation and open space.

14.00.02. Chapter 14, table 14-1, of the comprehensive plan presents a schedule of capital improvement projects for Destin through 1995. This schedule may be changed by ordinance.

14.01.00. Monitoring and evaluation (policy 14.A.3.6).

14.01.01. The CIP shall be reviewed on an annual basis by the committee created by policy 14.A.3.6 of the comprehensive plan.

A. The committee shall be comprised of the following:

1. City manager;
2. Planning director;
3. Public works director; and
4. Accounting supervisor.

B. The committee shall maintain information on development activity, level of service conditions and other data necessary to accurately evaluate the implementation of the comprehensive plan.

14.02.00. Methods of assessment (objective 14.A.4).

14.02.01. Article 6 of this Code provides methodologies by which concurrence may be determined. To provide the infrastructure required for continued and orderly growth, CIP planning must be properly timed and projects prioritized for maximum utility and cost effectiveness. The rules contained herein express procedures and methodologies adopted by the City of Destin. Application of the rules shall in the cases of sanitary sewer, potable water and solid waste require the cooperation of independent servicing entities such as Okaloosa County, Destin Water Users, Inc., and Sun States.

A. *Timing.* In each of the public service facilities identified in section 14.00.00 above, the following schedule shall be adhered to by the CIP committee:

1. *Sanitary sewer.* Provisions to expand treatment plant facilities, effluent disposal and collector systems shall be made at the point where existing flow and committed flow total at a level 75 percent of the total treatment facility capacity.
 - a. Permitting of new development projects shall not occur after 95 percent of the total treatment facility capacity has been utilized. In such cases where construction to provide additional capacity has begun with a scheduled completion date, and upon the approval of the department of environmental regulation, permitting against the new capacity may be granted.

2. — *Solid waste.* Solid waste transfer and/or landfill capacity shall be expanded, or a new disposal methodology initiated, when the receiving capacity of the transfer station or landfill reaches 80 percent of capacity levels.
 - a. — Failure to provide for new expansion or a disposal methodology at or before the 80 percent capacity level by the servicing agency (Okaloosa County) shall obligate the city to seek through its own offices ways and means to provide uninterrupted solid waste disposal service to the citizens of Destin.
 3. — *Drainage.* Drainage facilities shall be constructed as required by chapter 17-25, FAC, Stormwater Rule, so as to achieve an 80 to 95 percent removal of stormwater pollutants before discharge into receiving waters. The city's adopted LOS, i.e., to retain the first one inch of runoff on-site with post-development runoff rate for a 25-year storm event, no [not] exceeding pre-development runoff.
 4. — *Potable water.* New potable wells and storage tanks shall be constructed to maintain a minimum LOS of 125 gallons per capita per day (gpcd); maintain a minimum sustained fire flow in accordance with standards promulgated by the National Board of Fire Underwriters (NBFU) and the Fire Suppression Rating Guide of the Insurance Services Office (ISO) and a minimum static pressure of 35 pounds per square inch (PSI).
 - a. — Whenever demand is within 25 percent of the minimum standards for potable water, provisions shall be made to expand and/or improve the system.
 5. — *Recreation and open space.* Acquisition of land for resource-based and activity-based parks and recreational facilities shall occur at the point no later than when the adopted LOS of two acres per 1,000 population is measured less (on an annual basis) than 2.05 acres per 1,000.
- B. — *Setting priorities.* The following checklist shall be used by the committee in conjunction with the LPA in assigning capital outlays to proposed/needed CIP projects. Individual projects shall be prioritized based on the number of "yes" responses vis-a-vis other desired projects. "Yes" answers implement the goals, objectives and policies of the comprehensive plan. "No" answers do not directly support plan goals, objectives and policies.

PRIORITY CHECKLIST
(Objective 14.A.4)

Project		Yes	No	Not Applicable
1.	Will the project provide infrastructure for growth?	=====	=====	=====
	a. Will development bear the cost of facility improvements?	=====	=====	=====
2.	Is the amount of growth that this project is designed to serve consistent with the most recent population projections?	=====	=====	=====
3.	Will this project either leave unchanged or increase the ratio of jobs in Destin to residents of Destin?	=====	=====	=====
4.	If the project is likely to stimulate residential development:			

	-a.	Will development be centrally located in Destin?	=====	=====	=====
	-b.	Can development be serviced with roads, schools, utilities, etc., without further city investment?	=====	=====	=====
	-c.	Will development benefit low to moderate income persons?	=====	=====	=====
	-d.	Will development provide open space in accordance with this Code (article 12)?	=====	=====	=====
5.	If the project is likely to slow residential development in an area:				
	-a.	Is that area rural in classification?	=====	=====	=====
	-b.	Are one or more public service systems in the area being used at or near capacity?	=====	=====	=====
6.	If the project is likely to stimulate commercial or industrial development in areas remote from central Destin:				
	-a.	Is the area presently zoned for such land use?	=====	=====	=====
	-b.	Can development be serviced with roads, schools, utilities, etc., without further city investment?	=====	=====	=====
	-c.	Will development provide open space in accordance with this Code (article 12)?	=====	=====	=====
7.	Will development have impact on the coastal protection zone or environmentally sensitive lands?		=====	=====	=====

14.03.00. Assessing pro rata costs (policy 14.A.4.1).

14.03.01. As may be determined by the assignment of priority to CIP projects under subsection 14.02.01.B, the city shall require that approved growth totally pay for itself except under the following conditions in which case pro rata costs shall be assessed for facility needs as set forth in table 14.03.01A. (Note: Impact fees as established in article 18 are affected by the percentages shown under "Developer Pro Rata Cost.")

TABLE 14.03.01A. FACILITY NEEDS PRO RATA COST SHARING

Project		Developer Pro Rata Cost
1.	Project provides low to moderate income housing	_____ percent
2.	Project promotes infill and does not extend infrastructure requirements	_____ percent
3.	Project provides jobs per 100 population that is greater than the existing unemployment rates per 100 population	_____ percent
4.	Project fulfills a community need, i.e., social, cultural, recreational, educational, historical or archaeological preservation, etc.	_____ percent
5.	Project adds to quality of life and aesthetic appeal of the city	_____ percent

14.04.00. Annual report.

14.04.01. *Reporting.* By April 1 of each year the committee shall report to the LPA on the status of implementation activities and existing level of service conditions in the city.

A. Committee reporting to the LPA shall be as follows:

1. Recommendations of the committee to maintain level of service standards.
2. Any recommendations for adjusting the CIP and amending the plan.
3. A schedule of priority for CIP projects.

B. LPA reporting to the City Council shall be as follows:

1. Recommendations of the LPA and the committee, if not the same, to maintain level of service standards.
2. Any recommendations for adjusting the CIP and amending the plan.
3. A schedule of priority for CIP projects. Committee priority schedule shall also be presented to the City Council, if not the same.

8.07.00. Approved transportation plans.

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.

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.

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	14	2-4

		Avenue, continuing southward along the west side of 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

TABLE 8-7B: LEVEL TWO PRIORITY PLANNED IMPROVEMENTS				
PLANNED IMPROVEMENT		LOCATION / DESCRIPTION	PRIORITY	
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
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 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.	11	15-18
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

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	Stalman 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)~~

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City of Destin, FL – Article 9 – Transportation Corridor Management

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City of Destin Business Impact Statement – Ord 26-08-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. 26-08-LC deletes Article 14 – Capital Improvements and Article 8, Section 8.07.00 – “Approved Transportation Plans” and adopts by reference, the City of Destin Mobility Plan, by creating a new Article 9 – Transportation Corridor Management within the Land Development Code (LDC) for the City of Destin. It establishes a comprehensive regulatory framework to manage the City of Destin’s existing and future transportation network by integrating multimodal transportation planning, roadway classification, corridor preservation, and right-of-way acquisition strategies into the development review process.

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 ordinance dealing with transportation corridor management. The only potential economic impact would be if development is proposed adjacent to or within these identified transportation corridors.

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. Any business impacted would be a business that is proposing development adjacent to or within the identified transportation corridors.

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City of Destin, FL -- Article 9 – Transportation Corridor Management

ARTICLE 9 – TRANSPORTATION CORRIDOR MANAGEMENT

SECTION 9.01 TRANSPORTATION MANAGEMENT

SECTION 9.01.01 PURPOSE & APPLICABILITY

- A. All proposed developments shall provide safe and convenient multimodal transportation systems, roadway networks, and sufficient vehicle and bicycle parking to accommodate the needs of the development.
- B. Developments shall be responsible for constructing the segments of planned multimodal transportation and roadway facilities identified in this section, as well as the City's Pathways Master Plan, Comprehensive Plan, Mobility Plan, and Impact Fee Study.
- C. All new infrastructure regulated by this article shall meet all minimum Florida Dept. of Transportation and ~~or~~ city specifications. Where there is a conflict, the City Manager or designee shall determine which is required based on the evidence provided by the applicant and the recommendation of the City Engineer.

SECTION 9.01.02 STREET CLASSIFICATION

- A. The ~~following streets listed below~~ are hereby classified as follows ~~for the purposes the LDC only. These classifications are not FHWA or FDOT classifications and are not represented as part of the Federal Functional Classification System, and as indicated on Map 8-1: Street Classifications.~~ For the minimum right-of-way (ROW) requirements for the streets listed in this section, please refer to ~~Article 6the City's Design Manual.~~ The streets outlined are hereby classified as follows:

Table 9-1 Street Classification	
<u>Urban Principal Arterial - Other</u> Major Arterial <u>(6-lane)</u>	<u>Major Collector - Cont.</u> Urban Minor Collector
<u>US Hwy 98 (Harbor Blvd/US 98/Emerald Coast Pkwy) – Marlar Bridge to Walton County Line</u> <u>U.S. Highway 98, east of Airport Road to the City limits</u>	<u>98 Palms Blvd (existing and future)</u> <u>Scenic Highway 98 East (East of Matthew Blvd.)</u> <u>Commons Boulevard (that portion within the city limits)</u>
<u>Urban Major Collector</u>	<u>Beach Dr - Harbor Blvd to Calhoun Ave</u>
<u>Airport Rd - Main St to US 98</u> <u>Airport Road</u> <u>Stahlman Avenue (U.S. Highway 98 to Azalea Dr.)</u>	<u>Calhoun Ave - Cross St (East) to Beach Dr</u>
<u>Azalea Dr - Stahlman Ave to Beach Dr</u> <u>Azalea Drive</u> <u>Benning Drive (U.S. Highway 98 to Kelly St.)</u>	<u>Calhoun Ave - Harbor Blvd to Cross St (West)</u>
<u>Beach Dr - Legion Dr (West) to Legion Dr (East)</u> <u>Azalea Drive Extension (Benning Dr. to Beach Dr.)</u> <u>Beach Drive (U.S. Highway 98 to Kelly St.)</u>	<u>Cross St - Calhoun Ave to Sibert Ave</u>
<u>Benning Dr - Harbor Blvd to Calhoun Ave</u> <u>Beach Drive (U.S. Highway 98 to Kelly St.)</u> <u>Main Street (U.S. Highway 98 to Kelly St.)</u>	<u>Crystal Beach Dr</u>
<u>Commons Dr - Airport Rd to FL 293</u> <u>Benning Drive (U.S. Highway 98 to Kelly St.)</u> <u>Gulf Shore Drive (U.S.</u>	<u>Dolphin St/Regatta Bay Blvd - Scenic Hwy 98 to Emerald Coast Pkwy</u>

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City of Destin, FL -- Article 9 – Transportation Corridor Management

Highway 98 to Eastern edge of Holiday Isle subdivision)		
Gulf Shore Dr - Sandpiper Cove to US 98 Commons Boulevard (that portion within the city limits)Matthew Boulevard		Gulf Shore Dr - Norriego Point to Sandpiper Cove
Indian Bayou Trl - Emerald Coast Pkwy to Commons DrGulf Shore Drive (U.S. Highway 98 to Eastern edge of Holiday Isle subdivision)Hutchinson Street		Hutchinson St - Scenic Hwy 98 to Emerald Coast Pkwy
Legion Dr - Beach Dr to Main StHutchinson StreetKelly Street		Indian Bayou Trl - Commons Dr to Country Club Dr
Legion Dr - Benning Dr to Beach DrKelly StreetAzalea Drive		Kelly St - Calhoun Ave to Main St
Main St - Harbor Blvd to Kelly StLegion Drive (Beach Dr. to Main St.)Azalea Drive Extension (Benning Dr. to Beach Dr.)		Main St - Kelly St to Indian Trl
Scenic Hwy 98 - Henderson Beach State Park to Walton County LineMain Street (U.S. Highway 98 to Kelly St.)Legion Drive (Beach Dr. to Main St.)		Matthew Blvd - Scenic Hwy 98 to Commons Dr
Scenic Hwy 98 - US 98 to Restaurant RowMatthew BoulevardAirport Road		Mattie M. Kelly Blvd - US 98 to Airport Rd (existing and future)
Stahlman Ave - Harbor Blvd to Azalea Dr		Mountain Dr - Stahlman Ave to Beach Dr

Table 9-1 Street Classification - Cont.

Urban Minor Collector	Urban Local Street	Minor Collector – Cont.
Restaurant Row - Scenic Hwy 98 to Emerald Coast Pkwy98 Palms Boulevard (existing and future)Calhoun Avenue (U.S. Highway 98 to Kelly St.)		All other streets not listed.Cross Street
Sibert Ave - Cross St to Benning DrCalhoun Avenue (U.S. Highway 98 to Kelly St.)Sibert Avenue (Calhoun Ave. to Kelly St.)		Stahlman Avenue (Azalea Dr. to Kelly St.)
Stahlman Ave - Azalea Dr to Kelly StCross Street		Mountain Drive

SECTION 9.02 MANAGEMENT PLANS MOBILITY & CORRIDOR MANAGEMENT

SECTION 9.02.01 MOBILITY PLAN

A. Purpose and Intent

1. The City of Destin Mobility Plan, as adopted and amended, is hereby adopted into the Land Development Code by reference.
 - a. The Destin Mobility Plan's intent is to ensure our transportation system meets the City's needs well into the future. The transportation projects described in the plan will provide additional capacity, enhance safety, and help make walking and bicycling safer and more convenient as travel options for residents, workers, and visitors.

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City of Destin, FL -- Article 9 – Transportation Corridor Management

~~The Destin Mobility Plan is to ensure our transportation system meets the City's needs well into the future. The transportation projects described in the plan will provide additional capacity, enhance safety, and help make walking and bicycling safer and more convenient as travel options for residents, workers, and visitors.~~

SECTION 9.02.01-02 TRANSPORTATION CORRIDOR MANAGEMENT PLAN

A. ~~The City of Destin Transportation Management Plan as adopted and amended is hereby adopted into the Land Development Code by reference.~~

B.A. Purpose and Intent

1. The intent of ~~the Transportation Corridor Management Plan~~ is to preserve, protect, and/or acquire all necessary rights-of-way for and transportation corridors ~~necessary as outlined in the mobility plan to provide future transportation facilities and facility improvements to meet the needs of growth projected in the City of Destin and to coordinate land use and transportation planning to foster and preserve public health, safety, comfort, and welfare and to aid in the harmonious, orderly, and beneficial development of Destin~~
2. These rights-of-way and future corridors are part of the City's network of transportation facilities and systems, which provide mobility between and access to businesses, homes, recreational opportunities, and other land uses throughout the jurisdiction, the region and the state.
3. The ~~C~~city ~~C~~ouncil 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, the mobility plan, 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.

A.B. Applicability and Consistency

1. All developments shall be consistent with implementing the ~~the transportation corridor management plan objectives ap~~.
2. Site plans and subdivision plats submitted for review shall include information regarding the location of any corridors designated on in the transportation management plan map mobility plan. ~~All developments shall be consistent with the transportation management plan map.~~
3. Final approval of any development order shall include findings, as applicable, regarding the consistency of a proposed project with any transportation impacts and shall note any impacts that may be anticipated from the proposed project, along with mitigative methods for such impacts.
4. If the proposed project is inconsistent with the Transportation corridor mManagement Plan objectives, it shall not be approved. However, it is intended that corridor locations shall have some flexibility to be compatible with proposed development, so long as the basic intent to provide continuity of the corridor is met.

Section 9.02.02 Pathways Master Plan

A. ~~The City of Destin Pathways Master Plan as adopted and amended is hereby adopted into the Land Development Code by reference.~~

City of Destin, FL -- Article 9 – Transportation Corridor Management

B. Purpose and Intent

1. The Pathways Master Plan, 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.
2. 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.
3. The Plan is to be used as an implementation tool for the City and Developers to implement multi-modal transportation projects throughout the city.
4. The project priorities identified in the Pathways Plan may be revised at the discretion of the City Council to address future needs, conditions, and resources regardless of the score that any project received.
5. Priority of future pathway facility improvements shall:
 - a. Improve the overall function and utilization of the pathways network;
 - b. Provide the greatest return on investment;
 - c. Enhance pedestrian safety;
 - d. Respond to the consensual desires of residents, where possible;
 - e. Strengthen non-vehicular transportation connections to important destinations; and
 - f. Result in improved multimodal LOS throughout the City.

Section 9.02.03 Mobility Plan

A. The City of Destin Mobility Plan as adopted and amended is hereby adopted into the Land Development Code by reference.

B. The intent of the Destin Mobility Plan is to ensure our transportation system meets the City's needs well into the future. The transportation projects described in this plan will provide additional capacity, enhance safety, and help make walking and bicycling safer and more convenient as travel options for residents, workers, and visitors alike.

SECTION 9.03 RIGHT-OF-WAY ACQUISITION & DEDICATION

SECTION 9.03.01. ACQUISITION OF RIGHT-OF-WAY:

- A. The City of Destin may enter into an agreement to purchase, in fee simple, the lands designated as a future corridor or ROW.
- B. The city may enter into an agreement to purchase the development rights to land designated as future corridor or ROW. 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.

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- C. The city may enter into an agreement to purchase a perpetual easement, including land designated as a future corridor or ROW.

SECTION 9.03.02~~1~~ ACQUISITION OF RIGHT-OF-WAY BY DEDICATION

- ~~A. Projects Proposed 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 ROW to the City of Destin. Proposed projects adjacent to or abutting a future transportation corridor or right-of-way for which improvements are shown in Phase 1 of the Mobility Plan, shall, as a condition of approval, dedicate lands within the project site, which are necessary for that ROW, to the City of Destin.
- ~~D.B.~~Proposed projects adjacent to or abutting a future transportation corridor or right-of-way for which improvements are shown in Phase 2 of the Mobility Plan and beyond may voluntarily dedicate lands within the project site at any time during the application review process.
- ~~E. The provisions of this section apply to projects proposed adjacent to or abutting a future corridor or ROW 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 ROW.~~
- ~~F.C.~~ Such dedication shall occur by recording on the face of the plat, deed, grant of easement, or other method acceptable to the City of Destin.
1. Land to be dedicated shall be only ~~the amount of land~~at shown to be necessary for the planned transportation improvements.
 2. ~~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.~~
- ~~G.D.~~ If ~~a~~ the cost of ROW acquisition is included in the mobility~~impact~~ fee structure is required for a project, the value of the dedicated ROW may be used as a credit against transportation impact/the mobility fee assessed to the proposed project. Such value shall be determined by a verified appraisal at the cost of the applicant.
- ~~H.E.~~ If the ~~impact mobility~~ fees calculated for the ~~proposed~~ project are greater than the value of lands within the project site (the site prior to any dedication or other set-aside) needed for future ROW, only the amount of land representing a value approximately equal to the mobility fee impact fee shall be required to be dedicated.

SECTION 9.04 RIGHT-OF-WAY & CORRIDOR PROTECTION & PRESERVATION

SECTION 9.04.01 PURPOSE & INTENT

- A. Corridors designated in the mobility plan for Transportation C~~corridor M~~management Plan and the Mobility Plan shall be protected from encroachment by structures, parking areas, or drainage facilities except as otherwise allowable in this Code and the C~~omprehensive P~~lan.
- B. The setbacks as described in the applicable zoning district per Article 4 shall be considered sufficient for preservation of the ROW.

City of Destin, FL -- Article 9 – Transportation Corridor Management

- C. Where the exact alignment of any transportation corridor has not been determined through an engineering study, the location of the roadway ROW shall be established during the review of proposed projects in proximity to transportation corridors.
- D. Alignments ~~as identified in Section 9.04.03~~ shall provide a continuous travel corridor of a width consistent with that specified ~~in this code~~, e Design Manual as applicable for the street classification.

SECTION 9.04.02 ~~TECHNIQUES FOR RIGHT-OF-WAY PROTECTION~~

- A. The following techniques shall be administered for protecting the corridor from encroachment:
 - 1. Site plans and/or subdivision plats shall show all designated transportation corridors (future ROW) on the ~~project site plan~~ document.
 - ~~2.~~ The alignment shall be the basis for applying normal property setbacks as specified in Article 4. Should the alignment be adjusted due to findings of an engineering study, the setback may be reduced by the City Manager, or designee, 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 ROW.
 - ~~3.2.~~ Reduction of required setbacks adjacent to the corridor (future ROW) may be considered to ensure that the location of structures does not encroach into future corridors (future ROW). 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 ROW). Setback reductions of greater than ten percent must be approved by the Board of Adjustments.
- B. Temporary Uses
 - 1. 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:
 - a. Stormwater retention, wet or dry, to serve the project site.
 - b. Parking areas that provide spaces above the number of spaces required to serve the project site.
 - ~~c.~~ Entry features for projects such as signage, gatehouses, architectural features, fountains, walls, and the like.
 - ~~c.d.~~ Passive recreational areas.
 - ~~d.e.~~ Temporary sales or leasing offices for the project site.
 - 2. The following conditions shall apply to the approval of ~~temporary~~ interim uses:
 - a. As a condition of development order, the applicant agrees to relocate these uses elsewhere on the project site. The Development Order/PUD ~~A developer's agreement~~ shall specify the terms and conditions, including timing, of the relocations required by this section.
 - b. Initial location and rRelocation of approved interim uses shall meet all dimensional limitations of the applicable zoning district per Article 4.
 - ~~c.~~ 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.
 - ~~c.d.~~ Impervious surface ratios for interim uses shall not exceed 25 percent (25%) of the specified interim use site.

City of Destin, FL -- Article 9 – Transportation Corridor Management

3. ~~The Any~~ stormwater retention facility may, as approved by the City Engineer and at the discretion of the City Council, be incorporated into the design of the future transportation facility retention facilities. Should this option be ~~chosen by the city~~allowed by the City, the developer ~~will need~~ not need to relocate the storm water retention.
4. ~~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:~~
 - b. ~~Recreational facilities such as playgrounds, ball fields, outdoor courts, exercise trails, walking paths, bridal paths, similar outdoor recreational uses.~~
 - c. ~~Produce stands, produce markets, farmers markets, and the like.~~
 - d. ~~Periodic uses such as boat shows, automobile shows, RV shows, "tent" sales and the like.~~
 - e. ~~Periodic events such as festivals, carnivals, community fairs, and the like.~~
 - f. ~~Plan nurseries and landscape materials yards.~~
 - g. ~~Storage yards for equipment, machinery, and supplies for building and trades contractors, and similar outdoor storage.~~
5. ~~The following conditions shall apply to interim uses:~~
 - a. ~~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.~~
 - b. ~~Landscaping shall be provided, consistent with provisions of section 12.04.03, to ensure compatibility of interim uses with other uses adjacent or nearby.~~
 - c. ~~Interim uses shall meet site design requirements for setbacks for the district.~~
 - d. ~~Impervious surface ratios for interim uses shall not exceed 20.0 percent of the specified interim use site.~~

SECTION 9.04.03 ALIGNMENTS

~~Maps associated with the below alignments are shown in the mobility plan.~~

A. ~~Transportation Corridor Management Plan Map East-West alignments are described as follows:~~

1. ~~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 ROW to Main Street.~~

b. ~~The secondary~~This east-west alignment shall begin where at the eastern terminus of 98 Palms Boulevard ~~currently ends and extends 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 ROW for this alignment shall be a minimum of 80 feet.

2. ~~Section 2 Alignment:~~

DRAFT

City of Destin, FL -- Article 9 – Transportation Corridor Management

a. ~~———— The east-west alignment shall begin where centerline of the existing Legion Drive ROW at its intersection with Main Street currently ends and extends 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 ROW for the portion of the alignment between Main Street and Beach Drive shall not exceed 66 feet. The width of the ROW for the portion of the alignment between Beach Drive and Benning Drive shall not exceed 80 feet.~~

3. ~~———— Section 3 Alignment:~~

a. ~~———— The east-west alignment shall begin where Azalea Drive intersects with Benning Drive and extends 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 ROW of Azalea Drive. However, Stahlman Avenue will require an additional 20 feet of ROW in the southeast section of its intersection with Mountain Drive.~~

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

1. ~~———— Section 1 Alignments:~~

a. ~~———— The Mattie M. Kelly Boulevard alignment shall begin at the northern terminus of S. Mattie M Kelly Blvd and extend northward toward the southern terminus of Mattie M Kelly Blvd. Thense northward towards Airport Rd 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 ROW 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 ROW 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 ROW for this alignment shall be a minimum of 80 feet.~~

Section 9.05 Amendments & Variances

Section 9.05.01 Amendments

A. ~~———— Any proposed amendment to the management plans of this Article shall follow the same process as an Amendment Land Development Code process identified in **Article 2**.~~

B. ~~———— Amendment Type~~

1. ~~———— Major amendments are defined as those changes that affect five percent or more of the total area within the proposed corridors, impacted network, or connection thereof.~~

DRAFT

City of Destin, FL ~~==~~ Article 9 – Transportation Corridor Management

~~2. Minor amendments are defined as those changes that affect less than five percent of the total area within the proposed corridors, impacted network, or connection thereof.~~

Section 9.05.02 Variances

~~A. ANY PROPOSED VARIANCE TO THE REQUIREMENTS AND REGULATIONS PERTAINING TO THE TRANSPORTATION MANAGEMENT PLAN SHALL FOLLOW THE VARIANCE PROCESS IDENTIFIED IN~~ ARTICLE 2:

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 3, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Pro Tem Dewey Destin
Councilmember Kevin Schmidt
Councilmember Sandy Trammell

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

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

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

WORKSHOP

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

A. Draft Article 8 – Sign Regulations

Language

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

Format, organization, and Consolidation

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

Supreme Court Case

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

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

DISCUSSION/SUMMARY:

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

The draft Article 8 introduces classifications for signs based on:

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

.....

➤ Permanent & Temporary Signs:

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

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

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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

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❖ **Sign Height:**

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

DISCUSSION/SUMMARY:

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

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

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

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

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❖ **Vehicle Signs:**

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

❖ **Current Definition:**

- Vehicle sign: Any sign affixed to a vehicle.

❖ **The proposed definition is:**

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

DISCUSSION/SUMMARY:

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

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❖ Digital Signs:

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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B. Draft Article 11 – Glossary

Changes

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

Beach

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

Charter Fishing & Fare Carrying Vessel

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

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

Open Space

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

DISCUSSIONS/SUMMARY:

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

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

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

C. Draft Article 3 – Nonconformities

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

D. Draft Article 5 – Subdivision Regulations

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

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

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

E. Draft Article 9 – Transportation Corridor Management

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

F. Draft Article 10 – Impact Fees

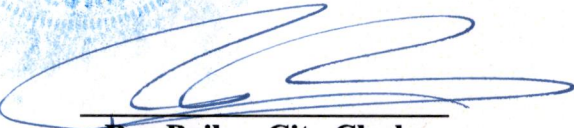
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

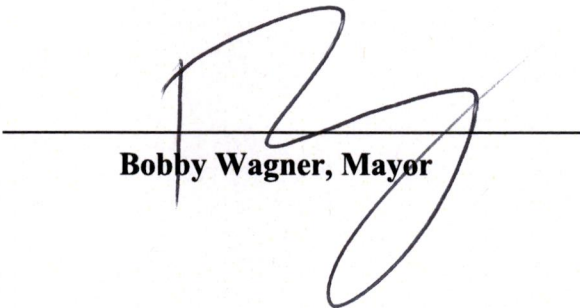
PUBLIC COMMENTS:

ADJOURNMENT

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

ATTEST:


Rey Bailey, City Clerk


Bobby Wagner, Mayor

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: July 30, 2026
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.B.

TO: Local Planning Agency

THRU: Kimberly Kopp, City Attorney
Tina Deater, Community Development Director

FROM: Daniel Butler, Principal Planner

DATE: July 10, 2026

SUBJECT: Proposed Ordinance 26-09-LC - AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RENUMBERNG AND RENAMING THE CURRENT “ARTICLE 19 - IMPACT FEES”, OF THE LAND DEVELOPMENT CODE AS “ARTICLE 10 - IMPACT AND MOBILITY FEES,” PROVIDING FOR UPDATES AND AMENDMENTS RELATING TO IMPACT AND MOBILITY 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.

I. BACKGROUND: On April 5, 2021, City Council unanimously approved the scope of work and budget to rewrite the Land Development Code (LDC). Since then, Staff has advanced the project through comprehensive review, public comment, and drafting. Major activities have included:

- Review of Comprehensive Plan Policies
- Developing Planning Areas and their associated Intent Statements
- Review of the LDC text chapter by chapter
- Public workshops with City Council, the Local Planning Agency (LPA), and other advisory boards

A draft of Article 10 was presented to the City Council at a public workshop on December 3, 2024, with the minutes provided herein.

II. DISCUSSION: Drafts of *Article 10 - Impact and Mobility Fees* have been available

for public review since April 2024. Staff's previous draft of Article 10 was presented to City Council at its public workshop on December 3, 2024. Articles have gone through several review iterations with Community Development Staff, other Departments, the City's Land Use Attorney, initial public review, and discussion at previous LPA meetings. Criteria for evaluating the existing and proposed LDC regulations include the LDC's purpose and intent, public comment, feedback from the City Council and LPA, and compliance with the City's adopted Comprehensive Plan and State Statutes.

Article 10 – Impact and Mobility Fees establishes regulations governing the assessment, collection, administration, and expenditure of impact fees and mobility fees within the City of Destin. The intent of this article is to ensure that new development bears a proportionate share of the costs associated with capital improvements and infrastructure expansion necessitated by growth, while maintaining a rational nexus between the impacts created by development and the public facilities funded through collected fees. It establishes impact fee programs for parks, public libraries, and police facilities, as well as a mobility fee program intended to fund transportation-related capital improvements, including roadway capacity enhancements, multimodal facilities, pedestrian improvements, bicycle facilities, and related transportation infrastructure.

The article establishes procedures for calculating, collecting, and administering fees, including requirements for payment prior to issuance of applicable building permits, certificates of occupancy, certificates of completion, or changes of use, while still providing for flexibility through alternative fee calculations, exemptions, and credits.

While the majority of the content in these regulations remains unchanged from today's Land Development Code (LDC), the Article has been reorganized to make the existing Impact Fee and Mobility Fee sections more cohesive. Also, the following language that is currently included in the LDC relative to impact fees is proposed to now also apply to Mobility Fees.

In the case of change of use, redevelopment, or expansion or modification of an existing use, the fees shall be based upon the net positive increase in the impacts from the new use or new development as compared to the previous use or existing development.

Additionally, Staff is recommending the following fee reduction procedure for projects located within the City's two adopted Community Redevelopment Areas (CRAs). The proposed fee reduction procedure will assist with achieving the redevelopment goals of the CRAs, while ensuring that the public benefits being provided by proposed projects outweigh the reduction in fee revenue.

Redevelopment within the Community Redevelopment Areas (CRAs):

The City Council may approve impact and/or mobility fee reductions for up to seventy-five (75) percent of the required fees for projects within a CRA by making a finding that the public benefits outweigh the reduction in fee revenue, when the proposed development is consistent with the adopted Community Redevelopment Plan, meets all applicable provisions of the Comprehensive Plan and Land Development Code, and at least two (2) of the following criteria are met. Applications for fee reductions must detail the requested fee reduction, how the project provides a public benefit by meeting the applicable criteria and must be submitted prior to issuance of a Certificate of Occupancy for the project.

1. The property has remained vacant for a period of at least twenty-four (24) consecutive months immediately preceding submission of the development application,
2. The proposed development will result in the elimination of an existing blighted structure through either the construction of new principal buildings or the rehabilitation of existing structures,
3. The proposed development will increase the taxable value and economic productivity of the property,
4. The proposed development will provide public infrastructure improvements in excess of the minimum Land Development Code requirements,
5. The proposed development will bring an existing nonconforming use or structure into compliance with all applicable regulations, or
6. The proposed development will allow a business currently located in the CRA to expand and provide enhanced goods, services or amenities that will increase the economic vitality of the CRA.

III. RECOMMENDATIONS: Article 10 maintains the City's ability to create dedicated funding sources for growth-related capital improvements, improving the City's ability to address infrastructure demands associated with development, and reducing the potential burden on existing taxpayers to fund improvements required to accommodate future growth. The proposed Article streamlines redundant language, clarifies criteria, and provides for certain credits and potential reductions to applicable fees.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency (LPA) recommend City Council approval of proposed Ordinance 26-09-LC, as presented.

Attachments:

1. Ord. 26-09-LC - Article 10 - Impact and Mobility Fee
2. EXHIBIT A - Article 10 - Impact Fees 7.13.26
3. WORKING DRAFT - Article 10 - Impact and Mobility Fees
4. Business Impact Statement - Ord. 26-09-LC
5. City Council Minutes 12-03-2024 Workshop

ORDINANCE NO. 26-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RENUMBERNG AND RENAMING THE CURRENT “ARTICLE 19 - IMPACT FEES”, OF THE LAND DEVELOPMENT CODE AS “ARTICLE 10 - IMPACT AND MOBILITY FEES,” PROVIDING FOR UPDATES AND AMENDMENTS RELATING TO IMPACT AND MOBILITY FEES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 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

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 July 16, 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 19 - Impact Fees of the Land Development Code is hereby repealed in its entirety and replaced by Article 10 - Impact and Mobility Fees as shown in Exhibit A to this Ordinance.

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

SECTION 5. CONFLICTING PROVISIONS. 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 6. SEVERABILITY. If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the occurrence of both of the following: (1) adoption of this Ordinance 26-09-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 _____,
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.

DRAFT

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Attorney

First Reading: _____

Second Reading: _____

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ARTICLE 10 – IMPACT AND MOBILITY FEES

SECTION 10.01 GENERAL

SECTION 10.01.01 PURPOSE AND APPLICABILITY

- A. The State of Florida and the City of Destin recognize that growth often increases impacts on existing infrastructure and cities often have to offset the adverse effects with impact and/or mobility fees. These impact fees are necessary and a critical source of revenue for local governments to fund the expansion of infrastructure necessitated by new growth.
- B. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
- C. This article shall not apply to development for which the City of Destin is the applicant.
- ~~B. C. The City may provide estimates of impact and/or mobility fees prior to the fees at time of issuance of a development order or a change of use, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect prior to at time of change of use issuance, or building permit issuance, whichever is applicable certificate of occupancy/completion.~~
- D. "Capital improvement" includes 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. Construction and/or improvements to Pedestrian facilities; and
 - 9. Construction and/or improvements to multi-use facilities.
- E. "Site-related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Site-related improvements

may also be required within a public or private right-of-way. 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.
5. Pedestrian accessways.

SECTION 10.01.02 LEGISLATIVE FINDINGS

A. The City Council has determined that 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 using innovative approaches.

B. The City Council has determined that the imposition of Impact Fees and Mobility Fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

F.C. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.

G. The City Council has determined that the imposition of impact and/or mobility fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

H.D. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and capital improvements for parks, libraries, and police/public safety in the City of Destin. Impact fees include but are not limited to Libraries, Parks, and Police/Public Safety, and Transportation fees.

I.E. The City may increase or decrease such fees, pursuant to ~~from time to time through an Impacta~~ Fee Study, at City Council discretion. ~~increase or decrease these fees as determined by the study.~~

J.F. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.

G. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks and capital improvements in the City of Destin.

H. The purpose of this article is to regulate the development of land so as to:

1. Ensure that the mobility fee is proportional and reasonably connected to or has a rational nexus with the need for additional capital facilities and the increased impact generated by the new residential or commercial construction;
2. Ensure that the mobility fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction;
3. Specifically earmark funds collected under the mobility fee for use in acquiring, Constructing, or improving capital facilities to benefit new users; and

4. Ensure that revenues generated by the mobility fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.
-
- I. The City Council has determined that each of the types of land development described in [this Code Section 10.05.01](#) will generate vehicular and pedestrian traffic necessitating the acquisition of rights-of-way, road construction, road improvements, pedestrian and bicycle improvements.
 - J. The City Council has determined that the Mobility Fees established by this Article are derived from, based upon, and do not exceed the costs of providing additional rights-of-way and multi-modal improvements necessitated by the new land developments for which the fees are levied.
 - K. The City Council has determined that Section 163.31801, Florida Statutes (the "Florida Impact Fee Act") prohibits local governments from increasing fees to fund transportation improvements necessitated by new growth ("Mobility Fees") in excess of the phase-in limitations established therein without a study expressly demonstrating the extraordinary circumstance".
 - L. City Council engaged 3TP Ventures ("3TP") to prepare a Demonstrated-Need Study dated June 27, 2024 (the "Mobility Fee Study") to convert the City of Destin's prior usage of transportation impact fees to mobility fees, and to establish the City's Mobility Fee schedule.
 - M. The City Council has determined that the rates calculated in the Mobility Fee Study exceed the phase-in limitations permitted by the Florida Impact Fee Act, without a study expressly demonstrating the extraordinary circumstances necessitating increases exceeding such phase-in limitations.
 - N. 3TP prepared the Destin, Florida Mobility Fee Study Memo, which constitutes a demonstrated need study establishing such extraordinary circumstances, as required by the Florida Impact Fee Act and is hereby adopted and approved (the "Demonstrated Need Study").
 - O. The City Council has determined that the based on the Demonstrated Need Study and other evidence presented at the prior public hearings, workshops, and meetings, the City Council hereby makes the following factual findings:
 1. The City of Destin has not raised impact fees in sixteen years; and
 2. Impacts related to COVID-19 policies between March 2020 and November 2023, material prices surged by 32%; and
 3. Sustained disruptions to global supply chains for construction materials and equipment, housing market strength, labor market fluctuations, and heightened governmental spending on infrastructure, have led to increases in construction prices.
 4. The Producer Price Index (PPI) for construction materials increased from 200.4 in June 2008 to 337.2 in June 2023 (1982:100) (an increase of approximately 68%).
 - P. The City Council conducted publicly noticed workshops on February 18, 2025, and March 3, 2025, dedicated to the extraordinary circumstances necessitating the need to exceed the mobility fee phase-in limitations established in Section 163.31801, Florida Statutes, as required by the Florida Impact Fee Act, during which the Demonstrated Need Study was presented, and public comment taken.
 - Q. Based upon the factual findings set forth herein, the Board hereby finds and determines that:
 1. There exist in the City extraordinary circumstances relating to not raising fees for 16 years despite ongoing extraordinary events including but not limited to the COVID-19 policies, price

surges, and sustained disruptions in supplies, which, if left unaddressed, result in conditions injurious to the public health, safety, morals and welfare of the residents of the city.

2. The existence of such extraordinary circumstances creates an economic and social liability by hindering industrial, commercial, office, or residential development; and

K.3. Extraordinary circumstances exist necessitating the imposition of mobility fees exceeding the phase-in limitations established in Section 163.31801, Florida Statutes.

L. This article shall not apply to development for which the City of Destin is the applicant.

SECTION 10.01.03 REVIEW AND UPDATE

A. The Impact Fee schedules contained in Sections 10.02.02., 10.03.02., 10.04.02., 10.05.02., this Article shall be reviewed by the City Council at least once every two years following its adoption.

B. For the Mobility Fee schedule, the following shall be required:

1. The mobility fee is based on the assumptions and analysis in the mobility fee study. No later than five years from the date Ordinance No. 2025-08-LC is enacted and no later than every five years thereafter, the City shall conduct a full reevaluation and update of the assumptions and analysis in the mobility fee study and of all components of the mobility fee. However, in the event that full reevaluation and updates are not complete within the required five-year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete. Nothing herein shall prevent the City from updating the mobility fee earlier than every five years if the City determines that significant changes in the mobility fee study have occurred, and that such changes are likely to have a significant impact on the amount of the mobility fee.

2. The administration fees may be reviewed annually and revised by resolution of the City Council.

A.

SECTION 10.01.04 PENALTY PROVISION

A. Any person, firm, corporation, or partnership that violates any provision of this article may be punished by a fine of not more than \$500.00 or 60 days in jail, or both. Enforcement of this article may be through the issuance of a citation, in accordance with State Law.

B. Violations include, but are not limited to failing, neglecting, or refusing to pay a mobility/impact fee as required by this division and/or furnishing untrue, incomplete, false or misleading information on any document, or to any city employee, concerning the calculation, exemption, or payment of a mobility/impact fee.

C. The owner, tenant, or occupant of any land or part thereof for which a mobility/impact fee is owed, who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, or who fails, neglects, or refuses to pay a mobility/impact fee may be held responsible for the violation and be subject to the penalties and remedies provided for in this article.

D. In addition to the enforcement of this article through issuance of a citation in accordance with State Law, the City may withhold issuance of the certificate of occupancy or certificate of completion and/or bring suit to restrain, enjoin or otherwise prevent the violation of this article in any court of competent jurisdiction, to recover costs incurred by the City in whole or in part because of the violation of this article, and/or to compel payment of a mobility/impact fee pursuant to this article. Issuance of and/or payment of a citation for violation of this article does not preclude the City from filing such a suit. Payment of any penalties imposed does not release a person or entity from payment of the mobility/impact fee due but shall be payable in addition to the mobility/impact fee.

E. Failure to pay a mobility/impact fee required by this article is a violation that is continuous with respect to time, and each day the violation continues, or the mobility/impact fee remains unpaid, is hereby declared to be a separate offense.

A.F. The provisions of this section are supplemental to any other remedy or enforcement procedure provided for or recognized by ordinance, statutory law, common law, case law or the Florida Constitution and shall not be construed as an exclusive remedy or procedure available for enforcement of the codes and ordinances of the City. Nothing contained herein shall prohibit the City Council from enforcing its codes by any other means. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.

SECTION 10.01.05 RULES OF CONSTRUCTION

A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:

1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text of this Article shall control.
2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
4. The phrase "used for" includes "arranged for," "designed for," "maintained for, or "occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" "or" or "either...or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. "Unit" in this article shall not be considered the same as a "lodging unit."

9. If a certificate of occupancy is requested for For mixed use developments, then the fee shall be determined by using the above schedule and apportioning the space committed to uses specified on the schedule.

In the case of change of use, redevelopment, or expansion or modification of an existing use, which requires the issuance of a certificate of occupancy, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the supporting documents of the

City of Destin Comprehensive Plan, City of Destin Zoning Ordinance Land Development Code, and by considering demographic or other documentation which is available from state, local and regional authorities.

10. ~~If an impact/mobility fee has never been paid for a development, then the new use shall be responsible for the full payment of such fees prior to issuance of a change of use or building permit, whichever is applicable. It shall be the responsibility of the applicant to provide any previous proof of payment of impact/mobility fees.~~
11. ~~If the type of development activity that a certificate of occupancy is applied for is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The City Manager shall be guided in the selection of a comparable type by the report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers. If the City Manager determines that there is no comparable type of land use on the applicable fee schedule, the City Manager shall determine the fee by both of the following means:~~
 - a. ~~Using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers; and~~
 - b. ~~Applying the formula set forth in Section 19.04.05.B.~~
12. ~~Should there be a conflict between drawings and specifications, the most restrictive shall apply.~~

SECTION 10.01.06 PAYMENT, USE OF FEES AND TRUST FUNDS

- A. For any development within the City of Destin, mobility fees, impact fees and any applicable administration fees shall be assessed, collected, and paid as follows:
 1. For a change of use not requiring a building permit, fees shall be paid prior to the issuance of a change of use.
 2. For development requiring a building permit, fees shall be paid prior to the issuance of the building permit.
 3. No building permit or change of use for any activity requiring payment of a fee shall be issued unless and until the required fee has been paid.
- B. There is hereby established fee trust funds for each fee district established by this Article. Funds withdrawn from these accounts must be used in accordance with the provisions of this Section.

All funds collected shall be promptly transferred for deposit in the specific fee trust fund established and used solely for the purposes specified in this Section.

- C. The City may provide estimates of impact and/or mobility fees prior to the issuance of a building permit or a change of use, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect prior to change of use issuance, or building permit issuance, whichever is applicable.

~~A.D.~~ Funds collected from all impact and/or mobility impact fees shall be utilized to support the appropriate capital improvement needs per the applicable imposed fee, used solely for the purpose of acquiring, equipping, and/or making capital improvements to City infrastructure and facilities under the jurisdiction of the City of Destin, and shall not be used for maintenance or operations.

1. Funds collected shall be utilized to support the appropriate capital improvement needs per the applicable imposed fee.

- E. Funds collected from the mobility fee shall be used solely for the purpose of capital improvements to and expansion of transportation facilities.

B.F. Funds shall be expended in the order in which they are collected.

C.G. In the event that bonds or similar debt instruments are issued for advanced provision of any capital improvements for which ~~impact~~ fees may be expended, ~~impact~~ fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in ~~paragraph A~~ above and are located within ~~the-the~~ ~~impact~~ fee districts established by this Article.

D.H. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program assigning funds, including any accrued interest, from the ~~impact~~ fee fund to specific capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same ~~impact~~ fee fund until the next fiscal period, except ~~to provide refunds~~ as provided by Section 10.012.10.

~~E. Funds may be used to provide refunds as described in Section 10.02.10.~~

SECTION 10.012.07 IMPACT FEE AND MOBILITY FEE DISTRICTS

A. There are now established Impact Fee Districts for Parks, Public Library, ~~and~~ Police Protection, and ~~Transportation-a Mobility Fee District.~~ ~~that The Districts~~ includes all land lying within the incorporated limits of the City.

SECTION 10.01.086 CALCULATION OF IMPACT AND MOBILITY FEES

A. Where square footage is indicated in a fee schedule, fees shall be calculated using the Gross Floor Area.

B. For mixed use developments, the fees shall be determined by using the applicable fee schedule and applying the appropriate fee for each type of use to the gross floor area committed to each such use in the approved development program.

~~If an impact/mobility fee has never been paid for a development, then the new use shall be responsible for the full payment of such fees prior to issuance of a change of use or building permit, whichever is applicable. It shall be the responsibility of the applicant to provide any previous proof of payment of impact/mobility fees.~~

C. In the case of change of use, redevelopment, or expansion or modification of an existing use, the fees shall be based upon the net positive increase in the impacts from the new use or new development as compared to the previous use or existing development, or as further set forth in this Code. The City Manager shall be guided in this determination by the supporting documents of the City of Destin Comprehensive Plan, City of Destin Land Development Code, and by considering demographic or other documentation which is available from state, local and regional authorities. For mobility fees, transportation impacts such as trip generation rates and any other applicable transportation data deemed appropriate by the City Engineer will be considered.

D. If the type of development activity that is applied for is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule, based upon the function and impacts of the proposed use.

E. For Mobility Fees, the City Manager shall be guided in the selection of a comparable type of land use by evaluating by the latest edition of Trip Generation: An ITE Informational Report published by the Institute of Transportation Engineers. If the City Manager determines there is no comparable land use on the applicable fee schedule, the fee shall be determined by using traffic generation contained in the latest edition of Trip Generation: An ITE Informational Report

published by the Institute of Transportation Engineers; and applying the methodology set forth in the Demonstrated-Need Study dated June 27, 2024.

F. Should there be a conflict between drawings and specifications, the most restrictive shall apply.

SECTION 10.012.098 ALTERNATIVE FEE STUDY

A. If a feepayer opts not to have the impact fees determined according to the fee schedules of this Article, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy approval is sought.

~~B. The documentation submitted shall show the basis upon which the independent fee calculation was made.~~

~~C.B.~~ The study will require applicable traffic engineering and/or economic documentation submitted shall show to demonstrate the basis upon which the independent fee calculation was made, including, but not limited to, the following:

1. Traffic engineering studies:
 - a. Documentation of trip generation rates appropriate for the proposed land development activity.
 - b. Documentation of the relative trip length appropriate for the proposed land development activity.
 - c. Documentation of any other trip data appropriate for the proposed land development activity.
2. Economic documentation studies:
 - a. Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.

~~D.C.~~ The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as they shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration.

~~E.D.~~ If an acceptable independent fee calculation study is not presented, the feepayer shall pay the impact fees based upon the fee schedules of this Article.

~~F.E.~~ If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development.

1. The adjustment may include a credit against the fee otherwise payable up to fifty percent (50%) for private infrastructure or facilities constructed or deed restricted or otherwise set aside for purposes by the feepayer which serve the same purposes and functions in the City of Destin Comprehensive Plan.
2. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten calendar days of the City Manager's determination.
 - a. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact-fee calculation study.

SECTION 10.012.1009 EXEMPTIONS AND CREDITS

A. Any claim for credit must be made no later than prior to the issuance of a change of use or building permit, whichever is applicable. Any claim not so made shall be deemed waived.

A. ~~Any claim of exemption/credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.~~

B. The following shall be exempted from payment of the impact and/or mobility fees:

1. Alterations of an existing residential use where no additional square footage is added or additional residential units are created, and where the use is not changed.

2. Alterations of an existing nonresidential building where no additional square footage is added, where the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.

~~1. Alterations or expansion of an existing residential building where no additional residential units are created and where the use is not changed.~~

3. The construction of residential accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.

~~2. The construction of residential accessory buildings or structures.~~

~~3.4.~~ The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.

5. The installation of a replacement mobile home on a lot or other such site when an applicable impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article.

~~4.6.~~ The installation of a temporary mobile home for construction management purposes.

~~5. The construction or placement of any non-residential building or structure, or the installation of a non-residential mobile home.~~

~~6.~~ Public elementary and secondary schools.

7. The development or construction of housing that is "affordable", as defined in Section 420.9071, Florida Statutes. This exception shall only be effective upon the developer entering into an agreement approved by the City Council, under such circumstances and in such form as is acceptable to the City Council in its reasonable judgment, to maintain the housing as "affordable."

C. Redevelopment within the Community Redevelopment Areas (CRAs):

The City Council may approve impact and/or mobility fee reductions for up to seventy-five (75) percent of the required fees for projects within a CRA by making a finding that the public benefits outweigh the reduction in fee revenue, when the proposed development is consistent with the adopted Community Redevelopment Plan, meets all applicable provisions of the Comprehensive Plan and Land Development Code, and at least two (2) of the following criteria are met. Applications for fee reductions must detail the requested fee reduction, how the project provides a public benefit by meeting the applicable criteria and must be submitted prior to issuance of a Certificate of Occupancy for the project.

1. The property has remained vacant for a period of at least ~~twenty-four~~ (24) consecutive months immediately preceding submission of the development application.

2. The proposed development will result in the elimination of an existing blighted structure through either the construction of new principal buildings or the rehabilitation of existing structures.

3. The proposed development will increase the taxable value and economic productivity of the property.
4. The proposed development will provide public infrastructure improvements in excess of the minimum Land Development Code requirements.
5. The proposed development will bring an existing nonconforming use or structure into compliance with all applicable regulations, or
6. The proposed development will allow a business currently located in the CRA to expand and provide enhanced goods, services or amenities that will increase the economic vitality of the CRA.

7.D. Credits:

1. No credit shall be given for site-related improvements or site-related right-of-way dedications.
- ~~8.2.~~ Land and/or capital improvements may be offered by the feepayer as total or partial payment of the required ~~impact~~ fee.
- ~~9.3.~~ The offer must specifically request or provide for a specific ~~impact~~ fee credit.
- ~~10.4.~~ If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at:
 - i. One hundred and fifteen percent (115%) of the most recent assessed value by the property appraiser, or
 - ii. By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular capital improvements, or
 - iii. By fair market value established by private appraisers acceptable to the City.
 - b. Applicants for credit for construction of capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager.
 - c. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate.
 - d. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied.
 - e. The applicant must sign and date a duplicate copy of such letter or certificate, indicating their agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit is given. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.
 - f. Except as provided in subparagraph (g), credit against ~~impact~~ fees otherwise due will not be provided until:
 - i. The property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council; or
 - ~~i.ii.~~ The construction is completed and accepted by the city, the county, or the state, whichever is applicable; or
 - ~~ii.iii.~~ A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.

- g. Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the standards set out in ~~subparagraph (f)~~this Section will be met, and if the feepayer posts security as provided below, for the costs of such construction.
 - i. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager.
 - ii. If the construction project is not constructed within one year of the acceptance of the offer by the City Manager, the amount of security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall then be reviewed and approved by the City Council prior to acceptance ~~of the security~~.
 - iii. If the construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the construction project and its scheduled completion date prior to the acceptance of the offer to the City Manager.
 - h. Any claim for credit must be made no later than the time of application for a certificate of occupancy prior to the issuance of a change of use or building permit, whichever is applicable. Any claim not so made shall be deemed waived.
 - i. Credits shall not be transferable from one project or development to another without the approval of the City Council.
 - ~~i.j.~~ All mandatory or required right-of-way dedications and/or transportation improvements made by a feepayer, subsequent to the effective date of this article, except site-related improvements and any other improvements not included in the calculation of the mobility fees, shall be credited on a pro rata basis against mobility fees otherwise due or to become due for development that prompted the City or the county to require such dedications or transportation improvements. Such credits shall be determined and provided as set forth within this Article.
 - ~~j.k.~~ Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager within in ten calendar days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.
- ~~11. No credit shall be given for site-related improvements or site-related right-of-way dedications.~~

SECTION 10.012.10 REFUND OF FEES

- A. Any funds not expended or encumbered by the end of the calendar quarter immediately following ten (10) years from the date the impact and/or mobility fees were paid, shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the ten-year period.

SECTION 10.01.11 EFFECT ON LAND DEVELOPMENT REGULATIONS

- A. The payment of fees does not ensure compliance with the City's land development regulations.
- ~~A.B.~~ The listing of a land use in a fee schedule is solely for purpose of establishing the applicable fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning or comprehensive plan requirements. In addition, the listing of the land use in a fee schedule

shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

SECTION 10.02 PARKS IMPACT FEES

SECTION 10.02.01 IMPOSITION OF PARKS IMPACT FEE

- ~~A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a park impact fee in the manner and amount set forth in this article.~~
- ~~B. No new certificate of occupancy/completion or change of use for any activity requiring payment of an impact fee pursuant to Section 10.02.02, shall be issued unless and until the required park impact fee hereby has been paid.~~
- ~~C.A.~~ All development shall be subject to the following parks impact fee schedules ~~in Section 10.02.02~~ below.
- ~~D. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.~~

SECTION 10.02.02 PARKS IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$186.00
Residential, 500—749 sq. ft., per dwelling unit	\$235.00
Residential, 750—999 sq. ft., per dwelling unit	\$279.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$335.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$399.00
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$479.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$570.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$649.00
Mobile Home/RV Park, per pad	\$447.00
Hotel/Motel, per room	\$243.00

SECTION 10.03 PUBLIC LIBRARY IMPACT FEES

SECTION 10.03.01 IMPOSITION OF LIBRARY IMPACT FEES

- ~~A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a library impact fee in the manner and amount set forth in this article.~~
- ~~B. No new certificate of occupancy/completion or change of use for any activity requiring payment of an impact fee pursuant to Section 10.03.02, shall be issued unless and until the required library impact fee hereby has been paid.~~
- ~~C.A.~~ All development shall be subject to the following library impact fee schedules ~~in Section 10.03.02~~ below.

SECTION 10.03.02 PUBLIC LIBRARY IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$62.00
Residential, 500—749 sq. ft., per dwelling unit	\$78.00
Residential, 750—999 sq. ft., per dwelling unit	\$93.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$112.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$133.00
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$160.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$190.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$217.00
Mobile home/RV park, per pad	\$149.00
Hotel/motel, per room	\$0.00

SECTION 10.04 POLICE IMPACT FEES

SECTION 10.04.01 IMPOSITION OF POLICE IMPACT FEES

- ~~A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a police impact fee in the manner and amount set forth in this article.~~
- ~~B. No new certificate of occupancy/completion or change of use, for any activity requiring payment of an impact fee pursuant to Section 10.04.02, shall be issued unless and until the required police impact fee hereby has been paid.~~
- ~~C.A.~~ All development shall be subject to the following police impact fee schedules in Section 10.04.02 below.

SECTION 10.04.02 POLICE IMPACT FEE SCHEDULE

LAND USE TYPE	UNIT	FEE	LAND USE TYPE	UNIT	FEE
Residential, less than 500 sq. ft.	Dwelling	\$9.00	Hotel/motel	Room	\$11.00
Residential, 500—749 sq. ft.	Dwelling	\$11.00	Retail/commercial	1,000 sq. ft.	\$31.00
Residential, 750—999 sq. ft.	Dwelling	\$13.00	Office	1,000 sq. ft.	\$18.00
Residential, 1,000—1,499 sq. ft.	Dwelling	\$16.00	Industrial	1,000 sq. ft.	\$10.00
Residential, 1,500—1,999 sq. ft.	Dwelling	\$19.00	Warehouse	1,000 sq. ft.	\$6.00
Residential, 2,000—2,999 sq. ft.	Dwelling	\$23.00	Religious Facilities/Worship center	1,000 sq. ft.	\$7.00
Residential, 3,000—3,999 sq. ft.	Dwelling	\$27.00	School/college	1,000 sq. ft.	\$10.00
Residential, 4,000 sq. ft or more	Dwelling	\$31.00	Hospital	1,000 sq. ft.	\$28.00
Mobile home/RV park	Pad	\$21.00	Nursing home	1,000 sq. ft.	\$14.00
			Other institutional	1,000 sq. ft.	\$18.00

SECTION 10.05 MOBILITY FEES

SECTION 10.052.01 LEGISLATIVE FINDINGS

- A. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
- B. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.011.(b) of the City Charter, and Section 166.021, Florida Statutes.
- C. There is hereby established a mobility fee which shall be all lands lying within the incorporated limits of the City.
- D. The City Council has determined that each of the types of land development described in Section 10.05.03 will generate vehicular and pedestrian traffic necessitating the acquisition of rights-of-way, road construction, road improvements, pedestrian and bicycle improvements.
- E. The City Council has determined that the fees established by this section Section 19.04.05.A, are derived from, based upon, and do not exceed the costs of providing additional rights-of-way and multi-modal improvements necessitated by the new land developments for which the fees are levied.
- F. The City Council has determined that 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.
- G. The City Council has determined that Section 163.31801, Florida Statutes (the "Florida Impact Fee Act") prohibits local governments from increasing fees to fund transportation improvements necessitated by new growth ("Mobility Fees") in excess of the phase-in limitations established therein without a study expressly demonstrating the extraordinary circumstance".
- H. City Council has engaged 3TP Ventures ("3TP") to prepare a Demonstrated-Need Study dated June 27, 2024 (the "Mobility Fee Study") to convert the City of Destin's prior usage of transportation impact fees to mobility fees, and to establish the City's Mobility Fee schedule.
- I. The City Council has determined that the rates calculated in the Mobility Fee Study exceed the phase-in limitations permitted by the Florida Impact Fee Act, without a study expressly demonstrating the extraordinary circumstances necessitating increases exceeding such phase-in limitations.
- J. 3TP has also prepared the Destin, Florida Mobility Fee Study Memo, which constitutes a demonstrated need study establishing such extraordinary circumstances, as required by the Florida Impact Fee Act and is hereby adopted and approved (the "Demonstrated Need Study").
- K. The City Council has determined that based on the Demonstrated Need Study and other evidence presented at the prior public hearings, workshops, and meetings, the City Council hereby makes the following factual findings:
 1. The City of Destin has not raised impact fees in sixteen years; and
 2. Impacts related to COVID-19 policies between March 2020 and November 2023, material prices surged by 32%; and
 3. Sustained disruptions to global supply chains for construction materials and equipment, housing market strength, labor market fluctuations, and heightened governmental spending on infrastructure, have led to increases in construction prices.
 4. Materials increased from 200.4 in June 2008 to 337.2 in June 2023 ((1982:100).

~~L. The City Council has conducted publicly noticed workshops on February 18, 2025, and March 3, 2025, dedicated to the extraordinary circumstances necessitating the need to exceed the mobility fee phase-in limitations established in Section 163.31801, Florida Statutes, as required by the Florida Impact Fee Act, during which the Demonstrated Need Study was presented, and public comment taken.~~

~~M. Based upon the factual findings set forth herein, the Board hereby finds and determines that:~~

- ~~1. There exist in the City extraordinary circumstances relating to not raising fees for 16 years despite ongoing extraordinary events including but not limited to the COVID-19 policies, price surges, and sustained disruptions in supplies, which, if left unaddressed, result in conditions injurious to the public health, safety, morals and welfare of the residents of the city.~~
- ~~2. The existence of such extraordinary circumstances creates an economic and social liability by hindering industrial, commercial, office, or residential development; and~~
- ~~3. Extraordinary circumstances exist necessitating the imposition of mobility fees exceeding the phase-in limitations established in Section 163.31801 1, Florida Statutes.~~

~~N.A. _____ This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.~~

~~O. The purpose of this article is to regulate the development of land so as to:~~

- ~~1. Ensure that the mobility fee is proportional and reasonably connected to or has a rational nexus with the need for additional capital facilities and the increased impact generated by the new residential or commercial construction;~~
- ~~2. Ensure that the mobility fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction;~~
- ~~3. Specifically earmark funds collected under the mobility fee for use in acquiring, Constructing, or improving capital facilities to benefit new users; and~~
- ~~4. Ensure that revenues generated by the mobility fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.~~

~~P. _____ This article shall not apply to development for which the City of Destin is the applicant.~~

SECTION 10.05.02 MOBILITY FEE DISTRICT

~~A. There is hereby established a mobility fee district which shall be all lands lying within the incorporated limits of the City.~~

SECTION 10.05.013 IMPOSITION OF MOBILITY FEES AND FEE TABLE

~~A. The City Council hereby adopts and incorporates the following by reference:~~

- ~~1. The Destin, Florida Mobility Fee Study Memo attached as Exhibit A to Ordinance No. 2025-08-LC.~~
- ~~2. The Table of Mobility Fees.;~~

~~B. Any person who applies for a certificate of occupancy, is hereby required to pay a mobility fee in the manner and amount set forth in this article.~~

~~C. No new certificate of occupancy/completion or a change of use, for any activity requiring payment of a mobility fee pursuant to Section 10.05.02, shall be issued unless and until the required mobility fee hereby has been paid.~~

~~D.B.~~ All development shall be subject to the following ~~mobility~~ transportation fee schedules in ~~Section 10.05.02~~ below.

~~E.C.~~ "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes, but is not limited to, extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.

~~F.D.~~ "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.

Table of Mobility Fees		
Proposed Land Uses	Unit	Fee per Unit
Long-term Residential	Dwelling	
Less than 500 sq. ft.		\$5,023
500—749 sq. ft.		\$6,086
750—999 sq. ft.		\$6,888
1,000—1,499 sq. ft.		\$7,737
1,500—1,999 sq. ft.		\$8,539
2,000—2,999 sq. ft.		\$9,389
3,000—3,999 sq. ft.		\$10,190
4,000 sq. ft. or more		\$10,789
Short-term Residential	Dwelling	
Less than 500 sq. ft.		\$14,257
500—749 sq. ft.		\$21,466
750—999 sq. ft.		\$26,901
1,000—1,499 sq. ft.		\$32,662
1,500—1,999 sq. ft.		\$38,097
2,000—2,999 sq. ft.		\$43,858
3,000—3,999 sq. ft.		\$49,293
4,000 sq. ft. or more		\$53,352
Multifamily Housing (Low-Rise) (220)	Dwelling	\$10,262
Multifamily Housing (Mid-Rise) (221)	Dwelling	\$6,901
Mobile Home Park (240)	Dwelling	\$10,846
Hotel/Motel (310)	Room	\$12,171

Table of Mobility Fees		
Proposed Land Uses	Unit	Fee per Unit
Shopping Center >150k (820)	1,000 sq. ft.	\$28,753
Shopping Plaza 40—150k (821)	1,000 sq. ft.	\$41,141
Shopping Plaza 40—150k - w/Supermarket (821)	1,000 sq. ft.	\$57,575
Strip Retail Plaza <40k (822)	1,000 sq. ft.	\$33,178
Automobile Sales (New) (840)	1,000 sq. ft.	\$42,409
Supermarket (850)	1,000 sq. ft.	\$34,307
Drive-in Bank (912)	1,000 sq. ft.	\$48,916
Automobile Parts and Service Center (943)	1,000 sq. ft.	\$25,287
Convenience Store (851)	1,000 sq. ft.	\$179,984
Golf Course (430)	Acres	\$5,697
Marina (420)	Berths	\$3,671
Fast-Food Restaurant with Drive-Through Window (934)	1,000 sq. ft.	\$160,226
High-Turnover (Sit-Down) Restaurant (932)	1,000 sq. ft.	\$62,053
Fine Dining Restaurant (931)	1,000 sq. ft.	\$48,531
Convenience Store/Gas Station (945)	Fueling Positions	\$62,590
General Office Building (710)	1,000 sq. ft.	\$16,513
Medical-Dental Office Building - Stand-Alone (720)	1,000 sq. ft.	\$54,839
Hospital (610)	1,000 sq. ft.	\$16,406
Nursing Home (620)	1,000 sq. ft.	\$10,282
Church (560)	1,000 sq. ft.	\$11,577
Private School (K-12) (532)	Students	\$3,778
Day Care Center (565)	Students	\$6,230
General Light Industrial (110)	1,000 sq. ft.	\$7,419
Warehousing (150)	1,000 sq. ft.	\$2,254

SECTION 10.05.04 EFFECT ON LAND DEVELOPMENT REGULATIONS

- A. ~~The payment of mobility fees does not ensure compliance with the City's land development regulations.~~
- B. ~~The listing of a land use in the mobility fee schedule is solely for purpose of establishing the applicable mobility fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning or comprehensive plan requirements. In addition, the listing~~

of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

SECTION 10.05.05 PAYMENT OF FEE

- A. ~~Mobility fees and any applicable~~ administration fees shall be assessed, collected, and paid upon the issuance of a building permit for any development within the City of Destin.
- B. ~~All funds collected shall be promptly transferred for deposit in the mobility fee trust fund established by Section 19.04.08 and used solely for the purposes specified in this article.~~

SECTION 10.05.06 MOBILITY FEE TRUST FUND

- A. ~~There is hereby established a mobility fee trust fund for the mobility fee district established by Section 10.05.02~~this Section.
- B. ~~Funds withdrawn from these accounts must be used in accordance with the provisions of Section 10.05.04~~this Section.

SECTION 10.05.07 USE OF FUNDS

- A. ~~Funds collected from the mobility fee shall be used solely for the purpose of capital improvements to and expansion of transportation facilities.~~
- B. ~~Funds shall be expended in the order in which they are collected.~~
- C. ~~In the event that bonds or similar debt instruments are issued for advanced provision of transportation capital improvements for which mobility fees may be expended, mobility fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the mobility fee district established by Section 19.04.07~~by this Article.
- D. ~~At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for transportation, assigning funds, including any accrued interest, from the mobility fee trust fund to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the mobility fee trust fund until the next fiscal period, except as provided by Section 19.04.10~~10.05.08.
- E. ~~Funds may be used to provide refunds as described in Section 19.04.10~~10.05.08.

SECTION 10.05.08 REFUNDS, EXEMPTIONS AND CREDITS

- A. ~~Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the mobility fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period.~~
- B. ~~Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the mobility fee:~~
 - 1. ~~Alterations or expansion of an existing residential building where no additional residential units are created, and where the use is not changed; alterations of an existing nonresidential building where no additional square footage is added, where the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.~~
 - 2. ~~The construction of residential accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.~~

3. ~~The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced over and above those produced by the original use of the land.~~
4. ~~The installation of a replacement mobile home on a lot or other such site when a mobility fee for such mobile home site has previously been paid pursuant to this article, or where a mobile home legally existed on such site on or prior to the effective date of this article.~~
5. ~~Public elementary and secondary schools.~~
6. ~~The development or construction of housing that is "affordable", as defined in Section 420.9071, Florida Statutes. This exception shall only be effective upon the developer entering into an agreement approved by the City Council, under such circumstances and in such form as is acceptable to the City Council in its reasonable judgment, to maintain the housing as "affordable."~~

~~C. Credits:~~

1. ~~No credit shall be given for site-related improvements or site-related right-of-way dedications.~~
2. ~~All mandatory or required right-of-way dedications and/or transportation improvements made by a feepayer, subsequent to the effective date of this article, except site-related improvements and any other improvements not included in the calculation of the mobility fees, shall be credited on a pro rata basis against mobility fees otherwise due or to become due for development that prompted the City or the county to require such dedications or transportation improvements. Such credits shall be determined and provided as set forth within this Article in Section 19.04.11.B.3.~~
3. ~~A feepayer may obtain credit against all or a portion of mobility fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-site-related roadway improvements included in the calculation of the transportation impacts such mobility fees. This offer must specifically request or provide for a mobility fee credit. Such construction must be in accordance with City, county, or state design standards, whichever is applicable. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:~~
 - a. ~~Credit for the dedication of non-site-related right-of-way shall be valued at:~~
 1. ~~115 percent of the most recent assessed value by the property appraiser, or~~
 2. ~~By such other appropriate method as the City Council may have accepted prior to the effective date of this article for right-of-way dedications and/or roadway capital improvements, or~~
 3. ~~By fair market value established by private appraisers acceptable to the City. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.~~
 - b. ~~Applicants for credit for construction of non-site-related transportation improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for transportation improvement construction based upon either these cost estimates, or upon alternative engineering criteria and construction cost estimates, if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.~~

- c. ~~Except as provided in Section 10.05.08.C 19.04.11.B.1.(d), credit against mobility fees otherwise due will not be provided until:~~
1. ~~The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or~~
 2. ~~A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.~~
- d. ~~Credit may be provided before completion of specified transportation improvements if adequate assurances are given by the applicant that the standards set out in this Section 19.04.11.B.1.(c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the transportation construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the transportation construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the transportation construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.~~
- e. ~~Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.~~
- f. ~~Credits shall not be transferable from one project or development to another without the approval of the City Council, and may be transferred to a development in a different mobility fee district upon a finding by the City Council that the dedication right-of-way or transportation construction for which the credit was given benefits such different mobility fee district.~~
- g. ~~Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.~~

SECTION 10.05.094 REVIEW AND UPDATE

- A. ~~The mobility fee is based on the assumptions and analysis in the mobility fee study. Not later than five years from the date Ordinance No. 2025-08-LC is enacted and not later than every five years thereafter, the City shall conduct a full reevaluation and update of the assumptions and analysis in the mobility fee study and of all components of the mobility fee. However, in the event that full reevaluation and updates are not complete within the required five-year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete. Nothing herein shall prevent the City from updating the mobility fee earlier than every five years if the City determines that significant changes in the mobility fee study have occurred, and that such changes are likely to have a significant impact on the amount of the mobility fee.~~
- B. ~~The administration fees may be reviewed annually and revised by resolution of the City Council.~~

SECTION 10.05.04 PENALTY PROVISION

- A. ~~Any person, firm, corporation or partnership that violates any provision of this article may be punished by a fine of not more than \$500.00 or 60 days in jail, or both. Enforcement of this article may be through the issuance of a citation, in accordance with State Law.~~

- ~~B. Violations include, but are not limited to failing, neglecting, or refusing to pay a mobility fee as required by this division and/or furnishing untrue, incomplete, false or misleading information on any document, or to any city employee, concerning the calculation, exemption, or payment of a mobility fee.~~
- ~~C. The owner, tenant, or occupant of any land or part thereof for which a mobility fee is owed, who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, or who fails, neglects, or refuses to pay a mobility fee may be held responsible for the violation and be subject to the penalties and remedies provided for in this article.~~
- ~~D. In addition to the enforcement of this article through issuance of a citation in accordance with State Law, the City may withhold issuance of the certificate of occupancy or certificate of completion and/or bring suit to restrain, enjoin or otherwise prevent the violation of this article in any court of competent jurisdiction, to recover costs incurred by the City in whole or in part because of the violation of this article, and/or to compel payment of a mobility fee pursuant to this article. Issuance of and/or payment of a citation for violation of this article does not preclude the City from filing such a suit. Payment of any penalties imposed does not release a person or entity from payment of the mobility fee due but shall be payable in addition to the mobility fee.~~
- ~~E. Failure to pay a mobility fee required by this article is a violation that is continuous with respect to time, and each day the violation continues, or the mobility fee remains unpaid, is hereby declared to be a separate offense.~~

~~The provisions of this section are supplemental to any other remedy or enforcement procedure provided for or recognized by ordinance, statutory law, common law, case law or the Florida Constitution and shall not be construed as an exclusive remedy or procedure available for enforcement of the codes and ordinances of the City. Nothing contained herein shall prohibit the City Council from enforcing its codes by any other means.~~

Article 19 IMPACT FEES

19.01.00. Parks impact fee.

19.01.01. Intents and purposes.

A. Legislative findings:

- 1. The City Council has determined that the City of Destin must expand its park capital facilities in order to maintain current park standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety, and welfare.**
- 2. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.**
- 3. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.**
- 4. The City Council has determined that the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of park capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.**
- 5. The City Council has determined that each of the types of land development described in Section 19.01.05.A, will create a demand for the construction, equipping, acquisition, or expansion of park capital improvements.**
- 6. The City Council has determined that the fees established by Section 19.01.05.A. are derived from, based upon, and do not exceed the costs of providing additional parks and park capital improvements necessitated by the new land developments for which the fees are levied.**
- 7. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and park capital improvements in the City of Destin.**

B. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.

C. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks and park capital improvements in the City of Destin.

D. This article shall not apply to development for which the City of Destin is the applicant.

19.01.02. Rules of construction.

A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:

- 1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.**
- 2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.**
- 3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.**

4. The phrase "used for" includes "arranged for," "designed for," "maintained for, or "occupied for."
5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.
6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (c) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. "City manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this article.

19.01.03. Definitions:

- A. A "feepayer" is a person applying for the issuance of a certificate of occupancy.
- B. A "capital improvement" includes parks planning, land acquisition, site improvements, buildings, and equipment, all with an expected life of three years or more, but excludes maintenance and operation.
- C. "Certificate of occupancy" is the approval issued by the building official after satisfactory completion of construction of a building or structure in accordance with the technical codes and plans, and after the final inspection is completed.
- D. "Private recreational facility" is any recreational facility which is not owned by or dedicated to any governmental entity.
- E. "Unit" in this article shall not be considered the same as a "lodging unit."

19.01.04. Imposition of park impact fee:

- A. Any person who applies for a certificate of occupancy, is hereby required to pay a park impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to Section 19.01.05.A., shall be issued unless and until the required park impact fee hereby has been paid.
- C. Any development that received a final development order or development permit on or before [the date of adoption of the ordinance] shall be subject to the "old" fee schedule in Section 19.01.05; provided that development proceeds to issuance of the certificate of occupancy without expiration of the development order or development permit.
- D. All other development shall be subject to the following fee schedules in Section 19.01.05:
 1. The "old" fee schedule for certificates of occupancy issued before [90 days from ordinance adoption].
 2. The "new" fee schedule for certificates of occupancy issued on or after [90 days from ordinance adoption].
- E. The City may provide estimates of impact fees at time of development order, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not

exempt applicants from paying according to the fee schedule in effect at time of certificate of occupancy;

19.01.05. Computation of the amount of park impact fee.

A. At the option of the fee payer, the amount of the park impact fee may be determined by the following fee schedules:

"OLD" FEE SCHEDULE

<u>LAND-USE TYPE</u> <u>(PER/UNIT)</u>	<u>FEE</u>
<u>Residential unit type:</u>	
<u>Single-family detached</u>	<u>\$159.99</u>
<u>Multi-family</u>	<u>113.03</u>
<u>Resort residential-unit</u>	<u>113.03</u>
<u>Hotel/motel</u>	<u>50.46</u>
<u>All other</u>	<u>159.99</u>

"NEW" FEE SCHEDULE

<u>LAND-USE TYPE</u> <u>(PER/UNIT)</u>	<u>FEE</u>
<u>Residential, less than 500 sq. ft., per dwelling unit</u>	<u>\$186.00</u>
<u>Residential, 500—749 sq. ft., per dwelling unit</u>	<u>\$235.00</u>
<u>Residential, 750—999 sq. ft., per dwelling unit</u>	<u>\$279.00</u>
<u>Residential, 1,000—1,499 sq. ft., per dwelling unit</u>	<u>\$335.00</u>
<u>Residential, 1,500—1,999 sq. ft., per dwelling unit</u>	<u>\$399.00</u>
<u>Residential, 2,000—2,999 sq. ft., per dwelling unit</u>	<u>\$479.00</u>
<u>Residential, 3,000—3,999 sq. ft., per dwelling unit</u>	<u>\$570.00</u>
<u>Residential, 4,000 sq. ft or more, per dwelling unit</u>	<u>\$649.00</u>
<u>Mobile Home/RV Park, per pad</u>	<u>\$447.00</u>
<u>Hotel/Motel, per room</u>	<u>\$243.00</u>

1. If a certificate of occupancy is requested for mixed uses, then the fee shall be determined by using the above schedule and apportioning the space committed to uses specified on the schedule;

2. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a certificate of occupancy, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the supporting documents of the City of Destin Comprehensive Plan, City of Destin Zoning Ordinance, and by considering demographic or other documentation which is available from state, local and regional authorities;

B. If a fee payer opts not to have the impact fee determined according to paragraph A. of this section, then the fee payer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager shall consider the documentation submitted by the fee payer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the

~~alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the park impact fees based upon the schedule shown in paragraph A. of this section. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development. The adjustment may include a credit against the fee otherwise payable up to 50 percent for private recreational facilities constructed or deed restricted or otherwise set aside for recreational purposes by the feepayer which serve the same purposes and functions as set forth for public parks in the City of Destin Comprehensive Plan. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact fee calculation study.~~

~~19.01.06. Payment of fee.~~

~~A. The feepayer shall pay the park impact fee required by this article to the City Manager prior to the issuance of a certificate of occupancy.~~

~~B. All funds collected shall be promptly transferred for deposit in the park impact fee trust fund as established by Section 19.01.08 and used solely for the purposes specified in this article.~~

~~19.01.07. Park impact fee districts.~~

~~A. There is hereby established a park impact fee district which shall be all lands lying within the incorporated limits of the City.~~

~~19.01.08. Park impact fee trust funds established.~~

~~A. There is hereby established a park impact fee trust fund for the park impact fee district established by Section 19.01.07.~~

~~B. Funds withdrawn from this account must be used in accordance with the provisions of Section 19.01.09.~~

~~19.01.09. Use of funds.~~

~~A. Funds collected from the park impact fee shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to park facilities under the jurisdiction of the City of Destin, and shall not be used for maintenance or operations.~~

~~B. Funds shall be expended in the order in which they are collected.~~

~~C. In the event that bonds or similar debt instruments are issued for advanced provision of park capital improvements for which park impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the park impact fee districts established by Section 19.01.07.~~

~~D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for parks, assigning funds, including any accrued interest, from the park impact fee trust fund to specific park capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same park impact fee trust fund until the next fiscal period, except as provided by Section 19.01.10.~~

~~E. Funds may be used to provide refunds as described in Section 19.01.10.~~

~~19.01.10. Refund of fees paid.~~

~~A. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the park impact fees was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum.~~

provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period;

19.01.11. Exemptions and credits:

A. Any claim of exemption must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the impact fee:

1. Alterations or expansion of an existing residential building where no additional residential units are created and where the use is not changed;
2. The construction of residential accessory buildings or structures;
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
4. The installation of a replacement mobile home on a lot or other such site when a park impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article;
5. The construction or placement of any non-residential building or structure, or the installation of a non-residential mobile home;

B. Credits:

1. Park land and/or park capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically request or provide for a park impact fee credit. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:

(a) Credit for the dedication of land shall be valued at:

- (1) 115 percent of the most recent assessed value by the property appraiser, or
- (2) By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular park capital improvements, or
- (3) By fair market value established by private appraisers acceptable to the City;

Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council;

(b) Applicants for credit for construction of park capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(c) Except as provided in subparagraph (d), credit against impact fees otherwise due will not be provided until:

~~(1) The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or~~

~~(2) A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.~~

~~(d) Credit may be provided before completion of specified park capital improvements if adequate assurances are given by the applicant that the standards set out in subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the park construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the park construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the park construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.~~

~~(e) Any claim for credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.~~

~~(f) Credits shall not be transferable from one project or development to another without the approval of the City Council.~~

~~(g) Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager with ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City manger's determination regarding credits.~~

~~19.01.12. Review:~~

~~A. The fee schedule contained in Section 19.01.05.A shall be reviewed by the City Council at least once every two years following its adoption.~~

~~19.01.13. Penalty provision:~~

~~A. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.~~

~~(Ord. No. 318.1, § 1, 12-7-98; Ord. No. 318.2, §§ 3, 4, 7-16-01; Ord. No. 07-22-LC, §§ 3—9, 3-4-08)~~

19.02.00. Public library impact fee.

~~19.02.01. Intents and purposes:~~

~~A. Legislative findings:~~

~~1. The City Council has determined that the City of Destin must expand its public library capital facilities in order to maintain current library standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety, and welfare.~~

~~2. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.~~

- ~~3. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.~~
 - ~~4. The City Council has determined that the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of public library capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.~~
 - ~~5. The City Council has determined that each of the types of land development described in Section 19.02.05.A., will create a demand for the construction, equipping, acquisition, or expansion of public library capital improvements.~~
 - ~~6. The City Council has determined that the fees established by Section 19.02.05.A. are derived from, based upon, and do not exceed the costs of providing additional public library capital improvements necessitated by the new land developments for which the fees are levied.~~
 - ~~7. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional public library capital improvements in the City of Destin.~~
- ~~B. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.~~
- ~~C. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public library capital improvements in the City of Destin.~~
- ~~D. This article shall not apply to development for which the City of Destin is the applicant.~~

~~19.02.02. Rules of construction.~~

- ~~A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.~~
- ~~B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:~~
- ~~1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.~~
 - ~~2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~
 - ~~3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.~~
 - ~~4. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."~~
 - ~~5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.~~
 - ~~6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:~~
 - ~~(a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.~~
 - ~~(b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.~~

~~(c) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.~~

~~7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.~~

~~8. "City manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this article.~~

~~19.02.03. Definitions.~~

~~A. A "feepayer" is a person applying for the issuance of a certificate of occupancy.~~

~~B. A "capital improvement" includes library planning, land acquisition, site improvements, buildings, vehicles, books, and other essential library equipment, all with an expected use life of three years or more, but excludes maintenance and operation. "Capital improvement" does not include unbound periodicals or other materials that are not retained within the library collection for three years or more.~~

~~C. "Certificate of occupancy" is the approval issued by the building official after satisfactory completion of construction of a building or structure in accordance with the technical codes and plans, and after the final inspection is completed.~~

~~D. "Unit" in this article shall not be considered the same as "lodging unit."~~

~~19.02.04. Imposition of public library impact fee.~~

~~A. Any person who applies for a certificate of occupancy, is hereby required to pay a public library impact fee in the manner and amount set forth in this article.~~

~~B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to Section 19.02.05.A., shall be issued unless and until the required public library impact fee hereby has been paid.~~

~~C. Any development that received a final development order or development permit on or before [the date of adoption of the ordinance creating the "new" fee schedule] shall be subject to the "old" fee schedule in Section 19.02.05, provided that development proceeds to issuance of the certificate of occupancy without expiration of the development order or development permit. Notwithstanding the foregoing, if the fee for a proposed development would be lower under the provisions of subsection D below, subsection D shall apply.~~

~~D. All other development shall be subject to the following fee schedules in Section 19.02.05:~~

~~1. The "old" fee schedule for certificates of occupancy issued before [90 days from ordinance adoption].~~

~~2. The "new" fee schedule for certificates of occupancy issued on or after [90 days from ordinance adoption].~~

~~E. The City may provide estimates of impact fees at time of development order, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect at time of certificate of occupancy.~~

~~19.02.05. Computation of the amount of public library impact fee.~~

~~A. At the option of the feepayer, the amount of the public library impact fee may be determined by the following fee schedules:~~

"OLD" FEE SCHEDULE

<u>LAND-USE TYPE</u> <u>(PER/UNIT)</u>	<u>FEE</u>
<u>Residential unit type:</u>	
<u>Single-family detached</u>	<u>\$107.84</u>
<u>Multi-family</u>	<u>76.19</u>
<u>Resort residential unit</u>	<u>76.19</u>
<u>Hotel/motel</u>	<u>0.00</u>
<u>All other</u>	<u>107.84</u>

"NEW" FEE SCHEDULE

<u>LAND-USE TYPE</u> <u>(PER/UNIT)</u>	<u>FEE</u>
<u>Residential, less than 500 sq. ft., per dwelling unit</u>	<u>\$62.00</u>
<u>Residential, 500—749 sq. ft., per dwelling unit</u>	<u>\$78.00</u>
<u>Residential, 750—999 sq. ft., per dwelling unit</u>	<u>\$93.00</u>
<u>Residential, 1,000—1,499 sq. ft., per dwelling unit</u>	<u>\$112.00</u>
<u>Residential, 1,500—1,999 sq. ft., per dwelling unit</u>	<u>\$133.00</u>
<u>Residential, 2,000—2,999 sq. ft., per dwelling unit</u>	<u>\$160.00</u>
<u>Residential, 3,000—3,999 sq. ft., per dwelling unit</u>	<u>\$190.00</u>
<u>Residential, 4,000 sq. ft or more, per dwelling unit</u>	<u>\$217.00</u>
<u>Mobile home/RV park, per pad</u>	<u>\$149.00</u>
<u>Hotel/motel, per room</u>	<u>\$0.00</u>

1. If a certificate of occupancy is requested for mixed uses, then the fee shall be determined by using the above schedules and apportioning the space committed to uses specified on the schedules.
 2. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a certificate of occupancy, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the supporting documents of the City of Destin Comprehensive Plan, City of Destin Zoning Ordinance, and by considering demographic or other documentation which is available from state, local, and regional authorities.
- B. If a feepayer opts not to have the impact fee determined according to paragraph A. of this section, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the public library impact fee based upon the schedule shown in paragraph A. of this section. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the

~~feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact fee calculation study.~~

~~19.02.06. Payment of fee.~~

~~A. The feepayer shall pay the public library impact fee required by this article to the City Manager prior to the issuance of a certificate of occupancy.~~

~~B. All funds collected shall be promptly transferred for deposit in the public library impact fee trust fund as established by Section 19.02.08 and used solely for the purposes specified in this article.~~

~~19.02.07. Public library impact fee district.~~

~~A. There is hereby established a public library impact fee district which shall be all lands lying within the incorporated limits of the City.~~

~~19.02.08. Public library impact fee trust fund established.~~

~~A. There is hereby established a public library impact fee trust fund for the public library impact fee district established by Section 19.02.07.~~

~~B. Funds withdrawn from this account must be used in accordance with the provisions of Section 19.02.09.~~

~~19.02.09. Use of funds.~~

~~A. Funds collected from the public library impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to public library facilities under the jurisdiction of the City of Destin, and shall not be used for maintenance or operations.~~

~~B. Funds shall be expended in the order in which they are collected.~~

~~C. In the event that bonds or similar debt instruments are issued for advanced provision of public library capital improvements for which public library impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the public library impact fee district established by Section 19.02.07.~~

~~D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for public libraries, assigning funds, including any accrued interest, from the public library impact fee trust funds to specific public library capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the public library impact fee trust fund until the next fiscal period, except as provided by Section 19.02.10.~~

~~E. Funds may be used to provide refunds as described in Section 19.02.10.~~

~~19.02.10. Refund of fees paid.~~

~~A. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the public library impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period.~~

~~19.02.11. Exemptions and credits.~~

~~A. Any claim of exemption must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the impact fee:~~

1. Alterations or expansion of an existing residential building where no additional residential units are created and where the use is not changed;
2. The construction of accessory buildings or structures;
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
4. The installation of a replacement mobile home on a lot or other such site when a public library impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article;
5. The construction or placement of any nonresidential building or structure, or the installation of a nonresidential mobile home;

B. Credits:

1. Public library land and/or public library capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically request or provide for a public library impact fee credit. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:
 - (a) Credit for the dedication of land shall be valued at:
 - (1) 115 percent of the most recent assessed value by the property appraiser; or
 - (2) By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular public library capital improvements; or
 - (3) By fair market value established by private appraisers acceptable to the City.Credit for the dedication of public library land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.
 - (b) Applicants for credit for construction of public library capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
 - (c) Except as provided in subparagraph (d), credit against impact fees otherwise due will not be provided until:
 - (1) The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or
 - (2) A suitable maintenance and warranty bond is received and approved by the City Manager, when applicable.

~~(d) Credit may be provided before completion of specified public library capital improvements if adequate assurances are given by the applicant that the standards set out in subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the public library construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the public library construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the public library construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.~~

~~(e) Any claim for credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.~~

~~(f) Credits shall not be transferable from one project or development to another without the approval of the City Council.~~

~~(g) Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager with ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.~~

~~19.02.12. Review:~~

~~A. The fee schedule contained in Section 19.02.05.A., shall be reviewed by the City Council at least once every two years following its adoption.~~

~~19.02.13. Penalty provision:~~

~~A. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.~~

~~(Ord. No. 319.1, § 1, 12-7-98; Ord. No. 319.2, §§ 3, 4, 7-16-01; Ord. No. 07-23-LC, §§ 3—7, 3-4-08)~~

19.03.00. Police protection impact fee.

~~19.03.01. Intents and purposes:~~

~~A. Legislative findings:~~

- ~~1. The City Council has determined that the City of Destin must expand its police protection capital facilities in order to maintain current police protection standards if new development is to be accommodated without decreasing current standards. This must be done in order to promote and protect the public health, safety, and welfare.~~
- ~~2. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.~~
- ~~3. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.~~
- ~~4. The City Council has determined that the imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of police~~

protection capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.

5. The City Council has determined that each of the types of land development described in Section 19.03.05.A. will create a demand for the construction, equipping, acquisition, or expansion of police protection capital improvements.

6. The City Council has determined that the fees established by Section 19.03.05.A. are derived from, based upon, and do not exceed the costs of providing additional police protection capital improvements necessitated by the new land developments for which the fees are levied.

7. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional police protection capital improvements in the City of Destin.

B. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.

C. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide police protection capital improvements in the City of Destin.

D. This article shall not apply to development for which the City of Destin is the applicant.

19.03.02. Rules of construction:

A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:

1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.

2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

4. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."

5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.

6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:

(a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(c) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.

8. "City manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this article.

19.03.03. Definitions.

A. A "feepayer" is a person applying for the issuance of a certificate of occupancy.

B. A "capital improvement" includes land acquisition, site improvements, buildings, vehicles, weapons, and communications equipment, all with an expected use life of three years or more, but excludes maintenance and operation. "Capital improvement" shall include the cost of training new police officers when such new officers constitute a net expansion of the City of Destin protective force.

C. "Certificate of occupancy" is the approval issued by the building official after satisfactory completion of construction of a building or structure in accordance with the technical codes and plans, and after the final inspection is completed.

D. "Unit" in this article shall not be considered the same as "lodging unit."

19.03.04. Imposition of police protection impact fee.

A. Any person who applies for a certificate of occupancy, is hereby required to pay a police protection impact fee in the manner and amount set forth in this article.

B. No new certificate of occupancy, for any activity requiring payment of an impact fee pursuant to Section 19.03.05.A. shall be issued unless and until the required police protection impact fee hereby has been paid.

C. Any development that received a final development order or development permit on or before [the date of adoption of the ordinance creating the "new" fee schedule] shall be subject to the "old" fee schedule in Section 19.03.05, provided that development proceeds to issuance of the certificate of occupancy without expiration of the development order or development permit. Notwithstanding the foregoing, if the fee for a proposed development would be lower under the provisions of subsection D. below, subsection D. shall apply.

D. All other development shall be subject to the following fee schedules in Section 19.03.05:

1. The "old" fee schedule for certificates of occupancy issued before [90 days from ordinance adoption].

2. The "new" fee schedule for certificates of occupancy issued on or after [90 days from ordinance adoption].

E. The City may provide estimates of impact fees at time of development order, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect at time of certificate of occupancy.

19.03.05. Computation of the amount of police protection impact fee.

A. At the option of the feepayer, the amount of the police protection impact fee may be determined by the following fee schedule:

"OLD" FEE SCHEDULE

<u>LAND-USE TYPE</u> <u>(PER/UNIT)</u>	<u>FEE</u>
<u>Residential Unit Type</u>	<u>Fee</u>
<u>US-98 Corridor</u>	
<u>Resort residential unit</u>	<u>\$14.64</u>
<u>Hotel/motel</u>	<u>13.07</u>

<u>Outside Corridor</u>	
<u>Single-family detached</u>	<u>20.53</u>
<u>Multi-family</u>	<u>14.50</u>
<u>Non-residential unit type U.S. 98 Corridor</u>	
<u>Retail per 1,000 sq. ft.</u>	<u>47.59</u>
<u>Eating/drinking, per 1,000 sq. ft.</u>	<u>246.04</u>
<u>Office per 1,000 sq. ft.</u>	<u>24.56</u>
<u>Outside Corridor</u>	
<u>Retail per 1,000 sq. ft.</u>	<u>47.59</u>
<u>Industrial per 1,000 sq. ft.</u>	<u>5.87</u>
<u>Office per 1,000 sq. ft.</u>	<u>24.88</u>

"NEW" FEE SCHEDULE

<u>LAND-USE TYPE</u>	<u>UNIT</u>	<u>FEE</u>
<u>Residential, less than 500 sq. ft.</u>	<u>Dwelling</u>	<u>\$9.00</u>
<u>Residential, 500—749 sq. ft.</u>	<u>Dwelling</u>	<u>\$11.00</u>
<u>Residential, 750—999 sq. ft.</u>	<u>Dwelling</u>	<u>\$13.00</u>
<u>Residential, 1,000—1,499 sq. ft.</u>	<u>Dwelling</u>	<u>\$16.00</u>
<u>Residential, 1,500—1,999 sq. ft.</u>	<u>Dwelling</u>	<u>\$19.00</u>
<u>Residential, 2,000—2,999 sq. ft.</u>	<u>Dwelling</u>	<u>\$23.00</u>
<u>Residential, 3,000—3,999 sq. ft.</u>	<u>Dwelling</u>	<u>\$27.00</u>
<u>Residential, 4,000 sq. ft. or more</u>	<u>Dwelling</u>	<u>\$31.00</u>
<u>Mobile home/RV park</u>	<u>Pad</u>	<u>\$21.00</u>
<u>Hotel/motel</u>	<u>Room</u>	<u>\$11.00</u>
<u>Retail/commercial</u>	<u>1,000 sq. ft.</u>	<u>\$31.00</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$18.00</u>
<u>Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$10.00</u>
<u>Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$6.00</u>
<u>Church/synagogue</u>	<u>1,000 sq. ft.</u>	<u>\$7.00</u>
<u>School/college</u>	<u>1,000 sq. ft.</u>	<u>\$10.00</u>
<u>Hospital</u>	<u>1,000 sq. ft.</u>	<u>\$28.00</u>
<u>Nursing home</u>	<u>1,000 sq. ft.</u>	<u>\$14.00</u>
<u>Other institutional</u>	<u>1,000 sq. ft.</u>	<u>\$18.00</u>

1. If a certificate of occupancy is requested for mixed uses, then the fee shall be determined by using the above schedules and apportioning the space committed to uses specified on the schedules.

2. If the type of development activity that a certificate of occupancy is applied for is not specified on the above fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the above fee schedule.

The City Manager shall be guided in the selection of a comparable type by the City of Destin Comprehensive Plan, supporting documents of the City of Destin Comprehensive Plan, and the City of Destin Zoning Ordinance. If the City Manager determines that there is no comparable type of land use on the above fee schedule, then the City Manager shall determine the appropriate fee by considering demographic or other documentation which is available from the City of Destin Planning Department, and state and regional authorities.

3. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the impact fee shall be based upon the not positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the sources and agencies listed above.

B. If a feepayer opts not to have the impact fee determined according to paragraph A. of this section, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy is sought. The documentation submitted shall show the basis upon which the independent fee calculation was made. The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as he/she shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the police protection impact fee based upon the schedule shown in paragraph A. of this section. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact fee calculation study.

19.03.06. Payment of fee.

A. The feepayer shall pay the police protection impact fee required by this article to the City Manager prior to the issuance of certificate of occupancy.

B. All funds collected shall be promptly transferred for deposit in the police protection impact fee trust fund as established by Section 19.03.08 and used solely for the purposes specified in this article.

19.03.07. Police protection impact fee district.

A. There is hereby established a police protection impact fee district which shall be all lands lying within the incorporated limits of the City.

19.03.08. Police protection impact fee trust fund established.

A. There is hereby established a police protection impact fee trust fund for the police protection impact fee district established by Section 19.03.07.

B. Funds withdrawn from this account must be used in accordance with the provisions of Section 19.03.09.

19.03.09. Use of funds.

A. Funds collected from the police protection impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to police protection facilities owned and operated by or on behalf of the City of Destin, and shall not be used for maintenance or operations.

B. Funds shall be expended in the order in which they are collected.

C. In the event that bonds or similar debt instruments are issued for advanced provision of police protection capital improvements for which police protection impact fee may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the police protection impact fee district established by Section 19.03.07.

D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for police protection, assigning funds, including any accrued interest, from the police protection impact fee trust funds to specific police protection capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be

~~retained in the police protection impact fee trust fund until the next fiscal period, except as provided by Section 19.03.10.~~

~~E. Funds may be used to provide refunds as described in Section 19.03.10.~~

~~19.03.10. Refund of fees paid.~~

~~A. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the police protection impact fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period.~~

~~19.03.11. Exemptions and credits.~~

~~A. Any claim of exemption must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the impact fee:~~

- ~~1. Alterations or expansion of an existing residential building where no additional units are created and where the use is not changed; alterations of an existing nonresidential building where no additional square footage is added and where the use is not changed.~~
- ~~2. The construction of residential accessory buildings or structures.~~
- ~~3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.~~
- ~~4. The installation of a replacement mobile home on a lot or other such site when a police protection impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article.~~
- ~~5. Public elementary and secondary schools.~~

~~B. Credits:~~

~~1. Police protection land and/or police protection capital improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must specifically request or provide for a police protection impact fee credit. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:~~

~~(a) Credit for the dedication of land shall be valued at:~~

- ~~(1) 115 percent of the most recent assessed value by the property appraiser, or~~
- ~~(2) By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular police protection capital improvements, or~~
- ~~(3) By fair market value established by private appraisers acceptable to the City.~~

~~Credit for the dedication of police protection land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.~~

~~(b) Applicants for credit for construction of police protection capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted~~

by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(c) Except as provided in subparagraph (d), credit against impact fees otherwise due will not be provided until:

(1) The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or

(2) A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.

(d) Credit may be provided before completion of specified police protection capital improvements if adequate assurances are given by the applicant that the standards set out in subparagraph (c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the police protection construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the police protection construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the police protection construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.

(e) Any claim for credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.

(f) Credits shall not be transferable from one project or development to another without the approval of the City Council.

(g) Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager with ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.

19.03.12. Review:

A. The fee schedule contained in Section 19.03.05.A., shall be reviewed by the City Council at least once every two years following its adoption.

19.03.13. Penalty provision:

A. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.

(Ord. No. 320.1, § 1, 12-7-98; Ord. No. 320.2, §§ 3—5, 7-16-01; Ord. No. 07-24-LC, §§ 3—7, 1-22-08)

WORKING DRAFT

City of Destin, FL - IMPACT AND MOBILITY FEES

19.04.00. Mobility fee.

19.04.01. Intents and purposes.

A. Legislative findings:

1. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
2. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.
3. The City Council has determined that each of the types of land development described in Section 19.04.05.A., will generate vehicular and pedestrian traffic necessitating the acquisition of rights-of-way, road construction, road improvements, pedestrian and bicycle improvements.
4. The City Council has determined that the fees established by Section 19.04.05.A. are derived from, based upon, and do not exceed the costs of providing additional rights-of-way and multimodal improvements necessitated by the new land developments for which the fees are levied.
5. The City Council has determined that 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.
6. The City Council has determined that section 163.31801, Florida Statutes (the "Florida Impact Fee Act") prohibits local governments from increasing fees to fund transportation improvements necessitated by new growth ("Mobility Fees") in excess of the phase-in limitations established therein without a study expressly demonstrating the extraordinary circumstance.
7. City Council has engaged 3TP Ventures ("3TP") to prepare a Demonstrated Need Study dated June 27, 2024 (the "Mobility Fee Study") to convert the City of Destin's prior usage of impact fees to mobility fees, and to establish the City's Mobility Fee schedule.
8. The City Council has determined that the rates calculated in the Mobility Fee Study exceed the phase-in limitations permitted by the Florida Impact Fee Act, without a study expressly demonstrating the extraordinary circumstances necessitating increases exceeding such phase-in limitations.
9. 3TP has also prepared the Destin, Florida Mobility Fee Study Memo, which constitutes a demonstrated need study establishing such extraordinary circumstances, as required by the Florida Impact Fee Act and is hereby adopted and approved (the "Demonstrated Need Study").
10. The City Council has determined that the based on the Demonstrated Need Study and other evidence presented at the prior public hearings, workshops, and meetings, the City Council hereby makes the following factual findings:
 - The City of Destin has not raised impact fees in sixteen years; and
 - Impacts related to COVID-19 policies between March 2020 and November 2023, material prices surged by 32%; and
 - Sustained disruptions to global supply chains for construction materials and equipment, housing market strength, labor market fluctuations, and heightened governmental spending on infrastructure, have led to increases in construction prices; and

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City of Destin, FL - IMPACT AND MOBILITY FEES

- ~~Materials increased from 200.4 in June 2008 to 337.2 in June 2023 (1982:100).~~

~~11. The City Council has conducted publicly noticed workshops on February 18, 2025 and March 3, 2025, dedicated to the extraordinary circumstances necessitating the need to exceed the mobility fee phase-in limitations established in section 163.31801, Florida Statutes as required by the Florida Impact Fee Act, during which the Demonstrated Need Study was presented, and public comment taken.~~

~~12. Based upon the factual findings set forth herein, the Board hereby finds and determines that:~~

- ~~There exist in the City extraordinary circumstances relating to not raising fees for 16 years despite ongoing extraordinary events including but not limited to the COVID-19 policies, price surges, and sustained disruptions in supplies, which, if left unaddressed, result in conditions injurious to the public health, safety, morals and welfare of the residents of the City;~~
- ~~The existence of such extraordinary circumstances creates an economic and social liability by hindering industrial, commercial, office or residential development; and~~
- ~~Extraordinary circumstances exist necessitating the imposition of mobility fees exceeding the phase-in limitations established in section 163.31801, Florida Statutes.~~

~~B. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.~~

~~C. The purpose of this article is to regulate the development of land so as to: (1) Ensure that the mobility fee is proportional and reasonably connected to, or has a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction; (2) Ensure that the mobility fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction; (3) Specifically earmark funds collected under the mobility fee for use in acquiring, constructing, or improving capital facilities to benefit new users; and (4) Ensure that revenues generated by the mobility fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or nonresidential construction.~~

~~D. This article shall not apply to development for which the City of Destin is the applicant.~~

~~19.04.02. Rules of construction:~~

~~A. The provisions of this article shall be construed liberally so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.~~

~~B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:~~

- ~~1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.~~
- ~~2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.~~
- ~~3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.~~
- ~~4. The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."~~
- ~~5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.~~

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City of Destin, FL - IMPACT AND MOBILITY FEES

6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either...or," the conjunction shall be interpreted as follows:
- (a) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
- (b) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
- (c) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. "City manager" means the City Manager or the municipal officials he/she may designate to carry out the administration of this article.

19.04.03. Definitions.

- A. "Arterial road" shall have the same meaning as set forth in Section 334.03, Florida Statutes.
- B. "Capital improvement" includes 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.
- C. "Collector road" shall have the same meaning as set forth in Section 334.03, Florida Statutes.
- D. "Development order" means a regulatory approval by the City of Destin.
- E. "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes, but is not limited to, extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.
- F. "Feepayer" is a person commencing a land development activity which generates traffic and which requires the issuance of a building permit.
- G. "Independent fee calculation study" means 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.
- H. "Land development activity generating traffic" means any change in land use or any construction of buildings or structures or any change in the use of any structure that attracts or produces vehicular trips.

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- I. "Level-of-service" shall have the same meaning as set forth in the Highway Research Board's Highway Capacity Manual (1965).
- J. "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.
- K. "Road" shall have the same meaning as set forth in Section 334.03, Florida Statutes.
- L. "Site-related improvements" are 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.
- M. "Unit" in this article shall not be considered the same as a "lodging unit."
- 19.04.04. Adoption of mobility fee study and imposition of mobility fee. The City Council hereby adopts and incorporates the following by reference:
- (a) The Destin, Florida Mobility Fee Study Memo attached as Exhibit A to Ordinance No. 2025-08-LC.
 - (b) The Table of Mobility Fees:

<u>Table of Mobility Fees</u>		
<u>Proposed Land Uses</u>	<u>Unit</u>	<u>Fee per Unit</u>
<u>Long-term Residential</u>	<u>Dwelling</u>	
<u>Less than 500 sq. ft.</u>		<u>\$5,023</u>
<u>500—749 sq. ft.</u>		<u>\$6,086</u>
<u>750—999 sq. ft.</u>		<u>\$6,888</u>
<u>1,000—1,499 sq. ft.</u>		<u>\$7,737</u>
<u>1,500—1,999 sq. ft.</u>		<u>\$8,539</u>
<u>2,000—2,999 sq. ft.</u>		<u>\$9,389</u>
<u>3,000—3,999 sq. ft.</u>		<u>\$10,190</u>
<u>4,000 sq. ft. or more</u>		<u>\$10,789</u>
<u>Short-term Residential</u>		
<u>Less than 500 sq. ft.</u>		<u>\$14,257</u>
<u>500—749 sq. ft.</u>		<u>\$21,466</u>
<u>750—999 sq. ft.</u>		<u>\$26,901</u>
<u>1,000—1,499 sq. ft.</u>		<u>\$32,662</u>
<u>1,500—1,999 sq. ft.</u>		<u>\$38,097</u>
<u>2,000—2,999 sq. ft.</u>		<u>\$43,858</u>
<u>3,000—3,999 sq. ft.</u>		<u>\$49,293</u>
<u>4,000 sq. ft. or more</u>		<u>\$53,352</u>
<u>Multifamily Housing (Low-Rise) (220)</u>	<u>Dwelling</u>	<u>\$10,262</u>
<u>Multifamily Housing (Mid-Rise) (221)</u>	<u>Dwelling</u>	<u>\$6,901</u>
<u>Mobile Home Park (240)</u>	<u>Dwelling</u>	<u>\$10,846</u>

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<u>Hotel/Motel (310)</u>	<u>Room</u>	<u>\$12,171</u>
<u>Shopping Center >150k (820)</u>	<u>1,000 sq. ft.</u>	<u>\$28,753</u>
<u>Shopping Plaza 40—150k (821)</u>	<u>1,000 sq. ft.</u>	<u>\$41,141</u>
<u>Shopping Plaza 40—150k—w/Supermarket (821)</u>	<u>1,000 sq. ft.</u>	<u>\$57,575</u>
<u>Strip Retail Plaza <40k (822)</u>	<u>1,000 sq. ft.</u>	<u>\$33,178</u>
<u>Automobile Sales (New) (840)</u>	<u>1,000 sq. ft.</u>	<u>\$42,409</u>
<u>Supermarket (850)</u>	<u>1,000 sq. ft.</u>	<u>\$34,307</u>
<u>Drive-in Bank (912)</u>	<u>1,000 sq. ft.</u>	<u>\$48,916</u>
<u>Automobile Parts and Service Center (943)</u>	<u>1,000 sq. ft.</u>	<u>\$25,287</u>
<u>Convenience Store (851)</u>	<u>1,000 sq. ft.</u>	<u>\$179,984</u>
<u>Golf Course (430)</u>	<u>Acres</u>	<u>\$5,697</u>
<u>Marina (420)</u>	<u>Berths</u>	<u>\$3,671</u>
<u>Fast-Food Restaurant with Drive-Through Window (934)</u>	<u>1,000 sq. ft.</u>	<u>\$160,226</u>
<u>High-Turnover (Sit-Down) Restaurant (932)</u>	<u>1,000 sq. ft.</u>	<u>\$62,053</u>
<u>Fine Dining Restaurant (931)</u>	<u>1,000 sq. ft.</u>	<u>\$48,531</u>
<u>Convenience Store/Gas Station (945)</u>	<u>Fueling Positions</u>	<u>\$62,59</u>
<u>General Office Building (710)</u>	<u>1,000 sq. ft.</u>	<u>\$16,513</u>
<u>Medical-Dental Office Building—Stand-Alone (720)</u>	<u>1,000 sq. ft.</u>	<u>\$54,839</u>
<u>Hospital (610)</u>	<u>1,000 sq. ft.</u>	<u>\$16,406</u>
<u>Nursing Home (620)</u>	<u>1,000 sq. ft.</u>	<u>\$10,282</u>
<u>Church (560)</u>	<u>1,000 sq. ft.</u>	<u>\$11,577</u>
<u>Private School (K-12) (532)</u>	<u>Students</u>	<u>\$3,778</u>
<u>Day Care Center (565)</u>	<u>Students</u>	<u>\$6,230</u>
<u>General Light Industrial (110)</u>	<u>1,000 sq. ft.</u>	<u>\$7,419</u>
<u>Warehousing (150)</u>	<u>1,000 sq. ft.</u>	<u>\$2,254</u>

19.04.05. Effect on Land Development Regulations:

(a) The payment of mobility fees does not ensure compliance with the City's land development regulations.

(b) The listing of a land use in the mobility fee schedule is solely for purpose of establishing the applicable mobility fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning or comprehensive plan requirements. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

19.04.06. Payment of fee:

A. Mobility fees and administration fees shall be assessed, collected, and paid upon the issuance of a building permit for any development within the City of Destin.

B. All funds collected shall be promptly transferred for deposit in the mobility fee trust fund established by Section 19.04.08 and used solely for the purposes specified in this article.

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~~19.04.07. Mobility fee district.~~

~~A. There is hereby established a mobility fee district which shall be all lands lying within the incorporated limits of the City.~~

~~19.04.08. Mobility fee trust fund established.~~

~~A. There is hereby established a mobility fee trust fund for the mobility fee district established by Section 19.04.07.~~

~~B. Funds withdrawn from these accounts must be used in accordance with the provisions of Section 19.04.09.~~

~~19.04.09. Use of funds.~~

~~A. Funds collected from the mobility fee shall be used solely for the purpose of capital improvements to and expansion of transportation facilities.~~

~~B. Funds shall be expended in the order in which they are collected.~~

~~C. In the event that bonds or similar debt instruments are issued for advanced provision of transportation capital improvements for which mobility fees may be expended, mobility fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A. above and are located within the mobility fee district established by Section 19.04.07.~~

~~D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for transportation, assigning funds, including any accrued interest, from the mobility fee trust fund to specific road improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the mobility fee trust fund until the next fiscal period, except as provided by Section 19.04.10.~~

~~E. Funds may be used to provide refunds as described in Section 19.04.10.~~

~~19.04.10. Refund of fees paid.~~

~~A. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the mobility fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six year period.~~

~~19.04.11. Exemptions and credits.~~

~~A. Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the mobility fee:~~

- ~~1. Alterations or expansion of an existing residential building where no additional residential units are created, and where the use is not changed; alterations of an existing nonresidential building where no additional square footage is added, where the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.~~
- ~~2. The construction of residential accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.~~
- ~~3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced over and above those produced by the original use of the land.~~

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- ~~4. The installation of a replacement mobile home on a lot or other such site when a mobility fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article.~~
- ~~5. Public elementary and secondary schools.~~
- ~~6. The development or construction of housing that is "affordable", as defined in section 420.9071, Florida Statutes. This exception shall only be effective upon the developer entering into an agreement approved by the City Council, under such circumstances and in such form as is acceptable to the City Council in its reasonable judgment, to maintain the housing as "affordable."~~

~~B. Credits:~~

- ~~1. No credit shall be given for site-related improvements or site-related right-of-way dedications.~~
- ~~2. All mandatory or required right-of-way dedications and/or transportation improvements made by a feepayer, subsequent to the effective date of this article, except site-related improvements and any other improvements not included in the calculation of the mobility fees, shall be credited on a pro rata basis against mobility fees otherwise due or to become due for development that prompted the City or the county to require such dedications or transportation improvements. Such credits shall be determined and provided as set forth in Section 19.04.11.B.3.~~
- ~~3. A feepayer may obtain credit against all or a portion of mobility fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-site-related roadway improvements included in the calculation of the transportation impact fees. This offer must specifically request or provide for a mobility fee credit. Such construction must be in accordance with City, county, or state design standards, whichever is applicable. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:~~
 - ~~(a) Credit for the dedication of non-site-related right-of-way shall be valued at:~~
 - ~~(1) 115 percent of the most recent assessed value by the property appraiser, or~~
 - ~~(2) By such other appropriate method as the City Council may have accepted prior to the effective date of this article for right-of-way dedications and/or roadway capital improvements, or~~
 - ~~(3) By fair market value established by private appraisers acceptable to the City.~~

~~Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.~~

- ~~(b) Applicants for credit for construction of non-site-related transportation improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for transportation improvement construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the~~

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City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.

(c) Except as provided in Section 19.04.11.B.1.(d), credit against mobility fees otherwise due will not be provided until:

(1) The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or

(2) A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.

(d) Credit may be provided before completion of specified transportation improvements if adequate assurances are given by the applicant that the standards set out in Section 19.04.11.B.1.(c) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the transportation construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the transportation construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the transportation construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.

(e) Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

(f) Credits shall not be transferable from one project or development to another without the approval of the City Council and may be transferred to a development in a different mobility fee district upon a finding by the City Council that the dedication right-of-way or transportation construction for which the credit was given benefits such different mobility fee district.

(g) Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.

19.04.12. Review and Update.

(a) The mobility fee is based on the assumptions and analysis in the mobility fee study. Not later than five years from the date Ordinance No. 2025-08-LC is enacted and not later than every five years thereafter, the City shall conduct a full reevaluation and update of the assumptions and analysis in the mobility fee study and of all components of the mobility fee. However, in the event that full reevaluation and updates are not complete within the required five-year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete. Nothing herein shall prevent the City from updating the mobility fee earlier than every five years if the City determines that significant changes in the mobility fee study have occurred, and that such changes are likely to have a significant impact on the amount of the mobility fee.

(b) The administration fees may be reviewed annually and revised by resolution of the City Council.

19.04.13. Penalty provision.

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- ~~(a) Any person, firm, corporation or partnership that violates any provision of this article may be punished by a fine of not more than \$500.00 or 60 days in jail, or both. Enforcement of this article may be through the issuance of a citation, in accordance with State Law.~~
- ~~(b) Violations include, but are not limited to failing, neglecting, or refusing to pay a mobility fee as required by this division and/or furnishing untrue, incomplete, false or misleading information on any document, or to any city employee, concerning the calculation, exemption, or payment of a mobility fee.~~
- ~~(c) The owner, tenant, or occupant of any land or part thereof for which a mobility fee is owed, who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, or who fails, neglects, or refuses to pay a mobility fee may be held responsible for the violation and be subject to the penalties and remedies provided for in this article.~~
- ~~(d) In addition to the enforcement of this article through issuance of a citation in accordance with State Law, the City may withhold issuance of the certificate of occupancy or certificate of completion and/or bring suit to restrain, enjoin or otherwise prevent the violation of this article in any court of competent jurisdiction, to recover costs incurred by the City in whole or in part because of the violation of this article, and/or to compel payment of a mobility fee pursuant to this article. Issuance of and/or payment of a citation for violation of this article does not preclude the City from filing such a suit. Payment of any penalties imposed does not release a person or entity from payment of the mobility fee due but shall be payable in addition to the mobility fee.~~
- ~~(e) Failure to pay a mobility fee required by this article is a violation that is continuous with respect to time, and each day the violation continues, or the mobility fee remains unpaid, is hereby declared to be a separate offense.~~
- ~~(f) The provisions of this section are supplemental to any other remedy or enforcement procedure provided for or recognized by ordinance, statutory law, common law, case law or the Florida Constitution and shall not be construed as an exclusive remedy or procedure available for enforcement of the codes and ordinances of the City. Nothing contained herein shall prohibit the City Council from enforcing its codes by any other means.~~
- ~~(Ord. No. 309, § 1, 8-2-99; Ord. No. 309.1, §§ 3, 4, 7-16-01; Ord. No. 309.2, § 4, 12-2-02; Ord. No. 07-25-LC, §§ 3—13, 3-4-08; Ord. No. 08-17-LC, § 3, 6-2-08; Ord. No. 25-08-LC, § 3, 5-19-25)~~

F.

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ARTICLE 10 – IMPACT AND MOBILITY FEES

SECTION 10.01 GENERAL

SECTION 10.01.01 PURPOSE AND APPLICABILITY

- A. The State of Florida and the City of Destin recognize that growth often increases impacts on existing infrastructure and cities often have to offset the adverse effects with impact and/or mobility fees. These ~~impact~~ fees are necessary and a critical source of revenue for local governments to fund the expansion of infrastructure necessitated by new growth.
- B. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
- C. The City may provide estimates of impact and/or mobility fees prior to the fees at time of issuance of a development order or a change of use, or building permit for projects not requiring a development order, but such estimates shall not be binding and shall not exempt applicants from paying according to the fee schedule in effect prior to at time of change of use issuance, or building permit issuance, whichever is applicable certificate of occupancy/completion.
- D. "Capital improvement" includes 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. Construction and/or improvements to Pedestrian facilities; and
 9. Construction and/or improvements to multi-use facilities.
- E. "Site-related improvements" are capital improvements and right-of-way dedications for direct access improvements to and/or within the development in question. Site-related improvements may also be required within a public or private right-of-way. 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.
 5. Pedestrian accessways.

SECTION 10.01.02 LEGISLATIVE FINDINGS

- A. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.01.(b) of the City Charter, and Section 166.021, Florida Statutes.

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- B. The City Council has determined that the imposition of impact and/or mobility fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital improvements necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.
- C. The City Council has determined that the report entitled "Impact Fee Study for Transportation, Parks, Library and Police Facilities," dated July 2007, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional parks and capital improvements in the City of Destin. Impact fees include but are not limited to Libraries, Parks, and Police/Public Safety, ~~and Transportation~~ fees.
- D. The City may increase or decrease such fees, pursuant to ~~from time to time through~~ an Impact Fee Study, at City Council discretion. ~~increase or decrease these fees as determined by the study.~~
- E. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.
- F. The purpose of this article is to regulate the development of land so as to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide parks and capital improvements in the City of Destin.
- G. This article shall not apply to development for which the City of Destin is the applicant.

SECTION 10.01.03 REVIEW

- A. The Impact Fee schedules contained in Sections 10.02.02., 10.03.02., 10.04.02., 10.05.02., this Article shall be reviewed by the City Council at least once every two years following its adoption.

SECTION 10.01.04 PENALTY PROVISION

- A. A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted, and upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City of Destin shall have the power to sue in civil court to enforce the provisions of this article.

SECTION 10.01.05 RULES OF CONSTRUCTION

- A. The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.
- B. For the purposes of administration and enforcement of this article, unless otherwise stated, the following rules of construction shall apply to the text of this article:
 - 1. In case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text of this article shall control.
 - 2. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - 3. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - 4. The phrase "used for" includes "arranged for," "designed for," "maintained for, or "occupied for."
 - 5. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity, but does not include the City of Destin.

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6. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and" "or" or "either...or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected terms, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singularly but not in combination.
7. The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
8. "Unit" in this article shall not be considered the same as a "lodging unit."
9. ~~If a certificate of occupancy is requested for~~ For mixed use developments, ~~then~~ the fee shall be determined by using the above schedule and apportioning the space committed to uses specified on the schedule.
10. ~~In the case of change of use, redevelopment, or expansion or modification of an existing use, which requires the issuance of a certificate of occupancy,~~ the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to the previous use. The City Manager shall be guided in this determination by the supporting documents of the City of Destin Comprehensive Plan, City of Destin ~~Zoning Ordinance~~ Land Development Code, and by considering demographic or other documentation which is available from state, local and regional authorities.
 - 10.a. If an impact/mobility fee has never been paid for a development, then the new use shall be responsible for the full payment of such fees prior to issuance of a change of use or building permit, whichever is applicable. It shall be the responsibility of the applicant to provide any previous proof of payment of impact/mobility fees.
11. ~~If the type of development activity that a certificate of occupancy is applied for is not specified on the applicable fee schedule, the City Manager shall use the fee applicable to the most nearly comparable type of land use on the fee schedule. The City Manager shall be guided in the selection of a comparable type by the report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers. If the City Manager determines that there is no comparable type of land use on the applicable fee schedule, the City Manager shall determine the fee by both of the following means:~~
 - a. 11. Using traffic generation statistics provided by the Florida Department of Transportation or contained in a report titled Trip Generation: An Information Report (latest edition) prepared by Institute of Transportation Engineers; ~~and~~
 - b. ~~Applying the formula set forth in Section 19.04.05.B.~~
12. Should there be a conflict between drawings and specifications, the most restrictive shall apply.

SECTION 10.02.06 USE OF FEES

- A. Funds collected from all impact fees shall be used solely for the purpose of acquiring, equipping, and/or making capital improvements to City infrastructure and facilities under the jurisdiction of the City of Destin, and shall not be used for maintenance or operations.

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City of Destin, FL - IMPACT AND MOBILITY FEES

1. Funds collected shall be utilized to support the appropriate capital improvement needs per the applicable imposed fee.
- B. Funds shall be expended in the order in which they are collected.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of any capital improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in ~~paragraph A~~ above and are located within the impact fee districts established by this Article.
- D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program assigning funds, including any accrued interest, from the impact fee fund to specific capital improvement projects and related expenses. Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the same impact fee fund until the next fiscal period, except as provided by Section 10.02.10.
- E. Funds may be used to provide refunds as described in Section 10.02.10.

SECTION 10.02.07 IMPACT FEE DISTRICTS

- A. There are now established Impact Fee Districts for Parks, Public Library, Police Protection, and Transportation that includes all land lying within the incorporated limits of the City.

SECTION 10.02.08 ALTERNATIVE FEE STUDY

- A. If a feepayer opts not to have the impact fee determined according to the fee schedules of this Article, then the feepayer shall prepare and submit to the City Manager an independent fee calculation study for the land development activity for which a certificate of occupancy is sought.
- B. The documentation submitted shall show the basis upon which the independent fee calculation was made.
- C. The traffic engineering and/or economic documentation submitted shall show the basis upon which the independent fee calculation was made, including, but not limited to, the following:
 1. Traffic engineering studies:
 - a. Documentation of trip generation rates appropriate for the proposed land development activity.
 - b. Documentation of the relative trip length appropriate for the proposed land development activity.
 - c. Documentation of any other trip data appropriate for the proposed land development activity.
 2. Economic documentation studies:
 - a. Documentation of credits attributable to the proposed land development activity which can be expected to be available to replace the portion of the service volume used by the traffic generated by the proposed land development activity.
- D. The City Manager shall consider the documentation submitted by the feepayer but is not required to accept such documentation as they shall reasonably deem to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration.

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City of Destin, FL - IMPACT AND MOBILITY FEES

- E. If an acceptable independent fee calculation study is not presented, the feepayer shall pay the impact fees based upon the fee schedules of this Article.
- F. If an acceptable independent fee calculation study is presented, the City Manager may adjust the fee to that appropriate to the particular development.
 - 1. The adjustment may include a credit against the fee otherwise payable up to fifty percent (50%) for private infrastructure or facilities constructed or deed restricted or otherwise set aside for purposes by the feepayer which serve the same purposes and functions in the City of Destin Comprehensive Plan.
 - 2. Determinations made by the City Manager pursuant to this paragraph may be appealed to the City Council by filing a written request with the City Manager within ten calendar days of the City Manager's determination.
 - a. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding a feepayer's independent impact fee calculation study.

SECTION 10.02.09 EXEMPTIONS AND CREDITS

- A. Any claim of exemption/credit must be made no later than the time of application for a certificate of occupancy. Any claim not so made shall be deemed waived.
- B. The following shall be exempted from payment of the impact fee:
 - 1. Alterations or expansion of an existing residential building where no additional residential units are created and where the use is not changed.
 - 2. The construction of residential accessory buildings or structures.
 - 3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - 4. The installation of a replacement mobile home on a lot or other such site when an applicable impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home legally existed on such site on or prior to the effective date of this article.
 - ~~5. The construction or placement of any non-residential building or structure, or the installation of a non-residential mobile home.~~
 - 6.5. Public elementary and secondary schools.
- C. Credits:
 - 1. Land and/or capital improvements may be offered by the feepayer as total or partial payment of the required impact fee.
 - 2. The offer must specifically request or provide for a specific impact fee credit.
 - 3. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:
 - a. Credit for the dedication of land shall be valued at:
 - i. One hundred and fifteen percent (115%) of the most recent assessed value by the property appraiser, or
 - ii. By such other appropriate method as the City Council may have accepted prior to the effective date of this article for particular capital improvements, or
 - iii. By fair market value established by private appraisers acceptable to the City.

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City of Destin, FL - IMPACT AND MOBILITY FEES

- b. Applicants for credit for construction of capital improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager.
 - c. The City Manager shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate.
 - d. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied.
 - e. The applicant must sign and date a duplicate copy of such letter or certificate, indicating their agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit is given. The failure of the applicant to sign, date, and return such document within 60 calendar days shall nullify the credit.
 - f. Except as provided in subparagraph (g), credit against impact fees otherwise due will not be provided until:
 - i. The construction is completed and accepted by the city, the county, or the state, whichever is applicable; or
 - ii. A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.
 - g. Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the standards set out in subparagraph (f) will be met, and if the feepayer posts security as provided below, for the costs of such construction.
 - i. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager.
 - ii. If the construction project is not constructed within one year of the acceptance of the offer by the City Manager, the amount of security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall then be reviewed and approved by the City Council prior to acceptance ~~of the security~~.
 - iii. If the construction project is not to be completed within five years of the date of the feepayer's offer, the City Council must approve the construction project and its scheduled completion date prior to the acceptance of the offer to the City Manager.
 - h. Any claim for credit must be made no later than the time of application for a certificate of occupancy. ~~Any claim not so made shall be deemed waived.~~
 - i. Credits shall not be transferable from one project or development to another without the approval of the City Council.
 - j. Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager with ten calendar days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.
4. No credit shall be given for site-related improvements or site-related right-of-way dedications.

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City of Destin, FL - IMPACT AND MOBILITY FEES

SECTION 10.02.10 REFUND OF FEES

- A. Any funds not expended or encumbered by the end of the calendar quarter immediately following ten years from the date the impact fees were paid, shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the ten-year period.

SECTION 10.02 PARKS IMPACT FEES

SECTION 10.02.01 IMPOSITION OF PARKS IMPACT FEE

- A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a park impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy /completion or change of use/ for any activity requiring payment of an impact fee ~~pursuant to Section 10.02.02~~ shall be issued unless and until the required park impact fee hereby has been paid.
- C. All development shall be subject to the following parks impact fee schedules in Section 10.02.02 below.
- D. Credit for the dedication of park land shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.

SECTION 10.02.02 PARKS IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$186.00
Residential, 500—749 sq. ft., per dwelling unit	\$235.00
Residential, 750—999 sq. ft., per dwelling unit	\$279.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$335.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$399.00
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$479.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$570.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$649.00
Mobile Home/RV Park, per pad	\$447.00
Hotel/Motel, per room	\$243.00

SECTION 10.03 PUBLIC LIBRARY IMPACT FEES

SECTION 10.03.01 IMPOSITION OF LIBRARY IMPACT FEES

- A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a library impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy /completion or change of use/ for any activity requiring payment of an impact fee ~~pursuant to Section 10.03.02~~ shall be issued unless and until the required library impact fee hereby has been paid.

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City of Destin, FL - IMPACT AND MOBILITY FEES

- C. All development shall be subject to the following library impact fee schedules in Section 10.03.02 below.

SECTION 10.03.02 PUBLIC LIBRARY IMPACT FEE SCHEDULE

LAND USE TYPE (PER/UNIT)	FEE
Residential, less than 500 sq. ft., per dwelling unit	\$62.00
Residential, 500—749 sq. ft., per dwelling unit	\$78.00
Residential, 750—999 sq. ft., per dwelling unit	\$93.00
Residential, 1,000—1,499 sq. ft., per dwelling unit	\$112.00
Residential, 1,500—1,999 sq. ft., per dwelling unit	\$133.00
Residential, 2,000—2,999 sq. ft., per dwelling unit	\$160.00
Residential, 3,000—3,999 sq. ft., per dwelling unit	\$190.00
Residential, 4,000 sq. ft or more, per dwelling unit	\$217.00
Mobile home/RV park, per pad	\$149.00
Hotel/motel, per room	\$0.00

SECTION 10.04 POLICE IMPACT FEES

SECTION 10.04.01 IMPOSITION OF POLICE IMPACT FEES

- A. Any person who applies for a certificate of occupancy, certificate of completion, or a change of use is hereby required to pay a police impact fee in the manner and amount set forth in this article.
- B. No new certificate of occupancy /completion or change of use/ ~~for any activity requiring payment of an impact fee pursuant to~~ Section 10.04.02, shall be issued unless and until the required police impact fee hereby has been paid.
- C. All development shall be subject to the following police impact fee schedules in Section 10.04.02 below.

SECTION 10.04.02 POLICE IMPACT FEE SCHEDULE

LAND USE TYPE	UNIT	FEE	LAND USE TYPE	UNIT	FEE
Residential, less than 500 sq. ft.	Dwelling	\$9.00	Hotel/motel	Room	\$11.00
Residential, 500—749 sq. ft.	Dwelling	\$11.00	Retail/commercial	1,000 sq. ft.	\$31.00
Residential, 750—999 sq. ft.	Dwelling	\$13.00	Office	1,000 sq. ft.	\$18.00
Residential, 1,000—1,499 sq. ft.	Dwelling	\$16.00	Industrial	1,000 sq. ft.	\$10.00
Residential, 1,500—1,999 sq. ft.	Dwelling	\$19.00	Warehouse	1,000 sq. ft.	\$6.00
Residential, 2,000—2,999 sq. ft.	Dwelling	\$23.00	Religious Facilities/Worship center	1,000 sq. ft.	\$7.00
Residential, 3,000—3,999 sq. ft.	Dwelling	\$27.00	School/college	1,000 sq. ft.	\$10.00

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City of Destin, FL - IMPACT AND MOBILITY FEES

LAND USE TYPE	UNIT	FEE	LAND USE TYPE	UNIT	FEE
Residential, 4,000 sq. ft or more	Dwelling	\$31.00	Hospital	1,000 sq. ft.	\$28.00
Mobile home/RV park	Pad	\$21.00	Nursing home	1,000 sq. ft.	\$14.00
			Other institutional	1,000 sq. ft.	\$18.00

SECTION 10.05 MOBILITY FEES

SECTION 10.052.01 LEGISLATIVE FINDINGS

- A. The City Council has determined that the Florida Legislature through the enactment of Chapter 163, Part II, Florida Statutes, encourages local governments to adopt innovative approaches to development.
- B. The City Council has determined that the authority to adopt this ordinance is pursuant to Section 1.011(b) of the City Charter, and Section 166.021, Florida Statutes.
- ~~C. There is hereby established a mobility fee which shall be all lands lying within the incorporated limits of the City.~~
- ~~D.C.~~ The City Council has determined that each of the types of land development described in Section 10.05.03 will generate vehicular and pedestrian traffic necessitating the acquisition of rights-of-way, road construction, road improvements, pedestrian and bicycle improvements.
- ~~E.D.~~ The City Council has determined that the fees established by ~~this section Section 19.04.05.A.~~ are derived from, based upon, and do not exceed the costs of providing additional rights-of-way and multi-modal improvements necessitated by the new land developments for which the fees are levied.
- ~~F.E.~~ The City Council has determined that 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.
- ~~G.F.~~ The City Council has determined that ~~S~~section 163.31801, Florida Statutes (the "Florida Impact Fee Act") prohibits local governments from increasing fees to fund transportation improvements necessitated by new growth ("Mobility Fees") in excess of the phase-in limitations established therein without a study expressly demonstrating the extraordinary circumstance".
- ~~H.G.~~ City Council ~~has~~ engaged 3TP Ventures ("3TP") to prepare a Demonstrated-Need Study dated June 27, 2024 (the "Mobility Fee Study") to convert the City of Destin's prior usage of ~~transportation~~ impact fees to mobility fees, and to establish the City's Mobility Fee schedule.
- ~~I.H.~~ The City Council has determined that the rates calculated in the Mobility Fee Study exceed the phase-in limitations permitted by the Florida Impact Fee Act, without a study expressly demonstrating the extraordinary circumstances necessitating increases exceeding such phase-in limitations.
- ~~J.I.~~ 3TP ~~has also~~ prepared the Destin. Florida Mobility Fee Study Memo, which constitutes a demonstrated need study establishing such extraordinary circumstances, as required by the Florida Impact Fee Act and is hereby adopted and approved (the "Demonstrated Need Study").

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City of Destin, FL - IMPACT AND MOBILITY FEES

K.J. The City Council has determined that the based on the Demonstrated Need Study and other evidence presented at the prior public hearings. workshops. and meetings, the City Council hereby makes the following factual findings:

1. The City of Destin has not raised impact fees in sixteen years: and
2. Impacts related to COVID-19 policies between March 2020 and November 2023, material prices surged by 32%: and
3. Sustained disruptions to global supply chains for construction materials and equipment, housing market strength, labor market fluctuations, and heightened governmental spending on infrastructure, have led to increases in construction prices.
4. Materials increased from 200.4 in June 2008 to 337.2 in June 2023 (~~{~~1982:100).

L.K. The City Council ~~has~~ conducted publicly noticed workshops on February 18, 2025, and March 3, 2025, dedicated to the extraordinary circumstances necessitating the need to exceed the mobility fee phase-in limitations established in Ssection 163.31801, Florida Statutes, as required by the Florida Impact Fee Act, during which the Demonstrated Need Study was presented, and public comment taken.

M.L. Based upon the factual findings set forth herein, the Board hereby finds and determines that:

1. There exist in the City extraordinary circumstances relating to not raising fees for 16 years despite ongoing extraordinary events including but not limited to the COVID-19 policies, price surges, and sustained disruptions in supplies, which, if left unaddressed, result in conditions injurious to the public health. safety, morals and welfare of the residents of the city.
2. The existence of such extraordinary circumstances creates an economic and social liability by hindering industrial, commercial, office, or residential development; and
3. Extraordinary circumstances exist necessitating the imposition of mobility fees exceeding the phase-in limitations established in Ssection 163.31801~~4~~. Florida Statutes.

N.M. This article is intended to assist in the implementation of the City of Destin Comprehensive Plan.

O.N. The purpose of this article is to regulate the development of land so as to:

1. Ensure that the mobility fee is proportional and reasonably connected to or has a rational nexus with the need for additional capital facilities and the increased impact generated by the new residential or commercial construction;
2. Ensure that the mobility fee is proportional and reasonably connected to, or has a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction;
3. Specifically earmark funds collected under the mobility fee for use in acquiring~~;~~ Constructing~~;~~ or improving capital facilities to benefit new users; and
4. Ensure that revenues generated by the mobility fee are not used, in whole or in part, to pay existing debt or for previously approved projects unless the expenditure is reasonably connected to, or has a rational nexus with. the increased impact generated by the new residential or nonresidential construction.

P.O. This article shall not apply to development for which the City of Destin is the applicant.

SECTION 10.05.02 MOBILITY FEE DISTRICT

WORKING DRAFT

City of Destin, FL - IMPACT AND MOBILITY FEES

- A. There is hereby established a mobility fee district which shall be all lands lying within the incorporated limits of the City.

SECTION 10.05.03 IMPOSITION OF MOBILITY FEES AND FEE TABLE

- A. The City Council hereby adopts and incorporates the following by reference:
1. The Destin, Florida Mobility Fee Study Memo attached as Exhibit A to Ordinance No. 2025-08-LC.
 2. The Table of Mobility Fees.:
- ~~B. Any person who applies for a certificate of occupancy, is hereby required to pay a mobility fee in the manner and amount set forth in this article.~~
- ~~C.B.~~ No new certificate of occupancy/completion or a change of use, for any activity requiring payment of a mobility fee pursuant to Section 10.05.02 shall be issued unless and until the required mobility fee hereby has been paid.
- ~~D.C.~~ All development shall be subject to the following mobilitytransportation fee schedules in Section 10.05.02 below.
- ~~E.D.~~ "Expansion" of the capacity of a road applies to all road and intersection capacity enhancements and includes, but is not limited to, extensions, widening, intersection improvements, upgrading signalization, and expansion of bridges.
- ~~F.E.~~ "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.

Table of Mobility Fees		
Proposed Land Uses	Unit	Fee per Unit
Long-term Residential	Dwelling	
Less than 500 sq. ft.		\$5,023
500—749 sq. ft.		\$6,086
750—999 sq. ft.		\$6,888
1,000—1,499 sq. ft.		\$7,737
1,500—1,999 sq. ft.		\$8,539
2,000—2,999 sq. ft.		\$9,389
3,000—3,999 sq. ft.		\$10,190
4,000 sq. ft. or more		\$10,789
Short-term Residential	Dwelling	
Less than 500 sq. ft.		\$14,257
500—749 sq. ft.		\$21,466
750—999 sq. ft.		\$26,901
1,000—1,499 sq. ft.		\$32,662

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City of Destin, FL - IMPACT AND MOBILITY FEES

Table of Mobility Fees		
Proposed Land Uses	Unit	Fee per Unit
1,500—1,999 sq. ft.		\$38,097
2,000—2,999 sq. ft.		\$43,858
3,000—3,999 sq. ft.		\$49,293
4,000 sq. ft. or more		\$53,352
Multifamily Housing (Low-Rise) (220)	Dwelling	\$10,262
Multifamily Housing (Mid-Rise) (221)	Dwelling	\$6,901
Mobile Home Park (240)	Dwelling	\$10,846
Hotel/Motel (310)	Room	\$12,171
Shopping Center > 150k (820)	1,000 sq. ft.	\$28,753
Shopping Plaza 40—150k (821)	1,000 sq. ft.	\$41,141
Shopping Plaza 40—150k - w/Supermarket (821)	1,000 sq. ft.	\$57,575
Strip Retail Plaza <40k (822)	1,000 sq. ft.	\$33,178
Automobile Sales (New) (840)	1,000 sq. ft.	\$42,409
Supermarket (850)	1,000 sq. ft.	\$34,307
Drive-in Bank (912)	1,000 sq. ft.	\$48,916
Automobile Parts and Service Center (943)	1,000 sq. ft.	\$25,287
Convenience Store (851)	1,000 sq. ft.	\$179,984
Golf Course (430)	Acres	\$5,697
Marina (420)	Berths	\$3,671
Fast-Food Restaurant with Drive-Through Window (934)	1,000 sq. ft.	\$160,226
High-Turnover (Sit-Down) Restaurant (932)	1,000 sq. ft.	\$62,053
Fine Dining Restaurant (931)	1,000 sq. ft.	\$48,531
Convenience Store/Gas Station (945)	Fueling Positions	\$62,590
General Office Building (710)	1,000 sq. ft.	\$16,513
Medical-Dental Office Building - Stand-Alone (720)	1,000 sq. ft.	\$54,839
Hospital (610)	1,000 sq. ft.	\$16,406
Nursing Home (620)	1,000 sq. ft.	\$10,282
Church (560)	1,000 sq. ft.	\$11,577

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City of Destin, FL - IMPACT AND MOBILITY FEES

Table of Mobility Fees		
Proposed Land Uses	Unit	Fee per Unit
Private School (K-12) (532)	Students	\$3,778
Day Care Center (565)	Students	\$6,230
General Light Industrial (110)	1,000 sq. ft.	\$7,419
Warehousing (150)	1,000 sq. ft.	\$2,254

SECTION 10.05.04 EFFECT ON LAND DEVELOPMENT REGULATIONS

- A. The payment of mobility fees does not ensure compliance with the City's land development regulations.
- B. The listing of a land use in the mobility fee schedule is solely for purpose of establishing the applicable mobility fee for such use, and such listing does not mean that the land use is permitted or available under applicable zoning or comprehensive plan requirements. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zoning district.

SECTION 10.05.05 PAYMENT OF FEE

- A. Mobility fees and any applicable administration fees shall be assessed, collected, and paid upon the issuance of a building permit for any development within the City of Destin.
- B. All funds collected shall be promptly transferred for deposit in the mobility fee trust fund established ~~by Section 19.04.08~~ and used solely for the purposes specified in this article.

SECTION 10.05.06 MOBILITY FEE TRUST FUND

- A. There is hereby established a mobility fee trust fund for the mobility fee district established by ~~Section 10.05.02~~this Section.
- B. Funds withdrawn from these accounts must be used in accordance with the provisions of ~~Section 10.05.04~~this Section.

SECTION 10.05.07 USE OF FUNDS

- A. Funds collected from the mobility fee shall be used solely for the purpose of capital improvements to and expansion of transportation facilities.
- B. Funds shall be expended in the order in which they are collected.
- C. In the event that bonds or similar debt instruments are issued for advanced provision of transportation capital improvements for which mobility fees may be expended, mobility fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the improvements provided are of the type described in paragraph A: above and are located within the mobility fee district established ~~by Section 19.04.07~~by this Article.
- D. At least once each fiscal period, the City Manager shall present to the City Council a proposed capital improvement program for transportation, assigning funds, including any accrued interest, from the mobility fee trust fund to specific road improvement projects and related expenses.

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City of Destin, FL - IMPACT AND MOBILITY FEES

Monies, including any accrued interest, not assigned in any fiscal period shall be retained in the mobility fee trust fund until the next fiscal period, except as provided by Section ~~19.04.10~~10.05.08.

- E. Funds may be used to provide refunds as described in Section ~~19.04.10~~10.05.08.

SECTION 10.05.08 REFUNDS, EXEMPTIONS AND CREDITS

- A. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the mobility fee was paid shall, upon application of the then current landowner, be returned to such landowner with interest at the rate of four percent per annum, provided that the landowner submits an application for a refund to the City Manager within 180 days of the expiration of the six-year period.
- B. Any claim of exemption must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived. The following shall be exempted from payment of the mobility fee:
1. Alterations or expansion of an existing residential building where no additional residential units are created, and where the use is not changed; alterations of an existing nonresidential building where no additional square footage is added, where the use is not changed, and where no additional vehicular trips will be produced over and above those produced by the existing use.
 2. The construction of residential accessory buildings or structures which will not produce additional vehicular trips over and above those produced by the principal building or use of the land.
 3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional trips will be produced over and above those produced by the original use of the land.
 4. The installation of a replacement mobile home on a lot or other such site when a mobility fee for such mobile home site has previously been paid pursuant to this article, or where a mobile home legally existed on such site on or prior to the effective date of this article.
 5. Public elementary and secondary schools.
 6. The development or construction of housing that is "affordable", as defined in ~~S~~section 420.9071, Florida Statutes. This exception shall only be effective upon the developer entering into an agreement approved by the City Council, under such circumstances and in such form as is acceptable to the City Council in its reasonable judgment, to maintain the housing as "affordable."
- C. Credits:
1. No credit shall be given for site-related improvements or site-related right-of-way dedications.
 2. All mandatory or required right-of-way dedications and/or transportation improvements made by a feepayer, subsequent to the effective date of this article, except site-related improvements and any other improvements not included in the calculation of the mobility fees, shall be credited on a pro rata basis against mobility fees otherwise due or to become due for development that prompted the City or the county to require such dedications or transportation improvements. Such credits shall be determined and provided as set forth within this Article in Section 19.04.11.B.3.
 3. A feepayer may obtain credit against all or a portion of mobility fees otherwise due or to become due by offering to dedicate non-site-related right-of-way and/or construct non-site-

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City of Destin, FL - IMPACT AND MOBILITY FEES

related roadway improvements included in the calculation of ~~the transportation impacts~~such mobility fees. This offer must specifically request or provide for a mobility fee credit. Such construction must be in accordance with City, county, or state design standards, whichever is applicable. If the City Manager accepts such an offer, whether the acceptance is before or after the effective date of this article, the credit shall be determined and provided in the following manner:

- a. Credit for the dedication of non-site-related right-of-way shall be valued at:
 1. 115 percent of the most recent assessed value by the property appraiser, or
 2. By such other appropriate method as the City Council may have accepted prior to the effective date of this article for right-of-way dedications and/or roadway capital improvements, or
 3. By fair market value established by private appraisers acceptable to the City. Credit for the dedication of right-of-way shall be provided when the property has been conveyed at no charge to, and accepted by, the City in a manner satisfactory to the City Council.
- b. Applicants for credit for construction of non-site-related transportation improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the City Manager. The City Manager shall determine credit for transportation improvement construction based upon either these cost estimates, or upon alternative engineering criteria and construction cost estimates, if the City Manager determines that such estimates submitted by the applicant are either unreliable or inaccurate. The City Manager shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the City Manager before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
- c. Except as provided in Section ~~10.05.08.C19.04.11.B.1.(d)~~, credit against mobility fees otherwise due will not be provided until:
 1. The construction is completed and accepted by the City, the county, or the state, whichever is applicable; or
 2. A suitable maintenance and warranty bond is received and approved by the City Manager when applicable.
- d. Credit may be provided before completion of specified transportation improvements if adequate assurances are given by the applicant that the standards set out in this Section ~~19.04.11.B.1.(c)~~ will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the City of Destin in an amount determined by the City Manager. If the transportation construction project will not be constructed within one year of the acceptance of the offer by the City Manager, the amount of the security shall be increased by ten percent compounded, for each year of the life of the security. The security shall be reviewed and approved by the City Council prior to acceptance of the security. If the transportation construction project is not to be

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- completed within five years of the date of the feepayer's offer, the City Council must approve the transportation construction project and its scheduled completion date prior to the acceptance of the offer by the City Manager.
- e. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
 - f. Credits shall not be transferable from one project or development to another without the approval of the City Council. ~~and may be transferred to a development in a different mobility fee district upon a finding by the City Council that the dedication right-of-way or transportation construction for which the credit was given benefits such different mobility fee district.~~
 - g. Determinations made by the City Manager pursuant to this section may be appealed to the City Council by filing a written request with the City Manager within ten days of the City Manager's determination. Failure to file an appeal shall constitute a waiver of the feepayer's right to challenge the City Manager's determination regarding credits.

SECTION 10.05.094 REVIEW AND UPDATE

- A. The mobility fee is based on the assumptions and analysis in the mobility fee study. Not later than five years from the date Ordinance No. 2025-08-LC is enacted and not later than every five years thereafter, the City shall conduct a full reevaluation and update of the assumptions and analysis in the mobility fee study and of all components of the mobility fee. However, in the event that full reevaluation and updates are not complete within the required five-year period, the last adopted mobility fee shall remain in effect until the reevaluation is complete. Nothing herein shall prevent the City from updating the mobility fee earlier than every five years if the City determines that significant changes in the mobility fee study have occurred, and that such changes are likely to have a significant impact on the amount of the mobility fee.
- B. The administration fees may be reviewed annually and revised by resolution of the City Council.

SECTION 10.05.10.04 PENALTY PROVISION

- A. Any person, firm, corporation, or partnership that violates any provision of this article may be punished by a fine of not more than \$500.00 or 60 days in jail, or both. Enforcement of this article may be through the issuance of a citation, in accordance with State Law.
- B. Violations include, but are not limited to failing, neglecting, or refusing to pay a mobility fee as required by this division and/or furnishing untrue, incomplete, false or misleading information on any document, or to any city employee, concerning the calculation, exemption, or payment of a mobility fee.
- C. The owner, tenant, or occupant of any land or part thereof for which a mobility fee is owed, who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this article, or who fails, neglects, or refuses to pay a mobility fee may be held responsible for the violation and be subject to the penalties and remedies provided for in this article.
- D. In addition to the enforcement of this article through issuance of a citation in accordance with State Law, the City may withhold issuance of the certificate of occupancy or certificate of completion and/or bring suit to restrain, enjoin or otherwise prevent the violation of this article in any court of competent jurisdiction, to recover costs incurred by the City in whole or in part because of the

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violation of this article, and/or to compel payment of a mobility fee pursuant to this article. Issuance of and/or payment of a citation for violation of this article does not preclude the City from filing such a suit. Payment of any penalties imposed does not release a person or entity from payment of the mobility fee due but shall be payable in addition to the mobility fee.

- E. Failure to pay a mobility fee required by this article is a violation that is continuous with respect to time, and each day the violation continues, or the mobility fee remains unpaid, is hereby declared to be a separate offense.
- F. The provisions of this section are supplemental to any other remedy or enforcement procedure provided for or recognized by ordinance, statutory law, common law, case law or the Florida Constitution and shall not be construed as an exclusive remedy or procedure available for enforcement of the codes and ordinances of the City. Nothing contained herein shall prohibit the City Council from enforcing its codes by any other means.

City of Destin Business Impact Statement – Ord 26-09-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. 26-09-LC renumbers and renames the existing City of Destin Land Development Code (LDC) Article 19 – Impact Fees, as Article 10 – Impact and Mobility Fees, providing for updates and amendments. The new Article 10 streamlines redundant language, clarified criteria, and provides for certain credits to applicable fees.

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 are already in business within the City of Destin, as the City currently has an adopted LDC ordinance dealing with impact and mobility fees. However, any expansion or change of use of a property could require the payment of these fees, as required in the LDC today.

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, as these impact and mobility fees are already in existence.

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. Any expansion or change of use of a property could require the payment of these fees, as required in the LDC today.

**MINUTES
WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 3, 2024
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Pro Tem Dewey Destin
Councilmember Kevin Schmidt
Councilmember Sandy Trammell

Councilmember Jim Bagby
Councilmember Terésa Hebert
Councilmember Torey Geile

City of Destin Staff

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

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

WORKSHOP

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

A. Draft Article 8 – Sign Regulations

Language

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

Format, organization, and Consolidation

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

Supreme Court Case

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

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

DISCUSSION/SUMMARY:

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

The draft Article 8 introduces classifications for signs based on:

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

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➤ Permanent & Temporary Signs:

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

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

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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

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❖ **Sign Height:**

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

DISCUSSION/SUMMARY:

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

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

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

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

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❖ **Vehicle Signs:**

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

❖ **Current Definition:**

- Vehicle sign: Any sign affixed to a vehicle.

❖ **The proposed definition is:**

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

DISCUSSION/SUMMARY:

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

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❖ Digital Signs:

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

DISCUSSION/SUMMARY:

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

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

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

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

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

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

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

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

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B. Draft Article 11 – Glossary

Changes

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

Beach

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

Charter Fishing & Fare Carrying Vessel

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

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

Open Space

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

DISCUSSIONS/SUMMARY:

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

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

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

C. Draft Article 3 – Nonconformities

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

D. Draft Article 5 – Subdivision Regulations

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

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

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

E. Draft Article 9 – Transportation Corridor Management

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

F. Draft Article 10 – Impact Fees

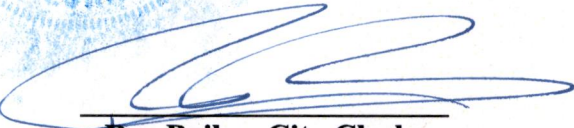
Streamlined redundant language, clarified criteria, and discussed transitioning to a mobility fee to replace the transportation impact fee.

PUBLIC COMMENTS:

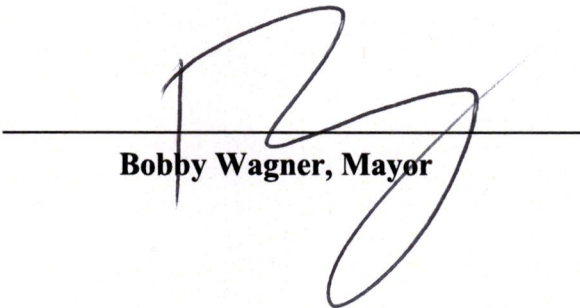
ADJOURNMENT

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

ATTEST:



Rey Bailey, City Clerk



Bobby Wagner, Mayor